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July 28, 2006

David V. Aguilar
Chief of Border Patrol
Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, DC 20229

**RE: Continuing Allegations of Mistreatment of Minors by Border
Patrol Agents in Texas and Arizona**

Dear Chief Aguilar:

I am writing to express our continuing concerns over allegations of mistreatment of minors by Border Patrol agents in several sectors in Texas and Arizona. Despite assurances that any deviation from your policy of treating minors humanely and respectfully is investigated, we continue to hear of what appear to be multiple violations of the *Flores Stipulated Settlement Agreement*¹ that requires children in federal custody to be treated "with dignity, respect, and special concern for their particular vulnerability as minors."² Attached are examples of affidavits we have recently received.

While we remain grateful for your consistent and prompt responses to our letters, we would greatly appreciate the opportunity to meet with your office to discuss ways that we can work together to prevent future violations of the *Flores* agreement. We are confident that further dialogue on these issues will be of mutual benefit, and we thank you in advance for your anticipated willingness to work together to effectively address this

¹Paragraph 41 of the *Flores* settlement indicates that it is binding on the parties' successors, and it should therefore be binding on CBP and ICE because custodial functions were transferred to these agencies from the former Immigration & Naturalization Service.

² *Flores* further requires that facilities provide access, among other things, to "drinking water and food as appropriate...and adequate temperature control and ventilation." *Flores* also requires minors to be separated from unrelated adults; and when this is not immediately possible, "an unaccompanied minor will not be detained with an unrelated adult for more than 24 hours..." (paragraphs 11 and 12A).

Chief David V. Aguilar
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issue. Please contact Irena Lieberman, Director of our Commission on Immigration, at 202-662-1008, to discuss this matter further. We look forward to hearing from you soon.

Sincerely,


Robert D. Evans

Cc: Julie L. Myers, Assistant Secretary, U.S. Immigration & Customs Enforcement
Rebekah Tosado, Senior Attorney, Office for Civil Rights and Civil Liberties, U.S.
Department of Homeland Security

Enclosures (8)