



U.S. Customs and
Border Protection

OBP 110/8.3-C

JUN 14 2005

Mr. Robert D. Evans
Director, Governmental Affairs Office
American Bar Association
740 15th Street NW
Washington, DC 20005-1022

Dear Mr. Evans:


Thank you for your letter of April 14, 2005, expressing your concerns about the improper placement of unaccompanied minors in expedited removal (ER) proceedings by the Office of Border Patrol (OBP).

No agent may process an alien for ER until the agent and approving supervisors have attended a comprehensive course of instruction in ER. Agents are instructed to err on the side of caution, referring to an asylum officer any case that might raise a question about whether the alien faces persecution if removed. The training is also very specific regarding unaccompanied minors and others not amenable to expedited removal procedures. ER is not applied to unaccompanied juveniles, citizens and nationals of Cuba and El Salvador, and aliens who are members of the class action settlement in *American Baptist Churches v. Thornburgh*.

Recognizing the importance of your concerns, I have issued instructions, to every Border Patrol sector that is performing ER, reiterating that unaccompanied minors may not be processed for ER. Please be advised that the Border Patrol will continue to abide by all policies and regulations regarding the processing of aliens placed in ER proceedings.

Your letter also alleges a specific incident of misconduct by an agent. I want to assure you that U.S. Customs and Border Protection (CBP) and OBP take all allegations of misconduct by Border Patrol Agents very seriously. Border Patrol Agents are specifically trained to deal with unaccompanied minors, and OBP places the highest value on professional demeanor and courtesy. The proper care and treatment of all persons in the custody of the Border Patrol is imperative. I assure you that incidents of misconduct are not condoned or acceptable. The allegations you made were forwarded to the proper authorities within CBP, and an investigation has been initiated.

Sincerely,


David V. Aguilar
Chief
Office of Border Patrol