



Short Term Detention

December 17, 2024

Fiscal Year 2024 Report to Congress



**Homeland
Security**

U.S. Customs and Border Protection

Message from the Acting Deputy Commissioner of CBP

December 17, 2024

I am pleased to submit the following report, “Short Term Detention,” which was prepared by U.S. Customs and Border Protection (CBP).

This report was compiled pursuant to direction set forth in the Senate Report 118-85, which accompanies the Fiscal Year (FY) 2024 Department of Homeland Security Appropriations Act (P.L. 118-47).

The report provides details on infrastructure changes, training protocols, and other investments made or planned to ensure the safe, humane, and orderly processing and holding of single adults, families, and unaccompanied children in CBP custody. The report is in compliance with the CBP National Standards on Transport, Escort, Detention, and Search (TEDS) and related policies, as well as the *Flores* Settlement Agreement. It also describes CBP’s efforts to improve stakeholder monitoring and access policies at CBP facilities.



Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Mark Amodei
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lauren Underwood
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Katie Britt
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I would be pleased to respond to any questions. Please do not hesitate to contact my office at (202) 344-2001.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Flores".

Pete R. Flores
Acting Deputy Commissioner
U.S. Customs and Border Protection

Executive Summary

This report includes a discussion of the types of short-term holding facilities (*see* 6 U.S.C. § 211(m)) in use, the average times in custody from October 1, 2023, through September 30, 2024, and CBP's compliance with the requirements of the *Flores* Settlement Agreement, as well as compliance with the TEDS requirement, and other related policies. CBP statistical data is based on FY 2024.



Short Term Detention

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I. Legislative Language

This document was compiled pursuant to direction set forth in Senate Report 118-85, which accompanies the FY 2024 Department of Homeland Security (DHS) Appropriations Act (P.L. 118-47).

The Senate Report 118-85 states:

Short Term Detention. – [...] Additionally, within 90 days of the date of enactment of this act, the Commissioner shall provide a report to the Committee on infrastructure changes, training protocols, and other investments to ensure the safe, humane, and orderly processing and prompt release or transfer of single adults, families, and unaccompanied children in CBP custody, in compliance with the CBP National Standards on Transport, Escort, Detention, and Search as well as the Flores Settlement. As part of the report, the Department shall solicit and include feedback and suggestions from non-governmental, non-profit organizations with a focus on immigration and civil rights to improve stakeholder monitoring and access policy at CBP facilities.

II. Background

The safety of U.S. Customs and Border Protection (CBP) employees, individuals in CBP custody, and the public is the top priority during all aspects of CBP operations. Per CBP's National Standards on Transport, Escort, Detention, and Search (TEDS), individuals in CBP custody "should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities. Every effort must be made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation as appropriate and as operationally feasible."¹ TEDS also provides custodial standards for CBP facilities. In accordance with the requirements of the *Flores* Settlement Agreement, all juveniles in custody are held in safe and sanitary conditions, with access to appropriate food, drinking water, emergency medical care, adequate temperature control and ventilation, and adequate supervision to protect the minor from others.

Additionally, it is CBP's policy that at-risk or medically fragile individuals, including, but not limited to, individuals with a chronic illness; infants or elderly; minors with an acute injury, medical or mental health condition; pregnant women or postpartum mothers with complications; and individuals with a disabling intellectual or developmental disorder be expeditiously processed to minimize the length of time in CBP custody. While such individuals are in CBP custody, it is imperative to ensure timely medical assessments, recurring wellness checks, and follow up assessments by medical providers are conducted pursuant to CBP policies and documented via appropriate systems.

CBP considers the impact of custodial conditions, including the length of time-in-custody, the number of individuals in custody, and medical issues for individuals in its custody, when determining the appropriate processing pathways for individuals. In making these decisions, particular consideration is given to whether individuals have been or are likely to be in custody for more than 72 hours or the facility is over capacity. All unaccompanied children who are not able to withdraw their application for admission are transferred to the Department of Health and Human Services, as required by the law and CBP policies. Moreover, U.S. Border Patrol (USBP) sectors and Office of Field Operations (OFO) field offices ensure all current laws and policies are followed, including requirements with respect to family unit separation and family group unity. Finally, we ensure that all monitoring systems in holding facilities at which at-risk individuals are held, such as closed-circuit television and incident driven video recording systems, are both fully functioning and used appropriately to enhance transparency and documentation of events.

¹ U.S. Customs and Border Protection, 2015, "National Standards on Transport, Escort, Detention, and Search." [National Standards on Transport, Escort, Detention, and Search](#)

III. Data Report

A. Permanent Short-Term Holding Facilities

Permanent short-term holding facilities are structures that have permanent infrastructure and utilities. They are traditionally the most frequently used and the easiest to secure due to their hardened nature and robust locking mechanisms. Personnel assigned are uniformed and may include contracted staff. In addition to the mandatory annual *Flores* Settlement Agreement training, CBP requires mandatory training on TEDS using the ACADIS platform (CBP Virtual Training).

Contracted medical staff may be available at many of these holding facilities along the Southwest Border, and upon intake into the facility, individuals in custody receive initial health interview to determine whether a higher level of medical care is needed. Hold rooms in these facilities are equipped with monitoring equipment and are supervised in a regular and frequent manner. CBP tracks and logs in the case processing system of record the movements and actions relating to a person's time-in-custody, including hold room checks, welfare checks, at-risk checks, use of telephone, and provision of hygiene items, showers, medication, bedding, meals, and snacks.

CBP also tracks the length of time noncitizens remain in custody prior to their transfer, repatriation, or release.

In FY 2024, the average time in custody² at permanent short-term holding facilities was 62.46 hours for USBP and 4.97 hours for OFO.

B. Temporary Short-Term Holding Facilities

Temporary short-term holding facilities are structures that do not have permanent infrastructure and utilities. They are often referred to as "soft-sided facilities" and were erected to enhance the capacity of USBP short-term holding and manage the unprecedented volume of noncitizen encounters along the Southwest Border within the past two years. Personnel assigned are uniformed and may include contracted staff. In addition to the mandatory annual *Flores* Settlement Agreement training, CBP requires mandatory training on TEDS using the ACADIS platform (CBP Virtual Training).

These facilities have contracted medical staff who complete initial health interviews upon an individual's intake into the facility and assess whether a higher level of medical care is needed. Hold rooms in these facilities are equipped with monitoring equipment and are supervised in a regular and frequent manner. CBP tracks and logs in the case processing system of record all

²Average times in custody vary not because of the type of facility but because of different immigration processing pathways.

custodial actions, including hold room checks, welfare checks, at-risk checks, use of telephone, and provision of hygiene items, showers, medication, bedding, meals, and snacks. Temporary short-term facilities have a quick stand-up timeline and can be placed in a “warm” status in order to remain flexible for large surge volumes with a re-activation time of 48 hours.

CBP also tracks the length of time individuals remain in custody prior to their transfer, repatriation, or release. It should be noted that CBP rigorously follows all requirements applicable to CBP short-term holding facilities.

In FY 2024, the average time in custody³ at temporary holding facilities was 71.49 hours for USBP. OFO does not maintain temporary short-term holding facilities.

C. *Flores* Compliance (All Juveniles)

In accordance with the *Flores* Settlement Agreement, all juveniles must be held in facilities that are safe and sanitary, and unaccompanied children who are not permitted to withdraw their application for admission are to be transferred out of CBP custody as expeditiously as possible. CBP personnel are required to document access to drinking water, food, and toilets, and verify appropriate hold room temperatures and validate that the hold room is pest and vermin free. Hard copies are created in the event the electronic record system is not available and are uploaded into the system when it comes back online. CBP monitors and addresses any observed noncompliance with documentation requirements.

The following enhancements have been added to the *Flores* Settlement Agreement and only apply to El Paso and Rio Grande Valley USBP Sectors:

Additional Guidance for El Paso and Rio Grande Valley:

- Provide age-appropriate meals/formula (CBP ensures age-appropriate meals/formula for all minors in CBP custody, regardless of location).
- Hold room temperatures recorded no less than twice per day.
- Minimize disruptions between the hours 10:00 p.m. and 6:00 a.m.
- Provide adequate supply of diapers and diaper wipes (CBP ensures an adequate supply of diapers and diaper wipes for all minors in CBP custody, regardless of location).
- Provide beanies for children less than five years of age.
- Provide additional blankets upon request.
- Provide swaddling blankets for children under two years of age.
- Make reasonable effort to provide unaccompanied children with a daily phone call.
- Inform juveniles they have the right to self-refer for medical treatment.
- All juveniles must receive an exit medical interview.

³ Average times in custody vary not because of the type of facility, but rather, based on their immigration processing pathway.

Additional requirements for Priority Juvenile facilities, which are facilities that are the first option to hold children until they can be transferred out of CBP custody and are intended to house children:

- Showers as soon as possible and every 48 hours after arrival.
- Make an effort to provide child appropriate furniture.
- Place clocks in visible locations.
- Provide infant changing table where space is available.
- Reasonable effort to provide a television in pods.
- Make an effort to make available age-appropriate toys/activities.
- Provide unaccompanied children with at least one daily message of reassurance regarding their safety and orienting them to date, time, location, and general process/disposition/expectations.
- If juveniles remain in custody over 72 hours, provide supplemental health interviews every 5 days.
- Conduct enhanced medical monitoring.

This table covers FY 2024 (October 1, 2023 through September 30, 2024) for USBP:

Subject Type	Average Time in Custody (hours)
All Subjects	64.99
Family Units	49.18
Unaccompanied Children	31.79
All Post-Title 42 – Since May 12, 2023	67.43

This table covers FY 2024 (October 1, 2023 through September 30, 2024) for OFO:

Subject Type	Average Time in Custody (hours)
All Subjects	4.82
Family Units	4.38
Unaccompanied Children	15.76
All Post-Title 42 – as of May 12, 2023	4.85

D. Stakeholder Monitoring and Policies at CBP Facilities

The Office of Intergovernmental Public Liaison is CBP's principal liaison to external stakeholders and informs them about current and proposed CBP initiatives, addresses issues, and resolves concerns. CBP continuously engages with external stakeholders regarding views on a host of issues related to those in CBP custody including: the handling of migrant personal property; the handling of medicine and medical devices; the care of pregnant, post-partum, and nursing persons; the handling of religious or sacred objects; and migrant processing at and between the ports of entry. In coordination with the Office of Intergovernmental Public Liaison, nongovernmental organizations are able to visit CBP facilities as part of periodic meetings hosted by individual sectors and field offices.

IV. Conclusion

CBP continues to maintain holding standards in accordance with applicable statutes, TEDS and related policies, and the *Flores* Settlement Agreement. Additionally, CBP remains committed to the continual improvement of its processes and standards for short-term holding.

V. Appendix: List of Abbreviations

Abbreviation	Definition
CBP	U.S. Customs and Border Protection
DHS	Department of Homeland Security
FY	Fiscal Year
OFO	Office of Field Operation
TEDS	CBP National Standards on Transport, Escort, Detention, and Search, October 2015
USBP	U.S. Border Patrol