



THE PERMANENT MISSION  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

August 7, 2019

Elina Steinerte  
Vice-Chair on the Working Group on Arbitrary Detention

Victoria Lucia Tauli-Corpuz  
Special Rapporteur on the rights of indigenous peoples

Felipe González Morales  
Special Rapporteur on the human rights of migrants

Dear Ms. Steinerte, Ms. Tauli-Corpuz, and Mr. González Morales,

Thank you for your letter of April 2, 2019, concerning the death of [REDACTED] while in custody of U.S. Customs and Border Patrol (CBP). Both CBP and its parent agency, the U.S. Department of Homeland Security (DHS) have provided details in response to your query about this sad event.

Please find enclosed a U.S. response to your letter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dan Kronenfeld'.

Dan Kronenfeld  
Human Rights Counselor

**SUBJECT: U.S. Response regarding Death of Eight-Year-Old Boy in U.S. Custody**

Thank you for your letter of April 2, 2019 concerning the death of [REDACTED] while in custody of U.S. Customs and Border Patrol (CBP). Both CBP and its parent agency, the U.S. Department of Homeland Security (DHS) have provided details in response to your query about this sad event.

[REDACTED] and his father were both present in the United States illegally and apprehended by U.S. Border Patrol (USBP). From the time [REDACTED] and his father were taken into custody west of the Paso del Norte Port of Entry in El Paso, Texas, USBP agents followed well-established protocols in offering water, food, restrooms, an initial health screening to them as well as conducting multiple welfare checks to ensure their continued safety. Additionally, from the time a CBP agent noticed that [REDACTED] was ill on the morning of December 24, 2018, CBP did everything it could to provide medical assistance to [REDACTED]. A full timeline of the events that led to [REDACTED]'s death was made available the following day on the DHS website at: <https://www.dhs.gov/news/2018/12/25/cbp-shares-additional-information-about-recent-passing-guatemalan-child>.

In response to this tragedy, DHS and CBP leadership took immediate action, including ensuring that all children in U.S. Border Patrol custody received a thorough medical screening, as announced on December 25, 2018 (see the link above) and December 26, 2018, see: [www.dhs.gov/news/2018/12/26/secretary-kirstjen-m-nielsen-statement-passing-eight-year-old-guatemalan-child](http://www.dhs.gov/news/2018/12/26/secretary-kirstjen-m-nielsen-statement-passing-eight-year-old-guatemalan-child). In addition, CBP immediately initiated an Office of Professional Responsibility investigation, which was taken over by DHS's Office of the Inspector General (OIG).

The United States, in accordance with U.S. law and consistent with its international obligations, maintains the sovereign right to detain aliens who violate our laws in order to protect public safety and to ensure their compliance with our immigration procedures. Both [REDACTED] and his father were processed in accordance with existing USBP policies and procedures, and CBP did everything it could to provide medical assistance to [REDACTED]. As a matter of policy, and under its domestic laws, the United States supports enforcement of the law without regard to race,

color, sex, disability, religion, familial status, or national origin. The U.S. Government draws from a wide range of resources to process alien children safely. When alien children are placed in government custody, we ensure they are treated in a safe, dignified, and secure manner. Our current practices with respect to children are consistent with this commitment.

The vast challenge of unchecked immigration across a long frontier border presents both life-threatening risks to those who choose to illegally make the journey and a logistical struggle for the United States in responding. The result is an ongoing humanitarian crisis along the U.S. southern border. The United States government does its best in these difficult circumstances to provide humane and adequate care, as the response of U.S. personnel in this sad case demonstrates.

