



July 11, 2023

U.S. Department of Homeland Security
Office of Civil Rights and Civil Liberties
Compliance Branch, Mail Stop #0190
2707 Martin Luther King Jr. Ave., SE
Washington, DC 20528-0190

Via Email: CRCLCompliance@hq.dhs.gov

RE: Mishandling of Pet Schnauzer by U.S. Customs and Border Protection (“CBP”) at Eagle Pass, Texas, Point of Entry

I. INTRODUCTION

The Texas Civil Rights Project (“TCRP”) submits this complaint to the Department of Homeland Security (“DHS”) Office of Civil Rights and Civil Liberties (“CRCL”) to document CBP’s mishandling of our client’s pet in violation of U.S. Customs and Border Protection National Standards on Transport, Escort, Detention, and Search (“TEDS Standards”). TCRP submits this complaint on behalf of its client, Nirvana Mujica-Aguero, a young asylum seeker whose pet Estrella, a three-year-old purebred female Schnauzer,¹ was taken by CBP agents and subsequently lost. Nirvana and TCRP have been unable to obtain information or documentation related to Estrella’s whereabouts. TCRP submits this complaint to request that DHS CRCL conduct an independent investigation into Nirvana’s missing Schnauzer, Estrella, and ensure that this does not happen again.

TCRP is a 501(c)(3) legal advocacy organization with offices all across Texas. TCRP is dedicated to defending the rights and dignity of all those in Texas, in the courtroom, and in partnership with our communities, and to creating meaningful policy changes. Since our founding in 1990, TCRP has fought for the rights of immigrants. TCRP’s Beyond Borders Program is dedicated to advancing human dignity, protecting freedom of movement, and advocating for Texas border communities, particularly immigrants. We are committed to protecting the civil rights of asylum seekers in CBP custody, including the right to be free from the unpredictable seizure of important personal property.

II. SUMMARY OF FACTS

On or about March 23, 2022, Nirvana Mujica-Aguero (A# 240 652 036; Date of Birth: 06/27/2003) and her brother, Bryan Mujica-Aguero (A# 240 652 038 / Date of Birth: 07/22/1999)

¹ Exhibit A.



arrived at the southern Texas-Mexico border from Venezuela with their Schnauzer, Estrella. The siblings and their pet were apprehended and taken into custody by CBP officers at or around Eagle Pass, Texas. According to Nirvana and Bryan, when they were apprehended, a male CBP officer remarked that Estrella was an expensive dog and that he had a male dog of the same breed – implying an intent to breed Estrella with his male dog. During the initial encounter in the field, CBP agents separated Estrella from the siblings, and Nirvana and Bryan were distraught. Nirvana sobbed, and CBP agents were verbally abusive in response. Nirvana said CBP agents did not let her talk. They even told Bryan to “shut up,” “don’t be a fool,” and “stop crying.”

Once they were at the CBP holding facility, another CBP agent told Nirvana and Bryan that after CBP processed and released them, they could pick up Estrella at Eagle Pass Animal Control. Upon his release two days later, Bryan went directly to Eagle Pass Animal Control, where staff informed him that animal control had not received any dog that matched Estrella’s description. The only other animal shelter in Eagle Pass, Maverick County Animal Control, stated that Estrella was never registered there and that they did not accept any dogs from CBP during March 2022. The employee at the Eagle Pass animal shelter shared that TCRP was the eighth person that month to call regarding a dog lost or removed by CBP.

In July 2022, TCRP called CBP and spoke with CBP Supervisor Jenna McLean. She stated that she would look into this incident and get back to us. We attempted to call multiple times in July, but we were unable to get a response at that time.

Finally, on August 5, 2022, TCRP spoke with CBP Supervisor Randall Lancaster, who explained that Supervisor McLean had been transferred to another CBP facility and was currently out of town. He stated that he would try to assist while McLean was out. Lancaster stated that CBP in Eagle Pass takes dogs to the Buddy Foundation, a non-profit organization and animal shelter. Generally, he explained that the non-profit coordinates the release of the dogs. TCRP explained that our client had not received any communication or notice from the Buddy Foundation or any other shelter. TCRP had also been in contact with the Buddy Foundation, but the President of the Foundation, Sandy Tovar, confirmed that they had no record of a pet matching Estrella’s description. Supervisor Lancaster offered to look into this incident; however, when TCRP next followed-up, Lancaster was out of town. CBP coverage was not sufficient to sustain communication by one consistent agent with TCRP.

On August 9, 2022, a few days later, TCRP followed up again and was able to speak with CBP Supervisor Jenna McLean – who shared that Lancaster was still out but she could assist us. She stated that Estrella was left with the National Guard or Texas Guard close to the Eagle Pass port of entry. She stated that Estrella was never in CBP custody. There was no explanation for this deviation from the so-called standard protocol that Officer Lancaster had explained to TCRP in our previous calls. TCRP then called the Texas National Guard and was advised to contact their Public Affairs Office or the Office of General Counsel. TCRP called numerous phone numbers



and extensions for the Public Affairs Office and the Office of General Counsel, but no one ever answered or returned our calls.

On September 13, 2022, TCRP submitted a Freedom of Information Act (“FOIA”) request to CBP for all records related to Nirvana Mujica-Aguero and any and all records that include the terms: “Estrella,” “dog,” “pet,” “shelter,” animal,” “canine,” “rescue,” “schnauzer” or “breed,” including, among others, instructions, directives, guidance documents, formal and informal presentations, training documents, and policy memorandums.² CBP released no files related to Estrella nor the procedure for handling pets. On October 11, 2022, in response to the FOIA request, CBP only released Nirvana’s Form I-213, “Record of Deportable/Inadmissible Alien.” Also on September 13, 2022, TCRP filed a FOIA request for Nirvana’s brother, Bryan, requesting any and all records in CBP possession related to Bryan’s case, and similarly only received his I-213 in response.³

Over a year later, Nirvana has not been reunited with her Schnauzer, Estrella. Estrella had been critical in supporting Nirvana in her journey out of Venezuela to seek asylum in the United States. Nirvana, who was eighteen when she fled Venezuela to seek safety, shared that even while she had no bed and insufficient food in Mexico, her spirit was lifted by seeing Estrella “having fun, running around, and being a little crazy.”⁴ Estrella “helped us a lot,” Nirvana said, referring to herself and her brother Bryan. “There were some days we were very down, but we would look at her running around and would laugh and say, ‘just look at her being so silly while we’re over here worried.’ She was like a light for us throughout the entire journey.”⁵

Nirvana and Bryan are not the only asylum seekers who have lost their pet in CBP custody. On September 17, 2022 – a few months after Estrella disappeared – the *Laredo Morning Times* described an asylum-seeking family who carried a puppy Miniature Pinscher Chihuahua in their backpack through seven countries. When CBP apprehended the family, they were separated from their pet and falsely told they could call to recover the pet afterward.⁶ When the family attempted to call, they received no clear answer – the family’s calls to CBP, the police department, and a city records check yielded no results.⁷ Over four months later, the young mini Chihuahua, who had

² Exhibit B.

³ On November 30, 2022, TCRP submitted a FOIA request to the Texas Military Department asking for, among others, any and all records created or maintained by the Texas Army National Guard. Additionally, TCRP submitted a public information request pursuant to the Texas Public Information Act (“TPIA”), Texas Government Code Ch. 552, to the TMD Office of the Adjutant General, requesting the same information. TMD stated it had no responsive documents to TCRP’s FOIA and TPIA requests.

⁴ Church World Service, Inc. (“CWS”), *Nirvana and Her Guiding Star, Estrella*, CWS Global (October 27, 2022), <https://cwsglobal.org/stories/nirvana-and-her-guiding-star-estrella/>.

⁵ *Id.*

⁶ Jorge A. Vela, *Migrant family on 3K-mile trek with dog, it being given away at border*, LAREDO MORNING TIMES ONLINE (Sept. 17, 2022), <https://www.lmtonline.com/local/article/Chiripa-The-dog-that-trekked-more-than-17447354.php>.

⁷ *Id.*



been taken to the private home of a Border Patrol agent for the agent's personal enjoyment, was found by a Laredo animal rescue group.⁸

Animal rescue groups by the border also began to grasp the scale of the issue of CBP's mishandling of pets. On August 30, 2022, *Buzzfeed News* reported on another family separated from their family pet in Eagle Pass. Like in Nirvana's case, agents separated the pet and failed to inform the family of the pet's whereabouts. The article describes an agreement between the Buddy Foundation and CBP for the Foundation to hold the pets of those in CBP custody.⁹ The Foundation President Sandy Tovar reports receiving up to seven pets a day and "realiz[ing] that nobody was really tracking where their owners went."¹⁰ While Tovar was initially able to reunite pets with their family, she describes a growing number of pets dropped off without the owner's information, leaving the organization without "any way of knowing who they belonged to."¹¹ As Tovar said, "we want to help," but the Foundation is not equipped for the number of pets it receives, and the lack of information about the dog's owner has "put [the Foundation's] time and efforts for local rescue work at a complete stop."¹²

Because this has proven to be a recurring issue and our clients have remained unable to find Estrella, TCRP requests that CRCL conduct an independent investigation into Nirvana's missing Schnauzer, Estrella. In addition, TCRP requests that CBP release all available information related to Estrella and internal procedures for handling pets, or, if no such plan exists, create a plan conforming with the U.S. Customs and Border Protection National Standards on Transport, Escort, Detention, and Search ("TEDS Standards") for the handling of pets in CBP custody.¹³ The plan should adhere to the TEDS mandated safeguard policies and retention periods, establish documentation and inventory systems, and require clear and correct instructions to pet owners in custody. These demands aim to ensure compliance with custody standards, protect detainees' civil rights, and prevent arbitrary deprivation of detainees' property.

III. VIOLATIONS

In failing to safeguard and document the pet of a detainee in its custody, CBP breached due process protections against arbitrary deprivation of property and violated the rights of an individual in its custody. We request that CRCL investigate these violations and ensure that this does not happen again.

⁸ *Id.*

⁹ Adolfo Flores, *Their Dogs Stuck With Them On The Perilous Journey To The US, Only To Get Separated At The Border*, BUZZFEED NEWS (August 30, 2022), <https://www.buzzfeednews.com/article/adolfoflores/immigrant-families-reunited-with-pet-dogs>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ U.S. Customs and Border Protection, *National Standards on Transport, Escort, Detention, and Search*, 3 (October 2015), <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/cbp-teds-policy-october2015.pdf>.



Moreover, CBP’s actions violate TEDS Standards. These standards are for the “safety, security, and care”¹⁴ of individuals in CBP custody and govern “CBP’s interactions with detained individuals.”¹⁵ TEDS Standards define a holding facility as a “secure enclosure...[u]nder the control of CBP; and [p]rimarily used for the short-term confinement of individuals who have recently been detained. . . .”¹⁶ The Border Patrol agents who apprehended Nirvana and held her in CBP custody in Eagle Pass, Texas were subject to the TEDS Standards, which they violated.

A. CBP failed to treat Nirvana with dignity and respect, in violation of TEDS §§ 1.2 and 1.4.

TEDS § 1.2 states that “CBP employees must speak and act with the utmost integrity and professionalism. CBP employees must conduct themselves in a manner that reflects positively on CBP at all times.”¹⁷

In addition, TEDS § 1.4 states that “CBP employees must treat all individuals with dignity and respect.”¹⁸ CBP employees must also act with “. . . full respect for individual rights including . . . due process . . . and freedom from unreasonable searches and seizures.”¹⁹

Here CBP agents violated TEDS by speaking and acting unprofessionally when they interacted with Nirvana. For instance, one specific CBP agent said he had a male pet like Estrella, and these pets were expensive – implying he wanted to breed Estrella.

Nirvana and Bryan were also distraught when they were separated from Estrella – without adequate information and explanation. Nirvana sobbed when they were separated, and CBP agents were verbally abusive. Nirvana said CBP agents did not let her talk, and they told Bryan to “shut up,” “don’t be a fool,” and “stop crying.”

B. CBP failed to safeguard, itemize, and/or document Nirvana’s personal property in violation of TEDS § 7.1.

The TEDS Standards regulating personal property provide that “[a]ll detainees’ personal property discovered during apprehension or processing and not deemed to be contraband will be safeguarded, itemized according to the operational office’s policies and procedures, and documented in the appropriate electronic system(s) of record.”²⁰ Nirvana’s Schnauzer Estrella was

¹⁴ *Id.* at p. 3.

¹⁵ *Id.* § 8.0.

¹⁶ *Id.*

¹⁷ *Id.* § 1.2.

¹⁸ *Id.* § 1.4.

¹⁹ *Id.*

²⁰ *Id.* § 7.1.



not safeguarded by CBP, despite assurances that she would be given to Eagle Pass Animal Control. Nirvana has also stated that CBP did not make a list of her personal property upon apprehension.

Moreover, the lack of any responsive documents to TCRP's FOIAs raises whether Estrella was ever itemized properly or documented in the appropriate electronic system. TCRP's FOIA requests for records contained the search words, "Estrella," "dog," "pet," "shelter," "animal," "canine," "rescue," "schnauzer" or "breed," but this did not yield any responsive records.²¹ CBP has provided no evidence that it itemized and/or documented Nirvana's personal property in accordance with TEDS Standards governing CBP's treatment of individuals in its custody. CBP needs a transparent and reliable process to safeguard and document the personal pets of those in its custody.

C. CBP failed to conduct inventory for Nirvana's personal property in violation of TEDS § 7.2.

TEDS § 7.2 requires that CBP take inventory of the property of those in its custody, mandating that "[t]he inventory of a detainee's personal property must be conducted in the presence of the detainee and recorded according to the operational office's policies and procedures."²² To meet this requirement, CBP would have had to make a complete list of Nirvana's belongings, including her pet, in Nirvana's presence. Per TEDS Standards, CBP would have had to document all of the personal property in the appropriate electronic record system(s).²³ If CBP would have followed that protocol, then our FOIA request should have yielded results reflecting Estrella – but they did not. Furthermore, FOIA results also failed to reflect any supervisor notification, as required by TEDS,²⁴ given that CBP provided no documents noting any of the reports made by Nirvana, her brother, or multiple nonprofit organizations regarding the missing pet.

As previously stated, Nirvana attests CBP made no list of her belongings when she was apprehended. And, as discussed in Sections II and III.B, *supra*, the FOIA request for records regarding Estrella did not yield any responsive, relevant records. Therefore, unless CBP failed to disclose documentation in response to the FOIA, CBP did not perform an inventory of Nirvana's personal property, nor did they document any supervisor notification once they were alerted of the missing property.

²¹ Exhibit B.

²² TEDS § 7.2.

²³ *Id.* § 7.1.

²⁴ *Id.* § 7.2 establishes supervisor responsibilities: "Supervisors must be notified when itemized personal property . . . is reported missing or damaged. Supervisors will investigate and make the appropriate notification according to the operational office's policies and procedures."



D. CBP failed to hold or transfer Nirvana’s property in violation of TEDS § 7.1.

The TEDS Standard § 7.1 instructs CBP:

“Whenever operationally feasible, officers/agents will transfer a detainee’s personal property with the detainee when the detainee is transferred within CBP. Officers/Agents will make every effort to transfer a detainee’s personal property with the detainee when the detainee is transferred to another agency, repatriated, and/or released. If personal property cannot be transferred with the detainee, CBP will generally hold personal property for a minimum of 30 days from the processing of a detainee.”²⁵

Nirvana was detained for three days and then released. By the time of her release, Estrella’s whereabouts were unknown. CBP may have transferred Estrella to TMD, but neither CBP nor TMD produced records regarding such a transfer.²⁶ CBP therefore failed to keep Nirvana’s personal belongings with her in violation of the TEDS instructions. Critically, CBP failed to hold or keep track of Estrella. A mere *two* days after the siblings were apprehended by CBP, Nirvana’s brother, Bryan, was unable to find Estrella using the instructions given to him by CBP agents.

Despite the importance of the property in question – a pet that is a family member and who survived the journey from Venezuela and provided critical emotional support to the young siblings – CBP did not make an effort to keep track of Estrella.

E. CBP failed to communicate correct instructions regarding Nirvana’s personal property and failed to provide notice of procedures to claim personal property in violation of TEDS § 7.3.

TEDS Standard § 7.3 also requires CBP officers to clearly convey to an individual in CBP custody the procedures around retrieving property. The guidelines provide:

“All personal property instructions must be communicated to the detainee in a language or manner the detainee can comprehend. Detainees . . . must receive notice of CBP’s procedures relating to personal property, including:

The process for claiming personal property upon release, transfer or removal.

The process for having a third party claim personal property.

The process for claiming lost property.”²⁷

²⁵ *Id.* § 7.1.

²⁶ *See* Section II, *supra*.

²⁷ TEDS § 7.3.



CBP wrongly informed Nirvana that it would transfer Estrella to Eagle Pass Animal Control; however, Eagle Pass Animal Control and local animal shelters confirmed that they had not received Estrella, and CBP released no records of this transfer in response to TCRP’s FOIA request.²⁸ CBP Supervising Agent, Jenna McLean, stated that CBP transferred Estrella to TMD, but the FOIA request to TMD similarly yielded no results.²⁹ Moreover, according to Nirvana, she never received written notice of the process of claiming personal property upon release for the property-owners or a third party, nor was she given any notice of the process for claiming lost property.

F. CBP failed to release its procedure for the handling, documentation, and return of pets of migrants in its custody in response to TCRP’s FOIA.

TCRP submitted a FOIA request to CBP which required any and all records with the words “dog,” “pet,” “shelter,” animal,” “canine,” “rescue,” or “breed,” defining “records” as including but not limited to introductions, directives, guidance documents, formal and informal presentations, training documents, bulletins, alerts, reports, contractors or agreements, memoranda of understanding, and legal and policy memoranda.³⁰

The lack of any records produced in response to this FOIA request evidences that no CBP policies, procedures, or processes around the handling of animals, pets, and/or dogs are currently in existence for Eagle Pass. Likewise, TCRP’s FOIA and Public Information Requests to the TMD for records regarding correspondence and communications regarding the policies and protocols related to the seizure, transfer, or holding of animals, as well as Estrella’s specific whereabouts, yielded no responsive records.³¹ If there was some agreement between CBP and TMD for the handling of pets, it is either not documented or CBP failed to appropriately respond to our FOIA request.

The TEDS Standard § 7.1 states: “[o]perational offices are responsible for creating policies and procedures relating to the handling, retention, retrieval, and return of detainee personal property.”³² CBP failed to produce a procedure for the handling, retention, retrieval, and return of a critical type of personal property: the pets of those in its custody. It should be required to produce such a procedure, and if one does not exist, CBP or DHS should create a policy, in collaboration

²⁸ See Section II, *supra*.

²⁹ *Id.* CBP may have chosen to return the pet to the country of departure; however, no record of this action was released in response to TCRP’s FOIA. See Centers for Disease Control and Prevention, Dept. of Health and Human Services, *Notice of Extension of Temporary Suspension of Dogs Entering the United States from Countries With a High Risk of Rabies*, 88 Fed. Reg. 5348-5357 (Jan. 27, 2023), <https://www.govinfo.gov/content/pkg/FR-2023-01-27/pdf/2023-01688.pdf>.

³⁰ Exhibit B.

³¹ See Section II, *supra*.

³² TEDS § 7.1.



with animal welfare experts, to update TEDS and ensure the safety and prompt return of pets to their owners.

In June 2022, the Eagle Pass Animal Control stated that it had received around eight calls that month from those released from CBP custody who were told by CBP that their dogs had been given to Animal Control, suggesting that CBP has repeatedly given false instructions to detainees instead of implementing an official process for processing pets. The failure to create a procedure for pets mandated by TEDS Standards not only led Nirvana to lose a critical source of emotional support and one of the last remnants of her life in Venezuela, but also produced a systemic failure to uphold the basic property rights of those in CBP custody.

Currently, CBP has no accountability, transparency, or oversight regarding its treatment of the pets of those in custody. While the CDC creates certain rules surrounding the vaccination and permit requirements of bringing dogs into the country,³³ TCRP knows of no CBP internal policy to process pets or work with animal welfare experts to ensure adequate treatment of pets. Instead, the handling of pets seems to be left to the discretion of individual agents and CBP offices. Under this system, CBP agents are seemingly free to dispose of the pets of those in their custody.³⁴ Until the agency is held accountable for its violations of the property rights of pet owners in its custody, CBP's lack of procedure for processing pets will continue to cause harm and confusion to an already vulnerable population, and could lead to animal abuse.

III. DEMANDS

The Department of Homeland Security Office of Civil Rights and Civil Liberties' work includes "oversee[ing] compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights and civil liberties of individuals affected by the programs and activities" of DHS, including CBP.³⁵ This office has the authority and the mandate to address violations of the TEDS Standards discussed above. Below, we offer a non-exhaustive list of demands and recommendations to ensure CBP compliance with the TEDS Standards.

- 1. CRCL should conduct an independent investigation into Nirvana's missing pet and should investigate what safeguards exist in CBP policy to prevent the loss of pets/personal property.***

³³ Centers for Disease Control and Prevention, *What your dog needs to enter the United States* (2023), <https://www.cdc.gov/importation/bringing-an-animal-into-the-united-states/dog-origin.html>.

³⁴ While Estrella's whereabouts are unknown, the CBP agent's comment regarding how he had a male dog similar to Estrella and how these dogs were expensive, as well as the *Laredo Morning Times* article's description of a CBP agent who took a dog for personal enjoyment (See Section II, *supra*), reveals the unsettling possibility that CBP officers may simply take and use the animals they see fit – even breeding.

³⁵ 6 U.S.C. § 345(4).



The violations outlined above directly infringe upon the civil rights of individuals in the custody of CBP and warrant an independent investigation into Nirvana’s missing pet, Estrella, and an investigation into what safeguards exist within CBP to prevent the loss of pets and other personal property. CBP’s failure to safeguard, document, or give correct instructions regarding the whereabouts of Estrella and other dogs, and the lack of responsive documents produced in response to TCRP’s FOIA, highlight the need for a comprehensive investigation to understand the procedures currently in place to handle pets, ensure compliance with regulations, and protect the rights of Nirvana and other individuals in CBP custody.

2. *Release all records related to Nirvana Mujica-Aguero’s pet Schnauzer, Estrella.*

If CBP possesses any records related to Estrella that were not released by CBP in the FOIA response sent to TCRP on October 11, 2022, or if any additional records have been created or circulated since TCRP’s original FOIA request, CRCL should obtain and release them to TCRP for transparency and accountability purposes. This includes the records originally requested in TCRP’s FOIA submitted on September 13, 2022,³⁶ as well as any and all records, documents, correspondence, reports, and any other materials related to the loss, search efforts, and subsequent actions taken by CBP in relation to Estrella. The prompt release of these records, if they exist, would allow TCRP to help Nirvana reunite with her beloved pet.³⁷

3. *Release records related to CBP’s process or procedure for the handling, itemization, documentation, and inventory of detainees’ pets.*

If CBP possesses any records related to the procedure for handling, safeguarding, inventory, documentation, or return of pets of individuals in its custody that were not released in response to TCRP’s original FOIA submitted on September 13, 2022,³⁸ or have been created or circulated since TCRP’s FOIA request, release them to TCRP in the interest of transparency and accountability.

4. *If no process or procedure for the handling of pets currently exists, create a plan conforming with the requirements of TEDS § 7.*

If CBP has no standard process or procedure for handling pets at each of its stations, especially the Eagle Pass processing stations, CBP should establish a clear and comprehensive standard operating procedure for handling pets belonging to individuals in its custody. These procedures should adhere to all TEDS standards discussed above.³⁹

³⁶ Exhibit B.

³⁷ TEDS § 7.2 requires supervisors to conduct investigations of missing property. *See* Section III.C, *supra*. If a CBP investigation was undertaken regarding Estrella, TCRP respectfully requests the results of this investigation.

³⁸ Exhibit B.

³⁹ *See* Part III, *supra*.



Holding Pets: CBP should strive to adhere to the TEDS Standard § 7.1, which states that personal property should generally be held for a minimum of 30 days from the processing of a detainee.”⁴⁰ While it may prove burdensome for CBP itself to store pets, clear procedures should still be established for the immediate storage, care, and return of pets. In collaboration with animal welfare experts, CBP should consider uniform policies for transferring the pet to an appropriate animal shelter or rescue organization and should provide pet owners with documentation outlining this process.

Documentation: As discussed, TEDS § 7.1 requires CBP to safeguard, itemize, and document property,⁴¹ and TEDS § 7.2 requires CBP to take inventory.⁴² To comply with these standards, CBP must develop a comprehensive system for documenting and recording all aspects of pet handling, including the identification of pets, their owners, and any and all transfers made in accordance with TEDS. The documentation and inventory process should be conducted in the presence of the detainee, and detainees should be provided with a copy of all records related to their pets.⁴³

Instructions to Pet-Owners: To comply with the standards set out in TEDS § 7.3, CBP agents must effectively communicate the procedures for handling pets to individuals in custody, ensuring that instructions are provided in a language and manner the detainee can comprehend. Under TEDS § 7.3, detainees should also receive clear notice of CBP’s procedures for claiming personal property, including the process for retrieving pets upon release, transfer, or removal, and detainees should be provided documentation outlining the process for claiming lost pets – including providing pet owners specific, detailed information regarding when their pet was transferred, as well as the location, telephone numbers and online information of the entity caring for their pet.⁴⁴

IV. CONCLUSION

For these reasons, we call on CRCL to conduct an independent investigation of CBP violations of TEDS Standards and due process rights of our client. We also respectfully request that CRCL ensure that CBP respects the property rights and due process protections of those in its custody and prevents further deprivation of irreplaceable property.

Mandating clarity, accountability, and certainty in the handling of pets is especially significant for an asylum seeker like Nirvana, who has already experienced significant losses, upheaval, and insecurity and who relied on her pet for both companionship and comfort. Even if

⁴⁰ TEDS § 7.1.

⁴¹ *Id.*

⁴² *Id.* § 7.2.

⁴³ *See id.*

⁴⁴ *See id.* § 7.3.



Nirvana is not reunited with Estrella, she is owed transparency, and she hopes that future losses can be prevented by demanding a process for the handling of pets.

After numerous meetings with Nirvana and phone calls to search for Estrella, TCRP has advised Nirvana that it will be extremely difficult to ever find or reclaim Estrella. Despite this reality, Nirvana still holds out hope that she will find out what happened, and maybe even reclaim Estrella.

We welcome the opportunity to discuss this case with your Office if needed. Please contact us to acknowledge receipt.

Sincerely,

/s/ *Kassandra Gonzalez*

Kassandra Gonzalez

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TEXAS CIVIL RIGHTS PROJECT

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EXHIBIT A









EXHIBIT B

Kassandra Gonzalez

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09/27/2022

CBP-2022-129050

Dear Kassandra Gonzalez:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 09/13/2022. Specifically, you requested Requestors makes this request for records related to Nirvana Abigail MUJICA-AGUERO (A# 240 652 036) / Date of Birth: 06/27/2003). Requestors seek any and all records in CBP possession pertaining to the immigration file of Nirvana Abigail Mujica-Agüero including but not limited to: 1. Form I-862, Notice to Appear 2. Form I-213, Record of Deportable/Inadmissible Alien 3. Form I-94, Arrival/Departure Record 4. Form I-220A, Order of Release on Recognizance 5. Form I-200, Warrant for Arrest of Alien 6. Form I-286, Notice of Custody Determination 7. Form I-385, Notice to Report 8. Form I-831, Continuation Page(s) for Form I-385 9. Form G-56, Call-in Letter 10. Alternatives to Detention Notice(s) 11. Detention and Apprehension Records, including any and all reports/records/other documentation of any questioning completed by federal officers during Subject of Record's entry(ies), exit(s), processing, and apprehension (s); 12. Removal Records; 13. Detention and Removal Records; 14. Any and all records that include the following terms: "Estrella" or "dog" or "pet" or "shelter" or "animal" or "canine" or "rescue" or "schnauzer" or "breed" 15. Request includes any and all sticky notes, officer notes, communications, or inquiries created during the apprehension, detention, removal, and processing for Subject. Please conduct a reasonable search of all records regarding agency business. The term "records" as used in this request includes, but is not limited to: emails, images, video, voicemail messages, minutes or notes of meetings and phone calls, text communications between phones or electronic devices, video, audio records, and social media posts. The term "records" also includes instructions, directives, guidance documents, formal and informal presentations, training documents, bulletins, alerts, reports, contractors or agreements, memoranda of understanding, and legal and policy memoranda. In conducting a "reasonable search," you must employ the most up-to-date technologies and tools available. Recent technology may have made CBP's prior FOIA practices unreasonable. In light of the government requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. See Presidential Memorandum-Managing Government Records, 76 Fed. Reg. 75, 423 (Nov. 28, 2011); Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, "Managing Government Records Directive," M-12-18 (Aug. 24, 2012). It is not reasonable to exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149-50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955-56 (D.C. Cir. 2016).. Please use the following unique FOIA tracking number CBP-2022-129050 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://www.foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5, 5.5(a) of the DHS FOIA regulations, CBP

processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5, 5.5(c).

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notice/foia>.

Sincerely,

U.S. Customs and Border Protection