

Nutrition Standards at Border Detention Facilities

Overview

It is the position of the Academy of Nutrition and Dietetics that access to enough food for an active, healthy life is a basic human need and fundamental right, and that children and adolescents should have access to an adequate supply of healthful and safe foods that promote optimal physical, cognitive, and social growth and development.^{1,2} Based on reports on the conditions at U.S. Customs and Border Protection detention facilities, the Academy has become concerned that children and families being held at these facilities are not receiving adequate nutrition.

The Academy does not have a position or policy stance regarding immigration; however, the food and nutrition practices at border facilities has become a topic of interest for Academy members, leading to advocacy on the issue.

Inadequacy of CBP Nutrition Standards

The Academy has urged leadership at CBP and the Department of Homeland Security to implement stronger and comprehensive food and nutrition standards that align with national dietary and food safety guidance from the U.S. Departments of Agriculture and Health and Human Services.³ DHS already imposes adequate nutrition standards at U.S. Immigration and Customs Enforcement⁴ and HHS detention facilities⁵ where they provide longer-term custodial care to migrant children and families (Table 1, page 2). Given the length of time (up to several weeks) that some migrants are spending in CBP custody,⁶ the Academy believes that similar nutrition standards are warranted.

The Academy also believes that individuals' religious and other dietary restrictions should be assessed and that provided meals and snacks should meet those needs and restrictions. Further, the Department of Homeland Security and all its relevant contractors should ensure that breast-fed infants have continuing access to human milk from their mothers during periods of separation.⁷

Lack of Compliance with CBP Nutrition Standards

Despite the relative simplicity of TEDS food and nutrition standards, the Department of Homeland Security Office of Inspector General found during inspections in 2019 that several CBP detention facilities were failing to comply.¹¹ Notably, children in two facilities were not receiving hot meals as required by the standards, and adults were receiving only sandwiches. This documentation of substandard nutrition practices calls into question whether religious or other dietary restrictions were also being disregarded at the time of the inspection.

Given the lapses in current policy and the potential negative consequences for the high number of individuals in CBP custody, the Academy urged DHS to adopt greater public transparency in the management of facilities and the care of individuals being detained, including information about food and nutrition services and offered professional partnership and collaboration including an in-person meeting to facilitate solutions to these nutrition problems.

Next Steps for the Academy

The nutrition care of individuals detained in CBP facilities remains an area of focus for the Academy. The report by the OIG is a call to action for DHS to address what it labeled a "dangerous" situation related to overcrowding and prolonged detainment. The Academy calls on the Trump Administration to take action and ensure a safe and adequate supply of food and water and nutrition care for those individuals detained and will continue to work with stakeholders for policy solutions.

Table 1. Food and Nutrition Standards Across CBP, ICE and HHS Detention Facilities

Agency	Customs and Border Protection	Immigration and Customs Enforcement	HHS Office of Refugee Resettlement
Standards	National Standards of Transport, Escort, Detention and Search ⁸	Performance-Based National Detention Standards ⁹	ORR Guide: Children Entering the United States Unaccompanied ¹⁰
Applicable Population	All detainees from apprehension at the border through processing, which is supposed to occur within 72 hours	Adults and families after initial processing by CBP	Unaccompanied alien children after processing by CBP
Meal Timing	Meals every 6 hours at regularly scheduled mealtimes; 2 meals per day must be hot	3 meals per day with no more than 14 hours between dinner and breakfast; 2 meals per day must be hot	Must follow USDA, HHS, and State licensing requirements
Caloric Adequacy	No standards	Daily menus must exceed minimum daily nutritional requirements	Must follow USDA, HHS and State licensing requirements
Nutritional Adequacy	No standards	Daily menus must meet RDAs	Must follow USDA, HHS and State licensing requirements
Food Safety	Foods must “be in edible condition”	Based on FDA Public Health Services Food Code	Must follow USDA, HHS and State licensing requirements
Therapeutic Medical Diets	No standards	Must be provided as prescribed by a clinician	Must accommodate “dietary restrictions, food allergies [and] health issues”
Religious Dietary Restrictions	Agents must “remain cognizant” of restrictions	Must accommodate religious diets, including ceremonial meals	Must accommodate “religious or spiritual requirements”
Cultural Preferences/ Traditional Foods	No standards	Must accommodate the “ethnic diversity of the facility’s detainee population” and “culturally diverse meals” must be provided	Must have “cultural awareness” in food menus
Professional Menu Oversight	No standards	Menu cycles must be developed by a qualified food service administrator and reviewed for nutritional adequacy by a registered dietitian	No standards <i>State licensing agencies may have oversight standards</i>

¹ David Holben, Michelle Berger. 2017, December. Position of the Academy of Nutrition and Dietetics: Food Insecurity in the United States. *Journal of the Academy of Nutrition and Dietetics*; 117(2): 1991-2002.

² Mary Russell. 2018, June 22. *Academy Letter Urges DHS to Ensure Well-Being of Children and Families Affected by Immigration Policy*. EatRightPRO. Accessed July 22, 2019.

³ Terri Raymond. 2019, July 30. *Academy Urges Department of Homeland Security to Improve Nutrition at Border Facilities*. EatRightPRO. Accessed July 30, 2019.

⁴ U.S. Immigration and Customs Enforcement. 2011. *2011 Operations Manual ICE Performance-Based National Detention Standards*, Section 4.1 Food Service. U.S. Immigration and Customs Enforcement. Accessed July 15, 2019.

⁵ Office of Refugee Resettlement. 2015, April 20. *ORR Guide: Children Entering the United States Unaccompanied*, Section 3: Services. U.S. Department of Health & Human Services. Accessed July 18, 2019.

⁶ Office of Inspector General, Department of Homeland Security. 2019, July 2. *Management Alert – DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley*.

⁷ Terri Raymond. 2019, July 30. *Academy Urges Department of Homeland Security to Improve Nutrition at Border Facilities*. EatRightPRO. Accessed July 30, 2019.

⁸ U.S. Customs and Border Protection. 2015, October. *National Standards on Transport, Escort, Detention, and Search*. U.S. Customs and Border Protection. Accessed July 22, 2019.

⁹ U.S. Immigration and Customs Enforcement. 2011. *2011 Operations Manual ICE Performance-Based National Detention Standards*, Section 4.1 Food Service. U.S. Immigration and Customs Enforcement. Accessed July 15, 2019.

¹⁰ Office of Refugee Resettlement. 2015, April 20. *ORR Guide: Children Entering the United States Unaccompanied*, Section 3: Services. U.S. Department of Health & Human Services. Accessed July 18, 2019.

¹¹ Office of Inspector General, Department of Homeland Security. 2019, July 2. *Management Alert – DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley*.