

Congress of the United States
Washington, DC 20515

May 27, 2020

Acting Secretary Chad Wolf
U.S. Department of Homeland Security
500 12th St. SW
Washington, D.C. 20536

Acting Director Matthew T. Albence
U.S. Immigration and Customs Enforcement
500 12th St. SW
Washington, D.C. 20536

Dear Acting Secretary Wolf and Acting Director Albence:

We write to urgently express our alarm regarding reports that U.S. Immigration and Customs Enforcement (ICE) is removing unaccompanied minors who have not yet exhausted all legal remedies. We are particularly concerned that such removals are being imposed on minors who had already been placed in the Remain in Mexico Program, otherwise known as the Migrant Protection Protocols (MPP).

According to non-profit immigrant services organizations, ICE officers have been appearing at Office of Refugee Resettlement (ORR) facilities and removing children who are at varying stages of pursuing immigration relief or are contesting their orders of removal. Since March, DHS has sought to remove 15 children in ORR custody without allowing them adequate time to obtain legal assistance. At least six of these reported attempts resulted in removal, while the removals of others have been temporarily blocked by federal court orders.¹ It is especially galling that DHS would choose a time of global pandemic to target such vulnerable children, denying them access to basic due process protections and a meaningful chance to have their cases reopened and appropriately considered.

We urge DHS and ICE to cease this practice immediately and guarantee these children the due process protections they deserve. Specifically, the Department should ensure that children have meaningful opportunities to obtain legal assistance; assess their case information; file a motion to reopen, as appropriate; and be placed with a sponsor while their cases are pending. The Department should also ensure that adequate advance notice is provided to each child's legal counsel prior to removal.

Among those ICE has targeted for removal have been children who were previously placed into MPP before crossing the border unaccompanied. Currently, dozens of migrant children in ORR shelters were earlier placed into MPP.

We continue to believe strongly that MPP is unlawful, threatens the health and safety of legitimate asylum seekers—including women, children, and families, and should be abandoned. Even before the COVID-19 pandemic, MPP had significantly eroded the already limited due process protections available to asylum-seekers—such as access to counsel—further reducing the likelihood that these vulnerable individuals can effectively make their case for asylum. Moreover, individuals relegated to MPP—including families and vulnerable individuals—are forced to make an unreasonable and unacceptable choice: either remain in areas of Mexico that the U.S. State Department recognizes as especially unsafe or abandon their opportunity to claim asylum before an immigration judge. In December, before the COVID-19 public health emergency, the

¹ Lomi Kriel, *The Trump administration is rushing deportations of migrant children during coronavirus*, THE TEXAS TRIBUNE (May 18, 2020), <https://www.texastribune.org/2020/05/18/trump-deportations-migrant-children-texas-coronavirus/>.

Department of State issued 31 Travel Advisories for Mexico, including 5 warnings in which the State Department explicitly advises against travel. These advisories are still in place today.²

Thank you in advance for your cooperation and prompt attention to this urgent matter. If you have any further questions, please contact Congressional Hispanic Caucus (CHC) Executive Director Alma Acosta at alma.acosta@mail.house.gov.

Sincerely,

Joaquin Castro
Chair
Congressional Hispanic Caucus

Jerrold Nadler
Chair
House Committee on the Judiciary

Rosa DeLauro
Chair
House Labor, Health and Human Services, Education,
and Related Agencies Appropriations Subcommittee

Lucille Roybal-Allard
Chair
House Homeland Security Appropriations
Subcommittee

Zoe Lofgren
Chair
Subcommittee on Immigration and Citizenship
Committee on the Judiciary

² Bureau of Consular Affairs, *Mexico Travel Advisory*, Dep't of State (Dec. 17, 2019), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html>.