

Congress of the United States
Washington, DC 20515

May 27, 2020

The Honorable Christi A. Grimm
Principal Deputy Inspector General
Office of the Inspector General
Department of Health and Human Services
330 Independent Avenue, SW
Washington, DC 20201

Dear Deputy Inspector General Grimm,

We write to request a prompt and thorough investigation in response to reports that Immigration and Customs Enforcement (ICE) is preventing the reunification of unaccompanied minors with sponsors while such children remain in the custody of the Office of Refugee Resettlement (ORR). According to recent reports, ICE appears to be targeting unaccompanied children who were at one time subject to the Remain in Mexico Program, otherwise known as the Migrant Protection Protocols (MPP).

There are currently dozens of migrant children previously subject to MPP proceedings who are now in shelters operated by ORR. According to nonprofit organizations, ICE agents have been appearing at ORR facilities and removing children who are at varying stages of pursuing immigration relief or contesting their prior orders of removal. Since March 2020, there have been 15 known children that the Department of Homeland Security has sought to deport without allowing adequate time for children to be released to sponsors or to obtain legal assistance. At least six of these reported attempts resulted in deportation, while others have been temporarily blocked by federal court orders.¹

The principal purpose of the *Flores* Settlement Agreement is to ensure that migrant children are released from detention as expeditiously as possible, and that any children who cannot be released are transferred to facilities licensed by a State as appropriate for housing dependent children.² Further, for over 20 years, federal law has recognized the particular and enduring vulnerability of children who arrive in the United States without parents or legal guardians. In 2008, Congress strengthened these protections through landmark, bipartisan legislation: the Trafficking Victims Protection Reauthorization Act (TVPRA).³ The TVPRA expanded on the Homeland Security Act of 2002 by setting forth specific procedures for the screening, processing, and custody of unaccompanied children.⁴ The TVPRA also expanded various protections for children, ensuring that unaccompanied children can apply for any legal relief for which they may qualify, including asylum and special immigrant juvenile status. These protections are crucial to ensuring unaccompanied children receive fair treatment and due process in the immigration system.

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/>.

² Stipulated Settlement Agreement, *Jenny Lissette Flores v. Reno*, Case No. 85-4544-RJK (C.D. CA 1997) ¶ 6, 14, 19.

³ Pub. L. No. 110-457, 49 Stat. 651.

⁴ 8 U.S.C. § 1232.

The Department of Health and Human Services (HHS), through ORR, has played a crucial and significant role in ensuring that unaccompanied children receive humane treatment and due process, consistent with our nation's laws. It is thus deeply concerning that ICE appears to be interfering with ORR's legal obligation to place children in the least restrictive settings appropriate for them, including placement with suitable sponsors. The fact that some children may have previously been subject to MPP is no excuse to violate the *Flores* Settlement Agreement or other legal obligations imposed by Congress. The HHS Office of Inspector General must conduct an impartial investigation into the allegation that ICE is interfering with ORR's legal obligation to place children, previously subject to MPP, in the least restrictive settings appropriate for them.

Thank you for your prompt attention to this matter.

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