



## CONGRESSIONAL HISPANIC CAUCUS

*Joaquin Castro | Chairman*

116<sup>TH</sup> CONGRESS

June 9, 2020

The Honorable Chad F. Wolf  
Acting Secretary  
Department of Homeland Security  
301 7<sup>th</sup> Street S.W.  
Washington, DC 20528

Dear Acting Secretary Wolf,

We are writing to request that you immediately cease the expulsion and removal of unaccompanied migrant children to Mexico and the Northern Triangle countries of Guatemala, Honduras, and El Salvador, as a life-threatening practice that is worsened by the COVID-19 pandemic. The expulsion and removal of vulnerable children poses the danger that they will fall into the hands of traffickers or those that would exploit them, and places them at greater risk of COVID-19 exposure. Instead of being removed from the country, these children should be appropriately released into the care of family or friends. Further, DHS should strongly consider exempting unaccompanied migrant children from the Centers for Disease Control and Prevention (CDC) order authorizing expulsions. Protecting migrant children does not undermine the country's effort to combat COVID-19, but instead supports a regional effort to contain the spread of the disease in a manner that serves the safety of our nation.

It has been reported that over 900 migrant children have been expelled during the COVID-19 pandemic, most without being afforded the protections guaranteed by longstanding U.S. law and practice.<sup>[1]</sup> Historically, unaccompanied migrant children who cross the border are provided with temporary shelter and care as they are put into immigration removal proceedings.<sup>[2]</sup> However, these safeguards are eroding under the CDC order that denies entry of certain people into the country due to the threat of COVID-19.<sup>[3]</sup>

Under this order, hundreds of unaccompanied migrant children are being sent from the country within hours of crossing the border, deprived of the legal provisions instituted to protect them.<sup>[4]</sup> Children whose time in the country predates that order are also being summarily removed.<sup>[5]</sup> In the months of March and April 2020, 915 unaccompanied child migrants were expelled upon reaching the border, and 60 were removed from within the

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<sup>[1]</sup> See, The Flores Settlement Agreement and the Trafficking Victims Protection Reauthorization Act of 2008; Caitlin Dickerson, "10 Years Old, Tearful and Confused After a Sudden Deportation," New York Times, May 20, 2020.

<sup>[2]</sup> See, William A. Kandel, "Unaccompanied Alien Children: An Overview," Congressional Research Service, October 9, 2019.

<sup>[3]</sup> In March, 2020, the CDC released an order, "Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists," based on the Public Health Service Act (42 U.S.C. 265) that allows the Surgeon General to impose regulations to stop the spread of a communicable disease from a foreign country into the U.S.

<sup>[4]</sup> Caitlin Dickerson, "10 Years Old, Tearful and Confused After a Sudden Deportation," New York Times, May 20, 2020.

<sup>[5]</sup> Id.

country.<sup>[6]</sup> These expulsions and expedited removals to countries struggling with violence and crime are particularly treacherous given the lack of planning and care by U.S. government officials to safeguard the children's protection throughout the immigration process, not least their repatriation.

In the past, when an unaccompanied migrant child was removed, the U.S. government sought to ensure the child's safe return by making appropriate arrangements with the family or caretaker in the home country.<sup>[7]</sup> Such provisions were critical due to the precarious condition of these countries, particularly for children. Currently, however, unaccompanied migrant children are hastily being expelled or removed without a parent or guardian having been contacted in the destination country.<sup>[8]</sup> As expulsions and removals loom, many children do not even know the status of parents or family from the homes they left.<sup>[9]</sup> Most alarming, extremely young children as young as 8 or 9 years of age have been slated for return by immigration authorities.<sup>[10]</sup> Without a parent or guardian to safeguard a child, many will be targeted by traffickers or subjected to the same threats they fled, as evinced by a 16 year old girl who was returned to the home country where she had been raped.<sup>[11]</sup>

The concern over the lack of safety precautions taken by immigration authorities is exacerbated by a lack of transparency regarding the children's whereabouts, both within U.S. borders and once returned to their destination countries. According to recent reporting, some parents are not notified of their children's location once the children are in U.S. custody,<sup>[12]</sup> hindering the parents' ability to secure assistance for their children. Some immigration attorneys also report that they are not being informed of their clients' whereabouts as removal actions commence,<sup>[13]</sup> making it more difficult to secure court injunctions to suspend removal. To date, reportedly hundreds of children whose identities are unknown have been removed.<sup>[14]</sup> Without this basic information, no one knows where the children are, or if they have fallen victim to traffickers or violent gangs.<sup>[15]</sup>

Finally, expulsions and removals increase children's risk of exposure to COVID-19 and place them in circumstances where healthcare is extremely limited. Honduras, with 4,189 cases of COVID-19,<sup>[16]</sup> has only 12 government-owned ventilators and its capital, Tegucigalpa, supports only three hospitals.<sup>[17]</sup> Guatemala, with 3,760 cases of COVID-19,<sup>[18]</sup> has only 0.6 hospital beds per 1,000 people and only a few ventilators.<sup>[19]</sup> Moreover, nearly 70% of the population lives in poverty, with houses of only one or two rooms, and people are unable to practice the social distancing necessary to contain the spread of the virus.<sup>[20]</sup> In fact, as reported in April, migrants deported from the United States comprised at least 20% of Guatemala's total cases.<sup>[21]</sup> Before children even leave the United States, they are often moved between detention centers that have reported outbreaks of COVID-19,<sup>[22]</sup> and are transported on removal flights that have carried numerous

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<sup>[6]</sup> Id.

<sup>[7]</sup> PBS News Hour, "How the Trump Administration is Leveraging COVID-19 to Tighten Immigration," May 20, 2020.

<sup>[8]</sup> Id.

<sup>[9]</sup> Dr. Suzan Song, Opinion Contributor, "Stop Expelling and Separating Immigrant Children and Parents During COVID," The Hill, May 25, 2020; Caitlin Dickerson, "10 Years Old, Tearful and Confused After a Sudden Deportation," New York Times, May 20, 2020.

<sup>[10]</sup> Lomi Kriel, "The Trump Administration is Rushing Deportations of Migrant Children During Coronavirus," The Texas Tribune, May 18, 2020.

<sup>[11]</sup> Id.

<sup>[12]</sup> Caitlin Dickerson, "10 Years Old, Tearful and Confused After a Sudden Deportation," New York Times, May 20, 2020.

<sup>[13]</sup> Molly O'Toole, "Under Trump Policy, US. Plays Custody Keep-Away With Migrant Children," Los Angeles Times, May 18, 2020.

<sup>[14]</sup> Caitlin Dickerson, "10 Years Old, Tearful and Confused After a Sudden Deportation," New York Times, May 20, 2020.

<sup>[15]</sup> Id.

<sup>[16]</sup> Luisa Horwitz, "Where is the Coronavirus in Latin America?" Americas Society/Council of the Americas, May 26, 2020.

<sup>[17]</sup> Robin Young and Serena McMahon, "With Few Ventilators and Scarce Information, Honduran Doctors Prepare for COVID-19," WBUR, March 25, 2020.

<sup>[18]</sup> Luisa Horwitz, "Where is the Coronavirus in Latin America?" Americas Society/Council of the Americas, May 26, 2020.

<sup>[19]</sup> Larry Luxner, "Guatemalan President Criticizes U.S. Over Lack of COVID-19 Assistance," Atlantic Council, May 21, 2020.

<sup>[20]</sup> Id.

<sup>[21]</sup> Camilo Montoya Galvez, "Exporting the Virus": Migrants Deported by U.S. Make Up 20% of Guatemala's Coronavirus Cases," CBS News, April 27, 2020.

<sup>[22]</sup> Molly O'Toole, "Under Trump Policy, US. Plays Custody Keep-Away With Migrant Children," Los Angeles Times, May 18, 2020.

people with the disease.<sup>[23]</sup> These cumulative circumstances highlight the serious risk that expelled or removed children, while safe in the United States, will not be safe if returned to home countries.<sup>[24]</sup>

For the above reasons, we request that you immediately halt the expulsions and removals of unaccompanied migrant children, and seriously consider exempting them from the CDC order. DHS's return of children to countries that are unable to protect them from the life-threatening dangers they fled or the scourge of the COVID-19 pandemic is unacceptable to the American sense of decency and humanity.

Sincerely,

Joaquin Castro  
Member of Congress

Adriano Espaillat  
Member of Congress

Veronica Escobar  
Member of Congress

Juan Vargas  
Member of Congress

Ruben Gallego  
Member of Congress

Grace F. Napolitano  
Member of Congress

Tony Cárdenas  
Member of Congress

Nydia M. Velázquez  
Member of Congress

J. Luis Correa  
Member of Congress

Alexandria Ocasio-Cortez  
Member of Congress

Albio Sires  
Member of Congress

Nanette Diaz Barragán  
Member of Congress

Sylvia R. Garcia  
Member of Congress

Norma J. Torres  
Member of Congress

Darren Soto  
Member of Congress

Jesús G. "Chuy" García  
Member of Congress

Raul Grijalva  
Member of Congress

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<sup>[23]</sup> Natalie Gallon, "44 Migrants on One US Deportation Flight Tested Positive For Coronavirus," CNN, April 17, 2020.

<sup>[24]</sup> See, May 20, 2020, Congressional Hispanic Caucus letter to the Honorable Michael R. Pompeo, Secretary of the Department of State, and the Honorable Chad Wolf, Acting Secretary of DHS, requesting the halting of deportations and expulsions to the Latin American and Caribbean region due to the threat of COVID-19 spread.