

United States Senate

WASHINGTON, DC 20510

July 21, 2017

The Honorable John Kelly
Secretary of Homeland Security
U.S. Department of Homeland Security
Nebraska Avenue Complex
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Attorney General Jeff Sessions
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Tom Price
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Kelly, Attorney General Sessions, and Secretary Price:

We write to express great concern over reports that the federal government has begun a “surge initiative” targeting the parents and relatives of unaccompanied children fleeing hardship and violence in Central America.¹

The purported objective of this initiative is to disrupt and dismantle human smuggling operations, yet the Administration has provided very little information as to how these operations are being carried out and against whom. In reality, this initiative does not make our country safer, but instead exposes children to prolonged detention and separation from their families. This includes an adverse impact on mixed-status families, where U.S. citizen children may be separated from their parent or guardian and placed in the child welfare system. We strongly oppose this misguided policy that takes resources away from addressing true public safety threats and hurts children.

The use of unaccompanied children to ensnare parents and relatives will have far-reaching consequences for the health of children and further amplifies the fear that current enforcement practices have spread across immigrant communities. Many of these children have fled horrific conditions in their home countries. Threatening to keep them separated from their loved ones in a country they do not know is cruel and senseless. By making parents or relatives fearful of presenting themselves as sponsors, this policy could put these vulnerable children at greater risk of being targeted by human traffickers, smugglers, or others seeking to do them harm.

¹ Garance Burke, *Feds Will Now Target Relatives Who Smuggled In Children*, ASSOCIATED PRESS, June 30, 2017, <http://abcnews.go.com/Politics/wireStory/feds-seek-arrest-relatives-smuggled-migrant-children-48366289>.

Additionally, this policy will lead to the prolonged detention of children held in custody by the Office of Refugee Resettlement (ORR). Pediatric studies have noted that detention of immigrant children has negative effects on mental and developmental wellbeing.² As a DHS advisory committee concluded last year, detention “is never in the best interest of children.”³

We are also troubled by the potential impact of this initiative on mixed-status households and U.S. citizen children, particularly in cases of family separation. Considering that this policy could also lead to the placement of certain minors in the child welfare system, it is imperative to understand what procedures are being followed to ensure the proper care of children as a part of these enforcement actions.

Given these concerns, we ask that you provide answers to the following questions to our offices no later than July 31, 2017.

1. Provide copies of any guidance, memoranda, or other documents your agencies have produced with respect to the implementation of the surge initiative targeting the sponsors of unaccompanied children.
2. How many total individuals have been arrested as part of the surge initiative? Provide information on the state in which each individual was arrested, whether the individual was a Category 1, 2, or 3 sponsor, the individual’s immigration status and information on whether the individual is currently detained or has been removed from the country. For individuals that are in detention, provide information on the type of facility where that person has been detained.
3. Provide information on what policies and procedures are being followed with respect to the care and custody of unaccompanied children or U.S. citizen children affected by the surge initiative.
4. Provide the total number of unaccompanied children affected by the initiative that have been returned to ORR custody, transferred to ICE custody, placed in a family residential facility, placed with a child welfare agency, or been removed from the United States. In any of these arrests were U.S. citizen children separated from a parent or legal guardian and if so, how many?
5. In cases involving unaccompanied children who remain in ORR custody due to the arrest of a parent or relative as part of this initiative, what steps, if any, are being taken to find a suitable backup sponsor? How many children remain in ORR custody due to the arrest of a parent or relative and what is the average length of stay for those who remain in custody?

² Julie M. Linton, Marsha Griffin & Alan J. Shapiro, DETENTION OF IMMIGRANT CHILDREN, AMERICAN ACADEMY OF PEDIATRICS, May 2017, <http://pediatrics.aappublications.org/content/139/5/e20170483>.

³ REPORT OF THE DHS ADVISORY COMMITTEE ON FAMILY RESIDENTIAL CENTERS, Sept. 30, 2016, <https://www.ice.gov/sites/default/files/documents/Report/2016/ACFRC-sc-16093.pdf>.

6. Have any children been released to backup sponsors? If so, please provide information on whether the child was released to a Category 1, 2, or 3 sponsor.
7. Provide information on the number of individuals arrested as part of the surge initiative who have been charged with human smuggling, human trafficking, or any other federal crimes. What guidance has been provided to the Federal Bureau of Investigation and/or federal prosecutors in these cases?
8. As part of the initiative, what steps are your agencies taking to comply with the requirements of the *Flores* settlement agreement regarding the detention and release of unaccompanied children?
9. What steps are being taken to ensure the confidentiality of children's personal information as part of the surge initiative?
10. What kind of information does ICE have access to via the Unaccompanied Alien Child (UAC) Portal? Does ICE currently share information it obtains from the UAC Portal with other federal agencies?
11. What is ICE's role in verifying sponsor information provided to ORR as part of the reunification process? Does this represent a recent change in policy?
12. Has there been a change in policy with respect to the information that ICE can access on the UAC Portal? If so, please provide additional information on the policy change.

We look forward to your response on this important issue.

Sincerely,


KAMALA D. HARRIS
United States Senator


DIANNE FEINSTEIN
United States Senator


PATTY MURRAY
United States Senator

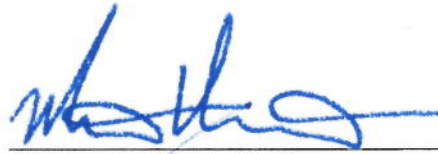

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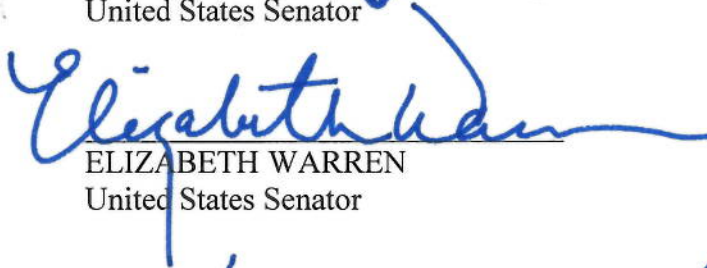
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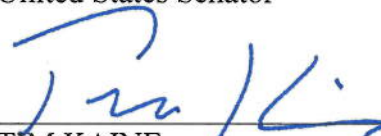
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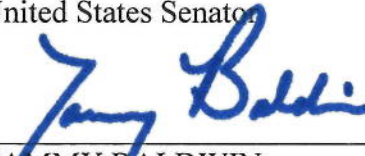
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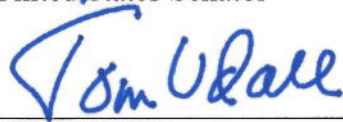
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United States Senator



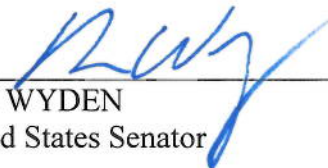
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