



FIRST FOCUS

MAKING CHILDREN & FAMILIES THE PRIORITY

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November 30, 2018

The Honorable Alex M. Azar II
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Secretary Azar,

First Focus is a bipartisan advocacy organization dedicated to making children and families a priority in federal policy and budget decisions. As an organization dedicated to promoting the safety and well-being of all children in the United States, we urge both Congress and the Administration to uphold the best interest of the children involved in all decisions regarding the forced migration of unaccompanied minors and family separation due to immigration enforcement. We are writing to express our deep concern with administration policy changes that are causing direct and irreparable harm to children in your custody.

Consistent with child welfare principles institutionalized care for migrant children should only be used as a last resort since research consistently shows that the detention of children for any amount of time has negative life-long consequences.¹ For these reasons, the Unaccompanied Alien Children's (UAC) program is vitally important for ensuring that unaccompanied children are cared for in the least restrictive setting before their safe and timely release to an appropriate sponsor. However, we are alarmed by reports that the number of unaccompanied children in the custody of the Office of Refugee Resettlement (ORR) continues to increase even though the U.S. has not seen a huge spike in unaccompanied children arriving at the border.² The number of children in ORR custody has risen to more than 14,000 in November of 2018, the highest number ever recorded³ and more than twice the number at the outset of the Trump Administration.

This record increase in the number of children in federal custody is the direct result of deliberate changes to the process of releasing children from ORR custody. These changes include new fingerprinting requirements for sponsors and all adults living in the household, the sharing of sponsor immigration information with ICE, targeting sponsors for deportation⁴, requiring the Director of ORR to sign off on the release of UACs from secure or staff secure facilities, and holding unaccompanied teenagers intentionally until they turn 18 and are eligible for stricter adult detention.⁵ As a result, the average length of stay for children in ORR custody has increased by 73 percent, from 35 days to 59 days, between 2015 and 2018.⁶ The administration's "zero-tolerance" family separation policy also compounded the problem, needlessly sending nearly 2,600 additional children into ORR care, more than 170 of whom still remain in your custody, including children whose parents were deported without them.

¹ <http://pediatrics.aappublications.org/content/early/2017/03/09/peds.2017-0483>

² <https://www.apnews.com/0c62b088c27147b0a6055d1e8394a3af>

³ [Ibid](#)

⁴ <https://www.cnn.com/2018/09/20/politics/ice-arrested-immigrants-sponsor-children/>

⁵ <https://www.cnn.com/2018/09/14/politics/immigrant-children-kept-detention/index.html>

⁶ <https://nonprofitquarterly.org/2018/09/24/millions-diverted-from-federal-programs-toward-detention-of-migrant-children/>

These figures are alarming because they suggest a disregard for the best interest of children who have already faced significant trauma. Additionally, in light of reports of physical and sexual abuse such as those from the Shenandoah Valley Juvenile Center⁷ and the Southwest Key's Casa Kokopelli Shelter⁸ it is unacceptable to think that the number of kids in your care has and may very well continue to increase while proper oversight of these and other facilities has not been adequately addressed. A recent report by your own Office of Inspector General (OIG) also detailed significant concerns with the staffing process of the influx care facility in Tornillo, Texas. Specifically, the report states that the facility is not conducting required FBI fingerprint background checks for staff, "heightening the risk that an individual with a criminal history could have direct access to children in ORR care."⁹ In addition the OIG found that Tornillo was given a waiver for child abuse/neglect background checks based on the assumption that the FBI checks were being conducted. This violation is in direct contradiction to the administration's stated purpose for increased scrutiny of family members/sponsors and exposes the underlying truth that immigration enforcement is the driving factor for policy changes rather than the best interest of the child. Finally, the report states that there are not enough staff employed to adequately care for the mental health needs of children who have experienced significant trauma. The lack of oversight for something this significant is absolutely unacceptable for the care and well-being of vulnerable children.

In tandem with the administration's recent proposed changes to the Flores Settlement Agreement to allow for the indefinite detention of accompanied children and their families, these policy changes raise flags regarding the intent of the administration to prolong the detention of unaccompanied children as well. Most recently the influx shelter in Tornillo, TX increased its capacity to 3,800 and currently houses more than 2,300¹⁰ children with no signs of closing. Other shelters are operating at full capacity, and the backlog only seems to be beginning. HHS must adhere to best practices and the advice of both medical professionals and child welfare advocates that institutionalized care should only be used as a last resort rather than as a broader tactic for immigration enforcement. We urge you to immediately discontinue this practice of imprisoning children and subjecting them to additional trauma.

Therefore, we urge you to review the policies and practices that have prompted the unprecedented rise in the numbers of children in ORR custody and reverse the policies directly contributing to the prolonged detention of innocent children. Additionally, we ask that all policies concerning the apprehension, detention, and release of migrant children follow the research and advice of child welfare and health care experts alike to commit to do no harm to children. Should you have any questions regarding this letter please contact Kristen Torres at kristent@firstfocus.org.

Sincerely,



Bruce Lesley
President

⁷ <https://www.nbcnews.com/news/us-news/state-probe-virginia-detention-center-says-immigrant-teens-strapped-down-n900306>

⁸ <https://www.theroot.com/youth-care-worker-accused-of-sexually-molesting-8-child-1828092652>

⁹ <https://oig.hhs.gov/oas/reports/region12/121920000.pdf>

¹⁰ <https://www.apnews.com/0c62b088c27147b0a6055d1e8394a3af>