

# United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
APPROPRIATIONS  
BUDGET  
ENVIRONMENT AND  
PUBLIC WORKS  
FOREIGN RELATIONS

June 7, 2018

Director Scott Lloyd  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health & Human Services  
Mary E. Switzer Building  
330 C St. SW, Room 5123  
Washington, DC 20201

Dear Director Lloyd,

I am deeply distressed about the Trump Administration's new policy announced on May 7, 2018 that functionally separates children from their parents at the border. It is outrageous and cruel to intentionally inflict trauma on vulnerable children, including toddlers and some as young as 12 months, by separating them from their parents or family members and placing them in separate detention facilities in order to influence and deter parents from seeking asylum in the United States.

The United Nations High Commissioner for Human Rights has urged the United States to halt this process stating that the practice of separating children from migrant families entering the U.S. violates their rights and international law. In a statement, the High Commissioner stated that the practice of separating these children "amounts to arbitrary and unlawful interference in family life, and is a serious violation of the rights of the child."<sup>1</sup>

Under U.S. Attorney General Jeff Sessions "zero tolerance" policy on immigration prosecutions, children must be forcibly separated from their families, falsely labeled "unaccompanied alien children," and transferred to your agency's custody. According to press reports, more than 600 children have already been separated from their families since the implementation of this policy at the beginning of May, bringing the total under your care to a staggering 11,200.<sup>2</sup>

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<sup>1</sup> Cumming-bruce, Nick. "Taking Migrant Children From Parents Is Illegal, U.N. Tells U.S." The New York Times. June 05, 2018. <https://www.nytimes.com/2018/06/05/world/americas/us-un-migrant-children-families.html>.

<sup>2</sup> Miroff, Nick. "Trump's 'zero Tolerance' at the Border Is Causing Child Shelters to Fill up Fast." The Washington Post. May 29, 2018. [https://www.washingtonpost.com/world/national-security/trumps-zero-tolerance-at-the-border-is-causing-child-shelters-to-fill-up-fast/2018/05/29/7aab0ae4-636b-11e8-a69c-b944de66d9e7\\_story.html?noredirect=on&utm\\_term=.19a8f4ae3d68](https://www.washingtonpost.com/world/national-security/trumps-zero-tolerance-at-the-border-is-causing-child-shelters-to-fill-up-fast/2018/05/29/7aab0ae4-636b-11e8-a69c-b944de66d9e7_story.html?noredirect=on&utm_term=.19a8f4ae3d68).

Ainsley, Julia, and Courtney Kube. "Hundreds of Migrant Kids Separated from Parents Are Stuck at Border." NBCNews.com. June 5, 2018. <https://www.nbcnews.com/news/us-news/hundreds-migrant-kids-separated-parents-are-stuck-border-stations-n878696>.

On June 3, 2018, I visited the Customs and Border Protection's McAllen Border Station in Texas, one of the processing centers where families are being separated as they enter the country. I also attempted to visit an unaccompanied minors shelter in Brownsville, TX operated by Southwest Key on behalf of your agency to see, specifically, how the children who have been separated from their families are being treated. However, I was refused entry.

I am requesting your agency answer the following questions with a written response no later than close of business on Friday, June 15, 2018.

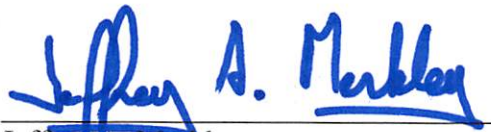
1. Since the "zero tolerance" policy officially went into effect on May 7, 2018, how many children have been transferred to the Office of Refugee Resettlement (ORR) or its contracting agencies' custody? How many of these children were separated from their parents and how many entered the United States as unaccompanied minors?
2. How many children in the following age groups is the ORR or its contracting agencies currently holding in detention?
  - a. Newborns to 1 years old?
  - b. Between the ages of 2 to 4 years old?
  - c. Between the ages of 5 and 8 years old?
  - d. Between the ages of 9 and 13 years old?
  - e. Between the ages of 14 and 18 years old?
3. What is the average and median length of stay for these children? How does this figure compare with 2017 and 2016?
4. How many ORR facilities are currently operational for children and what is the capacity for each of them?
5. How many organizations and companies contract with ORR to house children separated from their parents and unaccompanied minors? What are their names?
6. What bathroom facilities and accommodations do these shelters have and are the conditions sanitary? For instance, are there bathrooms, showers, and towels? Are there rooms for the children that have beds with bedding? If so, how many beds per room?
7. What are ORR's mandated facility standards for shelter contractors?
8. What are the required staffing ratios, broken down by age groups?
9. What categories of staff require credentials to work in these facilities?
  - a. Which credential requirements are ORR imposed and which are state required?
10. How many facilities have state monitors? How often are facilities monitored?
11. What is the process for providing education and schooling to children? How many days a week is schooling provided and how many hours per day?

12. Are these children permitted to leave the premise to go outside? Is there recreational time available for physical exercise?
13. What is the process for providing health care services to children? In order to receive medical care, are health care providers on-site or are ill children transported to hospitals or other health care providers?
14. What services are provided to children for trauma support and mental health care? Are mental health care professionals providers on site?
15. Are children informed, in writing or verbally, that any information they provide to medical professionals or facility staff will be added to their immigration record and can be used against them in immigration court?
16. Please provide a current breakdown by category of children's approved sponsors.
  - a. Category 1 – Parents
  - b. Category 2 – Family members
  - c. Category 3 – Non-relative
17. How do detained children communicate with their parents? How often are they allowed to communicate with their parents, through what method, and for what duration?
18. Are in-person visits between the children and their parents permitted? If so, what are the procedures and policies surrounding visitation and how often do they occur?
19. Are in-person visits between the children and their lawyers permitted? If so, what are the procedures and policies surrounding visitation and how often do they occur? Under what circumstances, if any, would a lawyer be denied entry to visit with a child?

It is imperative that children, regardless of their nationality, be treated with a bare minimum standard of fairness and compassion throughout our immigration system. I eagerly anticipate your prompt response to these critical questions.

I also reiterate my request from June 1, 2018, that I and other Members of Congress be permitted to visit and speak with children and staff at ORR or their contracting facilities.

Sincerely,



Jeffrey A. Merkley  
United States Senator