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June 29, 2018

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

The Honorable Kristjen M. Nielsen  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Azar and Secretary Nielsen:

I am deeply distressed by the Trump Administration's inhumane policy of separating children from their parents at the border and the chaotic nature of efforts to reunite parents and children now that this policy has been suspended. On Sunday, June 24, four days after President Trump signed Executive Order 13841 reversing his policy of separating parents from their children, I visited both a U.S. Customs and Border Protection (CBP) processing center and a U.S. Immigration and Customs Enforcement (ICE) "family reunification and removal center" located in southern Texas.

I was appalled by what I observed first hand, and I was shocked by the stories told by the people detained in these facilities.

I first visited the McAllen Central Processing Center in McAllen, Texas, which is operated by CBP. Inside the processing center, men and women were packed into cages—cage after cage after cage. Our group estimated that between forty and fifty men were being held in a cage that measured roughly ten feet by thirty feet. There was a wall a few feet high in the back that separated a small urinal area from the rest of the cage. The men were cramped, lying side by side under foil blankets directly on a concrete floor.

CBP officials insisted that no one was held for longer than 72 hours. But as I walked by the cages, I asked the migrants through the metal grates how long they had been there. They held up their fingers in response: four fingers, five fingers, two hands' worth. Some told me they had been held for fourteen days. One man called out to me that he just wanted a shower – he said he'd gone six days without a shower or the opportunity to brush his teeth. Another man told me that his two children, aged 15 and 16, were being held separately in the other room.

We left that area and entered a separate part of the building. This part was divided into several sections by even larger cages, each with a guard tower in the middle. There,

mothers with babies and toddlers sat in one cage. There were large cages of girls and separate cages of boys left by themselves with no adults.

The CBP officials let me walk inside one cage and talk with the women. One was pregnant. Another struggled to nurse her baby. Another woman, holding her six-month-old infant in her arms, told me that she had undertaken the twenty-day journey to the United States from Guatemala because she wasn't safe at home. The mothers holding onto their young children looked tired and miserable.

I continued making my way through the facility. Passing portable latrines, I walked up to the next cage where girls aged ten to fourteen were held. I asked a group of about twenty of these children how long they had been there. Some said a day or two, others said five days to ten days. I asked if they knew what was going to happen to them. They all shook their heads no. These children had nothing – no books, no toys, no games, and no sense of what their futures will look like.

Later that day, I visited the Port Isabel Detention Center in Los Fresnos, Texas (Port Isabel), which is operated by ICE. Despite being described by the Administration in a June 23<sup>rd</sup> press release as “the primary family reunification and removal center for adults in their custody,”<sup>1</sup> this was a detention center. There were no children who were being reunited with their families. Instead, the facility was filled with hundreds of parents who had been *separated* from their children.

I repeatedly asked ICE officials if the government knew where the children who had been separated from their parents were. The officials at the facility that had been designated the “primary family reunification and removal center” explained that they didn't actually know where any of the children were, but they insisted that someone knew where they were. When I asked officials about the process for reunifying families, no one could describe it. I was told that “ICE is actively working with [the Office of Refugee Resettlement] to match up where the parent is and where the child is and getting them back together.” Every time I asked how this would actually happen, I was left with more questions. There appeared to be no clear plan or process of any kind for reunifying these families.

I was told that the Department of Health and Human Services Office of Refugee Resettlement (ORR) was in charge of reunifying families, and that ICE officials would coordinate with ORR. When I asked how families would be matched up, I was reassured that a file exists with names and numbers that can be used to facilitate this match. But when I asked if an official could punch into a computer the name of one of the 300 women in this facility to find out where her child is located, I was told that this was not possible after all – any name would have to be given to ORR so they could hunt down the location of the woman's child. An ICE official told me that if a mother was about to be released, ICE would call ORR, which would coordinate with the local facility holding her child to drive or fly the child to be reunited with its mother. How long would this coordination process take? He said he didn't know.

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<sup>1</sup> Department of Homeland Security, “Fact Sheet: Zero-Tolerance Prosecution and Family Reunification,” press release, June 23, 2018, <https://www.dhs.gov/news/2018/06/23/fact-sheet-zero-tolerance-prosecution-and-family-reunification>.

I was told that ORR and ICE have been “working on” telling parents where their children are, but officials admitted that there is no real-time tracking system for children who have been separated from their parents. One ICE official told me, “In general, [parents] should be told. But I can’t give you the broad statement that they have been told.”

The “zero-tolerance” policy that tore these families apart was implemented with no plan whatsoever for how to bring them back together again.

I met with nine mothers inside Port Isabel, and not one had been reunited with their children; not one knew exactly where her child was; and only one had even spoken to her child. The mothers were meeting with volunteer lawyers when I walked in. Their lawyers showed me letters that the mothers had written to their children – they asked the lawyers to send the letters to their children, but the lawyers also had no idea how to find their children or how to mail them these letters.

I spoke with a woman from Guatemala who had arrived in McAllen on June 12<sup>th</sup> and was seeking asylum. Border officials took away her nine-year old daughter. “They told me she’s in New York,” she said. Where in New York? She didn’t know.

Another woman had arrived in McAllen on the same day, with her sixteen-year-old son. While at the border processing center, she had been separated from her son, but she had been able to see him – in his cage – from inside her own cage. However, it had been eight days since she had been moved from the processing facility, and she hadn’t seen her son and now had no idea where he was.

Another woman arrived from El Salvador on June 16<sup>th</sup> with her seven-year-old son. Border officials separated her from her child, telling her that they would give him back. They did not.

Another woman arrived from Honduras on June 8<sup>th</sup> with three children, aged five, seven, and nine. She was separated from her children and was told that the facility “was cold and they were just taking the children elsewhere” but they would be returned. She had not seen her children since.

One of the women I spoke with told me that a woman with glasses and black hair had come into their dorm and told migrants to sign deportation papers. After they signed, she said, their child would be returned. But earlier that day, when I asked ICE officials if migrants were being told that they would be reunited with their children if they withdrew their asylum claim, an ICE official told me that he didn’t imagine that was taking place. No one explained who this woman with glasses and black hair was or why these women were told they had to sign deportation papers in order to be reunited with their children.

A woman from Honduras who arrived at the processing center on June 12<sup>th</sup> had come across the border with her two girls, aged six and fourteen. At the border processing center, which she referred to as the “dog pound,” she said she witnessed a CBP officer telling a

mother, "Give me your child, or I'll have to chain you up." These women held back tears while they spoke. Many broke down sobbing as they shared these stories.

The experiences that these parents recounted to me are horrific. They also contradict statements released by the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) about the conditions in the facilities and the systems in place to reunite families that had been separated by the Administration's "zero-tolerance" policy. I write to seek additional information about the process that HHS and Administration officials purport to have put in place and about how that process is being administered.

- 1) Reports indicate that HHS has "created an 'unaccompanied children reunification task force,' a first step toward reunifying thousands of migrant children in the agency's custody with their families."<sup>2</sup>
  - a. Has HHS created such a task force?
  - b. When was the task force established?
  - c. Who is leading the task force? Which other officials are on the task force?
  - d. How often has the task force met and how often is it meeting moving forward?
- 2) In a 15-minute background phone briefing provided to congressional staff on June 25<sup>th</sup>, during which staff were not allowed to ask questions, HHS indicated that the Assistant Secretary for Preparedness and Response (ASPR) would be providing support to ORR to facilitate the process of re-unifying parents with their children.
  - a. How many ASPR staff will be assisting in this effort?
  - b. What resources will ASPR be providing to ORR?
  - c. What other HHS resources will be used to assist ORR?
- 3) According to a joint DHS and HHS press release titled "Fact Sheet: Zero-Tolerance Prosecution and Family Reunification, issued on June 23, 2018 ("June 23<sup>rd</sup> Press Release"), "[m]inors come into HHS custody with information provided by DHS regarding how they illegally entered the country and whether or not they were with a parent or adult and, to the extent possible, the parent(s) or guardian(s) information and location. There is a central database which HHS and DHS can access and update when a parent(s) or minor(s) location information changes."
  - a. How many minors who have been separated from their parents or guardians are currently in this database?
  - b. Is HHS aware of the current location of each of these minors?
  - c. What other information is in this database? Does HHS maintain any additional information on age, health status and concerns, family members, or other information about children that have been separated from their parents?
  - d. For how many of these minors does HHS have information about whether they were with a parent or guardian?
  - e. For how many of these minors does HHS have information about the parent(s) or guardian(s) information and location?

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<sup>2</sup> Politico, "HHS creates task force to reunify migrant families," Dan Diamond, June 22, 2018, <https://www.politico.com/story/2018/06/22/separated-families-migrants-reunite-667172>.

- i. As of today, for minors for which HHS does have information about parent or guardian location, how many have been reunited with their parents or guardians? How many of these have been reunited since Executive Order 13841 was signed?
    - ii. As of today, of minors for which HHS does have location information about parent or guardian, how many have been able to communicate with parents or guardians?
  - f. Have any of the parents or guardians of children in the database voluntarily left the country or been deported without their children? If so, how many?
- 4) How many parents or guardians of minors who have been separated from them are currently aware of the location of their children?
- 5) In cases where HHS does not have information on the parent or guardian of a separated children, what steps does HHS intend to take to reunify those families?
- 6) What information does HHS have about minor children who entered with an older sibling or other adult relative? CBP explained that such children are not treated as part of a family unit and, even now, are separated from the adults who were with them. This raises the question of how these children will be reunited with another family member.
- 7) What rights do minors in HHS custody have to communicate with parents, guardians, or other family members?
  - a. As of today, how many of the minors in HHS custody have communicated with parents, guardians, or other family members? How often are they allowed to communicate with these family members?
- 8) What rights do minors in HHS custody have to communicate with immigration attorneys?
  - a. As of today, how many of the minors in HHS custody have communicated with immigration attorneys?
- 9) The June 23<sup>rd</sup> Press Release indicated that ICE posts “information in all of its facilities advising detained parents who are trying to locate, and/or communicate with, a child in the custody of HHS to call the Detention Reporting and Information Line for assistance.” The June 23<sup>rd</sup> Press Release also lists an email address and website where parents can attempt to determine if their child is in custody. Reports from individuals within detention facilities claim that this information in fact is not posted. There are also reports that the process using the call center system is slow and confusing, with both parents and their attorneys claim not being able to contact the children in custody.<sup>3</sup>
  - a. How many workers are staffing the call center and email system?
  - b. What is the average time it takes to connect parents over the phone with their children – from when the parent first uses the hotline or email system to when they actually speak to their child?
  - c. What is the policy detailing how often parents are given access to make telephone calls or use email while in detention?

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<sup>3</sup> Washington Post, “The chaotic effort to reunite immigrant parents with their separated kids,” Kevin Sieff, June 21, 2018, [https://www.washingtonpost.com/world/the\\_americas/the-chaotic-effort-to-reunite-immigrant-parents-with-their-separated-kids/2018/06/21/325cceb2-7563-11e8-bda1-18e53a448a14\\_story.html](https://www.washingtonpost.com/world/the_americas/the-chaotic-effort-to-reunite-immigrant-parents-with-their-separated-kids/2018/06/21/325cceb2-7563-11e8-bda1-18e53a448a14_story.html).

- d. Are detained parents required to purchase calling cards or pay for telephone or internet use while attempting to locate and contact their children?
  - e. Is information about contacts made via the Detention Reporting and Information Line maintained in the HHS database of separated children?
  - f. The statement also details that minors are given the opportunity to communicate with a parent or guardian within one day of arriving at an HHS facility.
    - i. What percentage of children have attempted to make contact with a parent or guardian?
    - ii. What percent have successfully contacted a parent or guardian?
    - iii. Beyond this 24 hour period, what is the policy for the children in custody to have access to make telephone calls or use email?
- 10) There are reports of at least one 15 year-old boy who was reported missing after running away from the Southwest Key Casa Padre migrant children care facility. Staff at the migrant children care facility have stated they are not allowed to restrain children who wish to leave the facility voluntarily, but that ORR is notified when a child does leave.<sup>4</sup>
- a. To date, how many children have left or run away from these migrant children facilities voluntarily and unaccompanied? What resources are used to locate these children?
  - b. If a child leaves a facility voluntarily, how is that information communicated to their parents or guardians? If there was more than the one instance identified above where a child left a facility voluntarily and unaccompanied, was that information communicated to the child's parents or guardian?
- 11) On June 26, 2018, DHS amended the June 23<sup>rd</sup> Press Release, modifying the Administration's commitments to prioritize family reunification and open communication between detained parents and their children.<sup>5</sup> The most significant changes were that Port Isabel is no longer designated as the primary reunification center that could house children and that family units would be reunited only at the time of removal proceedings.
- a. Please identify who made the decision to update your policy, when that decision was made, and the reasons why.
  - b. HHS currently has the un-amended June 23<sup>rd</sup> Press Release as its official policy on their website.<sup>6</sup> Have these changes been communicated across agencies, and what is the process to disseminate that policy change to agency officials in ICE, HHS, and ORR?

<sup>4</sup> New York Times, "Teenager Is Missing After Walking Away From Migrant Children's Center in Texas," Mihir Zaveri and Manny Fernandez, June 24, 2018, <https://www.nytimes.com/2018/06/24/us/migrant-boy-leaves-texas-shelter.html>.

<sup>5</sup> Compare <https://web.archive.org/web/20180624034204/https://www.dhs.gov/news/2018/06/23/fact-sheet-zero-tolerance-prosecution-and-family-reunification> to <https://www.dhs.gov/news/2018/06/23/fact-sheet-zero-tolerance-prosecution-and-family-reunification>.


<sup>6</sup> Department of Health and Human Services, "Fact Sheet: Zero-Tolerance Prosecution and Family Reunification," press release, June 23, 2018, <https://www.hhs.gov/about/news/2018/06/23/zero-tolerance-prosecution-and-family-reunification.html>.



- c. The amended June 23<sup>rd</sup> Press Release only discusses reunification of verified family units at the time of removal, whether before or after the parent's immigration case is adjudicated. What process will ICE and ORR have to reunite families if the parent is allowed to remain in the United States?
  - d. What is the time frame for detained parents separated from their children under the "zero tolerance" policy to have their cases adjudicated?
  - e. There are reports of a significant backlog of more than 700,000 cases in federal immigration court, with an average wait time for a hearing in some courts of over three years.<sup>7</sup> How often will detained parents and guardians be able to communicate with their children while their immigration case is ongoing?
  - f. DHS removed a provision in the June 23<sup>rd</sup> Press Release that ICE would continue to post information for detained parents to locate and communicate with their children in HHS custody. Is ICE continuing to post this information in their facilities?
  - g. Will you commit to notifying Congress and the American people in the future of any updates to your "zero tolerance" policy and family reunification?
- 12) When did you first learn that – under the Executive Order 13841 – HHS would be responsible for reuniting children who had been separated from their parents or guardians?
- a. Were you aware of this responsibility when the "zero-tolerance" policy was announced?
  - b. Were you aware when implementation began?
- 13) What is HHS's timeline for reuniting all separated children with their parents or guardians?
- 14) On June 26<sup>th</sup>, the U.S. District Court for the Southern District of California ordered your agencies to reunify parents with minor children under the age of five within 14 days and to reunify parents with minor children age five and over within 30 days of the date the Order was entered. What is your plan for ensuring that the reunifications will occur in the time period prescribed by the court?

This is an urgent matter. Hundreds of children are separated from their families, suffering untold distress. I ask you to provide answers to my questions no later than one week from today.

Sincerely,



Elizabeth Warren  
United States Senator

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<sup>7</sup> New York Times, "In Tense Meeting, Trump Officials Debate How to Process Migrant Families," Sandy Huffaker, June 22, 2018, <https://www.nytimes.com/2018/06/22/us/politics/donald-trump-immigration-midterms.html>.