

United States Senate

June 21, 2019

The Honorable Lamar Alexander
Chairman, Committee on Health, Education, Labor & Pensions
U.S. Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member, Committee on Health, Education, Labor & Pensions
U.S. Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray,

We write with increased urgency to request a hearing on the health and safety conditions for migrant children arriving at the southern border. Over the past year, we have seen the negative health effects felt by children separated from their families as a result of President Trump's disgraceful "zero tolerance" policy at the southern border. We also now know that six migrant children have died in U.S. custody or shortly after being discharged since September, 2018.¹ It is clear that additional oversight of the conditions and medical care at federal facilities housing children is needed, as well as a better understanding of the harm imposed on separated children and families. For these reasons, we ask that the Senate Committee on Health, Education, Labor & Pensions (HELP) take steps to assess and improve the health and well-being of these children by holding a full committee hearing on the health and safety of migrant children.

Since many of us last wrote in February 2019, more disturbing news about the impacts of the "zero tolerance" policy has emerged. Despite the fact that President Trump's administration officially ended the policy nearly one year ago, migrant children are still being taken from their families.² The New York Times reports that over two hundred migrant children have been taken from their parents and guardians since the family separation policy was officially rescinded.³ It is unacceptable that these traumatic and unnecessary separations have continued, and that the administration has continued to obscure that fact.

We cannot tolerate conditions in detention facilities that result in harm to migrant children. Even one death in U.S. custody is unacceptable; it is our responsibility to ensure that these children are

¹ Molly Hennessy-Fiske, *Six migrant children have died in U.S. custody. Here's what we know about them*, LOS ANGELES TIMES (May 24, 2019), <https://www.latimes.com/nation/la-na-migrant-child-border-deaths-20190524-story.html>.

² Miriam Jordan and Caitlin Dickerson, *U.S. Continues to Separate Migrant Families Despite Rollback of Policy*, THE NEW YORK TIMES (March 9, 2019), <https://www.nytimes.com/2019/03/09/us/migrant-family-separations-border.html>.

³ *Id.*

appropriately cared for once they are placed in federal facilities. Despite this, we know that at least six migrant children have died since September, many after falling ill in the overcrowded holding areas where Border Patrol temporarily places migrants.⁴ One of the children, a 16-year-old, died after being diagnosed with the flu. Hours after this diagnosis, he was found unresponsive in the temporary holding facility.⁵ It is still unclear why facility employees did not offer medical care immediately upon diagnosis. We must learn more details about each of these horrific incidences so that we can ensure migrant children are receiving the appropriate medical screening and care going forward. Centers for Disease Control and Prevention (CDC) officials have assisted DHS in determining how to improve the medical care provided at the border, and the departments must be actively working together to change policies and practices so that we can prevent future tragedies.⁶

Additionally, the Department of Health and Human Services (HHS) and the Department of Homeland Security (DHS) have been shockingly unprepared in their efforts to reunite children who were previously separated. A recent report by NBC News claims that thirty-seven migrant children were left waiting in a van in a Texas parking lot outside an Immigration and Customs Enforcement (ICE) detention facility for up to thirty-nine hours.⁷ The children, between five and twelve years old, thought they were traveling to reunite with their parents.⁸ First, they were forced to wait in the July heat while authorities processed paperwork for each child; after eight hours had passed, not even one child had been fully processed.⁹ This appalling story demonstrates that even in the process of reunification, authorities have failed to provide safe, stable conditions for these children.

Finally, on May 30, 2019, the Trump administration sent an email to all shelters housing unaccompanied migrant children announcing that they were terminating funding for educational and recreational activities in the shelters.¹⁰ The Washington Post interviewed an anonymous shelter employee who expressed dismay at the cuts and noted that many of these activities are crucial to ensure that the children stay both mentally and physically healthy during their stay.¹¹ This is yet another decision made by the Trump administration that jeopardizes the health of migrant children and strips them of their fundamental right to safe conditions while in U.S. custody.

⁴ Hennessy-Fiske, *supra* note 1.

⁵ *Id.*

⁶ Lindsay Schnell and Kevin McCoy, *DHS chief slams immigration system in wake of 2nd migrant child death, orders more medical exams of kids in custody*, USA TODAY (Dec. 26, 2018), <https://www.usatoday.com/story/news/nation/2018/12/26/guatemalan-boy-death-medical-checks-immigrant-children-custody/2413058002/>.

⁷ Jacob Soboroff and Julia Ainsley, *Botched family reunifications left migrant children waiting in vans overnight*, NBC NEWS (June 3, 2019), <https://www.nbcnews.com/politics/immigration/botched-family-reunifications-left-migrant-children-waiting-vans-overnight-n1013336>.

⁸ *Id.*

⁹ *Id.*

¹⁰ Maria Sacchetti, *Trump administration cancels English classes, soccer, legal aid for unaccompanied child migrants in U.S. shelters*, The Washington Post (June 5, 2019), https://wapo.st/2HWrcwM?tid=ss_tw&utm_term=.22bd116299c8.

¹¹ *Id.*

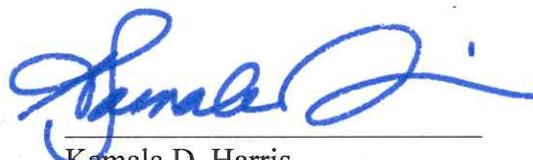
Congress has a constitutional obligation to conduct oversight, but the Senate is disregarding this duty by ignoring the impacts of the disastrous family separation policy and the health and safety conditions for migrant children. Democrats leading Committees in the House of Representatives have held several hearings on the policy of separating migrant families, most recently in the House Judiciary Committee in late February, 2019.¹² The Senate must join in these efforts to examine agency actions and hold administration authorities accountable for the disgraceful treatment of migrant children in ORR care. The HELP Committee is well positioned to assess the negative physical and mental health effects of this policy, and failing to look into HHS's role would be abdicating our constitutional responsibility to provide oversight.

Thank you for your consideration of this urgent and important request.

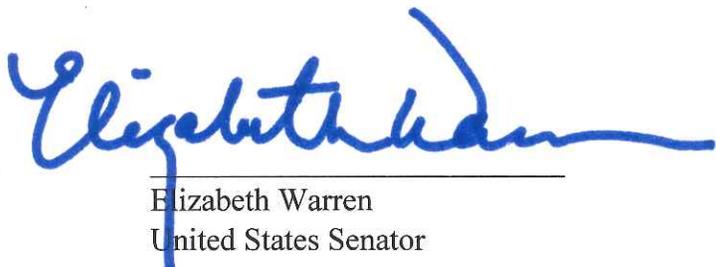
Sincerely,



Tina Smith
United States Senator



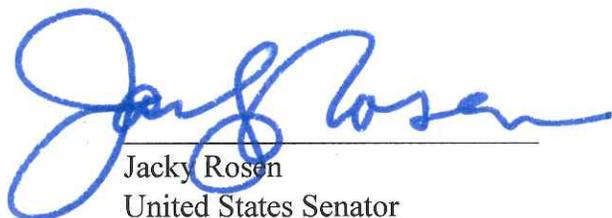
Kamala D. Harris
United States Senator



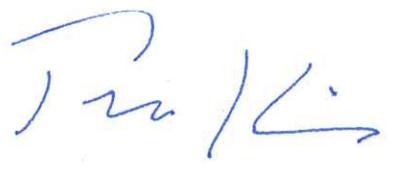
Elizabeth Warren
United States Senator



Tammy Baldwin
United States Senator



Jacky Rosen
United States Senator



Tim Kaine
United States Senator

¹² *Oversight of the Trump Administration's Family Separation Program Before the H. Comm. On the Judiciary, 116th Cong.* <https://judiciary.house.gov/legislation/hearings/oversight-trump-administration-s-family-separation-policy>.

Mazie K. Hirono

Mazie K. Hirono
United States Senator

Kirsten Gillibrand

Kirsten Gillibrand
United States Senator

Maggie Hassan

Margaret Wood Hassan
United States Senator

Bob Casey, Jr.

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United States Senator

Amy Klobuchar

Amy Klobuchar
United States Senator

Cory A. Booker

Cory A. Booker
United States Senator