



Committee Democrats Demand Answers to Key Questions Regarding Unaccompanied Minors in Administration's Custody

On June 29, 2018, Committee Democrats sent the Trump administration a letter demanding answers to a series of urgent and important questions regarding its custody of unaccompanied minors forcibly removed from their parents. Because of the complexity and scope of the problems created by the administration's "zero-tolerance" policy, the letter was addressed to Health and Human Services (HHS) Secretary Alex Azar, Department of Homeland Security (DHS) Secretary Kirstjen Nielsen, Department of Education (ED) Secretary Betsy DeVos, and Attorney General Jeff Sessions.

The questions covered six distinct areas: (1) Oversight of Tender-Age Facilities, (2) Trauma and Health Services for Unaccompanied Minors, (3) Safety of Unaccompanied Minors at care provider facilities (CPFs), (4) Educational Needs of Unaccompanied Minors, (5) Unaccompanied Minors with Disabilities, and (6) Family Reunification.

Oversight of Tender-Age Facilities

Young children, including infants and toddlers, are reportedly being held in care provider facilities (CPFs), or so-called "tender-age" facilities, and potentially at military bases. Committee Democrats asked the administration to provide details regarding:

- The specific guidance or regulations the federal government is following to ensure the health and safety of infants and toddlers in these facilities, including any training being provided to facility workers.
- The administration's plans for ongoing evaluation and oversight of these facilities.
- Any plans for HHS to house infants and toddlers at military sites.

Trauma and Health Services for Unaccompanied Minors

Research by health professionals and child welfare organizations show family separation causes trauma to unaccompanied minors. Committee Democrats asked the administration to provide details regarding:

- Training provided to CPF personnel to assess and address youth trauma, which is required in the Flores settlement.
- Access to routine medical and dental care, including a complete medical examination within 48 hours of admission, which is also required in the Flores settlement.

Safety of Unaccompanied Minors at CPFs

Federal court filings allege one CPF forcibly injected unaccompanied children with medication; the Center for Investigative Reporting found about \$1.5 billion in federal funds went to CPFs facing "serious allegations of mistreating children." Committee Democrats asked the administration to provide details regarding:

- The Office of Refugee Resettlement's (ORR) process for reviewing agreements with companies operating CPFs that have been accused of mistreatment.
- Any ongoing investigations into child abuse or mistreatment in facilities operated by companies receiving taxpayer money from ORR.

Educational Needs of Unaccompanied Minors

As required by the Flores settlement, CPFs are required to conduct an educational assessment of each unaccompanied minor within 72 hours of the child's admission, then to provide a minimum of six hours of education each weekday. Committee Democrats asked the administration to provide details regarding:

- The process for ensuring every unaccompanied minor at a CPF receives a prompt educational assessment and the required educational services while detained.
- Any oversight being conducted to ensure, as required by Flores, that all unaccompanied minors have access to quality instruction that is appropriate for their needs, including their native language.
- The credentials and educational experience of the individuals providing educational services to unaccompanied minors in CPFs or DHS custody.

Unaccompanied Minors with Disabilities

According to media reports, unaccompanied minors with disabilities have been among those forcibly separated from their families. CPFs has historically failed to identify unaccompanied minors with disabilities, and the "zero-tolerance" policy threatens to exacerbate this challenge. Committee Democrats asked the administration to provide details regarding:

- Its compliance with legal requirements to locate, identify, and evaluate all children with disabilities, including unaccompanied minors.
- Its coordination with local and state agencies to ensure compliance with the Individuals with Disabilities Education Act.
- Its compliance with federal law, which requires parental consent prior to a child's disability evaluation and parental involvement in developing each child's educational plan.

Family Reunification

Varying speeds of deportation proceedings could cause parents to be deported while their children remain in the United States. On June 27, a court-ordered preliminary injunction required nearly all children under five to be returned to their parents within 14 days and older children to be returned within 30 days. Committee Democrats asked the administration to provide details regarding:

- How the family reunification task force will unify parents and their children, particularly within the timeframe required by the preliminary injunction and in cases when a parent has been deported but the child remains in the United States
- ORR's process to ensure all young children who are placed into foster care receive sufficient documentation to allow for successful family reunification.