

VERONICA ESCOBAR
16TH DISTRICT, TEXAS

FRESHMAN CO-REPRESENTATIVE TO LEADERSHIP

ASSISTANT WHIP

HOUSE ARMED SERVICES COMMITTEE

SUBCOMMITTEE ON MILITARY PERSONNEL
SUBCOMMITTEE ON READINESS

HOUSE JUDICIARY COMMITTEE

SUBCOMMITTEE ON THE CONSTITUTION,
CIVIL RIGHTS AND CIVIL LIBERTIES

SUBCOMMITTEE ON IMMIGRATION
AND CITIZENSHIP



Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
1505 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4831

EL PASO OFFICE:
221 N. KANSAS STREET, SUITE 1500
EL PASO, TX 79901
(915) 541-1400

<http://escobar.house.gov>

August 21, 2020

Joseph V. Cuffari
Inspector General
Office of Inspector General/MAIL STOP 0305
Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear Inspector General Cuffari:

I write to request that your office investigate how the Department of Homeland Security has implemented the Centers for Disease Control and Prevention (CDC) order issued on March 20, 2020 and its effect on unaccompanied children.

As you know, the CDC issued the “Order Suspending Introduction Of Certain Persons From Countries Where A Communicable Disease Exists.”¹ In practice, DHS has relied on this order to further erode the asylum system and expel over 110,000 migrants since its implementation.² In a memo issued by Customs and Border Protection (CBP) on the measure, the agency explained that individuals must “make an affirmative, spontaneous and reasonably believable claim that they fear being tortured” in order to be referred to U.S. Citizenship and Immigration Services (USCIS), thereby eliminating a person’s ability to apply for asylum – their right under law – based on other protected classes like race, religion, and nationality.³

The effect of these expulsions on children are especially egregious. Unaccompanied children are protected by the provisions in the Flores Settlement Agreement and the bipartisan Trafficking Victims Protection Reauthorization Act (TVPRA) that outlines certain procedures and processes that the government must follow given the vulnerabilities of this population. For example, any child who meets the definition of an unaccompanied children must be transferred to the custody of the Office of Refugee Resettlement (ORR) within 72 hours under the TVPRA where children are required to be placed in state-licensed facilities that can meet their needs and facilitate their safe release to a sponsor. DHS is rapidly expelling children in contravention of the legal protections they should be afforded.

¹ https://www.cdc.gov/quarantine/pdf/CDC-Order-Prohibiting-Introduction-of-Persons_Final_3-20-20_3-p.pdf

² <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics>

³ <https://www.documentcloud.org/documents/6824221-COVID-19-CAPIO.html>

Reports indicate that children, some as young as 8 months old, are being expelled.⁴ Since they are not permitted to enter the U.S. either with their parents or seek protection as an unaccompanied child, they are not given an alien number, making it nearly impossible to track their whereabouts. Prior to their expulsion, many children are held in hotels along the southern border, including in my district of El Paso, Texas, for days at a time and it is not clear what type of specialized training, if any, these contractors have to care for them. The House of Representatives rejected this practice when they adopted my amendment to H.R. 7617, the second minibuss package, that would prohibit funds from being used to implement or enforce this CDC order.⁵

For the reasons outlined above, it is urgent that your office begin an investigation into the Department of Homeland Security's implementation of the CDC order and the effect it has on unaccompanied children. They are one of the most vulnerable populations in our immigration system and cannot be denied the protection they are entitled to under the law.

Thank you for your urgent attention to this important matter. The lives of vulnerable children depend on it.

Sincerely,



Veronica Escobar
Member of Congress

⁴ <https://www.propublica.org/article/her-rapist-threatened-to-make-her-disappear-instead-of-asylum-ice-put-her-in-a-hotel-and-sent-her-back>

⁵ https://rules.house.gov/sites/democrats.rules.house.gov/files/Rule_HR7617.pdf