

July 12, 2021

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

Re: Opposition to Emergency Intake Sites

Dear Secretary Becerra and Secretary Mayorkas:

The 127 undersigned organizations write to express grave concerns with the use of emergency intake sites (EIS) to hold unaccompanied migrant children. It has been 4 months since the first EIS opened in response to a growing number of unaccompanied children entering the United States. We recognize the effort to reduce the amount of time children spend in Customs and Border Protection (CBP) custody, which is harmful to everyone, particularly children, but it has become clear that EIS, like influx facilities, are inappropriate for children. **We urge you to close all existing EIS by the end of September at the latest, with a path for safe release of all children to family or sponsors in the US and to not activate EIS in the future.** We request a clear plan for this wind-down by the end of July, and welcome the opportunity to discuss this plan.

Large scale sites are always inappropriate

The Trafficking Victims Protection Reauthorization Act requires that children apprehended by CBP be placed in the least restrictive setting that is in the best interest of the child. EIS do not meet this standard. According to health professionals and child welfare advocates, any time spent in detention is damaging to the mental, physical and emotional health of children but particularly devastating in large scale settings.¹ Every single EIS opened this year has had capacity for over 200 children, with all but two having capacity for over 500 children. Nine of the facilities have over 1,000 beds. Fort Bliss, by far the largest site, has capacity for 5,000 children. It is impossible to properly care for children at these warehouse-like facilities. We are not aware of any facilities this large in any child welfare or state juvenile systems in the US.

Detention causes further harm and trauma to already traumatized children seeking safety and protection.² A facility holding hundreds or thousands of children cannot possibly provide the care and support of trusted adults and clinical professionals that children need, which even properly licensed Office of Refugee Resettlement (ORR) facilities struggle to provide.³ EIS are subject to lower standards than both influx sites and licensed shelters. While higher standards are no guarantee of appropriate care, the lack of standards at large scale facilities can lead to

¹ Young Center for Immigrant Children's Rights, [Reimagining Children's Immigration Proceedings: A Roadmap for an Entirely New System Centered Around Children](#) (October 2020)

² [UNICEF Working Paper: Alternatives to Immigration Detention of Children](#) (February 2019) and Laura Santhanam, [How Detention Causes Long-term Harm to Children](#), PBS Newshour (August 2019)

³ Joanne M Chiedi, [Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody](#), U.S. Department of Health & Human Services Office of Inspector General (September 2019)

horrific consequences.⁴ There have already been reports of abuse and neglect, with children manifesting extreme levels of emotional distress in several EIS.⁵

Poor conditions, lack of case management, long lengths of stay

Reports about conditions at EIS are alarming, including unsanitary conditions, poor food, and lack of outdoor access. Two facilities have already been shut down due to poor conditions, including lack of proper heating and children being instructed to use plastic bags rather than being allowed to use the bathroom.⁶ At Fort Bliss children are held in large tents with rows of metal beds without enough properly trained or licensed staff to provide care or case management.⁷ Children report being unable to leave their cots most of the day and unable to sleep due to the cold at night. There are reports of widespread depression among children and elevated levels of stress and desperation.⁸

Staff at Fort Bliss have reported unsanitary conditions, including limited access to showers and poor food such as raw chicken.⁹ Just this week, two whistleblowers, current federal civil servants detailed to Fort Bliss from mid-May to early June, came forward to disclose multiple instances of gross mismanagement at the Fort Bliss EIS endangering the safety of countless unaccompanied migrant children.¹⁰ The whistleblowers were eyewitness to numerous concerns including dozens of children in emotional and physical distress in dormitory tents housing upwards of 1,000 or more children, active discouragement of reporting problems and failure to respond to concerns or attempts to improve the site's condition, and failures in case management leading to poor coordination and lack of communication between case managers and children, sometimes for weeks at a time.¹¹

The lengths of stay at EIS have been far more than the original estimates provided to advocates. In May, 600 children had been held at Fort Bliss for over 40 days.¹² Further, many facilities lack the appropriate and culturally competent staff for case management.¹³ We have heard reports of delays in case manager assignments, delays in initial meetings with children, delays in reaching out to sponsors, and frequent changes in case managers. As a result of delay and confusion, reunification with family members in the US has been painfully slow.

⁴ Monique O. Madan, [Sex abuse claims revealed at Homestead shelter, where staff was not vetted for child abuse](#), Miami Herald (July 2020), and Matt Smith and Aura Bogado, [Immigrant children forcibly injected with drugs at Texas shelter, lawsuit claims](#), The Texas Tribune (June 2018)

⁵ Priscilla Alvarez, [“Every day, I feel really sad”: Migrant children still in temporary sites for prolonged periods, attorneys say](#), CNN (June 2021)

⁶ Cecilia Vaga, Soo Rin Kim, Lucien Bruggeman, James Scholz, Mike Levine, [“Unbearable” conditions push Biden administration to close Houston migrant center](#), ABC News (April 2021) and Eileen Sullivan, [For migrant children in federal care, a “sense of desperation.”](#) New York Times (May 2021)

⁷ Lauren Villagran, [Workers describe sprawling tent city, “deeply alarming” conditions for kids at Fort Bliss shelter](#), El Paso Times (May 2021)

⁸ Camilo Montoya-Galvez, [Migrant children describe poor conditions at makeshift US shelters in interviews with attorneys](#), CBS News (May 2021)

⁹ Saul Saenz, [Fired workers claim poor conditions at Fort Bliss migrant shelter](#), ABC 7 News (June 2021)

¹⁰ Julia Ainsley, [Whistleblowers allege poor care for migrant kids by contractor specializing in disaster cleanup](#), NBC News (July 2021)

¹¹ Government Accountability Project, [Whistleblowers’ Complaints of Gross Mismanagement at Fort Bliss Immigrant Children’s Site Ignored](#) (July 2021)

¹² Montoya-Galvez, supra

¹³ Sullivan, supra

Access to legal assistance has been haphazard and inadequate. Many children have been transferred from CBP to an EIS only to age out. Given the limited legal capacity at these sites, and the remote location of several of the larger EISs, some children may have lost out on filing for asylum relief before USCIS, meaning cases that could have proceeded through the less arduous and backlogged affirmative asylum process will now be forced onto adult dockets.

Continued use and expansion of EIS is a misplaced investment

While we are encouraged by the closure or planned closure of several facilities, we remain extremely concerned that EIS are fast becoming a fixture of the system. In May there were reports of a potential expansion at Fort Bliss, doubling its existing capacity to hold up to 10,000 children.¹⁴ This focus and investment in expanding EIS is misplaced. **Instead the administration should focus on plans to phase out the use of large scale facilities and invest in solutions that consider the best interests of children, including:**

- **Establishing a safe and rapid process for keeping children together with trusted non parental caregivers at the border,¹⁵**
- **Improving the reunification process to more quickly place children with family or sponsors in the US by working with trusted community-based organizations, and**
- **Expanding ORR's network of licensed care facilities for unaccompanied children, with a focus on proactively engaging trusted, community based non-profits to open licensed, small-scale, homelike shelters.**

While we acknowledge that licensed capacity may be significantly decreased due to Texas's threat to de-license ORR facilities in the state, we urge you not to fall back on the use influx and EIS facilities. This threat serves to underscore the need for fundamental changes to the system.

The current situation with unaccompanied children is part of a pattern over the last several years due to US policies criminalizing migration and militarizing our borders. Until these dysfunctional policies are fully addressed, we will continue to see unaccompanied children in need of care. **Of these many policies, the Title 42 border closure must be urgently repealed in its entirety to allow families to migrate together without the use of detention.** As has been repeatedly reported, there is no public health justification for keeping this policy in place.¹⁶ The current policy has forced some families to make the unimaginable choice of self-separation with the hope of achieving safety for their children. We further call on you to work with the President and Congress to address immigration policies that have long severely limited the ability of families to migrate safely together.

Conclusion

¹⁴ Kadia Goba, [Scoop: HHS prepared to double migrant capacity at Fort Bliss](#), Axios (May 2021)

¹⁵ Children kept with a non-parental caregiver should still receive the “unaccompanied” designation and its attendant rights, as the existence of a caregiver does not ameliorate the barriers that unaccompanied children face in navigating the immigration system.

¹⁶ Camilo Montoya-Galvez, [How Trump officials used COVID-19 to shut U.S. borders to migrant children](#), CBS News (November 2020); [Letter to HHS Secretary Azar and CDC Director Redfield signed by leaders of public health schools, medical schools, hospitals, and other U.S. institutions](#) (May 2020); [Letter to Acting HHS Secretary Cochran and CDC Director Walensky](#) (January 2021).

Detention has systematically been used in the US to incarcerate Black, Indigenous and other people of color beginning with forced removal of Indigenous people from their lands and their mass incarcerations in military forts, reservations and boarding schools. It is well documented that this model was further developed to create a massive concentration camp system used to imprison over 125,000 Japanese Americans and immigrants during World War II. Fort Bliss, currently being used to hold unaccompanied children, was previously used for this purpose.¹⁷ Then as now, the harm is carried through a lifetime and beyond. It is possible and necessary to do better for children seeking safety in the US.

We look forward to learning more about your plans to end the use of EIS and invest in policies that center the best interests of children. Thank you for your time and consideration. Please contact Setareh Ghandehari, sghandehari@detentionwatchnetwork.org, with any questions.

Sincerely,

American Friends Service Committee
CASA
Detention Watch Network
Immigrant Legal Resource Center
Long Beach Immigrant Rights Coalition
Services, Immigrant Rights, and Education Network
Tsuru for Solidarity
United We Dream
Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert
Alianza Sacramento
America's Voice
American Friends Service Committee, Colorado
Asians 4 Black Lives
Bellevue Program for Survivors of Torture
Bend the Arc: Jewish Action
Bend the Arc: Jewish Action - Maryland
Black and Brown United in Action
Black Lives Matter, Long Beach
Border Network for Human Rights
Bridges Faith Initiative
Broward for Progress
Buen Vecino
California Collaborative for Immigrant Justice
California Immigrant Youth Justice Alliance
Campaign for Immigrant Detention Reform (CIDR)
Casa del Migrante en Tijuana, A.C.
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Center for Popular Democracy

¹⁷ [Fort Bliss Enemy Alien Detention Station](#), Texas Historical Commission (accessed June 2021)

Central American Students Association at Harvard
Children's Defense Fund
Chula Vista Partners in Courage
Clergy and Laity United for Economic Justice
Cleveland Jobs with Justice
CLUE VC
Coalition on Human Needs
Community Legal Services in East Palo Alto
Democratic Socialists of America - Long Beach Chapter
Detention Resistance
DFW Community Initiative
Disciples Refugee & Immigration Ministries
Doctors for Camp Closure
Dolores Street Community Services
East Yard Communities for Environmental Justice
Faithful Friends
Familia: Trans Queer Liberation Movement
Farmworker Association of Florida
First Focus on Children
Free Migration Project
Government Accountability Project
Hispanic Federation
Houston Immigration Legal Services Collaborative
Human Impact Partners (HIP)
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Justice Ministry of Cedar Lane Unitarian Universalist Church
Immigrant Law Center of Minnesota
Indivisible Northern Nevada
Inland Coalition for Immigrant Justice
Inland Empire Immigrant Youth Collective
Instituto para las Mujeres en la Migración, AC (IMUMI)
Interfaith Coalition on Immigration, MN
Interfaith Community for Detained Immigrants
Interfaith Movement for Human Integrity
International Detention Coalition (IDC)
International Tribunal of Conscience of Peoples in Movement
ISLA: Immigration Services and Legal Advocacy
Jane's Due Process
Japanese American Citizens League (JACL) - Florin Chapter
JCARI-LA, Jewish Coalition Assisting Refugees & Immigrants of Los Angeles
Jewish Activists for Immigration Justice of Western MA
Juntos
La Unión del Pueblo Entero (LUPE)

Legal Aid Justice Center
Long Beach Forward
Louisiana Advocates for Immigrants in Detention
Lutheran Immigration and Refugee Service
Make the Road PA
Maryland Against ICE Detention
Maryland Legislative Coalition
Mijente
Minnesota Interfaith Coalition on Immigration
Movement for Justice in El Barrio
National Immigrant Justice Center
National Immigration Project of the National Lawyers Guild
National Network for Immigrant & Refugee Rights
NETWORK Lobby for Catholic Social Justice
NorCal Resist
Orange County Equality Coalition
Orange County Rapid Response Network (OCRRN)
Pacifica Social Justice
ParentsTogether
PICC
Poder Latinx
Proyecto Mujeres Fronterizas
Public Law Center
Queer Detainee Empowerment Project
Quixote Center
Rainbow Beginnings
Reform Immigration for Texas Alliance
Repatriate Our Patriots
Rocky Mountain Immigrant Advocacy Network
Sacred Heart Community Service
Sanctuary DMV
Service Ready
Silicon Valley De-Bug
Sisters of Mercy of the Americas Justice Team
South Bay People Power
Southern Border Communities Coalition
Southern Poverty Law Center
St. Louis Inter-Faith Committee on Latin America (IFCLA)
STEP UP! Sacramento
Still Waters Anti-trafficking
Student Clinic for Immigrant Justice
Tahirih Justice Center
Takoma Park Mobilization
The Young Women's Freedom Center

Trans Queer Pueblo
Transformations CDC
UndocuBlack Network
Unitarian Universalist Association
Unitarian Universalist Service Committee
Unitarian Universalists for Social Justice
United Stateless
Westchester Jewish Coalition for Immigration
Wind of the Spirit Immigrant Resource Center
Witness at the Border