

# United States Senate

WASHINGTON, DC 20510

October 13, 2021

Cindy Huang  
Director  
Office of Refugee Resettlement  
Administration for Children & Families  
U.S. Department of Health & Human Services  
330 C Street SW  
Washington, D.C. 20201

Dear Director Huang:

In light of President Biden's Continuing Resolution anomaly request that includes \$2.5 billion for the Office of Refugee Resettlement's care of unaccompanied children, we write to urge the Office of Refugee Resettlement (ORR) to exercise the highest degree of care in order to ensure this funding be used to prioritize the wellbeing of unaccompanied children. Of funds that are appropriated in a Continuing Resolution to carry out your work as it relates to the Homeland Security Act of 2002, the William Wilberforce Trafficking Victims Protection Reauthorization act of 2008, the Immigration and Nationality Act, or the Refugee Education Assistance Act of 1980, we expect that all spending must reflect the basic principle that children in the federal government's care require programs designed around evidence-based wellbeing principles, enforced with robust oversight and public transparency.

ORR's reliance on unlicensed influx facilities or Emergency Intake Sites (EISs) over the last several months reflects a long-term failure to invest in high quality care for non-citizen children. While much of this reliance arose as a result of the former administration's intentional decimation of the asylum process, we urge you to shape a different legacy for the Biden administration that is grounded in child welfare and exceeds the minimum standards set forth in the *Flores* Settlement Agreement. We can and we must do more to meaningfully improve conditions and treatment of children in federal care over the coming year, inclusive of ORR's primary mission to move children to their families as quickly as possible and to provide services to do that well. To that end, we ask that you commit to several child welfare principles outlined below.

ORR must continue to actively seek compliance with the *Flores* Settlement Agreement requirement for children to be placed in licensed facilities "as expeditiously as possible" and released from all forms of custody "without unreasonable delay" or within 20 days, as interpreted by judicial order in the context of family detention. In recognition of the fact that so many children have stayed in EISs for longer than 40 days—at least 600, as of May—with some staying for as long as 80 days or more, an interim requirement to limit EIS stays to an absolute maximum length of 30 days is an appropriate step towards the goal of bringing ORR back into complete compliance with the *Flores* standard.

We appreciate the steps that ORR has taken to place children in familial environments more rapidly over the past year – this is a critical improvement in caring for the wellbeing of children. However, ORR must commit to a credible plan to shut down all EISs as quickly as possible, and

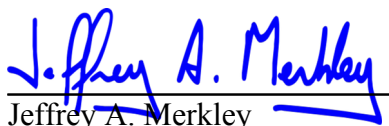
to not reopening similar unlicensed facilities even in response to high numbers of new unaccompanied child referrals by building a network of care providers that is resilient to large and small fluctuations in arrivals, improving case management in both quality of care and time-to-release, and by creating actionable contingency plans that ensure quality of care for children even during large numbers of arrivals.

In addition to supporting programs that treat children and families with the dignity they deserve, we ask that you commit to the following principles:

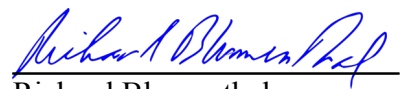
1. All ORR-operated or contracted temporary and standard facilities must comply with the terms set forth in Exhibit 1 of the *Flores* Settlement Agreement, which set out the minimum standards of dignified care for children.
2. No child may spend more than 30 days in Influx Care Facilities or Emergency Intake Sites.
3. No child under 15 or with vulnerabilities (e.g. a disability, medical condition, or if a child speaks a language for which there are no available translation services) should ever be held in an EIS for any length of time.

Thank you for your consideration of this request and for your continued attention to these important child welfare priorities.

Sincerely,




Jeffrey A. Merkley  
United States Senator



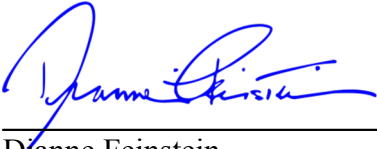
Richard Blumenthal  
United States Senator



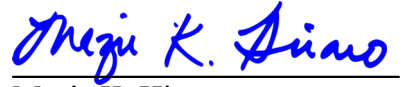
Cory A. Booker  
United States Senator



Alex Padilla  
United States Senator



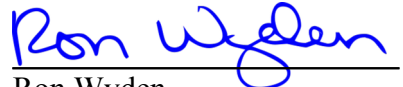
Dianne Feinstein  
United States Senator



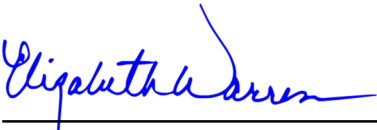
Mazie K. Hirono  
United States Senator



Sheldon Whitehouse  
United States Senator



Ron Wyden  
United States Senator



Elizabeth Warren  
United States Senator

/s/ Robert P. Casey, Jr.

Robert P. Casey, Jr.  
United States Senator



Bernard Sanders  
United States Senator