



July 6, 2018

The Honorable Alex Azar  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, DC 20201

The Honorable Kristjen Nielsen  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Azar and Secretary Nielsen:

As governors representing states where separated migrant children are being detained, we write to express our growing concern with this Administration's ability to reunify families in accordance with the federal court injunction issued on June 26, 2018. Given recent reports suggesting this process is being carried out chaotically and inconsistently, and in light of your agencies' latest admission that hundreds more separated migrant children are in the custody of the Office of Refugee Resettlement (ORR) than were previously accounted for, we remain deeply concerned that wholly inadequate resources and procedures are in place to ensure children and parents are reunified safely and securely within the court-ordered deadlines.

The U.S. Department of Health and Human Services (HHS) now claims it has as many as 3,000 children in its custody who were removed from their parents at the southern border, as a result of this Administration's outrageous family separation policy. The substantial discrepancy between this number and the 2,047 children who were previously identified by Secretary Azar raises serious questions about this Administration's systems and processes for ensuring these children, including infants and toddlers, can be safely returned to their parents. To date, your agencies have also consistently refused to account for the number of children who are already reunified with their parents or placed with another long-term sponsor.

Let us be clear — the responsibility for these children's plight rests solely in your hands. It is unequivocal that this Administration's harmful "zero-tolerance" policy is to blame for the forcible separation of families at the southern border, not Congress or the courts. That's why each of us forcefully and vocally opposed this destructive approach to immigration enforcement, which has inflicted intentional, gratuitous and permanent trauma on thousands of young children. Although we welcomed the decision to abandon the shameful practice of forced family separation, we strongly object to the omission in the President's executive order on June 20, 2018, of any clear directive or strategy to reunify separated children with their parents.

A federal district court ruled correctly last week that this policy constitutes “irreparable harm” with long-term implications for children’s health, safety and well-being, and it ordered the Trump Administration to reunify separated children under the age of five within 14 days and all separated children within 30 days. Unfortunately, it remains entirely unclear whether your agencies have established the necessary protocols or dedicated adequate resources to meet these deadlines without compromising children’s safety and welfare.

Perhaps even more troubling is a recent indication by representatives of your agencies that the Trump Administration does not believe separated children must be reunified with their actual parents under the court order. In a meeting with governors’ offices on June 29, 2018, these representatives shared that reunification may include the placement of separated children with any long-term sponsor — regardless of whether that placement is with their parents, another family member residing in the U.S., a family member residing in their home country or in a long-term foster care setting. If true, this interpretation appears to blatantly ignore the terms of the court order. The federal government has also recently admitted that reunification is being used as a bargaining chip to induce parents to agree to voluntary deportation.

On behalf of the children residing in our states who have been needlessly traumatized and who remain justifiably frightened for themselves and their families, we ask that you immediately answer the following basic questions:

1. How many separated migrant children in HHS custody have already been reunified? Are there any new children who have been separated from their parents since the President’s executive order on June 20, 2018? If so, how many and where are they?
2. Of those children who have already been reunified, how many have been placed with the parents they arrived with at the U.S. southern border? How many were placed with a non-parent family member or other sponsor? Of the children placed with a non-parent family member or sponsor, in which states were they placed?
3. If any were placed with a non-parent sponsor, what policies do your agencies intend to put in place to enable long-term reunification between children and their parents?
4. What steps is the federal government requiring separated parents to comply with before gaining back custody of their children? (For example, must they consent to return to their country of origin, post bond, or submit to DNA testing or finger-printing?)
5. What safeguards are being put in place to ensure the results of any DNA testing of parents and children are not used for any purpose other than familial verification? Are these results de-identified and ultimately destroyed?
6. How many of the separated migrant children in HHS custody have been provided with legal services and representation?

As parents, we are heartbroken by the unimaginable pain inflicted on thousands of unwitting children who have done nothing wrong and parents who often have valid claims for refugee or

asylum status. As governors, we will not stay silent as long as these children remain unjustly detained in our states, separated from their parents simply because of this Administration's unwillingness or ineptitude to govern legally with humanity and compassion.

Sincerely,



Governor Jay Inslee  
State of Washington



Governor Andrew Cuomo  
State of New York



Governor Dannel P. Malloy  
State of Connecticut



Governor Phil Murphy  
State of New Jersey



Governor Tom Wolf  
Commonwealth of Pennsylvania



Governor Kate Brown  
State of Oregon