

June 20, 2018

The Honorable Kirstjen M. Nielsen  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, DC 20530

The Honorable Alex M. Azar II  
Secretary  
U.S. Department of Health & Human  
Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Secretaries Nielsen and Azar:

I write to inquire what actions your agencies will take to undo the damage caused by President Trump's "zero tolerance" policy and how the administration plans to reunite the thousands of children who have been separated from their families.

President Trump correctly acknowledged today that the American people "don't like to see families separated." Yet his executive order does not end the "zero tolerance" policy, which was enacted three months ago and is the reason for these separations. More significant, the order is silent on the administration's plan to reunite the more than 2,300 children who already have been separated from their parents and are currently being held in detention facilities across the country.

Reports in the *New York Times* and *L.A. Times* suggest that these children will not immediately be reunited with their families while the adults remain in federal custody during their immigration proceedings. One report quotes a spokesman from the U.S. Department of Health and Human Services' Administration on Children and Families as saying, "I can tell you definitively that is going to be policy."<sup>1</sup>

What is the administration's plan for the thousands of children who are currently in detention facilities? Does the executive order apply to them? When will the administration reunite them with their parents?

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<sup>1</sup> Michael D. Shear, Abby Goodnough, and Maggie Haberman, Trump Retreats on Separating Families, but Thousands Will Remain Apart, *N.Y. Times*, Jun 20, 2018, available at <https://www.nytimes.com/2018/06/20/us/politics/trump-immigration-children-executive-order.html>; see also Noah Bierman, Sarah D. Wire, and Eli Stokols, Trump orders end to his separation policy at the border, but relief could be temporary, *L.A. Times*, Jun 20, 2018, available at <http://www.latimes.com/politics/la-na-pol-trump-immigration-20180620-story.html>.

The order raises additional questions, including what will happen if detained families are not processed within a timely manner. As you know, the *Flores* agreement prevents the detention of children for more than 20 days. But immigration cases typically take much longer than that. What will happen to children in these family detention centers as their parents await criminal prosecution?

Finally, where will the administration hold the newly arrived families? According to one report, family detention centers run by U.S. Immigration and Customs Enforcement have a current capacity of 3,335 beds, while an average of 420 families cross the southern border daily. As that report notes, “at that rate, the family detention centers will be full within eight days.”<sup>2</sup>

Today’s executive order may represent a pause in the administration’s cruel separation policy and ensuing self-inflicted crisis, but it is far from an enduring or humane resolution. Precipitous, highly-politicized policies like this one come at an enormous human cost. A photo opportunity is not a resolution. A mobilization of real resources and a comprehensive plan to reunite all of these children is the only solution that meets the standard of American values.

We look forward to your immediate response that details such a plan.

Sincerely,



Michael F. Bennet  
United States Senator

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<sup>2</sup> Julia Ainsley, Daniella Silva and Suzanne Gamboa, *Trump's order could mean families will be together in detention purgatory indefinitely. But where will they stay?*, NBC NEWS, Jun 20, 2018, available at <https://www.nbcnews.com/storyline/immigration-border-crisis/trump-s-order-could-detain-families-together-indefinitely-where-will-n885151>.