

United States Senate

WASHINGTON, DC 20510

June 13, 2014

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, DC 20528

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

The Honorable Sylvia Burwell
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Johnson, Attorney General Holder, and Secretary Burwell:

As you are aware, the unprecedented level of unaccompanied children, as well as family units, from Guatemala, Honduras, and El Salvador illegally crossing the southern border in Texas has precipitated a multi-agency response, including some children and families being transferred to Arizona for processing and temporary detention.

As we understand the process, from late May to early June, family units were transported to Arizona for processing by the Border Patrol and released at bus stations in Phoenix and Tucson by Immigration and Customs Enforcement (ICE). These family units were instructed to report to an ICE official at their ultimate destination within fifteen days. In addition, unaccompanied alien children (UACs) are being apprehended, and some of these children are transported to Arizona to be processed and temporarily detained by the Border Patrol. Subsequently these children are transported by ICE and placed by the Office of Refugee Resettlement (ORR), either with a family member, sponsor, in permanent bed space, or at a temporary Department of Defense (DoD) location. Presumably, these cases will ultimately be adjudicated by the Executive Office of Immigration Review.

It is also our understanding that, with respect to UACs specifically, roughly 47,000 have been apprehended so far this year. As of June 8, 2014, 2,905 were in custody at a border station or the Nogales Transition Center, and 6,859 were in ORR custody, either with a shelter grantee or at a DoD location. Given these numbers, ORR has apparently released into the U.S. roughly 37,000 UACs this year and has been releasing or discharging an average of 255 UACs per day since at least late May. In recent years, we believe ICE has removed fewer than 2,000 UACs on an annual basis.

These facts raise a number of questions, specifically:

1. What were the intended geographic destinations for the family units dropped at the bus stations in Arizona? Were removal proceedings initiated and were these family units issued a notice to appear in immigration court? To date, how many family units have reported to the local ICE officer within 15 days of their arrival at that destination?

2. Anecdotal reports suggest that UACs were among the family units dropped at the Phoenix and Tucson bus stations; what processes are followed to ensure that those claiming to be family units actually are family units?
3. Are removal proceedings currently being initiated for the wave of UACs from Central America crossing into the U.S. illegally in Texas and are they being given notices to appear in immigration court? If so, what percentage of those crossing illegally this year?
4. Are any UACs from Central American currently crossing into the U.S. illegally in Texas being paroled into the U.S.? If so, what percentage of those crossing illegally this year? If so, who makes that decision on a case-by-case basis and for what period of time?
5. Are any UACs from Central American crossing into the U.S. illegally in Texas seeking asylum? If so, what percentage of those crossing illegally this year?
6. If UACs from Central American crossing into the U.S. illegally are not in removal proceedings, not seeking asylum, and not being paroled, and have not voluntarily departed or been ordered removed, on what basis are they remaining in the U.S.?
7. What percent of all those issued notices to appear actually appear in immigration court? What are the repercussions for those who fail to appear?
8. What are the possible and common adjudicatory outcomes for a UAC who is paroled into the U.S., seeking asylum, or has been issued a notice to appear in immigration court and is in removal proceedings? Over the past two years, what percent of UACs annually apprehended have received each of these outcomes? What is the average timeline for these adjudicatory outcomes?
9. Specifically, over the past two years what percent of UACs annually apprehended have voluntarily departed or received final orders of removal? What percentage of those granted voluntary departure, or subject to a final order of removal, has actually left the U.S.?
10. What percentage of those UACs released or discharged this year were released or discharged to immediate family members? What percentage were released to sponsors? Where in the U.S. were UACs released or discharged this year (please provide the specific number of people released to each specific geographic area in each state)?
11. What case load impact will released or discharged UACs have on state and local resources at these locations? Specifically, what are the impacts to state and local health care, indigent services, and child welfare and protective services? Will states have the option to apply for federal financial assistance or reimbursements for costs related to these services?

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12. What steps are taken to ensure that the UAC remains in the custody of those into whose custody they are released or discharged? What steps are taken to ensure that those to whom UACs are released or discharged have not been involved in the UAC's illegal crossing?

We appreciate your attention to this matter, in strict accordance with all existing rules, regulations, and ethical guidelines. Given the pressing nature of the present crisis, we would appreciate a prompt written response to these inquiries.

Sincerely,



JEFF FLAKE
U.S. Senator



JOHN MCCAIN
U.S. Senator