

September 18, 2014

Secretary Sylvia Mathews Burwell
U.S. Department of Health and Human Services
200 Independence Avenue
Washington, D.C. 20201

Dear Secretary Burwell,

The signatories urge the Department of Health and Human Services (HHS) to fulfill its mandate to safeguard unaccompanied alien children (UACs) from sexual abuse by finalizing robust, effective Prison Rape Elimination Act (PREA) regulations. Eighteen months have passed since the Violence Against Women Reauthorization Act of 2013 became law, requiring HHS to issue PREA regulations.¹ The steps that have been taken to date do not meet this requirement and do not provide sufficient protections.

We urge HHS to implement the necessary protections for this incredibly vulnerable population. Unaccompanied children are particularly vulnerable to abuse and face unique barriers in reporting abuse due to their immigration status, language, social, and cultural barriers. Even prior to the recent increase in the numbers of unaccompanied migrant children in HHS's custody, the documented rates of sexual abuse of these children by staff were appalling, as documented in a 2014 *Houston Chronicle* article.²

We remain deeply troubled that with the twofold increase in the rates of unaccompanied children fleeing Central America during the 2014 Fiscal Year, the allocation of necessary resources and personnel to implement the mandated PREA standards will continue to be postponed. This must not be allowed to happen. HHS must immediately publish its PREA-based Interim Final Rule (IFR). It must also create and put into action an effective plan for rolling out this IFR in a swift and comprehensive manner in order to protect the safety of all children in your care.

We acknowledge that it will be challenging for HHS to develop new procedural systems of investigation for children who move from one jurisdiction to another and out of HHS custody. The complexity of HHS's UAC program only underscores the need to prioritize PREA implementation to create and maintain transparent and effective monitoring and investigatory systems for the incredibly vulnerable children in your care.

In the months since the *Houston Chronicle's* article, it has become crystal clear that HHS does not currently have such systems in place. HHS must conduct and make public an analysis of reports of abuse in its facilities since March 2011. To date, HHS appears to have been treating these reports as individual issues instead of a breakdown in its system of care. Only through understanding the

¹ Violence Against Women Reauthorization Act, Pub. L. No. 113–4, §1101, 127 Stat. 134 (Mar. 7, 2013).

² Susan Carroll, *Crossing Alone: Children Fleeing Violence Land in a Shadowy System* (Houston Chronicle May 24, 2014) which found 100 reported cases of staff on youth sexual abuse between March 2011 and March 2013, available at <http://www.houstonchronicle.com/news/investigations/article/Crossing-alone-Children-fleeing-to-U-S-land-in-5503127.php>.

agency's failings can it truly prepare to better protect children going forward. We also recommend that the agency look to the Department of Justice's National Survey of Youth in Custody as a model for uncovering instances of abuse that were neither discovered nor reported.

We, the signatories, urge you to: (a) finalize your department's pending PREA standards immediately; (b) devote the resources and personnel necessary to implement these standards quickly and effectively in permanent and temporary facilities where children are being held; (c) immediately facilitate transparent and independent monitoring and oversight of ORR facilities; and (d) implement a full, independent review of all Significant Incident Reports (SIRs) (and any other relevant reporting tool) that include reports of sexual abuse committed in any facility holding UACs from March 2011 to the current day and make the findings public as quickly as possible.

HHS is a child welfare agency tasked with upholding the best interests of these children. Accordingly, the signatories respectfully request you take these actions promptly and transparently, and encourage you to consult with relevant stakeholders in the issuance and implementation of your PREA Interim Final Rule.

Thank you for your attention to this urgent matter which we fear is being inadequately addressed. Past abuse failings at HHS must be publicly accounted for and learned from.

Sincerely,

African American Ministers In Action
American Civil Liberties Union
American Immigration Lawyers Association
Americans for Immigrant Justice
Anthropology, Georgetown University
Baltimore Jewish Council
Campaign for Youth Justice
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Center for Black Equity, Inc.
Center for Children's Law and Policy
Church World Service
Citizens for Juvenile Justice
Community Solutions of El Paso
Conversations With Friends - ending Isolation by visiting and supporting detained immigrants (MN)
Detention Watch Network
Florence Immigrant & Refugees Rights Project (FIRRP)
Franciscan Action Network
Friends of Broward Detainees
Hispanic Association of Colleges and Universities (HACU)
Hispanic Federation

Human Rights Defense Center
Human Rights Watch
International CURE
Iowa Coalition 4 Juvenile Justice Justice
Iowa Coalition Against Sexual Assault
Jewish Community Action (MN)
Just Detention International
Justice For Families
La Raza Centro Legal
LatinoJustice PRLDEF
LATINOJUSTICE PRLDEF
League of United Latin American Citizens
Lutheran Immigration and Refugee Service (LIRS)
MANA, A National Latina Organization
Mental Health Association in Pennsylvania
Mexican American Legal Defense and Educational Fund
National Association of Hispanic Federal Executives (NAHFE)
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance to End Sexual Violence
National Center for Transgender Equality
National Center on Domestic and Sexual Violence
National Hispanic Media Coalition
National Immigrant Justice Center (NIJC)
National Immigration Forum
National Immigration Law Center
National Latina Institute for Reproductive Health (NLIRH)
National Lawyers Guild
National Prisoner's Family Conference
National Coalition Against Domestic Violence (NCADV)
NETWORK, A National Catholic Social Justice Lobby
Pangea Legal Services
Pax Christi New Jersey
Peter Cicchino Youth Project
Presente.org
Public Justice Center
Reformed Church of Highland Park, NJ
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Service Employees International Union (SEIU)
Services, Immigrant Rights, and Education Network (SIREN)
Sisters of Mercy of the Americas
Sisters of Mercy South Central
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
Texas Civil Rights Project
Texas Criminal Justice Coalition

The Advocates for Human Rights
The Center for Juvenile Justice Reform at Georgetown University's Public Policy Institute
The Episcopal Church
The National Coalition of Anti-Violence Programs
The National Crittenton Foundation
The Women's Law Center of Maryland, Inc.
Transgender Law Center
U.S. Committee for Refugees and Immigrants
University of Houston Law Center Immigration Clinic
UnLocal, Inc.
W. Haywood Burns Institute
We Belong Together
Women's Refugee Commission

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Services