

# United States Senate

WASHINGTON, DC 20510

February 10, 2016

President Barack Obama  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear Mr. President:

We write to express our concerns about the Administration's policies regarding mothers and children migrating to the United States from El Salvador, Honduras and Guatemala. As senators representing a border state, where the Department of Health and Human Services (HHS) is currently housing unaccompanied minors, we fully understand the complexities of our broken immigration system. We applaud many of the steps you have taken, including the recent announcement that the Administration is significantly increasing funding to Northern Triangle countries to support the Alliance for Prosperity Plan. The violence fueled by the drug trade in these countries is exacerbated by weak governments, the absence of rule of law, and the lack of a comprehensive plan to strengthen institutions. We urge a regional strategy similar to the Merida Initiative with Mexico, which has helped strengthen institutions and reduce violence in that country.

We are also encouraged by the announcement to expand access to resettlement for asylum seekers from the Northern Triangle. Most of these families have come seeking refuge from three of the most dangerous countries in the world, countries where women and girls face shocking rates of domestic and sexual violence and murder. We are hopeful that you will use your Administration's resources to ensure that every individual with a colorable asylum claim has a meaningful review of his or her case. The United States must demonstrate its commitment to human rights by protecting individuals fleeing persecution across the globe.

We are concerned, however, with the recent targeted enforcement actions against mothers and children from these countries. You have stated on numerous occasions that "recently arrived undocumented migrants who have been through the immigration court process, have been determined by a U.S. immigration judge to not qualify for asylum or other relief, and have received final orders of removal, are immigration enforcement priorities and should be removed."

There are significant questions, however, about whether these individuals have received meaningful due process. The surge of unaccompanied children and families arriving at our southern border in the summer of 2014 led to an unprecedented strain on our already overwhelmed immigration system. Many of these individuals were fast-tracked through the process, leading to concerns about access to counsel and insufficient time to prepare their cases. Secretary Johnson stated that only individuals who have a final order of removal would be

targeted in the recent enforcement operations, but this means little if they were denied their due process rights. The Board of Immigration Appeals has even stepped in to grant emergency stays of removal for many of the targeted families, further demonstrating the failure to appropriately consider asylum claims. We ask that you suspend all removals of Northern Triangle children and families until the process can be reviewed and you can confirm that all individuals received a thorough review of their case.

In addition to these significant due process concerns, we also question the Administration's decision to prioritize the removal of children and families who recently arrived from the Northern Triangle. Secretary Johnson stated that quickly removing these individuals will deter more people from making the dangerous journey to the United States. We question the validity of this assertion, but it also raises significant concerns about where our homeland security resources are focused. In a nation with millions of undocumented immigrants, federal agencies only have the resources to remove a small percentage of these individuals each year. Those resources must remain focused on removing criminals and others who pose a threat to our security, not women and children fleeing violence.

As children's immigration cases are considered, however, it is very important that those young people remain safe and protected. We are also deeply troubled by the recent Associated Press investigation that revealed HHS is failing to properly vet potential sponsors and unaccompanied children are being released into dangerous situations, including to traffickers and to individuals with criminal records. We understand the surge in unaccompanied children has strained HHS's resources, however it is unacceptable for HHS to weaken the vetting process in order to quickly release children to a sponsor.

Many unaccompanied children will be housed temporarily in New Mexico, where a shelter has recently opened at Holloman Air Force Base. Housing children on a military installation is never ideal, but at least their wellbeing can be closely monitored by trained and vetted HHS contractor personnel. We cannot continue to undermine the rigorous vetting process and release children to unacceptable sponsors. We ask that you confirm in writing that your administration has reinstated a comprehensive background check process for sponsors, and urge that you suspend releasing children until that process is in place.

We understand how difficult these issues are to address and recognize that comprehensive immigration reform is the only real solution. As a nation of immigrants, we have an obligation to take a compassionate and reasonable approach to the ongoing influx of children and families from the Northern Triangle. Thank you for your attention to these matters.

Sincerely,



Tom Udall  
United States Senator



Martin Heinrich  
United States Senator