

Congress of the United States
Washington, DC 20515

July 24, 2020

The Honorable Chad Wolf
Acting Secretary
U.S. Department of the Homeland Security
Washington, D.C. 20528

Dear Acting Secretary Wolf,

We write with deep alarm regarding the unlawful detention of asylum-seeking people—including children as young as one year old—at hotels, regarding private DHS contractors’ apparent denial of access to counsel for those detained, and regarding the expulsion of these individuals without due process.

We understand that Customs and Border Protection (CBP), in coordination with Immigration and Customs Enforcement (ICE), in addition to other agencies under DHS, and contracted entities (such as MVM Inc.) argues that it is expelling these individuals “in the interest of public health” under Title 42 of the U.S. Code 265, issued in a Centers for Disease Control and Prevention (CDC) order in March 2020. According to CBP’s reporting, at least 69,000 individuals have since been expelled. We are gravely concerned that the CDC order is being grossly misused to circumvent asylum and child welfare protections.

The Associated Press has obtained documents showing that ICE is overseeing the detention of immigrant children at Hampton Inn & Suite hotels in the three cities of El Paso, Phoenix, and McAllen, and that these hotels have been used nearly 200 times, including 123 times in McAllen during just two months.¹ Continued reports of human trafficking at hotels and motels in this area contribute to further concern.

This is not the first time this practice has been revealed by the press. On July 1, the San Antonio Express-News documented that at least one Haitian family was held at a hotel near the San Antonio airport for more than three weeks.² They were denied access to counsel and the three-year-old child tested positive for coronavirus once detained at the hotel, but never received medical care.

Yesterday, an attorney and staff member for Texas Civil Rights Project (TCRP) attempted to offer access to counsel and assistance to the dozens, if not hundreds, of children and families detained at the Hampton Inn in McAllen, TX. This information included a legal hotline number which families could use to contact TCRP so legal assistance might be provided. As shown in the attached video, unidentified individuals standing in the hallway refused to identify themselves as they violently and physically roughed up the attorney and denied him access to

¹ <https://apnews.com/c9b671b206060f2e9654f0a4eaeb6388>

² <https://www.expressnews.com/news/us-world/border-mexico/article/Haitian-family-detained-3-weeks-in-San-Antonio-15380938.php#photo-19625243>

those detained, including children.³ When the attorney asked them if they were police and to identify themselves, these individuals refused to identify themselves and responded with profanities. We are appalled by these acts.

Regarding this specific incident, we ask:

- How many individuals have been detained at this Hotel between March 2020 and July 2020?
- How many unaccompanied children have been detained at this Hotel between March 2020 and July 2020?
- How many families have been detained at this Hotel between March 2020 and July 2020?
- What are the names of each of the individuals shown in this video?
- Are they employed by the federal government? If not, by what private contractor are these individuals employed?
- What childcare certifications exist for the Hampton Inn, and what certifications exist for the persons entrusted to watch over the children there?
- By what legal authority are these individuals able to deny access to counsel for children detained?
- By what legal authority are these individuals assisting ICE in detaining children at this hotel?
- When can an attorney with the Texas Civil Rights Project be granted access to detainees at the McAllen hotel at which he was wrongfully assaulted?
- Are all the individuals held at the Hampton Inn hotel in government custody given an A-number? If not, how is their detention in government custody documented?
- How is holding children at these hotels consistent with the federal government's obligations under the Flores Settlement Agreement?
- Have any of the individuals detained at this Hampton Inn tested positive for COVID-19?
- What policies or procedures concerning the use of plain clothes while on duty were in place at the time for each officer, agent, or agency involved in this operation? What about for independent contractors?
- What policies or procedures concerning the identification of oneself as an officer were in place at the time for each officer, agent, or agency involved in this operation? What about for independent contractors?

Regarding the horrifying practice of detaining children and other asylum-seekers at hotels, we ask:

- How long has ICE been detaining asylum-seekers in hotels?
- How many adults and children has ICE detained in hotels this year? Please provide this information separated for adults, children (including ages), and specific hotel.
- How many children have been expelled this year? Please provide ages, country of origin, and other demographic data.

³ <https://twitter.com/TXCivilRights/status/1286445319056654336?s=20>

- What are the names of the private contracting companies hired by ICE who engage in detaining children at hotels?
- What federal funding has been allocated for these practices?
- What medical support is being provided to those detained at hotels (including: disability accommodations, COVID protection, testing and response practices)?
- By what legal authority does ICE detain children in hotels rather than transfer them to HHS?
- By what legal authority does ICE employ these private contractors to detain children and families?
 - Please detail what qualifications they have to care for children, and how these meet the standards set out in the TVPRA and *Flores* settlement.
- By what legal authority does ICE deny access to medical care for those detained at hotels?
- When will social workers and health care agents be admitted to these sites to support the mental health and well-being of children?
- If you believe you are not detaining these individuals, what would you characterize this as?

Given the gravity of this concern, please provide the answers to these questions as soon as practically possible, but in any event within the next week. Of particular urgency is the question of when the attorney obstructed yesterday may offer those detained in McAllen assistance. Please reply to that question by call or email by Monday. You are encouraged in your responses to be complete and provide any suitable references to law or policy. Please also include in your response a copy of any laws, rules, regulations, or policy to which you refer to or rely upon in generating your response.

Sincerely,

Lloyd Doggett

Vicente Gonzalez

Rosa DeLauro

Pramila Jayapal

Joaquin Castro

Raúl Grijalva

Juan Vargas

Mark Pocan

Veronica Escobar

Filemon Vela

Albio Sires

Sheila Jackson Lee