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June 20, 2018

The Honorable Kirstjen M. Nielsen  
Secretary of the U.S. Department of Homeland Security  
Washington D.C. 20528

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

Dear Secretaries Nielsen and Azar:

I write with urgency for two reasons. First, I reiterate in the strongest of terms the demand made earlier this week by 21 state attorneys general that the Administration end immediately its appalling policy of separating children from their parents at our borders. This deliberate choice by President Trump to traumatize vulnerable children for use as pawns in his political gamesmanship is beyond the bounds of human decency and fundamental values we cherish as Americans.

Second, I understand that Maryland is among 17 states to which the Department of Health and Human Services' Office of Refugee Resettlement (ORR) is sending some of the 2,300 children separated from their parents since the Trump Administration instituted its zero tolerance policy. The organizations receiving children here in Maryland have been licensed by the State and under contract with ORR to provide services for unaccompanied immigrant minors, but ORR is now using them to house children separated from their parents. Some of the children are under 12, replicating here in our State the "tender age" shelters opened this week in Texas.

As reporting from multiple states reflects, ORR is shipping many of these separated children off to distant locations without the most basic biographical information, and the children are too young to provide it themselves. Thus, the sheltering organizations do not know how to identify, let alone locate, the children's parents. ORR has not communicated any process, plan, or even timeline for reuniting families. The Department of Homeland Security may well deport parents before they can find or be reunited with their children.

Finally, ORR is using Maryland to facilitate the Administration's unconscionable family separation policy with a total lack of transparency and accountability. We have no information whatsoever about the care and circumstances of immigrant children detained within Maryland's borders. We do not know where they are being held; what condition they are in; where their parents are; whether they have adequate food, clothing and shelter; whether they have access to medical care and legal representation; or when and how they will be reunited with their families.

This situation must end. On behalf of Marylanders who refuse to support President Trump's inhumane treatment of young immigrant children and their parents, I request the following information under the Freedom of Information Act, 5 U.S.C. Section 552:

1. With respect to each separated child held at a Maryland facility under the custody of ORR:
  - a. the age of the child;
  - b. the location of the child's parents;
  - c. the plan and timeline for reunification with the parents;
  - d. whether the child will be placed in the care of another family member or in foster care pending reunification with parents;
  - e. if so, the plan and timeline for such placement; and
  - f. whether adequate health care and legal representation are available and have been provided to the child.
2. The identity and location of the Maryland organizations and facilities under contract with ORR to provide services to unaccompanied and separated immigrant children;
3. The contract between ORR and the organizations providing services to separated children; and
4. The nature of the services provided to children in the custody of ORR and its facilities in Maryland.

Because the trauma inflicted on the children held by you is acute, and because the difficulty of reuniting these children with their families will become more difficult as time passes, I request that you respond to these inquiries within the next week.

I recognize that confidentiality requirements may impose some restrictions on the circumstances under which certain information may be disclosed. Our concerns about the utter lack of accountability and failure to plan for reunification of these families, however, must be addressed. At a minimum, we must be able to ensure that the children have access to adequate legal representation and plans are in place to reunite families as expeditiously as possible. As such, we will work with you to enter into an appropriate confidentiality agreement or otherwise navigate any legal constraints on the release of the information we need.

America has been a beacon of freedom, equality, and compassion for generations. Your actions threaten our standing among civilized nations. More important, they endanger the safety and wellbeing of innocent children. Accordingly, I demand once again that the Administration cease any further separation of children from parents and take immediate action to reunite families already torn apart.

Sincerely,



Brian E. Frosh  
Attorney General of Maryland