

# United States Senate

WASHINGTON, DC 20510

September 12, 2019

The Honorable Alex Azar  
Secretary  
Department of Health and Human Services  
200 Independence Ave. SW  
Washington, D.C. 20201

Dear Secretary Azar:

Amid reports that the Homestead Temporary Shelter for Unaccompanied Children (Homestead) is no longer being used to detain migrant children, we write with questions and concerns about the relocation of those children and the potential future use of Homestead.

In March 2018, the Department of Health and Human Services (HHS) reopened Homestead “without public notice” to house child migrants, ages 13–17, who were unaccompanied by or separated from their parents.<sup>1</sup> Homestead, the only for-profit facility for migrant children, is operated by Comprehensive Health Services (CHSi), a subsidiary of Caliburn International, a private security consulting firm that operates private prisons.<sup>2</sup> From June 2016 until April 2017, the Office of Refugee Resettlement (ORR) had used Homestead to shelter nearly 9,000 unaccompanied children.<sup>3</sup>

Over approximately 17 months, the facility held nearly 14,500 children in prison-like conditions, violating legal requirements regarding the detention of child migrants.<sup>4</sup> Federal law requires unaccompanied children to be “promptly placed in the least restrictive setting that is in the best interest of the child.”<sup>5</sup> The *Flores* Settlement Agreement, which has

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<sup>1</sup> CNN, “Migrant children removed from controversial Homestead, Florida facility,” Ray Sanchez and Rosa Flores, August 3, 2019, <https://www.cnn.com/2019/08/03/us/florida-homestead-unaccompanied-minors-removed/index.html>; *Miami Herald*, “Up to 1,000 children held by immigration authorities now living in Homestead compound,” Douglas Hanks and Brenda Medina, June 19, 2019, <https://www.miamiherald.com/news/local/community/miami-dade/article213411029.html>.

<sup>2</sup> Axios, “America’s only for-profit detention center for migrant children,” Dan Primack, June 27, 2019, <https://www.axios.com/homestead-private-equity-migrant-children-camps-55512adf-a64c-480e-b516-b6d836f0e2ea.html>.

<sup>3</sup> Department of Health and Human Services, “Fact Sheet: Unaccompanied Alien Child Shelter at Homestead Job Corps Site, Homestead, Florida,” August 6, 2019, <https://www.hhs.gov/sites/default/files/Unaccompanied-Alien-Children-Sheltered-at-Homestead.pdf>.

<sup>4</sup> CNN, “Migrant children removed from controversial Homestead, Florida facility,” Ray Sanchez and Rosa Flores, August 3, 2019, <https://www.cnn.com/2019/08/03/us/florida-homestead-unaccompanied-minors-removed/index.html>.

<sup>5</sup> Trafficking Victims Protection Reauthorization Act, 8 U.S.C. § 1232(c)(2).

governed the detention of unaccompanied migrant children since 1997, has been interpreted to generally give ORR 20 days to place a child in a non-secure facility.<sup>6</sup> A population census from June 2019 showed that Homestead had kept more than 800 children longer than 30 days, including several who had been there for nearly four months.<sup>7</sup>

Numerous reports also emerged of the despicable conditions that thousands of children were forced to endure at Homestead. Amnesty International issued a report based on two visits to the facility, one in April 2019 and one in July 2019, recounting conditions that “fail[ed] to meet international obligations and the standards set out in US law.”<sup>8</sup> According to the report, children were held in a “highly restrictive setting”; required to “wear bar codes”; placed 12 beds to a room with only one toilet and shower, with no door for privacy; and were subject to “insufficient language services, inappropriate remote case-management services, potentially inadequate educational services and an inadequate system to report allegations of sexual abuse.”<sup>9</sup> And just last week, the HHS Inspector General reported that the Homestead facility had been wrongly granted a waiver that allowed the facility to evade child protective service reviews.<sup>10</sup>

After nearly a year and a half of subjecting children to poor conditions, HHS announced on August 3, 2019 that all minors had been moved from the Homestead facility. HHS claims that children “have either been reunified with an appropriate sponsor or transferred to a state-licensed facility within the ORR network of care providers.”<sup>11</sup> HHS did not provide information about the specific facilities to which these children have been sent. Given the Trump Administration’s track record of mistreatment and neglect of children in its custody, we are concerned that these children may have been placed in different facilities that, like Homestead, are ill-equipped to care for the needs of children.

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<sup>6</sup> Lawfare, “What Ending the Flores Agreement on Detention of Immigrant Children Really Means,” Peter Margulies, August 29, 2019, <https://www.lawfareblog.com/what-ending-flores-agreement-detention-immigrant-children-really-means>; *Flores v. Reno*, Case No. CV 85-4544-RJK (Px), Stipulated Settlement Agreement (CD CA), [https://cliniclegal.org/sites/default/files/attachments/flores\\_v\\_reno\\_settlement\\_agreement\\_1.pdf](https://cliniclegal.org/sites/default/files/attachments/flores_v_reno_settlement_agreement_1.pdf).

<sup>7</sup> New York Times, “Migrant Children are Spending Months ‘Crammed’ in a Temporary Florida Shelter,” Miriam Jordan, June 26, 2019, <https://www.nytimes.com/2019/06/26/us/homestead-migrant-children-shelter.html>.

<sup>8</sup> Amnesty International, “No Home for Children: The Homestead ‘Temporary Emergency’ Facility,” July 2019, 3 [https://www.amnestyusa.org/wp-content/uploads/2019/07/Homestead-Report\\_1072019\\_AB\\_compressed.pdf](https://www.amnestyusa.org/wp-content/uploads/2019/07/Homestead-Report_1072019_AB_compressed.pdf).

<sup>9</sup> *Id.* at 3, 11.

<sup>10</sup> Department of Health and Human Services Office of Inspector General, “Unaccompanied Alien Children Care Provider Facilities Generally Conducted Required Background Checks but Faced Challenges in Hiring, Screening, and Retaining Employees,” Joanne M. Chiedi, September 2019, <https://oig.hhs.gov/oas/reports/region12/121920001.pdf>.

<sup>11</sup> CBS Miami, “All Children Sheltered at Homestead Facility for Unaccompanied Minors Have Been Moved Out,” August 3, 2019, <https://miami.cbslocal.com/2019/08/03/all-children-sheltered-at-homestead-facility-for-unaccompanied-minors-moved-out/>.

In addition, despite initial reports that Homestead would be shut down, it also appears that HHS may be gearing up to detain migrants at the facility again. In July 2019, HHS stated that Homestead would remain in “warm status” in case of “an emergency situation.”<sup>12</sup> In early August, the agency said that it planned on “keeping about 130 employees on site to maintain the property,” while the facility remained without children.<sup>13</sup> Two weeks later, the Miami Herald reported that “more than 2,500 employees will keep their jobs,” and quoted a federal official claiming: “Homestead is not closed. There will be kids back at the center, it’s just a matter of when.”<sup>14</sup> The potential reopening of Homestead is particularly concerning given the administration’s recently unveiled regulation that would replace the *Flores* Settlement Agreement and allow for the indefinite detention of migrant families.<sup>15</sup>

It would be wrong to re-open a privately run facility with a history of poor conditions and over-crowding, and we urge you not to do so. To aid Congress in ensuring the safety of migrant children, we ask that you answer the following questions no later than September 26, 2019.

1. Please provide details regarding the status of children moved from the Homestead facility since July 3, 2019. Please include the following information.
  - a. How many children were reunited with their families?
  - b. How many children were transferred? To which facilities were they transferred?
  - c. How many children aged out of the program and were moved to Immigration and Customs Enforcement detention?
2. Why were the detained children moved out of Homestead, and what was the timeline and process for moving them?
3. Does HHS or any other agency plan to detain children or other migrants at the Homestead facility in the future?
  - a. Please provide a copy of any contracts between HHS or the Department of Homeland Security with Caliburn International or any other private corporation pertaining to the operation of Homestead.

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<sup>12</sup> Miami Herald, “There are no kids left at the Homestead detention center, but has it truly shut down?” Monique O. Madan, August 6, 2019, <https://www.miamiherald.com/news/local/immigration/article233546697.html>.


<sup>13</sup> Tampa Bay Times, “All children have been moved from Homestead detention center. They’re not coming back,” Monique O. Madan, August 5, 2019, <https://www.tampabay.com/florida-politics/buzz/2019/08/05/all-children-have-been-moved-from-homestead-detention-center-theyre-not-coming-back/>.

<sup>14</sup> Miami Herald, “Homestead detention center for immigrant children expected to reopen as soon as October,” Monique O. Madan, August 15, 2019, <https://www.miamiherald.com/news/local/immigration/article233990032.html>.

<sup>15</sup> New York Times, “Migrant Families Would Face Indefinite Detention Under New Trump Rule,” Michael D. Shear and Zolan Kanno-Youngs, August 22, 2019, <https://www.nytimes.com/2019/08/21/us/politics/flores-migrant-family-detention.html>.

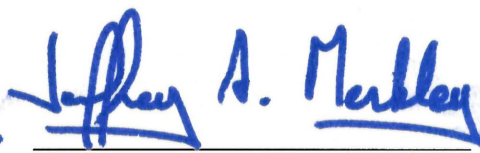
- b. Please provide specific details about any plans to use the facility for migrant detention in the future, including the specific populations that would be detained (e.g., children, families, or adults).

Sincerely,



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Elizabeth Warren  
United States Senator



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Jeffrey A. Merkley  
United States Senator