

Congress of the United States

Washington, DC 20510

December 14, 2018

The Honorable Kirstjen Nielsen
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue N.W.
Washington, D.C 20528

Kevin K. McAleenan
Commissioner
U.S Customs and Border Protection
1300 Pennsylvania Avenue
Washington D.C. 20229

Mr. John V. Kelly
Senior Official Performing the Duties of the Inspector General
Office of Inspector General/MAIL STOP 0305
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen, Commissioner McAleenan, and Mr. John Kelly,

We write to express our deep concern and sadness, and request an immediate investigation into the death of a 7-year-old girl from Guatemala who died on December 8, 2018, after being taken into custody with her father by U.S. Customs and Border Protection (CBP) in Lordsburg, New Mexico. Her death raises significant questions about the leadership at Department of Homeland Security (DHS) and CBP's ability to adequately allocate resources, appropriately respond to the humanitarian crisis happening at our southern borders and the agency's ability to prevent such tragedies from happening in the future.

We learned through news outlets that the child and her father turned themselves in to CBP agents on the night of December 6, 2018, and that the following morning the child fell ill around 5:00 am and at approximately 6:25 am she began having seizures. According to CBP, emergency responders measured her body temperature at 105.7 degrees, and she was flown to Providence Children's Hospital in El Paso, Texas for medical care, where she later passed away. The hospital listed her cause of death as septic shock, fever and dehydration. According to a statement released by CBP, the child "reportedly had not eaten or consumed water for several days."

The United States must treat migrants – many of whom are fleeing terror and violence in their home nations – with humanity and dignity. We remain deeply concerned about the Administration's anti-immigrant enforcement policies against individuals who pose no threat to the nation, as well as the administration's policies and practices that may be causing asylum

seekers to attempt a dangerous journey crossing between the ports of entry. The DHS Office of Inspector General (OIG) published a report concluding the practice of turning away asylum seekers at international bridges and “limiting the volume of asylum-seekers entering at ports of entry” may be causing the increase in crossing attempts between ports of entry.¹ This report should be taken seriously, and lead to real policy changes. One child’s death is too many.

Additionally, it is unacceptable that it took more than a week for reports of the child’s death to become public. Congress requires CPB to report the death of any individual in CBP custody within 24 hours including relevant details regarding the circumstances of the fatality.²

We request:

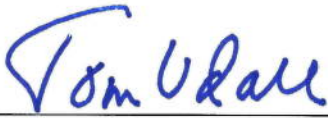
- A full investigation into the death of this 7-year-old child by both CBP and OIG, and a follow-up briefing relaying the findings upon completion of the investigations.
- A specific timeline of events and complete description of CBP’s actions over the course of the two day time period from Dec. 6, 2018 to December 8, 2018, including a detailed account of the time between apprehension and when the child began having seizures upon arrival at the Lordsburg Station.
- A meeting with the Commissioner as soon as possible to discuss among other items:
 - The concerns outlined above,
 - The appropriateness of holding children in Border Patrol stations, which were never designed to hold children,
 - CBP agent and officer training for detecting and handling medical issues, and child welfare training;
 - CBP’s required transparency with Congress, and
 - Policy changes that will prevent all such future tragedies and deaths.
- A complete accounting from CBP and documentation that may have informed CBP in its response efforts, including but not limited to, specific training that its officers, agents, and contractors received related to processing, medical evaluation and care, and safety of all migrants, adults and children, in its custody.
- A detailed report about wait times for families and children seeking to present at every port of entry along the border.
- A detailed report on the metering policies at each port of entry.
- A commitment from CBP to start complying with the report language from the FY18 Appropriations Act, and also follow up in a timely manner with any reporting on investigations related to the deaths in custody.
- A detailed report from CBP on its standard of care for all adults and minors who enter their custody.

Thank you for your prompt attention to this matter. We look forward to your timely response to the following questions and notification that an investigation has been opened.

¹ DHS Office of Inspector General, *Special Review – Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy* (Sep. 27, 2018), <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf>.

² Congressional Committee Report, H. Rept. 115-239 – Department of Homeland Security Appropriations Bill, 2018, available at: <https://www.congress.gov/115/crpt/hrpt239/CRPT-115hrpt239.pdf>

Sincerely,



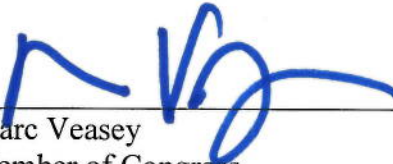
Tom Udall
United States Senator



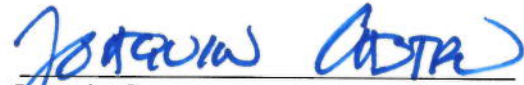
Martin Heinrich
United States Senator



Ben Ray Luján
Assistant Speaker-designate



Marc Veasey
Member of Congress



Joaquin Castro
Member of Congress



Michelle Lujan Grisham
Member of Congress