

Congress of the United States
Washington, DC 20515

May 24, 2019

The Honorable Kevin K. McAleenan
Acting Secretary
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Scott Lloyd
Director
Department of Health and Human Services
Office of Refugee Resettlement
370 L'Enfant Plaza SW #8W
Washington, DC 20447

Dear Secretary McAleenan and Director Lloyd:

On behalf of the Congressional Hispanic Caucus (CHC), we write to express our outrage over a previously undisclosed death of a 10-year-old child while in the custody of the Department of Health and Human Services' Office of Refugee Resettlement (ORR). Not only is the death of another child in the custody of the federal government disturbing but the fact that the federal government hid this death from Congress and the American people is reprehensible and unethical.

Since last year, CHC members have been requesting information from the Trump Administration on the number of migrant children that have been hurt, injured or have died while in US custody. Despite our multiple requests for information, both in-person and in writing, at no point did the Trump Administration disclose the death of 10-year old Darlyn Valle, which occurred on September 29, 2018. Suppression of information is not only unethical, but also against ORR guidelines for unaccompanied children. Under Section 3.3.16 Notification and Reporting of the Death of an Unaccompanied Alien Child, both ORR and the care provider must notify a number of sources including the unaccompanied alien child's legal guardian or next-of-kin, the child's attorney, the child's advocate, the local law enforcement, the local licensing authority, Child Protective Services, and DHS/ICE. This concealment by the Trump Administration raises even more questions and makes it clear that we in fact do not know how many migrant children have died at the hands of the federal government. As a result, we request that DHS and HHS answer the questions below and fully disclose to Congress and the American people how many children have died your agency's custody.

It's our understanding based on new reports and statements from ORR that Darlyn arrived at a San Antonio ORR shelter on March 4, 2018. On the day of her arrival, the shelter staff performed a medical intake exam and determined she was "medically fragile" because of a congenital heart defect. Soon after, she was taken to a local San Antonio hospital for surgery. Following the surgical procedure, complications left Darlyn in a comatose state. In May, she was transported to a nursing facility in Phoenix, Arizona for palliative care. Between May and September she remained at the Phoenix hospital in a comatose state. On September 26, she was transferred to a nursing facility in Omaha, Nebraska to be closer to her family, and on September 29, she was transported to the Children's Hospital & Medical Center in Omaha where she tragically passed due to fever and respiratory distress.

While we have a sense of the timeline leading up to Darlyn's untimely death, there are still many critical details and questions that remain unanswered regarding her case. Specifically, how the federal government handled her death after the fact and failed to notify Congress and the public. We therefore request that you answer the following questions:

1. Can you confirm when Darlyn crossed the U.S.-Mexico border, where CBP first encountered Darlyn, what CBP facilities she was held in and for how long she was held in CBP custody?
2. How many days did CBP take before processing her transfer to ORR custody?
3. Was Darlyn examined by a CBP clinician? Were there any abnormal findings?

4. While in CBP custody, did Darlyn show any signs of being ill?
5. Please confirm the exact names and locations where Darlyn was held while in ORR custody.
6. What criteria did ORR use to determine that a child is “medically fragile”? Does ORR provide special care for “medically fragile” children? If so, please describe policies and protocols surrounding “medically fragile” children.
7. Please describe what efforts ORR took to reunite Daryl with her family and explain why she remained in ORR custody for almost seven months despite her critical medical condition?
8. While receiving palliative care at the Phoenix hospital, please describe if Darlyn’s condition remained stable, worsened or improved before her transfer to Omaha, NE?
9. After Darlyn’s death, please list all the agencies and entities that were notified and the date that each agency or entity was notified?
10. After Darlyn’s death, please list all other individuals or entities that were notified, including her legal guardian or next-of-kin, her attorney or legal service provider, her advocate, the local law enforcement, the local licensing authority, and Child Protective Services.
11. Please confirm if any Member of Congress or Congressional Committee was notified about Darlyn’s death and the date the notification was sent?
12. Please confirm the total number of children that have died in DHS and HHS custody since the creation of your agencies and include the date and cause of death for each individual.
13. Please confirm and list all the children that have been hurt, assaulted, seriously injured or fallen seriously ill in your custody since the formation of your respective agencies.
14. Please confirm that from now on DHS and HHS will notify Congress of every child that passes away or is seriously ill in your custody.

The death of a 10 year-old in the federal government’s custody raises many questions about how we are treating families and children in our care. It is clear that DHS and HHS have set up a failed system that is often unprepared, neglectful, and has led to inhumane conditions and even death. We must continue to adhere to our American values by treating all children and families with compassion, while ensuring they are held in a safe and humane environment. It is critical that the Trump Administration respond to our questions immediately so Congress can work to address the current failed system in place. Please provide us with a response to these questions by Friday, June 7th, 2019.

Thank you for your attention to this critical and urgent matter.

Sincerely,



Joaquin Castro
Congressional Hispanic Caucus
Chair



Ruben Gallego
Congressional Hispanic Caucus
First Vice Chair