

Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

September 1, 2022

The Honorable Thom Tillis
United States Senate
Washington, DC 20510

Dear Senator Tillis:

Thank you for your July 18, 2022 letter to the Department of Homeland Security (DHS). Secretary Mayorkas asked that I respond on his behalf.

DHS does not detain unaccompanied children (UCs). Pursuant to the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008, DHS must generally transfer all UCs into the care and custody of the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR).

Upon encounter by U.S. Customs and Border Protection (CBP), DHS engages with ORR to transfer UCs to the care and custody of ORR. U.S. Immigration and Customs Enforcement (ICE) generally provides the transportation between CBP and ORR.

Enclosed you will find answers to your specific questions to DHS. DHS defers your concerns regarding housing facilities for UCs to HHS for response.

Thank you again for your letter. Should you wish to discuss this matter further, please do not hesitate to contact the ICE Office of Congressional Relations at (202) 732-4200.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tae D. Johnson".

Tae D. Johnson
Acting Director

Enclosure

The Honorable Thom Tillis

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cc: The Honorable Richard Hudson
The Honorable Ted Budd
The Honorable Virginia Foxx
The Honorable Gregory F. Murphy, M.D.

The Honorable Dan Bishop
The Honorable Richard Burr
The Honorable Patrick McHenry
The Honorable David Rouzer

**The Department of Homeland Security's Response to
Senator Thom Tillis and others' July 18, 2022 Letter**

- 1. What steps does DHS take to ensure UCs who are gang members or have criminal backgrounds are appropriately detained and removed?**

Pursuant to the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, the Department of Homeland Security (DHS) generally must transfer all unaccompanied children (UCs) it encounters to the care and custody of the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR). ORR is responsible for the care and custody of all UCs. DHS defers to HHS regarding their policies on the care and custody of UCs with gang affiliations and criminal backgrounds. If a UC has been ordered removed by an immigration judge (IJ) and the UC is still in ORR's custody, DHS coordinates with ORR to execute the IJ's order and remove the UC consistent with the TVPRA.

- 2. If a UC is released into ORR custody, and later found to have a criminal background or presently commits a crime, what mechanisms are in place to ensure that DHS is able to immediately apprehend and remove the UC?**

ORR provides for the custody and care of UCs who have been encountered and referred by DHS or other federal agencies. Therefore, DHS defers to HHS regarding their policy on UCs with criminal backgrounds.

If a UC has been ordered removed by an IJ, and the UC is still in ORR's custody, DHS will coordinate with ORR to execute the IJ's order and remove the UC consistent with the TVPRA. To execute any removal order, the U.S. Government must receive travel approval from the UC's country of removal before repatriation.

- 3. What steps has DHS taken to work with state and local law enforcement officials to ensure the safety of nearby communities and to prepare for the transport and detention of UCs at the American Hebrew Academy?**

DHS defers to HHS to discuss their coordination with state and local law enforcement officials.

- 4. Are you familiar with the company Puxin Limited? Will your agency be taking any efforts to review this company in light of its delisting and the Cayman Court order to wind up operations?**

DHS defers to HHS to discuss questions related to housing UCs, including questions related to HHS contracting actions for housing UCs.