

August 30, 2018

Dr. Paulo Abrão
Executive Secretary
Inter-American Commission on Human Rights
Organization of American States
Washington, D.C. 20006

**Re: Antonio Bol Paaú et al., MC-505-18
Migrant Children, MC-731-18
U.S. Response to Request to Precautionary Measures Resolutions
63/2018 & 64/2018**

Dear Dr. Abrão:

We acknowledge receipt of your office's communications of August 20, 2018, transmitting Precautionary Measures Resolutions 63/2018 and 64/2018. Consistent with our longstanding position on the Commission's lack of competence to require precautionary measures, we have construed Resolutions 63/2018 and 64/2018 as recommendations and have transmitted them to the relevant offices within the U.S. Government for their consideration.

We take this opportunity to inform the Commission of further progress by the U.S. Government to reunify class member parents with their children. The U.S. Government is currently implementing a court-approved Reunification Plan to reunite minors who were separated from class member parents and who have been removed or have departed from the United States. The U.S. Government also continues to reunify class member parents who are in, or have been released from, the custody of U.S. Immigration and Customs Enforcement.¹ The ACLU Family Reunification Hotline has been

¹ Ms. L., et al. v. U.S. Immigration and Custom Enforcement, et al., Notice Regarding Defendants' Plan for Reunifying Removed Parents, Attachment (S.D. Cal. Aug. 16, 2018).

posted on U.S. Embassy websites. The Reunification Plan for parents outside the United States is attached for the convenience of the Commission. For the latest information on reunifications, we respectfully refer the Commission to most recent joint status report filed on August 23, 2018, in the *Ms. L., et al. v. U.S. Immigration and Custom Enforcement, et al.* litigation.² As reflected in the joint status report, the U.S. Government continues the reunification of class member parents with children pursuant to the Reunification Plan. As noted in the report, the data remain dynamic and continue to change as more reunifications or discharges occur.

In this regard, the United States remains concerned about the Commission's tendency to attempt to intervene in domestic political and legal matters that are complex, fast-changing, and the subject of ongoing domestic litigation. This can make it very difficult for the United States to meaningfully engage with the Commission about such matters, and reduces the value of the Commission's involvement. The Commission is well aware of our similar longstanding concerns about the practice of convening thematic hearings about matters in active litigation in our domestic system.

We understand the Commission's desire to provide its views on important issues of the day. And we acknowledge the Commission's effort to engage with us before recommending precautionary measures, as we asked it to do in sensitive matters. But the recommendation of precautionary measures in these matters reflects a larger problem of increasing concern to the United States: the Commission has been expending an inordinate amount of its limited resources involving itself in high-profile and sensitive on-going domestic political discussions instead of taking decisive action to address the severe and growing backlog of individual petitions. As a strong supporter of the Commission and by far the Hemisphere's largest financial contributor, we are concerned that the Commission is operating outside of its mandate and not focusing its limited resources as it should.

² *Ms. L., et al. v. U.S. Immigration and Custom Enforcement, et al.*, Joint Status Report (S.D. Cal. Aug. 23, 2018).

Please accept renewed assurances of my highest consideration.

Sincerely,

Carlos Trujillo
Ambassador

Enclosures:

1. Ms. L., et al. v. U.S. Immigration and Custom Enforcement, et al., Notice Regarding Defendants' Plan for Reunifying Removed Parents, Attachment (S.D. Cal. Aug. 16, 2018)
2. Ms. L. et al. v. U.S. Immigration and Custom Enforcement, et al., Joint Status Report (S.D. Cal. Aug. 23, 2018)

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