



United States Department of State

*United States Permanent Mission to the
Organization of American States*

Washington, D.C. 20520

September 23, 2019

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

**Re: Migrant Children, MC-731-18
U.S. Response to Request for Information**

Dear Dr. Abrão:

We acknowledge receipt of your office's communications of August 15, 2019, transmitting pertinent parts of a letter submitted by Petitioners in the matter cited above and requesting relevant information from the United States, within 30 days of the date of transmission of the request, on several enumerated points.

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.

On March 8, 2019, the Court granted a motion by Plaintiffs to expand the class in this litigation. On April 25, 2019, the district court approved a plan for identifying members of the expanded class (i.e., parents who were separated from their children on or after July 1, 2017, whose children were released from the custody of the Department of Health and Human Services

prior to June 26, 2018). The U.S. Government also continues to provide Plaintiffs with reports containing information regarding parents and children separated since the June 26, 2018, preliminary injunction order. For the latest information on reunifications of original and expanded class members, as well as government processes, procedures, and tracking, for separations since June 26, 2018, we respectfully refer the Commission to most recent joint status report filed on September 11, 2019, in the *Ms. L., et al. v. U.S. Immigration and Custom Enforcement, et al.* litigation.¹ 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, and continues to work closely with Plaintiffs' counsel in the *Ms. L.* litigation and with the Court in the ongoing reunification processes. 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 request to extend precautionary measures in this matter is based on a report by the Office of the Inspector General of the Department of Health and Human Services and an order by Judge Sabraw, who is presiding over litigation on this matter in a district court of the United States. What this request illustrates above all else is that the United States Government is actively seized with resolving the above-referenced matter. It is therefore not appropriate for the Commission to extend its previous request for precautionary measures in this matter.

With respect to 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 also take this opportunity to recall that we have construed Resolutions 63/2018 and 64/2018 as recommendations.

¹ Joint Status Report, *Ms. L., et al. v. U.S. Immigration and Custom Enforcement, et al.*, Civ. A. No. 18-cv-0428 (S.D. Cal. Sept. 11, 2019).

Please accept renewed assurances of my highest consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Alexis Ludwig', with a stylized, flowing script.

Alexis Ludwig
Deputy U.S. Permanent Representative

Enclosures:

1. Ms. L. et al. v. U.S. Immigration and Custom Enforcement, et al.,
Joint Status Report (S.D. Cal. Sept. 11, 2019)