

# United States Senate

WASHINGTON, DC 20510

August 28, 2024

## VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

The Honorable Patrick Lechleitner  
Acting Director  
United States Immigration and Customs  
Enforcement  
Washington, D.C. 20024

Dear Secretary Mayorkas and Acting Director Lechleitner:

I write today to express my grave concern regarding a recent Office of Inspector General (OIG) report that found severe mismanagement with respect to the safety and well-being of unaccompanied migrant children (UCs). Specifically, on your department's watch, tens of thousands of migrant children are now missing—leaving them highly vulnerable to human trafficking and exploitation. This, unfortunately, is just the latest failure of the Biden-Harris border crisis that continues to unfold.

According to this devastating report, over the last five years,<sup>1</sup> U.S. Immigration and Customs Enforcement (ICE) has lost track of more than 32,000 UCs.<sup>2</sup> Under federal law, the Department of Health and Human Services (HHS) is responsible for the care of these children, and it is ICE's duty to safely transfer UCs to HHS after they are initially taken into custody by border agents—as well as to manage and monitor their immigration cases. Yet, it is plain to me that you have failed in your most basic duty to keep these children safe from harm, as the OIG report found that ICE has failed to track the whereabouts of thousands of children who have been released or transferred from ICE's custody.

Just as disturbing, it appears that the number of missing migrant children could very well be far greater than 32,000. Over the course of five years, ICE transferred more than 448,000 UCs to the custody of HHS, with more than 32,000 of those children failing to appear for their immigration court dates.<sup>3</sup> As the report notes, the number of missing children may be much higher, as ICE failed to issue Notices to Appear (NTAs) to more than 291,000 UCs who were not placed in removal proceedings. In other words, because these hundreds of thousands of children were not served NTAs, they did not have a court date, and “ICE has not developed a formal

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<sup>1</sup> It is important to note that, while this report encompasses figures from the previous administration, the vast majority of migrant children mentioned in the report were transferred to HHS's custody during President Biden's tenure.

<sup>2</sup> Timothy H.J. Nerozzi, *ICE Lost Track of Tens of Thousands of Migrant Kids, DHS Inspector General Finds*, FOX NEWS (Aug. 20, 2024, 1:18 PM) <https://www.foxnews.com/politics/ice-lost-track-tens-thousands-migrant-kids-dhs-inspector-general-finds>

<sup>3</sup> UNITED STATES DEP'T OF HOMELAND SECURITY, OFFICE OF INSPECTOR GENERAL, REPORT: ICE CANNOT MONITOR ALL UNACCOMPANIED MIGRANT CHILDREN RELEASED FROM DHS AND U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES' CUSTODY (2024).

policy or process to follow up on UCs who did not appear in court.”<sup>4</sup> I find this discrepancy unacceptable, and your dereliction of duty has placed these precious children in harm’s way.

Sadly, this tragedy is not surprising given the Biden-Harris administration’s past failures with respect to the well-being and safety of migrant children. As you know, the Biden HHS lost track of at least 85,000 migrant children who they are charged with protecting, and the whereabouts of those children are still unknown. I have inquired for more information from Secretary Becerra—to no avail—about that unconscionable failure. The American people, and the families of these hundreds of thousands of children, deserve answers about your reckless disregard for the well-being of the children in your care and what your department is doing to address these failures.

Please respond to the following questions **by September 4, 2024**:

1. The OIG report states that “ICE must take immediate action to ensure the safety of UCs residing in the United States.”<sup>5</sup> What immediate steps will your department take to ensure these children remain safe and accounted for while in your custody?
2. The report also states that, despite the issuance of “guidance to verify the location of UCs who failed to appear for their court hearings and improve coordination with HHS, we found that ICE often neither followed this guidance nor issued corresponding guidance for its officers in the field.”<sup>6</sup>
  - a. Were you aware that ICE was not following this guidance?
  - b. What specific steps can the Department take to immediately begin following this guidance and more closely monitor the location and well-being of UCs?
3. Can you confirm that ICE does not have a consistent, reliable means of monitoring the location and status of these migrant children? Without such abilities, can you confirm that these children are more vulnerable to human trafficking, exploitation, and forced labor?
4. The OIG report makes clear that ICE does not have an accurate, effective, or automated process for sharing information—both internally and externally with HHS or the Department of Justice. In a troubling example of this lack of communication, data from ICE’s Office of the Principal Legal Advisor (OPLA) only included 28,000 UCs who were unaccounted for, whereas the remaining 4,000 missing children of the 32,000 total were discovered by OIG through DOJ’s data. Do you have an explanation for this glaring discrepancy and lack of interagency communication?
5. Please provide any internal reports, correspondence, or other documentation that you received regarding the mismanagement described in the OIG report.

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink that reads "Marsha Blackburn". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Marsha Blackburn  
United States Senator