

Congress of the United States
Washington, DC 20515

December 15, 2014

Secretary Sylvia Mathews Burwell
U.S. Department of Health and Human Services
200 Independence Avenue
Washington, D.C. 20201

Dear Secretary Burwell,

We write today to express concern regarding the lack of adequate protection from discrimination and sexual assault endangering the health and safety of unaccompanied minors currently in the Office of Refugee Resettlement's (ORR) care. We urge the Department of Health and Human Services (HHS) to implement robust Prison Rape Elimination Act (PREA) regulations alongside guidance to protect lesbian, gay, bisexual, and transgender (LGBT) youth from discrimination.

Prolonged separation from parents or guardians leaves all children vulnerable to physical, emotional, and sexual abuse. However, research indicates that LGBT youth held in detention facilities, group homes, and foster care are particularly at risk. While less than 10 percent of the general youth population identifies as LGBT, they account for approximately 19 percent of children in foster care and an estimated 15 percent of youth in the juvenile justice system.¹ Data from the Bureau of Justice Statistics indicates that lesbian, gay, and bisexual (LGB) youth in juvenile correctional facilities are almost twice as likely to experience sexual victimization as their heterosexual counterparts.² Furthermore, research shows that many of the facilities with which ORR contracts to provide care for unaccompanied minors are located in states without adequate protections for LGBT youth.³

As you know, in 2013, Congress applied PREA requirements to the nearly 100 facilities contracted by ORR that hold children and gave ORR 180 days to write regulations bringing these facilities into compliance. Unfortunately, it has been nearly a year since ORR submitted an interim rule which has yet to be published. As reports of sexual abuse and the mistreatment of LGBT youth in ORR-contracted facilities continue to emerge, we urge ORR to immediately publish and implement its PREA-based Interim Final Rule (IFR) in all facilities contracted to house minors, and to require all contracted facilities to adopt comprehensive nondiscrimination policies that are inclusive of sexual orientation and gender identity. Specifically, we request ORR to work with providers to ensure that LGBT unaccompanied minors receive affirming and culturally competent care, that placement and housing assignments for transgender youth are consistent with their gender identity, and that appropriate preventative measures and response systems are in place to address incidents of sexual assault as mandated by law. Please provide our offices immediately with written details on when we can expect the interim rule to be published and how long it will take to implement and enforce the regulations in all ORR facilities including shelters, foster care, and group homes.

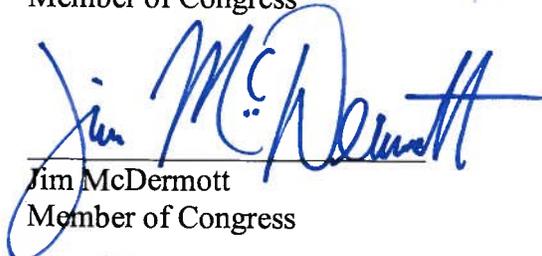
It is ORR's responsibility to provide a solution to the violent and sexual victimization of LGBT youth, in accordance with its mission to provide a high quality of care to unaccompanied immigrant children in federal custody, therefore enabling them to succeed upon discharge. We look forward to ORR's actions to ensure that all youth within its care have access to safe and supportive environments, and stand ready to work with you.

Sincerely,


Raul M. Grijalva
Member of Congress


Rubén Hinojosa
Member of Congress


Gwen Moore
Member of Congress


Jim McDermott
Member of Congress

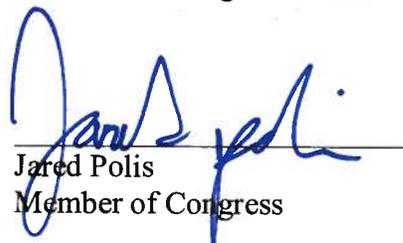

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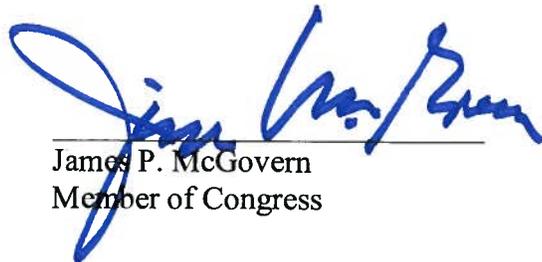

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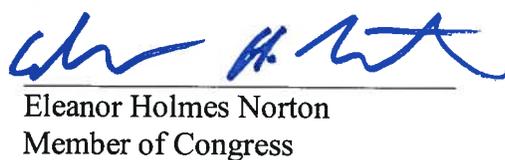

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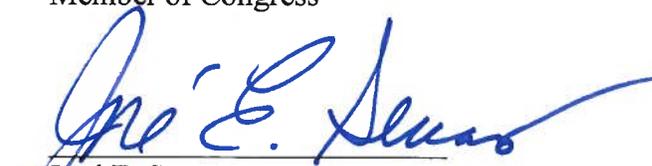

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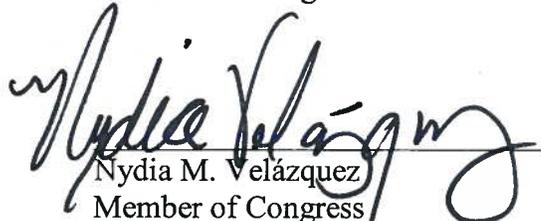

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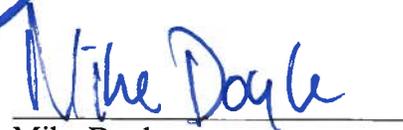

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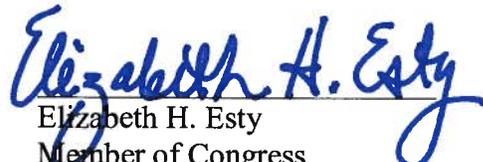

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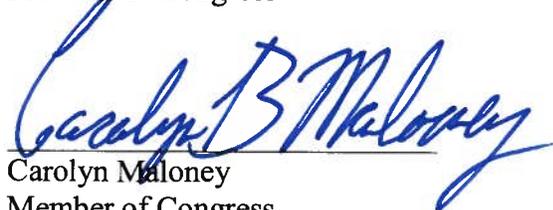

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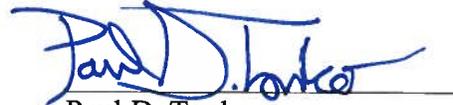

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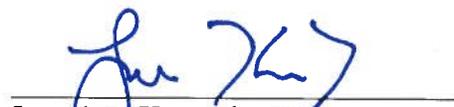

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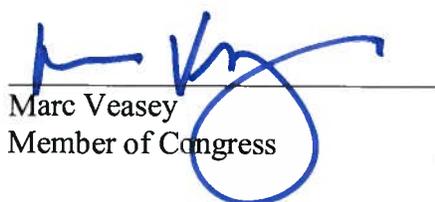

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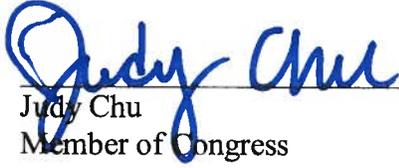

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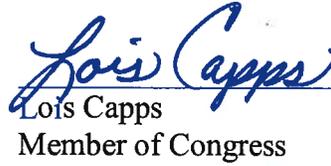
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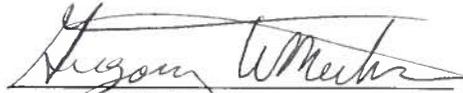
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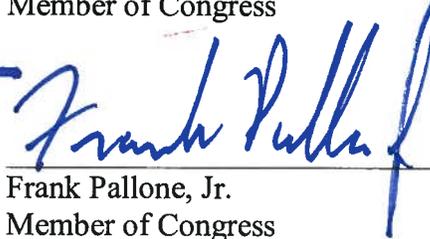
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Ann McLane Kuster
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Frank Pallone, Jr.
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Yvette D. Clarke
Member of Congress

- [¹] Bianca D.M. Wilson and others, "Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles" (Los Angeles, CA: The Williams Institute and others, 2014), available at http://williamsinsti-tute.law.ucla.edu/wp-content/uploads/LAFYS_report_final-aug-2014.pdf; Office of Juvenile Justice and Delinquency Prevention, "LGBTQ Youths in the Juvenile Justice System," available at <http://www.ojjdp.gov/mpg/litreviews/LGBTQYouthsInTheJuvenileJusticeSystem.pdf> (last accessed September 2014); Andrew Cray, Katie Miller, and Laura E. Durso, "Seeking Shelter: The Experiences and Unmet Needs of LGBT Homeless Youth" (Washington: Center for American Progress, 2013), available at <http://cdn.americanprogress.org/wp-content/uploads/2013/09/LGBTHomelessYouth.pdf>
- [²] Bureau of Justice Statistics, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-2009*, (2010) <http://www.bjs.gov/content/pub/pdf/svjfry09.pdf>
- [³] Sharita Gruberg and Hannah Hussey, *Fostering Safety: How the U.S. Government Can Protect LGBT Immigrant Children*, Center for American Progress (2014), <http://www.scribd.com/doc/241464480/Fostering-Safety-How-the-U-S-Government-Can-Protect-LGBT-Immigrant-Children>