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. 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. 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.

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,
John Lewis  
Member of Congress

Dan Kildee  
Member of Congress

Sam Farr  
Member of Congress

Carolyn Maloney  
Member of Congress

Jim Moran  
Member of Congress

Jackie Speier  
Member of Congress

Joseph P. Kennedy, III  
Member of Congress

Marc Veasey  
Member of Congress

Jan Schakowsky  
Member of Congress

Mike Doyle  
Member of Congress

Elizabeth H. Esty  
Member of Congress

Paul D. Tonko  
Member of Congress

Katherine Clark  
Member of Congress

Zoe Lofgren  
Member of Congress

John Conyers, Jr.  
Member of Congress

Lloyd Doggett  
Member of Congress
