Congress of the United States
Washington, DC 20515

May 9, 2019

The Honorable Kevin K. McAleenan
Acting Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Acting Secretary McAleenan:

Last December, two migrant children, Jakelin Caal Maquin and Felipe Gómez Alonzo, died while in the custody of U.S. Customs and Border Protection (CBP). In response, Congress urged the U.S. Department of Homeland Security (DHS) to conduct thorough investigations into both deaths to fully understand what happened and to address shortfalls the Department may have in its treatment of migrants, particularly vulnerable populations such as children.

Nearly five months after these two tragic deaths, DHS still has not completed the investigations. On March 6, 2019, during a House Homeland Security Committee hearing, when asked about the status of the investigations, then DHS Secretary Kirstjen Nielsen stated that DHS was waiting for the Medical Examiners' final findings, and that she would continue to engage with the Medical Examiners' offices to quickly move forward with the investigations.

It has been over a month since Jakelin and Felipe's autopsy reports were released by the El Paso and New Mexico Medical Examiners, respectively. However, DHS has not given any indication of progress toward finalizing the investigations.

In your new capacity as Acting Secretary of Homeland Security, you are now responsible for ensuring that these investigations are completed and reported to Congress expeditiously. We expect you to honor the Department's commitment to persistently work with the Medical Examiners' offices, the CBP Office of Professional Responsibility, and the DHS Office of Inspector General to prevent any further delays. In your response to this letter, please provide an update on the investigations and a timeline for their completion and submission to Congress.

As you know, we are experiencing unprecedented levels of family units and unaccompanied children voluntarily presenting at the southern border. Therefore, the results of these investigations are of utmost importance for CBP to incorporate the lessons learned into its policies and procedures and to guide legislative efforts to provide appropriate humanitarian standards. We must understand as soon as possible what actions could have prevented Felipe and Jakelin's deaths to ensure these tragedies never occur again.

Furthermore, we want to emphasize that in most instances, asylum seeking families like Felipe's and Jakelin's are fleeing from uninhabitable living conditions and look to the U.S. in hopes of survival. We must ensure that the conditions in which asylum seekers are treated in the U.S. reflect our nation's values.

PRINTED ON RECYCLED PAPER

Thank you for your prompt attention into this matter, we look forward to receiving the results of the investigations in a timely manner.

Sincerely,

Xochitl Torres Small
Member of Congress

Raul Ruiz, M.D.
Member of Congress

Joaquin Castro
Member of Congress

Linda Sanchez
Member of Congress

Adriano Espaillat
Member of Congress

Juan Vargas
Member of Congress

Ben Ray Luján
Member of Congress

Nanette Diaz Barragán
Member of Congress

Nydia M. Velázquez
Member of Congress

Jesus G. "Chuy" Garcia
Member of Congress

Salud O. Carbajal
Member of Congress

Darren Soto
Member of Congress

Veronica Escobar
Member of Congress

Jimmy Gomez
Member of Congress

Raúl M. Grijalva
Member of Congress

Grace F. Napolitano
Member of Congress

Sylvia Garcia
Member of Congress

CC: John V. Kelly, U.S. Department of Homeland Security Acting Inspector General
Matthew Klein, U.S. Customs and Border Protection Office of Professional Responsibility Assistant Commissioner