

August 9, 2018

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

**Re: Antonio Bol Paau et al., MC-505-18  
Migrant Children, MC-731-18  
U.S. Response to Request for Information  
About Precautionary Measures**

Dear Dr. Abrão:

Thank you for your letters of July 23 in the above-captioned matters, in which you request certain information on behalf of the Inter-American Commission on Human Rights (“Commission”) with respect to U.S. migration policy and actions with respect to migrant families, so that the Commission may determine whether to request precautionary measures under Article 25 of the Rules of Procedure. Given the large overlap between the two requests for information, we have chosen to respond to them jointly. We do not object to your office sharing this response with the Petitioners in both matters.

Under order of the U.S. District Court for the Southern District of California (*Ms. L., et al. v. U.S. Immigration and Custom Enforcement, et al.*), the Departments of Health and Human Services (HHS), Homeland Security (DHS), and Justice (DOJ) have been reunifying eligible alien parents with their minor children in the custody of HHS. Dedicated teams at HHS, DHS, and DOJ have worked to ensure the safety of the children of *Ms. L* class members. For the latest information on reunifications pursuant to the

order, we respectfully refer the Commission to the supplemental filing to the most recent joint status report filed in the case on August 2, 2018.<sup>1</sup>

Throughout this process, the primary goal of the U.S. Government has been to protect the safety and welfare of children in our custody and reunify them with their eligible parents. This critically important task was carried out by the dedicated employees of the administration who have spent weeks meeting this challenge to reunify expeditiously while at the same time ensuring familial relationships and safety of the child.

In the coming days and weeks, the U.S. Government will continue to reunify additional parents with children as they are located and their wishes regarding reunification are identified. The U.S. Government will also continue working to reunify removed adults, including those who previously indicated a preference for leaving their child in the United States but who now would like to be reunified. Finally, if the U.S. Government is unable to reunify a child with his or her parent – because the parent chose not to be reunified the child or is deemed ineligible – HHS will continue to adhere to its sponsorship process to place the child with a sponsor in the United States – often a family member.

The U.S. Government leads international efforts to develop solutions to the underlying conditions driving irregular migration from Central America. The U.S. Government works in partnership with regional governments, international organizations, the private sector, and civil society to enhance citizen security, improve governance, and boost economic prosperity.

In light of ongoing litigation on these matters before our independent judiciary, we are unable to provide the Commission with further details at this time.

Finally, we take this opportunity to reaffirm our longstanding position that the Commission lacks the authority to require that States adopt precautionary measures. We refer the Commission to past submissions, which state the reasons for the U.S. position on precautionary measures in

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<sup>1</sup> Ms. L., et al. v. U.S. Immigration and Custom Enforcement, et al., Supplement to Joint Status Report (S.D. Cal. Aug. 2, 2018).

detail.<sup>2</sup> Because the United States is not a State Party to the American Convention, the Commission has only the authority “to make recommendations ... to bring about more effective observance of fundamental human rights.”<sup>3</sup> As such, should the Commission adopt a precautionary measures resolution in the above-captioned matters, the United States will take it under advisement and construe it as recommendatory.

Please accept renewed assurances of my highest consideration.

Sincerely,

Kevin K. Sullivan  
Deputy Permanent Representative

Enclosure:

Ms. L. et al. v. U.S. Immigration and Custom Enforcement, et al.,  
Supplement to Joint Status Report (S.D. Cal. Aug. 2, 2018)

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<sup>2</sup> See, e.g., Kadamovas et. al. v. United States, Petition No. P-1285-11, Response of the United States, Sept. 2, 2015, § D, available at <https://www.state.gov/documents/organization/258153.pdf>.

<sup>3</sup> Commission Statute, art. 20(b).

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