

June 29, 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 June 22 and 25 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, and this response contains no information that is inappropriate for sharing with both sets of Petitioners.

As Ambassador Trujillo noted in his remarks before the Organization of American States (OAS) Permanent Council this morning, the topic of migration is one of significant interest to the United States, as reflected by our ongoing engagement in several migration-related matters before the Commission and in other OAS bodies. As the Commission is aware, the United States is a welcoming home for immigrants, having welcomed more

than 1.1 million legal immigrants in the last year alone, a legacy of which we are proud.

We are also a nation of laws. As the Commission itself has repeatedly recognized, it is the sovereign right of States to control their borders and set migration policies in accordance with their domestic laws and policies, consistent with their international obligations.¹ States retain the discretion to determine whether to expand migration pathways, detain migrants who seek entry, impose criminal penalties for illegal immigration, or adjust the status of migrants. With this in mind, the United States will continue to exercise its sovereign authority over its immigration policy.

As Vice-President Pence noted in Brazil earlier this week, it is also of paramount importance that the citizens of our Hemisphere have a chance to build a better life for themselves in the land of their birth. As such, the United States is renewing its commitment to address the root causes behind the crisis that the Hemisphere faces. The United States is committing approximately \$2.6 billion in foreign assistance to address the security, governance, and economic challenges in Central America for Fiscal Years 2015 to 2018.

With respect to issues pertaining to child migrants, the United States is assisting governments in the region to strengthen migration management policies and implementation. Through our partner the International Organization for Migration, we have longstanding cooperation with governments that focuses on identifying migrants in situations of vulnerability, including unaccompanied children, and providing them with information and assistance. We also provide support for governments and civil society to disseminate information to migrants so they understand the dangers that await them on the route to entering the United States illegally.

As to cases involving family separation during detention, on June 20—after the Petitioners in the above-referenced matters submitted their respective petitions for precautionary measures—President Trump signed an Executive Order that directs the Administration to continue to protect the border, while simultaneously avoiding the separation of families to the extent we can legally do so. The U.S. Departments of Homeland Security and Health and Human Services are also working to reunify parents

¹ See, e.g., *Mortlock v. United States*, Case No. 12.534, Report No. 63/08, Admissibility & Merits, July 25, 2008, ¶ 78.

with their children. In light of litigation on these matters before our independent judiciary and recent court decisions, 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 detail.² 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.”³ 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

² 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>.

³ Commission Statute, art. 20(b).

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