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Via email

Heidi Stirrup
Acting Director
Administration for Children & Families
U.S. Department of Health & Human
Services
Washington, D.C. 20201
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Patricia Rivera
Federal Field Specialist Supervisor,
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Office of Refugee Resettlement
Administration for Children & Families
U.S. Department of Health & Human
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Washington, D.C. 20201
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Re: COVID-19 Plan at New York ORR Facilities

Dear Ms. Stirrup and Ms. Rivera:

Further to our letter of March 20, 2020, and in light of alarming reports of the spread of COVID-19 among children and staff members at facilities that house unaccompanied children in the Office of Refugee Resettlement's custody, we write to reiterate our call for ORR to develop a swift, comprehensive, and transparent plan for the prevention and management of COVID-19 at ORR facilities in New York State, and to immediately schedule a call between ORR leadership, the NYCLU, and ORR-contracted legal service providers in the New York area.

The risk of infection of children and staff members at ORR facilities is no longer in the future—it is upon us—and the time for ORR to act is now. Children in your custody, including those we represent in two class-action lawsuits against ORR,¹ are in danger. **We are extremely alarmed by reports today that at least one child in ORR custody at Children's Village in Dobbs Ferry, New York has tested positive for COVID-19, and that ORR has halted the release of children from this and other New York facilities.** This report adds to those earlier this week that at least three staff members at

¹ See *Duchitanga v. Lloyd*, No. 1:18-cv-10332 (S.D.N.Y.); *L.V.M v. Lloyd*, No. 1:18-cv-1453 (S.D.N.Y.).

two different ORR facilities in New York had tested positive for the virus, and twelve children had been tested due to concerns of exposure.²

Despite the fact that additional children at Children’s Village have fevers and flu-like symptoms, we understand that the facility has the capacity to isolate only a small number of children in its care. We also understand, based on reports from legal service providers serving children at the facility, that children “in isolation” have continued to access common areas and use shared items such as telephones. In addition, in view of the fact that Children’s Village lacks personal protective equipment for children and staff, a substantial number of staff have called in sick, and insufficient efforts have been taken to ensure an adequate presence of staff. Given the facility’s—and by extension, ORR’s—insufficient efforts at responding to and containing COVID-19, ORR’s halt of releases at this time effectively condemns children in its custody to exposure to a deadly and highly transmissible virus, in a dramatically under-resourced environment.

We urge ORR immediately to investigate and intervene in this situation to ensure adequate plans and resources are in place to respond to the outbreak at Children’s Village, and at other facilities where outbreaks occur. It is also essential that the agency continue to abide by its legal obligation to expeditiously release children to sponsors. Where a viable sponsor exists, ORR should immediately screen children for COVID-19 and release them to the sponsor’s care, where they can self-quarantine to avoid potentially infecting others upon release.

In addition to these immediate steps, we again urge you to respond to our letter by this **Friday, March 27, 2020**, and immediately to schedule a call between ORR leadership, the NYCLU, and ORR-contracted legal service providers in the New York area.

This matter is of critical importance to the safety of the children in your custody around New York State. We await your response.

Sincerely,



Antony Gemmell
Jordan Laris Cohen
Christopher Dunn

² John Bowden, *Coronavirus Found Among Workers at Facilities for Migrant Children: Report*, THE HILL (Mar. 23, 2020), <https://thehill.com/policy/healthcare/489146-coronavirus-found-among-workers-at-facilities-for-migrant-children>.

cc:

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