

Interim Progress Report

Interagency Task Force on the Reunification of Families

August 1, 2021



Homeland
Security



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I. Introduction

The Interagency Task Force on the Reunification of Families (Task Force) submits this interim report on recent progress made on the implementation of Executive Order 14011 (E.O. 14011), *Establishment of Interagency Task Force on the Reunification of Families*.¹ To date, the Task Force has facilitated the reunification of 42 children with their separated parents in the United States and provided them with access to behavioral health services. Every reunited child and parent represents a significant and important step towards making right the harm caused by the prior administration. However, the pace of reunification has been hindered by challenges identified through the initial family reunifications. The Task Force has made progress in finding authorities and funding mechanisms to achieve its mandate and accelerate reunifications. The Task Force has made significant progress to facilitate the following process needs:

- Locating Families and Explaining Options
- Establishing a Mechanism for Families to Come Forward
- Providing Home Country Support
- Offering Families Reunification Services
- Sustaining and Improving the Availability of Behavioral Health Services
- Identifying a Long-Term Status Option for Families
- Identifying Durable Funding Sources

Solutions are still being implemented, and the Task Force anticipates more challenges as it learns from future reunifications. However, with critical services in place, the Task Force hopes that families will trust the process and come forward to request parole and reunite with their children.

¹ On February 2, 2021, President Biden signed Executive Order 14011 (E.O. 14011), *Establishment of Interagency Task Force on the Reunification of Families*, which established an Interagency Task Force on the Reunification of Families to reunite children from separated from their parents at the United States-Mexico border between January 20, 2017 and January 20, 2021. E.O. 14011 directs the Task Force to identify children who were separated, to facilitate and enable the reunification of the families and to provide recommendations regarding the provision of additional services and support for the reunified families, including behavioral health services, with a focus on trauma-informed care.

II. Executive Order Language

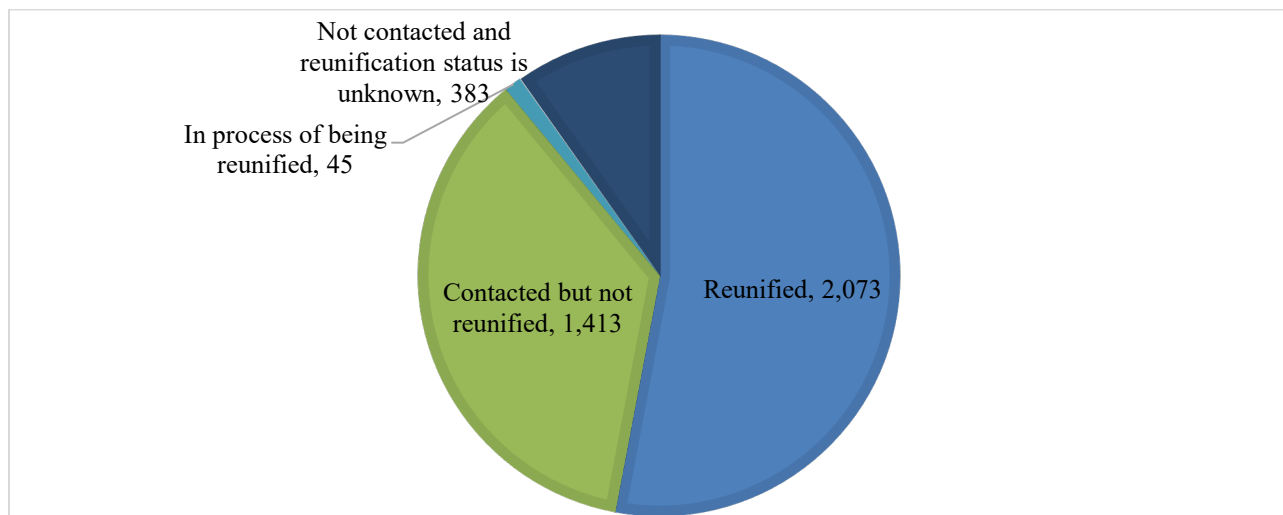
On February 2, 2021, President Biden signed Executive Order 14011 (E.O. 14011), *Establishment of Interagency Task Force on the Reunification of Families*. The Executive Order include(s) the following requirements:

- (c) Providing regular reports to the President, including:
 - (i) an initial progress report no later than 120 days after the date of this order;
 - (ii) interim progress reports every 60 days thereafter;
 - (iii) a report containing recommendations to ensure that the Federal Government will not repeat the policies and practices leading to the separation of families at the border, no later than 1 year after the date of this order; and
 - (iv) a final report when the Task Force has completed its mission.

III. Update on Task Force Data

The Task Force has made progress in improving its data on separated families. The Task Force has identified 3,914 children within the scope of E.O. 14011 who were separated by the Department of Homeland Security (DHS) from their parents at the United States-Mexico Border between July 1, 2017 and January 20, 2021, based on the Zero-Tolerance Policy and related initiatives. The Task Force is aware of 399 children who were returned to their home country, some with and some without their parents, and 1,695 parents who were returned to their home country, some with and some without their children. Prior to the establishment of the Task Force, 2,031 children have been confirmed by the Task Force to have been reunified with their parents in the United States pursuant to a court order and the efforts of non-governmental organizations (NGOs). The Task Force has reunified, through close coordination with the NGOs and attorneys representing the separated families, 42 children with their parents, bringing the total number of known reunified children to 2,073. There are 1,841 children who have not been reunified, to the Task Force’s knowledge, including 45 children who are currently in the process of being reunified by the Task Force.

Figure 1: Status of Contact with Separated and Reunified Families by Child



Source: DHS and records related to the *Ms. L.* and *Ms. J.P.* litigation.

The Task Force continues to review U.S. Department of Health and Human Services-Office of Refugee Resettlement (HHS-ORR) and DHS records to identify any additional children and parents who may have been separated between January 20, 2017 and June 30, 2017. Additionally, the Task Force continues to review the 1,723 separations involving parents who were previously determined to be out of scope for class membership in *Ms. L. v. U.S. Immigration and Customs Enforcement (Ms. L.)* due to criminal or other grounds specifically excluded from the class certified by the court. Some of those individuals may fall within the scope of E.O. 14011.

IV. Update on Parole Requests

The Task Force is using DHS paroles authorities to admit separated family members into the United States and achieve their reunification and access to services. To date, a total of 65 parole requests for separated parents and additional family members have been filed with U.S. Citizenship and Immigration Services (USCIS) through the process developed by the Task Force. Based on these initial cases, the Task Force identified areas of improvement to increase efficiency and receive larger volumes of requests. The Task Force is working with USCIS and the Department of State (DOS) to ensure an efficient, secure, and orderly process is developed to handle the approximately 4,000 parole requests expected to be filed by separated parents and additional family members under this initiative. While the overall number of parole requests to date has been small, the Task Force is building a process to mitigate against potential delays in the adjudication of parole requests as filings increase.

Currently, these parole requests are adjudicated in under 30 days. DHS and its interagency partners are developing a more efficient application process to enable adjudication of 150 parole requests per week. The government will be prepared to efficiently process large volumes of parole applications from families once the new application process is widely available and utilized.

V. Update on Behavioral Health Services for Reunified Families

HHS continues to provide access to behavioral health screenings and appropriate treatment for behavioral health conditions caused by the family separation for separated parents and children living in the United States. This is done pursuant to a court order. HHS has extended the contract to provide these services through January 2022. HHS-Substance Abuse and Mental Health Services Administration (SAMHSA) has also issued a request for information (RFI) to solicit input and ideas on behavioral health services needed to meet the requirements in E.O. 14011. Additionally, the Task Force is exploring a variety of options to provide additional services and support to reunified families in the United States, including appropriated funds.

VI. Ongoing Challenges and Key Decisions

Since its initial report and through observation of the first family reunifications, the Task Force has been made aware of the many complex needs of separated families. The Task Force is acting swiftly to find solutions to these challenges. Many of the families that have been reunified by the Task Force are facing homelessness, food insecurity, and other challenges. Additionally, advocates report challenges in convincing separated families to come forward and trust the U.S. Government in the reunification process. Based on these reports and lessons learned, the Task Force has focused its work during the last 60 days on implementing mechanisms to improve communications and directly support the families.

Locating Families and Explaining Options

To facilitate and enable reunification, the Task Force has identified the need for a service to locate and explain the parole and reunification process to separated families. Over the course of its initial work, the Task Force has learned that families may be hesitant to come forward to seek reunification before they fully understand the opportunity, the support they will receive in the United States, and trust the U.S. Government with their families' well-being and safety. To address this, the Task Force has established several critical mechanisms to facilitate and improve contact and information sharing with separated families. The Task Force engaged international partners and the United States Agency for International Development (USAID) to locate, inform and educate families about the reunification process. A funding stream needs to be identified to pay for this work. DHS has met with private funders for potential partnerships and is optimistic that it will have this resolved soon. We continue to explore communication channels available through the Task Force members' authorities and will report any additional progress in this area in subsequent reports.

Establishing a Mechanism for Families to Come Forward

To facilitate and enable reunification, the Task Force has identified the need for a public, easily accessible web portal for potentially eligible separated families to come forward and register with the Task Force. While the initial process has relied on advocates and attorneys to submit reunification requests, a broader registration mechanism that is directly available to separated families is needed accelerate the process. The Task Force is building a clear and dynamic public website for separated families to register with the Task Force. The Task Force is working quickly to generate communication content, including audio explanations, in all needed languages, including indigenous languages that represent a significant population of separated families. The Task Force plans to meet with stakeholders to review the content and ensure separated families will understand how to register. The website will be released in a phased approach to ensure public access as quickly as possible.

Providing Home Country Support

To facilitate and enable reunification, the Task Force needs home country support for families seeking reunification in the United States. The Task Force has been working since its inception

to establish a funded mechanism to provide home country support. DHS is establishing a contract to provide separated families support with obtaining passports, applying for parole, and making travel arrangements to reunify in the United States. The Task Force continues to closely monitor all measures of this contract support effort.

Offering Families Reunification Services

To facilitate and enable reunification, the Task Force has determined that upon their arrival to the United States, reunified families should receive reunification services similar to what is provided to refugees. Advocates report that families who were reunited are experiencing a high rate of homelessness. The uncertainty of the reunification process and options for long-term immigration status have slowed the flow of families coming forward to almost a standstill. In order to address this and encourage families to come forward, the Task Force is seeking to leverage its members' existing programs to provide reunification services that are comparable to those provided to refugees admitted to the United States through the U.S. Refugee Admissions Program (USRAP), assuming the authorities and funding are obtained.

For refugees admitted through USRAP, DOS's Bureau of Population, Refugees and Migration (PRM) provides initial reception and placement benefits including housing, essential furnishings, food, necessary clothing, cultural orientation, and assistance with access to other social, medical, and employment services for the first 30 – 90 days in the United States. HHS-ORR provides time-limited cash and medical assistance to new arrivals, support for case management services, and job readiness and employment services – all designed to facilitate refugees' successful transition to life in the United States and help them to attain self-sufficiency. These services are traditionally provided to refugees in coordination with DOS/PRM. Similarly, HHS-ORR funds immigration legal representation for some children who were in HHS-ORR legal custody as unaccompanied children, which it can expand to provide immigration legal representation to the separated families if authority and funding are obtained. The Task Force plans to use whatever authorities are available to offer reunification services to reunified families. These services will protect families from falling into homelessness and prevent further traumatization of recently reunified children. It is critical that we find a solution in the near term.

Improving the Availability of Behavioral Health Services

The Task Force will continue to work with SAMHSA to develop a clear recommendation on future behavioral health services for reunited families. Information collected through the RFI will directly support the Task Force's recommendations regarding the provision of additional services and support to the children and their families, including trauma-informed, culturally appropriate, behavioral health case management and mental health service provision, parenting support and psychoeducation, and pre-reunification counseling.

Identifying a Long-Term Status Option

There are multiple bills in Congress that would provide long-term status options for separated families. The Task Force met several times with several congressional offices to offer technical assistance on proposed language. Legislation is critical and needed to ensure that families have

long-term stability following their reunification in the United States. The Task Force continues to work within its own authorities to identify and find immigration status solutions for the reunified families and determine whether it can provide these families with legal immigration services.

Identifying Durable Funding Sources for E.O. Directed Action

The Task Force recognizes the invaluable contributions of NGOs, the business community, and the American public in supporting families who were separated. As the Task Force continues its role in facilitating family reunifications, it is identifying durable funding sources to pay for ongoing behavioral health treatment and future services for reunited families. In some situations, the private sector has offered to support otherwise unmet funding needs. However, to provide the full range of support services anticipated in E.O. 14011, appropriated funds are needed.

Since the submission of the 120-day report, the Task Force has met with the Office of Management and Budget (OMB) and interagency partners to stress the importance of providing the appropriate funding on an annualized basis to fulfill the intent of E.O. 14011. We have also met with congressional appropriators to discuss future funding for the Task Force.

Impact of Settlement Negotiations

The Task Force, DOJ, and class counsel for *Ms. L.* remain in settlement negotiations. The settlement negotiations are ongoing and confidential, limiting the Task Force's ability to speak publicly on its work. However, there has been continued collaboration and some agreement on certain external informational messaging with class counsel. One such point of agreement is that the government will provide transportation of the separated parent, separated child, and subsequently born children to the United States for the purposes of reunification. The Task Force anticipates that settlement negotiations will continue and once finalized, will facilitate the directives of E.O. 14011.

Anticipated Progress for Subsequent Reports

The Task Force anticipates that these critical process steps should increase the number of families requesting parole to return to the United States to reunify with their children. Provided that eligible individuals can be identified and request parole, the volume and pace of reunifications is expected to increase dramatically.