



## **The Biden-Harris Administration Must Resume Reception of Unaccompanied Children and Uphold Anti-Trafficking Laws Passed to Protect Them**

As detailed below, in response to the Trump administration's politically motivated CDC order invoking Title 42 and the [illegal expulsions of unaccompanied children and asylum seekers](#), Members of the Senate and House of Representatives have consistently demanded that the U.S. government:

- End expulsions without delay;
- Resume reception of vulnerable children and families fleeing danger; and
- Adhere to all legal requirements under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) governing the screening, care, and placement of unaccompanied children.

These Members have cited, among other things, [CDC scientists' own determination](#) that the CDC order fails to serve a public health interest; [leading public health experts' conclusion](#) that the United States is wholly capable of both observing its legal obligations and safeguarding public health; and the danger of human trafficking, persecution, and other grave harm [faced by expelled children](#).

**Consistent with these calls from Congress, the Biden-Harris administration should cease the practice of expulsions instituted under the Trump administration, restore reception of unaccompanied children and other protection seekers while observing evidence-based health and safety protocols, and ensure that every government agency adheres to TVPRA mandates for children fleeing danger.**

Below are just some of Congress's recent demands that the U.S. government stop expelling children and uphold TVPRA protections in full.

- [In a November 2020 letter](#) to DHS and CDC led by Rep. Judy Chu, Chair of the Congressional Asian Pacific American Caucus, Rep. Karen Bass, Chair of the Congressional Black Caucus, and Rep. Jim Langevin, Member of the House Committee on Homeland Security, over 55 House Members demanded that the Trump administration “*immediately cease expulsions of children and...fully comply with the TVPRA and all other relevant laws and standards governing their screening, care, and placement*” and emphasized that “*the U.S. government is fully capable of receiving and placing unaccompanied children and asylum seekers while also protecting public health.*” [See media coverage of this letter.](#)
- [In an August 2020 letter](#) to CBP led by Sen. Kamala Harris, Vice President-Elect, and Sen. Jacky Rosen, Member of the Senate Committee on Homeland Security and Governmental Affairs, 28 U.S. Senators—including every member of the Senate Judiciary Committee minority—stated that they “*call upon CBP to fully adhere to all TVPRA requirements*” and that unaccompanied children expelled under the CDC order

*“face the prospect of trafficking and other severe harm – precisely the outcomes Congress intended to prevent with the TVPRA.” [See media coverage of this letter.](#)*

- **[In a July 2020 letter](#)** to HHS and CDC led Rep. Rosa DeLauro, Chair of the Labor, Health and Human Services, and Education Appropriations Subcommittee, and Rep. Joaquin Castro, Chair of the Congressional Hispanic Caucus, over 70 House members asserted that the CDC order *“not only jeopardizes these children’s safety by foreclosing vital protections guaranteed them under the Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”), it also lacks a valid public health rationale...the U.S. government is fully capable of upholding the TVPRA while also protecting public health and safety.”* [See press release on this letter.](#)
- **[In an April 2020 letter](#)** to DHS and CDC led by CHC Chair Castro, 23 CHC members demanded that DHS *“halt these expulsions and ensure that all unaccompanied children are processed in accordance with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and domestic and international law.”* [See media coverage of this letter.](#)
- **[In an April 2020 letter](#)** to DHS and CBP, Rep. Bennie Thompson, Chair of the House Committee on Homeland Security, and Rep. Kathleen Rice, Chair of the House Subcommittee on Border Security, Facilitation, and Operations, stressed that *“even in light of our current crisis, the United States continues to have a legal obligation to protect vulnerable children... We strongly urge you to reverse the Department’s decision to deport unaccompanied children without due process and ask you to fully implement TVPRA protections for unaccompanied children.”*
- **[In an April 2020 letter](#)** to DHS, Sen. Patrick Leahy, senior-most Member of the Senate Judiciary Committee, led a letter signed by every member of the committee minority stating that *“A public health crisis does not give the Executive Branch a free pass to violate constitutional rights, nor does it give the Executive Branch permission to operate outside of the law. Responding to crises while upholding our legal obligations is the very hallmark of the rule of law.”* [See media coverage of this letter.](#)
- **[In a March 2020 letter](#)** to DHS, Rep. Jerrold Nadler, Chair of the House Judiciary Committee, Rep. Zoe Lofgren, Chair of the House Subcommittee on Immigration and Citizenship, Sen. Diane Feinstein, Ranking Member of the Senate Judiciary Committee, and Sen. Richard Durbin, Ranking Member of the Senate Subcommittee on Immigration, wrote that *“Reports that DHS is not following the TVPRA are deeply troubling. We have an obligation to ensure the health and safety of these children. Children do not have to be put in harm’s way to protect us from the coronavirus pandemic. DHS has the ability and capacity to protect both these children and the public. We request that DHS stop this practice immediately.”* [See media coverage of this letter.](#)

#### **Recent Media Articles Regarding Political Motivations Behind CDC Order**

- October 15, 2020: [“Inside the Fall of the CDC,” ProPublica](#)
- October 3, 2020: [“Pence ordered borders closed after CDC experts refused,” Associated Press:](#)

- October 3, 2020: [“CDC Officials Objected to Order Turning Away Migrants at Border,”](#)  
[Wall Street Journal](#)