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July 24, 2014

The Honorable Sylvia Mathews Burwell
The Hubert H. Humphrey Building
200 Independence Avenue S.W.
Washington, D.C. 20201

RE: Unaccompanied Immigrant Minors

Dear Secretary Burwell:

Congratulations on your swearing-in last month as the 22nd Secretary of the Department of Health and Human Services. You are joining the Department at a very important time in its history and I wish you the best of luck in your efforts to improve the health and economic security of the American people.

One of the most immediate challenges facing our country is the influx of unaccompanied minors who have immigrated across our southwestern border in the last year. As you know, more than 57,000 unaccompanied minors have entered the United States during the federal fiscal year that started October 1, 2013 – more than double the number who entered during the same timeframe last year. About three-quarters of these minors are from three countries: Guatemala, El Salvador and Honduras. Twenty percent are 12 years old or younger.

Those children who are being housed by your department's Administration for Children and Families ("ACF") are receiving food, clothing, education and medical care paid for by the federal government. However, we understand the great majority of unaccompanied minors taken into custody by federal immigration officials are being processed and then released to family members, relatives and other caregivers in communities in states across the country.

When these families take custody of one of these children, they become responsible for caring for the children and providing food and other basic necessities. Some of these children will matriculate in public schools. Some will require health care and other basic social services. Although your Department is placing these children with families in the community, some of your Department's social service programs are not available to benefit these children. For example, federal law bars undocumented persons from being covered by Medicaid, except for some limited emergency care. As a consequence, the costs of providing education and basic social services for this population will be shifted to states and non-profit providers.

As Americans, we have a duty to provide shelter and services to these unaccompanied children who arrive in our country while our already over-burdened immigration courts sort through their cases. In Delaware, we are prepared to do our part.

But the management of our nation's borders is a federal responsibility and the decisions about where to place these children are made by the federal government. Moreover, state governments are not being told the identity or location of these children, thus making it difficult for anyone in state government to ensure they receive needed services.

I ask that the federal government undertake to provide or pay for appropriate services for these children who have been placed with Delaware families. The children are here as a result of federal decisions not to keep the children in federal custody and details about the circumstances in which these children are living are not released. As a result, the federal government should be principally responsible for ensuring that the children receive needed services once placed here. Federal support for these costs can help ensure that these children are receiving appropriate nutrition, health care, and other needed services.

I understand that the President has asked Congress to appropriate an additional \$3.7 billion to address the federal government's ongoing needs for all of these migrants. I respectfully suggest that any supplemental appropriation received by the Department include funds to meet the needs of these unaccompanied minors placed by the Department in our communities and to reimburse the costs incurred by states, school districts, and other non-profit providers for the supports they are providing to these children.

Thank you for your attention to this issue and I look forward to hearing from you.

Sincerely,



Jack A. Markell

CC: Mark Greenberg, Acting Assistant Secretary
Administration for Children and Families
David Agnew, Deputy Assistant to the President and Director of Intergovernmental Affairs
The White House
Joanne Corte Grossi, Regional Director,
U.S. Department of Health and Human Services, Region III