

October 25, 2017

Acting Secretary Eric Hagan  
U.S. Department of Health & Human Services  
200 Independence Ave SW  
Washington, D.C. 20201

Director Scott Lloyd  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health & Human Services  
330 C St SW  
Washington D.C. 20201

Acting Secretary Eric Hagan and Director Scott Lloyd:

As organizations committed to protecting the health and dignity of all people, including youth, immigrants, refugees, and their families, we write to express our grave concerns about the Office of Refugee Resettlement's (ORR's) mistreatment of and abuse of power over 17-year-old Jane Doe and other young people in your custody. Jane, a young woman from Central America in ORR's care, was denied access to an abortion and forced to continue a pregnancy against her will for one month, despite having independently secured the necessary resources and legal authorization. ORR's treatment of Jane was not only shocking in its disregard of her autonomy and dignity – it was also against the law. While Jane was finally able to access the care she needed by going to court, many other young people being held in ORR's custody may also be denied the ability to get abortion care and coerced and shamed for their decisions. We demand the immediate suspension of any existing ORR policies and practices that restricted prompt access to the full range of reproductive health care for Jane and continue to restrict the rights of thousands of other individuals within ORR custody.

There is no need more fundamental than the need for access to safe, quality health care and information. No person in the custody of the federal government, including those residing in facilities operated by ORR, should be denied this basic dignity. Unaccompanied immigrant youth from Central America frequently face unthinkable hardships before coming into the care of ORR, making prompt medical attention necessary.<sup>1</sup> Many of them leave their home countries in order to flee violence or abuse. And, in their journeys to the U.S. border, many experience more violence in the form of sexual assault, sex trafficking, or other trauma. In fact, human rights advocates estimate that the rate of women and girls raped on their journey to the United States is between 60 percent and 80 percent.<sup>2</sup> The prevalence of such experiences makes the

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<sup>1</sup> United Nations Human Rights Council, Women on the Run: First-Hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico, (2015), available at <http://www.unhcr.org/en-us/publications/operations/5630f24c6/women-run.html>.

<sup>2</sup> Schmidt, Leigh and Buechler, Stephanie Prof. (2016) "I risk everything because I have already lost everything." Central American female migrants speak out on the migrant trail in Oaxaca, Mexico." Journal

availability of emergency contraception, abortion, and post-sexual assault care a public health imperative of the highest order.

It shocks the conscience that this administration sees Jane's and other young people's lives as simply another battlefield upon which to wage its ideological war against reproductive health care. ORR did everything in its power to force Jane to continue her pregnancy against her will. For example, ORR sent Jane to a crisis pregnancy center: a type of anti-abortion organization whose mission is to persuade individuals to continue their pregnancies by providing misleading information and using coercive and fraudulent tactics. There, non-medical personnel required Jane to undergo an invasive ultrasound. And even after Jane disclosed to officials that her parents had been physically abusive and successfully obtained a court order to proceed without parental permission, ORR unlawfully told Jane's mother about the pregnancy. The abuse of power, invasion of privacy, and coordinated federally-funded campaign to shame, bully, and deny care to this young woman is unconscionable. And Jane's case is not an isolated one. Reports indicate that ORR has obstructed other young women's abortion care, including at least one instance in which Director Lloyd personally contacted a young woman and attempted to influence her decision.

Contrary to this administration's statements, ORR's refusal to honor Jane's decision was not about enforcing the harmful Hyde amendment, which restricts public funding for abortion in most cases. Nor were the government's stated concerns about "facilitating" Jane's abortion justified. In fact, having secured all the necessary funding, the requisite transportation, and a court authorization, Jane Doe had already overcome the considerable and unfair obstacles that routinely block pregnant people from accessing abortion care. She was merely asking for the government to stop blocking her from seeing her doctor so that she could obtain constitutionally-protected medical care before it became too late.

By blocking Jane and others from accessing abortion care, ORR has openly disregarded its legal duty to provide prompt access to safe medical care to those within its charge. ORR's obligations to provide this medical care unquestionably includes access to the full range of reproductive health care -- obligations that derive both from existing law<sup>3</sup> and from a nationwide settlement agreement that is currently binding on the federal government.<sup>4</sup> The government cannot evade its ethical obligations to care for Jane and others like her, and we cannot abide ORR's attempt to subvert the laws that protect their rights.

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of Latin American Geography. Available at:

<http://digitalcommons.lsu.edu/cgi/viewcontent.cgi?article=1053&context=jlag>.

<sup>3</sup> See, e.g., 45 C.F.R. § 411.92(a) *et seq* (requiring access to reproductive health care for survivors of sexual assault in ORR's custody).

<sup>4</sup> Settlement Agreement, *Flores v. Reno*, No. 85-4544 (C.D. Cal. Jan 17, 1997), available at <https://www.aclu.org/legal-document/flores-v-meese-stipulated-settlement-agreement-plus-extension-settlement> (requiring the federal government to, among other things, provide or arrange for medical care including family planning and emergency health care services).

Accordingly, the undersigned 104 organizations demand that ORR immediately restore access to reproductive health care services and information, including abortion, for Jane and the thousands of other young people in ORR's custody. Jane, alongside every person like her, has a right to make decisions about her health and her future with dignity and self-determination. ORR is bound by law to respect this right.

Sincerely,

Abortion Care Network  
Access Reproductive Care-Southeast (ARC-Southeast)  
Advocates for Youth  
African American Ministers In Action  
All-Options  
American Civil Liberties Union  
American GI Forum of the US  
Asian Americans Advancing Justice - Los Angeles  
Association of Reproductive Health Professionals  
Boulder Valley Women's Health Center  
California Latinas for Reproductive Justice  
California Women's Law Center  
Cambridge Reproductive Health Consultants  
Casa de Esperanza  
Catholics for Choice  
Center for American Progress  
Center for Reproductive Rights  
Center on Reproductive Rights and Justice at UC Berkeley  
CenterLink: The Community of LGBT Centers  
Central Conference of American Rabbis  
Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)  
Desiree Alliance  
EMILY's List  
Feminist Majority Foundation  
FORGE, Inc.  
Forward Together  
Fund Texas Choice  
GLAAD  
GLMA: Health Professionals Advancing LGBT Equality  
Hadassah, The Women's Zionist Organization of America, Inc.  
Healthy and Free Tennessee  
HIAS  
Hispanic Federation  
Human Rights Campaign  
Ibis Reproductive Health  
In Our Own Voice: National Black Women's Reproductive Justice Agenda

International Women's Health Coalition  
Ipas  
Jacobs Institute of Women's Health  
Jane's Due Process  
KIMBRITIVE  
Lambda Legal  
LatinoJustice PRLDEF  
League of United Latin American Citizens  
Legal Voice  
Mabel Wadsworth Center  
Medical Students for Choice  
NARAL Pro-Choice America  
NARAL Pro-Choice Texas  
NARAL Pro-Choice Virginia  
National Abortion Federation  
National Advocates for Pregnant Women  
National Asian Pacific American Women's Forum (NAPAWF)  
National Black Justice Coalition  
National Center for Lesbian Rights  
National Center for Transgender Equality  
National Coalition for LGBT Health  
National Council of Jewish Women  
National Health Law Program  
National Hispanic Medical Association  
National Immigration Law Center  
National Institute for Reproductive Health  
National Latina Institute for Reproductive Health  
National LGBTQ Task Force Action Fund  
National Network of Abortion Funds  
National Organization for Women  
National Partnership for Women & Families  
National Women's Health Network  
New Voices for Reproductive Justice  
New York Abortion Access Fund  
New York County Academy of Family Physicians  
Nicole Clark Consulting LLC  
NMAC  
Oregon Foundation for Reproductive Health  
People For the American Way  
Physicians for Reproductive Health  
Planned Parenthood Federation of America  
Population Connection Action Fund  
Population Institute  
Positive Women's Network - USA

Progressive Leadership Alliance of Nevada  
PRSH Section, American Public Health Association  
Public Leadership Institute  
Religious Coalition for Reproductive Choice  
Religious Institute  
Secular Coalition for America  
SEIU 32BJ  
Service Employees International Union (SEIU)  
Sexuality Information and Education Council of the United States  
SIA Legal Team  
SisterSong: National Women of Color Reproductive Justice Collective  
Southwest Women's Law Center  
Transgender Law Center  
UltraViolet  
Union for Reform Judaism  
Unitarian Universalist Women's Federation  
United We Dream  
URGE: Unite for Reproductive & Gender Equity  
Voto Latino  
We Belong Together  
Western State Center  
Women for Women  
Women's Refugee Commission  
WV FREE