

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.¹ 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.² The prevalence of such experiences makes the

¹ 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>.

² 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 law³ and from a nationwide settlement agreement that is currently binding on the federal government.⁴ 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.

of Latin American Geography. Available at:

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

³ 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).

⁴ 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