

# Exhibit 19

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MS. L, et al.,

Petitioners-Plaintiffs,

vs.

U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT, et al.,

Respondents-Defendants.

Case No. 18cv428 DMS MDD

**DECLARATION OF  
CHRIS MEEKINS**

1 I, Chris Meekins, declare under penalty of perjury, pursuant to 28 U.S.C. § 1745,  
2 that my testimony below is true and correct.

3  
4 1. I am the Deputy Assistant Secretary for Preparedness and Response, and the  
5 Chief of Staff for the Office of the Assistant Secretary for Preparedness and Response  
6 (ASPR) at the U.S. Department of Health and Human Services (HHS). ASPR leads HHS'  
7 medical and public health preparedness for, response to, and recovery from health  
8 emergencies. ASPR collaborates with federal agencies, state and local governments,  
9 healthcare providers, and other stakeholders on responses to such emergencies.  
10

11  
12 2. I have been involved directly in the actions which HHS has taken to  
13 implement Executive Order (EO) 13841 (“Affording Congress an Opportunity to Address  
14 Family Separation”) and comply with the orders in *Ms. L., et al., v. U.S. Immigration and*  
15 *Customs Enforcement, et al.*, Case No. 18-cv-428 (S.D.Cal.). President Trump issued EO  
16 13841 on June 20, 2018, and the Court issued its orders on June 26, 2018.  
17

18  
19 3. My testimony is based on my personal knowledge, information acquired by  
20 me in the course of my employment, and information supplied by or contained in the  
21 records of federal government entities, grantees, or contractors.

22 **HHS ACTIONS TO REUNIFY CHILDREN UNDER AGE 5**

23  
24 4. Before the Court issued its order on July 10, 2018, HHS determined class  
25 membership—namely, parentage, parental fitness, and child safety—by streamlining its  
26 ordinary safety and suitability assessment under the Trafficking Victims Protection  
27 Reauthorization Act of 2008 (TVPRA). Those streamlined processes are described in the  
28

1 declaration executed by Jonathan White on July 5, 2018. They included reviews of  
2 summaries of criminal background checks of putative class members furnished by U.S.  
3 Immigration and Customs Enforcement (ICE).  
4

5 5. After the Court issued its order on July 10, 2018, HHS truncated its  
6 streamlined processes for determining class membership to align with the Court's  
7 instructions on vetting procedures for class members, and to comply with the Court's  
8 deadlines for reunifying class members with children under 5.  
9

10 6. HHS, for example, suspended further efforts to affirmatively verify the  
11 parentage of putative class members with children under 5. And while HHS continued  
12 reviewing summaries of criminal background checks, HHS generally stopped collecting  
13 and analyzing additional background information on class members for the under-5  
14 cohort—as well as background information on those class members' cohabitants—  
15 through the completion of family reunification packets. Unless the records available to  
16 HHS at the time suggested that parentage was lacking, or that the individual putative class  
17 member was unfit or presented a danger to the child, HHS reunified.  
18  
19  
20

21 7. In their status report dated July 10, 2018, Defendants identified 102 children  
22 under age 5 who, upon initial review by HHS, were determined potentially to have been  
23 separated from a parent, and who therefore were potentially the children of class  
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28

1 members. Details about parental class membership, the eligibility of class members for  
2 reunification, and completed reunifications for those 102 children are set forth below.<sup>1</sup>

3  
4 Ten Putative Class Members Ineligible Due to Criminal History

5 8. HHS found that 10 putative class members—one of whom is the parent of  
6 two of the 102 children—had criminal histories that made them unfit or presented a  
7 danger to the child. Specifically:

- 8
- 9 • One of the adults is wanted in Guatemala for murder.
  - 10 • One of the adults has a criminal warrant for their arrest in El Salvador, which  
11 implicates kidnaping and gang related activity.
  - 12 • One of the adults has child cruelty and narcotics convictions.
  - 13 • One of the adults has criminal charges including human smuggling.
  - 14 • Two of the adults have domestic violence charges.
  - 15 • One of the adults has an outstanding warrant in Florida for a DUI.
  - 16 • Three of the adults have other disqualifying criminal histories.
- 17  
18

19 Seven Putative Class Members Ineligible for Lack of Parentage

20  
21 9. HHS determined that three putative class members were not parents because  
22 these individuals stated that they were relatives and not parents of the children.

23 10. HHS determined that one putative class member was not a parent through a  
24 negative DNA match. The adult also indicated that he is not the child's parent.  
25  
26

27 <sup>1</sup> Defendants' status report dated July 12, 2013 identified a 103rd child. The status  
28 of that specific child is not addressed here.

1 11. HHS determined that one putative class member was not a parent because she  
2 disclosed during DNA testing that she was not the child's mother.

3  
4 12. HHS determined that one putative class member had a negative DNA match  
5 and is presently ineligible. HHS is still investigating parentage.

6 13. HHS determined that one putative class member was ineligible for  
7 reunification because she presented HHS with a false birth certificate for the child. HHS  
8 is still investigating the parentage of the child.

9  
10 One Putative Class Member Ineligible Due to Cohabitant's Criminal History

11  
12 14. Before the Court issued its order on July 10, 2018, HHS conducted  
13 streamlined safety and suitability assessments of putative class members who were  
14 released into the interior of the United States by the U.S. Department of Homeland  
15 Security (DHS). The assessments included reviews of completed family reunification  
16 packets, which sought information on other adults in the household where the putative  
17 class member planned to live with the child. The packets required that those cohabitants  
18 submit their fingerprints so HHS could run background checks on them.

19  
20  
21 15. HHS obtained a completed family reunification packet from one of the  
22 putative class members in the interior, and conducted background checks on her adult  
23 cohabitants. The background check of one cohabitant showed that he has an outstanding  
24 warrant from Illinois for aggravated criminal sexual abuse committed against a 10-year-  
25 old girl. HHS has since reviewed copies of the police report and court records.

1           16. HHS determined that the putative class member presented a danger to the  
2 child—and was ineligible for reunification—given her expressed intent for her child to  
3 live in the same household as someone with an outstanding warrant for committing  
4 aggravated criminal sexual abuse against a 10-year-old girl.  
5

6           *One Putative Class Member Ineligible Due to Allegations of Abuse*  
7

8           17. HHS determined that one putative class member is ineligible because the  
9 child made credible allegations of abuse against the putative class member.  
10

11           *One Putative Class Member Ineligible Due to Communicable Disease*  
12

13           18. HHS determined that one putative class member is ineligible (at least for  
14 now) because that putative class member is undergoing treatment for a communicable  
15 disease in ICE custody.  
16

17           *Twenty-Two Putative Class Members Could not be Reunified*  
18

19           19. Twelve putative class members were deported, 7 were in the custody of the  
20 U.S. Marshals Service (two of whom were each a parent of 2 of 102 children), 2 were in  
21 state jails, and 1 could not be reunified for other reasons.  
22

23           *HHS Reunified 8 Class Members in the Interior Using Truncated Vetting*  
24

25           20. As of July 10, 2018, an additional 8 class members who had been released  
26 into the interior had not submitted information and fingerprints from adult cohabitants.  
27 Nor had they submitted a sponsor care plan outlining their ability to provide for the child's  
28 welfare and identifying an alternative care giver in the event they were removed from the

1 country for immigration violations.<sup>2</sup> The process for affirmatively verifying parentage  
2 through either documents or DNA testing was not complete either.

3  
4 21. HHS nevertheless complied with the Court's order—and reunified those 8  
5 class members in the interior with their 8 children—because the records available to HHS  
6 at the time did not provide HHS with a basis to question the class member's parentage,  
7 parental fitness, or child safety.  
8

9 HHS Reunified 47 Class Members in ICE Custody Using Truncated Vetting

10 22. HHS used the available results from DNA tests performed before July 10,  
11 2018 to determine the class membership of the remaining 47 adults in ICE custody. DNA  
12 test results were available for only 35 of those 47 adults. HHS also considered any  
13 available documents related to parentage (e.g., birth certificates) when determining class  
14 membership. Documents related to parentage, however, were unavailable for some of the  
15 49 adults when HHS determined class membership.  
16  
17

18 23. HHS determined that all 47 adults were class members under the Court's  
19 orders. This included the 35 adults with affirmative verification of parentage through  
20 positive DNA test results. It also included the 12 adults for whom there were no DNA test  
21 results, since the records available to HHS at the time did not provide a basis for  
22 questioning the adult's assertion of parentage, parental fitness, or child safety.  
23  
24  
25  
26

27 <sup>2</sup> HHS performs background checks on adult care givers or alternate care givers that  
28 that are identified in a sponsor care plan.



1 HHS Previously Reunified Two Additional Class Members

2 24. HHS reunified a class member with their child immediately prior to removal.  
3  
4 HHS also reunified a class member with their child by discharging their child to them.

5 **HHS' PRIOR ACTIONS TO REUNIFY CHILDREN AGES 5 AND UP**

6 25. Before July 10, 2018, HHS took the actions to determine class membership  
7  
8 that Jonathan White described in Paragraphs 7 through 29 of his declaration. HHS  
9 prioritized class membership determinations for the under-5 cohort.

10 26. The Incident Management Team (IMT) for the Secretary's Operation Center  
11 (SOC) drove those actions. Specifically, the IMT:

- 13 • Directed field teams to interview putative class members in DHS custody,  
14 help the putative class members complete family reunification packets, and  
15 conduct sponsor assessments;
- 16 • Consolidated and analyzed background check and child safety information  
17 gathered from ICE, putative class members, and other sources;
- 18 • Ordered and compiled results of DNA tests to confirm parentage;
- 19 • Worked with ICE and ORR to coordinate movements of class members and  
20 children around the country for physical reunification; and
- 21 • Developed and implemented an operational plan for the physical  
22 reunification of families, considering logistical and child safety issues.

23 Again, the IMT's primary focus was on the under-5 cohort.

24 27. The field teams worked with putative class members for both cohorts daily.  
25  
26 Each field team had a geographic focus based on specific DHS detention sites. The IMT  
27 provided a daily list of putative class members for the under-5 cohort to each field team.  
28

1 If the field team completed its work on that list, then they shifted to performing similar  
2 work with the 5-and-up cohort for the balance of the day. Consequently, as of July 10,  
3 2018, the IMT had received from the field teams approximately 471 completed family  
4 reunification applications, approximately 203 letters of designation,<sup>3</sup> approximately 243  
5 sponsor declarations, and approximately 521 sponsor assessments for putative class  
6 members for the 5-and-up cohort.  
7  
8

9 28. As of July 10, 2018, the IMT had received summaries of criminal  
10 background checks for approximately 2,300 putative class members from ICE. HHS has  
11 completed its preliminary review of those ICE summaries and is now conducting further  
12 vetting based on concerns that surfaced during the review.  
13

14 29. As of July 10, 2018, HHS had reviewed the case management records for all  
15 children in the 5-and-up cohort. The information in those records bears on class  
16 membership. Because the records change daily, the review is continuous.  
17

18 30. Since the Court issued its order on July 10, 2018, HHS has stopped DNA  
19 testing of putative class members notwithstanding the value of DNA testing as an  
20 objective tool for verifying biological parentage.  
21

22 31. While the Court's order would apparently allow for DNA testing of at least  
23 some putative class members, my opinion is that the use of DNA testing to verify  
24 parentage for the 5-and-up cohort is not practicable. As Jonathan White indicated in his  
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27 <sup>3</sup> A letter of designation is one in which a parent designates another adult to care for  
28 their child.

1 declaration, the lead time required to complete DNA testing in a single case may be  
2 between five and seven days. This assumes that the locations of both the putative class  
3 member and the child are static, and that the appropriate agency personnel or contractors  
4 can be physically present to swab them. Those assumptions are not reasonable under the  
5 present circumstances because, as explained below, HHS and DHS must move hundreds  
6 of class members and children towards the same physical locations for reunification each  
7 day. The logistics of obtaining cheek swabs—and the time required to receive and assess  
8 each DNA test result, and take any additional steps necessary to determine legal parentage  
9 following a negative DNA test result—are not compatible operationally with daily, rolling  
10 reunifications of hundreds of class members. The use of widespread DNA testing for the  
11 5-and-up cohort would likely increase the risks of operational failure, and likely prevent  
12 the agencies from complying fully with the Court’s reunification deadline. My tentative  
13 estimate is that widespread DNA testing for the 5-and-up cohort would stretch the time  
14 required to comply by months (not just days or weeks).

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19  
20 32. HHS policy has been to not charge class members or putative class members  
21 for DNA testing. HHS has instructed its laboratory services vendor to not charge class  
22 members or putative class members for DNA testing.

23  
24 33. Since July 10, 2018, HHS has also suspended further mandatory document  
25 collection from putative class members (*e.g.*, document collection for family reunification  
26 packets), as review of these records is incompatible with the Court’s instructions or  
27 deadlines for reunification.  
28

1                    **HHS AND DHS' CURRENT REUNIFICATION PLAN**

2                    34.    Since the Court issued its order on July 10, 2018 and truncated the vetting  
3 process for putative class members, HHS and DHS have amended their plan to complete  
4 reunifications of the remaining class members on or before the Court's deadline of July  
5 26, 2018. They have started operationalizing that amended plan today.

6  
7                    35.    The crux of the amended plan is:

- 8
- 9                    • ICE identifies between six to eight locations for reunification.
  - 10                   • HHS conducts truncated vetting of the putative class members consistent  
11 with the Court's order. As HHS confirms putative class membership, HHS  
12 creates and continually updates a list of putative class members for ICE.
  - 13                   • If necessary, ICE moves the putative class members to those locations for  
14 reunification.
  - 15                   • HHS field teams conduct further interviews of the putative class members at  
16 ICE locations to complete the truncated vetting process for class  
17 membership.
  - 18                   • HHS anticipates that interviews will last approximately 15 minutes. During  
19 interviews, HHS seeks verbal confirmation from the putative class member  
20 of parentage as well as the desire to reunify with the child.
  - 21                   • Once the HHS field team confirms class membership under the truncated  
22 vetting process and based on the available records, the HHS IMT executes a  
23 logistical plan to move the class member's child to the same location as the  
24 parent within 24-48 hours.
  - 25                   • When the child arrives at the ICE location, HHS transfers custody and  
26 jurisdiction over the child to ICE, which completes the reunification.

27                   36.    The truncated vetting of putative class members consists of two basic checks.  
28 First, HHS confirms that the putative class member has no disqualifying criminal history  
based on the ICE summaries and any other available information. Second, HHS reviews

1 the available records to confirm that they raise no questions regarding parentage, parental  
2 fitness, or child safety. The available records for a putative class member will typically  
3 consist of the case management records for the child (which are kept on the online portal  
4 maintained by the Office of Refugee Resettlement (ORR)), plus any records collected by  
5 the IMT or the HHS field teams on or before July 10, 2018, plus any records provided by  
6 the class member voluntarily.  
7

8  
9 37. If truncated vetting raises concerns regarding parentage, parental fitness, or  
10 child safety, then HHS conducts further assessment within the parameters of the Court's  
11 orders to determine class membership.  
12

13 38. If truncated vetting triggers the home study requirement under 8 U.S.C. §  
14 1232(c)(3)(B), then HHS conducts a home study.  
15

16 39. Consistent with the Court's orders, truncated vetting will not include:

- 17 • Affirmative verification of parentage, unless available records suggest that  
18 the putative class member's documentation or representation of parentage is  
19 inaccurate or fraudulent based on a time-limited review;
- 20 • DNA testing;
- 21 • Full background investigations of putative class members under the TVPRA  
22 (including the completion of family reunification packets);
- 23 • Background investigations of potential adult cohabitants;
- 24 • Review of sponsor care plans, or background investigations of any alternative  
25 care givers who might ordinarily be identified in such plans; or
- 26 • Further mandatory collection and review of documents or information from  
27 putative class members or their relatives or home countries.  
28

1 40. Once the current plan is fully operationalized, HHS will seek to move up to  
2 approximately 200 children per day for reunification with class members.

3  
4 41. HHS and DHS expect to modify the current plan as appropriate based on  
5 operational considerations and any instructions from the Court.

6 42. My opinion is that the current plan is the best available option for completing  
7 reunifications in compliance with the truncated vetting and deadlines required by the  
8 Court. In many cases, reunification under the Court's orders will be swift, but it does  
9 involve increased risks to child welfare. Those risks are detailed below.  
10

11 **INCREASED RISKS TO CHILD WELFARE**

12  
13 43. My opinion is that complying with the Court's orders involves increased  
14 risks to child welfare in at least four respects. First, there is an increased risk that HHS  
15 will place a child with someone who falsely claimed to be a parent but is not (and could  
16 be a single adult bundled with the child by a human smuggler or trafficker). Second, there  
17 is an increased risk that HHS will place a child with a parent who has no disqualifying  
18 criminal history but nevertheless presents a danger to the child. Third, there is an  
19 increased risk that HHS will place a child with a parent who resides with a cohabitant who  
20 presents a danger to the child. Fourth, there is an increased risk that HHS will place a  
21 child with a parent who may rely on alternative care givers who are abusive.  
22  
23

24 **Increased Risk of Placement with Adults who are not Parents**

25  
26 44. The risk of placing children with adults who are not parents is material under  
27 the Court's orders because HHS will generally have to accept representations of parentage  
28

1 by putative class members at face value. Only if the available records raise questions  
2 about parentage will HHS be able to probe those representations. And even then,  
3 resolution of parentage through an adequate review of documentation or DNA testing will  
4 be operationally impracticable in most, if not all cases.  
5

6 45. The Court suggested in its Order that HHS may rely on parentage  
7 assessments conducted by ICE during the intake process. While it is true that ICE  
8 assesses aliens for parentage, the vast majority of the class members were separated from  
9 children at the border and sent directly to HHS by U.S. Customs and Border Protection  
10 (CBP). To my knowledge, CBP does not have a process for assessing parentage in the  
11 same way that HHS or even ICE does. When CBP processes a group of aliens holding  
12 themselves out as a family unit, absent some indication that the representation is false,  
13 CBP typically notes that representation in its file, which then flows into the ORR case  
14 management record for the child. If CBP has a reason to question parentage at the time of  
15 separation, then it might note that question in the file.  
16  
17  
18  
19

20 46. The review of home country documents (*e.g.*, birth certificates) is not a  
21 viable method for quickly resolving parentage questions for hundreds of putative class  
22 members and children. This is because very few putative class members cross the border  
23 with documents. And the consulates of their home countries have only limited capacity to  
24 collect and provide documents relevant to parentage. Obtaining such documentation  
25 through consulates is a process that typically takes months—not days—for a single alien.  
26  
27  
28 And even then, the documentation obtained through consulates is often sparse. My

1 opinion is that it is not practicable to resolve parentage questions for large numbers of  
2 putative class members through a review of home country documents.

3  
4 47. As discussed previously, it is likewise impracticable to quickly resolve  
5 parentage questions for large numbers of putative class members through DNA testing.

6  
7 48. My opinion is that if HHS had applied truncated vetting of parentage to the  
8 entire under-5 cohort, HHS likely would have placed up to 7 of 102 children (6.86%) with  
9 adults who were not their parents. If that ratio holds true for the 5-and-up cohort—which  
10 encompasses approximately 2,551 putative class members—then truncated vetting for  
11 class membership would result in HHS placing up to approximately 175 children with  
12 adults who are not their parents in the next 13 days.

13  
14 Increased Risk of Placement with an Abusive Parent

15  
16 49. The experience of HHS is that information gathered about a parent during  
17 safety and suitability assessments under the TVPRA sometimes reveals abusive conduct  
18 that disqualifies the parent from serving as a sponsor for their child. This occurs even if  
19 the parent has no disqualifying history in a criminal background check.

20  
21 50. Before July 10, 2018, HHS did not identify indicia of abuse in the  
22 information that it was able to gather directly from putative class members in the under-5  
23 cohort with no disqualifying criminal history.

24  
25 51. Nevertheless, my opinion is that the Court's necessary truncating of the  
26 vetting process for class membership—including the suspension of critical information-  
27  
28



1 gathering through mandatory completion of family reunification packets—materially  
2 increases the risk that HHS will reunify a child with a parent who will abuse them.

3  
4 Increased Risk of Placement with an Abusive Cohabitant

5 52. As previously discussed, HHS investigated the cohabitants of a putative class  
6 member, and learned that one of them had an outstanding warrant for sexually abusing a  
7 10-year old girl. HHS would not have discovered the danger presented by that cohabitant  
8 under the Court's truncated vetting process for class membership because HHS could not  
9 have required the completion of the family reunification packet, much less conducted  
10 background investigations of the putative class member's cohabitants.  
11  
12

13 53. While this case represented approximately 1% of the under-5 cohort, it  
14 nevertheless raises significant concerns about the risks of placing children in the 5-and-up  
15 cohort into households with dangerous adult cohabitants within the next 13 days.  
16

17 Increased Risk of Harm Due to Parental Limitations or Abusive Care Givers

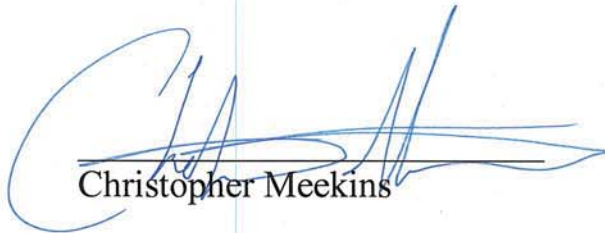
18 54. The experience of HHS is that information gathered about parents and  
19 alternative care givers through sponsor care plans under the TVPRA sometimes reveals  
20 materials risks of harm to children. Those risks include the lack of an alternative care  
21 giver in the instance the parent is removed from the country (and voluntarily, knowingly,  
22 and affirmatively declines to be removed with their child), and the involvement of an  
23 alternative care giver who has a disqualifying criminal history or is otherwise dangerous.  
24  
25  
26  
27  
28

1           55. My opinion is that the Court’s truncating of the vetting process for class  
2 membership—including the elimination of the critical requirement for sponsor care  
3 plans—materially increases the risk of harm to children.  
4

5   \*\*\*

6           56. I recognize that the likely result of implementing the Court’s order through  
7 the current inter-departmental reunification plan will be faster reunifications of a  
8 significant number of children with their parents. At the same time, however, that process  
9 will likely result in the placing of children with adults who falsely claimed to be their  
10 parents or into potentially abusive environments. While I am fully committed to  
11 complying with this Court’s order, I do not believe that the placing of children into such  
12 situations is consistent with the mission of HHS or my core values.  
13  
14

15  
16  
17                   This 13<sup>th</sup> day of July, 2018.

18  
19  
20     
21   Christopher Meekins