



Exterior of the Homestead 'temporary emergency facility'
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NO HOME FOR CHILDREN:

END THE CONTRACT TO OPERATE
THE HOMESTEAD 'TEMPORARY
EMERGENCY' FACILITY

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1. BACKGROUND

International law protects the right to seek asylum, a right afforded to all children, men, and women. This right is also enshrined in US law. However, the current policies of the United States government are intentionally undermining that right, through measures that seek to punish and deter children, families, and adults simply for seeking safety in the USA.¹

Amnesty International has documented the unlawful treatment of asylum-seekers in the USA, most recently in its report *No Home for Children: The Homestead 'Temporary Emergency' Facility*². Amnesty International found that unaccompanied children at the Homestead temporary influx care facility in Florida (Homestead) were held in prolonged and indefinite detention in violation of the USA's international human rights obligations and its own national legal standards. Amnesty International also found that unaccompanied children were housed at Homestead in conditions that did not meet US or international standards related to the best interests of the child. The report called for the closure of Homestead.

Unaccompanied children are frequently seeking asylum or other forms of humanitarian protection. The USA considers any child under the age of 18 who arrives at the US border without their parent or legal guardian to be “unaccompanied”³. Once unaccompanied children arrive at the border, they are transferred from the custody of US Customs and Border Protection (CBP) to the care and custody of the Office of Refugee Resettlement (ORR), housed within the US Department of Health and Human Services (HHS). ORR detains unaccompanied children in a network of facilities across the country until they are released to sponsors – parents, legal guardians, and other caregivers.

Although the US government has primary responsibility for the human rights of children at Homestead and exercises overall oversight and control over facilities for unaccompanied children under the ORR shelter system, HHS contracts with not-for-profit and for-profit companies to operate the facilities and provide services on a day-to-day basis.⁴ There are nearly 170 ORR facilities across the country. Most are run by not-for-profit organizations, but the Homestead facility is one of the very few that is run by a for-profit operator.⁵

The Homestead facility is operated on behalf of the US government by US-based Comprehensive Health Services (CHS), which is a wholly-owned subsidiary of US-based Caliburn International, LLC (Caliburn). Homestead was first designated as a temporary emergency care shelter for unaccompanied children in 2016 and children first began arriving there in June 2016. Between June 2016 and April 2017, during a period of high arrivals on the southern US border, over 8,500 unaccompanied children were held at Homestead.⁶ It closed in April 2017 but was reactivated as an emergency shelter in March 2018. Between March 2018 and August 2019, over 14,300 children were held at Homestead.⁷

1 Amnesty International, USA: 'You Don't Have Any Rights Here': Illegal pushbacks, arbitrary detention and ill-treatment of asylum seekers in the United States, 11 October 2018 (Index number: AMR 51/9101/2018), available at www.amnesty.org/en/documents/amr51/9101/2018/en/ (hereafter 'You Don't Have Any Rights Here').

2 Amnesty International, *No Home for Children: The Homestead 'Temporary Emergency' Facility*, 17 July 2019 (Index: AMR 51/0714/2019), available at www.amnesty.org/en/documents/amr51/0714/2019/en/ (hereafter *No Home for Children*).

3 *Under US law, unaccompanied children are defined as children under the age of 18 who arrive at the US border without lawful immigration status or a parent or legal guardian, or who do not have a parent or legal guardian in the US available to provide care and custody.* (6 U.S.C. § 279(g)(2)).

4 The Office of Refugee Resettlement (ORR) awards grants to not-for-profit and for-profit companies “to provide care for unaccompanied children, including housing and educational, medical, and therapeutic services.” For further discussion of the process, see United States Government Accountability Office (GAO), *UNACCOMPANIED CHILDREN: HHS Can Take Further Actions to Monitor Their Care* (GAO-16-180), February 2016, available at www.gao.gov/assets/680/675001.pdf (hereafter GAO, *Unaccompanied Children Report*).

5 When *No Home for Children* was released, CHS was reported to be the only for-profit company operating ORR facilities, and Homestead the only temporary emergency facility run by a for-profit company. See, for example, Deniz Cam, *One In Six Migrant Children In The U.S. Are Staying At A Shelter Operated By A Private Equity Tycoon*, *Forbes*, 10 April 2019, available at www.forbes.com/sites/denizcam/2019/04/10/one-in-six-migrant-children-in-the-us-are-staying-at-a-shelter-operated-by-a-private-equity-tycoon/#31c4d9b2687e.

6 *Homestead Factsheet*, 6 August 2019, p.1.

7 Administration for Children and Families (ACF), *FACT SHEET: U.S. Department of Health and Human Services, Unaccompanied Alien Children Sheltered at Homestead Job Corps Site, Homestead, Florida*, 6 August 2019, available at www.hhs.gov/sites/default/files/Unaccompanied-Alien-Children-Sheltered-at-Homestead.pdf (hereafter *Homestead Factsheet*, 6 August 2019).

In early July 2019, there were just under 2,000 children there.⁸

While Homestead remained open as of early August 2019, it was no longer detaining unaccompanied children as of that date.⁹ In August 2019, HHS reported that all children at Homestead had “either been reunified with an appropriate sponsor or transferred to a state-licensed facility within the ORR network of care providers”.¹⁰ Amnesty International wrote to both Caliburn and the US government to ask them where the children were transferred to and to provide figures for the number of children transferred on to another facility within the ORR network and those released to the care of a sponsor, but at the time of publication had not received any response.

At the same time, however, HHS said that Homestead retains the capacity to begin detaining children again “for future access in the event of increased referrals or an emergency situation” and that “retaining bed capacity at the Homestead influx facility is necessary to provide care and services to UAC [unaccompanied alien children] as mandated. We anticipate an uptick in the number of referrals made to HHS this fall, based on historical trends”.¹¹ This was reiterated in US government testimony on 18 September 2019, during which officials stated that Homestead remains operational in order to receive unaccompanied children if arrivals increase in the fall in line with historical trends.¹² There have been media reports that US government officials anticipate placing children in Homestead as early as October or November 2019.¹³ The contract between CHS and HHS for Homestead runs until 30 November 2019, ensuring that CHS would continue to provide services at least through that time if the facility were to start receiving unaccompanied children.¹⁴

2. US GOVERNMENT VIOLATIONS OF THE RIGHTS OF UNACCOMPANIED CHILDREN AT HOMESTEAD

Under international human rights standards, all actions concerning children should be guided by the best interests of the child.¹⁵ On the basis of that “best interests” principle, the UN Committee on the Rights of the Child – the expert body that monitors the UN Convention on the Rights of the Child – has underscored that “protection and care” should be provided that ensures “the child’s ‘well-being’ and development”.¹⁶

8 Caliburn International, LLC letter to Amnesty International, 10 July 2019.

9 *Homestead Factsheet*, 6 August 2019, p.2.

10 *Homestead Factsheet*, 6 August 2019, p.2.

11 *Homestead Factsheet*, 6 August 2019, p.3.

12 Committee on Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, United States House of Representatives, 18 September 2019, available at www.c-span.org/video/?464368-1/administration-officials-testify-migrant-children-mental-health&start=6100.

13 Monique O. Madan, Homestead Detention Center for Immigrant Children Expected to Reopen As Soon As October, Miami Herald, 14 August 2019, available at www.miamiherald.com/news/local/immigration/article233990032.html; see also Monique O. Madan, There are no kids left at the Homestead detention center, but has it truly shut down?, Miami Herald, 5 August 2019, available at www.miamiherald.com/news/local/immigration/article233546697.html; Monique O. Madan, All children have been moved from Homestead detention center. They're not coming back, Tampa Bay Times, 5 August 2019, available at www.tampabay.com/florida-politics/buzz/2019/08/05/all-children-have-been-moved-from-homestead-detention-center-theyre-not-coming-back/; Congressional Hearing on “Mental Health Needs of Migrant Children in Custody”

14 See CONTRACT TO PROVIDE SUPPORT SERVICES FOR EMERGENCY TEMPORARY SHELTER OPERATIONS--HOMESTEAD, FL, Award ID: 75P00119C00042, available at www.usaspending.gov/#/award/79537497. This makes clear that CHS's period of performance under the contract is 9 April 2019 to 30 November 2019.

15 UN Convention on the Rights of the Child (hereafter CRC), Article 3(1), 20 November 1989, available at www2.ohchr.org/english/law/pdf/crc.pdf. The USA signed the CRC in 1995, though it is the only country in the world that has yet to ratify it. As a signatory to the CRC, the USA is prohibited under customary international law from acts that would defeat its object and purpose. While the USA has signed but not ratified the CRC, the convention's principles are contained in other international instruments and therefore should not be contravened.

16 Committee on the Rights of the Child, General Comment No. 14, para. 71, 2013, available at www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf.



Exterior of the Homestead 'temporary emergency facility'

The USA has incorporated this principle at the federal and state levels.¹⁷ All 50 states, the District of Columbia, and US territories require consideration of a child's best interests in decisions about the child's custody.¹⁸

Children should never be detained only for migration-related purposes, whether unaccompanied or accompanied, as it is not in their best interests.¹⁹ If children are detained, they must only be detained as a last resort for the shortest possible time, in the least restrictive setting possible and in a facility that is appropriate to the child's needs and complies with both international and US standards.²⁰ Whenever a child is detained, they should be treated "in a manner that takes into account the needs of persons of his or her age."²¹

In the USA, the detention, release, and treatment of all migrant children – whether unaccompanied or accompanied – is governed by the standards set in the 1997 Flores Settlement Agreement (Flores), which is based on the principles of the best interests of the child and family unity.²² Flores requires the government to release migrant children as quickly as possible and within no more than 20 days, and to hold them in the least restrictive setting possible – generally, in a non-secure facility licensed by a state child welfare entity.²³

17 See, for example: 8 U.S.C. § 1101(a)(27)(J) (incorporating a best interests finding into eligibility standards for special immigrant juveniles); Immigration and Naturalization Service, Guidelines for Children's Asylum Claims, 10 December 1998, at 2, 6, and 9 (applying "the internationally recognized 'best interests of the child' principle" to interview procedures for child asylum-seekers); and 8 U.S.C. § 1232(c)(2)(A) (federal agencies that take unaccompanied children into custody must place them in the least restrictive setting that is in their best interests).

18 Child Welfare Information Gateway, Determining the Best Interests of the Child, 2012, available at www.childwelfare.gov/pubPDFs/best_interest.pdf.

19 International Covenant on Civil and Political Rights (ICCPR), Article 9(3), 19 December 1966; United Nations High Commissioner for Refugees (UNHCR), UNHCR's Position Regarding the Detention of Refugee and Migrant Children in the Migration Context, January 2017, at p.2, available at www.refworld.org/docid/5885c2434.html ("[C]hildren should not be detained for immigration related purposes, irrespective of their legal/migratory status or that of their parents, and detention is never in their best interests.").

20 CRC, Article 37; UNHCR General Comment on ICCPR Article 9; Joint General Comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, Article 32(f), 16 November 2017.

21 CRC, Article 37(c).

22 *Flores v. Lynch*, No. CV 85-04544 DMG (Ex), Central District of California, 21 August 2015, available at www.aila.org/File/Related/14111359p.pdf (hereafter Flores Settlement Agreement).

23 Flores Settlement Agreement.

The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) incorporates the Flores standards by requiring ORR to place unaccompanied children in the least restrictive setting possible, in accordance with their best interests.²⁴ Together with international human rights standards, the Flores Settlement Agreement and TVPRA provide a fundamental legal framework to measure US compliance with regard to the treatment of unaccompanied children.

Amnesty International concluded in its July 2019 report on Homestead that, contrary to these legal obligations, the USA was violating the human rights of unaccompanied children by holding them at Homestead in prolonged and indefinite detention.²⁵

As to prolonged detention, Amnesty's July 2019 report noted the following. According to reports, as of mid-January 2019, more than 140 children had spent 100 days or more at Homestead and 26 children had spent 200 days or more there.²⁶ On 1 April 2019, HHS reported that "[unaccompanied children] discharged from the Homestead facility in the last 30 days remained in care on average for 52 days."²⁷ The Program Director at Homestead told Amnesty International on 2 April 2019 that the average length of stay at Homestead was 64 days and that previously it had been 89 days.²⁸ In its 10 July letter to Amnesty International, Caliburn reported the average length of detention as of June to be 25 days, which it claims "comports with United States law, including the Flores Settlement Agreement".²⁹

None of these numbers include the amount of time children may have also spent in the custody of the US Department of Homeland Security (DHS) prior to being transferred to Homestead, or in another ORR shelter if transferred onward from Homestead, as opposed to being released to a sponsor. According to HHS, "[a]t the end of June 2019, the system-wide length of care in our shelters is 45 days, down from a recent high of 93 days in November 2018." Amnesty International spoke to one child who had been detained at Homestead for eight months prior to his transfer to another permanent ORR shelter. Release from Homestead to another ORR shelter, as opposed to a sponsor, constitutes continued prolonged detention.³⁰

As stated above, under Flores, unaccompanied children in temporary emergency facilities like Homestead are to be moved to state-licensed shelters "as expeditiously as possible" – and within no more than 20 days. However, all of the reported average lengths of detention detailed above are in violation of the US government's legal obligations. Despite Caliburn's assertions in their letter to Amnesty International, the average length of detention of 25 days violates the USA's obligations under Flores, which requires the government to release migrant children as quickly as possible and within no more than 20 days.

As to indefinite detention, on being housed at Homestead, children do not know how long they will be kept there. They could be either released to another ORR shelter, which constitutes a prolongation of their detention, or released from detention to sponsors – parents, legal guardians, and other caregivers. Children are not released automatically when they reach the 20 days stipulated by Flores, and many stay much longer. Children cannot know on entering detention at Homestead exactly how long they will be kept there, thus Amnesty International considers their detention to be indefinite.

Amnesty International concluded in its July 2019 report on Homestead that, because of its designation as a "temporary influx" care facility and its location on federal land, the Homestead facility is able to evade US legal requirements for unaccompanied children that apply to permanent ORR shelters.³¹ The Flores Settlement Agreement provides for exemptions to the care and oversight of migrant children "in the event of an emergency or influx of minors into the United States".³² As such, although the Homestead facility has been holding unaccompanied children in detention since June 2016, it is permitted to operate without state licensing and to provide lower standards of care than is required of state-licensed, permanent ORR shelters.

24 William Wilberforce Trafficking Victims Protection Reauthorization Act § 235(c)(2); 8 U.S.C. §1232(c)(2), Pub. L. No. 110–457, 122 Stat. 5044 (2008) (hereafter TVPRA).

25 Amnesty International, *No Home for Children*, Chapter 6.

26 National Center on Youth Law report, *The Flores Settlement Agreement & Unaccompanied Children in Federal Custody*, February 2019.

27 FACT SHEET: U.S. Department of Health and Human Services Unaccompanied Alien Children Sheltered at Homestead Job Corps Site, Homestead, Florida, p. 1, available at <https://web.archive.org/web/20190429010017/https://www.hhs.gov/sites/default/files/Unaccompanied-Alien-Children-Sheltered-at-Homestead.pdf> (accessed via Wayback machine) (hereafter Homestead Fact Sheet, 1 April 2019).

28 Interview with Program Director at Homestead, 2 April 2019.

29 Caliburn letter to Amnesty International, 10 July 2019.

30 *Homestead Factsheet*, 6 August 2019, p.2.

31 ACF, ORR Guide: Children Entering the United States Unaccompanied, § 1.7, 30 January 2015 (ORR Guide), available at www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-1#1; ORR, Children Entering the United States Unaccompanied: Guide to Terms, 8 January 2019, available at www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms#influx; see also Flores Settlement Agreement, para. 12(3).

32 Flores Settlement Agreement.

Caught in the “emergency” categorization, unaccompanied children at Homestead received lower standards of care and oversight than their peers at nearby state-licensed, permanent ORR shelters.

As detailed further in its July 2019 report, Amnesty’s concerns include the facility’s rigid institutional nature, educational services, language services, remote case management services and systems for reporting allegations of sexual abuse.³³ Furthermore, the US federal government granted a waiver allowing CHS to bypass running background checks on staff against Florida’s child abuse and neglect background check system (CANS).³⁴ CANS would provide critical additional oversight of potential employees who are working directly with children on a daily basis for extended periods of time. According to the Homestead Program Director, the recruitment of staff involves a number of background checks.³⁵ After fingerprinting by the FBI, they are subject to a Volunteer and Employee Criminal History System (VECHS) check at the Florida Department of Law Enforcement (FDLE).³⁶ Once staff have cleared the FBI and VECHS checks, they “also undergo a drug test, education verification, language verification, and reference checks.

They then complete 40 hours of formal training as well as on-the-job training alongside experienced staff members.”³⁷ However, because CHS’s parent company, Caliburn International, is not based in Florida, Homestead is unable to run background checks on staff against CANS.

3. CHS'S OPERATIONS AT HOMESTEAD

As noted above, although the US government has primary responsibility for the human rights of children at Homestead and exercises overall oversight and control over facilities for unaccompanied children under the ORR shelter system, HHS contracts with not-for-profit and for-profit companies to operate the facilities and provide services on a day-to-day basis. According to government documents, contractors provide a range of services vital for the day-to-day running of those facilities such as “care for unaccompanied children, including housing and educational, medical, and therapeutic services.”³⁸

CHS is one of these contractors and one of the few for-profit contractors. As a business enterprise, it has its own responsibility to respect human rights (as detailed in Section 4 below). It is therefore important to understand the role and responsibilities of CHS at Homestead, so as to understand whether it is contributing to the US’s violation of the human rights of unaccompanied children at Homestead by enabling their prolonged and indefinite detention.

Established in 1975, CHS offers medical care, health screening, and emergency response services as well as an “integrated services delivery model” for immigration shelter services, including management, oversight, and coordination of services.³⁹

33 *No Home for Children*, pp. 21-30

34 G. Kates, *Migrant children in U.S. are being held in unlicensed shelters, lawyers say*, CBS News, 23 January 2019, available at www.cbsnews.com/news/migrant-children-in-us-are-being-held-in-unlicensed-shelters-lawyers-say/; interview with Programme Director at Homestead, 2 April 2019.

35 Interview with Program Director at Homestead, 2 April 2019. Homestead Fact Sheet, 1 April 2019.

36 For information on VECHS, see www.fdle.state.fl.us/Background-Checks/VECHS-Home.aspx.

37 Caliburn letter to Amnesty International, 10 July 2019.

38 See GAO, *Unaccompanied Children Report*.

39 See www.chsmedical.com/services/government-services/immigrant-shelter-services (accessed 13 July 2019). This page is no longer accessible and instead takes you to a page on the Caliburn website; www.bloomberg.com/profile/company/3901986Z:US (accessed 13 July 2019).

In a letter to Amnesty International of 10 July 2019, Caliburn International, LLC (Caliburn), the sole owner of CHS (see section below explaining the ownership of CHS), describes Homestead as an "emergency care shelter ... operated by the United States Department of Health and Human Services" and itself as "a contractor *supporting* HHS at that location [Homestead], along with other contractors and subcontractors" (emphasis added).⁴⁰ Overall, Caliburn's letter suggests that HHS is operating the center, whilst CHS simply provides services. In the same letter, Caliburn states that when Homestead first opened as a temporary influx care facility in 2016, CHS:

"was awarded contracts by HHS to provide staffing, medical support, and medical equipment to help HHS meet its responsibilities. Assistance provided by CHS included physicians, physician assistants, nurses, nurse practitioners, licensed clinicians, case managers, youth counselors, teachers, and education instructors."⁴¹

However, an analysis of available information about its contracts with HHS as well as information obtained by Amnesty International through public company documents and during visits to Homestead in April and July 2019, make clear that CHS is responsible for the day-to-day running of Homestead as well as providing core services that enable the US government to detain children at the facility.

According to HHS documents and the US government spending website⁴², CHS operated at the first iteration of the Homestead facility from June 2016 to April 2017. Beginning in May 2015, CHS signed a series of contracts with HHS to provide "medical and clinical staffing" and "shelter staffing" at Homestead, which represented its first move into the ORR field.⁴³ Although these contracts do not explicitly name Homestead, in their letter to Amnesty International, Caliburn state that the contracts awarded to them by HHS were to provide services at Homestead.

⁴⁰ Caliburn International, LLC letter to Amnesty International, 10 July 2019.

⁴¹ Caliburn International, LLC letter to Amnesty International, 10 July 2019.

⁴² *Homestead Factsheet*, 6 August 2019, p.1; www.usaspending.gov.

⁴³ MEDICAL AND CLINICAL STAFFING Award ID: HHSP23337001T (Parent Award ID: HHSP233201500179I), available at www.usaspending.gov/#/award/23606257, www.usaspending.gov/#/award/23606817, www.usaspending.gov/#/award/23607220, www.usaspending.gov/#/award/23607530, and www.usaspending.gov/#/award/23607785; SHELTER STAFFING CADRE INFRASTRUCTURE UNDER SOLICITATION Award ID: HHSP23337001T (Parent Award ID: HHSP233201500172), available at www.usaspending.gov/#/award/23606252; and SHELTER STAFFING CADRE INFRASTRUCTURE Award ID: HHSP23337002T (Parent Award ID: HHSP233201500172I), available at www.usaspending.gov/#/award/23606813, www.usaspending.gov/#/award/23607217, www.usaspending.gov/#/award/23607527, and www.usaspending.gov/#/award/23607782

CHS subsequently received additional awards from HHS in February 2018 to provide 500 beds for unaccompanied children at Homestead and in July 2018 to provide additional bed capacity to house 1,350 unaccompanied children.⁴⁴ Its last contract to provide “support services for emergency temporary shelter operations” at Homestead was awarded in April 2019 and runs until 30 November 2019.⁴⁷

Amnesty International has not been able to review the full contracts between CHS and HHS. This is despite Members of Congress requesting the CHS contracts from HHS, and Amnesty International submitting Freedom of Information Acts requests for the contracts. Amnesty International has also written directly to ORR, CHS and Caliburn International, LLC to request copies of these contracts, but at the time of publication had not received any response. Despite being unable to obtain copies of the full contracts detailing the exact scope of the services provided, the titles of the contracts make it clear that CHS is providing staffing to Homestead, as well as bed capacity. As outlined below, these are core services essential to the running of Homestead.

For example, in October 2018, Caliburn International Corporation (Caliburn International) filed an application for an Initial Public Offering (IPO)⁴⁸ with the Security and Exchange Commission (SEC) worth USD 100 million. In its filing, Caliburn International states that “through our medical and humanitarian services business, we are involved in providing medical and *daily living services* (emphasis added) for children who are stopped and taken into custody at the U.S. border... Our services are currently provided through the Office of Refugee Resettlement (the “ORR”), an office within the Department of Health and Human Services (“HHS”).”⁴⁹ Given that CHS is the only one of the four companies owned by Caliburn International to provide “global medical services and exam management,”⁵⁰ it is reasonable to conclude that the company contracted to provide “daily living services” for children through the ORR is CHS.

In addition, when Amnesty International researchers visited the facility in April and July 2019, they were accompanied by CHS staff wearing shirts bearing the CHS name, who referred to CHS overseeing the facility and supporting essential services such as education, case management and clinicians, and medical care.⁵¹ The person leading the visit in April 2019 referred to themselves as being responsible for overseeing the running of the facility and had a work email address that uses a CHS domain name.⁵²

Furthermore, CHS job postings for positions at Homestead in 2018 and 2019 include case manager, case aide, clinical counselor, teacher, educational instructor, registered nurse, licensed vocational nurse, nurse practitioner, and youth care worker.⁵³ These job postings concur with the services that Caliburn admits to providing in their letter to Amnesty International of 10 July 2019, and the core services that Amnesty International researchers observed CHS providing during their visit to the facility. The posts cover most of the core services provided to children at the Homestead facility.

⁴⁴ [8@E: 8A6LF: 8?GE BCE4GBAF9BEH46-647E84A7-A9E4FCEH6GE84 TAV7-; ; FC%88*##SGICT0eg4 TAV7-; ; FC%88#S*##%#\) 4Tti T\UXTg](https://www.usaspending.gov/search/award/62376102)
available at supportkind.org/wp-content/uploads/2017/12/Targeting-Families-December-2017_Final-v.2.pdf; K. Cooke and Y. Torbati, *U.S. has arrested 170 immigrants who tried to claim migrant children*.

⁴⁵ ORR EMERGENCY SHELTER - HOMESTEAD, FL - 500 UAC BEDS Award ID: HHSP23337002T (Parent Award ID: HHSP233201700026I), available at www.usaspending.gov/#/award/62376102.

⁴⁶ ORR EMERGENCY SHELTER OPERATIONS, HOMESTEAD FL - 1350 UAC BEDS, Award ID: 75P00118F37003 (Parent Award ID: HHSP233201700026I) available at www.usaspending.gov/#/award/67043748.

⁴⁷ TO PROVIDE SUPPORT SERVICES FOR EMERGENCY TEMPORARY SHELTER OPERATIONS--HOMESTEAD, FL, Award ID: 75P00119C00042 available at www.usaspending.gov/#/award/79537497.

⁴⁸ An IPO is the process by which a private company can become a public company by selling shares of stock in the company to the wider public for the first time. After the IPO, the company's shares can be traded on the open market. IPOs are often used by companies to raise money.

⁴⁹ SEC Form S-1 Registration Statement, Caliburn International Corporation, p.32, available at www.sec.gov/Archives/edgar/data/1750690/000119312518303218/d632104ds1.htm.

⁵⁰ SEC Form S-1 Registration Statement, Caliburn International Corporation, p.118, available at www.sec.gov/Archives/edgar/data/1750690/000119312518303218/d632104ds1.htm.

⁵¹ 2 April 2019 and 12 July 2019 tours of the Homestead facility.

⁵² Email with domain name on file with Amnesty International.

⁵³ LinkedIn, Comprehensive Health Services, available at www.linkedin.com/posts/comprehensive-health-service-inc_youthcareworker-casemanagement-licensedclinicalcounselor-activity-6473641937940414464-Milm; and www.linkedin.com/posts/comprehensive-health-service-inc_caliburn-chs-is-hiring-in-the-homestead-activity-6509955421170655232-TmmU.

An August 2019 HHS factsheet on Homestead states that CHS “is operating the child care and wrap-around support services” at Homestead.⁵⁴ It goes on to describe only four services provided at Homestead, being legal services, educational services, security of unaccompanied children, and health of unaccompanied children. This strongly suggests that these four services are core to the US government's ability to detain children at Homestead. With respect to security, the factsheet states that “DHS Federal Protective Services (FPS) and CHS provides onsite security 24 hours a day, seven days a week”.⁵⁵ And, as made clear from the information above, CHS is providing educational services and health services at Homestead. This means that Homestead is providing three of these four core services.

Furthermore, in its public documents, ORR states that a “care provider” for an ORR facility is a contractor responsible for core services, which:

“provide[s] 24 hours seven days a week care and services that begin at intakes and end in discharge of UAC from care... Care providers must provide proper physical care and maintenance, including suitable living accommodations, food, appropriate clothing and personal grooming items.”⁵⁶

The ORR policy guide also refers to the role of a “care provider” as “any ORR funded program that... provide[s] residential care for children.”⁵⁷

The ORR Policy Guide stipulates that its facilities:

“which operate under cooperative agreements and contracts, provide children with classroom education, health care, socialization/recreation, vocational training, mental health services, access to legal services, access to Child Advocates where applicable, and case management.”⁵⁸

Given that CHS has received contracts to provide the services outlined in the ORR policy guide, including beds, it is reasonable to conclude that CHS is the facility's “care provider” and therefore provides the core services that enable the US government to detain children at the facility.⁵⁹

It is generally accepted by the US Congress that CHS is running Homestead and has been stated as such on numerous occasions. In a letter to HHS asking for information on Homestead, US Senators Warren and Merkley describe Homestead as “the only for-profit facility for migrant children”, and which “is operated by Comprehensive Health Services (CHSi), a subsidiary of Caliburn International.”⁶⁰ In a letter to the Administration for Children and Families (ACF) asking for information on Homestead, US Representative DeLauro renewed her request for the Homestead contract, attaching a request by the American Civil Liberties Union (ACLU) to ACF also asking for the CHS contract at Homestead.⁶¹ Similarly, at hearings before the US House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Representatives in July and September 2019, US Representatives referred to Caliburn International as the primary actor, referencing it as holding the contract at Homestead.⁶²

54 Homestead Factsheet, 6 August 2019, p.1.

55 Homestead Factsheet, 6 August 2019, p.3.

56 “Standing Announcement for Residential (Shelter) Services for Unaccompanied Alien Children,” p.3, available at https://ami.grantsolutions.gov/files/HHS-2017-ACF-ORR-ZU-1132_3.pdf

57 ORR, Children Entering the United States Unaccompanied: Guide to Terms, 8 January 2019, available at www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms#Influx.

58 ACF, ORR Guide: Children Entering the United States Unaccompanied, § 3.1 Summary of Services, 22 July 2019, available at www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-3#3.1.

59 According to the US pending site, other contractors at Homestead are American Canyon Solutions, Inc. and General Dynamics Information Technology, Inc. Since May 2018, American Canyon Solutions, Inc. has been awarded approximately 80 million USD for services at Homestead: www.usaspending.gov/#/award/76588114; www.usaspending.gov/#/award/66346158. Since March 2018, General Dynamics Information Technology, Inc., has been awarded nearly 4 million USD for services at Homestead: www.usaspending.gov/#/award/80336654; www.usaspending.gov/#/award/70063486; and www.usaspending.gov/#/award/62606023. Since September 2017, the contracts CHS has been awarded for Homestead (as discussed above) total more than 578 million USD.

60 Letter from US Senators Elizabeth Warren and Jeffrey A. Merkley to Secretary of the US Department of Health and Human Services Alex Azar, 12 September 2019, available at www.warren.senate.gov/imo/media/doc/2019.09.12%20Letter%20to%20HHS%20on%20Homestead%20Facility.pdf

61 Letter from US Representative Rosa L. DeLauro to Administration for Children and Families Assistant Secretary Lynn Johnson, 19 August 2019, available at https://drive.google.com/file/d/1AMjCCp9LFFnwM7niTQ_YKkEtEfviqI6t/view.

62 Congressional Hearing on Mental Health Needs of Migrant Children in Custody, Committee on Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, United States House of Representatives, 18 September 2019, available at www.c-span.org/video/?464368-1/administration-officials-testify-migrant-children-mental-health&start=6100; Congressional Hearing on “Oversight of the Unaccompanied Children Program: Ensuring the Safety of Children in HHS Care”, Committee on Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, United States House of Representatives, 24 July 2019, available at <https://appropriations.house.gov/events/hearings/oversight-of-the-unaccompanied-children-program-ensuring-the-safety-of-children-in>.

The Director of ORR confirmed this understanding in testimony before Congress. On 18 September 2019, he testified, “The Homestead site and the operator were chosen back in late 2015 long before General John Kelly joined any of the companies that you mentioned. Yes we did renew that contract with them.”⁶³

Although Caliburn suggests it is not responsible for the day-to-day running of Homestead in its letter to Amnesty International, the list of services it says that it provides covers most of the core services (housing, education, medical and case work) provided to the children housed there. Read together with the names of the contracts awarded to CHS, its filings to the SEC and the HHS fact sheet, it is clear that CHS is responsible for the day-to-day running of Homestead and provides the core services that enable the government to hold children at Homestead in prolonged and indefinite detention.

4. THE CORPORATE RESPONSIBILITY TO RESPECT

Companies have a responsibility to respect all human rights wherever they operate in the world and throughout their operations. This is an internationally endorsed standard of expected conduct.⁶⁴ It applies even when a company is operating through subsidiaries or sub-contractors.

The corporate responsibility to respect requires companies to avoid causing or contributing to human rights abuses through their own business activities and to address impacts with which they are involved, including by remediating any actual impacts. It also requires them to seek to prevent or mitigate adverse human rights impacts directly linked to their operations or services by their business relationships, even if they have not contributed to those impacts.⁶⁵

This responsibility is independent of a State’s own human rights responsibilities and exists over and above compliance with national laws and regulations protecting human rights.⁶⁶

To meet its corporate responsibility to respect, a company must take proactive and ongoing steps to identify and respond to its potential or actual human rights impacts. This includes putting appropriate policies and processes in place within their operations, including a human rights due diligence process to identify, prevent, mitigate and account for how they address their human rights impacts. The due diligence process should involve assessing actual and potential human rights impacts and acting upon those findings.⁶⁷ This is not a one-off responsibility, but an ongoing and proactive process.

There could be cases in which a company identifies (through due diligence or otherwise) that it may cause or contribute or be causing or contributing to a serious human rights abuse and that it cannot prevent or mitigate that abuse. In such cases, the company must avoid or cease undertaking the relevant activity. Furthermore, a company may expose itself to legal liability if it causes a human rights abuse itself, or contributes to human rights violations by other parties such as governments.⁶⁸

⁶⁴ This responsibility was expressly recognized by the UN Human Rights Council on 16 June 2011, when it endorsed the UN Guiding Principles on Business and Human Rights, and on 25 May 2011, when the 42 governments that had then adhered to the Declaration on International Investment and Multinational Enterprises of the OECD unanimously endorsed a revised version of the OECD Guidelines for Multinational Enterprises. See Human Rights Council, Human Rights and Transnational Corporations and other Business Enterprises, Resolution 17/4, UN Doc A/HRC/RES/17/4, 6 July 2011, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/144/71/PDF/G1114471.pdf?OpenElement>; OECD, OECD Guidelines for Multinational Enterprises, 2011, OECD Publishing, available at www.oecd.org/corporate/mne.

⁶⁵ UN Office of the High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (2011) UN Doc HR/PUB/11/04, Principles 11 and 13 including Commentary, available at www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (hereafter UNGPs).

⁶⁶ UNGPs, Principle 11 including Commentary.

⁶⁷ UNGPs, Principles 15, 16 and 17 including Commentary.

⁶⁸ UNGPs, Commentary to Principle 17.

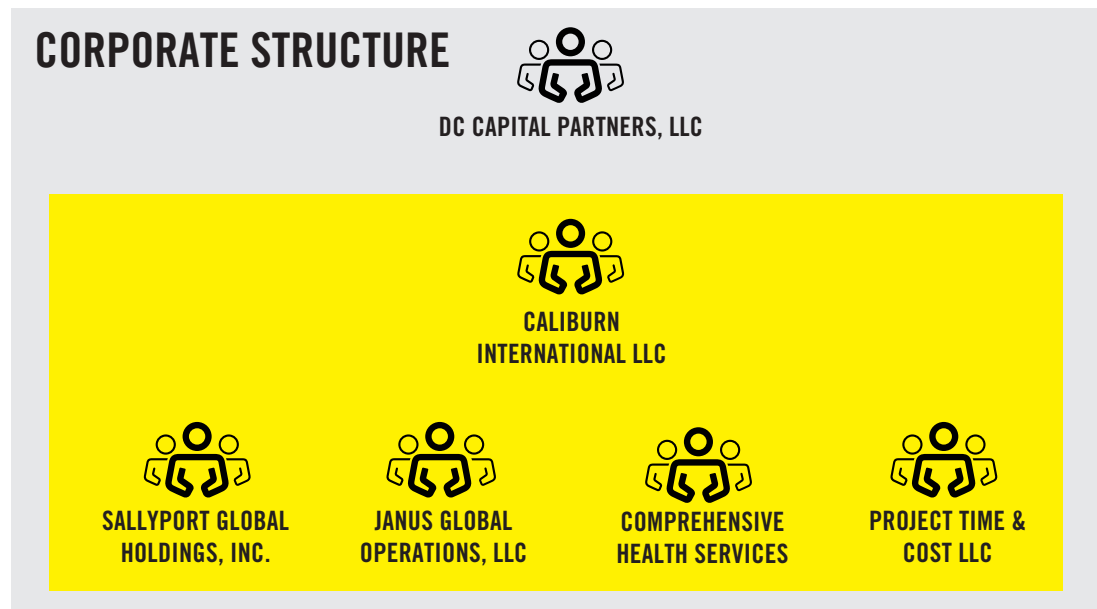
5. CHS'S HUMAN RIGHTS RESPONSIBILITIES AND FAILINGS

As Amnesty International has documented, media has widely reported, and the US government itself has acknowledged, unaccompanied children are held in prolonged and indefinite detention at Homestead.⁶⁹ By doing so, the US is violating the human rights of children at Homestead. Furthermore, it is clear from the above that CHS is responsible for the day-to-day running of Homestead and provides the core services that enable the government to hold children at Homestead in prolonged and indefinite detention. CHS is therefore contributing to the US Government's violations of the rights of unaccompanied children, who are held in prolonged and indefinite detention. As a result, CHS is failing to meet its responsibility to respect human rights.

⁶⁹ Amnesty International, *No Home for Children*. Also see, for example: T. Kopan, *The Simple Reason More Immigrant Kids are in Custody Than Ever Before*, CNN, 14 September 2018, available at www.cnn.com/2018/09/14/politics/immigrant-children-kept-detention/index.html; R. Moore, *Thousands of Migrant Children Could Be Released with Trump's Major Policy Reversal*, Texas Monthly, 18 December 2018, available at www.texasmonthly.com/news/trump-fingerprint-policy-change-reduce-migrant-children-detention-tornillo/; L. Kriel, *Longer stays leave record number of immigrant children in detention*, Houston Chronicle, 21 November 2018, available at www.houstonchronicle.com/news/houston-texas/houston/article/Thanksgiving-in-immigration-shelters-as-number-of-13415048.php; J. Blitzer, *To Free Detained Children, Immigrant Families Are Forced to Risk Everything*, The New Yorker, 16 October 2018, available at www.newyorker.com/news/dispatch/to-free-detained-children-immigrant-families-are-forced-to-risk-everything; ACF, Fact Sheet: *Unaccompanied Alien Children (UAC) Program*, 20 August 2019, available at www.hhs.gov/sites/default/files/Unaccompanied-Alien-Children-Program-Fact-Sheet.pdf (acknowledging the average length of care in November 2018 was 93 days); ACF, Office of Refugee Resettlement (ORR), *Facts and Data: General Statistics*, 18 May 2019, available at www.acf.hhs.gov/orr/about/ucs/facts-and-data (acknowledging average length of care was 60 days for fiscal year 2018, i.e., 1 October 2017 – 30 September 2018).

6. LACK OF DUE DILIGENCE BY DC CAPITAL PARTNERS, CALIBURN, AND CHS

As previously stated, CHS was established in 1975 to provide medical care, health screening, and emergency response services as well as an “integrated services delivery model” for immigration shelter services, including management, oversight, and coordination of services.⁷⁰ In March 2018, a US private equity firm called DC Capital Partners, LLC (DC Capital) acquired CHS. In August 2018, DC Capital established Caliburn International Corporation (Caliburn International) by combining four companies under DC Capital’s control – Sallyport Global Holdings, Inc., Janus Global Operations LLC, Project Time & Cost LLC, and CHS – to “create an end-to-end services platform with the ability and scale to support national defense, international diplomacy, and homeland security client readiness.”⁷¹ Caliburn International is wholly-owned by DC Capital.⁷² CHS is, in turn, a wholly-owned subsidiary of another group company called Caliburn International, LLC (Caliburn).



DC Capital, Caliburn and CHS all have a responsibility to respect human rights throughout their operations and, therefore, to respect the rights of children at Homestead. To meet that responsibility, DC Capital should have undertaken due diligence before acquiring CHS to identify its human rights impacts at Homestead and to assess how those impacts could be prevented or mitigated (as appropriate). As part of that due diligence process, DC Capital should then have acted on those findings. DC Capital, Caliburn and CHS should also have been undertaking human rights due diligence regarding the Homestead operations on an ongoing basis, and be acting upon those findings, including with respect to any new contracts to operate at Homestead.

DC Capital, Caliburn and CHS should have been well aware of the possibility of contributing to serious human rights violations at Homestead and the need for due diligence. For example, the prolonged and indefinite detention of children by the US government in the ORR system, and more particularly at Homestead, has been well-known publicly since CHS signed its first contract with HHS in May 2015 and first started operating at the facility in June 2016. The US Government reported that the average length of stay of unaccompanied children across the ORR system for the fiscal year 2011 was 72 days and for the fiscal year 2015 was 34 days – respectively 52 days and 14 days above the 20 day limit set by the Flores Settlement Agreement.⁷³ When CHS entered into a new contract with HHS in September 2017, the average length of stay for unaccompanied children in the ORR system overall was reported by HHS to be 51 days for that fiscal year.⁷⁴

⁷⁰ See www.chsmedical.com/services/government-services/immigrant-shelter-services (accessed 13 July 2019). This page is no longer accessible and instead directs to a page on the Caliburn website.

⁷¹ SEC Form S-1 Registration Statement, Caliburn International Corporation, p.118, available at www.sec.gov/Archives/edgar/data/1750690/000119312518303218/d632104ds1.htm.

⁷² SEC Form S-1 Registration Statement, Caliburn International Corporation, p.11, available at www.sec.gov/Archives/edgar/data/1750690/000119312518303218/d632104ds1.htm.

⁷³ Covering fiscal year 2015 (1 October 2014 – 30 September 2015). GAO, Unaccompanied Children Report, p.16

⁷⁴ Covering fiscal year 2017 (1 October 2016 – 30 September 2017). By March 2018, the average length of stay was 56 days. Testimony of Steven Wagner, Acting Assistant Secretary, Administration for Children and Families, US Department of Health and Human Services, Before Senate Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations, 26 April 2018, www.hsgac.senate.gov/imo/media/doc/Wagner%20Testimony.pdf (hereafter Testimony of Steve Wagner).

Furthermore, when Homestead was re-opened in March 2018, it was publicly reported that due to the prolonged detention of unaccompanied children at ORR facilities generally, there was a backlog in release from ORR facilities.⁷⁵

CHS itself would also have been well aware of the prolonged and indefinite detention of children from its own day-to-day operations at Homestead since 2016.

Despite this knowledge, CHS has continued to operate and provide core services at Homestead.

CHS, Caliburn and DC Capital also had many opportunities to undertake due diligence to identify and address the risk of contributing to serious human rights violations at Homestead.⁷⁶

For example, CHS entered into contracts with HHS in 2015, 2016, 2017, 2018, and 2019. DC Capital ~

bought CHS in March 2018 and Caliburn International was established as the indirect parent company of CHS in August 2018. CHS entered into its latest contract with HHS in April 2019. At these various points, as outlined above, the prolonged and indefinite detention of children at the facility was well documented in numerous media and other reports and reported by HHS itself. CHS itself would also have been well aware of the prolonged and indefinite detention of children from its own day-to-day operations at Homestead since 2016. Despite this knowledge, CHS has continued to operate and provide core services at Homestead and entered into new contracts with HHS for Homestead.

Despite this knowledge, DC Capital allowed CHS to execute grant agreements with HHS in July 2018 and again in April 2019 (at which point Caliburn International was CHS's parent company). In doing so, DC Capital and Caliburn International were clearly aware both of the potential benefits and risks of doing business at Homestead. In its IPO filing with the SEC, Caliburn International reported that its operation areas were well aligned with the US government's border enforcement and immigration policies to drive significant growth opportunities. It also reported that its areas of operations carried a reputational risk, which could affect profits, due to negative perceptions and public pressure over its work with HHS, among other government bodies.⁷⁷

⁷⁵ See, for example: T. Kopan, The Simple Reason More Immigrant Kids are in Custody Than Ever Before, CNN, 14 September 2018, available at www.cnn.com/2018/09/14/politics/immigrant-children-kept-detention/index.html; L. Kriel, Longer stays leave record number of immigrant children in detention, Houston Chronicle, 21 November 2018, available at www.houstonchronicle.com/news/houston-texas/houston/article/Thanksgiving-in-immigration-shelters-as-number-of-13415048.php

⁷⁶ See, for example: R. Moore, Thousands of Migrant Children Could Be Released with Trump's Major Policy Reversal, Texas Monthly, 18 December 2018, available at www.texasmonthly.com/news/trump-fingerprint-policy-change-reduce-migrant-children-detention-tornillo (citing HHS, "Since the implementation of this new policy five months ago, ORR has determined the additional steps required to fingerprint all household members has had an impact on the timely release of unaccompanied children without demonstrated benefit to the safety of children after their release from ORR care.");

J. Blitzer, To Free Detained Children, Immigrant Families Are Forced to Risk Everything, The New Yorker, 16 October 2018, available at www.newyorker.com/news/dispatch/to-free-detained-children-immigrant-families-are-forced-to-risk-everything ("Officially, the H.H.S. claims that the average time is fifty-nine days, but according to one of the department's own officials, who agreed to speak with me on the condition of anonymity, detained children now spend an average of seventy-four days in federal custody, more than double what it was at the start of 2016.");

ACF, FACT SHEET: U.S. Department of Health and Human Services, Unaccompanied Alien Children Sheltered at Homestead Job Corps Site, Homestead, Florida, April 2019, available at www.hhs.gov/sites/default/files/Unaccompanied-Alien-Children-Sheltered-at-Homestead.pdf (reporting that as of 1 April 2019, "[unaccompanied children] discharged from the Homestead facility in the last 30 days remained in care on average for 52 days.");

⁷⁷ SEC Form S-1 Registration Statement, Caliburn International Corporation, p.33, available at www.sec.gov/Archives/edgar/data/1750690/000119312518303218/d632104ds1.htm.

In fact, when Caliburn International withdrew its IPO application in March 2019,⁷⁸ media reported that public pressure over CHS's operations at Homestead may have contributed to Caliburn International's decision.⁷⁹

Amnesty International wrote to Caliburn and DC Capital on 3 October 2019, and asked them what due diligence they had conducted and were currently conducting with respect to CHS's operations at Homestead and whether they had identified the risk of CHS contributing to the US government's human rights violations at the Homestead facility, including the prolonged and indefinite detention of children. Amnesty International did not receive any response from DC Capital or Caliburn by the time of publication of this report. This means that, as of the date of publication, CHS, Caliburn, and DC Capital have not provided any specific evidence that they are undertaking due diligence on CHS's operations at Homestead, or that they undertook due diligence to identify and address potential and actual human rights abuses at Homestead at any point, for example when buying CHS, when establishing Caliburn or before CHS entered into any of its contracts with HHS.

If these companies had in place adequate due diligence processes, they would have identified the serious risk of contributing to the US government's violation of the human rights of children at Homestead through their prolonged and indefinite detention. In that case, and given the circumstances of the situation and the length of time it had continued, they should have determined that they could not avoid contributing to these US government violations and decided not to operate at Homestead.

As a result, Amnesty International considers that CHS, Caliburn, and DC Capital have failed to put an adequate due diligence process in place with respect to CHS's operations at Homestead and are therefore failing to meet their responsibility to respect human rights.

7. METHODOLOGY

This briefing and its findings are based on extensive desk-based research on the operations of CHS at Homestead, including detailed analysis of publicly available information such as information on CHS's contracts for the operation of Homestead, filings with the Securities & Exchange Commission and media reports. Amnesty International staff visited Homestead in April and July 2019. The briefing also draws on Amnesty International's July 2019 report on Homestead, *No Home for Children: The Homestead 'Temporary Emergency' Facility*.

Amnesty International wrote to the US Department of Health and Human Services and the Office of Refugee Resettlement to share relevant portions of a draft of this briefing and to request certain information regarding Homestead and the ORR shelter system. Amnesty followed-up on this letter and request by phone with ORR. Amnesty International did not receive any response from either HHS or ORR by the time of publication of this report.

Amnesty International also shared relevant portions of a draft of this briefing with DC Capital and Caliburn International, LLC and requested certain additional information regarding CHS's operations at Homestead and Caliburn's corporate structure. Amnesty followed-up on this letter and request with both companies by email and additionally by phone with Caliburn. Amnesty International did not receive any response from DC Capital or Caliburn by the time of publication of this report. A letter received from Caliburn International, LLC in response to Amnesty International's July 2019 report on Homestead is attached in the annex to this briefing.

⁷⁸ Caliburn International Corporation, Caliburn International Holdings Withdraws Registration Statement, 5 March 2019, available at www.businesswire.com/news/home/20190305005249/en (citing

"variability in the equity markets" for withdrawal of its public offering).

⁷⁹ Jimena Tavel, Company that runs Homestead detention center cancels stock offering after growing outcry, Miami Herald, 5 March 2019, available at www.miamiherald.com/news/local/immigration/article227144459.html; Robert Smith, Fund eyes sale of stake in US child migrant centre contractor, Financial Times, 14 April 2019, available at

www.ft.com/content/2a662b1c-5cfe-11e9-9dde-7aedca0a081a;

Deniz Cam, Border Crisis Brings Surge Of Business For Shelter Operators, Forbes, 26 June 2019, available at

www.forbes.com/sites/denizcam/2019/06/26/border-crisis-brings-surge-of-business-for-shelter-operators/#61d0b8088c50. Media also reported that the withdrawal was a result of investigations into one of Caliburn's subsidiaries.

The Daily Beast, Military Contractor Withdraws IPO After Daily Beast Reports, 6 March 2019, available at

www.thedailybeast.com/military-contractor-withdraws-ipo-after-daily-beast-reports;

Financial Times, US 'humanitarian crisis' hounds Nielsen and Wall St, 06 March 2019, available at

www.ft.com/content/d7e3f13c-4036-11e9-b896-fe36ec32aece;

Financial Times, Fund eyes sale of stake in US child migrant centre contractor, 14 April 2019, available at

www.ft.com/content/2a662b1c-5cfe-11e9-9dde-7aedca0a081a.

8. RECOMMENDATIONS

US GOVERNMENT

In its July 2019 report, *No Home for Children*, Amnesty International made several recommendations to the US government. In particular, Amnesty International continues to call on the US government to:

- Close the Homestead facility permanently.
- Stop the protracted use of temporary influx facilities.
- Release children to appropriate sponsors immediately and only where that is not possible, children can be hosted in state-licensed, small-size permanent ORR shelters in the least restrictive setting for the shortest amount of time. These facilities should not be custodial in nature.

CHS

- End its operations at Homestead as soon as possible.
- Do not renew its contract with HHS for operations at Homestead.



Exterior of the Homestead 'temporary emergency' facility

9. ANNEX:

RESPONSE FROM CALIBURN INTERNATIONAL CORPORATION



10 July 2019

Mr. Mark Dummett
Head of Business and Human Rights
Amnesty International
1 Easton Street
London, WC1X 0DW
United Kingdom

Dear Mr. Dummett:

Thank you for your recent letter regarding the emergency care shelter in Homestead, Florida, operated by the United States Department of Health and Human Services (HHS). Caliburn International LLC is a contractor supporting HHS at that location, along with other contractors and subcontractors. We appreciate the opportunity to correct the record regarding a number of inaccuracies in your letter and draft report, which have led to a set of unsubstantiated conclusions. Relevant facts which we would like to share include:

The Homestead emergency shelter is run by a caring staff of over 4,000 professionals who support nearly 2,000 children and is operated in accordance with United States law.

Under Title 8, Section 1232 of the United States Code, “all unaccompanied alien children” are required to be transferred to the care of the Secretary, HHS not later than 72 hours after identifying such children. HHS is directed to provide temporary care for the minors until suitable custodians can be found to safeguard their physical and mental well-being. This law was passed unanimously by the United States House of Representatives and Senate as part of the Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457).

Every effort is made by HHS to unite the teenagers at Homestead with properly vetted sponsors as swiftly as possible. The average length of care in Homestead is 25 days (as of June 28, 2019). This length of time comports with United States law, including the Flores Settlement Agreement of 1997, which states that in the event of an emergency influx of minors into the United States, the government shall place them with an authorized adult or in a non-secure licensed facility “as expeditiously as possible.”

Homestead is a temporary facility that was re-opened by HHS in response to the arrival of thousands of unaccompanied children on the southern border of the United States.

The Homestead emergency care shelter first opened as a temporary facility in 2016 in response to a significant increase in the number of unaccompanied children entering the United States. Comprehensive Health Services (CHS), a Florida-based company that now is part of Caliburn International, was awarded contracts by HHS to provide staffing, medical support, and medical equipment to help HHS meet its responsibilities. Assistance provided by CHS included physicians, physician assistants, nurses, nurse practitioners, licensed clinicians, case managers,

youth counselors, teachers, and education instructors. HHS sheltered over 8,500 children at Homestead from June 2016 to April 2017, at which time the facility was closed as the number of arriving unaccompanied children declined, and they could be accommodated in permanent shelter facilities.

The excellent care provided by HHS and CHS from 2016-2017 was praised by members of Florida's Congressional delegation and, when a new surge of unaccompanied minors began in early 2018, state and local community leaders were notified of the reactivation of the Homestead site. HHS began to once again shelter children at Homestead in March 2018. As before, it is expected that the Homestead shelter will remain open until such time that HHS can accommodate arriving unaccompanied children in its permanent facilities.

Unaccompanied children receive excellent care at the Homestead emergency shelter.

Since its reopening in March 2018, over 13,000 teenagers have been placed at Homestead, and more than 10,000 have been discharged to a suitable sponsor. Currently, there are approximately 1,900 teenagers residing under temporary care at Homestead. To protect them from being placed in dangerous surroundings, careful vetting of potential sponsors is accomplished by HHS. This is pursuant to Congressional direction to protect the children from an unacceptable risk of trafficking and other forms of abuse.

The Homestead emergency care shelter is subject to all applicable federal regulations and HHS policies and procedures. All staff members at Homestead pass FBI fingerprint background checks, which highlight relevant information needed to ensure safety. All employees also undergo a drug test, education verification, language verification, and reference checks. They then complete 40 hours of formal training as well as on-the-job training alongside experienced staff members.

Legal services are provided to the teenagers at Homestead. Each receives a "Know Your Rights" presentation and an individual legal screening. Minors attending immigration court are assigned a lawyer who provides representation either as an attorney of record or Friend of the Court.

At Homestead, the shelter's education department administers a General Assessment Test to every teenager, to enable academic placement. The test focuses on Spanish, English, and Mathematics. The children then receive six hours of classroom instruction each day provided by education instructors who are supervised by certified teachers. Instructors at Homestead are required to be bilingual in English and Spanish, have a bachelor's degree, and pass a background check. After classes and on weekends, the children play outside for two-to-three hours per day (weather permitting). They are provided with three nutritious meals every day, plus snacks. They are given new clothes and a clean bed in which to sleep every night in air-conditioned rooms. Religious services are provided weekly. And great care is taken to ensure they are kept physically safe at all times.

To facilitate placement beyond the shelter, each teenager is provided with a case worker who is dedicated to finding a sponsor for that child in the most expeditious – yet safe – manner. Case workers are bilingual in English and Spanish. If the child speaks another language, translators are available to facilitate conversation and provide reassurance. If a minor is nearing his or her 18th birthday, a dedicated team is assigned in an enhanced effort to find a sponsor prior to the teenager being relocated beyond HHS' care.

Physical health care and emotional counseling are provided at the Homestead shelter by a staff of more than 160 medical professionals. All teenagers arriving at Homestead are medically screened and receive initial vaccinations within 48 hours of arriving. The initial screening includes a general health assessment, a mental health assessment, and a review of vaccination history. If a vaccination record is not located or is not up to date, the child receives all vaccinations recommended by the Centers for Disease Control and Prevention. If health issues arise during or after the initial screening, medical care is provided by the Homestead shelter staff. If health issues are identified that are beyond the capabilities of the staff, the children receive prompt treatment at nearby hospitals and dental clinics.

Conclusion

This response is intended to provide a more complete understanding of the facts pertaining to the Homestead emergency care shelter than was indicated in your letter. I ask that it be printed in full in your report, to furnish an accurate representation of the facts pertaining to Homestead.

Every day, over 4,000 dedicated government and private-sector professionals are working in the Homestead shelter to provide a secure and happy environment for unaccompanied teenagers arriving in the United States, while striving to expeditiously unite them with appropriately vetted sponsors. The success of their efforts to date has been noteworthy, and they continue to seek better ways to accomplish their mission.

The extraordinary efforts of the HHS/Caliburn team will continue at Homestead so long as the temporary shelter remains open, working together to address the needs of the vulnerable children entrusted to our care. We are very proud of our team's determined efforts, and we are grateful for their dedication and skill.

Sincerely,



Jim Van Dusen
CEO of Caliburn International, LLC

AMNESTY
INTERNATIONAL

