

February 27, 2026

Ms. Arianne Perkins
Freedom of Information Act Officer
U.S. Department of Health and Human Services
Hubert H. Humphrey Building, Room 729H 200 Independence Avenue, SW
Washington, D.C. 20201

Re: Request Under the Freedom of Information Act

Dear Ms. Perkins:

This letter constitutes a request made pursuant to the Freedom of Information Act, 5 U.S.C. §552 and the implementing regulations of the U.S. Department of Health and Human Services (“HHS”), 45 C.F.R. Part 5, through which HHS implements FOIA.

The detention and treatment of pregnant or parenting adolescents (“Unaccompanied Alien Children” or “UAC”) in federal immigration custody is of profound public concern. Pregnant or parenting UAC in government custody are uniquely vulnerable, especially those who have experienced physical, psychological, and sometimes sexual trauma before or during their migration to the United States. Additionally, these UAC face the physical demands of high risk of pregnancies or postpartum recovery while separated from their families and put into government-contracted shelters where they are subject to the authority of the shelter staff and federal officials who control their access to the outside world. For UAC in the custody of the Office of Refugee Resettlement (“ORR”) under HHS, this dependency is particularly acute, as ORR exercises legal authority over medical decision-making and release determinations pursuant to the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act. Unfortunately, this means that pregnant UAC who do not wish to parent are denied access to necessary abortion care.

In 2017, ORR implemented new policies¹ and practices that required pregnant UAC in its custody to obtain approval from senior ORR leadership before accessing abortion services, which resulted in delaying or denying them the care they sought. Litigation brought by the American Civil Liberties Union (“ACLU”) on behalf of a pregnant UAC at a government-funded immigration shelter in Texas who was obstructed from receiving a requested abortion, culminated in the U.S. Court of Appeals for the D.C. Circuit ruling in favor of the UAC, who was able to obtain an abortion the next day.² As a result of this litigation, subsequent appeals, and a settlement, ORR adopted an updated policy in 2020 that prohibited ORR staff or contracted care providers to obstruct or interfere with adolescents’ confidential access to abortion

¹ See Kenneth Tota, *ORR Custodial decisions to preserve the health of a pregnant UAC*, DEP’T. OF HEALTH AND HUM. SERV., OFF. OF REFUGEE RESETTLEMENT (March 4, 2017) available at:

<https://immpolicytracking.org/policies/office-of-refugee-resettlement-requires-directors-approval-of-abortions-for-unaccompanied-alien-children-uac-in-detention-shelters/#/tab-policy-documents>.

² See *J.D. v. Azar* (formerly *Garza v. Azar* and *Garza v. Hargan*) - Challenging Trump Administration’s Refusal to Permit Teenage Immigration Detainees to Access Abortion Services, AM. C.L. UNION DC (last visited Feb. 26, 2026), <https://www.acludc.org/cases/jd-v-azar-formerly-garza-v-azar-and-garza-v-hargan-challenging-trump-administrations-refusal/>.

care and other sexual and reproductive health care.³

In 2022, field guidance was issued to make clear the range of sexual and reproductive health care, including family planning services and contraceptive counselling, that should be provided to UAC in ORR custody.⁴ This included clear instructions and guidance on placement in, or transportation to, states where abortion is lawful and available so they may have timely access to abortion care should they request it. Despite these clear guidance documents, which have not been rescinded, reports by news outlets have revealed that ORR is deliberately transferring pregnant and parenting UAC from other states and housing them at a shelter in San Benito, Texas—a state with extremely restrictive abortion laws and policies—without clear access to appropriate pregnancy-related care, including abortion care.⁵

Concerningly, July 11, 2025, the Department of Justice Office of Legal Counsel (“OLC”) issued a new Slip Opinion (“2025 Opinion”) asserting that the Hyde Amendment prohibits HHS, including ORR, from using funds to cover ancillary services that support abortion care, such as providing transportation to an unaccompanied child for the purpose of obtaining an abortion except in the instance of rape, incest, or where the life of the mother would be endangered.⁶

The Center for Reproductive Rights (“Center”) seeks to better understand the current policies governing the placement, treatment, and care of pregnant or parenting UAC in ORR custody as well as the policies applicable to their care and transportation.

Records Requested

Please provide all responsive records from January 20, 2025, through the date the search is conducted. As used herein, “records” means all records as defined in 22 C.F.R. § 171.1(b). Please note that “communications” requested include, but are not limited to, e-mails, messaging platforms (including, but not limited to Signal, Slack, GChat or Google Hangouts, Lync, Skype, X (formerly Twitter) direct messages, Facebook messages, Truth Social messages, WhatsApp, Telegram, or Parler), and communications and relevant materials that may have been distributed via personal phones or devices.

We request the following to be produced within twenty business days:

³ See UAC PM 20-1 Medical Services Requiring Heightened ORR Involvement, Dep’t of Health and Hum. Serv., Admin. for Children & Families (Sep. 29, 2020), https://acf.gov/sites/default/files/documents/orr/garza_policy_memorandum.pdf.

⁴ See Field Guidance #21 Compliance with Garza Requirements and Procedures for Unaccompanied Children Needing Reproductive Healthcare, Dep’t of Health and Hum. Serv., Admin. for Children & Families (Nov. 10, 2022) <https://acf.gov/sites/default/files/documents/orr/field-guidance-21.pdf>.

⁵ See Keith Mizuguchi, *Trump Administration Sends Pregnant Unaccompanied Minors to Texas Shelter Flagged as Medically Inadequate*, KQED (Feb. 16, 2026) <https://www.kqed.org/news/12073575/trump-administration-sends-pregnant-unaccompanied-minors-to-texas-shelter-flagged-as-medically-inadequate>.

⁶ See Reconsidering the Application of the Hyde Amendment to the Provision of Transportation for Women Seeking Abortions, 49 Op. O.L.C. __ (Mem. Op. July 11, 2025), U.S. Dep’t of Justice, Office of Legal Counsel, available at <https://www.justice.gov/olc/media/1408241/dl?inline>.

1. Any and all records stored or maintained by HHS or ORR regarding any UAC known to be pregnant or parenting detained in ORR custody or in an ORR-funded or ORR-operated facility. This should include any and all data that can be exported in electronic form in spreadsheet format (e.g., *.XLSX or *.CSV formats).
 - a. Including specifically the shelters run by Urban Strategies LLC in San Benito, TX and Tampa, FL.
2. Any and all records stored or maintained by HHS or ORR regarding any UAC known to be pregnant or parenting detained by the Department of Homeland Security (“DHS”) and transferred into ORR custody. This should include any and all data that can be exported in electronic form in spreadsheet format (e.g., *.XLSX or *.CSV formats).
3. Any and all records stored or maintained by HHS or ORR of doctors or other health care staff (e.g., nurses, nurse practitioners, physicians’ assistants, pharmacists) at ORR-funded or ORR-operated facilities.
4. Any and all records including communications such as grievances and requests received by HHS or ORR from UAC in ORR detention or custody relating to pregnancy, postpartum, and lactation, including medical and custody concerns related to pregnancy, postpartum, and lactating UAC.
5. Any and all records relating to or embodying any amendments, modifications, additions, deletions, or other changes to Field Guidance #21 “Compliance with Garza Requirements and Procedures for Unaccompanied Children Needing Reproductive Healthcare.”
6. Any and all records relating to or embodying any amendments, modifications, additions, deletions, or other changes to UAC PM 20-1 “Medical Services Requiring Heightened ORR Involvement.”
7. The total number of requests submitted by pregnant or parenting UAC in HHS or ORR custody seeking medical attention or assistance, broken down by facility.
 - a. Including specifically the shelters run by Urban Strategies LLC in San Benito, TX and Tampa, FL.
8. All communications, meeting notices, meeting agendas, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged with any ORR or HHS employee (temporary or permanent), official, appointee, or contractor regarding the identification, monitoring, medical treatment (including records of requests for treatments), or transfer of pregnant or parenting UAC in ORR custody.
9. Any and all records, including contracts, agreements, and communications, between ORR or HHS and ORR-funded or ORR-operated facilities, including any parent companies, subsidiaries, and/or sister companies, as applicable, regarding the custody, placement, transfer, or medical care of pregnant or parenting UAC.

The Center seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

In addition to the records requested above, the Center also requests records describing the processing of this request, including records sufficient to identify search terms used, locations and custodians searched, and any tracking sheets used to track the processing of this request. If ORR and/or HHS uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the Center has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.

Please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. Furthermore, agencies, including ORR and/or HHS, which have adopted the National Archives and Records Agency Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone.

Accordingly, the Center requests that ORR and/or HHS use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. The Center is available to work with you to craft appropriate search terms. However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

We request that you produce all responsive materials in their entirety; however, should you determine the materials contain information which falls within the statutory exemptions

provided in 5 U.S.C. § 552 or 22 C.F.R. § 171.11, we request the information be reviewed for possible discretionary disclosure. We furthermore request that all reasonably segregable portions of the exempt material be provided. We request that any deleted material be described in detail, and that you specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.” If it is your position that any portion of the requested records is exempt from disclosure, the Center requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”³ Moreover, the *Vaughn* index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.”⁴ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”⁵

You should institute a preservation hold on information responsive to this request. The Center intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Center welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the Center and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Waiver or Limitation of Fees

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), documents are required to be provided to requesters without any charge or at reduced fees “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” We request a waiver (or, in the alternative, a reduction) of all fees because disclosure of the information would be in the public interest by contributing significantly to the public understanding of the placement, care, and treatment of pregnant or parenting Unaccompanied Alien Children currently in ORR custody.

Founded in 1992, the Center is the only global legal advocacy organization dedicated to reproductive rights, and its litigation and advocacy has played a key role in expanding access to reproductive health care around the world. The Center uses information gathered, and its analysis of information gathered, to educate the public through reports, briefing papers, fact sheets,

periodicals, articles, blog posts, and other educational materials. Likewise, the Center also makes the materials gathered available on its public website and promotes their availability on social media platforms, such as Facebook, X (formerly known as Twitter), and Instagram. The Center receives hundreds of thousands of website page views, monthly, and publishes newsletters for public dissemination. Thus, the Center has demonstrated commitment to the public disclosure of documents and creation of editorial content.

The Center does not make this request for commercial use. 45 C.F.R. § 5.54(b)(3). As a 501(c)(3) nonprofit organization, the Center does not have a commercial purpose, and the release of the information requested is not in the organization's financial interest. Accordingly, the Center qualifies for a fee waiver.

In the event that you determine you are unable to waive the fees, please provide us with prior notice if the total fees authorized will exceed \$200 so that we can discuss arrangements.

Conclusion

The Center looks forward to working with your agency on this request. Thank you for your prompt attention to this matter.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Center requests that responsive materials be provided electronically by email or in PDF or TIF format on a USB drive. Please send any responsive material being provided and acknowledgement of receipt of this request to:

Manasi Raveendran
c/o Julia Long
Center for Reproductive Rights
1600 K Street, NW
Washington, DC 20006
Phone: (202) 524-5536
Email: MRaveendran@reprorights.org

If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Manasi Raveendran at (202) 524-5536 if you have any questions. Thank you for your assistance.

Sincerely,

Manasi Raveendran
Federal Policy & Advocacy Counsel
Center for Reproductive Rights