



March 12, 2025

The Honorable Chuck Grassley
President Pro Tempore
United States Senate
135 Hart Senate Office Building
Washington, DC 20510

Dear President Pro Tempore Grassley:

The National Center for Youth Law (NCYL) writes to express our profound concern regarding reports that the Department of Justice plans to dismiss its case, *United States v. Southwest Key Programs, Inc., W.D. Tex., No. 1:24-cv-00798*, in which it detailed serious allegations of abuse and neglect perpetrated against unaccompanied immigrant children in federal custody, including recent reports of sexual assault at facilities operated by an Office of Refugee Resettlement (ORR) contractor. As a former senior official in the Department of Justice's Civil Rights Division, I am personally appalled by the Department's actions, especially since they appear to be motivated by political rationales.¹

As alleged in the complaint, for nearly a decade, multiple Southwest Key employees engaged in "sexual abuse and rape, solicitation of sex acts, solicitation of nude photos, entreaties for sexually inappropriate relationships, sexual comments and gestures, leering, and inappropriate touching. In some cases, Southwest Key employees threatened children to maintain their silence." The acts alleged shock the conscience and warrant nothing less than full accountability. Every child in this country, regardless of their race or immigration status, deserves to live free from sexual abuse, especially when they are in government-contracted facilities.

We appreciate the Senate's longstanding commitment to investigating these matters. As you persuasively explained last year, "Southwest Key Programs has received hundreds of millions of taxpayer dollars to support ORR over the past few years, and so it must provide an accounting to Congress and the American people for its handling of migrant children entrusted to its care."²

The Department of Justice's decision to absolve Southwest Key effectively leaves survivors—including those young people who were raped and suffered other horrific instances of

¹ On February 11, 2025, Lisa Blatt, counsel for Southwest Key Programs, sent an email to the U.S. Department of Justice regarding this matter. The full text of Ms. Blatt's email is appended to this letter. (See Appx.).

² Letter from Senator Charles E. Grassley to Anselmo Villarreal, Southwest Key Programs President & CEO (Feb. 21, 2024), https://www.grassley.senate.gov/imo/media/doc/grassley_to_southwest_key_programs_-_orr_contractors_and_grantees.pdf



abuse—without recourse and undermines the government’s responsibility to ensure accountability for facilities entrusted with the care of minors. Given the gravity of the allegations, we urge you to immediately call on the Department of Justice to provide a clear explanation of its reasons for abandoning this lawsuit and who ultimately made that decision.

The trauma that unaccompanied children often carry before arriving at these facilities is compounded by abuse and neglect.

Given your history of advocating for the safety of unaccompanied children, we respectfully request your office’s continued leadership to protect these children and hold accountable all entities—public or private—that jeopardize their welfare. The National Center for Youth Law stands ready to support your efforts with additional research, expert testimony, and legal analysis.

Thank you for your attention to this urgent matter. We look forward to working collaboratively to secure meaningful oversight, transparency, and justice for every child under our government’s care.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnathan Smith". The signature is fluid and cursive, with a long horizontal stroke at the end.

Johnathan Smith
Chief of Staff & General Counsel
National Center for Youth Law



Appx.

Full Text of Email from Lisa Blatt to Department of Justice (February 11, 2025)

Counsel:

Apologies for what is now multiples emails you're receiving from me. But I have a time-sensitive request in yet another civil rights case that threatens the priorities of this Administration—specifically on illegal immigration. In *United States v. Southwest Key Programs, Inc.*, No. 1:24-CV-00798 (E.D. Tex.), filed in July 2024, the Biden DOJ asked the court that oversees roughly 600 miles of the southern border to recognize broad civil rights under the Fair Housing Act for illegal immigrants who are detained and in federal custody. The motion to dismiss has been fully briefed for three months and could be decided at any time. Unless the Administration reverses course immediately, the lawsuit risks a ruling that could recognize an unprecedented expansion of the Fair Housing Act as an all-encompassing antidiscrimination statute extending broad civil-rights protections to illegal immigrants and other federal detainees. The Biden DOJ's sweeping interpretation of the Fair Housing Act would hobble the Administration's ability to resolve the crisis at the southern border and address other matters of national security.

By way of background, Southwest Key has contracted with the federal government for years to detain unaccompanied minors who illegally cross the southern border, including during the first Trump Administration. As explained in the attached motion to dismiss, Southwest Key's facilities are similar to juvenile detention centers and minimum-security prisons.

In July 2024, just months before the presidential election, the Biden DOJ Civil Rights Division sued Southwest Key, alleging that Southwest Key engaged in sex discrimination under the Fair Housing Act. Southwest Key denies the allegations. More importantly, no court has ever held that the *Fair Housing Act*—a law intended to help renters and home buyers—extends to illegal immigrants who are in federal custody and detained in facilities that they did not choose and cannot freely leave.

The Fair Housing Act's private cause of action for any "aggrieved person" compounds the problem. *See* 42 U.S.C. § 3613(a)(1)(A). Under the Biden DOJ's theory of the case, illegal immigrants or other federal detainees held in a federal contractor's facility could sue for money damages based on any perceived discrimination, whether on the basis of race, sex, or otherwise. Indeed, the DOJ team in this case has solicited immigrants who were apprehended by federal law enforcement and held in a Southwest Key facility to participate as complainants in this case. One such solicitation is attached. Every year, hundred of thousands of unaccompanied alien children and adults are detained in contractor facilities after unlawfully entering the United



States. *Unaccompanied Alien Children Bureau Fact Sheet* (Jan. 29, 2025), <https://www.acf.hhs.gov/orr/fact-sheet/programs/uc/fact-sheet>; *ICE Immigration and Removal Operations Statistics* (Sept. 30, 2024), <https://www.ice.gov/spotlight/statistics>. A ruling endorsing the Biden DOJ’s theory here would permit all of those detainees to claim discrimination and sue for money damages and attorney’s fees under the Fair Housing Act. This would actually *incentivize* illegal crossings at the southern border.

This lawsuit plainly undermines this Administration’s illegal-immigration policies. President Trump has directed the Attorney General “to rescind the policy decisions of the previous administration that led to the increased or continued presence of illegal aliens in the United States.” Exec. Order No. 14159, 90 Fed. Reg. 8443, 8446 (Jan. 20, 2025). The President’s priorities include “establish[ing] contracts to construct, operate, control, or use facilities to detain removable aliens” and “achiev[ing] the total and efficient enforcement of [immigration] laws, including through lawful incentives and detention capabilities.” *Id.* At 8443, 8445.

The government and Southwest Key should jointly stipulate to dismiss the case with prejudice. Fed. R. Civ. P. 41(a)(1)(A)(ii). At a minimum, we suggest submitting a joint motion to stay the proceedings *before* the court rules on the motion to dismiss. We emphasize that time is of the essence because Southwest Key’s motion to dismiss has been fully briefed since November, so the court could rule at any time.

We would welcome the chance to meet with you and discuss any of these items in further detail. My cell phone number is [XXX-XXX-XXXX].

Sincerely,

Lisa Blatt