

Congress of the United States

Washington, DC 20515

July 13, 2025

The Honorable Kristi Noem
Secretary
Department of Homeland Security
2707 Martin Luther King Jr. Ave., SE
Washington, DC 20528

The Honorable Rodney S. Scott
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue N.W., MS: 1345
Washington, DC 20229

Dear Secretary Noem and Commissioner Scott,

We write to raise urgent concerns regarding the detention of Ms. Kenia Jackeline Merlos and her four U.S. citizen children—triplets, all 9 years old, and a 7 year old child—by U.S. Customs and Border Protection (CBP) at the Bellingham Border Patrol Station. It is unconscionable that Ms. Merlos and her citizen children have not received access to legal counsel in the 15 days they have been detained. We demand that Ms. Merlos has access to speak with her counsel, Jill Nedved, or an attorney with her firm Gonzales, Gonzales, and Gonzales Immigration Law Offices immediately.

Ms. Merlos holds U-Deferred Action status, a valid work permit through 2029, and has not been charged with a crime.¹ Her detention raises immediate legal and procedural questions. All four of her children are U.S. citizens, yet they are currently in CBP custody—where they have been held for two full weeks—and have not had any access to counsel.² During that time, Ms. Merlos’s lawyer Jill Nedved requested CBP officials facilitate access to her client on multiple occasions. On July 9th, Congresswoman Dexter’s staff submitted an official inquiry to CBP about the whereabouts of the family. On July 10th, Assistant Chief Michael Hammert told Congresswoman Dexter’s staff that Ms. Merlos and her children were transferred to the ERO Seattle Field Office Hold Room (SEAHOLD) in Tukwila, WA, pending repatriation to Honduras. However, hours later, the Honduran Consulate confirmed the Merlos family was instead at the Bellingham Border Patrol Station. On July 10th at 7:50 pm, Bellingham Border Patrol Station permitted Congresswoman Dexter to tour the facility, but did not allow her to speak with Ms. Merlos or her children. At around 10:30 am on July 11th at Bellingham Border Patrol Station, CBP Staff denied Jill Nedved and Congresswoman Dexter’s request to speak with Ms. Merlos. At 11:05 am on July 11th, Congresswoman Dexter contacted CBP by phone and spoke with Assistant Commissioner Matthew Eagan, who repeatedly confirmed that CBP would not, under any circumstances, grant Ms. Nedved or Congresswoman Dexter access to speak to Ms. Merlos or her children.

The Merlos family’s detention contradicts standard practice and constitutional protections afforded to U.S. citizens. CBP’s own policy clearly states that individuals “should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities. Every effort must be

¹ Troy Brynelson, *Portland family detained at border facility for 2 weeks in apparent violation of immigration policy*, Oregon Public Broadcasting (July 11, 2025). <https://www.opb.org/article/2025/07/11/portland-family-detained-immigration-kenia-merlos/>

² Sujena Soumayanath, *Four U.S. citizen children detained in WA, Oregon lawmaker says*, Seattle Times. (July 11, 2025). <https://www.seattletimes.com/seattle-news/four-u-s-citizen-children-detained-in-wa-oregon-rep-says/>

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made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation as appropriate and as operationally feasible.”³ It is inexplicable that an entire family, including four U.S. citizen children, have been held for over four times longer than CBP’s own limit.

Once again: Ms. Merlos and four U.S. citizen children, all under the age of 10, have been in CBP holding facilities for over two weeks. CBP holding areas are not designed or equipped for long-term detention, especially for children. The prolonged detention of this family may also violate terms of the Flores Settlement Agreement, which governs the treatment of minors in immigration custody and their access to counsel. The “voluntary” nature of any decisions made by Ms. Merlos with regard to her immigration case or custody status are highly questionable given the coercive nature of the government’s decision to detain her and her U.S. citizen children in such conditions, and her inability to speak with her attorney.

As Members of Congress who represent this region, we are outraged by this growing pattern of legal and moral negligence by CBP. In May, a pregnant mother, her partner and four children were detained at a CBP facility in Blaine, Washington, for more than three weeks.⁴ The Port of Seattle also raised concerns about prolonged CBP detentions at Seattle Tacoma International Airport.⁵

We request that Ms. Merlos and her citizen children be provided access to their legal representation, Jill Nedved, or an attorney with her firm Gonzales, Gonzales, and Gonzales Immigration Law Offices no later than 10:00 am PST on Monday, July 14th either in person or by phone. Additionally, we request a prompt response to the following questions:

1. What is the justification for the detention of Ms. Merlos, who has U-Deferred Action status and a valid work permit?
2. On what legal basis are the four U.S. citizen Merlos children being detained?
3. What information was Ms. Merlos provided before her calls with the Honduran Consulate about her legal options and rights?
4. Once counsel was obtained for the family, what is the justification for why Ms. Merlos and her children were not permitted to access that counsel?

The Merlos family is a valuable part of our community. Friends of the family have described them as kind, hardworking, small business owners, who are devoted to their church congregation and neighbors. We demand their access to counsel and will continue to advocate for them to be able to stay home in the Pacific Northwest.

³ U.S. Customs and Border Protection, National Standards on Transport, Escort, Detention, and Search. (Oct 2015).

⁴ Troy Brynelson, *‘Like a jail cell’: Family of six detained at Washington state border facility for more than three weeks*, Oregon Public Broadcasting. (May 28, 2025). <https://www.opb.org/article/2025/05/28/like-a-jail-cell-family-of-six-detained-at-washington-state-border-facility-for-more-than-three-weeks/>

⁵ Lauren Girgis, *Port of Seattle ‘concerned’ about immigration actions at Sea-Tac*, The Seattle Times (May 23, 2025). <https://www.seattletimes.com/seattle-news/law-justice/port-of-seattle-concerned-about-immigration-actions-at-sea-tac/>

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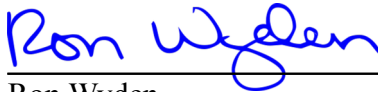
Sincerely,



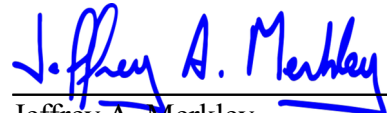
Maxine Dexter
Member of Congress



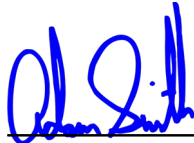
Rick Larsen
Member of Congress



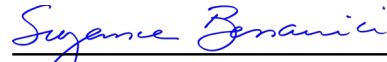
Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator



Adam Smith
Member of Congress



Suzanne Bonamici
Member of Congress



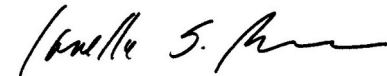
Suzan K. DelBene
Member of Congress



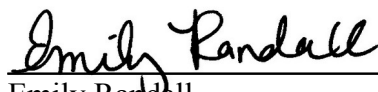
Pramila Jayapal
Member of Congress



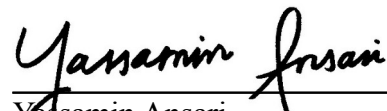
Kim Schrier, M.D.
Member of Congress



Janelle S. Bynum
Member of Congress



Emily Randall
Member of Congress



Yassamin Ansari
Member of Congress

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CC: Chief Michael W. Banks, United States Border Patrol; Acting Division Chief Ross Wilkin, OPS Blaine Sector Headquarters, United States Border Patrol; Assistant Commissioner Matthew Eagan, Office of Congressional Affairs, United States Border Patrol

