

United States Senate
WASHINGTON, DC 20510

June 26, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services

Ms. Robin Dunn Marcos
Director
Office of Refugee Resettlement
U.S. Department of Health and Human Services

Dear Secretary Becerra and Director Dunn Marcos:

The Department of Health and Human Services (HHS) and its Office of Refugee Resettlement (ORR) have failed to respond to my December 12, 2022 and October 20, 2023, requests for data related to Unaccompanied Alien Children (UACs). The apparent lack of urgency at HHS on this issue is appalling. For a decade via my oversight, I've raised concerns about these sponsor vetting procedures, with little transparency from ORR.¹ Given the influx of UACs arriving at our border and the rise of smuggling and human trafficking, it's imperative now more than ever that ORR properly vet sponsors and provide needed information to Congress as we oversee the placement program. Recent reports and whistleblower disclosures confirm ORR's failure to prioritize the safety of children.² These failures are beyond unacceptable; indeed, at this point, they are inexcusable. Countless UACs either have been placed in dangerous situations already or are in grave danger of future trafficking, exploitation, and abuse. There must be transparency and accountability for these failures, so we can find these kids and protect those yet to be placed.

Over 400,000 unaccompanied migrant children have arrived at our Southern border since President Biden took office.³ This is a massive surge from previous administrations, and is a direct consequence of lax border enforcement. I've recently raised concerns regarding the Biden Administration's placement of these children in the U.S. On December 12, 2022, I wrote to HHS regarding its, "efforts to move children out of federal facilities quickly, at the expense of

¹ Press Release, *Grassley, Hatch, Coburn Press for GAO Study on the Office of Refugee Resettlement Efforts with Unaccompanied Minors* (October 10, 2014), <https://www.grassley.senate.gov/news/news-releases/grassley-hatch-coburn-press-gao-study-office-refugee-resettlement-efforts>.

² Press Release, *Grassley Alerts DHS, FBI to Evidence of Human Trafficking; Calls for Immediate Action to Locate and Rescue Migrant Children* (January 24, 2024), <https://www.grassley.senate.gov/news/news-releases/grassley-alerts-dhs-fbi-to-evidence-of-human-trafficking-calls-for-immediate-action-to-locate-and-rescue-migrant-children>.

³ Eli Murray, et al, *Where Migrant Children Are Living and Working, In the U.S.*, THE NEW YORK TIMES (Dec. 28, 2023), <https://www.nytimes.com/interactive/2023/12/28/us/migrants-children-data.html>.

safety.”⁴ I cited whistleblower statements from Tara Lee Rodas, a federal employee who served as a volunteer at the Pomona Fairplex Emergency Intake Site (EIS).⁵ According to Ms. Rodas, when she raised safety concerns about the placement of a specific child, a Biden administration official told her, “We only get sued if we keep kids in care too long. We don’t get sued by traffickers. Are you clear? We don’t get sued by traffickers.”⁶

After receiving no response for nearly a year, I again wrote to you in October 2023 and again raised concerns about the safety of UACs.⁷ This included questions about an HHS employee who was retaliated against after speaking up about 100 migrant children being placed in a single apartment complex.⁸ In these letters, I requested data on the number of sponsors who have criminal records and those who made false claims that they were related UACs, reports of abuse at UAC housing facilities, and data on wellness calls made after a child left ORR custody.⁹ These requests were left unaddressed in your responses.¹⁰

I’m determined to ensure HHS stops stonewalling Congress as it undertakes critical oversight to protect these children. To this end, it’s imperative that HHS provide Congress with complete data so we can conduct thorough and independent oversight of ORR. In short, we need to know where HHS is placing these children and why it continues to fail so many of them after years of warnings. To this end, I reiterate the unaddressed data requests in my December 2022 and October 2023 letters, and request that HHS provide full responses to the following additional data requests, with supporting records,¹¹ no later than July 8, 2024:

1. For each year from January 1, 2019, to the date of this letter, the number of instances where HHS or any of its contractors identified and reported “potential concerns of human

⁴ Letter from the Hon. Charles E. Grassley, Ranking Member, Senate Comm. on the Budget, to the Hon. Xavier Becerra, Secretary, Dep’t. of Health and Human Svcs. (December 12, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_to_deptofhealthandhumanservicesuacplacements.pdf.

⁵ *Id.*

⁶ *Id.*

⁷ Letter from the Hon. Charles E. Grassley, Ranking Member, Senate Comm. on the Budget, to the Hon. Xavier Becerra, Secretary, Dep’t. of Health and Human Svcs. (October 12, 2023), https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_-_uac_sponsor_vetting.pdf.

⁸ Senator Grassley letters to HHS, *supra* n. 4, 7.

⁹ *Id.*

¹⁰ Letter from Dr. Melanie Anne Egorin, Assistant Secretary for Legislation, to the Hon. Charles E. Grassley, Ranking Member, Senate Comm. on the Budget (October 20, 2023), https://www.grassley.senate.gov/imo/media/doc/hhs_to_grassley_-_uac_placements.pdf; letter from Dr. Melanie Anne Egorin, Assistant Secretary for Legislation, to the Hon. Charles E. Grassley, Ranking Member, Senate Comm. on the Budget (March 13, 2024) (despite waiting many months to respond to simple requests, HHS failed to provide the information requested), https://www.grassley.senate.gov/imo/media/doc/hhs_to_grassley_-_uac_sponsor_vetting_and_whistleblower_protections.pdf; see also, exchange between Senator Grassley and Secretary Becerra at Senate Finance Comm. Hearing on *The President’s Fiscal Year 2025 Health and Human Services Budget* (March 14, 2024) (where Secretary Becerra testified that contractors and grantees were free to respond to my request). Despite the Secretary’s assurances before Congress, HHS continues to obstruct the inquiry.

¹¹ “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

trafficking” to OTIP, DHS’s Homeland Security Investigations, or DHS’s Center for Countering Human Trafficking;

2. The number of times since January 1, 2019, by year, where a potential sponsor or household member refused to cooperate with a background check, including the number of those instances where a child was nonetheless released to that household;¹²
3. For each year from January 1, 2019, to the date of this letter, the number of sponsors and household members who had criminal history on their background check results, including the number of children nonetheless placed in those households, broken down by type of criminal history recorded;
4. For each year from January 1, 2019, to the date of this letter, the number of instances that ORR or any of its contractors flagged an address or sponsor as suspicious in the UC Portal, and the number of children nonetheless placed at those addresses, or with those sponsors, after they were flagged;
5. The number of localities across the U.S. that have any area with over 100 UACs placed within a one-mile radius or 50 or more UACs placed within a half-mile radius, along with the total number of such areas in each locality.
 - a. Please provide all records and data sets used to answer this question.
 - b. For each identified location, advise how many addresses or sponsors are flagged in the system and what steps have been taken to investigate those flagged addresses or sponsors.
 - c. Please describe what steps HHS takes to investigate a high density of UACs, and provide ORR’s written instructions to contractors for how to proceed when a large number of UACs in a concentrated area, or specific location, are identified. Please describe in detail, with supporting documentation, what steps were taken, if any, for each area you identified in response to this request;
6. For each year from January 1, 2019, to the date of this letter, the number of times, and reasons why, ORR Federal Field Specialist (FFS) overruled case management’s recommendation for a home study.

¹² See ORR Unaccompanied Children Program Policy Guide: section 2.5.3, response to Q4: “ORR *may* deny release when an adult household member refuses to cooperate with a background check. In such cases, ORR considers the totality of the circumstances, including the adult household member’s refusal and all other relevant and available information to determine whether the release process may continue,” <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.5> (last accessed June 25, 2024; current as of April 1, 2024) (emphasis added); see also U.S. Senate, Comm. on Homeland Security and Governmental Affairs, Minority Staff Report, Federal Care of Unaccompanied Children: Minors Remain Vulnerable to Trafficking and Abuse, Findings of Fact 2 (“HHS policy does not explicitly prohibit the placement of an unaccompanied alien child with a sponsor or other related adult who *refuses* to submit to a background check”) (emphasis in original), [https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Federal%20Care%20of%20Unaccompanied%20Alien%20Children%20Report%20\(FINAL\).pdf](https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Federal%20Care%20of%20Unaccompanied%20Alien%20Children%20Report%20(FINAL).pdf).

- a. When responding to this request, include the number of the identified cases where any mental or physical disability was identified, where the child had at any time expressed current or past suicidal ideation, where any concerns of trafficking were identified before the placement, and where there was any indication the child had endured any physical or sexual abuse;
7. The total number of children processed through the ORR UAC program by calendar year, from January 1, 2019, to the date of this letter, with the percentage of those children who received home studies, the percentage who received post-release services, and the number and percentage of children where there was no answer to wellness check calls;
8. The number of reports of suspected trafficking, smuggling, or any kind of child exploitation reported to the UCMigration@acf.hhs.gov account, which HHS created in 2021, broken down by year, facility, and the nature of the report, along with detailed information as to where that information was referred for follow up, the number of cases where the information was not referred to law enforcement, and an explanation of any cases not referred to law enforcement;
9. The number of UACs from January 1, 2019, to the date of this letter where HHS failed to obtain information about their criminal history from their home countries;¹³
10. For each year from January 1, 2019, to the date of this letter, the number of aliens who “aged out” of the UAC program because of actually being over the age of 18 at the time they entered ORR care;
11. For each year from January 1, 2019, to the date of this letter, for all ORR facilities that have housed UACs, the average wait time for release of UACs from ORR custody;
12. For each year from January 1, 2019, to the date of this letter, the number of times where ORR became aware of suspected fraudulent documents provided by a sponsor, with data on the number of times ORR referred suspected fraud to the HHS Office of Inspector General and the number of times ORR referred such suspected fraud to law enforcement;
13. For each year from January 1, 2019, to the date of this letter, the number of reported instances of sexual or physical abuse of a child in ORR custody at each facility, including children being transported to the facility or to a sponsor, with data on whether the alleged perpetrators were contract or ORR staff, other UACs, sponsors, or other children or adults outside the facility;

¹³ See, e.g., Press Release, U.S. House of Representatives, Comm. on the Judiciary, *Biden Official Reveals Unaccompanied Migrant Juveniles Aren’t Getting Proper Background Checks in Bombshell Admission* (June 17, 2024), <https://judiciary.house.gov/media/in-the-news/biden-official-reveals-unaccompanied-migrant-juveniles-arent-getting-proper>.

14. For each year from January 1, 2019, to the date of this letter, the number of sponsors by facility who have obtained a total of 3 or more distantly-related or unrelated UACs, along with the number of UACs released to these sponsors;
15. For each year from January 1, 2019, to the date of this letter, the number of home studies, and percentage of total home studies conducted, where the home study was conducted virtually and not in person;
16. For each year from January 1, 2019, to the date of this letter, the number of times HHS instructed any of its contractors and/or grantees to cease practices HHS determined endangered children, or where HHS determined the contractors and grantees failed to safely vet children, along with information on the outcome of those cases and the number of times HHS revoked or shortened a contract, or revoked or decreased grant funding, for these reasons;
17. For each year from January 1, 2019, to the date of this letter, the number of times ORR became aware of a UAC or sponsor being affiliated with a gang, including MS-13, along with any action HHS took when the gang affiliation was found;
18. For each year from January 1, 2019, to the date of this letter, the number and percentage of UACs who have been placed with a non-immediate relative, as defined by the Immigration and Naturalization Act Sec. 201(b), 8 U.S.C. § 1151(b)(2)(A)(i), or with a completely unrelated sponsor;
19. For each year from January 1, 2019, to the date of this letter, the number of UACs or sponsors who were on a federal or foreign watch list related to terrorism or transnational organized crime;
20. For each year from January 1, 2019, to the date of this letter, the number of UACs who have been placed at any address where there's a total of 40 or more UACs either placed or pending at that address (an apartment complex should be considered a single address for this request, regardless of the number of apartments within it with sponsored UACs), along with what steps HHS took to investigate any possible exploitation at those addresses;
21. After ORR weakened its safety protocols further with field guidances #10 and #11, how many sponsorships have been approved without address verification of the sponsor or where household members or alternate adult caregivers had not submitted identification documents or undergone background checks;
22. For each year from January 1, 2019, to the date of this letter, the number of sponsor-submitted unique addresses that turned out not to be residential addresses, and the

number and percentage of sponsorship applications where HHS checked for fraudulent addresses;

23. For each year from January 1, 2019, to the date of this letter, the number of instances where a child was released to a sponsor's custody before ORR received a completed Family Reunification Application; and
24. The number of calls that ORR National Call Center (ORR NCC) has received from January 1, 2022, to the date of this letter.
 - a. Please include records of all follow-ups in response to ORR NCC calls, including any communication with federal, state, and local investigators such as law enforcement and CPS;
 - b. For each year from January 1, 2019, to the date of this letter, and by state, the number of reports received by HHS or any of its contractors of UACs missing after placement with a sponsor, the ORR facility they were released from, the number of times law enforcement was not provided all of the information they requested, and the average time ORR took to initially respond to these requests.

Please number your responses according to their corresponding questions. Where you don't provide exactly the information requested, provide an explanation as to why the information was not provided. Congress and the American people require answers. If you have any questions, please contact James Layne on my Budget Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget