



Assistant Secretary for Legislation
Washington, DC 20201

October 20, 2023

The Honorable Charles E. Grassley
United States Senate
Washington, D.C. 20510

Dear Senator Grassley:

Thank you for your December 12, 2022, letter to the Department of Health and Human Services (HHS) regarding the care and safety of unaccompanied children. I am pleased to respond on behalf of the Secretary and apologize for the delay in this response.

The HHS Administration for Children and Families' (ACF) Office of Refugee Resettlement (ORR) is dedicated to ensuring the safety and well-being of children in its care from the moment they enter our custody following a referral from the Department of Homeland Security (DHS) or other federal entity. In fiscal year 2021, ORR received more than 122,000 referrals of unaccompanied children from federal departments and agencies, primarily from DHS. This historic influx was compounded by the Coronavirus Disease 2019 (COVID-19) pandemic and the need to mitigate the spread of COVID-19 through distancing and other efforts, which reduced ORR's standard bed capacity by up to 40 percent. In response to the unprecedented challenges and to enable the prompt and safe transfer of children from DHS's custody, ORR, with the support of other federal agencies, activated temporary bed capacity through 14 Emergency Intake Sites (EIS), which are short-term facilities, and one Influx Care Facility (ICF), a type of facility which offers the full range of services as in ORR's standard network of care.

To swiftly provide the necessary levels of staffing, federal staff volunteers, known as detailees, answered the call to serve in a variety of roles at EIS to supervise and assist in supporting the safety of children, including case management services and sponsor placement. Tara Lee Rodas, employed with the Council of the Inspectors General on Integrity and Efficiency, volunteered as a federal detailee at the Pomona Fairplex EIS in Pomona, California beginning May 2021. Ms. Rodas received instruction on the policies, procedures, and responsibilities, including codes of conduct, required of all staff and personnel when caring for unaccompanied children. For questions regarding Ms. Rodas's allegations, the Department would refer you to the HHS Office of Inspector General.

HHS has zero tolerance for abuse or mistreatment of children and takes every report of suspected safety concern seriously. ORR incorporates screening for trafficking concerns in its assessments, for children and sponsors, and trains its staff on trafficking indicators. Anytime ORR becomes aware of information that could impact the safety of children, ORR conducts a review and puts additional safeguards in place if needed. ORR also refers potential concerns of human trafficking to ACF's Office on Trafficking in Persons (OTIP) within 24 hours in accordance with reporting

requirements under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). OTIP provides further assessment assistance to ensure that victims can access appropriate care and services.

In fulfilling its sponsor placement responsibilities, HHS employs thorough sponsor screening and vetting processes for each category of sponsors that are based on child-welfare principles. To that end, ORR has implemented and funded seven-day-a-week case management, which seeks to ensure comprehensive staff support and that every child's case is worked on even after normal business hours. Additionally, through digital improvements, ORR has implemented significant updates to the UC Portal (the UC Program technology system) to increase usability and search functionality to build in safeguards, streamline processes, and make it easier to identify child welfare "red flags" during sponsor suitability assessments. ORR identifies potential sponsors for unaccompanied children in different categories of cases: parents or legal guardians as Category 1; brothers, sisters, grandparents, or other immediate relatives as Category 2; distant relatives or unrelated individuals as Category 3; and unaccompanied children with a vetted sponsor yet to be identified as Category 4.

ORR's sponsor suitability assessment process includes verifying the sponsor's relationship to the child; speaking with the child's parents when possible; conducting separate interviews with the child and sponsor; collecting supporting documentation to verify the sponsors' information; and administering background and address verification checks—which include public records and sex offender registry checks, as well as FBI fingerprint checks in certain cases. ORR uses the results from background checks to determine whether release to a potential sponsor is safe. ORR will deny release to a potential sponsor if the potential sponsor is not willing or able to provide for the child's physical or mental well-being; the physical environment of the home presents risks to the child's safety and well-being; or release of the unaccompanied child would present a risk to him or herself, the sponsor, household, or the community. Additional information on ORR's policies related to the safe and timely release of unaccompanied children is available in ORR's UC Program Policy Guide: Section 2.¹

Prior to placement, ORR also carries out home studies in certain circumstances, as required by the TVPRA and ORR policy. Home studies are in-depth investigations of a potential sponsor's ability to ensure the child's safety and well-being, which include background checks, not only of the sponsor, but also of adult household members, home visits, face-to-face sponsor interviews, and, if necessary, interviews with other household members. Home studies are required, for instance, when a child has previously been a victim of trafficking or has a disability, pursuant to the TVPRA; and, per ORR policy, in instances when a potential sponsor is a non-relative and the child is 12 years old or younger or the sponsor has previously sponsored or sought to sponsor a child or is seeking to sponsor multiple children. To provide additional safeguards, home studies may also be conducted at ORR's discretion if the ORR Federal Field Specialist, Case Manager, or Case Coordinator determines that a home study may provide additional information regarding the sponsor's ability to care for the health, safety, and well-being of the child.

If ORR care provider staff, such as a Case Manager or clinician, identifies or suspects

¹ <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.1>

any safety concerns at any point during their interaction with an unaccompanied child, they are required to issue a Notification of Concern to ORR and notify appropriate investigative agencies, including local law enforcement and child protective services. This includes any suspicion that the child has run away, is at risk of or poses a danger to themselves or others, or is at risk of human trafficking, exploitation, or other abuse. ORR then conducts further review and determines what actions should be taken, which may include additional reporting and engagement with local law enforcement, state child welfare authorities, and/or referral to post-release services. It is important to note that ORR, as a federal agency, cannot remove a child from a home; that authority resides with state child welfare and law enforcement agencies. ORR recognizes the critical importance of its notification and coordination processes to ensure that local authorities can respond appropriately to any allegations of abuse or neglect.

Further, if ORR care provider staff suspect that a child is a victim of trafficking or is at risk of trafficking at any point during their interaction with an unaccompanied child, they must make a referral to ACF's OTIP and to DHS's Homeland Security Investigations Division and DHS's Center for Countering Human Trafficking for further investigation.

HHS engages in constant efforts to improve care and information-sharing efforts for better human trafficking prevention. For example, in February 2023, ORR entered into a data sharing Memorandum of Agreement (MOA) with OTIP and the National Center for Missing and Exploited Children (NCMEC) to increase information sharing and visibility on unaccompanied children who are referred to NCMEC and who may be at risk of trafficking or exploitation. HHS is also working closely in partnership with the Department of Labor (DOL) in federal efforts to protect children against labor exploitation, formalized in an MOA between DOL's Wage and Hour Division and the Department's ACF on March 23, 2023. The MOA expands our collaborative work to help identify communities and employers where children may be at risk of child labor exploitation; aid investigations with information that could help identify circumstances where children are unlawfully employed; and further facilitate coordination to ensure that child labor trafficking victims or potential victims have access to critical services.

If you or your staff have any questions, please feel free to contact the Office of the Assistant Secretary for Legislation at (202) 690-7627.

Sincerely,

Melanie Anne Egorin

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