



March 13, 2024

The Honorable Charles E. Grassley
Ranking Member
Committee on the Budget
U.S. Senate
Washington, D.C. 20510

Dear Ranking Member Grassley:

Thank you for your October 12, 2023, and November 21, 2023, letters to the U.S. Department of Health and Human Services (HHS or Department) regarding the Administration for Children and Families' (ACF) Office of Refugee Resettlement's (ORR) Unaccompanied Children (UC) Program. I am pleased to respond on behalf of the Department.

ORR is dedicated to ensuring the safety and well-being of unaccompanied children in ORR care from the time they enter ORR's custody following referral from the U.S. Department of Homeland Security or other federal entity until they are appropriately and safely released to a vetted sponsor. ORR has thorough sponsor screening and vetting processes in place for all sponsors. As part of these processes, ORR requires a number of safeguards to ensure children are placed in a safe and appropriate environment. Throughout ORR's process, there are risk-assessments so that any red flags or derogatory information can be brought to light in terms of release determinations.

With respect to or verifying the relationship a potential sponsor claims with an unaccompanied child, the potential sponsor must provide at least one form of evidence of such relationship, such as a birth certificate, marriage certificate, death certificate, court records, guardianship records, hospital records, schools records, or a written affirmation of relationship from a Consulate. If a sponsor, household member, or adult caregiver provides any false information in the application of release and/or accompanying documents or submits fraudulent documents for the purpose of obtaining sponsorship of the child, ORR reports the incident to the HHS Office of the Inspector General (OIG). ORR can deny release if it is determined that fraudulent documents were submitted during the application of release process.

To further ensure sponsor placement decisions are made foremost with the safety and well-being of children in mind, pursuant to the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), ORR assesses whether a sponsor is capable of providing for the child's physical and mental well-being. ORR's process for the safe and timely release of a child from federal custody includes several steps such as: separate interviews with the child and sponsor and speaking with the child's parents, if available; a sponsor application, address checks, and supporting documentation; background checks, which may include FBI fingerprint checks; and home

studies as applicable, including those required by the TVPRA, ORR policy, or at the discretion of ORR staff reviewing the facts of the case.

ORR continuously reviews its vetting policies and procedures for ways to improve its processes to be efficient, effective, and promote the safety and well-being of children. For instance, on June 2, 2023, HHS released the results of its audit of the vetting process for potential sponsors who have previously sponsored an unaccompanied child, to ensure all necessary safeguards are in place without unnecessarily keeping children in government-funded, congregate care settings. ORR is continuing this work with an outside entity to conduct future in-depth reviews of random samples of all children released from ORR care and custody by sponsor category. Also, on June 2, 2023, HHS announced additional efforts to protect the safety and well-being of unaccompanied children, including a new ORR program and accountability team, now termed the Integrity and Accountability team, which will further enhance ORR's work to assess and address potential exploitation risks faced by unaccompanied children.

Further, on February 13, 2024, ORR published policy and procedure revisions that improve its sponsor vetting requirements, among which include requirements for all non-parent immediate family relative (Category 2) potential sponsors' adult household members and adult caregivers to undergo proof of identity, public records checks, and sex offender registry checks; and strengthen and expand home study policies and guidance to include mandatory home studies for potential sponsors of more than two children, regardless of the potential sponsor's relationship to the children. The February 2024 policy revisions supersede Field Guidance 10, 11, and 15. Additional details are available in ORR's UC Program Policy Guide Section 2: Safe and Timely Release from ORR Care.

ORR has zero tolerance for abuse or mistreatment of children and takes every report of suspected safety concern seriously and reports each concern to the appropriate authority. ORR incorporates screening for trafficking concerns in its assessments, for children and sponsors, and trains its staff on trafficking indicators. ORR also conducts monitoring visits to ensure that care providers meet minimum standards for the care and timely release of unaccompanied children and has an Abuse Review Team that quickly reviews allegations of abuse that are particularly serious or egregious in nature.

If at any point during an interaction with an unaccompanied child, either while in ORR's care or following their release to a sponsor, ORR care provider staff identifies or suspects any safety concerns, 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 posing a danger to themselves or others, or is at risk of human trafficking, exploitation, or other abuse. Following a report of a safety concern, 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 (PRS).

While ORR's custodial responsibilities end when a child is discharged from ORR care, ORR has policies in place to promote unaccompanied children's well-being after they have been released, such as every child receiving information on how to contact the ORR National Call Center

(ORRNCC) and a Safety and Well-being Call after being discharged. Children and sponsors are not required to answer these calls, and there are many reasons why someone may choose not to answer the phone or not wish to speak with government officials. Further, there may be children who have not answered a phone call, but for whom ORR has provided referrals for PRS or legal services, or who have called the ORRNCC and spoken to a case manager. Despite the voluntary nature of the child's and sponsor's participation in Safety and Well-being Calls, since fiscal year (FY) 2022, ORR made contact with either the child, the sponsor, or both in more than 81 percent of households. Additionally, ORR has expanded access to PRS to a historic level, from just over 20 percent of discharged children offered access to PRS in FY 2021 to approximately 59 percent offered access to PRS by the end of FY 2023. ORR is committed to expanding access to PRS to all children by the end of FY 2024 as appropriations allow.

Lastly, HHS is committed to upholding all legal rights and protections for whistleblowers, including to ensure its policies abide by all applicable whistleblower protection statutes and report directives in annual federal funding laws. Whistleblower protections are a key mechanism for ensuring the safety and well-being of all children in ORR care and the staff providing such care. HHS takes the work of HHS OIG very seriously and has worked diligently to implement its recommendations, including to ensure ORR's employees, contractors, and grant recipients are informed about federal whistleblower protections. In addition to HHS's mandatory supervisory whistleblower trainings, ACF has worked closely with HHS OIG to provide additional mandatory whistleblower trainings for all ACF staff, and ORR has also worked with HHS OIG to provide additional trainings for ORR grant recipients and contractors.

ORR does not tolerate any retaliation against whistleblowers and, in fact, encourages the reporting of any child welfare concerns and illegal activities. The safety and privacy of unaccompanied children is ORR's top priority. Additional details are available in ORR's UC Program Policy Guide Section 5: Program Management.

Thank you for your concern and shared commitment for the safety and well-being of unaccompanied children. If you or your staff have questions, please feel free to contact the Office of the Assistant Secretary for Legislation at (202) 690-7627.

Sincerely,

A handwritten signature in cursive script that reads "Melanie Anne Egorin".

Melanie Anne Egorin, PhD
Assistant Secretary for Legislation