

**Questions for the Record Submitted to**  
Director Dunn Marcos, Department of Health and Human Services,  
Administration for Children and Families, Office of Refugee Resettlement  
October 25, 2023

Senator Tillis.....	2
Senator Cruz.....	24
Senator Graham .....	33
Senator Grassley .....	48
Senator Hawley.....	51
Senator Hirono.....	56
Senator Klobuchar .....	58
Senator Lee .....	58

## Senator Tillis

### **Question 1:**

How did ORR physically and logistically transition the two facilities in Texas (Fort Bliss and Target Lodge Pecos North) from an EIS to an ICF? Did the two facilities offer the full range of services offered in ORR's network of care? Did they meet or exceed Texas' licensing standards, once transitioned to an ICF?

**Response:** As of July 26, 2023, the Pecos Influx Care Facility (ICF) and the Fort Bliss ICF met *Flores* Settlement Agreement Exhibit 1 minimum standards and the required staffing ratios. Both sites transitioned from Emergency Intake Sites (EISs) to ICFs on June 4, 2022, and May 30, 2022, respectively, in recognition of the service standards available on the sites. Additionally, ORR Field Guidance 13 was revised on October 24, 2022, and specifically outlined that within six months of opening, EIS facilities are expected to meet Office of Refugee Resettlement (ORR) requirements pursuant to *Flores* Settlement Agreement Exhibit 1 standards, as well as staffing ratios outlined in the Consolidated Appropriations Act, 2022, division H, title II, section 231(1)(B), Public Law No. 117-103. All ORR policies on services, standards, and care in ICF facilities can be found in section 7 of the Unaccompanied Children (UC) Program Policy Guide.

**Question 2:**

What is the process for transitioning a facility from cold to warm status? What are the factors that are considered for taking a facility from warm status to operational status? Are there specific metrics, numbers, or capacity needs that must be met that will trigger a transition a facility from warm to operational status?

- Specifically, what factors or metrics are being used under the current contracts at Fort Bliss and the Pecos Children’s Center? Will these factors or metrics remain the same for future ICF operational decisions?
- Because there are multiple ICF’s, what are the determining factors in deciding which facility to make operational and in what order?

**Question 5:**

Why were two ORR ICFs (Pecos and Fort Bliss) taken out of operational status and placed into warm status in March and June of 2023, respectively?

**Question 7:**

If two facilities in Texas were transitioned from operational to warm, what factors is ORR using to transition the Greensboro Influx Care Facility from cold to warm? How is ORR using the same factors to justify two contradictory actions?

**Response to questions 2, 5, and 7:** Placing a facility into warm status depends on a variety of factors, including analysis of available ORR bed capacity with U.S. Department of Homeland Security (DHS) arrival projections. Similarly, transitioning a facility from warm status to open status also depends on alignment in projections and operations to justify a need for additional bed capacity. Warm status means an ICF site is not housing any unaccompanied children, but the contractor must be fully prepared to activate or reactivate the operations to accept unaccompanied children within specified time frames. A facility in warm status preserves government funding while maintaining additional bed capacity to be prepared for an influx of referrals from DHS’s U.S. Customs and Border Protection. The facility will only initially move from warm status to open status after a contractual scale-up period and advanced notification to the Senate and House Committees on Appropriations.

ORR considers many factors when deciding to move ICFs into warm or open statuses. Some of these factors include the facility’s proximity to the border, cost to the federal government, the need for bed capacity, an increase in COVID-19 positive cases or other symptomatic unaccompanied children, or if any specific DHS locations in the country may be at risk of housing children longer than the 72-hour required maximum time prior to U.S. Department of Health and Human Services (HHS) referral, transfer, and placement. In some instances, ICFs that are located closer to DHS facilities may be optimal for receiving children based on the referral patterns ORR observes.

**Question 3:**

Are you experiencing a period of influx? How do you define a period of influx?

**Response:** Per the UC Program Policy Guide, an “influx” is defined as a period in which the number of unaccompanied children exceeds the standard capabilities of responsible federal departments and agencies to process and transport them in a timely manner or to shelter them with existing resources. On October 25, 2023, ORR was not in a period of influx.

**Question 4:**

What were the staffing numbers and bed capacities at the Pecos ICF and Fort Bliss ICF prior to transition from operational to warm status? When operational, what is the average cost to the taxpayer at each facility? Please break the cost down to the average cost per day to taxpayers on room, board, medical, and case management per UC.

**Response:** HHS is committed to ensuring ORR has the funds it needs to meet its congressional mandate to care for the children in ORR custody according to its required responsibilities and child welfare best practices. The cost per bed per day at an ICF varies based upon its bed capacity and number of children being served, as well as services offered, which include required services under the Homeland Security Act of 2002, the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), and the *Flores* Settlement Agreement. While ORR activated temporary bed capacity through 14 EISs with sole source contracts in 2021 to accommodate the historic influx of unaccompanied children, ORR now uses multiple-award Indefinite Delivery, Indefinite Quantity (IDIQ) contracts to provide ICF services, which has significantly reduced the cost.

**Question 6:**

Can you please provide an update on the status of operations at the Fort Bliss ICF? If ORR has made a determination to demobilize the Fort Bliss ICF, can you please provide a rationale and what factors went in to making that decision?

**Response:** The contract for the ORR ICF at Fort Bliss ended on September 18, 2023. The ORR ICF at Fort Bliss was closed due to greater processing efficiencies, case management improvements, and programmatic improvements that allowed ORR to better utilize the bed capacity in its care provider facilities.

**Question 8:**

750 Staff have been hired at the Greensboro ICF as of July 19, 2023. Are there plans to increase staffing once transitioned to warm status? Are there plans to increase staffing once transitioned to operational? What staffing authority does HHS have during warm status compared to operational?

**Response:** Per the Greensboro ICF facilities management contract and the direct care contract, the contractor is required to provide sufficient staffing for the facility in accordance with ORR minimum ratios as outlined in UC Program Policy Guide Section 7.7. The facility will hire up to 1,500 trained staff to work across 2 to 3 shifts when it is in operation.

**Question 9:**

What are the major cost drivers for the UC program?

**Response:** ORR has a legal obligation to care for all unaccompanied children in Federal custody referred to ORR by DHS or other Federal entities and is committed to working with Congress to ensure the Office has the funds it needs to meet its congressional mandate in accordance with its responsibilities and child welfare best practices. Per the terms of the *Flores* Settlement Agreement, ORR and care providers are required to provide children with minimum services. Funding care provider facilities that house children and provide these services is the main cost driver for the UC Program.

Additionally, ORR is committed to caring for and protecting children in ORR custody and continuing to work within the bounds of the Office’s authorities to safeguard their well-being following their release from ORR. Thus, ORR has enlisted Congress’ support in increasing the availability of essential post-release services (PRS) for more unaccompanied children, which are an additional cost driver,.

It is important to note that ORR is legally mandated pursuant TVPRA (8 U.S.C. 1232) and section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) to serve every child in Federal custody referred to the program, regardless of operating capacity. However, the funding that the UC Program receives is discretionary. Historically, the UC Program receives funding from Congress that is available to obligate over a three-year period, allowing unused funds in one year to be carried over and obligated in the next two years. This structure is challenging as budgeting needs for the UC Program must be dynamic to meet unknown and varied numbers of unaccompanied children who will need services. ORR appreciates the support from Congress on the fiscal year (FY) 2023 appropriations process, including with the establishment of a contingency fund. The President’s FY 2024 budget requests \$5.5 billion in base funding for the UC Program—the same as the FY 2023 enacted level, which excludes emergency-designated funding. In addition, we request an emergency contingency fund that modifies the one enacted in 2023 to be more responsive to the on-the-ground conditions, providing additional funding when referrals exceed a certain threshold. Continued investment and support from Congress are critical to build on ORR’s efforts.



**Question 10:**

When will the Greensboro ICF transition into warm status? What range of dates have been discussed, and when does HHS plan to make a final decision by?

**Question 11:**

Once in warm status, when will the Greensboro ICF transition out of warm status? Will the facility transition to cold status or operational? What range of dates have been discussed, and when does HHS plan to make a final decision by?

**Response to question 10 and 11:** The Greensboro ICF is not in operation, and there have never been, nor are there currently, children at the site. As of October 25, 2023, there is no scheduled activation date. While ORR's priority is to place children into standard care provider facilities, access to ICF capacity remains necessary to ensure that ORR can promptly accept referrals when ORR's standard network facilities reach capacity. As such, ORR continues to work with community officials and local stakeholders to prepare to operationalize the Greensboro ICF should the need arise to do so in the future.

**Question 12:**

What corrective actions, if any, have you required contractors to take at the Greensboro ICF?  
Who has incurred the costs?

**Response:** The Greensboro ICF is not in operation and, has had no children on site. No corrective actions have been necessary.

**Question 13:**

What measures within the contract have you put in place to minimize contractor fraud and promote contractor accountability?

**Response:** To further accountability and comply with legal, regulatory, and contractual requirements, HHS's contracting office appoints a certified Contracting Officer's Representative to work with the Contracting Officer to oversee required deliverables and contract requirements.

**Question 14:**

What sort of feedback has the community inbox generated? Based on the solicited feedback received, how would you describe the initial impacts of the Greensboro ICF within the community? What additional impacts do you expect?

**Response:** HHS understands the importance of community partnerships and local engagement for the future success of Greensboro ICF operations. ORR is committed to these partnerships and transparent communications. Through the community inbox, ORR has been able to share general information on the UC Program, respond to requests from community members, and educate community members on ORR's mission and work. As part of these efforts, last summer, ORR began meeting with community stakeholders in Greensboro, both in-person and virtually. These meetings included local elected officials, county and city administrators, local religious organizations, local advocacy groups, and the neighborhood property board. ORR remains engaged with local stakeholders in ongoing bi-monthly meetings.

**Question 15:**

What will the discharge of UCs look like? What are your transportation requirements for UCs who cannot be picked up by their sponsors? Historically, what percentage of UCs cannot be picked up by their sponsors?

**Response:** ORR-funded care provider facility staff supervise and escort unaccompanied children until they are placed in the care of another ORR-funded care provider facility or a vetted sponsor. Per Section 2.8.2 of the UC Program Policy Guide, under extenuating circumstances (e.g., a sponsor cannot travel due to a medical condition), ORR may approve an unaccompanied child to be escorted to a sponsor. Similarly, if a sponsor pick-up would result in delay of a timely release of the unaccompanied child, ORR may approve an escort to facilitate the placement of the child with their vetted sponsor. Care providers must follow the procedures at Section 2.8.2 when escorting children to their vetted sponsor. All release and transfer decisions are made in the best interest of the child.

**Question 16:**

What are the designated airports and immigration courts you plan to use for UCs at the Greensboro ICF? Please provide the location and distance from each designated location to the Greensboro ICF.

**Response:** If the Greensboro ICF becomes operational, ORR will utilize the Piedmont Triad International Airport, which is approximately six miles from the Greensboro ICF. The Raleigh-Durham International Airport and Charlotte Douglas International Airport may also be utilized, and are located 75 miles and 100 miles, respectively, from the Greensboro ICF.

Immigration court proceedings commence when a charging document is filed with an immigration court. This can occur before or after a child is approved for release from ORR custody to the care of a sponsor. Immigration court proceedings may be transferred to an immigration court in the geographical area where the sponsor is located via a motion for change of venue. .

**Question 17:**

What is the expected cost to taxpayers for transportation approximately 1,500 miles from the border to the Greensboro ICF? Have you considered the cost of transportation compared to using existing facilities closer to the border?

**Response:** The UC Program provides for the care, and placement of unaccompanied children who are referred to ORR by another federal agency or department. The referring agency transfers custody to ORR as legally required by the Homeland Security Act of 2002 and the TVPRA. Prioritizing initial placements near the border does not mean children will not require transportation or other logistical support for unifying with sponsors located across the United States.

**Question 18:**

Will you use off-site outings to meet or supplement their minimum service requirements at the Greensboro ICF? If yes, what off-site outings will ORR create?

**Response:** Under the terms of the *Flores* Settlement Agreement, ICFs must provide daily outdoor and structured leisure time activities. Off-site outings may be used to meet these minimum service requirements (identified in UC Program Policy Guide Section 7.5.1) or to supplement them. Off-site outings may include visits to off-site parks, community recreation centers, or other suitable locations to fulfill the activity and leisure time requirement. Children are supervised at all times, including any time they are off-site.



**Question 19:**

Will you create vocational training opportunities at the Greensboro ICF? If so, will it be on-site or off-site, and what training opportunities will be created?

**Response:** In accordance with UC Program Policy Guide Section 3.3.6, ORR care providers are encouraged to create vocational training opportunities that will provide children with practical job skills and assist in the preparation for adulthood. Care providers may use community partnerships to create these training opportunities. There are currently no plans for off-site vocational programs for children placed at the Greensboro ICF and note that it is not operational.

**Question 20:**

Where will UCs receive healthcare services for routine medical and dental procedures and emergency health services? For family planning procedures?

**Response:** Per Section 3.4.1 of the UC Program Policy Guide, care providers create collaborative partnerships with medical professionals and organizations to ensure children have access to medical care. To ensure quality care, ORR requires licensed medical practitioners (physicians, physician assistants, nurse practitioners), acting within their scope of practice, to provide or supervise all medical evaluation and management. Any hospital providing services to unaccompanied children must be accredited by the Joint Commission or other nationally recognized accrediting body. Though rare, children who have health conditions that cannot be treated on site are taken to local hospitals, escorted by care provider staff.

**Question 21:**

It is our understanding that ICFs will require emergency services to be onsite, including 24/7 fire and EMS capabilities. Will these onsite emergency services be provided at the Greensboro ICF? Who with local jurisdiction will have responsibility for responding to emergency incidents at the Greensboro ICF?

**Response:** If in operation, emergency response processes at the Greensboro ICF will adhere to all required federal laws and regulations, state licensing requirements, and UC Program Policy Guide Section 5.8 for the immediate reporting of emergency incidents, as appropriate, to 9-1-1, local law enforcement, Child Protective Services, the HHS Office of the Inspector General, and the state licensing agency, in accordance with mandatory reporting laws. Additionally, all contractors for ICF properties are required to have an emergency action and evacuation plan in coordination with the Contracting Officer's Representative and the ICF personnel to protect staff and children on-site from emergencies. Contractors must develop a drill schedule and ensure copies of these plans are accessible to all staff on-site in English and Spanish.

ORR has been working collaboratively with state and county officials to determine respective areas of responsibility and coordinated emergency response and protocols in accordance with UC Program Policy Guide, Section 7.11, which requires agreements with federal, state, and/or local security providers or law enforcement to protect life and property and investigate crimes within the confines of ICFs.

**Question 22:**

How will ORR encourage visitation between UCs and sponsors, while ensuring the safety and privacy of other UCs, staff, and visitors at the Greensboro ICF?

**Response:** All visits are supervised by staff in a way that respects the child's privacy, protects the child from potential harm, and ensures the child remains safely within ORR care. Prior to any visit, all visitors must be informed of visiting hours and the circumstances that could result in the termination of the visit. Visitors must provide their name, address, and relationship to the child and be approved for visits. Family, sponsors, and other approved visitors may only visit with the child for whom they are approved to visit and not with other children in the facility. Per UC Program Policy Guide Section 3.3.10, which applies to the Greensboro ICF, children may communicate with a visitor in private while maintaining a line of sight with staff.

**Question 23:**

Please list locations in which the agency has, since April of 2021:

- Entered any contracts for an additional ICF;
- Substantially engaged or drafted a contract for an additional ICF; or
- Toured for consideration as an additional ICF?

**Question 26:**

It is our understanding that an active procurement is underway by your department through a Department of Interior contracting office to maintain access to as many as 10,000 ICF beds. How does Greensboro ICF fit into this acquisition?

**Response to question 23 and 26:** To ensure ORR is prepared for an influx similar in magnitude to FY 2021 and FY 2022, ORR must have the ability to quickly mobilize sufficient number of Influx Care Facility (ICF) beds to meet the needs of the children we are committed to and statutorily obligated to serve. Between April 2021 and October 25, 2023, HHS operated 12 Emergency Intake Sites (EIS) and four ICFs. As of October 25, 2023, no EIS sites and two ICF sites were operational. This includes two competitive task orders issued in fall 2023 for the Dimmit County ICF and the Pecos ICF—located in Carrizo Springs, Texas, and Pecos, Texas respectively—under the ICF Indefinite Delivery, Indefinite Quantity (IDIQ) award issued earlier in summer 2023 by the Department of the Interior (DOI).

The Greensboro ICF is not in operation, and children have never been at the site. As of October 25, 2023, there is no scheduled activation date. While ORR’s priority is to place children into standard care provider facilities, access to ICF capacity remains necessary to ensure that ORR can promptly accept referrals when ORR’s standard network facilities reach capacity. ORR continues to monitor referrals and capacity for future decisions on facility needs and continues to work with community officials and local stakeholders through the required operational steps for the Greensboro facility.

**Question 24:**

What is the activation history of the ICF in Carrizo Springs and any subsequent contract award to sites in Dimmit County, TX? What is the current status of the Carrizo Springs housing facility? What is the proposed status of the facility?

**Response:** The Dimmit County ICF became operational on October 13, 2023. While the Dimmit County ICF is geographically located at the same location as the former Dimmit EIS, which operated from March 20, 2021, to July 19, 2021, the facility’s footprint has been expanded and changed substantially. In addition, operationally, this is an ICF, not an EIS. The Dimmit County ICF uses a different awarded contractor than the contractor used for the Carrizo Springs ICF, which closed at the end of May 2022, and was located at a different location. The Dimmit County ICF is subject to applicable ORR policies and regulatory guidance, including ICF standards outlined in ORR’s UC Program Policy Guide.



**Question 25:**

If locations listed above are closer to the border, why have they not been prioritized over the Greensboro ICF?

**Response:** ORR policies for placing unaccompanied children in its custody into care provider programs are based on legal requirements and child welfare best practices to place the child in a safe and least restrictive setting appropriate for the child's needs. The ORR Intakes Team documents and reviews a child's biographical and apprehension information prior to designating an initial placement to ensure factors such as age, gender, and any identified care needs are met. Prioritizing an initial placement near the border does not always fit a child's legal and welfare requirements and does not guarantee transportation cost savings when the child is ready to transfer to their sponsor.

## Senator Cruz

### **Question 1:**

Has the Biden administration succeeded in safeguarding unaccompanied minors that have been bought to America?

### **Question 2:**

You indicated during testimony—both in April before the House of Representatives—and before the Senate last week that you did not “lose” children because your responsibility ends after the children are placed with sponsors. You did indicate that well-being calls occur between thirty and thirty-seven days after placement, but who is responsible for these children after you place them with strangers?

### **Question 3:**

How is it that you tout HHS making well-being calls as evidence you care about these children but nevertheless deny responsibility over these kids?

### **Question 4:**

How many well-being calls are performed before contact is deemed “lost?”

### **Question 5:**

What happens after contact is deemed lost? Does a site visit occur?

- If so, how many such site visits occurred in fiscal year 2023?
- If not, why is this not policy?

**Response to questions 1-5:** The Office of Refugee Resettlement (ORR) has sponsor screening and vetting processes in place for each category of sponsor and, pursuant to the TVPRA, ORR assesses whether a sponsor is capable of providing for the child’s physical and mental well-being. The TVPRA requires, among other things, that sponsor suitability assessments include verification of the sponsor’s identity and relationship to the child and that the sponsor has not engaged in any activity that would indicate a potential risk to the child. All sponsors must complete a robust screening process that includes background checks, interviews, review of supporting documentation, and home visits as applicable. ORR takes its responsibility to care for and protect children in its custody seriously and works diligently to make sure every placement decision is made in the best interest of the child. ORR’s process for the safe and timely release of a child from federal custody includes several steps such as: speaking with the child, the child’s parents, if available, and sponsors; a sponsor application, address checks, background checks, and home studies as applicable. Additional details on this process are available in ORR’s UC Program Policy Guide Section 2: Safe and Timely Release from ORR Care.

Additionally, all sponsors are required to comply with each provision of the Sponsor Care Agreement. Among the provisions, the potential sponsor agrees to provide for the physical and mental well-being of the child, ensure the child’s presence at all future immigration proceedings, notify local law enforcement or local child protective services if the child has been or is at risk of being subjected to abuse, abandonment, neglect, or maltreatment, and to notify the National



Center for Missing and Exploited Children (NCMEC) if the child disappears, has been kidnapped, or runs away.

ORR's custodial responsibilities end when a child is discharged from ORR care. Nevertheless, ORR has policies in place to promote unaccompanied children's well-being after they have been released, such as every child receiving a Safety and Well-being Call after being discharged.

Per ORR policy, ORR care providers are required to make at least three Safety and Well-being calls to speak with the child and sponsor individually to determine if the child is still residing with the sponsor, enrolled or attending school, aware of any upcoming court dates, and otherwise safe, as well as to assess if either the child or the sponsor would benefit from additional support or services. Under ORR policies and procedures, if the ORR care provider identifies or suspects any safety concerns, they are required to issue a Notification of Concern to ORR and appropriate investigative agencies, including local law enforcement and child protective services. Children and sponsors are not required to answer these calls. It is important to note that many sponsors and children may choose not to answer a call from an unknown phone number or because they may be fearful of government entities, or they may simply miss the call. Further, ORR has referred some children for post-release services (PRS) and legal services, and some children have called ORR's National Call Center (ORRNCC). ORR has expanded PRS to an historic level and is committed to expanding access to PRS to all children by the end of fiscal year (FY) 2024. Importantly, providing and expanding access to post-release services is only possible with continued congressional funding.

If a Safety and Well-being call indicates that the child may be in immediate danger of serious harm, may be unsafe, or there is suspected neglect or abandonment, the ORR case manager is required to contact emergency authorities; submit a report to local child protective agencies and/or law enforcement; flag the sponsor in the UC Portal (ORR's digital records system); and notify the federal field specialist (FFS) immediately. The FFS then elevates the incident to the FFS supervisor who then reviews the allegation and ensures that the incident was reported to the appropriate entities with authority to investigate and/or remove the child from the home. It is important to note that ORR does not have authority to remove a child from a home following release of the child to a vetted sponsor—that authority resides with state child welfare and law enforcement agencies.

**Question 6:**

Despite placing 363,124 alien children with sponsors between 2018 and 2022, your agency only conducted 24,693 site visits—approximately seven percent of all placements. Why are so few site visits performed?

**Question 7:**

Your agency placed approximately 101,871 aliens with sponsors during fiscal year 2023—14,787 in Texas. How many site visits were performed in connection with these 101,871 aliens?

**Response to questions 6 and 7:** Under the TVPRA, Congress determined that ORR must conduct home studies for only certain unaccompanied children, prior to release. These include: children who have been a victim of severe forms of human trafficking; children with a disability; children who have been a victim of physical or sexual abuse under circumstances that indicate that the child’s health or welfare has been significantly harmed or threatened; or children whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence.

ORR policy (UC Program Policy Guide Section 2.4.2) also requires a home study before releasing any child to a non-relative sponsor who is seeking to sponsor multiple children, or who has previously sponsored or sought to sponsor a child and is seeking to sponsor additional children. ORR also requires a home study for children who are 12 years of age and younger before releasing to a non-relative sponsor. ORR’s policies allow for home studies in additional circumstances, such as when additional information is needed to determine that the sponsor is able to care for the health, safety, and well-being of the child.

**Question 8:**

How many children were Category 3 placements last fiscal year?

**Response:** In FY 2023, 13 percent of children placed with sponsors were placed with Category 3 sponsors.

**Question 9:**

During your testimony before the House of Representatives you indicated that sponsor vetting was adequate. The subsequent study considered 344 placements out of a total of 263,698, so do you stand by your earlier claim that vetting is adequate given your study sampled 0.0013% of all placements?

**Response:** ORR employs thorough sponsor screening and vetting processes for each category of sponsors based on child-welfare principles. In February 2023, HHS announced a multi-pronged, interagency effort in collaboration with the U.S. Department of Labor to combat child labor exploitation along with additional actions which included an audit of the vetting process for potential sponsors who have previously sponsored an unaccompanied child. On June 2, 2023, HHS released the results of its audit which aimed to ensure all necessary safeguards are in place without unnecessarily keeping children in government-funded, congregate care settings.

This audit was conducted by a multidisciplinary team in ORR, including child welfare experts, policy advisors, program analysts, and program management, focused on compliance with statutory requirements and ORR policies and procedures. The audit was conducted over a four-week period in March 2023 and focused on case reviews of children released in 2021 and 2022 to non-relative sponsors who sponsored three or more children, which was a universe of 344 children. To examine children's outcomes post-release, the audit also included a review of all ORRNCC logged calls that reported a caretaker change. These criteria ensured the audit effort and resources focused on cases of heightened potential concern. ORR will continue this work with an outside entity to conduct future in-depth reviews of random sample for all sponsor categories.

An additional HHS effort to protect the safety and well-being of unaccompanied children is a new Program Accountability team in ORR that will be responsible for assessing and addressing potential exploitation risks faced by unaccompanied children. This new team will play a key role in working with an external entity to conduct an in-depth review of vetting and placement processes across all sponsor categories.

**Question 10:**

How many sponsors who received children during fiscal year 2023 were previously convicted criminals?

**Response:**

ORR will deny release to a potential sponsor if they are 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 child would present a risk to the child, the sponsor, household, or the community. Furthermore, ORR may deny releases to a Category 1 potential sponsor, and will deny release to a Category 2A, 2B, or Category 3 potential sponsor based on the additional conditions outlined in ORR UC Program Policy Guide Section 2.7.4 (e.g., sponsor has been convicted of a crime related to trafficking in persons).

**Question 11:**

How many sponsors underwent background checks during fiscal year 2023 before receiving alien children?

**Response:** All sponsors undergo background checks prior to ORR placing a child in the sponsor's care. Per ORR policy, a public records check and sex offender registry check are also required for sponsors in all categories.

ORR requires FBI fingerprinting for certain immediate relatives who were not previously the child's primary care giver and for non-relative sponsors. ORR may also require FBI fingerprinting for any sponsor, non-sponsor adult household members, and adult caregivers identified in a sponsor care plan.

**Question 12:**

As a self-described humanitarian, why didn't you resign after hearing HHS Secretary Becerra likened your operation to a Ford assembly line?

**Question 13:**

Why didn't you resign after HHS Secretary Becerra threatened to find someone to process alien children faster than you?

**Response to questions 12 and 13:** Providing care for unaccompanied children in ORR custody is the priority in all decisions made by ORR, HHS, and the Administration. While in ORR care, every child receives classroom education, health care, recreation, mental health services, access to legal services, access to Child Advocates where applicable, and case management, all tailored to the needs of the specific child. Care providers also develop an individual service plan for the care of each child. More information on how ORR provides services for each individual child in its care can be found in UC Program Policy Guide Section 3.3. Given ORR's child welfare mission, ORR knows that the best place for a child is with a family in a community setting, not in a congregate care setting. When there is a safe, vetted sponsor available, ORR does not keep children in congregate care unnecessarily.

**Question 14:**

You are duty bound by statute—by 8 U.S.C. § 1232(c)(2)(A) to “promptly place unaccompanied children in the least restrictive setting is in the best interest of the child.” Is choosing speed before safety in the best interest of these unaccompanied alien children?

**Response:** The safety and well-being of every child is at the forefront of every decision made by ORR. Child welfare best practices are clear that the best place for a child is in a community setting with family and not in large congregate care settings. Once ORR identifies a safe, vetted sponsor, who has successfully completed a robust screening process, ORR has a legal responsibility to place the child with a sponsor as quickly as possible. In addition to the intensive sponsor vetting requirements and the assessment process in place, ORR continues to implement procedures and practices that further streamline and strengthen sponsor vetting, while prioritizing child safety.



## Senator Graham

### **Question 1:**

The 2008 William Wilberforce Trafficking Victims Protection Reauthorization Act gave HHS the responsibility for the “care and custody of all unaccompanied alien children.”

- How many unaccompanied alien children (UAC) have been placed with immediate family members annually beginning in FY 2019?
- In what circumstances does ORR require a DNA test to confirm familial relations between an unaccompanied child and a potential sponsor?
- When being placed with family members, what steps are taken to verify the familial relationship? In how many of the placements are these verification steps taken?
- How many FBI criminal history checks have been conducted on UAC sponsors annually beginning in FY 2019?
- In how many cases have FBI criminal history checks been conducted for all adults living in the residence a UAC is placed in annually beginning in FY 2019?

**Response:** Over the past five fiscal years (FYs), from FY 2019 through FY 2023, the Office of Refugee Resettlement (ORR) released more than 160,000 unaccompanied children to Category 1 sponsors; more than 200,000 unaccompanied children to Category 2 sponsors; and approximately 50,000 unaccompanied children to Category 3 sponsors.

To verify the identity of a sponsor, all potential sponsors must submit original versions or legible copies of government-issued identification documents. For verification of the relationship claimed with the unaccompanied child, the potential sponsor must also provide at least one form of evidence such as a birth certificate, marriage certificate, death certificate, court records, guardianship records, hospital records, school records, or a written affirmation of relationship from a Consulate.

Voluntary DNA testing can also be used for sponsors and unaccompanied children to establish biological relationships when proof of relationship otherwise does not exist. In this instance, the ORR case manager notifies the ORR federal field specialist (FFS) and the Case Coordinator to recommend a DNA test be conducted. Once approved by the FFS and results are returned, the case manager uses the results when assessing the viability of the potential sponsor.

All sponsors undergo background checks prior to ORR placing a child in the sponsor’s care. Per ORR policy, a public records check and sex offender registry check are required for sponsors in all categories. As of October 25, 2023, ORR also requires FBI fingerprinting for certain immediate relatives who were not previously the child’s primary care giver and for non-relative sponsors. ORR may also require FBI fingerprinting for sponsors, non-sponsor adult household members, and adult caregivers identified in a sponsor care plan in certain cases.

**Question 2:**

Of the UAC currently in HHS custody, how many are placed in group homes run by the federal government?

**Response:** From FY 2019 through FY 2023, approximately 17,500 unaccompanied children were identified as Category 4; that is, as having no presently viable sponsor. Children identified as Category 4 may be placed in a long-term care setting, such as community-based foster care or extended care group homes, that are ORR-funded through grants to non-profit organizations licensed by a state to provide foster or group home care to youth.

**Question 3:**

Please provide a list of the current location of all ORR-funded facilities in the United States that house UAC. For each facility, please provide the city, state, facility name, grantee name, the length of time that entity has been a grantee, facility type, bed capacity, population served at the facility, and if the facility is licensed by the state.

**Response:** ORR funds facilities across the United States. The whole of ORR's mission and work weighs a variety of geographic factors.

**Question 4:**

What information and education does ORR provide to UAC sponsors, including any information on rights, responsibilities, services, and referrals?

**Response:** Per the terms of UC Program Policy Guide 2.8.1, once the sponsor assessment is complete and a sponsor has been approved, the sponsor enters into an agreement with the federal government in which he or she agrees to comply with the following provisions:

- Provide for the physical and mental well-being of the child, including but not limited to, food, shelter, clothing, education, medical care and other services as needed.
- For those who are not the child's parent or legal guardian, make best efforts to establish legal guardianship with the local court within a reasonable time.
- Attend a legal orientation program provided under the Department of Justice (DOJ)/Executive Office for Immigration Review's (EOIR) Legal Orientation Program for Custodians (Sponsors), if available where he or she resides.
- Depending on where the unaccompanied child's immigration case is pending, notify the local Immigration Court or the Board of Immigration Appeals within 5 days of any change of address or phone number of the child (Form EOIR-33). (If applicable, file a Change of Venue motion on the child's behalf. A "change of venue" is a legal term for moving an immigration proceeding to a new location.)
- Notify the U.S. Department of Homeland Security (DHS)/U.S. Citizenship and Immigration Services within 10 days of any change of address by filing an Alien's Change of Address Card (AR-11) or electronically at [www.uscis.gov/ar-11](http://www.uscis.gov/ar-11).
- Ensure the unaccompanied child's presence at all future proceedings before the DHS/U.S. Immigration and Customs Enforcement (ICE) and the DOJ/EOIR.
- Ensure the unaccompanied child reports to ICE for removal from the United States if an immigration judge issues a removal order or voluntary departure order.
- Notify local law enforcement or state or local Child Protective Services if the child has been or is at risk of being subjected to abuse, abandonment, neglect or maltreatment or if the sponsor learns that the child has been threatened, has been sexually or physically abused or assaulted, or has disappeared. (Notice should be given as soon as it is practicable or no later than 24 hours after the event or after becoming aware of the risk or threat.)
- Notify the National Center for Missing and Exploited Children (NCMEC) at 1-800-843-5678 if the unaccompanied child disappears, has been kidnapped, or runs away. (Notice should be given as soon as it becomes practicable or no later than 24 hours after learning of the child's disappearance.)
- Notify ICE at 1-866-347-2423 if the unaccompanied child is contacted in any way by an individual(s) believed to represent an alien smuggling syndicate, organized crime, or a human trafficking organization. (Notice should be provided as soon as possible or no later than 24 hours after becoming aware of the information.)
- In case of an emergency, such as serious illness, destruction of home, etc., temporarily transfer physical custody of the child to another person who will comply with the terms of the Sponsor Care Agreement.
- In the event that a sponsor who is not the child's parent or legal guardian is no longer able and willing to care for the unaccompanied child and is unable to temporarily transfer physical custody, notify ORR using the ORR National Call Center, at 1-800-203-7001.

The agreement includes notice that the release of the unaccompanied child to the sponsor's care does not grant the child any legal immigration status and that the child must be present for immigration court proceedings.

The care provider also provides the sponsor with a Sponsor Handbook that outlines the responsibilities in caring for the unaccompanied child's needs for education, and health; obtaining legal guardianship; finding support to address traumatic stress; and keeping children safe from child abuse and neglect and from trafficking and exploitation. The handbook reiterates the importance of continuing with immigration proceedings and includes links to website and forms. The handbook discusses laws related to employment, such as the federal law prohibiting minors under the age of 18 from working in hazardous occupations. Additionally, the care provider explains the U.S. child abuse and neglect standards and child protective services to the sponsor, human trafficking indicators and resources, and basic safety procedures such as how to use the 9-1-1 number in emergency situations.

### **Question 5:**

How many UAC have been identified as victims of trafficking annually beginning in FY 2019?

- Who does HHS contact for a criminal investigation in this instance?
- What kind of services are trafficking victims provided with?
- If trafficking victims are placed with sponsors, what kind of resources are given to the sponsors to ensure the victim receives appropriate services?

**Response:** In FY 2023, the U.S. Department of Health and Human Services' (HHS) Office on Trafficking in Persons (OTIP) received more than 3,600 referrals of trafficking concerns for foreign national minors, including, but not limited to, unaccompanied children, who may be eligible for benefits and services to the same extent as refugees under the Trafficking Victims Protection Act of 2008 (TVPRA). In FY 2023, OTIP issued Eligibility Letters to more than 2,000 children who have experienced human trafficking to connect them to critical services. While all federal, state, or local officials are required to refer cases of potential trafficking of foreign national minors to OTIP within 24 hours, most referrals come from ORR—though notably, the majority of cases ORR refers to OTIP relate to victimization the child experienced prior to entering ORR care.

If ORR care provider staff, such as a case manager or clinician, 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 HHS OTIP, Homeland Security Investigations (HSI), and the HSI-led DHS Center for Countering Human Trafficking for further investigation. OTIP provides further assessment assistance to ensure that victims can access appropriate care and services. Such care is then coordinated with ORR to provide direct referrals for grant-funded comprehensive case management services, medical services, food assistance, cash assistance, and health insurance tailored to the child's individual needs. While ORR does not retain legal custody post-release, ORR reviews the matter to determine what, if any, additional action should be taken consistent with its legal authorities.

In February 2023, ORR entered into a data sharing Memorandum of Agreement (MOA) with OTIP and 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. Additionally, ORR works regularly with OTIP to further coordinate their efforts to align care and services for victims.

ORR also provides post release services (PRS) to certain unaccompanied children who have been released from ORR's custody to promote their safety and well-being. Per UC Program Policy Guide [Section 6.2.2](#), PRS providers work with sponsors to address challenges in parenting an unaccompanied child. This may include guidance about maintaining a safe home; supervision of the unaccompanied child; protecting the unaccompanied child from threats by smugglers, traffickers, and gangs; and information about child abuse, neglect, separation, grief and loss, and how these issues affect children. PRS providers start services within two days of the child's release from ORR custody and ORR can continue providing PRS during the pendency of the child's immigration proceedings (until the child turns 18 years of age or the child's immigration case concludes because the child was either granted voluntary departure, received an order of removal, or obtained immigration status, relief, or protection from removal). ORR is working to

increase its capacity to provide PRS to all children by 2025, including heightened services, as needed, for TVPRA-mandated PRS recipients. ORR is also working to increase funding and capacity for direct legal representation for unaccompanied children, with the goal of ensuring that all children in ORR care, as well as discharged children, can access legal representation by the end of 2027. In FY 2022, ORR more than doubled the rate of children offered PRS, serving more than 40 percent of children compared to just over 20 percent in FY 2021. Of the children unified with a sponsor in FY 2023, 59 percent were offered PRS.

**Question 6:**

The New York Times quoted HHS Secretary Xavier Becerra as pressuring staff to treat the UAC process as an “assembly line.”

- What vetting requirements for sponsors has ORR stopped imposing since January 2021?
- If any changes have been made to the sponsor vetting requirements since January 2021, please explain why such changes were made.

**Response:** ORR continually reviews its policies, processes, and procedures to ensure they guarantee the safety and well-being of the children in ORR care and their timely release to vetted sponsors. ORR requires critical safeguards when vetting a sponsor, such as interviews with sponsors, sponsor assessments, completed family reunification applications with supporting documents, and background checks. Child welfare best practices indicate the best place for a child is with a family in a community setting. ORR works to expedite the release of certain unaccompanied children to a parent or legal guardian without sacrificing proper vetting and the safety of the child. Field Guidance 10 and 11 streamlined some vetting procedures for parents, legal guardians, and close family sponsors, without sacrificing child safety. Throughout ORR’s process there are risk-assessments to identify red flags or derogatory information before release determinations. ORR believes that this approach right-sizes the vetting process to be timelier while maintaining safety standards for children.



**Question 7:**

How many pregnant UAC have come into HHS care annually beginning in FY 2019?

- What type of resources and care are provided to pregnant UAC?

**Response:** ORR has a legal obligation to care for all youth referred to its custody. ORR works with its partners across the government to ensure that youth are safe and provided appropriate health care. ORR policy requires, to the greatest extent possible, placement of youth in an appropriate location to support any health care needs, including placing pregnant youth in ORR programs that are state licensed to care for that population. Pregnant youth in ORR custody receive non-directive pregnancy counseling, prenatal, and OBGYN services. Youth in ORR care and custody receive comprehensive information and have access to family planning services and other reproductive health care. ORR has strict confidentiality policies related to protecting the privacy of unaccompanied children in its care.

**Question 8:**

HHS has obligated more than \$484 million for post-release services this fiscal year for UAC, and you stated in your testimony on October 25, 2023, that HHS needs additional funding for the UAC process. What services are these funds supporting for UAC and their sponsors?

**Response:** PRS promotes the safety and well-being of certain unaccompanied children who have been released from ORR’s custody to a sponsor in the United States. These services include timely referrals and connection to community resources, as well as intensive services, in cases where support is needed to address a child’s specific needs or challenges. These referral and case management services are voluntary for children and sponsors and are offered by a network of ORR-funded non-profit providers across the United States.

PRS providers assist children in accessing services in areas that affect their lives and do so in a manner that is sensitive to the individual needs of the child. Providers coordinate services in the following areas: placement stability and safety; ensuring attendance at immigration court proceedings and compliance with DHS requirements; legal services; education services; medical services; individual mental health services; substance abuse; gang prevention; and any other services deemed appropriate for the specific child and sponsor. Expanded PRS, which will be effective on January 1, 2024, will consist of three levels of services. “Level 1 Services” will consist of Safety and Well-Being calls, which will become in-person or virtual check-ins conducted at seven, 14-, and 30-days following release from care. “Level 2 Services” will expand from 90 days to six months of supportive services including ongoing assessments, safety plans, and referrals to community-based programs. Finally, “Level 3 Services,” or “intensive PRS,” will include ORR intervention with case managers conducting initial in-home assessments within seven days of referral followed by weekly in-person contact for the first 45 to 60 days—focused on family stabilization including crisis intervention as needed—to transition to monthly or continue as necessary depending on the needs of the child.

In FY 2022, ORR more than doubled the rate of children offered PRS, serving more than 40 percent of children compared to just over 20 percent in FY 2021. Of the children unified with a sponsor in FY 2023, 59 percent were offered PRS.

**Question 9:**

What is ORR's plan to increase home visits to ensure the safety and well-being of children placed with sponsors?

**Response:** Under the TVPRA, ORR must conduct home studies for certain unaccompanied children prior to release, including those who have been a victim of severe forms of human trafficking; have a disability (as defined in section 12102 of title 42, United States Code); have been victims of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence.

While not required in statute, ORR policy (UC Program Policy Guide Section 2.4.2) also requires a home study before releasing any child to a non-relative sponsor who is seeking to sponsor multiple children, or who has previously sponsored or sought to sponsor a child and is seeking to sponsor additional children. ORR also requires a home study for children who are 12 years old and younger before releasing the child to a non-relative sponsor. ORR's policies also allow for home studies in additional circumstances, such as when additional information is needed to determine that the sponsor is able to care for the health, safety, and well-being of the child.

ORR continually reviews its policies, processes, and procedures to ensure they guarantee the safety and well-being of the children in its care and their timely release to vetted sponsors. Future changes, if any, will build upon input from care providers, sponsors, child advocates, the Office of Inspector General, Congress, and other stakeholders on ways to strengthen and streamline the vetting process.

**Question 10:**

How many times annually beginning in FY 2019 has ORR notified state and local authorities with concerns about possible child abuse or neglect after doing follow up communications?

**Response:** If at any point during an interaction with an unaccompanied child, either while in ORR's care or post-release such as through a Safety and Well-being call or via the ORRNCC, 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. ORR then conducts a review and determines what additional actions should be taken, which may include additional reporting and engagement with local law enforcement, state child welfare authorities, and/or referral to PRS. Further actions from local law enforcement and child welfare authorities fall under the state's jurisdiction.

**Question 11:**

Are UAC encouraged or able to contact their parents in their home countries?

**Response:** Yes. Per ORR UC Program Policy Guide Section 3, within 24 hours of an unaccompanied child's admission into an ORR care provider facility, a trained staff member interviews the child using the Initial Intakes Assessment to identify any of the child's immediate needs or issues. The Initial Intakes Assessment guides the interviewer through a series of questions to obtain information about family members, any immediate medical or mental health concerns, current medications, and any concerns about personal safety that the child may have at that time. The staff member then assists the child in contacting their parents or legal guardians, family members, or other relatives if contact is considered safe, following ORR and the care provider's internal safety procedures. Per Section 2.2.2 of the ORR UC Program Policy Guide, ORR coordinates with the unaccompanied child's parents, legal guardians, or closest relatives prior to contacting non-relative adult potential sponsors. For more information about ORR's policies on visitation and contact with family, please see UC Program Policy Guide Section 3.3.10.

**Question 12:**

What accountability measures are in place at ORR to ensure that children’s testimonies are being accurately and carefully vetted before they are placed with sponsors?

**Response:** ORR takes its responsibility to care for and protect children in its custody seriously and works diligently to make sure every placement decision is made in the best interest of the child. Per ORR UC Program Policy Guide Section 3, within 24 hours of an unaccompanied child’s admission into an ORR care provider facility, a trained staff member interviews the child using the Initial Intakes Assessment to identify any of the child’s immediate needs or issues. The Initial Intakes Assessment guides the interviewer through a series of questions to obtain information about family members, any immediate medical or mental health concerns, current medications, and any concerns about personal safety that the child may have at that time. The staff member then assists the child in contacting their parents or legal guardians, family members, or other relatives if contact is considered safe. For more information about ORR’s policies on visitation and contact with family, please see UC Program Policy Guide Section 3.3.10. ORR’s process for the safe and timely release of a child from federal custody includes: speaking separately with the child, sponsor, and the child’s parents, if available; a sponsor application, address checks, supporting documentation; background checks including FBI fingerprint checks in some instances; and required or discretionary home studies. Additional details on this process are available in ORR’s UC Program Policy Guide Section 2: Safe and Timely Release from ORR Care.

**Question 13:**

What steps has ORR taken to contact or follow up with the 85,000 children that ORR previously indicated they had lost contact with?

**Response:** The New York Times reported that over a two year period HHS was unable to reach 85,000 children through its standard Safety and Well-being call process. However, Safety and Well-being calls are just one way that ORR communicates with unaccompanied children after they are discharged from ORR care. Although ORR's custodial authority ends when a child is released from its care, per ORR policy, ORR care providers are required to make at least three Safety and Well-being calls to speak with the child and sponsor individually to determine if the child is still residing with the sponsor, enrolled or attending school, aware of any upcoming court dates, and otherwise safe, as well as to assess if either the child or the sponsor would benefit from additional support or services. Despite the voluntary nature of the child's and the sponsor's participation in Safety and Well-being calls, since FY 2022, ORR care providers made contact with either the child, the sponsor, or both in more than 81 percent of households. In addition to Safety and Well-being calls, children are also contacted and/or monitored through the provision of PRS and legal services, and children are also provided with information on calling the ORRNCC, which is available to provide assistance to children discharged from ORR care on a 24 hour/7 day a week basis.

## Senator Grassley

### **Question 1:**

You previously told House Oversight “Office of Refugee Resettlement (ORR) didn’t lose anyone” in reference to Unaccompanied Alien Children (UAC), but that “ORR doesn’t monitor or track the whereabouts of children after they're released from [your office's] care.” Since your office does not monitor or track these children, can you honestly say they are safe and not subjected to further abuse or human trafficking?

**Response:** The Office of Refugee Resettlement’s (ORR) custodial responsibilities end when a child is discharged from our care. Nevertheless, we have policies in place to promote unaccompanied children’s well-being after they have been released. Per ORR policy, ORR care providers are required to make at least three Safety and Well-being calls to speak with the child and sponsor individually to determine if the child is still residing with the sponsor, enrolled or attending school, aware of any upcoming court dates, and otherwise safe, as well as to assess if either the child or the sponsor would benefit from additional support or services. If the ORR care provider identifies or suspects any safety concerns, under ORR policies and procedures, they are required to issue a Notification of Concern to ORR and appropriate investigative agencies, including local law enforcement and child protective services. In addition to Safety and Well-being calls, children are also contacted and/or monitored through the provision of PRS and legal services, and children are also provided with information on calling the ORR National Call Center (ORRNC), which is available to provide assistance to children discharged from ORR care on a 24 hour/7 day a week basis.



**Question 2:**

How many times did ORR and its third parties notify state or local authorities with concerns about possible child abuse or neglect in the last three years?

**Response:** If at any point during an interaction with an unaccompanied child, either while in ORR's care or post-release such as through a Safety and Well-being call or via the ORRNCC, 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. ORR then conducts a 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 PRS.

**Question 3:**

In the spring, the U.S. Department of Health and Human Services conducted a self-audit of the UAC program, which disclosed no issues with its handling of the UAC program as part of its findings. That audit relied on an extremely small sample, looking at just 344 individual UACs out of more than 260,000 processed in 2021 and 2022—a mere tenth-of-one percent. Considering how few individual UAC cases this self-audit looked at, how can anyone trust or take it seriously?

**Response:** HHS employs thorough sponsor screening and vetting processes for each category of sponsors based on child-welfare principles.

In February 2023, HHS announced a multi-pronged, interagency effort in collaboration with the U.S. Department of Labor to combat child labor exploitation along with additional actions which included an audit of the vetting process for potential sponsors who have previously sponsored more than three unaccompanied children. On June 2, 2023, HHS released the results of its audit, which aimed to ensure all necessary safeguards are in place without unnecessarily keeping children in government-funded, congregate care settings.

This audit was conducted by a multidisciplinary team in ORR, including child welfare experts, policy advisors, program analysts, and program management, focused on compliance with statutory requirements and ORR policies and procedures. The audit was conducted over a four-week period in March 2023 and focused on case reviews of children released in 2021 and 2022 to non-relative sponsors who sponsored three or more children, which was a universe of 344 children. To examine children’s outcomes post-release, the audit also included a review of all ORRNCC logged calls that reported a caretaker change. These criteria ensured the audit effort and resources focused on cases of heightened potential of concern. ORR will continue this work with an outside entity to conduct future in-depth reviews of random samples.

An additional HHS effort to protect the safety and well-being of unaccompanied children is a new Program Accountability team in ORR that will be responsible for assessing and addressing potential exploitation risks faced by unaccompanied children. This new team will play a key role in working with an external entity to conduct an in-depth review of vetting and placement processes across all sponsor categories.

**Senator Hawley**

**Question 1:**

In calendar year 2023, what percentage of ORR Safety and Well-Being calls reached a child?

**Response:** The Office of Refugee Resettlement (ORR) made contact with either the child, the sponsor, or both in more than 81 percent of households since fiscal year (FY) 2022.

**Question 2:**

In cases where a Safety and Well-Being call does not reach a child, does ORR make a follow-up call?

**Response:** Per ORR policy, ORR care providers are required to make at least three Safety and Well-being calls to speak with the child and sponsor individually to determine if the child is still residing with the sponsor, enrolled or attending school, aware of any upcoming court dates, and otherwise safe, as well as to assess if either the child or the sponsor would benefit from additional support or services.

**Question 3:**

How many children placed by ORR are illegally employed in violation of child labor laws?

**Response:** Child labor violations are unacceptable, and ORR and the Administration take these violations very seriously. Under ORR’s Unaccompanied Children (UC) Program Policy Guide, any grant recipient or contractor who works with or encounters unaccompanied children after their release from ORR care is required to report any concern about the child’s safety and well-being to ORR and to the appropriate investigative agencies.

For example, suspected trafficking concerns are reported to the Administration for Children and Families’ (ACF) Office on Trafficking in Persons (OTIP), to Homeland Security Investigations (HSI), and the HSI-led DHS Center for Countering Human Trafficking for further investigation. OTIP provides further assessment assistance to ensure that victims can access appropriate care and services.

In February 2023, ORR finalized a data-sharing Memorandum of Agreement (MOA) with OTIP and the National Center for Missing and Exploited Children (NCMEC), a non-profit organization established by Congress. The MOU facilitates information sharing to protect unaccompanied children who are victims of exploitation or trafficking or at risk of being such victims. Over the last three months, ORR has implemented a requirement for the ORRNCC to provide children who call the helpline and express safety concerns, with information regarding the authorities to which their safety concerns will be reported. It will connect children directly with the appropriate authority when possible, and place a follow-up call to the child to confirm if any further actions are needed.

Moreover, as part of the Department’s commitment to combat child labor exploitation, HHS is working closely in partnership with the Department of Labor (DOL) in federal efforts to protect children against labor exploitation. These joint efforts to conduct due diligence to prevent and respond to child labor issues have been ongoing, and, as of March 23, 2023, have been formalized in an MOA between DOL’s Wage and Hour Division and the HHS ACF, which oversees ORR. The MOA expands the 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 facilitate coordination to ensure that child labor trafficking victims or potential victims have access to critical services. In April 2023, HHS and DOL developed and distributed new materials and trainings to provide information to children and sponsors about child labor laws in the United States so that children and vetted sponsors understand the laws on labor rights and restrictions to working in the United States.

**Question 4:**

Has ORR ever investigated a report of a child who has been illegally employed in violation of child labor laws? If so, please identify these by the agency's tracking number.

**Response:**

ORR does not have law enforcement investigative authority, but if ORR care providers identify or suspect any cause for concern or safety issue, they are required under ORR policy to issue a Notification of Concern to ORR and appropriate investigative agencies, including local law enforcement and child protective services who are authorized to take action.

When ORR receives a report of suspected labor exploitation or trafficking, the Office takes actions, which can include:

- Immediately halting discharges to specific neighborhoods (utilizing street information) or individual sponsors until additional safety measures are put in place;
- Mandating home studies and/or supervisory reviews prior to case approval;
- Conducting welfare phone calls and/or in-person visits, and
- Flagging for the state's child welfare agency, local law enforcement, OTIP, and other relevant entities for certain locations and a geographically appropriate radius around those locations.

While many labor violations do not involve trafficking, all trafficking reports are provided to DHS and OTIP. ORR and OTIP work closely with DOL, which can take action and flag particular trends or cases involving unlawful child labor. In addition, ORR requires care providers to notify stakeholders and OTIP of all suspected trafficking or exploitation concerns within 24 hours.

Further, the ORRNCC notifies local law enforcement and child protective services —the entities with the authority to determine whether to remove the child from their current home. ORR also recently engaged OTIP and NCMEC to enter into an MOA where all parties share information on a weekly basis. The MOA also enables data-sharing between HHS and NCMEC and will help bridge data-sharing challenges.

**Question 5:**

Has ORR changed its policies regarding identity verification and background checks to address the concerns identified in The Senate Committee on Homeland Security and Governmental Affairs December 2022 report on the inadequacy of those policies?

**Response:** ORR is legally required to provide for the care of all unaccompanied children referred to ORR by another Federal department or agency until the children are appropriately and safely released to a vetted sponsor. ORR continually reviews its policies, processes, and procedures to ensure they guarantee the safety and well-being of the children in ORR care and their timely release to vetted sponsors. As a general matter, when assessing the need for policy changes, ORR considers input from care providers, sponsors, child advocates, the HHS Office of Inspector General, Congress, and other stakeholders.

## Senator Hirono

### **Question 1:**

In your testimony, you mention that ORR faces a significant budgetary shortfall in FY 2024. Part of President Biden's Fiscal Year 2024 emergency supplemental funding request asks for additional resources to support unaccompanied children and other ORR-eligible populations.

- If Congress doesn't provide funding, how would that affect ORR's ability to provide services to children, including services that protect against labor exploitation?
- This was included in the President's "Border Supplemental Request." Why is this funding an important part of the border management strategy?

**Response:** The Office of Refugee Resettlement (ORR) continues to closely monitor the financial needs of the Unaccompanied Children (UC) Program and is in regular contact with Congress on its budgetary needs. Continued investment and support from Congress is critical to build on ORR's efforts to further strengthen and improve the program. ORR appreciates Congress' prior support of ORR programs, including the contingency funding in the fiscal year (FY) 2023 appropriation. However, in addition to the UC Program, ORR also runs the Refugee Program, which is driven by the rate of refugee arrivals and other populations that Congress has deemed eligible for support. ORR still faces a significant overall budgetary shortfall in FY 2024 and has requested \$1.9 billion in emergency funding to ensure it can support the current and anticipated populations eligible for support. As the UC Program is in the same appropriation account, funding for unaccompanied children may have to be reprogrammed if ORR does not have sufficient resources to meet its resettlement requirements.

Notably, the UC Program must accept transfers of all unaccompanied children from other federal departments and agencies. Significant funding cuts that reduce ORR's ability to timely accept referrals could lead to U.S. Department of Homeland Security (DHS)-facility overcrowding and delays in placing children in licensed facilities better suited to long-term care. In addition, as ORR is required to provide for both statutorily and court-mandated care and services for children in its custody, funding cuts impact ORR's ability to provide these services in a timely manner which poses potential harm to children in ORR's care and yields significant legal risks and financial liabilities for the federal government. Funding cuts would also dramatically limit ORR's ability to expand legal services and offer any expanded access to post-release services to children.



**Question 2:**

During the September debate on federal government funding, multiple proposals were circulated that conditioned continued government operations on changes to our country's immigration system.

- One of the pieces of legislation, H.R. 2, would have expressly prevented ORR from providing legal counsel to unaccompanied children who can't afford it. Attorneys are one of the best defenses against children being exploited for labor, and they help streamline proceedings which is critical considering the current immigration court case backlog. How do you believe denying ORR the ability to provide unaccompanied children lawyers would affect exploited children?
- Another piece of legislation, the Keep America Open Act, would have required officials to expel all noncitizens "without further hearing or review." The legislation provided limited opportunities to request asylum, and there were no exceptions for unaccompanied children. Immediate expulsion of unaccompanied children means that these children would likely be expelled before ORR's experts are able to screen them for trafficking. How would a lack of ORR screening for trafficking affect unaccompanied children?

**Response:**

Under the TVPRA of 2008, the U.S. Department of Health and Human Services (HHS) is required to ensure legal representation for unaccompanied children to the greatest extent practicable, consistent with the requirements of 8 U.S.C. Section 1232(c)(5). In that section, Congress stated that lawyers representing children in legal matters also help protect children from mistreatment, exploitation, and trafficking. These Congressional goals will not reach children in need if legal representation is limited or eliminated. ORR agrees with Congress's assertion in the TVPRA and understands that direct representation both improves a child's understanding of the legal options available to them, and results in more efficient immigration proceedings. As such, to the extent its budget allows, HHS continues to expand unaccompanied children's access to legal services, including with a focus on capacity building for direct legal representation.

While all federal, state, or local officials are required to refer cases of potential trafficking of foreign national minors to HHS' Office on Trafficking in Persons (OTIP) within 24 hours, most referrals come from ORR. ORR screens for human trafficking of every unaccompanied child (e.g., during intake, risk assessments, UC assessments, sponsor assessments, and Significant Incident Reports). The screenings inform safety planning to protect children from further exploitation, including preventing return to human traffickers. Without ORR screening and safety planning, volumes of child trafficking victims will not be identified and protected.

## Senator Klobuchar

### **Question 1:**

Your testimony describes the work that the Office of Refugee Resettlement is doing to implement the agency's Unaccompanied Child Program and to promote the safety and well-being of unaccompanied children, including the steps you are taking to support and promote these children's wellbeing once they are released from care.

- What are the biggest barriers to effective coordination between the federal government and state and tribal law enforcement, as it relates to supporting unaccompanied minors that have been released from care or to preventing smuggling and trafficking?

**Response:** The U.S. Department of Health and Human Services (HHS) coordinates with federal, state, and tribal law enforcement on concerns for human trafficking, including through the President's Interagency Task Force to Monitor and Combat Trafficking in Persons federal Inspectors General offices, state departments of labor, and other enforcement authorities. HHS points of coordination include Office of Refugee Resettlement (ORR) post-release services, HHS' Office of Trafficking in Persons child protection specialists, grant-funded child and youth serving programs, and the child welfare system.

Challenges that pose barriers to effective coordination include lack of training on human trafficking screenings and resources available, lack of institutionalized referral protocols, needs for deconfliction and jurisdictional clarification, and fear of immigration officials and law enforcement among trafficked individuals. In addition, state and local child welfare agencies do not always have adequate resources to respond to the cases referred to them. ORR recognizes the critical importance of its coordination and engagement with these agencies, their varied capabilities, and need for robust resources to help ensure their ability to review or investigate allegations.

## Senator Lee

### **Question 1:**

Over the past 34 months since President Biden took office and declare the border open, over 430,000 unaccompanied minors have entered our country. How many of these children have passed through ORR custody? What happens to those who do not come into your care?

**Response:** Pursuant to the Homeland Security Act of 2002, an unaccompanied child is a child who has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States is available to provide care and physical custody. From fiscal year (FY) 2021 through FY 2023, 370,573 unaccompanied children were referred to the custody of the Office of Refugee Resettlement (ORR) from the U.S. Department of Homeland Security (DHS) or other federal entities.

**Question 2:**

Of those children who have passed through ORR custody, how many of them have been placed with a parent or known guardian?

**Question 3:**

Of those children who have passed through ORR custody, how many of them have been placed with an immediate relative?

**Question 4:**

Of those children who have passed through ORR custody, how many of them have been placed with a relative that is not a member of his or her immediate family?

**Question 5:**

How many of these children have been placed with complete strangers?

**Response to questions 2-5:** ORR has comprehensive sponsor screening and vetting processes in place for each category of sponsor and, pursuant to the TVPRA, ORR assesses whether a sponsor is capable of providing for the child's physical and mental well-being. The TVPRA requires that sponsor suitability assessments include verification of the sponsor's identity, relationship to the child, and that the sponsor has not engaged in any activity that would indicate a potential risk to the child. All sponsors must complete a robust screening process that includes background checks, interviews, review of supporting documentation, and home visits as applicable. Children are not placed with strangers as sponsors must provide proof of a pre-existing relationship. ORR takes its responsibility to care for and protect children in its custody seriously and works diligently to make sure every placement decision is made in the best interest of the child.

In fiscal year (FY) 2022 and FY 2023, the vast majority of children—more than 86 percent of those placed with a sponsor—were placed with a parent, legal guardian, or other close family member. In cases where a child is discharged to a non-relative, either the child, their parent, or their family members have a relationship with that sponsor. These cases require a higher level of scrutiny and may include home studies.

**Question 6:**

In the hearing you mentioned that is not standard practice to vet sponsors with an FBI background check. What percentage of the sponsors with whom you have placed children have actually undergone an FBI background check?

**Question 7:**

Does ORR place children with sponsors who refuse to submit to a background check?

**Response to questions 6 and 7:** All sponsors undergo background checks prior to ORR placing a child in the sponsor's care. Per ORR policy, a public records check and sex offender registry check are required for sponsors in all categories. ORR also requires FBI fingerprinting for certain immediate relatives who were not previously the child's primary care giver and non-relative sponsors. ORR may also require FBI fingerprinting for parents, legal guardians, immediate relatives who previously cared for the child, and non-sponsor adult household members and adult caregivers identified in a sponsor care plan. State Child Abuse and Neglect (CA/N) checks are also required for all sponsors in cases that require a home study, and cases where a special concern is identified. If a CA/N check is required of the sponsor, non-sponsor adult household members and adult caregivers identified in a sponsor care plan are also subject to a CA/N check.

ORR may deny release when an adult household member refuses to cooperate with a background check. ORR determines the best interests of a child and does not release any child to a sponsor until ORR has determined that it is safe to do so.

**Question 8:**

In what percentage of child placements has ORR conferred with local law enforcement about the proposed sponsor before placing the child?

**Question 9:**

In what percentage of child placements made by ORR in the last 34 months did you inform local law enforcement of the child's placement? What about other local service providers?

**Response to questions 8 and 9:** All sponsors must complete a robust screening process that includes background checks, interviews, review of supporting documentation, and home visits as applicable. All sponsors are required to comply with each provision of the Sponsor Care Agreement. Among the provisions, the potential sponsor agrees to notify local law enforcement or local child protective services if the child has been or is at risk of being subjected to abuse, abandonment, neglect, or maltreatment, and to notify the National Center for Missing and Exploited Children if the child disappears, has been kidnapped, or runs away.

In addition, if an ORR care provider identifies or suspects any safety concerns at any point during their interaction with an unaccompanied child or former 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.

**Question 10:**

Is it standard practice for ORR to conduct a home visit before placing a child? In what percentage of child placements in the last 34 months has a home visit been performed prior to placing the child? In what percentage of cases was a home visit conducted in fiscal year 2023 prior to placing a child?

**Response:** Under the TVPRA, ORR must conduct home studies prior to release for certain unaccompanied children

While not required in statute, ORR policy (UC Program Policy Guide Section 2.4.2) also requires a home study before releasing any child to a non-relative sponsor who is seeking to sponsor multiple children, or who has previously sponsored or sought to sponsor a child and is seeking to sponsor additional children. ORR also requires a home study for children who are 12 years of age and younger before releasing to a non-relative sponsor. ORR's policies allow for home studies in additional circumstances, such as when additional information is needed to determine that the sponsor can care for the health, safety, and well-being of the child.

**Question 11:**

When vetting potential sponsors, do you ascertain whether or not the sponsor has legal status in the United States? Why or why not?

**Question 12:**

If a potential sponsor is not an American citizen, does ORR routinely check with law enforcement in the sponsor's native country to ascertain whether or not he/she has any criminal convictions? Does ORR check to see if the potential sponsor has been implicated in any form of human trafficking?

**Question 13:**

What specific vetting procedures does ORR employ to ensure no child is placed with a known criminal gang member?

**Response to questions 11-13:** ORR sponsor suitability assessments include verification of the sponsor's identity, relationship to the child, and that the sponsor has not engaged in any activity that would indicate a potential risk to the child, including criminal activity and human trafficking.

ORR recognizes that best practices in domestic child welfare include policies to keep children out of congregate care settings and favor family placement or, when that is not possible, kinship care (a broad term that encompasses placement with friends of family, godparents, etc.). This best practice works to minimize trauma, preserve cultural identity, increase stability, and improve behavioral health outcomes for children. All sponsors are required to undergo a background check. If a background check reveals criminal history or a safety risk, the care provider and ORR evaluate this information and any additional information to holistically assess whether the sponsor is able to care for the child and ensure their safety and well-being. ORR may deny release when an adult household member refuses to cooperate with a background check. ORR determines the best interests of a child and does not release any child to a sponsor until ORR has determined that it is safe to do so.

**Question 14:**

In response to questions about the nearly 85,000 children who ORR place with sponsors in the last 34 months, but who received no subsequent follow-up contact with ORR, you repeatedly referred to “post-release services.” What percentage of the unaccompanied children who have passed through ORR in fiscal year 2021 received poste-release services? What about fiscal year 2022? What about fiscal year 2023?

**Response:** ORR has expanded access to PRS to an historic level and is committed to expanding access to PRS to all children by the end of FY 2024. In FY 2022, ORR more than doubled the rate of children provided access to PRS, providing PRS access to more than 40 percent of children compared to just over 20 percent in FY 2021. ORR continued to expand access to PRS in FY 2023, providing access to 59 percent of discharged children. Providing and expanding access to PRS is only possible with continued congressional funding.



**Question 15:**

In your testimony, you repeatedly maintained that your custodial duties ended once the child was placed with a sponsor, and that this is the reason that you hadn't "lost" any children. In the hearing I asked you about the whereabouts of the children you have placed with sponsors in the last 34 months. How many of those children's current whereabouts are known to you with relative certainty today?

**Response:** ORR is legally required to provide for the care of all unaccompanied children referred to ORR by other federal entities until the children are appropriately and safely released to a vetted sponsor. ORR nonetheless has policies in place to promote unaccompanied children's well-being after they have been released, such as every child receiving a Safety and Well-being call after being discharged. Per ORR policy, ORR care providers are required to make at least three Safety and Well-being calls to speak with the child and sponsor individually to determine if the child is still residing with the sponsor, enrolled or attending school, aware of any upcoming court dates, and otherwise safe, as well as to assess if either the child or the sponsor would benefit from additional support or services. If the ORR care provider identifies or suspects any safety concerns, under ORR policies and procedures, they are required to issue a Notification of Concern to ORR and appropriate investigative agencies, including local law enforcement and child protective services. Although children and sponsors are informed that these calls will be made and are encouraged to answer, they are not required to answer. Despite the voluntary nature of the child's and the sponsor's participation in Safety and Well-being calls, since FY 2022, ORR care providers made contact with either the child, the sponsor, or both in more than 81 percent of households. Further, there are children who have not answered a phone call, but for whom ORR has provided PRS, legal services, or who have called ORR's National Call Center (ORRNCC).

**Question 16:**

How many of the children placed by ORR during the last 34 months have been subject to illegal labor practices?

**Question 18:**

In the hearing, I also asked you what percentage of those children placed by ORR in the last 34 months have been subsequently trafficked—either for sex or for labor—since leaving your custody. Please provide an answer.

**Response to questions 16 and 18:** Child labor violations are unacceptable and ORR and the Administration take these violations very seriously. Under ORR’s UC Program Policy Guide, any ORR grant recipient or contractor who works with or encounters unaccompanied children after their release from ORR care is required to report any concern about the child’s safety and well-being to ORR and to the appropriate investigative agencies. Suspected trafficking concerns are reported to the Administration for Children and Families’ (ACF) Office on Trafficking in Persons (OTIP), DHS Homeland Security Investigations Division (HSI), and the HSI-led DHS Center for Countering Human Trafficking for further investigation. OTIP provides assistance to ensure that victims can access appropriate care and services.

In February 2023, ORR finalized a data-sharing Memorandum of Agreement (MOA) with OTIP and the National Center for Missing and Exploited Children (NCMEC), a non-profit organization established by Congress. The MOU facilitates information sharing to protect unaccompanied children who are victims of exploitation or trafficking or at risk of being such victims. Over the last three months, ORR implemented a requirement for the ORRNCC to provide children who call the helpline and express safety concerns with information regarding the authorities to which their safety concerns will be reported. The ORRNCC connects children directly with the appropriate authority when possible, and makes a follow-up call to the child to confirm if any further actions are needed.

Moreover, as part of the Department’s commitment to combat child labor exploitation, the U.S. Department of Health and Human Services (HHS) is working closely in partnership with the U.S. Department of Labor (DOL) in federal efforts to protect children against labor exploitation. These joint efforts to conduct due diligence to prevent and respond to child labor issues have been ongoing, and, as of March 23, 2023, have also been formalized in an MOA between DOL’s Wage and Hour Division and the Department’s ACF, which oversees ORR. The MOA expands the 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. In April 2023, HHS and DOL developed and distributed new materials and trainings to provide information to children and sponsors about child labor laws in the United States so that children and vetted sponsors understand the laws on labor rights and restrictions to working in the United States.

In FY 2023, OTIP issued Eligibility Letters to approximately 2,000 unaccompanied children who had experienced human trafficking, referring and connecting them to critical services. The

majority of these referrals related to victimization that happened prior to the child entering ORR care.

**Question 17:**

Are you aware of the whistleblower reports detailing how sponsors asking for children to host, have indicated they need workers for their business or that the children will have to “pay off their costs?” Since that whistleblower’s report, what changes has ORR made to ensure no child is trafficked for labor after being placed with a sponsor?

**Response:** ORR has zero tolerance for abuse or mistreatment of children. If an ORR care provider identifies or suspects any safety concerns at any point during their interaction with an unaccompanied child or former 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. Under ORR’s UC Program Policy Guide, any ORR care provider, grant recipient, or contractor who works with or encounters unaccompanied children after their release from ORR care is required to report any concern about the child’s safety and well-being to ORR and to the appropriate investigative agencies. This includes any suspicion that the child is at risk of human exploitation, trafficking, or other abuse.

Should an ORR care provider or case manager suspect that a child is a victim of trafficking or is at risk of trafficking at any point during this process, they must also make a referral to OTIP, in addition to Homeland Security Investigations (HSI), and the HSI-led DHS Center for Countering Human Trafficking for further investigation.

The TVPRA requires, among other things, that sponsor suitability assessments include verification of the sponsor’s identity, relationship to the child, and that the sponsor has not engaged in any activity that would indicate a potential risk to the child. All sponsors must complete a robust screening process that includes background checks, interviews, review of supporting documentation, and home visits prior to release as applicable.

ORR’s sponsor assessment and release decision process requires coordination among care provider staff, nongovernmental third-party reviewers (Case Coordinators), ORR staff, other Federal agencies, stakeholders, and Child Advocates, where applicable. Case Managers communicate with potential sponsors, gather necessary information and documentation, talk to any relevant stakeholders, and assess sponsors to formulate a recommendation to the Case Coordinator. Case Coordinators concurrently review all assessment information on an unaccompanied child and sponsor to also make a recommendation. Once Case Managers and Case Coordinators agree on a particular recommendation for release, the ORR Federal Field Specialist makes a final release decision.

All sponsors are required to comply with each provision of the Sponsor Care Agreement. Among the provisions, the potential sponsor agrees to notify local law enforcement or local child protective services if the child has been or is at risk of being subjected to abuse, abandonment, neglect, or maltreatment, and to notify NCMEC if the child disappears, has been kidnapped, or runs away.

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. This audit was conducted by a multidisciplinary team in ORR, was conducted over a four-week period in March 2023, and focused on case reviews of children released in 2021 and 2022 to non-relative sponsors who sponsored three or more children. ORR utilized these criteria to focus on cases of heightened potential concern. The audit also included a review of all ORRNCC logged calls that reported a caretaker change. ORR will continue this work with an outside entity to conduct review random samples of all children.

ORR is committed to ensuring full compliance with federal whistleblower laws. In coordination with the HHS Office of Inspector General (OIG), ORR has provided whistleblower trainings for all staff, award recipients, and contractors. ACF has also updated its public website and terms and conditions for grants awards to include specific information on whistleblower protections. These trainings and resources are in addition to the longstanding HHS mandatory supervisory trainings and to ACF's staff-wide annual whistleblower trainings.

**Question 19:**

Given you disclaim any authority or responsibility to follow-up with these children or to care for them after you place them, I would imagine you would want to be very sure a home is safe before placing a child. And yet, it seems that ORR's practices are getting increasingly more lax, and not more demanding. Did HHS weaken its vetting requirements for background checks and related adults in 2021?

**Response:** No. ORR requires critical safeguards when vetting a sponsor, such as interviews with sponsors, sponsor assessments, completed family reunification applications with supporting documents, and background checks. ORR works to expedite the release of certain unaccompanied children to a parent or legal guardian without sacrificing proper vetting and the safety of the child. To that end, ORR 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. ORR also 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. 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. ORR believes that this approach right-sizes the vetting process to be timelier while maintaining safety standards for children.

If an ORR care provider identifies or suspects any safety concerns at any point during their interaction with an unaccompanied child or former 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.

ORR has expanded access to PRS to an historic level and we are committed to expanding access to PRS to all children by the end of FY 2024. In FY 2022, ORR more than doubled the rate of children provided access to PRS, providing PRS access to more than 40 percent of children compared to just over 20 percent in FY 2021. ORR continued to expand access to PRS in FY 2023, providing access to 59 percent of discharged children. Providing and expanding access to PRS is only possible with continued congressional funding.

**Question 20:**

Do you believe the vetting and placement policies of ORR are serving these children well?

**Response:** ORR is committed to caring for and protecting children in ORR custody and continuing to work within the bounds of its authorities to safeguard their well-being. Once ORR identifies a safe, vetted sponsor, who has undergone a robust screening process, it has a responsibility to place the child as quickly as possible. Intensive sponsor vetting requirements are in place and ORR continues to implement procedures and practices to strengthen sponsor vetting and ensure child safety.

**Question 21:**

In the hearing, you repeatedly stood by ORR practices, saying, “we have thorough vetting processes in place.” Given how many children are lost, trafficked for sex, or trafficked for labor after leaving your care, do you stand by your statements?

**Question 22:**

If you cannot stand by your statements, how would you suggest improving the vetting and placement process?

**Question 23:**

When the parents who sent their children on the dangerous journey to your care, incentivized by the promise of open borders and self-proclaimed “compassionate” policies, discover that you have handed over their children to be trafficked, used for dangerous child labor, abused, and even killed—when these parents realize all of this—will we be looking at a class-action lawsuit against ORR for the mistreatment and neglect of hundreds of thousands of vulnerable children?

**Response to questions 21-23:** All sponsors must complete a robust screening process that includes background checks, interviews, review of supporting documentation, and home visits as applicable. ORR takes its responsibility to care for and protect children in its custody seriously and works diligently to make sure every placement decision is made in the best interest of the child. Details on this process are available in ORR’s UC Program Policy Guide Section 2: Safe and Timely Release from ORR Case.

All sponsors are required to comply with each provision of the Sponsor Care Agreement. Among the provisions, the potential sponsor agrees to provide for the physical and mental well-being of the child and notify local law enforcement or local child protective services if the child has been or is at risk of being subjected to abuse, abandonment, neglect, or maltreatment, and to notify the NCMEC if the child disappears, has been kidnapped, or runs away.

In FY 2022 and FY 2023, the vast majority of children—more than 86 percent of those placed with a sponsor—were placed with a parent, legal guardian, or other close family member. This includes 36 percent placed with a parent or legal guardian and 50 percent placed with a close family member such as siblings or grandparents. The remaining 14 percent of children placed with sponsors were placed with more distant relatives or unrelated adults. In cases where a child is discharged to a non-relative, either the child, their parent, or family members have a relationship with that sponsor. These cases require a higher level of scrutiny and may include home studies prior to release.

If ORR care provider staff, such as a case manager or clinician, 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 HHS OTIP, Homeland Security Investigations (HSI), and the HSI-led DHS Center for Countering Human Trafficking for further investigation. While ORR does not retain legal custody post-release, ORR reviews the matter to determine what, if any, additional action should be taken consistent with its legal authorities.



In February 2023, ORR entered into a data sharing MOA with OTIP and 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. ORR works regularly with OTIP to coordinate their efforts and align care and services for victims.

ORR provides post release services (PRS) to certain unaccompanied children who have been released from ORR's custody to promote their safety and well-being. Per UC Program Policy Guide Section 6.2.2, PRS providers work with sponsors to address challenges in parenting an unaccompanied child, including protecting the unaccompanied child from threats by smugglers and traffickers. ORR is working to increase its capacity to provide PRS to all children by 2025, including heightened services, as needed, for TVPRA-mandated PRS recipients. ORR is also working to increase funding and capacity for direct legal representation for unaccompanied children, with the goal of ensuring that all children in ORR care, as well as discharged children can access legal representation by the end of 2027. Providing and expanding these efforts to protect children rely upon congressional funding.