



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/orr

January 10, 2023

The Honorable Andy Biggs
U.S. House of Representatives
Washington, DC 20515

Dear Representative Biggs:

Thank you for your letter regarding the safety and welfare of children entering the United States unaccompanied and referred to the care and custody of the Administration for Children and Families' (ACF) Office of Refugee Resettlement (ORR).

By law, the Department of Health and Human Services (HHS) is required to provide care specifically to unaccompanied children referred to ORR by the U.S. Department of Homeland Security (DHS). See 6 U.S.C. 279; 8 U.S.C. 1232(b). 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 (i) there is no parent or legal guardian in the United States, or (ii) no parent or legal guardian in the United States is available to provide care and physical custody. ORR's primary mission is to unify unaccompanied children with vetted sponsors as safely and quickly as possible. ORR takes into consideration the unique nature of each child's situation and incorporates child welfare principles when making placement, clinical, case management, and release decisions that are in the best interest of the child.

Sponsors undergo a robust screening process that includes background checks, interviews, review of supporting documentation, and case studies or home visits as applicable. The process of the safe and timely release of a child from ORR custody involves several steps, including the identification of sponsors; sponsor application; interviews; and the assessment (and evaluation) of the sponsor's suitability, including verification of the sponsor's identity and relationship to the child. ORR requires a background check of all potential sponsors and their adult household members as appropriate. ORR performs a public records check and sex offender registry check on all prospective sponsors, including parents/legal guardians ("Category 1" sponsors) and "Category 2A" sponsors (grandparents, adult siblings, and aunts/uncles/first cousins who were previously primary caregivers). ORR Unaccompanied Children Program Policy Guide [Section 2.5.1](#) provides a table with the types of background checks performed and explains when they are done based on the potential sponsor's relationship to the child and other release considerations.

To that effect, ORR also conducts a thorough assessment of potential sponsors' suitability (e.g., proof of sponsor-child relationship; the sponsor's strengths, resources, and/or risk factors), as well as their ability to provide protection from abuse, abandonment, neglect, and other harm. ORR evaluates a child's risk and resiliency factors and their unique needs to make a release

determination based on the child's best interest. ORR does not maintain data regarding the work authorization of sponsors but works to establish an after-care plan throughout the sponsor vetting process to ensure a sponsor can meet the child's needs when they assume custody. ORR's primary mission is to unify unaccompanied children with vetted sponsors as safely and quickly as possible. ORR is not an immigration enforcement agency and uses child welfare principles to inform decisions to release children to vetted sponsors. An individual's parental rights do not terminate if they are undocumented, and across child welfare entities, fitness to care for a child is analyzed separate and apart from their immigration status. Denying sponsorship solely on the basis of immigration status, and thus keeping a child in congregate care instead of releasing them to an otherwise qualified sponsor, would not be reflective of child welfare best practices.

Between January 20, 2021, and October 25, 2022, ORR placed approximately 240,000 unaccompanied children with sponsors. Of these, almost 120,500 children were placed with Category 2¹ sponsors and just under 31,300 were placed with Category 3² sponsors.

Though ORR does not have custody of children after they are discharged, ORR provides safety and well-being follow-up calls to all children and post-release services to many children. Care providers must conduct a safety and well-being follow-up call with an unaccompanied child and their sponsor 30 days after the release date. The purpose of the follow-up call is to determine whether the child is still residing with the sponsor, is enrolled in or attending school, is aware of upcoming court dates, and is safe. When ORR care providers begin conducting the follow-up calls, they are required to make a minimum of three attempts to reach and speak with the sponsor and the child individually through any contact numbers provided. Each attempt is documented, and the care provider must also document the outcome of the follow-up call, including if the care provider is unable to contact the sponsor or child after reasonable efforts have been exhausted. From January 2021 to October 25, 2022, ORR conducted nearly 221,000 safety and well-being follow-up calls of which roughly 42,577 sponsors could not be reached.

ORR cannot compel former unaccompanied children or sponsors to answer the phone or partake in these services. There are many reasons why individuals may not want to be contacted by the U.S. government, and ORR understands these complex dynamics. If a follow-up call indicates that the sponsor and/or child could benefit from additional support or services, designated care provider staff refer the sponsor to ORR's National Call Center (NCC). To be absolutely clear – missing a phone call does not indicate a child is “missing.” When ORR has information that a child has gone missing, the office works with local law enforcement and the National Center for Missing and Exploited Children to assist in finding the child as those entities would for any case of a missing child.

¹ Category 2A: A brother; sister; grandparent or other immediate relatives (e.g., aunt, uncle, first cousin) who previously served as the unaccompanied child's primary caregiver. This includes biological relatives, relatives through legal marriage, and half-siblings.

Category 2B: An immediate relative (e.g., aunt, uncle, first cousin) who was not previously the unaccompanied child's primary caregiver. This includes biological relatives, relatives through legal marriage.

² Category 3: Other sponsor, such as distant relatives and unrelated adult individuals.

ORR's NCC is a valuable resource where both sponsors and children can be referred to essential community services to promote success and community permanence. From January 20, 2021, to October 25, 2022, NCC issued approximately 13,350 Notifications of Concern (NOC) for approximately 10,975 children, as some minors may have more than one NOC. Please note that NOCs may cover a broad range of reportable information such as child abuse or neglect, abandonment of the child by the sponsor, suspected trafficking, or the sponsor not fulfilling the Sponsor Care Agreement in ways such as not enrolling the child in school or not following appropriate immigration proceedings for the child. To your question regarding terminations of Sponsor Care Agreements for failure to comply with the agreement, ORR does not terminate a Sponsor Care Agreement or conduct a home visit after a child is released to the sponsor. The Sponsor Care Agreement establishes expectations for the care of children upon their release from ORR custody to the custody of a sponsor. Once a child is released, ORR does not have the authority to remove a child from the home but can issue NOCs. Per ORR Unaccompanied Children Program Policy Guide Section 6.1, ORR reviews each NOC to determine what, if any, additional action should be taken, including, but not limited to reporting the matter to local law enforcement, child protective services, or state child welfare licensing authorities; providing post-release services; or requiring corrective action to be taken to remedy any failure to comply with federal and state laws and regulations.

The Biden-Harris Administration is working to provide post-release services (PRS) to more discharged children. Current eligibility for post-release services includes if the child's sponsor is subject to a home study; the child was released to a non-relative sponsor; or the release was determined to be safe and appropriate, but the child would benefit from PRS. Supporting children and their sponsors with PRS reduces the likelihood of family breakdown; promotes their transition into the community; and helps them understand, navigate, and comply with their immigration court proceedings. In fiscal year (FY) 2021, post-release services were provided to approximately 25 percent of children after they left ORR care. In FY 2022, more than 42 percent of unaccompanied children have been served. ORR plans to increase service provision to 100 percent of released children by the end of FY 2024 but will rely on Congress to appropriate funds to make this expansion possible.

Thank you again for your letter and concern for unaccompanied children. If you or your staff have additional questions, please contact Scott Logan, Director for the Administration for Children and Families' Division of Legislative and Regulatory Affairs within the Office of Legislative Affairs and Budget, at (202) 401-4529.

Sincerely,



Robin Dunn Marcos
Director
Office of Refugee Resettlement