

OVERSIGHT OF THE OFFICE OF
REFUGEE RESETTLEMENT'S
UNACCOMPANIED ALIEN CHILDREN
PROGRAM

HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL SECURITY,
THE BORDER, AND FOREIGN AFFAIRS
OF THE
COMMITTEE ON OVERSIGHT
AND ACCOUNTABILITY
HOUSE OF REPRESENTATIVES
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**OVERSIGHT OF THE OFFICE OF
REFUGEE RESETTLEMENT'S
UNACCOMPANIED ALIEN CHILDREN
PROGRAM**

Tuesday, April 18, 2023

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
SUBCOMMITTEE ON NATIONAL SECURITY, THE BORDER, AND FOREIGN
AFFAIRS

Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:09 a.m., in room 2247, Rayburn House Office Building, Hon. Glenn Grothman [Chairman of the Subcommittee] presiding.

Present: Representatives Grothman, Gosar, Higgins, Sessions, Biggs, LaTurner, Fallon, Perry, Garcia, Goldman, Porter, and Frost.

Mr. GROTHMAN. The Subcommittee on National Security, The Border, and Foreign Affairs will come to order.

I apologize for being a couple minutes late. The Republicans were having a conference, and, along Mr. Biggs and Mr. Perry, we had to stay there a little late because Speaker McCarthy was giving a spellbinding speech, and we could not get away. Make sure you tell him I said that.

Without objection, the Chair may declare a recess at any time.

I recognize myself for the purpose of making an opening statement.

Good morning and welcome to the witness, Director Marcos. Thank you for your attendance and participation in today's hearing on ensuring the safety of unaccompanied alien children.

President Biden's open borders agenda has created a humanitarian crisis that encourages the trafficking of migrant children in the United States. Since the first day he assumed office, President Biden has worked to roll back the deterrence that has focused on policies that worked under the Trump Administration to maintain operational control of the Southwest border and reducing the number of people who are coming here in the first place. As a Federal judge recently commented on the Biden Administration, "It has effectively turned the Southwest border into a meaningless line in the sand and little more than a speed bump for aliens entering this country." The judge stated, "The actions of the Biden Administration were like posting a flashing "come in, we are open" sign at the Southern border.

In Fiscal Year 2021, the Department of Homeland Security made over 1.7 million encounters with inadmissible aliens on the Southwest border. In 2022, the number rose to 2.4 million. Cartels have exploited President Biden's disastrous border policies to create one of the largest human trafficking and smuggling operations in the world. Cartels charge illegal border crossers a fee for the right to cross through Mexico and across our Southern border. Border Patrol agents have told me that the cartels charge \$5,000 to \$10,000 to individuals from the Western Hemisphere and \$18,000 or more for individuals from Asia, including Chinese nationals, for the right to cross our Southwest border. While most illegal border crossers are single adults, many are children, more than 250,000 in the past two years. And, the cartels charge them and their families money as well.

Not surprising, with so many more people crossing the Southern border, a lot of unaccompanied minors are coming across as well. The Florida Department of Children and Families published results from interviews conducted with 49 unaccompanied children about how they entered the United States. The interviewed children knew little about the individuals who brought them at the Southwest border. They just described them as coyotes. That is what we have. People the kids don't even know being brought by people they don't know. One child detained during her journey to the Southwest border said several members of her group were robbed, attacked by gang members, decapitated, or raped. The child disclosed that she herself was a victim of rape. Again, we have a humanitarian crisis along the border that this Administration created.

The Department of Health and Human Services has a statutory obligation to care for unaccompanied alien children referred into its custody by the Department of Homeland Security. It must also ensure these children are placed in the care of appropriate sponsors in the U.S. who are capable of providing for their physical and mental well-being. Too often that is not happening. Instead, reports indicate that Secretary Becerra is pushed to instill a culture at ORR that prioritizes "assembly line speed" in releasing unaccompanied alien children to poorly vetted sponsors across the country to the detriment of our children's safety. And I will tell you, it is particularly aggravating to see all these kids come across the border and have the press not cover what is going on when these kids may never see their parents again. And just a few years ago, we had the press screaming about broken families.

Director Marcos' predecessor was reportedly threatened with dismissal from what Secretary Becerra considered to be insufficient numerical discharges of unaccompanied children in ORR custody. She resigned shortly thereafter. Reports reveal that many of these poorly vetted sponsors exploit children once in their care.

A Florida statewide grand jury identified several abuses of migrant children in sponsors' care. The grand jury found evidence of unaccompanied children fleeing sponsors who are selling them for sex. One was found to have offered sex to men by her aunt, who she never met before. One unaccompanied child reported that their sponsor had previously been sent for prison for felony battery of a

child. They found out that unaccompanied children were dropping out of school to work and pay cartel debts.

Remember, a lot of these kids had to pay their way or go into debt to the cartels to come in this country. You got to think, how are they paying off that debt. A recent *New York Times* report indicates that nearly two-thirds of all unaccompanied minors work illegal full-time jobs, likely to pay off their debts to cartels for smuggling them into the country, and to sponsors for providing basic necessities, such as food and housing.

Today I want to find out a little bit more how the unprecedented levels of illegal border crossings, incentivized by President Biden's policies, have led to historic encounters of unaccompanied alien children that have overwhelmed ORR and endangered migrant children. We will also examine ORR's efforts moving forward to ensure adequate care and safe discharge of these children into the care of appropriately vetted sponsors. And we also want to find out what efforts are being made to reunite these children with their parents.

In any event, I would like to recognize my good friend, Ranking Member Garcia, for the purpose of making an opening statement.

Mr. GARCIA. Thank you very much, Mr. Chairman, and I also want to thank our witness. I know that this is a very difficult job. And I wanted to just start first by talking a little bit about the office and the role it plays and how important it is, and also address some of the concerns that I think many folks, of course, have.

First, the Office of Refugee Resettlement has absolutely a critical mission in this country. When I was mayor of Long Beach, ORR actually opened an emergency shelter right around July 2021. We had almost 1,600 migrant children that ORR reunited with family or sponsors. I met dozens and dozens of these children at the center. It was a heartbreaking experience, but also I saw firsthand the incredible work that the partners on the ground, the immigration defense attorneys, the social workers, the doctors were doing to assist all of these young children, many of whom were scared, wanted to see family, and many also who are very grateful to be here in this country trying to escape a very difficult situation back home. And so, I just first want to thank all of the workers at ORR who I know do a very, very hard job in this country.

But it is important to also note that we are concerned any time that children are placed in unsafe conditions, and we believe that to be, of course, not just heartbreaking but unacceptable. We want to be sure that we have an agency that supports legal asylum, of course, and folks who come as refugees are not victims of human trafficking. I think we can all agree on that. We also know that these refugees and these children are some of the most vulnerable people that we have, and these people need a helping hand to build their lives.

Immigrants, refugees, folks seeking asylum, they make contributions to our community. They make our country stronger. I personally am an immigrant myself. I came as a small child. I know how difficult that process is, and I see these kids just want to have the same opportunities that were given to me and to others in this country as well. Now, one of the most critical things that we can do is make sure that the Office of Refugee Resettlement is strong,

is well funded, and is doing the important work they have in this country.

When an unaccompanied child arrives at the border, that child is, of course, quickly transferred out of the custody of Homeland Security and into the Office of Refugee Resettlement. The ORR is tasked with placing them in the least restrictive settings, best possible, the best interests of the child while the legal immigration process proceeds. And the process allows the Department of Homeland Security to do its job while protecting children.

Now, when children are held in government custody apart from their primary caregivers for long periods, we know that they suffer injury. It is a long-lasting injury for these kids, and, so, we know that ORR policies try to connect these kids with their sponsors as soon as possible. We all can agree that kids do not belong in cages. I want to, of course, thank HHS and the White House for transitioning from what was a very difficult period of time for ORR and the way we actually served children that are coming into our care. But we also know we have got to get kids out of unsafe shelter conditions and into sponsor homes.

I know that about 90 percent of kids that are in ORR custody end up in sponsors that are direct family, and others are, I believe, other types of sponsors that are vetted as best as possible through ORR. We do know that by recent reports, though, that some kids are being placed in very exploitive conditions. We need to make sure that we have conditions that are safe for all of our children, and certainly we want to make sure that we have enough trained and qualified managers, social workers, that can really cope with the influx that we have of children that arrive at the border, and the plans and systems that are in place to deal with this demand have gone through a process of vetting for sponsors, and that all suspicious partners are flagged.

HHS must ensure that immediate follow-up happens when children request assistance regarding labor exploitation or the safety and security of their placement. We also need to have a serious conversation about how we make sure that we are fully enforcing our labor laws and holding corporations accountable when they knowingly and illegally profit from child labor. So, I personally support legislation to crack down on these unethical employers.

We also want to make sure that unaccompanied children have the full range of services they need, including mental healthcare, to keep them safe, and certainly and hopefully our colleagues are committed to securing those resources. We want to make sure that we are not attacking asylum, but that we are actually working to ensure that those who are seeking asylum are being treated in a way that is fair and with respect.

We also want to make sure that we are focused on increasing funding. The needs that are real at ORR actually need additional funding support. Right now, there are bills being marked up that would actually stop additional funding, that would roll back and eliminate ORR's ability to even do any post-release follow up. Some of these bills that are moving through the House in the Committee process would actually hurt our efforts to make corrections and to improve ORR's capability of supporting children throughout the entire process. We also want to make sure that we are doing every-

thing we can through this Committee to be serious about getting funding for the Department of Health and Human Services and the Department of Labor, a very important cause.

So, I am grateful that we have this opportunity to work with you to make the necessary improvements at ORR as well. Mr. Chairman, I yield back.

Mr. GROTHMAN. Thank you. I am pleased to introduce our witness today. Robin Dunn Marcos is the Director of the Office of Refugee Resettlement, or ORR as we will refer to them today, in the Administration for Children and Families at the U.S. Department of Health and Human Services, a position she has held since September 2022. I look forward to hearing from Director Marcos today on the very important issues regarding ORR's efforts to ensure adequate care and safe discharge of unaccompanied alien children into the care of sponsors. I don't know if I look forward to it, but we are going to hear about it anyway.

OK. Pursuant to Committee Rule 9(g), the witness will please stand and raise your right hand.

Do you solemnly swear and affirm the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Ms. DUNN MARCOS. I do.

Mr. GROTHMAN. Thank you. Let the record show the witness answered in the affirmative.

OK. Now, I will open things up for myself to ask a few questions. Oh, I am sorry. First, we need your opening statement.

**STATEMENT OF ROBIN DUNN MARCOS
DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT
ADMINISTRATION FOR CHILDREN AND FAMILIES
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Ms. DUNN MARCOS. Chairman Grothman, Ranking Member Garcia, and Members of the Subcommittee, thank you for the opportunity to appear today on behalf of the Department of Health and Human Services. Since assuming my position of Director of the Office of Refugee Resettlement in September 2022, I have led a dedicated team of professionals who are each committed to ensuring the safety and well-being of every child in our care. I've visited 18 programs and facilities across seven states where I have met children we serve, some of the dedicated people who serve them, and witness the commitment of our staff. Providing for the safety and well-being of children in ORR's care is not only our mandate. It is our guiding principle.

Under the Homeland Security Act and Trafficking Victims Protection Reauthorization Act, ORR is required to provide for the care and custody of all unaccompanied children following a referral from the Department of Homeland Security or other Federal entity until they are released to a vetted sponsor. The Flores Settlement Agreement also establishes minimum service standards for ORR-funded programs. ORR funds nearly 300 programs in 27 states. We provide child-appropriate services, including education, healthcare, counseling services, case management, recreation, access to legal services, access to religious services, and access to child advocates where appropriate.

Given ORR's child welfare mission, we know the best place for a child is with a family in a community, not in a congregate care setting. More than 85 percent of unaccompanied children released to sponsors in Fiscal Year 2022 were placed with a close family member, including a parent or legal guardian, in more than one-third of total cases. Pursuant to the TVPRA, ORR conducts due diligence to identify sponsors' ability to provide for a child's physical and mental well-being. Prior to placing a child in their care, ORR seeks to work in the best interest of the child to safely expedite the release of unaccompanied children to a parent, a family member, or other appropriate sponsor, and has thorough screening processes in place for all sponsors. This includes verifying the relationship to the child, speaking with the child's parents, conducting separate interviews with the child and sponsor, collecting and verifying sponsor information and documentation, administering background checks, address verification, public records, and sex offender registry checks, as well as FBI checks in certain cases. ORR also conducts home studies as required by the TVPRA, or ORR policy, or at ORR's discretion if it may provide additional information about the sponsor's ability to care for the child.

While ORR's custodial responsibilities end when a child is discharged, our concern for the child does not. ORR has policies in place to promote children's welfare as they transition into a new community, such as the safety and well-being calls. Although children and sponsors are not required to participate in these calls, and may not answer for a variety of reasons, in Fiscal Year 2022, ORR care providers made contact with either the child, the sponsor, or both in more than 81 percent of households. In addition, the 24/7 ORR National Call Center connects children and sponsors with resources within their community and is required to report any safety concerns, including suspected human trafficking, exploitation, or abuse. These reports are to ORR, other Federal entities, law enforcement agency, and/or Child Protective Services, as required.

ORR is continually assessing and implementing improvements to the UAC Program. I am pleased that the DOL and ACF Memorandum of Agreement, formalized in March, will further expand our work together. Additionally, ORR has launched an audit that includes two concurrent efforts: a review of unaccompanied children released in 2021 and 2022 to an unrelated sponsor who sponsored more than two unrelated children, and an ongoing review of current vetting requirements for potential sponsors who have previously sponsored unaccompanied children. ORR intends to provide information on the findings from this audit. Furthermore, ORR more than doubled the rate of children provided post-release services in Fiscal Year 2022 compared to Fiscal Year 2021, and we are on track, with continued support from Congress, to reach our goal of 100 percent of children receiving post-release services by the end of Fiscal Year 2024.

Thank you again for the opportunity to testify today. Children who come through ORR care face unique challenges. ORR is committed to caring for these children and doing everything within the bounds of our authorities and resources to safeguard their well-

being following ORR discharge. I am happy to address any questions you may have about our critical work.

Mr. GROTHMAN. Well, thanks much for the opening statement. The numbers I have here, and I want to make sure they are right. The year ending 2020, in 2020, there were about 15,000 unaccompanied minors, which came across. I realize part of that was because of COVID, but half of that was even before COVID really began and changed policy. They quickly jumped up to 122,000 then 128,000 under the Biden Administration. Do you agree the number of unaccompanied minors crossing the Southern border has jumped from about 15,000 to 128,000?

Ms. DUNN MARCOS. Thank you, Chairman. I can confirm that during the paramedic and early into 2021, ORR received unprecedented children referred to our care.

Mr. GROTHMAN. So, you are saying it went up during the COVID. I mean, it was 15,000, the entire last year of Trump, OK? I am sorry. Yes, during the last full year of Trump, of which six months was COVID, and within a year, that it jumped up to 122,000. I mean, whatever we are talking about today, when you go from 15,000 unaccompanied minors to 128,000, that ought to be a real cause for concern, shouldn't it?

Ms. DUNN MARCOS. Thank you, Chairman. As you laid out, ORR experienced a significant increase in the numbers of children that were referred to us. And our mission is to provide for the safety and well-being—

Mr. GROTHMAN. Right.

Ms. DUNN MARCOS. [continuing] And well-being of every child—

Mr. GROTHMAN. OK. Right.

Ms. DUNN MARCOS. [continuing] That is referred to us.

Mr. GROTHMAN. Huge problem. Now, I know the Border Patrol, and they have some of these kids, they are suspicious. They do DNA testing. Percentage-wise, how many of these kids, if you claim you have a relative or blah, blah, blah, how many kids are you doing DNA testing to see if it is really a relative, or grandparent, or whatever?

Ms. DUNN MARCOS. Chairman, we have extensive vetting processes—

Mr. GROTHMAN. Do you do DNA testing?

Ms. DUNN MARCOS. We do—

Mr. GROTHMAN. On how many do you do?

Ms. DUNN MARCOS. We may do DNA testing if we feel that that is required.

Mr. GROTHMAN. Of about 128,000 kids you are processing every year, how many are you doing DNA testing on?

Ms. DUNN MARCOS. Chairman, I will have to look into that and come back to you. I don't have that number off the top of my head.

Mr. GROTHMAN. Oh, OK.

Ms. DUNN MARCOS. But what I can tell you is that our vetting processes are extremely thorough, and we have a number of options that we can do, additional steps as required.

Mr. GROTHMAN. OK. I am just saying, I do not think it is thorough if you are not doing DNA testing, but OK. We will wait for that answer.

Mr. GROTHMAN. Next question I have. We live in an era in which I am told, everybody crossing the Southern border seems to have a cellphone. When you find somebody, percentage-wise, how many of the children do you talk to one parent, and percentage-wise, how many children do you talk to both parents?

Ms. DUNN MARCOS. Eighty-five percent of our children are joining—

Mr. GROTHMAN. Just a minute. We got to take a break for a second. I guess there is a problem with the microphone. We got to wait a couple minutes for the smart people. Well, hopefully they will figure this out in a couple minutes, but we are told by the people up above we got to wait.

[Pause.]

Mr. GROTHMAN. We will stand in recess for, why don't we say, five minutes?

Mr. GARCIA. OK.

Mr. GROTHMAN. Yes, we have somebody coming up, a technical person, to fix it. OK. Very good.

[Recess.]

Mr. GROTHMAN. We will start in about one minute so people can get out of the hall or wherever they are.

[Pause.]

Mr. GROTHMAN. OK. Very good. In the past Administration, we heard a lot about being separated from their parents, and I do know that cellphones are common all over the place. I know most people who cross the border, the Border Patrol tells me, even from obscure places, they all manage to have cellphones. How many, percentage-wise, of these unaccompanied kids coming across do we wind up talking to one parent, and what percentage do we wind up talking to both parents?

Ms. DUNN MARCOS. Thank you, Chairman. We reunite 85 percent of the kids with close or immediate family members.

Mr. GROTHMAN. Well, that is not the question because some of these close or immediate could be a uncle they have never seen before. What percentage do we talk to one parent, and what percent do we talk to two parents, so the parents know their little children are safe, and so the little children can get advice or counsel from their parents?

Ms. DUNN MARCOS. Chairman, we do everything we can to speak to child, sponsor, and parent, if the parent is not the sponsor. If both parents are available—

Mr. GROTHMAN. Well, percentage-wise, say, if we have got a group of 1,000 unaccompanied minors, what percent do you talk to one parent, what percent do you talk to two parents, and what percent do you talk to no parents?

Ms. DUNN MARCOS. I will have to get back to you on that.

Mr. GROTHMAN. OK. Now, we know there are fraudulent identification. Do you ever find fraudulent identification?

Ms. DUNN MARCOS. Thank you, Chairman. Our vetting processes are done in a way that if there are fraudulent documents, they would be identified in that process. We have a number of steps in place. We verify things with consulates.

Mr. GROTHMAN. OK. Yep. One final thing. It was reported in *The New York Times*, according to reports, you have lost or no longer

know where 85,000 unaccompanied minors are. Was *The New York Times* article right in that, and how frequently do we check in with these kids who enter here without their parents?

Ms. DUNN MARCOS. Thank you for that question, Chairman. I would like to set the record straight. We did not lose anyone. We provide safety and well-being calls between 30 and 37 days after release. ORR's custodial authority ends when they are discharged to a vetted sponsor. However, our concern does not, and we have a number of things in place where we try to maintain contact, and they have—the children, and the families—

Mr. GROTHMAN. OK. If we say we got a sea of 1,000 people, six months after they were released, how many of those 1,000 people do we know where they are? Are they still with the sponsors or are the sponsors who knows where? Of those 1,000, how many do we know where they are six months after release?

Ms. DUNN MARCOS. Thank you, Chairman. ORR does not monitor or track the whereabouts of children after they are released from our care. However, we are very committed to continuing to provide support. Post-release services is our best option to provide continual care for them.

Mr. GROTHMAN. So, could the 85,000 number be right that *The New York Times* has? We don't know where 85,000 unaccompanied minors wound up?

Ms. DUNN MARCOS. We do not track or monitor—

Mr. GROTHMAN. The answer is no. There are 85,000 kids who came across the border. We don't know. Is that right? Apparently, it is.

Ms. DUNN MARCOS. ORR works within the statutes and authorities and resources provided—

Mr. GROTHMAN. OK. OK. We will take that to mean we don't know where they are. OK. Now my Co-Chair, Congressman Garcia.

Mr. GARCIA. Thank you, Mr. Chairman. I just want to just also start by asking unanimous consent just to introduce some submitted statements from some organizations into the record: the Young Center for Immigrant Children's Rights, Kids in Need of Defense, the U.S. Committee for Refugees and Immigrants, and a letter from multiple organizations, including Church World Services. So, without objection, I want to just start by getting that all into the record.

Mr. GARCIA. And I do want to just allow you to clarify a little bit further just for the Committee, this number that is being brought up as far as the unaccompanied children. It is also true, and I think it is a really important point, that sponsors are not currently, in statute, required to actually connect themselves with ORR once the child is released. I mean, there is no legal requirement for the sponsor to continue working with ORR. Isn't that correct also?

Ms. DUNN MARCOS. Thank you, Congressman. That is absolutely correct. The sponsor is not required to report in to us.

Mr. GARCIA. And so, I think it is really important just to note that there is no official tracking system post-release to the sponsor, 85 percent of which are family, as you mentioned, and that is something that is within statute and within the framework of your work. I just think it is important to note that many of these fami-

lies have other undocumented folks, could be migrants themselves, and oftentimes there is not a positive relationship with the Federal Government because of some of the dehumanization that happens to these families. And so, I just want to make sure that we note that as well, so thank you for that.

I do want to get back to, really quick, Ms. Dunn Marcos, obviously we want to make sure that every single kid is being placed in a safe situation. I mean, that is clear to me. Everyone is interested in that. Are there new measures being put in place, or how are you addressing kind of some of the reports that have been brought up here, particularly in the last few weeks and months?

Ms. DUNN MARCOS. Thank you, Congressman. ORR is dedicated to continue process improvements. Every sponsor goes through a thorough vetting where we are reviewing the documents they submit. We are talking to the child and the sponsor. We are running a public records check, criminal check, sex offender registry check, so there are a number of steps. If there is any concern, we can do a home study. And then we also have kind of a quality control process in place where the case manager is making a recommendation about this particular release. We have a third party who is weighing in with the totality of the information that has been provided on whether they believe that the release would be safe and appropriate. And then an ORR professional staff member approves, denies, or sends it back for additional information.

And then I would also like to say that we really make sure that both children and sponsors know about the ORR National Call Center. This is a 24/7 hotline that can provide a number of different resources. I have recently started doing regular meetings with the NCC. We are looking at the information that is coming in. We are tracking any trends, so we can respond appropriately.

Mr. GARCIA. Thank you. Let me also just ask because, I mean, certainly think any time anyone reads anything about child labor or any child, migrant or not, that is being subjected to that level of work, has no place in our country. I think we can all agree on that. What are we doing through the Department of Labor or the relationship there to ensure that that is not happening to any of these children?

Ms. DUNN MARCOS. Thank you, Congressman. We completely agree that child labor exploitation has no place in our society. ORR is working closely with the Department of Labor. We have just signed an agreement where we will provide much more coordinated information sharing. We have a number of steps in place, that when a particular area or location may be flagged, that we can do everything up to temporarily stopping placements until we are satisfied that the child is going into a safe and appropriate setting.

Mr. GARCIA. And I want to ask you because I think obviously part of the mission of ORR is to ensure that a child is placed quickly with sponsors. We want to have children the least amount of time in any sort of facility or any sort of holding center. So, how do you ensure that case workers are also not being pushed to act too quickly? What is that balance that you try to find with case-workers?

Ms. DUNN MARCOS. Thank you, Congressman. A very important question because it is our job to release children to a vetted sponsor

without undue delay. We have gone to a seven-day work week. When I have gone out to visit programs, that is one of the questions I have asked, is have they ever felt pressured to release to an unsafe situation. I have been told no, ORR staff listens, they consult with us, and we are keeping the best interest of the child in every single decision.

Mr. GARCIA. And I think it is also true and something that I think that needs to be addressed, and this could be addressed by this Congress. If a child is actually placed in an unsafe situation, does ORR have the legal power to remove them from the sponsor's home?

Ms. DUNN MARCOS. Thank you for that question. ORR does not have the authority. Our custodial authority ends when the child is released to a vetted sponsor.

Mr. GARCIA. Thank you. So, I just want to be very clear and make that clear again. I think it is a very important part. I think that is something that is concerning to me personally. It should be concerning to Members on both sides of the aisle that once a child is placed in a sponsor's home, ORR does not have the legal power to remove that child from a sponsor. And so, I think it is really important that we are very clear about what actually you are all able to do within the scope of a statute.

And so, I just, again, want to thank you. This is very difficult work, and I just want to reiterate, again, that we are also very concerned about the safety of every child. Thank you.

Mr. BIGGS. Mr. Chairman, I have a parliamentary inquiry.

Mr. GROTHMAN. Yes?

Mr. BIGGS. Are we all going to get extra time or are we on the five-minute rule or not?

Mr. GROTHMAN. Well, we have an easygoing Chairman. I went over, which is why I allowed my—

Mr. BIGGS. OK. I may want to go over, too, then. Thanks.

Mr. GROTHMAN. Congressman Gosar.

Mr. GOSAR. Thank you, Chairman, and thank the Ranking Member for going down that line. You know, I think it shows a very disjointed type of process because if you don't know the results, how do you affect it at the very beginning? So, that is where I am going to start.

So, on January 5 of 2021, the Trump Administration's Office of Refugee Resettlement upgraded two important pieces of paperwork involved in the UAC-sponsor application process in an effort to make sure that the people who are applying to be sponsors were actually fit to care for those children. One of these forms, the Sponsor Verification Agreement, was improved to ask a whole slew of very basic questions about fitness of care for children, including questions about the intending sponsor's background, his or her income, his or her health insurance, whether there were sex offenders in the sponsor's home, and so on. Again, these were very basic questions.

I would enter this into the record. Enter this into record.

Mr. GROTHMAN. Thank you. So ordered.

Mr. GOSAR. And the other form, the Sponsor Care Agreement, was the form the intending sponsor needed to sign to complete the sponsorship process. It mostly details the obligations that the spon-

sor would have while serving as sponsor and reminds him of all criminal penalties for providing false information in the sponsorship application process.

I want to enter this into the record.

Mr. GROTHMAN. So ordered.

Mr. GOSAR. Now, the Biden Administration canceled both of these key form upgrades, which meant the ORR reverted to the previous inadequate form that put UACs who are smuggled and trafficked in the United States at risk. Director Marco, I would like for you to make a commitment to resubmit the forms that I just entered into the record that were produced during the previous administration. These versions of the forms actually elicit the right information to make sure that a human being who applies to be a sponsor is actually fit to have a child in their home. Can you make that commitment to me right here and right now?

Ms. DUNN MARCOS. Thank you, Congressman. What I can commit to is a review of those forms, and I do want to assure you that we continuously review our policies and procedures and make sure—

Mr. GOSAR. Well, I mean, I got to stop you there. We are limited in our time here. And, you know, it seems that you don't have the new form, so you reverted back to the previous form which showed it was very inadequate. So, can you recommit to me right now that you would look at these forms and start implementing, because they have the right information that we need on sponsors?

Ms. DUNN MARCOS. Congressman, I respectfully do not believe that our current vetting is inadequate. We have—

Mr. GOSAR. Well, that is a subject for you to think about because we have lots of problems in regards to that, because it showed over and over again that those forms were not adequate. Now, frankly, it is unacceptable that you cannot make that commitment. Those forms that you see now are a joke. They were written in a way that almost seems as if you are trying not to learn about or track the lackness of fitness of these sponsors. Now, in theory, if ORR is doing the job and actually vetting sponsors, it will have a statistically significant rejection rate. What is ORR's sponsor application rejection rate?

Ms. DUNN MARCOS. Congressman, I am not sure what our rejection rate is, but I—

Mr. GOSAR. You know, I have got to stop you there again. You knew you were coming into this hearing. You knew these numbers were going to be asked. This is inappropriate behavior of somebody of your caliber. Inappropriate. These are numbers. We are all elected here to look and govern, and if you cannot have these numbers, you cannot make good policy. Good process builds good policy builds good politics. I find it a shame that you don't have these numbers in front of you and shame for the people behind you for not having these numbers.

We all look at children a little differently than we do adults. Children are dependent upon adults and parents to do the right thing. I find it very unacceptable, your performance so far this morning. I hope that you will—not hope—I will demand that you have those numbers. Just what the Chairman said, that the Ranking Member asked for, what I am asking for, and any Member here

asks for, immediately have those numbers, and I hope you never repeat this performance again. I yield back.

Mr. GROTHMAN. Thank you, Mr. Frost?

Mr. FROST. Thank you, Mr. Chair. I think we can all agree that child trafficking of any kind is completely unacceptable, and the reports about the child trafficking victim in Florida City, Florida, the state I am from, is truly heartbreaking. And I am appalled by yesterday's report in *The New York Times* that shows the Administration's lack of action when it knew about these violations as far as child labor laws are concerned.

One child is too many, and as someone who comes from an immigrant family, as someone who believes that our policy should be informed by love and compassion, this is something that I hope the Administration will work on to ensure it is not a problem in the future, to ensure that no child that has sought refuge in America is being mistreated, and that we have a fully well-funded immigration system that is rooted in that love and compassion. These values are what drive my immigration policy, and, unfortunately, I see that missing from a lot of the Republican politicians on this Committee, in this body, and in my home state of Florida.

And I just have to bring up the fact that, right now, in my state, Governor DeSantis and his buddies in the State House are moving forward a bill, H.B. 1617, that would make it a third-degree felony, punishable by five years in prison, to knowingly transport someone who is undocumented, and I have to just call out the hypocrisy right now. And again, I think that the Administration's failure on protecting these children is appalling and it needs to be fixed. But at the same time, we see this hypocrisy and this sudden caring about undocumented children and caring about unaccompanied minors.

And my question for you is this. A bill like this that is being supported by the Republican Party in Florida that makes it a third-degree felony to transport an undocumented person, how would that impact your work and being able to place an unaccompanied child in a safe environment?

Ms. DUNN MARCOS. Thank you, Congressman. Our legal authorities, as provided by Congress, require us to provide for the safety and well-being of children in our care, and to release them without undue delay to a vetted sponsor. The bill that you are speaking of, which I can't get into House bills, that is out of my authority as the ORR director, but what I can say is that these measures make our job more difficult. And when you speak of the compassion of caring for children, I can assure you, hundreds of staff across this country, this is their mission. They personally believe in what we are doing, and they are doing everything within the authorities and resources provided to provide good care for these children and to release them to appropriately vetted sponsors.

Mr. FROST. Thank you, and I think it just shows that we have this problem we are seeing right now that is showcased here on the Committee where we have a party that wants to take this problem, that is a problem that needs to be fixed, using it for political points rather than actually wanting to fix the problem. And that is why I point out this bill in my home state of Florida that will continue

to make conditions unsafe for unaccompanied children in the state of Florida.

And we see legislation like this across the country. I mean, tomorrow the House Judiciary Committee is marking up a 137-page Republican immigration bill that will continue to cause harm to our immigration system. One section of this bill is going to codify the Trump Administration mandate that ORR share information about sponsors' home with ICE so they can target those sponsors with arrest and threats of deportation. How would this bill and the codification of the Trump Administration policy affect your ability to place children with their parents or legal guardians?

Ms. DUNN MARCOS. Thank you, Congressman. I think steps like that create a chilling impact on sponsors coming forward. And we know child welfare best practice is a child is best placed with their family in a community, not a congregate care setting.

Mr. FROST. And how might arresting and threatening folks who come forward to sponsor a child affect the availability of good sponsors?

Ms. DUNN MARCOS. Once again, Congressman, our job is to release children as safely and quickly as possible. We want them released to their parent, to their legal guardian, to their aunts, to their uncles, or other sponsors as appropriate.

Mr. FROST. Thank you. You know, politicians might talk about their desire to help protect children, but every time that they have had the opportunity, especially my Republican colleagues in Congress, to pursue policies that would help the most vulnerable, we see them use it to score political points as well. Again, the Administration's failure to protect these specific children—I read *The New York Times* probe and article—is alarming. But at the same time, I do not for one second buy the lie that Republicans on this Committee and Congress give a damn about actually fixing the problem. Thank you. I yield back.

Mr. GROTHMAN. OK. My good friend from Arizona, Andy Biggs.

Mr. BIGGS. Thank you, Mr. Chairman. It is pretty weak sauce when you come in and ask a Federal official to comment on a state law that has not even been passed yet. I thought that is interesting and this faux compassion by my colleague across the aisle. That is really what it is. It is faux compassion.

Director Marcos, thanks for being with us today. I also want to thank you for your January 10 response to my letter on this very topic. In the response, you indicate that the Office of Refugee Resettlement lost contact with 42,577 sponsors of unaccompanied children since January 2021. And in *The New York Times* piece that came out, published in February, reports that the DHS lost contact with more than 85,000 children. And I recognize that is post-placement by your office, but you do make the calls because you have made, I think, it is like a quarter of a million phone calls, somewhere in that neighborhood, to follow up.

And you said in your letter to me, "We can't make people answer the phones." I get that, but it is a woeful, woeful process that once we have placed these children—and on one hand, contrary to your testimony, I think there are a lot of holes in the vetting process that you have indicated to us today—and then we lose track of them. I also want to point out something with regard to UACs. The

majority are boys. Two-thirds of all UACs are boys. Seventy-two are between the age of 15 and 18. Is that accurate information?

Ms. DUNN MARCOS. I am sorry. What was the last percentage?

Mr. BIGGS. Seventy-two percent of all UACs are between the age of 15 and 18.

Ms. DUNN MARCOS. That sounds about right.

Mr. BIGGS. Yes, but when we talk about this, when we think about it, we typically focus on babies, toddlers, preteens, and that is about 15 percent. But the reality is the vast majority are in that critical age of 15 to 18.

So, Mr. Chairman, I am going to ask unanimous consent to enter the following of the record: February 25 *New York Times* piece; April 17, 2023 *New York Times* piece; my October 24, 2022 letter to ORR Director Marcos; January 10 response; my September 10, 2021 letter to HHS; and ORS February 24, 2022 response.

Mr. GROTHMAN. Without objection, so ordered.

Mr. BIGGS. Yes. So, I think you are telling us that you do not disagree with 85,000 number of children that we have lost contact with. I am not saying you lost them. I said we lost contact with them. We do not know where those kids are. Is that fair to say?

Ms. DUNN MARCOS. We attempt to make a safety and well-being—

Mr. BIGGS. I understand that. Let us get to the point here. Let us just answer the direct question. When you made the call, you didn't get a response. Your letter tells me that you usually make three calls. You got no response in any of those three calls in 85,000 kids. Is that right?

Ms. DUNN MARCOS. In 81 percent of the calls, we are—

Mr. BIGGS. You did not have contact with more than 85,000 kids. Is that fair to say? I mean, just "yes" or "no." We are not saying what is your percentage. Eighty-five thousand children that were placed by you, you made the calls to check on them, and you made three calls on average. Eighty-five thousand of them, you have no idea where they are. You do not want to answer the question. That is fine. We are going to go on to a different topic then.

And so, let us talk about a person by the name of Linda Brandmiller, whistleblower. She pointed out that there was individuals, children, that she didn't think were placed appropriately, inadequate vetting, and so she raised it. She said, "One sponsor said he was going to employ these three boys at a construction company. Another said he lived in Florida. One sponsored two children who would have to work off the cost of bringing bring them North." She contacted supervisors. She says it is urgent. Within days, the children are released to those sponsors, and not too very long after that, she is fired. Are you familiar with that case?

Ms. DUNN MARCOS. Congressman, I read it in *The New York Times* yesterday.

Mr. BIGGS. Other than that, you are not personally familiar with it.

Ms. DUNN MARCOS. No. I joined ORR in September 2022.

Mr. BIGGS. OK. In the additional article, they mentioned five additional whistleblowers who were also terminated for raising red flags with regard to placement of children. Are you familiar with

any of those cases? Have you looked into any of those cases? That article was a couple months old.

Ms. DUNN MARCOS. Congressman, I believe that many of—

Mr. BIGGS. Are you familiar with those cases? Let me just rephrase it. Did you look into the whistleblowers that were listed in *The New York Times*? Did you look into any other cases as they were terminated after raising issues?

Ms. DUNN MARCOS. Congressman, that article just came out. We have a team looking into it. Whistleblower—

Mr. BIGGS. Brandmiller was the recent case. The first *New York Times* article, which is more than a month old now, that is the one I mentioned.

Ms. DUNN MARCOS. There are protections for whistleblowers, so I wouldn't necessarily know about specific cases. It may be that—

Mr. BIGGS. Did you bother to even look into what I am suggesting? Did you bother to even look into these? It sounds like you didn't, so let me ask you this question. Matt Haygood, a senior director of children's services at the U.S. Committee for Refugees and Immigrants, one of the largest organizations, sent an email with the subject line "Trafficking Concerns." And he talked about trafficking, but he said there was no follow-up there. Are you working to make corrections when you get tipped off that there are people that are trafficking in these children?

Ms. DUNN MARCOS. Absolutely. When a concern is raised to our office, we are following up on it. I cannot speak to what happened before I came, and I cannot speak to during the border backup. What I can tell you is today's ORR, we are hearing. We are listening. We are making sure sponsors and children have more information, they know how to get help.

Mr. BIGGS. Last question I will ask you. UAC is under TVPRA. If they are from Mexico and Canada, they are returned home immediately. Do you think that is a policy that should be enforced from all countries to return them to their families?

Ms. DUNN MARCOS. Congressman, ORR is not a law enforcement agency or an immigration enforcement agency, and that is outside of my jurisdiction as ORR Director. My mandate—

Mr. BIGGS. So, you don't want to opine on that. Is that what you are saying?

Ms. DUNN MARCOS. My mandate is to care for the—

Mr. BIGGS. And you don't want to opine on that. Is that right?

Ms. DUNN MARCOS. My mission as ORR director is to care—

Mr. BIGGS. So, I guess the answer is you do not want to opine. Thank you, Mr. Chairman.

Mr. GROTHMAN. You are going to have to answer it after this hearing. Congressman Perry.

Mr. PERRY. Thanks, Mr. Chairman. Director, just to set the framework, as I understand it, ORR has a statutory obligation to care for the unaccompanied child. That is what I am reading here in your mission or your mandate, right?

Ms. DUNN MARCOS. That is correct.

Mr. PERRY. Statutory. There is a law, the obligation to care for these individuals. If that is the case, why is it on March 22, ORR removed the proof of address requirement and exempted other household members from submitting to a background check or pro-

viding identification? How does that aid in the obligation to care, remove proof of address requirement?

Ms. DUNN MARCOS. I think what you are referring to was in the spring of 2021.

Mr. PERRY. Yes, the March 22, 2021. I gave you the date. What—

Ms. DUNN MARCOS. OK. When there were—

Mr. PERRY. How does it—

Ms. DUNN MARCOS. [continuing] Children backed up, over 4,000 in DHS—

Mr. PERRY. So, since they are backed up, we just remove the requirement, lower the standard. I mean, that is essentially what we are saying, right?

Ms. DUNN MARCOS. There are a number of layers of checks—

Mr. PERRY. I get it, but how does that enhance—

Ms. DUNN MARCOS. [continuing] And steps—

Mr. PERRY. OK. Maybe I should ask the question this way. Does that removal of the proof of address requirement for the household members that are submitted for, you know, these children that we are trying to find a place for, does that enhance your obligation to care or does it not enhance it?

Ms. DUNN MARCOS. Congressman, we check the addresses of all sponsors.

Mr. PERRY. It says proof of address requirement and exempted, remove the proof of address. So, you can check, but you don't have any proof, right? You can ask. I get it. You ask, right? Hey, what is your address, Mr. or Mrs. Sponsor, and they give you the address, and you write it down, and that is the end of it now. There is no requirement of proof of address.

Ms. DUNN MARCOS. I don't think that that is a fair characteristic of the thorough—

Mr. PERRY. Well—

Ms. DUNN MARCOS. [continuing] Vetting process that our staff go through, and if there is any—

Mr. PERRY. Well, let me ask you this then. On March 31 of 2021, so just a couple days later, ORR eliminated the background check requirement for immediate relatives other than a parent or legal guardian. Why would that be? How does that enhance the obligation to care?

Ms. DUNN MARCOS. ORR's belief is that a child is best with their parents and guardians.

Mr. PERRY. OK. Awesome. I believe that, too. Let me ask you this. How do you know that they are with their parent? How do you know? Are you familiar that the Department of Homeland Security, under 8 U.S.C. 1365(b), shall create a biometric entry and exit data system, right, even though they have not and they have not implemented anything like that. Other than asking and other than public source information, how can you be sure it is their parent?

Ms. DUNN MARCOS. Congressman, we go through a number of vetting procedures.

Mr. PERRY. I am sure you do.

Ms. DUNN MARCOS. We ask the child and the parent or the sponsor questions on the same day. We verify things with consulates.

Mr. PERRY. OK. So, what is the percentage of children that are reunited with their parent provable? What is your percentage, and how do you prove that?

Ms. DUNN MARCOS. We go through a number of steps of that—

Mr. PERRY. No, what is the percentage, ma'am? I know you go through a number of things. You are stalling. Just answer. Just tell me, do you have a clue?

Ms. DUNN MARCOS. So, in this fiscal year, I believe 37 percent of children—

Mr. PERRY. Thirty-seven percent end up with their parent.

Ms. DUNN MARCOS. With their parent.

Mr. PERRY. Let me ask you this. Do you ever refer charges for abandonment? Do you understand that abandonment in many states is a felony offense, and these children are coming to the border without their parent, which qualifies them as unaccompanied, right? That is the characterization. Are charges ever referred for abandonment?

Ms. DUNN MARCOS. Congressman, ORR is not a law enforcement agency.

Mr. PERRY. I did not say you were a law enforcement. I did not ask you to enforce the law. Do you ever refer? Like, if you found somebody doing a criminal act in your vetting process to one of these children—you are not a law enforcement agency. Would you refer charges in that case?

Ms. DUNN MARCOS. We would refer and report to the appropriate authority.

Mr. PERRY. OK. So, how many have you referred or reported for abandonment?

Ms. DUNN MARCOS. Our job—

Mr. PERRY. Is that zero because they are all coming to the border unaccompanied, and if they are unaccompanied, that means they don't have their parent, right?

Ms. DUNN MARCOS. Congressman—

Mr. PERRY. I mean, by definition.

Ms. DUNN MARCOS. Our job, by Congress, is to provide for the kids—

Mr. PERRY. God bless you. We want you to do the job. The question is these kids—

Ms. DUNN MARCOS. [continuing] The children who are in our care.

Mr. PERRY. Look, I am not reading from stuff that I made up. ORR sent over 100 unaccompanied children to a single-family house in Texas. I mean, if this vetting process is working, how does that happen? Whistleblowers from ORR knowingly transferred UACs to criminal and sex traffickers. If this process is working, how is that happening? A Florida grand jury pointed out an incident where a 24-year-old male was erroneously vetted as a child by ORR and then proceeded to violently murder his sponsor. I am sure you saw it in the news.

If this process is working, how are these things occurring? And let's face it, these children are coming and they are unaccompanied because someone has abandoned them. Why don't we refer charges for abandonment? I am not asking you to do the law enforcement work, but, my goodness, if your job, your obligation, statutory obli-

gation is to care for those minors, my goodness. If you saw somebody beating up some little kid on the street, wouldn't you call the police?

Ms. DUNN MARCOS. Of course, I would.

Mr. PERRY. Thank you, ma'am. I yield the balance.

Mr. GROTHMAN. Thank you. Mr. Goldman?

Mr. GOLDMAN. Thank you, Mr. Chairman. Ms. Dunn Marcos, thank you for coming here today. You have just received a number of questions about your ability to vet unaccompanied minors, to respond to the overwhelming demand on your office, to address what is a significant problem. I am just going to ask you first, what are the very specific requests you would have for your office to do its job to its fullest capability? What can Congress do for you?

Ms. DUNN MARCOS. Thank you, Congressman. I think one of the issues that we are here about today is what happens to the children after they leave our care. I think the children are safe and well cared for while they are with ORR, and we do everything possible to release them to a well-vetted sponsor, and, again, 85 percent, close or immediate family members.

I think one of the things that we would appreciate Congress' support in is expanding our post-release services. Post-release services are an opportunity for professional staff to continue to support the child, the sponsor, the whole household, making sure that the child is connected with services, making sure that the child is attending school, making sure that the child does not fall into exploitive situations that we have seen reported. So, I think continued support in expanding post-release services and legal services are critical to providing care for these children after they leave our custodial authority.

Mr. GOLDMAN. It is interesting to me that that is the No. 1 request you have. On March 24, my Democratic colleagues and I submitted an appropriations request specifically to build additional capacity and strengthen ORR's post-release services for all unaccompanied children. And I hope my colleagues on the other side of the aisle will support that request because I think we all are concerned, or at least should be concerned, about unaccompanied minors coming into the country and providing the services that they need.

One of the things you mentioned is legal services, and as a former, I guess, current, present lawyer as well, I am very concerned about representation of these unaccompanied minors, and even more so a process that addresses the peculiar needs, especially the emotional needs where you often have very, very young children who do not speak English, who go before judges for adjudication of some sort. Can you offer some thoughts on how that process could be improved?

Ms. DUNN MARCOS. Thank you, Congressman. ORR has been working with grantees and partners to do everything possible to make sure that children have representation, pro bono if not available. It is critical to making sure that the children have their rights protected, that they make sure that they understand the immigration process, they show up for their hearings. Again, the post-release—so, the post-release services, which not only do we want to expand to 100 percent by the end of 2024, but also legal services.

Those are the most critical services that we can provide these children to keep them out of harm's way after release from our care.

Mr. GOLDMAN. The other thought is, and a colleague of mine, Congresswoman Scholten, and I have made a recommendation along these lines. And I am curious what your thought is, is to have a, essentially, a separate part of the court that is solely designed to address the needs of unaccompanied minors so that we have judges with expertise in those areas. We have the wrap-around services provided there. Can you describe whether you think that would be successful or perhaps another recommendation you would have to address the specific needs of unaccompanied minors?

Ms. DUNN MARCOS. Congressman, I think anything that can be done to support the unique and complex needs of these children is welcome.

Mr. GOLDMAN. And then finally, I know my time is about up, but when you are addressing the unaccompanied minors that come in, can you break down what the sort of most common situation is, how they find themselves to be unaccompanied minors coming into the country?

Ms. DUNN MARCOS. Thank you, Congressman. It is a great question. Many of the children are fleeing gang violence. Many of them have unique and complex situations. I can tell you about one child who, diagnosed with a terminal illness, was given two to four months to live, took the journey to the U.S. so he could join his mother and sisters. Our team worked hard to get them reunited. He spent the last six months of his life in home with his mom and sisters. Another young adult who was gang raped by gang members, reported it to the police, and that brought on greater heat from the gang and targeting of her and her family, and she made the decision to leave for her safety and joined an aunt, and is doing well.

But they are very complex and many of them are heartbreaking, and the professional staff at ORR and our partners do everything we can to provide comprehensive services once they are referred into our care.

Mr. GOLDMAN. Well, thank you for all of the work you are doing. You are dealt with a really difficult situation, and I yield back.

Mr. GROTHMAN. Thank you. Congressman Higgins?

Mr. HIGGINS. Thank you, Mr. Chairman. Madam, thank you for being with us today. What happens when these minors that you are charged with supervising to some extent, what happens when they turn 18?

Ms. DUNN MARCOS. When they turn 18, we report that to DHS, and we provide a plan for them to access——

Mr. HIGGINS. But they are out of your supervision at that point.

Ms. DUNN MARCOS. That is correct.

Mr. HIGGINS. OK. So, just to clarify this for America, when we discuss unaccompanied minors, Americans envision a lost, frightened, abandoned, small child, and as compassionate children of God, every American wants to just hug that child and care for that child, but that is not the reality, America. What they are talking about here is not a lost and abandoned and a frightened small

child. The vast majority of these so-called children, unaccompanied children, are actually undocumented illegal young adults.

They come into your system with whatever vetting. I am not going to argue about it because you got no answers. They come into your system with whatever standard of vetting you are deciding that month to enforce. They get sent, at the expense of the American people, they get sent to their home of destination, recorded destination. They are 16, 17 years old. They are already short-timers in your system when they enter your system, and they are out, man. They are into the fabric of our country. They turn 18. They are gone.

Of course, you say 81 percent. You chose your words very carefully. You are an intelligent American woman. You said 81 percent of the time you have spoken to the sponsor or the child. I am not going to ask you because you will say you will get back with us with that data. You don't know it. But I would be willing to bet, that that 90 percent of the 81 percent, you spoke to some adult on the phone that identified himself as, yes, I am the sponsor. Yes, that is it. Check that box. We have contacted either the sponsor or the child, who is not really a child, the 17-year-old young adult, about to be out of your system.

What does your department do with reports from local law enforcement, ma'am, when they are investigating criminal actions that include allegations of physical or psychological trauma or abuse for the young adults or so-called children that are allegedly under your care? What do you do? How many reports do you receive from local or state law enforcement across the country because these young undocumented adults are scattered across America, and they are coming into contact with local law enforcement?

And you already know the answer to this question, but I would like to see what you have to say about it. What does your organization do? How frequently do you interact? Do you look at reports from local or state law enforcement that involve criminal investigations where your minor has been encompassed in that investigation in some way, not necessarily as a suspect, perhaps as a victim of the circumstance of the criminal environment that they find themselves in?

Ms. DUNN MARCOS. Thank you, Congressman. ORR's custodial care ends when they are released to a vetted sponsor, so we do not track children. However, if law enforcement or CPS, if we become aware, we absolutely cooperate, support. It is local law enforcement and CPS that have the jurisdiction for children once they have been released from our care. If a call does come into the National Call Center reporting exploitation, abuse, we absolutely work with local law enforcement entities as well as the Office for Trafficking in Persons, DHS, *et cetera*.

Mr. HIGGINS. I appreciate your response. Mr. Chairman, my time has expired. I yield.

Mr. GROTHMAN. Thank you. Congresswoman Porter.

Ms. PORTER. This hearing is about a system that is failing kids. It is about a system where corporations exploit migrant children for a profit. It is about a system where our government fails to stop corporations from breaking child labor laws. Ms. Dunn Marcos, what practices has your Agency employed to ensure that children

are only seeking safe and age-appropriate employment opportunities once released to sponsors?

Ms. DUNN MARCOS. Thank you, Congresswoman. ORR's custodial authority ends when the child is released to a vetted sponsor. However, we do try to make sure that both the child and the sponsor understands labor laws, they understand where to get help if they are found to be in an exploitive or abusive situation. We have also just entered into an agreement with the Department of Labor and are working much more closely. We are also providing increased training to our staff to make sure they are best equipped to provide the orientation and guidance to children. We are also making sure that every child that departs our care has the National Call Center and knows how to get help in these situations.

Ms. PORTER. Today, you might expect that a Democrat would say that is good enough. The truth is, HHS can and must do more to vet sponsors and to follow up with kids, and it must be given sufficient resources by Congress to do exactly that and then held accountable to deliver. Look, no one gets a pass from me today, not when the number of minors employed illegally has increased by 283 percent since 2015. But, HHS is not getting a pass. HHS is here. I am worried about who is not on this panel. Ms. Dunn Marcos, who hires child laborers? Is it your Agency or big corporations?

Ms. DUNN MARCOS. Congresswoman, it is private industry. ORR does not employ children.

Ms. PORTER. OK. Private industry. And who assigned more than 100 minors, many of whom were migrant children, to work over-night shifts in hazardous conditions at meatpacking plants across eight states, your Agency or big corporations?

Ms. DUNN MARCOS. Big corporations.

Ms. PORTER. And who employed migrant children as young as 12 years old at several automotive manufacturing plants in Alabama, your Agency or big corporations?

Ms. DUNN MARCOS. Big corporations.

Ms. PORTER. Well, we don't have big corporations on the panel today. We do not even have the agencies that are responsible for enforcing child labor laws. I hope we have a follow-up hearing to address this gap because if we are serious about solving this problem, we need to hear from all of the actors that are part of creating it. Until then, Ms. Dunn Marcos, can you tell me what proactive steps your Agency is taking to better coordinate with the Department of Labor and state agencies? Not better coordination, specifically, what are you doing because it is concerning to me to hear you talk about educating migrant children, educating sponsors, having hotlines, when we have a lot of evidence that those very tools are failing kids. When they are calling hotlines, when they are raising flags, it is not getting followed up on. So, specifically, what are you doing?

Ms. DUNN MARCOS. Thank you, Congresswoman. There is a number of things we are doing, and I want to state that ORR is dedicated to continuous improvement. We take this job so seriously. This is about children, so we will never get to the goal post. We will continually improve to care for these children. Specifically, with this, we are working more closely with the Department of

Labor. We have a number of things that we are looking at in terms of protocols when a report comes in. We can add additional supervisory review. We can stop placements to a particular zip code until we find more information. I mean, we do not and cannot, you know, cause undue delay in vetting, but we have to make sure that we are providing proper vetting and that we are releasing to a sponsor that will provide for the care and well-being.

So, additional supervisory reviews, home visits, stopping placement, you know, working with local law enforcement as appropriate. There are a number of steps that we will continue to lean in on this to help resolve this situation.

Ms. PORTER. Look, corporate America needs to be held accountable for putting children in danger to boost their profits. It is gross and it is wrong, but I have always promised to hold the powerful to account regardless of political party. Ms. Dunn Marcos, I am calling on your Agency, as well as the Department of Labor and the White House, to continue to provide answers to the Committee on how will it address these abuses.

In your testimony, you talk about how you have brought down the time to placement, 24 hours instead of the 72 maximum under the law, how you have brought down the time to within 30 days, but it is not just about the time. It is not just about the metric. It is about the quality of life and safety of these children, so I am asking you to please do better. I yield back.

Oh, Mr. Chair. May I ask unanimous consent to introduce the HHS-DOL Memorandum of Agreement, dated March 2023, into the record?

Mr. GROTHMAN. Yes.

Mr. GROTHMAN. OK. Congressman Sessions.

Mr. SESSIONS. Mr. Chairman, thank you very much, and I want to thank our witness for being here and the conversation that she is having with the Committee. Could you please tell me about your visits to the border?

Ms. DUNN MARCOS. Congressman, I have made one visit to the border. As the Director of ORR, my primary responsibility is to the children that are in our care.

Mr. SESSIONS. Yes, ma'am. Thank you very much. When was that one visit?

Ms. DUNN MARCOS. I started in September. I believe it was October or November.

Mr. SESSIONS. So, you started in September 2022. Is that correct?

Ms. DUNN MARCOS. Yes, that is correct.

Mr. SESSIONS. So, since September 2022, you visited the border one time. Where did you visit?

Ms. DUNN MARCOS. I visited El Paso, and I may add that the border is DHS'.

Mr. SESSIONS. That is not my question. I am not trying to expect anything other than the questions that I am asking you. What did you see when you were there? What was the purpose of your visit?

Ms. DUNN MARCOS. I wanted to understand the full process that the children that come into our care go through, and I wanted to see firsthand that part of the process.

Mr. SESSIONS. What were your evaluations of that?

Ms. DUNN MARCOS. That these children experience an incredible amount of trauma in their journey to the U.S., and it is frightening and scary to be processed and not understand what may be happening to you.

Mr. SESSIONS. OK.

Ms. DUNN MARCOS. So, I—

Mr. SESSIONS. So, these are children, and many times they are with people that may or may not be their actual parents. We have heard stories. I have been to the border seven or eight times and heard the stories directly from people who are Federal agents and others who have said it is very routine that a person was put with an older person, and then they found out that that was not even their family. They were simply children that came along.

I have heard you say today about the extreme conditions that people went through to come illegally to the United States of America. At any point, have you expressed to this Administration that the task that you are faced with, the important task of dealing with children, that perhaps what these children are going through, which will be lifelong images of not only disparity but of disrespect and harm to their lives, was encouraged, aided, and abetted by a policy that the President of United States and the Democratic Party is encouraging? Have you ever expressed that or thought those ideas?

Ms. DUNN MARCOS. Congressman, respectfully, my focus has been on the job I was hired to do.

Mr. SESSIONS. So, in other words, you have no authority or responsibility to report, “hey, Secretary Mayorkas, we are creating a circumstance here that is harmful and destructive to people’s future.” We have already heard a Member of this Committee suggest that that they should come here and not be able to get jobs, not be able to work, blame corporations for that. Well, it is hard for me to understand how this Administration continues to encourage, not only violations of the law, but bring millions of people here and thrust them to the streets. And then we wonder why we have drug epidemics and why we have crime rampant in our country. Just bring them here. Let them just sit on the side of the road.

This is an embarrassment, in my opinion, and I think the opinion of most people where I represent in Texas, that we are encouraging this behavior. We are encouraging this, not only violation of the law, but against the dignity of men and women, by encouraging inducement of this process. So, it is my hope that next time, when you leave here, that you may go back and say, you know, maybe we are encouraging bad, not just illegal behavior, but things that will harm people’s future.

I want to thank you for taking time to be here today. I hope you will consider some of the feedback that this Subcommittee offers to you, and I want to thank you for your service. I yield back my time, Mr. Chairman.

Mr. GROTHMAN. Thanks much. Mr. LaTurner.

Mr. LATURNER. Thank you, Mr. Chairman. Thank you all for being here. Since President Biden has been in office, there have been over 4.8 million migrant encounters at the Southwest border, not including the roughly 1.3 million got-aways who evaded law enforcement completely and entered our country undetected. This un-

precedented national security and humanitarian crisis has overwhelmed Federal officials and endangered the well-being of unaccompanied migrant children as a result.

According to data published by the Office of Refugee Resettlement, since March 2021, HHS has averaged approximately 11,000 children in its care per month. In 2015, the annual total of children released into the custody of sponsors in this country was 27,000. In 2022, that number was approximately 127,000. That is nearly a fivefold annual increase over that timeframe.

Congress has been attempting to conduct proper oversight of the Office of Refugee Resettlement for years, yet Agency decision-makers have willfully obstructed our constitutional mandate, as detailed by a 2021 Senate Finance Committee report. ORR's behavior has drawn bipartisan condemnation, but it is not just the run-of-the-mill bureaucratic obstruction which I find most concerning. It is that Agency decision-makers seem determined to undermine ORR's primary directive of safely relocating at-risk children.

Secretary Becerra has urged HHS employees to process UACs out of this program at assembly line speed, resulting in at-risk children being released to sponsors without proper vetting, exploited for illegal child labor, and put at risk for human trafficking. Furthermore, recent reporting issued by a grand jury in Florida alleges ORR actively discourages case managers and background checkers from questioning internal processes, instead, encouraging them to prioritize the processing speed of unaccompanied alien children over performing due diligence in regard to their safety. One Federal employee was even told by an ORR attorney to stop questioning agency policy regarding the resettlement of children to potentially unsafe sponsors or guardians because doing so would cause delays and that, "We only get sued for keeping them too long. We don't get sued by traffickers. Are we clear?"

These appalling anecdotes certainly make something clear: the Biden Administration's weak border security policies have not only invited the masses of people flowing over our Southern border, but incentivized the agencies responsible for processing them to sacrifice the livelihoods of children for the sake of political posturing. But, there is a simple solution to begin humanely addressing the record-high backlog of resettlement cases: securing our border.

Director Marcos, operating under the assumption that many unaccompanied alien children either don't possess an ID or intentionally discard their ID as they approach our Southern border, is there a process in place for ORR to verify their age?

Ms. DUNN MARCOS. Thank you, Congressman. DHS does the initial assessment of the children and provides biographical information. They fingerprint anyone over 14 years of age. So, we receive this information on the child when they come into our care.

Mr. LATURNER. Has there been an instance in which the age verification process has proven someone claiming to be a minor is actually an adult?

Ms. DUNN MARCOS. That has happened, and when it happens, ORR has very strict policies and procedures in place. Anyone who would be suspected of an adult who came into the program, would be isolated, would not be around children, and we would go through steps to verify the age of that individual.

Mr. LATURNER. In the event ORR receives intelligence that an unaccompanied alien child is potentially being victimized or abused by their sponsor, what Agency protocols are in place to alleviate the situation?

Ms. DUNN MARCOS. A report is done immediately. We refer it to local law enforcement, Child Protective Service, and other Federal entities if and as appropriate.

Mr. LATURNER. Approximately 66 percent of UACs work full-time jobs, as reported by *The New York Times*. The Biden Administration only began to take corrective action to rectify the illegal child labor market following the publication of this piece. Was the Biden Administration unaware of this labor market vulnerability or unwilling to address it at the risk of drawing further attention to this issue?

Ms. DUNN MARCOS. Congressman, I can only speak to—since I have joined, I know that our team has been working with DOL on cases, I believe, since 2021. We have just formalized an agreement and really are leaning into increasing policies and procedures to combat this. This is a whole-of-government approach.

Mr. LATURNER. Please hear me when I say this. We want you to be successful, but sadly, today, you are not. Mr. Chairman, I yield back.

Mr. GROTHMAN. It looks like that is all we have here. I would like to ask Mr. Garcia, do you have any closing comments you would like to make?

Mr. GARCIA. Thank you, Mr. Chairman, and I want to thank our witness, again, for being here today. And I just want to also remind the Committee that this is a very broad crisis were facing, and that you have a piece of a very serious problem that we are trying to address here in the Congress. And while we are having this conversation, we know that right now, the House Republican solution is to try to literally just attempt to end immigration and asylum. These are building block blocks of our country, particularly for unaccompanied children.

Just this week, they are marking up a bill that would effectively end any sort of support and the work that you are doing, actually take us backward as it relates to funding for ORR and its critical mission. This bill within the Judiciary Committee that they are marking up, requires deportation for unaccompanied children and will drive undocumented children in the U.S. underground to even have less contact with Federal agencies. As we know, it is being discussed today. Children may attempt to completely cut ties and/or sponsors with all government agencies, including those designed to support and protect them from unlawful labor practices to avoid the risk of deportation. So, as a result, these bills currently in markup, and if they pass, would effectively make children more vulnerable to exploitation.

We have a situation in front of us where, if we actually want to assist in the work of protecting children, expanding our follow-up process, ensuring that more children are safe, we should be funding these agencies appropriately. We should uplift the work that you are doing while also ensuring that every children is safe and protected. So, thank you. I yield back to the Chairman.

Mr. GROTHMAN. Thank you. Thank you for coming over. I think I speak for probably all Majority Members on the panel, I am very disappointed of all the answers you were unable to give us. To me, look, overall, we have gone from in the final year—COVID was half of the final year—having 15,000 unaccompanied minors having to deal with, within a couple of years, it shot up to 128,000, which the entire year was COVID related. So, a lot of these problems stem from just the open borders policy. You cannot go from 15,000 kids to 128,000 kids and not think you are going to be able to remotely handle them.

I am very disappointed that you do not know, percentage-wise, those 128,000 you did DNA testing on. I know the Border Patrol does it occasionally, and it is not unusual for them to find a situation in which they were lying about whether the kid is related or not. You do not know the percent of these kids who you talk to one parent and percent two parents. I would like to know that. I think it is relevant. A couple of years ago, under the past Administration, it was considered nothing worse than having children separated from their parents for a few weeks. Now we have children being separated from their parents for the rest of their lives, and you don't know how many times we have not even had contact with the parents.

There was a very good question here, the sponsor rejection rate, are any of these sponsors, you know, inadequate. You did not know what the percentage of that rate is. The fact that we do not know where 85,000 unaccompanied minors are, according to *The New York Times*, is kind of scary. I realize that is not necessarily your responsibility, but to say 85,000 kids running around this country, we do not know where they are? I mean, that is just unacceptable.

You were unable to ask the question what is being done to prevent whistleblower retaliation and ensure reports are taken seriously. That is something we should know about, and I think we do not have an adequate response as to what we know about other people in these families. I mean, you imply that we found an uncle for this person. There are people who know their uncles like their brother, and there are people who have never met their uncle before in their life. And, you know, sometimes these sponsors are in a household, maybe the one person we don't have a background check on, or we do a background check on, but other people we do not.

So, a lot of people have been asking questions that, presumably, you will get back to us within a week or two with the answers. I am glad we had the hearing. I guess the takeaway on the hearing is, if you go with this open doors policy, part of the open door is going to mean we have a lot of unaccompanied minors attached from their parents coming to the country, and, not surprisingly, we have no idea where they are winding up or no idea whether they are safe or not. But in any event, that is it.

With that, and without objection, all Members have five legislative days within which to submit materials and submit additional written questions for this witness, which will be forward to the witness for her response.

Mr. GROTHMAN. If there is no further business, without objection, the Subcommittee stands adjourned. Thank you.

[Whereupon, at 11:57 a.m., the Subcommittee was adjourned.]

