



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of the Assistant Secretary | 330 C Street, S.W., Suite 4034
Washington, D.C. 20201 | www.acf.hhs.gov

February 24, 2022

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

Dear Representative Biggs:

Thank you for your letter regarding the welfare of children entering the United States unaccompanied and referred to the care and custody of the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR). I am pleased to respond on behalf of the Secretary.

ORR is dedicated to ensuring the safety of children from the moment they enter ORR care to when they are safely placed in a community with a vetted sponsor who has undergone a robust screening process. ORR takes its responsibility to thoroughly screen sponsors seriously and works diligently to make sure every placement decision is made in the best interest of the child. ORR understands the importance of providing children and sponsors with the tools and resources necessary to help a child succeed post-release and develop permanent connections for support and resilience as a child transitions into a new community. While ORR's custodial responsibilities end when a child is released from ORR care, ORR provides post-release services for children and sponsors who would benefit from ongoing connections to community services.

To help inform sponsors of their custodial responsibilities when sponsoring an unaccompanied child, all potential sponsors should attend the Legal Orientation Program for Custodians (LOPC) as part of the sponsor unification process. To ensure potential sponsors are aware of options and are encouraged to attend these presentations, ORR's Family Reunification Packet includes a flyer with contact information on organizations offering a LOPC presentation. Additionally, care provider case managers work to schedule LOPC presentations for sponsors as part of the sponsor reunification process. Sponsor attendance at the LOPC is factored into the final release assessment.

Throughout the sponsor vetting process, ORR works to establish an after-care plan to ensure a sponsor can meet the child's needs when they assume custody. This includes a thorough review of a sponsor's agreement with the federal government in which they agree to comply with each provision in the Sponsor Care Agreement, including attending an LOPC presentation and notifying the relevant agencies on immigration proceedings, such as the Department of Homeland Security's (DHS) Immigration and Customs Enforcement and the Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), on any necessary changes or updates to their contact information. ORR then works to facilitate physical transfer, including escorting a child to the sponsor in the event a sponsor is unable to pick-up the child at the ORR facility or if there is an unnecessary delay in the timely release of the child. After this physical

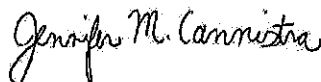
transfer is completed, ORR notifies DHS and other stakeholders of the child's discharge from ORR care and includes the sponsor's contact information in the notification. Once a child is released to the care and custody of a vetted sponsor, ORR's legal custody ends. In the event the sponsor is unable to provide care and custody for the child, and if they are not the child's parent or legal guardian, the Sponsor Care Agreement provides instructions to contact ORR's National Call Center (NCC) for support.

Although ORR has no legal custody after a child is discharged, ORR does follow-up by phone with both the sponsor and child after the child is released from ORR care to help continue and facilitate a child's successful transition into their community and encourage permanency.¹ The purpose of the call is to determine if the child is still residing with the sponsor, is enrolled or attending school, is aware of any upcoming court dates, and is safe. ORR care provider-designated staff attempt to contact both the sponsor and the child during these calls and determine if either the sponsor or child would benefit from additional support or services.

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. Following numerous attempts to contact each individual at any available contact numbers, it is possible that within a household ORR may only contact and speak with either the sponsor or the child but may not successfully make contact with both. In these circumstances, if care providers identify or suspect any safety concerns with the child, they are required to issue a Notification of Concern to appropriate investigative agencies, including local law enforcement, child protective services, and ORR. Additionally, those who may benefit from additional resources identified as part of this follow up call are referred to ORR's NCC where the helpline can connect them with resources within their local community appropriate for their needs.

Thank you again for your letter and concern for vulnerable children. Enclosed are responses to the questions submitted in your letter. 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,



Jennifer M. Cannistra
Acting Assistant Secretary
for Children and Families

Enclosure

¹ See ORR Policy Guide Section 2.8.4 Safety and Well Being Follow Up Call at <https://www.acf.hhs.gov/orr/policy-guidance/children-entering-united-states-unaccompanied-section-2#2.8.4>.

1. How many UCs has HHS placed with sponsors since January 20, 2021?

Response: As of February 7, 2022, ORR has placed 146,248 unaccompanied children (UC) with sponsors since January 20, 2021.

2. How many UCs has HHS placed with sponsors who are not lawfully present in the United States?

Response: ORR does not disqualify a potential sponsor based solely on their immigration status or for law enforcement purposes. Therefore, ORR does not verify a potential sponsor's immigration status. For more information, see ORR Policy Section 2.6 Sponsor Immigration Status and Release of Unaccompanied Children.

3. How many UCs has HHS placed with sponsors who are not the child's parent or legal guardian?

Response: As of February 7, 2022, ORR has placed 91,123 children with category 2 and category 3 sponsors since January 20, 2021. Category 2 sponsors include immediate relatives such as siblings, aunts, and uncles, while category 3 sponsors include distant relatives and unrelated adults. For more information on category types, please refer to ORR Policy Guide 2.2.1 Identification of Qualified Sponsors.

4. How many UCs has HHS placed with sponsors who are not the child's relative?

Response: As of February 7, 2022, ORR has placed 17,951 children with category 3 sponsors since January 20, 2021. Category 3 sponsors include distant relatives and unrelated adults. For unrelated adults, it is common among the UC population for these potential sponsors to include fictive kin such as godparents or close family friends who, while not related to the UC by birth or marriage, have an emotionally significant relationship with the child.

5. Does HHS place conditions on the releases of UCs to sponsors?

Response: ORR evaluates a potential sponsor's ability to provide for the child's physical and mental well-being, as required by law. By signing and submitting the Family Reunification Application,² a potential sponsor attests to abide by the care instructions contained in the Sponsor Care Agreement and to provide for the physical and mental well-being of the child. ORR makes a release decision when it is determined that the release of a child to a potential sponsor is safe, that the sponsor can care for the health and well-being of the child, and the sponsor understands that the child is to appear for all immigration proceedings. Once a child is released from ORR care, ORR's custodial duties end.

6. How many Safety and Well Being Follow Up Calls has HHS conducted since January 20, 2021?

² For more information on ORR's Family Reunification Application, see <https://www.acf.hhs.gov/orr/policy-guidance/children-entering-united-states-unaccompanied-section-2#2.2.3>.

Response: Since January 2021, ORR has conducted 108,981 Safety and Well-Being Follow Up Calls for children discharged from ORR care.

7. How many sponsors has HHS been unable to contact since January 20, 2021?

Response: Of the 108,981 Safety and Well-Being Calls conducted since January 2021 for children discharged from ORR care, there are 19,726 sponsors who could not be reached. There are a number of reasons why a sponsor may not answer a phone call, including not recognizing the phone number or not wishing to speak with government officials.

8. What steps does HHS take to ensure the safety and well-being of a UC if the care provider is unable to contact the sponsor?

Response: ORR care providers conducting the Safety and Well-Being Follow Up Call must make three attempts to speak to both the sponsor and child separately. Additionally, if the follow up call indicates the child may be in immediate danger, or if the child may be unsafe but not in immediate danger, the MAP includes instructions on reporting requirements to local law enforcement, child protective services, and ORR. If the follow up call indicates the sponsor and/or the child would benefit from additional support or services, or the sponsor has not attended the LOPC, designated care provider staff are instructed to refer the sponsor to ORR's NCC. ORR's NCC is a valuable resource where both sponsors and children can be referred to essential community services, including legal support, to promote success and community permanence.

9. What changes were made by HHS to its sponsor vetting procedures in response to the Department's efforts to fast-track the UC placement process?

Response: ORR has policies and procedures in place to make sure UC in care are released in a safe, efficient, and timely manner. As a child welfare agency, ORR firmly believes it is in a child's best interest to be unified with family as promptly and safely as possible, especially as remaining in congregate care is often not in the best interest of children. As such, ORR continuously evaluates its reunification policies and procedures to ensure that ORR is always pursuing the best interest of each child in every release decision made.

In calendar year 2021, ORR took a number of steps to promptly and safely place children with their vetted sponsors. For example, on March 22, 2021, ORR issued Field Guidance #10, Expedited Release for Eligible Category 1 Cases. This field guidance modified the standard release requirements to ensure that eligible parents and legal guardians present in the United States can safely and quickly be unified with their children. Additionally, on May 14, ORR issued Field Guidance #15, Release for Eligible Non-Sibling, Closely Related Children to a Category 1 or Category 2A Sponsor. This field guidance allowed a sponsor of related children to be evaluated for sponsorship based on their closest relationship with one of the children. Every

case eligible for expedited release under Field Guidance #10 and Field Guidance #15 are screened for any red flags or vulnerabilities. If the child is screened and determined to be especially vulnerable, subject to a mandatory home study, or if there are red flags present, the case will follow standard sponsor assessment and release procedures.

ORR modified its standard release requirements for eligible cases for Expedited Release for Category 1 and in some cases certain Category 2 sponsors with the goal of expediting releases without compromising the safety and well-being of the children. 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).

While ORR's expedited release policy does not require fingerprint checks for Category 1 and 2 sponsors who meet eligible criteria, ORR still requires a fingerprint check on sponsors where the public records check reveals possibly disqualifying sponsor criteria; there is a documented risk to the safety of the child; or the child is especially vulnerable and/or the case is being referred for a home study.

10. How many sponsors have failed to attend Legal Orientation Program for Custodians since January 20, 2021?

Response: ORR defers this question to DOJ's EOIR who runs the LOPC.

11. How many sponsors have had their Sponsor Care Agreement terminated for failure to attend the Legal Orientation Program for Custodians since January 20, 2021?

Response: ORR will deny release to a potential sponsor if the potential sponsor is not willing or able to provide for the child's physical or mental well-being, if the physical environment of the potential sponsor's home presents a risk to the child's safety and well-being, or if the UC would present a risk to him or herself, the sponsor, household, or the community. For more information on potential sponsor denial criteria, please refer to ORR's Policy Guide Section 2.7.4 Deny Release Request.

12. How many sponsors have had their Sponsor Care Agreement terminated for failing to ensure that the UC attend immigration proceedings since January 20, 2021?

Response: ORR is a child welfare agency, not an immigration enforcement agency, and does not track immigration proceedings attendance. ORR's custodial responsibilities end when a child is discharged from ORR care.

13. What steps is HHS taking to contact the sponsors who failed to respond to Safety and Well-Being Follow Up Calls?

Response: ORR takes additional steps on a case-by-case basis following a designated care provider staff's completion of the follow-up call. If the designated care provider staff has a concern about the child's safety and well-being, they are required to report a Notification of Concern³ to ORR and appropriate investigative agencies. ORR reviews the matter 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, and providing post-release services to the released child and his or her sponsor. All children released from ORR custody are given the number to the NCC, which is available 24 hours a day and provides a mechanism to report any concern a child has about their placement.

³ For more information on resources and services available after release from ORR care, see <https://www.acf.hhs.gov/orr/policy-guidance/children-entering-united-states-unaccompanied-section-6#6.1>.