



# U.S. DEPARTMENT OF HOMELAND SECURITY **OFFICE OF INSPECTOR GENERAL**

**Testimony of**

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**Department of Homeland Security**

before the

**Subcommittee on Federal Law Enforcement**

**Committee on Oversight and Government Reform**

**United States House of Representatives**



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2:00 PM**

Chairman Higgins, Ranking Member Lee, and Members of the Subcommittee:

Thank you for the opportunity to discuss the Department of Homeland Security (DHS), Office of Inspector General's (OIG) recent audit report titled "*ICE Cannot Effectively Monitor the Location and Status of All Unaccompanied Alien Children After Federal Custody.*"

DHS plays a critical role in administering and enforcing our Nation's immigration laws. Among the most vulnerable populations DHS encounters are unaccompanied alien children<sup>1</sup> (UACs) — minors who have no lawful immigration status in the United States, have not attained 18 years of age, and have no parent or legal guardian available to provide care and physical custody. Each year thousands of UACs enter the United States; the Federal government is responsible for not only ensuring the safety, dignity, and welfare of these at-risk individuals, but also determining whether they are eligible for immigration benefits or amenable to removal.

The report findings detailed in my testimony reveal significant gaps in how Immigration and Customs Enforcement (ICE) monitors and manages UAC cases following release from Federal custody. The lack of reliable location data, persistent delays in the issuance of Notices to Appear (NTAs), and limited interagency coordination, collectively contribute to tens of thousands of children effectively disappearing from DHS' oversight. This is not simply an administrative problem; it is a systemic breakdown that poses grave risks to UACs and the integrity of our legal immigration system and can undermine public trust in our immigration and law enforcement institutions.

Central to this problem are outdated agreements, insufficient staffing, policy ambiguities, and a lack of modernized tools to keep pace with the volume and complexity of UAC cases. While I remain optimistic that these are correctable problems, it is imperative that DHS, Health Human Services (HHS), and other critical stakeholders act together and with urgency to implement the full range of recommendations contained within our respective bodies of work on this pressing topic.

## **Background**

After DHS apprehends UACs who have crossed the border between ports of entry, ICE generally transfers<sup>2</sup> the UACs into the care and custody of HHS' Office of Refugee Resettlement (ORR) pending the initiation of removal proceedings. HHS ORR is responsible for the care and custody of UACs awaiting immigration proceedings.<sup>3</sup> This includes placing

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<sup>1</sup> *Homeland Security Act of 2002*, Pub. L. No. 107-296, Section 462(g)(2).

<sup>2</sup> Although ICE does not obtain custody of UACs, it is responsible for their transfer from U.S. Customs and Border Protection to HHS and relies on third-party contracts for such transport.

<sup>3</sup> *Homeland Security Act of 2002*, Pub. L. No. 107-296, Section 462(a). This HHS ORR responsibility was also outlined in the *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008*, Pub. L. 110-457, Title II, Subtitle D, §235(b)(1).

UACs in children's shelters and with qualified sponsors. After UACs are transferred to HHS, ICE maintains responsibility for managing and monitoring their immigration removal cases.

In 2023, my office initiated our audit after two events. First, in 2021, DHS and HHS revised an established Memorandum of Agreement (MOA) delineating their respective roles and responsibilities vis-a-vis UACs.<sup>4</sup> In doing so, they removed a requirement<sup>5</sup> that HHS ORR provide ICE with biographic and biometric (fingerprints) information for all potential UAC sponsors and adult members of their household, which was used for vetting purposes<sup>6</sup>. The second notable development involved significant media reporting on the potential exploitation of UACs.<sup>7</sup>

Our audit team was composed of personnel with previous experience handling this sensitive subject matter, and in October 2023, they began working to understand as fully as possible how DHS through ICE monitors and manages UACs. They reviewed nearly 250 documents, including relevant statutes and regulations; DHS, HHS, and ICE guidance, policies, and procedures; MOAs; collected data; and media articles. They also evaluated the challenges, data accuracy, and reliability of multiple ICE systems used to track UACs. The team interviewed more than 140 government officials from ICE and its various program offices, as well as external stakeholders at the U.S. Departments of Justice (DOJ), Health and Human Services,<sup>8</sup> Labor (DOL) OIG, and one state Department of Labor.

**OIG-24-46: Management Alert - ICE Cannot Monitor All Unaccompanied Migrant Children Released from DHS and U.S. Department of Health and Human Services' Custody**

Early into DHS OIG's audit, it became clear that the opacity surrounding the whereabouts of such a large number of UACs necessitated issuance of a management alert; this tool enables my office to elevate urgent problems, such as those that pose a threat to health and safety. On August 19, 2024, we issued DHS OIG 24-46, *Management Alert ICE Cannot Monitor All Unaccompanied Migrant Children Released from DHS and U.S. Department of Health and Human Services' Custody*. Of particular concern were the more than 32,000 UACs who failed to appear for scheduled immigration hearings; most had not been seen or in contact with DHS since their transfer to HHS. Based on our audit work and multiple interviews, these children appear most at risk.

We made two recommendations in the management alert to improve ICE's ability to monitor UACs following their release from Federal custody. First, we called on ICE leadership to

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<sup>4</sup> Various Memoranda of Agreement (MOA) between DHS and HHS outline each agency's responsibilities for UACs. The most recent MOA was signed in 2021. This MOA terminated the 2018 MOA.

<sup>5</sup> MOA between DHS and HHS, dated April 2018.

<sup>6</sup> According to the *ORR Unaccompanied Children Program Policy Guide* (as of March 26, 2023), ORR transmits fingerprint submissions (if required) to the Federal Bureau of Investigations to perform criminal history checks.

<sup>7</sup> Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, *The New York Times* (February 25, 2023) <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>

<sup>8</sup> On prior audit engagements, the audit team had worked with HHS OIG. For this audit, HHS OIG asked us to work directly with HHS personnel.

evaluate its manual processes for information sharing within ICE and with other stakeholders then to develop and implement an automated system to document court appearances and maintain accurate address information of UACs. We also recommended ICE establish and implement a formal process to identify UACs who failed to appear for immigration hearings and share that information internally and with HHS.

ICE concurred with both of our recommendations. Since issuance of the management alert, ICE immediately implemented a process to share court appearance information with HHS, and that recommendation is now closed. The other recommendation remains unresolved and open. The audit team has been in contact with ICE as recently as this month to discuss progress on this recommendation.

**OIG-25-21: ICE Could Not Effectively Monitor the Location and Status of All Unaccompanied Alien Children After Federal Custody**

We released our final report on March 25, 2025. In it, we found that between fiscal years 2019 and 2023, ICE could not effectively monitor the location and status of all UACs once released or transferred from DHS and HHS' custody. From FY 2019 to 2023, ICE transferred more than 448,000 UACs to HHS, most of whom were released to sponsors. However, we found:

- More than 31,000, or 7 percent, of the 448,000 children's release addresses were blank, undeliverable, or missing apartment numbers. In one example, the OIG audit team and ICE officers drove by two addresses that did not exist, but 34 children had been released to these alleged sponsors' addresses. During a July 2025 briefing with our office, ICE expressly indicated that incorrect address information severely impedes their ability to locate UACs.
- ICE was not always aware of the location for UACs who fled HHS' custody.
- ICE did not issue more than 233,000 NTAs to all UACs to generate assignment of immigration court dates with the DOJ. Of this figure, 49,000 UACs crossed the border in 2021 and had not yet obtained their court date/been observed by DHS in court.
- More than 43,000 UACs who were served NTAs failed to appear for scheduled court dates. According to ICE officials, UACs who do not appear for court are considered at higher risk for trafficking, exploitation, or forced labor. This is also ICE's only opportunity to check on UACs' welfare.
- ICE was not always notified of UACs' status and safety unless an allegation or tip was reported.

## **Factors Contributing to ICE's Inability to Monitor Unaccompanied Migrant Children**

Our audit identified several key factors that significantly limited ICE's ability to monitor the location, status, and welfare of UACs after their release from Federal custody. These challenges are systemic and have persisted over multiple administrations.

### **Limited Interagency Data Sharing and Coordination**

- ICE's efforts to track UACs are hampered by insufficient data sharing between ICE and HHS. The MOAs and information-sharing protocols are outdated and often incomplete, resulting in delays and gaps in critical information, including changes in sponsor addresses, incidents of children leaving care without notice, and other updates on welfare concerns. ICE also did not always share court appearance information with HHS, which would have been responsible at the time of our audit for conducting well-being checks on UACs after release to a sponsor.
- Although forced labor is a factor threatening the safety of UACs, ICE Enforcement and Removal Operations (ERO) did not have an established relationship with the DOL to identify exploited UACs. DOL is not required to, and did not, share information with ICE regarding labor concerns it had received.
- Overall, the lack of real-time data sharing between ICE, HHS, and other federal partners significantly reduces ICE's situational awareness and operational responsiveness with regard to UACs.

### **Absence of Clear Policy and Operational Guidance**

- ICE lacks formal policies and procedures requiring proactive monitoring of UACs after their release from Federal custody. ICE's Field Office Juvenile Coordinators, the personnel primarily responsible for UAC cases, have no standardized guidance directing them on how to monitor UACs' well-being or respond to disturbing situations. This results in UAC welfare concerns often being identified reactively, and usually only if reported by outside agencies.

### **Resource and Staffing Constraints**

- At the time of our audit, ICE did not have sufficient personnel dedicated to the long-term monitoring of UACs. ICE officers carry multiple competing responsibilities and are stretched thin across high caseloads. As of September 2024, ERO officers were required to monitor more than 7.5 million non-detained cases, which include adults, family units, and UACs.
- While ICE requires adult migrants to check in with ICE after release from custody, this requirement does not apply to UACs, meaning ICE is less aware of their post release circumstances.

- Several ICE officials stated that removing migrant adults requires fewer resources and less time and effort than removing UACs. At the same time, the removal priorities in effect during our audit did not include UACs.

## **Recommendations**

DHS OIG made four recommendations in our final report to improve ICE's ability to monitor the location and status of all UACs after their release from Federal custody. Together, these recommendations create a practical roadmap to improve ICE's accountability, reduce legal and operational risk, and — most importantly — better protect the hundreds of thousands of vulnerable children first encountered by DHS.

- DHS OIG recommended that ICE coordinate more effectively with HHS to improve information sharing and response protocols. Enhanced interagency communication would close the information gap that currently impedes timely action when a UAC's situation changes or requires intervention.
- ICE should enhance the accuracy and completeness of UAC address data, and coordinate with HHS, to improve its ability to locate children after release, and ensure prompt delivery of immigration court documents.
- ICE must develop a plan to address the substantial backlog of unissued NTAs, which has left hundreds of thousands of children without formal placement into the immigration court system, and the only opportunity for ICE to screen the well-being of the children since they crossed the border.
- Finally, ICE should develop clear policies and procedures for monitoring and elevating concerns regarding the safety and welfare of UACs after release. Implementing a defined structure for ICE personnel to coordinate with HHS would allow ICE to better assist HHS in identifying and responding more quickly to UACs at risk of neglect, abuse, or exploitation.

ICE concurred with all four of our recommendations, and their full implementation, which is expected this year, will be critical to giving ICE the additional authority, information, resources, and policies to monitor the location and status of UACs more effectively and consistently. This corrective action, in conjunction with implementation of the two recommendations contained within our management alert, will improve data accuracy and the timely flow of information, enable proactive intervention for at risk UACs, improve the immigration court process by reducing the NTA backlog, and drastically reduce the likelihood that UACs fall out of sight.

Based on our ongoing work and coordination with DHS components, we have learned that as of February 2025, ICE is reporting significantly improved coordination and information

sharing with HHS. According to a May 5, 2025, press release, DHS and HHS have reunited nearly 5,000 UACs with a safe relative or guardian.<sup>9</sup>

### **Conclusion**

The shortcomings my office identified not only compromise the immigration process, but also leave children vulnerable to exploitation, trafficking, forced labor, and potential involvement in criminal activity. Without critical reforms in data sharing, coordination at the federal level, NTA issuance, staffing, and comprehensive policies and procedures, DHS cannot guarantee that the children DHS encountered who entered the United States alone are protected from harm and properly and monitored throughout their immigration proceedings.

I appreciate your support and remain committed to working with Congress, this Subcommittee, ICE, HHS, and other stakeholders to ensure our recommendations are implemented in a manner that yields measurable improvements in ICE's management of UAC cases. We will closely monitor ICE's progress in resolving my office's recommendations and will continue to provide robust oversight, transparency, and accountability.

Thank you again for the opportunity to testify. I am grateful for your bipartisan attention to this issue and look forward to answering your questions.

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<sup>9</sup> <https://www.dhs.gov/news/2025/05/05/100-days-secretary-noem-making-america-safe-again>