

Appointment

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**From:** White, Jonathan (ACF) [REDACTED]  
[REDACTED]  
**Sent:** 2/6/2017 9:30:23 PM  
**Subject:** TPs on separations and other contingencies  
**Start:** 2/7/2017 2:00:00 AM  
**End:** 2/7/2017 3:00:00 AM  
**Show Time As:** Busy  
**Recurrence:** (none)



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

**TO:** OS UAC/Refugee Big Group  
**FROM:** Jonathan White, Deputy Director for Children's Programs, ORR  
**SUBJECT:** Unaccompanied Alien Children Program Update  
**DATE:** July 4, 2017

**U//SENSITIVE BUT UNCLASSIFIED**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mission Risks and Challenges: ORR is working to develop and implement strategies to mitigate each of the risks and challenges identified for this mission.

[REDACTED]

[REDACTED]

2. [REDACTED]

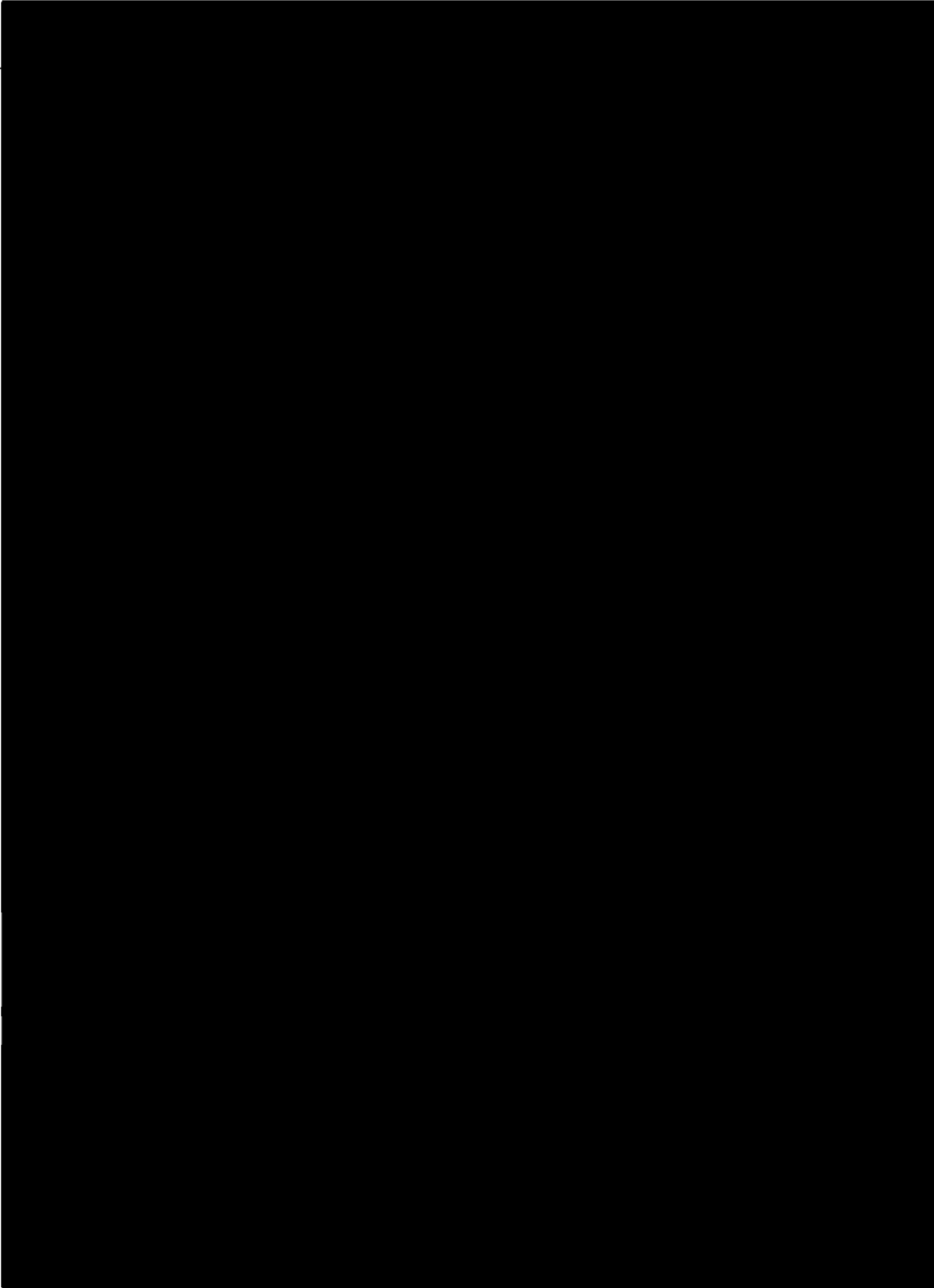
3. *DHS immigration enforcement actions may adversely affect discharge rate.* DHS has launched a national “UAC Sponsor Initiative,” which involves contacting sponsors of UAC who are without legal status, interviewing them, and in some cases taking them into custody, issuing criminal charges against them, or issuing Notices to Appear. Effects of this initiative upon readiness of individuals to step forward as sponsors are expected to result in significant increases in length of stay and decline in discharge rate. This step would represent one-half of the DHS policy changes necessary to fulfill the “DHS Deterrence” scenario model (since family unit separations are not yet being implemented). ORR is currently reviewing that model to determine if it should be refined to current policy realities.

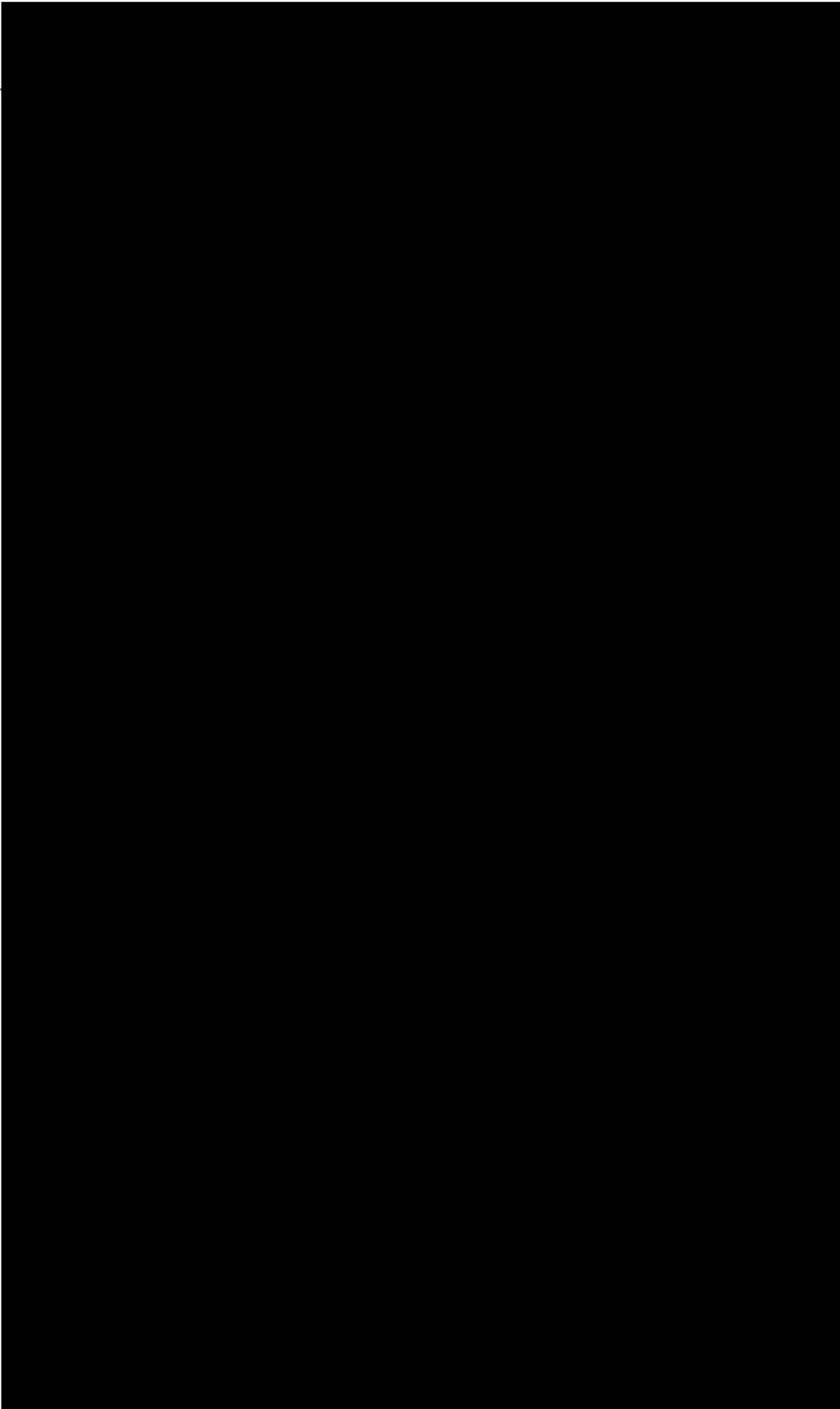
4. [REDACTED]

5. [REDACTED]

6. [REDACTED]







Message

**From:** White, Jonathan (ACF) [REDACTED]  
**Sent:** 8/15/2017 9:45:16 PM  
**To:** [REDACTED] (ACF) [REDACTED]  
**CC:** [REDACTED] (ACF) [REDACTED]; [REDACTED] (ACF) [REDACTED]  
**Subject:** RE: UAC separated from parents

Thank you!

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**From:** [REDACTED] (ACF)  
**Sent:** Tuesday, August 15, 2017 5:23 PM  
**To:** White, Jonathan (ACF)  
**Cc:** [REDACTED] (ACF); [REDACTED] (ACF)  
**Subject:** UAC separated from parents

Good afternoon Jonathan,

As requested, below is a breakdown of the trends seen in UAC separations from parents as identified by DHS at the time of referral, both this week and across the last few months. I understand from the field that they are discovering more separations that were not reported in the initial referral- I don't have those numbers. Intakes does keep a daily tracking sheet of separations should you need additional details.

We have received 27 separations over the last 7 days. The majority of these referrals seem to be coming from El Paso and Phoenix. For August to date 50% are from El Paso and 27% Phoenix.

The last 7 days	# of UAC parental separations (as known at initial referral)
8/8	1
8/9	8
8/10	6
8/11	1
8/12	1
8/13	2
8/14	8

Month	# UAC separated from Parent	% of total monthly referrals separated from parent	# of separations clearly identified as due to parental immigration history only	% of separations due to immigration history only
April	10	1.5%	3	30%
May	23	2%	3	13%
June	26	1.6%	4	15%
July	44	1.9%	13	30%
8/1- 8/14	37	--	20	54%

Please let me know if there is any additional information I can help provide.

Regards,

[REDACTED]  
[REDACTED]

Office of Refugee Resettlement  
Division of Unaccompanied Children Operations  
330 C Street SW  
Washington, DC 20447

Desk: [REDACTED]

Cell: [REDACTED]

Fax: [REDACTED]

*\*Please note: I telework on Fridays and can be reached by email or cell.*



**To:** Lloyd, Scott (ACF) [REDACTED]  
**From:** White, Jonathan (ACF)  
**Sent:** Fri 9/8/2017 1:51:44 AM  
**Subject:** Operation Mega is extensively discussed in rumors

I'm betting tomorrow that ICE leadership will want to talk to you about their planned Operation Mega, which is expected to net thousands of undocumented immigrants in what everyone is discussing (the NGOs have been all abuzz and tonight it's even in the mainstream news) to be the largest immigration enforcement action in modern history.

If it comes up, our biggest request, I think, should be this:

Please don't separate minors from family units and refer them to us.

Jonathan

Jonathan D. White  
Commander, U.S. Public Health Service  
Deputy Director for Children's Programs  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
330 C Street SW  
[REDACTED]  
[REDACTED]

Message

From: [REDACTED]  
[REDACTED] -wynne, marg  
[REDACTED] -wynne, marg]  
Sent: 9/25/2017 9:04:10 PM  
Subject: bits of information

## Immigration and Nationality Act (Title 8 USC)

### §1101. Definitions

(a) As used in this chapter-

- (1) The term "administrator" means the official designated by the Secretary of State pursuant to section 1104(b) of this title.
- (2) The term "advocates" includes, but is not limited to, advises, recommends, furthers by overt act, and admits belief in.
- (3) The term "alien" means any person not a citizen or national of the United States.

From the ORR Policy Guide:

### 1.2.7 Placing Family Members (Siblings and Children of Unaccompanied Alien Children)

Under most circumstances, ORR places siblings together and unaccompanied alien children who are parents with their children. The following cases would be an exception to family grouping:

- The unaccompanied alien child wishes otherwise (evaluated on a case-by-case basis)
- The placement would be contrary to the developmental, treatment, or safety needs of the unaccompanied alien child or his or her children
- There is an unusual or emergency situation

In addition to the ones listed above, there are other exceptional circumstances that would prevent unaccompanied alien youth from residing with their children in the same care provider facility. These circumstances include an unaccompanied alien child who is a parent who:

- Requires specialized placement in a setting that cannot provide appropriate care for an infant or young child; for example, a residential treatment center or hospital
- Does not want his or her child to reside in the same place
- Is the subject of open or substantiated allegations of abuse or neglect against his or her child

If siblings or children of an unaccompanied alien child must be placed separately, the care provider tries to maintain regular ongoing contact, unless a mental health or child welfare professional deems the contact harmful, or unless the contact is contrary to the wishes of the UC.

The separation of an unaccompanied alien child from his or her siblings or from his or her child requires prior authorization of ORR.

Maggie Wynne  
Counselor for Human Services Policy  
Office of the Secretary

PaIUAC-003285

U.S. Department of Health and Human Services



*Deliberative and pre-decisional*

**To:** [REDACTED] (ACF) [REDACTED]  
**From:** White, Jonathan (ACF)  
**Sent:** Thur 9/28/2017 1:32:43 AM  
**Subject:** Re: Families

No I definitely will need all the info you can find.

Jonathan White  
Commander, US Public Health Service  
Deputy Director for Children's Programs  
Office of Refugee Resettlement  
Administration for Children and Families  
[REDACTED]

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On: 27 September 2017 21:19, "[REDACTED] (ACF)" <[REDACTED]> wrote:

DHS Policy is working on a family separation policy again, to send all children to ORR. They don't understand that ORR has its own obligations and these types of cases often end up with parent repatriated and kid in our care for months pending home studies, international legal issues, etc.

I will try to get some info unless you and Scott already have it.

**From:** Jonathan White  
**Importance:** Normal  
**Subject:** Find out about separation policy  
**Start Time:** Thur 9/28/2017 1:00:00 PM  
**End Time:** Thur 9/28/2017 2:00:00 PM

*Produced to Committee on Energy and Commerce Pursuant to Oversight Request,  
Do Not Disclose Without Permission from Dep't of Health and Human Services*



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

330 C Street, S.W., Washington, DC 20201 | [www.acf.hhs.gov](http://www.acf.hhs.gov)

**TO:** Steve Wagner, Acting Assistant Secretary for Children and Families  
**FROM:** Scott Lloyd, Director of Office of Refugee Resettlement  
**DATE:** October 11, 2017  
**SUBJECT:** ORR UAC Program Temporary Influx Shelter Site in Homestead Warm Status Costs

**Cost Analysis**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Background:**

The strategy of the Administration for Children and Families (ACF) Office of Refugee Resettlement (ORR) to maintain sufficient capacity to receive all Unaccompanied Alien Children (UAC) referred to ORR care by the Department of Homeland Security (DHS) is to maintain sufficient active, funded permanent shelter capacity, while preserving a contingency influx shelter site. In influx conditions, which ORR has defined operationally as a situation in which active, funded shelter capacity is at 85% or higher occupancy, ORR may stand up temporary influx shelters on an emergency basis to receive UAC.

An influx contingency site is necessary, but entails cost to maintain as an “insurance policy” against sudden increases in referrals. “Warm status” costs to have a site ready are lower than the actual costs of operating an influx shelter that receives UAC.

In FY 2018, there are multiple threats which could trigger a requirement for temporary influx shelter, of which the key threats are:

- Rapid growth in referrals due to increased migration of UAC across the Southwest border;
- Policy or operational change at DHS resulting in rapid growth in referrals (e.g., separation of children from Family Units for designation as UAC) or decline in discharges (e.g., enforcement actions against sponsors);
- Natural disaster, major grantee issue, or other unplanned event resulting in a sudden or rapid loss of existing permanent shelter capacity;

Any of these threats could cause ORR to exceed the 85% capacity target faster than additional bed capacity could be added. At this time, reactivation of previously deactivated permanent shelter capacity is averaging 90 days from notice to come back online. For perspective, in summer 2017 the 90-day period from 1 June to 1 September witnessed an increase in UAC census from 2400 (31% occupancy) to 4300 (69% occupancy) UAC in care.

In FY 2016, ORR operated a temporary influx shelter and health processing center at the US Department of Labor’s former Job Corps site in Homestead, Florida, which was ORR’s “Temporary Influx Shelter Branch 2/Homestead.” Branch 2 sheltered 8,816 UAC total during active shelter operations, and the site had a peak potential capacity of 2,700 beds. In early calendar 2017, there was a steep drop in the average daily referrals, and ORR experienced a period of sustained high discharge, resulting in the number of UAC nationally in ORR custody falling from nearly 12,000 in early December 2016 to 3,600 in care by mid-March. ORR stood down its influx mission, and on March 24, 2017, ORR concluded sheltering operations at Branch 2/Homestead, and placed the facility in “warm status.” ORR defines “warm status” for an influx contingency site as meeting all the following criteria:

1. ORR has the authority and permission to use the site for influx sheltering operations;
2. ORR has a contract (or grant) mechanism for shelter staffing and wrap-around services which could be activated within 30-45 days;
3. ORR has assessed and validated the site to be logistically suitable for activation to receive UAC within 30-45 days if required.

At Homestead, to maintain warm status, ORR's wrap-around services contractor maintains the site. Necessary functions include physical plant security to protect the site from unauthorized entry, basic operational maintenance, and payment of utilities. For example, due to the high humidity and temperatures in Miami-Dade County, climate control must be maintained in buildings to prevent mold growth.



**To:** Lloyd, Scott (ACF) [REDACTED]  
**Cc:** [REDACTED] (ACF) [REDACTED]  
**From:** [REDACTED] (ACF) (CTR)  
**Sent:** Tue 11/14/2017 4:12:08 PM  
**Subject:** RE: agenda items for 3pm meeting

Good morning,

Please note that [REDACTED] has a conflict with this meeting time and will not be able to attend.

Kindly,

[REDACTED] Office of the Director  
General Dynamics Information Technology (Contractor)  
Office of Refugee Resettlement (ORR)  
330 C. Street SW  
Washington DC, 20201

[REDACTED]  
[www.gdit.com](http://www.gdit.com)

**GENERAL DYNAMICS**  
Information Technology

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**From:** Lloyd, Scott (ACF)  
**Sent:** Tuesday, November 14, 2017 9:55 AM  
**To:** [REDACTED] (ACF) (CTR)  
**Cc:** [REDACTED] (ACF)  
**Subject:** agenda items for 3pm meeting

Scott

- ITIO
- PRM Memo
- Pregnancy Policy
- PR Delegation Meeting

- [REDACTED]
- Repatriation Update

- [REDACTED]
- Arrivals/ Numbers
  - LIRS investigation

UAC

- Capacity
- Homestead
- Family Separation
- IES Update

To: [REDACTED] (ACF); White, Jonathan (ACF) [REDACTED]  
Cc: [REDACTED] (ACF); [REDACTED] (ACF); [REDACTED]  
(ACF); [REDACTED] (ACF) (CTR); [REDACTED]  
From: [REDACTED] (ACF)  
Sent: Mon 11/20/2017 9:49:21 PM  
Subject: RE: EDH Briefing Request

I am on the phone with Steve Wagner about this right now. We have a meeting with Maggie at 2pm and we will get the materials in by 4pm tomorrow. Maggie will need to review first.

Thanks,  
[REDACTED]

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**From:** [REDACTED] (ACF)  
**Sent:** Monday, November 20, 2017 4:47 PM  
**To:** [REDACTED] (ACF) (CTR); [REDACTED] (ACF)  
**Cc:** [REDACTED] (ACF); [REDACTED] (ACF)  
**Subject:** FW: EDH Briefing Request  
**Importance:** High

[REDACTED],

Please see note from OS. Do you have materials for EDH Briefing scheduled for November 22, at 1:00 pm.

Thanks  
[REDACTED]

[REDACTED]  
[REDACTED]  
Immediate Office of the Assistant Secretary  
Administration for Children and Families (ACF)  
U.S. Department of Health and Human Services  
[REDACTED]  
[REDACTED]

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**From:** [REDACTED] (OS/IOS)  
**Sent:** Monday, November 20, 2017 4:23 PM  
**To:** [REDACTED] (ACF); [REDACTED] (ACF)  
**Subject:** RE: EDH Briefing Request  
**Importance:** High

Hi [REDACTED],

Could you please be sure to send me materials for the Briefing Book by 3pm tomorrow?

Thanks,  
[REDACTED]

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**From:** [REDACTED] (ACF)  
**Sent:** Wednesday, November 15, 2017 3:34 PM  
**To:** [REDACTED] (OS/IOS); [REDACTED] (ACF)  
**Subject:** RE: EDH Briefing Request

[REDACTED]  
I have confirmed that Wednesday, November 22 at 1 PM works for ACF.

Thanks,  
[REDACTED]

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**From:** [REDACTED] (OS/IOS)  
**Sent:** Wednesday, November 15, 2017 2:28 PM  
**To:** [REDACTED] (ACF); [REDACTED] (ACF)  
**Subject:** RE: EDH Briefing Request  
**Importance:** High

[REDACTED] could you please check to make sure that Wednesday, November 22 at 1pm works for ACF? –thanks, [REDACTED]

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**From:** [REDACTED] (ACF)  
**Sent:** Wednesday, November 15, 2017 1:55 PM  
**To:** [REDACTED] (OS/IOS); [REDACTED] (ACF)  
**Subject:** RE: EDH Briefing Request

Wow – we may never hear that again!



Okay, back to work!

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**From:** [REDACTED] (OS/IOS)  
**Sent:** Wednesday, November 15, 2017 1:54 PM  
**To:** [REDACTED] (ACF); [REDACTED] (ACF)  
**Subject:** RE: EDH Briefing Request

ACF Exec Sec is winning the day!

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**From:** [REDACTED] (ACF)  
**Sent:** Wednesday, November 15, 2017 1:53 PM  
**To:** [REDACTED] (OS/IOS); [REDACTED] (ACF)  
**Subject:** RE: EDH Briefing Request

☺ We did it with 8 minutes to spare! Gotta love it!

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**From:** [REDACTED] (OS/IOS)  
**Sent:** Wednesday, November 15, 2017 1:52 PM  
**To:** [REDACTED] (ACF); [REDACTED] (ACF)  
**Subject:** RE: EDH Briefing Request

Thanks, [REDACTED]!

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**From:** [REDACTED] (ACF)  
**Sent:** Wednesday, November 15, 2017 1:51 PM  
**To:** [REDACTED] (OS/IOS); [REDACTED] (ACF)  
**Subject:** RE: EDH Briefing Request

Hi [REDACTED]

ACF is submitting the completed form. Please let us know if you need anything else.

Thanks,  
[REDACTED]

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**From:** [REDACTED] (OS/IOS)  
**Sent:** Wednesday, November 15, 2017 11:20 AM  
**To:** [REDACTED] (ACF); [REDACTED] (ACF)  
**Subject:** EDH Briefing Request  
**Importance:** High

Good Morning,

Could you please complete the attached form and send to me **by 2pm today**? At the Policy Team meeting today, it was mentioned that the Acting Secretary needs a briefing on UACs/Family Separation next week. The briefing should be for 30 mins.

Thanks,

██████████

**To:** White, Jonathan (ACF) [REDACTED]  
**Cc:** Lloyd, Scott (ACF) [REDACTED]; MCALEENAN, KEVIN K [REDACTED]  
**From:** Homan, Thomas  
**Sent:** Mon 12/4/2017 11:31:14 AM  
**Subject:** RE: UAC referred subsequent to separations from FMUA

Got it. Thanks

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**From:** White, Jonathan (ACF) [mailto:[REDACTED]]  
**Sent:** Monday, December 04, 2017 6:30 AM  
**To:** Homan, Thomas  
**Cc:** Lloyd, Scott (ACF); MCALEENAN, KEVIN K  
**Subject:** Fwd: UAC referred subsequent to separations from FMUA

Re-sending per Tom's request.

Jonathan White  
 Commander, US Public Health Service  
 Deputy Director for Children's Programs  
 Office of Refugee Resettlement  
 Administration for Children and Families  
 [REDACTED]  
 [REDACTED]

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Begin Forwarded Message:

**From:** "White, Jonathan (ACF)" [REDACTED] >  
**Subject:** UAC referred subsequent to separations from FMUA  
**Date:** 17 November 2017 16:30  
**To:** Kevin McAleenan [REDACTED] <[REDACTED]>  
**Cc:** Thomas Homan [REDACTED] <[REDACTED]>, "Lloyd, Scott (ACF)" [REDACTED] >

Kevin,

It was good speaking with you yesterday. Per your request, I am writing to provide details regarding the increase in referrals of UAC resulting from separation of children from parents in FMUA.

While a small number of referrals each month have been separation cases, generally as a result of criminal apprehensions of parents accompanying UAC, ORR has noticed a significant increase in recent months—both in raw numbers, and in particular as a proportion of total referrals. (See chart below.)

In the attached spreadsheet, details including specific names and A#s for separation referrals received in September and October may be found. This includes data on referring sectors. See "September" and "October" tabs. The spreadsheet is password-protected due to containing PII. password for the spreadsheet will follow in separate email.

As you can see from that data, minors separated by DHS from FMUA and declared UAC are often TAs (12 years of age and younger) and in a significant number of cases are very young (ages 1-5). These UAC require specialized licensed beds different under state licensure law from most licensed UAC beds, and the numbers of these very young UAC resulting from separations has on some dates resulted in shortfalls of available beds licensed for very young TAs. UAC referred through separation generally have longer length of care in ORR custody than other UAC.

If there are additional questions, please don't hesitate to let me know.

Month/ Fiscal Year	2017			2018-YTD		
	# of total Referrals	# of Separations	% of separations to total	# of total Referrals	# of Separations	% of separations to total

			referrals			referrals
October	7,420	60	0.8%	2,982	91	3.1%
November	7,844	27	0.3%			
December	7,735	25	0.3%			
January	4,367	17	0.4%			
February	1,655	16	1.0%			
March	758	20	2.6%			
April	633	10	1.6%			
May	1,133	23	2.0%			
June	1,604	26	1.6%			
July	2,268	44	1.9%			
August	2,727	98	3.6%			
September	2,750	79	2.9%			
Total	40,894	445	1.1%	2982	91	3.1%

V/r,  
Jonathan

Jonathan D. White  
 Commander, U.S. Public Health Service  
 Deputy Director for Children's Programs  
 Office of Refugee Resettlement  
 Administration for Children and Families  
 U.S. Department of Health and Human Services  
 330 C Street SW





# Monthly Meeting with ORR Stakeholders

Jan. 18, 2018, 2-3:30 PM

Office of Refugee Resettlement

Administration for Children and Families/U.S. Department of Health and Human Services

Mary E. Switzer Building, 330 C St. SW, Washington, DC 20201

## ORR Agenda Items

### **I. Update on Referrals**

### **II. Influx Planning**

### **III. Policy Update**

### **IV. Medical Update**

### **V. Legal Services Update**

## Stakeholder Agenda Items

- **Capacity:** Can you please provide the respective bed capacity levels and percent of capacity currently filled for the various levels of ORR care? (**USCCB**)
- **Influx:**
  - At last meeting, you mentioned ORR was still assessing the damage at Homestead. Do you have any updates on the assessments that were being conducted for Homestead? Is it still being prepped for 500 beds? (**AI Justice**)
  - Can ORR please provide an update on the new influx facility in Texas? When will it open? How many minors will it serve? Will stakeholders be permitted to tour the facility? (**USCRI**)
- **Secure and Staff Secure:** USCRI is concerned that minors in secure and staff secure facilities are not receiving release decisions in a timely manner. Could ORR kindly share the average length of time it takes to make a release decision for minors who have been placed in secure or staff secure facilities? Has ORR considered revising the review process for those minors who have been subsequently stepped down? (**USCRI**)
- **Family Separation:**
  - Can ORR please share any new trends it is seeing with regard to family separation? Is ORR working to coordinate with ICE and/or DHS on family separation cases? (**CARA**)
  - USCRI has noticed an increase in family separation, particularly single fathers traveling with their young children. The fathers have been deported, leaving the children some as young as two years old, in the care of extended family. What



steps if any is ORR taking to address this issue and how can we as service providers assist when we learn during the home study process that the biological parents would like the child to return to their care in home country? **(USCRI)**

- At the last meeting, ORR mentioned that it would look into its ability to collect information/data on children in its custody as a result of family separation due to immigration enforcement by CBP or ICE. What has ORR determined in this regard? **(WRC)**
  - Has or is ORR considering establishing a mechanism or a policy to facilitate family communication and other needs in the event of a separation? **(WRC)**
  - How is ORR preparing for the Administration's plans to separate families at the border? What kind of impact will this have on ORR and how will ORR manage a potential large increase of referrals? Has DHS consulted ORR on this policy consideration and asked to provide a child welfare perspective? **(KIND/LIRS)**
  - LIRS has found a common problem for kids seeking voluntary departure in order to reunify with their parent prior to departure is delayed court proceedings. Even when cases are expedited, the court date is often still many weeks away and ICE decides it cannot wait that long. Would ORR be willing to do outreach to EOIR about expediting these types of cases so that a child isn't separated from a parent in ORR custody for unnecessary long periods of time. **(LIRS)**
  - What is ORR's policy when ICE wants to take custody of a child that is in ORR care? **(VERA)**
- **Bond Hearings:** Could you share any status updates on the revised *Flores* bond hearing notice? **(NIJC)**
  - **Sharing Information with Local Communities Policy (5.9):**
    - Does ORR have any additional updates on information sharing under this new policy? Have any further decisions been made on the particular manner in which information will be shared under this policy? **(USCCB & NIJC)**
    - Does ORR plan to update this policy to reflect the criteria that an individual or community must meet in order to make a request for information sharing? **(USCRI)**
  - **Sponsor Screening:** Is ORR considering any changes to its screening procedures of sponsors? **(LIRS)**
  - **Post-18 Plans:** For children aging out of ORR custody, how has ICE worked with ORR to consider post-18 plans and ATDs (as required by VAWA)? Are there certain regions where this is more a problem than others? Can ORR share how many kids were released to ICE custody upon their 18th birthday? **(LIRS)**
  - **National Call Center:** Can ORR share any recent data from the National Call Center? In particular, we would be interested to hear about the call volume, type of requests being made, and any demographic information available. **(USCCB)**

- **UC Portal:** USCRI has raised concerns about the ability to access the portal. It continues to run very slowly making it challenging to accept cases, upload closure reports, and download documents. While we have received communication that ORR is aware of the issue and is working to resolve it, we are seeking a timeline for when ORR expects the portal to be functioning at full capacity. USCRI has also inquired about the possibility of adding the minor's birthdate on the referral tab to assist providers in accepting urgent age out home studies and post release cases. Is this something that we can expect to see in the new program year? **(USCRI)**

**To:** White, Jonathan (ACF) [REDACTED]  
**From:** [REDACTED] (HHS/OGC) (ACF)  
**Sent:** Wed 1/31/2018 5:41:01 PM  
**Subject:** RE: Quick HHS question

Got it!

---

**From:** White, Jonathan (ACF)  
**Sent:** Wednesday, January 31, 2018 12:40 PM  
**To:** [REDACTED] (HHS/OGC) (ACF)  
**Subject:** RE: Quick HHS question

No, [REDACTED] can handle this one. I could probably give the answer myself, but he makes it sound so much better than I do.

Besides, I alienated this group last week when I called BS on the DHS argument that the combination of the MOA and a new policy to separate children from family units and designate them UAC would only require 4,000 ORR beds for the MOA and 9,000 for the MOA plus family unit separation. So we can start cutting beds now! According to DHS' estimates. So I need to be solicitous and kind to them today.

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**From:** [REDACTED] (HHS/OGC) (ACF)  
**Sent:** Wednesday, January 31, 2018 12:38 PM  
**To:** White, Jonathan (ACF)  
**Subject:** RE: Quick HHS question

I have meetings through 4pm today, but I don't think you need me for the call.

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**From:** White, Jonathan (ACF)  
**Sent:** Wednesday, January 31, 2018 12:35 PM  
**To:** [REDACTED]; [REDACTED] (ACF)  
**Cc:** [REDACTED]; [REDACTED]; [REDACTED] (ACF); [REDACTED] (HHS/OGC) (ACF)  
**Subject:** RE: Quick HHS question

If I set up a quick call for 1400 today, does that work for everybody?

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**From:** White, Jonathan (ACF)  
**Sent:** Wednesday, January 31, 2018 12:28 PM  
**To:** [REDACTED]; [REDACTED] (ACF)  
**Cc:** [REDACTED]; [REDACTED]; [REDACTED] (ACF); [REDACTED] (HHS/OGC) (ACF)  
**Subject:** Re: Quick HHS question

[REDACTED]

Yes—we sure can. It may be helpful to loop in the ORR policy team, whom I have CC'd.

Jonathan

Jonathan White  
Commander, US Public Health Service  
Deputy Director for Children's Programs  
Office of Refugee Resettlement  
Administration for Children and Families

On: 31 January 2018 12:18, [REDACTED] "DHS Redacted" wrote:

Gents – Good afternoon. Can you assist with the below? I found the below statement on your HHS website and am wondering if one of you are available to discuss further. We are trying to get educated on the below process as it pertains to UACs and their sponsors.

## Sponsors and Placement

### Release of Unaccompanied Alien Children to Sponsors in the U.S.

In this determination process, immigration status information is requested of sponsors, and also may emerge through the background checks. Since January 2014, care providers have been required to enter this information into the ORR portal, a procedure that was optional until that time. Immigration status information, however, is not used to disqualify potential sponsors. Instead, it is used to ensure the safety and well-being of the child by making sure that there is an adequate care plan in place that takes all relevant aspects of the sponsor's situation into consideration.

Thanks!



Commander  
CBP – MCAT

**DHS Redacted**

Appointment

---

**From:** [REDACTED] (ACF) [REDACTED]  
[REDACTED]  
**Sent:** 2/27/2018 3:32:20 PM  
**To:** [REDACTED] (ACF) [REDACTED]  
**Subject:** FW: Separated family discussion ICE and CBP  
**Location:** EROLD Conference line  
**Start:** 2/28/2018 8:30:00 PM  
**End:** 2/28/2018 9:00:00 PM  
**Show Time As:** Tentative

*Produced to Committee on Energy and Commerce Pursuant to Oversight Request,  
Do Not Share Without Permission from Dep't of Health and Human Services*

Message

From: [REDACTED] (ACF) (CTR) [REDACTED]  
Sent: 4/3/2018 2:25:22 PM  
To: [REDACTED] (ACF) (CTR) [REDACTED]  
CC: [REDACTED] (ACF) [REDACTED]; [REDACTED] (ACF) [REDACTED]  
Subject: RE: Intakes- Director's Report

Thanks [REDACTED]

[REDACTED]  
General Dynamics Information Technology  
Division of Unaccompanied Children Operations (DUCCO)  
Office of Refugee Resettlement  
Direct [REDACTED]  
Fax [REDACTED]  
[REDACTED]  
[REDACTED]

**GENERAL DYNAMICS**  
Information Technology

---

From: [REDACTED] (ACF) (CTR)  
Sent: Tuesday, April 03, 2018 10:25 AM  
To: [REDACTED] (ACF) (CTR) <[REDACTED]>  
Cc: [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>  
Subject: Intakes- Director's Report

Good Morning [REDACTED]

Below are the updates from Intakes for this week's Directors report.

- The average number of daily referrals from **March 26 to April 01** is **176**, which is an **increase of 40** from the previous week's average. The average number of daily discharges during this timeframe is **119**, which is an **increase of 65** from the previous week's average.
- Intakes has seen an uptick in referrals for minors with criminal histories.
- Intakes continues to support the field in enhanced identification and tracking of UAC separated from a parent by DHS. Rates of separated UAC remain significantly higher than in previous fiscal years.

Referral snapshot-March 26 to April 01

- Total referrals placed: **1237**
  - **13%** tender age (0-12)
  - **72% Male, 28% Female**
- Country of Birth:

- 51% Guatemala
- 30% Honduras
- 11% El Salvador (up from 7% the week prior)
- 3% Other
- 3% Mexico
- 8 UAC mother & baby groups placed
- 2 UAC were placed in a staff secure facility
- 21 UAC were reported as separated from a parent by DHS
  - FY18 to date: 746 separated UAC

Thank you,

[REDACTED]  
[REDACTED]

General Dynamics Information Technology  
Office of Refugee Resettlement (ORR)  
330 C St., SW  
Washington, DC 20447

[REDACTED] Office

[REDACTED] Cell

[REDACTED] Fax

[REDACTED]@acf.hhs.gov

[www.gdif.com](http://www.gdif.com)

**GENERAL DYNAMICS**  
Information Technology

Confidential, Do Not Share  
Without Permission from  
Dep't of Health and Human Services

MEMORANDUM OF AGREEMENT  
AMONG  
THE OFFICE OF REFUGEE RESETTLEMENT  
OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
AND  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AND  
U.S. CUSTOMS AND BORDER PROTECTION  
OF THE U.S. DEPARTMENT OF HOMELAND SECURITY  
REGARDING  
CONSULTATION AND INFORMATION SHARING  
IN UNACCOMPANIED ALIEN CHILDREN MATTERS

**I. Parties**

The Parties to this Memorandum of Agreement (MOA) are the Office of Refugee Resettlement (ORR) in the Administration for Children and Families of the U.S. Department of Health and Human Services (HHS), and U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) of the U.S. Department of Homeland Security (DHS) (collectively “the Parties”).

**II. Purpose**

The purpose of this MOA is to set forth the expectations of the Parties and implement processes for the Parties to share information about unaccompanied alien children (UACs) at the time of referral from ICE or CBP to ORR; while in the care and custody of ORR, including in the vetting of potential sponsors and adult members of potential sponsors’ households; and upon release from ORR care and custody. This MOA sets forth a process by which DHS will provide HHS with information necessary to conduct suitability assessments for sponsors from appropriate federal, state, and local law enforcement and immigration databases, as required by law. Such information includes information to which HHS would otherwise not have access and without which suitability assessments are incomplete. The Parties recognize such information-sharing as a top priority requiring special attention to ensure that the transfer, placement, and release of UACs are safe for the UACs and the communities into which they are released.

This MOA does not address all necessary coordination between the Parties, nor is that the intent of this document. It is not a substitute for, nor does it supersede or revise, the Parties’ responsibilities under the Memorandum of Agreement between the Department of Homeland Security and the Department of Health and Human Services Regarding Unaccompanied Alien Children, executed on February 22, 2016, which established a framework for interagency coordination.



### **III. Authorities**

This MOA is authorized under, and entered into consistent with, the following provisions of law:

- A. Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 102(b), 462, 116 Stat. 2135, 2142, 2202 (codified at 6 U.S.C. §§ 112(b), 279);
- B. William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, § 235, 122 Stat. 5044, 5077-79 (codified in principal part at 8 U.S.C. § 1232);
- C. Privacy Act of 1974, as amended, 5 U.S.C. § 552a;
- D. Immigration and Nationality Act of 1952, as amended, §§ 103(a), 287 (codified at 8 U.S.C. §§ 1103(a), 1357); and
- E. Tariff Act of 1930, as amended, § 589 (codified at 19 U.S.C. § 1589a).

### **IV. HHS and DHS Responsibilities Upon Initial Referral**

#### **A. Initial Referral and Transfer**

1. At the time of initial referral, the DHS component (ICE or CBP) referring the UAC to HHS (specifically, ORR) will electronically transfer the following information about the UAC, to the extent such information is known and can be gathered in an operationally reasonable manner, to ORR through the UAC Portal or by some other appropriate method:
  - a. Basic biographical data (e.g., name, date of birth, country of birth, potential sponsor information);
  - b. Situational factors (e.g., health, pregnancy, travel companions);
  - c. Human trafficking indicators; and
  - d. Known criminal or behavioral issues, including arrests, criminal charges and convictions, immigration history, gang affiliation or suspected gang affiliation, and violence or behavioral concerns.
2. To ensure ORR has available information and supporting documentation to make an informed placement decision, the apprehending DHS component (ICE or CBP) will normally include in the Transfer Packet:
  - a. Copies of all identity documents;
  - b. DHS Form I-213, Record of Deportable/Inadmissible Alien;
  - c. DHS Form I-216, Record of Persons and Property Transferred;
  - d. DHS Form I-217, Information for Travel Document or Passport;

- e. DHS Form I-770, Notice of Rights and Request for Disposition;
  - f. DHS Form I-862, Notice to Appear or other charging document;
  - g. CBP Form 93, Unaccompanied Alien Child Screening Addendum (trafficking information), if conducted;
  - h. Other applicable DHS, ICE, or CBP forms, if applicable, such as DHS Form I-200, Warrant for Arrest of Alien; and
  - i. Copies of any publicly available federal, state, or local criminal records in the possession of the apprehending DHS component (ICE or CBP) at the time of transfer and appropriate available documentation describing any gang, immigration, criminal, or other activity that may affect placement.
3. As expeditiously as possible, but no later than 24 hours after receiving notification from ICE or CBP of a UAC needing placement at an ORR facility, ORR will send a notification email notifying both ICE and CBP of the placement location. At a minimum, the message will include:
- a. Identifying information of the UAC at issue;
  - b. Facility name and location; and
  - c. Facility point of contact (name and telephone number).

#### **B. ORR Care**

1. While UAC are in ORR care, ORR will notify ICE or CBP of the following situations, as expeditiously as possible, but no later than 48 hours after the occurrence:
- a. Unauthorized absences. The ORR-funded care provider will contact the ICE Enforcement and Removal Operations (ERO) Field Office Juvenile Coordinator (FOJC) by telephone and provide notice by email.
  - b. Arrest of a UAC in ORR custody. The ORR-funded care provider will contact the FOJC by telephone and provide notice by email.
  - c. Death of a UAC. ORR headquarters will immediately notify, by telephone, ICE ERO.
  - d. Alleged or suspected fraud, human smuggling, human trafficking, drug trafficking, weapons trafficking, or gang-related activity. ORR will notify the ICE Homeland Security Investigations Tip Line by email and, for human trafficking specifically (either by or of a UAC), ORR will also email the ICE Human Trafficking Help Desk.
  - e. Abuse of a UAC in ICE or CBP custody. If ORR becomes aware of allegations of abuse of a UAC while he or she was in ICE or CBP custody, ORR will notify the appropriate DHS component (ICE or CBP) as required under ORR policy.
  - f. Violence by a UAC while in ORR care. ORR will notify the FOJC of incidents of physical violence or assault by a UAC in its care, including incidents between a UAC and facility staff.

- g. Change in level of care. ORR will provide notice by email to the FOJC of any step up/step down to or from secure care for the UAC.
- 2. ORR will provide to the FOJC copies of all age-determination findings concluding that an individual is 18 years of age or over, as soon as possible from the time of such determination.
- 3. If ICE or CBP becomes aware of any criminal information (e.g., information regarding gang affiliation) that it did not have at the time of initial referral and transfer, ICE or CBP will notify ORR as expeditiously as practicable after becoming aware of the information (using their best efforts to provide such notification within 48 hours), and provide supporting documentation, to aid in ORR's consideration of whether transfer of the UAC may be necessary.
- 4. To the extent permitted by law, and consistent with policy, DHS will report to ORR the results of any investigations (including investigations commenced following ORR's notification under Section IV(B)(1) of this MOA) they conduct that would be relevant to ORR's determinations concerning UAC care and placement. Such information will be provided as expeditiously as possible, and normally within 96 hours of such information becoming available.

## **V. HHS and DHS Responsibilities Prior to ORR Release of a UAC to a Sponsor**

### **A. HHS's Responsibilities**

- 1. Pursuant to 8 U.S.C. § 1232(c)(3)(A), HHS must make a determination that a proposed sponsor is capable of providing for the child's physical and mental well-being. Such determination includes verification of the proposed sponsor's identity and relationship, as well as a finding that the proposed sponsor has not engaged in any activity that would indicate a potential risk to the child. In all placement determinations, HHS must ensure, among other things, that the UAC is likely to appear for all hearings or proceedings in which they are involved, is protected from smugglers and traffickers, and is placed in a setting where the UAC will not pose a danger to himself or others. 6 U.S.C. § 279(b)(2). In order to fulfill its statutory duty under 8 U.S.C. § 1232(c)(3)(A) and to ensure that all proposed placements meet the standards set forth in 6 U.S.C. § 279, ORR will take the following steps:
  - a. Prior to any release of a UAC from ORR care and custody to any sponsor, ORR will request from ICE information about all potential sponsors and adult members of potential sponsors' households, in order to aid HHS in determining the suitability of a potential sponsor. Such information includes the citizenship, immigration status, criminal history, and immigration history (to the extent consistent with the Privacy Act of 1974). ORR will advise the potential sponsor that this process is a required step in the UAC placement process.

B. ORR will provide ICE with the name, date of birth, address, fingerprints (in a format and transmitted as prescribed by ICE from time to time), and any available identification documents or biographic information regarding the potential sponsor and all adult members of the potential sponsor's household. ICE will then provide ORR with the summary criminal and immigration history of the potential sponsor and all adult members of the potential sponsor's household to the extent available to ICE, consistent with the applicable confidentiality provisions of the Immigration and Nationality Act (INA). ORR will use the criminal and immigration history information provided by ICE in ORR's individualized determination of sponsorship eligibility.

1. ICE will ascertain only criminal and immigration history information. ORR will remain responsible for searching various databases including public records, Sex Offender Registry, National (FBI) Criminal History, Child Abuse and Neglect, State Criminal History Repository, and local police records for all potential sponsors.

### C. DHS's Responsibilities

1. Upon notice from an ORR-funded care provider that a potential sponsor or adult member of a potential sponsors' household requires screening for criminal and immigration histories and that ORR has received proper authorization from the potential sponsor or adult household members, ICE will conduct the initial screening. At a minimum, the review will include:
  - a. A biographic criminal check of the national databases;
  - b. A biographic check for wants and warrants; and
  - c. An immigration status check of the immigration databases.
2. ICE will run the fingerprints of the potential sponsor and/or adult household member and review the response received for any criminal activity.
3. ICE will provide the relevant criminal and immigration history information (consistent with the applicable confidentiality provisions of the INA) on the potential sponsor and adult household members within 72 hours, excluding weekends and holidays, after ORR requests the information and provides ICE with the necessary background information on the potential sponsor or adult member of the potential sponsors' household.

### VI. Severability

Nothing in this Agreement is intended to conflict with current law or regulation or the directives of DHS, CBP, ICE, HHS, or ORR. If a term of this MOA is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

**VII. Disputes**

Disagreements between the Parties arising under or related to this MOA will be resolved by consultation. Attempts to resolve disputes will occur first at the lowest level possible. Any issues left unresolved after due consultation may be raised to the appropriate levels in the Parties, or if necessary, DHS and HHS.

**VIII. Funding**

Each Party intends to bear its own costs in relation to this MOA. Expenditures are subject to the Parties' budgetary resources and availability of funds pursuant to applicable laws and regulations. The Parties expressly acknowledge that this MOA in no way implies that funding is to be made available for such expenditures and does not obligate the Parties to expend any funds. Nothing in this MOA is intended to or shall be construed to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury in violation of the Antideficiency Act, 31 U.S.C. §§ 1341-1519.

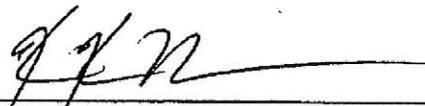
**IX. No Private Rights**

This MOA is an agreement between the Parties and is not intended to, does not, and should not be construed to create any right or benefit, substantive or procedural, enforceable at law or in equity by any party in any administrative, civil, or criminal matter, against the United States, or any of its agencies, officers, or employees. This MOA does not and is not intended to place any limitations on the otherwise lawful enforcement or litigative prerogatives of the Parties.

**X. Effective Date, Modification, and Termination**

This MOA will take effect thirty (30) days after signature by the Parties and will remain in effect until revised or revoked in writing by mutual agreement of the Parties, or terminated without cause by any Party upon thirty (30) days advance notice in writing of intent to terminate.

Approved by:

  
\_\_\_\_\_  
Kevin K. McAleenan  
Commissioner  
U.S. Customs and Border Protection  
U.S. Department of Homeland Security

04/13/18  
Date



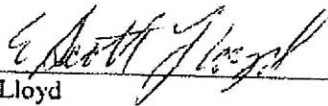
Thomas D. Homan  
Deputy Director and Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security

APR 13 2018  
Date



Steven Wagner  
Acting Assistant Secretary for Children and Families  
U.S. Department of Health and Human Services

04-13-18  
Date



Scott Lloyd  
Director  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services

4/13/18  
Date

**To:** Lloyd, Scott (ACF) [REDACTED]  
**From:** [REDACTED] (ACF)  
**Sent:** Thur 4/19/2018 11:09:32 PM  
**Subject:** Re: MEDIA INQUIRY follow up: New York Times, UAC separated from parents data-->reporter insisting data is from ORR, "the validity of the data we are using has been confirmed for us on background by HHS officials who are personally familiar with it."

The Communication with DHS goes back a long while. ORR and DHS tried to figure out a solution to the lack of notice and coordination. DHS realized about two months ago that they had in internal glitch causing the problem of lack of notice. That was during an OGC/OPLA organized call.

DHS and ORR are never supposed to communicate each other's data- each are supposed to refer to the respective comms team. So I am surprised that DHS shared ORR field info with the press as a representation of their own enforcement actions.

Also, it almost looks like the reporter is talking to staff or grantees. Or maybe with DHS staff.

I'm going to look through emails tonight to see if I can learn more of the backstory. I heard that the field was trying to get a handle on this and was still working with DHS field to come up with solutions. [REDACTED] mentioned they found several hundred and I recall him recently saying they had more than 700.

Let me see what I can find out. My number is [REDACTED].

On: 19 April 2018 18:43, "Lloyd, Scott (ACF)" [REDACTED] wrote:

[REDACTED]  
I'd be interested to know the story of this communication with DHS.  
Thank you,  
Scott

---

**From:** [REDACTED] (ACF)  
**Sent:** Thursday, April 19, 2018 6:31 PM  
**To:** [REDACTED] (ACF); Lloyd, Scott (ACF); [REDACTED] (ACF)  
**Cc:** [REDACTED] (ACF); [REDACTED] (ACF); [REDACTED] (ACF)  
**Subject:** Re: MEDIA INQUIRY follow up: New York Times, UAC separated from parents data-->reporter insisting data is from ORR, "the validity of the data we are using has been confirmed for us on background by HHS officials who are personally familiar with it."

From a programmatic perspective, since DHS is now using ORR working data to describe their actions, I don't have a problem with using the last two paragraphs below, or even more specifically saying that the number exceeded 700 instead of "several hundred". On [REDACTED] behalf, I can check with the program to get the actual number of cases they shared with DHS.

Maybe add another sentence something like this... "This does not reflect the actual number of family separations, a number that only DHS would know"

On: 19 April 2018 18:14, "[REDACTED] (ACF)" [REDACTED] wrote:

Okay, so we have a problem here when we told the New York Times today: "We cannot verify the numbers because they do not come from the Office of Refugee Resettlement at HHS' Administration for Children and

Families.”

ORR field staff numbers are ORR numbers on UACs, even if they aren't in the form of an official report. Especially when they are shared with DHS.

ORR, would you proposed revised language, including numbers/data, based on what we now know? We need to amend our New York Times statement ASAP.

---

**From:** [REDACTED] (ACF)  
**Sent:** Thursday, April 19, 2018 6:08 PM  
**To:** Lloyd, Scott (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>  
**Cc:** [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>  
**Subject:** Re: MEDIA INQUIRY follow up: New York Times, UAC separated from parents data-->reporter insisting data is from ORR, "the validity of the data we are using has been confirmed for us on background by HHS officials who are personally familiar with it."

Yes. It may become known through the ordinary course of work in ORR. Then ORR reaches out to DHS to try to find the parents and establish communication.

As to your second question, It looks like the field found around a hundred a month. Yes it is an increase. Before 2017, family separation happened, but not often.

On: 19 April 2018 18:03, "Lloyd, Scott (ACF)" <[REDACTED]> wrote:

A couple questions, then:

How do we know that they were separations, is it through the reunification process?

Do we know whether these cases represent a rise in the percentage of UAC in care? The numbers of referrals generally have been rising.

Thank you,  
Scott

---

**From:** [REDACTED] (ACF)  
**Sent:** Thursday, April 19, 2018 6:00 PM  
**To:** [REDACTED] (ACF); [REDACTED] (ACF); [REDACTED] (ACF); Lloyd, Scott (ACF)  
**Cc:** [REDACTED] (ACF); [REDACTED] (ACF)  
**Subject:** Re: MEDIA INQUIRY follow up: New York Times, UAC separated from parents data-->reporter insisting data is from ORR, "the validity of the data we are using has been confirmed for us on background by HHS officials who are personally familiar with it."

For your background:

I think that DHS shared with the press the number from the working list that our field recently compiled and shared with DHS field (a working field document to try to get a handle on this problem- not an official count). It is likely not a complete or accurate list/number. It grew to over 700. So the actual number of separations is probably larger.



On: 19 April 2018 17:50, "[REDACTED] (ACF)" [REDACTED] > wrote:

Based upon input from [REDACTED] at ASPA and [REDACTED] possible **proposed response** (if ACF is going to provide response this evening):

**The Office of Refugee Resettlement (ORR) at HHS' Administration for Children and Families cannot and will not corroborate a data report we have not seen or from an unknown source.**

**The Department of Homeland Security does not inform the Office of Refugee Resettlement that a particular referred child was separated or the whereabouts of the parents.**

**In pursuing the best interests of the child, ORR and its service providers work diligently to identify if each child was separated and to locate the parents. While ORR does not receive information or data on DHS actions, ORR has worked to resolve several hundred of these types of cases in the past year.**

v/r,

---

**From:** [REDACTED] (ACF)  
**Sent:** Thursday, April 19, 2018 5:43 PM  
**To:** [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>; Lloyd, Scott (ACF)  
**Cc:** [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>  
**Subject:** RE: MEDIA INQUIRY follow up: New York Times, UAC separated from parents data-->reporter insisting data is from ORR, "the validity of the data we are using has been confirmed for us on background by HHS officials who are personally familiar with it."

Thanks. Also adding Scott. (Scott, this is about the New York Times request on family separation/UAC data.)

What is unclear to me is: if DHS does not share family separation UAC data with ORR, then where would any such data come from?

In other words, is ORR building its own data set based on what we learn upon searching for a parent?

And, if so, then shouldn't we be presenting that data? (Especially if we are alleging the number of 700 this fiscal year is incorrect.)

---

**From:** [REDACTED] (ACF)  
**Sent:** Thursday, April 19, 2018 5:36 PM  
**To:** [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>  
**Cc:** [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) <[REDACTED]>  
**Subject:** RE: MEDIA INQUIRY follow up: New York Times, UAC separated from parents data-->reporter insisting data is from ORR, "the validity of the data we are using has been confirmed for us on background by HHS officials who are personally familiar with it."

+ [REDACTED]  
Looping in [REDACTED] on this conversation... and [REDACTED] for awareness

---

**From:** [REDACTED] (ACF)  
**Sent:** Thursday, April 19, 2018 5:33 PM

To: [REDACTED] (ACF) [REDACTED] >; [REDACTED] (ACF)

[REDACTED] >

Cc: [REDACTED] (ACF) <[REDACTED]>

**Subject:** RE: MEDIA INQUIRY follow up: New York Times, UAC separated from parents data-->reporter insisting data is from ORR, "the validity of the data we are using has been confirmed for us on background by HHS officials who are personally familiar with it."

Hi [REDACTED]

Sounds like DHS shared some ORR data (that does not represent the full picture of DHS actions). It also sounds like a symptom of breakdown in interagency communication.

You could develop something like this, although I don't know if it will clear:

The Department of Homeland Security does not inform the Office of Refugee Resettlement that a particular referred child was separated or the whereabouts of the parents. In pursuing the best interests of the child, ORR and its service providers work diligently to identify if each child was separated and to locate the parents. While ORR does not receive information or data on DHS actions, ORR has worked to resolve several hundred of these types of cases in the past year.

---

**From:** [REDACTED] (ACF)

**Sent:** Thursday, April 19, 2018 5:10 PM

**To:** [REDACTED] (ACF) <[REDACTED]>; [REDACTED] (ACF) [REDACTED]

**Cc:** [REDACTED] (ACF) [REDACTED] >

**Subject:** MEDIA INQUIRY follow up: New York Times, UAC separated from parents data-->reporter insisting data is from ORR, "the validity of the data we are using has been confirmed for us on background by HHS officials who are personally familiar with it."

**Importance:** High

Good evening, [REDACTED]:

In response to the New York Times reporter inquiry earlier this week: **"We are preparing to publish a story based on ORR data provided to us by Homeland Security officials on background that shows that more than 700 children have been separated from their parents since last October. According to our sources, the data shows that about half of the children are under 10 years old and more than a quarter are under five years old. The story will also say that ORR-contracted shelters have struggled increasingly to track down the parents of children who show up at their facilities after being separated --so the children effectively become lost in the system until ORR contractors can track the parents down. We wanted to run this by you to ensure that HHS/ORR doesn't dispute any of our findings or care to add context or further comment."**

ACF provided the following response to *The New York Times* this morning:

**"We cannot verify the numbers because they do not come from the Office of Refugee Resettlement at HHS' Administration for Children and Families. We understand that DHS has provided you with a statement and is disputing the accuracy of the numbers."**

The NYT reporter is **insisting** that the numbers are from ORR:

**"The numbers do in fact come from HHS/ORR. Please send this back to your superiors for a response that actually addresses our findings. The numbers do not come from DHS. We understand that DHS is disputing the accuracy of the numbers based on their own data, but that is an entirely different dataset.**

**And to be clear, the validity of the data we are using has been confirmed for us on background by HHS officials who are personally familiar with it."**

Can ORR provide any insight as to where she may have gotten the data or why she would be so insistent the data is from ORR? Particularly as she says "validity of the data we are using has been confirmed for us on background by HHS officials who are personally familiar with it"?

I will be staying after hours until approx. 6:45 p.m. and look forward to hearing back on from you on a proposed response; please ensure that Scott has approved any response we will provide.

Please let me know if you have any questions; happy to discuss by phone or come upstairs in person – am here to assist in this as needed.,

Thank you,

**From:** [REDACTED] [mailto:[REDACTED]@nytimes.com]  
**Sent:** Thursday, April 19, 2018 4:47 PM  
**To:** [REDACTED] (ACF) <[REDACTED]>  
**Subject:** Re: MEDIA INQUIRY: New York Times Request on Deadline

[REDACTED] the numbers do in fact come from HHS/ORR.

Please send this back to your superiors for a response that actually addresses our findings. The numbers do not come from DHS.

We understand that DHS is disputing the accuracy of the numbers based on their own data, but that is an entirely different dataset.

Please get back to me ASAP.

[REDACTED]

On Thursday, April 19, 2018, [REDACTED] (ACF) <[REDACTED]> wrote:

Hi [REDACTED]  
Thanks again for reaching out.

We cannot verify the numbers because they do not come from the Office of Refugee Resettlement at HHS' Administration for Children and Families. We understand that DHS has provided you with a statement and is disputing the accuracy of the numbers.

**On Background –**

- The U.S. Department of Health and Human Services (HHS) is legally required to accept placement for any child meeting the definition of an unaccompanied alien child (UAC) as defined under 6 U.S.C. §279(g)(2) referred following the provisions of 8 U.S.C. §§1232(b)(1)-(3).
- In general, consistent with relevant federal law, release from ORR custody may not occur until ORR has identified, evaluated and approved an appropriate sponsor in accordance with [Section 2](#) of the Unaccompanied Alien Children (UAC) Policy Guide. ORR's first preference for placement would be with a parent or legal guardian of the child.
- All potential sponsors for UAC are required to undergo background checks and complete a sponsor assessment process that identifies risk factors and other potential safety concerns. As a part of the release process, all potential sponsors must undergo a criminal public records check and a sex offender registry check. ORR also conducts background checks on adult household members and individuals identified in a potential sponsor's care plan. Additionally, a fingerprint background check is required if there is a documented risk to the safety of the minor, the minor is especially vulnerable, the case is referred for a home study, any other special concern is identified, or the sponsor is not the child's parent or legal guardian. Home studies are also required in certain instances.
- ORR has cared for more than 175,000 UAC since inheriting the program in 2003, incorporating child welfare values as well as the principles and provisions established by the Flores Agreement in 1997; the Homeland Security Act of 2002; and the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008.
- Parents attempting to determine if their child is in our custody should contact the [ORR National Call Center](#) at 1-800-203-7001. The ORR National Call Center has numerous resources available for children, parents, and sponsors.

- Outside entities, attorneys, or other individuals seeking UAC case file information must make a request to ORR under the appropriate policies and procedures.

Thank you,  
[REDACTED]

[REDACTED]  
Public Affairs Specialist  
Office of Communications  
Administration for Children and Families (ACF)  
U.S. Department of Health and Human Services  
[REDACTED] | [REDACTED]

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[www.acf.hhs.gov](http://www.acf.hhs.gov) | [www.acf.hhs.gov/media](http://www.acf.hhs.gov/media)

**From:** [REDACTED] [mailto:[REDACTED]@nytimes.com]  
**Sent:** Thursday, April 19, 2018 10:54 AM  
**To:** [REDACTED] (ACF) <[REDACTED]>  
**Subject:** Re: MEDIA INQUIRY: New York Times Request on Deadline

Hi [REDACTED] where are we on this?

[REDACTED]  
The New York Times  
[REDACTED]  
[REDACTED]

On Wed, Apr 18, 2018 at 5:55 PM, [REDACTED] (ACF) <[REDACTED]> wrote:  
It's at the final level of Department clearance and I'm waiting to hear back.

**From:** [REDACTED] [mailto:[REDACTED]@nytimes.com]  
**Sent:** Wednesday, April 18, 2018 5:49 PM  
**To:** [REDACTED] (ACF) <[REDACTED]>  
**Subject:** Re: MEDIA INQUIRY: New York Times Request on Deadline

Thank you. Could you send an ETA?

[REDACTED]  
The New York Times  
[REDACTED]  
[REDACTED]

On Wed, Apr 18, 2018 at 4:46 PM, [REDACTED] (ACF) <[REDACTED]> wrote:  
Still waiting on clearance and still continuing to bug people about clearing it.

[REDACTED]  
**From:** [REDACTED] [mailto:[REDACTED]@nytimes.com]  
**Sent:** Wednesday, April 18, 2018 4:41 PM  
**To:** [REDACTED] (ACF) <[REDACTED]>  
**Subject:** Re: MEDIA INQUIRY: New York Times Request on Deadline

[REDACTED] can you please send an update ASAP?

Thank you,

[REDACTED]

[REDACTED]

The New York Times

[REDACTED]

On Wed, Apr 18, 2018 at 12:40 PM, [REDACTED] (ACF) <[REDACTED]>

wrote:

Hi [REDACTED]

The response is currently in the clearance process and I am diligently monitoring the status and bugging people to get this cleared for release. I will get the information to you just as soon as I have it.

Thank you,

[REDACTED]

[REDACTED]

*Public Affairs Specialist*

**Office of Communications**

**Administration for Children and Families (ACF)**

U.S. Department of Health and Human Services

[REDACTED] | [REDACTED]

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[www.acf.hhs.gov](http://www.acf.hhs.gov) | [www.acf.hhs.gov/media](http://www.acf.hhs.gov/media)

**From:** [REDACTED]@nytimes.com]

**Sent:** Wednesday, April 18, 2018 12:08 PM

**To:** [REDACTED] (ACF) [REDACTED]>

**Subject:** Re: MEDIA INQUIRY: New York Times Request on Deadline

Hi [REDACTED] We've passed my deadline. Where are we on a response to these questions?

Thank you,

[REDACTED]

--

[REDACTED]

The New York Times

[REDACTED]

Message

**From:** White, Jonathan (ACF) [REDACTED]  
**Sent:** 6/15/2018 1:53:50 PM  
**To:** [REDACTED] (HHS/OASH) [REDACTED]  
**Subject:** RE: bullets for planning

I'm letting [REDACTED] (who is up to his eyeballs in the Tornillo stand-up) know about our conversation just so there are no surprises later.

Jonathan D. White, Ph.D., LCSW-C, CPH  
Commander, U.S. Public Health Service Commissioned Corps  
Executive Director, National Advisory Committees

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**From:** [REDACTED] (HHS/OASH)  
**Sent:** Friday, June 15, 2018 9:50 AM  
**To:** White, Jonathan (ACF) <[REDACTED]>  
**Subject:** RE: bullets for planning

You know darn well I will.

---

**From:** White, Jonathan (ACF)  
**Sent:** Friday, June 15, 2018 9:49 AM  
**To:** [REDACTED] (HHS/OASH) <[REDACTED]>  
**Subject:** RE: bullets for planning

Let me know any way I can help.

Jonathan D. White, Ph.D., LCSW-C, CPH  
Commander, U.S. Public Health Service Commissioned Corps  
Executive Director, National Advisory Committees

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**From:** [REDACTED] (HHS/OASH)  
**Sent:** Friday, June 15, 2018 9:49 AM  
**To:** White, Jonathan (ACF) <[REDACTED]>  
**Subject:** RE: bullets for planning

Thanks! All on-board here, and I can't thank you enough! More soon.

---

**From:** White, Jonathan (ACF)  
**Sent:** Friday, June 15, 2018 9:48 AM  
**To:** [REDACTED] (HHS/OASH) <[REDACTED]>  
**Subject:** bullets for planning

[REDACTED]

Per our discussion, I would suggest:

- The mission skill set needed is not necessarily that of a SAT Team, although many of those on a SAT team will have preparation and skill for that. The key components, in addition to Spanish language fluency, will be a balance between those with mental health/crisis intervention experience (especially social workers) and those with strong admin skills. This is not really a case management mission; it's an information gathering and transfer mission in a high-stress environment.
- Ask [REDACTED] at ORR to provide strong onsite connection to members of his Federal Field Specialist (FFS) team at ORR. That is the most important ground contacts I think in terms of understanding the population and the context.
- [REDACTED] is preparing some mission brief components. That is good.
- The teams should be prepared that they will be meeting both with actual Unaccompanied Alien Children who crossed the Border alone, as well as separated minors and their parents. [REDACTED] can provide helpful background and context.
- Their mission involvement does not require them to approve of or agree with the current policy of separating children from their parents. That decision is outside their locus of control—and that of all of ORR, too, which they should know. Their job is to facilitate process such as as minors come into ORR custody—both UACs and minors separated from family units—they are expedited in the ability to be reunified with family members.
- It is important that they know that conditions for children are always better in ORR custody than in CBP custody. [REDACTED] should have them go on a tour of a nearby ORR permanent shelter facility so they can see and understand this; it will help them make moral sense of their mission to expedite kids' moving into and through that system.
- It is also important that they know that making sure good information on parents and children travels with the kids who are separated optimizes the chances of continued contact between children and parents. The ORR shelter staff where they child is going will actively seek to ensure contact with parents; they just need to make sure that the information about the parents goes with the kids.
- Behavioral health support: Officers may need to be provided with reachback after-shift to support from trained officers uprange.
- Behavioral health support: Officers may benefit from having a thirty-minute end-of-shift meeting of their own offsite, to debrief about what they have heard and seen that day.

- Behavioral health risk mitigation: No one should stay longer than 2 weeks.
- Officers need to be trained not to speak with the press. There will be efforts to engage them by the media.

Jonathan

Jonathan D. White, Ph.D., LCSW-C, CPH  
Commander, U.S. Public Health Service Commissioned Corps  
Executive Director, National Advisory Committees

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Message

**From:** Wynne, Maggie (HHS/IOS) [REDACTED]  
**Sent:** 6/22/2018 3:58:49 PM  
**To:** Lloyd, Scott (ACF) [REDACTED]; Wagner, Steven (ACF) [REDACTED]  
**Subject:** RE: Update

Scott, please confirm that 12 individuals in category 4 aged out.

What happened to them? Did DHS pick them up?

**From:** Lloyd, Scott (ACF)  
**Sent:** Friday, June 22, 2018 11:43 AM  
**To:** Wagner, Steven (ACF) <[REDACTED]>; Wynne, Maggie (HHS/IOS) <[REDACTED]>; Harrison, Brian (HHS/IOS) <[REDACTED]>; [REDACTED] (HHS/OASH) <[REDACTED]>; Urbanowicz, Peter (HHS/IOS) <[REDACTED]>; [REDACTED] (OS/ASPA) <[REDACTED]>  
**Cc:** [REDACTED] (HHS/IOS) <[REDACTED]>; EDH (OS/IOS) <[REDACTED]>; Kadlec, Robert (OS/ASPR/IO) <[REDACTED]>; [REDACTED] (OS/ASPR/IO) <[REDACTED]>  
**Subject:** Update  
**Importance:** High

- We have two categories of separated kids: one from the beginning of the fiscal year, the other from May 6, the beginning of zero tolerance.
  - CBP chiefs started separations before the announcement of the zero policy and we noticed it and started tracking
  - As of June 18, we have received 1911 UACs from zero tolerance (May 6)
    - Of them, 114 were discharged

Separated UAC Discharged May 6th, 2018-June 17th, 2018 by Sponsor Category	
Sponsor Category	Number of UAC
Category 1	58
Category 2	34
Category 3	10
Category 4	12
<b>Total</b>	<b>114</b>

*Category 1: parents*  
*Cat 2: close relatives*  
*Cat 3: distant relatives / unrelated adult*  
*Cat 4: no sponsor (age outs, over 18)*

- We will have a complete list of both categories by midday
- Of **all** separated UACs, there are approximately 50 UACs where we have not been able to locate the parents yet
  - The field has received orders to make finding those parents the top priority and will do so by the end of the day
- Of the separated UACs, ~900 were unable to **contact** their parents as of Friday 6/16 because of trouble getting through to the parents.
  - We made ICE aware.
  - ICE has set up a parent / child coordinator for each detention center
  - The situation is much approved, but we will not have immediate specifics on how much better
  - Staff has received instructions to update immediately

\*\*\*

E. Scott Lloyd  
Director  
Office of Refugee Resettlement  
U.S. Department of Health and Human Services



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Message

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**From:** [REDACTED] (OS/ASPR/OEM) [REDACTED]  
[REDACTED]  
**Sent:** 7/15/2018 9:54:54 PM  
**To:** [REDACTED] (ACF) [REDACTED]; White, Jonathan (OS/ASPR/OPP) [REDACTED]  
**Subject:** Re: Request for Operational Control

We discussed this previously - lost in rotation. Hourly batches - but defer to J

[REDACTED]  
ASPR Regional Emergency Coordinator  
R8 - Denver  
[REDACTED]  
[REDACTED]

---

On: 15 July 2018 17:45, "[REDACTED] (ACF)" <[REDACTED]> wrote:

It looks like [REDACTED] set up a different rhythm simultaneously. Will talk to [REDACTED] for her preference

---

On: 15 July 2018 17:43,  
"[REDACTED] (ACF)" <[REDACTED]> wrote:

The list of completed interactions was not being sent across the street and Info team downstairs thought [REDACTED] was pulling it from a share point site. So we asked Info to send it hourly with a time stamp. I think they just sent it about ten minutes ago. It was already solved.

We predicted the list could reach 500 by the end of today. It is currently at 300. So it may indeed reach 500.

---

On: 15 July 2018 17:39,  
"White, Jonathan (OS/ASPR/OPP)" <[REDACTED]> wrote:

I expected no less.

The underlying issue here is not data flow, you know what I mean?

Jonathan D. White, Ph.D., LCSW-C, CPH  
Commander, U.S. Public Health Service Commissioned Corps  
FHCO/IC, UAC Reunification

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**From:** [REDACTED] (ACF)  
**Sent:** Sunday, July 15, 2018 5:37 PM  
**To:** White, Jonathan (OS/ASPR/OPP) [REDACTED]; [REDACTED] (OS/ASPR/OEM)  
<[REDACTED]>  
**Subject:** Re: Request for Operational Control

Thanks. Already found the bottleneck and fixed it.

---

**On:** 15 July 2018 17:28,  
"White, Jonathan (OS/ASPR/OPP)" <[REDACTED]> wrote:

Heads up.

Jonathan D. White, Ph.D., LCSW-C, CPH  
Commander, U.S. Public Health Service Commissioned Corps  
FHCO/IC, UAC Reunification

---

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**From:** Wagner, Steven (ACF)  
**Sent:** Sunday, July 15, 2018 5:19 PM  
**To:** Kadlec, Robert (OS/ASPR/IO) <[REDACTED]>; Lloyd, Scott (ACF) [REDACTED]>  
**Cc:** Harrison, Brian (HHS/IOS) [REDACTED]; Urbanowicz, Peter (HHS/IOS) [REDACTED];  
Meekins, Chris (OS/ASPR/IO) <[REDACTED]>; Boyce, Don (OS/ASPR/OEM) [REDACTED]>;  
White, Jonathan (OS/ASPR/OPP) <[REDACTED]>; Hayes, Jonathan (ACF) <[REDACTED]>  
**Subject:** RE: Request for Operational Control

Bob, wanted to make sure you are aware our reunification team is expecting the provision of 500 parental interviews today, which as you know is the final step before transport arrangements. We have received none. Can you identify the bottleneck? How can we cooperate to break it?

Thank you,  
Steve

---

**From:** Kadlec, Robert (OS/ASPR/IO)  
**Sent:** Sunday, July 15, 2018 1:46 PM  
**To:** Wagner, Steven (ACF); Lloyd, Scott (ACF)  
**Cc:** Harrison, Brian (HHS/IOS); Urbanowicz, Peter (HHS/IOS); Meekins, Chris (OS/ASPR/IO); Boyce, Don (OS/ASPR/OEM); White, Jonathan (OS/ASPR/OPP); Hayes, Jonathan (ACF)  
**Subject:** Request for Operational Control  
**Importance:** High

Steve and Scott in light of the last 36 hours I am asking that tasking and accountability of ORR personnel involved in reunification operations be given to Don Boyce my overall operational manager and Jonathan White the Federal Health Coordinating Official for this response.

This request is to ensure the most expeditious management and coordination of what would be ordinarily a difficult mission that as a result of delays and confusion of the last 12 hours now almost impossible. Clear command and control relationships are vital to accelerate what we are doing.

I would suggest also that we ASPR staff and Don, and Jonathan convene an end of day call with you both to update you on progress but you are also invited to listen in on any and all of the daily operations calls.

Please let me know if you have any questions or reservations.

Bob



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**TO:** Jonathan H. Hayes, Acting Director, Office of Refugee Resettlement

**CC:** Lynn A. Johnson, Assistant Secretary for Children and Families

**FROM:** [REDACTED], Deputy Director for Children's Programs, Office of Refugee Resettlement [REDACTED]

**DATE:** December 18, 2018

**SUBJECT:** Recommendation on ACF/ORR directive under Memorandum of Agreement § VI

**I. ISSUE AND RECOMMENDATION**

The Office of Refugee Resettlement (ORR) has observed an increase in the median length of care for unaccompanied alien children (UAC) since implementing the Memorandum of Agreement (MOA) in June 2018. This increase presents child welfare and operational considerations for ORR.

Before the MOA, ORR conducted robust non-biometric background checks on all sponsors and their household members. ORR obtained fingerprints and conducted biometric background checks on Category 1 sponsors and their adult household members when deemed appropriate. ORR obtained fingerprints and conducted biometric background checks on all Category 2 and 3 sponsors without exception, and obtained the same for such sponsors' adult household members when deemed appropriate.

After executing the MOA, ORR revised the provisions of the ORR Policy Guide regarding background checks. The revisions require all putative sponsors at all levels—and all of their adult household members—to provide fingerprints and undergo biometric ICE background checks.

As part of its continuing, ongoing review of the program and operations, the ORR staff evaluated whether the expanded background checks of adult household members under the MOA have yielded new information that has enabled ORR to identify child welfare risks that ORR would not have found under the prior policy. The ORR staff concluded that the expanded background checks have not yielded such additional information to identify child welfare risks from June 2018 to date.

At the same time, the ORR staff concluded that the current, increased median length of care has a correlation to the time required for all adult household members to finish submitting fingerprints to ORR. The ORR staff believes that the current, increased median length of care is at a level that may present child welfare considerations for some children. The ORR staff's opinion is based on their own child welfare training and experience, and the child welfare literature on congregate care.

The ORR senior staff's recommendation, after weighing these child welfare considerations, is that ORR issue a directive pursuant to MOA § VI to modify the ORR Policy Guide—and, by extension, the MOA—to enable ORR to complete individualized suitability assessment of sponsors without obtaining fingerprints from all adult household members in appropriate cases.

There are at least three reasons to accept this recommendation. First, the background checks that ORR will continue to conduct are robust and likely to identify any material risks to children. Second, the modification should enhance child welfare by reducing length of care. Third, the modification will increase individualized decision-making and operational flexibility in the field.<sup>1</sup>

## **II. BACKGROUND AND DISCUSSION**

Before the MOA, Category 1 sponsors and all of their adult household members underwent public background and sex offender background checks without exception. They underwent fingerprinting and biometric background checks if there was a documented risk to the safety of the UAC, the UAC was especially vulnerable, or the case was referred for a home study. Category 2 sponsors also underwent child abuse and neglect (CA/N) checks if the case was referred for a home study or a special concern was identified. Their household members underwent CA/N checks for special concerns as well.

The prior policy for Category 2 and 3 sponsors and their adult household members was different. Category 2 and 3 sponsors and all of their adult household members underwent public background and sex offender background checks without exception. Category 2 and 3 sponsors also underwent fingerprinting and biometric background checks without exception. But, their adult household members underwent fingerprinting and biometric background checks only if there was a documented risk to the safety of the UAC, the UAC was especially vulnerable, or the case was referred for a home study. Category 2 and 3 sponsors also underwent CA/N checks if the case was referred for a home study or a special concern was identified. Their household members underwent CA/N checks for special concerns as well.

Under the MOA, ORR obtains fingerprints of all potential sponsors and adult household members (as well as other personal identifying information), and provides them to ICE. ICE then conducts a biometric immigration and criminal background check and provides the results to ORR. The ICE immigration and criminal background checks are conducted as an additional child protection measure, on top of ORR's standard background check process.

### Information obtained through expanded background checks of adult household members

The ORR staff evaluated the results of the biometric ICE background checks on adult household members since June 2018. For those checks that identified immigration or criminal history: approximately 80% identified immigration history; approximately 8% identified history related to driving under the influence; and approximately 8% identified history related to traffic violations. The remainder does not fit within a single category. In general, none of the history for adult household members was automatically disqualifying for sponsors under current ORR policy.

---

<sup>1</sup> In addition, the ORR senior staff's understanding is that U.S. Customs and Border Protection supports this operational directive and U.S. Immigrations and Customs Enforcement does not oppose it.

I have spoken with ORR senior staff, as well as members of the ORR field staff who use this information when making suitability determinations. In general, they are unaware of any cases in which the biometric ICE background checks yielded new information about adult household members that enabled ORR to identify new child welfare risks. The ICE biometric background checks have generally corroborated what ORR has learned through pre-existing methods.

The ORR field staff, however, has informed me that biometric ICE background checks of all categories of sponsors are helpful for suitability analyses because they confirm the sponsor's identity.

Increase in median length of care and related child welfare considerations

ORR has conducted a data analysis and found an increase in length of care for UAC discharged to Category 1 sponsors. Median length of care for a Category 1 discharged UAC was:

- 20 days from November 20, 2017 to January 5, 2018;
- 22 days from March 30, 2017 through June 6, 2018 respectively; and
- 51 days from June 7, 2018 through September 30, 2018.

UAC referred to ORR during the week of July 7, 2018 had a median length of care of 73 days.

This data is consistent with ORR's experience during MOA implementation. The volume of fingerprint subjects increased immediately after the initial implementation of the MOA in June 2018. HHS then dedicated more resources to digital fingerprint sites, which capture sponsors' and adult household members' fingerprints, and the Program Support Services (PSC), which process fingerprints.

Unfortunately, the length time which all adult household members take to submit their fingerprints to ORR has not decreased materially since implementation. There appears to be a correlation between that length of time and the current increased median length of care. The ORR staff's best programmatic judgment is that the length of time taken by adult household members is affecting ORR's completion of suitability analyses and, by extension, the median length of care.

The increase in the median length of care presents child welfare considerations for ORR. In ordinary cases, where a suitable sponsor is available and discharge presents no risks to the health or safety of the UAC or the public, ORR's experience is that the best practice in child welfare would be to discharge the UAC within 30 days of admission. In ordinary cases, ORR generally does not recommend keeping UAC in care for longer than 60 days<sup>2</sup>. This is because family-based settings tend to produce better child welfare outcomes over longer periods of time.

ORR's approach is aligned with child welfare literature on congregate care. Over the last ten years, a consensus has emerged that children are better served in family-based settings. As a result, the number of children living in congregate care has decreased nationwide by 37 percent.<sup>3</sup>

<sup>2</sup> There are of course, many instances where a UAC remains in care beyond 60 days – or longer – because a suitable sponsor cannot be found.

<sup>3</sup> Children's Bureau. "A National Look at the Use of Congregate Care in Child Welfare." May 13, 2015. Available at: [https://www.acluhhs.gov/sites/default/files/cb\\_cbcongregatecare\\_brief.pdf](https://www.acluhhs.gov/sites/default/files/cb_cbcongregatecare_brief.pdf).



The Children's Bureau of ACF analyzed a number of data elements from the Adoption and Foster Care Analysis and Reporting System and found that children at risk for congregate care are more likely to have a mental health diagnosis or a behavioral problem.

ORR's current median length of care, as of November 30, 2018, is 90 days for all discharges and a reduction towards 30 days would be more consistent with best practices in child welfare.

### **III. SPECIFIC RECOMMENDATION ON ACF/ORR DIRECTIVE**

The ORR senior staff recommends that ORR direct the ORR staff to modify the ORR Policy Guide—and, by extension, the MOA—to enable ORR to complete individualized suitability assessments of sponsors without obtaining fingerprints from all adult household members in appropriate cases.<sup>4</sup>

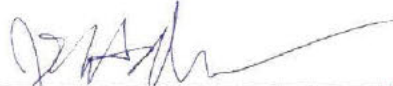
ORR would continue fingerprinting and biometric ICE background checks for all categories of sponsors. ORR staff would, however, have the discretion to conclude a suitability determination for a sponsor—and release the UAC to that sponsor—pending receipt of fingerprint background check results if other records are sufficient to confirm the sponsor's identity.

ORR would otherwise follow its prior policy on fingerprinting and background checks of sponsors and adult household members.

ORR would implement the operational directive immediately. In addition, during the next 45 days, the ORR staff would evaluate the current provisions of the ORR Policy Guide related to appeals of suitability determinations, and make any recommendations for further revisions as appropriate.

### **DECISION**

Approved  Disapproved  More Information Required

  
\_\_\_\_\_  
Jonathan H. Hayes

12/18/2018  
\_\_\_\_\_  
Date

<sup>4</sup> The MOA contemplates this type of operational directive in § VI, which states that “[n]othing in this Agreement is intended to conflict with current law or regulation or the directives of DHS, CBP, ICE, HHS, or ORR. If a term of this MOA is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.”

**Attachments:**

ORR-ICE-CBP MOA Regarding Consultation and Information Sharing in Unaccompanied Alien Children Matters (April 13, 2018).

ORR Policy Guide, Section 2.5.1, Criteria for Background Checks (revised June 7, 2018). [current policy]

ORR Policy Guide, Section 2.5.1, Criteria for Background Checks (revised April 11, 2018). [previous policy]

MOA Impact on Category I UAC Length of Care and Sponsorship (November 26, 2018).

Citations to relevant child welfare literature on congregate care

Produced to Committee on Energy and Commerce Pursuant to Oversight Request,  
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