



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

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July 25, 2023

The Honorable Anna Eshoo  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Eshoo:

Thank you for your May 25, 2023, letter to U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra regarding the safety and well-being of unaccompanied children released from the care and custody of the Office of Refugee Resettlement (ORR). The Secretary has asked that I respond on his behalf.

Within the Administration for Children and Families (ACF), ORR is dedicated to ensuring the safety and well-being of unaccompanied children from the moment they enter HHS custody following referral from the U.S. Department of Homeland Security or other federal entities. ORR provides comprehensive and child-centered care for children while they are in ORR custody, including physical and mental health care, education, recreation, access to legal services, and age-appropriate accommodations, among other services.

Consistent with ACF's child welfare mission, ORR concurs with experts and your assertion that the best place for a child is with a family in a community. Under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, ORR is responsible for ensuring that a sponsor, to whom a child is released, is capable of providing for the child's physical and mental well-being.

In fiscal year (FY) 2022, ORR released more than 85 percent of unaccompanied children to a close family member, including a parent or legal guardian in more than a third of all overall cases. Fewer than 15 percent of children discharged from ORR custody in FY 2022 were placed with either a more distant relative or a non-relative sponsor who in many cases is a friend of the family recommended by a parent. The average length of time children spent in ORR care from January 1, 2021, to January 31, 2023, is approximately 31 days.

ORR has thorough sponsor screening and vetting processes in place for each category of sponsor. These categories are for parents or legal guardians (Category 1), or other specified family members (Category 2), as well as more distant relatives or unrelated sponsors (Category 3), often identified by the child's parent. At a minimum, the TVPRA requires that sponsor suitability assessments include verification of the sponsor's identity and relationship to the child and that the sponsor has not engaged in any activity that would indicate a potential risk to the child.

ORR's process for the safe and timely release of a child from federal custody includes several steps such as separate interviews with the child and sponsor; speaking with the child's parents, if available; a sponsor application; address checks and requirements for supporting documentation; public records and sex offender registry background checks; and in some cases, FBI fingerprint checks; as well as home studies where applicable, including those required by the TVPRA, mandated by ORR policy, or performed at the discretion of ORR staff, or case managers with ORR approval reviewing the facts of the case. Additional details about sponsor screening and vetting processes are available in ORR's Unaccompanied Children (UC) Program Policy Guide Section 2: Safe and Timely Release from ORR Care.<sup>1</sup>

ORR continuously evaluates its unification policies and procedures to ensure that efforts are best directed towards the interest of each child throughout the unification process. In addition, ORR utilizes Field Guidance to adapt to changing circumstances to best meet ORR's child-centered mission. Under current policy, certain parents and legal guardians (Category 1 sponsors), and non-parent immediate family relatives (Category 2A sponsors) are fingerprinted, and the information is submitted to the FBI prior to the child's release from ORR custody under the following circumstances: if a public records check reveals possible disqualifying factors described under ORR UC Program Policy Guide Section 2.7.4, or where there is a documented risk to the safety of the unaccompanied child, the child is especially vulnerable, and/or the case is being referred for a home study<sup>2</sup>. This includes scenarios there is a documented risk to the safety of the unaccompanied child, the child is especially vulnerable, or the case is being referred for a home study. All other potential sponsors, like other close family members (Category 2B) or distant relatives or unrelated (Category 3) are fingerprinted and their information is submitted to the FBI for a criminal history background check prior to a child's release from ORR care.

Though ORR's custodial authority ends when a child is released from ORR care, ORR has policies in place to promote unaccompanied children's safety and well-being after they have been released from ORR care. While the TVPRA provides ORR with authority to conduct follow-up services once ORR's custody ends, if the child moves or does not respond to inquiries, ORR may not have information about the child's whereabouts. Per ORR policy, care providers are required to make at least three Safety and Well-Being calls to speak with the child and the sponsor individually to determine if the child is still residing with the sponsor, is enrolled or attending school, is aware of any upcoming court dates, and is otherwise safe. This is also done to assess if either the child or the sponsor would benefit from additional support or services.

Children and sponsors are not required to answer these calls and ORR has no authority to compel them to answer. It is important to note that many sponsor families may not answer a call from an unknown phone number or may be fearful of government entities and choose not to answer. Despite the voluntary nature of the child's and sponsor's participation in Safety and Well-being

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<sup>1</sup> U.S. Department of Health and Human Services, *Office of Refugee Resettlement Unaccompanied Children Program Policy Guide: Section 2*, [www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2](http://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2).

<sup>2</sup> U.S. Department of Health and Human Services, *Office of Refugee Resettlement Unaccompanied Children Program Field Guidance*, [www.acf.hhs.gov/orr/policy-guidance/uc-program-field-guidance](http://www.acf.hhs.gov/orr/policy-guidance/uc-program-field-guidance). Please refer to Field Guidance 10 and 11 for additional information regarding sponsor vetting procedures.

calls, since FY 2022, ORR care providers made contact with either the child, the sponsor, or both in more than 81 percent of households.

Under ORR's UC Program Policy Guide, any grant recipient or contractor who works with or encounters unaccompanied children after their release from ORR care is required to report any concern about the child's safety and well-being to ORR and to the appropriate investigative agencies. Suspected trafficking concerns are reported to ACF's Office on Trafficking in Persons (OTIP) and to both DHS's Homeland Security Investigations Division and their Center for Countering Human Trafficking for further investigation. Additionally, OTIP provides further assessment assistance to ensure that victims can access appropriate care and services. However, ORR does not have the authority to remove a child from a home—that discretion and authority lies with local law enforcement and child protective services.

ORR is committed to caring for and protecting children in ORR custody and continuing to work within the bounds of the Office's authorities to safeguard their well-being following their release from ORR. As announced in February 2023, HHS and the U.S. Department of Labor (DOL) are working in partnership together to further respond to the needs of unaccompanied children who are at risk of or have been victims of labor exploitation. Further updates and details on this initiative and other efforts to enhance the safety and welfare of unaccompanied children in ORR care and their well-being post-release are provided below.

**Interagency Taskforce to Combat Child Labor Exploitation.** This taskforce, led by DOL, is working to identify and implement interagency actions that can improve enforcement in this area, such as enhanced information sharing related to child labor. As part of this effort, DOL and HHS entered into a Memorandum of Agreement (MOA) on March 23, 2023, regarding interagency data sharing to enhance the well-being of children and the enforcement of federal child labor laws. The MOA formalizes the Departments' work together to help identify communities and employers where children may be at risk of child labor exploitation; aid investigations with information that could help identify circumstances where children are unlawfully employed; and facilitate coordination to ensure that child labor victims or potential victims have access to critical services.

Further, HHS has created new materials and training to provide unaccompanied children and sponsors with information about child labor laws in the United States to ensure children and sponsors know their rights and understand the legal restrictions on working due to age or immigration status. Beginning in April, DOL's Wage and Hour Division has also hosted trainings for more than 600 ORR staff and mission support contractors, and ORR has hosted trainings for over 250 DOL staff regarding unaccompanied children and the UC Program.

**ORR Audit of Sponsor Vetting Process.** In February 2023, HHS launched an audit progressing as part of an iterative, continuous process to ensure all necessary safeguards are in place without unnecessarily keeping children in government-funded congregate care settings. On June 2, 2023, HHS released the results of an internal audit of its sponsor vetting and

placement processes for unaccompanied children.<sup>3</sup> The audit found that ORR adhered to its program policies and procedures designed to meet or exceed statutory requirements in the placement of unaccompanied children with a vetted sponsor. The audit was conducted by a multidisciplinary team within ORR—including child welfare experts, policy advisors, program analysts, and program management—focused on compliance with statutory requirements and program policies and procedures. The audit focused on case reviews of children released in 2021 and 2022 to non-relative sponsors who sponsored three or more children. ORR utilized these criteria because it determined that doing so would ensure the audit was focused on cases of highest potential area of concern.

The report also announced HHS’s additional efforts to protect the safety and well-being of unaccompanied children, including a new Program Innovation and Accountability team in ORR that will be responsible for assessing and addressing potential child exploitation risks. The new team will play a key role in working with an outside entity to conduct an in-depth review of vetting and placement processes across all sponsor categories.

**ORR National Call Center Follow Up Calls for Unaccompanied Children Who Report Safety Concerns.** Upon their release, ORR provides children with information on the ORR National Call Center (ORRNCC), which is a 24-hour, 7-days-a-week resource for released children, as well as their family members, sponsors, legal service providers, Child Advocates, and other members of the community who can request assistance or report concerns to the ORRNCC on a child’s behalf. The ORRNCC reports matters of safety concern to ORR and refers and reports to the appropriate local law enforcement and/or other authority, such as child protective services.

Under ORR’s UC Policy Guide, any grantee or contractor who works with or encounters unaccompanied children after their release from ORR care is required to report any concern about the child’s safety and well-being to ORR and to the appropriate investigative agencies. Suspected trafficking concerns are reported to ACF’s OTIP, which provides further assessment assistance to ensure that victims can access appropriate care and services.

In February 2023, ORR finalized a data-sharing MOA with OTIP and the National Center for Missing and Exploited Children (NCMEC), a non-profit organization established by Congress, that facilitated information sharing to protect unaccompanied children who are victims of exploitation or trafficking or at risk of being such victims. ORR recently implemented an additional requirement for the ORRNCC to provide children who call the helpline and express safety concerns with information regarding the authorities to which their safety concerns will be reported. It also connects children directly with the appropriate authority when possible and places a follow-up call to the child to confirm if any further actions are needed.

**Expand Access to Services for All Unaccompanied Children Post Release.** ORR is statutorily required to provide follow-up services, which it calls post release services (PRS), for

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<sup>3</sup> U.S. Department of Health and Human Services, *Update on Efforts to Mitigate Child Labor Exploitation and Internal Audit on Placement Process Used to Transfer Custody of Unaccompanied Children to Vetted Sponsors, the Administration for Children and Families* (June 2, 2023), [www.acf.hhs.gov/sites/default/files/documents/orr/update-on-efforts-to-mitigate-child-labor-exploitation-internal-audit-placement-process.pdf](https://www.acf.hhs.gov/sites/default/files/documents/orr/update-on-efforts-to-mitigate-child-labor-exploitation-internal-audit-placement-process.pdf).

all cases in which a child’s sponsor underwent a mandatory home study required by the TVPRA, for the pendency of the child’s immigration proceedings or until they turn 18. Consistent with statute, ORR also refers children to PRS when the child’s sponsor received an ORR-mandated or discretionary home study; the child was released to a non-relative sponsor; or the release was determined to be safe and appropriate, but the released child and sponsor would benefit from ongoing assistance from a community-based service provider. Congress’ support has made the increased availability of PRS to more unaccompanied children possible.

In FY 2022, ORR more than doubled the rate of children provided access to PRS. More than 40 percent of children were offered PRS, compared to just over 20 percent in FY 2021. ORR is currently on track—with the continued funding support from Congress—to achieve our goal of offering all children PRS by the end of 2024. PRS can include help with school enrollment, support in finding and accessing health and mental health care, connections with local organizations, and other supports to ensure children’s well-being.

In addition to providing PRS to more children, ORR plans to update and expand the types of services offered through PRS. Whereas currently PRS consists of two “levels” of service, expanded PRS will consist of three levels of services. “Level 1 Services” will consist of Safety and Well-Being calls, which will become in-person or virtual check-ins conducted at 7-, 14-, and 30-days following release from care. “Level 2 Services” will expand from 90 days to 6 months of supportive services including ongoing assessments, safety plans, and referrals to community-based programs. Finally, “Level 3 Services,” or “intensive PRS,” will include ORR intervention with case managers conducting initial in-home assessments within 7 days of referral followed by weekly in-person contact for the first 45 to 60 days. HHS will continue to work with Congress to ensure ORR has the necessary funding to build on this expansion of post-release services.

The ongoing partnership with DOL, OTIP, and third-party entities such as NCMEC, as well as our collaboration with other federal, state, and local government entities and national and community partners, are crucial to our continuous commitment to protect and respond to the needs of unaccompanied children who are at risk of or victims of exploitation. These children face unique challenges that require a whole of government response—and ACF takes its part in this work seriously.

While ORR is not able to comment on individual personnel issues, ORR is committed to ensuring full compliance with federal whistleblower laws. In coordination with the HHS’s Office of Inspector General, ORR implemented whistleblower trainings for all staff, grant recipients, and contractors. This is in addition to HHS’s mandatory supervisory trainings and ACF’s staff-wide whistleblower trainings. With the mandate and mission to care for unaccompanied children’s safety and well-being while in ORR custody, ORR is also continually assessing, identifying, and implementing improvements to the UC Program.

Thank you again for your concern for the safety and well-being of unaccompanied children. If you or your staff have additional questions, please contact Scott Logan, Director of ACF’s Division of Legislative and Regulatory Affairs within the Office of Legislative Affairs and Budget, at (202) 401-4529.

Sincerely,



January Contreras  
Assistant Secretary  
Administration for Children and Families  
U.S. Department of Health and Human Services

Cc:

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