

**Questions for the Record from Rep. Van Drew for  
The Honorable Xavier Becerra**

**House Committee on the Judiciary  
Subcommittee on Immigration Integrity, Security, and Enforcement  
“Oversight of the Health and Human Services’ Office of Refugee  
Resettlement”  
*November 20, 2024***

- 1. Secretary Becerra, I want simple yes or no answers. Knowing now how the foundational rule has worked, do you still believe it was the right answer to our border crisis?**
- 2. Yes or no, do you believe this rule is fair to the hundreds of thousands of UACs who have been lost or abused?**

**HHS Response to Questions 1 and 2:** The Foundational Rule provides a comprehensive framework governing the care and treatment of unaccompanied children in the care and custody of the U.S. Department of Health and Human Services’ (HHS or Department) Office of Refugee Resettlement (ORR). The Rule implements and, in many cases, exceeds requirements of the 1997 *Flores* Settlement Agreement, which outlines minimum standards for ORR care provider facilities and protections for unaccompanied children. The Rule also implements provisions of the Homeland Security Act of 2002 and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and established an independent Unaccompanied Children Ombuds Office to investigate and address concerns. The publication of the Foundational Rule further ensures and enhances the safety and well-being of unaccompanied children in ORR care and enhances public transparency as to the policies governing the operation of the UC Bureau. By codifying both existing and new policies, the Rule underscores ORR’s commitment to ensuring the safety, health, and overall well-being of unaccompanied children, while also aligning our programs with contemporary best practices and evolving needs.

- 3. Yes or no, do you believe it is right to allow sponsors to refuse background checks and still be eligible for placement?**
- 4. Why doesn’t the Foundational Rule categorically disqualify sponsors with criminal records or child welfare violations?**
- 5. The Foundational Rule prohibits sharing immigration-related information about sponsors with law enforcement. How can you claim this will protect UACs or prevent them from being placed in dangerous homes or situations?**

**HHS Response to Questions 3–5:** ORR’s sponsor suitability assessment process includes verifying a sponsor’s relationship to a child; speaking with a child’s parents when possible; conducting separate interviews with a child and sponsor; collecting supporting documentation to verify a sponsor’s information; and administering background and address verification checks—which include public records and sex offender registry checks for all sponsors, as well as FBI fingerprint checks in certain cases. Prior to release of a child and placement with a vetted sponsor, ORR also carries out home studies in a variety of circumstances. Home studies further

investigate a potential sponsor's ability to ensure a child's safety and well-being, and they include home visits, sponsor interviews, background checks of additional adult household members, and, if necessary, interviews with other household members. Home studies are required under circumstances specified by the TVPRA, including when a child has previously been a victim of human trafficking. Additionally, pursuant to the Foundational Rule, and in accordance with long-standing ORR policy, home studies are required in certain cases in which a potential sponsor previously sponsored two or more children, as well as when a potential sponsor is a non-relative and the child is 12-years-old or younger. Home studies may also be conducted at ORR's discretion if the ORR Federal Field Specialist, Case Manager, or third-party Case Coordinator determine that additional information is needed regarding the sponsor's ability to care for the health, safety, and well-being of the child.