



## **Church World Service Statement to the House Judiciary Committee on its [hearing](#), “Oversight of the Department of Health and Human Services’ Office of Refugee Resettlement”**

For nearly 80 years, Church World Service (CWS) has served people who have been uprooted from their homes, supporting their successful integration into their new communities. As a global humanitarian organization representing 14 churches and faith based organizations, as well as resettlement offices and affiliates across the U.S., home study and post release services, and asylum seeker case management, Church World Service envisions a world in which all people have food, voice, and a place to call home. In the November 20th House Judiciary Hearing titled, “Oversight of the Department of Health and Human Services’ Office of Refugee Resettlement,” CWS urges the House Judiciary Committee to catalyze support for the crucial programs and services that the Office of Refugee Resettlement provides in communities around the country to meet the needs of unaccompanied children and other newcomers.

**CWS urges the Committee to ensure that unaccompanied children have a meaningful opportunity to seek safety and protection in the U.S.** Unaccompanied children are fleeing violence and threats to their wellbeing in their home countries. Closing the border to unaccompanied children in an effort to deter them from making the journey to the U.S. is not only cruel, but it has also proven to be ineffective. Children and families continue to come to the border because the U.S. remains their last and best chance of survival and of seeking protection from persecution, violence, and abuse. Sending children back to danger is wrong, especially when the U.S. has ways to support unaccompanied children and protect them from further abuse and exploitation once they arrive to the U.S. Instead of closing the door on unaccompanied children, leaving them to be exploited, trafficked, and facing violence outside of U.S. borders, Congress can invest more resources to ensure that these children can live safe and fulfilling lives in the U.S.

CWS’s experiences working with unaccompanied children have shown time and again that the most effective way to protect children from further abuse and exploitation is to support them and their families in their communities. Therefore, CWS urges the Committee to ensure that when they arrive, children and their caregivers receive child-appropriate, trauma-informed care and services so that children can thrive in their homes and communities.

The Office of Refugee Resettlement (ORR) directly supports local communities welcoming refugees and other particularly vulnerable newcomer populations, including unaccompanied children. Specifically, home studies and post-release services provide each child with access to education, medical and mental healthcare, legal representation, and other services. Through child-centered, trauma-informed, culturally competent case management, these services ensure that each child has a safe and stable home placement where they can learn, grow, and thrive. In recent years, ORR has served increasing numbers of people across a growing range of populations fleeing persecution and violence. However, funding for the account has not kept up with need. Key programs are likely to soon face the repercussions of inadequate resources. **Church World Service urges Congress to support the Office of Refugee Resettlement’s vital programs and services by robustly funding the Refugee and Entrant Assistance Account in full-year, anomaly, or supplemental funding negotiations.**

### **Overview: Unaccompanied Children and the Office of Refugee Resettlement (ORR) Procedures**

[Unaccompanied children](#) are among the most vulnerable children who arrive to the United States. Most are fleeing threats and violence. It is [common](#) that unaccompanied children have suffered violence or abuse, and some have faced trafficking. Children who survive such traumas need special protections – specialized processes that can present a sense of safety and rebuild broken trust. Recognizing this need, in 2008 Congress unanimously passed, and President George W. Bush signed, the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA). To protect children from trafficking and abuse, the TVPRA requires that unaccompanied children are immediately transferred to the care of the Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services (HHS) to be placed in the least restrictive setting in their best interests, have access to services to support their recovery from trauma and abuse, and are promptly and safely released to vetted sponsors.

### **Children Arriving Unaccompanied from Central America Are Fleeing Gang Violence**

Children arriving unaccompanied from Central America are often fleeing gang violence. Political rhetoric around immigration is often centered on racist assumptions that link immigrants and people of color with criminality, specifically linking immigrant youth to gang violence. Though gang violence is a serious, multi-faceted problem in many communities around the country, there is no evidence indicating a correlation between gang activity and unaccompanied children. Furthermore, law enforcement tactics that ultimately aim to jail and deport people do nothing to address public safety.

### **Protection for Children through Family Reunification**

**CWS urges Congress to reject efforts to add duplicative and unnecessary barriers for children to be released from ORR custody.** Like all children separated from family, [the best setting](#) for unaccompanied children who need to recover from their traumatic experiences and fairly pursue their immigration case is with family or in a family-based setting. Fortunately, [close to 90 percent of unaccompanied children](#) have a parent or close family relative in the United States who could be a potential sponsor of their release from government custody.

The current sponsor vetting process is thorough and extensive, and it would be even more effective if home studies and post-release services were funded to the necessary levels. ORR uses the term “case management” to encompass its reunification and sponsor vetting procedures. The [ORR case management process](#) works with the child to establish contact with the child’s parents, identify several potential sponsors, and then [systematically vet the sponsors](#). This process includes the presence of several identification documents, background checks, family interviews, ORR therapists, and a screening for sponsors that investigates their health resources, parenting style, and other vital information related to the safety and care of the child. ORR already has a plethora of tools to vet sponsorship applications and ensure child safety.

In all cases, case managers will confirm the identity of a potential sponsor, determine whether a potential sponsor can offer a safe and stable home environment for the child, confer with the child and parent (if the sponsor is not a parent), and finally reunify child and sponsor. Final determinations as to suitability are made by ORR’s Federal Field Specialists (FFS). After release, ORR may designate children to receive post-release services (PRS). Approximately [20-30% of children received PRS prior to FY22](#) (low: 17.8%, FY2016; high: 32.8% FY17); ORR under the current administration has rightfully committed to making PRS available to all children by FY2025.

In the past, additional sponsor vetting included information sharing with the Department of Homeland Security (DHS), including for individuals in a potential sponsor’s household. If potential sponsors fear that their information will be shared with DHS, they are unlikely to come forward to sponsor a child from HHS custody. As a result, children will face prolonged stays in government custody and be separated from family, mostly in [large, institutionalized settings](#) that are known to be harmful to children. The 2018 memorandum of agreement between HHS and DHS bore this out—it led to children [languishing in Customs and Border Protection \(CBP\) jails](#) and in [HHS custody for prolonged periods](#) while HHS extended its vetting of sponsors. This resulted in deteriorating physical, mental, and behavioral health for these children. Then-Assistant Secretary of the Administration for Children and Families Lynn Johnson, appointed by President Trump, [reversed extra vetting for sponsors of unaccompanied children](#), stating that “the government makes lousy parents” and the extra screening “is not adding anything to the protection and safety of children.” Since then, the current administration rightly [terminated](#) the 2018 memorandum to restore the safe and timely transfer of children, without weakening safeguards, to ensure unaccompanied children are unified with properly vetted sponsors who can safely care for them while they await immigration proceedings. Congress must not turn back the clock towards unnecessary and harmful additional requirements, while ORR already has a panoply of tools to vet sponsorship applications and ensure child safety.

### **Effective Protections against Human Trafficking**

Human trafficking is a real problem driven by those who exploit the vulnerability of children and immigrants in communities. Each year, ORR identifies more than 1000 children who, because they have experienced a severe form of trafficking, are eligible for vital benefits and services under the Trafficking

Victims Protection Act. **Expanding community-based post-release services for unaccompanied children is essential to preventing and mitigating trafficking and other exploitation of this vulnerable population.**

### ***Protection for Children through Congressionally-Funded Community-Based Services***

One of the most effective ways to protect children from trafficking and exploitation is to support them and their families in their communities. Post-release services caseworkers meet with sponsor/child pairs regularly to provide support and guidance. Post-release services provide each child with access to education, medical and mental healthcare, legal representation, and other services.

**CWS urges Congress to robustly fund: post-release services, promptly-completed and culturally competent home studies, legal representation, and child advocates for all unaccompanied children.** Robustly-funded, promptly-implemented, and culturally competent post-release services and home studies ensure that family reunifications are and remain safe and stable. Through child-centered, trauma-informed, culturally and linguistically competent case management, these services ensure that each child has a safe and stable home placement where they can learn, grow, and thrive. The services also provide parental support to new caregivers and facilitate integration with local communities.

ORR-facilitated post-release legal services assist unaccompanied children in learning of their legal rights, including as relates to child labor; [identifying and avoiding exploitative situations](#); and accessing any legal protections for which they are eligible on account of their subjection to trafficking, labor abuses, and other harm. Attorneys guide children through the immigration process, trying to ensure [a fair adjudication of their immigration cases](#). Child advocates push decision-makers to prioritize each child's best interests, including their safety and well-being.

CWS urges Congress to [increase appropriations funding](#) and not designate less than Fiscal Year 2023 enacted level for legal services, child advocates, home studies, and post-release services. In addition, Congress should also support and pass specific legislation that would guarantee access to legal counsel for immigrant children. Children and families need support to thrive.

### ***Protections for Children and Families through Opt-In Services***

The 150,000 unaccompanied children and families that the Committee is concerned about generally refer to families who did not respond to calls made by ORR case managers post-release. A lack of response on the families' part does not mean released children are unsafe or facing abuse.

We want to reiterate that our request for funding for Home Studies and Post Release Services has the goal of making post release services timely and accessible to all children and families/sponsors that would benefit from them. It is important that Post Release Services be offered to 100% of unaccompanied children and their families/sponsors, and it is just as important that post release services be accessible and valuable.

**The Committee can work with ORR to ensure that the benefits of any post release services outweigh the additional obligations and responsibilities it imposes on families.** It has been CWS's experience that support services work best when individuals and families choose to participate. Post-Release Services should provide support and services to families/sponsors and children without causing them stress or imposing unrealistic demands on them. Ensuring that Post-Release Services are voluntary then requires the services to be accessible and valuable such that already burdened families will choose to take advantage of them.

**The Committee can ensure that ORR works with families/sponsors and children to remove barriers to access post-release services.** One of the ways that ORR can remove barriers is by continuing to reduce the waitlist of children waiting to receive Post-Release Services and the time children wait to receive those services. The longer that families and children wait to receive these services, the less valuable the services become.

Another way that ORR can remove barriers is by making every effort to ensure language access to children and families/sponsors when offering Post-Release Services and during the entire duration of services, especially to children and families whose primary language is an indigenous language or one other than English or Spanish. ORR should increase the level of training for Post-Release Service providers to emphasize the importance of offering translators and the sensitivities of communicating through and translator.

Many families' and sponsors' past experiences and current immigration may lead them to view mandatory Post-Release Services as a direct connection to immigration and may cause them to be afraid of immigration enforcement or the U.S. government causing disruption, trauma, and further separation to their families rather than the stability and support that Post-Release Services seek to provide. Highlighting that Post-Release Services are voluntary may help mitigate some of these fears and promote active participation the critical services post release services provide.

In almost [90 percent of cases](#), unaccompanied children have a family member in the United States. In more than 40 percent of cases, that family member is a parent or legal guardian. These are children being reunited with their families who will care for them. **It is also important to note that in some cases, children and families are doing really well and families do not accept Post-Release Services because they are able to care for their children without the assistance.**