



Testimony of

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Introduction

Chairman McClintock, Ranking Member Jayapal, and distinguished Members of the Committee, thank you for the opportunity to appear before you today to discuss the Unaccompanied Children (UC) Bureau within the Department of Health and Human Services (HHS) Administration for Children and Families (ACF) Office of Refugee Resettlement (ORR).

ORR is comprised of a dedicated team of career federal staff that works closely with grant recipients and contractors, all of whom are committed to ensuring the safety and well-being of every child in our care. I have met some of the children we serve and many of the dedicated professionals who serve them, and I have witnessed firsthand the commitment and devotion of our staff. Providing for the safety and well-being of children in our care is not only ORR's congressional mandate, but also the Office's guiding principle. This goal is reflected in our policies, our people, and our efforts to strengthen the program every day.

In my testimony today, I will describe the work of ORR's UC Bureau and the policies in place to promote the safety and well-being of unaccompanied children in ORR's care. In addition, I will share steps ORR is taking—consistent with its authorities and mission—to support and promote children's safety and well-being following their discharge from ORR.

HHS's Responsibility for Unaccompanied Children

Under section 462 of the Homeland Security Act of 2002 (HSA) (6 U.S.C. 279) and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) (8 U.S.C. 1232), ORR is required to assume custody of and provide care for all unaccompanied children from the time they are transferred to ORR from the Department of

Homeland Security (DHS) or another federal entity until they are released from federal custody to an appropriately vetted sponsor, typically a parent or other family member.

This is further enshrined in the Unaccompanied Children Program Foundational Rule, part 410 of title 45, Code of Federal Regulations, in effect as of July 1, 2024. The Foundational Rule provides a comprehensive framework governing the care and treatment of unaccompanied children in ORR custody, and implements and, in many cases, exceeds requirements of the 1997 *Flores* Settlement Agreement (FSA) which outlines minimum standards for ORR care provider facilities and protections for unaccompanied children. The rule also implements provisions of the HSA and the 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.

Current State of the Unaccompanied Children Bureau

ORR funds nearly 300 programs in 29 states for different levels of care such as shelter programs, transitional foster care, long-term foster care, group homes, heightened supervision facilities, and residential treatment centers, as well as Emergency Influx Facilities (EIF). There are currently no children housed at any EIF, though ORR maintains a preparedness posture by ensuring the Office can quickly scale-up capacity if needed to provide safe facilities appropriate for the care of children. ORR now also has the ability to award new Indefinite Delivery,

Indefinite Quantity task orders for scalable ICF capacity and services in a timely manner.

Since 2021, the UC Bureau has successfully built up its capacity and infrastructure, expanding the standard shelter network to increase its resiliency and ability to absorb shifting referral rates of unaccompanied children. At all its facilities, ORR provides for child-focused services, including case management services, access to legal services as required, and access to child advocates where applicable. These services are delivered according to child welfare best practices in a manner that is appropriate to the age, culture, preferred language, and needs of each child. In every aspect of our mission, we recognize the importance of our work in caring for children, many of whom come to our care during extremely difficult periods in their lives.

As of October 31, 2024, ORR had 6,329 children in its care and received 98,365 referrals from federal entities in Fiscal Year (FY) 2024. ORR continues working with DHS to minimize the time an unaccompanied child spends in a border processing facility or port of entry, neither of which are equipped for extended stays for children. Through flexible capacity, improved case management processes, and coordination with interagency partners, ORR efficiently and consistently accepts DHS referrals. The average amount of time an unaccompanied child spends in DHS border facilities is now well under the 72-hour maximum time within which unaccompanied children must be transferred from DHS to HHS care in accordance with the TVPRA.

In FY 2024, ORR placed nearly 99,500 children with appropriately vetted sponsors. The average length of time a child spent in ORR care over this period was less than one month. Given ORR's UC Bureau's child welfare mission, we know that the best place for a child is with

family in a community, not in a congregate care setting. The vast majority of children released to a sponsor were placed with a parent, legal guardian, or other close family member.

Sponsor Vetting Process

In fulfilling its sponsor placement responsibilities, ORR employs rigorous sponsor screening and vetting processes for each category of sponsor that are based on child-welfare principles. To that end, ORR has implemented and funded seven-day-a-week case management—specifically for family unification services, which ensures comprehensive staff support so that every child’s case is worked on even after normal business hours and on weekends. Additionally, ORR has made technological improvements to build in safeguards, streamline processes, and make it easier to identify potential child welfare concerns during sponsor suitability assessments.

ORR identifies potential sponsors for unaccompanied children in four different categories of cases: parents or legal guardians as Category 1; brothers, sisters, grandparents, or other immediate relatives as Category 2; distant relatives or unrelated individuals as Category 3; and unaccompanied children with a sponsor yet to be identified as Category 4. ORR’s sponsor suitability assessment process includes verifying the sponsor’s relationship to the child; speaking with the child’s parents when possible; conducting separate interviews with the child and sponsor; collecting supporting documentation to verify the 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 the 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. All releases following home studies require a referral for post-release services (PRS), which are detailed below.

Actions and Services to Promote Children's Safety and Well-being Following Their Placement with a Vetted Sponsor

ORR is continually assessing, identifying, and implementing improvements to the UC Bureau to ensure the highest level of care and support for children. HHS recognizes that unaccompanied children discharged from ORR's care are often a particularly vulnerable population. Thus, consistent with its statutory authorities and responsibilities, ORR has undertaken several initiatives to further support the well-being of unaccompanied children after they are released from ORR custody to a vetted sponsor.

HHS is also working closely in partnership with the Department of Labor (DOL) to

advance federal efforts to protect children against labor exploitation. DOL's Wage and Hour Division and HHS ACF formalized this joint effort in a March 23, 2023, Memorandum of Agreement (MOA). This MOA expands the agencies' collaboration to include information-sharing to aid investigations and to help identify communities in which and employers for whom children may be at risk of child labor exploitation; coordination to ensure that children potentially found to be employed in violation of child labor laws have access to critical services; and cross-training of staff.

Additionally, last year ORR launched an internal review of certain individuals who have sponsored multiple unaccompanied children. This review showed that, while there were areas for continued improvement, ORR adhered to its program policies and procedures. A separate, external review of random samples of case files by sponsor category for children released from ORR care is also underway. Moreover, ORR created a new Integrity and Accountability team that is responsible for assessing and addressing potential exploitation risks faced by unaccompanied children.

Building on these efforts, in February 2024, ORR published policy and procedure revisions that enhance its sponsor vetting requirements. These revisions, which supersede certain prior Field Guidance, strengthen and expand home study policies and guidance, among other enhancements.

Further, HHS is committed to expanding access to both post-release services (PRS) and legal services. ORR has expanded PRS to an historic level, rising from just over 20 percent of children referred for PRS in FY 2021 to now 100 percent of children currently being referred for such services. Likewise, ORR has increased the number of unaccompanied children

receiving direct legal representation by an ORR legal services contractor by nearly 300 percent since the 2020–2021 contract year to the 2023–2024 contract year. With continued funding from Congress, HHS can continue to advance the goal of providing access to PRS and legal services for all children.

HHS recognizes that many children discharged from ORR’s care may benefit from ongoing assistance by a social services agency. Further, even though children are placed with vetted sponsors, we recognize that some children may still find themselves in need of support after they are released from ORR’s care. That is why ORR has policies in place, beyond when its custodial responsibilities legally end, to promote children’s well-being after they have been discharged and transition into a new community.

These policies include a variety of ways to help connect children with additional community supports after they are discharged from ORR’s care. These efforts include Safety and Well-being calls to children and sponsors after ORR releases a child from its care, operating the ORR National Call Center (ORRNCC), providing access to PRS, and facilitating access to legal services.

ORR policy requires care providers to make a minimum of three attempts for every case to reach and speak with the child and the sponsor. Children and sponsors are not required to participate in these calls, and they may choose not to answer a call for a variety of reasons, including fear or distrust of government, hesitation to answer an unknown number, or simply missing the call.

When a care provider identifies a child who may benefit from additional resources, the provider must refer the child to the ORRNCC, which is staffed 24 hours a day, seven-days-a-

week. This helpline was established to connect children and sponsors with resources within their local community to help address their individual needs. Children receive information about the ORRNCC while in ORR's care, and upon release they and their sponsor are provided a card with the ORRNCC information. Children, family members, sponsors, legal service providers, child advocates, and other members of the community can request assistance and report concerns to the ORRNCC. ORR requires ORRNCC staff to document any safety concerns, report such concerns to ORR, and comply with mandatory reporting laws, state licensing requirements, federal laws and regulations, and ORR policies and procedures for reporting to state and local child protective agencies and local law enforcement. Additionally, ORR requires the ORRNCC to provide children who contact the helpline and express safety concerns with information regarding the authorities to which their safety concerns will be reported. The ORRNCC connects children directly with the appropriate authorities, when possible, and places a follow-up call to the child to confirm if any further actions are needed.

ORR also provides access to PRS for all unaccompanied children released to sponsors, including those who receive TVPRA-mandated home studies, which includes all children who are victims of trafficking, and to children who, in the determination of a care provider, would benefit from ongoing assistance. PRS includes referrals and connection to community resources, as well as intensive case management services in cases where additional support is necessary to address a child's specific needs or challenges or to help children adjust to their new home and community. These referral and case management services are offered by a network of ORR-funded grant recipients across the United States. 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.

Further, ORR continues to expand access to congressionally authorized and funded legal representation services for unaccompanied children. Access to direct legal representation ensures that children can meaningfully participate in their legal proceedings, including attending their immigration hearings, and seek relief for which they may be eligible. Currently, direct representation is prioritized for the most vulnerable cases including children who are expected to have a longer stay in ORR care, those who are seeking voluntary departure, or who otherwise have complex legal needs. The expansion of legal representation will continue to increase contact opportunities for children and may further help support their safety and well-being.

Notably, if at any point during an interaction with an unaccompanied child, an ORR Post Release Case Worker or NCC staff identifies or suspects any safety concerns, they are required to issue a Notification of Concern to ORR and notify appropriate investigative agencies, including local law enforcement and child protective services. This includes any suspicion that the child has run away, is at risk of or posing a danger to themselves or others, or is at risk of human trafficking, exploitation, or other abuse. ORR then conducts further review and determines what actions should be taken, which may include additional reporting and engagement with local law enforcement, state child welfare authorities, and/or referral to PRS.

While ORR does not have authority to remove a child from a home—that authority resides with state child welfare and law enforcement agencies—ORR recognizes the critical importance of notification and coordination to ensure that local authorities can respond appropriately to any allegations of abuse or neglect. For this reason, ORR regularly engages state and local child welfare agencies on the needs of unaccompanied children. State child welfare agencies vary in capabilities and these entities also need robust resources to help ensure

their ability to review or investigate such allegations.

If ORR care provider staff suspect that a child is a victim of trafficking or is at risk of trafficking at any point during their interaction with an unaccompanied child, they must make a referral to HHS ACF Office on Trafficking in Persons (OTIP) and to DHS Homeland Security Investigations (HSI) for further investigation. OTIP provides further assessment assistance to ensure that victims can access appropriate care and services. Such care is then coordinated with ORR to provide direct referrals for grant-funded comprehensive case management services, medical services, food assistance, cash assistance, and health insurance tailored to the child's individual needs.

HHS engages in constant efforts to improve care and information-sharing efforts for better human trafficking prevention. For example, in February 2023, ORR entered into a data sharing MOA with OTIP and the National Center for Missing and Exploited Children (NCMEC) to increase information sharing and visibility on unaccompanied children who are referred to NCMEC and who may be at risk of trafficking or exploitation. Additionally, ORR works regularly with OTIP to further coordinate their efforts to align care and services for victims. Further, the ORR UC Bureau has teams in place to coordinate with State child welfare agencies, and other community partners that help provide a safety-net of services and resources for children following their release.

Conclusion

We appreciate Congress' support for ORR's UC Bureau. Without adequate funding, ORR's ability to timely accept referrals and serve children could be significantly impaired, and it could lead to a curtailing of timely PRS and legal services. These services play a critical role in

ORR's ability to promote the safety and well-being of children—including combating the risk of child labor exploitation—but are only possible with continued investment and support from Congress. We would also welcome additional resources from Congress for ORR to expand not only access to, but the nature of, the services offered to all children following release, to promote child and family stability and reduce vulnerabilities and risks to trafficking and exploitation.

Thank you for the opportunity to provide an update on ORR's UC Bureau. We are committed to caring for and protecting children in HHS's care and continue to do all we can, within the bounds of our authorities and resources, to promote their well-being following their discharge. Children who come into ORR care face unique challenges that require a whole-of-government approach—including our partners in Congress and fellow federal agencies, as well as state and local agencies and national and community partners. At HHS, we are proud to do our part in this critical work.