

## Senate Hearing Summary

Adequacy of the Department of Health and Human Services' Efforts to Protect Unaccompanied Alien Children From Human Trafficking

January 28, 2016

In response to extreme violence and economic instability in their home countries, Central American children are increasingly migrating north to reunite with family members in the U.S. Unaccompanied alien children (UACs) flooded the border in 2014 in greater numbers than in previous years. Authorities detained over 10,000 child migrants in the last two months of 2015, more than double the number the year before at the height of the first wave of the migration crisis. The U.S. Department of Human and Health Services (HHS) attempts to place each unaccompanied alien child (UAC) with a suitable adult sponsor – someone who can care for them until their immigration hearings. In 2014, HHS placed at least one group of UACs in the hands of a ring of human traffickers who forced them to work six or seven days a week for 12 hours a day. The children were threatened, humiliated, deprived, financially coerced and more that compelled them to be compliant. This tragic event promoted the subcommittee to launch an investigation and seek solutions for verifying potential caregivers.

[Click here to watch the hearing and download summary report](#)

## Speakers/Panelists

- Senator Rob Portman - R (OH) , Chairman, [View Statement](#)
- Senator Claire McCaskill - D (MO), [View Statement](#)
- Senator Ron Johnson - R (WI)
- Senator Tom Carper - D (DE)
- Mark Greenberg- Acting Assistant Secretary, Administration for Children and Families (HHS)
- Robert Carey - Director, Office of Refugee Resettlement (ORR), HHS
- Senator Heidi Heitkamp - D (ND)
- Senator James Lankford - R (OK)
- Senator John McCain - R (AZ)
- Tiffany Nelms - Associate Director of Children's Services, U.S. Committee for Refugees and Immigrants
- Jennifer Justice - Deputy Director, Office of Families and Children, Ohio Department of Job and Family Services
- Kimberly Haynes - Director for Children's Services, Lutheran Immigration and Refugee Service

## Generalized Statements/Questions

*McCaskill:* Wants increased background checks by HHS on the relative/sponsor who the minor will be living with, questioned competence of HHS officials and lack of policies regarding home visits when someone doesn't show up for a hearing, wants criminal background checks of sponsors

*Johnson:* Commented on increase in number of unaccompanied minors and how it's difficult to deal with and the lack of efficiency of HHS

*Greenberg:* Discussed improvements ORR made to the sponsor process given the increase in number of children they serve

*Nelms*: Described organization that works with refugees to integrate them into U.S. communities

*Justice*: Described requirements of foster parents: home visits and background checks

*Haynes*: Wants ORR to be consistent on background checks and use best practices

*Portman*: Asked if HHS policy was in effect in the Ohio cases, wondered if certain policies could have changed outcomes

*Heitkamp*: Asked about law and resource management changes, commented on apparent lack of urgency in HHS

*Lankford*: Noted that the high percentage of children who don't show up for hearings are at risk of trafficking, suggested holding them at their initial facilities until court proceedings. Wants to avoid releasing people without an actual relative

*McCain*: Questioned why we don't coordinate with the country of origin via US consulate/embassy in applying to come to the US so children aren't transferred to the border by coyotes?

### **Restructured Child Placement Procedures as of January 2016**

HHS has created **four** categories to classify potential sponsors in order to help guide release decisions

Category 1: Parents, legal guardians and stepparents that have legal or joint custody of the UAC

Category 2: Immediate relatives

Category 3: Distant or unrelated individuals

Category 4: Cases in which a UAC has no identified sponsor

Once the care provider identifies a potential sponsor, it begins the sponsor- assessment process. ORR's online Policy Guide explains that ORR considers a number of factors when evaluating potential sponsors, including the nature and extent of the sponsor's relationship with the UAC, if a relationship exists; the sponsor's motivation for wanting to sponsor the UAC; the UAC's view on the release to the identified individual; and the sponsor's plan to care for the UAC.

1. Evaluate Each Child
2. Identify Potential Sponsor
3. Conduct Background Checks
4. Consider Conducting a Study of the Sponsor's Home
5. Make a Release Recommendation
6. Release of the UAC from HHS Custody

### **Relevance to SEIHR**

Two U.S. immigration policies utilize genetic testing to verify claimed relationships for visa sponsorship. In this hearing, the Senators expressed concern for the verification of Category 1 & 2 placement and the policy for transferring Category 2 to Category 3/4 placement if a relative is not identified. Genetic information may be applied to UAC placement to expedite the verification processes and identify potential fraud. However, care must be taken in all cases to evaluate home environments for UAC placement. Genetic information alone is not sufficient for judging the safety of a child's living situation. Biometrics may be applicable for tracing repeat offenders and to reveal cases where a sponsor is applying for multiple UACs.