



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

JUN 26 2018

The Honorable Ron Wyden
Ranking Member
United States Senate
Committee on Finance
Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your inquiry regarding the Department of Health and Human Services' (HHS) efforts to address the influx of Unaccompanied Alien Children (UAC) at the southern border.

I share your concern for the safety and care of all children in HHS funded facilities and am working closely with the Department of Homeland Security (DHS) to ensure that parents or relatives know the location of their children and have regular communication until such time they can be reunited or placed with an appropriate sponsor. I am bringing to bear all the relevant resources the Department has available, and have directed the Assistant Secretary of Preparedness and Response (ASPR) to assist the Administration for Children and Families (ACF) and the Office of Refugee Resettlement (ORR) in their efforts to ensure family reunifications are handled safely, responsibly and expeditiously. ASPR previously assisted ACF during the 2012 and 2014 influx of UACs.

Answers to each of your questions are below:

- How many children are in the custody of HHS who were separated from their parent(s) at the border and have not yet been reunified with their parents or released to local family members?

An individual illegally crossing into the United States alone, not as part of a family unit comprised of a child and a legal guardian, would be detained by the U.S. Customs and Border Protection (CBP). An adult would be sent to Immigration and Customs Enforcement (ICE) and an alien child to ORR. The Homeland Security Act of 2002, Section 462, transferred the functions for the care and placement of UAC to the Director of the ORR.

While recent news stories have focused on the implementation of a "Zero Tolerance" policy for illegal border crossings, the surge of UACs has been an issue for years.¹ Currently, 17% of minors in HHS funded facilities were referred to us as a result of Zero Tolerance enforcement. 83% arrived in the United States without a parent or guardian. As of June 25, 2018 ORR has 11,755 UAC in care. 2,053 of these UACs came into ORR care as a result of the Zero Tolerance policy for family groups that began May 6, 2018.

¹ Richard Cowan, *Waves of immigrant minors present crisis for Obama, Congress*, REUTERS, May 28, 2014.

- Does HHS have a system to ensure parents or their attorneys can locate their children?

When a minor comes into HHS custody, DHS should provide us with information regarding where they illegally entered the country and whether or not they were with a parent or adult. HHS and DHS are utilizing a central database to access and update this information. Within 24 hours of arriving at an HHS funded facility minors are given the opportunity to communicate with a verified parent, guardian, or relative when contact information is available. Minors are permitted to call family members and potential sponsors in the United States and abroad. Attorneys representing minors have unlimited telephone access. A minor may also speak to their consulate or child advocate.

If a parent or guardian is attempting to determine if their child is in the custody of ORR they should contact the ORR National Call Center at 1-800-203-7001 or via email (information@orncc.com). The ORR National Call Center has numerous resources available for children, parents, guardians, and sponsors.

- Does HHS ensure parents and relatives who are non-English speaking are provided with materials and instructions in their native language or translation services are provided?

Yes. ORR policies on “Services Related to Culture, Language and Religious Observation” were updated in 2015.² Care providers must make every effort possible to provide comprehensive services and literature in the native language of each unaccompanied alien child and provide on-site staff or interpreters as needed. All ORR-required documents must be translated in the UAC’s preferred language, either written or verbally. The ORR National Call Center is also able to handle calls in Spanish as well as the languages preferred by the parent.

- Does HHS have a system to ensure parents in federal custody can speak with their children on a daily basis?

Within 24 hours of arriving at an HHS funded facility minors are given the opportunity to communicate with a verified parent, guardian, or relative. Minors are permitted to call family members and potential sponsors in the United States and abroad. Attorneys representing minors have unlimited telephone access. A minor may also speak to their consulate or child advocate.

- Does this system extend to parents who have already been deported from the United States?

A parent who is ordered from the U.S. may request that his or her minor child accompany them. In the past some parents have elected to be removed without their children. If a parent is no longer in the United States and a child is in ORR custody, they can communicate with their child via the processes described above.

² ORR’s policy guide is available here: <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied>

- What is HHS doing to proactively find the parents of detained children and help them make contact with their children?

HHS is currently working with relevant agency partners to foster communications and work towards reuniting every minor and every parent or guardian via well-established processes.

- Please identify every HHS-contracted care provider where children separated from their parents are presently in custody and the number of separated children in custody at each location.

The majority of the youth are cared for through a network of over 100 state-licensed ORR-funded care providers in 17 states. In order to protect minors' privacy, minimize disruption of the facilities, and ensure the security of the children, ORR policy is to not publish the exact locations of its care provider facilities. This is also why ORR typically requires a two week notification before visiting a facility, a policy that has been in place since 2015.

- Please describe what policies and procedures HHS has put in place to address the unique needs of separated children, as compared to unaccompanied minor children on issues including, but not limited to: communications with parents; access to counsel; and decisions about release.

As described above, minors are given the opportunity to communicate with a parent, guardian, or relative within 24 hours of arrival at a HHS funded facility, when contact information is available. Minors are permitted to call family members and potential sponsors in the United States and abroad. Attorneys representing minors have unlimited telephone access. A minor may also speak to their consulate or child advocate.

Decisions about release will be handled according to the policies and procedures ORR has established for UAC reunification. ORR works to release children to sponsors, who are typically their parents or other family members in the United States. ORR's release process is described in its online Policy Guide which makes clear that the preference is to release a UAC to a parent. ORR requires all potential sponsors to undergo an assessment process which includes case worker interviews, federal criminal database background and fingerprint checks, verification of identity and address, attendance of a Legal Orientation Program for Custodians operated by the Department of Justice, and home studies when either required by law or otherwise appropriate. ORR conducts concurrent planning for multiple possible release options. These standards are in place to ensure the safety of minors.

ORR places a UAC with a sponsor in the least restrictive setting that is in the best interests of the individual child, taking into consideration danger to self, danger to the community, and risk of flight. When making a placement determination, ORR considers many factors, including: trafficking or other safety concerns; any special needs or issues requiring specialized services (for example, a child with language needs, mental health or medical concerns, or a youth who is pregnant or parenting); possibility of heightened vulnerability to sexual abuse due to prior sexual victimization; location of potential sponsor and family sponsorship options; siblings in ORR custody; behavior, age, and gender.

After release, ORR may connect sponsors with post-release services for minors. A month after release, ORR will also attempt to conduct a follow-up phone call with the sponsor and minor to determine whether the child is still residing with the sponsor, is enrolled in or attending school, is aware of upcoming court dates, and is safe.

- Is there any independent monitoring or reporting to ensure that these policies are being followed? If so, who is doing the monitoring/reporting? Please provide the names of the organization involved, contacts at these organizations, and copies of any reports provided to HHS.

ORR facilities are subject to both state and ORR monitoring. ORR monitoring is significant and broad. Section 5 of the UAC Policy Guide describes in detail the ongoing, multi-layered process that provides consistent oversight of all components of a care provider's program, including program design, management, safety and security, child protection, case management, personnel management, stakeholder relations, and fiscal management. This also includes ongoing oversight from ORR headquarters, routine site visits, and monitoring visits.

- What is the process for reuniting children separated from their parents at the border? Is it different from the process for other unaccompanied children?

We are working closely with our administration partners in this effort to reunify separated UACs as quickly as possible. If a parent is no longer in federal custody, the process for reunification would follow the procedures as described in the ORR policy guide.

If you or your staff have any additional questions or concerns, please do not hesitate to contact Matthew D. Bassett, Assistant Secretary for Legislation, at (202) 690-7627.

Sincerely,



Alex M. Azar II