

FACT CHECK:

RFK's Claims About Unaccompanied Children

May 2026

At the April 22, 2026, Senate Finance Committee hearing on the President's Fiscal Year 2027 U.S. Department of Health and Human Services (HHS) budget, Secretary Kennedy dismissed oversight questions about the safety of children in his department's custody. Here's what's happening to unaccompanied children on his watch.

- A three-year old girl was **sexually abused** while in HHS Office of Refugee Resettlement (ORR) custody for five months, even though her father, a lawful permanent resident, applied to sponsor her the day after she was taken into custody.
- An ORR provider locked adolescents alone in "red rooms," a form of **solitary confinement for children** in federal care.
- **Every pregnant unaccompanied minor** in ORR custody is being transported to a single Texas facility in a state with a near-total abortion ban over the objections of HHS's own health and child-welfare officials.
- The average length of time children spend in HHS custody has increased more than 5x from **37 days** in January 2025 to **194 days** in March 2026.
- HHS tried to **covertly deport** more than 600 Guatemalan children.
- ORR convened a **"war room"** giving the U.S. Department of Homeland Security (DHS) and other federal agencies direct access to children's confidential case files for immigration enforcement in violation of its own privacy protections.
- HHS and DHS are jointly building a **deportation pipeline** at the Alexandria, Louisiana airport designed to both **hold families and children for three to five days** before deportation flights and redirect ORR shelter bed capacity toward removal operations.
- DHS is conducting "welfare checks" at sponsor homes that have functioned as immigration enforcement raids, resulting in sponsor arrests and **pulling as many as 500 children back into ORR custody since June 2025**.
- HHS permitted DHS agents to **interrogate unaccompanied children** inside ORR shelters **without notice to their attorneys**, with statements made under those conditions driving so-called "voluntary" returns.
- ORR required sponsors to produce income and identity documents typically unavailable to immigrants, blocking many parents from reuniting with their own children. **The penalty for being a non-citizen parent is a child kept in federal custody.**
- **Children already released from ORR custody have been re-arrested** during traffic stops, U.S. Immigration and Customs Enforcement raids, and immigration court appointments, separating families a second time.
- HHS restructured ORR so legal service providers and sponsors **can no longer find out** what is happening to children in custody.

The Record

A three-year-old was sexually abused in HHS custody, and the Secretary claimed ignorance.

[A three-year-old separated from her mother at the southern border in September 2025 was placed in an ORR temporary foster home in Texas, where she was sexually abused by another child in the home.](#) Her father, a lawful permanent resident of more than 10 years, applied to sponsor her the day after she was taken into custody, yet ORR kept her in custody for nearly five months, never told the father about the abuse, and described the abuse to him as an "accident." ORR slow-walked review of the sponsor application the law requires it to process in 10 days. She was released only after her lawyers filed a federal habeas corpus petition. When questioned about the case during the hearing, Secretary Kennedy admitted he did not know it had happened.

Adolescents in HHS custody are being locked alone in "red rooms."

[Recent reporting](#) documents adolescents in ORR custody being punished with restraints or being placed alone for days in what they describe as "red rooms," a form of solitary confinement applied to children in the federal government's care.

Children are now held in HHS custody more than five times longer than they were a year ago.

Average length of care for children discharged from ORR climbed from [37 days in January 2025](#) to [194 days in March 2026](#). The number is even higher, 209 days in March 2026, for the children HHS is currently holding. [Lawyers have been forced to file habeas corpus petitions](#) on behalf of children detained an average of more than 225 days, a litigation posture with no precedent in prior administrations. Every additional day a child spends in federal custody is a day away from family, school, community, and basic stability. An over five-fold increase in detention time is not a resource problem. It is a direct, ongoing injury to thousands of children.

ORR is intentionally placing all pregnant and parenting youth into a single facility in a state with a near-total abortion ban.

Since July 2025, this administration has been sending every pregnant unaccompanied minor to a single group shelter in South Texas. [The decision was made over the urgent objections from some of the administration's own health and child welfare officials](#), who raised concerns that the facility and the region [lack the specialized care pregnant and parenting minors need](#). These pregnancies are considered high risk by definition, and many of the minors in the facility are pregnant as a result of rape and sexual assault. ORR is concentrating high-risk pregnancies in [a region where the medical care, abortion access, behavioral health support, and trauma-informed counseling required are unavailable](#), compounding the trauma these children have already endured.

The administration tried to deport 600 children to Guatemala in the middle of the night.

Over Labor Day weekend 2025, the administration identified more than 600 Guatemalan children in ORR custody for "repatriation," loaded 73 of them onto

planes in the middle of the night with virtually no notice to their lawyers, and made them sit on the tarmac for hours [until a federal judge halted the operation](#). Senator Wyden [followed the situation closely](#) and later [released a memo](#) from the Guatemalan government directly contradicting the administration's claim that the deportations were at the parents' request. The matter remains in litigation in [L.C.M.L. v. Noem](#), where the court has issued a preliminary injunction. Children - some asleep when ORR staff came for them - were nearly removed to a country they had fled, in the dark, without their lawyers, and on a cover story the Guatemalan government itself has disavowed.

HHS created a "war room" to mine children's case files for immigration enforcement.

ORR convened an "Interagency Crime Coordination Cell" (OIC3), described in reporting as a ["war room,"](#) giving HHS Office of Inspector General, DOJ, ICE Enforcement and Removal Operations (ERO), and Homeland Security Investigations (HSI) access to ORR's Unaccompanied Children Portal. The portal contains Social Security numbers, biometric identifiers, medical notes, financial accounts, and home addresses for children and their sponsors. Access by external agencies for this purpose is contrary to ORR's own [Privacy Act System of Records Notice](#), which prohibits sharing portal data "for immigration enforcement purposes." A DOGE staffer and detailees from ICE, ERO, HSI, and Customs and Border Protection (CBP) have been granted direct portal access anyway. Children released to sponsors are being treated as ongoing law-enforcement subjects and ORR is helping create those target lists.

ORR went from delaying releases to expediting those that facilitate removal.

After months of nearly frozen Category 1 release timelines, [176 Category 1 children were released in March 2026 alone](#), a surge coinciding with the administration's buildout of a [new short-term holding facility at the Alexandria International Airport in Louisiana](#). The converted military barracks is expected to be operated by current ORR grant recipient, Compass Connections and the LaSalle Family Foundation, designed to hold families and unaccompanied children for three to five days before deportation flights. HHS is laying the groundwork to strip Category 1 children of their statutory protections altogether by de-designating them as 'accompanied' and ORR is no longer making release decisions based on what is in the best interest of the child. It is making them based on what is most useful to DHS removal operations. Children with safe family placements remain warehoused for months while children whose release feeds a deportation flight are now being released.

Sponsor families became the targets of immigration-enforcement raids dressed up as "welfare checks."

[Beginning in April 2025, HSI began conducting "welfare checks" at sponsors' homes.](#) Public reporting indicates these have resulted in sponsor arrests and that as many as 500 children since June 2025 have been removed from sponsors and taken back into ORR custody. By the end of July 2025, ORR was instructing its own field staff that immigration enforcement officers would be present at in-person sponsor identity verification interviews to "[meet their own mission objectives](#)." Children are being

ripped away from ORR-approved family members and put back into the same custody system that produced the three-year-old's horrific abuse.

DHS was given secret access to interrogate children inside ORR shelters.

In August 2025, ORR and DHS implemented a non-public policy permitting Homeland Security Investigations agents to [enter ORR-contracted facilities and interview unaccompanied children](#) without advance notice to the child's attorney. Federal law enforcement agents are interrogating children in contravention of federal law. Statements made under those conditions are driving so-called “voluntary” returns.

Sponsors are being disqualified solely for being immigrants.

In March 2025, and again in March 2026, the administration amended [ORR Policy Guide § 2.2.4](#) to require sponsor identity documents typically unavailable to immigrants. In April 2025, it added income documentation requirements that exclude sponsors without work authorization. This administration has been told these requirements create a sponsor chilling effect, and imposed them anyway. A [March 25, 2025, Interim Final Rule](#) stripped 45 C.F.R. § 410.1201(b) of its restrictions on sharing sponsor immigration data with DHS for enforcement purposes. A federal court has preliminarily enjoined enforcement of these requirements in [Angelica S. v. HHS](#). **The penalty for being a non-citizen parent is a child kept in federal custody.**

Children already released to vetted sponsors are being re-arrested and put back in detention.

Children previously released to ORR-vetted sponsors are being re-arrested by DHS at traffic stops, ICE raids, and even immigration court appointments. Some are returned to ORR, where they languish for months as the family is forced to start the sponsor process over. Others are transferred into DHS family detention and deported alongside their family. As of February 2026, and outlined in pending litigation, [Renesme R.](#), a 16-year-old honors-track JROTC student from Tennessee, had been detained in Texas for three months — too afraid to ask her previously approved father to reapply because she knew sponsors were being arrested by immigration enforcement at ORR appointments. **This is family separation.** [Children who have been reunited with their families are being torn from them a second time. Others have learned that the system meant to help them is dangerous to use, and are choosing prolonged detention over the risk of getting their parents or family members arrested.](#)

ORR restructured itself to centralize power and so sponsors, child advocates, and lawyers can no longer find out what is happening to children in custody.

[In January 2026, ORR consolidated sponsor vetting under a new Division of Sponsor Administration.](#) Since then, legal service providers have reported that the federal officials responsible for case decisions have stopped meeting with them, stopped responding to written inquiries, and stopped providing basic status updates to any requestor, even sponsors. When sponsors, child advocates, and the child's attorney cannot get answers, they cannot advocate for the child, identify problems, or flag dangerous placements. That is exactly the opacity that allowed a three-year-old's abuse to go unreported to her family for nearly five months.