

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-4305

February 28, 2023

The Honorable Xavier Becerra, J.D.  
Secretary of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Secretary Becerra,

The ongoing crisis at our southern border raises serious concerns about the Department of Health and Human Services' (HHS) ability to provide proper oversight and accountability for unaccompanied alien children (UAC). Since President Biden took office, U.S. Customs and Border Patrol (USCBP) has encountered 322,068 UACs at the southern border.<sup>1</sup> That is a 249% increase (total of 92,347 UAC encounters) when compared to former President Trump's first two years in office. This difference highlights the numerous failures by the Biden Administration to control the migrant surge at the border, which calls into question your agency's ability to properly vet sponsors that may claim custody of a UAC.

Human trafficking is a multibillion-dollar industry further enabled by the current administration's lax border policies. Unfortunately, around 12% of all victims of modern slavery are children, half of whom are in commercial sexual exploitation.<sup>2</sup> An increase in smuggled migrants correlates with increased labor or sex trafficking victims. Despite the administration's claims to comprehensively address human trafficking, there has not been sufficient action to stop the alien smuggling fueling this humanitarian crisis. Drug Cartels, human traffickers, and smugglers are incentivized by the policies of this administration to use UACs to easily slip across the border undetected. One former border agent recounted witnessing traffickers "providing" children to unrelated adults at the border only for the adults to return the children to traffickers after reaching their destination within the U.S.<sup>3</sup> Recently, a 17-year-old MS-13 gang member, who was allowed into the country as a UAC, was arrested for murdering an American citizen in July 2022.<sup>4</sup> It is crucial that HHS policies are protecting minor children at the border, not playing a role in the release of dangerous individuals or placing children in the care of dangerous sponsors.

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<sup>1</sup> "Southwest Land Border Encounters," U.S. Customs and Border Protection, Department of Homeland Security. <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

<sup>2</sup> "Forced Labour, Modern Slavery and human trafficking," International Labour Organization, United Nations. <https://www.ilo.org/global/topics/forced-labour/lang-en/index.htm>

<sup>3</sup> Robinson, Heather. "How Biden's border policies will increase sex trafficking of children to US," *New York Post*, April 17, 2021. <https://nypost.com/2021/04/17/how-bidens-border-policy-will-increase-child-sex-trafficking-to-us/>.

<sup>4</sup> Feere, Jon, "Scoop: MS-13 Murder Suspect Entered as a UAC," Center for Immigration Studies, January 22, 2023. <https://cis.org/Feere/Scoop-MS13-Murder-Suspect-Entered-UAC>

Already in fiscal year 2023, there have been 31,691 unaccompanied children released to sponsors.<sup>5</sup> I am concerned that fraud surrounding UAC sponsorship is severe due to your department's lackluster policies and procedures to verify a sponsor's identity and relationship to the child. Children apprehended, transported, and processed alone are not safe from human traffickers, who may pose as sponsors once migrant children are flown throughout the country by the federal government. Last year, the Office of Refugee Resettlement (ORR) removed the requirement to collect documentation from potential sponsors that verify their immigration status or U.S. citizenship in the Family Reunification application.<sup>6</sup> This is a clear failure that leaves migrant children vulnerable to human traffickers and provides criminals with an easy gateway into the United States. To ensure the record number of children at our southern border are safe and placed with properly vetted sponsors throughout the country, this Administration must provide more transparency into the policies and procedures surrounding UACs.

While the American people wait for the Biden Administration to acknowledge the border crisis, Congress cannot wait any longer. I request your response to the questions below as I work with my colleagues to draft legislation and conduct oversight to ensure the safety of UACs.

1. Why did HHS/ORR remove its citizenship requirement policy for UAC sponsors?
  - a. Please list the reasoning behind why ORR determined identity verification is no longer important for vetting a sponsor of a minor child.
  - b. Additionally, please describe how familial relationships are verified.
  - c. Are you aware of how many UACs have been placed with non-citizens since ORR stopped implementing this rule?
2. Please detail how many UACs were released by each specific category:
  - a. Category 1: Parent or legal guardian; Category 2A: An immediate relative--a brother; sister; grandparent, or other close relatives (aunt, uncle, first cousin) who previously served as the UAC's primary caregiver; Category 2B: An immediate relative-- including an aunt, uncle, or first cousin who was not previously the UAC's primary caregiver; Category 3: Other sponsors, such as distant relatives and unrelated adult individuals; Category 4: No sponsors identified.
3. Under what circumstances does HHS/ORR not require sponsors, adult household members, and adult caregivers to undergo the background check requirement of the state child abuse and neglect (CA/N) registry, the FBI National Criminal History Check, and the Public Records Check.
  - a. Please provide the total number of CA/N checks initiated and completed by HHS/ORR from January 2021 - January 2023.
  - b. What does HHS/ORR consider as "mitigating factors" in relation to any risks or special concerns of the sponsor, such as a criminal background, history of substance abuse, mental health issues, or domestic violence and child welfare concerns?

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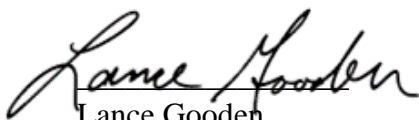
<sup>5</sup> "Unaccompanied Children Released to Sponsors by State," Office of Refugee Resettlement – U.S. Department of Health & Human Services. <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state>

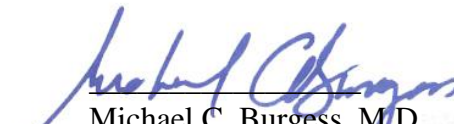
<sup>6</sup> Department of Health and Human Services – Administration for Children and Families Submissions for OMB Review; Family Reunification Packet for Sponsors of Unaccompanied Children, Federal Register, June 27, 2022. <https://public-inspection.federalregister.gov/2022-13631.pdf>

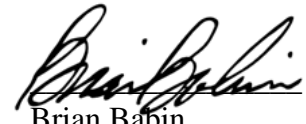
- c. Please list what records, systems, or documents are utilized when a “Public Records Check” is conducted?
4. Please provide the total number of releases approved and denied by ORR/Federal Field Specialists (ORR/FFS) related to UAC referrals, sponsors, and placements for January 2021 - January 2023.
5. Is ORR required to report false or fraudulent information from a sponsor, household member, or adult caregiver to HHS/Office of the Inspector General (OIG) and U.S. Immigration and Customs Enforcement’s Homeland Security Investigations (HSI)?
  - a. Please detail the internal policies and procedures to report false and fraudulent information.
  - b. From January 2021 - January 2023, how often has ORR reported false or fraudulent information from a sponsor, household member, or adult caregiver to the HHS OIG and HSI?
6. Please provide the following information regarding safety and well-being follow-up calls from January 2021 - 2023:
  - a. How many safety and well-being follow-up calls were not successfully completed?
  - b. How many safety and well-being follow-up calls resulted in care providers believing that the child is unsafe?
  - c. How many calls were reported to local child protective agencies and law enforcement?
  - d. How many significant incident reports were filed by care providers?

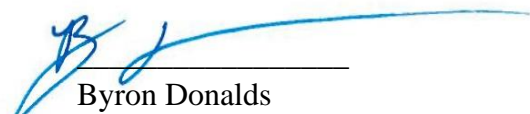
Thank you for your attention to this important matter, and we look forward to your prompt reply.


Sincerely,

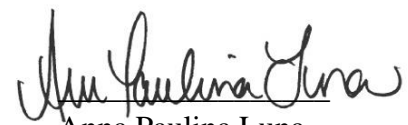
  
 Lance Gooden  
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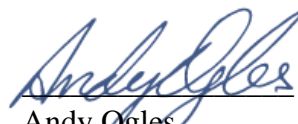
  
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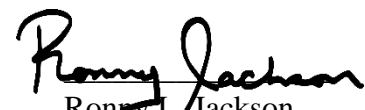
  
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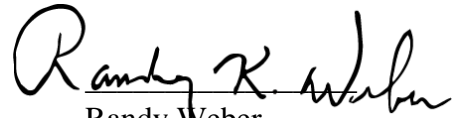
  
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