

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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February 27, 2023

Ms. Robin Dunn Marcos
Director
Office of Refugee Resettlement
Department of Health and Human Services
330 C Street SW
Washington, D.C. 20201

Dear Ms. Marcos:

The Committee on the Judiciary is conducting oversight of the Administration's enforcement of federal immigration law. Our oversight includes an examination of the troubling actions by the federal government to diminish safeguards for unaccompanied alien children (UACs) during the worst illegal immigration crisis in our nation's history. As the Director of the Office of Refugee Resettlement (ORR), we believe you are uniquely situated to inform our oversight and we ask for your cooperation with our request.

Under federal law, the Secretary of the Department of Health and Human Services (HHS) is responsible for ensuring the safety for all UACs referred to HHS by Customs and Border Protection, an entity within the Department of Homeland Security (DHS).¹ In 2021, HHS and DHS signed a Memorandum of Agreement (MOA), replacing a previous 2018 MOA between the two departments and removing some requirements for background checks for potential UAC sponsors.² Specifically, the 2021 MOA removed the requirement that ORR must provide biographic and biometric data for all adult members of a sponsor's household in order to check the Federal Bureau of Investigation's national and statewide criminal history, child abuse and neglect, and sex offender databases prior to placement of a UAC.³ This change is alarming because, as ORR itself has explained, "[t]he age of these individuals, their separation from

¹ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457 § 235, 112 Stat. 5044, 5077 (2008) (8 U.S.C. § 1232(b)(1)).

² S. Comm. on Homeland and Gov't Affairs, Report on Federal Care of Unaccompanied Children: Minors Remain Vulnerable to Trafficking and Abuse 30-31 (Dec. 2022).

³ *Id.*

parents and relatives, and the hazardous journey they take make [UACs] especially vulnerable to human trafficking, exploitation, and abuse.”⁴

The number of UACs encountered at the southwest border has significantly increased during the last two years, with over 146,000 children encountered in fiscal year (FY) 2021 and 152,000 in FY 2022.⁵ More than 37,000 UACs were encountered in the first three months of FY 2023.⁶ In contrast, the average number of UACs encountered at the southwest border between FY 2017 and FY 2020 was less than 50,000 per year.⁷

As a surge of UACs have crossed the southwest border, ORR’s home site visits, also known as pre-placement home inspections, have fallen in proportion to the record number of referrals of UACs. In FY 2021, ORR conducted pre-placement home inspections for less than five percent of all referrals, a significant reduction from previous years.⁸ Moreover, ORR does not even conduct home inspections for all children referred to sponsors who are unknown distant relatives or have no relation to the child.⁹ The Administration’s lack of adequate post-placement monitoring is also inadequate. According to ORR policies, a UAC’s post-placement monitoring can end after as few as three phone calls to the sponsor and merely 45 days.¹⁰ According to ORR, 42,577 sponsors did not answer phone calls relating to checks on the safety and well-being of UACs placed in their care.¹¹ The failure of this administration to adequately screen sponsors of UACs and monitor them after placement has resulted in UACs being exploited and working in extremely dangerous jobs children are legally prohibited from doing.¹²

As ORR Director, you have relevant information that is necessary to the Committee’s oversight. Accordingly, to assist us with our oversight of federal immigration policy and procedures, including HHS’s care for UACs encountered at the border, we request that you make yourself available for a transcribed interview with the Committee as soon as possible. Please contact Committee staff by March 13, 2023, to schedule your transcribed interview.

The Judiciary Committee is authorized to conduct oversight of federal immigration law pursuant to the Rules of the House of Representatives.¹³ If you have any questions, please contact Committee staff at (202) 225-6906. If you are represented by counsel, please ask your attorney to contact Committee staff on your behalf.

⁴ U.S. Dep’t of Health and Human Servs., Office of Refugee Resettlement, About the Program (last visited Feb. 7, 2023), <https://www.acf.hhs.gov/orr/programs/ucs/about>.

⁵ U.S. Customs and Border Protection, Southwest Land Border Encounters (last visited Feb. 7, 2023) <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁶ *Id.*

⁷ *Id.*

⁸ S. Comm. on Homeland and Gov’t Affairs, *supra* note 2.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Letter from Robin Dunn Marcos, Director of Office of Refugee Resettlement, Administration for Children and Families, Dep’t of Health and Human Servs., to Rep. Andy Biggs (Jan. 10, 2023).

¹² Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, N.Y. TIMES (Feb. 25, 2023), <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

¹³ Rules of the U.S. House of Representatives, R. X (2023).

Ms. Robin Dunn Marcos

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Thank you for your prompt attention to this important matter.

Sincerely,

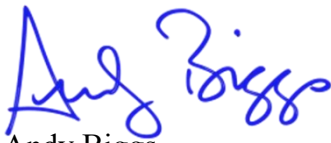
A handwritten signature in blue ink that reads "Jim Jordan".

Jim Jordan
Chairman

A handwritten signature in blue ink that reads "Tom McClintock".

Tom McClintock

Chairman
Subcommittee on Immigration Integrity,
Security, and Enforcement

A handwritten signature in blue ink that reads "Andy Biggs".

Andy Biggs

Chairman
Subcommittee on Crime
and Federal Government Surveillance

cc The Honorable Jerrold Nadler, Ranking Member

The Honorable Pramila Jayapal, Ranking Member, Subcommittee on Immigration
Integrity, Security, and Enforcement

The Honorable Sheila Jackson Lee, Ranking Member, Subcommittee on Crime and
Federal Government Surveillance