

Congress of the United States
Washington, DC 20515

April 9, 2024

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

The Honorable Robin Dunn Marcos
Director
Office of Refugee Resettlement
330 C Street, S.W.
Washington, D.C. 20201

Secretary Becerra and Director Marcos,

I write to you today to express deep concerns over the Office of Refugee Settlement's (ORR) failure to properly ensure the safety and wellbeing of unaccompanied children following a February 2024 report issued by the United States Department of Health and Human Services Office of the Inspector General (HHS-OIG)¹, and the Unaccompanied Children Program Foundational Rule that was proposed in October of 2023.

According to Customs and Border Protection (CBP), over 400,000 unaccompanied children have been encountered at our southern border with more than 137,000 encounters in 2023, and almost nine million illegal crossings nationwide under President Biden's Administration.² Human trafficking is the world's second-largest criminal industry, generating an estimated \$150 billion annually.³ Unfortunately, President Biden's immigration policies have only exacerbated the problem particularly at our southern border.

This state of disarray has led ORR to cut corners in ensuring appropriate sponsor vetting. In a rush to move children out of government custody, caseworkers are passing off countless minors into the hands of improperly vetted sponsors with news reports revealing unaccompanied migrant children falling into instances of exploitation, trafficking, and working in dangerous jobs that violate child labor laws.⁴ In testimony before the House Committee on the Judiciary, a former HHS volunteer described the dangers unaccompanied children face at the hands of sponsors that are at times criminals and traffickers part of Transnational Criminal Organizations (TCOs).⁵

More specifically, the HHS-OIG report revealed 16 percent of unaccompanied children's case files were absent of documentation indicating one or more required safety checks for sponsors were conducted. Furthermore, ORR also failed to conduct timely Safety and Well-Being Follow Up Calls in 22 percent of cases with 19 percent of children being released to sponsors with pending fingerprint check or child abuse and neglect registry check.

¹ <https://oig.hhs.gov/oei/reports/OEI-07-21-00250.pdf>

² <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

³ <https://preventht.org/human-trafficking-101/>

⁴ <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>

⁵ <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/rodas-testimony.pdf>

Furthermore, there have also been serious concerns raised on the Unaccompanied Children Program Foundational Rule that was proposed in October of 2023. This proposal would essentially codify some of ORR's current flawed methods, which have failed to ensure the safety of unaccompanied children and does not go extensively into requiring stronger sponsor vetting procedures. For example, the potential sponsor's criminal background, current illegal drug use or history of abuse or neglect, physical environment of the home, and other child welfare concerns are not necessarily disqualifying to potential sponsorship as per the proposed rule.⁶

In the face of these serious concerns, why has the Department of Health and Human Services time after time not taken decisive action to safeguard unaccompanied children? The utter failure of our government agencies to act in the defense of the vulnerable has resulted in their exploitation by vile actors such as the cartels and human traffickers. This state of affairs is unacceptable and must be rectified.

I strongly urge action from HHS to address this pressing issue. The safety of unaccompanied children is paramount, and I stand ready to work with you to resolve this. Please respond to the questions below no later than April 30, 2024.

1. What actions is the ORR taking to ensure unaccompanied children who have been victims of their sponsors and living in unsafe conditions are assisted by your office?
2. What percentage of children who have been released to improperly vetted sponsors have been victims of sex trafficking and exploitation? What actions does the ORR take to recuse children from such circumstances when they are made aware of malign activities taking place?
3. The Unaccompanied Children Program Foundational Rule states that a potential sponsor's criminal background, current illegal drug use, physical environment of the home, and other child welfare concerns are not necessarily disqualifying to potential sponsorship. Why is ORR failing to address these serious concerns that pose a detrimental threat to the wellbeing of a child?

Sincerely,

A handwritten signature in black ink, appearing to read "Morgan Luttrell". The signature is stylized with a large, sweeping "M" and a cursive "Luttrell".

Morgan Luttrell
Member of Congress

⁶ <https://www.govinfo.gov/content/pkg/FR-2023-10-04/pdf/2023-21168.pdf>