



ADMINISTRATION FOR
CHILDREN & FAMILIES
Office of Refugee Resettlement

Update on Efforts to Mitigate Child Labor Exploitation and Internal Audit on Placement Process Used to Transfer Custody of Unaccompanied Children to Vetted Sponsors



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From the Office of Refugee Resettlement

The U.S. Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR) is legally required to provide for the care of unaccompanied children (defined below), who are referred to ORR until they are appropriately and safely placed with a vetted sponsor. In response to increased reports regarding labor exploitation of children released from ORR custody, HHS has partnered with the U.S. Department of Labor (DOL) to improve information sharing and collaboration and has joined DOL's inter-agency task force to combat child labor exploitation. HHS has committed to several activities to support this partnership. This document includes an update on these efforts to mitigate child labor exploitation, including HHS's partnership with DOL, and technological and programmatic improvements. In addition, ORR proactively initiated an internal audit of vetting practices related to sponsors who sponsored three or more children to whom they were not related. This document summarizes the audit's scope, key findings, and recommendations as part of ORR's commitment to continuous quality improvement.

I. BACKGROUND

Statutory Authority

On March 1, 2003, the Homeland Security Act (HSA) transferred responsibilities for the care and placement of unaccompanied children from the Commissioner of the Immigration and Naturalization Service at the U.S. Department of Justice (DOJ) to the Director of ORR at HHS. The HSA defines an unaccompanied alien child (referred to by HHS as an unaccompanied child) as a child who has no lawful immigration status in the United States; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States is available to provide care and physical custody. ORR must operate the Unaccompanied Children (UC) Program consistent with its statutory authorities and in compliance with the 1997 *Flores* Settlement Agreement (FSA).

The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) added several requirements relating to unaccompanied children, including the requirement that other executive branch departments and agencies expeditiously transfer unaccompanied children to ORR's care and custody within 72 hours of determining them to be unaccompanied, absent exceptional circumstances. In most cases, referrals to HHS come from the U.S. Department of Homeland Security (DHS). When ORR receives a child, the child is placed in a shelter or facility that is part of a network operated by ORR contractors and grantees. ORR makes placement decisions utilizing the least restrictive setting that is in the best interest of the child and giving consideration to additional factors, including: keeping sibling groups intact, special needs of the

child, danger to the child, danger to the community, and risk of flight. Since the program's inception in March 2003, ORR has incorporated child welfare best practices when making placement, clinical, case management, and release decisions for the more than 600,000 children who have been in ORR custody. ORR's custodial responsibility ends when a child is released from ORR care. ORR does not have the legal authority to remove a child from a home once a placement has been made and relies on local or state child welfare agencies to consider allegations of abuse or neglect and take appropriate actions, as that authority rests with them.

Sponsor Placement

As soon as a child is transferred to ORR's custody, ORR works to identify and ultimately place the child with a vetted sponsor in the United States who is capable of caring for the child's physical and emotional well-being in a safe and healthy environment. Consistent with the requirements of the FSA, ORR seeks to place children in the following order of preference: parent or legal guardian (Category 1), close relative (Category 2), more distant relative (Category 3), and only if those individuals are not available, a non-relative sponsor, typically a friend of the child's family (also Category 3). Children who do not have a suitable sponsor are considered Category 4 and remain in the care of ORR long-term. ORR is able to place most children with a sponsor, usually a parent or a close relative. ORR attempts to contact the parent of every unaccompanied child upon entry into the care of ORR to help inform the child's service plan and to obtain potential sponsor information. This includes parents in the United States as well as those in the child's country of origin. When a child is not placed with their parent, often, a child's parent communicates their intent as to who their child's sponsor should be. More information regarding sponsor categories and placement can be viewed in ORR's UC Policy Guide.¹

ORR's sponsor suitability assessment requirements vary by sponsor category and are based on the potential sponsor's relationship to the child. The suitability assessment requirements can include verifying the potential sponsor's relationship to the child, if any; conducting separate interviews with the child, the child's family, and the potential sponsor; filling out a sponsor application; conducting address checks and reviewing supporting documentation; conducting background checks, including public records checks, sex offender registry checks, and, in many cases, DOJ Federal Bureau of Investigation (FBI) fingerprint checks, child abuse and neglect registry requests, and home studies, as required by law or ORR policy. Third party reviews are conducted by an independently contracted case coordinator prior to case managers making recommendations to a federal field specialist regarding release, or a possible need for a home study.

Additionally, sponsors are scheduled to attend a Legal Orientation Program for Custodians, administered by a DOJ contracted legal service provider to learn about the sponsor's responsibility to ensure the child appears for their immigration proceedings and the sponsor's responsibilities to protect the child from mistreatment, exploitation, and trafficking.

Non-relative sponsors receive the highest level of scrutiny of all sponsor categories during the vetting process and must complete a public records background check of criminal history, sex

¹ <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.2>

offender registry check, and FBI Fingerprint check prior to successfully sponsoring a child. Unrelated sponsors are identified by either the child or their parents. Case managers also pursue a Letter of Designation, which is a signed, notarized document submitted by the primary caregiver, usually a parent, naming the sponsor. If a Letter of Designation is unavailable, ORR works to attain verbal designation.

In addition to a set of circumstances where home studies are required by statute (see discussion below), ORR, as a matter of policy, also requires home studies for additional circumstances. These include home studies for non-relative sponsors under the following circumstances: (1) the potential sponsor is applying to sponsor multiple children; (2) the potential sponsor has previously sponsored or sought to sponsor a child and is seeking to sponsor an additional child; (3) the sponsor is seeking to sponsor a child who is 12 years old or under. Under ORR's policies and procedures, during the year after a home study has been conducted, it may be relied on when considering another sponsorship. Lastly, ORR policies provide that home studies may also be undertaken on a discretionary basis where ORR determines the home study is likely to provide additional information required to determine that the sponsor is able to care for the health, safety, and well-being of the child. A home study consists of interviews, a home visit, and a written report containing the home study case worker's findings. The purpose of a home study is to assess the potential sponsor's ability to meet the child's needs, educate and prepare the sponsor for the child's release, and build on the sponsor assessment conducted by the care provider staff to verify or corroborate information gathered during that process.

Safety and Well-Being Calls and Post-Release Services

Safety and Well-Being calls and Post-Release Services are two practices ORR utilizes to verify the safety and well-being of children after they leave ORR's care and custody. Safety and Well-Being calls are not required by statute, but ORR established a policy to call and attempt to reach all children and their sponsors within seven days following the 30-day mark of a child's discharge from ORR's custody. While sponsors and children are not required to respond to a call and sometimes contact information is no longer accurate, ORR makes at least three separate attempts to call all available phone numbers to reach both the child and sponsor. ORR is able to reach either the sponsor or the child or both child and sponsor in over 80% of cases.

ORR is required by the TVPRA to provide follow-up services to unaccompanied children under very limited circumstances. The statute specifies certain circumstances in which a home study must be conducted and requires HHS to conduct follow-up services when a mandated home study has been conducted. The TVPRA further provides that HHS may provide follow-up services in cases involving children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency. While the statute does not define follow-up services, HHS has relied on this statutory authorization to develop its current framework of Post-Release Services, and to extend those services beyond children whose cases involved a TVPRA-mandatory home study. Post-Release Services are provided by a network of ORR grantees and include case management services that connect children and sponsors to community resources to help with school enrollment, accessing health and mental health care, and obtaining other supports to ensure children's well-being.

Since 2021, ORR has doubled the rate of unaccompanied children receiving Post-Release Services and is on track in Fiscal Year (FY) 2023 to serve more than 50% of discharged children with Post-Release Services, with a goal to provide access to all discharged children by the end of (FY) 2024, as funding and capacity allow. As another post-release service, ORR operates a 24-hour, 7-day-a-week Office of Refugee Resettlement National Call Center (ORRNCC) where children can ask about pending immigration proceedings, parents can communicate with ORR about their child, and children, sponsors, and other individuals can report safety concerns and connect children who have previously been in ORR care with appropriate resources. The ORRNCC reports safety concerns to the appropriate law enforcement entity and child protective services, as well as other federal entities as relevant.

Additionally, the TVPRA provides that HHS shall, to the greatest extent practicable, ensure that unaccompanied children have counsel to represent them in legal proceedings. ORR provides legal services through a contract. The legal service provider works with local and regional partners across the United States providing children with “know your rights” presentations, legal screenings, and in many cases direct representation in the child’s immigration proceedings. ORR funds legal services under this contract for children in care and post release and has been expanding how many children receive legal representation.

II. HHS’s Partnership with the U.S. Department of Labor

On March 24, 2023, DOL and HHS announced a Memorandum of Agreement (MOA) to advance ongoing efforts to address child labor exploitation. DOL’s Wage and Hour Division (WHD) and the HHS’s Administration for Children and Families (ACF) signed the agreement to formalize the partnership between the agencies, and to outline how the agencies will work together to address the need for deeper information sharing, coordination, training, and education. The purpose of this MOA is to maximize the enforcement of the child labor protections of the Fair Labor Standards Act, to enhance the ability to protect children from exploitation, and to connect individuals to needed benefits and services. It formalizes the collaboration between the two agencies to prevent and address unlawful child labor.

The MOA facilitates the bidirectional sharing of information between WHD and ACF to aid in the identification of suspected child labor exploitation situations, help identify circumstances where children are unlawfully employed, and facilitate coordination to ensure that child labor trafficking victims or potential victims have access to critical services.

The MOA’s information sharing requirements are complemented by HHS’s participation in the new Taskforce to Combat Child Labor Exploitation, which is chaired by DOL. Collaboration is underway, including facilitating information sharing among agencies to advance the health, education, and well-being of children in the United States. In addition, HHS has created new materials and training to provide unaccompanied children and sponsors with information about child labor laws in the United States to ensure children and sponsors know their rights and understand the legal restrictions on working due to age or immigration status. Beginning in April, DOL’s Wage and Hour Division has hosted trainings for more than 600 ORR staff and

mission support contractors, and ORR has hosted trainings for DOL staff regarding unaccompanied children and the UC program.

ORR reviews information provided by DOL and incorporates additional scrutiny, as appropriate, into its sponsor vetting process for future cases. Specifically, this may include increased scrutiny of cases where a child's sponsor resides in a location identified for child labor exploitation, requiring mandatory supervisory reviews of cases prior to discharge, triggering home studies, coordinating with federal partners and state and local law enforcement for child welfare protection, providing in-person and phone call check-ins with children who have been recently discharged, and assigning or expanding Post-Release Services if the child remains eligible for such services.

III. ORR Programmatic and Technological Improvements

ORR is continually improving the many ways that it supports the safety and well-being of unaccompanied children. This includes improvements to the case management process; trainings for staff, grantees, and contractors; and technological interventions that improve the security and usability of ORR's systems. For a list of examples of improvements that ORR has made since 2021, please see Appendix A.

IV. Audit of ORR Sponsor Vetting Process Related to Multiple Sponsorships of Children Unrelated to Sponsor

Background

On February 27, 2023, HHS announced that it would conduct an audit of “the vetting process for potential sponsors who have previously sponsored an unaccompanied child... to ensure all necessary safeguards are in place without unnecessarily keeping children in government-funded, congregate care settings.”²

To inform ORR's continued program quality efforts, the HHS Office of Inspector General (OIG) and the Government Accountability Office (GAO) utilize a variety of oversight mechanisms to ensure ORR is meeting its statutory mandates, including formal program evaluations and grantee and contractor audits. This external oversight aids ORR in ensuring children's health, safety, and well-being as ORR complies with audits, evaluations, and inspections, implements recommendations, and collaborates with OIG and GAO as appropriate. In addition to external reviews, ORR regularly reviews the UC Programs' policies and procedures.

This audit provides an internal assessment of ORR's compliance with its statutory obligations and adherence to its own internal policies, specifically for cases of unrelated sponsors of three or more children. The scope, key findings, and response to this audit illustrate one aspect of ORR's

² “Departments of Labor and Health and Human Services Announce New Efforts to Combat Exploitative Child Labor,” <https://www.hhs.gov/about/news/2023/02/27/departments-labor-and-health-and-human-services-announce-new-efforts-combat-exploitative-child-labor.html>.

ongoing efforts to improve the care provided to unaccompanied children, alongside ORR’s engagement in additional internal and external compliance assessments.

Scope

ORR conducted an internal audit over a four-week period in March 2023 focused on compliance with statute and adherence to program policies related to the vetting process of individuals who sponsored multiple unaccompanied children unrelated to the sponsor. Because ORR almost always discharges siblings together to a single household, one or two children being placed with an unrelated sponsor would not automatically indicate increased risk. Therefore, the threshold of three or more children was selected. ORR also determined that, by utilizing these criteria, the audit would be able to focus on cases with more potential for a heightened level of concern and allow for an intensive review during the four-week time period. The audit also included a review of ORRNCC calls involving a caretaker change (meaning the child was no longer with the HHS-vetted sponsor) to review adherence to policies and protocols, as well as safety outcomes.

The audit consisted of three components:

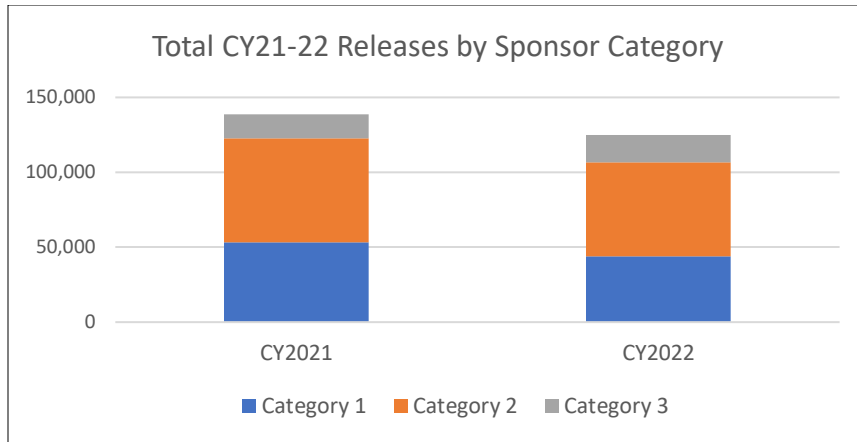
1. A record review focused on whether vetting policies were followed for children released in 2021 and 2022 to non-relative sponsors who sponsored three or more children (n=344). These cases accounted for 112 sponsors.
2. A more in-depth case record review that examined compliance with follow-up procedures for 50% of the cases included in the record review (n=172).
3. A separate selective review of reported caretaker changes to the ORR National Call Center for children released in 2021 and 2022, regardless of relationship with sponsor (n=66).

The multidisciplinary review team consisted of ORR child welfare experts, policy advisors, program analysts, and program management. The data sources included the UC Portal, the UC Program’s system of record which houses case files, Safety and Well-Being data, and Post-Release Services reports; and the ORRNCC database which houses call logs. The reference tools include the authorizing statutes and ORR’s UC Policy Guide. Additional information on the audit’s methodology can be found in Appendix B.

In CYs 2021 and 2022, ORR placed 263,698 unaccompanied children with sponsors.

	Category 1	Category 2	Category 3	TOTAL
CY2021	53,138	69,323	16,456	138,917
CY2022	43,845	62,932	18,004	124,781
TOTAL	96,983	132,255	34,460	263,698

Source: UC Portal data, reported as of 24-Apr-2023



Source: UC Portal data, reported as of 24-Apr-2023

Of those children discharged to sponsors in 2021-2022, **fewer than one percent** (n=344) of children were released to a sponsor who sponsored three or more children unrelated to the sponsor. These cases could include, for example, a child released to a sponsor who had previously sponsored two or more children to whom they were not related, or three children released to an individual who had not previously sponsored any children. There was a total of 112 unique sponsors associated with these 344 children. Eighteen children included in the 344 cases audited were related to the sponsor, and that sponsor also sponsored three or more other children who were unrelated to the sponsor.

All 344 cases were audited for compliance with statutory authorities and adherence to ORR’s sponsor vetting processes and, as an additional step, 50% (n=172) of the case files, which were associated with 59 unique sponsors, were reviewed in further detail to evaluate compliance and adherence with follow up services. These cases were selected using a semi-random convenience sampling technique and are generally comparable to the larger 344-case cohort. Given the sampling technique employed and the consistent findings of the audit, it is reasonable to conclude that the findings would be congruous with the entire cohort.

In addition, the full list of 112 sponsor names associated with the 344 unaccompanied children was checked against a list maintained by OIG of names known to have engaged in sponsorship fraud, and no matches were found.

Additionally, in furtherance of the goal to examine children’s outcomes post-release, the audit also included a review of all ORRNCC logged calls (from sponsor, caretaker, child, Post-Release Services provider, ORR, etc.) during calendar years CYs 2021 and 2022 reporting a caretaker change.³ ORR focused on this population due to concerns regarding children who left their sponsor’s care. The caretaker change category was chosen to allow us to better understand the safety outcomes for children who ORR may not have been able to contact during the Safety and Well-Being call and/or Post-Release Services because they were no longer living with the

³ A caretaker change not vetted by ORR indicates minor is no longer under the responsibility of the released sponsor.

sponsor. ORRNCC received calls meeting these criteria related to 66 unaccompanied children. All 66 case files for these children were reviewed as part of the audit, in addition to the 344 cases of children discharged to sponsors of multiple children. The 344 and 66 cases are separate and unique, and there is no overlap between those sets of cases.

Compliance with ORR's Statutory Requirements Related to Sponsor Vetting

8 U.S.C. 1232(c)(3) establishes the statutory requirements for the process of releasing children to a sponsor. The law requires that:

Subject to the requirements of subparagraph (B) [relating to home studies], an https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=8-USC-2020131692-231870303&term_occur=999&term_src=title:8:chapter:12:subchapter:II:part:IV:section:1232[unaccompanied child] may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child's physical and mental well-being. Such determination shall, at a minimum, include verification of the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child.

Under 6 U.S.C. 279(b)(1)(C), the ORR Director is required to make all placement decisions for children, including decisions related to their release. In addition, the TVPRA, in 8 USC 1232(c)(3)(B), requires home studies of sponsors when the child:

1. is a victim of a severe form of trafficking in persons;
2. lives with a disability as defined by section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);
3. has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or
4. is attempting to be sponsored by someone who clearly presents a risk of abuse, maltreatment, exploitation, or trafficking, to the child based on all available objective evidence.

Under the TVPRA, ORR is required to provide follow-up services for all children released to sponsors for whom a mandated home study was conducted. ORR's provision of Safety and Well-Being calls to all children and sponsors and Post-Release Services for many children who did not receive TVPRA required home studies goes well beyond these statutory requirements.

Finding 1: As part of its legal obligations, ORR has adopted strong policies to require careful vetting of sponsors and the audit found ORR is adhering to these policies.

In its review of the 172 audit cases, ORR confirmed that:

- Each sponsor was determined capable of providing for the child's physical and mental well-being, as evident by the care provider case manager's release recommendation, which is made based on a thorough review of the potential sponsor's Family

Reunification Application (FRA) and supporting documentation, the unaccompanied child's assessment, and the sponsor assessment. The FRA includes questions such as: "Where will you and the child live?" and "How will you financially support the child?". The assessments review the child's physical and mental health needs and how the potential sponsor plans to meet them. Questions in the assessments and FRA are also designed to identify indicators of trafficking or sponsor fraud.

- Sponsor's identity and relationship to the child, if any, was confirmed for all sponsors through the review of sponsor identification and birth certificates. If there were any concerns about the authenticity of the potential sponsor's identification or birth certificate, verification by the Consulate for the country of origin had been requested (n=24). Additionally, all sponsors and children independently completed an interview (CAT 3 Assessment) that verified a mutual shared history/relationship. ORR made an independent finding for all 59 sponsors associated with the 172 intensive review cases that the potential sponsor had not engaged in any activity that would indicate a potential risk to the child. This was accomplished through a Public Records Background Check and Sex Offender Name and Address Registry check for each sponsor and every adult household member, and an FBI National Criminal History Check for each sponsor and every adult household member. In addition, cases were reviewed for concerning flags regarding the sponsor or child while in care, including significant incident reports, additional related and unrelated sponsorships within and outside of the audit time frame, known aliases, and clinical and case management histories.
- Home studies were conducted in every case where it was required by statute (n=4).
- Referrals for Post-Release Services were made in all cases in which a TVPRA mandatory home study occurred, in compliance with statute.

Adherence to ORR's Policies Related to Sponsor Vetting

ORR policies for the placement, release, and care of unaccompanied children in ORR custody are publicly available in the ORR UC Program Policy Guide, which is available online.⁴

To fulfill the requirements found at 8 U.S.C. 1232(c)(3)(A), ORR outlines the application process for release of an unaccompanied child to a vetted sponsor in Section 2 of the ORR UC Program Policy Guide. This process involves several steps, including background checks and submission of the application by the potential sponsor. ORR's sponsor assessment reviews a sponsor's strengths, resources, risk factors, and special concerns within the context of the unaccompanied child's needs, strengths, risk factors, trafficking indicators, and relationship to the potential sponsor. Additionally, interviews of the child and the potential sponsor are conducted to evaluate sponsor suitability.

Moreover, in compliance with requirements found at 8 U.S.C. 1232(c)(3)(A) to perform an independent finding that a potential sponsor has not engaged in any activity that would indicate a

⁴ [ORR Unaccompanied Children Program Policy Guide | The Administration for Children and Families \(hhs.gov\)](#)

potential risk to the child, under ORR UC Program Policy Guide Section 2.5.1, ORR requires a background check of all Category 3 potential sponsors and their adult household members. All such potential sponsors and adult household members undergo a public records background check of criminal history and sex offender registry databases. Category 3 sponsors also require FBI fingerprint background checks that are processed through federal partners. Finally, ORR requests Child Abuse and Neglect (CA/N) checks, obtained on a state-by-state basis as no national CA/N check repository exists, when a specific concern is identified or when a home study is required under the TVPRA or per ORR policy.

To respond to the COVID-19 pandemic, and in an effort to avoid prolonged periods of time in congregate care, and safely process the high number of referrals from DHS beginning in the early part of CY 2021, ORR adopted Field Guidance 10 and Field Guidance 11, which modified certain aspects of the vetting process applicable to eligible children being released to their parent, legal guardian, or close relative. Notably, these field guidances which only apply to Category 1 and Category 2 sponsors, respectively, do not apply to the 344 cases audited, as the audit's focus was on unrelated sponsors.

ORR uses the results from background checks and other elements of the sponsor assessment to help determine whether release to a potential sponsor is safe. A potential sponsor may be denied based on the results of a background check, and a release decision may remain undecided until ORR obtains the results of a potential sponsor's background reports.

As a matter of policy, ORR provides for home studies in additional situations to those required under statute. Under ORR UC Program Policy Guide Section 2.4.2, ORR requires home studies before releasing any child to a non-relative sponsor when:

1. The potential sponsor is seeking to sponsor multiple children;
2. The potential sponsor has previously sponsored or sought to sponsor a child and is seeking to sponsor additional children; or
3. A child is 12 years old or younger.

In addition, under ORR policy, a home study will also be conducted when ORR approves a recommendation by the case manager and case coordinator for a home study on the basis that the home study is likely to provide additional information required to determine that the potential sponsor is able to care for the health, safety, and well-being of the child.

After a child's physical release to a sponsor, ORR's custodial responsibility for the child terminates. However, all children who receive a home study must receive Post-Release Services in accordance with ORR UC Program Policy Guide Section 2.4.2. ORR also refers children for Post-Release Services when the child was released to a non-relative sponsor, or the release was determined to be safe and appropriate, but the child and sponsor would benefit from ongoing assistance from a community-based service provider.

Care providers must also conduct a Safety and Well-Being call with an unaccompanied child and sponsor approximately 30 days after discharge from ORR in adherence to ORR UC Program Policy Guide Section 2.8.4. The purpose of the call is to determine whether the child is still

residing with the sponsor, is enrolled in and attending school, is aware of upcoming court dates, and is safe. Section 2.8.4 also requires ORR care providers to document the outcome of the Safety and Well-Being call in a child's case file. Under ORR's corresponding UC Manual of Procedures (MAP), all call attempts must be made within seven days following the 30-day mark of the child's release.

If the care provider has reason to believe the child is unsafe, the care provider must comply with mandatory reporting laws for reporting the concern to appropriate investigative authorities. If the follow-up call indicates that the sponsor and/or child would benefit from additional support or services, the care provider must refer the sponsor or child to the ORRNCC and provide the sponsor or child the ORRNCC contact information. Both children and sponsors are provided the ORRNCC's number prior to a child's release from ORR care. ORR policies related to Post-Release Services are found in ORR UC Program Policy Guide, Section 6.

Finally, as outlined in ORR UC Program Policy Guide Section 6.4, the ORRNCC is a 24-hour, 7 day a week call center available to children, family members, sponsors, legal service providers, child advocates and other members of the community while a child is in ORR custody or after a child is released to a sponsor. Children and their sponsors receive information about the ORNCC and its phone number before discharge. Any child or third party can request assistance or report concerns to the ORRNCC. All reports made to the ORRNCC must be documented and reported in accordance with mandatory reporting laws, state licensing requirements, federal laws and regulations, and ORR policies and procedures. ORRNCC is required to report concerns about the children's safety and well-being to appropriate investigative agencies, as applicable. ORRNCC must also notify ORR of immediate dangers to a released child's safety and well-being.

Finding 2: ORR has established multiple safeguards in the vetting process through policy guidance to prioritize child safety. This review found that ORR adhered to its policies and procedures related to sponsor vetting. For the 344 cases audited, all cases adhered to ORR's policies regarding Public Records Background Checks, Sex Offender Name and Address Registry checks, and an FBI National Criminal History Checks.

In its in-depth review of the 172 audit cases, ORR confirmed that:

- Assessment process: 100% adherence to ORR UC Program Policy Guide Sections 2.2, 2.4, 3.2, and 3.3.1 regarding child and sponsor assessments and interviews.
- Home Studies: 98.3% adherence to ORR home study policies outlined in UC Program Policy Guide Section 2.4.2. Of the 172 cases reviewed in depth, three cases that should have received a home study under this section, per ORR policy, did not.
- Fingerprints: 100% of required fingerprints were completed in accordance with ORR UC Program Policy Guide Section 2.5.1, with 99.2% completed within 72 hours of receiving the Authorization of Release of Information and Sponsor Identification in adherence with ORR's procedure requirements. Of the 112 sponsors, there was one case where fingerprints were run outside of the required time frame.
- Post-Release Services Referral: 98.8% adherence to ORR UC Program Policy Guide Section 6.2. Of the 172 cases reviewed, there were two cases where required referrals for Post-Release Services under ORR policy were not submitted.

- Letters of Designation were provided for all children whose cases were identified as out of adherence with ORR policy and procedures as referenced above.

Finding 3: Federal law mandates follow-up services for children in cases for which there was a mandated home study. ORR goes beyond this limited population to require, by policy, that Safety and Well-Being calls are attempted for all children released. This review demonstrates that ORR adheres to this policy.

ORR conducted (three call attempts on three separate days) and documented 100% of Safety and Well-Being calls required by ORR policy for the 344 cases. However, not all calls were documented in the UC Portal, but they were confirmed by grantee records. Further, in terms of the timing of these calls, 86.6% (n=298) were conducted within the 30–37-day timeframe as required by ORR’s policies and procedures; twenty-one (21) calls were conducted prior to 30 days; and twenty-five (25) calls were conducted after 37 days post-discharge.

Additionally, of the 344 cases, the child was reached in 66% (n=227) of cases and the sponsor was reached in 84% (n=289) of cases. In 13.4% (n=46) of the cases, calls were attempted but neither the sponsor nor the child was reached.

Of the 66 calls to the ORRNCC reporting a caretaker change, 97% had received a Safety and Well-Being call. However, 27% (n=18) were not documented in the UC Portal. Instead, individual grantee records reported this confirmation to ORR. Twenty-three percent (n=15) of those calls occurred after ORR’s required 30 – 37-day policy. The child was reached in 56% (n=37) of cases and the sponsor was reached in 73% (n=48) of cases. In 18% (n=12) of the cases, calls were attempted but neither the sponsor nor the child was reached. It is notable that these Safety and Well-Being calls took place prior to the call made to the ORRNCC reporting the caretaker change.

Additional Findings

The audit yielded additional findings that, while not tied to compliance with statute or adherence to policy, are informative for further ORR policy and program development.

Finding 4: Though ORR’s sponsor vetting policies and procedures were followed, some children experienced challenges or caretaker changes following discharge from ORR care. Of the 172 cases reviewed in depth, 12 children ran away from their sponsor and there were 34 reported caretaker changes. Of those 34 reports, 12 children were referred to child protective services (CPS) of which 6, including four siblings placed with one sponsor and an additional two children placed with another sponsor, were removed from the home by CPS. Ten children left their sponsor to be with a parent, 14 left their sponsor to be with close relatives, three left their sponsor to be with other non-relatives, and one 17-year-old went to live with an adult partner.

Finding 5: Of 521,209 calls to the ORRNCC in calendar years CYs 2021 and 2022, there were calls logged relating to 66 children reporting a caretaker change, including, but not limited to, when safety concerns were identified. All appropriate notifications to CPS, local law enforcement, OIG, etc. were made. Of the 66 calls, four children were discharged to a parent or

legal guardian, 44 children were discharged to a close relative, and 18 children were released to an unrelated sponsor. Twenty-one of the 66 children went to a sponsor who also sponsored at least one other child, but in all but two of those cases, the sponsor was related to the other child.

V. Response and Next Steps

This review demonstrates that ORR complies with its statutory requirements and adheres to its policies and procedures for sponsor vetting. While these data are important findings, ORR also carefully analyzed the results of the review to identify opportunities to further strengthen ORR's efforts to ensure child safety through its policies, procedures, program improvements, and partnerships which are outlined below. With the mandate and mission to care for unaccompanied children's safety and well-being while in ORR custody, ORR is continually assessing, identifying, and implementing improvements to the UC Program. Going forward, ORR will also continue to test its policies and procedures through ongoing individual case reviews and data analysis.

ORR will take action on policies to further standardize Safety and Well-Being calls, require that all calls are documented in the UC Portal, and develop further quality controls to confirm 100% adherence. ORR will also build out standardized templates for safety concerns received during Safety and Well-Being calls to be registered in UC Portal, in addition to the current practice of reporting to appropriate authorities.

ORR will also improve its data collection on child well-being post-release, to standardize reporting and sync Post-Release Services data with the UC Portal. ORR will standardize the questions it uses for Safety and Well-Being calls to include if the child is working and if so, whether working conditions are appropriate. While reports that a child is working in an unlawful manner, being exploited, or not enrolled in or attending school are currently reported to CPS and other authorities as appropriate, ORR will also explore policy changes related to referring such children for Post-Release Services enrollment and/or re-enrollment if not already enrolled, and if the child is still under 18, as funding and capacity allows. In addition, beginning in February, ORR leadership began meeting regularly with the ORRNCC leadership to review monthly reports of incoming calls, notice of concerns by type, and frequency, and noticeable trends.

ORR is also evaluating an expanded list of factors that case managers must consider as part of the sponsor vetting process when a sponsor is seeking to sponsor multiple children, to assist with ensuring it is a stable placement.

Further, HHS will encourage engagement of interagency partners, including but not limited to other offices within ACF - such as the Office on Trafficking in Persons, Administration for Children, Youth, and Families and its Children's Bureau - as well as other departments, such as DOL and the Department of Education. In addition, it will seek collaboration with community partners in supporting released children for whom ORR does not have statutory authority to provide more than voluntary follow-up services. State entities that have authorities and federal funds to assist in child welfare cases are essential partners to this effort.

As an additional step in ORR's continuous quality improvement work, over the next 6-12 months, ORR will work with an outside entity to conduct an in-depth review of random samples of all children, stratified by sponsor category, and focused on compliance with statute and adherence to program policies related to the sponsor vetting process. By reviewing all categories of sponsors, ORR can identify any notable trends and appropriate mitigation and/or response strategies.

Within the next 120 days, ORR will also launch an Innovation and Accountability team within the ORR Director's office. This new team will focus on identifying and mitigating opportunities for potential fraud, abuse, and exploitation in the UC Program. This team will first conduct a thorough assessment of current fraud risks associated with the program and how, if applicable, they are currently being mitigated. Once this assessment is completed, the team will develop a plan and timeline to address identified deficiencies. The team will also work with the UC Training and Technical Assistance team to add and tailor current fraud prevention resources and webinars.

Despite compliance with vetting procedures and Safety and Well-Being calls, based on the cohorts audited, many children would benefit from enhanced support services in the community after release from ORR custody, including Post-Release Services. While ORR's custodial responsibility ends when a child is released from ORR care, the office has policies to support unaccompanied children's well-being after they have been released. Post-Release Services offers the most significant opportunity available to ORR, under current authorities, to check on a child's safety and well-being after release. This audit reinforces that high quality Post-Release Services would be one factor in promoting better outcomes for children after release from ORR's care and custody.

ORR is actively working to expand Post-Release Services. Barring exceptional circumstances, and contingent on funding and capacity, ORR will work toward its goal of offering Post-Release Services to 100% of discharged children and establishing levels of Post-Release Services based on need. ORR recently published a Notice of Funding Opportunity (NOFO) to further expand Post-Release Services to advance towards this goal. As part of this expansion, ORR will, as available funding and capacity allow, provide additional guidance regarding school enrollment and ensuring attendance through Post-Release Services support, including potentially enrolling or re-enrolling children in Post-Release Services who report certain safety or other concerns. Additionally, ORR is actively working to expand legal representation based on grantee capacity and availability of funding, which will help provide an additional level of post-release contact and assistance for children.

APPENDIX A: ORR Process and Technology Improvements

Between 2021 and today, ORR has implemented more than 70 improvements to the UC Portal case management system to increase usability and search functionality and make it easier to identify possibly problematic sponsors. Below are examples of ORR technological and programmatic improvements.

In 2021, ORR's UC Program:

- Established a flexible national case management contract to ensure there are qualified case managers who can provide services in various locations as needed.
- Entered into a contract with Fieldprint, an approved FBI channeler with more than 1,400 sites nationwide, to reduce the timeline for sponsor fingerprint checks to under 24 hours.
- Developed a responsive and ongoing training approach to ensure continual education and quality control, including questions identified by staff and the field.
- Made system stability enhancements to better sense user inactivity when logged into ORR's central case management system, the UC Portal, removing unexpected logouts that could cause a loss of information or documentation and a disruption to the case management process.
- Developed a robust training curriculum in June 2021 for care provider case managers, that include modules on effective case processing and sponsor vetting procedures.
- Assigned a team of federal field specialists (FFS) to review cases for trafficking concerns and monitor trends. This team continues to focus on these critical issues.
- Added additional data points to the sponsor profile in the UC Portal so a case manager can review information such as previous addresses, other sponsors using that address, and the number of sponsorships an individual has attempted.

In 2022, ORR's UC Program:

- Implemented UC Portal improvements and trainings on sponsor flagging throughout FY 2022 and FY 2023, including issuing a "UC Portal Flags" Standard Operating Procedure (SOP) in June 2022.
- Memorialized a protocol for an inter-division policy evaluation workgroup, including staff with expertise in child welfare, which regularly evaluates UC Program policy.
- Implemented whistleblower trainings for its grantees, contractors, and employees.
- Established a Background Check, Badging, and Security Office to assist in the employee background check process and provide technical assistance for employees and contractors on the background check process.
- Created a Program Quality Team to ensure child welfare best practices are incorporated into every part of ORR's services, and also expanded its Prevention of Sexual Abuse Team.

- Provided multiple trainings on fraud detection and mitigation, led by its Training and Technical Assistance Team and FFS Supervisors, including a course on the safe release of unaccompanied children focused on sponsor assessment, vetting, fraud identification, and safe release procedures, as well as trainings in coordination with HHS's OIG on document screening, illegible identity documents, and reporting best practices.
- Ensured that all UC Portal users can search for a sponsor's full name regardless of minor variations in spelling, format, capitalization of the information entered by the user. This search capability improvement allows users to search for a full name (first and last names together or separate), date of birth, or address, assisting users in finding sponsors quickly, efficiently, and with greater accuracy.
- Created a feature where a case manager vetting a sponsor who has previously sponsored another child can view the full case file of the previous child, regardless of the care provider facility at which the previous child was cared for. Additionally, users are not able to add a "new sponsor" without first using the UC Portal search functions to determine if the potential sponsor is already in the system.
- Digitized the Sponsor Assessment itself, which was previously only available in paper form to be uploaded as a new document in UC Portal, making it easier for field staff to complete the assessment and for case managers to review.
- Implemented sorting functionality to enable program staff and case managers to quickly and effectively locate specific documents they need to make key decisions.
- Implemented an enhancement for addresses when entered into the UC Portal by leveraging *SmartyStreets* to verify and standardize each address.
- Released a Portal feature to ensure that, if a sponsor with a home study referral cancels or withdraws, but later attempts to sponsor another child, case managers are able to easily see and access this information.
- Implemented business logic to ensure that Post-Release Services referrals are made for all children who should receive one.

In 2023, ORR's UC Program:

- Updated its home study requirements regarding when a home study is required as well as when discretionary home studies may be referred if a sponsor's purported address has previously been used in a different sponsorship application.
- Reviewed, validated, and standardized over one million historic addresses in Portal.
- Continued to expand Post-Release Services, with the goal of serving all unaccompanied children by the end of FY 2024. ORR doubled the rate of children receiving Post-Release Services from 2021 to 2022 and is on track to serve 56% of children with Post-Release Services in FY 2023.
- Created a Child Services Team, to connect the subject matter experts working on Post-Release Services, legal services, child advocates, and linguistic and cultural competency to pursue expansions of services in a coordinated way.
- Started ensuring, via its National Call Center (ORRNCC) that children who call the ORRNCC understand to which authorities their safety concerns will be reported, and that follow-up calls are made to all children who contact the helpline with safety concerns.

APPENDIX B: Methodology

Record review of children released to non-relative sponsors

ORR identified cases using the UC Portal database and Tableau analytic software, and then manually reviewed cases to ensure accuracy. The search parameters used to identify this cohort were as follows:

- Discharge Type = Reunified Individual Sponsor (to remove children who aged out of the program)
- Current Sponsor = Yes (to remove sponsors who applied but were not approved)
- Date of Discharge = 2021 or 2022 (calendar years)
- Sponsor Category = 3
- Relationship = Unrelated Sponsor
- MULTIPLE SPON UNRELATED = 3 or more (this is a calculated field created in Tableau to identify sponsors who sponsored multiple unrelated children)

This identification demonstrated that in 2021 and 2022, there were 344 unaccompanied children released to 112 unrelated sponsors who sponsored three or more unaccompanied children during any time period. ORR's manual review indicated that 18 children were discharged in CY21 or CY22 to a sponsor who was related to them but who also sponsored three or more children to whom they were not related. These 18 children were included in the audit as well.

Because ORR almost always discharges siblings together to a household, one or two children being placed with an unrelated sponsor would not be atypical or indicative of increased risk. Therefore, the threshold of three or more children was selected. ORR determined that, by utilizing these criteria, the audit would be able to focus on cases with more potential for a heightened level of concern and allow for an intensive review during the short four-week time period.

This 344-case cohort was evaluated for compliance in the following areas, using data available in UC Portal:

- Internet Background Check and Sex Offender Registry and Address Checks
- Child Abuse and Neglect Check requests
- Home Studies – The evaluation confirmed that a home study was conducted in each case where a home study was required. These home studies were not identified by type (TVPR, mandatory, discretionary), as this would require manual case note review.
- Fingerprints
- Post-Release Services Referral
- Safety and Well-Being call information from a spreadsheet maintained by a contractor on Safety and Well-Being call compliance. ORR received whether a call was completed, if sponsor and/or child participated, and any immediate safety concerns noted.
- OTIP Referrals – whether a child received an OTIP referral and/or eligibility letter

In addition, the list of 112 sponsor names associated with the 344 unaccompanied children was checked against a list maintained by OIG of names known to have engaged in sponsorship fraud.

In-depth case record review for 50% of the cases included in the 344 cohort

50% of the cases of 344 unaccompanied children were then included in a cohort for more in-depth case record review. These cases were selected using a semi-random convenience sampling technique and are generally comparable to the larger 344 chart cohort. Given the sampling technique employed and the consistent findings of the audit, it is reasonable to conclude that the findings would be congruous with the entire cohort.

By completing a full review of the case files, we anticipated that we could potentially identify any early warning indicators that might have been missed by clinical or case manager staff that would have indicated minors were discharged with known risks. All available notes, data, and documents in UC Portal were reviewed in full for each child.

172 cases were reviewed for:

- Compliance with mandatory and discretionary ORR policy and procedures including public records background checks, verification of IDs and birth certificates, clearance of fingerprints and adjudication of any results, Child Abuse and Neglect check requests as indicated, home studies, compliance with prior sponsorships, and confirmation of a pre-existing relationship or bond between sponsor and child and/or their family in COO.
- Concerning flags regarding the sponsor or child while in care, including a Significant Incident Report (SIR), additional related and unrelated sponsorships within and outside of the audit time frame, known aliases, and clinical and case management histories.
- Post-Release Service referrals, acceptance, and service delivery.
- Safety and Well-Being call information from two sources, UC Portal and a spreadsheet maintained by a contractor on Safety and Well-Being call compliance. ORR reviewed for number of attempts, who was reached, what questions were asked, and whether any safety concerns were noted including runaways and placement disruptions.
- ORR checked the list of 172 against the ORRNCC database and, in combination with qualitative data captured in Safety and Well-Being calls, noted any incidences of the following safety outcomes.
- Placement Disruption, including whether initiated by the sponsor or child or other individual and with whom the child relocated.
- Runaway reports where the location of the child was unknown; (Note: for this subgroup, we also reviewed National Center for Missing and Exploited Children (NCMEC) referrals to see if those children were reported to NCMEC and/or found)
- Reported abuse or neglect, including sexual abuse or sexual harassment.
- CPS referrals, whether they were accepted and opened or denied, and the number of unaccompanied children placed in CPS custody.
- Information related to the child's school attendance.
- Any information related to child's employment, whether voluntary or forced, and whether wages were provided or withheld.

Two ORR employees each reviewed half of the 172 cases and then each reviewed a sample of the other individual's work to ensure they were aligned in interpretations. A separate individual then reviewed their work and synthesized findings.

All available notes, data, and documents in UC Portal were reviewed in full for each child. 172 cases were reviewed for:

- Adherence to mandatory and discretionary ORR policy and procedures including public records background checks, verification of IDs and birth certificates, clearance of fingerprints and adjudication of any results, Child Abuse and Neglect check requests as required, home studies as required, adherence to the agreements of prior sponsorships, and confirmation of a pre-existing relationship or bond between sponsor and child and/or their family in country of origin.
- Flags regarding the sponsor or child while in care, including SIRs, additional related and unrelated sponsorships within and outside of the audit time frame, known aliases, and clinical and case management histories.
- Post-Release Service referrals, acceptance, and service delivery.
- Safety and Well-Being call information from two sources, UC Portal and a tracker maintained by a contractor on Safety and Well-Being call compliance, including number of attempts, who was reached, what questions were asked, and whether any safety concerns were noted including runaways and caretaker changes.
- The 172 cases were checked against the ORRNCC database and, in combination with qualitative data captured in Safety and Well-Being calls, any incidences of the abovementioned indicators were noted.

Separate selective review of reported caretaker changes to the ORR National Call Center

Sixty-six cases were identified where one or more call was made to the ORR National Call Center (ORRNCC) regarding a change in caretaker. ORR focused on this population due to concerns regarding children who left their sponsor's care, as well as how the ORRNCC addressees such concerns. The caretaker change category was chosen to allow us to better understand the safety outcomes for children who ORR was not able to contact during the Safety and Well-Being Call and/or Post-Release Services because they were no longer living with the sponsor.

These cases were identified by the following methodology:

- ORR requested from ORRNCC a list of unaccompanied children for whom a ORRNCC call was received indicating that a child has left the care of their designated sponsor.
- ORRNCC provided ORR a list that covered FY2016 to date for the following list of incident types that the ORRNCC judged could result in sponsor changes:
 - Runaway
 - Caretaker change
 - Caretaker change with safety concern
 - 18 and left on own will
 - Minor arrested
 - Sponsor/caretaker arrested
 - CPS removal

- Returned to country of origin
- ORR filtered that list down to children with incident types of caretaker change or caretaker change with safety concern, reported in 2021-2022, which yielded 66 cases in total.

All available notes, data, and documents in UC Portal in full for each of these 66 cases were reviewed for:

- Adherence to mandatory and discretionary ORR policy and procedures including public records background checks, verification of IDs and birth certificates, clearance of fingerprints and adjudication of any results, Child Abuse and Neglect checks requests as indicated, home studies, adherence to the agreements of prior sponsorships, and confirmation of a pre-existing relationship or bond between sponsor and child and/or their family in country of origin.
- Concerning flags regarding the sponsor or unaccompanied child while in care, including SIRs, additional related and unrelated sponsorships within and outside of the audit time frame, known aliases, and clinical and case management histories.
- Post-Release Service referrals, acceptance, and service delivery.
- Safety and Well-Being call information from two sources, UC Portal and a tracker maintained by a contractor on Safety and Well-Being call adherence. ORR reviewed for number of attempts, who was reached, what questions were asked, and whether any safety concerns were noted including runaway reports and caretaker changes.
- The team noted any incidences of the following safety outcomes:
 - Caretaker change, including whether initiated by sponsor or unaccompanied child or other individual and with whom the child relocated;
 - Runaway reports where the location of the child is unknown;
 - Reported abuse or neglect, including sexual abuse or sexual harassment;
 - CPS referrals, whether they were accepted and opened or denied, and the number of unaccompanied children placed in CPS custody;
 - Information related to the child's school attendance; and
 - Any information related to the child's employment, whether voluntary or forced, and whether wages were provided or withheld.

Two individuals each reviewed half of the 66 cases and then each reviewed a sample of the other individual's work to ensure they were aligned in interpretations. A separate individual then reviewed their work and synthesized findings.

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