

STATEMENT OF CHAIRMAN ROB PORTMAN
U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
Oversight of HHS & DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking & Abuse
REMARKS AS PREPARED
APRIL 26, 2018, 10 A.M.

In 2015, I learned the story of eight unaccompanied minors from Guatemala who crossed our southern border. A ring of human traffickers lured them to the United States with promises of education. To pay for the children's smuggling debt, their parents gave the traffickers the deeds to their homes, which the traffickers then retained until the children could work off the debt.

When the children crossed our border, their status, as defined by federal immigration law, was that of "unaccompanied alien children," or UACs. The Department of Homeland Security picked them up and, following protocol, transferred them to the Department of Health and Human Services. HHS then was supposed to place them with sponsors who would keep them safe until they could go through the appropriate immigration legal proceedings.

That didn't happen.

What did happen: HHS released these children back into the custody of those human traffickers without vetting them.

Let me repeat that: HHS placed those kids with human traffickers.

The traffickers took them to an egg farm in Marion, Ohio, where the children lived in squalid conditions and were forced to work 12 hours a day, six days a week, for more than a year. The traffickers threatened the children and their families with physical harm—and even death—if the children didn't work.

This Subcommittee investigated. We found that HHS didn't do background checks on those sponsors. HHS also didn't respond to red flags that should have alerted them to problems with the custodians. For example, HHS missed that this group of sponsors were collecting multiple UACs. And HHS didn't do anything when a social worker tried to provide help to one of those children, and the sponsor turned the social worker away.

Following our investigation, we held a hearing in January 2016 where HHS committed to do better, including by clarifying the DHS and HHS responsibilities for protecting these children. HHS and DHS entered a three-page "Memorandum of Agreement," which said that the agencies recognized they should ensure these unaccompanied alien children aren't abused or trafficked.

The agreement said the agencies would enter into a detailed "Joint Concept of Operations" that would spell out what the agencies would do to fix the problems. They gave themselves a deadline of February 2017. That was over a year ago.

It's now April 2018. We still don't have that Joint Concept of Operations—the JCO – and despite repeated questions from Sen. Carper and me, as well as our staffs, over the past year, we don't have any answers about why that is.

In fact, in a recent meeting, a DHS official asked our investigators **why we even cared about the JCO.**

Let me be clear. I care about the JCO because I care that we have a plan in place to protect these kids while they're in our government's custody. I care because the Government Accountability Office has said that DHS has sent children to the wrong facility because of miscommunications with HHS.

I care because the agencies themselves thought it was important enough to set a deadline for this JCO, but then blew by it. And I care because these kids, regardless of their immigration status, **deserve to be treated properly, not abused or trafficked.**

We learned at 4 pm yesterday that 13 days ago – there was an additional memorandum of agreement reached between the two agencies – we requested and finally received a copy of this new agreement at midnight. It's not the JCO – but a more general statement of how information will be shared. Frankly, we had assumed that this information was already being shared – maybe it was.

We called this hearing for **DHS and HHS to give us some answers about the JCO today.**

Once DHS hands unaccompanied minors off to HHS, the law provides that “the care and custody of all unaccompanied alien children . . . shall be the responsibility of the Secretary of Health and Human Services.” But HHS told this Subcommittee that once it places children with sponsors—even sponsors who are not related to the children— it no longer has legal responsibility for them. Not if they're abused. Not if they miss their court hearings. That is completely unacceptable.

HHS inherited responsibilities relating to these children when Congress dissolved Immigration and Naturalization Services. **We continue to believe HHS has the authority and responsibility to care for these children.**

Since our 2016 hearing, we also have heard about other problems. We've heard that sponsors frequently fail to ensure these children **show up at their immigration court proceedings.** That undermines our rule of law and an effective immigration system. And in almost all of those cases, the judge enters an in absentia removal order. That means that even if the children are eligible for immigration relief, like asylum status, they don't get it and are ordered removed—so it's bad for the children, too.

We also learned that **HHS does not track these children** once HHS releases them to sponsors. **Nor does HHS notify state or local governments** when it places these children with sponsors in those communities. HHS says they do plan to start notifying local law enforcement when it releases high-risk children, but **hasn't done so because it can't figure out who to tell.** This seems like a straightforward step—why can't we figure that out?

Since 2016, HHS has started calling sponsors and the children 30 days after placement with sponsors to check on the children. That's a good step. But in his testimony, Mr. Wagner says from October to December last year, ORR tried to reach 7,635 of these children. Of those, he says **“ORR was unable to determine with certainty the whereabouts of 1,475 UAC.” That's almost 1500 kids missing in just a three month period.** We want to know how HHS plans to track them down.

And we also heard about **problems at the three secure facilities HHS uses to house UACs who are higher risks**—those accused of crimes, who might harm themselves, or who present a flight risk. The head of the Yolo County, California facility says that HHS does not give them enough money for the number of children they house—which means they cannot hire enough staff to take care of the children safely. We have a witness from the facility in Shenandoah Valley here today who will explain to us why their facility simply isn't equipped to handle some of the children the HHS Office of Refugee Resettlement places there and what can be done about that.

The problems we are discussing today are longstanding and started under the Obama Administration. The topic of unaccompanied alien children continues to be a hot button issue. But today, I want to focus on two key issues related to them.

First: Human decency. Once these unaccompanied children are in the United States, we have a duty to ensure they are not trafficked or abused.

Second: The rule of law. Our immigration system is broken. One problem is that half of these children are not showing up to their court hearings. That's not good for the kids or for our system. We need to do better.

I look forward to hearing from our witnesses today about how we can make that happen.