

Statement of Ranking Member Tom Carper
“Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from
Human Trafficking and Abuse”
April 26, 2018

Thank you, Mr. Chairman, for holding this hearing and for the commitment you’ve shown over the years to better care for the vulnerable migrant children who live in our communities.

My thanks, as well, to your staff for the diligent, bipartisan work they did with my team to pull this hearing together.

Most of the children we’ll be talking about today arrived in our country during an unprecedented surge of migration we’ve seen along our southern border in recent years.

They came here primarily from Guatemala, Honduras, and El Salvador to escape extreme poverty and unspeakable violence in their home countries.

Yet our Subcommittee has found that, in too many cases in Ohio, Delaware, and around the country, we’re failing in our responsibility to protect and properly care for these children after they arrive here seeking our help.

A 2008 law enacted under former President Bush clearly places all children who arrive at our borders and ports of entry without a parent or guardian under the care and custody of the Department of Health and Human Services (HHS).

In fulfilling its responsibilities to these children, HHS must place them in safe homes, offer them mental health care and other services they might need, and ensure that they're participating in immigration court proceedings.

Based on our Subcommittee's findings, HHS is failing in these and a number of other areas.

In January 2016, PSI held a hearing on a staff report detailing how HHS had placed eight Central American children with sponsors in Marion, Ohio, who forced them to work on an egg farm. The children worked under threat of violence, apparently to pay off debts incurred to the smugglers who had brought them into our country.

HHS failed to detect that the sponsors in this case sought and received custody of multiple, unrelated children.

They also failed to perform background checks on some of the adults who would be living with or caring for the children, and did not visit them where they were supposed to be living.

At one point, HHS even failed to take action when someone answering the door at a child's home declined the mental health treatment that was approved for the child and denied the caregiver access to them.

Since 2016, HHS and the Department of Homeland Security have taken steps in response to

recommendations from PSI and GAO that should make it less likely that unaccompanied migrant children might fall through the cracks and wind up exploited by unscrupulous people.

Specifically, HHS policy now calls for more background checks, more home visits, and more access to services like mental health treatment for children placed with sponsors.

The Department also now requires that all children and their sponsors be contacted at least once within 30 days of placement so that problems can be detected and referred to local authorities.

These are positive steps, but the testimony we'll receive today tells me that too many of the children we're placing in homes across the country are still at great risk.

Sadly, it's not impossible to imagine a child today finding his or herself in a situation similar to the one discovered in Ohio in 2015.

In preparation for this hearing, our staffs have heard reports of children being placed in homes with people they don't know who expect them to work to help with living expenses. We've heard about children, sometimes due to a need to send money home or to pay debts to smugglers, working all night and, as a result, unable to stay awake at school during the day.

These are the kinds of problems that HHS, working with state and local partners, should be able to detect and address, or better yet, prevent from happening in the first place.

Unfortunately, it seems they cannot.

HHS informs us in their testimony today that, between October and December of last year, they actually lost track of nearly 1,500 children placed in their care who they attempted to contact after placement with a sponsor. Dozens more ran away from home or were found to have moved in with someone not vetted or approved by HHS.

Given all that we learned in 2015 and 2016, it's unacceptable that we can still be this bad at keeping track of these children and keeping them out of danger.

We've also learned more in preparing for this hearing about how our system too often sets children up for failure even when they find themselves in good, stable homes.

Many Central American migrants don't speak English, some not even Spanish. Their sponsors are often in the same boat, yet HHS leaves them with confusing guidance on how to register for school and how to navigate our immigration court system.

Even when children and their sponsors know what to do, we make it very difficult for them to get to court and participate in the process. In Delaware, for example, children placed in

homes in Sussex County must find a way to get to immigration court in Philadelphia, a drive that can take more than two hours each way.

A lawyer can help, but many can't afford one and free legal services are not always available. So what happens too often is children don't show up for hearings. More likely than not, those who don't show up will be ordered removed back to their home country even if they have a legitimate claim to stay here.

So in a number of ways, Mr. Chairman, we're denying these children the chance they deserve - the chance our laws require we give them - to live in safety and to make their case for asylum or some other protected status.

There are steps we could be taking right now to change this.

First, it's imperative that HHS and DHS get us the document they've been promising us since 2016 that, among other things, would lay out each department's roles and responsibilities when it comes to protecting and caring for unaccompanied children. This Joint Concept of Operations, due fourteen months ago, was intended, at least in part, to provide the kind of detail agencies need to identify gaps that put children at risk.

Here in Congress, this document will help us hold agencies accountable and make decisions about what new authorities and resources might be needed to properly care for the unaccompanied children in our country.

We need this information now.

What we also need now is to have a conversation about how to better partner with the state and local officials who run the schools, the law enforcement agencies, and the child welfare agencies where these children will be living.

Given how much HHS clearly relies on state and local officials to protect this population of children, it does no one any good if we first learn that a child is being placed in Delaware when they walk through the front door of Sussex Central High School.

We also need to do more to help our immigration courts. Based on data my staff has reviewed, we have more than 75,000 cases involving migrant children pending across the country and we're adding more just as quickly as we're resolving others.

Expecting judges to just work faster, as the Trump Administration recently proposed, will not solve this problem. We need more judges and we need to encourage the courts to work more flexibly so that fewer children are forced to drop out of the legal process.

Finally, we need to make a long-term commitment to our neighbors in Guatemala, Honduras, and El Salvador to help address the poverty, crime, and hopelessness that plagues those countries.

I've visited all three countries in the Northern Triangle multiple times over the years. I've met with their leaders and seen on the ground how communities there are struggling to deal with challenges that would be unimaginable to most Americans. A good number of those challenges are fueled by our addiction to drugs and our past interventions in regional conflicts.

As long as these challenges go unaddressed, children and other vulnerable Central Americans will continue to make the dangerous trip across Mexico to our southern border.

Some have pointed to the continuing Central American migration to our country as a sign that we need to bolster our border security or even build a wall on our southern border.

But so many of the migrants we're talking about today are just turning themselves in when they get here. A wall or the National Guard won't stop them from coming.

A sustained commitment from us, from our partners in the region, and from the governments in the Northern Triangle to improve the lives of the citizens of Guatemala, Honduras, and El Salvador is the only way to address the root causes of the migration we see into our country.

My thanks again, Mr. Chairman, to you and your staff for your work on these issues. I look forward to hearing from our witnesses and to introducing our Delaware witnesses to the Subcommittee.