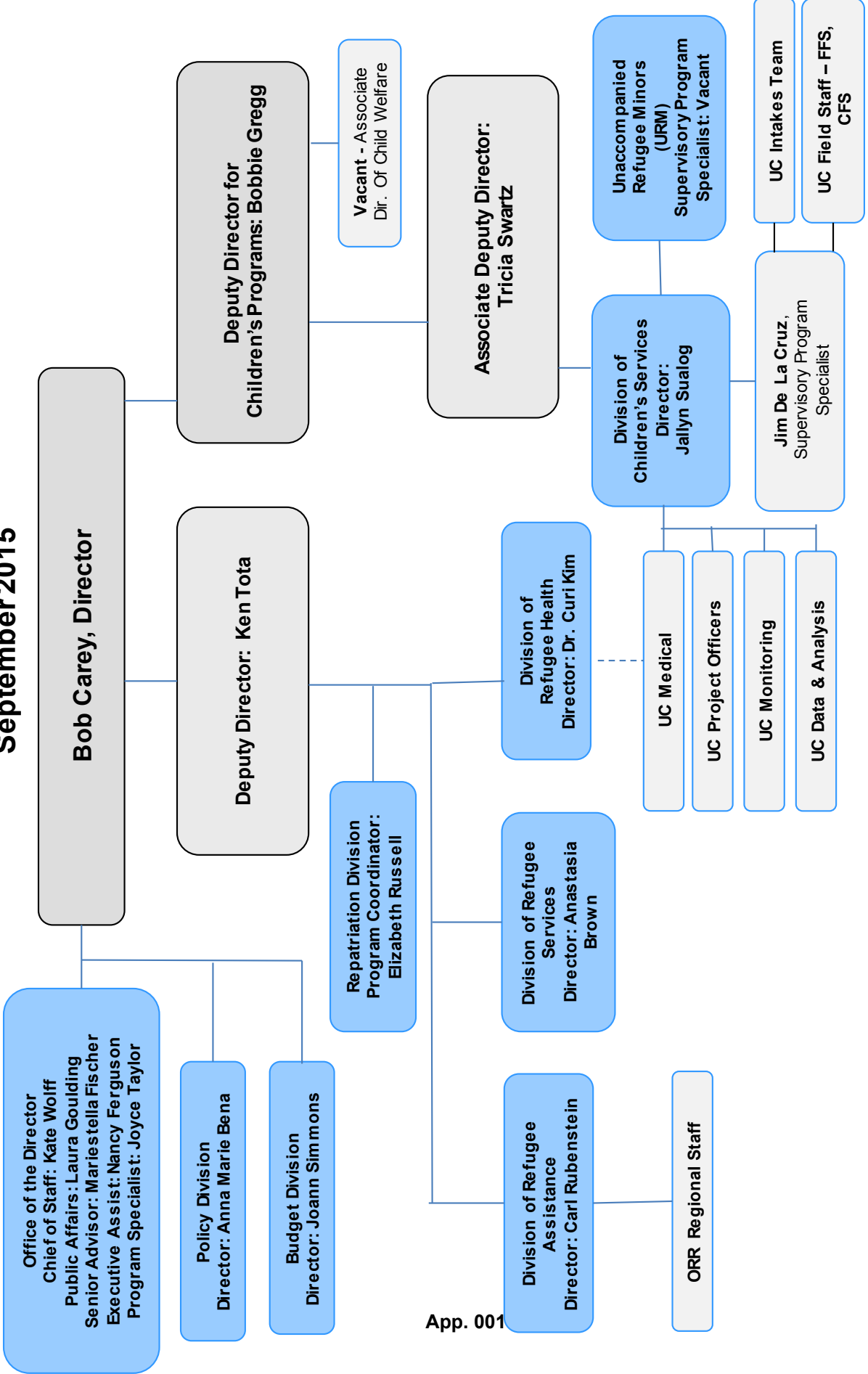


APPENDIX

Office of Refugee Resettlement September 2015



FILED

2015 JUL -1 PM 1:12
U.S. DISTRICT COURT
THE DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

| | | |
|---------------------------------|---|---|
| UNITED STATES OF AMERICA, |) | <u>SUPERSEDING INDICTMENT</u> |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. 3:15CR0024 |
| |) | |
| AROLDO RIGOBERTO CASTILLO- |) | JUDGE JAMES G. CARR |
| SERRANO, aka BRUNO LOPEZ-ZALAS, |) | |
| ANA ANGELICA PEDRO JUAN aka |) | Title 8, United States Code, Sections |
| JUANITA aka ERICA MAISONET, |) | 1324(a)(1)(A)(ii), 1324(a)(1)(A)(iv), |
| CONRADO SALGADO SOTO, and |) | 1324(a)(1)(A)(v)(II), 1324(a)(1)(B)(i), and |
| PABLO DURAN, JR. |) | 1324(a)(4)(A); Title 18, United States |
| |) | Code, Sections 2, 1001(a)(2), 1512(b)(3), |
| Defendants. |) | 1589(a), 1589(b), 1594(a), and 1594(b) |

The Grand Jury charges:

GENERAL ALLEGATIONS

The Entities

1. At all times material to this Superseding Indictment, Trillium Farms ("Trillium") was a Limited Liability Corporation incorporated in Ohio. Trillium owned and operated a number of large egg farms in the Marion, Ohio area.
2. Trillium conducted operations in the Northern District of Ohio, Western Division, and elsewhere.
3. Oakridge Estates was a mobile home park with numerous individual trailer homes, located at 6605 Marion-Agosta Road, Marion, Ohio.
4. Papagos, Inc. ("Papagos") was a for-profit corporation incorporated in Ohio, and owned and operated by defendant CONRADO SALGADO SOTO.

5. Haba Corporate Services, Inc. ("Haba") was a for-profit corporation incorporated in Ohio, and owned and operated by P.D.R. and E.D.R.

6. Second Generation Farm Services, L.L.C. ("Second Generation") was a subsidiary of Haba and a for-profit corporation incorporated in Ohio. Second Generation was owned and operated by PABLO DURAN, JR.

7. Rabbit Cleaning Services, Inc. ("Rabbit Cleaning") was a for-profit company incorporated in Ohio, and owned and operated by Bartolo Dominguez, a separately indicted co-defendant.

8. Trillium contracted with Haba and Second Generation to provide manual laborers for work at Trillium's egg farms. Haba and Second Generation hired Papagos, Rabbit Cleaning, and other sub-contractors to find the manual laborers, transport them to and from the egg farms, and supervise their work at the egg farms. The laborers' work included cleaning the chicken coops, loading and unloading crates of chickens, de-beaking the chickens, and vaccinating chickens.

The Victims

9. Victim 1 is a Guatemalan man born in 1986.

10. Victim 2 is a Guatemalan man born in 1999. At all times relevant to this Superseding Indictment, he was a minor.

11. Victim 3 is a Guatemalan man born in 1997. At all times relevant to this Superseding Indictment, he was a minor.

12. Victim 4 is a Guatemalan man born in 1997. At all times relevant to this Superseding Indictment, he was a minor.

13. Victim 5 is a Guatemalan man born in 1998. At all times relevant to this Superseding indictment, he was a minor.

14. Victim 6 is a Guatemalan man born in 1998. At all times relevant to this Superseding Indictment, he was a minor.

15. Victim 7 is a Guatemalan man born in 1989.

16. Victim 8 is a Guatemalan man born in 1997. At all times relevant to this Superseding Indictment, he was a minor.

17. Victim 9 is a Guatemalan man born in 1997. At all times relevant to this Superseding Indictment, he was a minor.

18. Victim 10 is a Guatemalan man born in 1996. At all times relevant to this Superseding Indictment, he was a minor.

The Defendants

19. The Defendants, AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS, ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, and CONRADO SALGADO SOTO, recruited and smuggled Guatemalan nationals, many of them minors, to hold them in a condition of forced labor as agricultural workers in the Marion, Ohio, area.

20. AROLDO RIGOBERTO CASTILLO-SERRANO is a Guatemala national who was a leader in the human trafficking organization. CASTILLO-SERRANO was illegally present in the United States from in or around December 2002 until in or around March 2013.

21. AROLDO RIGOBERTO CASTILLO-SERRANO recruited the workers in Guatemala and organized the financial aspects of the smuggling.

22. AROLDO RIGOBERTO CASTILLO-SERRANO owned, operated, and controlled a set of trailers at 6605 Marion-Agosta Road in Marion, Ohio, (hereinafter “the Trailers”), at which the victims were housed.

23. In or around March 2013, after AROLDO RIGOBERTO CASTILLO-SERRANO returned to Guatemala, he continued in his role as a leader in the human trafficking organization.

24. ANA ANGELICA PEDRO JUAN is a Guatemala citizen. She illegally entered the United States in or around February 2011.

25. ANA ANGELICA PEDRO JUAN was a manager in the human trafficking organization. In or around March 2013, after CASTILLO-SERRANO returned to Guatemala, PEDRO JUAN took over CASTILLO-SERRANO’s duties at the Trailers, including collecting the victims’ paychecks.

26. CONRADO SALGADO SOTO was a member of the human trafficking organization responsible for managing the victims’ employment. SALGADO SOTO, or a company privately held by him, contracted to provide workers to Trillium Farms, an egg farm with multiple locations in the Northern District of Ohio. He supervised the victims’ labor and transported the victims to and from work.

Office of Refugee Resettlement Sponsor Care Program

27. The Office of Refugee Resettlement (“ORR”) is an office within the U.S. Department of Health and Human Services. One of the responsibilities of ORR is to protect the welfare of unaccompanied minor children who are not legally present in the United States and help them transition to the care and custody of a qualified adult sponsor.

28. Potential adult sponsors must complete form 0970-0278, the Family Reunification Application (“the Application”), and submit it to ORR before a minor will be released to the

sponsor's custody. The Application requires the potential sponsor to affirm that the information contained in the application is true and accurate. The Application also requires the applicant to affirm that the sponsor will abide by the terms of the "Sponsor Care Agreement," including, but not limited to, providing for "the physical and mental well-being of the minor ... including enrolling the minor in school; providing medical care when needed; protecting the minor from abuse, neglect, and abandonment."

COUNT 1

(Forced Labor Conspiracy – 18 U.S.C. § 1594)

The Grand Jury further charges:

29. The allegations set forth in paragraphs 1 through 28 are re-alleged and incorporated by reference in this count, as though fully restated herein.

30. Beginning in or around January 2011, and continuing through on or about December 17, 2014, in the Northern District of Ohio, Western Division, and elsewhere, AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS, ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, and CONRADO SALGADO SOTO, did knowingly and intentionally combine, confederate, conspire and agree with each other, and others known and unknown to the Grand Jury, to commit offenses against the United States, as set forth in 18 U.S.C. § 1589, specifically:

31. To provide and obtain, and attempt to provide and obtain, the labor and services of ten victims, nationals of Guatemala, identified herein as Victims 1 through 10, whose identities are known to the Grand Jury, by means of:

- a. force, threats of force, physical restraint, and threats of physical restraint to the victims and other persons;
- b. serious harm and threats of serious harm to the victims and other persons;

- c. the abuse and threatened abuse of law and legal process; and
- d. a scheme, plan, and pattern intended to cause the victims to believe that, if that they did not perform such labor or services, they and other persons would suffer serious harm or physical restraint.

32. To knowingly benefit, financially and by receiving anything of value, from participation in the venture outlined above, knowing and in reckless disregard of the fact that the venture has engaged in the providing and obtaining of labor or services by the above means.

MANNER AND MEANS OF THE CONSPIRACY

33. It was part of the conspiracy that the Defendants, AROLD RIGOBERTO CASTILLO-SERRANO, ANA ANGELICA PEDRO JUAN, and CONRADO SALGADO SOTO, together with others known and unknown to the Grand Jury, targeted and recruited Guatemalan nationals for smuggling into the United States to work as agricultural laborers.

34. It was part of the conspiracy that, starting in or around March 2014, the Defendants focused their recruitment efforts on individuals under the age of 18, believing them to be easier to bring successfully into the country, easier to control, and harder workers.

35. It was part of the conspiracy that the Defendants obtained deeds to real property from the victims' families to secure the victims' debts for being smuggled into the United States, and that the Defendants retained the deeds to those properties if any portion of the smuggling debts were unpaid or any dispute between the parties remained.

36. It was part of the conspiracy that the Defendants, together with others known and unknown to the Grand Jury, brought the identified victims and others to the United States illegally.

37. It was part of the conspiracy that Defendant CASTILLO-SERRANO enticed some of the minor victims to illegally enter the United States by falsely representing that they would be able to attend school once they arrived in the United States.

38. It was part of the conspiracy that the Defendants, along with others known and unknown to the Grand Jury, submitted false and fraudulent Applications to ORR in which they represented themselves and their associates to immigration officials as the minor victims' relatives and family friends, in order to have the minor victims released to the Defendants' custody. In doing so, the Defendants and their associates affirmed that the victims would go to school and be protected from abuse.

39. It was part of the conspiracy that the Defendants compelled the victims to live in trailers owned or controlled by Defendants CASTILLO-SERRANO and PEDRO JUAN and other conspirators known and unknown to the Grand Jury, in order to keep the victims under the Defendants' control, to isolate them from others, and to force them to pay more money to Defendants and their co-conspirators in the form of rent, in addition to their smuggling debts.

40. It was part of the conspiracy that the Trailers were often in substandard conditions, and that the threat of living in substandard trailers was used by the Defendants to control the victims.

41. It was part of the conspiracy that the Defendants directed victims to work at one of Trillium's farms in the Marion, Ohio, area, and other locations, under the supervision of Defendants SALGADO SOTO, PABLO DURAN JR., along with Bartolo Dominguez and others known and unknown to the Grand Jury.

42. It was part of the conspiracy that the minor victims and some adult victims did not receive paychecks or full cash equivalents for their labor, but instead that SALGADO SOTO

delivered their paychecks directly to PEDRO JUAN, who transferred them to CASTILLO-SERRANO and his associates.

43. It was part of the conspiracy that the minor victims were given only small amounts of money for their food and other needs, and that Defendants refused the minors' requests to obtain more of their paychecks.

44. It was part of the conspiracy that the victims were not given receipts for their smuggling debt payments or any accounting of their remaining smuggling debts.

45. It was part of the conspiracy that Defendant CASTILLO-SERRANO manipulated the smuggling debts of some victims by, among other means, not telling the victims what their smuggling debts would be until after they incurred it and, later, unilaterally increasing victims' smuggling debts beyond what had initially been agreed to.

46. It was part of the conspiracy that Defendants CASTILLO-SERRANO, PEDRO JUAN, and others known and unknown to the Grand Jury, threatened the victims and their family members with physical harm, including death, if they did not continue to work and surrender their paychecks.

47. It was part of the conspiracy that Defendant PEDRO JUAN hit a victim when he indicated he did not want to surrender his paycheck to her.

48. It was part of the conspiracy that the Defendants benefitted financially, and by receiving anything of value, from participating in the venture.

49. It was part of the conspiracy that the Defendants used a combination of threats, humiliation, deprivation, financial coercion, debt manipulation, and monitoring to establish a pattern of domination and control over the victims, to create a climate of a fear and helplessness that would compel their compliance with the conspirators' orders, and to isolate them from

anyone who might intervene to protect them from the conspirators and expose the conspirators' unlawful acts.

ACTS IN FURTHERANCE OF THE CONSPIRACY

50. In furtherance of the conspiracy, and to accomplish the objects of the conspiracy, the Defendants committed and caused to be committed the following acts, among others, in the Northern District of Ohio, Western Division, and elsewhere:

Victim 1

51. In or around November 2011, CASTILLO-SERRANO recruited and enticed Victim 1 to illegally travel to the United States. CASTILLO-SERRANO represented to Victim 1 that the transportation and smuggling fees would be loaned by CASTILLO-SERRANO, which Victim 1 would repay through agricultural work. CASTILLO-SERRANO asked for and received a deed belonging to Victim 1's father to secure the smuggling debt. An associate of CASTILLO-SERRANO delivered Victim 1 to the Trailers. CASTILLO-SERRANO informed Victim 1, after Victim 1's arrival in Ohio, that Victim 1 owed him \$16,000. CASTILLO-SERRANO directed Victim 1 to live at the Trailers.

52. Between in or around November 2011 and in or around December 2013, CASTILLO-SERRANO informed Victim 1 repeatedly that he was required to work at the egg farms until he repaid his smuggling debt. CASTILLO-SERRANO collected all of Victim 1's paychecks from him. CASTILLO-SERRANO regularly required Victim 1 to work six or seven days a week, twelve hours per day, including times when Victim 1 was injured.

53. Starting in or around 2013, when CASTILLO-SERRANO returned to Guatemala, PEDRO JUAN assumed responsibility for collecting Victim 1's paychecks.

54. Between in or around November 2011, and in or around December 2013, CASTILLO-SERRANO threatened to kill Victim 1 and other workers if they said they would not work at one of the farms. CASTILLO-SERRANO threatened to kill his family in Guatemala and told Victim 1 that he (CASTILLO-SERRANO) had people in Guatemala who could assault others at his command.

55. Between in or around November 2011, and in or around December 2013, ANA ANGELICA PEDRO JUAN reported on the activities of Victim 1 and others to CASTILLO-SERRANO. Victim 1 and others complained to PEDRO JUAN that they did not have enough money for food, but PEDRO JUAN continued to withhold their paychecks.

56. Between in or around November 2011, and in or around December 2013, SALGADO SOTO drove Victim 1 to work and supervised him there. SALGADO SOTO knew that Victim 1 was being forced to work and surrender his entire paychecks to CASTILLO-SERRANO and PEDRO JUAN.

Victim 2

57. In or around June 2014, CASTILLO-SERRANO recruited Victim 2, a minor, to illegally travel to the United States. CASTILLO-SERRANO enticed Victim 2 by telling him that he would be permitted to attend school in the United States.

58. On or about August 23, 2014, CASTILLO-SERRANO arranged to have an associate falsely represent himself to immigration officials as Victim 2's family friend and submit a fraudulent Family Reunification Application to ORR in order to have Victim 2 released to Defendants' associate. Once Victim 2 was released from immigration custody, CASTILLO-SERRANO and PEDRO JUAN required him to live at the Trailers and regularly work under SALGADO SOTO.

59. Between in or about August 2014, and on or about December 17, 2014, the Defendants regularly required Victim 2, a minor, to do physically demanding work for six or seven days a week, twelve hours per day. SALGADO SOTO withheld the paychecks of Victim 2, giving them directly to PEDRO JUAN. PEDRO JUAN withheld Victim 2's paychecks from him, giving him only small amounts of money for food and necessities.

60. On multiple dates between in or about June 2014, and in or about December 17, 2014, PEDRO JUAN denied requests from Victim 2 that he be given more or all of his wages.

Victim 3

61. In or about June 2014, CASTILLO-SERRANO recruited Victim 3, a minor, to illegally travel to the United States. CASTILLO-SERRANO enticed Victim 3 by telling him that he would be permitted to attend school in the United States. CASTILLO-SERRANO asked for and received a deed belonging to Victim 3's uncle to secure the smuggling debt.

62. On or about September 18, 2014, CASTILLO-SERRANO arranged to have an associate falsely represent himself to immigration officials as Victim 3's family friend and submit a fraudulent Family Reunification Application to ORR in order to have Victim 3 released to Defendants' associate. Once Victim 3 was released from immigration custody, CASTILLO-SERRANO and PEDRO JUAN required him to live at the Trailers and work at the egg farm under PABLO DURAN, JR. and other contractors associated with the Defendants.

63. Between in or about June 2014, and on or about December 17, 2014, the Defendants regularly required Victim 3 to do physically demanding work for six or seven days a week, twelve hours per day.

64. Between in or about June 2014, and on or about December 17, 2014, PABLO DURAN JR. and others associated with the Defendants withheld Victim 3's paychecks by giving

them directly to PEDRO JUAN. PEDRO JUAN withheld Victim 3's paychecks from him, giving him only small amounts of money for food and necessities.

65. In or around fall 2014, the exact date unknown, Victim 3 contacted CASTILLO-SERRANO on the telephone and complained to CASTILLO-SERRANO about the work at the egg farm. In response, CASTILLO-SERRANO degraded and demeaned Victim 3, calling him humiliating names and telling him that he was required to work for CASTILLO-SERRANO. Shortly after this conversation, CASTILLO-SERRANO and PEDRO JUAN moved Victim 3 to a trailer that was unsanitary and unsafe, with no bed, no heat, no hot water, no working toilets, and vermin.

66. In or around the fall of 2014, the exact date unknown, but on the same date that Victim 3 complained to CASTILLO-SERRANO, CASTILLO-SERRANO called Victim 3's father in Guatemala and told Victim 3's father that he would shoot Victim 3's father in the head if Victim 3 did not continue to work for him.

Victim 4

67. In or around mid-2014, CASTILLO-SERRANO recruited Victim 4, a minor, to illegally travel to the United States. CASTILLO-SERRANO asked for and received a deed belonging to Victim 4's mother to secure the smuggling debt.

68. On or about August 5, 2014, CASTILLO-SERRANO arranged to have an associate falsely represent himself to immigration officials as Victim 4's family friend and submit a fraudulent Family Reunification Application to ORR in order to have Victim 4 released to Defendants' associate. Once Victim 4 was released from immigration custody, CASTILLO-SERRANO and PEDRO JUAN required him to live at the Trailers and work under SALGADO SOTO.

69. Between on or about August 5, 2014, and on or about December 17, 2014, the Defendants regularly required Victim 4 to do physically demanding work for six or seven days a week, twelve hours per day. SALGADO SOTO withheld Victim 4's paychecks by giving them directly to PEDRO JUAN. PEDRO JUAN withheld Victim 4's paychecks from him, giving him only small amounts of money for food and necessities.

Victim 5

70. In or around mid-2014, CASTILLO-SERRANO recruited Victim 5, a minor, to illegally travel to the United States. CASTILLO-SERRANO asked for and received a deed belonging to Victim 5's father to secure the smuggling debt.

71. On or about August 16, 2014, CASTILLO-SERRANO arranged to have an associate falsely represent himself to immigration officials as Victim 5's family friend and submit a fraudulent Family Reunification Application to ORR in order to have Victim 5 released to Defendants' associate. Once Victim 5 was released from immigration custody, CASTILLO-SERRANO and PEDRO JUAN required him to live at the Trailers and work under SALGADO SOTO.

72. Between in or about August 2014, and on or about December 17, 2014, the Defendants regularly required Victim 5 to do physically demanding work for six or seven days a week, twelve hours per day.

73. Between in or about August 2014, and on or about December 17, 2014, SALGADO SOTO, and others associated with the Defendants, withheld Victim 5's paychecks by giving them directly to PEDRO JUAN. PEDRO JUAN withheld Victim 5's paychecks from him, giving him only small amounts of money for food and necessities.

74. In or around fall 2014, the exact date unknown, Victim 5 contacted CASTILLO-SERRANO on the telephone and requested additional money from his paychecks to send to his mother in Guatemala, who was ill. CASTILLO-SERRANO denied Victim 5's request for his earnings and threatened to harm Victim 5's family if Victim 5 disobeyed CASTILLO-SERRANO's orders.

Victim 6

75. In or around mid-2014, CASTILLO-SERRANO recruited Victim 6, a minor, to illegally travel to the United States. CASTILLO-SERRANO asked for and received a deed belonging to Victim 6's father to secure the smuggling debt.

76. On or about July 24, 2014, CASTILLO-SERRANO arranged to have PEDRO JUAN falsely represent herself to immigration officials as Victim 6's family friend and submit a fraudulent Family Reunification Application to ORR in order to have Victim 6 released to PEDRO JUAN's custody. Once Victim 6 was released from immigration custody, CASTILLO-SERRANO and PEDRO JUAN required him to live at the Trailers and work under SALGADO SOTO.

77. Between in or about August 2014, and on or about December 17, 2014, the Defendants regularly required Victim 6 to do physically demanding work for six or seven days a week, ten hours per day.

78. Between in or about August 2014, and on or about December 17, 2014, Victim 6 suffered injuries due to the physically demanding work the Defendants required Victim 6 to perform.

79. Between in or about August 2014, and on or about December 17, 2014, SALGADO SOTO, and other contractors affiliated with the Defendants, withheld Victim 6's

paychecks by giving them directly to PEDRO JUAN. PEDRO JUAN withheld Victim 6's paychecks from him, giving him only small amounts of money for food and necessities.

80. In or around fall 2014, the exact date unknown, PEDRO JUAN hit Victim 6 when Victim 6 told her he did not want to give PEDRO JUAN his paychecks.

Victim 7

81. In or about January 2011, CASTILLO-SERRANO recruited Victim 7 to illegally travel to the United States. Victim 7's mother secured his \$15,000 smuggling debt to CASTILLO-SERRANO by assigning CASTILLO-SERRANO the deed to her land.

82. Between approximately February 2011 and December 17, 2014, the Defendants required Victim 7 to live in the Trailers, including a trailer without heat or running water.

83. Between approximately February 2011 and December 2014, the Defendants regularly required Victim 7 to work under SALGADO SOTO and Bartolo Dominguez to repay his smuggling debt.

84. Between approximately February 2011 and December 2014, the Defendants only provided Victim 7 with small portions of his paychecks.

85. In or around 2012, the exact date unknown, but after Victim 7 had paid CASTILLO-SERRANO \$15,000, the amount CASTILLO-SERRANO initially told Victim 7 he owed for his smuggling fees, CASTILLO-SERRANO told Victim 7, for the first time, that his smuggling debt was actually greater than \$15,000 and that Victim 7 would have to continue to work and pay CASTILLO-SERRANO or else Victim 7's mother would lose her land.

Victim 8

86. In or about June 2014, CASTILLO-SERRANO recruited Victim 8, a minor, to illegally travel to the United States.

87. Between in or about June 2014, and on or about December 17, 2014, the Defendants regularly required Victim 8 to do physically demanding work for six or seven days a week, twelve hours per day.

88. Between approximately June 2014 and December 17, 2014, PABLO DURAN, JR. and other contractors associated with the Defendants, withheld Victim 8's paychecks by giving them directly to PEDRO JUAN. PEDRO JUAN withheld Victim 8's paychecks from him, giving him only small amounts of money for food and necessities.

Victim 9

89. In or about April 2014, CASTILLO-SERRANO recruited Victim 9, a minor, to illegally travel to the United States.

90. On or about June 6, 2014, CASTILLO-SERRANO arranged to have an associate falsely represent himself to immigration officials as Victim 9's family friend and submit a fraudulent Family Reunification Application to ORR in order to have Victim 9 released to Defendants' associate. Once Victim 9 was released from immigration custody, CASTILLO-SERRANO and PEDRO JUAN required him to live at the Trailers and work under SALGADO SOTO.

91. M.C.G., an agent working at the direction of Defendants CASTILLO-SERRANO and PEDRO JUAN, told Victim 9 he was not permitted to leave the Trailers. M.C.G. threatened and demeaned Victim 9 and told him that he (M.C.G.) was reporting all of the minors' activities to CASTILLO-SERRANO.

92. Between in or about June 2014, and on or about December 17, 2014, the Defendants regularly required Victim 9 to do physically demanding work for six or seven days a week, twelve hours per day.

93. Between in or about June 2014, and on or about December 17, 2014, SALGADO SOTO withheld Victim 9's paychecks by giving them directly to PEDRO JUAN. PEDRO JUAN withheld Victim 9's paychecks from him, giving him only small amounts of money for food and necessities.

Victim 10

94. In or around mid-2013, CASTILLO-SERRANO recruited Victim 10, a minor, to illegally travel to the United States. Victim 10's mother assigned CASTILLO-SERRANO the deeds to her land as collateral for Victim 10's smuggling debt.

95. In or around late mid-2013, CASTILLO-SERRANO told Victim 10's mother that if Victim 10 did not work to repay his smuggling debt, CASTILLO-SERRANO would kill Victim 10 and his mother.

96. On or about November 19, 2013, Victim 10 was brought to the trailers and told by the Defendants he had to work at the egg farms and surrender his paychecks to PEDRO JUAN. After Victim 10 entered his assigned trailer and saw that it was dilapidated and did not have heat, Victim 10 called an associate of his family and asked to be picked up from the Trailers.

Witness Tampering and False Statements

97. On or about December 18, 2014, PEDRO JUAN and CASTILLO-SERRANO agreed in a telephone call that PEDRO JUAN would mislead and lie to the FBI by telling them, among other things, that she did not know CASTILLO-SERRANO, that she only sent money to Guatemala as a favor to the victims, and that the victims received their full wages. They also

agreed that PEDRO JUAN would advise M.C.G. to give false, incomplete, and misleading information to the FBI.

98. In or around December 2014 or January 2015, PEDRO JUAN advised M.C.G. to give false, incomplete, and misleading information to the FBI, specifically to deny that he knew anything about the venture.

99. On or about December 23, 2014, Defendant PEDRO JUAN gave materially false, incomplete, and misleading information to an agent of the FBI by saying, among other things, that she did not have first-hand knowledge of CASTILLO-SERRANO's smuggling activities, that she did not withhold victims' wages from them, that she did not send victims' wages to Guatemalan accounts at CASTILLO-SERRANO's behest, that she did not have a close relationship with CASTILLO-SERRANO, that she was not in contact with CASTILLO-SERRANO, that she did not know where CASTILLO-SERRANO was, and that she did not advise M.C.G. to lie to the FBI.

All in violation of Title 18, United States Codes, Section 1594(b).

COUNT 2
(Forced Labor – 18 U.S.C. § 1589)

The Grand Jury further charges:

100. The allegations set forth in paragraphs 1 through 28 and 33 through 56 are re-alleged and incorporated by reference in this count, as though fully restated herein.

101. Beginning in or about July 2011, and continuing to on or about December 17, 2014, in the Northern District of Ohio, Western Division, and elsewhere, Defendants AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS, ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, and CONRADO SALGADO SOTO, aiding and abetting each other, did knowingly provide and obtain the labor and services of Victim 1, and knowingly benefitted, financially and by receiving anything of value, from participation in a venture which provided and obtained the labor and services of Victim 1, knowing and in reckless disregard of the fact that the labor and services were obtained by means of force, threats of force, physical restraint, and threats of physical restraint to Victim 1 and other persons; by means of serious harm and threats of serious harm to Victim 1 and other persons; by means of the abuse and threatened abuse of law and legal process; and by means of a scheme, plan, and pattern intended to cause Victim 1 to believe that, if he did not perform such labor or services, he and other persons would suffer serious harm or physical restraint.

In violation of Title 18, United States Code, Sections 1589(a) and (b), and 2.

COUNT 3

(Forced Labor – 18 U.S.C. § 1589)

The Grand Jury further charges:

102. The allegations set forth in paragraphs 1 through 28, 33 through 50, and 57 through 60 are re-alleged and incorporated by reference in this count, as though fully restated herein.

103. Beginning in or about June 2014, and continuing to on or about December 17, 2014, in the Northern District of Ohio, Western Division, and elsewhere, Defendants AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS, ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, and CONRADO SALGADO SOTO, aiding and abetting each other, did knowingly provide and obtain the labor and services of Victim 2, and knowingly benefitted, financially and by receiving anything of value, from participation in a venture which provided and obtained the labor and services of Victim 2, knowing and in reckless disregard of the fact that the labor and services were obtained by means of force, threats of force, physical restraint, and threats of physical restraint to Victim 2 and other persons; by means of serious harm and threats of serious harm to Victim 2 and other persons; by means of the abuse and threatened abuse of law or legal process; and by means of a scheme, plan, and pattern intended to cause Victim 2 to believe that, if he did not perform such labor or services, he and other persons would suffer serious harm or physical restraint.

In violation of Title 18, United States Code, Sections 1589(a) and (b), and 2.

COUNT 4
(Forced Labor – 18 U.S.C. § 1589)

The Grand Jury further charges:

104. The allegations set forth in paragraphs 1 through 28, 33 through 50, and 61 through 66 are re-alleged and incorporated by reference in this count, as though fully restated herein.

105. Beginning in or about June 2014, and continuing to on or about December 17, 2014, in the Northern District of Ohio, Western Division, and elsewhere, Defendants AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS and ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, aiding and abetting each other, did knowingly provide and obtain the labor and services of Victim 3, and knowingly benefitted, financially and by receiving anything of value, from participation in a venture which provided and obtained the labor and services of Victim 3, knowing and in reckless disregard of the fact that the labor and services were obtained by means of force, threats of force, physical restraint, and threats of physical restraint to Victim 3 and other persons; by means of serious harm and threats of serious harm to Victim 3 and other persons; by means of the abuse and threatened abuse of law and legal process; and by means of a scheme, plan, and pattern intended to cause Victim 3 to believe that, if he did not perform such labor or services, he and other persons would suffer serious harm or physical restraint.

In violation of Title 18, United States Code, Sections 1589(a), 1589(b), and 2.

COUNT 5

(Forced Labor – 18 U.S.C. § 1589)

The Grand Jury further charges:

106. The allegations set forth in paragraphs 1 through 28, 33 through 50, and 67 through 69 are re-alleged and incorporated by reference in this count, as though fully restated herein.

107. Beginning in or about June 2014, and continuing to on or about December 17, 2014, in the Northern District of Ohio, Western Division, and elsewhere, Defendants AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS, ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, and CONRADO SALGADO SOTO, aiding and abetting each other, did knowingly provide and obtain the labor and services of Victim 4, and knowingly benefitted, financially and by receiving anything of value, from participation in a venture which provided and obtained the labor and services of Victim 4, knowing and in reckless disregard of the fact that the labor and services were obtained by means of force, threats of force, physical restraint, and threats of physical restraint to Victim 4 and other persons; by means of serious harm and threats of serious harm to Victim 4 and other persons; by means of the abuse and threatened abuse of law or legal process; and by means of a scheme, plan, and pattern intended to cause Victim 4 to believe that, if he did not perform such labor or services, he and other persons would suffer serious harm or physical restraint.

In violation of Title 18, United States Code, Sections 1589(a) and (b), and 2.

COUNT 6

(Forced Labor – 18 U.S.C. § 1589)

The Grand Jury further charges:

108. The allegations set forth in paragraphs 1 through 28, 33 through 50, and 70 through 74 are re-alleged and incorporated by reference in this count, as though fully restated herein.

109. Beginning in or about June 2014, and continuing to on or about December 17, 2014, in the Northern District of Ohio, Western Division, and elsewhere, Defendants AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS, ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, and CONRADO SALGADO SOTO, aiding and abetting each other, did knowingly provide and obtain the labor and services of Victim 5, and knowingly benefitted, financially and by receiving anything of value, from participation in a venture which provided and obtained the labor and services of Victim 5, knowing and in reckless disregard of the fact that the labor and services were obtained by means of force, threats of force, physical restraint, and threats of physical restraint to Victim 5 and other persons; by means of serious harm and threats of serious harm to Victim 5 and other persons; by means of the abuse and threatened abuse of law or legal process; and by means of a scheme, plan, and pattern intended to cause Victim 5 to believe that, if he did not perform such labor or services, he and other persons would suffer serious harm or physical restraint.

In violation of Title 18, United States Code, Sections 1589(a) and (b), and 2.

COUNT 7

(Forced Labor – 18 U.S.C. § 1589)

The Grand Jury further charges:

110. The allegations set forth in paragraphs 1 through 28, 33 through 50, and 75 through 80 are re-alleged and incorporated by reference in this count, as though fully restated herein.

111. Beginning in or about June 2014, and continuing to on or about December 17, 2014, in the Northern District of Ohio, Western Division, and elsewhere, Defendants AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS, ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, and CONRADO SALGADO SOTO, aiding and abetting each other, did knowingly provide and obtain the labor and services of Victim 6, and knowingly benefitted, financially and by receiving anything of value, from participation in a venture which provided and obtained the labor and services of Victim 6, knowing and in reckless disregard of the fact that the labor and services were obtained by means of force, threats of force, physical restraint, and threats of physical restraint to Victim 6 and other persons; by means of serious harm and threats of serious harm to Victim 6 and other persons; by means of the abuse and threatened abuse of law or legal process; and by means of a scheme, plan, and pattern intended to cause Victim 6 to believe that, if he did not perform such labor or services, he and other persons would suffer serious harm or physical restraint.

In violation of Title 18, United States Code, Sections 1589(a) and (b), and 2.

COUNT 8

(Forced Labor – 18 U.S.C. § 1589)

The Grand Jury further charges:

112. The allegations set forth in paragraphs 1 through 28, 33 through 50, and 81 through 85 are re-alleged and incorporated by reference in this count, as though fully restated herein.

113. Beginning in or about January 2011, and continuing to on or about December 17, 2014, in the Northern District of Ohio, Western Division, and elsewhere, Defendants AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS and CONRADO SALGADO SOTO, aiding and abetting each other, did knowingly provide and obtain the labor and services of Victim 7, and knowingly benefitted, financially and by receiving anything of value, from participation in a venture which provided and obtained the labor and services of Victim 7, knowing and in reckless disregard of the fact that the labor and services were obtained by means of force, threats of force, physical restraint, and threats of physical restraint to Victim 7 and other persons; by means of serious harm and threats of serious harm to Victim 7 and other persons; by means of the abuse and threatened abuse of law or legal process; and by means of a scheme, plan, and pattern intended to cause Victim 7 to believe that, if he did not perform such labor or services, he and other persons would suffer serious harm or physical restraint.

In violation of Title 18, United States Code, Sections 1589(a) and (b), and 2.

COUNT 9

(Forced Labor – 18 U.S.C. § 1589)

The Grand Jury further charges:

114. The allegations set forth in paragraphs 1 through 28, 33 through 50, and 86 through 88 are re-alleged and incorporated by reference in this count, as though fully restated herein.

115. Beginning in or about June 2014, and continuing to on or about December 17, 2014, in the Northern District of Ohio, Western Division, and elsewhere, Defendants AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS and ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, aiding and abetting each other, did knowingly provide and obtain the labor and services of Victim 8, and knowingly benefitted, financially and by receiving anything of value, from participation in a venture which provided and obtained the labor and services of Victim 8, knowing and in reckless disregard of the fact that the labor and services were obtained by means of force, threats of force, physical restraint, and threats of physical restraint to Victim 8 and other persons; by means of serious harm and threats of serious harm to Victim 8 and other persons; by means of the abuse and threatened abuse of law or legal process; and by means of a scheme, plan, and pattern intended to cause Victim 8 to believe that, if he did not perform such labor or services, he and other persons would suffer serious harm or physical restraint.

In violation of Title 18, United States Code, Sections 1589(a) and (b), and 2.

COUNT 10
(Forced Labor – 18 U.S.C. § 1589)

The Grand Jury further charges:

116. The allegations set forth in paragraphs 1 through 28, 33 through 50, and 89 through 93 are re-alleged and incorporated by reference in this count, as though fully restated herein.

117. Beginning in or about June 2014, and continuing to on or about December 17, 2014, in the Northern District of Ohio, Western Division, and elsewhere, Defendants AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS, ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, and CONRADO SALGADO SOTO, aiding and abetting each other, did knowingly provide and obtain the labor and services of Victim 9, and knowingly benefitted, financially and by receiving anything of value, from participation in a venture which provided and obtained the labor and services of Victim 9, knowing and in reckless disregard of the fact that the labor and services were obtained by means of force, threats of force, physical restraint, and threats of physical restraint to Victim 9 and other persons; by means of serious harm and threats of serious harm to Victim 9 and other persons; by means of the abuse and threatened abuse of law or legal process; and by means of a scheme, plan, and pattern intended to cause Victim 9 to believe that, if he did not perform such labor or services, he and other persons would suffer serious harm or physical restraint.

In violation of Title 18, United States Code, Sections 1589(a) and (b), and 2.

COUNT 11

(Attempted Forced Labor – 18 U.S.C. § 1594(a))

The Grand Jury further charges:

118. The allegations set forth in paragraphs 1 through 28, 33 through 50, and 94 through 96 are re-alleged and incorporated by reference in this count, as though fully restated herein.

119. From in or about April 2013, to in or about November 2013, in the Northern District of Ohio, Western Division, and elsewhere, Defendants AROLDO RIGOBERTO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS and CONRADO SALGADO SOTO, aiding and abetting each other, knowingly attempted to provide and obtain the labor and services of Victim 10, and knowingly attempted to benefit, financially and by receiving anything of value, from participation in a venture which provided and obtained the labor and services of Victim 10, knowing and in reckless disregard of the fact that the labor and services were obtained by means of force, threats of force, physical restraint, and threats of physical restraint to Victim 10 and other persons; by means of serious harm and threats of serious harm to Victim 10 and other persons; by means of the abuse and threatened abuse of law or legal process; and by means of a scheme, plan, and pattern intended to cause Victim 10 to believe that, if he did not perform such labor or services, he and other persons would suffer serious harm or physical restraint.

In violation of Title 18, United States Code, Sections 1594(a) and 2.

COUNT 12

(Witness Tampering – 18 U.S.C. §§ 1512(b)(3))

The Grand Jury further charges:

120. The allegations set forth in paragraphs 1 through 28 and 33 through 99 are re-alleged and incorporated by reference in this count, as though fully restated herein.

121. In or about December 2014, in the Northern District of Ohio, Western Division, and elsewhere, defendants AROLDO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS and ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, along with others known and unknown to the Grand Jury, did knowingly intimidate and corruptly persuade M.C.G., and attempt to do so, with the intent to hinder, delay, and prevent the communication to a federal law enforcement officer of information relating to the commission or possible commission of a federal offense. Specifically, after discussing the federal investigation with CASTILLO-SERRANO, and M.C.G.'s knowledge of same, PEDRO JUAN asked and told M.C.G. not to report to law enforcement information about the conspiracy, forced labor, and harboring offenses committed by Defendants.

In violation of Title 18, United States Code, Sections 1512(b)(3) and 2.

COUNT 13

(False Statements – 18 U.S.C. § 1001(a)(2))

The Grand Jury further charges:

122. The allegations set forth in paragraphs 1 through 28 and 33 through 99 are re-alleged and incorporated by reference in this count, as though fully restated herein.

123. In or about December 2014, in the Northern District of Ohio, Western Division, and elsewhere, Defendant ANA ANGELICA PEDRO JUAN aka JUANITA aka ERICA MAISONET, in a matter within the jurisdiction of the executive branch of the Government of the United States, did knowingly and willfully make materially false, fictitious, and fraudulent statements and representations, in that Defendant PEDRO JUAN represented to an agent of the Federal Bureau of Investigation, which is an agency of the executive branch of the federal government, that that she did not have first-hand knowledge of CASTILLO-SERRANO's smuggling activities, that she did not withhold victims' wages from them, that she did not send victims' wages to Guatemalan accounts at CASTILLO-SERRANO's behest, that she did not have a close relationship with CASTILLO-SERRANO, that she was not in contact with CASTILLO-SERRANO, that she did not know where CASTILLO-SERRANO was, and that she did not advise M.C.G. to lie to the FBI.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 14

(Encouraging Illegal Entry – 8 U.S.C. § 1324(a))

The Grand Jury further charges:

124. The allegations set forth in paragraphs 1 through 28 and 33 through 99 re-alleged and incorporated by reference in this count, as though fully restated herein.

125. In or about September 2014, in the Northern District of Ohio, Western Division, and elsewhere, AROLDO CASTILLO-SERRANO aka BRUNO LOPEZ-ZALAS and CONRADO SALGADO SOTO, aiding and abetting each other, along with others known and unknown to the Grand Jury, encouraged and induced an alien, namely Victims 2, 3, 4, 5, 6, and 9, all minors, to come to, enter, and reside in the United States, knowingly and in reckless disregard of the fact that the victims' coming to, entry, and residence in the United States was in violation of law. The Defendants' acts were for the purpose of commercial advantage and private financial gain and part of an ongoing commercial organization and enterprise.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iv), 1324(a)(1)(A)(v)(II), 1324(a)(1)(B)(i), and 1324(a)(4)(A).

COUNT 15

(Harboring an Illegal Alien – 8 U.S.C. § 1324(a))

The Grand Jury further charges:

126. The allegations set forth in paragraphs 1 through 28 and 33 through 99 are re-alleged and incorporated by reference in this count, as though fully restated herein.

127. From in or about July 2013, to in or about December 2014, in the Northern District of Ohio, Western Division, and elsewhere, defendants CONRADO SALGADO SOTO and PABLO DURAN, JR., along with Bartolo Dominguez, Conrado Salgado-Borban, and other persons known and unknown to the Grand Jury, knowingly and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, transported and moved an alien within the United States by means of transportation, in furtherance of such violation of law and for the purpose of commercial advantage and private financial gain and as part of an ongoing commercial organization and enterprise, to wit: CONRADO SALGADO SOTO and PABLO DURAN, JR., drove a number of Guatemalan aliens, including Victim 3 (a minor), Victim 8 (a minor), and M.C.G. (a minor) from Marion, Ohio, to egg farms in Croton, Mount Victory, Goshen, and LaRue, Ohio, where the aliens were working, and then back to Marion, Ohio at the end of the aliens' work shift.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(B)(i), and 1324(a)(4)(A).

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.



U.S. Citizenship
and Immigration
Services

HQRAIO 120/12a

Memorandum

MAY 28 2013

TO: All Asylum Office Staff

FROM: Ted Kim
Acting Chief, Asylum Division

SUBJECT: Updated Procedures for Determination of Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children

I. Purpose

This memorandum provides updated guidance and procedures to U.S. Citizenship and Immigration Services (USCIS) Asylum Offices on determining jurisdiction in applications for asylum filed by unaccompanied alien children (UACs) under the initial jurisdiction provision of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Public Law 110-457, which was signed into law on December 23, 2008, and became effective on March 23, 2009. These procedures modify the current procedures found in Section III.C of the March 25, 2009, memorandum [Implementation of Statutory Change Providing USCIS with Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children](#). These procedures are effective on June 10, 2013, and apply to any USCIS decision issued on or after that date. These updated procedures will be incorporated into the Affirmative Asylum Procedures Manual. The decision letters used by Asylum Offices in UAC cases will not change with the exception of the UAC Decision Notice for Non-Eligibility (updated version attached). All Asylum Offices will receive train-the-trainer instruction from Headquarters and are responsible for conducting field training prior to June 10.

II. Determination as to whether the applicant is a UAC

USCIS typically does not have jurisdiction to accept a Form I-589, *Application for Asylum and for Withholding of Removal*, filed by an applicant in removal proceedings. Section 235(d)(7)(B) of the TVPRA, however, places initial jurisdiction of asylum applications filed by UACs with USCIS, even for those UACs in removal proceedings. Therefore, USCIS must determine whether an applicant in removal proceedings is a UAC.

Prior to the issuance of this guidance, Asylum Offices made independent factual inquiries under the UAC definition to support their determinations of UAC status, which was assessed at the time of the UAC's filing of the asylum application. In most of these cases another Department of Homeland Security entity, either U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE), had already made a determination of UAC status after apprehension, as required for the purpose of placing *the individual*

in the appropriate custodial setting. Effective June 10, in those cases in which either CBP or ICE has already made a determination that the applicant is a UAC, and that status determination was still in place on the date the asylum application was filed, Asylum Offices will adopt that determination without another factual inquiry. Unless there was an affirmative act by HHS, ICE or CBP to terminate the UAC finding before the applicant filed the initial application for asylum, Asylum Offices will adopt the previous DHS determination that the applicant was a UAC. In cases in which a determination of UAC status has not already been made, Asylum Offices will continue to make determinations of UAC status per current guidance.

A. Cases in which a determination of UAC status has already been made

In cases in which CBP or ICE has already determined that the applicant is a UAC, Asylum Offices will adopt that determination and take jurisdiction over the case. Asylum Offices will see evidence of these prior UAC determinations in A-files or in systems on the Form I-213, *Record of Deportable Alien*; the Form 93 (the CBP UAC screening form); the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) Initial Placement Form¹; the ORR Verification of Release Form; and the encounters tab in the ENFORCE Alien Removal Module (EARM) (see attached samples). In these cases the Asylum Office will no longer need to question the applicant regarding his or her age and whether he or she is accompanied by a parent or legal guardian to determine UAC status. If CBP or ICE determined that the applicant was a UAC, and, as of the date of initial filing of the asylum application, that UAC status determination was still in place, USCIS will take initial jurisdiction over the case, even if there appears to be evidence that the applicant may have turned 18 years of age or may have reunited with a parent or legal guardian since the CBP or ICE determination. Generally, an Asylum Office should not expend resources to pursue inquiries into the correctness of the prior DHS determination that the applicant was a UAC.

Although Asylum Offices will no longer need to make independent factual inquiries about UAC status in cases in which another DHS entity has already determined the applicant to be a UAC, these cases will still receive headquarters quality assurance review as juveniles per the Quality Assurance Referral Sheet. Upon receiving headquarters concurrence, Asylum Offices should follow the guidance in the March 25, 2009, memorandum referenced above regarding handling the case upon entry of a final decision.

B. Cases in which a determination of UAC status has not already been made

1. UACs not in removal proceedings

For applicants not in removal proceedings who apply for asylum with USCIS via the affirmative asylum process, who have not been determined previously to be a UAC by CBP or ICE, and who appear to be UACs, Asylum Offices will continue to make UAC determinations not for the purpose of determining jurisdiction but for the purposes of determining whether the applicant is subject to the 1-year filing deadline² and whether the Asylum Office must notify HHS that it has discovered a UAC³. Asylum Offices should examine whether the applicant was a UAC at the time of filing the asylum application for purposes of determining whether the 1-year filing deadline applies and whether the applicant was a UAC at the time of the interview (i.e., when “discovery” takes place) for purposes of notifying HHS. Previously issued guidance on examining an applicant’s age and unaccompanied status continue to apply to these determinations.

¹ After apprehending an individual and determining that he or she is a UAC, CBP or ICE transfers him or her to a facility run by the Office of Refugee Resettlement (ORR), which is part of the Department of Health and Human Services (HHS).

² See section 235(d)(7)(A) of the TVPRA.

³ See section 235(b)(2) of the TVPRA.

2. UACs in removal proceedings

For applicants in removal proceedings where CBP or ICE has not already made a determination that the applicant is a UAC,⁴ Asylum Offices will need to make UAC determinations for the purpose of determining whether USCIS has jurisdiction over the case. Asylum Offices should examine whether the applicant was a UAC on the date of initial filing of the asylum application for the purpose of determining USCIS jurisdiction.

If the Asylum Office is the first federal government entity to make a determination that the individual is a UAC and the individual remains a UAC at the time of the asylum interview, then the Asylum Office will notify HHS that it has discovered a UAC. This obligation to notify HHS upon “discovery” of a UAC is separate from the issue of jurisdiction over the asylum application. Where another federal government entity has already made a UAC determination, that entity is the one that “discovered” the UAC, and it is not therefore USCIS’s obligation to notify HHS in those cases. Previously issued guidance on examining an applicant’s age and unaccompanied status continue to apply to these determinations.

III. Credible and reasonable fear screening processes

In the credible and reasonable fear screening processes Asylum Offices will generally accept CBP and ICE determinations that individuals were not UACs, unless the Asylum Office discovers evidence indicating that the individual is currently a UAC, in which case the Asylum Office will make a new determination of UAC status and communicate such determination to CBP or ICE as appropriate.⁵ If the Asylum Office is the first federal government entity to make a determination that the individual is a UAC and the individual remains a UAC at the time of the credible fear or reasonable fear interview, then the Asylum Office will notify HHS that it has discovered a UAC.

If you have any questions concerning the guidance contained in this memorandum, please contact Kimberly Sicard at [REDACTED]

Attachments (9):

1. UAC Decision Notice for Non-Eligibility (updated decision letter; internal use only)
2. DHS UAC Instruction Sheet
3. Form I-213, *Record of Deportable Alien* (internal use only)
4. Form I-213, *Record of Deportable Alien* (internal use only)
5. Form 93, the CBP UAC Screening Form (internal use only)
6. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) Initial Placement Form (internal use only)

⁴ This situation would most likely occur when a child was accompanied at the time of service of the charging document but later became unaccompanied. If the child appeared or claimed to be a UAC in immigration court and expressed an interest in applying for asylum, the ICE trial attorney would give the child a UAC Instruction Sheet so that the child could file an asylum application with USCIS. The Asylum Office would then need to make a determination of UAC status in order to determine whether USCIS has jurisdiction over the case. The ICE trial attorney giving the applicant the UAC Instruction Sheet does not constitute a determination by DHS of UAC status.

⁵ Section 235(a)(5)(D) of the TVPRA provides that any UAC whom DHS seeks to remove, except for a UAC from a contiguous country subject to certain exceptions, shall be placed in removal proceedings; therefore, Asylum Offices generally should not encounter UACs in the credible and reasonable fear screening processes.

Updated Procedures for Determination of Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children

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7. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) Verification of Release Form (internal use only)
8. Screen shot of the encounters tab in EARM (internal use only)
9. Screen shot of the encounters tab in EARM (internal use only)

From: Brandon, Cate (HHS/ASL) [REDACTED]
Sent: Friday, October 30, 2015 3:44 PM
To: Beras, Mel (HSGAC); Tucker, Rachael (HSGAC)
Cc: Barstow, Kevin (HHS/ASL)
Subject: today's production and a few follow ups

Hi Rachael and Mel,

We wanted to let you know that we expect to deliver the first tranche of sample documents by 5pm today.

Additionally, I wanted to provide you with the ORR org chart (attached) and information about the FFS regions:

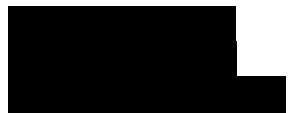
| | |
|---------------|--------|
| South Texas | 9 FFS |
| Central Texas | 10 FFS |
| Northeast | 12 FFS |
| Southeast | 8 FFS |
| West | 12 FFS |
| Total | 51 FFS |

Finally, I inquired about the 9 UCs referred to OTIP by BCFS. We should be able to get you the documents for at least the 7 referrals from the hotline by the end of next week. The two referrals for kids who were in ORR care may take a little longer, but ORR is working on it.

Have a great weekend!

Thanks,
Cate

-----+
Cate Brandon, J.D.
Senior Counsel
Oversight & Investigations
Office of the Assistant Secretary for Legislation
U.S. Department of Health and Human Services



From: Lewis, Megan S. (OLA) [REDACTED]
Sent: Friday, January 22, 2016 8:41 PM
To: Tucker, Rachael (HSGAC)
Cc: Owen, Matt (HSGAC); Beras, Mel (HSGAC); Williams, Elliot (OLA)
Subject: Re: EOIR follow up

All- wanted to follow up on this inquiry and provide the following info (please forgive any cut and paste format issues as I am doing this via iPhone):

4,165 terminations and 34 terminations under DHS's prosecutorial discretion initiative

5,640 administrative closures and 179 administrative closures under DHS's prosecutorial discretion initiative

UC, 07/18/14-12/15/15

Let us know if you have any questions.

Thanks,
Meg

On Jan 21, 2016, at 1:49 PM, Tucker, Rachael (HSGAC)

<[REDACTED]> wrote:

Hi Meg,

Thanks for talking with us this morning. I'm writing to see if we can get some additional numbers for the same date range as below (7.18.2014-12.15.15). Can you get us EOIR stats for the number of UC cases that were terminated and the number of UC cases that were administratively closed over that time period? Let me know if you have any questions.

Thanks,

Rachael

From: Lewis, Megan S. (OLA) [REDACTED]
Sent: Wednesday, January 20, 2016 10:28 AM
To: Owen, Matt (HSGAC); Tucker, Rachael (HSGAC); Beras, Mel (HSGAC)
Cc: Williams, Elliot (OLA)
Subject: RE: EOIR follow up

Matt- following up on this inquiry, it is our understanding from EOIR that for the removal case type UC, for the same date range described in our letter (7/18/2014 – 12/15/2015), the numbers are as follows:

- (a) 40,612 had a master hearing scheduled, the date for which has passed;
- (b) There were 30,199 pending unaccompanied children cases; there were 5,355 pending adults with children - detained cases; there were 6,584 pending recent border crossers – detained cases.

Let us know if you have any questions; we are still working on your other follow up, and will let you know as soon as we have additional information.

Thanks,
Meg

Megan S. Lewis
U.S. Department of Justice
Office of Legislative Affairs

[REDACTED]

From: Owen, Matt (HSGAC) [REDACTED]
Sent: Thursday, January 14, 2016 2:29 PM
To: Williams, Elliot (OLA); Lewis, Megan S. (OLA)
Cc: Tucker, Rachael (HSGAC); Beras, Mel (HSGAC)
Subject: EOIR follow up

Elliot and Meg,

Thanks for setting up the very helpful call earlier today. Based on what Lauren said, can we get EOIR numbers (over the same time periods as DOJ's previous response) reflecting:

- (a) The number of master calendar hearings held in UAC cases; and
- (b) EOIR's pending caseload broken down by category (Lauren's phrase, so it sounds like she will know what that means).

Let me know when you can. Thanks,

Matt

| FY 2015 Grantee | Grant number | Services |
|---|--------------|---|
| BCFS HHS Health and Human Services | 90ZU0075 | Post Release/Home Studies |
| Southwest Key Program, Inc. | 90ZU0076 | Post Release/Home Studies |
| U.S. Conference of Catholic Bishops | 90ZU0077 | Post Release/Home Studies |
| Florence Crittenton Services of Orange county, Inc. | 90ZU0078 | Post Release/Home Studies |
| The Children's Village, Inc. | 90ZU0079 | Post Release/Home Studies |
| Mercyfirst | 90ZU0080 | Post Release/Home Studies |
| U.S. Committee for Refugee and Immigrants | 90ZU0081 | Post Release/Home Studies |
| His House inc. | 90ZU0082 | Home Studies |
| Heartland Human Care Services, Inc. | 90ZU0083 | Post Release/Home Studies |
| Lutheran Immigration and Refugee Sevices | 90ZU0084 | Post Release/Home Studies |
| Shenandoah Valley Juvenile Detention Home | 90ZU0085 | Secure Shelter |
| Lincoln Hall | 90ZU0086 | Standard Shelter |
| St. Peter's St. Joseph's | 90ZU0087 | Standard Shelter, Transitional Foster Care |
| Lutheran Social Servcies of the South, Inc. | 90ZU0088 | Transitional Foster Care |
| Heartland Human Care Services, Inc. | 90ZU0089 | Standard Shelter, Staff Secure Shelter |
| United States Conference of Catholic Bishops | 90ZU0090 | Long Term Foster Care, Transitional Foster Care |
| A New Leaf | 90ZU0091 | Standard Shelter |
| County of Union New Jersey | 90ZU0092 | Secure Shelter |
| David & Margaret | 90ZU0093 | Standard Shelter |
| Florence Crittenton | 90ZU0094 | Standard Shelter, Long Term Foster Care |
| IES Driscoll/ San Benito | 90ZU0095 | Standard Shelter |
| Shiloh Treatment Center | 90ZU0096 | Residential Treatment Center |
| IES Hidalgo/Weslaco | 90ZU0097 | Transitional Foster Care |
| Catholic Charities Houston-Galveston | 90ZU0098 | Standard Shelter |
| IES Harlingen/ Harlingen II | 90ZU0099 | Transitional Foster Care |
| His House | 90ZU0100 | Standard Shelter |
| LSSS- Bokenkamp | 90ZU0101 | Standard Shelter |
| BCFS Health and Human Services | 90ZU0102 | Standard Shelter |

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| Lutheran Immigrant and Refugee Services | 90ZU0103 | Long Term Foster Care, Transitional Foster Care |
| Juvenile Detention Commission of Northern VA | 90ZU0104 | Secure Shelter, Staff Secure Shelter |
| Youth Care | 90ZU0105 | Standard Shelter |
| Morrison Child and Family Services | 90ZU0106 | Standard Shelter, Staff Secure Shelter, Secure Shelter |
| Tumbleweed Center for Youth Development | 90ZU0107 | Standard Shelter |
| Kids Peace | 90ZU0109 | Standard Shelter, Long Term Foster Care |
| BCFS Health and Human Services | 90ZU0110 | Long Term Foster Care |
| Seton Home | 90ZU0111 | Standard Shelter |
| BCFS Health and Human Services | 90ZU0112 | Staff Secure Shelter |
| Youth For Tomorrow | 90ZU0113 | Standard Shelter |
| Yolo County | 90ZU0114 | Secure Shelter |
| Catholic Charities Boystown | 90ZU0115 | Standard Shelter |
| BCFS Health and Human Services | 90ZU0116 | Long Term Foster Care, Transitional Foster Care |
| IES Brownsville | 90ZU0117 | Transitional Foster Care |
| Children's Center | 90ZU0118 | Standard Shelter, Transitional Foster Care |
| IES Los Fresnos | 90ZU0119 | Standard Shelter |
| Cardinal McCloskey | 90ZU0120 | Standard Shelter |
| Mercy First | 90ZU0121 | Standard Shelter |
| Children's Home of Kingston | 90ZU0122 | Standard Shelter |
| Lutheran Social Services of Metropolitan New York | 90ZU0123 | Standard Shelter, Transitional Foster Care |
| Cayuga Home for Children DBA Cayuga Centers | 90ZU0124 | Transitional Foster Care |
| Catholic Guardian Services | 90ZU0125 | Standard Shelter |
| Neighbor To Family | 90ZU0126 | Transitional Foster Care |
| Board of Child Care | 90ZU0127 | Standard Shelter |
| Abbott House | 90ZU0128 | Standard Shelter |
| Children's Home of Poughkeepsie | 90ZU0129 | Standard Shelter |
| Gulf Coast Jewish Family and Community Services, Inc. | 90ZU0130 | Standard Shelter |
| United Methodist Home for Children Residential Care, Inc. | 90ZU0131 | Standard Shelter |
| Lutheran Social Services of Georgia | 90ZU0132 | Standard Shelter |

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| Lakeside Community Committee | 90ZU0133 | Standard Shelter |
| Holy Family Institute | 90ZU0134 | Standard Shelter, Transitional Foster Care |
| New York Foundling Hospital | 90ZU0135 | Standard Shelter |
| Bethany Home, Inc (Helping Hands) | 90ZU0136 | Standard Shelter |
| The Children's Home, Inc. | 90ZU0137 | Standard Shelter |
| Noank Community Support Services, Inc | 90ZU0138 | Standard Shelter |
| Leake and Watts Services, Inc | 90ZU0140 | Standard Shelter, Transitional Foster Care |
| Nuevo Amanecer Latino Children's Services | 90ZU0141 | Transitional Foster Care |
| Rites of Passage, INC | 90ZU0142 | Standard Shelter |
| Lutheran Social Services of Michigan | 90ZU0143 | Standard Shelter |
| Urban Strategies LLC | 90ZU0144 | Standard Shelter |
| InWood House | 90ZU0145 | Standard Shelter |
| Children's Home Society of Florida | 90ZU0146 | Transitional Foster Care, Standard Shelter |
| Southwest Key | 90ZU0148 | Standard Shelter |
| Southwest Key | 90ZU0149 | Standard Shelter, Staff Secure Shelter |
| Friends of Youth | 90ZU0150 | Staff Secure Shelter, Long Term Foster Care |
| Pioneer | 90ZU0151 | Staff Secure Shelter |
| Sandy Pines | 90ZU0152 | Transitional Foster Care |
| Southwest Key | 90ZU0153 | Standard Shelter |
| Children's Village | 90ZU0154 | Standard Shelter, Staff Secure Shelter, Long Term Foster Care |

| FY 2016 Grantee | Grant number | Services |
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| BCFS HHS Health and Human Services | 90ZU0075 | Post Release/Home Studies |
| Southwest Key Program, Inc. | 90ZU0076 | Post Release/Home Studies |
| U.S. Conference of Catholic Bishops | 90ZU0077 | Post Release/Home Studies |
| Florence Crittenton Services of Orange county | 90ZU0078 | Post Release/Home Studies |
| The Children's Village, Inc. | 90ZU0079 | Post Release/Home Studies |
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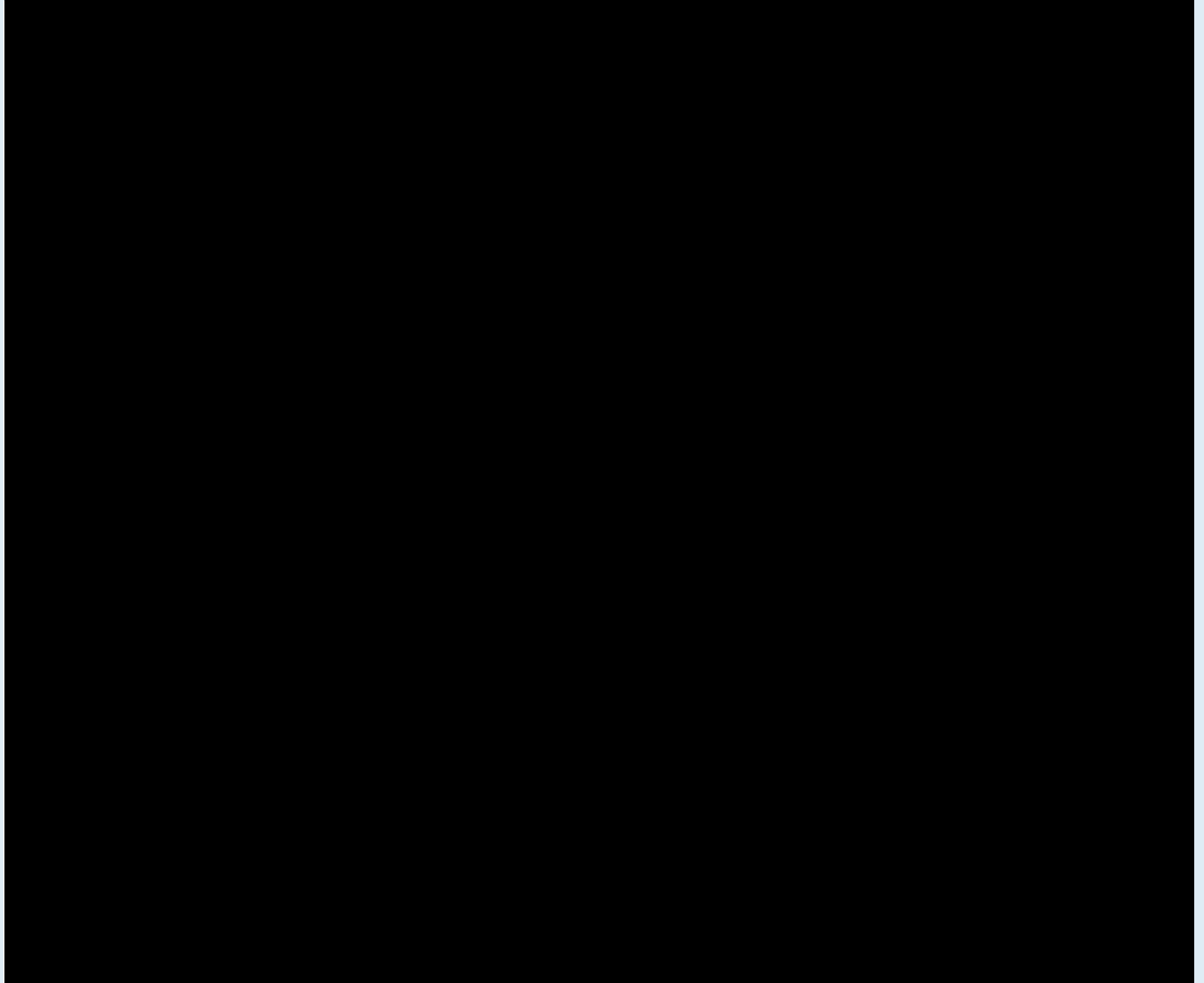
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| A New Leaf | 90ZU0091 | Standard Shelter |
| County of Union New Jersey | 90ZU0092 | Secure Shelter |
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| Tumbleweed Center for Youth Development | 90ZU0107 | Standard Shelter |
| Kids Peace | 90ZU0109 | Standard Shelter, Long Term Foster Care |
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| Catholic Charities Boystown | 90ZU0115 | Standard Shelter |
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| Cayuga Home for Children DBA Cayuga Centers | 90ZU0124 | Transitional Foster Care |
| Southwest Key | 90ZU0148 | Standard Shelter |
| Southwest Key | 90ZU0149 | Standard Shelter, Staff Secure Shelter |
| Friends of Youth | 90ZU0150 | Staff Secure Shelter, Long Term Foster Care |
| Pioneer | 90ZU0151 | Staff Secure Shelter |
| Sandy Pines | 90ZU0152 | Transitional Foster Care |
| Southwest Key | 90ZU0153 | Standard Shelter |
| Children's Village | 90ZU0154 | Standard Shelter, Staff Secure Shelter, Long Term Foster Care |

ORR OPERATIONS GUIDE:

CHILDREN ENTERING THE UNITED STATES UNACCOMPANIED

Section 1: Placement in ORR Care Provider Facilities

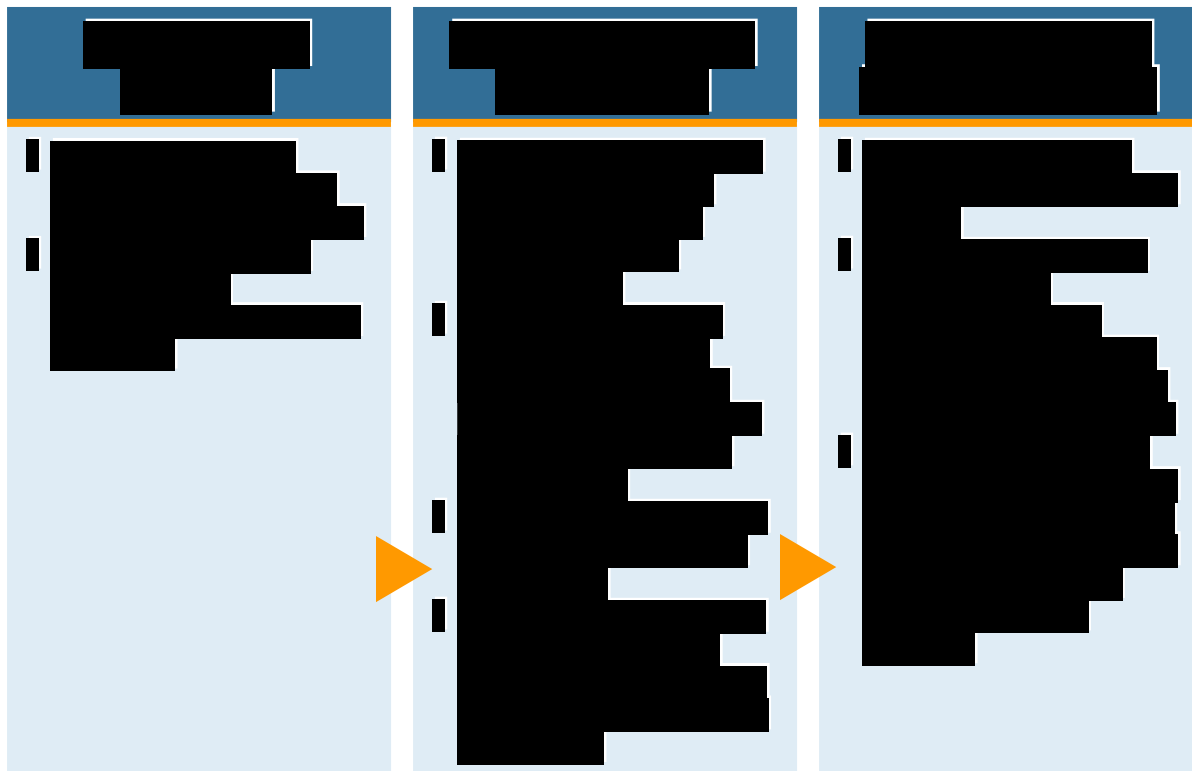


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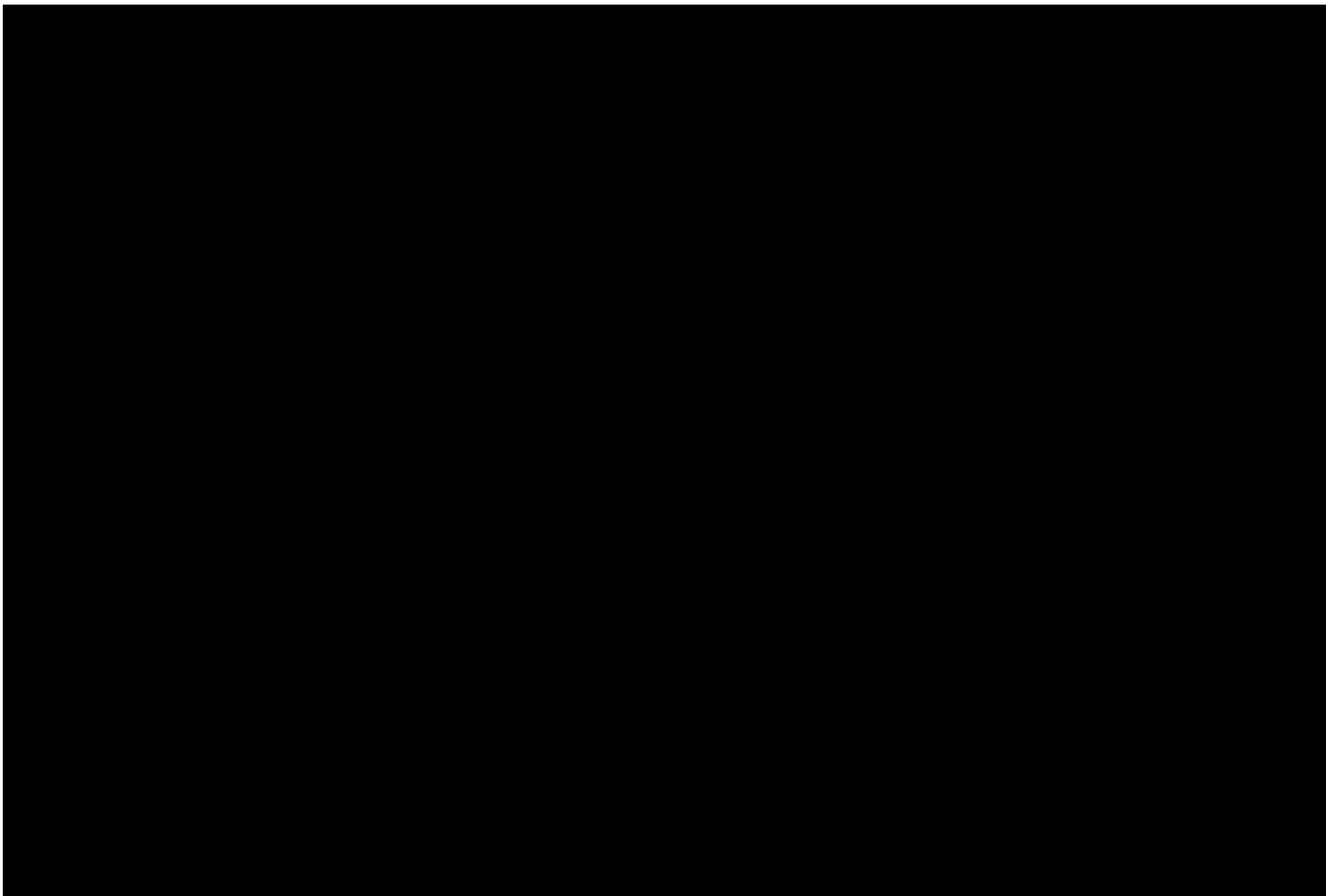
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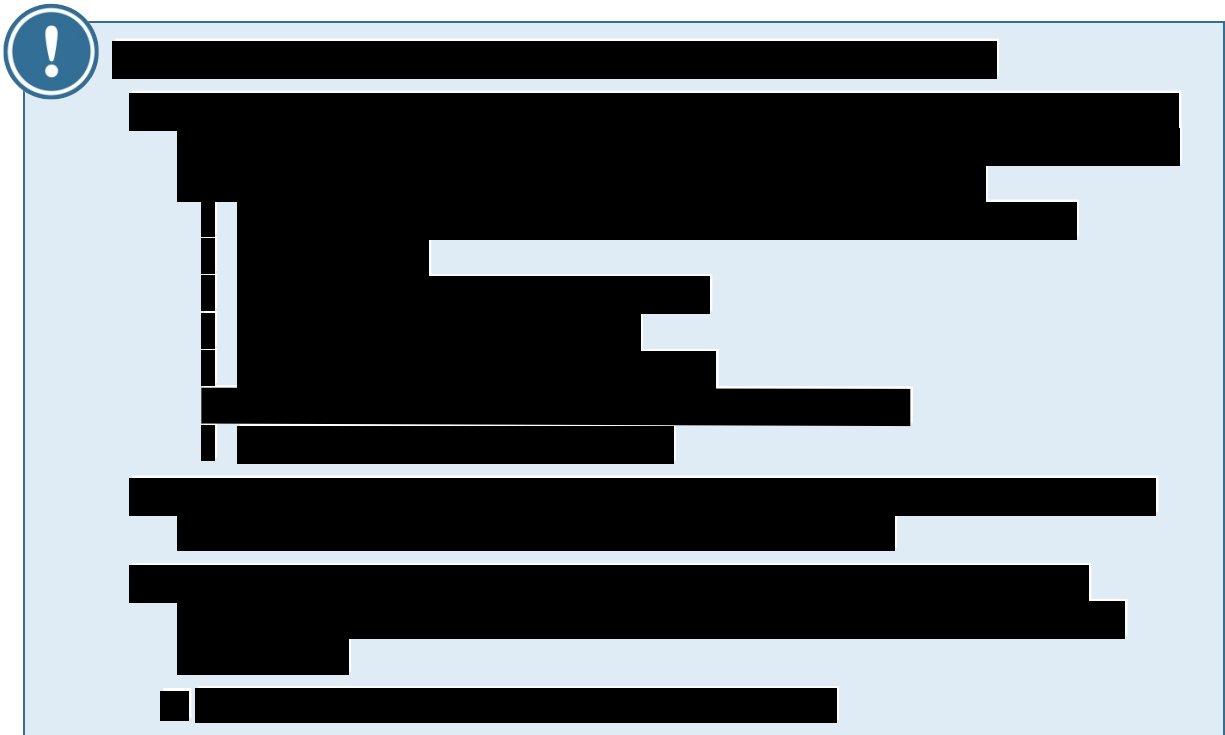
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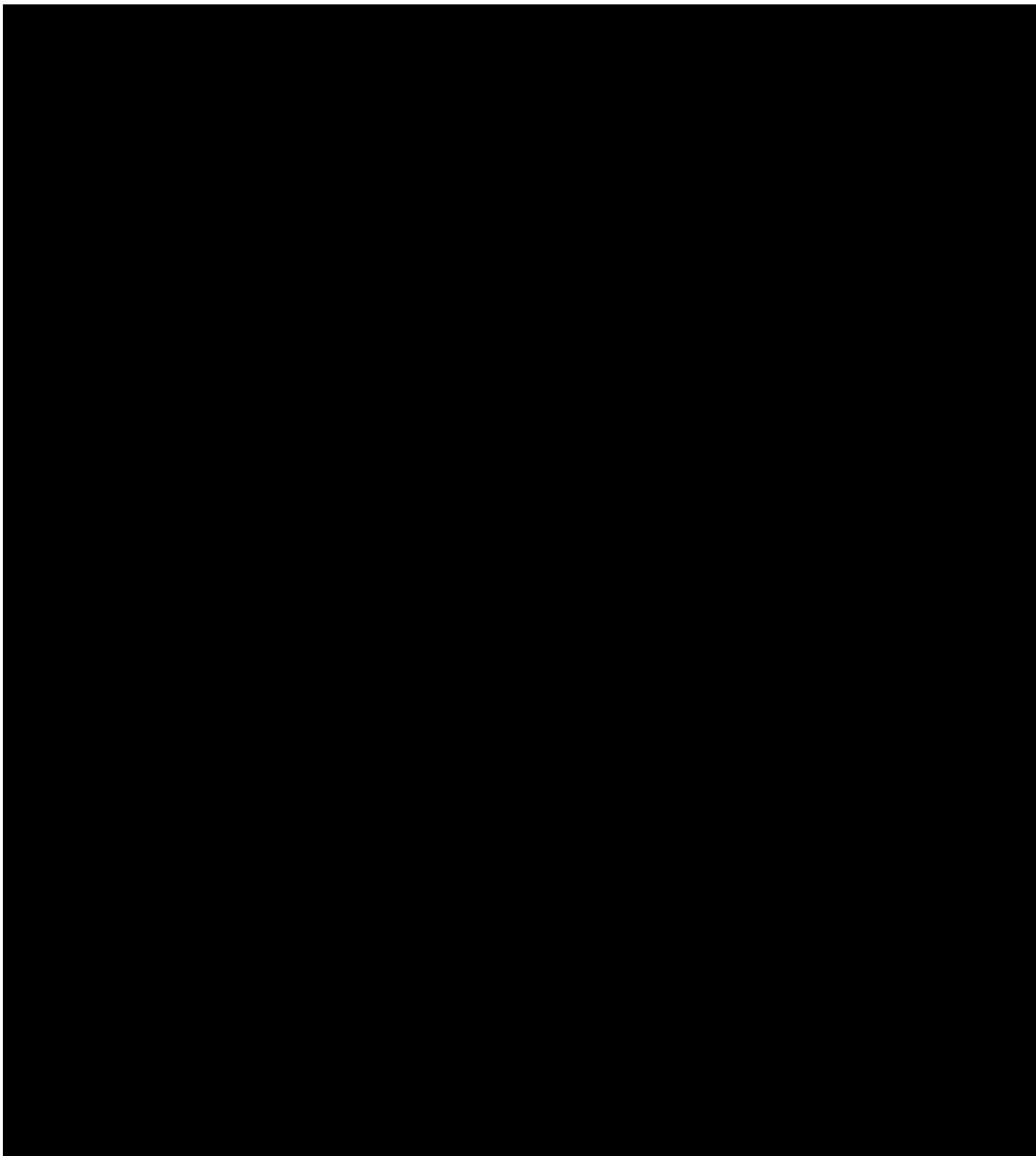
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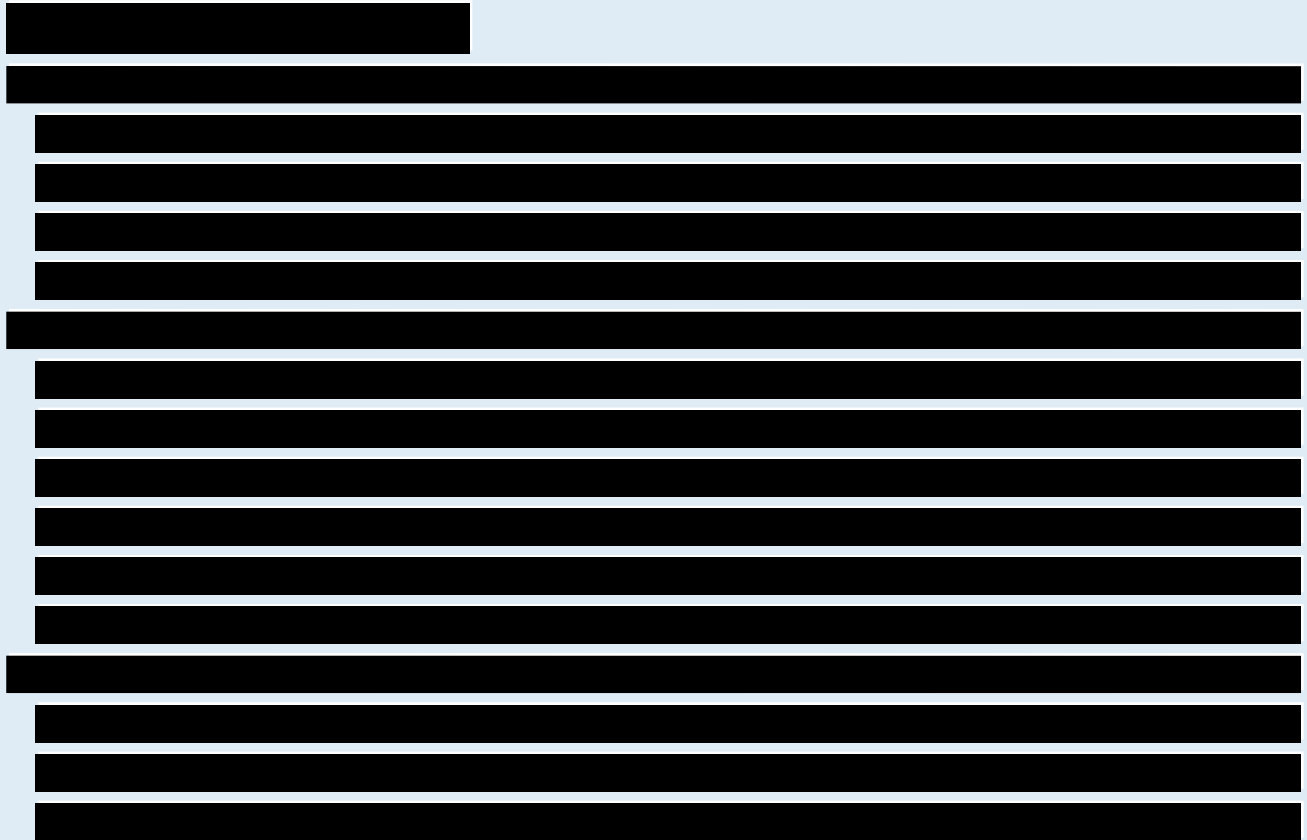


ORR OPERATIONS GUIDE:

CHILDREN ENTERING THE UNITED STATES UNACCOMPANIED

Section 2: Safe and Timely Release from ORR Care

Click [HERE](#) to link to Section 2 of the ORR Policy Guide.



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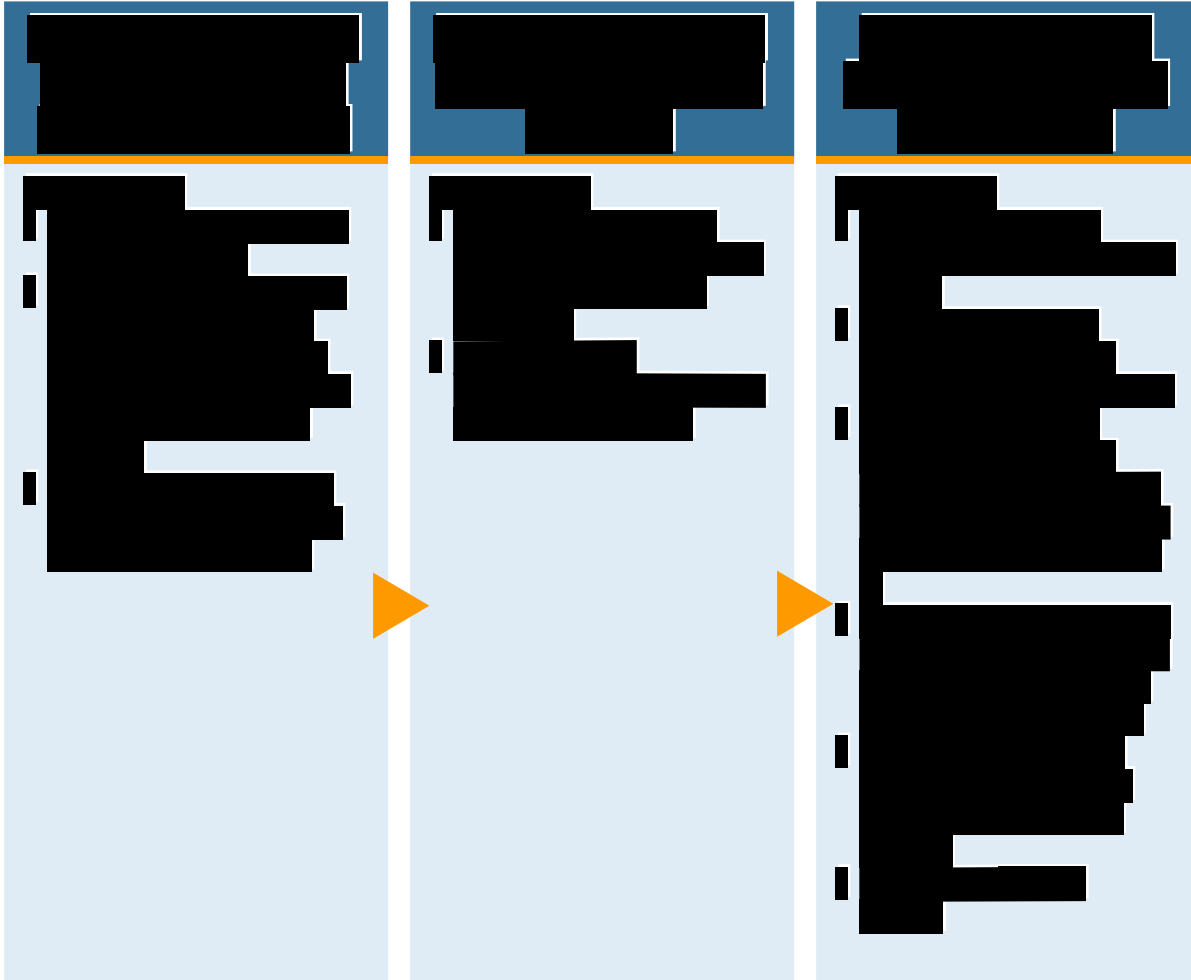
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2.1.2 Overview of Steps in the Process



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2.1.3 Identifying and Contacting Potential Sponsors

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Within 24 HOURS of identification of a sponsor

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CASE MANAGER

1) Explains the requirements and procedures for safe and timely release to the sponsor:

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- Explains the benefits of voluntarily attending a Legal Orientation Program for Custodians (see sub-section on LOPC) that addresses the sponsor’s responsibilities following the release of the UC.

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2.2 SPONSOR ASSESSMENT CRITERIA AND HOME STUDIES

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2.2.3 Sponsor Assessment

Sponsor Assessment Criteria Overview

→ [ORR Policy Guide, Section 2.4.1 Assessment Criteria](#)

→ [ORR Policy Guide, Section 2.4.3 Additional Questions and Answers on This Topic](#)

CASE MANAGER

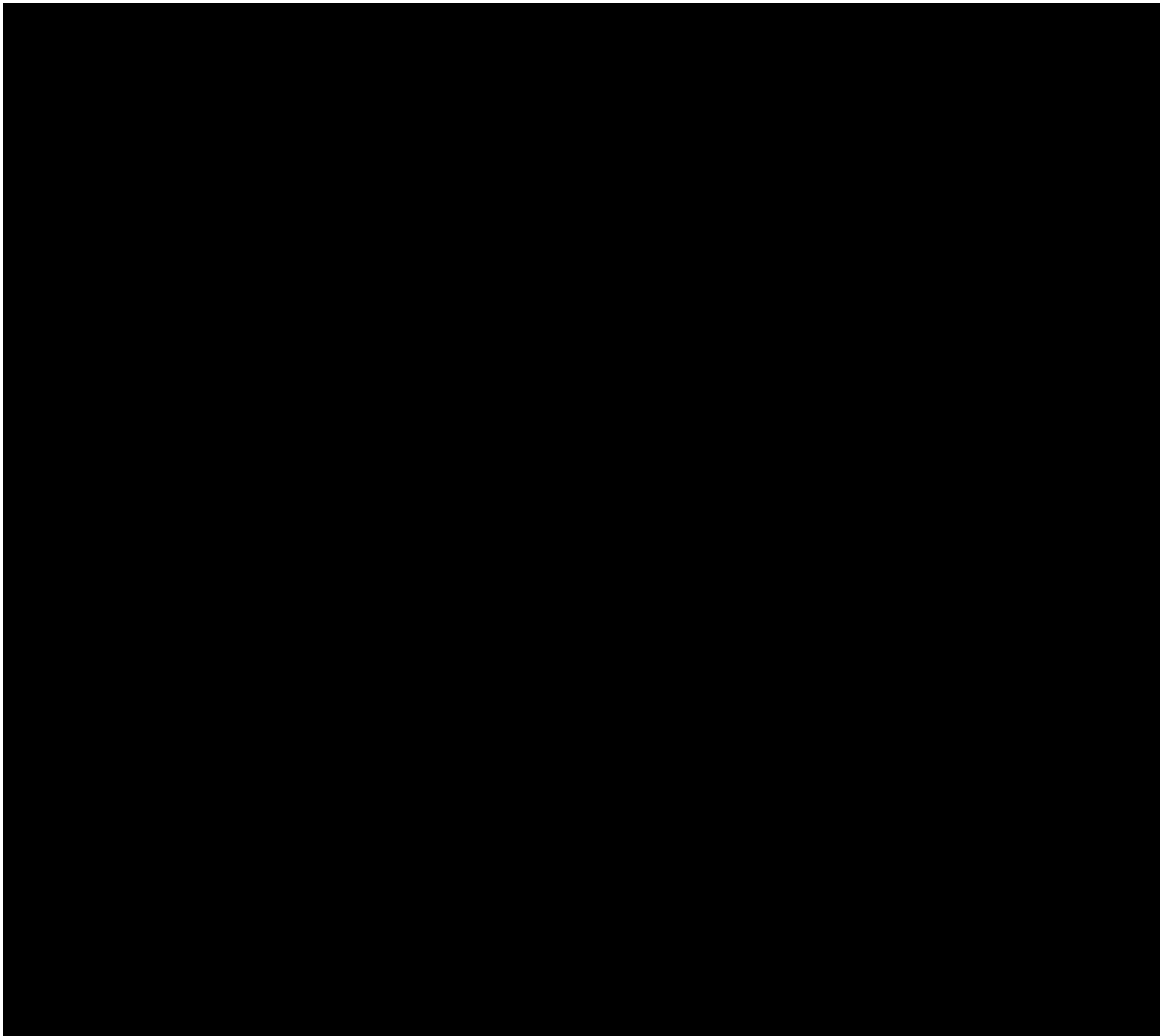
- 1) Assesses the UC's strengths, needs, current functioning and any risks or special concerns.
- 2) Assesses the sponsor's strengths, resources, risk factors, and special concerns.
- 3) Weighs the risk (e.g., substance abuse) and protective/mitigating factors (e.g., strong support network).
- 4) Makes an assessment of the ability of the sponsor to meet the UC's individual needs.

- 5) Discusses the UC's needs with the potential sponsor and develops, in collaboration with the sponsor, an appropriate plan for care of the UC following release.
- 6) Ensures assessments are comprehensive and well-documented.

Sponsor Assessment Interview

CASE MANAGER

- 1) Determines if the UC and the sponsor know each other if there is no familial relationship. If they do not know each other directly, the Case Manager must consult with the Case Coordinator. The Case Coordinator must obtain approval from the FFS before the Case Manager may pursue reunification with the sponsor.
- 2) Searches for the sponsor's name and address in the UAC Portal to determine if there is any existing information about this sponsor or if the address provided has been used by other sponsors. Any information found must be used in the assessment process.
- 3) Interviews the sponsor using the *Sponsor Assessment Guide*. The Case Manager uses his/her best judgment in determining the phrasing and order of questions and asks additional questions, as needed, specific to the situation of the individual sponsor and UC.
- 4) Documents the assessment results in the UC case file, and notes service dates for family reunification services on the *Individual Service Plan*.
- 5) Documents TVPRA of 2008 sections on the *UC Assessment* and/or *UC Case Review*, as applicable.
- 6) Interviews the UC, UC's parent or legal guardian, and/or other family members, as applicable, to determine the commitment of the potential sponsor toward caring for the UC and to corroborate that a relationship exists between the UC and the sponsor. The Case Manager should also assess the type of relationship that exists between the UC and the sponsor, especially if a Category 3 sponsor.
- 7) Discusses with the sponsor his/her plan to care for the UC to ensure it adequately addresses the care, supervision, education, and resources required to meet the UC's needs.



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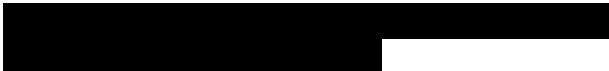
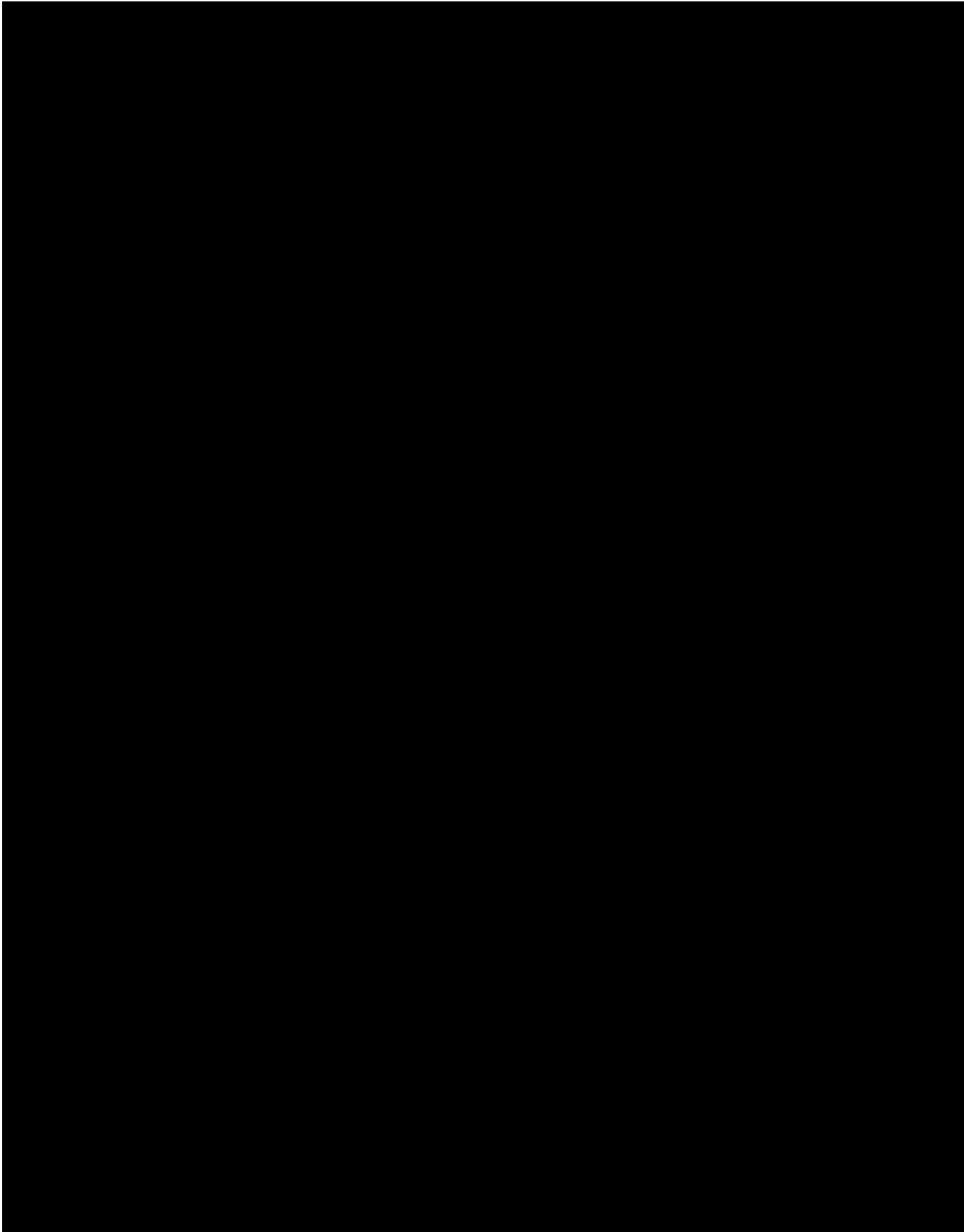
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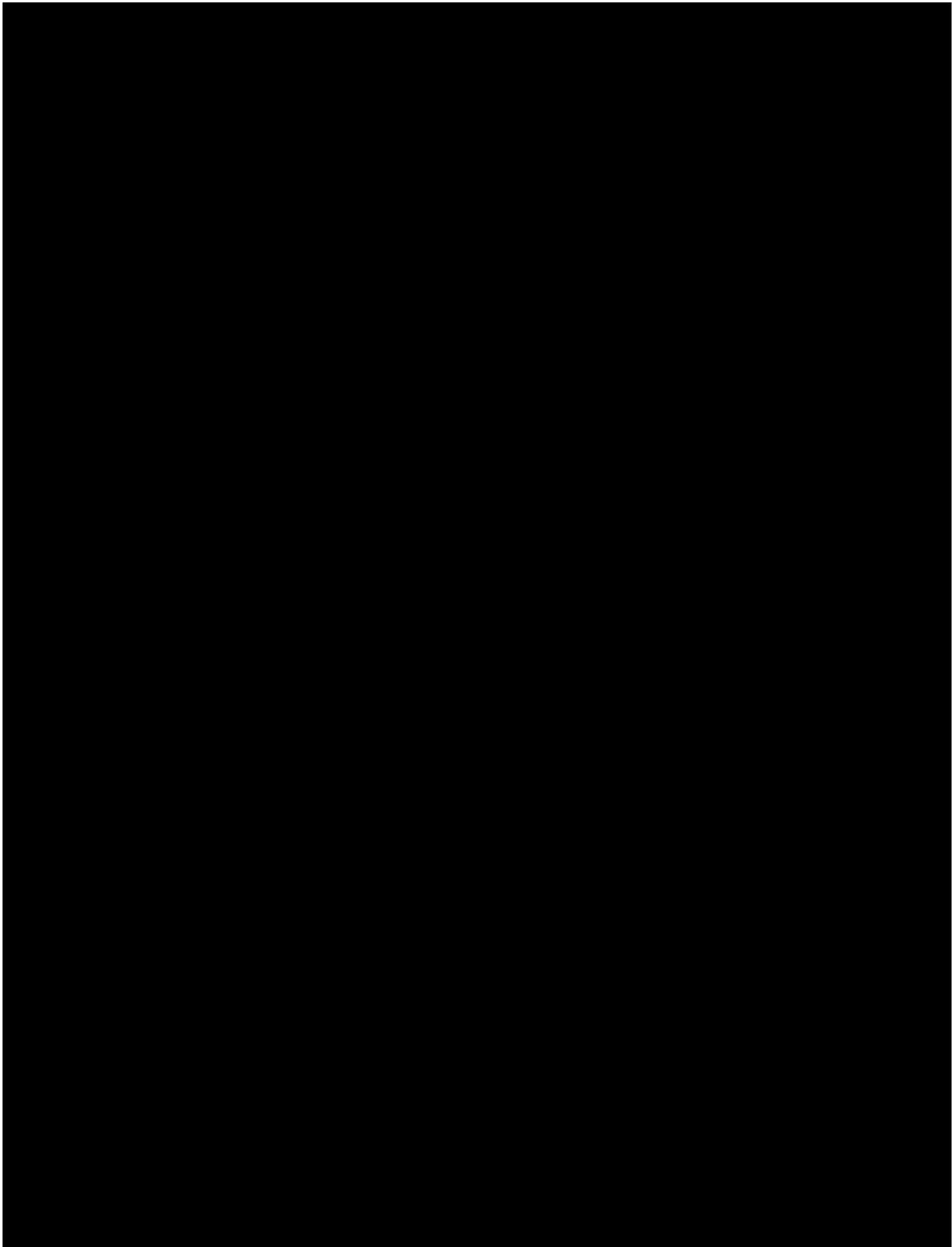
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Review of Family Reunification Application and Supporting Documentation

CASE MANAGER

- 1) Reviews proof of sponsor identity. The sponsor must submit:
 - a) At least one form of government issued photo identification (e.g., state issued driver's license or identification card, identification document issued by a governmental entity in country of origin, passport, etc.); and
 - b) A copy of his/her birth certificate. Certified or original birth certificates are strongly preferred. A photocopy or facsimile copy of an original or certified copy of a birth certificate may be used.
- 2) Reviews proof of UC's identity. The Case Manager obtains a copy of the UC's birth certificate from the sponsor, UC's family, or consulate.

CONSULATE VERIFICATION OF BIRTH CERTIFICATES

The Case Manager asks the CFS, copying the FFS, to verify the UC's and/or potential sponsor's birth certificate with the Consulate under the following circumstances:

- The authenticity of the birth certificate is questionable.
- The birth certificate provided may belong to someone other than UC or sponsor for who they are presented.

- 3) Reviews proof of relationship between UC and potential sponsor to determine the sponsorship category.

PROOF OF RELATIONSHIP DOCUMENTS

- 1) Parent sponsors submit copies of the UC's birth certificate and a government issued photo ID.
- 2) Qualifying step-parents submit copies of the UC's birth certificate, the parent's and

step-parent's government issued ID, marriage certificate, and court order conveying legal guardianship/custody of the UC, if applicable.

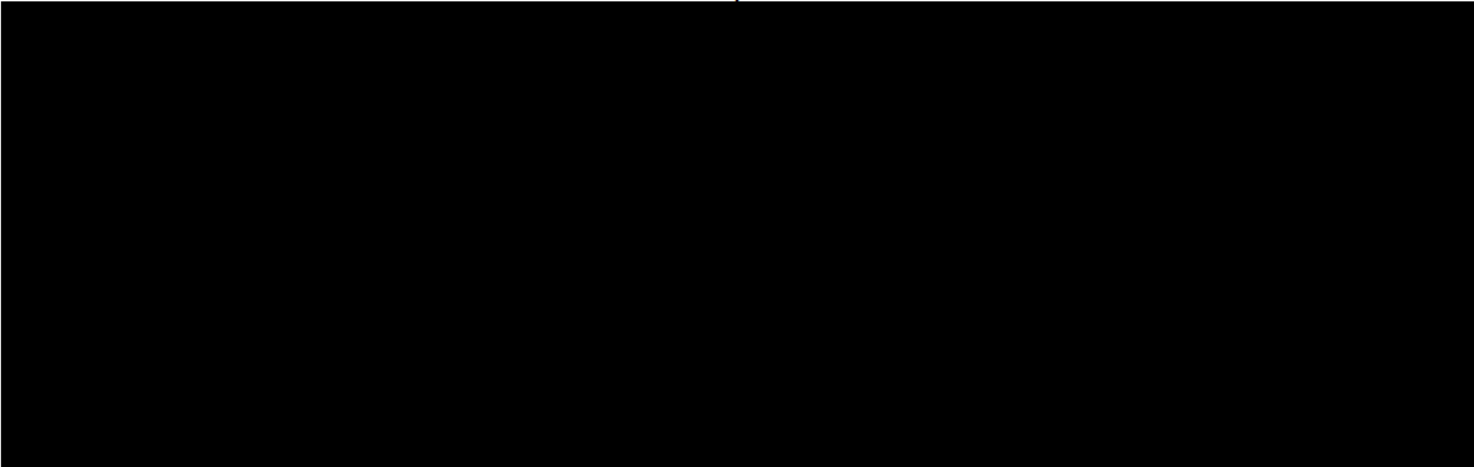
- 3) Legal guardian sponsors submit a copy of the court guardianship order.
- 4) Other related sponsors submit a trail of birth certificates, marriage certificates, and/or any other relevant documents.
- 5) Non-related sponsors provide an explanation of their relationship with the UC in the *Family Reunification Application*, which is confirmed by the UC's family and the UC, and the *Letter of Designation for Care of a Minor*.

If these specific documents are not available, the sponsor may submit baptismal certificates, hospital records, or any other document considered official and verifiable by a government entity, but they must be reviewed and approved as valid for relationship purposes by a FFS Supervisor.

The FFS may approve a DNA test in some instances (e.g., infants and young children, UC incapable of responding to basic questions).



- 6) For releases to non-parents or non-legal guardians, reviews:
 - a) *Letter of Designation for Care of a Minor*. The Case Manager documents all efforts made and any barriers to obtaining this letter in the *Release Request*.
 - b) Reviews proof of address. If proof of address cannot be obtained, the Case Manager must document this in the *Release Request* and elevate the issue to the FFS.



2.2.4 Background Checks for Potential Sponsors

Background Check Requirements Overview

- ➔ ORR Policy Guide, Section 2.5 ORR Policies on Requesting Background Checks of Sponsors
- ➔ ORR Policy Guide, Section 2.5.1 Criteria for Background Checks

| WHEN CHECK IS REQUIRED | CATEGORY 1: Parents and legal guardians | CATEGORY 2: Other immediate adult relatives, such as brother, sister, aunt, uncle, grandparent or first cousin | CATEGORY 3: Distant relatives, unrelated adults, spouses of UC | OTHER ADULT HOUSEHOLD MEMBERS |
|--|---|---|---|--|
| In all cases | <ul style="list-style-type: none"> • Internet Criminal Public Records Check | <ul style="list-style-type: none"> • Internet Criminal Public Records Check • Immigration Status Check • National (FBI) Criminal History Check | <ul style="list-style-type: none"> • Internet Criminal Public Records Check • Immigration Status Check • National (FBI) Criminal History Check • Child Abuse and Neglect (CA/N) Check | |
| Where there is a documented risk to the safety of the unaccompanied child, the child is especially vulnerable, and/or the case is being referred for a mandatory home study) | <ul style="list-style-type: none"> • Immigration Status Check • National (FBI) Criminal History Check • Child Abuse and Neglect (CA/N) Check | <ul style="list-style-type: none"> • Child Abuse and Neglect (CA/N) Check | | <ul style="list-style-type: none"> • Immigration Status Check • National (FBI) Criminal History Check |
| In any case where a special concern is identified | <ul style="list-style-type: none"> • Child Abuse and Neglect (CA/N) Check | <ul style="list-style-type: none"> • Child Abuse and Neglect (CA/N) Check | | <ul style="list-style-type: none"> • Internet Criminal Public Records Check • Child Abuse and Neglect (CA/N) Check |
| On a case-by-case basis when there is an unresolved criminal arrest or issue that is still in process | <ul style="list-style-type: none"> • State Criminal History Repository Check and/or Local Police Check | <ul style="list-style-type: none"> • State Criminal History Repository Check and/or Local Police Check | <ul style="list-style-type: none"> • State Criminal History Repository Check and/or Local Police Check | <ul style="list-style-type: none"> • State Criminal History Repository Check and/or Local Police Check |

| | | | | |
|--|---|---|---|---|
| <p>In lieu of fingerprint background check results in the case of unidentifiable fingerprints or in extenuating circumstances</p> | <ul style="list-style-type: none"> • FBI Interstate Identification Index (FBI III) Name/Descriptor Check | <ul style="list-style-type: none"> • FBI Interstate Identification Index (FBI III) Name/Descriptor Check | <ul style="list-style-type: none"> • FBI Interstate Identification Index (FBI III) Name/Descriptor Check | <ul style="list-style-type: none"> • FBI Interstate Identification Index (FBI III) Name/Descriptor Check |
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Table 2.2.4-A

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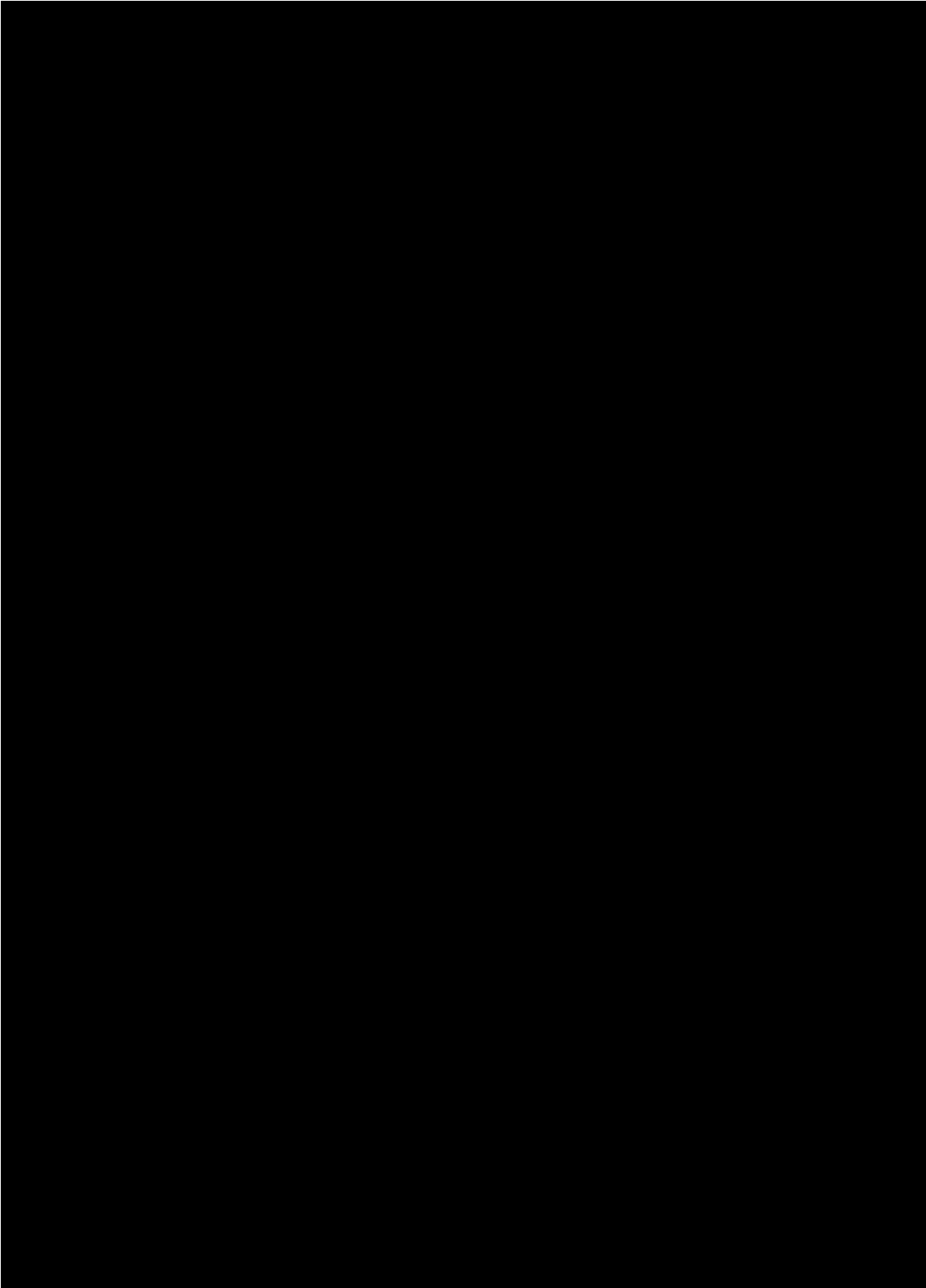
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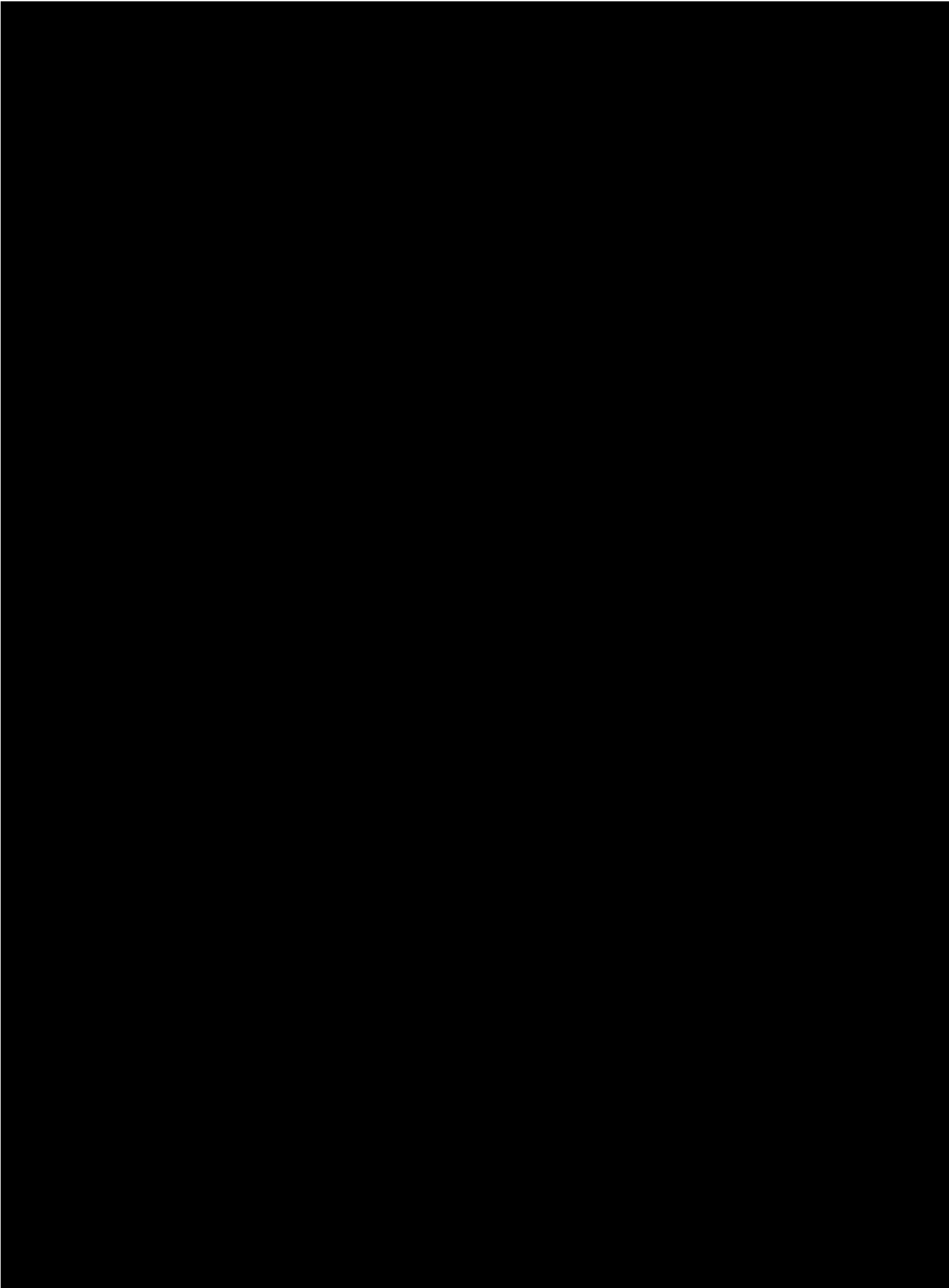
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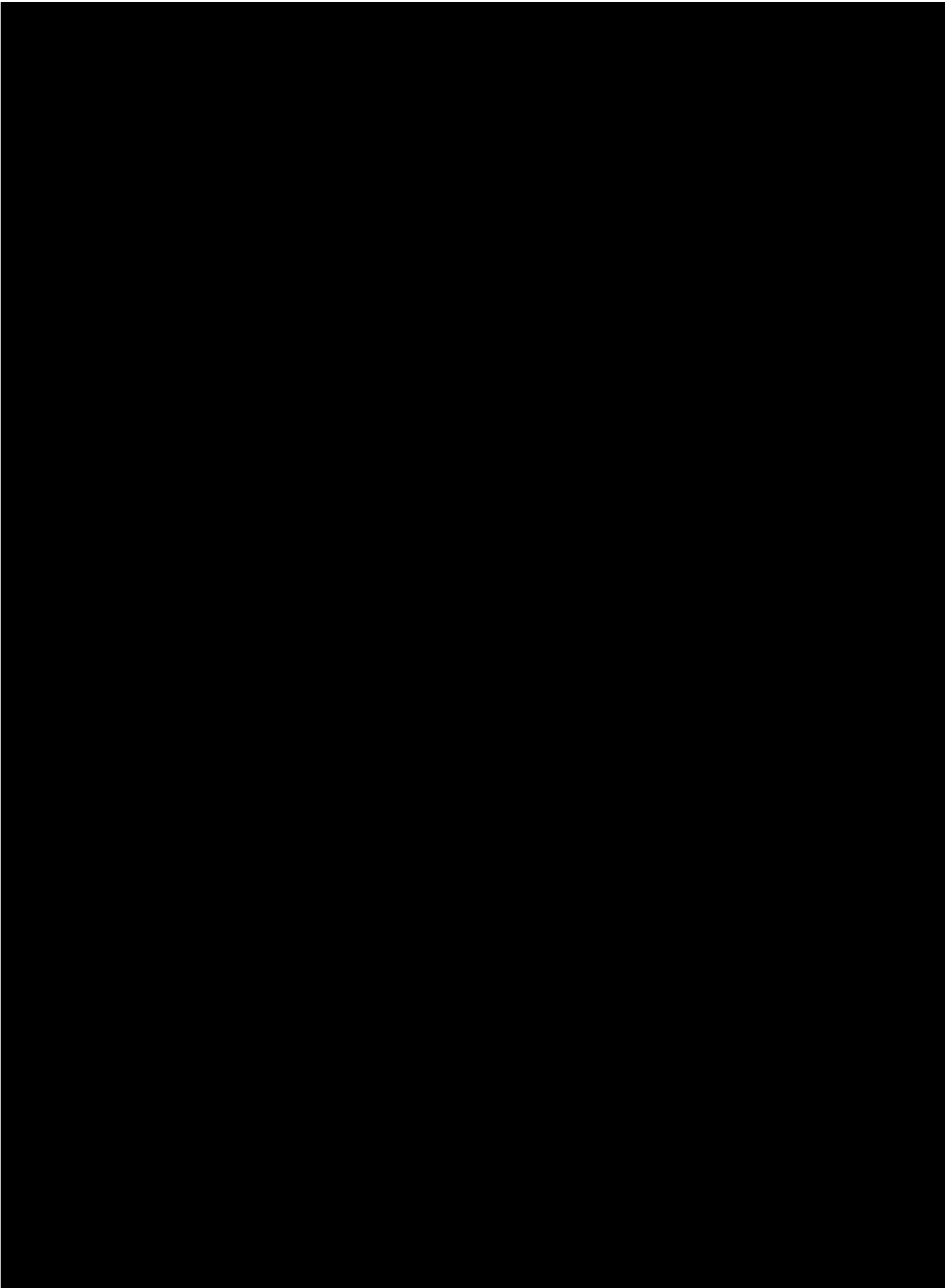
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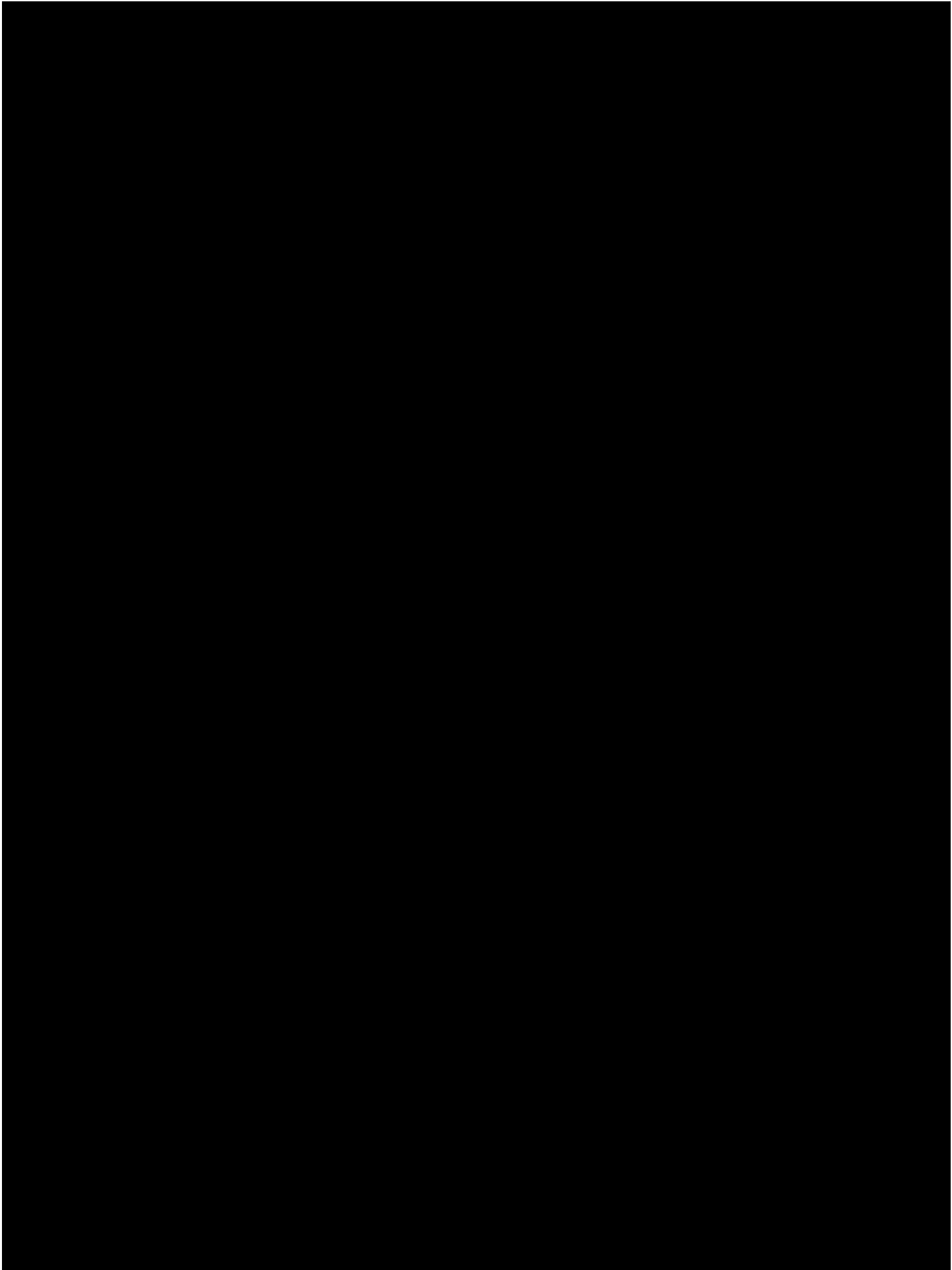
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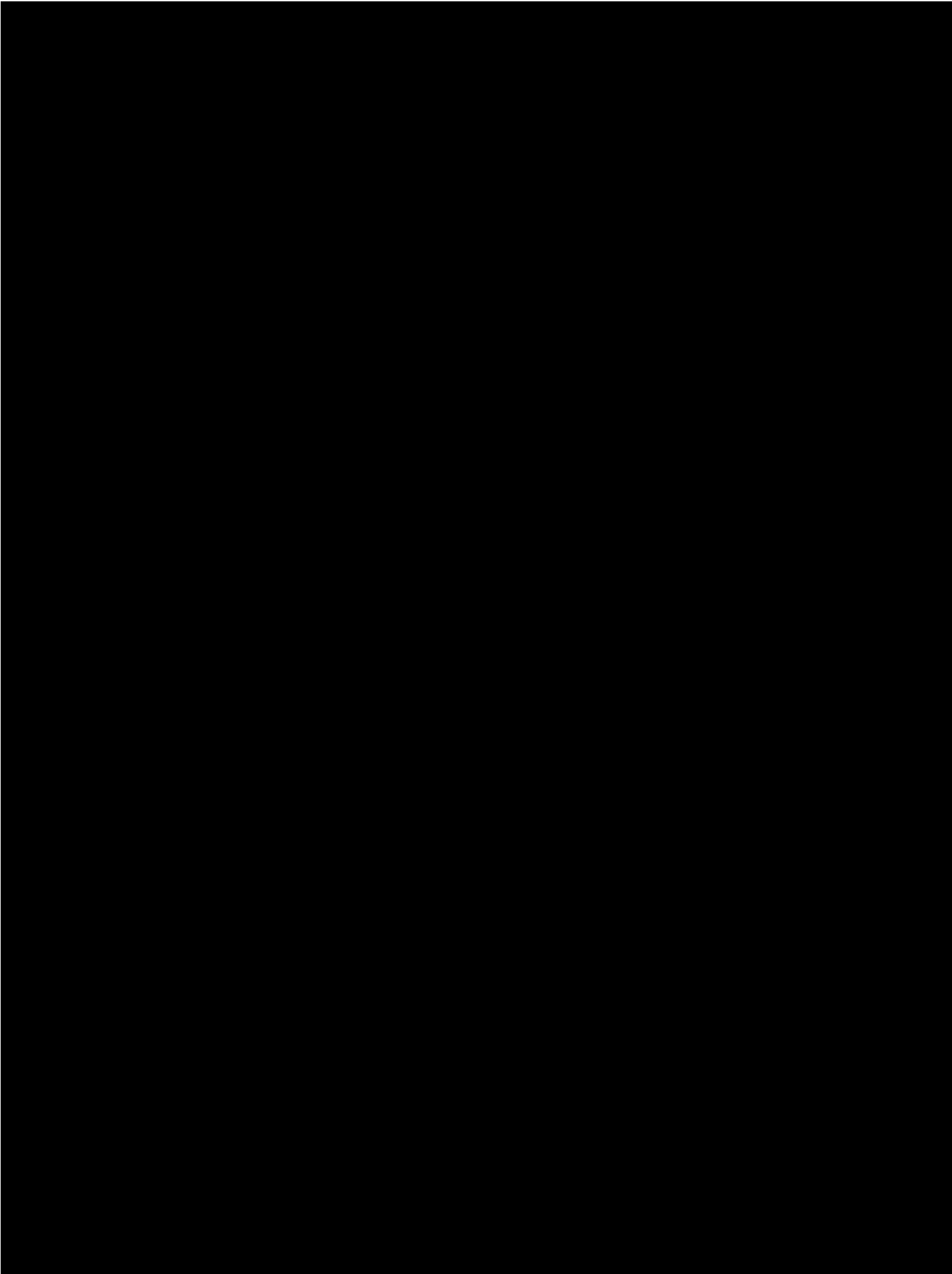
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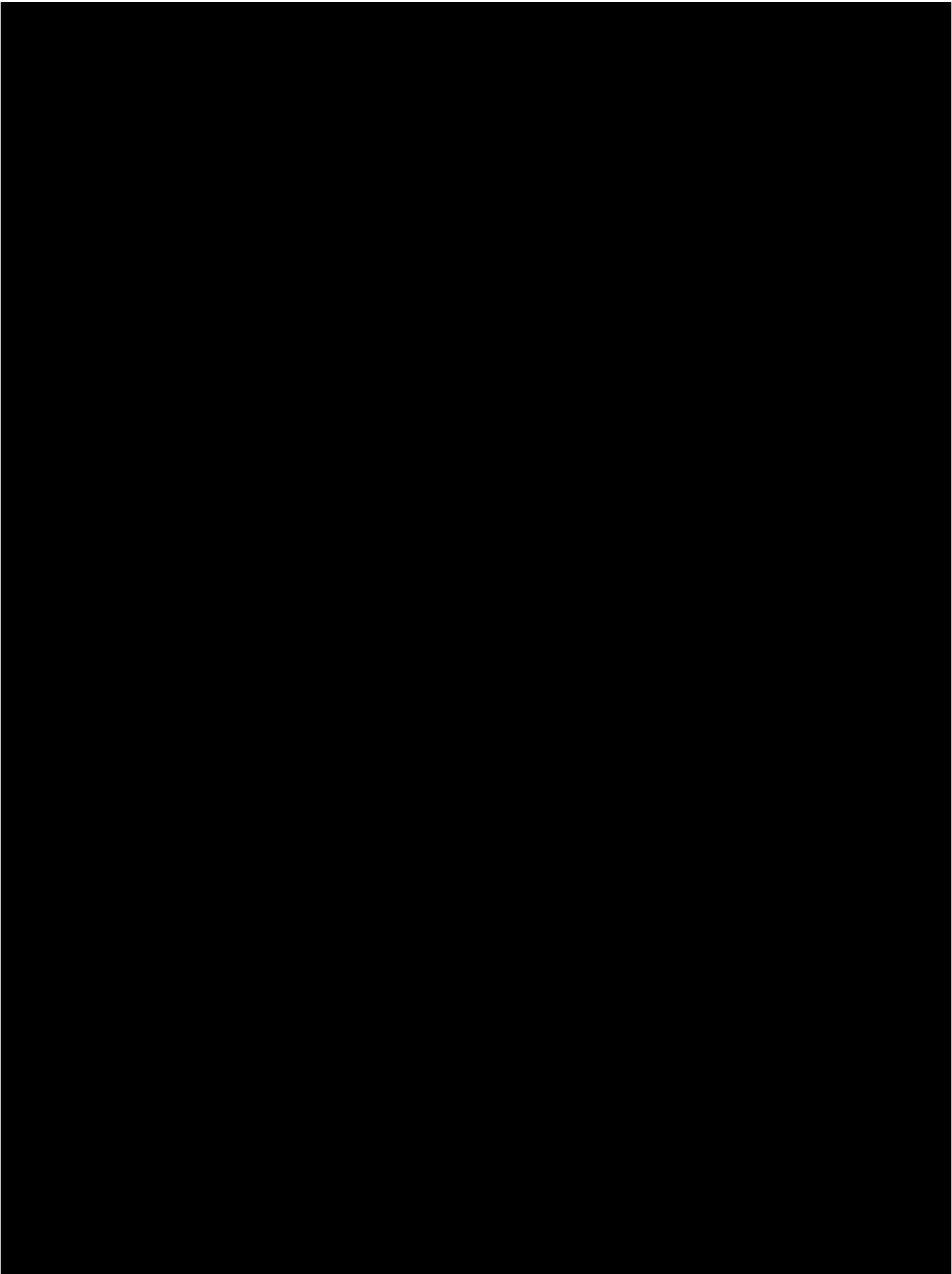












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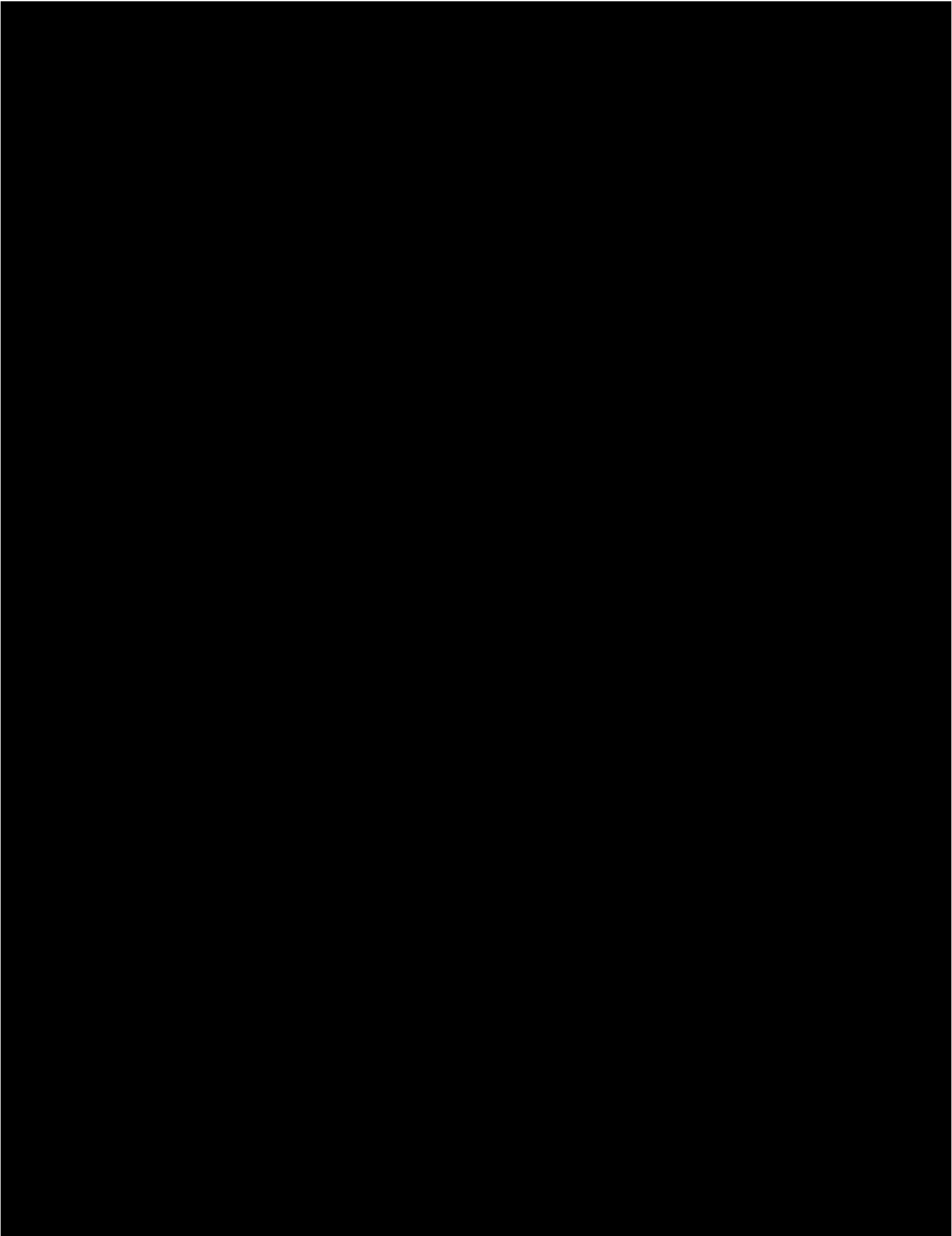
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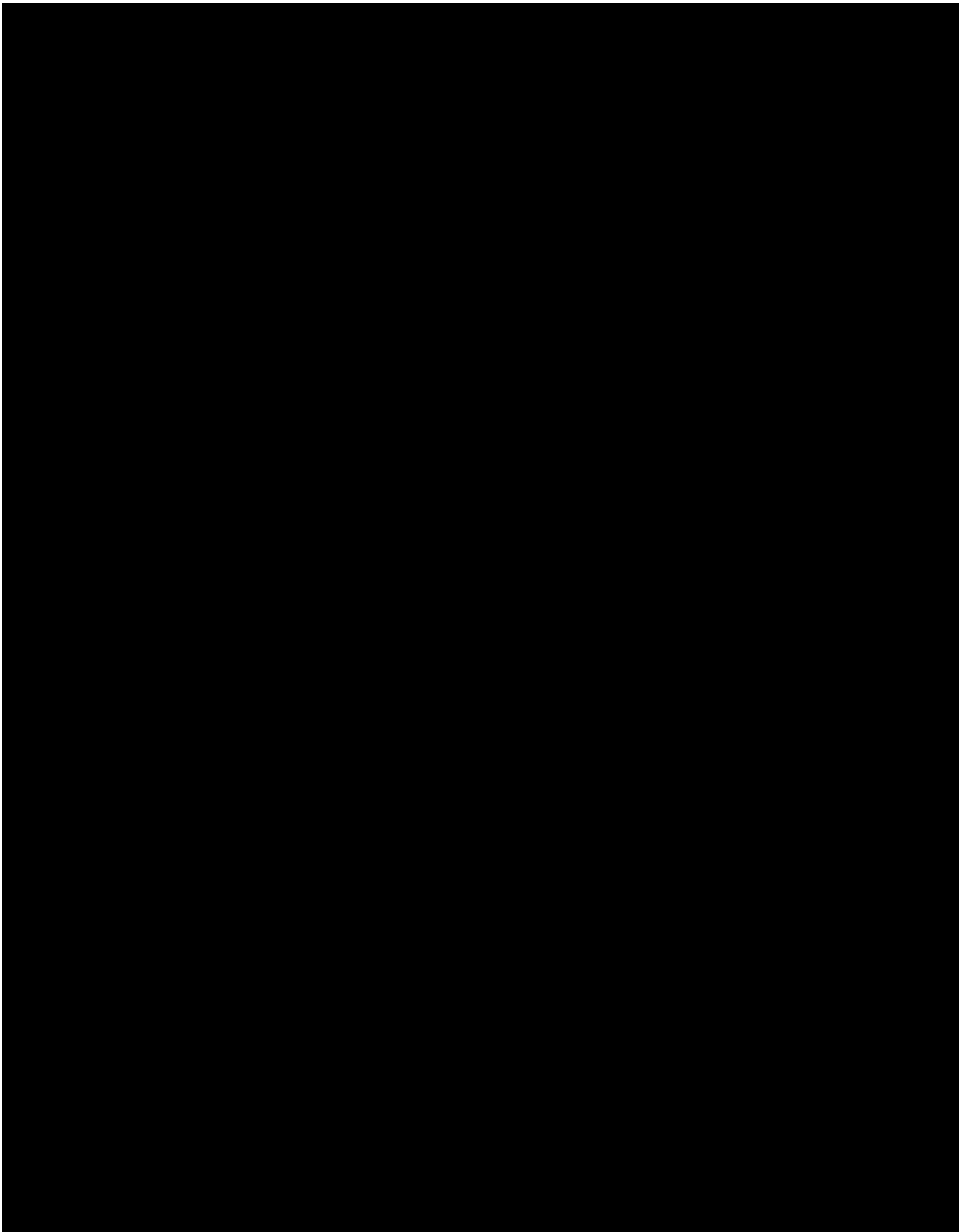
2.3 RECOMMENDATIONS AND DECISIONS ON RELEASE

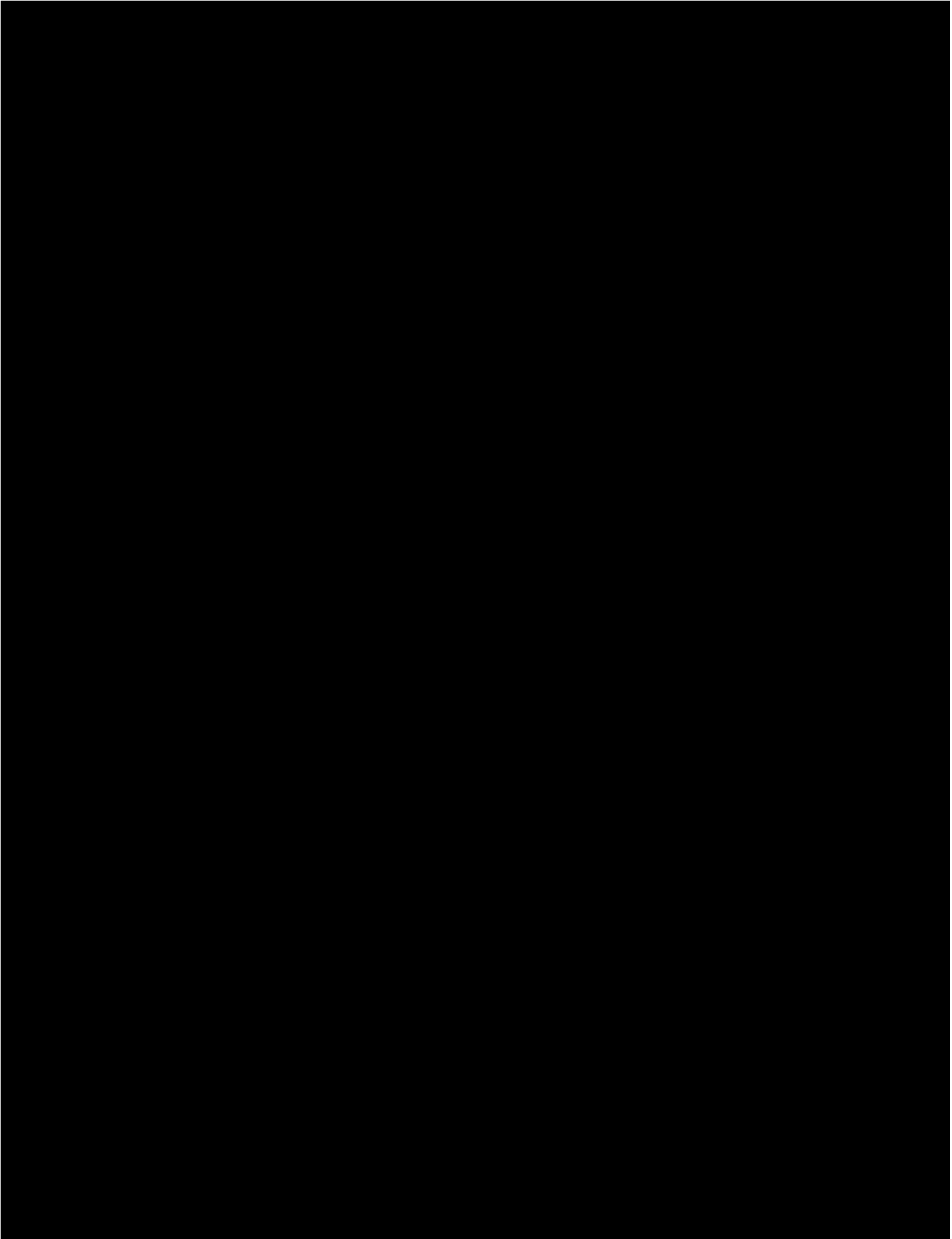


Within 1 BUSINESS DAY of receipt of the Case Manager's release recommendation (2 BUSINESS DAYS for home study cases)

CASE COORDINATOR

- 1) Reviews (NOTE: If red flags in the case, then a review of additional case information to make an informed release recommendation):
 - a. *UC Case Review*
 - b. *ISP (if applicable)*
 - c. *Sponsor Assessment*
 - d. Case Manager Recommendation section of the *Release Request*
 - e. *Home Study* (if applicable)
- 2) Updates the Case Coordinator Recommendation section of the *UC Release Request* with the third-party recommendation that includes the following information:
 - a. If the Case Coordinator concurs with the Case Manager's release request recommendation, then the *Release Request* comment should state the support without re-summarizing information that is already available in the UAC Portal and UC case file.
 - b. If the Case Coordinator does not concur with the Case Manager's release request recommendation, then the *Release Request* comment should note the discrepant information identified and provide brief justification supporting a deferring recommendation without re-summarizing information that is already available in the UAC Portal and UC case file.





3.2 CARE PROVIDER REQUIRED SERVICES

[REDACTED]

[REDACTED]

| [REDACTED] | [REDACTED] |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

| [REDACTED] | [REDACTED] |
|------------|------------|
| [REDACTED] | [REDACTED] |

3.2.2 UC Assessment

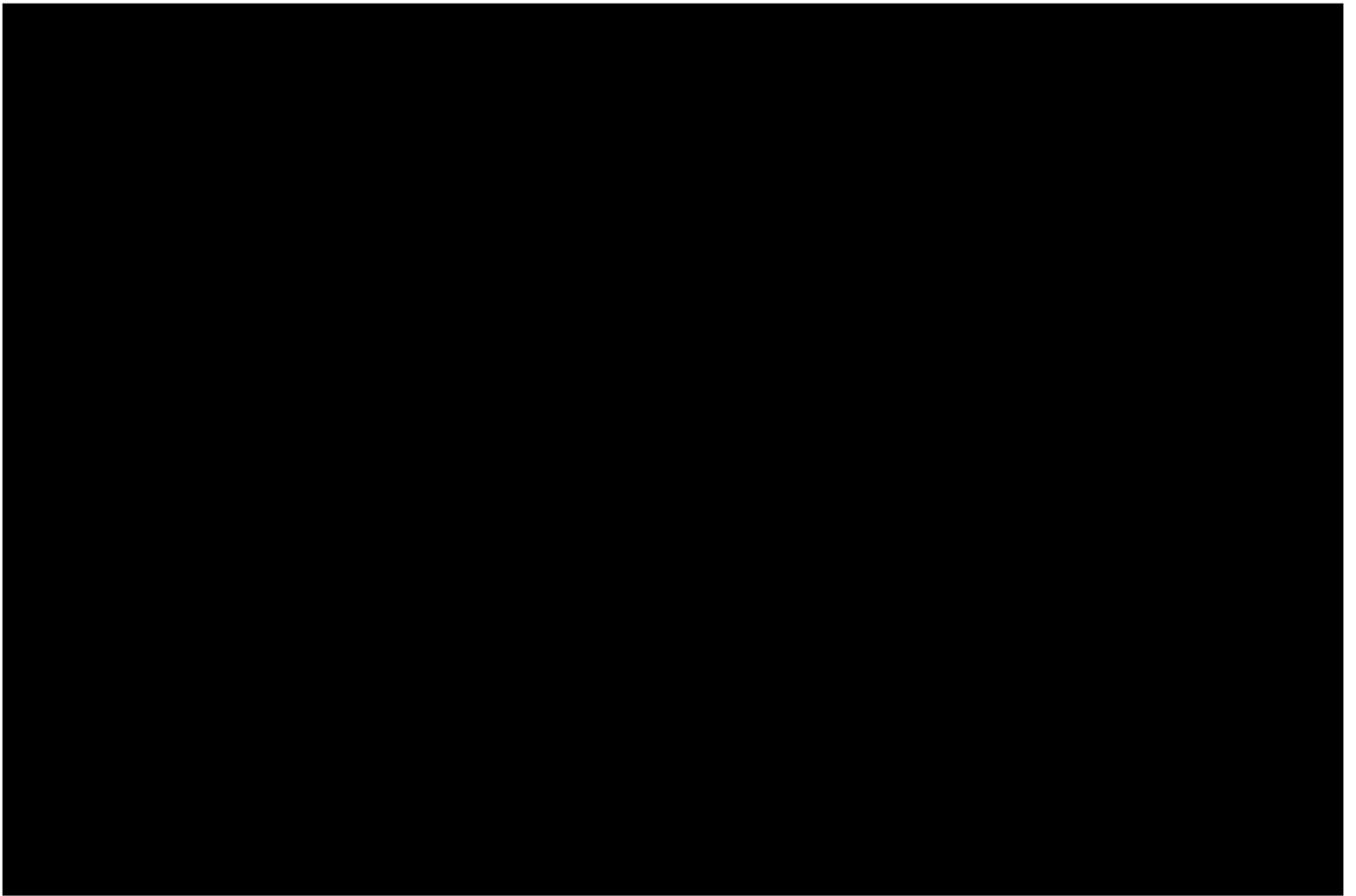
→ ORR Policy Guide, Section 3.3.1

QUALIFIED CASE MANAGER OR CLINICIAN

1) **WITHIN FIVE (5) CALENDAR DAYS OF ADMISSION**, interviews the UC in a private setting (reference *Interviewing Guidance for Clinicians and Caseworkers*) and completes all sections of the *UC Assessment* in the UAC Portal:

- UC Basic Information (auto-populates in the UAC Portal)
- Additional Basic UC Information
- Journey and Apprehension
- Family/Significant Relationships
- Medical
- Legal
- Criminal History
- Mental Health/Behavior
- Trafficking
- Sponsor Information (List by Priority)
- Mandatory TVPRA 2008
- Additional Information
- Certification

[REDACTED]



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**OFFICE OF REFUGEE RESETTLEMENT
Division of Children's Services
FAMILY REUNIFICATION APPLICATION**

| | |
|--|---|
| 1. Name of the minor: | 2. Your relationship to the minor: |
| 3. Your name: | 4. Any other names you have used: |
| 5. Your country of origin: | 6. Your date of birth: |
| 7. Phone number(s) we may reach you at: () - | 8. Your email address (if you have one) or fax number: |
| 9. The address where you and the minor will reside: | 10. Languages you speak: |

11. Household occupant information. (If you need more room please attach a list of household occupants to this form)

| Name | Date of Birth | Relationship to the minor (e.g. mother, father) | Relation to you (the sponsor) |
|-------------|----------------------|--|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

12. Financial information: Please explain how you plan to financially support the minor:

13. Does any person in your household have a serious contagious diseases (e.g. TB, AIDS, hepatitis)? If so please explain:

14(a). Have you or any person in your household ever been charged with or convicted of a crime (other than a minor traffic violation; e.g. speeding, parking ticket)?
 NO YES

14(b). Have you or any person in your household ever been investigated for the physical abuse, sexual abuse, neglect, or abandonment of a minor?
 NO YES

If you answered "YES" to either question 14(a) or 14(b) please attach a list to this form with the following information for each charge/conviction:
(1) Name of person involved; (2) Place and date of the incident; (3) Explanation of the incident;
(4) Disposition of the incident (e.g., charges dropped, fined, imprisoned, probation); (5) Copy of court record(s), police record(s), and/or governmental social service agency record(s) related to the incident(s)

15. If there is a possibility that you might need to leave the United States, or become unable to care for the minor, who will supervise the minor in your absence?:
Name of potential adult care giver:
Date of birth of potential adult care giver:
Contact information (address and phone number) of potential adult care giver:
Relationship to the child, if any:
Summarize your care plan in the event you leave the United States or become unable to care for the minor:

I declare and affirm under penalty of perjury that the information contained in this application is true and accurate to the best of my knowledge. I attest that all documents I am submitting or copies of those documents are free of error and fraud.

I further attest that I will abide by the care instructions contained in the *Sponsor Care Agreement*. I will provide for the physical and mental well-being of the minor. I will also comply with my state's laws regarding the care of this minor including: enrolling the minor in school; providing medical care when needed; protecting the minor from abuse, neglect, and abandonment, and any other requirement not herein contained.

YOUR SIGNATURE: _____ DATE: [] [] [] [] [] []

From: Biswas, Toby R M (ACF)
To: UCPolicy (ACF)
Subject: FAQ Friday- REVISED- Recent Changes to Home Study and Post Release Services Policy
Date: Friday, September 25, 2015 11:32:57 AM

Dear Care Providers

After careful consideration we have modified the responses to questions #4, #5 and #6 in the August 14th, FAQ Friday on the recent changes to Home Studies and Post Release Services. Please find those revised responses highlighted below. As always please contact the UCPolicy@acf.hhs.gov resource box for any policy related questions.

Q #1: Under the pilot program announced on July 1, are home studies required for children under 12 who are going to either an unrelated sponsor or a distant relative (i.e., Category 3 sponsors)?

A: Yes, home studies are required for children under 12 going to EITHER an unrelated sponsor or a distant relative.

Q #2: Are post-release services required for all children being released to Category 3 sponsors?

A: Yes, children being released to verifiable distant relatives or unrelated sponsors will automatically receive post release services.

Q #3: The waitlist for home studies is currently very long. Should programs still refer cases for a home study?

A: If a child or sponsor meets the categories for a home study in 2.4.2 Mandatory Home Study Requirement, then programs must refer the case for a home study. ORR is reviewing cases on a daily basis to ensure the wait list is cleared as quickly as possible, while continuing to ensure safe releases.

Q #4: If a sponsor has sponsored his/her own child, and a few weeks later wishes to sponsor an unrelated child, must the sponsor undergo a home study?

A: No, if there are no safety concerns and the children do not meet the mandatory TVPRA categories in [2.4.2 Mandatory Home Study Requirement](#), then the sponsor is not required to undergo a home study.

Q #5: If a sponsor has sponsored an unrelated child, and a few weeks later wishes to sponsor his/her own child, must the sponsor undergo a home study?

A: No, if there are no safety concerns and the children do not meet the mandatory TVPRA categories in [2.4.2 Mandatory Home Study Requirement](#), then the sponsor is not required to undergo a home study.

Q #6: If a sponsor wishes to sponsor their own child and 2 unrelated children, must all 3 children undergo a home study?

A: No, the sponsor must only undergo a home study for the unrelated children. In the event that a sponsor has undergone a home study for an unrelated child, and within 6 months of the completed home study wishes to sponsor another unrelated child, a new home study is not required as long as the circumstances of the sponsor's home remain unchanged.

Thanks,

Toby Biswas

Toby R. M. Biswas, ESQ.
Unaccompanied Children's Policy Supervisor

U.S. Department of Health and Human Services
Administration for Children and Families
Office of Refugee Resettlement
Office of the Director – Division of Policy



From: Brandon, Cate (HHS/ASL) [REDACTED]
Sent: Friday, October 09, 2015 3:57 PM
To: Beras, Mel (HSGAC); Tucker, Rachael (HSGAC); Callanan, Brian (HSGAC); Owen, Matt (HSGAC); Daum, Margaret (HSGAC)
Cc: Barstow, Kevin (HHS/ASL)
Subject: FW: Request for October 1 PSI Briefing on ORR

Hi Mel,

Here is the information that you requested regarding releases to sponsors by category. This should close out the information you requested in the email below. Please give me a call if you have any questions.

I hope you all enjoy your long weekend.

Thanks,
 Cate

| Releases to Sponsors By Category FY 2015- YTD (8/31/15) | | | |
|--|---------------|----------|------|
| Sponsor Category | United States | Missouri | Ohio |
| 1 | 12,807 | 82 | 179 |
| 2 | 8,560 | 49 | 191 |
| 3 | 2,303 | 13 | 61 |
| Total | 23,670 | 144 | 431 |

| Releases to Sponsor By Category FY 2014 | | | |
|--|---------------|----------|------|
| Sponsor Category | United States | Missouri | Ohio |
| 1 | 32,199 | 129 | 277 |
| 2 | 15,634 | 72 | 239 |
| 3 | 5,575 | 22 | 117 |
| Sponsor Relationship Not Recorded in Portal Data Field | 142 | 1 | 1 |
| Total | 53,550 | 224 | 634 |

Cate Brandon, J.D.
 Senior Counsel
 Oversight & Investigations
 Office of the Assistant Secretary for Legislation
 U.S. Department of Health and Human Services



From: Brandon, Cate (HHS/ASL)
To: Tucker, Rachael (HSGAC); Owen, Matt (HSGAC); Beras, Mel (HSGAC); Daum, Margaret (HSGAC)
Cc: Barstow, Kevin (HHS/ASL)
Subject: RE: Response to Dec. 8 letter and documents
Date: Wednesday, January 06, 2016 1:05:02 PM

Quick follow up on the ORR cases regarding how they were identified by ORR. ORR inquired with ORR/FFSs and OTIP staff about whether they were aware of such cases, and also reviewed the case files of UCs re-referred back to ORR's care to determine if there were any trafficking concerns identified after the initial release. Some cases initially identified were OTIP referrals from the hotline or kids from the Ohio case. [REDACTED]

Also, regarding Marie Cancian, she served as Senior Advisor to the Secretary from January to March 2015 and then Deputy Assistant Secretary for Policy from April to the present. She was nominated to the Assistant Secretary in February 2014. She had a hearing and was voted out of committee but never had a floor vote. She was renominated again last year but no action has been taken since then.

From: Tucker, Rachael (HSGAC) [REDACTED]
Sent: Tuesday, January 05, 2016 7:14 PM
To: Brandon, Cate (HHS/ASL); Owen, Matt (HSGAC); Beras, Mel (HSGAC); Daum, Margaret (HSGAC)
Cc: Barstow, Kevin (HHS/ASL)
Subject: RE: Response to Dec. 8 letter and documents

[Thank you for tonight's production. Can we try for the noon hour tomorrow?](#)

From: Brandon, Cate (HHS/ASL) [REDACTED]
Sent: Tuesday, January 05, 2016 6:34 PM
To: Owen, Matt (HSGAC); Tucker, Rachael (HSGAC); Beras, Mel (HSGAC); Daum, Margaret (HSGAC)
Cc: Barstow, Kevin (HHS/ASL)
Subject: Response to Dec. 8 letter and documents

Hi All,

Attached is our response to the Subcommittee's December 8 letter. In addition to this substantive response, Kevin and I will be delivering documents to you shortly that are responsive to your October 2 letter. Those documents include:

- (1) [REDACTED] children identified by ORR. [REDACTED]
[REDACTED]
[REDACTED] all 7 cases identified by ORR received an eligibility letter from OTIP. [REDACTED]
[REDACTED]

[REDACTED] I know you have requested an explanation of how these cases were identified. I am working to confirm my understanding with ORR and should have an answer for you tomorrow.

- (2) [REDACTED] children identified by LIRS. [REDACTED]
[REDACTED]
[REDACTED] It is my understanding that LIRS told ORR that this list includes kids who had trafficking indicators and/or CPS involvement. Trafficking indicators does not necessarily mean that a

trafficking incident occurred – it could mean only that risks for trafficking were identified. As you will see, one of these children received an eligibility letter while in ORR’s custody based on events in his home country. None of the other children identified by LIRS received an eligibility letter from OTIP, and we understand from OTIP that no referrals/requests were made to OTIP for any of these children post-release.

(3) [REDACTED]

Regarding a call tomorrow, we are available between 10-11 and 12-1. Let us know if either of those windows work for you.

Thanks!

Cate

Cate Brandon, J.D.

Senior Counsel

Oversight & Investigations

Office of the Assistant Secretary for Legislation

U.S. Department of Health and Human Services

[REDACTED]

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America)

v.)

BARTOLO DOMINGUEZ)

Case No.

3:14 MJ 5102

FILED
2014 DEC 19 PM 9:53
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 18, 2014 in the county of Marion in the Northern District of Ohio, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|-----------------------------------|---|
| Title 18, U.S.C., Section 1324(a) | Concealing, Harboring, & Shielding Aliens from Detection for Financial Gain |

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

s/ Derek Kleinmann
Complainant's signature

Derek Kleinmann, Special Agent FBI

Printed name and title

Sworn to before me and signed ~~in my presence.~~ ^{by telephone?}

Date: 12/19/2014

City and state: Tokodo, Ohio

James R. Knepp
Judge's signature

James R. Knepp, II, U.S. Magistrate Judge

Printed name and title

3:14 MJ 51021

A F F I D A V I T

I, Derek Kleinmann, Special Agent of the Federal Bureau of Investigation (FBI), hereinafter referred to as your Affiant, being duly sworn, states that:

1. Your Affiant has been employed by the FBI since September 13, 2010. Affiant has spent the last four years assigned to the FBI's Cleveland Division, White Collar Crime squad. In addition, your Affiant is currently detailed as a Special Assistant United States Attorney for the Northern District Ohio. Prior to obtaining employment with the FBI, your Affiant obtained a Bachelor of Science Degree in Business Administration, a Master's of Business Administration and a Juris Doctorate. Your Affiant was employed as an Associate Managing Director for a publicly traded commercial bank for approximately three year prior to joining the FBI.

2. As a Special Agent of the FBI, your Affiant received basic investigative training at the FBI Academy in Quantico, Virginia. Affiant has participated in the planning and execution of numerous search warrants, arrest warrants and seizure warrants, and has been responsible for the processing of seized evidence. Your Affiant has supervised the activities of Confidential Human Sources (hereinafter "CHS") that have provided information and/or evidence concerning a wide array of criminal investigations. For the majority of his employment with

3:14 MJ 5102

the FBI, your Affiant has been assigned responsibilities to investigate white collar crime, organized crime, money laundering, bribery, and other general criminal matters. At all times during the investigation described in this Affidavit, your Affiant has been acting in an official capacity as a Special Agent of the FBI.

3. This Affidavit is made in support of an arrest warrant and criminal complaint for (1) BARTOLO DOMINGUEZ, DOB: 8/24/1960, Alien Number: A201102126, FBI Number: 634540CH6, Height: 5'2", Weight: 160 pounds, Last Known Address: Rowan, Iowa; and, (2) CONRADO ULISES SALGADO-BORBAN, DOB: 10/28/1984, Alien Number: A201102125, FBI Number: 634705CH8, Height: 5'9", Weight: 210 pounds, Last Known Address: Kenton, Ohio; both of whom are illegally present in the United States; regarding violations of Title 8, United States Code, Section 1324(a) (Concealing, Harboring, and Shielding Aliens from Detection for Financial Gain).

BASIS OF INFORMATION

4. Since the FBI opened its investigation into this matter, FBI agents have reviewed witness statements, and information from Special Agents of the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Border Patrol, and local law enforcement officers indicating that the Subjects of this investigation are engaged in

3. 14 MJ 5102

substantial Concealing, Harboring, and Shielding aliens from detection for financial gain.

5. Your Affiant is familiar with the facts and circumstances of the offenses described in this Affidavit based upon your Affiant's personal participation in the investigation, as well as through information obtained from other FBI agents, law enforcement agencies, witnesses, and reliable CHSSs.

6. Except as otherwise noted, the information set forth in this Affidavit has been provided to your Affiant by FBI, DHS, ICE, and Border Patrol Agents, or other law enforcement officers. Unless otherwise noted, whenever in this Affidavit your Affiant asserts that a statement was made, the information was provided by another law enforcement officer (who may have had either direct or hearsay knowledge of the statement) to whom your Affiant has spoken or whose report your Affiant has read and reviewed.

7. Since the Affidavit is being submitted for the limited purpose of securing an arrest warrant, your Affiant has not included each and every fact known concerning this investigation. Your Affiant has set forth only the facts that are believed to be necessary to establish the foundation for a warrant authorizing the arrest of the persons identified in this Affidavit.

3:14 MJ 51024

PROBABLE CAUSE

8. On or about October 20, 2011, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) received information that persons were being smuggled into the United States and placed into jobs at an egg farm in Mount Victory, Ohio.

9. On January 28, 2013, ICE Agents interviewed two witnesses, (hereinafter "W3" and "W4"). W3 and W4 told ICE Agents that they were smuggled to the U.S. from Guatemala by A.C. approximately two years prior. W3 and W4 told investigators that they are citizens of Guatemala and are present in the U.S. without authorization. W3 and W4 were interviewed by ICE Agents separately. W3 stated that A.C. helped bring W3 to the U.S. and that once in the U.S., W3 was told by A.C. that he had to pay back a \$15,000 debt for the trip to the U.S. W3 met A.C. in Guatemala and that was when arrangements were made for W3 to be brought to the United States. According to W3, A.C.'s brother-in-law in Guatemala arranges contracts with people wishing to go to the U.S. The brother-in-law has the alien sign a contract that says that if the alien doesn't pay off their debt, their family's land in Guatemala will be turned over to the brother-in-law. Upon arrival in the U.S., a driver took W3 to Ohio from the border and dropped him off in the trailer park where A.C. lived. W3 observed A.C. pay the

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driver for the trip. A.C. arranged for W3 to work at an egg farm in Marseilles, Ohio. In order to pay off the debt, W3 was required to provide W3's paycheck to A.C. every weekend. W3 told investigators that A.C. forced everyone to live in the trailers that A.C. controlled, so that they would be forced to pay him (A.C.) and not be allowed to leave. W3 advised that several people live in each trailer and that each person pays the \$230.00 for rent.

10. Information provided to ICE Agents by W4 was identical to the information provided by W3 in regards to being smuggled into the U.S. from Guatemala and subsequently brought to Ohio. W4 was also forced to provide W4's paycheck to A.C. with a \$20 spending allowance each week. W4 indicated that A.C. took \$170 for rent and approximately \$200 for utilities and food each week. W4's weekly \$500 paycheck was provided to A.C. at his trailer. W4 told investigators that A.C. kept a ledger of payments. W4 described the book as having a black cover and that it has a picture of A.C. on the front cover. W4 recalled that inside the book it has rule lined paper with names, dates, and numbers. When asked by investigators what happens if W4 refused to pay, W4 stated that W4's farm/property would be taken by A.C. in Guatemala. W4 indicated that A.C. instructs aliens to keep quiet about what goes on.

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11. On October 6, 2014, a sixth witness (hereinafter "W6") reported to a Detective with the Collier County, Florida Sheriff's Office that he received a call from his nephew, a seventh witness (hereinafter "W7"). W6 was concerned for W7's safety because W7 told W6 that he was being forced to work against his will in Marion, Ohio. During the call, W7 stated that he had been detained for illegally crossing the U.S. border. After his release from Immigration, W7 was transported by "Coyotes" (meaning human smugglers) to Marion, Ohio. Upon arrival, W7 was informed by A.C.'s associates that he would have to pay off a debt of \$15,000 for his trip across the border. W7 told W6 that he is currently being forced to live in a trailer home located at Oakridge Estates, 6605 Marion-Agosta Road, Lot #229, in Marion, Ohio. W7 advised he is forced to work six days a week at an egg farm. W7 advised that he and approximately 20 other Guatemalan juveniles are being forced to work the egg farms in order to pay off the aforementioned smuggling fee. Furthermore, W7 indicated that the he and the other Guatemalan juveniles are forced to live at the trailer park with very little food. W7 indicated that he and the other juveniles are transported by van to the egg farm in the early morning and dropped off at the trailer park late in the evening. W7 told W6 that he is supposed to receive a paycheck on Fridays, but A.C.'s teenage son keeps his paycheck. W7 indicated that in the four

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months since his arrival at the trailer park, he has been provided with only \$100 to live off of. W7 also told W6 that the individuals in charge threatened that if W7 were to leave the trailer park or refuse to work, they would retaliate by shooting W7's father in the head.

12. On November 19, 2014, ICE SA Robert France conducted ICE/HIS and United States Citizenship and Immigration Services (USCIS) database record check for W7 which revealed that W7 had a listed address of 6605 Marion-Agosta Road, Lot #7, Marion, Ohio 43302.

13. FBI SA Fisher and TFO Troutman met with the aforementioned ICE SOI (hereinafter Source #1 will be referred to as "S1") and an individual who lives with S1 (hereinafter Source #2 will be referred to as "S2"). S1 and S2 stated that over the past two years, A.C. has been operating a Human Smuggling Organization that is based out of Guatemala, Huehuetenango, La Villa de Barillas, Aldea Yulconop.

14. S1 advised A.C.'s associate, BARTOLO DOMINGUEZ, owns six vans which are used to transport Guatemalan adults and juveniles to and from the egg farms. S1 described DOMINGUEZ as a very large man who claims to be of Mexican descent. S1 added that DOMINGUEZ lives at Eagle Point Apartments located at 815 Morningside Drive, Apartment 7-D, in Kenton, Ohio.

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15. S2 told law enforcement that S2 was arrested by Border Patrol in the Rio Grande Valley, Texas sector on July 2, 2013. Border Patrol determined that S2 had unlawfully entered the U.S. from Mexico. S2 was transported to the McAllen Border Patrol Station for processing. S2 told the Border Patrol Agents that S2 departed by bus from S2's home in Yulconop, Guatemala on April 11, 2013 and arrived in Mexico on the evening of April 14, 2013. S2 arrived in Reynosa, Tamaulipas, Mexico on April 18, 2013. S2 attempted to make entry to the U.S. on July 2, 2013, the date of S2's arrest. S2 was 17 years old at the time of S2's arrest.

16. On December 4, 2014, FBI SA Fisher conducted physical surveillance at Oakridge Estates, 6605 Marion-Agosta Road, in Marion, Ohio. The surveillance was initiated at approximately 4:00 P.M. At approximately 4:17 P.M., a silver 1997 Ford E350 van bearing Ohio License Tag FUP8331 was observed entering the Oakridge Estates property from Marion-Agosta Road. The van stopped in front of Lot #7 and two unknown Hispanic Males (H/M) exited the van. One H/M appeared to be a juvenile. Both H/M's entered the trailer at Lot #7 as the van drove away. At approximately 4:19 P.M., the van stopped in front of Lot #232 and two H/M's exited the van. One H/M appeared to be an adult and the other H/M appeared to be a juvenile. Both H/M's entered the trailer at Lot #232. At approximately 4:20 P.M., the van

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stopped in front of Lot #226 and two H/M's exited the van. Both H/M's appeared to be adults. Both H/M's entered the trailer at Lot #226. A Juvenile Hispanic Female was observed standing at a window near the end of the trailer. At approximately 4:22 P.M., the van stopped in front of Lot #200 and two H/M's exited the van. Both H/M's appeared to be adults. Both H/M's entered the trailer at Lot #200. At approximately 4:24 P.M., the van stopped in front of Lot #213 and two H/M's exited the van. Both H/M's appeared to be adults. Both H/M's entered the trailer at Lot #213. At approximately 4:26 P.M, the van stopped in the driveway of Lot #36. Your Affiant was unable to see if anyone exited the van. The van then left the Oakidge Estates property traveling westbound on Marion-Agosta Road. At approximately 4:56 P.M., the van turned southbound onto Henry Street, in Kenton, Ohio and surveillance was terminated as it appeared the driver was conducting counter-surveillance by making abrupt turns without signaling and changing speeds for apparent reason.

17. On December 4, 2014, FBI SA Fisher conducted physical surveillance at Eagle Point Apartments located at 815 Morningside Drive, in Kenton, Ohio. The surveillance was initiated at 7:20 P.M. At approximately 7:21 P.M., FBI SA Fisher observed a white 2010 Ford E350 van bearing Ohio License Tag PHW2661 backed into a parking space in the vicinity of Apartment 7-D. According to the Ohio Law Enforcement Gateway (OHLEG)

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database, PHW2661 is registered to which is registered to HABA Corporate Services, 2100 Hardin-Marion Road, Larue, Ohio 43332.

18. On December 5, 2014, FBI SA Fisher conducted physical surveillance at Oakridge Estates located at 6605 Marion-Agosta Road, in Marion, Ohio. The surveillance was initiated at approximately 3:45 A.M. At approximately 5:14 A.M., a silver 1997 Ford E350 van was observed entering the Oakridge Estates property. The van drove to Lot #36 and parked in the driveway. The headlights of van were left on. FBI SA Fisher drove by and noticed that the van was unoccupied. During the drive by, FBI SA Fisher confirmed that the Ford E350 van displayed the same Ohio License Tag FUP8331 as the van observed during surveillance on December 4, 2014. At approximately 5:28 A.M., an unknown Subject was observed walking out of Lot #36 and entering the driver's seat of the van. At approximately 5:29 A.M., two unknown Subject walked out of Lot #36 toward the van. Both unknown Subjects were carrying what appeared to be one grocery sack each. The last unknown Subject out of Lot #36 stopped and turned the lights off inside the trailer at Lot #36 prior to shutting the door. The van then backed out and traveled toward Lot #200. At approximately 5:30 A.M., the van stopped in front of Lot #200 and two unknown Subjects entered the van and the van traveled toward Lot #213. At approximately 5:32 A.M., the van stopped in front of Lot #213. The van then traveled towards Lot #45. At

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approximately 5:33 A.M., the van stopped in front of Lot #44, Lot #45, and Lot #47. FBI SA Fisher was unable to observe if anyone entered the van. At approximately 5:35 A.M., the van traveled toward Lot #226. At approximately 5:36 A.M., the van stopped in front of Lot #226 and honked the horn. FBI SA Fisher was unable to see if anyone entered the van. The van then traveled toward Lot #232. At approximately 5:37 A.M., the van stopped in front of Lot #232. Two unknown Subjects entered the van and then the van traveled out of your FBI SA Fisher's view. At approximately 5:42 A.M., the van stopped in front of Lot #7 and honked the horn. Two unknown Subjects entered the van. At approximately 5:43 A.M., the van departed the Oakridge Estates property westbound on Marion-Agosta Road. At approximately 5:59 A.M., the van pulled into the front entrance of the egg farm in Marseilles, Ohio. The van stopped behind a tractor trailer near the entrance. At approximately 6:03 A.M., the van was observed driving around the backside (southeast corner) of the egg farm and then out of FBI S.A. Fisher's view.

19. FBI SA Fisher ran a query of the Ohio Law Enforcement Gateway (OHLEG) for Ohio License Tag FUP8331, which is registered to HABA Corporate Services, 2100 Hardin-Marion Road, Larue, Ohio 43332.

20. At approximately 8:39 P.M., FBI SA Fisher conducted a telephonic interview of S2's mother. Chris Dimmick, Master

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Level Court Certified Spanish Interpreter and Contract Linguist also participated in the telephonic interview which was conducted in a teleconference format. S2's mother indicated that she last spoke to S2 on December 10, 2014. S2's mother advised that A.C. is a very rich and powerful man in Guatemala. S'2 mother stated that A.C. has become rich by smuggling Guatemalans into the U.S. S2's mother indicated that A.C. has been operating his smuggling ring for over two years. When asked how many Guatemalan's A.C. has smuggled into the U.S., S2's mother estimated that A.C. has smuggled 40 Guatemalan adults and 10 Guatemalan juveniles. S2's mother opined that only 6 or 7 Guatemalan juveniles remain in the U.S. When asked how she determined the number of juveniles, S2's mother stated that she made contact with other parents in her village that also have children who have been smuggled into the U.S. by A.C. S2's mother stated that the Guatemalan juveniles work long hours Monday through Saturday. S2's mother advised that she learned from the other parents that J.C. and G.C. (juveniles) were washing hogs at a hog farm in Ohio. S2's mother was unaware of where the other Guatemalan juveniles are employed, however S2's mother stated that A.C. requires each of the juveniles to work so they can pay off their debts. S2's mother indicated that she is unaware of the living conditions of the aforementioned 6 Guatemalan juveniles, but learned from their parents that they

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have all had a difficult time adapting to the long hours and physically taxing work. S2's mother also learned from other parents that the 6 Guatemalan juveniles are required to pay rent to A.C.'s teenage son whenever they receive their paychecks. S2's mother stated that half of their paycheck is sent back to the parents in Guatemala and the other half is taken by A.C. as payment on each workers individual debt. S2's mother stated that approximately one month ago, A.C. left with a group of Guatemalan adults and juveniles and has not returned since. S2's mother opined that A.C. is either in the U.S. or has passed away because nobody has heard from him. When asked if S1 was paid any money to provide a safe haven for S2, S2's mother indicated that she was never required to pay S1 because S1 was helping S2 out of kindness and concern for S2's welfare.

21. On or about December 17, 2014, a court authorized federal search warrant was executed at Oakridge Estates, 6605 Marion-Agosta Road, Lot #7, #30, #36, #44, #45, #47, #188, #195, #198, #200, #213, #226, #229, #232, #233, and #246, in Marion, Ohio 43302, by agents from the FBI, HIS and ICE, among other law enforcement agencies.

22. On December 17, 2014, approximately 45 individuals, including multiple minor children, were relocated from the Oakridge Estates to the Hampton Inn in Wooster, Ohio.

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23. On December 17, 2014 and on December 17, 2014, multiple interviews were conducted at the Hampton Inn by law enforcement officials through Spanish interpreters. During the interviews, multiple witnesses informed federal law enforcement agents that BARTOLO DOMINGUEZ and CONRADO ULISES SALGADO-BORBAN repeatedly drove vans which are used to transport Guatemalan adults and juveniles to and from the egg farms, knowing that the individuals were illegally present in the United States and did not have the appropriate authorization to work.

24. During an interview conducted by your Affiant on December 17, 2014, one of the illegally present workers (hereinafter "W8") has been picked up from Oakridge Estates by BARTOLO DOMINGUEZ to the egg farms for approximately six months. W8 indicated to your Affiant BARTOLO DOMINGUEZ knew he/she was an illegally present worker, and W8 informed your Affiant that BARTOLO DOMINGUEZ was aware that all of the passengers on his vans were illegally present workers. Further, BARTOLO DOMINGUEZ took a portion of W8's paycheck each week, for his transportation services, prior to providing him/her with the balance of the weekly paycheck.

25. On December 17, 2014, FBI SA Fisher conducted a custodial interview of CONRADO ULISES SALGADO-BORBAN at the Marion Police Department in Marion, Ohio. After being advised his advice of rights in Spanish, CONRADO ULISES SALGADO-BORBAN

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voluntarily admitted to FBI SA Fisher that (1) he drove a van from the Oakridge Estates to the egg farms, (2) he knew each of the workers were illegally present in the United States and did not have the appropriate authorization to work, and (3) he received compensation for transporting the illegally present workers to the egg farms.

CONCLUSION

26. Based upon your Affiant's training and experience, and information provided to your Affiant by Agents with FBI, HSI and ICE, this affidavit is submitted for the limited purpose of obtaining arrest warrants for BARTOLO DOMINGUEZ and CONRADO ULISES SALGADO-BORBAN in commission of criminal violations described herein.

27. Based upon the facts as set forth above, your Affiant believes there is sufficient probable cause for a court authorized criminal complaint and arrest warrant BARTOLO DOMINGUEZ and CONRADO ULISES SALGADO-BORBAN concerning violations of the following Federal statutes: Title 8, United States Code, Section 1324(a) (Concealing, Harboring, and Shielding Aliens from Detection for Financial Gain).

28. Special Agent Derek Kleinmann, Federal Bureau of Investigation, being duly sworn according to law, deposes and states that the facts contained in the foregoing Affidavit are

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true and correct to the best of his knowledge, information, and belief.

s/Derek Kleinmann

SA Derek Kleinmann
Federal Bureau of Investigation

by telephone

Sworn to and subscribed ~~before me~~ this 19th day of December, 2014.

James R. Knepp II
Honorable James R. Knepp II
U.S. Magistrate Court Judge

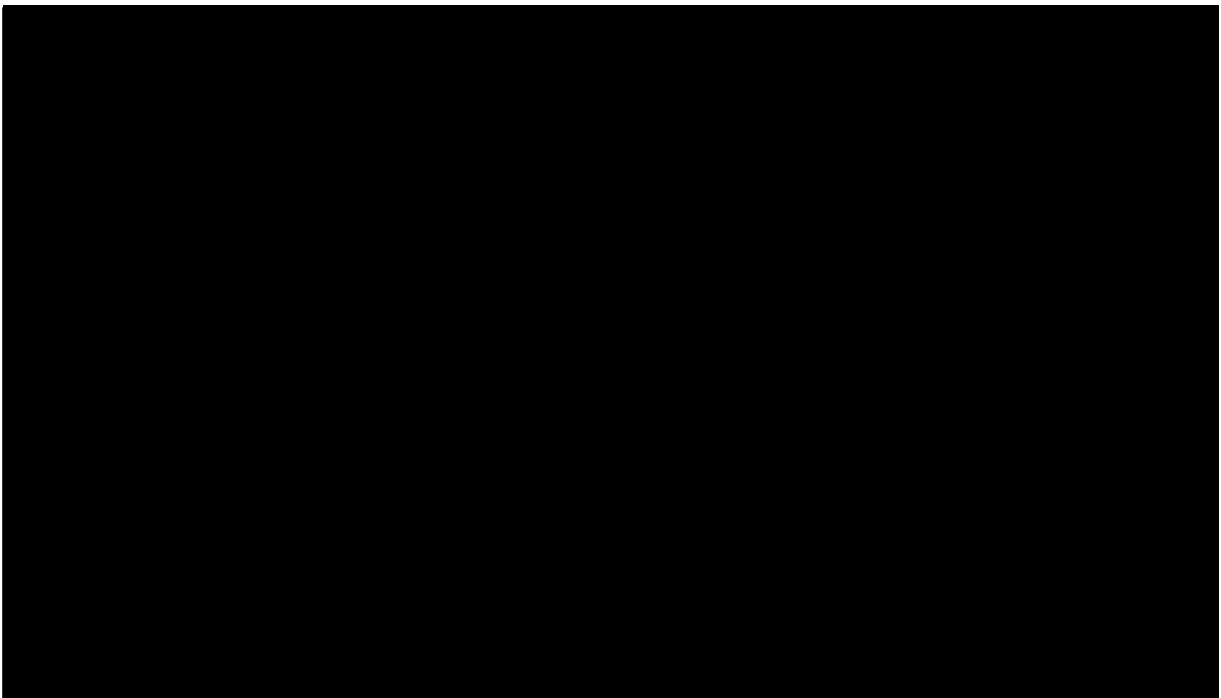
Date: 6/26/2015

To: Bobbie Greg
Deputy Director for Children's Programs

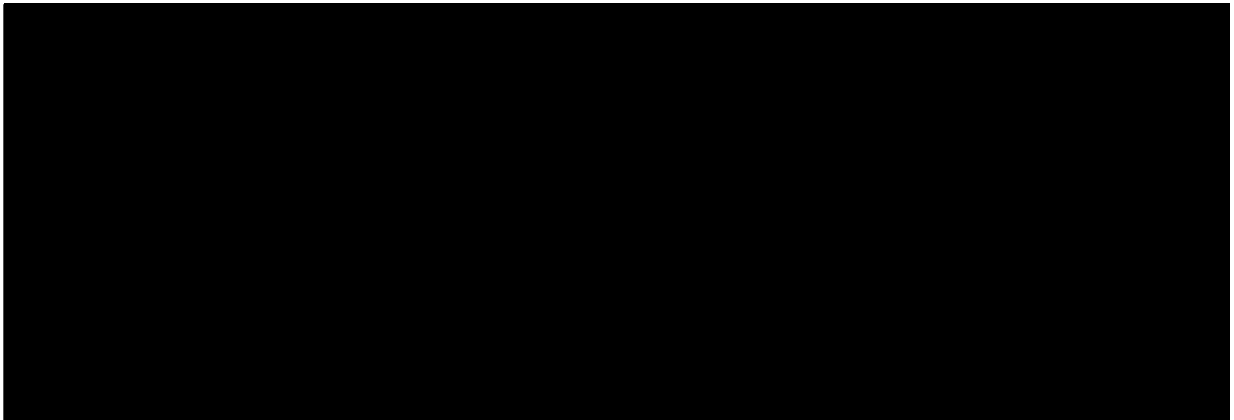
From: Jim De La Cruz
Federal Field Supervisor

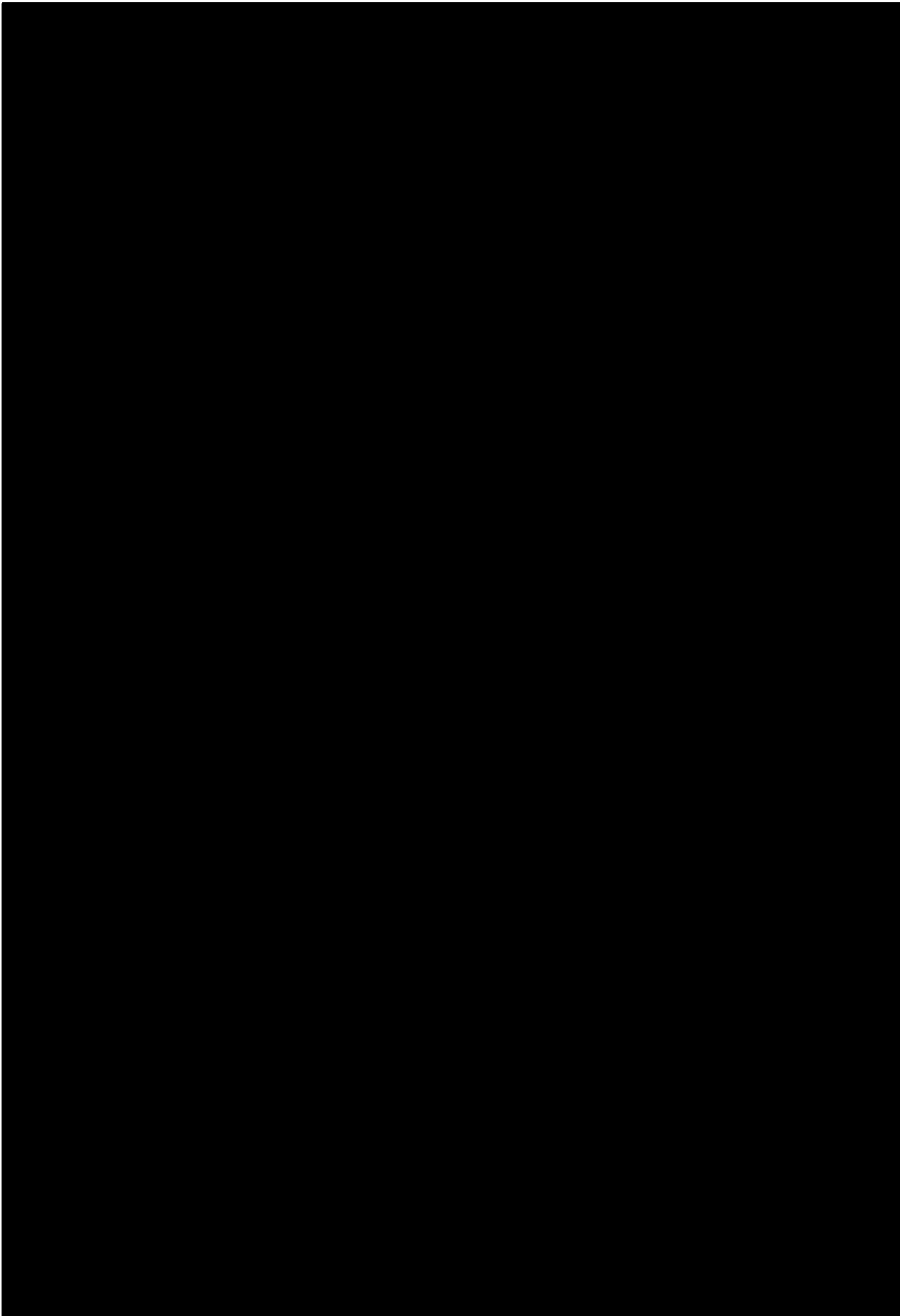
FEDERAL FIELD WEEKLY REPORT

I. Two-Week Look Ahead



II. Implementation of Program Priorities

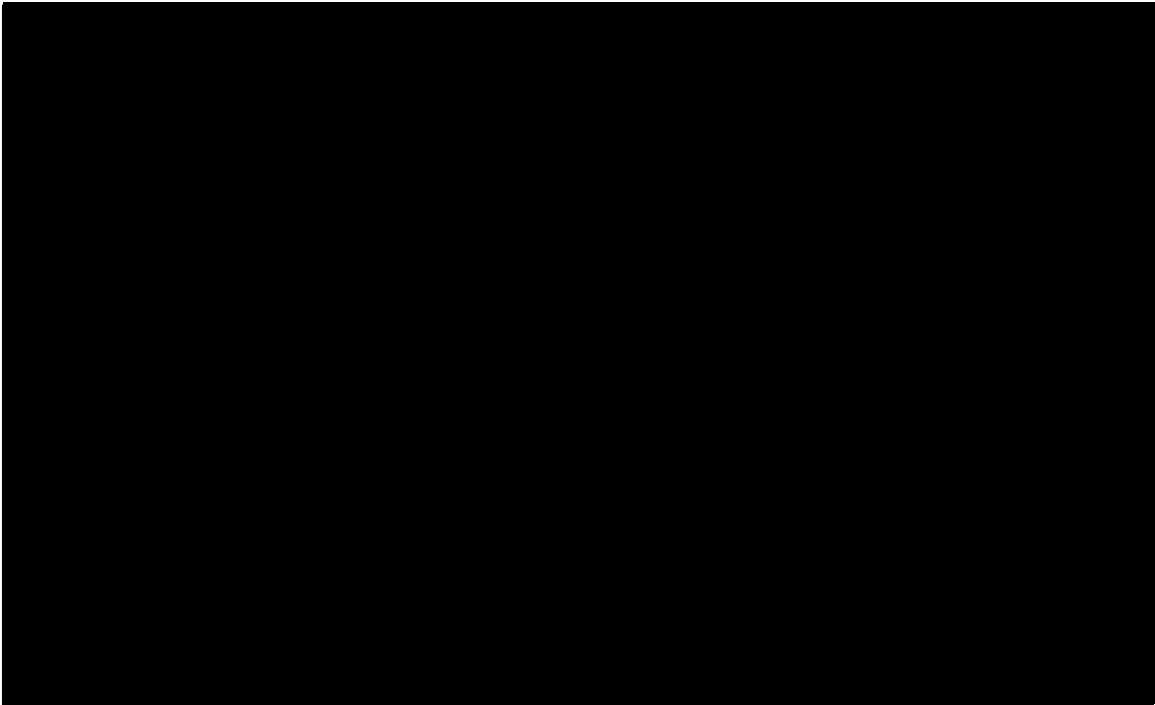




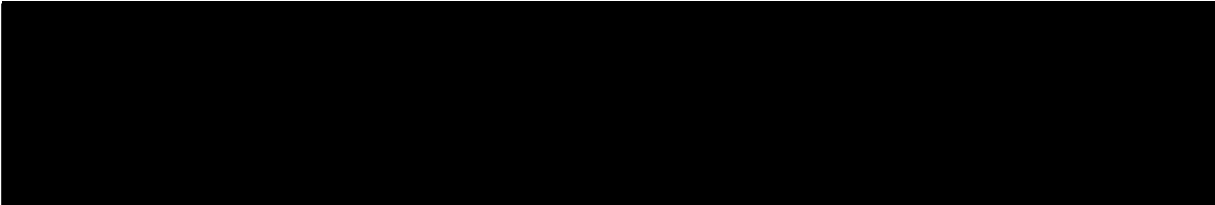
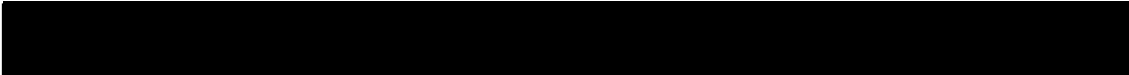


III. Emerging Issues and Opportunities

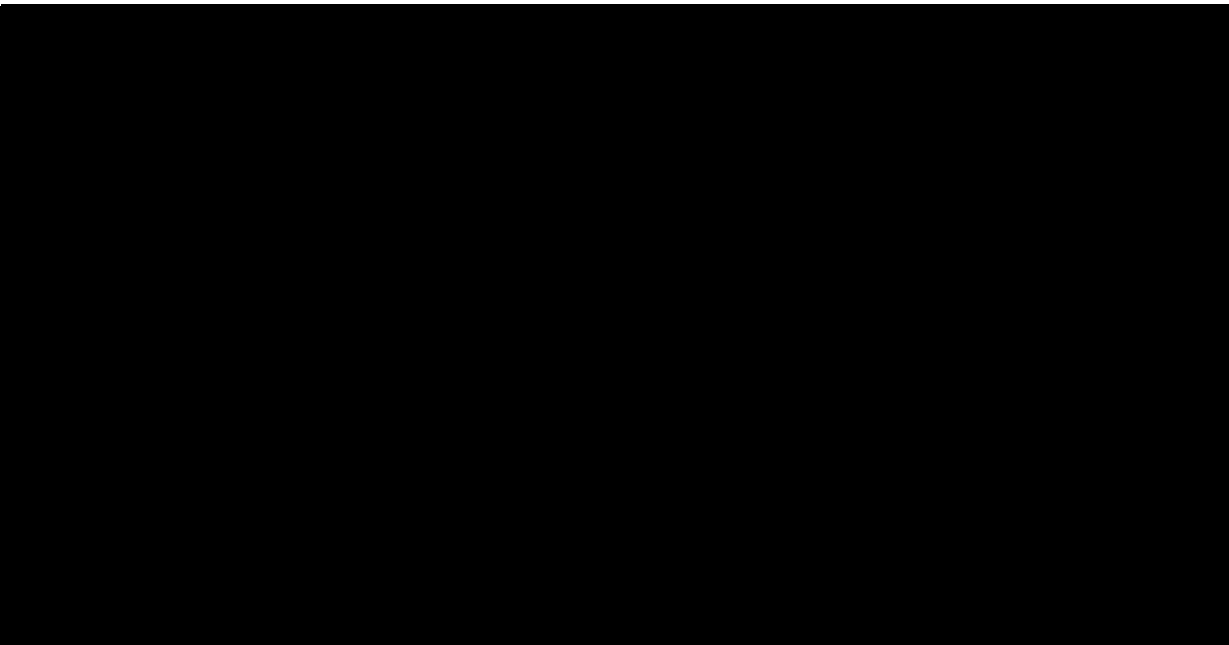
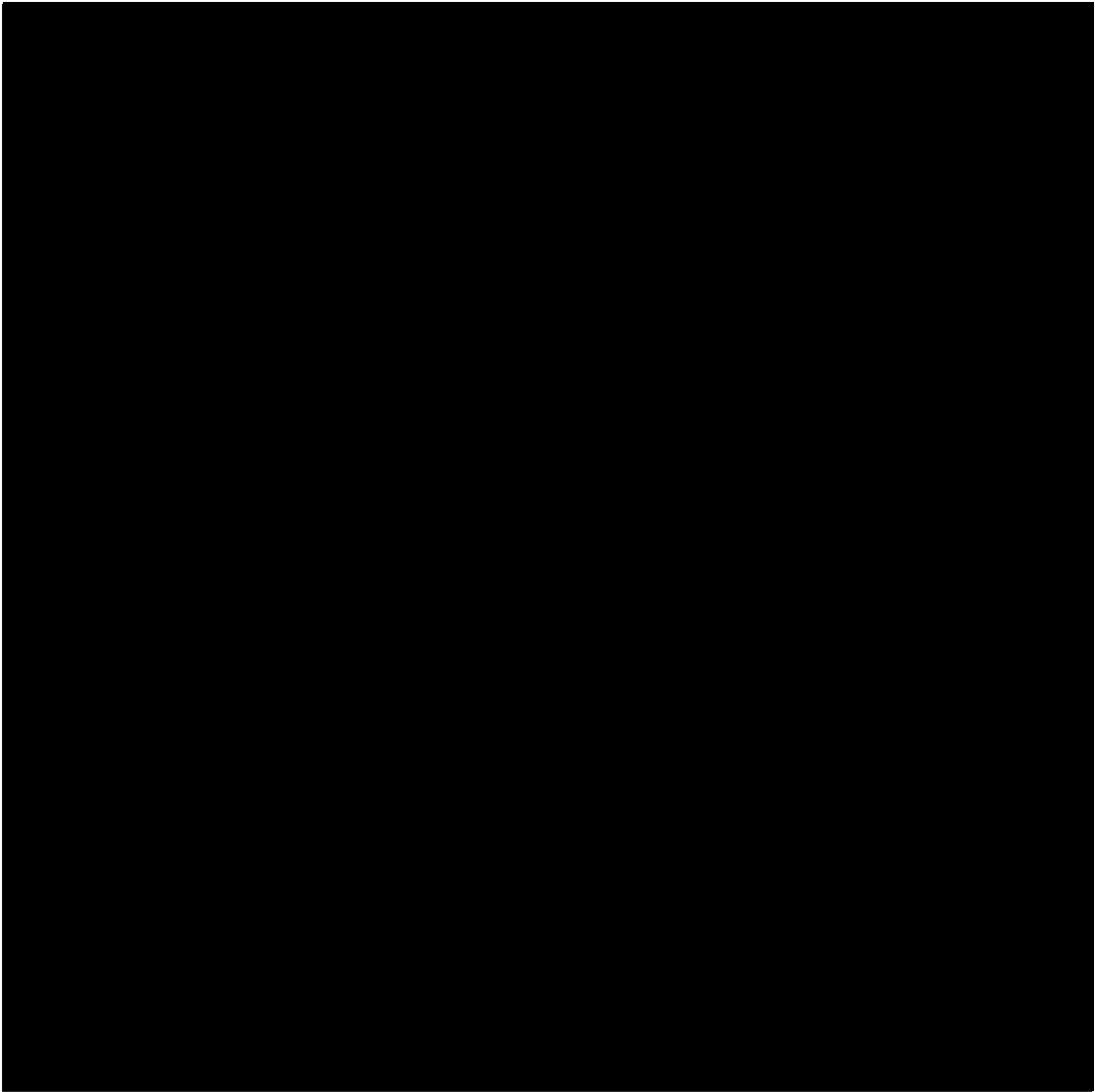
- National:



- The FBI informed DCS about a group of seven adults who were arrested and charged with trafficking in Ohio. Some of the individuals that are alleged victims are UC previously released from DCS. DCS provided information about the sponsor to the FBI who informed DCS that the Assistant US Attorney accepted the case to pursue prosecution against the adults.

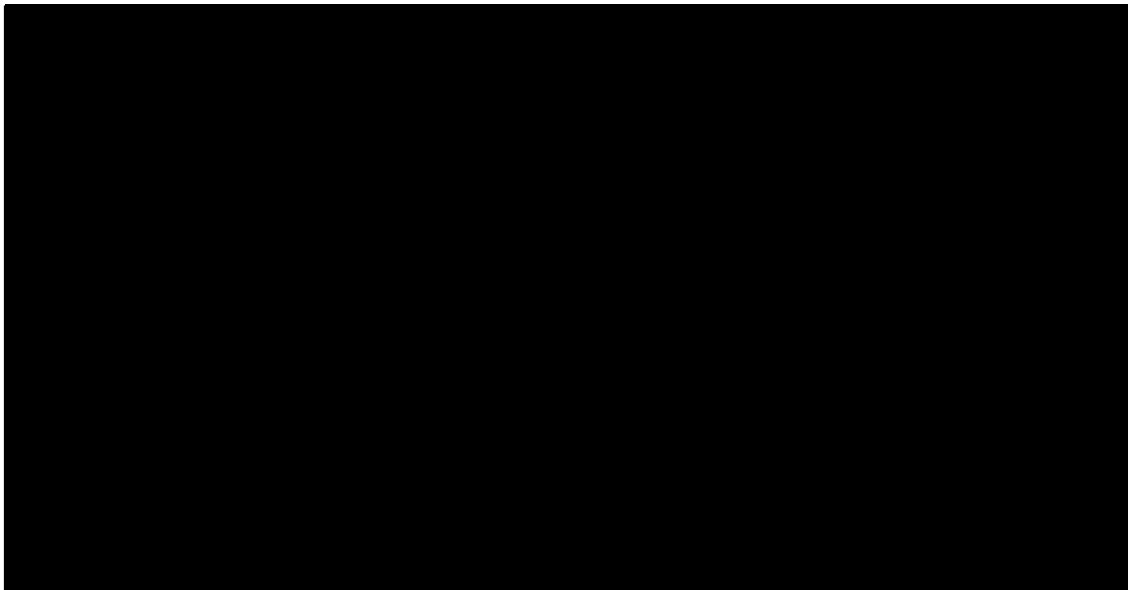








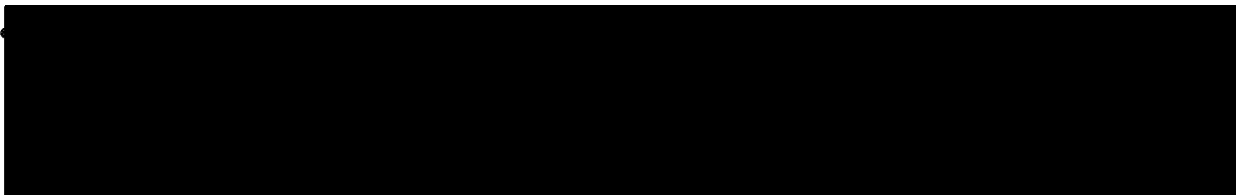
- Northeast Region
 - **Abbott House:** Abbott House TRC program continues to have problems with the UC portal. **Portal Continues to erase data from some cases.** There are many times that information is put in & saved or documents uploaded but when we go back in it has been erased. Other times we are unable to save the information. We have called & sent emails to the help desk and they try to help us as much as possible but they acknowledge it is a system wide problem. When we are unable to save the information, the help desks informs us its because we are in putting too much information. This causes a dilemma because we are encouraged to input as much details into the portal to support the youths current and past functioning. This is an issue in almost all aspects of the portal but especially in the assessment tabs.



IV. Congressional Activities

- None

V. Other Items of Note





Message

From: Gregg, Bobbie (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP
[REDACTED]]
Sent: 6/15/2015 3:42:34 PM
To: Greenberg, Mark (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=Mark.Greenberg.ACF]
CC: Wolff, Kate (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=Kate.Wolff.OS]; Swartz, Tricia (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Tricia.Swartz.acf]; Sualog, Jallyn (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=Jallyn.Sualog.ACF]; Carey, Bob (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP
[REDACTED]] Cancian, Maria (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP
[REDACTED]]
Subject: RE: Additional Post-Release Services
Attachments: Interim Post Release Services Proposal_Draft_06152015.docx

Good afternoon.

I have revised the document per your suggestions to:

- quote TVPRA directly in the second paragraph,
- add language about the risk of exploitation for debt labor in the "Children Released to a Non-Relative Sponsor" section, and
- set time-limited eligibility of 6 months post-placement for Placement Disruption services.

I suggest we continue to consider these enhancements to the PRS program as a pilot. Historically, the budget for PRS has been based on the assumption that 10% of UCs would have home assessments and that same 10% would have post-release services. Although HHS is authorized to provide post-release services to children in addition to those who receive home studies, we did not include that contingency in the FY15 budget. The FY15 budget assumed that 10% of the projected 58,000 UCs would receive post-release services at a cost of \$5,000 per capita. We are able to fund the pilot in FY15 because of the availability of additional funding that exists because our estimate of the FY15 UC population was so much higher than projected actual. If we continue the 10% assumption with the FY16 budget, but have a much smaller estimate of the total number of UCs, funding may not be available. By continuing to treat these enhancements as a pilot, we retain flexibility to continue the services in FY16 if we have funding available and if we determine after evaluating the pilot results that the pilot services are a better use of funding than other post-release options we are considering.

Bobbie

Bobbie Gregg
Deputy Director, Children's Services
Office of Refugee Resettlement
[REDACTED]

From: Greenberg, Mark (ACF)
Sent: Thursday, June 11, 2015 5:40 PM
To: Gregg, Bobbie (ACF); Carey, Bob (ACF); Cancian, Maria (ACF)
Cc: Wolff, Kate (ACF); Swartz, Tricia (ACF); Sualog, Jallyn (ACF)
Subject: RE: Additional Post-Release Services

Thanks. I'm, of course, very supportive of this and agree we should do it. I've inserted some questions/comments in the attached.

Mark Greenberg
Acting Assistant Secretary, Administration for Children and Families
US Department of Health and Human Services



From: Gregg, Bobbie (ACF)
Sent: Thursday, June 11, 2015 10:21 AM
To: Greenberg, Mark (ACF); Carey, Bob (ACF); Cancian, Maria (ACF)
Cc: Wolff, Kate (ACF); Swartz, Tricia (ACF); Sualog, Jallyn (ACF)
Subject: Additional Post-Release Services

Good morning.

As requested, effective July 1, 2015, the UC program will offer post-release services to the following additional populations of children:

- Children released to a category 3 (non-relative) sponsor;
- Children who report post-release to the UC Hotline that their placement has disrupted and that they are living in another household not previously vetted by ORR; and
- Children who report post-release to the UC Hotline that the placement is at risk of disruption (or their sponsors so report).

I have attached a one-pager that describes the planned expansion.

Regards,

Bobbie Gregg
Deputy Director, Children's Services
Office of Refugee Resettlement



**Unaccompanied Children's Program
Interim Proposal to Expand Post-Release Services
June 10, 2015**

The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) requires HHS to provide post-release services to children released to a sponsor after a home study has been conducted and authorizes HHS to provide post-release services to "children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency." In FY14, ORR released 53,518 unaccompanied children to sponsors, conducted 866 home studies, and provided post release services for 3,989 unaccompanied children (7%).

The TVPRA does not authorize HHS to provide post-release services in every case, but only for those "children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency." ORR is conducting a review of its current post-release services and considering what, if any, changes should be made to provide services to additional children and/or to amend the types of services offered. ORR will submit its recommendations to the Secretary by July 1, 2015. In the interim, ORR has identified certain children with "other needs" to whom ORR proposes to offer post-release services:

- children released to a non-relative sponsor and
- children whose placement has disrupted or is at risk of disruption.

Children Released to a Non-Relative Sponsor

A number of factors have been identified that increase the risk of child maltreatment including the presence of unrelated adults living in the home with a child and the age of the child.¹ There are other factors that increase the risk of exploitation of unaccompanied children by unrelated adults, including the risk that the sponsor may be expecting the child to work to pay existing debt or to cover the child's expenses while living with the sponsor. Finally, an unrelated adult may lack the type of affection for a child that results in prioritizing the child's well-being over other considerations. For all of these reasons, in identifying potential sponsors, ORR affords the lowest preference to and performs the most extensive background review of prospective sponsors who are unrelated to the unaccompanied child. In consideration of the increased risk of harm or exploitation to children released to a non-relative sponsor, ORR has identified this population of children as having "other needs" that perhaps would benefit from ongoing assistance from a social welfare agency. ORR proposes the following, effective July 1, 2015 through September 30, 2015:

- to provide post-release services to all children released to a non-relative, and
- to perform home studies before release for all children age 12 and under being released to a non-relative sponsor.

In FY14, ORR released 4,952 children to non-relative sponsors (9.2%) and through March 31, 2015, has released 751 children to non-relative sponsors (7%). ORR estimates that this would result in providing

¹ Centers for Disease Control and Prevention, *Child Maltreatment: Risk and Protective Factors (May 29, 2015)*
<http://www.cdc.gov/ViolencePrevention/childmaltreatment/riskprotectivefactors.html#Risk Factors for Perpetration>

post-release services to an additional 250 children and performing home studies for approximately 65 of those children during the remainder of FY15.

Placement Disruption

Effective May 15, 2015, ORR expanded its Hotline to accept calls from UCs or their sponsors seeking assistance with safety-related concerns. To date, ORR has received a number of calls from youth and sponsors in situations in which the placement has disrupted or is at risk of disruption. Sponsor relationships have disrupted either as a result of the youth choosing not to live with the sponsor or the sponsor refusing to allow the youth to continue to live with the sponsor. Placements may be at risk of disruption for a number of reasons, including but not limited to conflict between the youth and the sponsor, sponsor neglect or abuse, or youth preference. When placement has disrupted, a youth is especially vulnerable to exploitation. Accordingly, ORR proposes effective July 1, 2015 through September 30, 2015, to offer post-release services to youth and/or sponsors within 180 days of placement when:

- placement has not yet disrupted, but is at risk of disruption, and
- placement has already disrupted and the UC is living in another household..

At this time, we are unable to estimate the number of children and sponsors likely to be served due to placement disruption or the types of services that these children and sponsor may need. The pilot will provide HHS with data from which to determine the scope of this need, as well as to identify whether any changes in pre-release practice would obviate the need for certain post-release services.

The proposed pilots can be funded through the FY15 budget without reprogramming or reducing any other services in the UC program. Continuation of this expansion of post-release services in FY16 will be dependent on funding and consideration of the entire array of post-release service options.



OFFICE OF REFUGEE RESETTLEMENT
Division of Children’s Services
SPONSOR CARE AGREEMENT

| | |
|--------------------------|-------------------|
| Name of Minor: | Minor A #: |
| Aliases (if any): | Minor DOB: |
| Name of Sponsor: | Date: |

You have applied to the Office of Refugee Resettlement (ORR) to sponsor an unaccompanied alien child in the care and custody of the Federal Government pursuant to the *Flores v. Reno* Stipulated Settlement Agreement, No. 85-4544-RJK (Px) (C.D. Cal., Jan. 17, 1997), Section 462 of the Homeland Security Act of 2002 and Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. If your sponsorship application is approved, you will receive an ORR *Verification of Release* form and will enter into a custodial arrangement with the Federal Government in which you agree to comply with the following provisions while the minor is in your care:

- Provide for the physical and mental well-being of the minor, including but not limited to, food, shelter, clothing, education, medical care and other services as needed.
- If you are not the minor’s parent or legal guardian, make best efforts to establish legal guardianship with your local court within a reasonable time.
- Attend a legal orientation program provided under the Department of Justice/Executive Office of Immigration Review (EOIR)’s Legal Orientation Program for Custodians (Sponsors), if available where you reside.
- Depending on where the minor’s immigration case is pending, notify the local Immigration Court or the Board of Immigration Appeals within five (5) days of any change of address or phone number of the minor, by using an Alien’s Change of Address form (Form EOIR-33). In addition, if necessary, file a Change of Venue motion on the minor’s behalf. The Change of Venue motion must contain information specified by the Immigration Court. Please note that a Change of Venue motion may require the assistance of an attorney. For guidance on the “motion to change venue,” see the Immigration Court Practice Manual at http://www.justice.gov/eoir/vll/OCIJPracManual/ocij_page1.htm. For immigration case information please contact EOIR’s immigration case information system at 1-800-898-7180. Visit EOIR’s website for additional information at: <http://www.justice.gov/eoir/formslist.htm>
- Notify the Department of Homeland Security (DHS)/U.S. Citizenship and Immigration Services) within ten (10) days of any change of address, by filing an Alien’s Change of Address Card (AR-11) or electronically, at <http://1.usa.gov/Ac5MP>
- Ensure the minor’s presence at all future proceedings before the DHS/Immigration and Customs Enforcement (ICE) and the DOJ/EOIR. For immigration case information, contact EOIR’s case information system at: 1-800-898-7180.
- Ensure the minor reports to ICE for removal from the United States if an immigration judge issues a removal order or voluntary departure order. The minor is assigned to a Deportation Officer for removal proceedings.
- Notify local law enforcement or your state or local Child Protective Services if the minor has been or is at risk of being subjected to abuse, abandonment, neglect, or maltreatment or if you learn that the minor has been threatened, has been sexually or physically abused or assaulted, or has disappeared. Notice should be given as soon as it becomes practicable or no later than 24 hours after the event or after becoming aware of the risk or threat.

- Notify the National Center for Missing and Exploited Children at 1-800-843-5678 if the minor disappears, has been kidnapped, or runs away. Notice should be given as soon as it becomes practicable or no later than 24 hours after learning of the minor's disappearance.
- Notify ICE if the minor is contacted in any way by an individual(s) believed to represent an alien smuggling syndicate, organized crime, or a human trafficking organization. Provide notification as soon as possible or no later than 24 hours after becoming aware of this information. You can contact ICE at 1-866-347-2423.
- In the case of an emergency (serious illness, destruction of home, etc), you may temporarily transfer physical custody of the minor to another person who will comply with the terms of this *Sponsor Care Agreement*.
- If you are not the child's parent or legal guardian, in the event you are no longer able and willing to care for the minor and unable to temporarily transfer physical custody, and the minor meets the definition of an unaccompanied alien child, you should notify ORR at 1-800-203-7001.
- The release of the above-named minor from the Office of Refugee Resettlement to your care does not grant the minor any legal immigration status and the minor must present himself/herself for immigration court proceedings.

From: Brandon, Cate (HHS/ASL)
To: Owen, Matt (HSGAC); Tucker, Rachael (HSGAC); Beras, Mel (HSGAC)
Cc: Barstow, Kevin (HHS/ASL)
Subject: Follow up on ORR custody question
Date: Wednesday, January 20, 2016 2:18:42 PM

Hi Matt,

As we have previously noted, the longstanding policy of ORR is that once a child is released to a sponsor, ORR's custody terminates. This reading is supported by the authorizing laws, as well as the Flores settlement agreement.

- **Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA).**

- o Structure of the statute. The law organizes Federal custody and release into two different paragraphs, placing the conditions for Federal custody in (c)(2), whereas the conditions for release and post-release appear in (c)(3). 8 U.S.C. § 1232(c).
- o Use of the term "custodian" for a proposed sponsor. HHS must make a determination that a "proposed *custodian* is capable of providing for the child's physical and mental well-being," and HHS must verify the "custodian's" identity and relationship to the child, prior to release. 8 U.S.C. § 1232(c)(3)(A) (emphasis added).
- o Post-release provisions. The TVPRA would not have needed post-release provisions if Federal custody were on-going. Continuing legal custody would authorize HHS to monitor and follow-up on all children at any time. Instead, Congress specifically required follow-up services on children for whom a home study was conducted and authorized follow-up services for certain other children with mental health or other needs. 8 U.S.C. § 1232(c)(3)(B).
- o Legal orientation for "custodians." Section 1232(c)(4) similarly recognizes that "custodians" will receive a legal orientation presentation, in order to address the "custodian's responsibility" to ensure the child's appearance at immigration proceedings.
- o Legal services for children who are and "were" in HHS custody. Section 1232(c)(5) discusses both children "who are" in the custody of HHS as well as those who "*have been* in the custody of the Secretary" (emphasis added). This language again recognizes that there are certain children who continue to technically meet the definition of a UC, but who are no longer in the custody of HHS.

- **Flores Settlement Agreement**

- o ¶ 9 – distinguishes between "detention" and "release" of minors, recognizing that release is separate and distinct from custody.
- o ¶ 14 – Except where HHS determines that detention is required to secure timely appearance in immigration proceedings or to ensure the minor's safety or that of others, requiring "release" from government "custody" without unnecessary delay, in an order of preference.
- o Other paragraphs continue to use the term "release." See ¶¶ 17-18.
- o ¶ 19 – states that in any case in which "INS does not release a minor pursuant to Paragraph 14, the minor shall remain in INS legal custody." This clearly shows that INS legal custody remained distinct from release; once released, a minor would no longer be viewed as in the legal custody of the Federal government.

- **Other**

- o If Congress had intended HHS to retain legal custody post-release, there would be greater detail in the TVPRA, similar to State procedures for child foster care, such as foster care maintenance payments and payment for health care expenditures of UC post-release. Congress did not include any such terms.

Thanks,

Cate

Cate Brandon, J.D.

Senior Counsel

Oversight & Investigations

Office of the Assistant Secretary for Legislation

U.S. Department of Health and Human Services

[REDACTED]

[REDACTED]

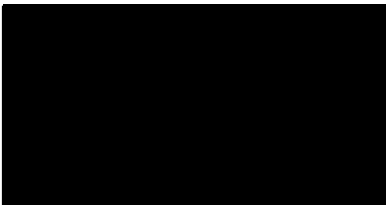
[REDACTED]

Message

From: Sualog, Jallyn (ACF) [/O=HHS EES/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JALLYN.SUALOG.ACF]
Sent: 7/8/2015 12:24:33 PM
To: Gregg, Bobbie (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP
[REDACTED]]
CC: Swartz, Tricia (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP
(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Tricia.Swartz.acf]; Johnson, Harmony (ACF) [/O=HHS EES/OU=EXCHANGE
ADMINISTRATIVE GROUP [REDACTED] Bena,
Anna Marie (HHS/OGC) (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=annamarie.bena.os];
Wolff, Kate (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=Kate.Wolff.OS]
Subject: PRS paper
Attachments: Post-Release Services Report ORR draft 06252015 mg rev -js edits.docx

Attached with responses to Mark's comments.

Jallyn Sualog
Director
Office of Refugee Resettlement
Division of Children's Services



To: [REDACTED]
Through: Acting Deputy Secretary Wakefield

Through: ACF Acting Assistant Secretary Greenberg
From: ORR Deputy Director Bobbie Gregg
Subject: Report on Post-Release Services for Unaccompanied Children
Date: July 1, 2015

Executive Summary

Historically, the Office of Refugee Resettlement (ORR) has provided post-release services to approximately 10% of children released to sponsors from the Unaccompanied Children's (UC) program each year. Advocates have encouraged ORR to provide such services to all UC. ORR recently conducted a review of its post-release services, and in writing this report, also considered the legislative history and statutory construction of controlling federal law, domestic child welfare best practice, and stakeholder feedback.

Findings:

1. Controlling federal law requires HHS to provide post-release services for an unaccompanied child for whom HHS conducted a home study. In these cases, the services must be provided for the duration of the removal proceedings. However, the statute leaves the scope and type of post-release services to HHS discretion.
2. The statute authorizes HHS to provide post-release services for children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency. The statute leaves the scope and type of post-release services, as well as the duration of the services, to HHS discretion.
3. ORR has not clearly defined its goals and objectives for the post-release services program and the current program structure does not allow flexibility to individualize services based on need.
4. The most common post-release service needs of UC are:
 - a. assistance in gaining enrollment in local public schools,
 - b. assistance in locating counsel to represent the UC in legal proceedings,
 - c. assistance in gaining access to services in the local community, and
 - d. support navigating the challenges attendant to adjustment to a new family structure and community.

Key Recommendations:

1. ORR should enhance its pre-release services to provide UC and sponsors with additional preparation and resources to aid in post-release adjustment.
2. ORR should enhance its post-release services to:
 - a. define eligibility for services for UC with mental health and other needs,
 - b. clarify and document post-release services program objectives, policies, and procedures to allow flexibility to increase or reduce intensity of services, as needed, and
 - c. provide greater assistance enrolling UC in local schools and making referrals for legal and other service providers in the sponsor's community.

Background

The Homeland Security Act of 2002¹ transferred responsibility for care and placement of unaccompanied children to the Director of the Office of Refugee Resettlement within the Department of Health and Human Services. This statute describes in general terms the responsibilities of ORR in caring for UC, but does not address provision of post-release or legal services. In 2008, the Trafficking Victims Protection Reauthorization Act (TVPRA) set forth requirements with respect to those services.

One focus of TVPRA is to prevent trafficking and exploitation of unaccompanied children. To that end, TVPRA requires that ORR make a suitability determination before releasing a child to a sponsor, even if that sponsor is the child's parent or legal guardian, including determining whether a home study is necessary. ORR is required to perform a home study to determine that a prospective sponsor's home is safe when:

1. the child is a victim of a severe form of trafficking in persons,
2. the child is a special needs child with a disability (as defined in 42 U.S.C. § 12102),
3. the child 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. the proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence.

In addition, TVPRA authorizes ORR to provide post-release services in cases involving children with "mental health or other needs who could benefit from ongoing assistance from a social welfare agency." Notably, the statute does not authorize ORR to provide post-release services for all UC. Congress required the identification of a specific need or needs that would then lead to additional services, rather than including language that would allow all UC to receive post-release services. Thus, while ORR has broad authority to specify a wide range of needs for which post-release services may be required, concrete criteria for such needs must be established and children must be evaluated to determine whether they meet the criteria for the identified need(s).

The statute requires ORR to continue to provide some form of post-release services "during the pendency of removal proceedings" to children for whom a home study was conducted. However, in cases in which ORR has determined that a child has mental health or "other needs," the statute grants ORR discretion to determine the length of time in which to provide services after UC are released. The statute similarly grants ORR broad discretion to determine the types of services to be provided.

TVPRA also requires the Secretary of HHS to "the greatest extent practicable" to arrange for UC to have counsel to represent them in legal proceedings services, though it imposes no requirement to provide government-paid counsel. In fact, the statute instructs HHS "to make every effort" to use pro bono counsel who will provide their services to UC without charge to the federal government.

During the summer of 2014, ACF received multiple questions and inquiries about what services and supports were provided to unaccompanied children after their release from ORR custody, and began exploring with staff and stakeholders issues relating to the adequacy of current post-placement services and possible expansions. After ORR Director Bob Carey and ORR Deputy Director for Children's

¹ The relevant sections of the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008 are printed in Appendix A.

Programs Bobbie Gregg joined ORR, Acting Assistant Secretary Mark Greenberg asked that ORR prepare by July 1 an analysis of current post-placement efforts and recommendations for improvements.

Overview of Current Post-Release Services

ORR has described the primary purpose of post-release services in some program documents as to assist in successful integration of the child into the sponsor home and community, whereas in other program documents the primary purpose is described as assuring a safe environment and protection from abuse, trafficking and exploitation. Similarly, although TVPRA was passed “to enhance the efforts of the United States to prevent trafficking in person,” the statute broadly authorizes HHS to provide post-release services unrelated to safety concerns for “children with mental health and other needs who could benefit from ongoing assistance from a social welfare agency.” In this context, advocates have complained that ORR’s priorities and goals for the post-release services (PRS) program are not clear.

Post-release services are provided by nine ORR grantees that were selected from the 2013 Funding Opportunity Announcement (FOA) for the FY14-FY16 funding cycle.² The services begin immediately upon release of the child to the sponsor. ORR has specified process requirements for time periods for and frequency of contact with the UC and sponsor and provided general guidance about the types of services that may be provided.

The post-release service provider is required to establish telephone contact with the sponsor within 24 hours of release to ensure that the minor is safe and well, and to schedule the initial home visit, which should occur within 14 days of the child’s release. During the first visit, the provider conducts an assessment of the child’s initial adjustment to the placement, identifies special needs, and explores sources of additional support. Although each provider is required to conduct an assessment, ORR has provided only general guidance with respect to the expected content of that assessment.

A post-release service provider is expected to meet with the child at least three times during the first six- month period following release to the sponsor. Post-release services may be conducted through a combination of home visits, telephone contacts, written correspondence, community referrals, provision of psycho-educational materials and linking the family or child to support groups.

Post-release worker are expected to assist the child with successful integration into the home and community by providing referrals to help the child with locating legal representation, verifying school enrollment, obtaining guardianship, connecting with medical, mental health and social services, and encouraging attendance at legal proceedings. Some of the post-release providers also encourage community support by engaging in outreach to educate community stakeholders about the needs of UC and their sponsors.

For cases in which no home study was mandated, post-release services are provided for six months or when the provider determines that services are no longer needed, whichever occurs first. Services can be extended beyond six months, upon express ORR approval. Approximately 3% of post release cases are extended to assist with placement disruptions, medical and mental health needs and transition to a

² The nine providers are BCFS Health and Human Services, Florence Crittenton, Heartland Human Care Services, Lutheran Immigration and Refugee Services (LIRS), MercyFirst, Southwest Key Programs, Inc. (SWK), The Children’s Village, Inc., United States Conference of Catholic Bishops (USCCB), and U.S. Committee for Refugees and Immigrants (USCRI).

new community. In some instances, extensions are at sponsors request for more assistance in managing the child's behavior. For post-release services provided after a home study, the post-release service provider conducts, at a minimum, quarterly phone calls and an annual visit for the duration of removal proceedings or until the minor turns 18, whichever occurs first.

In preparing this report, ORR reviewed the various assessment tools and service models employed by the post-release service providers. One provider has implemented a service model with three levels of services based on an assessment of intensity of need. The providers utilize three methods of service delivery: a national model where workers from a central location travel to the UC to conduct the assessment, a national model with regional locations from which employees are assigned to provide services to UC in their regions, and a national oversight model in which independent contractors are retained in the UC community to deliver services.

If at any time the post-release provider has concerns about the safety and well-being of the child, the worker is required to make a report to the state or local child welfare agency, ORR, and, if appropriate, law enforcement. The worker cooperates in any investigation and advocates on the child's behalf, which may lead to the child welfare agency subsequently removing the child and placing him or her into state or county custody.

On May 15, 2015, ORR expanded its post-release services by offering a Help Line (the ORR National Call Center) for children and sponsors to call for assistance with safety-related concerns and other needs. As part of the release process, all children and sponsors are provided with information about this service, and children are provided a wallet card with the Help Line phone number. In the first month, ORR received 25 calls from children and sponsors in situations in which the placement had disrupted or was at risk of disruption. The Help Line is operated by BCFS Health and Human Services, an ORR grantee. When a sponsor or former UC contacts the Help with a disruption or potential disruption of a placement, the Help Line will first assess for safety to determine if there is risk to the safety of the child. If there is a safety risk, the Help Line will contact local authorities such as Child Protective Services or law enforcement. If there is not a safety risk, the helpline will make an assessment whether there has been a disruption or a potential disruption and will offer the sponsor resources to help with resolving the issues between sponsor and child.

Sponsor relationships disrupt either as a result of the youth choosing not to live with the sponsor or the sponsor refusing to allow the youth to continue to live with the sponsor. Placements may be at risk of disruption for a number of reasons, including but not limited to conflict between the youth and the sponsor, sponsor neglect or abuse, or youth preference. When placement has disrupted, a youth is especially vulnerable to exploitation. Accordingly, ORR has already proposed on a pilot basis to offer post-release services to children placed for less than six months if the placement has disrupted and the child is no longer living with the sponsor or the placement appears at risk of disruption.

The proposed pilot expands the category of cases that receives home studies and post-release services to children released to a non-relative sponsor (Category 3) and children whose placement has disrupted or is at risk of disruption. During the pilot, all children age 12 and under who are being released to a non-relative sponsor (category 3) will receive both a home study and post release services. Released children within 180 days of placement if placement has already disrupted and the child or sponsor has contacted the ORR Help Line, voluntary agrees to services and has been referred by the Help Line will be provided post release services.

Overview of Current Legal Services

TVPRA requires HHS to arrange for legal services for unaccompanied children to the greatest extent practicable, though there is no express requirement in the law to provide government-paid counsel. Historically, legal services and the PRS program have been treated as if they were separate and distinct. However, post-release service providers currently are required to provide assistance and referrals locating legal representation for UC referred to the PRS program, which is a service that stakeholder surge ORR to provide to all UC.

ORR currently has two mechanisms for providing legal services to unaccompanied children:

- A “Legal Access” contract with the Vera Institute of Justice, which provides Know Your Rights presentations, screenings, *pro bono* recruitment and limited direct representation. The contract is due to expire on July 31, 2015.
- A “Direct Representation Project” grant, started in September 2014, currently funds two grantees to provide direct representation and child advocates in nine cities and has a planned budget period through September 30, 2015. The cities supported are: Memphis, Dallas, DC area (Arlington/Baltimore), Houston, Los Angeles, Phoenix, Miami, and New Orleans.

The current Legal Access program provides attorneys to represent unaccompanied children in a very limited number of cases. Instead, the program provides “Know Your Rights” presentations for children in ORR custody; legal screenings for potential immigration relief; “Friend of the Court” assistance in specific cases; and child advocates to make best interest determinations for children who are victims of trafficking or are especially vulnerable. For the legal screenings, an immigration attorney, BIA-accredited representative, or paralegal conducts a private interview with the child to determine whether he or she potentially qualifies for some type of immigration relief, or is eligible for voluntary departure. Currently, the legal service providers lack capacity to provide direct representation to every child referred from the legal screening.

The program secures private attorneys to represent unaccompanied children in immigration proceedings in one of two ways. First, the program funds efforts to recruit and train *pro bono* counsel. Second, it pays for direct representation services, but only for certain populations, including unaccompanied children in long-term foster care (these are typically children for whom no qualified sponsor has been found in the U.S., and who have been determined, through the legal screening described above, to be likely eligible for immigration relief); unaccompanied children in ORR custody who will not be released to a sponsor and seek voluntary departure or are expected to be ordered removed; those identified as likely to be released locally, or within the jurisdiction of the local immigration court; and children released in the nine priority cities within a high concentration of UC.

On June 16, 2015, ORR issued two new Request For Proposals (RFP) for contracts to provide legal services to unaccompanied children. One RFP seeks multiple regionally-based vendors to provide all legal services to UC, utilizing a three-year option contract beginning August 1, 2015. The other supports a national child advocate program at select sites where large numbers of unaccompanied children are in ORR care and custody.

The new model will allow more flexibility and increase capacity in much-needed areas not reached by the current single-contractor structure, thus providing more direct representation and other services to the increased number of unaccompanied children. The new model will keep all legal services under one

umbrella, maximizing coordination and organization, and move child advocates to a separate contract, allowing that program to receive specialized attention.

- ORR will continue to fund Know Your Rights presentations and legal screenings for all children referred, even if the number of referrals reaches the FY14 level of 58,000.
- ORR is proposing doubling the funding for *pro-bono* coordination, which will help identify and train attorneys across the country to represent unaccompanied children likely to receive legal relief during their immigration proceedings.
- In addition to increased coordination of *pro-bono* attorneys, ORR is proposing to provide direct representation or court appearance support to approximately 15,000 unaccompanied children. This is an expansion of existing representation services and the post-release Direct Representation pilot project, which were expected to serve approximately 2,600 children in FY15.

The new contracts will continue to focus on providing post-release direct representation in the nine priority cities and to children who are released from a shelter locally. However, even with the expansion of direct representation, ORR will only be able to facilitate access to legal services for a small number of children who have been released to sponsors in FY14 and FY15.

The appointment of a child advocate to vulnerable UC in ORR custody can ensure the child's best interests are identified. The child advocate spends time with the UC and speaks with the child's clinician, case manager, teachers, and other shelter staff to understand the child's current situation (for example, education, therapeutic services, social support, etc.). The child advocate helps the child process information and explains the consequences of decisions, and assists the child to make decisions in situations in which the child requests help. The new expansion contract will fund the implementation of child advocate services in Brownsville, Houston, Chicago, Newark/New York City, Washington, DC/Baltimore, Maryland, Phoenix, San Antonio and Miami.

In addition, the expanded ORR Help Line offers assistance to sponsors in finding legal support in their community. There may be an opportunity with the new legal services contract award to link the Help Line and legal service providers for collaboration.

Stakeholder Feedback

ORR sought input from key stakeholders during this review of its post-release services, including participating in two listening sessions with child advocates and post-release services provider – one in Texas and one in Washington.³ In addition, ORR considered the results of limited UC and sponsor feedback from a survey conducted by a UC services provider in FY11 and FY12 and reviewed recent stakeholder reports, including the Post Release Study conducted by the University of South Carolina and funded by Lutheran Immigration and Refugee Service (LIRS), an ORR post-release service provider.⁴ The consistent recommendation from those sources was that ORR should expand post-release services and legal representation to all unaccompanied children throughout their legal proceedings.

Specific recommendations from providers and advocates about the types of post-release services to be provided included:

³ The participants of the listening sessions are listed in Appendix B to this report.

⁴ The reports consulted during this review are listed in Appendix C to this report.

- Support integration of unaccompanied children through a grant program to support ongoing education, health, and mental health services for child migrants in the communities in which they live;
- Clarify the goals and objectives for the post-release services program;
- Restructure the post-release services program to standardize assessment tools used and to adopt a therapeutic case management model, but allow flexibility to provide a continuum of services and beyond six months, as individualized to meet the needs of the particular child and sponsor;
- Provide support groups in communities with a sufficient UC presence;
- Leverage resources through coordination and linkages in the community; and
- Provide outreach and technical assistance to community providers, local child welfare agencies and schools that serve unaccompanied children.

Some recommendations focused on pre-release services to better prepare children and sponsors for the challenges they will face when the child is released, including:

- Consider the prospective sponsor 's place of residence when selecting shelter placement to facilitate communication and intervention before children are released;
- Increase the length of stay before release to a sponsor to provide more intensive pre-release services;
- Require pre-release family counseling sessions;
- Provide more pre-release preparation of sponsors.

In recognition that post-release and legal services might continue to be available only to some unaccompanied children and not all, some recommendations were focused on decision-making about the allocation of services:

- Allow referrals to post-release services after release as well as before release;
- Provide greater guidance on the scope of the TVPRA categories for home study (and, thus, post-release services);
- Provide post-release services to all children released to a non-relative sponsor and those released to a relative sponsor with whom previous recent contact has been limited;
- Provide post-release services to children when the child or the sponsor's primary language is a dialect (and not Spanish or English); and
- Improve coordination among the federal agencies that engage with unaccompanied children.

Finally, advocates and providers recommended that a formal evaluation of the program be conducted.

A small group of sponsors and children who received post-release services were surveyed in FY 2011 and FY 2012. They reported that their greatest needs were:

- assistance with immigration cases;
- financial support;
- help for the sponsor seeking employment;
- assistance obtaining medical and mental health services, including substance abuse treatment;
- parenting education; and
- counseling and support services to address family conflict.

ORR Self-Assessment

Post-release services are provided by nine ORR grantees to which ORR has provided general guidance about the types of services that may be provided. Although ORR currently does not conduct any formal monitoring of the PRS program, ORR staff that oversees the PRS program has identified many of the same gaps in service as those described by providers and advocates, including a need for ORR to:

- more clearly define the goals and objectives of the post-release services program and clarify eligibility requirements. This lack of clarity has made it challenging to standardize outcomes and service provision.
- standardize PRS program procedures, assessment and reporting. Standardization of PRS will provide ORR with the ability for oversight, accountability and the means to ensure consistency within service provisions.
- integrate post-release data and case management into the UC Portal system. This action would facilitate oversight and program evaluation.
- create a mechanism of referral to post-release services once the child is placed with the sponsor as specific needs, such as family conflict, child conduct, or financial stress, may not be evident before release to the sponsor.
- provide flexibility in determining the length of post-release services. Currently, if post-release services are provided when no home study was required, services are limited to 6 months. Instead, clients should be evaluated regularly to determine their need for continued services.
- expand post-release and legal services to more children to meet the two most critical needs of education assistance and legal access, within the statutory restriction that post-release services cannot generally be provided to all unaccompanied children without identified needs.

Child Welfare Best Practices

UC placement with a sponsor is often similar to family reunification that occurs when children have been in the child welfare system due to abuse or neglect or are when a child is placed for adoption with a new family. In all three instances, there is a period of adjustment or re-adjustment as the individuals learn to live together as a family unit. Similarly, in all three instances, family conflict, behavioral issues, and mental health needs may become apparent only after the family unit has lived together for some period. Accordingly, the literature on best practices for family reunification and post-adoption services were reviewed to identify best practices identified to address these common problems⁵

The services routinely provided to families reunifying or forming through adoption include pre-reunification or pre-placement home study, parenting education, structured pre-placement home visits, and clinical services. With post-placement, the following services were provided:

- Clinical services;
- Therapeutic case management;
- Community services and support network;
- Financial and other material support;
- Crisis intervention services; and
- Respite services.

Recommendations

⁵ A partial list of literature reviewed is in Appendix D to this report.

The recommendations that follow and the specific program enhancements required to implement them were informed by stakeholder feedback, consideration of child welfare best practice and ORR self-assessment, which are described in this report. Although stakeholders unanimously recommend post-release services for all unaccompanied children, HHS lacks statutory authority to implement such broad reform. In the absence of such authority, this review has identified enhancements to pre-release services that would benefit all UCs and targeted enhancements to post-release services that would expand the scope and refine the quality of post-release services to children and sponsors who receive them.

1. ORR should enhance its pre-release services to provide UC and sponsors with additional preparation and resources to aid in post-release adjustment.
2. ORR should enhance its post-release services to:
 - a. define eligibility for services for UC with mental health and other needs,
 - b. clarify and document post-release services program objectives, policies, and procedures to allow flexibility to increase or reduce intensity of services, as needed, and
 - c. provide greater assistance enrolling UC in local schools and making referrals for legal and other service providers in the sponsor's community.

To implement these recommendations, ORR proposes the following enhancements to the Unaccompanied Children's Program:

- During intakes the residence of the prospective sponsor should be considered when identifying shelter or foster care placement. This will facilitate pre-release contact between the UC and sponsor, as well as pre-placement observation of sponsor and child interaction and pre-release family counseling.
- ORR should set standards for minimum pre-release contact and family counseling.
- ORR should provide more pre-release education to sponsors about the behaviors that children may display after release as a result of trauma, long periods of separation, child and adolescent development, and/or acculturation and offer advice on how to respond to such behaviors.
- ORR should provide clearer guidance to ORR's child-care providers on the scope of TVPRA home study requirements, including:
 - clarifying how to identify whether a child 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;" and
 - describing the factors to be considered in determining whether the available objective evidence demonstrates that a proposed sponsor "clearly presents a risk of abuse, maltreatment, exploitation, or trafficking."
- ORR should provide guidance on additional factors to consider in determining whether a home study is necessary, including for example, whether the prospective sponsor has any prior relationship with the UC.
- ORR should provide guidance on the mental health and other needs of UC for which post-release services must be provided.
- ORR should require the pre-release service provider to follow-up with each sponsor and child by telephone at 30 days after release to ensure the safety and well-being of the child and to determine whether there are any needs for referral or support. Any safety issues will be referred to the local child welfare. Any potential for disruption should be referred to post release services.

- ORR should enhance the resources and education provided to UC and sponsors pre-release to better prepare them for post-release readjustment.
- ORR should expand the Help Line to provide a broader array of services and supports to UC sponsors, including assistance:
 - locating resources in the community for education, medical care, mental health counseling,
 - problem-solving to address child behavioral issues after release,
 - support with family relationships and problems,
 - enrolling UC in school, and
 - finding legal support and understanding court processes and the importance of attending scheduled court hearings
- ORR should clarify its program goals and objectives, standardize assessment tools and outcome measures, and document its policies and procedures.
- ORR should modify its post-release services program to provide individualized service array and length of service based on defined levels of need.
- ORR should set standards to allow the Help Line to refer children for post-release services after placement.

ORR concurs with the recommendation that an evaluation be conducted of its post-release services. GAO and ASPE are conducting reviews of the UC Program that may include information relating to post-release services. These reports will likely be available in FY16 and ORR intends to carefully review and consider any recommendations provided

Budget Impact of Recommendations

The post-release telephone calls, development of sponsor education materials, and operation of the Help Line can be accommodated through the current funding levels of the shelter and Help Line providers. Based on historical trends and data, ORR has established its post-release services budget based on an assumption that 10% of children would receive home studies and post-release services at a unit cost of \$1,200 for the study and \$5,000 for services. Current FY15 funding is sufficient to implement the recommended programmatic changes in this fiscal year, but further analysis will be required to develop budget assumptions and assess impact for future fiscal year budgets.

Implementation Plan

The Help Line was expanded in May 2015 to provide support and assistance to UC and sponsors after release. Further steps will be taken to communicate about the availability of this resource and the scope of its services. The timeline for implementation of other recommendations in this report follows.

| Post Release Services Proposal Timeline | | |
|--|---|-----------------------------------|
| Service | Task | Timeframe |
| ORR Help Line | Expansion of Parent Hotline to provide UC a resource for safety-related concerns , as well as sponsor resources for assistance with family problems and child behavior issues, referrals to community providers, and assistance finding legal support and enrolling UC in school. | Completed May 15, 2015 |

| Post Release Services Proposal Timeline | | |
|---|---|------------------|
| Service | Task | Timeframe |
| PRS Pilot | Proposed expansion of post-release services to: <ul style="list-style-type: none"> • all UC released to a non-relative sponsor and • UC whose placement has disrupted or is at risk of disruption within 180 days of release | July 1, 2015 |
| 30-Day Status Check | Draft policy, procedure and phone checklist and establish protocol for referral to Help Line and/or PRS program for follow up | August 1, 2015 |
| Policy Guidance | Publishing policy and other guidance to clarify: <ul style="list-style-type: none"> • how to identify whether a child 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;” • the factors to be considered in determining whether the available objective evidence demonstrates that a proposed sponsor "clearly presents a risk of abuse, maltreatment, exploitation, or trafficking;" • additional factors to consider in determining whether a home study is necessary, including for example, whether the prospective sponsor has any prior relationship with the UC; and • the mental health and other needs of UC for which post-release services must be provided. | August 15, 2015 |
| Enhance Pre-Release Resources | <ul style="list-style-type: none"> • Create UC Handbook that provides hot line and help line telephone numbers for safety concerns; links to resources for runaway/homeless youth; information about human trafficking; and other resources to help UCs adjust to school, family and cultural transitions. • Update Sponsor Handbook that includes sponsorship responsibilities, children’s rights, parenting techniques, and child behavioral warning signs • Create Sponsor Orientation Video that covers children’s rights, U.S. requirements on education and abuse, immigration court attendance, behavioral issues and parenting techniques. | October 1, 2015 |
| Integrate Home Study and Post-Release Services into Portal | Standardize program data collection and oversight through utilization of Portal case management system | October 1, 2015 |
| Standardize | <ul style="list-style-type: none"> • Draft Funding Opportunity Announcement with | January 2016 |

| Post Release Services Proposal Timeline | | |
|--|---|-----------------------|
| Service | Task | Timeframe |
| Program Model | new standardized post-release services model <ul style="list-style-type: none"> • Finalize grantee selection • Document polies and procedures for new service model | May 2016 June 2016 |

Appendix A

The Homeland Security Act of 2002 and TVPRA of 2008 will be attached as pdf documents in the final draft.

Appendix B

The following organizations were represented at the listening session in Houston, Texas on June 2, 2015:

Catholic Charities, Cabrini Center for Immigrant Legal Assistance
Civil Practice Clinics, Randall O. Sorrels Legal Clinics at the South Texas College of Law
Human Rights First
Kids in Need of Defense (KIND)
ProBar
RAICES (Refugee and Immigrant Center for Education and Legal Services)
Save the Children
South Texas College of Law
Tahirih Justice Center
Texas Health and Human Services Commission, Office of Immigration and Refugee Affairs
The Children's Center
The Young Center for Immigrant Children's Rights
University of Houston Law Center Immigration Clinic
University of Houston, Graduate College of Social Work

The following organizations were represented at the listening session in Washington, DC on June 5, 2015:

Heartland Alliance- National Immigrant Justice Center
Kids in Need of Defense (KIND)
Lutheran Immigrant and Refugee Service (LIRS)
The Young Center
U.S. Committee for Refugees and Immigrants (USCRI)
United States Conference of Catholic Bishops (USCCB)
University of South Carolina, author of LIRS evaluation report
Women's Refugee Commission

Appendix C

The following reports were consulted during this review:

Musalo, K., Frydman, L. & Cernadas, P.C. (2015). Childhood and Migration in Central and North America: Causes, Policies, Practices and Challenges. Center for Gender and Refugee Studies.
<http://cgrs.uchastings.edu/Childhood-Migration-HumanRights>

Rosenblum, M.R. (2015). Unaccompanied Child Migration to the United States: The Tension between Protection and Prevention. Migration Policy Institute.
<http://www.migrationpolicy.org/research/unaccompanied-child-migration-united-states-tension-between-protection-and-prevention>

Roth, B.J & Grace, B.L., (2015). Post Release Services: Linking Unaccompanied Immigrant Children to Family and Community. University of South Carolina.

Goździak, E.M. (2015). What Kind of Welcome: Integration of Central American Unaccompanied Children into Local Communities. Georgetown University.
http://www.researchgate.net/publication/272167810_What_Kind_of_Welcome_Integration_of_Central_American_Unaccompanied_Children_Into_Local_Communities

Appendix D

A partial list of the literature reviewed in preparation of this report:

Bellamy, J.L. (2008). Behavioral Problems Following Reunification of Children in Long Term Foster Care. *Child Youth Services Review*, 30(2), 216-228.

Child Welfare Information Gateway. (2012). Adoption disruption and dissolution. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

Child Welfare Information Gateway. (2012). Providing postadoption services. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

Child Welfare Information Gateway. (2012). Finding and Using Postadoption Services. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

Child Welfare Information Gateway. (2012). Adoption Disruption and Dissolution. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

Child Welfare Information Gateway (2015, May). Review of various articles on reunification after a foster care placement and post-adoption services. Retrieved from <https://www.childwelfare.gov/topics/permanency/reunification/>

Evan B. Donaldson Adoption Institute (2004). What's working for children: A policy study of adoption stability and termination. Retrieved from http://www.adoptioninstitute.org/publications/Disruption_Report.pdf

Festinger, T. (2002). After adoption: Dissolution or permanence? *Child Welfare*, 81(3), 515-533.

Goerge, R. M., Howard, E. C., Yu, D., & Radomsky, S. (1997). Adoption, disruption, and displacement in the child welfare system, 1976-94. Chicago: University of Chicago, Chapin Hall Center for Children.

Honomichl, R, Hatton, H., & Brooks, S. (2009, May). Factors, Characteristics, and Promising Practices Related to Reunification and Re-entry: A Literature Review for the Peer Quality Case Review Process. Northern California Training Academy, The Center for Human Services, Timely Reunification and Reunification Foster Care and Child Welfare Services. Retrieved from www.childsworld.ca.gov/res/pdf/FactorsCharacteristics.pdf

Howard, J. & Elmore, J. (2015, May). Illinois Committed to Preserving Adoptions. North American Council on Adoptable Children (NACAC) Retrieved from <http://www.nacac.org/postadopt/models.html>.

Illinois Department of Children & Family Services (DCFS)(2015, January). Post Adoption and Guardianship Services. Retrieved from www.illinois.gov/dcf/.../CFS%201050-45%20Post%20A-G%20S

Kirk, R.S., Martens, P. (2014, March). Family Assessment, Family Functioning, and Caregiver Engagement in Family Preservation and Reunification Programs, and the Relation of These and Other Factors to Reunification Service Outcomes. National Family Preservation Network. Retrieved from <http://www.nacac.org/postadopt/models.html>

Kunz, D.B. (2014). A Presentation to the Interagency Working Group on Secondary Placements. Center for Adoption Policy (provided by author to Elaine Kelley/HHS/ACF/ORR on May 13, 2015).

National Family Preservation Network (2015, May). Intensive Family Reunification Services (IFRS) Model. Retrieved from <http://nfpn.org/reunification/reunification-model>

North American Council on Adoptable Children (2015, May). Model Post-Adoption Services. Retrieved <http://www.nacac.org/postadopt/models.html>

Wulczyn, F., Hislop, K., & George, R., (2000). Foster care dynamics 1983–1998. Chicago: Chapin Hall Center for Children. Retrieved from <http://www.chapinhall.org>

Message

From: Gregg, Bobbie (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP
[REDACTED]]
Sent: 7/16/2015 7:42:18 PM
To: Greenberg, Mark (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=Mark.Greenberg.ACF]; Carey, Bob (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP
[REDACTED]]; Cancian, Maria (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[REDACTED]]
CC: Bena, Anna Marie (HHS/OGC) (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=annamarie.bena.os]; Johnson, Harmony (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP [REDACTED]]; Sualog, Jallyn (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=Jallyn.Sualog.ACF]; Swartz, Tricia (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Tricia.Swartz.acf]; Wolff, Kate (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=Kate.Wolff.OS]
Subject: RE: Post-Release Services Report
Attachments: Post-Release Services Report ORR draft 06252015 mg rev_ORR 071162015 .docx

Attached is the revised draft.


Bobbie Gregg
Deputy Director, Children's Services
Office of Refugee Resettlement
[REDACTED]

From: Greenberg, Mark (ACF)
Sent: Friday, June 26, 2015 11:50 AM
To: Gregg, Bobbie (ACF); Carey, Bob (ACF); Cancian, Maria (ACF)
Cc: Bena, Anna Marie (HHS/OGC) (ACF); Johnson, Harmony (ACF); Kelley, Elaine (ACF); Sualog, Jallyn (ACF); Swartz, Tricia (ACF); Wolff, Kate (ACF)
Subject: RE: Post-Release Services Report

Thanks very much, Bobbie, and everyone who worked on this. I think this is very thoughtful, and tremendously helpful in mapping out a strategy for strengthening our pre- and post placement efforts. I'm very comfortable with the recommendations. I have inserted a number of comments, some of which are just about adding additional detail, but others are about some additional questions we should consider. Once you've read this over, you should decide if it'd be useful to schedule time to discuss some of these, or if you just want to work on edits.

Re timeframe, I really don't think it's essential that we get this to the Secretary's office by July 1 --- I think it's sufficient that you got it to us by July 1, that we're discussing a set of issues, and we should be in position to get this to the Secretary's office within the next few weeks.

Mark Greenberg
Acting Assistant Secretary, Administration for Children and Families
US Department of Health and Human Services
[REDACTED]



From: Gregg, Bobbie (ACF)

Sent: Thursday, June 25, 2015 12:22 PM

To: Greenberg, Mark (ACF); Carey, Bob (ACF); Cancian, Maria (ACF)

Cc: Bena, Anna Marie (HHS/OGC) (ACF); Johnson, Harmony (ACF); Kelley, Elaine (ACF); Sualog, Jallyn (ACF); Swartz, Tricia (ACF); Wolff, Kate (ACF)

Subject: Post-Release Services Report

Good afternoon.

Attached is the draft PRS report.

BG

Bobbie Gregg

Deputy Director, Children's Services

Office of Refugee Resettlement



To: [REDACTED]
Through: Acting Deputy Secretary Wakefield

Through: ACF Acting Assistant Secretary Greenberg
From: ORR Deputy Director Bobbie Gregg
Subject: Report on Post-Release Services for Unaccompanied Children
Date: JulyXX, 2015

Executive Summary

Historically, the Office of Refugee Resettlement (ORR) has provided post-release services to approximately 10% of children released to sponsors from the Unaccompanied Children's (UC) program each year. Advocates have encouraged ORR to provide such services to all UC. ORR recently conducted a review of its post-release services, and in writing this report, also considered the legislative history and statutory construction of controlling federal law, domestic child welfare best practice, and stakeholder feedback.

Findings:

1. Controlling federal law requires HHS to provide post-release services for an unaccompanied child for whom HHS conducted a home study. In these cases, the services must be provided for the duration of the removal proceedings. However, the statute leaves the scope and type of post-release services to HHS discretion.
2. The statute authorizes HHS to provide post-release services for children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency. The statute leaves the scope and type of post-release services, as well as the duration of the services, to HHS discretion.
3. ORR has not clearly defined its goals and objectives for the post-release services program and the current program structure does not allow flexibility to individualize services based on need.
4. The most common post-release service needs of UC are:
 - a. assistance in gaining enrollment in local public schools,
 - b. assistance in locating counsel to represent the UC in legal proceedings,
 - c. assistance in gaining access to services in the local community, and
 - d. support navigating the challenges attendant to adjustment to a new family structure and community.

Key Recommendations:

1. ORR should enhance its pre-release services to provide UC and sponsors with additional preparation and resources to aid in post-release adjustment.
2. ORR should enhance its post-release services to:
 - a. define eligibility for services for UC with mental health and other needs,
 - b. clarify and document post-release services program objectives, policies, and procedures to allow flexibility to increase or reduce intensity of services, as needed, and
 - c. provide greater assistance enrolling UC in local schools and making referrals for legal and other service providers in the sponsor's community.

Background

The Homeland Security Act of 2002¹ transferred responsibility for care and placement of unaccompanied children to the Director of the Office of Refugee Resettlement within the Department of Health and Human Services. This statute describes in general terms the responsibilities of ORR in caring for UC, but does not address provision of post-release or legal services. In 2008, the Trafficking Victims Protection Reauthorization Act (TVPRA) set forth requirements with respect to those services.

One focus of TVPRA is to prevent trafficking and exploitation of unaccompanied children. To that end, TVPRA requires that ORR make a suitability determination before releasing a child to a sponsor, even if that sponsor is the child's parent or legal guardian, including determining whether a home study is necessary. ORR is required to perform a home study to determine that a prospective sponsor's home is safe when:

1. the child is a victim of a severe form of trafficking in persons,
2. the child is a special needs child with a disability (as defined in 42 U.S.C. § 12102),
3. the child 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. the proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence.

In addition, TVPRA authorizes ORR to provide post-release services in cases involving children with "mental health or other needs who could benefit from ongoing assistance from a social welfare agency." Congress required the identification of a specific need or needs that would then lead to additional services, rather than including language that would allow all UC to receive post-release services automatically without a determination of need. Thus, while ORR has broad authority to specify a wide range of needs for which post-release services may be required, criteria for such needs must be established and children evaluated to determine whether they meet the criteria). ORR may specify general categories of need, such as "children under age 12" or "children of school age" for post-release services, as well as more targeted categories that would require evaluation or assessment to determine eligibility, such as "children with an individualized education plan."

The TVPRA more requires ORR to establish policies and programs as needed to protect unaccompanied children from such victimization. Pursuant to this authority, ORR has implemented a Help Line for UC and sponsors to contact for assistance and proposes to implement a policy requiring care providers to conduct 30-day post-release phone calls to determine that the UC is safe and to offer assistance identifying resources and problem-solving.

The statute requires ORR to continue to provide some form of post-release services "during the pendency of removal proceedings" to children for whom a home study was conducted. However, in cases in which ORR has determined that a child has mental health or "other needs," the statute grants ORR discretion to determine the length of time in which to provide services after UC are released. The statute similarly grants ORR broad discretion to determine the types of services to be provided.

TVPRA also requires the Secretary of HHS to "the greatest extent practicable" to arrange for UC to have counsel to represent them in legal proceedings services, though it imposes no requirement to provide

¹ The relevant sections of the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008 are printed in Appendix A.

government-paid counsel. In fact, the statute instructs HHS “to make every effort” to use pro bono counsel who will provide their services to UC without charge to the federal government.

During the summer of 2014, ACF received multiple questions and inquiries about what services and supports were provided to unaccompanied children after their release from ORR custody, and began exploring with staff and stakeholders the adequacy of current post-placement services and possible expansions. After ORR Director Bob Carey and ORR Deputy Director for Children’s Services Bobbie Gregg joined ORR, Acting Assistant Secretary Mark Greenberg asked that ORR prepare by July 1 an analysis of current post-placement efforts and recommendations for improvements.

Overview of Current Post-Release Services

ORR has described the primary purpose of post-release services in some program documents as to assist in successful integration of the child into the sponsor home and community, whereas in other program documents the primary purpose is described as assuring a safe environment and protection from abuse, trafficking and exploitation. Similarly, although TVPRA was passed “to enhance the efforts of the United States to prevent trafficking in person,” the statute broadly authorizes HHS to provide post-release services unrelated to safety concerns for “children with mental health and other needs who could benefit from ongoing assistance from a social welfare agency.” In this context, advocates have complained that ORR’s priorities and goals for the post-release services (PRS) program are not clear.

Post-release services are provided by nine ORR grantees that were selected from the 2013 Funding Opportunity Announcement (FOA) for the FY14-FY16 funding cycle.² The services begin immediately upon release of the child to the sponsor. ORR has specified process requirements for time periods for and frequency of contact with the UC and sponsor and provided general guidance about the types of services that may be provided.

Each post-release service provider is required to be able to provide services in any U.S. location. One provider has a single location from which it dispatches employees to conduct the initial home visit and assessment. Three of the providers retain local independent contractors to conduct the initial home visit and assessment, and four providers have regional offices from which staff is assigned to conduct the initial home visit and assessment. They all provide referrals to community resources and all further contact via telephone.

The post-release service providers submit quarterly and annual reports and maintain case records of their contacts with sponsors and children. They report that the most common referrals and services are locating legal representation in the sponsor’s community, assisting with and/or verifying school enrollment, providing assistance in obtaining guardianship, encouraging attendance at legal proceedings, connecting sponsors to medical, mental health, and social services, and offering emotional support and problem-solving with family issues. Through June 30, the providers conducted home studies of and provided post-release services to XXX sponsors and children and provided post-release services only to an additional x,xxx children and their sponsors in FY15.

² The nine providers are BCFS Health and Human Services, Florence Crittenton, Heartland Human Care Services, Lutheran Immigration and Refugee Services (LIRS), MercyFirst, Southwest Key Programs, Inc. (SWK), The Children’s Village, Inc., United States Conference of Catholic Bishops (USCCB), and U.S. Committee for Refugees and Immigrants (USCRI).

The post-release service provider is required to establish telephone contact with the sponsor within 24 hours of release to ensure that the minor is safe and well, and to schedule the initial home visit, which should occur within 14 days of the child's release. During the first visit, the provider conducts an assessment of the child's initial adjustment to the placement, identifies special needs, and explores sources of additional support. Although each provider is required to conduct an assessment, ORR has provided only general guidance with respect to the expected content of that assessment.

A post-release service provider is expected to meet with the child at least three times during the first six-month period following release to the sponsor. Post-release services may be conducted through a combination of home visits, telephone contacts, written correspondence, community referrals, provision of psycho-educational materials and linking the family or child to support groups.

Post-release workers are expected to assist the child with successful integration into the home and community by providing referrals to help the child with locating legal representation, verifying school enrollment, obtaining guardianship, connecting with medical, mental health and social services, and encouraging attendance at legal proceedings. Some of the post-release providers also encourage community support by engaging in outreach to educate community stakeholders about the needs of UC and their sponsors.

For cases in which no home study was mandated, post-release services are provided for six months or when the provider determines that services are no longer needed, whichever occurs first. Services can be extended beyond six months, upon express ORR approval. Approximately 3% of post-release cases are extended to assist with placement disruption, medical and mental health needs, transition to a new community, and assistance managing the child's behavior. For post-release services provided after a home study, the post-release service provider conducts, at a minimum, quarterly phone calls and an annual visit for the duration of removal proceedings or until the minor turns 18, whichever occurs first.

In preparing this report, ORR reviewed the various assessment tools and service models employed by the post-release service providers. One provider has implemented a service model with three levels of services based on an assessment of intensity of need. The providers utilize three methods of service delivery: a national model where workers from a central location travel to the UC to conduct the assessment, a national model with regional locations from which employees are assigned to provide services to UC in their regions, and a national oversight model in which independent contractors are retained in the UC community to deliver services.

If at any time the post-release provider has concerns about the safety and well-being of the child, the worker is required to make a report to the state or local child welfare agency, ORR, and, if appropriate, law enforcement. The worker cooperates in any investigation and advocates on the child's behalf, which may lead to the child welfare agency subsequently removing the child and placing him or her into state or county custody.

On May 15, 2015, ORR expanded its post-release services by offering a Help Line (the ORR National Call Center) for children and sponsors to call for assistance with safety-related concerns and other needs. As part of the release process, all children and sponsors are provided with information about this service, and children are provided a wallet card with the Help Line phone number. In the first month, ORR received 25 calls from children and sponsors in situations in which the placement had disrupted or was at risk of disruption.

The Help Line is operated by BCFS Health and Human Services, an ORR grantee. When a sponsor or former UC contacts the Help Line with a disruption or potential disruption of a placement, the Help Line first assesses to determine if there is risk to the safety of the child. If there is a safety risk, the Help Line will contact local authorities such as Child Protective Services or law enforcement immediately. If there is not a safety risk, the Help Line will determine whether the placement has or is at risk of disruption due issues in the home.

Sponsor relationships disrupt either as a result of the youth choosing not to live with the sponsor or the sponsor refusing to allow the youth to continue to live with the sponsor. Placements may be at risk of disruption for a number of reasons, including but not limited to conflict between the youth and the sponsor, sponsor neglect or abuse, or youth preference. When placement has disrupted, a youth is especially vulnerable to exploitation. Accordingly, effective July 1, ORR has implemented on a pilot basis providing post-release services to children placed for less than six months if the placement has disrupted and the child is no longer living with the sponsor or the placement appears at risk of disruption. In other circumstances of disruption or risk of disruption, the Help Line offers referrals to community resources and provides counseling, emotional support, and problem-solving to sponsors and UC via telephone.

Overview of Current Legal Services

TVPRRA requires HHS to arrange for legal services for unaccompanied children to the greatest extent practicable, though there is no express requirement in the law to provide government-paid counsel. Historically, legal services and the PRS program have been treated as if they were separate and distinct. However, post-release service providers currently are required to provide assistance and referrals locating legal representation for UC referred to the PRS program, which is a service that stakeholder surge ORR to provide to all UC. The following information outlines the current approach to legal services, providing context to recent changes to the program model and funding increases. At this time there are no further recommendations regarding legal services, but an understanding of the capacity of the program is informative to the discussion about post-release services as a whole.

ORR currently has two mechanisms for providing legal services to unaccompanied children, which provide Know Your Rights presentations and legal screening to all UC referred to ORR care, and direct representation or court appearance support to approximately 6,000 children in FY14:

- A “Legal Access” contract with the Vera Institute of Justice, which provides Know Your Rights presentations, screenings, *pro bono* recruitment and limited direct representation. The contract is due to expire on July 31, 2015.
- A “Direct Representation Project” grant, started in September 2014, currently funds two grantees to provide direct representation and child advocates in nine cities and has a planned budget period through September 30, 2015. The cities supported are: Memphis, Dallas, DC area (Arlington/Baltimore), Houston, Los Angeles, Phoenix, Miami, and New Orleans.

The current Legal Access program provides attorneys to represent unaccompanied children in a very limited number of cases. Instead, the program provides “Know Your Rights” presentations for children in ORR custody; legal screenings for potential immigration relief; “Friend of the Court” assistance in specific cases; and child advocates to make best interest determinations for children who are victims of trafficking or are especially vulnerable. For the legal screenings, an immigration attorney, Bureau of Immigration Appeals-accredited representative, or paralegal conducts a private interview with the child to determine whether he or she potentially qualifies for some type of immigration relief, or is eligible for voluntary departure. Currently, the legal service providers lack capacity to provide direct representation to every child referred from the legal screening.

The program secures private attorneys to represent unaccompanied children in immigration proceedings in one of two ways. First, the program funds efforts to recruit and train pro bono counsel. Second, it pays for direct representation services, but only for certain populations, including unaccompanied children in long-term foster care (these are typically children for whom no qualified sponsor has been found in the U.S., and who have been determined, through the legal screening described above, to be likely eligible for immigration relief); unaccompanied children in ORR custody who will not be released to a sponsor and seek voluntary departure or are expected to be ordered removed; those identified as likely to be released locally, or within the jurisdiction of the local immigration court; and children released in the nine priority cities within a high concentration of UC.

In June 2015, ORR issued two new Request For Proposals (RFP) for contracts to provide legal services to unaccompanied children. One RFP seeks multiple regionally-based vendors to provide all legal services to UC, utilizing a three-year option contract beginning August 1, 2015. The solicitation also expands funding for legal services to provide direct representation or court appearance support to approximately 15,000 unaccompanied children, both in care and post release. (ORR is not able to estimate the number of UC represented through pro-bono services.) The other supports a national child advocate program at select sites where large numbers of unaccompanied children are in ORR care and custody.

The new model will allow more flexibility and increase capacity in much-needed areas not reached by the current single-contractor structure, thus providing more direct representation and other services to the increased number of unaccompanied children. The new model will keep all legal services under one umbrella, maximizing coordination and organization, and move child advocates to a separate contract, allowing that program to receive specialized attention.

- ORR will continue to fund Know Your Rights presentations and legal screenings for all children referred, even if the number of referrals reaches the FY14 level of 58,000.
- ORR is proposing doubling the funding for *pro-bono* coordination, which will help identify and train attorneys across the country to represent unaccompanied children likely to receive legal relief during their immigration proceedings.
- In addition to increased coordination of *pro-bono* attorneys, ORR is proposing to provide direct representation or court appearance support to approximately 15,000 unaccompanied children. This is an expansion of existing representation services and the post-release Direct Representation pilot project, which were expected to serve approximately 2,600 children in FY15.

The new contracts will continue to focus on providing post-release direct representation in the nine priority cities and to children who are released from a shelter locally. However, even with the expansion of direct representation, ORR will only be able to facilitate access to legal services for a small number of children who have been released to sponsors in FY14 and FY15.

The appointment of a child advocate to vulnerable UC in ORR custody can ensure the child's best interests are identified. The child advocate spends time with the UC and speaks with the child's clinician, case manager, teachers, and other shelter staff to understand the child's current situation (for example, education, therapeutic services, social support, etc.). The child advocate helps the child process information and explains the consequences of decisions, and assists the child to make decisions in situations in which the child requests help. The new expansion contract will fund the implementation of child advocate services in Brownsville, Houston, Chicago, Newark/New York City, Washington, DC/Baltimore, Maryland, Phoenix, San Antonio and Miami.

In addition, the expanded ORR Help Line offers assistance to sponsors in finding legal support in their community. There may be an opportunity with the new legal services contract award to link the Help Line and legal service providers for collaboration.

Stakeholder Feedback

ORR sought input from key stakeholders during this review of its post-release services, including participating in two listening sessions with child advocates and post-release services provider – one in Texas and one in Washington.³ ORR also received feedback and suggestions from providers who were submitted them independently to ORR staff. In addition, ORR considered the results of limited UC and sponsor feedback from a survey conducted by a UC services provider in FY11 and FY12 and reviewed recent stakeholder reports, including the Post Release Study conducted by the University of South Carolina and funded by Lutheran Immigration and Refugee Service (LIRS), an ORR post-release service provider.⁴ The consistent recommendation from those sources was that ORR should expand post-release services and legal representation to all unaccompanied children throughout their legal proceedings.

Specific recommendations from providers and advocates about the types of post-release services to be provided included:

- Support integration of unaccompanied children through a grant program to support ongoing education, health, and mental health services for child migrants in the communities in which they live;
- Clarify the goals and objectives for the post-release services program;
- Restructure the post-release services program to standardize assessment tools used and to adopt a therapeutic case management model, but allow flexibility to provide a continuum of services and beyond six months, as individualized to meet the needs of the particular child and sponsor;
- Provide support groups in communities with a sufficient UC presence;
- Leverage resources through coordination and linkages in the community; and
- Provide outreach and technical assistance to community providers, local child welfare agencies and schools that serve unaccompanied children.

Some recommendations focused on pre-release services to better prepare children and sponsors for the challenges they will face when the child is released, including:

- Consider the prospective sponsor 's place of residence when selecting shelter placement to facilitate communication and intervention before children are released;
- Increase the length of stay before release to a sponsor to provide more intensive pre-release services;
- Require pre-release family counseling sessions;
- Provide more pre-release preparation of sponsors.

In recognition that post-release and legal services might continue to be available only to some unaccompanied children and not all, some recommendations were focused on decision-making about the allocation of services:

³ The participants of the listening sessions are listed in Appendix B to this report.

⁴ The reports consulted during this review are listed in Appendix C to this report.

- Allow referrals to post-release services after release as well as before release;
- Provide greater guidance on the scope of the TVPRA categories for home study (and, thus, post-release services);
- Provide post-release services to all children released to a non-relative sponsor and those released to a relative sponsor with whom previous recent contact has been limited;
- Provide post-release services to children when the child or the sponsor's primary language is a dialect (and not Spanish or English); and
- Improve coordination among the federal agencies that engage with unaccompanied children.

Finally, advocates and providers recommended that a formal evaluation of the program be conducted.

A small group of sponsors and children who received post-release services were surveyed in FY 2011 and FY 2012. They reported that their greatest needs were:

- assistance with immigration cases;
- financial support;
- help for the sponsor seeking employment;
- assistance obtaining medical and mental health services, including substance abuse treatment;
- parenting education; and
- counseling and support services to address family conflict.

ORR Self-Assessment

Post-release services are provided by nine ORR grantees to which ORR has provided general guidance about the types of services that may be provided. Although ORR currently does not conduct any formal monitoring of the PRS program, ORR staff that oversees the PRS program has identified many of the same gaps in service as those described by providers and advocates, including a need for ORR to:

- more clearly define the goals and objectives of the post-release services program and clarify eligibility requirements. This lack of clarity has made it challenging to standardize outcomes and service provision.
- standardize PRS program procedures, assessment and reporting. Standardization of PRS will provide ORR with the ability for oversight, accountability and the means to ensure consistency within service provisions.
- integrate post-release data and case management into the UC Portal system. This action would facilitate oversight and program evaluation.
- create a mechanism of referral to post-release services once the child is placed with the sponsor as specific needs, such as family conflict, child conduct, or financial stress, may not be evident before release to the sponsor.
- provide flexibility in determining the length of post-release services. Currently, if post-release services are provided when no home study was required, services are limited to 6 months. Instead, clients should be evaluated regularly to determine their need for continued services.
- expand post-release and legal services to more children to meet the two most critical needs of education assistance and legal access, within the statutory restriction that post-release services cannot generally be provided to all unaccompanied children without identified needs.

Child Welfare Best Practices

UC placement with a sponsor is often similar to family reunification that occurs when children have been in the child welfare system due to abuse or neglect or are when a child is placed for adoption with a new family. In all three instances, there is a period of adjustment or re-adjustment as the individuals learn to live together as a family unit. Similarly, in all three instances, family conflict, behavioral issues, and mental health needs may become apparent only after the family unit has lived together for some period. Accordingly, the literature on best practices for family reunification and post-adoption services were reviewed to identify best practices identified to address these common problems⁵

The services routinely provided to families reunifying or forming through adoption include pre-reunification or pre-placement home study, parenting education, structured pre-placement home visits, and clinical services. With post-placement, the following services were provided:

- Clinical services;
- Therapeutic case management;
- Community services and support network;
- Financial and other material support;
- Crisis intervention services; and
- Respite services.

Recommendations

The recommendations that follow and the specific program enhancements required to implement them were informed by stakeholder feedback, consideration of child welfare best practice and ORR self-assessment, which are described in this report. Although stakeholders unanimously recommend post-release services for all unaccompanied children, HHS through this review has identified enhancements to pre-release services that would benefit all UCs and targeted enhancements to post-release services that would expand the scope and refine the quality of post-release services to children and sponsors who receive them.

1. ORR should enhance its pre-release services to provide UC and sponsors with additional preparation and resources to aid in post-release adjustment.
2. ORR should enhance its post-release services to:
 - a. define eligibility for services for UC with mental health and other needs,
 - b. clarify and document post-release services program objectives, policies, and procedures to allow flexibility to increase or reduce intensity of services, as needed, and
 - c. provide greater assistance enrolling UC in local schools and making referrals for legal and other service providers in the sponsor's community.

To implement these recommendations, ORR proposes the following enhancements to the Unaccompanied Children's Program:

- During intakes the residence of the prospective sponsor should be considered when identifying shelter or foster care placement. This will facilitate pre-release contact between the UC and sponsor, as well as pre-placement observation of sponsor and child interaction and pre-release family counseling.
- ORR should set standards for minimum pre-release contact and family counseling.

⁵ A partial list of literature reviewed is in Appendix D to this report.

- ORR should provide more pre-release education to sponsors about the behaviors that children may display after release as a result of trauma, long periods of separation, child and adolescent development, and/or acculturation and offer advice on how to respond to such behaviors.
- ORR should provide clearer guidance to ORR’s child-care providers on the scope of TVPRA home study requirements, including:
 - clarifying how to identify whether a child 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;” and
 - describing the factors to be considered in determining whether the available objective evidence demonstrates that a proposed sponsor “clearly presents a risk of abuse, maltreatment, exploitation, or trafficking.”
- ORR should provide guidance on additional factors to consider in determining whether a home study is necessary, including for example, whether the prospective sponsor has any prior relationship with the UC.
- ORR should provide guidance on the mental health and other needs of UC for which post-release services must be provided.
- ORR should require the pre-release service provider to follow-up with each sponsor and child by telephone at 30 days after release to ensure the safety and well-being of the child and to determine whether there are any needs for referral or support. Any safety issues will be referred to the local child welfare agency. Placements at risk of disruption (or that have already disrupted) will be referred for post-releases services. In addition, the calls will be used to confirm school enrollment and to offer assistance if enrollment has not occurred.
- ORR should enhance the resources and education provided to UC and sponsors pre-release to better prepare them for post-release readjustment.
- ORR should expand the Help Line to provide a broader array of services and supports to UC sponsors, including assistance:
 - locating resources in the community for education, medical care, mental health counseling,
 - problem-solving to address child behavioral issues after release,
 - support with family relationships and problems,
 - enrolling UC in school, and
 - finding legal support, encouraging attendance at all scheduled court hearings, and referring sponsors to the toll-free USCIS National Customer Service Center for assistance understanding court processes.
- ORR should clarify its program goals and objectives, standardize assessment tools and outcome measures, and document its policies and procedures.
- ORR should modify its post-release services program to provide individualized service array and length of service based on defined levels of need.
- ORR should set standards to allow the Help Line to refer children for post-release services after placement.

ORR concurs with the recommendation that an evaluation be conducted of its post-release services. GAO and ASPE are conducting reviews of the UC Program that may include information relating to post-release services. These reports will likely be available in FY16 and ORR intends to carefully review and consider any recommendations provided.

Budget Impact of Recommendations

The post-release telephone calls, development of sponsor education materials, and operation of the Help Line can be accommodated through the current funding levels of the shelter and Help Line providers. Based on historical trends and data, ORR has established its post-release services budget based on an assumption that 10% of children would receive home studies and post-release services at a unit cost of \$1,200 for the study and \$5,000 for services. Current FY15 funding is sufficient to implement the recommended programmatic changes in this fiscal year, but further analysis will be required to develop budget assumptions and assess impact for future fiscal year budgets.

Implementation Plan

The Help Line was expanded in May 2015 to provide support and assistance to UC and sponsors after release. Further steps will be taken to communicate about the availability of this resource and the scope of its services. The timeline for implementation of other recommendations in this report follows.

| Post Release Services Proposal Timeline | | |
|---|---|-----------------------------------|
| Service | Task | Timeframe |
| ORR Help Line | Expansion of Parent Hotline to provide UC a resource for safety-related concerns, as well as sponsor resources for assistance with family problems and child behavior issues, referrals to community providers, and assistance finding legal support and enrolling UC in school. | Completed May 15, 2015 |
| PRS Pilot | Proposed expansion of post-release services to: <ul style="list-style-type: none"> • all UC released to a non-relative sponsor and • UC whose placement has disrupted or is at risk of disruption within 180 days of release | Completed July 1, 2015 |
| 30-Day Status Check | Draft policy, procedure and phone checklist and establish protocol for referral to Help Line and/or PRS program for follow up | August 15, 2015 |
| Policy Guidance | Publishing policy and other guidance to clarify: <ul style="list-style-type: none"> • how to identify whether a child 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;” • the factors to be considered in determining whether the available objective evidence demonstrates that a proposed sponsor “clearly presents a risk of abuse, maltreatment, exploitation, or trafficking;” • additional factors to consider in determining whether a home study is necessary, including for example, whether the prospective sponsor has any prior relationship with the UC; and • the mental health and other needs of UC for which post-release services must be provided. | September 15, 2015 |
| Support Enrollment in Local Public Schools | <ul style="list-style-type: none"> • Continue partnership with Department of Education to reinforce existing messages to schools about the rights of UC to access to public education. | September 15, 2015 |

| Post Release Services Proposal Timeline | | |
|---|---|---------------------------------------|
| Service | Task | Timeframe |
| Enhance Pre-Release Resources | <ul style="list-style-type: none"> • Create UC Handbook that provides hot line and help line telephone numbers for safety concerns; links to resources for runaway/homeless youth; information about human trafficking; and other resources to help UCs adjust to school, family and cultural transitions. • Update Sponsor Handbook that includes sponsorship responsibilities, children’s rights, parenting techniques, and child behavioral warning signs • Create Sponsor Orientation Video that covers children’s rights, U.S. requirements on education and abuse, immigration court attendance, behavioral issues and parenting techniques. • Continue work with the Department of Education to develop UC-specific fact sheets for sponsors to use when enrolling UC in local public school | October 1, 2015 |
| Integrate Home Study and Post-Release Services into Portal | Standardize program data collection and oversight through utilization of Portal case management system | October 1, 2015 |
| Standardize Program Model | <ul style="list-style-type: none"> • Draft Funding Opportunity Announcement with new standardized post-release services model • Finalize grantee selection • Document polies and procedures for new service model | January 2016 May 2016 June 2016 |

Appendix A

The Homeland Security Act of 2002 and TVPRA of 2008 will be attached as pdf documents in the final draft.

Appendix B

The following organizations were represented at the listening session in Houston, Texas on June 2, 2015:

Catholic Charities, Cabrini Center for Immigrant Legal Assistance
Civil Practice Clinics, Randall O. Sorrels Legal Clinics at the South Texas College of Law
Human Rights First
Kids in Need of Defense (KIND)
ProBar
RAICES (Refugee and Immigrant Center for Education and Legal Services)
Save the Children
South Texas College of Law
Tahirih Justice Center
Texas Health and Human Services Commission, Office of Immigration and Refugee Affairs
The Children's Center
The Young Center for Immigrant Children's Rights
University of Houston Law Center Immigration Clinic
University of Houston, Graduate College of Social Work

The following organizations were represented at the listening session in Washington, DC on June 5, 2015:

Heartland Alliance- National Immigrant Justice Center
Kids in Need of Defense (KIND)
Lutheran Immigrant and Refugee Service (LIRS)
The Young Center
U.S. Committee for Refugees and Immigrants (USCRI)
United States Conference of Catholic Bishops (USCCB)
University of South Carolina, author of LIRS evaluation report
Women's Refugee Commission

Appendix C

The following reports were consulted during this review:

Musalo, K., Frydman, L. & Cernadas, P.C. (2015). Childhood and Migration in Central and North America: Causes, Policies, Practices and Challenges. Center for Gender and Refugee Studies.
<http://cgrs.uchastings.edu/Childhood-Migration-HumanRights>

Rosenblum, M.R. (2015). Unaccompanied Child Migration to the United States: The Tension between Protection and Prevention. Migration Policy Institute.
<http://www.migrationpolicy.org/research/unaccompanied-child-migration-united-states-tension-between-protection-and-prevention>

Roth, B.J & Grace, B.L., (2015). Post Release Services: Linking Unaccompanied Immigrant Children to Family and Community. University of South Carolina.

Goździak, E.M. (2015). What Kind of Welcome: Integration of Central American Unaccompanied Children into Local Communities. Georgetown University.
http://www.researchgate.net/publication/272167810_What_Kind_of_Welcome_Integration_of_Central_American_Unaccompanied_Children_Into_Local_Communities

Appendix D

A partial list of the literature reviewed in preparation of this report:

Bellamy, J.L. (2008). Behavioral Problems Following Reunification of Children in Long Term Foster Care. *Child Youth Services Review*, 30(2), 216-228.

Child Welfare Information Gateway. (2012). Adoption disruption and dissolution. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

Child Welfare Information Gateway. (2012). Providing postadoption services. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

Child Welfare Information Gateway. (2012). Finding and Using Postadoption Services. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

Child Welfare Information Gateway. (2012). Adoption Disruption and Dissolution. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

Child Welfare Information Gateway (2015, May). Review of various articles on reunification after a foster care placement and post-adoption services. Retrieved from <https://www.childwelfare.gov/topics/permanency/reunification/>

Evan B. Donaldson Adoption Institute (2004). What's working for children: A policy study of adoption stability and termination. Retrieved from http://www.adoptioninstitute.org/publications/Disruption_Report.pdf

Festinger, T. (2002). After adoption: Dissolution or permanence? *Child Welfare*, 81(3), 515-533.

Goerge, R. M., Howard, E. C., Yu, D., & Radomsky, S. (1997). Adoption, disruption, and displacement in the child welfare system, 1976-94. Chicago: University of Chicago, Chapin Hall Center for Children.

Honomichl, R, Hatton, H., & Brooks, S. (2009, May). Factors, Characteristics, and Promising Practices Related to Reunification and Re-entry: A Literature Review for the Peer Quality Case Review Process. Northern California Training Academy, The Center for Human Services, Timely Reunification and Reunification Foster Care and Child Welfare Services. Retrieved from www.childsworld.ca.gov/res/pdf/FactorsCharacteristics.pdf

Howard, J. & Elmore, J. (2015, May). Illinois Committed to Preserving Adoptions. North American Council on Adoptable Children (NACAC) Retrieved from <http://www.nacac.org/postadopt/models.html>.

Illinois Department of Children & Family Services (DCFS)(2015, January). Post Adoption and Guardianship Services. Retrieved from www.illinois.gov/dcf/.../CFS%201050-45%20Post%20A-G%20S

Kirk, R.S., Martens, P. (2014, March). Family Assessment, Family Functioning, and Caregiver Engagement in Family Preservation and Reunification Programs, and the Relation of These and Other Factors to Reunification Service Outcomes. National Family Preservation Network. Retrieved from <http://www.nacac.org/postadopt/models.html>

Kunz, D.B. (2014). A Presentation to the Interagency Working Group on Secondary Placements. Center for Adoption Policy (provided by author to Elaine Kelley/HHS/ACF/ORR on May 13, 2015).

National Family Preservation Network (2015, May). Intensive Family Reunification Services (IFRS) Model. Retrieved from <http://nfpn.org/reunification/reunification-model>

North American Council on Adoptable Children (2015, May). Model Post-Adoption Services. Retrieved <http://www.nacac.org/postadopt/models.html>

Wulczyn, F., Hislop, K., & George, R., (2000). Foster care dynamics 1983–1998. Chicago: Chapin Hall Center for Children. Retrieved from <http://www.chapinhall.org>

CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW
Carlos Holguín
Peter A. Schey
256 South Occidental Boulevard
Los Angeles, CA 90057
[REDACTED]

NATIONAL CENTER FOR YOUTH LAW
Alice Bussiere
James Morales
114 Sansome Street, Suite 905
San Francisco, CA 94104
[REDACTED]



Attorneys for Plaintiffs

Michael Johnson
Assistant United States Attorney
300 N. Los Angeles St., Rm. 7516
Los Angeles, CA 90012

Allen Hausman
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, DC 20044

Attorneys for Defendants

Additional counsel listed next page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

| | | |
|-------------------------------|---|-----------------------------|
| JENNY LISETTE FLORES, et al., |) | Case No. CV 85-4544-RJK(Px) |
| |) | |
| Plaintiffs, |) | Stipulated Settlement |
| |) | Agreement |
| -vs- |) | |
| |) | |
| JANET RENO, Attorney General |) | |
| of the United States, et al., |) | |
| |) | |
| Defendants. |) | |

Plaintiffs' Additional Counsel

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

Mark Rosenbaum

Sylvia Argueta

1616 Beverly Boulevard

Los Angeles, CA 90026

Telephone: [REDACTED]

STREICH LANG

Susan G. Boswell

Jeffrey Willis

1500 Bank of America Plaza

33 North Stone Avenue

Tucson, AZ 85701

Telephone: [REDACTED]

Defendants' Additional Counsel:

Arthur Strathern

Mary Jane Candaux

Office of the General Counsel

U.S. Immigration & Naturalization Service

425 I St. N.W.

Washington, DC 20536

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STIPULATED SETTLEMENT AGREEMENT

WHEREAS, Plaintiffs have filed this action against Defendants, challenging, *inter alia*, the constitutionality of Defendants' policies, practices and regulations regarding the detention and release of unaccompanied minors taken into the custody of the Immigration and Naturalization Service (INS) in the Western Region; and

WHEREAS, the district court has certified this case as a class action on behalf of all minors apprehended by the INS in the Western Region of the United States; and

WHEREAS, this litigation has been pending for nine (9) years, all parties have conducted extensive discovery, and the United States Supreme Court has upheld the constitutionality of the challenged INS regulations on their face and has remanded for further proceedings consistent with its opinion; and

WHEREAS, on November 30, 1987, the parties reached a settlement agreement requiring that minors in INS custody in the Western Region be housed in facilities meeting certain standards, including state standards for the housing and care of dependent children, and Plaintiffs' motion to enforce compliance with that settlement is currently pending before the court; and

WHEREAS, a trial in this case would be complex, lengthy and costly to all parties concerned, and the decision of the district court would be subject to appeal by the losing parties with the final outcome uncertain; and

WHEREAS, the parties believe that settlement of this action is in their best interests and best serves the interests of justice by avoiding a complex, lengthy and costly trial, and subsequent appeals which could last several more years;

NOW, THEREFORE, Plaintiffs and Defendants enter into this Stipulated Settlement Agreement

(the Agreement), stipulate that it constitutes a full and complete resolution of the issues raised in this action, and agree to the following:

I DEFINITIONS

As used throughout this Agreement the following definitions shall apply:

1. The term "party" or "parties" shall apply to Defendants and Plaintiffs. As the term applies to Defendants, it shall include their agents, employees, contractors and/or successors in office. As the term applies to Plaintiffs, it shall include all class members.

2. The term "Plaintiff" or "Plaintiffs" shall apply to the named plaintiffs and all class members.

3. The term "class member" or "class members" shall apply to the persons defined in Paragraph 10 below.

4. The term "minor" shall apply to any person under the age of eighteen (18) years who is detained in the legal custody of the INS. This Agreement shall cease to apply to any person who has reached the age of eighteen years. The term "minor" shall not include an emancipated minor or an individual who has been incarcerated due to a conviction for a criminal offense as an adult. The INS shall treat all persons who are under the age of eighteen but not included within the definition of "minor" as adults for all purposes, including release on bond or recognizance.

5. The term "emancipated minor" shall refer to any minor who has been determined to be emancipated in an appropriate state judicial proceeding.

6. The term "licensed program" shall refer to any program, agency or organization that is licensed by an appropriate State agency to provide residential, group, or foster care services for dependent children, including a program operating group homes, foster homes, or facilities for special needs minors. A licensed program must also meet those standards for licensed programs set forth in

Exhibit 1 attached hereto. All homes and facilities operated by licensed programs, including facilities for special needs minors, shall be non-secure as required under state law; provided, however, that a facility for special needs minors may maintain that level of security permitted under state law which is necessary for the protection of a minor or others in appropriate circumstances, *e.g.*, cases in which a minor has drug or alcohol problems or is mentally ill. The INS shall make reasonable efforts to provide licensed placements in those geographical areas where the majority of minors are apprehended, such as southern California, southeast Texas, southern Florida and the northeast corridor.

7. The term "special needs minor" shall refer to a minor whose mental and/or physical condition requires special services and treatment by staff. A minor may have special needs due to drug or alcohol abuse, serious emotional disturbance, mental illness or retardation, or a physical condition or chronic illness that requires special services or treatment. A minor who has suffered serious neglect or abuse may be considered a minor with special needs if the minor requires special services or treatment as a result of the neglect or abuse. The INS shall assess minors to determine if they have special needs and, if so, shall place such minors, whenever possible, in licensed programs in which the INS places children without special needs, but which provide services and treatment for such special needs.

8. The term "medium security facility" shall refer to a facility that is operated by a program, agency or organization licensed by an appropriate State agency and that meets those standards set forth in Exhibit 1 attached hereto. A medium security facility is designed for minors who require close supervision but do not need placement in juvenile correctional facilities. It provides 24-hour awake supervision, custody, care, and treatment. It maintains stricter security measures, such as intensive staff supervision, than a facility operated by a licensed program in order to control problem behavior and to prevent escape. Such a facility may have a secure perimeter but shall not be equipped internally with

major restraining construction or procedures typically associated with correctional facilities.

II SCOPE OF SETTLEMENT, EFFECTIVE DATE, AND PUBLICATION

9. This Agreement sets out nationwide policy for the detention, release, and treatment of minors in the custody of the INS and shall supersede all previous INS policies that are inconsistent with the terms of this Agreement. This Agreement shall become effective upon final court approval, except that those terms of this Agreement regarding placement pursuant to Paragraph 19 shall not become effective until all contracts under the Program Announcement referenced in Paragraph 20 below are negotiated and implemented. The INS shall make its best efforts to execute these contracts within 120 days after the court's final approval of this Agreement. However, the INS will make reasonable efforts to comply with Paragraph 19 prior to full implementation of all such contracts. Once all contracts under the Program Announcement referenced in Paragraph 20 have been implemented, this Agreement shall supersede the agreement entitled Memorandum of Understanding Re Compromise of Class Action: Conditions of Detention (hereinafter "MOU"), entered into by and between the Plaintiffs and Defendants and filed with the United States District Court for the Central District of California on November 30, 1987, and the MOU shall thereafter be null and void. However, Plaintiffs shall not institute any legal action for enforcement of the MOU for a six (6) month period commencing with the final district court approval of this Agreement, except that Plaintiffs may institute enforcement proceedings if the Defendants have engaged in serious violations of the MOU that have caused irreparable harm to a class member for which injunctive relief would be appropriate. Within 120 days of the final district court approval of this Agreement, the INS shall initiate action to publish the relevant and substantive terms of this Agreement as a Service regulation. The final regulations shall not be inconsistent with the terms of this Agreement. Within 30 days of final court approval of this

Agreement, the INS shall distribute to all INS field offices and sub-offices instructions regarding the processing, treatment, and placement of juveniles. Those instructions shall include, but may not be limited to, the provisions summarizing the terms of this Agreement, attached hereto as Exhibit 2.

III CLASS DEFINITION

10. The certified class in this action shall be defined as follows: "All minors who are detained in the legal custody of the INS."

IV STATEMENTS OF GENERAL APPLICABILITY

11. The INS treats, and shall continue to treat, all minors in its custody with dignity, respect and special concern for their particular vulnerability as minors. The INS shall place each detained minor in the least restrictive setting appropriate to the minor's age and special needs, provided that such setting is consistent with its interests to ensure the minor's timely appearance before the INS and the immigration courts and to protect the minor's well-being and that of others. Nothing herein shall require the INS to release a minor to any person or agency whom the INS has reason to believe may harm or neglect the minor or fail to present him or her before the INS or the immigration courts when requested to do so.

V PROCEDURES AND TEMPORARY PLACEMENT FOLLOWING ARREST

12.A. Whenever the INS takes a minor into custody, it shall expeditiously process the minor and shall provide the minor with a notice of rights, including the right to a bond redetermination hearing if applicable. Following arrest, the INS shall hold minors in facilities that are safe and sanitary and that are consistent with the INS's concern for the particular vulnerability of minors. Facilities will provide access to toilets and sinks, drinking water and food as appropriate, medical assistance if the minor is in need of emergency services, adequate temperature control and ventilation, adequate supervision to

protect minors from others, and contact with family members who were arrested with the minor. The INS will segregate unaccompanied minors from unrelated adults. Where such segregation is not immediately possible, an unaccompanied minor will not be detained with an unrelated adult for more than 24 hours. If there is no one to whom the INS may release the minor pursuant to Paragraph 14, and no appropriate licensed program is immediately available for placement pursuant to Paragraph 19, the minor may be placed in an INS detention facility, or other INS-contracted facility, having separate accommodations for minors, or a State or county juvenile detention facility. However, minors shall be separated from delinquent offenders. Every effort must be taken to ensure that the safety and well-being of the minors detained in these facilities are satisfactorily provided for by the staff. The INS will transfer a minor from a placement under this paragraph to a placement under Paragraph 19, (i) within three (3) days, if the minor was apprehended in an INS district in which a licensed program is located and has space available; or (ii) within five (5) days in all other cases; except:

1. as otherwise provided under Paragraph 13 or Paragraph 21;
2. as otherwise required by any court decree or court-approved settlement;
3. in the event of an emergency or influx of minors into the United States, in which case the INS shall place all minors pursuant to Paragraph 19 as expeditiously as possible; or
4. where individuals must be transported from remote areas for processing or speak unusual languages such that the INS must locate interpreters in order to complete processing, in which case the INS shall place all such minors pursuant to Paragraph 19 within five (5) business days.

B. For purposes of this paragraph, the term "emergency" shall be defined as any act or event that prevents the placement of minors pursuant to Paragraph 19 within the time frame provided. Such

emergencies include natural disasters (e.g., earthquakes, hurricanes, etc.), facility fires, civil disturbances, and medical emergencies (e.g., a chicken pox epidemic among a group of minors). The term "influx of minors into the United States" shall be defined as those circumstances where the INS has, at any given time, more than 130 minors eligible for placement in a licensed program under Paragraph 19, including those who have been so placed or are awaiting such placement.

C. In preparation for an "emergency" or "influx," as described in Subparagraph B, the INS shall have a written plan that describes the reasonable efforts that it will take to place all minors as expeditiously as possible. This plan shall include the identification of 80 beds that are potentially available for INS placements and that are licensed by an appropriate State agency to provide residential, group, or foster care services for dependent children. The plan, without identification of the additional beds available, is attached as Exhibit 3. The INS shall not be obligated to fund these additional beds on an ongoing basis. The INS shall update this listing of additional beds on a quarterly basis and provide Plaintiffs' counsel with a copy of this listing.

13. If a reasonable person would conclude that an alien detained by the INS is an adult despite his claims to be a minor, the INS shall treat the person as an adult for all purposes, including confinement and release on bond or recognizance. The INS may require the alien to submit to a medical or dental examination conducted by a medical professional or to submit to other appropriate procedures to verify his or her age. If the INS subsequently determines that such an individual is a minor, he or she will be treated as a minor in accordance with this Agreement for all purposes.

VI GENERAL POLICY FAVORING RELEASE

14. Where the INS determines that the detention of the minor is not required either to secure his or her timely appearance before the INS or the immigration court, or to ensure the minor's safety or that

of others, the INS shall release a minor from its custody without unnecessary delay, in the following order of preference, to:

- A. a parent;
- B. a legal guardian;
- C. an adult relative (brother, sister, aunt, uncle, or grandparent);
- D. an adult individual or entity designated by the parent or legal guardian as capable and willing to care for the minor's well-being in (i) a declaration signed under penalty of perjury before an immigration or consular officer or (ii) such other document(s) that establish(es) to the satisfaction of the INS, in its discretion, the affiant's paternity or guardianship;
- E. a licensed program willing to accept legal custody; or
- F. an adult individual or entity seeking custody, in the discretion of the INS, when it appears that there is no other likely alternative to long term detention and family reunification does not appear to be a reasonable possibility.

15. Before a minor is released from INS custody pursuant to Paragraph 14 above, the custodian must execute an Affidavit of Support (Form I-134) and an agreement to:

- A. provide for the minor's physical, mental, and financial well-being;
- B. ensure the minor's presence at all future proceedings before the INS and the immigration court;
- C. notify the INS of any change of address within five (5) days following a move;
- D. in the case of custodians other than parents or legal guardians, not transfer custody of the minor to another party without the prior written permission of the District Director;

- E. notify the INS at least five days prior to the custodian's departing the United States of such departure, whether the departure is voluntary or pursuant to a grant of voluntary departure or order of deportation; and
- F. if dependency proceedings involving the minor are initiated, notify the INS of the initiation of such proceedings and the dependency court of any immigration proceedings pending against the minor.

In the event of an emergency, a custodian may transfer temporary physical custody of a minor prior to securing permission from the INS but shall notify the INS of the transfer as soon as is practicable thereafter, but in all cases within 72 hours. For purposes of this paragraph, examples of an "emergency" shall include the serious illness of the custodian, destruction of the home, etc. In all cases where the custodian, in writing, seeks written permission for a transfer, the District Director shall promptly respond to the request.

16. The INS may terminate the custody arrangements and assume legal custody of any minor whose custodian fails to comply with the agreement required under Paragraph 15. The INS, however, shall not terminate the custody arrangements for minor violations of that part of the custodial agreement outlined at Subparagraph 15.C above.

17. A positive suitability assessment may be required prior to release to any individual or program pursuant to Paragraph 14. A suitability assessment may include such components as an investigation of the living conditions in which the minor would be placed and the standard of care he would receive, verification of identity and employment of the individuals offering support, interviews of members of the household, and a home visit. Any such assessment should also take into consideration the wishes and concerns of the minor.

18. Upon taking a minor into custody, the INS, or the licensed program in which the minor is placed, shall make and record the prompt and continuous efforts on its part toward family reunification and the release of the minor pursuant to Paragraph 14 above. Such efforts at family reunification shall continue so long as the minor is in INS custody.

VII INS CUSTODY

19. In any case in which the INS does not release a minor pursuant to Paragraph 14, the minor shall remain in INS legal custody. Except as provided in Paragraphs 12 or 21, such minor shall be placed temporarily in a licensed program until such time as release can be effected in accordance with Paragraph 14 above or until the minor's immigration proceedings are concluded, whichever occurs earlier. All minors placed in such a licensed program remain in the legal custody of the INS and may only be transferred or released under the authority of the INS; provided, however, that in the event of an emergency a licensed program may transfer temporary physical custody of a minor prior to securing permission from the INS but shall notify the INS of the transfer as soon as is practicable thereafter, but in all cases within 8 hours.

20. Within 60 days of final court approval of this Agreement, the INS shall authorize the United States Department of Justice Community Relations Service to publish in the Commerce Business Daily and/or the Federal Register a Program Announcement to solicit proposals for the care of 100 minors in licensed programs.

21. A minor may be held in or transferred to a suitable State or county juvenile detention facility or a secure INS detention facility, or INS-contracted facility, having separate accommodations for minors whenever the District Director or Chief Patrol Agent determines that the minor:

- A. has been charged with, is chargeable, or has been convicted of a crime, or is the subject

of delinquency proceedings, has been adjudicated delinquent, or is chargeable with a delinquent act; provided, however, that this provision shall not apply to any minor whose offense(s) fall(s) within either of the following categories:

- i. Isolated offenses that (1) were not within a pattern or practice of criminal activity and (2) did not involve violence against a person or the use or carrying of a weapon (Examples: breaking and entering, vandalism, DUI, etc. This list is not exhaustive.);
- ii. Petty offenses, which are not considered grounds for stricter means of detention in any case (Examples: shoplifting, joy riding, disturbing the peace, etc. This list is not exhaustive.);

As used in this paragraph, "chargeable" means that the INS has probable cause to believe that the individual has committed a specified offense;

- B. has committed, or has made credible threats to commit, a violent or malicious act (whether directed at himself or others) while in INS legal custody or while in the presence of an INS officer;
- C. has engaged, while in a licensed program, in conduct that has proven to be unacceptably disruptive of the normal functioning of the licensed program in which he or she has been placed and removal is necessary to ensure the welfare of the minor or others, as determined by the staff of the licensed program (Examples: drug or alcohol abuse, stealing, fighting, intimidation of others, etc. This list is not exhaustive.);
- D. is an escape-risk; or
- E. must be held in a secure facility for his or her own safety, such as when the INS has

reason to believe that a smuggler would abduct or coerce a particular minor to secure payment of smuggling fees.

22. The term "escape-risk" means that there is a serious risk that the minor will attempt to escape from custody. Factors to consider when determining whether a minor is an escape-risk or not include, but are not limited to, whether:

- A. the minor is currently under a final order of deportation or exclusion;
- B. the minor's immigration history includes: a prior breach of a bond; a failure to appear before the INS or the immigration court; evidence that the minor is indebted to organized smugglers for his transport; or a voluntary departure or a previous removal from the United States pursuant to a final order of deportation or exclusion;
- C. the minor has previously absconded or attempted to abscond from INS custody.

23. The INS will not place a minor in a secure facility pursuant to Paragraph 21 if there are less restrictive alternatives that are available and appropriate in the circumstances, such as transfer to (a) a medium security facility which would provide intensive staff supervision and counseling services or (b) another licensed program. All determinations to place a minor in a secure facility will be reviewed and approved by the regional juvenile coordinator.

24.A. A minor in deportation proceedings shall be afforded a bond redetermination hearing before an immigration judge in every case, unless the minor indicates on the Notice of Custody Determination form that he or she refuses such a hearing.

B. Any minor who disagrees with the INS's determination to place that minor in a particular type of facility, or who asserts that the licensed program in which he or she has been placed does not comply with the standards set forth in Exhibit 1 attached hereto, may seek judicial review in any

United States District Court with jurisdiction and venue over the matter to challenge that placement determination or to allege noncompliance with the standards set forth in Exhibit 1. In such an action, the United States District Court shall be limited to entering an order solely affecting the individual claims of the minor bringing the action.

C. In order to permit judicial review of Defendants' placement decisions as provided in this Agreement, Defendants shall provide minors not placed in licensed programs with a notice of the reasons for housing the minor in a detention or medium security facility. With respect to placement decisions reviewed under this paragraph, the standard of review for the INS's exercise of its discretion shall be the abuse of discretion standard of review. With respect to all other matters for which this paragraph provides judicial review, the standard of review shall be *de novo* review.

D. The INS shall promptly provide each minor not released with (a) INS Form I-770, (b) an explanation of the right of judicial review as set out in Exhibit 6, and (c) the list of free legal services available in the district pursuant to INS regulations (unless previously given to the minor).

E. Exhausting the procedures established in Paragraph 37 of this Agreement shall not be a precondition to the bringing of an action under this paragraph in any United District Court. Prior to initiating any such action, however, the minor and/or the minors' attorney shall confer telephonically or in person with the United States Attorney's office in the judicial district where the action is to be filed, in an effort to informally resolve the minor's complaints without the need of federal court intervention.

VIII TRANSPORTATION OF MINORS

25. Unaccompanied minors arrested or taken into custody by the INS should not be transported by the INS in vehicles with detained adults except:

A. when being transported from the place of arrest or apprehension to an INS office, or

B. where separate transportation would be otherwise impractical.

When transported together pursuant to Clause B, minors shall be separated from adults. The INS shall take necessary precautions for the protection of the well-being of such minors when transported with adults.

26. The INS shall assist without undue delay in making transportation arrangements to the INS office nearest the location of the person or facility to whom a minor is to be released pursuant to Paragraph 14. The INS may, in its discretion, provide transportation to minors.

IX TRANSFER OF MINORS

27. Whenever a minor is transferred from one placement to another, the minor shall be transferred with all of his or her possessions and legal papers; provided, however, that if the minor's possessions exceed the amount permitted normally by the carrier in use, the possessions will be shipped to the minor in a timely manner. No minor who is represented by counsel shall be transferred without advance notice to such counsel, except in unusual and compelling circumstances such as where the safety of the minor or others is threatened or the minor has been determined to be an escape-risk, or where counsel has waived such notice, in which cases notice shall be provided to counsel within 24 hours following transfer.

X MONITORING AND REPORTS

28A. An INS Juvenile Coordinator in the Office of the Assistant Commissioner for Detention and Deportation shall monitor compliance with the terms of this Agreement and shall maintain an up-to-date record of all minors who are placed in proceedings and remain in INS custody for longer than 72 hours. Statistical information on such minors shall be collected weekly from all INS district offices and Border Patrol stations. Statistical information will include at least the following: (1)

biographical information such as each minor's name, date of birth, and country of birth, (2) date placed in INS custody, (3) each date placed, removed or released, (4) to whom and where placed, transferred, removed or released, (5) immigration status, and (6) hearing dates. The INS, through the Juvenile Coordinator, shall also collect information regarding the reasons for every placement of a minor in a detention facility or medium security facility.

B. Should Plaintiffs' counsel have reasonable cause to believe that a minor in INS legal custody should have been released pursuant to Paragraph 14, Plaintiffs' counsel may contact the Juvenile Coordinator to request that the Coordinator investigate the case and inform Plaintiffs' counsel of the reasons why the minor has not been released.

29. On a semi-annual basis, until two years after the court determines, pursuant to Paragraph 31, that the INS has achieved substantial compliance with the terms of this Agreement, the INS shall provide to Plaintiffs' counsel the information collected pursuant to Paragraph 28, as permitted by law, and each INS policy or instruction issued to INS employees regarding the implementation of this Agreement. In addition, Plaintiffs' counsel shall have the opportunity to submit questions, on a semi-annual basis, to the Juvenile Coordinator in the Office of the Assistant Commissioner for Detention and Deportation with regard to the implementation of this Agreement and the information provided to Plaintiffs' counsel during the preceding six-month period pursuant to Paragraph 28. Plaintiffs' counsel shall present such questions either orally or in writing, at the option of the Juvenile Coordinator. The Juvenile Coordinator shall furnish responses, either orally or in writing at the option of Plaintiffs' counsel, within 30 days of receipt.

30. On an annual basis, commencing one year after final court approval of this Agreement, the INS Juvenile Coordinator shall review, assess, and report to the court regarding compliance with the

terms of this Agreement. The Coordinator shall file these reports with the court and provide copies to the parties, including the final report referenced in Paragraph 35, so that they can submit comments on the report to the court. In each report, the Coordinator shall state to the court whether or not the INS is in substantial compliance with the terms of this Agreement, and, if the INS is not in substantial compliance, explain the reasons for the lack of compliance. The Coordinator shall continue to report on an annual basis until three years after the court determines that the INS has achieved substantial compliance with the terms of this Agreement.

31. One year after the court's approval of this Agreement, the Defendants may ask the court to determine whether the INS has achieved substantial compliance with the terms of this Agreement.

XI ATTORNEY-CLIENT VISITS

32.A. Plaintiffs' counsel are entitled to attorney-client visits with class members even though they may not have the names of class members who are housed at a particular location. All visits shall occur in accordance with generally applicable policies and procedures relating to attorney-client visits at the facility in question. Upon Plaintiffs' counsel's arrival at a facility for attorney-client visits, the facility staff shall provide Plaintiffs' counsel with a list of names and alien registration numbers for the minors housed at that facility. In all instances, in order to memorialize any visit to a minor by Plaintiffs' counsel, Plaintiffs' counsel must file a notice of appearance with the INS prior to any attorney-client meeting. Plaintiffs' counsel may limit any such notice of appearance to representation of the minor in connection with this Agreement. Plaintiffs' counsel must submit a copy of the notice of appearance by hand or by mail to the local INS juvenile coordinator and a copy by hand to the staff of the facility.

B. Every six months, Plaintiffs' counsel shall provide the INS with a list of those attorneys who

may make such attorney-client visits, as Plaintiffs' counsel, to minors during the following six month period. Attorney-client visits may also be conducted by any staff attorney employed by the Center for Human Rights & Constitutional Law in Los Angeles, California or the National Center for Youth Law in San Francisco, California, provided that such attorney presents credentials establishing his or her employment prior to any visit.

C. Agreements for the placement of minors in non-INS facilities shall permit attorney-client visits, including by class counsel in this case.

D. Nothing in Paragraph 32 shall affect a minor's right to refuse to meet with Plaintiffs' counsel. Further, the minor's parent or legal guardian may deny Plaintiffs' counsel permission to meet with the minor.

XII FACILITY VISITS

33. In addition to the attorney-client visits permitted pursuant to Paragraph 32, Plaintiffs' counsel may request access to any licensed program's facility in which a minor has been placed pursuant to Paragraph 19 or to any medium security facility or detention facility in which a minor has been placed pursuant to Paragraphs 21 or 23. Plaintiffs' counsel shall submit a request to visit a facility under this paragraph to the INS district juvenile coordinator who will provide reasonable assistance to Plaintiffs' counsel by conveying the request to the facility's staff and coordinating the visit. The rules and procedures to be followed in connection with any visit approved by a facility under this paragraph are set forth in Exhibit 4 attached, except as may be otherwise agreed by Plaintiffs' counsel and the facility's staff. In all visits to any facility pursuant to this Agreement, Plaintiffs' counsel and their associated experts shall treat minors and staff with courtesy and dignity and shall not disrupt the normal functioning of the facility.

XIII TRAINING

34. Within 120 days of final court approval of this Agreement, the INS shall provide appropriate guidance and training for designated INS employees regarding the terms of this Agreement. The INS shall develop written and/or audio or video materials for such training. Copies of such written and/or audio or video training materials shall be made available to Plaintiffs' counsel when such training materials are sent to the field, or to the extent practicable, prior to that time.

XIV DISMISSAL

35. After the court has determined that the INS is in substantial compliance with this Agreement and the Coordinator has filed a final report, the court, without further notice, shall dismiss this action. Until such dismissal, the court shall retain jurisdiction over this action.

XV RESERVATION OF RIGHTS

36. Nothing in this Agreement shall limit the rights, if any, of individual class members to preserve issues for judicial review in the appeal of an individual case or for class members to exercise any independent rights they may otherwise have.

XVI NOTICE AND DISPUTE RESOLUTION

37. This paragraph provides for the enforcement, in this District Court, of the provisions of this Agreement except for claims brought under Paragraph 24. The parties shall meet telephonically or in person to discuss a complete or partial repudiation of this Agreement or any alleged non-compliance with the terms of the Agreement, prior to bringing any individual or class action to enforce this Agreement. Notice of a claim that a party has violated the terms of this Agreement shall be served on plaintiffs addressed to:

///

CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW

Carlos Holguín
Peter A. Schey
256 South Occidental Boulevard
Los Angeles, CA 90057

NATIONAL CENTER FOR YOUTH LAW

Alice Bussiere
James Morales
114 Sansome Street, Suite 905
San Francisco, CA 94104

and on Defendants addressed to:

Michael Johnson
Assistant United States Attorney
300 N. Los Angeles St., Rm. 7516
Los Angeles, CA 90012

Allen Hausman
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, DC 20044

XVII PUBLICITY

38. Plaintiffs and Defendants shall hold a joint press conference to announce this Agreement. The INS shall send copies of this Agreement to social service and voluntary agencies agreed upon by the parties, as set forth in Exhibit 5 attached. The parties shall pursue such other public dissemination of information regarding this Agreement as the parties shall agree.

XVIII ATTORNEYS' FEES AND COSTS

39. Within 60 days of final court approval of this Agreement, Defendants shall pay to Plaintiffs the total sum of \$374,110.09, in full settlement of all attorneys' fees and costs in this case.

///

XIX TERMINATION

40. All terms of this Agreement shall terminate the earlier of five years after the date of final court approval of this Agreement or three years after the court determines that the INS is in substantial compliance with this Agreement, except that the INS shall continue to house the general population of minors in INS custody in facilities that are licensed for the care of dependent minors.

XX REPRESENTATIONS AND WARRANTY

41. Counsel for the respective parties, on behalf of themselves and their clients, represent that they know of nothing in this Agreement that exceeds the legal authority of the parties or is in violation of any law. Defendants' counsel represent and warrant that they are fully authorized and empowered to enter into this Agreement on behalf of the Attorney General, the United States Department of Justice, and the Immigration and Naturalization Service, and acknowledge that Plaintiffs enter into this Agreement in reliance on such representation. Plaintiffs' counsel represent and warrant that they are fully authorized and empowered to enter into this Agreement on behalf of the Plaintiffs, and acknowledge that Defendants enter into this Agreement in reliance on such representation. The undersigned, by their signatures on behalf of the Plaintiffs and Defendants, warrant that upon execution of this Agreement in their representative capacities, their principals, agents, and successors of such principals and agents shall be fully and unequivocally bound hereunder to the full extent authorized by law.

For Defendants: Signed: Louis Meissner Title: Commissioner, INS

Dated: 9/16/96

For Plaintiffs: Signed: per next page Title: _____

Dated: _____

The foregoing stipulated settlement is approved as to form and content:

CENTER FOR HUMAN RIGHTS AND
CONSTITUTIONAL LAW

Carlos Holguin
Peter Schey

NATIONAL CENTER FOR YOUTH LAW

Alice Bussiere
James Morales

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

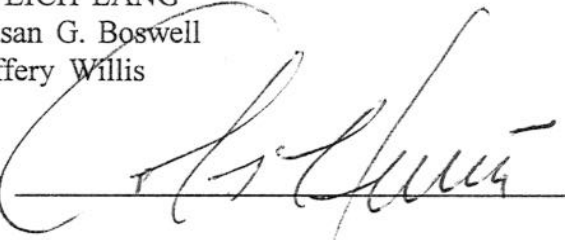
Mark Rosenbaum
Sylvia Argueta

STEICH LANG

Susan G. Boswell
Jeffery Willis

Date: 11/13/97

By



Date: 11/13/96

By



Message

From: Gregg, Bobbie (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=████████████████████]
Sent: 5/28/2015 6:29:24 PM
To: Greenberg, Mark (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=Mark.Greenberg.ACF]; McKearn, Matthew (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Matthew.McKearn.ACF]; Hild, Jeff (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=████████████████████]; Cancian, Maria (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=████████████████████]; Carey, Bob (ACF) [/O=HHS EES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=████████████████████]; Wolff, Kate (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=Kate.Wolff.OS]; Tota, Kenneth (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=kenneth.tota.acf]
CC: Barlow, Amanda (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=amanda.barlow.acf]; Jones, Robin (ACF) [/O=HHS EES/OU=First Administrative Group/cn=Recipients/cn=Robin.Jones.ACF]
Subject: RE: Draft note to the Deputy Secretary on Reprogramming

I have asked the data team to provide an estimate based on FY14 experience of the number of young children that would be included in the pilot category.

You are correct about why we chose the younger children and the risk associated with the older children not being included.

In FY15 to date, we have placed 751 children with non-relatives and provided PRS to 1,720 children total (which likely includes some children placed with non-relative sponsors). For the pilot, if we assume 275 additional children of all ages will be placed with non-relatives through the end of FY15, we have the funding in FY15 to pilot the full number, but may not be able to sustain that level into FY16. (In FY14 we placed 4,952 children with non-relative sponsors but provided PRS to fewer than 4,000 children/sponsors of the total approximately 58,000 children placed.)

We are also considering another category of children to pilot – children/sponsors who call the Hotline for assistance with safety-related concerns -- but are conferring with OGC to make sure that we are not exposing the Department to increased legal risk by offering services to children/sponsors for the first time after the children are no longer in HHS custody.

I will prepare a one-pager on the PRS pilot options for discussion next week, which will include:

- Home studies and PRS for children age 12 and younger with a prospective non-relative sponsor;
- PRS for children 13 and older with a non-relative sponsor; and
- Perhaps a subset of children/sponsor Hotline callers with safety-related concerns (yet to be defined).

Bobbie Gregg
Deputy Director, Children's Services
Office of Refugee Resettlement



From: Greenberg, Mark (ACF)
Sent: Thursday, May 28, 2015 5:43 PM

To: Gregg, Bobbie (ACF); McKearn, Matthew (ACF); Hild, Jeff (ACF); Cancian, Maria (ACF); Carey, Bob (ACF); Wolff, Kate (ACF); Tota, Kenneth (ACF)

Cc: Barlow, Amanda (ACF); Jones, Robin (ACF)

Subject: RE: Draft note to the Deputy Secretary on Reprogramming

Thanks, Bobbie. If we expand home studies and PRS for children under 13 going to non-relatives, how many children will that involve (assuming steady state at FY 15 arrival levels)? And, what's the number of older children going to non-relatives that wouldn't be included?

I assume the reason for under 13 is that it's a smaller number for a pilot and that we'll have the greatest concern about young children less able to communicate out about their need for help. Right? But, this is probably less likely to pick up the debt labor group. Do you think it would just go too far to extend to all children going to non-relatives?

Mark Greenberg

Acting Assistant Secretary, Administration for Children and Families

US Department of Health and Human Services

901 D St., SW, 6th Floor

Washington, DC 20447

www.acf.hhs.gov

From: Gregg, Bobbie (ACF)

Sent: Thursday, May 28, 2015 5:24 PM

To: McKearn, Matthew (ACF); Greenberg, Mark (ACF); Hild, Jeff (ACF); Cancian, Maria (ACF); Carey, Bob (ACF); Wolff, Kate (ACF); Tota, Kenneth (ACF)

Cc: Barlow, Amanda (ACF); Jones, Robin (ACF)

Subject: RE: Draft note to the Deputy Secretary on Reprogramming

Here's a paragraph that can be added on post-release services in the placeholder:

HHS is required to provide post-release services (PRS) to all children for whom a home study was required and may provide PRS to children "with mental health or other needs who could benefit from ongoing assistance from a social welfare agency." HHS provided PRS to approximately 4,000 children released to sponsors in FY14. HHS is identifying categories of unaccompanied children "with other needs" to whom PRS should also be offered. On a pilot basis, starting July 1, HHS will begin performing home studies for and offering PRS when children under the age of 13 are being released to a non-relative sponsor. In addition, effective May 15, HHS has expanded the Parent Hotline to accept calls from sponsors and unaccompanied children seeking assistance with safety-related concerns. The Hotline reports child abuse and neglect to the appropriate state or local Child Protective Service and provides referrals to local providers when social services are needed.

Bobbie Gregg

Deputy Director, Children's Services

Office of Refugee Resettlement

From: McKearn, Matthew (ACF)
Sent: Thursday, May 28, 2015 5:02 PM
To: Greenberg, Mark (ACF); Hild, Jeff (ACF); Cancian, Maria (ACF); Gregg, Bobbie (ACF); Carey, Bob (ACF); Wolff, Kate (ACF); Tota, Kenneth (ACF)
Cc: Barlow, Amanda (ACF); Jones, Robin (ACF)
Subject: FW: Draft note to the Deputy Secretary on Reprogramming

Mark,

Per our conversation below is a draft note to the Deputy Secretary on reprogramming. Once you have had a chance to comment I would like to share with ASFR and get their feedback. We have one placeholder in the current draft – a description of the planned pilot for post-placement services that Bobbie Gregg will have tomorrow. I think that we can share the draft with that placeholder with ASFR because the proposal does not affect the level of reprogrammed funds.

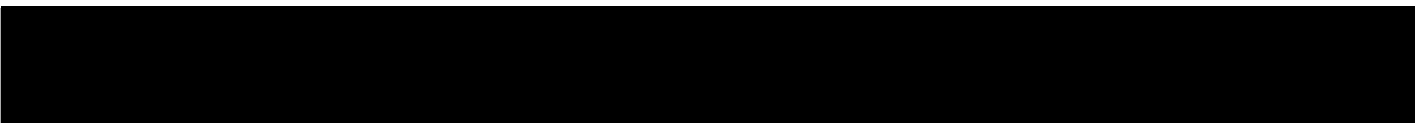
Please let me know if you would like to discuss.

Thanks.

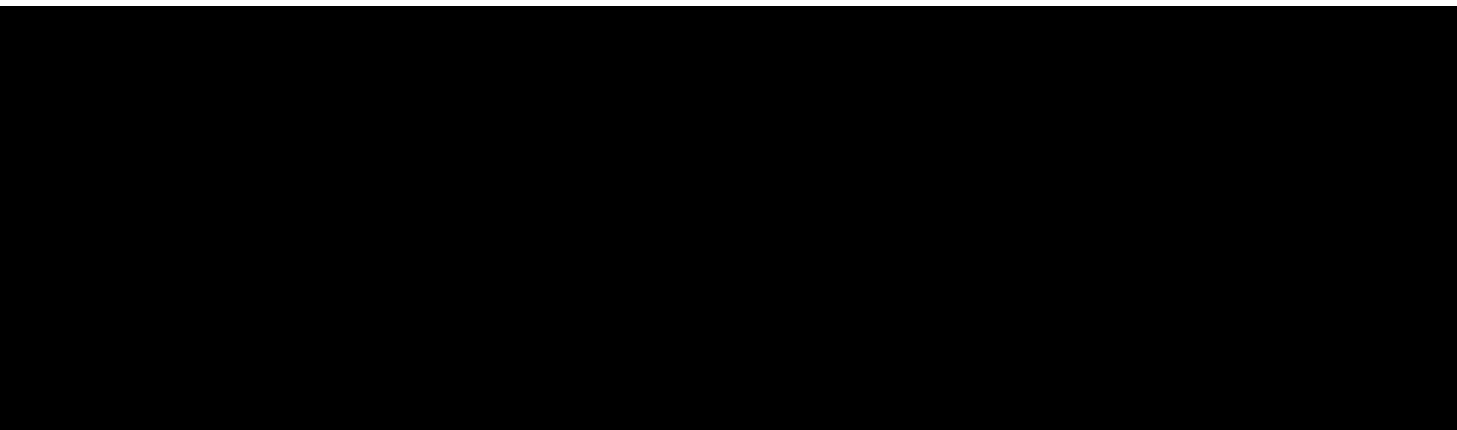
Matthew

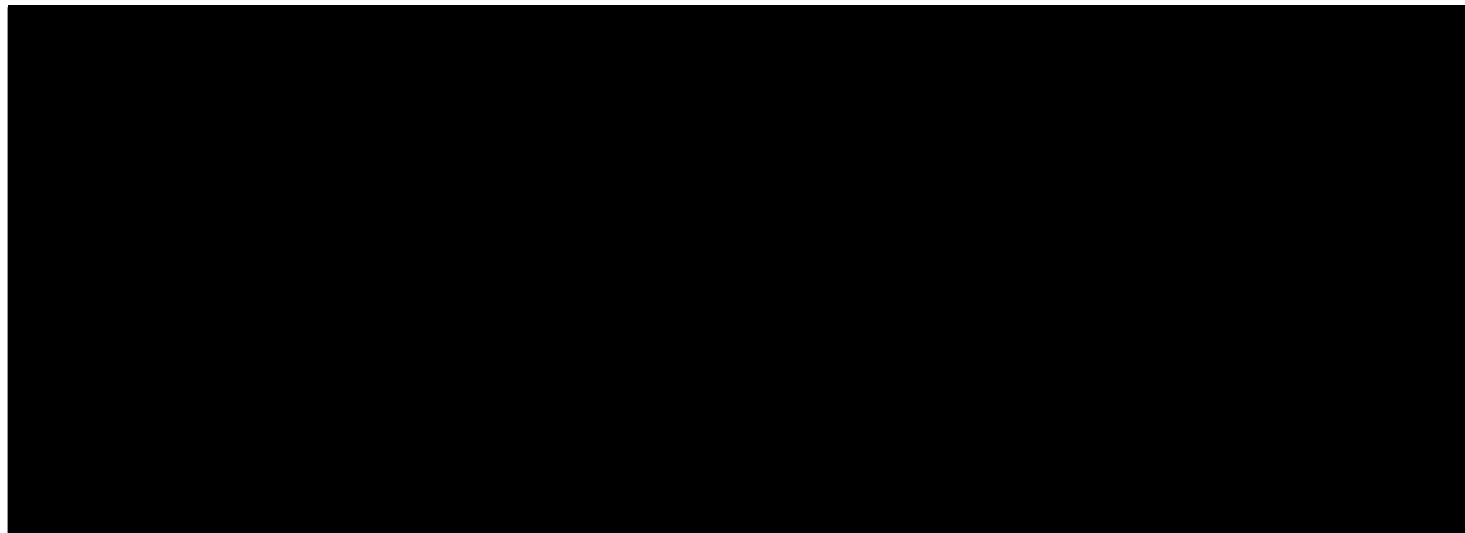
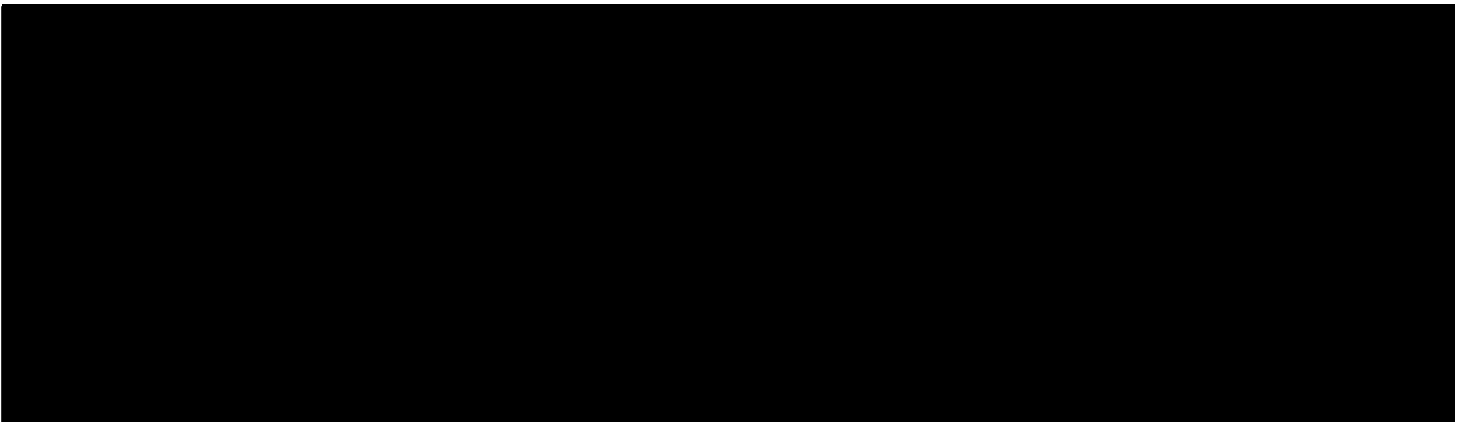
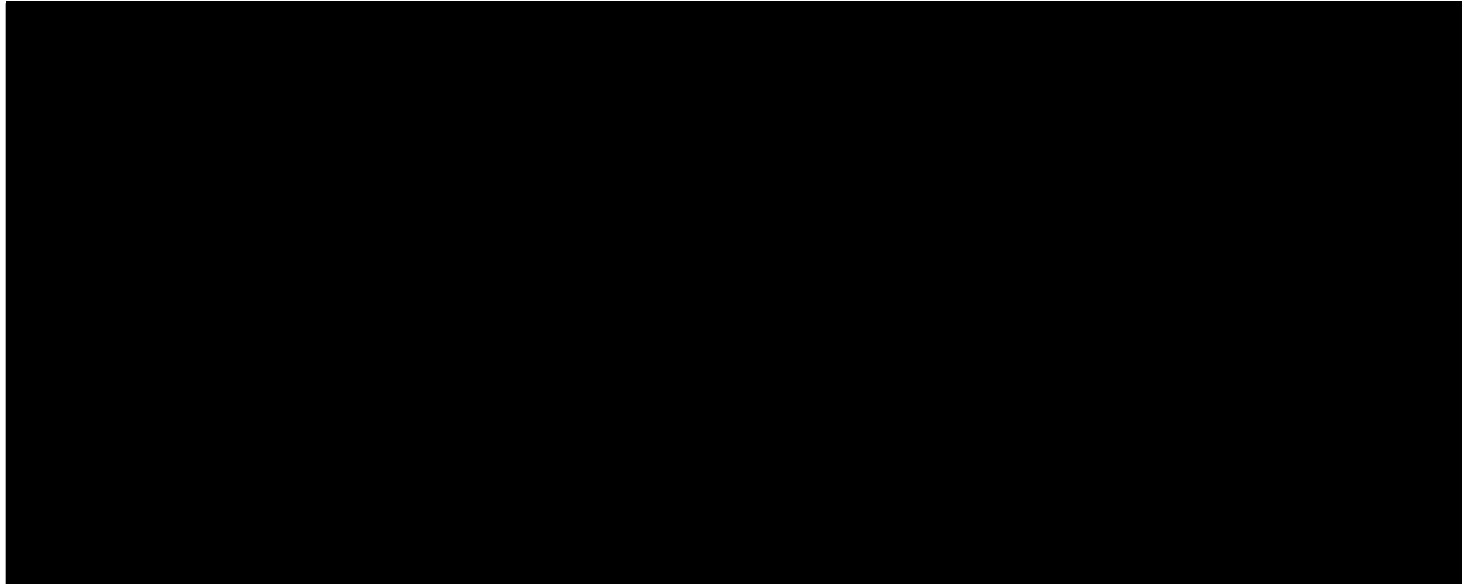
FY 2015 Reprogramming -- Background

ACF currently has a request under review by ASFR to reprogram \$87 million in FY 2015 funding within Office of Refugee Resettlement accounts from unaccompanied children to refugee assistance programs. By law HHS must formally notify the Appropriations Committees before reprogramming the funds.



ACF is in position to reprogram funds because spending on unaccompanied children in FY 2014 was approximately \$200 million below the appropriated level. Because the appropriations act makes ORR funding available for three years, the unspent funds remain available to support FY 2015 activities. The Appropriations Committees have been notified about the availability of unspent FY 2014 funds.





[REDACTED]

[REDACTED]

The existing FY 2015 funding level of \$27 million for post-placement services provides flexibility to support the proposed initiative. In FY 2014 ACF spent approximately \$17 million to provide post-placement services to a subset of the approximately 58,000 children referred during the year. [REDACTED]

[REDACTED]

Potential Reaction to the Reprogramming Request

Appropriations Committee staff are deep into the FY 2016 process and are anticipating that ACF will be carrying approximately \$200 million in ORR resources from 2014 into 2015 and they also anticipate that FY 2015 spending will be lower than the appropriated level because of the reduced number of arrivals – approximately half the level experienced during the first eight months of FY 2015 compared to the prior year. Staff indicated that they fully support providing ACF with the resources needed to operate ORR programs but we should assume that the FY 2016 level would be set below the FY 2015 enacted level, but we do not know by how much.

[REDACTED]

Matthew McKearn
Director
Office of Legislative Affairs and Budget
Administration for Children and Families
370 L'Enfant Promenade SW
Washington, DC 20015

[REDACTED]

From: Brandon, Cate (HHS/ASL) [REDACTED]
Sent: Tuesday, January 26, 2016 12:47 PM
To: Tucker, Rachael (HSGAC); Barstow, Kevin (HHS/ASL)
Cc: Owen, Matt (HSGAC); Beras, Mel (HSGAC)
Subject: RE: outstanding items

Hi Rachael,

Here are the updated numbers you requested:

| Releases to Sponsors By Category FY 2015 | | | |
|---|--------------------------|-----------------|-------------|
| Sponsor Category | United States | Missouri | Ohio |
| 1 | 15,058 | 102 | 202 |
| 2 | 9,857 | 53 | 209 |
| 3 | 2,605 | 14 | 65 |
| Total | 27,520 | 107 | 224 |

| Releases to Sponsors By Category Q1 FY 2016 | | | |
|--|--------------------------|-----------------|-------------|
| Sponsor Category | United States | Missouri | Ohio |
| 1 | 8,707 | 41 | 78 |
| 2 | 4,700 | 23 | 85 |
| 3 | 1,162 | 8 | 17 |
| Total | 14,569 | 72 | 180 |

Thanks,
Cate



Assistant Secretary for Legislation
Washington, DC 20201

JAN. 05 2016

The Honorable Rob Portman
Chairman
Permanent Subcommittee on Investigations
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Portman:

Thank you for your most recent letter concerning the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services' (HHS) Administration for Children and Families (ACF). I am responding to you on behalf of Secretary Burwell. I appreciate your interest in the Unaccompanied Children's Program. HHS recognizes and appreciates the importance of Congressional oversight. As you know, we have been working collaboratively with you and your staff over the last several months to provide you with information and answer your questions. In addition to providing a written response to your July 13, 2015, letter, we have made four separate productions of documents responsive to your letters and will continue to make additional productions of responsive materials on a rolling basis. We have also briefed your staff on related topics in five separate briefings and have a sixth briefing scheduled for later this month.

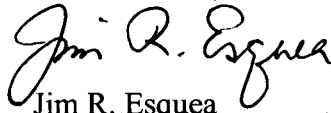
As part of our continued, rolling production, enclosed with this letter are documents responsive to Requests 2, 4(b), and 4(d) in your October 2, 2015, letter. HHS has strong policies in place to ensure the privacy and safety of unaccompanied children by maintaining the confidentiality of their personal information. These policies are based on a number of Congressional directives to protect this vulnerable population, including a 2005 House Committee Report urging HHS "to maintain the privacy and confidentiality of all information gathered in the course of the care, custody and placement of unaccompanied alien children."¹ In addition, the Flores Agreement recognizes the importance of safeguarding records about the children and preserving the confidentiality of their personal information. Even with limited redactions, the documents we are providing today contain sensitive information, and we understand that the Subcommittee will refrain from publishing or otherwise making public the enclosed materials and will limit review of these materials, subject to the terms of the agreement reached with your staff.

Additionally, attached please find information in response to your December 8, 2015, letter. As my staff has communicated to your staff, we will provide you with additional documents

¹ House Report 109-143.

responsive to your requests on a rolling basis. HHS recognizes and appreciates the importance of Congressional oversight and is committed to continuing to work with you regarding your inquiry into this matter. I hope you find this information helpful. Please let my staff know if we can be of further assistance.

Sincerely,



Jim R. Esquea

Assistant Secretary for Legislation

Enclosure(s)

cc: The Honorable Claire McCaskill
Ranking Member

Attachment

HHS Programs and Policies to Protect Unaccompanied Children From Trafficking and Other Exploitive Activities

The totality of ORR's policies and procedures around the care and placement of unaccompanied children are designed to protect children from harm, including trafficking, and are rooted in long-standing legal instruments. First, the settlement agreement in *Flores v. Reno*, No. 85-4544-RJK (Px) (C.D. Cal. Jan 17, 1997), among other things, required the Immigration and Naturalization Service (INS) to protect unaccompanied children's safety and well-being while in government custody and authorized INS to not release children to anyone whom the government has reason to believe may harm the minor. When the Homeland Security Act of 2002 transferred responsibility to ORR for coordinating and implementing the care and placement of unaccompanied children, these provisions of the settlement agreement continued to apply to ORR. The Homeland Security Act also specifically obligates ORR to protect unaccompanied children "from smugglers, traffickers, or others who might seek to victimize or otherwise engage in criminal, harmful, or exploitive activity" when making placement decisions.² The William Wilberforce Trafficking Victims Protection Act (TVPRA) of 2008 provided additional authorities and obligations, which were generally consistent with ORR's existing obligation to protect children in their care from harm.

As articulated in ORR's current Policy Guide § 2.1, ORR's policies regarding the safe and timely release of unaccompanied children from its care are designed to assist ORR personnel and grantees in evaluating a potential sponsor's ability to provide for the child's physical and mental well-being and stem from the legal requirement to protect children from "smugglers, traffickers, or others who might seek to victimize or otherwise engage the child in criminal, harmful or exploitive activity." ORR directs its care providers to provide other services related to the identification of potential trafficking victims and protections and added services for trafficking victims or those at risk for trafficking. In many cases, these services play an important role in evaluating potential sponsors and making release decisions.

While the totality of ORR's policies and procedures are intended to protect children from harm, consistent with ORR's responsibilities under 8 U.S.C. 1232(c)(1), below are lists of current policy provisions that particularly address trafficking. Although these policies have evolved over time, as you can see in examining the prior version of the Policies and Procedures Manual from 2006, a version of many of these policies has existed at ORR for many years and predates the passage of the TVPRA.

The following policies from the current Policy Guide are specifically designed to identify potential trafficking victims and protect those children while in ORR's custody:

- 3.2.1 Admissions for Unaccompanied Children ("If the unaccompanied child's responses to questions during the [Initial Intakes] Assessment, initial medical examination, or other assessments indicate the possibility that the child may have been a victim of human trafficking, the care provider will notify the ACF Office of Trafficking in Persons within 24 hours.")

² See, e.g. 6 U.S.C. 279(b)(2)(A)(ii).

- 3.3.3 Screening for Child Trafficking and Services for Victims
- 3.3.4 Safety Planning (“Care providers must create in care safety plans for all unaccompanied children who have special security concerns, including those who are victims of trafficking, at high risk for trafficking, or victims of other crimes.”)
- 3.3.10 Telephone Calls, Visitation, and Mail (“Care providers must create a list of approved and prohibited persons that an unaccompanied child may contact and may only prohibit calls if they can document valid reasons for concern (for example, suspected smuggler or trafficker or past trauma with a particular individual).”)

With regard to safe and timely release to sponsors, the following policies are specifically designed to address trafficking or similar exploitation risks, among other risks:

- 2.2.2 Contacting Potential Sponsors (“The child’s care provider is responsible for implementing safe screening methods when contacting and communicating with potential sponsors. These methods are to ensure that a potential sponsor does not pose a risk to the unaccompanied child, to other children in the care provider facility or to care provider staff. These safe screening methods including...screening for exploitation, abuse, trafficking, or other safety concerns.”)
- 2.2.5 Legal Orientation Program for Custodians (“All potential sponsors of children and youth under the care of ORR should attend a presentation provided by the Legal Orientation Program for Custodians (LOPC). The purpose of this program is to inform potential sponsors of their responsibilities in ensuring the child’s appearance at all immigration proceedings, as well as protecting the child from mistreatment, exploitation, and trafficking, as provided under the Trafficking Victims Protection Reauthorization Act of 2008.”)
- 2.4.1 Assessment Criteria (“ORR considers the following factors when evaluating family members and other potential sponsors:...the unaccompanied child’s current functioning and strengths in relation to any risk factors or special concerns, such as children or youth who are victims of human trafficking....”)
- 2.4.2 Mandatory Home Study Requirement (“The TVPRA requires home studies under these circumstances: The child is a victim of a severe form of trafficking in persons;...the child’s sponsor clearly presents a risk of abuse, maltreatment, exploitation or trafficking, to the child based on all available objective evidence. ORR also requires a mandatory home study before releasing any child to a non-relative sponsor who is seeking to sponsor multiple children, or has previously sponsored a child and is seeking to sponsor additional children.”)
- 2.5 ORR Policies on Requesting Background Checks of Sponsors (“In order to ensure the safety of an unaccompanied child and consistent with the statutory requirements under the TVPRA of 2008, ORR requires a background check of all potential sponsors.”)
- 2.7.4 Deny Release Request (“The ORR/FFS may deny release to a potential sponsor if any one of the following conditions exists:...The potential sponsor would present a risk to the child because the sponsor...has been convicted of alien smuggling or a crime related to trafficking in persons.”)
- 2.8.1 After Care Planning (“The care provider also provides the sponsor with a Sponsor Handbook that outlines the responsibilities in caring for the unaccompanied child’s needs for education, health, obtaining legal guardianship, finding support to address traumatic

stress, keeping children safe from child abuse and neglect and from trafficking and exploitation... After care planning includes the care provider explaining the following to the unaccompanied child and the sponsor: the U.S. child abuse and neglect standards and child protective services...[and] human trafficking indicators and resources.”)

Pursuant to its authority under 8 U.S.C. 1232(c)(1), ORR has recently established additional policies and procedures to provide resources and support for children after they have left ORR’s custody. In May 2015, ORR expanded its Help Line to provide unaccompanied children a resource for safety-related concerns, as well as sponsors a resource for assistance with family problems and child behavior issues, referrals to community providers, and assistance finding legal support and enrolling unaccompanied children in school. Beginning May 2015, every child released to a sponsor is given a card with the Help Line’s phone number. Additionally, as described in Section 2.8.4 of the Policy Guide, care providers must conduct a Safety and Well Being Follow Up Call with an unaccompanied child and his or her sponsor 30 days after the release date. The purpose of the follow up call is to determine whether the child is still residing with the sponsor, is enrolled in or attending school, is aware of upcoming court dates, and is safe. The care provider must document the outcome of the follow up call in the child’s case file, including if the care provider is unable to contact the sponsor or child after reasonable efforts have been exhausted. If the follow up call indicates that the sponsor and/or child would benefit from additional support or services, the care provider shall refer the sponsor or child to the Help Line and provide the sponsor or child the Help Line contact information. If the care provider believes that the child is unsafe, the care provider shall comply with mandatory reporting laws, State licensing requirements, and Federal laws and regulations for reporting to local child protective agencies and/or law enforcement.

More broadly, HHS is part of the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons, which coordinates anti-trafficking efforts across federal government agencies. HHS has systematically worked to institutionalize anti-trafficking responses across its multiple programs and to increase coordination and collaboration within HHS and with federal partners by implementing the Federal Strategic Action Plan on Services to Victims of Human Trafficking in the United States.³

In June 2015, ACF established the Office of Trafficking in Persons (OTIP) to reflect the importance of anti-trafficking work, to coordinate its programs on behalf of both foreign and domestic victims, and to strengthen its attention to policy and practice issues related to addressing trafficking across ACF. The reorganization moved the anti-trafficking responsibilities from ORR’s Anti-Trafficking in Persons Division to OTIP within the Immediate Office of the Assistant Secretary. This work includes the certification of foreign national victims, the Trafficking Victim Assistance Program, the Rescue and Restore Program, and the National Human Trafficking Resource Center. In addition to following mandatory reporting requirements, a care provider, post-release services provider, Help Line staffer, or other ORR grantee that believes that a child has been victim of labor or sex trafficking will refer that child to OTIP in coordination with ORR staff and the child’s legal representation provider or child advocate, where applicable. Through OTIP, unaccompanied children who are victims of a severe form of trafficking may apply for an Eligibility Letter for federally-funded refugee

³ Available at <http://www.acf.hhs.gov/programs/endtrafficking/initiatives/federal-plan>.

benefits and services, which may include eligibility for ORR’s Unaccompanied Refugee Minors (URM) program. Children referred to the URM program are placed in licensed foster homes, group care, independent living, residential treatment settings or other care settings according to individual needs. An appropriate court awards legal responsibility to the state, county, or private agency providing services, to act in place of the child’s unavailable parents.

Additional information about OTIP’s programs and activities is available at:
<http://www.acf.hhs.gov/programs/endtrafficking>

Information Regarding Unaccompanied Children Released to a Sponsor from ORR Custody

| | FY 2013 | FY 2014 | FY 2015 |
|---|----------------|----------------|----------------|
| Number of UCs Released to a Sponsor | 19,425 | 53,518 | 27,520 |
| Number of Home Studies Conducted* | 1,041 | 1,401 | 1,942 |
| Number of UCs Who Received Post-Release Services** | 3,262 | 6,489 | 7,986 |

*Based on reporting by grantees that conducted home studies. Please note that this number represents the number of home studies conducted in a fiscal year and not necessarily the number of unaccompanied children released to a sponsor after receiving a home study. For example, a home study could be conducted in FY 2013, but the child may not be released from custody until FY 2014.

**Based on reporting by grantees that provided post-release services. Please note that this number represents the number of post-release services cases in a fiscal year and does not directly correlate to the number of children released in that fiscal year with post release services. Many children receive post-release services across multiple fiscal years. For instance, children released to a sponsor after a home study are eligible to receive post-release services until they turn 18 years old.

Sponsors with Criminal History

As described in our October 1, 2015, letter, all potential sponsors must complete a criminal public record check, based on the sponsor’s name and address. ORR-funded care providers contract with vendors to conduct these background searches. Additionally, a fingerprint background check is required if there is a documented risk to the safety of the minor, the minor is especially vulnerable, the case is referred for a home study, any other special concern is identified, or the sponsor is not the child’s parent or legal guardian. (U//FOUO) The fingerprints are cross-checked with the Federal Bureau

of Investigation's (FBI) national criminal history and state repository records, and also DHS arrest records. For an unresolved criminal arrest or issue still in process, ORR-funded care providers may conduct an additional state or local check to assist in locating arrest records or other criminal offense details.

Information gathered through these criminal background checks, including any criminal history of the potential sponsor, is contained in the relevant unaccompanied child's case file and is reviewed and considered as part of the release decision process.

Specifically, in the event that a background check of a potential sponsor or, if applicable, adult household member(s) reveals a criminal history or a safety issue, the care provider evaluates this information and works with the potential sponsor to obtain detailed information on any charges or adjudications that have bearing on a sponsor's ability to provide for the child's physical and mental well-being. ORR may deny release based on a potential sponsor's criminal history or pending criminal charges if it is determined that the criminal history compromises the sponsor's ability to ensure the safety and well-being of the child.

While information bearing on a sponsor's criminal history is contained in a child's case file, ORR's computer systems currently do not have the capability to generate reports that aggregate this data.

Estimated Cost of Providing Care

For FY 2016, based on grantees' budget assumptions, the average estimated monthly cost of care for an unaccompanied child in a permanent standard shelter is approximately \$7,694. Shelter costs make up about 85 percent of the total cost of care for a child in ORR custody. The estimated cost for a standard shelter bed is \$223/day. This includes educational services, which are provided directly by the care provider grantees. Thus, the average estimated shelter costs for an unaccompanied child for one month is approximately \$6,690. Other services that contribute to the total cost of care include program administration, medical services, legal services, and certain services related to family reunification, such as background checks, home studies, and post-release services.

Estimated Cost of Providing Post-Release Services

For FY 2016, based on grantees' budget assumptions, the average estimated cost of a post-release services case is approximately \$2,349. This average cost is per case, irrespective of the length of time that case is open. For instance, this average cost takes into account cases that were open for the entire fiscal year as well as cases that may be open for only a few months.

U.S. Department of Health and Human Services
Administration for Children and Families, Office of Refugee Resettlement
Division of Children's Services



October 1, 2015

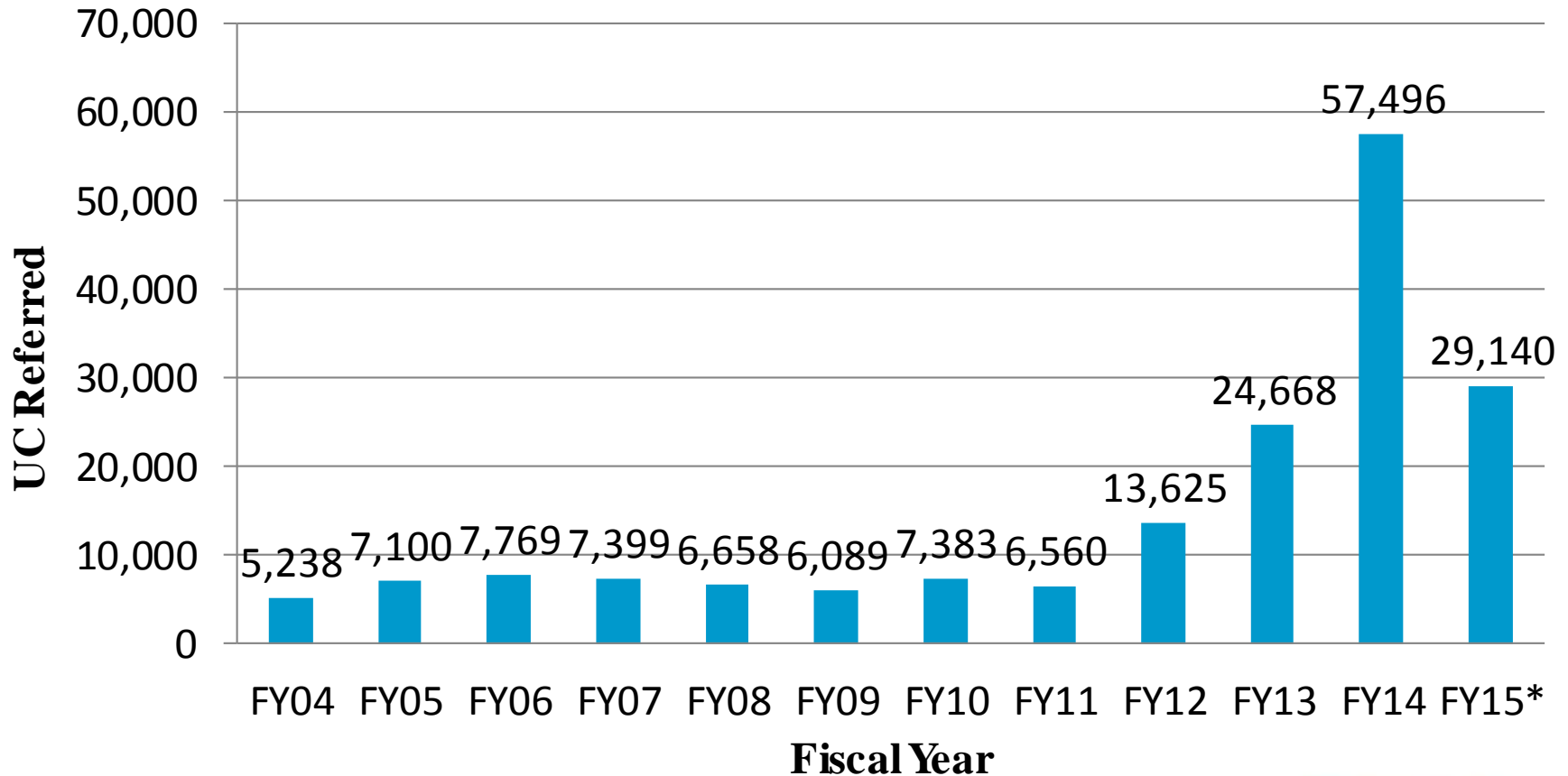
Discussion Overview

- Background and Demographics of Unaccompanied Children (UC) Referred to ORR
- Role of ORR as Related to UC
- Flores Settlement Agreement
- TVPRA of 2008
- Trafficking Screening
- Release from ORR Custody
- Post-Release Services

Referral to ORR Care

- Unaccompanied children are referred to HHS/ORR for placement by another federal agency, usually DHS.
- By law, other federal agencies have to transfer custody of unaccompanied children to ORR within 72 hours.
- The majority of children come into care because they were apprehended by immigration authorities while trying to cross the border.
- Others are referred as a result of interior apprehensions.
 - After involvement with local law enforcement
 - Immigration raids

Number of UC Referred by Fiscal Year



*FY15 YTD as of August 31, 2015

UC Demographics – Age and Gender

| | Demographics of Referred UC | |
|--------------------------|-----------------------------|-------------------|
| | Percentage | |
| <u>Age Range (years)</u> | FY14 | FY15 -YTD* |
| 0 -5 | 3% | 3% |
| 6 -12 | 18% | 14% |
| 13-14 | 16% | 14% |
| 15-16 | 36% | 39% |
| 17 | 27% | 30% |
| 18+ | <1% | 1% |
| Total | 100% | 100% |
| <u>Gender</u> | | |
| Female | 34% | 32% |
| Male | 66% | 68% |
| Total | 100% | 100% |

*FY15 YTD as of August 31, 2015

UC Demographics – Country of Birth

| | Demographics of Referred UC | |
|-------------------------|-----------------------------|-------------------|
| | Percentage | |
| <u>Country of Birth</u> | FY14 | FY15 -YTD* |
| El Salvador | 29% | 28% |
| Guatemala | 32% | 46% |
| Honduras | 34% | 17% |
| Mexico | 2% | 6% |
| All Other | 3% | 3% |
| Total | 100% | 100% |

*FY15 YTD as of August 31, 2015

UC Program's Main Responsibilities

- Care and custody of unaccompanied children (provide shelter, food, clothing, and services)
- Make and implement placement and transfer decisions
- Release unaccompanied children to an appropriate sponsor



Flores Settlement Agreement

- *Flores v. Reno*, No. 85-4544-RJK (Px) (C.D. Cal. Jan 17, 1997), which is binding on the U.S. Government, sets minimum standards for services, and establishes an order of priority for sponsors with whom children should be placed, except in certain circumstances.
- Requires that unaccompanied children be placed in a licensed program, which must offer items such as medical and dental care, family planning, immunizations and screening, individualized needs assessment, education, recreation and leisure, individual and group counseling, family reunification, access to religious services, and explanation of available legal services.

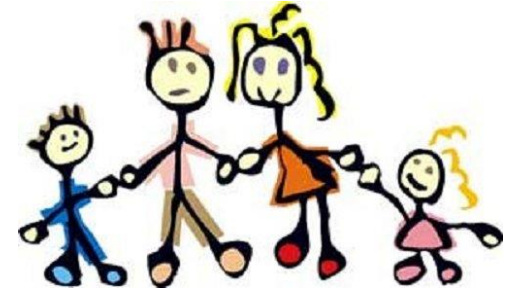
TVPRA of 2008

- The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008) directs that, subject to certain considerations, such as danger to self, danger to others, and risk of flight, unaccompanied children must “be promptly placed in the least restrictive setting that is in the best interest of the child.”
- Unaccompanied children transfer to HHS custody within 72 hours upon apprehension or discovery barring exceptional circumstances.
- As soon as an unaccompanied child enters ORR’s care, ORR begins the process of locating family members and others who may be qualified to care for the child. Parents, other relatives, or close family friends can apply to have the child released to their care.
- Other requirements include but are not limited to:
 - Allows for the appointment of child advocates
 - Encourages the appointment of pro bono counsel
 - Places restrictions and requirements for sponsorship, including use of mandatory home studies prior to release

Trafficking Screening

- Children are initially screened for trafficking within 24 hours of admission into ORR care, and a more thorough assessment is conducted within 7-10 days of entering ORR care (with regular evaluations for the remainder of their stay in custody).
 - Screening Categories: unaccompanied child's Journey; Coercion Indicators; Debt Bondage/Labor Trafficking; and Commercial Sex Indicators
- All screenings are completed by a trained specialist.
- Each case with trafficking indicators is staffed with the Federal Field Specialist and/or the Office on Trafficking in Persons (OTIP) if necessary.
- Cases that meet criteria are elevated to OTIP for review.
- If identified as a victim of human trafficking, OTIP issues a letter informing the minor they are eligible for services such as Medicaid, SNAP, and cash assistance.
- Eligibility letter never expires; some benefits, however, have time limits and are governed by state requirements.

Safe and Timely Release Principles



- Primary objectives
 - Care and safety of the unaccompanied child
 - Safety of others
 - Assurance that the child will appear before DHS and the immigration courts
- The timely release of an unaccompanied child to a sponsor who can provide for their physical and mental well-being.
- Each sponsor is evaluated to determine if he/she can provide a safe environment in which the child will be protected from smugglers, traffickers, or others who might seek to victimize or otherwise engage the child in criminal, harmful, or exploitive activity.

Release Process

- The care provider interviews the child as well as parents, legal guardians, and/or family members to identify qualified sponsors
- Family Reunification Packet sent to sponsor for completion
- The care provider completes the child and sponsor assessments
- Sponsor criminal and child abuse and neglect background checks
- Home study may be conducted
- Care provider sends a release recommendation to the Federal Field Specialist (FFS)
- Third party reviewer reviews case files and makes a recommendation to the FFS
- The FFS makes the final determination

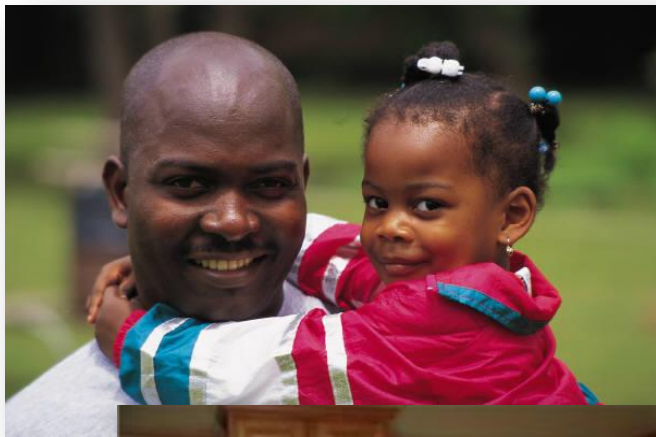
Verification of Identity and Relationship

- In accordance with TVPRA of 2008, ORR requires verification of a sponsor's identity and relationship to the child, if any, before placing a child in his or her care.
- To meet this requirement, ORR requires its grantees to complete and document a thorough assessment of the child's past and present family relationships and relationships to unrelated potential sponsors.
 - ORR accepts foreign identity cards and birth certificates to establish proof of identity and relationship.
 - If there is a question as to the authenticity of the documents, ORR will work with the issuing country's consulate or embassy to verify the documents.
 - If the grantee is unable to verify the documentation, the application will not be approved.

Home Studies – New Policy and Pilot

- Any case for which safety and well-being of an unaccompanied child, sponsor family unit, or community are questionable
- Mandatory TVPRA categories: Victim of severe form of trafficking in persons; Special needs with disability (ADA); Victim of physical or sexual abuse – health or welfare significantly harmed; Proposed sponsor presents risk of exploitation or trafficking to child
- In July 2015 ORR implemented policy requiring a mandatory home study before releasing any child to a non-relative or distant relative sponsor who is seeking to sponsor multiple children, or has previously sponsored a child and is seeking to sponsor additional children.
- In July 2015 we initiated a home study pilot program, requiring a home study for all children age 12 and under who are being released to a non-relative or distant relative sponsor.

Release from ORR Custody



| Type of Sponsor | FY14 | FY15 |
|-----------------|------|------|
| Parents | 59% | 54% |
| Siblings | 12% | 16% |
| Grandparents | 1% | 1% |
| Aunts/Uncles | 13% | 15% |
| Other Relatives | 3% | 6% |
| Non-Relatives | 12% | 7% |

Post-Release Services

- TVPRA requires HHS to provide post-release services to children released to a sponsor after a home study has been conducted and authorizes HHS to provide post-release services to “children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency.”
- ORR has identified certain children with “other needs” to whom HHS is piloting post-release services:
 - Children released to a non-relative sponsor
 - Released children within 180 days of placement if placement has already disrupted or is at risk of disruption and the child or sponsor has contacted the ORR Help Line and has been referred for post-release services.
- ORR implemented a Help Line to accept calls from unaccompanied children or their sponsors seeking assistance with post-release concerns. The Help Line, which began May 15, uses an existing ORR hotline to provide support and referral to local services.
 - Information about the availability of the hotline is distributed to each child discharged from ORR care provider facilities to ensure they are aware of the new resource. All providers and sponsors are also provided with the hotline phone number.

UC Program Information

ORR website:

<http://www.acf.hhs.gov/programs/orr>

UC program website:

<http://www.acf.hhs.gov/programs/orr/programs/ucs>

Data for unaccompanied children released to sponsors by state:

<http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors>

DRAFT

To: Mary Wakefield (Acting Deputy Secretary)
Mark Greenberg (Acting Assistant Secretary for the Administration for Children and Families)

From: Hannah Stott-Bumsted

Re: After Action Report: The Unaccompanied Children Program and the May-July 2014 Surge

HHS and the Administration for Children and Families (ACF) are responsible for the Unaccompanied Children (UC) program. During the months of May-July 2014, there was a significant and unprecedented surge in the number of children referred to the UC program. Although ORR and ACF leadership and staff during that time worked tremendously hard, the efforts to address the surge highlighted certain challenges in program structure and operations, as well as in intradepartmental and interdepartmental coordination. Over the past year, much work has been done by ACF, in consultation with others at HHS, across the administration, and with external partners, to address these challenges. What follows is a summary of some of the programmatic challenges and accomplishments to date, as well as some suggestions for additional potential after-action work identified by those involved in these efforts.

1. ORR and UC Program Staffing

a. Programmatic Challenge & Accomplishments To Date

ORR and the UC program entered the surge with an extremely leanly-staffed organization, and one that was disproportionately dependent on contractors in relation to federal staff. This was a reflection of a number of factors: among others, the rapid expansion of the program in the two years prior to the 2014 surge, during which UC referrals and the program's budget rose significantly; difficulties in hiring due to federal budgetary restrictions and hiring freezes, and the UC program's historic reliance on grantees to perform most service responsibilities. The number of referrals from DHS more than doubled each fiscal year beginning in FY11: from 6,560 in FY2011, to 13,625 in FY2012, to 24,688 in FY2013, and to 57,496 in FY2014. During this time, the program's budget also increased from approximately \$150 million in FY 2011 to over \$912 million in FY14. However, since FY2011, the program had managed with a modestly-increasing number of FTE's, from approximately 40 in FY2012 to 48 in FY2013 and 56 at the beginning of FY2014.

In July 2014, ACF undertook a broad solicitation for detailees to assist ORR on a temporary basis. While some detailees were eventually utilized, it was sometimes difficult for ORR to identify ways to train and deploy these detailees in a timely manner.

In the past year, ACF has taken several steps to address staffing issues and is better situated to address the current and anticipated future demands of the UC program.

- **Hiring.** ACF approved and recruited for 72 new ORR positions, as well as two medical staff positions, for a total of 74 additional positions. This level of staffing is projected to support the FY2014 referral level of 58,000 UC for FY2015 and beyond. The new positions include field specialists, project officers, program specialists, Commissioned Corps Officers focusing on health, and new policy and data positions. All of these new staff are now in place.
- **Training.** ACF has assembled and delivered an intensive, week-long training session to orient new (and existing) field staff to all of ORR's procedures and policies.
- **Enhanced senior management.** ACF has established new senior management in ORR, including a Deputy Director for Children's Services and a Chief of Staff, both new positions.

b. Further Efforts To Consider

In light of the rapid expansion of the UC program (and its proportional expansion within the ORR portfolio), ACF should consider conducting a more fundamental review of ORR's structure. As part of that review, ACF should consider:

- Reviewing the organizational structure of ORR, including consideration of retaining outside expertise to assist in the review, to ensure that the staff expansion is accompanied by appropriate review and refashioning of the management, reporting and delegation structures in ORR;
- Ensuring that the UC program specifically has the dedicated management staffing needed in critical areas (e.g. medical services, data management); and
- Reviewing and enhancing ORR's ability to quickly identify, train and utilize detailees if needed in the event of a future influx.

2. Policy Development

a. Programmatic Challenge & Accomplishments To Date

The demands of the 2014 surge underscored the critical need for the UC program to maintain a clear, definitive, accessible and transparent repository of important policies governing its administration. While a UC policy guide had been in draft form for some years, the lack of a final set of policy resources hampered the program both internally (staff were sometimes at a loss in identifying guidance to follow) and externally (it was difficult to provide outside stakeholders with clear, timely answers to policy-oriented questions).

To address these challenges, ORR has created a Division of Policy, whose initial focus has been specific to finalizing policies and regulations in support of the UC program. The

Division is now assessing and evaluating ORR programs and their legal authorities and proactively recommending policy development, regulation updates and changes, and operational and management actions to comply with statutory parameters. The Division of Policy will serve as a clearing house for development of informational memoranda, briefing materials and summary statements for ACF and department leadership on complex and sensitive ORR matters. To date, through the work of this Division, ORR has published on its website a Policy Guide (<http://www.acf.hhs.gov/programs/orr/programs/ucs>) comprising an extensive set of policies and procedures that cover these major topics:

- Placement in ORR Care Provider Facilities
- Safe and Timely Release from ORR Care
- Summary of Services
- Preventing, Detecting, and Responding to Sexual Abuse and Harassment
- Program Management

b. Further Efforts To Consider

ACF should also consider the following:

- Continuing to expand the robustness of the Policy Guide to address additional and emerging questions as they arise in the course of program administration, and creating a process for flagging and elevating issues that require formal policy development
- Sustaining an iterative training process for ORR staff and grantees, so that they remain current on UC policies as they evolve;
- Educating (and re-educating) external stakeholders on the existence and purpose of the Policy Guide, to encourage its use as a first-line resource as questions arise; and
- Recognizing that unique or emergency conditions (such as a future influx) may require situation-specific exceptions to established policies, and creating a clear process for making exceptions to policy if and as warranted.

3. Program Management

a. Programmatic Challenge and Accomplishments To Date

The pressures of the 2014 surge threw into sharp relief ORR's need for additional tools to manage the UC program. For example, entering the surge, ORR had little excess shelter bed capacity, and very limited options for increasing that capacity on short notice. Even allowing for the unpredictability in UC arrivals, a data point completely outside ORR's capacity to monitor or control, the program has had limited ability to use its program data effectively to do pro-active planning. Its traditionally exclusive reliance on grant mechanisms to secure shelter beds and other services constrained its flexibility in identifying agile and cost-effective responses to rapidly changing demands. The program was further hampered during the surge by inadequate

and uncertain funding levels, and limited ability to track actual expenditure levels in or close to real time.

Significant progress has been made on these fronts since the 2014 surge. In FY 15, ORR had significant excess bed capacity, enabling it to absorb increases in referrals during the year without needing to use emergency options. ORR has adjusted grantee funding downward by fixed amounts in certain cases to reflect the decreased workload associated with vacant beds, while allowing grantees latitude to determine how to implement budget reductions. And steps are being taken to improve the timeliness of expenditure tracking.

The Bed Capacity Framework, completed in January 2015, identifies a broad range of options to expand standard and temporary bed capacity, and frames the most significant decisions that will need to be made, and the timing of those decisions, in order to assure adequate capacity for a range of referral scenarios and another potential future surge. The renewal through calendar year 2015 of the HHS/DOD agreement for contingent temporary shelter support is a key element of the Framework, as are a range of ORR actions relating to previously-solicited standard shelter capacity, and exploration of other federal, non-DOD temporary shelter options. ACF is now positioned to use the Framework to monitor its activities moving forward, and to ensure that decisions are made (and if necessary, elevated to appropriate levels for decision) at times that will allow for sufficient preparation to deal with significant changes in UC referrals and bed demand. The Framework has been fully socialized within the Department and with HHS's partners in the UC program, so that they too are aware of the contingency options available to the program in the event of future need.

ORR has been working to develop a UC dashboard, which will function both as an internal management tool, and a resource for governmental partners, to receive a snapshot of program status on key indicators. And perhaps most significant, ORR is able to enter into (as needed) Indefinite Duration, Indefinite Quantity (IDIQ) contracts for a range of services: Shelter Staffing, Wrap-Around Support Services, Training and Technical Assistance, Transportation, and Medical Staffing and Equipment. This is significant because it expands beyond grants the procurement options available to ORR, offering greater flexibility and cost-effectiveness in matching service capacity to projected need. Beyond surge planning, this could be an important step in ORR's operational maturity over the long term.

b. Further Efforts To Consider

Building on this progress, important next steps to consider include:

- Continuing to monitor and refine the balance between the maintenance of a responsible degree of excess shelter capacity for contingency purposes, and conservation of budgetary resources;

- Further refining the budgetary tools available to ORR to support prudent levels of grantee funding and target grantee resources appropriately, in situations where responsible planning requires the maintenance of an inventory of vacant shelter beds.
- Reviewing the process flow of UC from referral from DHS to discharge from post-release services, where applicable, to identify opportunities for efficiencies.
- Finalizing and implementing the UC dashboard tool, and disseminating the tool to essential partners as a resource for up to date information about the UC program.
- Further refine and develop the Bed Capacity Model, for continued use in the development of future Bed Capacity Frameworks and scenario planning.

4. UC Case Handling

a. Programmatic Challenge and Accomplishments To Date

As part of its management of bed capacity and associated costs, ORR has continued to refine policies and procedures to promote the safe transferring of UCs to sponsors more expeditiously than in the past. The number of children in ORR custody is, of course, a function of both the pace of referrals from CBP, and the pace of discharges to sponsors. The ratio of discharges to referrals in FY2014 and FY2015 has been higher than in the early years of the program, a trend that began in FY2012. Between FY2008 and FY2011, monthly discharges as a proportion of the total caseload fluctuated from as low as 30 percent to a high of slightly over 50 percent. With the increase in the number of arrivals and ORR's efforts to reduce length of stay, the ratio rose significantly in FY2012 and 2013 and more dramatically in 2014, with discharge ratios in excess of 80 percent most months and approaching 100 percent from June through August. High rates of discharges, relative to the levels preceding the surge, continued in FY2015. Looked at differently, average length of stay (LOS) in FY2014 was approximately 29 days, far shorter than in prior years. While LOS dipped to a low of 16 days in June 2014, because of the pressure to free up bed space and the disproportionately large number of referred "Category I" children with a parent already in the US, ORR has maintained a LOS in FY2015 well below the levels preceding the surge. However, average LOS in FY15 rose to 34 days, in part due to the decline of Category 1 placements and to procedural safeguards implements which increased the period of time required to complete background checks, including home studies of prospective sponsors. ORR management is carefully analyzing case data to identify opportunities to further reduce the time required to complete background checks without increasing the risk of harm to children.

In recognition of the expanding need for UC legal services post-release, ACF supplemented its longstanding program of in-shelter legal counseling and services with the implementation in October 2014 of the Direct Representation Project, through which local organizations are representing children post-release to sponsors. This program has been

incorporated into the overall ORR legal services efforts with the issuance of new contracts in September 2015 to provide legal services to UC both in ORR custody and post release.

ORR has implemented a number of programmatic changes intended to further safeguard children after release:

- Expanded the scope of its National help Line to serve as a Help Line for UC and sponsors ;
- Implemented a pilot requiring home studies to be performed before release of children under age 13 to a Category III sponsor (distant relative or unrelated adult) and post-release services for all children released to a Category III sponsor; and
- Required home studies in cases in which a Category III sponsor sought to sponsor more than one child to whom the sponsor was unrelated.

b. Further Efforts To Consider

Moving forward, ORR should consider these next steps:

- Continue to monitor closely key program indicators like length of stay, as well as indicators that could be suggestive of post-release risk to UCs (e.g. multiple-child sponsor situations that could be indicative of trafficking), to ensure that the goals of expeditious UC sponsor unification and UC safety are being appropriately balanced;
- Give serious review to the post-release service needs of UCs and sponsors, and the possible expansion in both the reach and scope of post-release services that might be expected to flow from a new, earlier-release norm in the program; and
- Review ORR's longstanding and newly-implemented legal services programs, with a goal to meeting the largest possible proportion of need (both during shelter placement and post-release) not currently being met through other programs and resources.

5. Cross-Government Coordination

a. Programmatic Challenge & Accomplishments To Date

During the 2014 surge, the President directed the Secretary of Homeland Security to establish an interagency Unified Coordination Group (UCG) to ensure unity of effort across the executive branch in the UC response. The Secretary in turn directed FEMA to serve as the Federal Coordinating Official to lead and coordinate the UCG. Within HHS, ACF and ASPR have been active participants in the UCG along with CBP and ICE, and supportive entities include DoD, GSA, the Coast Guard, USCIS, DoS, and DHS' Office of Health Affairs. The UCG has finalized a Surge Plan that would guide interagency actions during a future surge. The Plan frames assumptions reflecting a potential worst-case scenario for planning purposes, one in

which the influx of UC could range as high as 145,000, and monthly peaks could be as much as 20,000 and span multiple months. The Plan establishes specific triggers that would lead to higher levels of situational awareness and interagency activity, as UC flows increase, or CBP holding capacity and ORR vacant bed capacity decrease. At this time the close coordination supported by the UCG has continued to work well, as evidenced by the smooth transition from Steady State operations to Enhanced Coordination as directed by the UCG Surge Plan, when the circumstances met the agreed upon triggers in July 2015.

ORR has been working directly and closely with DoD, both to support renewal of the agreement under which DoD would provide up to 5,000 temporary UC beds with 30 days' notice in an emergency situation, and to preliminary identify the specific DoD locations that would be most viable for this purpose from the perspective of both agencies. ORR has also been working with GSA to review its inventory of federally-owned or -leased properties that might be suitable for temporary shelter facilities, and begin the process of assessing their viability. And ACF/ORR continues to coordinate closely with DHS/HQ as needed, and similarly with NSC and OMB.

b. Further Efforts To Consider

Some discussion has taken place about an appropriate successor to FEMA in the role of coordinating the interagency response, with two potential options of the HHS SOC, or the DHS Southwest Border Task Force, in addition to reviewing other HHS/ACF potential capabilities. In addition, a determination is needed as to the intensity of interagency coordinating activity that is needed during a “normal operations” phase. However, given the current Enhanced Coordination status, it is unlikely that a significant change in UCG structure will be made at this time.

- When appropriate, as circumstances continue to evolve, the HHS representatives on the UCG should discuss and elevate to IOS a recommendation for an HHS position on transition of the UCG function, and the scope and intensity of interagency coordination needed during normal operations;
- Once established, HHS should advocate its position through interagency channels

6. Intra-HHS Coordination

a. Programmatic Challenge & Accomplishments To Date

A number of steps have been taken over recent months to improve internal communication and coordination within HHS on the UC program and response. A dedicated ACF/IOAS coordinating unit conducts weekly update calls to keep STAFFDIVs current on significant program developments and to give them an opportunity to advise ACF/ORR of important information.

b. Further Efforts To Consider

To be as well-prepared as possible for a future influx, ORR should consider:

- Continuing regular UC program update calls, to be coordinated by ORR, and involving participation by all potentially-involved STAFFDIVs;
- Determining IOS needs for regular information flow on the UC program, and structuring a mechanism to ensure that those needs are being met;
- Convening discussions between ACF/ORR and ASPA, ASPR and IEA to identify actions to improve communication and coordination in future influx-response situations; and
- Identifying a temporary leadership group that would coordinate all aspects of ORR's response in the event of a future influx. This group would not necessarily need to be a new or different set of individuals, but response coordination would be their full-time job during an influx, so others would need to take over their regular duties. ORR should consider identifying temporary influx leads for operations, site selection, data management, policy, communications and medical screening.

7. Data Management

a. Programmatic Challenge and Accomplishments To Date

The FY2014 influx placed unprecedented demands on ORR to collect and report publicly on UC data. Although ORR has a relatively robust data portal, it was designed for internal case management purposes, not for reporting to external stakeholders. Requested data were not easy to access and contractors were needed for data manipulation, which hampered ORR's ability to do analyses quickly. In addition, ORR had just started using the portal in January 2014; at the time of the influx, the portal's operational capability was not fully built out and users still were being trained on it. As a result, some manual data collection processes needed to continue during the influx, making the portal less useful as a single data source.

In recent months, ORR has made great strides in enhancing the data portal's capability, and in training ORR and grantee staff on how to use it most effectively. Additional data staff have been hired to supplement ORR's capacity to manage the portal and design and run data analyses and queries. This new team has also taken responsibility for operating and maintains the ASPE Bed Capacity Model as well as the newly developed Bed Capacity Matrix. To meet Departmental security requirements, the portal was migrated to the Parklawn Data Center in January, without incident or interruption to program use.

b. Further Efforts To Consider

The portal has additional potential to produce data for analytic purposes. In light of these unrealized opportunities, ORR should consider:

- Seeking external consultation on organizational best practice in the application of analytics to ORR's management needs;
- Identifying key operational indicators and developing appropriate management information reporting.
- Continuing to enhance ORR's internal, staff-supported capability to manage the portal;
- Continuing to enhance ORR's ability to provide internal, staff-support data analysis to senior management; and
- Establishing appropriate training protocols on ensuring confidentiality of sensitive information.



To: [REDACTED]

Through: Mary Wakefield, Acting Deputy Secretary

Through: Mark Greenberg, ACF Acting Assistant Secretary

From: Bobbie Gregg, ORR Deputy Director

Subject: ORR Interim Proposal to Expand Post-Release Services -- DECISION

Date: June 18, 2015

Overview

The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) requires HHS to provide post-release services to unaccompanied children (UC) released to a sponsor in cases where a home study was conducted prior to placement and also authorizes HHS to provide post-release services to “children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency.” This has represented a relatively small portion of UCs in the past. In FY 2014, for example, ORR conducted 866 home studies and provided post-release services for 3,989 UC, or approximately 7% of the total number released to sponsors.

ORR is conducting a review of its current post-release services and considering what, if any, changes should be made. ORR will complete the process of developing its recommendations by July 1, 2015. In the short-term, ORR has identified certain children with “other needs” to whom ORR proposes to pilot post-release services while we consider whether more substantial changes are warranted:

- children released to a non-relative sponsor and
- children whose placement has disrupted or is at risk of disruption and who are within 180 days of placement.

We would like your approval to move forward with this pilot on July 1st.

Children Released to a Non-Relative Sponsor

A number of factors have been identified that increase the risk of child maltreatment including the presence of unrelated adults living in the home with a child and the age of the child. There are other factors that increase the risk of exploitation of unaccompanied children by unrelated adults, including the risk that the sponsor may be expecting the child to work to pay existing debt or to cover the child’s expenses while living with the sponsor. Finally, an unrelated adult may lack the type of affection for a child that results in prioritizing the child’s well-being over other considerations. For all of these reasons, in identifying potential sponsors, ORR affords the



lowest preference to and performs the most extensive background review of prospective sponsors who are unrelated to the unaccompanied child.

In consideration of the increased risk of harm or exploitation to children released to a non-relative sponsor, ORR has identified this population of children as having “other needs” that could benefit from ongoing assistance from a social welfare agency. ORR proposes that effective July 1, 2015, ORR will, on a pilot basis:

- offer post-release services to all children released to a non-relative sponsor, and
- perform pre-release home studies for all children age 12 and under being released to a non-relative sponsor.¹

In FY 2014, ORR released 4,952 children to non-relative sponsors (9.2%) and through May 31, 2015, has released 1,516 children to non-relative sponsors (11%). ORR estimates that this pilot will result in providing post-release services to an additional 250 children and performing home studies for approximately 65 of those children during the remainder of FY 2015.

Placement Disruption

Effective May 15, 2015, ORR expanded its Help Line to accept calls from UCs or their sponsors seeking assistance with safety-related concerns. To date, ORR has received 23 calls from youth and sponsors in situations in which the placement has disrupted or is at risk of disruption.² When placement has disrupted, a youth is especially vulnerable to exploitation. Accordingly, ORR proposes effective July 1, 2015 on a pilot basis, to offer post-release services to youth and/or sponsors within 180 days of placement when:

- placement has not yet disrupted, but is at risk of disruption³ due to conflict between the youth and sponsor, and

¹ TVPRA requires HHS to conduct home studies for a child of any age “whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation or trafficking to the child based on all available objective evidence.” We are proposing conducting home studies for non-relative sponsors of younger children in all cases because of the increased vulnerability of younger children who after release have less access than older children to caring adults, such as teachers and school counselors, and less opportunity to contact the ORR Help Line should the need arise.

² Placements have disrupted for a number of reasons, including but not limited to conflict between the youth and the sponsor, sponsor neglect or abuse, or youth preference. In nine of the 23 cases the youth is living with a friend, relative or other adult, in 13 cases the youth’s whereabouts are unknown, and in one case the child has been taken into state care.

³ The process for the safe and timely release of an unaccompanied child from ORR custody involves many steps, including the verification of sponsor identity, review of the sponsor application and supporting documentation, and evaluation of the suitability of the sponsor considering the sponsor’s relationship to the child, the child’s age, results from the sponsor background checks, and in some cases home studies. However, after release conflict, abuse, neglect or exploitation may occur that was not predicted at the time of placement. In instances where these problems surface within 180 days of placement, ORR proposes to offer post-release services. Of course, in appropriate circumstances, ORR notifies law enforcement and child protective services.

**Unaccompanied Children's Program
Interim Proposal to Expand Post-Release Services
June 16, 2015**

The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) requires HHS to provide post-release services to children released to a sponsor after a home study has been conducted and authorizes HHS to provide post-release services to "children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency." In FY14, ORR conducted 866 home studies and provided post release services for 3,989 unaccompanied children (approximately 7% of the total number released to sponsors).

ORR is conducting a review of its current post-release services and considering what, if any, changes should be made to provide services to additional children and/or to amend the types of services offered. ORR will complete the process of developing its recommendations by July 1, 2015. In the interim, ORR has identified certain children with "other needs" to whom ORR proposes to pilot post-release services:

- children released to a non-relative sponsor and
- children whose placement has disrupted or is at risk of disruption and who are within 180 days of placement.

Children Released to a Non-Relative Sponsor

A number of factors have been identified that increase the risk of child maltreatment including the presence of unrelated adults living in the home with a child and the age of the child.¹ There are other factors that increase the risk of exploitation of unaccompanied children by unrelated adults, including the risk that the sponsor may be expecting the child to work to pay existing debt or to cover the child's expenses while living with the sponsor. Finally, an unrelated adult may lack the type of affection for a child that results in prioritizing the child's well-being over other considerations. For all of these reasons, in identifying potential sponsors, ORR affords the lowest preference to and performs the most extensive background review of prospective sponsors who are unrelated to the unaccompanied child

In consideration of the increased risk of harm or exploitation to children released to a non-relative sponsor, ORR has identified this population of children as having "other needs" that perhaps would benefit from ongoing assistance from a social welfare agency. ORR proposes that effective July 1, 2015, ORR will, on a pilot basis:

- provide post-release services to all children released to a non-relative, and
- perform home studies before release for all children age 12 and under being released to a non-relative sponsor.

In FY14, ORR released 4,952 children to non-relative sponsors (9.2%) and through March 31, 2015, has released 751 children to non-relative sponsors (7%). ORR estimates that this would result in providing

¹ Centers for Disease Control and Prevention, [Child Maltreatment: Risk and Protective Factors \(May 29, 2015\)](http://www.cdc.gov/ViolencePrevention/childmaltreatment/riskprotectivefactors.html#Risk Factors for Perpetration)
<http://www.cdc.gov/ViolencePrevention/childmaltreatment/riskprotectivefactors.html#Risk Factors for Perpetration>

post-release services to an additional 250 children and performing home studies for approximately 65 of those children during the remainder of FY15.

Placement Disruption

Effective May 15, 2015, ORR expanded its Hotline to accept calls from UCs or their sponsors seeking assistance with safety-related concerns. To date, ORR has received a number of calls from youth and sponsors in situations in which the placement has disrupted or is at risk of disruption. Sponsor relationships have disrupted either as a result of the youth choosing not to live with the sponsor or the sponsor refusing to allow the youth to continue to live with the sponsor. Placements may be at risk of disruption for a number of reasons, including but not limited to conflict between the youth and the sponsor, sponsor neglect or abuse, or youth preference. When placement has disrupted, a youth is especially vulnerable to exploitation. Accordingly, ORR proposes effective July 1, 2015 on a pilot basis, to offer post-release services to youth and/or sponsors within 180 days of placement when:

- placement has not yet disrupted, but is at risk of disruption, and
- placement has already disrupted and the UC is living in another household.

At this time, we are unable to estimate the number of children and sponsors likely to be served due to placement disruption or the types of services that these children and sponsor may need. The pilot will provide HHS with data from which to determine the scope of this need, as well as to identify whether any changes in pre-release practice would reduce or obviate the need for certain post-release services.

The proposed pilots can be funded through the FY15 budget without reprogramming or reducing any other services in the UC program. Continuation of this expansion of post-release services in FY16 will be dependent on funding and consideration of the entire array of post-release service options.