

WRITTEN STATEMENT BY

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On

**“The Adequacy of the Department of Health and Human Services' Efforts to Protect
Unaccompanied Alien Children From Human Trafficking”**

**Permanent Subcommittee on Investigations
Committee on Homeland Security and Governmental Affairs
United States Senate**

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Lutheran Immigration and Refugee Service (LIRS)¹ is grateful to Chairman Portman, Ranking Member McCaskill and Members of the Subcommittee for this opportunity to submit the following written testimony.

LIRS is a faith-based organization which has been serving refugees and migrants for over 75-years, including unaccompanied children from all over the world for over 40 years. LIRS believes unaccompanied children, regardless of their status, deserve protection and should be treated according to their best interests. During the recent higher arrivals of unaccompanied child refugee arrivals from Central America since 2012, LIRS has worked alongside the government and with a national network of partners to advocate for appropriate services for these children and youth. These services safeguard unaccompanied migrant children's best interests and recognize their unique vulnerabilities to exploitation and abuse. LIRS looks forward to sharing our recommendations for ways the ORR program can improve their family reunification practices so that incidents of trafficking or other harm may be more readily prevented, identified, or mitigated.

This statement will provide the following information: 1) LIRS's experience of serving unaccompanied children, 2) a historical look at protection provisions for unaccompanied

¹ Lutheran Immigration and Refugee Service (LIRS) is the national organization established by Lutheran churches in the United States to serve uprooted people. LIRS is nationally recognized for its leadership advocating on behalf of refugees, asylum seekers, unaccompanied children, immigrants in detention, families fractured by migration and other vulnerable populations, and for providing services to migrants through over 60 grassroots legal and social service partners across the United States.

children, 3) a review of ORR policy and practices, and 4) LIRS recommendations for improving family reunification practice.

LIRS's Experience Serving Unaccompanied Children

LIRS collaborates with the Office of Refugee Resettlement to provide services mandated under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 and the Homeland Security Act of 2002. These services safeguard unaccompanied migrant children's best interests and recognize their vulnerability to exploitation and abuse. LIRS provides these services through established service networks of community-based agencies with expertise in professional child and family services and in serving immigrant communities.

These services include:

- **Transitional and long-term foster care** for pregnant teen mothers, young children & children without any family in the U.S.
- At our **safe release** sites, sponsor support & family reunification services, which include assisting families in filling out a family reunification packet and complying with background check and fingerprint requirements.
- Suitability assessments that incorporate **home studies** within the home of a potential sponsor, interviews with the sponsor and other adult family member, and interviews with the child. These interviews review background check information, when available; information provided in the sponsor's family reunification packet; and provides a recommendation on the reunification of the child to sponsor to ORR and ORR's Case Coordinator, a service conducted by the subcontractor GDIT.
- Following reunification, LIRS also provides community-based **post-release follow-up services** in accordance with best practice standards of providing flexible, individualized case management services in the community by child welfare professionals. This model of service is also shared by partners at USCCB and USCRI. However, not all of ORR's post-release service providers adhere to these best practices.
- LIRS is also one of two organizations that serve children in the **Unaccompanied Refugee Minor (URM) Program**, which serves children with refugee status, who are resettled from abroad, and former unaccompanied migrant children who have obtained legal status in the United States.

As the only Office of Refugee Resettlement service provider that serves unaccompanied children throughout all stages of care, LIRS is uniquely situated to identify gaps in protection and make recommendations to improve U.S. policies and practices for these children. In addition to our child welfare services for migrant and refugee children, we promote best practices through evidenced-based research. We also bring together experts from a variety of disciplines to develop policy recommendations that adhere to our nations' mandate to care for migrant children and protect them from harm. Our recent report, *At the Crossroads for Unaccompanied Children*,

provides a detailed overview of the care and custody of unaccompanied children and suggests recommendations for the improvement in the care, custody, and processing of children across the federal agencies.² The report represents a culmination of best practices gleaned from a series of roundtable discussions with multi-disciplinary practitioners and experts throughout 2014.

A Historical Look at Protection Provisions for Unaccompanied Children

A historical look at the legal protections for unaccompanied children provides an important context to the evolution of child protection policies for this vulnerable population. While important improvements have been made over the past two decades, full child and due process protections have yet to be fully implemented.

Prior to 2008, legal and child protections were provided primarily through the *Flores v. Reno* settlement (*Flores*) agreement of 1997³ and key provisions in the Homeland Security Act of 2002. The *Flores* litigation came about because the treatment of unaccompanied children by the former U.S. immigration agency, the Immigration Naturalization Service (INS), violated their best interests and due process. Under *Flores*, unaccompanied migrant children became entitled to minimum standards of treatment. Like children in our domestic child welfare system, these migrant children were determined to be entitled to the following:

- 1. Detention away from unrelated adults,**
- 2. A form of custody other than secure juvenile facilities,**
- 3. Humane conditions while in custody,**
- 4. A policy favoring release to family members in order to prevent family separation and indefinite detention, and**
- 5. Legal protections that included judicial review and access to representation, human rights monitoring, and courts.**

² LIRS published July 2015, available at: http://lirs.org/wp-content/uploads/2015/07/LIRS_RoundtableReport_WEB.pdf

³ The *Flores* Settlement Agreement, Case No. CV 85-4544-RJK(Px); Available at: <http://tinyurl.com/qagjr8n>. Some of the agreement's terms have been codified at 8 CFR §§236.3, 1236.3. (Although it was the Immigration and Naturalization Service (INS) who consented to the agreement, *Flores* also binds "their agents, employees, contractors, and/or successors in office.")³ Therefore, it applies to all those in Department of Homeland Security (DHS) custody—including short-term Customs and Border Protection (CBP) custody and long-term Immigration and Customs Enforcement (ICE) family detention facilities—and those transferred to Office of Refugee Resettlement (ORR) custody).

Following the 1997 *Flores* settlement, the Homeland Security Act of 2002 built upon these protections and created the definition of the “unaccompanied alien child” (“UAC”).⁴ The Homeland Security Act transferred the authority for care and custody of unaccompanied migrant children from the INS to Department of Health and Human Services—an agency with expertise in the principles of the best interest of the child. Congress rightly recognized the specialized needs of these children by transferring the custodial authority to a child welfare and refugee agency within the Department of Health and Human Services: the Office of Refugee Resettlement (ORR). Conversely, it also ensured that children traveling with parents were not separated from their family members. The Homeland Security Act underscored that the best interest of the child must be also considered whenever an unaccompanied migrant child is in the custody of the government.

Despite these important provisions, the *Flores* and Homeland Security Act framework for child protection remained incomplete. Congress also recognized that unaccompanied children were especially vulnerable to trafficking both in their home countries and in transit, but especially within the United States. As such, Congress added additional provisions to the Trafficking Victims Protection Act (TVPA) regarding unaccompanied children to address their particular vulnerability to trafficking.

LIRS, along with other care providers saw that many unaccompanied migrant children who have survived trafficking were afraid to come forward, or they did not understand that they were victimized and in need of protective services. The children we encountered were often unaware that their mistreatment was illegal or that laws and services existed to protect them. With the William Wilberforce Trafficking Victims Reauthorization Act of 2008, Congress intended to better identify trafficking survivors, disrupt cross-border trafficking, provide services to children while in the custody of ORR, identify those children in need of protection, provide safety screening of potential sponsors, and safely reunify them with family as they pursue their legal relief claim in immigration court.

Specifically the TVPRA:

1. **Requires all potential sponsors to have an identity verification and assessment for potential risk to the child through background checks.**
2. **For especially vulnerable children—who survived trafficking, child abuse or have other special needs as defined under the Americans with Disability Act of 1990 (ADA)⁵—safe release to a sponsor requires a home study and post-release follow-up**

⁴ Homeland Security Act of 2002, Public Law 107–296. 107th Congress, codified at 8 U.S.C. § 1232 *et al.*

⁵ Pub. L. 101–336, *codified at* 42 U.S.C. § 12102

services for the duration of child’s immigration case or until such child turns 18 years of age.

- 3. Permits, but does not require, ORR to provide post-release services for children to better integrate into their homes and communities.**
- 4. Allows, but does not require, ORR to appoint child advocates for trafficking victims or particularly vulnerable children.**

While the TVPRA did establish important child protection and due process protections, the TVPRA did not provide all the protections that child welfare experts believed to be critical to a child’s protection. In particular, unaccompanied children, unlike children in the child welfare context, still lack the guarantee of legal representation or advocates who work on behalf of their best interests. Additionally, the protection scheme to ensure the child is safely reunified with family members and receives the services necessary for support and community integration have proven to be insufficient in practice. Today, there is no regulatory framework outlining the requirements ORR should meet in order to comply with all of its obligations under the *Flores* Settlement Agreement, the Homeland Security Act of 2008, and the TVPRA. Over the years, ORR has continually revised and expanded its depth of knowledge and practice in serving this unique population. Yet, with funding constraints and increases in the number of children fleeing Central America, ORR has also been forced to make hard choices about family reunification procedures that do not protect children while safeguarding their rights to family unity.

A Review of ORR Policy & Practice: Family Reunification

The following outlines ORR’s family reunification practices and provides recommendations for ways they could be strengthened to better protect and care for children.

Screening of Children for Protection Concerns in ORR Custody

Once a child is transferred to ORR custody, a licensed, bi-lingual clinician conducts a detailed screening and full psychosocial evaluation. This includes an assessment for a variety of issues, concerns and challenges, as well as any potential asylum claim and trafficking indicators. Trafficking screening can be incredibly challenging as many children do not realize that they were with traffickers during their journey. For instance, it is not uncommon for a girl to believe that she was brought to the United States by her adult boyfriend to get married, when in fact he is trafficking her into prostitution. The vulnerability of children and their often incomplete understanding of the situation require ORR staff, legal representatives and social service providers to develop highly advanced skills for interviewing children and asking appropriate and detailed questions to uncover trafficking situations.

Regardless of whether trafficking indicators are uncovered while the child is in ORR custody, there may be no guarantee that trafficking will not occur once they are released. This is one reason why LIRS and other service providers have long advocated that full background checks (including Federal Bureau of Investigation (FBI) and Children Abuse/Neglect (CA/N) checks) are performed for *all* sponsors and that post-release case management services, as described above, be provided to *all* children upon release. Currently only a small percentage of unaccompanied children receive post-release social services. In Fiscal Year 2014, ORR reunified 60% of unaccompanied children with parents and 30% with other family members, with as many as 53,518 placed in homes while children's removal cases proceeded. Yet ORR was only able to provide home studies for 1,434 children (or 2.5%), and post-release services to 3,989 children (or 7%).⁶

Also upon placement in ORR custody, children receive full medical check-ups, vaccinations, counseling and ORR begins the process of family reunification or placement with a suitable sponsor or foster care environment. To remain in compliance with the Prison Rape Elimination Act (PREA), children are given an orientation on how to prevent, detect and respond to sexual abuse or harassment. Children must also receive information on how to report potential abuse to ORR by using the ORR hotline.

Verification of Sponsor Identity

First Step: Family Reunification Packet

As part of the family reunification process, ORR requires the completion of a family reunification packet. Sponsors are required to provide photo identification, a copy of their own birth certificate, a copy of the child's birth certificate and documents to prove the child's relationship to the sponsor. If the sponsor is not a child's parent or legal guardian, then that person must submit a proof of address. Unfortunately, in the past, traffickers have provided fraudulent documents to sponsor children despite the efforts ORR has made to verify the identity of anyone claiming a familial relationship. This is why LIRS and other organizations believe that, as noted below, background checks should be performed for every sponsor, even when a familial relationship is claimed.

In 2014, ORR helped expedite the reunification process by allowing parents to complete the family reunification packet over the phone, so long as they provided copies of the other supporting documents. LIRS believed this posed a significant harm to children and urged families to use LIRS safe release support sites.

⁶ Molly Hennessy-Fiske, "Young Immigrants Placed in Sponsor Homes are at Risk of Abuse, Experts Say," LATimes August 18, 2015, available at: <http://www.latimes.com/nation/la-na-immigrant-sponsors-20150818-story.html>

Second Step: Sponsor Background Checks

ORR uses a range of background checks to determine if a child would be at risk under the care of a sponsor. In some cases ORR may conduct screening of other adult household members.

Among these checks are:

- A **public records check** to determine if the individual has a criminal history;
- An **immigration status check through the Central Index System (CIS)** to determine if an individual has immigration proceedings that could lead to their removal from the U.S. or other immigration status concern that could impact the stability of the child’s placement;
- A **national FBI criminal history (digital fingerprint)** check to determine if the individual has a criminal history; *or* an **FBI identification index** used in lieu of a FBI criminal history check when fingerprints cannot be obtained; and
- A **Child Abuse/Neglect check (CA/N check)** to determine if there is a history of child abuse or neglect, and a state criminal history repository check to determine if there are further criminal offenses. These checks are done in every state where the sponsor has reported that they have lived.

Sponsors do not have to have legal immigration status for a child to be released to them. If sponsors were required to have legal immigration status, many families would be prevented from reunifying, circumventing parental rights and impacting a child’s developmental needs and best interests by living with his or her family. Regardless, a child still has to appear for immigration court proceedings and the vast majority of children do show up for their hearings. If they have counsel or post-release case management services, children are even more likely to attend their immigration court hearings.

Below is a chart of the categories of sponsors and the corresponding background checks that are conducted correlating to the risks. (Current policy as of October 2015 update).

SPONSOR TYPE	RISK FACTORS	BACKGROUND CHECK	LENGTH OF TIME FOR CHECK
Category 1 Parents and Legal Guardians & Category 2 Immediate adult relatives such as siblings, aunts, uncles, grandparents, or	Category 1 & 2 AND no risk factors with child or sponsor.	Public Records check on sponsors and any adult household members where special concern	Within 7-15 days depending on the circumstances.
	Category 1 & 2 AND a documented risk factor/ TVPRA mandated home study	<ul style="list-style-type: none"> • Public Records check • Immigration Status check • FBI/fingerprints • Child Abuse/Neglect check (CA/N)—in 	<ul style="list-style-type: none"> • FBI checks can take anywhere from 4-5 days on average (longer in certain circumstances). • CA/N checks* can

first cousins		home study cases	take anywhere from 4 weeks to 8 weeks (depending on state backlog/priorities and sponsor's comprehension of the paperwork.
Category 3 Distant relatives and unrelated adults	All Category 3 sponsors , including documented risk factor with child or sponsor/ TVPRA-mandated Home Study/Home Study for sponsors of 2 or more children (whether concurrently or in past).	<ul style="list-style-type: none"> • Public Records check • Immigration Status check • Child Abuse/Neglect check (CA/N) • FBI/fingerprints 	<ul style="list-style-type: none"> • Home studies w/ background checks may take longer depending on backlog with home studies and CA/N checks.

**May be waived in certain circumstances, except in the states of NM or LA.*

Over the years, ORR has repeatedly changed the requirements for complying with background checks. In early 2014, ORR issued an **expedited release process** that treated category 2 (Immediate adult relatives such as siblings, aunts, uncles, grandparents, or first cousins) and category 3 (distant relatives and unrelated adults) sponsors exactly like category 1 (parents and legal guardians) sponsors. This allowed ORR to forgo certain background checks, including fingerprinting for criminal history and CA/N checks, if there were no apparent risk factors or TVPRA statutory required home study (trafficking, child abuse or neglect, child disability, or sponsor risk to child).

Not requiring certain background checks for some sponsors resulted in a negative finding of “sponsor risk” towards a child due to a lack of information about the sponsor. This ultimately led ORR to conclude that the child’s sponsor did not require a home study under the TVPRA and put the child at potential risk for trafficking. Although lacking full safeguards, these new policies do require that sponsors provide documented evidence of their relationship to the child, such as the child’s birth certificate or a marriage license to prove a relationship. When the number of children arriving at the border declined at the end of Fiscal Year 2014 and beginning of Fiscal Year 2015, ORR reinstated the more stringent requirements.

ORR further compromised the rigorous release policy to accommodate the high arrivals of UAC in 2014 by permitting children to be released when a child abuse and neglect background check (CA/N check) was still pending. Typically, ORR would wait to obtain the results of a CA/N check before making a release decision as the CA/N checks provided vital information in the assessment of the sponsor’s home.

In early 2015, ORR returned to its more stringent CA/N check policy and eventually added a new home study requirement. LIRS supported this policy change; however, it resulted in long

waitlists for CA/N checks from various state child protection agencies. This had the effect of dramatically increasing the lengths of stay in ORR custody for up to 4-8 weeks, causing ORR to change its procedures once again.

By Fall 2015, ORR permitted a procedure for waiving CA/N checks when there was no indication of child abuse or neglect. Rather than waive CA/ N checks at the recommendation of a care provider, LIRS encourages HHS and ORR to find ways to expedite CA/N checks that take into consideration state child welfare demands for CA/N checks for domestic child welfare purposes. Just months later, ORR again revised the CA/N policy to add the requirement that all category 3 sponsors undergo the CA/N check in order to further improve the screening of non-relative sponsors. While this represents an improvement, LIRS believes that CA/N checks should be expanded for category 1 and 2 sponsors as well.

LIRS believes background checks are integral to the safety and protection of children. In LIRS's experience, many cases—even involving parents—include unsafe living arrangements that could have been prevented had a background check been done on the parent. LIRS appreciates the time constraints on ORR, and the need to free up additional bed space when there is an increase in child arrivals. Therefore, LIRS supports increased funding for ORR to ensure background checks are performed and prevent shortcuts to child safety. Additionally, LIRS believes Congress can improve the process by creating new systems, such as a nationalized CA/N check database, so that the burden on both states and HHS to conduct such checks is greatly reduced.

Child and Sponsor Interviews & Home Studies

ORR requires case managers to verify a potential sponsor's identity and relationship to the child before determining whether the individual is an appropriate sponsor. This includes interviewing both the child and the potential sponsor to validate the relationship between the child and the sponsor. During this interview, ORR considers different risk factors to determine if the sponsor is suitable for the child. These risk factors include the sponsor's motivation for sponsoring the child, the wishes of the parent, the child's wishes, the sponsor's understanding of the child's needs, as well as any risk factors or special concerns the unaccompanied child might have. The screening is intended to ensure that children are placed in the safest environment possible and that they are not at risk of being abused or exploited under the sponsor's care.

During the family reunification process, a small percentage of children are required under the TVPRA to have a home study. These children include those who are victims of severe trafficking, children with special needs or disabilities (as defined by ADA), children who have been victims of physical or sexual abuse and sponsors who present a risk of abuse, maltreatment, exploitation or trafficking. In 2015, ORR changed its policies and now requires home studies before releasing **any** child to a non-relative sponsor who is seeking to sponsor multiple children or who is looking to sponsor an additional child (following a previous child reunification). Still, even with these increases in home studies, the vast majority of children are placed in homes that

have not been fully screened. Historically, ORR used to require home studies for other high risk cases. For example home studies were required for all Chinese or Indian children because ORR noticed a trend of higher incidents of trafficking by sponsors among these populations. ORR found that by doing a home study, it could better screen the family and better ensure children were not being exploited. ORR has since revised their policy so this is no longer required. LIRS believes these populations are still in need of home studies due to trafficking concerns specific to these populations.

Release from ORR

With the first increase in unaccompanied child arrivals in Fiscal Year 2012, ORR instituted a new policy that sought to speed up the reunification timeframe and thereby free up bed space for children who were awaiting transfer from crowded Customs and Border Protection stations. ORR required care providers to strive towards the following timeframes for reunification:

- Category 1 (parents and legal guardians): 10 days
- Category 2 (close adult relatives): 14 days
- Category 3 (distant relatives or family friend): 21 days.

To date, ORR still has these timeframes for reunification as goals, although they prove unrealistic in practice. At times, ORR also institutes a weekly, target reunification goal. Currently, ORR has stated that care providers should try and reunify eligible children at a rate of 25% of the total population within each shelter facility. This puts a burden on care providers, who may feel a contractual obligation to expedite family reunification and under-represent the protection needs of the child. While ORR policy clearly states that the child's protection needs should not be overlooked in sponsor assessments, care providers may feel the need to balance the fiscal and bed placement demands with a risk assessment of the sponsor.

Post-Release Follow-Up Services

The TVPRA only mandates post-release services for children who receive a home study. In addition, ORR provides follow-up services to a small number of children who are deemed by ORR to be especially vulnerable or in need of extra follow-up services. ORR partners with organizations, like LIRS, to provide these services. Not only do post-release services provide critical social services to children, these services also help link children to counsel, which increases their appearance rate in court.

As previously mentioned, current models vary greatly. Some are referral-only based, with fly-in case managers who visit from non-locally based service organizations. LIRS has found this approach to be contrary to the best interests of the child and to undermine not only the child's but also the entire family's integration and support. LIRS has found that community-based services are superior and ensure the child's well-being, furthering the entire family's success and community integration.

In an independent study LIRS requested from the University of South Carolina, researchers found that children who receive case-management style post-release services are more likely to comply with the requirement to appear at all immigration court hearings.⁷ Through post-release services children benefit from additional information about how to comply with immigration court proceedings, as well as referrals for local legal service providers. In addition to legal orientation, post-release services also help connect children to schools, mental health services, medical providers, and other supports, as well as provide cultural orientation to both the child and the parent.

During 2014, because of the significant numbers of arriving unaccompanied children and no commensurate increase in funding, ORR developed alternative safe release procedures to stretch post-release follow-up services. This included releasing a child with a safety plan or release with a follow-up phone call to ascertain if additional post-release services were needed. While this permitted some type of follow-up, there was no way to be certain of the child's identity, nor was there any guarantee that the child had a private conversation with a social worker. Thus, any assurance the child was in a safe place was suspect. This is one reason why LIRS has advocated that ORR have full funding, including emergency funds, so that when safe release concerns arise ORR can provide the necessary services upon release to ensure safety and community support while also ensuring family unity.

In 2015, ORR expanded other post-release services other than follow-up services to families. They created a child & sponsor support hotline where sponsors or children could call in and ask questions or request post-release case management services. ORR also required post-release follow-up services for all category 3 sponsors and expanded home studies for category 3 sponsors who sponsored more than one unaccompanied child. While in support of this improved policy, LIRS believes all children should receive post-release services.

The following case examples demonstrate the how post-release case management services prevent harm to children and provide additional support to vulnerable children.⁸

Case Examples: Preventing Harm & Providing Community Integration

Case example: Post-release services disrupt labor trafficking situation:

Oscar was abandoned by his parents in Guatemala and decided to make the journey to the United States to reunite with his sister and brother-in-law, with whom he had no previous relationship. Upon arrival in the U.S., Oscar was successfully placed with his family. Almost two years later, however, Oscar disclosed to his social worker that he had been living in a trailer

⁷ Benjamin J. Roth and Breanne L. Grace, "Post-Release: Study Summary and Policy Recommendations," *University of South Carolina College of Social Work*, available at: <http://bit.ly/1cpMtvZ>

⁸ All names and identifying information have been removed to protect the child's confidentiality.

on his brother-in-law's property and was working in his brother-in-law's landscaping business for no pay. After this, Oscar was moved to another sister and brother-in-law's home. This placement also became unstable when they kicked Oscar out of the home.

After this, through the help of the LIRS social worker, Oscar's attorney, and Child Protective Services (CPS), Oscar was successfully connected to a family from a local church, who were granted legal guardianship of Oscar. During this stable time, Oscar completed his interview with USCIS and was approved for legal status.

Case Example: ORR's new hotline leads to protection of young girl:

In **Maria's** community in El Salvador, a gang member put a gun near Maria's head and shot once, she stated that he told her, "I give you one month for you to leave or I will kill or rape you." She was not harmed when the gun was shot. Gang members then attempted to rape her, but stopped because her screams were so loud. They instead cut her and warned her they would rape her. At 17 years, she fled to the U.S. and was reunified with a sister without any post-release services. However her sister decided to move in with her boyfriend.

Maria called the new ORR hotline, explained that she never lived with her sister, had lived on her brother's couch, but had moved out. She was working in order to pay rent. ORR contacted LIRS Post Release Services and a report was made to CPS, Maria was placed in CPS custody and placed into foster care.

Case example: Post-release services lead to critical case management services:

Luna was released from ORR custody to a family member. Because Luna was having trouble getting along with this family member, she ran away from her sponsor's home and started living with an adult male, her "boyfriend." During a post release visit, the caseworker discovered where Luna was living and reported it to the authorities. Trafficking indicators led the caseworker to connect **Luna** to trafficking services with the Polaris Project, an organization that works with trafficking victims. Polaris was able to provide temporary housing for Luna. Because Luna refused to return to the sponsor's home, the caseworkers assisted with getting Luna admitted into a long-term program at a shelter where she is provided education, counseling, medical care, and case management. Reportedly Luna is doing well at this program and plans to remain until she finishes her schooling. Luna also has a pro bono attorney and is believed to be pursuing a U or T visa.

Case Example: LIRS Safe Release caseworkers assist with identifying protection concerns

A 17 year old girl from El Salvador, **Alicia** was found wandering on a beach by a good Samaritan. She was shaken and had with her all of her ORR paperwork, including a cover letter from our Safe Release caseworker. The minor told the good Samaritan that she ran away from her sibling, whom she had been released to a few days earlier. The good Samaritan called the LIRS Safe Release caseworker's number and arranged to bring Alicia to them to discuss the situation and see what could be done.

Alicia said that her sibling told her that she would have to work as a prostitute in order to pay back her sibling for the journey to the US. Because of this Alicia decided to run away. Alicia was distraught because her other sibling had encouraged Alicia to prostitute herself to local gang members in exchange for protection. The LIRS case worker was able to connect Alicia to a local shelter for trafficking victims, and the minor was given shelter and a case manager to work on her case for relief based upon her trafficking report.

Recommendations from Lutheran Immigration and Refugee Service:

- ORR should prioritize child protection and safety in reunification decisions over timelines based on fiscal concerns.
- ORR should revise the sponsor assessment tool and sponsor reunification packet to ensure gathering of relevant information, including an in person risk assessment of the sponsor, a sponsor needs assessment, and a sponsor orientation that accompanies a more user friendly sponsor handbook that promotes children’s safety, stability, and well-being.
- ORR should monitor the impact of changes to fingerprint background check requirements and revise policy accordingly.
- ORR should ensure that all children have access to post-release services and Congress should appropriate funds accordingly.
- ORR should require that all children receive at least one home visit to check on the released child’s well-being.
- ORR should develop regulations implementing the TVPRA and *Flores* Settlement requirements.
- Congress should provide ORR with contingency funds so that in times of higher arrivals of unaccompanied children or refugees, ORR can adequately provide the bed space and services required.
- Congress and HHS should provide resources for a nationalized child abuse and neglect database system for CA/N checks.

Additional recommendations for CBP, ICE and ORR can be found in LIRS’s report *At the Crossroads for Unaccompanied Migrant Children*.⁹

⁹ *Supra* n.2

Conclusion

Thank you for the opportunity to provide you and the Committee with information on LIRS's role in serving unaccompanied migrant children. We believe all children have a right to protection and are best cared for by their families. We look forward to continuing to work with this Committee and the Office of Refugee Resettlement to strengthen child welfare practices during family reunification so that we may better ensure children's long-term stability and well-being.