

Written Testimony of Allison E. Herre, Esq.
Permanent Subcommittee on Investigations
Homeland Security and Governmental Affairs Committee
April 26, 2018

Overview of Services provided by Catholic Charities of Southwestern Ohio

Catholic Charities of Southwestern Ohio (Catholic Charities) is a non-profit social service agency located in Cincinnati, Ohio. Catholic Charities is the charitable arm of the Archdiocese of Cincinnati serving the entire Greater Cincinnati community regardless of our clients' religious affiliation. We provide numerous services to immigrant and refugee populations through our federally recognized Refugee Resettlement Program, the Su Casa Hispanic Center, the Immigration Legal Services Department, and the Behavioral Health Department.

In the realm of unaccompanied alien children (UAC), Catholic Charities is the sub-grantee on two direct service grants provided by the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS). Through the FY2018 Foster Care and Safe Release Support Grant, under which Catholic Charities serves as a sub-grantee of Lutheran Immigration and Refugee Services (LIRS), Catholic Charities provides Safe Release Support services, which includes assisting sponsors in completing the Family Reunification Packet and capturing sponsor and household member fingerprints for transfer to the Office of Security and Strategic Information (OSSI) under HHS. Annually, we assist approximately 500 sponsors in Cincinnati and the surrounding area through the Safe Release Support program. Since first receiving the grant in 2016, Catholic Charities has served 954 individuals through the Safe Release Support Grant to date.

Through the U.S. Conference of Catholic Bishops (USCCB), Catholic Charities serves as a sub-grantee of the Safe Passages II Home Study and Post-Release Services for Unaccompanied Children Program. Under this grant, social workers at the Su Casa Hispanic Center complete ORR-mandated home studies for potential sponsors of UACs and provide ORR-mandated post-release services to UACs and their sponsors. Home studies consist of an interview with the UAC in shelter and the sponsor, a home visit to assess the health and safety of the living accommodation, and an extensive report on the findings including a recommendation. Post-release services include: assisting the family in enrolling the UAC in school; connecting the families to services within Catholic Charities, such as legal services for the UAC's immigration court case, health fairs to access medical screenings, and bilingual mental health therapists; and, connecting the families to services outside of Catholic Charities, such as St. Vincent de Paul for clothing and furniture needs.

Beyond the federal grants, Catholic Charities provides a host of other services to UACs, including pro bono legal representation in immigration-related cases as well as mental and behavioral health services, such as school-based counseling and out-patient psychiatric care.

Need for Increased Family Reunification Services

Since receiving the Safe Passages II grant, Catholic Charities has served 73 UACs, including conducting 15 home studies, supporting an average of 24 UACs per month with post-release services, and maintaining an active caseload of 25 UACs. These services promote child safety, reduce instances of human trafficking, and may reduce the burden on local child welfare agencies.

Through case examples, the Su Casa social workers report on the importance of pre-release home studies and the post-release support services for UACs and their sponsors. Case examples include:

1. A 16-year-old female UAC was safely reunited with her parents and sisters. The UAC has a history of suicidal ideation and significant abuse in her home country. When the sponsor found out that the UAC was being bullied at school in the U.S., she immediately sought mental health services for the UAC. The sponsor is in the process of transferring the UAC to a new school. At the 14 Day home visit, the UAC reported feeling "a little strange" living with her parents, since she had been separated from them almost her whole life. At the 60 Day home visit, the UAC reported feeling more comfortable with her family and her mother was actively getting her enrolled in counseling services and advocating for her to get her into a school that fits her needs.
2. The social worker, Linea, has been working with a 17-year-old Guatemalan female who was recently resettled with her maternal aunt as her sponsor. The UAC gave birth to her first child while in an ORR shelter in Arizona. When the baby was born the baby was signed up for Medicaid in Arizona. After the UAC and her child were resettled in Ohio, the Medicaid benefits did not transfer to Ohio. Linea helped the UAC cancel her baby's Medicaid in Arizona and then establish Medicaid here in Ohio. The UAC's case was going to close soon because she was only given 90 days of case management service. Shortly before closing the case the UAC reported that she was pregnant again, four months in, and she had not been to a doctor since arriving in Cincinnati. Linea and her supervisor, Patrick, discussed this case with our contacts at USCCB and advocated for continued services. ORR granted an extension until the UAC's 18th birthday. While, it is not a lot more time, it will give Linea time to get the UAC set up with medical care for herself and her baby.
3. Linea has been working with a recently arrived UAC, aged 12, from Guatemala. The child is currently living with his sponsor, who is his maternal aunt. The child reported to Linea that he was interested in speaking with a mental health counselor upon their initial visit. The sponsor did not agree and denied services. Over the course of months, it was reported at school that the child has wet his bed numerous times and has been struggling at school. Since he is enrolled at a local elementary school, the UAC was able to connect with Sarah, who is a Catholic Charities' school-based therapist. Linea and Sarah have been working to educate the sponsor on the value of counseling services.

This story illustrates the importance of integrated and wraparound services, including psychoeducation about mental health to parents and guardians.

4. A 16-year-old Guatemalan female was referred from Office of Refugee Resettlement for post release services because she experienced symptoms of PTSD while in ORR care. In the shelter, the UAC was prescribed medication and offered counseling. She was recently released to a sponsor, who is a family friend. Upon visiting the UAC and sponsor, the case manager educated the family on services accessible through Catholic Charities, including immigration legal services, mental health counseling, and health promotion. The UAC appeared to be adjusting well to her new home and appeared to be getting along well with the sponsor. Linea has helped Sam enroll in school and she will start classes soon.

While the UACs receiving services through Catholic Charities exemplify the benefits of providing pre-release home studies and post-release services, less than thirty-two percent of UACs released from ORR receive these family reunification services. The story of Anabel (name changed to protect her identity) highlights the need for more children to receive services.

Story of Anabel:

Anabel is a 17-year-old Honduran girl, who entered the United States as an unaccompanied alien child (UAC) in 2016. She was apprehended by Customs and Border Patrol (CBP), who released her to the Office of Refugee Resettlement (ORR). ORR found Anabel's mother in Cincinnati, Ohio and released Anabel to her mother. Anabel's mother did not receive a home study before Anabel was released from ORR, and Anabel did not receive post-release services. Before reunifying with her mother, Anabel had not seen her mother in over 10 years.

Shortly after reuniting with her mother, Anabel enrolled in high school and began to learn English. Anabel's school-based therapist, who is a social worker for Catholic Charities, reports that Anabel does well in school, has a strong attendance record, and has been a model student.

For reasons unclear, Anabel's mother kicked Anabel out of the house approximately 5 months after Anabel was released to her care by ORR. Anabel was forced to move-in with an uncle, who provided Anabel with very little supervision. Anabel continued to attend school and received straight A's.

Meanwhile, Anabel's mother, not being content with Anabel living in the United States, called the local police department to report Anabel as a drug addict and a runaway. The allegations of being a runaway have triggered a juvenile court dependency action against Anabel. Anabel's mother has commented to the Catholic Charities school-based therapist that she just wants Anabel to be deported back to Honduras.

While an extreme example, Anabel's story highlights the problems that arise for many UACs released by ORR without a cursory check of the living arrangement. In my legal practice, I see many examples of UACs released to sponsors who force the children to work instead of attend

school, who fail to provide any means for the children to attend immigration court proceedings, and who prove to be completely unreliable protectors of these very vulnerable children.

In order to continue the much-needed services for UACs provided by Catholic Charities and organizations like it, it is essential that Congress robustly fund programs and services for these children. Specifically, for Fiscal Year 2019, we urge Congress to maintain level ORR funding for the program at \$1.3 billion.

Essential Protections under the TVPRA

Under U.S. law, the custody, care, and release of UACs is governed by the *Flores* Settlement Agreement of 1997, the Homeland Security Act of 2002, and the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008. The TVPRA, in particular, seeks to protect unaccompanied children, who are the most vulnerable immigrants arriving in the United States. Such protections include: automatic transfer of UACs into HHS custody within 72 hours of determining that an immigrant child is unaccompanied, providing the least restrictive means of detention while a UAC is in federal custody, providing access to legal counsel to UACs in removal proceedings, and screening children from contiguous countries for evidence of trafficking or risk of trafficking and a credible fear of returning to the home country.

According to the TVPRA, “any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child.” See 8 USC 1232(b)(3). This automatic transfer of UAC custody from any federal department or agency to HHS is a vital protection against harm befalling children in federal custody. This protection is essential to children arriving at the border; however, it is also an important protection for children made unaccompanied by immigration enforcement activities within the interior of the country. Any proposed legislation that seeks to limit or curtail the legal obligation of federal departments and agencies to transfer UACs to HHS custody places vulnerable children directly in the path of danger.

Allowing children in removal proceedings to access counsel provides a child with an opportunity to pursue a legal protection against deportation. However, providing meaningful access to counsel requires more than merely handing the child a paper with a list of pro bono organizations located at the border and unable to represent children released to sponsors in other localities. Meaningful access to counsel requires that actual counsel be available and that UACs and their sponsors know about the pro bono services in their area.

In our service area, which includes Hamilton County, Ohio, two non-profit organizations accept UAC cases pro bono. The Legal Aid Society of Greater Cincinnati places approximately 30-40 cases per year with pro bono lawyers. My department at Catholic Charities accepts approximately 6-10 cases per year for direct representation. As the county with the highest

number of UACs in Ohio (817 children released in Hamilton County since FY14), most UACs living in Hamilton County must rely upon costly private counsel or no counsel to represent them in removal proceedings, which are conducted 250 miles away at the Immigration Court in Cleveland, Ohio. For any immigrant in removal proceedings, the likelihood of receiving relief from deportation increases by five times when the immigrant is represented by counsel according to "Access to Counsel in Immigration Court," 2016 report issued by the American Immigration Council.

My youngest UAC clients in removal proceedings, who have been in the United States for three years, are currently 4-years-old and 6-years-old. While these children came to the United States with a mother who has abandoned them here, at the Immigration Court in Cleveland, Ohio, I have witnessed children as young as seven, who made the journey from Central America to the United States without a parent or legal guardian. These innocent youths do not understand the invisible line at the border that separates them from us; they cannot comprehend the complexities and subtle nuances of our immigration laws.

Impact of Family Separation at the Border

Finally, at Catholic Charities, we are deeply concerned by reports of children being ripped from the arms of their parents by Customs and Border Patrol (CBP) agents at the US/Mexico border. While there exist instances in which the separation of an adult from a child may be appropriate due to abuse or trafficking concerns, through our Catholic Charities networks we have learned of many cases in which such concerns did not exist but families were separated nonetheless.

Apart from being a barbaric and inhumane (and arguably unconstitutional) practice, the forced separation of children from a parent traumatizes children in ways that has a long-term impact on a child's development. According to the Center for Disease Control and Prevention's Kaiser Permanente study of adverse childhood experiences (ACEs) from 1995-1997, childhood trauma affects brain development. The traumatic practices of forcibly separating a child from his parent renders children susceptible to significant problems later in life, such as mental illness, inadequate coping skills, drug and alcohol abuse, susceptibility for exploitation and criminal victimization, and early death.

Additionally, young children arriving with a parent may not know or fully understand the reasons for fleeing the home country. Even if a child does have some understanding of the violence she experienced at home, child-victims of trauma do not express themselves in ways that neatly package the facts into an arguable legal case. While working with children on asylum cases, I routinely question the child's adult sponsor for details and insights into the trauma the child experienced as a means of better developing the legal arguments. For children separated from a parent at the border, no such means of case development exists. In instances where children are afforded a credible fear interview separate from the parent, a child with a real, credible fear of returning to the home country may fail to express that fear adequately and

be sent back to a truly dangerous situation. In short, separating parent from child deprives children of meaningful access to due process.