

STATEMENT OF CHAIRMAN ROB PORTMAN
U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
HEARING: “ADEQUACY OF HHS’S EFFORTS TO PROTECT
UNACCOMPANIED ALIEN CHILDREN FROM HUMAN TRAFFICKING”
JANUARY 28, 2016

This hearing will come to order.

Six months ago, many of my constituents opened their morning papers to read the shocking news that law enforcement had discovered a human trafficking ring operating in Marion, Ohio — about 50 miles north of Columbus.

Six defendants were charged with enslaving multiple victims, including at least six migrant children from Guatemala, on egg farms in Marion County. The details of the crime were chilling. Traffickers lured the child victims to the United States with the promise of schooling and a better life. The parents of some of the victims even signed over the deeds to their property back home as collateral for debt incurred to pay for the journey. But not long after their arrival, these children—some as young as 14—were forced to work 12 hours a day, six to seven days a week. The work was grueling. And the living conditions were squalid, with children packed into a crowded, dilapidated trailer—some reportedly sleeping on mattresses in a crawl space beneath the trailer.

To compel them to work, the traffickers withheld their paychecks and threatened their families. As the indictment lays out, the defendants “used a combination of threats, humiliation, deprivation, financial coercion, and debt manipulation” to create “a climate of fear and helplessness.” Five of the six defendants have now pleaded guilty.

It is intolerable that human trafficking — modern-day slavery — could occur in our own backyard. But what makes the Marion cases even more alarming is that a U.S. government agency was responsible for delivering some of the victims into the hands of their abusers.

In 2014, at least six of the children found on the Marion egg farms traveled, without their parents, across Central America to our southern border. When they arrived here, they were entrusted to the U.S. Department of Health & Human Services, like thousands of other unaccompanied children detained at the border. It was HHS's job to find relatives or trusted family friends in the United States, if they had any, with whom they could stay until their immigration court date. Instead, HHS delivered the Marion children into the hands of a human trafficking ring that forced them to slave labor conditions.

How could this have happened in America?

After the release of the indictment last summer, Senator McCaskill and I launched an investigation to find out. How did HHS hand over a group of children to human traffickers? Was it a tragic failure to follow agency procedure in these cases? Or was the problem that the agency's procedures don't work and need reform? These were very important questions not only because of the Marion cases, but because of the number of *additional* children who are at risk.

Over the past two years, HHS has placed about 90,000 migrant children—the vast majority from Central America—with adult sponsors in the United States. That surge of migrant children coming to the U.S. illegally is a topic of some debate. There is certainly evidence that this Administration's executive actions on immigration encouraged the surge. But whatever your views on immigration policy, everyone can agree that the Administration has a responsibility to ensure the safety of the migrant kids that have entered government custody until their immigration court date. Under federal law, when migrant children appear at this country's borders unaccompanied by their parents, HHS's Office of Refugee Resettlement (known as ORR) is supposed to house them in group shelters until they can be placed in safe homes with trustworthy adult sponsors in the United States.

Unaccompanied children are uniquely vulnerable to human trafficking because many are in debt to the smugglers who arrange for their passage. The risk, of course, is that the smugglers may then force them to work off that debt once they arrive. That's why federal law specifically requires HHS to protect those kids from traffickers and others who seek to victimize them.

We investigated those protections as part of a thorough, six-month, bipartisan inquiry. The Subcommittee requested and reviewed thousands of pages of child placement case files, internal emails, and other documents from HHS; interviewed several senior ORR officials and personnel; and consulted with experts in child welfare and trafficking protections.

Our conclusion is that the Department of Health & Human Service's process for placing unaccompanied children suffers from serious, systemic defects. The horrible trafficking crime that occurred in Marion, Ohio could likely have been prevented if HHS had adopted commonsense measures for screening sponsors and checking in on the well-being of at-risk children — protections that are *standard* in foster-care systems run by the States, including Ohio.

And unfortunately, the systemic defects that contributed to the Marion cases appear to have exposed unaccompanied minors to abuse in other cases reviewed by the Subcommittee.

First, the victims of the Marion traffickers were placed with alleged family friends or distant relatives — which are known as “Category 3” sponsors. As it turned out, the sponsors weren't really family friends at all. Two of them were basically sponsors-for-hire — strangers hired by human smugglers to just get the child out of HHS custody, and then immediately pass them off to the traffickers. HHS did not know that, though, because it does not insist on any real verification of the supposed relationship between the sponsor and the child, apart from the say-so of a relative. One Marion case file actually contains no

explanation at all of the child's relationship with the sponsor or his family. We learned that this kind of lax relationship verification is standard practice in Category 3 placements. A lost opportunity to protect these and other kids.

Second, HHS missed obvious indications that the sponsors in the Marion cases were accumulating multiple unrelated children—a sign that should have triggered greater scrutiny for risk of trafficking. Our review of the Marion case files reveals an interconnected web of sponsors and home addresses that HHS entirely missed. Two of the sponsors (including one of the criminal defendants, Ana Pedro Juan) managed to get custody of two children *each* at the same address. Ms. Pedro Juan was also listed, under an alias HHS didn't detect, as a backup sponsor for two other children—this time using a different address. That address, however, was listed as the primary home of the sponsors of five *other* unaccompanied children placed by HHS. And one of those sponsors claimed that Pedro Juan lived with him at the second address—on one of the two successful applications he filled out. HHS missed all of these connections, in part because its data system was not equipped to connect the dots.

Third, remarkably, HHS didn't visit a single sponsor's home to interview the sponsors and assess the proposed living conditions before placing them. We have learned that home studies are universally conducted in foster-care placements—a close analogy to this situation—but HHS has done them in only about 4% of UAC placements over the past 3 years. This policy places thousands of children at risk every day.

Fourth, HHS's procedures for what to do *after* a child is placed with a sponsor *also* failed. Only *one* victim of the Marion human trafficking ring was the subject of a post-release home visit to check in on the child's well-being. But shockingly, the adult sponsor was allowed to *block* the child-welfare worker from visiting that child, even after the case worker discovered the child was not living at the home on file with

HHS. As a result, the government missed another opportunity to uncover the crime being perpetrated. Incredibly, this was not a mishap — it is official HHS policy. HHS allows sponsors to *refuse* post-release services offered to a migrant child—and even to bar contact between the child and an ORR care provider attempting to provide those services. When a sponsor says no, the case worker is instructed simply to write: case closed.

Finally, and this is hard to believe: At the time of these cases, if a potential sponsor said on his application that he lived with three other adults, and that if anything happened to him, so-and-so could care for the child, HHS policy was not to conduct background checks of any kind on *any* of the sponsor's roommates or the backup caregiver. Background checks were run only on the sponsor himself. And if that check turned up a criminal history, HHS policy was that *no* criminal conviction automatically disqualified a sponsor, no matter how serious.

On these points, however, I can report that in response to our investigation, just this week HHS strengthened its criminal background check policy effective January 25. But I continue to be troubled by the fact that HHS told us that it is literally unable to figure out how many children it has placed with convicted felons, what crimes those individuals committed, or how that class of children are doing today.

The bottom line is that this is unacceptable. HHS has placed children with non-relatives who have no verified relationship with the child, who receive no home visit or in-person interview, whose household members have unknown backgrounds or criminal records, and who can freely cut off social worker's access to the child. Worse, when senior HHS officials were alerted to trafficking risks due to the Marion cases and other evidence of children working in debt labor, they failed to adequately strengthen their policies — despite the fact that the Senate Appropriations Committee tells us that HHS has more than \$350 million in *unspent* funds for the UAC program from the past 2 years.

And HHS — to this day — does not know how many migrant children may be caught up in human trafficking or other forms of abuse.

Perhaps the most troubling, unanswered question is this: how many other cases are there like the Marion trafficking case? The answer is HHS doesn't know. The Subcommittee has reviewed more than 30 cases involving serious indications of trafficking and abuse of UACs placed by HHS over the past three years. But human trafficking occurs on a black market, and other forms of abuse occur in the shadows. The Department maintains no regular means of tracking even *known* cases of trafficking or abuse, and it does too little to monitor the status or well-being of the tens of thousands of children that it has placed. There are, in the words of one leading care provider, untold numbers of effectively “lost” migrant children in the U.S.

What I can say with confidence is that HHS's policies expose unaccompanied minors to an unreasonable risk of trafficking, debt bondage, and other forms of abuse at the hands of their sponsors. That must change. Today we will seek answers from the Administration and discuss a path forward toward what I know is our shared goal of strengthening this system to protect every child in America.