

**Statement of Ranking Member Tom Carper**  
**“Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse”**  
**August 16, 2018**

Thank you, Mr. Chairman, for holding this hearing and for leading this subcommittee in its efforts to find solutions to one of the more troubling problems created by our broken immigration system. This is the third PSI hearing on this subject, and I’m pleased that the two of us and our staffs have been able to come to some consensus on how to do better by the vulnerable children we’ll be discussing here today.

These children come to our country primarily from Guatemala, Honduras, and El Salvador to escape extreme poverty and unspeakable violence at home. In too many cases, as this subcommittee has repeatedly highlighted, we’re failing in our responsibility to protect and properly care for them.

A 2008 law enacted under former President Bush clearly places children who arrive at our borders or ports of entry without a parent or guardian under the care and custody of the Department of Health and Human Services (HHS). In carrying out its responsibilities under this law, HHS must place these children in safe homes, offer them mental health care and other services they might need, and ensure that they’re participating in immigration court proceedings. But despite the best efforts of this subcommittee, GAO, and others to diagnose problems and recommend solutions that would lead to better care for migrant children, too many of them are falling through the cracks.

In January 2016, PSI held a hearing examining how HHS had placed eight Central American children with sponsors in Ohio who turned out to be human traffickers. Since then, HHS and the Department of Homeland Security have taken steps that should make it less likely that children might wind up exploited like those in Ohio were. For example, HHS policy now calls for more background checks of sponsors while offering more services for children who might need help adjusting to their new homes. The department also now requires that all children and their sponsors be contacted at least once within 30 days of placement so that problems can be detected and referred to local authorities. These are positive steps, but the children we’re placing in communities across the country are still at great risk of abuse and neglect.

When we last held a hearing on this issue in April, we heard reports of children being placed in homes with people they don’t know who expect them to work to help with living expenses. We heard about children, sometimes due to a need to send money home or to pay debts to smugglers, working all night and unable to stay awake at school during the day. And to top things off, HHS informed us in their testimony at the time that they had actually lost track of about 1,500 children who were placed in their care. Dozens more ran away from home or were found to have moved in with someone not vetted by HHS at all.

Since that hearing, DHS and HHS have finally completed work on a document they call a ‘Joint Concept of Operations’ that details each department’s roles and responsibilities in handling and

providing care for unaccompanied children. This issuance of this document - due a year and a half ago - is welcome and appreciated. But as helpful as it was to finally review it, the document fails to solve any of the major problems this subcommittee has been highlighting since 2015, and that the HHS Office of Inspector General warned us about a decade ago.

Let me be clear. A decade is far too long to wait to make sure children in our care are safe. To my surprise and bewilderment, HHS still does not acknowledge its role in ensuring the wellbeing of unaccompanied migrant children despite what I see as a clear mandate from Congress. “Unfortunately, as they prepared for today’s hearing, PSI staff members were repeatedly told by HHS that the department was still studying the relevant statutes and consulting its Office of General Counsel on what more it can do. Still studying! You’ve got to be kidding! Still studying after almost a decade!

At the same time, based on Fiscal Year 2017 numbers, only about 30 percent of children placed with sponsors are receiving follow-up care, and HHS only performs home studies in about 7 percent of cases. As we’ve discovered, this lack of attention from HHS, or any other agency, allows children to just disappear. Based on the latest data provided by the Department of Justice, the majority of unaccompanied migrant children – 53 percent, in fact – wind up not showing up at an immigration court at some point. When they don’t show up for court, they can be automatically ordered removed to their home country and lose their chance to make their case for asylum.

Unfortunately, rather than offering solutions to these problems and proposing ways to better track and care for unaccompanied children, the Trump administration has decided in recent months to take steps that are almost certain to make these problems worse. The administration’s decision this spring to separate parents from their children at our border created 2,500 new unaccompanied children for HHS to care for. A number of these children have since been reunited with their families, but HHS was forced to release 423 of them to non-parental sponsors. Another 560 remain in HHS care. There are also concerns that ICE could exploit an information-sharing agreement that DHS has struck with HHS not to ensure that the homes children are placed in are safe, but rather to conduct enforcement actions against sponsors. I find this possibility deeply troubling.

In my state, ICE activity is run out of the agency’s Philadelphia field office. According to reports this spring in the Philadelphia Inquirer, Philadelphia-based ICE agents appear to be the most aggressive in the country, going out of their way to target migrants in the region who have no criminal record and who have families and deep ties to their communities. If ICE agents in Philadelphia or elsewhere are free to target sponsors this aggressively, I’m concerned that fewer will step forward to serve as sponsors and HHS will end up with even more unaccompanied children on its hands.

In the absence of leadership from the administration, I believe Congress must now come forward with legislation that would ensure we’re living up to our most basic responsibilities to the vulnerable children coming to us for help. I’m pleased, Mr. Chairman, that our staffs have begun working on legislation that seeks to make it crystal clear what HHS’s responsibilities are in this area. It’s imperative that we make real progress in the coming days so that we can introduce

legislation that will lead to better outcomes for these children and more certainty that they're safe from human trafficking, abuse, and neglect during their time in our country.

In closing, Mr. Chairman, let me add that, as necessary as our draft legislation is, it only solves part of the problem. We won't make real progress in stemming the tide of migration at our southern border and keeping migrant children out of harm's way unless we make a long-term commitment to our neighbors in Guatemala, Honduras, and El Salvador to help address the poverty, crime, and hopelessness that plagues those countries.

I've visited all three countries in the Northern Triangle multiple times over the years. I've met with their leaders and seen on the ground how communities there are struggling to deal with challenges that would be unimaginable to most Americans. A good number of those challenges are fueled by our addiction to drugs and our past interventions in regional conflicts. As long as these challenges go unaddressed, children and other vulnerable Central Americans will continue to make the dangerous trip across Mexico to our southern border.

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

My thanks again, Mr. Chairman, to you and our staffs for our collective efforts on these issues. I look forward to hearing from our witnesses.