

Congress of the United States
House of Representatives
Washington, DC 20515-1502

April 1, 2021

The Honorable Xavier Becerra
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Avenue Southwest
Washington, DC 20201

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2703 Martin Luther King Jr. Avenue, Southeast
Washington, DC 20593

Dear Secretaries Becerra and Mayorkas:

We write to ask for information on the Department of Health and Human Services' (HHS) reported plan to begin releasing Unaccompanied Alien Children (UACs) before their sponsors' background checks have been completed and reports that FBI background checks are not being conducted on caregivers at HHS emergency influx sites.¹² These policies have serious child endangerment consequences.

We have seen in the past that the failure to thoroughly vet sponsors has led to cases of child trafficking and forced labor, which is why background check requirements for the handling of UACs in the custody of DHS and HHS has been a longstanding best practice. As the number of UACs encountered on the southwest border increases, the desire to expeditiously move them through custody must be coupled with security measures to protect these children. The U.S. Government is responsible for the welfare of children in its custody and for ensuring it does not release them to human traffickers or others who would do them harm.

Under the Obama Administration, HHS failed to conduct appropriate background checks on UAC sponsors. A United States Senate Committee on Homeland Security and Governmental Affairs (HSGAC) investigation examined a case of at least eight children placed into the hands of a human trafficking ring, where they were subjected to forced labor on egg farms in and around Marion, Ohio, leading to federal criminal indictments.³ The HSGAC report, entitled *Protecting Unaccompanied Alien Children from Trafficking and Other Abuses: The Role of the*

¹ Border Crossings by Migrant Children to Rise Sharply, U.S. Estimates Show, accessed on March 29, 2021 at <https://www.wsj.com/articles/border-crossings-by-migrant-children-to-rise-sharply-according-to-internal-u-s-government-estimates-11616800942>

² US waives FBI checks on caregivers at new migrant facilities, accessed on March 30, 2021 at <https://apnews.com/article/joe-biden-health-immigration-child-welfare-coronavirus-pandemic-c4c87f6c76a7fd3ab6e4850ed028c002>

³ Protecting Unaccompanied Alien Children from Trafficking and Other Abuses: The Role of the Office of Refugee Resettlement, accessed on March 29, 2021 at <https://www.hsgac.senate.gov/imo/media/doc/Majority%20&%20Minority%20Staff%20Report%20-%20Protecting%20Unaccompanied%20Alien%20Children%20from%20Trafficking%20and%20Other%20Abuses%202016-01-282.pdf>

Office of Refugee Resettlement, found, in addition to the Marion case, 13 other cases involving post-placement trafficking of UACs and 15 additional cases with serious trafficking indicators.⁴ The current reports that HHS is not requiring caregivers to receive FBI fingerprint background checks at the expanding network of emergency sites that hold thousands of UACs⁵ is also alarming since the HHS inspector general previously warned that FBI fingerprint checks “provide a unique safeguard” to determine whether someone has changed their name or is using a false identity.⁶

We urge you not to implement policies that will put children’s lives in danger and encourage families to hand their children over to smugglers to bring them to the border – often subjecting them to abuse along the way. We urge your Departments to work together to ensure safeguards are in place to prevent children from being put in the hands of traffickers, as we saw when this policy was implemented in the past, and to ensure any UAC caretakers are not a threat to the children.

We request the following, in writing, by April 6, 2021:

- The implementation status of the policies to release UACs to sponsors before vetting has been completed and the hiring of UAC caretakers who have not passed FBI background checks;
- An identification of services that DHS could provide to address these vulnerabilities; and
- An explanation of why DHS is not being asked to assist with such background checks to ensure UACs are not being released to people who will harm them or being cared for in HHS facilities by those that are unfit to do so.

Thank you for your attention to this critical matter.

Sincerely,



MARIANNETTE MILLER-MEEKS
Member of Congress



JOHN KATKO
Ranking Member
Committee on Homeland Security

⁴ Id.

⁵ US waives FBI checks on caregivers at new migrant facilities, accessed on March 30, 2021 at <https://apnews.com/article/joe-biden-health-immigration-child-welfare-coronavirus-pandemic-c4c87f6e76a7fd3ab6e4850ed028c002>

⁶ The Tornillo Influx Care Facility: Concerns About Staff Background Checks and Number of Clinicians on Staff, accessed on March 30, 2021 at <https://oig.hhs.gov/oas/reports/region12/121920000.pdf>