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United States Senate

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WASHINGTON, DC 20510-6275

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February 17, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Jeh Johnson
Secretary
Department of Homeland Security
Washington, DC 20528

The Honorable Sylvia M. Burwell
Secretary
Department of Health and Human Services
Washington, DC 20201

Dear Secretary Johnson and Secretary Burwell:

Thank you for your January 22, 2016, response to our November 2015 letter requesting more information about the current state of the Office of Refugee Resettlement's (ORR) screening processes for sponsors and family of unaccompanied children (UAC). It is ORR's stated goal to "ensure that all unaccompanied children are released to sponsors who can provide for their physical and mental well-being." In light of this goal, we have some follow up questions to the answers you provided. We must ensure that there are no gaps in the process which would put the most vulnerable at risk of abuse, neglect, exploitation, or harm.

For a better understanding of some of the procedures you explained in your January 22 letter, please answer the following questions and provide the following requested information by March 2, 2016.

1. Individuals applying to be sponsors of UACs have to complete a "family reunification application" and include in that application "criminal history, including any abuse, neglect, or abandonment of a minor offense." What specific offenses would disqualify a person from eligibility to be a sponsor? Is there a list of specified crimes that would disqualify someone? If so please provide the list. If not, are there criteria

that HHS employees follow when evaluating the listed offenses for disqualification? If so, please provide the criteria. If not, why?

2. Prospective sponsors must provide a signed Sponsor Care Agreement with their application affirming that the information is correct and that they will abide by the care instructions. How does HHS enforce these agreements? Please explain and provide examples of instances when agreements were enforced. If enforcement is not occurring, why?
3. Prospective sponsors must provide their own identification and the child's birth certificate. How does HHS verify that these records are not fraudulent? Does HHS work with any other agencies, including those with experience in document verification? Does HHS verify every document it receives from a prospective sponsor? If not, why not? If so, please explain.
4. Based on data in the UAC sponsor portal, please categorize: (1) how many current sponsors have violent criminal histories, (2) the type of violent crimes included in these histories, and (3) the HHS determinations regarding each of these violent criminal histories with regard to sponsorship eligibility. Please provide supporting documentation.
5. Recent enhancements to ORR policy require denial of release to a potential sponsor that is *not* a parent or legal guardian if certain criteria are met. When would denial of release to a *parent or legal guardian* be appropriate? What action is taken if a parent or legal guardian meets the criteria for denial to a non-parent or non-legal guardian? What if the parent or legal guardian has a "serious criminal conviction?"
6. Since the July 2015 post-release service expansion pilot program, how many UACs and sponsors have been offered post release services? Of those offered, how many UACs or sponsors have chosen to participate in post-release services? How many UACs had final placement with a sponsor who had previously declined post-release services? How did the sponsor's declination of services factor into HHS' final placement decision?
7. Thirty days after the release date when a care provider conducts a Safety and Well Being Follow up Call, what does HHS do if the phone number comes up as not valid? What does HHS do if the child is no longer residing with the sponsor?
8. ORR makes efforts to identify and prevent fraudulent activities within the sponsorship and reunification program for UACs. Please outline ORR's fraud detection program. How many fraud schemes has HHS OIG found within the system since the 2014 surge?

9. Does ORR screen UAC or sponsors for gang membership or affiliation before placement? If so, please explain the process. If not, why not? What happens if gang membership or affiliation is detected?

Thank you for your attention to this important matter. Should you have any questions, please contact Katherine Nikas of Chairman Grassley's staff at (202) 224-5225 or Stephen Tausend of Chairman Cornyn's staff at (202) 224-2934.

Sincerely,



Charles E. Grassley
Chairman
Senate Committee on the Judiciary



John Cornyn
Chairman
Subcommittee on the Constitution