

HHS UAC Program What You Need to Know

On Background:

- Since the beginning of FY16, more than 110K UACs have been released into the interior of the United States, [according to the most recent figures released by ORR](#).
- From October to December of 2017, HHS placed 7,635 with sponsors and only five of them were removed
- Approximately 6,000 unaccompanied children each year fail to appear in court when they've been summoned subsequent to being released in the U.S. interior
- Approximately 90 percent of all removal orders each year result from a failure to appear at a hearing
- From October 2017 to this February, we saw a staggering 315% increase in illegal aliens using children to pose as family units to gain entry into the country, compared to the same time frame the previous year.
- Only 3.4 percent of unaccompanied minors from countries other than Mexico encountered at the southwest border in FY 2014 had been removed or returned as of FY 2017 year-end.
- From April 2017 to April 2018, the number of unaccompanied alien children (UAC) at the ports of entry increased by 636%.
- The number of cases of UAC pending in immigration court has risen from less than 4000 in FY10 to over 76,000 presently
- The influx of UACs creates recruiting opportunities for brutal gangs such as MS-13. “Operation Matador,” so far has led to the arrest of nearly 500 individuals, including 274 MS-13 members. Ninety-nine individuals arrested during this operation crossed the border as unaccompanied minors—that’s more than 36% of those arrested—all of which were confirmed as MS-13 gang members.
- The Democrats’ open borders policies are responsible for the permanent separation of thousands of American families, whose loved ones were murdered and taken from them forever through illegal immigrant crime.
- Furthermore, Democrat policies preserving catastrophic asylum loopholes have led to a 600,000 asylum-backlog caseload that swamps out legitimate asylum seekers while overwhelming the entire U.S. immigration system and perpetuating a hemispheric migration crisis at enormous cost to U.S. taxpayers and American lives.
- All actions involving UACs are done in compliance with applicable law (e.g., the Flores Settlement Agreement, TVPRA, and VAWA). ACF and ORR leadership cannot publically comment on criticisms of the Flores Settlement due to ongoing litigation and personally being sued by the ACLU.

HHS Response to Not Tracking Illegal Immigrant Children Post UAC Release:

1. 30-day follow-up calls. Does HHS keep track of how often HHS (through service providers) connects with UACs through the 30-day calls? **Yes, HHS tracks how often ORR’s service providers connect with UACs through their 30-day follow-up call.**

2. In what percentage of cases were service providers able to make contact with UACs? **In fiscal year 2017, service providers were able to make contact with 89% of UACs during their 30-day follow-up calls. Recent reports in the press and comments by elected officials that claim that HHS has legal authority to track UAC post release, are false.**
3. What happens if service providers are unable to locate or contact a UAC? **If service providers are unable to locate or contact a UAC, the service provider makes a note in the UAC's file. If the service provider believes that the UAC is not being cared for, then the service provider follows state licensing procedures to report their concern.**

Purpose of Call

Care providers must conduct a Safety and Well Being Follow Up Call with an unaccompanied alien child and his or her sponsor 30 days after the release date. The purpose of the follow up call is to determine whether the child is still residing with the sponsor, is enrolled in or attending school, is aware of upcoming court dates, and is safe. The care provider must document the outcome of the follow up call in the child's case file, including if the care provider is unable to contact the sponsor or child after reasonable efforts have been exhausted. If the follow up call indicates that the sponsor and/or child would benefit from additional support or services, the care provider must refer the sponsor or child to the ORR National Call Center and provide the sponsor or child the Call Center contact information. If the care provider believes that the child is unsafe, the care provider must comply with mandatory reporting laws, State licensing requirements, and Federal laws and regulations for reporting to local child protective agencies and/or law enforcement.

- There are no statutory requirements for HHS/ORR to conduct these calls. ORR does so in order to ensure that sponsors and UAC have access to additional supportive services, if needed.
- The number indicated (1,475) are not lost, they were not reached doing the various attempts by providers to contact them by phone. If a provider feels that the UAC who have not been reached is at risk, they may contact law enforcement or make a referral to local child welfare, where the child has been released.
- ORR has a National Call Center (NCC) that is accessible to sponsors and released UAC 24/7 if there issues and they need additional assistance or resources.
- ORR/HHS does not have the legal authority to constantly track UAC's post release. In order to do so, Congress must pass legislation that will authorize HHS to track illegal immigrant children since the overwhelming majority of them will have to wait years until their immigration case is heard in front of a judge.
- This data is reported on a quarterly basis. There's not been significant movement in the percentage of UAC and Sponsor reached (within 5-8% points up or down).

Whereabouts of UAC	Cat. 1	Cat. 2	Cat. 3	Total
Runaway	2	15	11	28
UAC Arrested	0	0	0	0
UAC Death	0	0	0	0
UAC Deported/Returned to COO	3	2	0	5
UAC Relocation with Non-Sponsor	4	23	25	52
Residing with Sponsor	2826	2627	622	6,075
N/A	568	752	155	1,475
Total	3,403	3,419	813	7,635

Talking Points on HHS MOA:

- On April 13, 2018 the Department of Homeland Security (DHS) [as represented by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE)] and the Department of Health and Human Services (HHS) [as represented by the Office of Refugee Resettlement (ORR)] signed a Memorandum of Agreement (MOA) regarding sharing information on unaccompanied alien children (UAC) matters.
- DHS and HHS recognize that ensuring the transfer, placement, and release of UACs in a manner that is safe for the UACs and the communities into which they are released requires special attention.
- The purpose of this MOA is to improve the process for Departments to share information about UACs at the time of referral from ICE or CBP to ORR, while in the care and custody of ORR, and upon release from ORR care and custody.
- Improvements expected to result from the MOA include enhanced information sharing, which includes information to which HHS would otherwise not have access and without which suitability assessments may be incomplete. The MOA sets forth a process by which DHS will provide HHS with information necessary to conduct suitability assessments for sponsors from appropriate federal, state, and local law enforcement and immigration sources.
- The information sharing addressed in the MOA is consistent with the requirement of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 that the Secretaries of Homeland Security and Health and Human Services “develop policies and programs to ensure that unaccompanied alien children in the United States are protected from traffickers and other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.” 8 U.S.C. § 1323(c)(1).
- In fact, the MOA provides a framework to implement the more specific requirement that upon request from HHS, DHS “provide information necessary to conduct suitability assessments from appropriate Federal, State, and local law enforcement and immigration databases.” 8 U.S.C. § 1232(c)(3)(C).

- The MOA does not address all appropriate coordination between DHS and HHS on UAC matters, nor is that the intent of this document.
- Further, it is not a substitute for, nor does it supersede or revise, the Parties' responsibilities under the DHS-HHS MOA from February 2016.

ORR/HHS Call to Action:

- If immigrants do not want to be separated from their children after illegally crossing our border, don't come to the United States illegally. Our immigration system is broken and all immigrants must come to the United States through the legal process. If an immigrant has a legitimate asylum claim, they need to file for a specific legally sound cause.
- The days of HHS running the world's largest foster care system through the UAC program are over in the Trump Administration and Congress needs to act on the will of the American people.
- HHS and the Trump Administration calls on Congress to fix our broken immigration system by enacting tough legislation that will close the legal loopholes that have made our "open border" policies of the past an open invitation for human traffickers, criminal gangs like MS-13 and drug cartels to openly recruit thousands of new immigrants each year.

On Record Statement on HHS site visits to military bases to proactively search for additional shelter space:

"The Office of Refugee Resettlement at HHS' Administration for Children and Families is responsible and required to care for minors who are in the country illegally without a parent or guardian. Operating this program requires routinely evaluating the needs and capacity of an existing network of approximately 100 shelters in 14 states. Additional properties with existing infrastructure are routinely being identified and evaluated by federal agencies as potential locations for temporary sheltering.

"The lack of parental protection, and the hazardous journey they take, make unaccompanied alien children vulnerable to human trafficking, exploitation and abuse. In some cases many violent gangs, including MS-13, are exploiting loopholes in U.S. laws to bring gang members into the United States or recruit unaccompanied alien children once placed with a sponsor. For these and many other reasons the Trump Administration has been calling on Congress to close dangerous loopholes in U.S. immigration laws. Until these laws are fixed the American taxpayer is paying the bill for costly programs that aggravate the problem and put children in dangerous situations."