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S. Hrg. 115–675

OVERSIGHT OF EFFORTS TO PROTECT UNACCOMPANIED ALIEN CHILDREN FROM HUMAN TRAFFICKING AND ABUSE

HEARING

BEFORE THE

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

OF THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

AUGUST 16, 2018

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Printed for the use of the
Committee on Homeland Security and Governmental Affairs

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OVERSIGHT OF EFFORTS TO PROTECT UNACCOMPANIED ALIEN CHILDREN FROM HUMAN TRAFFICKING AND ABUSE

THURSDAY, AUGUST 16, 2018

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Rob Portman, Chairman of the Subcommittee, presiding.

Present: Senators Portman, Lankford, Johnson, Carper, Heitkamp, Peters, Hassan, and McCaskill.

OPENING STATEMENT OF SENATOR PORTMAN[1]

Senator PORTMAN. Good morning, everyone. We are here today because this Subcommittee is continuing to conduct oversight into an issue we have been following actually for more than 3 years now, going back to 2015. We have an interest in ensuring that unaccompanied minors are protected from human trafficking and other forms of abuse.

We also have an interest in ensuring that these children appear at their immigration court proceedings, and we care about upholding the integrity of our immigration system.

Let me begin by saying I am concerned that some in the Administration and some here in Congress misunderstand the scope and purpose of our 3-year investigation and the report we are discussing in this hearing.

I would think that every single member of this panel agrees that our broader immigration system is broken. Of course, I am not suggesting we all agree on the solutions. The point is that is not what this investigation and this report are about.

In particular, some believe we should be addressing the push factors that drive people to come to our borders; in particular, the conditions in the Northern Triangle countries of Guatemala, El Salvador, and Honduras. These are legitimate and very difficult issues, and I know the Ranking Member has been very involved in these policies, as I have been and others have been, but that is not the focus here today. That is not what we are here about.

We are focused on the very narrow issue of what happens to children who have already have come into our country and who have

[1] The prepared statement of Senator Portman appears in the Appendix on page 47.

been apprehended by our government. We want to ensure they are treated appropriately and that they make it to their immigration court proceedings. Unfortunately, we have seen examples of children placed with sponsors being trafficked, and right now, the best information we have is that about 50 percent of these children do not show up for their immigration court proceedings.

This is not a partisan issue, and let us face it. There is plenty of blame to go around.

The specific, tragic occurrence of children being placed with human traffickers that initiated this Subcommittee's investigation happened under the Obama Administration. This is a systemic problem that has continued under the Trump administration. We are interested in solving this problem. We want to ensure these kids get proper care, but also expedite the enforcement of these cases in a timely and responsible way. This is our chance to get this right.

Since 2012, more than 200,000 children without legal status have crossed our borders without a parent or guardian. The law calls these children "unaccompanied alien children" (UACs). These children frequently face significant trauma on their way here, and once they are here, as one Department of Health and Human Services (HHS) official recently characterized it, they are "in a legal no-man's land."

These children are typically apprehended by U.S. Customs and Border Protection (CBP) of the Department of Homeland Security (DHS). Then, within 72 hours, under law, DHS transfers them to an HHS Office of Refugee Resettlement (ORR) facility. At this point, HHS becomes responsible for these children's care.

HHS typically places these children with sponsors, which can be their parents or other family members, but also sometimes other, unrelated adults.

In 2015, I learned that HHS had placed eight of these children with human traffickers. Those traffickers then put those children, all minors, into a forced labor situation on an egg farm in my home State in Marion, Ohio. The traffickers threatened the children and their families with violence and death. The children worked for 10 to 12 hours a day as they lived in squalor.

The Subcommittee investigated, and we released a comprehensive report in 2016 finding that HHS failed to do basic background checks on the traffickers who came forward to sponsor these children.

We also found that no government agency claimed any responsibility for these children once the government placed them with sponsors, even sponsors who are not the children's parents or legal guardians. To this day, that remains the case, even though we believe the law gives HHS continuing responsibility, especially if they are not placed with a parent or legal guardian.

HHS and DHS promised to do better. They did improve their background check process, and I commend them for that. They still have not taken responsibility for the welfare of these children post-release.

In February 2016, after our hearing and calls from this Subcommittee for better coordination between the agencies, DHS and HHS entered into a Memorandum of Agreement (MOA). They

agreed to create a specific Joint Concept of Operations (JCO), to document and improve their processes related to unaccompanied children. As part of the Memorandum of Agreement, they committed to completing that JCO no later than February 22, 2017.

They missed that deadline. Not by a week, not by a month, but by more than a year. We held another hearing, and after being pressed on why the JCO was still unfinished, the Departments promised to complete it by July 30, 2018, a few weeks ago. They did finish it on July 31, 17 months later than they had committed to do so.

Unfortunately, the JCO only reiterates on paper the insufficient policies that have been in place for years through previous Administrations. It is important to put processes on paper so that the left hand knows what the right hand is doing, and I am glad they did that. The JCO largely reiterates the status quo and does little to improve unaccompanied children's safety and ensure UACs show up to their immigration court proceedings.

That said, we think it is important that the public see the JCO to understand it for themselves. We are working with the Departments to get a version of the JCO that is appropriate to release, and we are waiting for final sign-off.

I am not prepared to release it unless the Administration agrees that it is appropriate to release it.

I am disappointed the Departments did not take the opportunity in this JCO to address some of the problems we have all observed for years and I think are widely acknowledged. Unaccompanied children are still crossing our borders. HHS is still placing them with sponsors and losing track of them.

At our last hearing in April, HHS testified that they had started calling sponsors 30 days after placement to check on the children. I think that is good that they are making these calls, which started in 2015 apparently. It is troubling that for the 3-month time period from October to December 2017 that HHS testified about, they said they "could not ascertain with certainty" the whereabouts of 1,475 children, and that 28 children had run away from their sponsors. They argue they have no responsibility to know where those children are. Remember, that is just one 3-month period.

We need an update on those children today, how are those calls going, what are the results, as well as determining going forward what are we going to do about the information we get from those calls.

Yesterday, Senator Carper and I released a report[1] on the problems the Subcommittee has identified with the UAC program. It details the lack of progress from HHS and DHS in improving programs designed to care for these children, ensure their safety, and ensure they appear at their immigration court proceedings.

Currently, 80,266 UAC cases are pending before the immigration courts. More than 8,000 of them have been pending for more than 3 years. The longer these children wait, the less likely they are to appear at their court proceedings. Today, 53 percent of unaccompanied children never show up for their court proceedings, an increase of about 12 percent since 2016.

[1] The report referenced by Senator Portman appears in the Appendix on page 72.

I know this is a difficult situation, and the gentlemen who are before us today from the Administration are faced with a very difficult task. It is not easy, but these Federal agencies have failed to address most of the recommendations for improving the UAC program offered by this Subcommittee and the Government Accountability Office (GAO) . We need to know why.

We have a serious problem on our hands. These children are at risk for trafficking and abuse. When these children do not appear for their hearings, they lose their chance to argue for immigration relief, and many remain in this country illegally, which undermines our Nation's immigration laws.

In those cases, the judge usually enters an in absentia removal order. We may hear about that today. Most of these children are never removed. The best number we have is that about 3 percent of UACs are actually deported. The current situation is not good for these children or good for our immigration system.

The Subcommittee's report compiles our findings based on 2½ years of oversight. I urge you to read it. It addresses a wide range of issues, from problems with the JCO to the backlog of immigration court cases.

As I said earlier, there is plenty of blame to go around. I am a lot more interested in solving this problem than making this into a partisan issue. I hope we will not do that today because this is our chance to get this right.

We are working on legislation, and I wanted to be sure we had this hearing first so that we could hear from experts from the Administration as we are working on that bipartisan legislation.

I appreciate Senator Carper working closely with me on this issue. I look forward to talking with our witnesses today about how we can improve this system to ensure these children's safety and ensure the integrity of our immigration system. Senator Carper.

OPENING STATEMENT OF SENATOR CARPER[1]

Senator CARPER. Thank you, Mr. Chairman.

Let me begin by welcoming our witnesses today, and I want to thank our Chairman for holding this hearing. I want to thank our staffs. They worked very hard with GAO. We worked with a bunch of folks that you work with too in an effort to find the solutions to what are some of the most troubling problems created by our broken immigration system.

You are going to hear almost an echo over here when I give my opening statement. We have worked very closely on these issues and share a lot of the same views on these issues.

This is the third Permanent Subcommittee on Investigation (PSI) hearing on this subject. I am pleased that the two of us and our staffs were able to come to some consensus on how to do better by the vulnerable children we are going to be discussing here today.

These children come to our country primarily from Guatemala, Honduras, and El Salvador, as we know, to escape extreme poverty and, in many cases, unspeakable violence at home, some of which I have witnessed and what we have witnessed ourselves. In too many cases, as this Subcommittee has repeatedly highlighted, we

[1] The prepared statement of Senator Carper appears in the Appendix on page 51.

are failing in our responsibility to protect and properly care for those kids.

A 2008 law enacted under former President George W. Bush clearly places children who arrive at our borders or ports of entry (POEs) without a parent or guardian under the care and custody of the Department of Health and Human Services. In carrying out its responsibilities under this law, HHS must place these children in safe homes, offer them mental care and other services as they might need, and ensure that they are participating in immigration court proceedings.

But despite the best efforts of this Subcommittee, GAO, and others, including those at this table, to diagnose problems and recommend solutions that would lead to still better care for migrant children, too many of them are still falling through the cracks.

In January 2016, PSI held a hearing examining how Health and Human Services had placed eight Central American children with sponsors in Ohio who turned out to be human traffickers. Our Chairman has already talked about this. As someone who has spent a number of years in Ohio, this is one that comes close to home for me as well.

But 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 the 30-day placement so that problems can be detected and referred to local authorities. Those are positive steps, but the children we are 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 do not 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 pay debts to smugglers, working sometimes all night and unable to stay awake at school the next day. 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, the Department of Homeland Security and HHS have finally completed their work on a document called a "Joint Concept of Operations" that details each Department's role and responsibilities in handling and providing care for unaccompanied children. The issuance of this document, due I believe about a year and a half ago, is welcome and it is appreciate. As helpful as it is to finally review it, the document fails to solve, as best I can tell, any of the major problems this Subcommittee has highlighted since 2015, and that the HHS Office of Inspector General (OIG) warned us about it a decade ago.

Let me be clear. A decade is far too long to wait to make sure that kids like these in our care are safe. To my surprise, actually to my bewilderment, HHS still does not acknowledge its role in en-

suring the well-being of unaccompanied migrant children, despite what I see as a clear mandate from the 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 (OGC) on what more it can do. Still studying. You have to be kidding. Still studying after almost a decade.

At the same time, based on fiscal year (FY) 2017 numbers, only about 30 percent of children placed with sponsors are receiving follow up care, and HHS only performs home studies in about, I think, 7 percent of cases. As we have discovered, this lack of attention from HHS or any other agency allows children to, in many cases, just disappear.

Based on the latest data provided by the Department of Justice (DOJ), the majority of unaccompanied migrant children—in fact, just over half—wind up not showing up at all in immigration court at some point, and when they do not show up for court, they could 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 better ways to track and care for unaccompanied children, this 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 borders created some 2,500 new unaccompanied children for HHS to care for. A number of those children have since been reunited with their families, but HHS was forced to release 425 of them or so to non-parental sponsors. Another 560 remain in care of HHS.

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, the U.S. Immigration and Customs Enforcement (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 am 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 are living up to our most basic responsibilities to the vulnerable children coming to us for help.

I am 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 is imperative that we make real progress—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 are safe from human trafficking, safe

from abuse, safe from neglect during whatever time they spend in this country of ours.

In closing, Mr. Chairman, let me just add that, as necessary as our draft legislation is, it only solves part of the problem. We will not 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 the neighbors in Guatemala, Honduras, and El Salvador to help address the poverty, crime, and hopelessness that plagues those countries.

Like most of my colleagues on this Committee, I visited all three countries and North America multiple times over the years. I have met with their leaders and seen on the ground how the communities 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 their 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 I think the right way—to address the root causes of migration that we see in our country.

My thanks, Mr. Chairman, to you, to our staffs for our collective efforts in these issues, a special thanks to GAO, and we look forward to hearing from each of you today.

Thank you.

Senator PORTMAN. Thank you, Senator Carper.

Chairman Johnson has asked to submit something for the record.[1] He has another hearing he has to go to. I offer the same thing to our other colleagues here, if they are interested.

Chairman Johnson.

OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman JOHNSON. Thank you, Mr. Chairman. I will be pretty brief.

First of all, I really want to thank you and Senator Carper for working on this. This is a huge problem. It is one that has to be addressed, and you are laying out the reality of the situation. I have not read the entire report word for word, but what I have looked at, it is a very thorough report. I commend you and your staff for doing that.

The full Committee obviously has been fully engaged in border security and fixing our broken legal immigration system. I did want to talk about the overall broader problem. This is a subset of the problem, but this is not the root cause.

As Senator Carper was talking about, there is a larger problem here, and from my standpoint, a better solution would be to reduce, if not stop, the flow, as you mentioned of 212,000 unaccompanied children coming in from Central America and subjecting themselves to real dangers.

[1] The information submitted by Senator Johnson appears in the Appendix on page 313.

I would hope you agree with me, as you have talked to members of the Administration, both the Obama Administration and Trump administration, that are dealing with this issue. These are people with compassion. We are a very compassionate nation. I truly believe that the people I am talking to, whether it is at the Secretary level, the deputies, the commissioners, or the directors. The top priority is the safety of these children. I believe that in my heart.

We have real problems. The reinterpretation of the *Flores* decision is forcing both Administrations' hands. The Obama Administration was opposed to that decision because it forced catch-and-release, which is not good, and we do not have the time to verify is this really the father, is this really the parent of this child. We have created, with these legal precedents—we have created some problems that are very difficult for the people that we task solving these problems to deal with.

What I would like to introduce into the record is a Judicial Watch report obtained by a Freedom of Information Act (FOIA) request, Significant Incident Reports that were obtained from May 1, 2014, through November 12, 2014. They have made public the 688 major Significant Incident Reports (SIRs).

These are reports, and what I am going to read to you—and it is hard to read, but this is what is happening on the journey. You are talking about, the enslavement of eight individuals in Ohio at that egg farm, totally unacceptable, but on the way, the conditions are horrific.

I apologize for this, but I think people need to understand what the real reality is of what you are trying to deal with here.

Day of the incident, June 1, 2014. The youth reported she was raped by four different men 2 years ago on a failed attempt to enter the United States.

Incident report from June 2014. During her journey from El Salvador to Mexico, on day one, her guide's boss came to the warehouse and had two men hold her hands back while he raped her. Client states she was raped three times that day by the guy's boss and was told that she was his "mujer," which means woman.

August 22, 2014. It was during her second journey that she was sexually assaulted and raped by the "coyote" guide that was escorting her and her sister and several other immigrants. She indicated that throughout her journey, she was told about his life story and how his 6-year-old daughter was raped and murdered by a gang. He told her he was going to do the same thing to her, telling things as he was going to tie her up, put a cover on her mouth, and rape her. One night during the journey, he entered her hotel room and raped her.

Incident report from August 25, 2014. She disclosed being held captive for 15 days during her journey to the United States by a coyote's brother. After being sexually abused by the coyote's boss, she was transferred to an abandoned home with four other girls, where she was sold to various men on a daily basis. She reports being sexually abused and bitten for 15 straight days.

Report from September 17, 2014. She reports she was tied down and beaten by cartel members daily. She stated that—withheld name—held her at gunpoint and raped her in front of other immigrant females.

Final incident report, October 28, 2014. In Veracruz, Mexico, she was raped by the owner of a hotel she and her cousins were staying at.

These are all individual cases here. Amnesty International estimated in 2010, 60 percent of young women making that journey are raped.

From Fusion, 2014, they estimate about 80 percent of individuals, of women are raped on that journey.

The solution here, the problem is the people that we are incentivizing to come to this country, and the conditions are horrific on that journey.

I would just like to enter that in the record, and thank you for the time.

Senator PORTMAN. Thank you, Mr. Chairman.

Others like to enter any opening statements? Senator McCaskill.

Senator MCCASKILL. No, thanks.

Senator PORTMAN. Senator Heitkamp.

Senator HEITKAMP. No, thanks.

Senator PORTMAN. OK.

Alright. We will have the opportunity to have a further dialogue later, and given the fact that we have a number of Members here, I will make a very short statement after the witnesses and then turn it over to you all and then will be here for the entire hearing.

Let us go ahead and call our panel of witnesses for this morning's hearing.

First, we have Richard Hudson. He is the Acting Chief of the Law Enforcement Operations of the U.S. Border Patrol of U.S. Customs and Border Protection at the Department of Homeland Security.

Second, we have Robert Guadian. He is the Acting Deputy Assistant Director for Field Operations West of the U.S. Immigration and Customs Enforcement at the U.S. Department of Homeland Security.

Third, we have Commander Jonathan White, who serves with the U.S. Public Health Service Commissioned Corps and is the Federal Health Coordinating Official for the 2018 UAC Reunification Effort at the U.S. Department of Health and Human Services.

Finally, we have James McHenry, who is Director of the Executive Office for Immigration Review (EOIR) at the U.S. Department of Justice.

I appreciate all of you being here today, appreciate your service, and we look forward to hearing your testimony.

The rules of this Subcommittee require that all witnesses be sworn in. At this time, I would ask you to please stand and raise your right hand.

Do you swear that the testimony you are about to give before the Subcommittee will be the truth, the whole truth, and nothing by the truth, so help you, God?

Mr. HUDSON. I do.

Mr. GUADIAN. I do.

Mr. WHITE. I do.

Mr. MCHENRY. I do.

Thank you.

Let the record reflect that the witnesses all answered in the affirmative. We will be using a timing system today. All of your written testimony will be printed in the record in its entirety, and we would ask you to try to limit your oral testimony to 5 minutes. We will have a chance to have a dialogue once your testimony is completed.

Mr. Hudson, we will hear from you first.

TESTIMONY OF RICHARD M. HUDSON,[1] ACTING CHIEF, LAW ENFORCEMENT OPERATIONS DIRECTORATE, U.S. BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. HUDSON. Thank you, Chairman.

Chairman Portman, Ranking Member Carper, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today on behalf of U.S. Customs and Border Protection.

I am proud to have served the U.S. Border Patrol and the legacy Immigration and Naturalization Service (INS) for just short of 24 years, and I look forward to sharing my experience with you today.

Border Patrol's role in the immigration process is to apprehend, process, and transfer individuals who illegally cross our borders between the ports of entry. Our colleagues and the CB Office of Field Operations (OFO) perform similar processing roles for those who are determined to be inadmissible at ports of entry, while at the same time facilitating the legitimate trade and travel that moves through the ports each day.

Today, I would like to discuss the processing of unaccompanied alien children, and how this role interacts with our partners represented today.

Between October 1, 2017, and July 31, 2018, more than 41,000 UACs have been apprehended by the U.S. Border Patrol. An additional 7,000 have been deemed inadmissible at our ports of entry.

Since 2014, when we saw the first surge of UACs, CBP has encountered nearly 250,000 UACs along the Southwest Border. These children arrive at our borders after a difficult and dangerous journey, and many have been subjected to abuse at the hands of human traffickers, criminals, and opportunists.

The men and women of CBP treat each of these children with the utmost professionalism and compassion and work to ensure their welfare while they are in our custody.

Upon encountering a child at the border, either at or between the ports of entry, CBP officers and U.S. Border Patrol agents complete initial processing of the child at short-term holding facilities. These are not long-term detention facilities like those operated by our partners at ICE and HHS. They are designed to hold individuals for less than 72 hours.

However, our facilities meet the standards of the CBP Transport, Escort, Detention, and Search (TEDS) policy, and CBP complies with the legal requirements of the *Flores* Settlement Agreement.

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[1] The joint prepared statement of Mr. Hudson and Mr. Guadian appears in the Appendix on page 54.

During processing, a U.S. BP agent or CBP officer will interview each child as well as any adults accompanying the child to determine familial relationships. They also review available documentation and conduct electronic records check to determine such familial relationships.

When a child lacks lawful immigration status in the United States and it is determined the child is not accompanied by a parent or legal guardian or if the parent or legal guardian is transferred to a criminal detention setting due to criminal charges, the child is designated a UAC.

Pursuant to the requirements of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), the child will be transferred to the care of the Department of Health and Human Services' Office of Refugee Resettlement. If during processing risk factors indicate that a UAC is a potential victim of human trafficking, CBP immediately notifies U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI). If a U.S. BP agent or CBP officer suspects that any member of the group in which the UAC was traveling is involved or complicit in the trafficking act, they will generally detain all individuals for further processing and interviewing by HSI.

The child is then referred to HHS ORR by way of a separate notification via email or telephone call to a case officer.

At every phase, CBP processes all UACs in accordance with applicable laws, regulations, court orders, and policies. We are committed to enforcing the law fairly and consistently, but above all else, we are committed to the welfare of the people we encounter, particularly vulnerable children.

We will continue to safely and efficiently process and transfer all UACs from CBP custody to HHS ORR.

I am honored to represent the men and women who dedicate their lives in support of the Border Patrol's mission and protect our great Nation. They have an important and difficult job, but one they execute with professionalism, integrity, and compassion.

Thank you for the opportunity to testify today, and I look forward to answering your questions. Thank you.

Senator PORTMAN. Thank you, Chief Hudson. Mr. Guadian.

TESTIMONY OF ROBERT GUADIAN,[1] ACTING DEPUTY ASSISTANT DIRECTOR FOR FIELD OPERATIONS WEST, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. GUADIAN. Chairman Portman, Ranking Member Carper, and distinguished Members of the Subcommittee, thank you for this opportunity to appear before you today to discuss the Department of Homeland Security's critical mission to protect the homeland and ensure the integrity of our Nation's immigration system through the enforcement of our Country's immigration laws, which includes its role in protecting unaccompanied alien children from human trafficking and abuse.

[1] The joint prepared statement of Mr. Guadian and Mr. Hudson appears in the Appendix on page 54.

DHS is responsible for the protection and well-being of these children for the short time they are in the physical custody of DHS. From the time they first come into contact with U.S. immigration authorities until they are transferred to the care of the Department of Health and Human Services, despite the short time these children are in DHS custody, this is a responsibility we take very seriously, and we welcome the opportunity to discuss our role in this process today.

Typically, unaccompanied alien children are first encountered when presenting themselves to U.S. Customs and Border Protection at a port of entry or when apprehended by U.S. Border Patrol when attempting to enter the United States between POEs. However, U.S. Immigration and Customs Enforcement may also apprehend UACs in the interior of the United States during immigration enforcement actions.

Upon encounter, the apprehending agency must determine whether a child meets the statutory definition of unaccompanied alien child. A UAC is defined by statute as a child who: A, has no lawful immigration status in the United States; B, has not attained 18 years of age; and C, with respect to whom there is no parent or legal guardian in the United States or no parent or legal guardian in the United States is available to provide care and physical custody.

Designation of a child as a UAC, which can change over time, depending on the circumstances of a particular minor's case, does not provide lawful immigration status. However, UACs are afforded certain procedural safeguards with respect to asylum processing that are not available to other aliens, including other minors who are accompanied by a parent or guardian.

Absent exceptional circumstances, once a determination is made that the child is indeed a UAC, DHS is then required by law to physically transfer the child to Department of Health and Human Services, Office of Refugee Resettlement Care within 72 hours.

During the brief period UACs are in DHS custody, pending transfer to HHS, they are placed into a separate holding area apart from adult detainees for their safety.

Throughout the process, DHS takes great care to ensure UACs are treated appropriately and humanely and are safe from trafficking and abuse. This includes, among other things, screening UACs for indicators of trafficking and/or abuse, identifying gang affiliation or criminal activity, and working with our partners in HHS to ensure appropriate care and protection.

DHS also facilitates timely placement decisions with HHS, which allows for expeditious custody transfer and limits time spent in DHS custody.

On February 19, 2016, DHS and HHS signed a memorandum of agreement regarding the care, custody, and transfer of UACs between our respective Departments to continue to address the needs of UACs. DHS and HHS signed another MOA on April 13, 2018, to address information exchanges between these Departments to enhance cooperation and to put in place additional safeguards, including the fingerprinting by ORR of all potential sponsors and adult household members. ICE then uses fingerprints provided by ORR to complete a check for criminal activity to ensure ORR has

as much information as possible when determining suitability of sponsors, and that the UAC will not be placed in a dangerous situation or fall victim to trafficking.

To further ensure that UACs are protected from trafficking and abuse and pursuant to the 2016 MOA, DHS and HHS have also completed and shared with the Subcommittee a Joint Concept of Operation, which memorializes the existing processes and procedures in areas where the two Departments have joint responsibility. This important document lays out the responsibilities of each Department and further delineates these responsibilities to the components and agencies within DHS and HHS.

DHS cares deeply about UACs in its custody, takes seriously its responsibility to protect them from human smuggling, trafficking, and other criminal actions, and is committed to working with our partners in HHS to ensure that UACs are protected from trafficking and abuse.

Thank you and I welcome your questions.

Senator PORTMAN. Commander White, we will hear from you now.

TESTIMONY OF COMMANDER JONATHAN D. WHITE,[1] U.S. PUBLIC HEALTH SERVICE COMMISSIONED CORPS, FEDERAL HEALTH COORDINATING OFFICIAL FOR THE 2018 UAC REUNIFICATION EFFORT, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. WHITE. Good morning. Chairman Portman, Ranking Member Carper, I would like to thank all of you for the opportunity to appear before this Subcommittee on behalf of the Department of Health and Human Services. I am Jonathan White. I am a career officer in the U.S. Public Health Service Commissioned Corps. I have served HHS in three Administrations. I am presently assigned to the Office of the Assistant Secretary for Preparedness and Response (ASPR) and have previously served as the Deputy Director of the Office of Refugee Resettlement over the Unaccompanied Alien Children's Program. I am here to provide an update on an interagency effort that HHS expects will have a positive impact on the work of the UAC program.

HHS has a process for placing UACs with parents or other sponsors that is designed to fully comply with the 1997 *Flores* Settlement Agreement, the Homeland Security Act (HSA) of 2002, and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and to ensure the care and safety of UACs who are referred to ORR.

The memorandum of agreement with the Department of Homeland Security that was signed to become effective on June 7, 2018 is an enhancement to HHS policy to require fingerprint background checks from parents or other sponsors and other adults who live in the household. The MOA improves the process for the two Departments to share information about UACs at the time of referral from ICE or CPB to ORR while the children are in the care and custody of ORR and upon release from ORR care and custody. DHS and HHS recognize special attention is required to ensure that the

[1] The prepared statement of Mr. White appears in the Appendix on page 63.

transfer, the placement, and the release of UACs occurs in a manner that is safe for the minor and the communities into which they are released.

The MOA sets forth a process by which DHS will provide HHS with information necessary to conduct suitability assessments for sponsors using appropriate Federal, State, and local law enforcement and immigration sources.

Specifically, ORR requires a background check of all potential sponsors, including parents and any adults who live in their household. Under the MOA, ORR will transmit those fingerprints to DHS to perform criminal and immigration status checks on ORR's behalf. DHS will then submit those results back to ORR.

The information sharing addressed in the MOA is consistent with the requirement of the TVPRA that the Secretaries of DHS and HHS 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. In fact, the MOA provides a framework to implement the more specific mandate that upon request from the Secretary of HHS, the Secretary of DHS shall provide information necessary to conduct suitability assessments from appropriate Federal, State, and local law enforcement and immigration databases.

The MOA does not address all appropriate coordination between DHS and HHS on UAC matters, nor is that the intent of it.

The DHS–HHS MOA of February 2016 called for the establishment of a working group comprised of UAC subject-matter experts from both Departments to address operational matters for inclusion in a Joint Concept of Operations. On July 31 of this year, the agencies completed the JCO, and I would like to highlight for you some of the significant matters covered in the JCO.

The JCO provides field guidance and standardization of interagency policies, procedures, and guidelines related to the processing of UACs who are encountered by DHS, whose care is then transferred to HHS, after being placed in removal proceedings pursuant to Section 240 of the Immigration and Nationality Act (INA).

The JCO does not take the place of agency policy regarding the processing of UACs, nor is it a substitute for legislative action, where required. Rather, it is an interagency agreement to standardize agency operational relations.

The JCO memorializes current practices for custody transfer and transportation, including the placement into and the discharge from ORR custody; immigration processing and influx matters; services requirements, such as medical evaluations and emergencies and the *Flores* minimum standards for HHS facilities; and the reporting of allegations of abuse.

Cooperation between DHS and HHS regarding the transport, processing, placement, care, and discharge of UACs is essential. Both Departments take their roles seriously and work closely with interagency and foreign counterparts on a daily basis to ensure the fulfillment both of DHS' mission to enforce Federal law and HHS' mission to provide care and release consistent with the best interest of the child.

The agencies expect the JCO to be a living document that will change as laws, policies, and procedures change. HHS believes it is a significant component in the growing array of tools the agencies use as we go forward to providing care and services to UACs.

I would like to thank the Senators for their continued interest in the Administration's efforts. We have had many productive and beneficial meetings discussing this with your staff and will continue to assist you in any way we can.

Thank you for this opportunity to update you on ORR's recent efforts in the UACs program and for your ongoing commitment to the safety and well-being of UACs.

I will be happy to answer any questions you may have. Thank you.

Senator PORTMAN. Thank you, Commander White.

We will now hear from you, Mr. McHenry.

TESTIMONY OF JAMES R. MCHENRY III,[1] DIRECTOR, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, U.S. DEPARTMENT OF JUSTICE

Mr. MCHENRY. Thank you, Mr. Chairman.

Mr. Chairman, Ranking Member Carper, and other distinguished Members of the Subcommittee, thank you for the opportunity to speak with you today regarding the Department of Justice's role in efforts to protect unaccompanied alien children, from human trafficking and abuse. Stopping human trafficking and abuse is a top priority for the Department, and we welcome this opportunity to talk about the Department's efforts in ending this scourge, especially in the broader context of illegal immigration.

Before discussing UAC specifically, though, let me first provide information about the Department's anti-trafficking work in general, as the Department marshals numerous resources across many different components to combat human trafficking and abuse.

Earlier this year, the Attorney General (AG) convened a Human Trafficking Summit to emphasize the Department's strong commitment to fighting this menace and to discuss ways to build on the Department's successes in combating trafficking. In fiscal year 2017, the Department secured convictions against nearly 500 traffickers, and its prosecution efforts on this front continue unabated.

The Department's efforts to combat trafficking also extend beyond criminal prosecutions. For instance, it provides anti-trafficking training and technical assistance to Federal, State, and local law enforcement partners. The Department also works with trafficking victims to help ensure their rights are respected and to recover any restitution.

Further in fiscal year 2017, the Department invested more than $47 million in programming to combat human trafficking, with most funding supporting direct services to survivors.

The Department has also established policies to ensure that UACs in the United States are protected from traffickers and other individuals who may seek to harm them. For example, for aliens in immigration proceedings, employees of the Department's Execu-

[1] The prepared statement of Mr. McHenry appears in the Appendix on page 68.

tive Office for Immigration Review, follow established protocols, for referring cases of suspected child abuse or human trafficking.

Additionally, by regulation, immigration proceedings involving an abused alien child are closed to the public.

EOIR also administers the Legal Orientation Program for Custodians (LOPC) of UACs, in cooperation with the Department of Health and Human Services. The LOPC provides legal orientation services to UAC custodians, including information regarding a custodian's responsibility to ensure the child's appearance at all immigration proceedings and a custodian's responsibility to protect the child from mistreatment, exploitation, and trafficking.

In the immigration context, human trafficking often goes hand-in-hand with alien smuggling and other schemes to facilitate the improper entry of aliens into the United States, as both smugglers and traffickers seek to exploit weaknesses in border security and enforcement of the immigration laws.

Consequently, the Department prioritizes criminal enforcement of immigration laws passed by Congress. Further, it maintains no blanket exemption from criminal prosecution for individuals who violate those laws, including and especially smugglers and human traffickers.

Although the Department of Justice generally has no operational or logistical role in either the physical care or processing of aliens for removal from the United States, including UACs, it recognizes that UACs in immigration court proceedings are an issue of significant concern. There are over 80,000 pending UAC cases currently before EOIR, which is approximately 11 percent of its overall pending caseload. The median time between the filing of a notice to appear (NTA) in a UAC case and the first hearing is 161 days. More than 70 percent of pending UAC cases have been pending for over one year, and the median time to complete a UAC case is 465 days. Only about 9,600 UAC cases have been completed in immigration court through the first three quarters of this fiscal year, compared over 135,000 non-UAC cases.

Further, each month, approximately 580 UACs, or almost 20 a day, fail to attend their immigration proceedings, and the rate of UAC removal orders issued in absentia has risen significantly since fiscal year 2014. Approximately 6,000 to 7,000 UACs annually have failed to attend their immigration court hearings in recent years, and UACs are about twice as likely to fail to appear for immigration court as other aliens. In short, the data reflects significant concerns with UAC cases that we are interested in addressing.

Our current immigration system faces numerous challenges. Issues with UACs in immigration proceedings have added to these challenges, as have efforts by traffickers to exploit weaknesses in the overall immigration system. Despite these challenges, the Department of Justice is unequivocally committed to bringing to justice anyone who engages in the abominable crime of human trafficking, including the trafficking of UACs, and it stands ready to work with Congress to strengthen existing laws in order to achieve that goal and to address the many challenges facing our immigration system today.

I would be pleased to answer any questions the Subcommittee may have.

Senator PORTMAN. Thank you, Mr. McHenry.

I think you have made the case well that we need some reforms, and some of the numbers you just gave us are shocking, including a median of 465 days. That is about 16 months between the time someone has given their first notice and the time a case is completed and the enormous backlog.

I am going to use not all of my time here—we each are given 7 minutes—because I want to give my colleagues who have to go to another hearing an opportunity to ask their questions, but let me just say I think the fundamental issue here that we are talking about, as important again as these broader immigration issues are, is who is responsible when a child comes across a border.

We heard from Chief Hudson that that child is placed immediately in some sort of a facility, not for more than 72 hours.

We heard from Mr. Guadian that they then go to HHS.

We heard from Commander White that HHS has these children in an HHS-sanctioned facility until they find a sponsor. We heard from Mr. McHenry some of the challenges with getting those kids to their court proceeding to find out whether they have a legitimate claim if they are trying to come into the country under asylum. We also heard the system is just not working well, that more than half these kids are not even showing up for their hearing. That we do have, unfortunately, these stories of kids being abused and trafficked.

I appreciate the fact that we have made some improvements in terms of the background checks, as I said earlier. I might want to follow up later on the fingerprints and what DHS does with those and how we work to ensure that those who are being trafficked are dealt with.

Let me ask you the fundamental question, and I guess this most appropriately goes to HHS. DOJ may want to chime in here. Do you all believe that you have the authority—and I suppose you are going to say the funding as well—to be able to continue to take responsibility for these children after they leave your care; in other words, the detention facility? Do you believe you have the authority to continue to have responsibility for these children?

Mr. WHITE. Thank you, Mr. Chairman.

HHS does not presently have the authority to exercise supervision or oversight of children who are not in the physical care and custody of ORR. It certainly does not have the appropriations, and I would submit that at present, it is not capacitated to do that, particularly with regard to those elements of the oversight that require law enforcement functions, given that ORR within Administration for Children and Families (ACF) and HHS is not a law enforcement agency.

The answer is we have neither the authorities nor the appropriations to exercise that degree of oversight after minors exist ORR care.

Senator PORTMAN. As you know, Commander White, this is where we have a difference of opinion. I think I speak for Senator Carper and myself at least in saying we believe you do have that authority. We believe Congress has given you that authority, and by the way, if you do not, who does? You actually have the sponsors sign an agreement. Who enforces that agreement? Someone

has to do that? Why even have an agreement with a sponsor if there is no way to enforce it?

We think you have that responsibility, but if you do not, I assume you want Congress to give you that authority; is that correct?

Mr. WHITE. I am not the one to say what we would wish. I will say only that we do not have that authority, neither do we have the appropriations, which would be—the requirement would be considerable——

Senator PORTMAN. Yes, I understand that.

Mr. WHITE [continuing]. To create a national child welfare system in 50 States.

Senator PORTMAN. Yes. Additional funding would be required, but our issue is when that child leaves your detention facility and goes to that sponsor and you have the sponsor sign an agreement, who is responsible for enforcing that agreement? Who is responsible for ensuring that that kid gets to his or her court proceeding? Who is in charge? Who is in charge now?

Mr. WHITE. The number one responsibility for ensuring that the child attends the hearing is the sponsor.

Senator PORTMAN. How about the welfare of the child?

Mr. WHITE. The welfare of the child is the responsibility of the sponsor. If there are deficiencies in that, that is subject to the oversight and authority of the State or local child welfare authority that has jurisdiction over where that child resides, like any child in any community in America.

Senator PORTMAN. Yes. We will have a discussion about this, but from talking to a number of these State officials and State agencies, they do not even know these children are in their State. How would they know that? They are not even given notice of it often. The kids move, and they do not have responsibility under law, in their view.

We do think Congress has provided that, but this is a gray area, clearly, because you all disagree. DOJ disagrees. Would you support legislation that clarifies the responsibility and authorities as well as providing the necessary funding?

Mr. WHITE. It is not for me to say what I would support. I will say only that, of course, HHS, as always, will execute all of its requirements under law, and where we have authorities and appropriations, we will execute those faithfully, as we always have.

Senator PORTMAN. Senator Carper.

Senator CARPER. Overnight, your agencies were able to come to consensus on a joint statement to the press that, in my opinion, makes baseless accusations about the accuracy of the report that we released yesterday in the areas that we chose to focus on.

I have to tell you, I was surprised at how quickly you were able to agree to the statement in the last 24 hours, given how long it took for us to finally receive the Joint Concepts of Operations that we are discussing here today.

That said, I want to take you at your word that you want to work with us on this issue, but I am struggling to do that when in your joint statement, your testimony, and this JCO, it all failed to do what this Subcommittee, the Senate, has been asking you to do for years now. That is to take responsibility for these kids.

As my colleagues know, I always try to come to hearings like this looking for areas of agreement, not just where do we disagree, but where do we agree, where can we work together. That might be a little hard to find today, but what you offer us that we can work with? What can you offer us that we can work with? What can you say the Administration will do going forward to respond to our requests that you do more to track and care for these kids?

This is really a question for all of the witnesses. Let me start with you, Commander White. What can you offer us?

Mr. WHITE. Senator, as you know, HHS through ORR's UAC program provides excellent care for these children while they are in the care and custody of ORR. That custodial relationship does end when those children exit ORR care.

What we have done and what we continue to do is make continuous improvements regarding the safety of children, regarding the piece of their lives after their time in ORR care that we do have an influence in, which is the vetting of sponsors.

There have been tremendous advances in the last 2 years in particular in the efforts made within HHS and in partnership with our DHS colleagues to ensure that each release to a sponsor is safe, including the background checks of parents, of other sponsors, and of others that live in the household, including the increased steps that we have taken to not only verify parentage but verify child safety. Those efforts will continue.

The JCO is the capstone of years of operational improvement within HHS and in partnership with DHS. It reflects and summarizes those accomplishments over the last few years. That effort is ongoing, and I can tell you as a person who has worked in the ORR program, never ending. There is a ceaseless effort to see what can we do tomorrow to make kids safer than they were yesterday. That is on the mind of everybody who works in ORR, and we absolutely value working with you on that.

Senator CARPER. Hold it right there. Thank you very much.

Mr. McHenry, same question. What can you offer us that we can work with? What can you say of the Administration going forward, going forward to respond to our request that you do more to track and care for these kids going forward?

Mr. MCHENRY. As I indicated in my opening statement, the Department does not have an operational or logistical role in the care and custody of UACs, that is primarily with HHS, but what we can do—and we are happy to take back any suggestions the Subcommittee may have—our area is limited primarily to the immigration court process.

As I indicated, our judges, our court personnel, they have protocols to follow if individuals show up, and if there is any evidence that they might be trafficked, they follow those protocols. We can ensure that the regulations are followed so that proceedings are not open, so that people cannot just come in if an abused alien child is having a case.

We can also have our LOPC program, which I alluded to, that provides services, meets with the custodians, either in person or by telephone, explains to them their responsibilities, which includes a responsibility to make sure that children attend their hearings and

to make sure that the children are safe from mistreatment or potential trafficking. Those are the three areas that we can offer.

Senator CARPER. Alright. Thanks.

Mr. Hudson, please. Same question.

Mr. HUDSON. Thank you, Senator.

I was pleased to hear that the Committee has recognized that there is an influx of UACs that are problematic for immigration enforcement. We are committed to working with the Committee, the full Senate, and Congress at different solutions that could help end the illegal immigration that we are seeing along the Southern Border.

Senator CARPER. Alright. Thank you. Mr. Guadian.

Mr. GUADIAN. Thank you, Senator.

As you know, Senator, ICE's role in the care of unaccompanied children is very narrow under the TVPRA.

To answer your question on what ICE can offer up, we have submitted some legislative proposed reforms to close the loopholes in certain legislation to eliminate the push and the pull factors that are driving these UACs into our country.

Thank you.

Senator CARPER. Mr. White, one more question, if I could. The Office of Refugee Resettlement is required to contact all unaccompanied children and their sponsors 30 days after release.

During the Subcommittee's hearing—back in April—we learned that HHS previously lost track of nearly 15 to 100 children. I do not need to remind you, Commander White, of how shocked we were to hear that news at our last hearing.

What steps has HHS taken to learn more about the location and welfare of each of these children?

Mr. WHITE. There are no lost children. There are some families that do not take our call. There is a big difference.

Our requirement is to have the programs that have provided care to the children reach out 30 days after to the sponsor and the child and see if there is anything they need or anything they can help them with. But it is not mandatory that the sponsor or the child take the call. Many immigrant families after the children leave ORR care do not want anything more to do with us and do not want anything more to do with the systems that they have been through.

Senator CARPER. Why do you think that is?

Mr. WHITE. Senator, many individuals come out of the shadows to take their child from us, and some of them return to the shadows. These are individuals who are living undocumented in the United States in most cases, and they believe they have cause to fear us.

Senator CARPER. Alright. My time has expired. Thank you.

Senator PORTMAN. I am going to take a moment of my time that I had left and go to Senator Heitkamp, and we will get back to this, Commander White. But your blanket statement that there are no lost children is simply inaccurate.

There are lost children, clearly. I cannot believe that you would think that because you do not know where 1,500 were in a 3-month period between October and December of last year. You do know that a couple dozen of these kids actually ran away from their

sponsors if there are no lost children. Of course, there are lost children.

That is the whole point here. No one is responsible. You just made the good point that they do not have to take the call. Why do not they have to take the call? What does the sponsor agreement mean if they do not have to take a call at least, and who enforces that sponsor agreement? Your answer to me is going to be nobody. Senator Heitkamp.

OPENING STATEMENT OF SENATOR HEITKAMP

Senator HEITKAMP. A couple of things, and I do want to get into this idea that the children are safe when they are in your custody because that is certainly not what we are hearing.

I want to ask you, Do you want responsibility for these kids after they leave? Do you want to have the ability to do site visits, make sure that they attend the hearings, and make sure that they are followed up on? Do you want that authority?

We disagree that you do not have it, but I want to know. Does HHS want that authority?

Mr. WHITE. I could not speak for what HHS wants. I can say only that we will fully discharge requirements that we have.

I will note——

Senator HEITKAMP. That is not an answer. We have a gap here. If this were a IV–E investigation of a State foster care system, they would fail, and you basically would withdraw Federal money because there would be inadequate protections for kids.

Now we have this group of children that for whatever reason—we can argue about pull factors or push factors. We can argue about that, but they are children, and they are in our country. The question is, What do we do with them when they are in our country?

I am frustrated, and I think you hear the frustration here, because what we hear is not, see no evil, "We are not going to pay any attention to what happens with these kids afterwards, and if they do not show up, well, that is just the way it is."

I want to explore this idea that you just said that when they are in your care, they are safe, that they are protected. You cannot have not noticed all of the stories about sexual assault on children, about physical inattention, and about injections of children without any permission.

In fact, we had a professional who works at the Boston Medical Center. She is the Director of Child and Adolescent Psychiatry—said, "If you are a predator, this a gold mine."

I am concerned even beyond what happens with these kids when they are out of your custody, and we cannot seem to agree on whether you have any responsibility for them. I am concerned about what happens to them when they are in your custody. What are you doing to follow up on these dramatic and very disturbing reports that we are hearing about child sexual assault, about physical abuse? Even something like scrubbing a toilet with your bare hands. These are all legitimate reports that we are hearing over and over again, and for you as an official of HHS to come to this hearing and say, "They are well treated," tells me you are not taking this information seriously.

There have been 125 reports to law enforcement of child sexual assault in detention centers that are run by HHS or at least contracted to run by HHS, does not that concern you, Commander?

Mr. WHITE. Ma'am, any allegation of abuse or harm to a child in care concerns me and everyone who works in HHS and in ORR profoundly.

It is not the case that we are not taking——

Senator HEITKAMP. You are saying none of this is true?

Mr. WHITE. No. That is not what I am saying at all.

Senator HEITKAMP. Oh, OK.

Mr. WHITE. I am saying that the statement that you just made that we have done nothing about these is untrue. Let me try and pick which one to talk about first. Would it be helpful if I talked first about what we do any time there is an allegation of sexual assault?

Senator HEITKAMP. You know what would be good is for you to backtrack on your original statement that kids in your custody are safe, that there is no mismanagement within custody, within those facilities of what is happening with these kids. That would be the first thing, an acknowledgment that you do have a problem.

Mr. WHITE. My statement that we remain committed to the safety of every child in our care and work to effect the safety of every child in our care is true.

Senator HEITKAMP. OK. That is not what you said, though. What you said is children in your custody are safe.

Mr. WHITE. Our program exists to keep those children safe, and any child——

Senator HEITKAMP. You are failing. That program is failing by all accounts. Let us move beyond that, and why do not you tell me what you do. Have you withdrawn any kind of contract to any of these facilities where these allegations have been levied? Have you done any kind of investigation? Are you currently reviewing whether you should move children who are in facilities where there has actually been criminal charges against employees of these facilities, criminal charges brought that they sexually assaulted numerous children in these facilities? Where are those investigations?

Mr. WHITE. Yes. There are investigations made by ORR and by Federal and State law enforcement and licensure authorities for every instance where there is an allegation of abuse against a child.

Senator HEITKAMP. Has anyone lost their license, or have you removed children from any of these facilities?

Mr. WHITE. I would have to get back to you on whether anyone has lost their license because that is a State question.

We have absolutely removed every child from a facility where there was a credible allegation of abuse while we conduct an investigation, every single child.

Senator HEITKAMP. How many children have you removed from facilities at HHS because of allegations of sexual or physical abuse?

Mr. WHITE. We would have to get back to you on that at——

Senator HEITKAMP. Yes. Please do.

Mr. WHITE. When there was an allegation of abuse, one of the ones you alluded to of sexual abuse of minors at a facility, upon

receiving that credible allegation, we removed every child out of the facility. That does indeed happen.

Senator HEITKAMP. I can tell you along with the rest of America, this sickens me. It sickens me that these children have been put in this position and in harm's way, and that we in the U.S. Government have responsibility for these children.

Now let us just move on because I only have about 50 seconds left.

We need an answer to the question of whether the Federal Government is going to take any responsibility beyond what you are doing right now to track and make sure that children are safe once they leave detention, and that is really why we are here. We cannot get a sense of where are these kids and we keep being told, "Well, they are not missing."

I think the Chairman made an excellent point. There are lost kids. There are kids we do not know where they are, and we have to have some level of responsibility beyond what we are seeing here. That is why we are here. We are not the enemy. We are just trying to figure out how this system can work better, and then all the advocates here who are all children advocates—and I hope you are too—can then provide the resources, and provide the legislation.

I think the legislation is there, but certainly do something proactively to change this outcome because we cannot let this continue. This is wrong, and most of America thinks it is wrong as well.

Senator PORTMAN. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, Mr. Chairman and Ranking Member, for this hearing and for following up on this important issue. I really appreciate the Subcommittee's continued focus here.

I want to thank the witnesses for being here today and I think I want to start by just echoing what you have heard from some of my colleagues.

Let us be really clear here. If a sponsor is not answering a phone call, you do not know where that child is. You cannot tell us there is nobody lost if you have not had a conversation about whether the sponsor still knows where the child is. One of the things that concerns me is I hear the words "agency by agency represented here," "limited responsibility," "not our job," "not our focus," "We do not know once X, Y, or Z happens." That is not acceptable. A siloed response to child welfare is not acceptable.

These children are here, and the American people want to know we are doing what we would do for any child to make sure they are safe. That requires a level of interagency cooperation and a level of cooperation—Federal, State, to local government—that is not reflected in your testimony and has not been reflected in your actions.

I want to start, Commander White, with the question about our relationships with the States. States can do more to help unaccompanied children who have been placed with sponsors if the States know that the children had been placed there, such as providing child welfare services, the information that kids are coming and

where they have been placed, and notifying school systems that there are now children in their jurisdiction who should be attending school.

But in our last hearing, Assistant Secretary Steven Wagner said that the agency usually fails to give States this basic information.

I am a former Governor, and I find that really troubling. I am well aware that there are sometimes issues between State and Federal Governments with communication, but the reason that the agency is cited for this lack of communication is that you do not know who to contact in the State. That seems awfully weak to me.

The last hearing we had here, one of the DHS representations said, "Well, I have a great relationship with emergency personnel in the State." My suggestion might be to DHS, pick up the phone and ask them who the child welfare person is in the State. Your emergency people will know that.

In New Hampshire, you can call the Governor's office, 603–271–2121, and they will tell you who is in charge of child welfare agencies in the State.

What specific steps has HHS taken to get that information? Have you reached out to the Governor's offices in States where you are placing children? Have you reached out to the Attorneys General or to the child welfare agencies that HHS has relationships with?

Mr. WHITE. Thank you, Senator.

I believe when Acting Assistant Secretary Wagner spoke, he was referring to contacts with local government, which is what was being explored. I think when he spoke to the difficulty of identifying the appropriate office in each case, it would be—that was about local government.

Senator HASSAN. That actually is not what I think the record will show. It was a specific question about States. What are you doing to reach out to State governments, notifying them when children are coming into their States and where they are going so that they could in turn—they have relationships with locals—notify the school systems, for instance?

Mr. WHITE. I will take that back for action, what we have provided, as you know, is summary-level information by county each month to the States, but we have not provided individual notifications to States on each reunification of a child. That is correct.

Senator HASSAN. You need to be doing more, and I was given a commitment at the last hearing on this issue that you would be doing more.

I would like to see you all stepping up to this because, for example, if a sponsor turns out to be a safety risk to a child, despite the best efforts of the Federal Government to make sure that sponsor is well suited, if that child does not come into school and the school knows the child is supposed to be, the school can investigate. The school can save a child from abuse, neglect, or trauma, but not if they do not know that the child is there. It seems to me the very least the Federal Government could do is provide that information and then follow up on it and make sure it is being distributed.

Thank you for the commitment today, and I will have my office follow up with yours, so that we can actually get some specific dates about when we will see a plan for notification to States, local governments, and school districts about when unaccompanied mi-

nors are coming into their jurisdictions, since you also have said that those State and local entities have responsibility for the safety of these children once they get out of HHS's custody.

I would like to move on to a related issue, which is helping to reconnect families after the Trump administration forcibly took children away from their parents at the border earlier this year.

I think we all agree that taking children from their parents is morally reprehensible and an affront to our American values, and pediatricians, psychologists, and health professionals have made clear the lasting harm of these forced separations.

Commander White, in testimony before the Senate Judiciary Committee last month, you noted that you and others have raised concerns about separating parents and children based on—and this is a quote—"significant risk of harm to children" due to the "significant potential for traumatic psychological injury," also a quote.

Could you explain what you mean by the significant risk of harm and traumatic psychological injury? What does that mean in practice, and what is the scientific basis for these concerns?

Mr. WHITE. Thank you, Senator.

It is well established in the pediatric psychiatric literature as well as in the practice research for child welfare and foster care systems that separation of children, particularly young children, from their families is a traumatic event.

There is a significant potential for both short-term diagnosable psychological illness and long-term psychological illness as a result of that traumatic event. That is well supported in the scientific literature. That was what I was referring to, although I think it is probably well understood without being a mental health professional how separating a child from their family could cause them injury.

Senator HASSAN. Thank you.

You noted in your testimony last month that you and others—and, this is a quote—"raise concerns about policies that would result in separating families." What specific actions did you or others take to make this argument or to prevent separations?

Mr. WHITE. I participated only in discussions of potential policy outcomes, not in any which followed the policy announcements.

We raised concerns through our own leadership. Additionally, I communicated these concerns in interagency discussions. As a reminder, as I said this in the last testimony, our concerns focused both on the best interest of the child but also on the operational implications for the program and its capacity to serve children. Both of these were addressed in our concerns that we shared.

Senator HASSAN. Thank you, and thank you, Mr. Chair, for letting me go over a bit.

I think the best interest of children would be served if you all start working together and really lean into this as opposed to working in silos and disclaiming responsibility and authority.

Thank you.

Senator PORTMAN. Senator McCaskill.

OPENING STATEMENT OF SENATOR MCCASKILL

Senator MCCASKILL. Thank you, Mr. Chairman.

I have had some experience in children that have been removed from their families in my years as an assistant prosecutor handling criminal cases and then in years as the elected prosecutor in Kansas City. I can assure you if a child was removed from their family and 6 months later it was determined that no one was paying attention to where that child was, literally no one, it would be a huge scandal in my State. It would be a scandal in all of our States.

This is about the fourth or fifth time I have been on this dais, and no one seems to be worried about the fact that you all get to wash your hands of these children.

You want to talk about catch and release. You are catching these children, and then you are releasing them. Everyone goes like this, "Not my problem."

I think the thing that really stuck out to me and the report that the Committee issued was the finding, and this was finding number 14. HHS has a plan to notify State governments before placing unaccompanied children previously held in secure facilities, but HHS has failed to implement that plan. HHS explained it cannot implement the plan because it cannot determine who to notify in State government.

Let me just tell you, Commander. I will make an offer to you today. I think my staff can get you a list of agencies and phone numbers before close of business tomorrow. Would that be helpful?

Mr. WHITE. I will be glad to convey that. I think there are very real questions about——

Senator MCCASKILL. No, there are not.

Mr. WHITE [continuing]. Who are the appropriate——

Senator MCCASKILL. No, there are not. Every State has a child welfare agency. In Missouri, it is the Missouri Department of Social Services, the Children's Division, and they are responsible for foster care, for child placement, and for monitoring child detention centers. They are responsible for the welfare of children who have been separated from their families, and they have contacts in every corner of my State.

There is a hotline that they administer. There are all kinds of ways that they can communicate with school systems, with local governments, with all the people that are working as foster parents. There is a huge network in every single State. Because you know what the States do? They take their responsibility for having children in their care seriously.

For some reason, in the Federal Government, we have decided a child in the care of the Federal Government, "Well, they will not take our phone calls." Are you kidding me? If there was someone who was supposed to be watching a child in Missouri that had been placed there by the State and they refused to take the phone calls of the social worker that was responsible for monitoring that home, they would have them—well, not always because they are overworked and underpaid. They do not do it as thoroughly as they need to, frankly, because their budgets have been cut, and they have large caseloads. But that is their responsibility, and they acknowledge that it is.

We cannot get anybody to acknowledge that they have responsibility for where these children are and what they are doing 30 days after they leave a Federal facility. Somebody is going to step up

here, or we are going to actually do something remarkable. We are going to have a bipartisan bill that lays out this responsibility.

But you could do it now. There is nothing in the law preventing you from doing it. Nothing.

I will get you the list of the 50 agencies. The notion that you all said to this Committee that you do not know who to contact, that is all anybody needs to know. That is all anybody needs to know about how serious you are.

For you, Mr. McHenry, I know that our Attorney General feels very strongly about enforcing immigration law. All of us do too. There is not anybody up here who does not want to secure the border. We all want to secure the border. But the notion that we have 8,000 children who have been on the docket for more than 3 years and you have 129 authorized judges that have not been hired, if some of the energy that is being expended on press conferences and talking about separating kids from their parents as a deterrent, if some of that energy would be expended on hiring up all of the vacancies that you currently have for immigration judges and maybe doing a surge capacity to get at this backlog of children, that would be really helpful.

Is there a reason that you are not hiring the 129 positions that are currently paid for and in your budget but sit vacant?

Mr. MCHENRY. The number is a little bit misleading for a couple of reasons. First, our authorization up until March of this year was only for 384 judges, and we will fulfill that in about 2 weeks.

The omnibus bill that was passed in March added us another 100 judges, but we have not filled those. But we expect to certainly within the next year.

Our bigger problem is not hiring. We have gotten the hiring process down to as little as 266 days right now. Our bigger problem is going to be space and logistics. By the end of this year, we will have approximately 426 permanent courtrooms. That is less than our authorization. We cannot hire judges until we have the courtrooms or until we have the space for them, and we cannot procure more space until we get our appropriations.

Senator MCCASKILL. That is a fair point, Mr. McHenry.

But I will tell you when it came time to find space to put all these families in detention facilities, the government was willing to go to extraordinary lengths. Call in the military. Use military bases. Surely we can find a few courtrooms. This is not a complicated schematic to find a courtroom.

Frankly, I have been in a lot of courtrooms that did not look like a courtroom. You can make a courtroom, and frankly, you can do a lot of this remotely also, if you would have any idea where these kids were and if anybody was designating the resources to follow up and make sure that these children are coming to their hearings.

Is not it true, Mr. McHenry, if these children have lawyers, then—like 80 to 90 percent of them are showing up for their hearings?

Mr. MCHENRY. We have not done a study on that. I believe——

Senator MCCASKILL. But there is a study that has been done.

Mr. MCHENRY. I believe the contractor who runs our LOPC program did a study on that in 2014 and found that they were 10 percent more likely to appear.

Senator MCCASKILL. I disagree with you. I believe the study showed that there was a very high attendance rate. Has the Department of Justice put out a call for pro bono lawyers to represent these children?

Mr. MCHENRY. Every respondent who is in proceedings, whether they are a child or an adult or a family or whatever, receives a pro bono list.

Moreover, the representation rate for UACs in proceedings right now, whose proceedings have been pending for over a year, is already 75 percent.

The vast majority of them whose cases are going on are getting representation of some sort.

Senator MCCASKILL. Our numbers do not match up. I am going to have my staff follow up with your staff to make sure that we all are working off the same numbers because my understanding is the vast majority of the children do not have lawyers, but those that do have lawyers are showing up for court, which all goes under the category of this idea that we cannot call them or we cannot make them show up.

They are here. If we have the ability to hold them in custody, we certainly have the ability to get them to court. I would certainly want to follow up with those things.

Thank you, Mr. Chairman. I apologize for going a minute over.

Senator PORTMAN. Thank you, Senator. Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Thank you, Mr. Chairman.

Gentlemen, thank you for being here. We obviously have a lot of questions and a lot of issues we are trying to be able to work our way through and be able to get greater information.

Let me start with a very basic question: Who is setting the standard for the placement for where the children are going?

Let me give you some basic criteria here. Do they have to be legal citizens of the United States when we actually do a placement? Do they have to have a background check? Do they have to be an immediate relative?

Some basic things on placement, who sets that standard?

Mr. WHITE. Senator, that standard is set primarily by statute and then by the policies and procedures of ORR, which are published online and available.

Section 2 of the policy manual covers the process for vetting of sponsors and release.

Senator LANKFORD. OK. Let me back up. Do they have to be a legal citizen of the United States to be able to receive one of the UACs in their home?

Mr. WHITE. No, sir.

Senator LANKFORD. Is that something done in statute, or is that done by ORR?

Mr. WHITE. I believe that is based on an understanding of statute and that it directs us regarding the prioritization of sponsors.

Senator LANKFORD. You are saying to require that individuals are placed into a legal resident of the United States would require legislative action? It would not be an ORR decision?

Mr. WHITE. I would have to defer that to general counsel, but that is certainly my personal understanding.

Senator LANKFORD. Alright. Let me ask the next one. What about a background check for each individual in the home where they are placed?

Mr. WHITE. That is required by ORR policy.

Senator LANKFORD. OK. But that is not statutory. How extensive is the background check for the individuals, and is the individual one individual in the home or the individuals in the home?

Mr. WHITE. Every adult in the household has to meet background check standards. Those background check standards would include a fingerprint background check against the National Crime Information Center (NCIC), the Federal Bureau of Investigation (FBI), criminal history. It also includes a check against State criminal histories. It includes a check against the sex offender registries of every State. It includes a check against State child abuse and neglect records of every State where that person has lived in the last 5 years, and of course, it also involves the pretty extensive vetting by the social worker's work in the program based on interviews and documents received from the sponsor.

Senator LANKFORD. OK. What is your best guess on the percentage of UACs that are placed in homes where they are not legally present in the United States?

Mr. WHITE. Where the sponsor does not have legal status?

Senator LANKFORD. Correct.

Mr. WHITE. I do not have an exact number, but it will be the great majority.

Senator LANKFORD. Great majority being 51 percent? Great majority being 90 percent? Give me a ball park.

Mr. WHITE. I do not have such numbers.

Senator LANKFORD. OK. Let me ask this, then. If we do not know if they have legal status or what that percentage is of those that have legal status and those that do not, but you are saying they all have completed a background check, that background check does not include a legal status requirement?

Mr. WHITE. There is not a requirement that they have legal status; however, the background check process, as revised by the MOA, does include DHS providing immigration information from its databases to HHS.

Senator LANKFORD. OK. Help me connect the dots, then. We do know then how many individuals do not have legal status?

Mr. WHITE. I do not have that number with me.

Senator LANKFORD. But that is a known number?

Mr. WHITE. I would have to go back and see. It is historically not something that we have captured in a reportable format.

That may have changed in the months since I left ORR, particularly in light of the new MOA.

Senator LANKFORD. Does that seem odd to you that we are placing children in a home where we do not know if they are legally present in the United States or not, or does that seem normative?

Mr. WHITE. No, sir. I think we know in virtually every case whether they are lawfully in the United States. What we do not have is a reportable aggregated number on that.

Senator LANKFORD. That is a number we should have, just to be able to get a good feel for that and what that would mean.

Tell me on a—let us say 30 days later. You talked about them taking phone calls or not taking phone calls——

Mr. WHITE. Right.

Senator LANKFORD [continuing]. And engaging with you. Within 30 days, do you still have ongoing contact with those children that have been placed?

Mr. WHITE. We would make that contact through the phone calls. Where there are any concerns or if we fail to reach any children, that does trigger a reporting process to authorities, which are typically State and local authorities, which have jurisdiction over the child's case.

Senator LANKFORD. Let me ask you a question with that. One month after that child has been placed, how many of those children do we still know where they are living and we still have contact with?

Mr. WHITE. I do not have those numbers with me. I can get back to you on that.

Senator LANKFORD. What I am trying to figure out is, at what point—well, let me ask one more question, and I will do the overview with it. How many of these children are showing up for their hearings? Take even the first hearing, the UACs that are there, the first hearing that they have been asked to show up at. What percentage are they arriving at that first hearing?

Mr. WHITE. I would have to defer to DOJ for that question.

Senator LANKFORD. Mr. McHenry.

Mr. MCHENRY. We do not track based on individual hearing. Proceedings can have multiple hearings——

Senator LANKFORD. Right.

Mr. MCHENRY [continuing]. And moreover, their presence may be waived. In certain circumstances, they may appear by telephone or by VTC. We would not have that number.

Senator LANKFORD. I am trying to figure out how many that we actually know are showing up to hearings or still engaged in the process. Do you have a number on that at all?

Mr. MCHENRY. The closest estimate we have is our in absentia rate, the number who receive an order of removal for not showing up at the hearing.

Senator LANKFORD. But that is not showing up for anything, then?

Mr. MCHENRY. That is not showing up for the hearing at which the judge issues the order.

Senator LANKFORD. Right.

Mr. MCHENRY. They may show up at some hearings but not others, so maybe it continued, whether they appear or not. There is not going to be a rate for individual hearings. The closest estimate we can come or the closest metric we can use is the in absentia rate.

Senator LANKFORD. Which is what for UACs?

Mr. MCHENRY. For the last three or four fiscal years, it has been about 6,000 to 7,000—annually, it is currently running about 580 per month.

Senator LANKFORD. What is the percentage on that, then?

Mr. MCHENRY. The percentage out of the total number of cases is probably slightly less than 10 percent. We have roughly 80,000 cases pending, and if we have 7,000 a year——

Senator LANKFORD. The 10 percent that are in absentia, 90 percent that are showing up for those final hearings, or the reverse?

Mr. MCHENRY. These are pending cases, so they have not had a final hearing yet.

Senator LANKFORD. If you have been ruled in absentia, then they were making a final decision.

Mr. MCHENRY. If you are talking about all completed cases—and it is about 12,000 or 13,000 per year—then it is a little over 50 percent who are getting an in absentia order and having their case completed that way.

Senator LANKFORD. OK. Without showing up.

What I am trying to figure out is, in going back to some of the prior conversation, if they are in foster care in my State and they are not showing up for hearings or we do not know where they live or they are not answering a phone call, someone goes to check on them to be able to find out where are you, why are you not showing up for a hearing, and why are you not engaged. What I am trying to figure out is, at what point are we engaging back to say this individual did not take a phone call, did not show up at a hearing, has not answered our phone call, someone is checking to find out where are there or are they still there. Is that happening?

Mr. WHITE. If we attempt to make contact with a child or a parent and we do not make contact, where there is a concern, we make a report. Depending on the nature of the concern, we would make that report either to a Federal or State law enforcement agency or the child welfare authority that has jurisdiction where the child lives.

Senator LANKFORD. In that State. Then do we know if the State is following up or any individuals or following up or law enforcement is?

Mr. WHITE. We would know more about it if there were a Federal law enforcement follow-up. As a reminder, ORR is not a law enforcement authority.

Senator LANKFORD. Right.

Mr. WHITE Neither do we have a custodial role once the children exit ORR care. We guarantee that children show up for their hearing when they are still in ORR care.

Senator LANKFORD. But once they are delivered to someone else, then that is something else? Someone else has the ball then at that point?

Mr. WHITE. HHS does not have the authority for custody of minors after they exit ORR care and custody.

Senator LANKFORD. I am still trying to process this because TVPRA states this: "The care and custody of all unaccompanied alien children, including the responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services."

Mr. WHITE. We have neither the authority nor the appropriations to provide oversight or control of children who exit ORR care and custody. Those minors are assigned a sponsor. All of those who re-

main in the custody of the Federal Government are in ORR care and custody, and that is what the TVPRA is referring to.

Senator LANKFORD. OK.

Senator PORTMAN. Thanks, Senator Lankford. Those were all good questions that deserve an answer.

I think the summary—Mr. McHenry, correct me if I am wrong—in terms of how many unaccompanied kids actually show up for a hearing, I think their best number is that it is less than half. About 53 percent are not showing up.

Mr. MCHENRY. That is correct. If we are looking at completed cases, cases that had been finished, that is about the current rate right now.

Senator PORTMAN. Yes. That would be shocking to most Americans to find out. About 3 percent of these kids who are unaccompanied end up being deported. The rest are either granted asylum, otherwise found through some other immigration provision to be able to stay in this country, or they are lost in the system somewhere. That is one of the issues here. The issue is who is responsible for ensuring these kids are not abused, and making sure that they are getting the proper care. These are vulnerable kids, but also, the integrity of our immigration system, and neither one is being accomplished right now.

This notion, we can argue about whether you have authority or not. I think it is pretty clear. Senator Lankford talked about the TVPRA, which is the more recent legislation, but I look at the *Flores* decision. It goes back to 1997. It says that the former INS, where Chief Hudson used to work, had authority to take children from sponsors who abuse them. The decision of this court was that that was the responsibility of INS in addition to the statutory language that was mentioned.

HHS inherited INS's responsibilities for unaccompanied minors under the Homeland Security Act of 2002. Do you agree with that, Mr. McHenry?

Mr. MCHENRY. Yes. The Homeland Security Act transferred most of the enforcement authorities under immigration law to DHS.

Senator PORTMAN. From INS to HHS.

We do not see this as a really difficult legal issue. We think you have the authority and responsibility. We think that is clear, but if you disagree with us, I assume you are going to be calling on us to write legislation to give you that authority because I assume you want it. How else are you going to enforce these sponsor agreements?

Here is a sponsor agreement. It is a page and a half. This was required by the *Flores* decision, and it is very specific as to what these sponsors are responsible for, including ensuring that these unaccompanied kids get to their hearing. That is laid out very clearly here. It is not happening.

Who is enforcing these agreements today, Mr. White, Mr. McHenry? Who is enforcing these agreements?

Mr. WHITE. We are not a law enforcement agency. When a child reenters or care or a sponsor seeks to sponsor a second child, any prior history of not fulfilling any term of their agreement would definitely affect the decision. A sponsor who has not, in the past,

lived up to their agreement, this would be a factor in determining their suitability to sponsor that child again or another child.

Senator PORTMAN. Nobody is enforcing the agreement is what you are saying? All you can do is say if somebody wants to be a sponsor again you can look back to see what they have done, but nobody is enforcing the agreement.

At our last hearing, we talked about these calls, and we appreciate the fact that at the last hearing, HHS told us what it did learn from calls from October to December 2017, a 3-month period.

We had a little disagreement earlier when you, Commander White, said that there are no lost children. There clearly are. Your own testimony said that there were 28 kids who had run away, 1,500 kids roughly who—and I quote HHS testimony under oath, "We could not ascertain with certainty," end quote, the whereabouts of almost 1,500 kids. That is just reality.

HHS has also told us more recently, it is a legal no-man's land. In other words, these kids are in a situation where they do not have a legal status. There is no requirement in this sponsor agreement that they take the call. You are correct. I would assume you would like to see that. Is that true?

Mr. WHITE. I think post-release services are all voluntary.

Senator PORTMAN. No, but would you like to see them be required to at least take a call from you to find out what is happening 30 days later? Why are you making the call if you do not want them to take it?

Mr. WHITE. I would certainly welcome stronger supports for children who have been in care and their families.

Senator PORTMAN. Stronger supports?

Mr. WHITE. Stronger supports. I would welcome that.

Senator PORTMAN. Good. You would welcome it. You would welcome them taking a call——

Mr. WHITE. Absolutely.

Senator PORTMAN [continuing]. Being required to say this is the status of the child; this is what is going on.

Mr. WHITE. I also understand why some parents do not take the call, and that that does not necessarily mean that they are bad parents or that there is something wrong with that family system. I understand the reasons that many parents are reluctant to take our call.

Senator PORTMAN. At the last hearing, HHS told us what it had learned, during this one period of 3 months, and we asked at that time for updated numbers for this year because it just went until December 2017.

I know staff has indicated to us that you are prepared to answer that question today. What are the updated numbers for 2018? How many UACs or sponsors have we called in 2018? How many sponsors have we been able to reach, or how many UACs have we been able to reach? How many have agreed to participate in a call? How many UACs were still with their sponsors? How many had left their sponsors? How many did HHS refer to get help from the National Call Center or other resources, including going back to Homeland Security? How many UACs were no longer living with their sponsors? How many did you get an updated address and phone number for? How many had run away? How many were you

able to, "ascertain with certainty," to use the language that was used in the last hearing? Can you tell us what the status is this year in 2018 with regard to the calls?

Mr. WHITE. I do not have those numbers, but we will provide them to you, sir.

Senator PORTMAN. You will provide them?

Mr. WHITE. We will.

Senator PORTMAN. When will you provide those, Commander?

Mr. WHITE. I would have to ask, but I would assume that we could provide those to you in a very short timeframe.

Senator PORTMAN. Short timeframe?

Mr. WHITE. Yes.

Senator PORTMAN. I have to be a little skeptical since the——

Mr. WHITE. I do not blame you.

Senator PORTMAN [continuing]. JCO took 17 months from the time you committed to have it to us until you had it to us. Do you think you can have it to us within 2 weeks?

Mr. WHITE. I believe we can. Yes, sir.

Senator PORTMAN. OK. Two weeks from today, we will appreciate getting that information because it is really important to know how this system is working or not working. We have, obviously, a lot of troubling data from the previous 3-month period, and we would like to know where we are.

If it is getting better, that is great. That is what we want to see. If, as we probably all suspect, it is not, we have to figure something out here.

Mr. WHITE. We will provide it to you, and we are eager to work with you on seeing the best outcomes that we can achieve for the children who have been in our care.

Senator PORTMAN. We talked earlier about the need to deal with the push factors. I certainly could not agree more, and some of us have been involved in that issue. The fact is, though, these children end up coming here, and someone needs to take care of them. We need to get them to their court date.

In terms of getting them to their court date, expediting that process, Mr. McHenry, back to you again because you are the one who is responsible, I suppose, at DOJ to try to expedite this process. You said 8,000 of those cases had been pending for more than 3 years; is that correct?

Mr. MCHENRY. That is what our current numbers show, yes.

Senator PORTMAN. Yes. Should we prioritize unaccompanied children cases?

Mr. MCHENRY. We do in certain circumstances, but there is a limitation to them.

As you know, under the statute, if they file for asylum, that has to be adjudicated by the U.S. Citizenship and Immigration Services (USCIS) first. They have the initial jurisdiction. The immigration case is on hold until USCIS makes that determination.

Additionally, many UACs apply for special immigrant juvenile status, which is a multistep process. They have to get a dependency order typically from a State.

Senator PORTMAN. Let us back up for a second on USCIS, since we have with us here today, DHS representatives. My understanding is that is not where the backlog occurs. In other words,

they handle their cases in a pretty expedited basis. Am I inaccurate about that?

Mr. MCHENRY. I would have to defer to them. I do not have the numbers.

Senator PORTMAN. Maybe you can talk a little bit how you do that. This is the initial claim of asylum and how much of a backlog there is in those cases. Is that the slowdown, as Mr. McHenry is suggesting?

Mr. HUDSON. I can speak to the front end of the process. Anytime we take anyone into custody and they do have a credible fear claim, we clearly document that in all of our paperwork. We notify, in the administrative file, ICE, ERO, who then sets up the CIS initial screening interviews, and then we refer to ERO for more information on that. But we do take that information and take that credible fear claim.

Senator PORTMAN. OK. My time is expiring here, but let me just say it would be helpful to have that information. Our understanding is that is not where the backlog is, but if that is the case we want the agencies to work better together to ensure that does not slow us down.

I think one of the big problems is, Mr. McHenry, you said it takes 266 days to hire someone.

Mr. MCHENRY. That number is actually going down, as 2 years ago, it was an average of 742 days. Now——

Senator CARPER. That is like 2 years.

Mr. MCHENRY. Yes.

Senator CARPER. To hire somebody?

Mr. MCHENRY. Yes. Our most recent class, though, has individuals who were hired in 266 days, and the next class we have coming in will be even faster. The number is going down considerably.

Senator PORTMAN. "Even faster" is an interesting way to talk about taking 266 days to hire somebody. I think most people who are listening would think that is crazy, and why can we not expedite that?

If you need help from us—and we are looking at this as part of the legislative solution we talked about earlier—we want to expedite these. We want to get these judges in place. We want to be sure you are up to your fully authorized amount. We understand you need some more courthouse space. We want you to have that.

We also think that having 58 courts around the country is inadequate. A lot of these courts are not close to where these children end up, and that makes it even more difficult to get them to their courthouse.

I would tell you, we used to have a court and a judge in my hometown of Cincinnati. We do not anymore. Now it is just in Cleveland. That is an issue. That 4-hour drive is an issue.

I would suggest that we are ready to help on that, and we need to do it.

One final question. If the custody ends, as Commander White has said, when the child is placed with a sponsor, who is the legal guardian of these children when the child goes, as was the case of these eight Guatemalan kids to a trafficker? It is not a parent. It is not even a family member, which continues to happen today, that kids are given to sponsors who are not family members. What

is the sponsor's responsibility there? Who is the legal guardian of this child? Someone has to be the legal guardian of the child. Who is it?

Mr. WHITE. It is the sponsor who is responsible for the emotional and the physical needs of the child.

Senator PORTMAN. But not the legal guardian?

Mr. WHITE. The legal guardian is the parent who in some cases may also be——

Senator PORTMAN. You are giving a lot of these kids to sponsors who are not parents.

Mr. WHITE. Ten percent of reunifications go to sponsors who are either distant relatives or nonrelatives. They are vetted to a higher——

Senator PORTMAN. An uncle or an aunt is not a legal guardian either.

Mr. WHITE. That is right. Most of these children's legal guardian——

Senator PORTMAN. Or somebody adjudicated to be a legal guardian, right, Mr. McHenry?

Mr. MCHENRY. Legal guardianship is usually a matter of State law, and it would likely vary, depending on the local State practices.

Senator PORTMAN. OK. I just want to make that point. There is this legal no-man's land, as HHS has told us, and we need to resolve that issue, among others. Being sure these kids are properly treated, being sure they have a guardian, being sure that they are getting to their court proceedings, that the immigration laws are being held up, and the integrity of the system, all are important. Senator Carper.

Senator CARPER. Our staffs have been working on drafting legislation to enable you, the folks who work with you, and for you, to meet their obligations. I think there are moral obligations to these kids that have come here.

Chairman Johnson gave us right at the beginning of the hearing—he read an accounting of just horror stories, one horror story after the other, after the other. They explain pretty well why people give up everything in their home countries, to try to travel through difficult, dangerous journey to try to get here to face an uncertain future. They do live, in many cases, horrific lives in Honduras, Guatemala, and El Salvador.

One of the things that I had focused on and a number of us have focused on is what can we do—as we have done in Colombia, in helping Colombia, transform a country that was literally about to go down 20 years ago to being a prosperous, generally successful country today. There is something called the Alliance for Prosperity, which we are funding, and we need to continue fund in the next budget going forward.

We are going to write legislation. We are starting on that now, as you know, and you can make us an unguided missile or a guided missile.

I am just going to ask you. We will just start with you, Chief. This is not really your bailiwick, but you bring a lot of expertise and experience into this. Some counsel or advice that you would have for us and our staffs as we draft some legislation to address

some of the concerns that we are hearing about again today, what piece of advice do you have for us to focus on?

Mr. HUDSON. Thank you for that, and we are committed to working with the members in the Senate to look at any legislation that would help with border security.

What I would offer is that we have had a number of court decisions and rulings that kind of juxtapose the intent of the law against where it actually falls out today, and I think any action that could bring some more clarity to some of these interpretations would be helpful from an immigration enforcement perspective, sir.

Senator CARPER. Give us one more. That is a good one.

Mr. HUDSON. You have the disparate treatment under TVPRA for those contiguous country UACs, for example. If you have a Mexican UAC or a Canadian UAC in our custody, if they pass the trafficking screening test, meaning there is no derogatory information and no fear of harm on return, we can return them to their native land, if they should so desire and withdraw their application.

That is not so with UACs from noncontiguous countries. We are required to put them under TVPRA into 240 proceedings, so that is another example, sir.

Senator CARPER. Thank you.

Mr. Guadian, same question. Make us a guided missile.

Mr. GUADIAN. Yes, sir. Thank you Senator, for this opportunity.

I would offer that you close the loophole in the *Flores* agreement for the 20-day release, mandatory release in the *Flores* agreement currently.

I would also offer and agree with the Chief that the TVPRA be amended to make sure that all juveniles are treated the same. Just because there is a Mexican juvenile or a Canadian juvenile, they should not be treated any differently than Central Americans. We can currently, after an initial vetting, looking for trafficking signs—we can return those individuals to those countries. We currently cannot do that with Central American kids. That would eliminate a push-pull factor.

Senator CARPER. Chief, I saw you nodding your head. Do you want to comment, please?

Mr. HUDSON. No. I am in full agreement with my partner from ERO. Those are the two largest things I think that are affecting the process and flow today as we are seeing it from the immigration process perspective.

I think *Flores* is a complicated matter, and it is before the courts today, different machinations of that, but if we could hold family units, for example, for the pendency of their proceedings together, we would not be putting them on the streets where they are having to look for jobs, having to look for different avenues of support.

We could have a determination made by the immigration judge whether or not they have a credible fear claim or an asylum claim or any other benefit that they may get. But, at this point, once they leave our custody, it is difficult, as we have pointed out today, to find where any immigration violator may be.

Senator CARPER. Alright.

Commander, Mr. McHenry, briefly respond to what you heard from your colleagues at the table. Do you agree with the advice

that they have given and shared with us or disagree, or would you modify it? Just very briefly.

Mr. WHITE. I do not think I have a comment on any of those things.

I think from our point of view, what would likely be most important in looking ahead to legislation is that we think it was a wise decision to assign the care of children to a child welfare agency, not a law enforcement agency. I would encourage you, please do not make us a law enforcement agency.

Senator CARPER. OK. Can you give us more than that? We are going to write legislation. We are doing it. Give us more than that.

Mr. WHITE. Law enforcement should be a prerogative of those who are trained law enforcement professionals, and care on the best interest of the child, that of social workers. To the degree that there is interagency authorities being looked at, I think it is very important that HHS remain the agency tasked with the best interest of the child, rather than to assign it enforcement duties.

I also think it is very important that if we expand the role of the government in services to children after they exit ORR care that the central focus remain on the best interest of the child, and as much as possible on the permanency of families.

When we look at things like enforcing sponsor agreements, there needs to be attention to avoiding situations that result in separation of children from their families and sponsors become their families for matters other than the immediate safety of the child. That would be my strong recommendation to you.

Senator CARPER. Alright. Thank you.

Mr. McHenry, keep in mind, in the next couple of weeks, we are going to be working on what we call a mini omnibus appropriations bill, and it will include probably the Department of Defense (DOD), probably the Department of Health of Human Services, and in terms of funding, in addition to actually working on the authorizing language that we are talking about that, but in addition to that, some funding shortfalls, some places we ought to be especially mindful of. Any advice you have for us there?

Mr. MCHENRY. On the operational side, I would defer to my colleagues at DHS because they are on the front lines of the enforcement.

Our equities, as you have alluded to, we completely agree that we need to increase our adjudicatory capacity, which means typically more judges, more space, more resources, and also maximize the current capacity. Several members have mentioned video teleconferencing, trying to reach out, trying to hold hearings in locations, apart from our permanent court sites. We certainly welcome any suggestions the Subcommittee may have and be happy to work with you through our Office of Legislative Affairs.

Senator CARPER. We have three counties in Delaware, southern most counties. Sussex County, it is a very large county. The county seat is called Georgetown, and there are a number of folks there from particularly Guatemala who have come over the years. Some are documented; others are not. But when folks go from the Georgetown area, Southern Delaware, to a courthouse, they go to Philadelphia, which is quite a hike. It is not as far as Cincinnati to Cleveland, but it is a pretty good hike. If somebody is going to

make that hike, a kid is going to be out of school or whatever. Maybe out of work, whoever is taking them is probably going to give up a day's work getting them up there and back.

The idea of having sufficient judges, be able to hire the more expedient way, but also to actually have some courthouses that we can go to. We have a State courthouse right in Georgetown, where a whole lot of the—if you drew a 10-mile diameter circle around that courthouse, you would probably accomplish most of the refugees, folks that come to our State.

But is it feasible for immigration proceedings to take place occasionally in a State setting, a State courthouse setting, which is right there in the community?

Mr. MCHENRY. There are some logistical challenges. We have to enter into an agreement with whichever agency, whichever body controls the local site. We have to make sure the security is correct that the systems are compatible.

We would also have to coordinate with the Department of Homeland Security because they are a party to all of the proceedings. They have a right to send an attorney as well to make sure that they have somebody available.

There are other mechanisms we can use. As I mentioned, if an individual is represented, their presence can be waived. They can move to appear telephonically. There are other ways of getting around it, even if VTC does not turn out to be feasible. We can certainly take the suggestion and look into it.

Senator CARPER. Alright. Thanks very much.

Senator PORTMAN. Senator Heitkamp.

Senator HEITKAMP. Thank you, Mr. Chairman.

I want to go back to follow up with you, Commander. I can appreciate—and I think we are all appreciative of your understanding as a social worker—I think that is your training—of what happens with childhood trauma and what the long-term ramifications can be, and so I do not mean to be harsh. I think that all of us who have watched this are deeply concerned.

I want to get to this issue, not just of what happens when they leave, but what is happening when they are in facilities.

One facility provider basically—if my rough math is right, 11,000 children have been assigned to Southwest Key over a number of facilities, not one facility, but they are obviously a large provider.

The reports coming out of Dallas say that they basically in a half-year period have a contract that is worth a half a billion dollars that they are being paid, which if you do rough math, that is about $45,000 per child. I think that we should have some pretty high expectations at $45,000 per child.

I would love a list of all the contractors that you currently have, the number of complaints and the severity of the complaints in each one of those cases, what disciplinary action has been, and how you are cooperating consistently with State authorities, who usually are the licensing authorities. I understand that.

If you can in fact get us where you are at right now with contractors and what additional needs you may see, so that we can have a better idea.

I want to comment briefly on Senator Johnson's comment. Senator Carper and I have been very engaged in trying to get asylum

seekers to stay in place and seek asylum where they are, and I think that to simply say this is a horrible path forward and separating kids, that is the way we are going to provide deterrent, I think we have to look at all the reports of people saying, "That is no deterrent for us because the conditions at home are just as horrific as the conditions of the journey." We have to figure this piece out, and it is kind of beyond the scope of this hearing.

I do think that one of the key issues for me is my initial question which is does HHS want this responsibility? The way I look at the function that you perform and basically who reports to you, every State division of children or human services—in our case, it is the department of human services which is responsible for child welfare in North Dakota—they have an ongoing relationship with HHS. It is not unusual for us to ask you to perform the functions in a Federal kind of umbrella that the States perform in their State foster care programs.

I think you have to do some soul searching. Are you willing to take that responsibility, and if you are willing to take that responsibility—let us just get beyond the "Do you have it right now?" because I think there is a disagreement here. But if you are willing to take that responsibility, what do we need to provide? That is what I think Senator Carper is getting at. How can we in good faith and collectively not file reports back and forth for which we respond, but how can we put the kids first and decide what we are going to do to fix this problem? I would really encourage you to take what we have said here back to your supervisors and back to the chain of command and say, "You may not have a choice." Rather than resisting taking this responsibility, figure out how you are going to assume this responsibility and what you need to do it because I do not think there is any tolerance up here, certainly with us, for not knowing where these kids are. That is just a nonstarter for me.

I want to know where all these kids are. I want to know what their status is. I want to know whether they have been placed in places that are safe, and we know a lot of these kids come here as indentured servants. A lot of these kids are required to work to pay off whatever the transportation was if they truly were unaccompanied. We cannot be ignoring the possibilities here and the possibility of abuse outside the system, but we have to rectify the abuse inside the system that we all agree you have responsibility for.

I want to thank you for your acknowledgment of trauma, your care of children. I did not mean to be too harsh, but it is imperative that we get our arms around this problem and move forward with a solution-based evaluation and numbers. Please get back to us and let us know what we can do to help you perform this function and be better foster parents.

Thank you, Mr. Chairman.

Mr. WHITE. Yes, ma'am.

Senator PORTMAN. Senator McCaskill.

Senator MCCASKILL. Yes. I would like to ask both Commander White and Mr. McHenry. Mr. McHenry, you have a lot of experience around the law. Should not we put in the law that there is a requirement that these children be put in touch and that the

State child welfare agency should be notified when they are going to be in their States at a minimum?

Mr. MCHENRY. That would be principally an operational issue. We are happy to take back any suggestions, but I would have to defer to my colleagues as to whether that would make sense to them, logistically and operationally.

Senator MCCASKILL. Yes. The welfare of these children are sometimes—these determinations are made sometimes in adult courts, but they are also sometimes made in juvenile courts around the country. I know you are operational, and you are custodial—and at the border, and you are interior, and you are in custody, and then you are done. We have this gaping hole, and we need you all to come together.

We do not always get it right in the Senate or in the Congress, and we will get closer to right if you all get together and decide where is the best place to cite responsibility for continuing oversight of these children once they leave secure facilities.

I too get revved up. I do not think you are doing anything other than wanting children to be safe, Commander White. I know that, but you have to objectively realize the extreme frustration that we are feeling on this side of the table.

Senator Portman and I had a hearing on this back in 2015, and all of these issues were discussed. Nothing happened, and I was just as angry at the Obama Administration, frankly, as I am frustrated at this Administration over the failure to recognize this gaping hole.

We have to figure out the legal status of these children after they leave custody of HHS. If they are not with their parents, then who is making the decision on whether or not they receive medical procedures? Who is making the decision as to whether or not they are actually going to school every day? Who is doing that?

It is such a problem screaming for a solution, and I just do not think we are going to be satisfied. Do you have an opinion as to who should have legal responsibility for these children once they leave HHS's custody, Commander White? Just your personal opinion. I am not trying to hold the agency to your opinion, but you are experienced in this area. You do have background in this area. What do you think would be the most efficient and effective way to secure the safety of these kids?

Mr. WHITE. I do not have a personal opinion. I do believe really strongly that there is no way with the existing authorities and the existing appropriations that HHS could do what you are asking, which is not the same thing as saying it could never be done. I think the reason that there have been so many conversations between this Subcommittee and our agency is that the existing authorities and the existing appropriations are far away from what will be required to achieve that result.

I believe that if it could be solved simply by holding HHS's feet to the fire, we would have been there by now because I feel this Subcommittee has done that.

If that is the desire, that will take clarification of authorities and very significant appropriations to accomplish that goal for the approximately 212,000 minors still under the age of 18 who have been in ORR care and who are in the United States right now.

Senator MCCASKILL. I know the appropriations part is important, and I certainly support that.

I will tell you realistically that the State child welfare agencies do not have a choice. They have legal control over these kids. It does not matter what they get appropriated. If the social worker's casework goes from visiting households of 50 children to visiting households of 200 or 300 children, that is the reality in many States.

It does not change the fact that someone is legally responsible, and so I know the appropriations need to follow, but first, we have to have clear legal responsibility. It is really important.

Chief Hudson, briefly, before my time is out, when you separated the children from their parents, was there a plan in place to have them reunited with their families at the point in time they were separated?

Mr. HUDSON. CBP and the Border Patrol only dealt with reunifications with regard to those individuals who are in our custody. That when they went to the criminal process, they got time served, and when they returned back into our custody from the courts, the children were still there. There were approximately 500 of those reunifications that we were involved in.

The larger reunification effort, we were not involved in for the physical reunification. We supported our partners in ERO and HHS to continue to evaluate data, to make sure we had all the finer points, and it really was revalidation. We had the information. It is just checking, dotting the i's and crossing the t's.

Senator MCCASKILL. I understand that there was a subset that you all had direct responsibility for. I guess what I am asking you and Mr. Guadian, at the time the decision was made to separate children, was there a plan within DHS about potential reunification? Because these kids started going all over the country in a relatively short period of time, and clearly, some of the reunification bumps have been because we want to do background checks and we have to get fingerprints and all of that. I understand that.

But were you aware? Did you ever see? Were you ever briefed on a plan that these things are being done? If reunification occurs either by directive of the government or by directive of a court, there is a plan by which this can happen?

Mr. HUDSON. Ma'am, I was never a party to any of those discussions, nor have I seen any documents relating to that.

Senator MCCASKILL. Mr. Guadian, have you ever seen any document such as that or any discussion in your email traffic about we are going to do this, but we have planned how we could reunify if in fact the decision is made either by courts or by directive of the government to get these kids back with their families?

Mr. GUADIAN. Thank you for that question, Senator.

As my director has testified previously, ICE has always had a plan for reunification at removal. The difference here was the quantity.

The process was at removal——

Senator MCCASKILL. Did the agency not know how many children were going to be separated? You guys have historical data about how many kids are coming across month by month, day by day, and week by week. You have known for the last 6 months how

many children were coming across unaccompanied that were being apprehended with their families. I am sure you had some idea of the numbers.

Mr. GUADIAN. What I can tell you, Senator, is that ICE has always had that process where we reunify at removal.

As far as the kickoff for the zero tolerance plan (ZTP), that was a 45-day window. I did not have visibility of the numbers of cases that were referred, but what I can tell you is that ICE always had a plan to reunify at removal.

Senator MCCASKILL. OK. I just do not buy the numbers thing because you can pull up the numbers with four or five clicks, so you knew the numbers. If there was not a plan in place for the kind of numbers you encountered, that lies squarely within the responsibility of the Administration not adequately planning for it.

Thank you, Mr. Chairman.

Senator PORTMAN. Senator Lankford.

Senator LANKFORD. Mr. Chairman, thank you.

I want to be able to follow up on one key area. It seems to be the elephant in the room in this conversation. We are having a difficult time tracking children in their location after they are placed, but we are most often placing them in homes of people that have been illegally present in the United States, sometimes for years. Those are individuals that, by definition, have lived under the radar and separated from the rest of society. I am trying to figure this out.

It seems they were set up for failure at the start if we are placing individuals into a home with a sponsor that is illegally present in the United States.

My question on this is trying to have a dialogue. Have we set you all up for failure from this based on how it is set up and designed?

Of course, children are going to disappear, and we are going to lose track of them if they are in a home of individuals or in a group of people or with their family if that family is, by definition, trying to disappear within society as well and have often done it for a long time. Unless I am getting this wrong from the stats that I have seen in the past, most of the UACs that are coming are coming and joining a family member already here. Is that correct that there is a family member already here and that UAC is coming to join them?

Mr. WHITE. That is correct for the great majority of UACs who are discharged to a sponsor out of ORR care. Yes, sir.

Senator LANKFORD. Let me ask a simple question. If the requirement was that we do not place a UAC with a sponsor that is not a legal citizen in the United States, what does that change?

Mr. WHITE. For one thing, it would create a requirement for hundreds of thousands of beds over the next couple of years. It would mean that for——

Senator LANKFORD. Do you think the same number is coming, or do you think those UACs are coming because dad or uncle is already here in the United States, and someone is saying to a 14-year-old boy in Guatemala, "It is time to go to the United States and go work with your uncle or with your dad, so we are going to pay for a trafficker for you to get there. You are going to get there and get checked in and get checked in and find him?" If that is not

an opportunity that they have to be able to be placed with a sponsor of an uncle or a dad that is already here, that they know that is not an opportunity, do you think the numbers change, or do you think the numbers just stay consistent?

Mr. WHITE. I would not speculate on how long it would take to change or what the change would be. I am simply saying that the vast majority of releases, as I have already testified, are to sponsors without legal status. We are at 90 percent bed capacity today and a record number of beds and two temporary in-flux shelter systems set up.

You asked me what the consequences would be, Senator, and the most immediate consequence would be that it would back up in the border stations and produce a humanitarian crisis.

Senator LANKFORD. Right. You are out of bed space, but the alternative is what this Committee is complaining about, is releasing people into the country and we lose track of them. We are setting you up for failure because you are putting them with sponsors that we do not have track of already that are already living in the shadows here in the country. It seems to be this really odd side-by-side that you are getting griped at for losing track of people that by definition, the adult that they are with, we already have lost track of.

What I am trying to figure out is how to be able to solve this long term and what are the key solutions of this.

Mr. McHenry, what happens if we place children only in a home with someone who is legally present in the United States or a U.S. citizen?

Mr. MCHENRY. I would have to defer to my operational colleagues. It would not necessarily affect the court proceedings because the person would still have a court case.

In terms of bed space or appropriations or anything like that, I would have to defer to my colleagues.

Senator LANKFORD. Do we have any numbers at all on the percentage of individuals that show up for their court proceeding if they were placed with someone who is a legal resident or a U.S. citizen versus someone that we do not know their legal status?

Mr. MCHENRY. That is not something we would track necessarily for their immigration hearing. We do not know who they are placed with, necessarily. We just know their address and where they are supposed to be.

Senator LANKFORD. Or where they were when we placed them, but not necessarily where they are now?

Mr. MCHENRY. Right. They have an obligation to notify the court if they do move or if their addresses changes from the first one that was provided to us.

Senator LANKFORD. How often does that happen that people notify the court when they have changed addresses?

Mr. MCHENRY. I do not have those statistics in front of me.

Senator LANKFORD. I think we are setting you all up for failure in this, and that is the grand challenge that I am trying to figure out is what happens if we have a very simple change. We do not place an unaccompanied minor into a home with someone who is not a U.S. citizen and who is not legally present in the United States. If that change is made—and I understand what you are saying initially. You would have to do some advance work and

some preparation for that. What happens not only with the push factor or literally people in Central America saying, "It is time to go to work in the United States. Go join your uncle. Go join your dad that is there?" Because predominantly, the UACs we are talking about are young teenager males. Is that correct? These are not 3-year-old young ladies and 3-year-old guys. Is that correct?

Mr. WHITE. Approximately one-third are girls. Approximately one-quarter would fit the description of 16- and 17-year-old boys.

Senator LANKFORD. You are saying a 25 percent total of the number that are coming in are 16- or 17-year-olds. How many of them are 12 and up, versus 11 and down? Because that has been a break point in running our stats.

Mr. WHITE. It does change over time, and this year, we have seen many more who are what we call "tender age"; that is to say, age 12 and under. But that would typically be about 20 percent of the total who would be under 13.

Senator LANKFORD. OK. 13 and up, 80 percent of the people that are coming.

This is something we need to be able to continue this conversation on to be able to figure out how we can help resolve some things long term.

Thank you, all.

Senator PORTMAN. Thank you, Senator Lankford.

We have zero time left on our vote. We are going to close this up. Senator Carper may come back in for a cameo, but I just want to say thanks to the Members who attended today, and of course, thank you to the witnesses for being here for your testimony, for your service, and for appearing again before us in the Subcommittee, some of you for the second time.

We need to repair the immigration systems. There is no question about that. Addressing both the push and the pull factors, that again was not what this hearing was about. This hearing is about the fact that in the meantime, there are children here in our country. Those children need to be protected. We need to be sure that they are not abused, and they are not trafficked.

This investigation, as you know, was launched by the fact that there were children who were given by our government, HHS, to traffickers, actually the traffickers that had brought them up from Guatemala, unscrupulous. They did abuse these children. Eight of them ended up in an egg farm in Marion, Ohio. They have now been prosecuted. That is good, but there are other cases as well that we know of. We need to be sure we are protecting those kids who cross our border.

We also need to be sure that they show up at their immigration court proceeding, and that is a point that I think has been made repeatedly today. By the way, that is for their own benefit to be able to make their legal case as well as the integrity of our immigration system.

We believe that we have received some commitments from you all today that will help us get to the bottom of this. We thank you for that. We look forward to getting the additional data that we need to understand the nature of the problem better.

We also appreciate the commitment to help us with the legislative solution that Senator Carper and I have talked about and oth-

ers to help solve this problem—Senator Lankford, Senator McCaskill.

We need to be sure that we do address this because we know we can do better, as Commander White said. We must do better for these children and for our system.

The hearing record will remain open for 15 days for any additional comments or questions from any of the Subcommittee Members.

I said before you came in, Senator Carper, we have no time left on the vote, but I thought you might want to have a final comment.

Senator CARPER [Presiding.] Yes. I would very much. Thank you.

Thank you again for being here for your testimony.

I am not altogether satisfied. I think you probably know that, but we are grateful that you came. We need to continue to engage in a very serious way.

We are going to write legislation. I think it will have bipartisan support, and we are in the midst of an appropriations process, which actually has some—can be a help in enabling you to do your jobs better.

I will say this in closing. I always come back to root causes. There is a reason why these people are trying to go through hell on earth just to get here, and we need to help them address those. They can do it; we can help. Alliance for Prosperity is really almost a descendent of Plan Colombia, which worked. We need to make sure that we stick with it until it helps reduce the demand for people to get out of those, in some cases, hell holes where they work and live.

Second thing, we have to do a better job of making sure that folks who are interested in trying to get some kind of amnesty or to be able to come here under extreme conditions, that they can actually apply for that in their countries and own embassies, so they do not have to come here to present their case. We need to do that.

The third thing is we are having a hard time establishing who has responsibility. This is a shared responsibility. When we have these kids here, they have been placed with a sponsor. It is a shared responsibility. As a former Governor, it is a shared responsibility between some of us—us, you—and it is a shared responsibility with States, Governors' offices, and offices of child welfare. This is a shared responsibility, and we need to make sure that we are calling on others in an appropriate way to share this responsibility with us. We have to do it all.

I will close with this. Everything I do, I know I can do better. The same is true with this situation. We can do this better, and we must.

Thank you so much.

With that, I think this hearing is adjourned.

[Whereupon, at 12:19 p.m., the Subcommittee was adjourned.]

APPENDIX

STATEMENT OF CHAIRMAN ROB PORTMAN
U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking & Abuse
REMARKS AS PREPARED
August 16, 2018 PSI Hearing

We're here today because this Subcommittee is continuing to conduct oversight into an issue that we've been following for more than three years now, going back to 2015. We have an interest in ensuring that unaccompanied minors are protected from human trafficking and other forms of abuse. We also have an interest in ensuring that these children appear at their immigration court proceedings and we care about upholding the integrity of our immigration system.

Let me begin by saying I am concerned that some in the administration and some here in Congress misunderstand the scope and purpose of our three-year investigation and the report that we're discussing in this hearing. I would think every member of this panel agrees that our broader immigration system is broken. Of course, I'm not suggesting we all agree on the solutions. But that is not what this investigation and report are about. In particular, some believe we should be addressing the 'push factors' that drive people to come to our borders—in particular, the conditions in the Northern Triangle countries of Guatemala, El Salvador, and Honduras. These are legitimate and very difficult issues, and I know the Ranking Member has been very involved in these issues, as I have been and other members have been, but that is not the focus here today. That's not what we're here about.

We are focused on the very narrow issue of what happens to children who already have come into our country and who have been apprehended by our government. We want to ensure they are treated appropriately and that they make it to their immigration court proceedings. Unfortunately, we have seen examples of children placed with sponsors being trafficked, and right now, the best information that we have is that about 50 percent of these children do not show up for their immigration court proceedings.

This is not a partisan issue, and, let's face it, there is plenty of blame to go around. The specific, tragic occurrence of children being placed with human traffickers that initiated this Subcommittee's investigation happened under the Obama administration. But this is a systemic problem that has continued under the Trump Administration. We're interested in solving this problem.

We want to ensure these kids get proper care, but also expedite the enforcement of these cases in a timely and responsible way. This is our chance to get this right.

Since 2012, more than 200,000 children without legal status have crossed our borders without a parent or guardian. The law calls these children 'unaccompanied alien children' or UACs. These children frequently face significant trauma on their way here. And once they are here, as one Department of Health and Human Services official recently characterized it, they are 'in a legal no-man's land.'

These children are typically apprehended by U.S. Customs and Border Protection of the Department of Homeland Security. Then, within 72 hours, under law DHS transfers them to an HHS Office of Refugee Resettlement facility. At this point, HHS becomes responsible for these children's care.
HHS typically places these children with sponsors, which can be their parents or other family members, but also sometimes other, unrelated adults.

In 2015, I learned that HHS had placed eight of these children with human traffickers. Those traffickers then put those children, all minors, into forced labor situation on an egg farm in my home state in Marion, Ohio. The traffickers threatened the children and their families with violence and death. The children worked for 10 to 12 hours a day as they lived in squalor.

This Subcommittee investigated, and we released a comprehensive report in 2016 finding that HHS failed to do basic background checks on the trafficker who came forward to sponsor these children.

We also found that no government agency claimed any responsibility for these children once the government placed them with sponsors—even sponsors who are not the children's parents or legal guardians. To this day, that remains the case, even though we believe the law gives HHS continuing responsibility, especially if they are not placed with a parent or legal guardian.

HHS and DHS promised to do better. They did improve their background check process—and I commend them for that. But they still have not taken enough responsibility for the welfare of these children post-release.

In February 2016, after our hearing and calls from this Subcommittee for better coordination between the agencies, DHS and HHS entered into a Memorandum of Agreement. They agreed to create a specific Joint Concept of Operations, or JCO, to document and improve their processes related to unaccompanied children. As part of the Memorandum of Agreement, they committed to completing that JCO no later than February 22, 2017.

They missed that deadline. Not by a week, not by a month, but by more than a year. So we held another hearing, and after being pressed on why the JCO was unfinished, the departments promised to complete it by July 30, 2018, a few weeks ago. They finished it on July 31—seventeen months later than they had committed to do so.

Unfortunately, the JCO only reiterates on paper the insufficient policies that have been in place for years through previous administrations. It's important to put processes on paper so the left hand knows what the right hand is doing, and I'm glad they did that. But the JCO largely reiterates the status quo, and does little to improve unaccompanied children's safety and ensure UACs show up to their immigration court proceedings.

That said, we think it's important that the public see the JCO to understand it for themselves. We are working with the departments to get a version of the JCO that is appropriate to release, and we are waiting for final sign-off. I'm not prepared to release it unless the administration agrees that it's appropriate to release it.

I'm disappointed the departments did not take this opportunity address problems we've all observed for years and I think are widely acknowledged. Unaccompanied children are still crossing our borders. HHS is still placing them with sponsors and then losing track of them. At our last hearing in April, HHS testified that they had started calling sponsors 30 days after placement to check on the children. I think that's good that they're making these calls, which started in 2015 apparently. But it was troubling that for the three-month time period from October to December 2017, HHS testified that they 'could not ascertain with certainty' the whereabouts of 1,475 children, and that 28 children had run away from their sponsors. And, again, they argue they have no responsibility to know where those children are. Remember, that's just one three month period. **We need an update on those children today. How are those calls going? What are the results? As well as determing, going forward, what are we going to do about the information that we get from those calls.**

Yesterday, Sen. Carper and I released a report on the problems the Subcommittee has identified with the UAC program. It details the lack of progress from HHS and DHS in improving programs designed to care for these children, ensure their safety, and ensure they appear at their immigration court proceedings.

Currently, 80,266 UAC cases are pending before the immigration courts—more than 8,000 of them have been pending for more than three years. The longer these children wait, the less likely they are to appear for their court proceedings. Today, 53 percent of unaccompanied children never show up for their court proceedings—an increase of 12 percent since 2016.

I know this is a difficult situation— and the gentlemen here before us from the administration are faced with a very difficult task. It's not easy, but these federal agencies have failed to address most of the recommendations for improving the UAC program offered by this Subcommittee and the Government Accountability Office. We need to know why.

We have a serious problem on our hands. These children are at risk for trafficking and abuse. When these children do not appear for their hearings, they lose their chance to argue for immigration relief, and many remain in this country illegally, which undermines our nation's immigration laws. In those cases, the judge usually enters an in absentia removal order, we may hear about that today. But most are never actually removed. The best number we have is that only three percent are deported. The current situation is not good for these children or our immigration system.

The Subcommittee's report compiles our findings based on two and a half years of oversight. I urge you to read it. It addresses a wide range of issues, from problems with the JCO to the backlog of immigration court cases.

As I said earlier, there is plenty of blame to go around. But I'm a lot more interested in solving this problem than making this into a partisan issue. I hope we don't do that today because this is our chance to get this right. We're working on legislation and I wanted to be sure we had this hearing first so that we could hear from experts from the administration as we're working on that bipartisan legislation. I appreciate Sen. Carper working closely with me on this issue.

I look forward to talking with our witnesses today about how we can improve this system to ensure these children's safety and the integrity of our immigration system.

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.

JOINT TESTIMONY OF

Richard M. Hudson
Acting Chief, Law Enforcement Operations Directorate
U.S. Border Patrol
U.S. Customs and Border Protection
U.S. Department of Homeland Security

Robert Guadian
Acting Deputy Assistant Director for Field Operations West
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

BEFORE

U.S. Senate
Committee on Homeland Security and Governmental Affairs
Permanent Subcommittee on Investigations

ON

"Oversight of Efforts to Protect Unaccompanied Alien Children
from Human Trafficking and Abuse"

August 16, 2018
Washington, DC

INTRODUCTION

Chairman Portman, Ranking Member Carper, and distinguished Members of the Subcommittee: Thank you for the opportunity to testify at today's hearing to examine efforts by the Department of Health and Human Services (HHS) and the Department of Homeland Security (DHS) to protect unaccompanied alien children (UACs) from human trafficking and abuse during the pendency of their immigration court proceedings. DHS is responsible for the protection and well-being of these children from the time they first come into contact with U.S. immigration authorities until they are transferred to the care of HHS, and takes this responsibility very seriously. DHS appreciates the Subcommittee's continued dedication to this issue, and we look forward to continuing the constructive dialogue we have had with you and your staff on this issue over the last several months.

UAC Definition and Special Considerations

A UAC is defined by statute as a child who: A) has no lawful immigration status in the United States; B) has not attained 18 years of age; and C) with respect to whom (i) there is no parent or legal guardian in the United States, or (ii) no parent or legal guardian in the United States is available to provide care and physical custody. Designation as a UAC does not provide lawful immigration status, but UACs are afforded certain procedural safeguards with respect to asylum processing that are not available to other aliens, including accompanied minors. For example, U.S. Citizenship and Immigration Services (USCIS) has initial jurisdiction over any asylum application filed by a UAC, regardless of whether the UAC is in removal proceedings, reunites with a parent or legal guardian, or turns 18 after filing the application. For non-UACs in removal proceedings, it is an Immigration Judge from the U.S. Department of Justice (DOJ), not a USCIS Asylum Officer, who adjudicates an asylum application. Additionally, the

Unaccompanied Alien Child Screening Addendum (CBP Form 93) is used to screen UACs for human trafficking indicators – including trafficking by transnational criminal organizations, such as MS-13. If a Border Patrol Agent or CBP Officer suspects that any member of the group in which the UAC was traveling is involved or complicit in the trafficking act, they will detain all individuals for further processing and interview by U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI), the Department's primary investigative arm responsible for the investigation of human smuggling and trafficking.

Under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), a UAC who is a national or habitual resident of Canada or Mexico and who is apprehended at the border may be permitted to withdraw an application for admission and be returned to his or her country of origin if there are no human trafficking indicators or claims of fear of return, and the child is able to make an independent decision to withdraw the application. Additionally, UACs who are nationals or habitual residents of Canada or Mexico who are not eligible or wish to be voluntarily repatriated are required to be placed into removal proceedings before a DOJ Immigration Judge. Similarly, and as required by the TVPRA, a UAC from a non-contiguous country who is encountered at the border is generally issued a Notice to Appear (NTA) and placed in removal proceedings before a DOJ Immigration Judge. Like all individuals, UACs are afforded an opportunity to claim asylum or other form of relief or protection from removal consistent with our immigration laws.

UAC Encounters and DHS Custody

Typically, UACs are first encountered when presenting themselves to U.S. Customs and Border Protection (CBP) at a port-of-entry (POE), or when apprehended by U.S. Border Patrol when attempting to enter the United States between POEs. However, ICE may also apprehend

UACs in the interior of the United States during immigration enforcement actions. Upon encounter, the apprehending agency must determine whether a child meets the statutory definition of a UAC. Absent exceptional circumstances, once a determination is made that the child is indeed a UAC, DHS is then required by law to physically transfer the child to HHS Office of Refugee Resettlement (ORR) custody within 72 hours of the UAC determination being made. While UACs are in DHS custody pending transfer to HHS, they are placed into a separate holding area apart from adult detainees for their safety.

Protecting UACs from Trafficking and Abuse

DHS takes great care to ensure UACs are treated appropriately and humanely while in our custody, and are safe from trafficking and abuse. This includes, among other things, using CBP Form 93 to screen UACs for indicators of trafficking and/or abuse, identifying gang affiliation or criminal activity, and working with our partners in HHS to ensure appropriate care and protection. CBP facilitates timely placement decisions with HHS, which allows for expeditious custody transfer.

The CBP Form 93 includes examples of trafficking indicators and requires the processing Border Patrol Agent or CBP Officer to ask age appropriate questions to help identify if a UAC may have been, or is likely to be, the victim of trafficking. This screening tool provides a mechanism for officers and agents to consistently and thoroughly screen UACs. This tool contains sections relating to the UAC's fear of return to their country of nationality or last habitual residence as well as indicators of human trafficking. For UACs who are nationals or habitual residents of a contiguous country, it also addresses the UAC's ability to make an independent decision to withdraw their application for admission. This form's use is consistent with the requirements of the TVPRA.

Based on the totality of the situation, including visual and verbal responses, the Border Patrol Agent or CBP Officer determines if the UAC is a victim or potential victim of trafficking. CBP conducts these screenings at the processing location – generally at a port of entry or Border Patrol station. CBP is currently revising this form to ensure Border Patrol Agents and CBP Officers obtain information of the highest integrity.

When DHS encounters known or suspected gang members within the UAC population, biographic information is collected and stored in the electronic systems of record. This approach enables the capture, organization, and presentation of data and allows DHS to readily identify known gang members or aliens who admit to having a gang affiliation. The electronic system collects fingerprint information and runs record checks on these individuals to ensure criminals are prosecuted to the fullest extent of the law. This information is conveyed to HHS and other interagency partners, as appropriate, when a placement request is generated via an HHS intake form. Secure placement will be requested for any UAC who has a known gang affiliation, but the decision on placement is ultimately made by HHS.

On February 19, 2016, DHS and HHS signed a Memorandum of Agreement (MoA) regarding the care, custody, and transfer of UACs between our respective departments. The purpose was to continue addressing the needs of UACs; ensure the safe and expedited transfer and placement from DHS to HHS custody; maximize efficiency in the allocation and expenditure of respective program costs; ensure information is transmitted to facilitate appropriate placement decisions so HHS can promptly place the child in the least restrictive setting that is in the child's best interest until the child is released to an appropriate sponsor; continue the statutorily-required consultation between departments with respect to UAC placement determinations; protect UACs in the custody of the United States or released to sponsors from mistreatment, exploitation, and

trafficking; and to promote effective immigration processing, as well as the safe repatriation and/or reintegration of UACs, if necessary.

DHS and HHS signed another MoA on April 13, 2018, to address information exchanges between each Department and to enhance cooperation. Several additional safeguards were put in place, including the fingerprinting by ORR of all potential sponsors (including parents and legal guardians) and adult household members. ICE will then use the fingerprints to complete a check for criminal activity in order to ensure the sponsor is suitable to take charge of a UAC, and that the UAC will not be placed in a dangerous situation or fall victim to trafficking. Additionally, if ICE or CBP become aware of any criminal information, such as gang affiliation, that it did not have at the time of initial referral to ORR, they will notify ORR as expeditiously as practicable, using their best efforts to provide information within 48 hours of discovery.

Since these MoAs were signed, DHS has continued to work with HHS to make meaningful improvements to our information sharing arrangements, in line with the Administration's immigration principles and priorities, and in accordance with the applicable laws. For example, both departments have: (i) clarified procedures surrounding the timely issuance of NTAs; (ii) realigned enforcement priorities so that no class or group of aliens is automatically exempt from possible enforcement actions; and (iii) re-examined the potential threat posed by bad actors posing as sponsors so that the safeguards in place to protect UACs are not exploited.

In order to further ensure that UACs are protected from trafficking and abuse, and pursuant to the 2016 MoA, DHS and HHS have completed and shared with the Subcommittee a Joint Concept of Operations (JCO) which memorializes the existing processes and procedures in areas where the two departments have joint responsibility. This important document lays out the

responsibilities of each Department, and further delineates these responsibilities to the components and agencies within DHS and HHS.

It is also important to note that UAC designations are not permanent. The UAC designation ceases when an individual no longer statutorily meets the definition of a UAC. DHS continues to emphasize that UAC designations must only be applied to those individuals who meet – and continue to meet – the statutory definition of a UAC. This not only safeguards the child, but it protects the integrity of our immigration system and ensures the protections that were designed for truly vulnerable children are available to them. That said, DHS takes its role in combating human trafficking very seriously, and will continue to take steps to ensure every individual is protected, even if they no longer qualify as a UAC.

UAC Removals

Since the initial surge in FY 2014, there has been a significant increase in the arrivals of both family units and UACs across the southern border, a trend which continues despite the Administration's enhanced enforcement efforts because of the numerous loopholes that currently exist in our immigration laws. Thus far in FY 2018, approximately 44,000 UACs and 106,000 members of family units have been apprehended at the southern border. These numbers represent an increase from FY 2017, when approximately 49,000 UACs and 105,000 members of family units were apprehended throughout the entire fiscal year.

In addition, most of these family units and UACs are nationals of the Central American countries of El Salvador, Guatemala, and Honduras. While historically Mexico was the largest source of illegal immigration to the United States, the number of Mexican nationals attempting to cross the border illegally has dropped dramatically in recent years and the net flow of migration from Mexico, legal and illegal, has decreased. This is significant, because removals of

non-Mexican nationals take longer, and require ICE to use additional detention capacity, expend more time and effort to secure travel documents from the country of origin, and arrange costly air transportation.

Regarding UACs, the issues is exacerbated, as those UACs from countries other than Canada and Mexico are exempt from expedited removal pursuant to the TVPRA, which further encumbers the already overburdened immigration courts. With a backlog of over 700,000 cases on the non-detained docket alone, it takes years for the cases of these UACs to work their way through the system. And even after they receive a final order of removal (which most do), few are ever actually returned to their country of origin.

It is important to note that current laws and court rulings which favor the release of family units and UACs often require the federal government to release illegal alien families and UACs into communities across the United States. This practice has not only led to aliens failing to appear for court hearings and failing to comply with removal orders, but has also incentivized smugglers to place children into the hands of adult strangers so they can pose as families and be released from immigration custody after crossing the border. This creates a safety issue for these children, who have already made an extremely dangerous journey to reach the United States, risking possible trauma, abuse, abandonment, injury, and death along the way.

With regard to removals, the TVPRA requires DHS to ensure that each UAC removal is fully coordinated with host government authorities. Coordination with foreign government officials includes: providing the UAC with an opportunity to communicate with a consular officer prior to departure; repatriating at a designated port-of-entry; and ensuring that a receiving government official or designee signs for custody to record the transfer; in addition to other

requirements specific to each country, such as certain hours during which repatriations may be conducted.

CONCLUSION

DHS cares deeply about what happens to the children in its custody and takes seriously its responsibility to protect them from human smuggling, trafficking, and other criminal actions. There is perhaps no bigger source of frustration for our Department than encountering children who have been exploited or abused by smugglers and traffickers. DHS is committed to working with our partners in HHS to ensure that UACs are protected from trafficking and abuse while they are in the care of the U.S. Government. We look forward to continuing our work with this Subcommittee, with our partners at HHS, and others throughout the Federal Government to protect UACs from trafficking and abuse. Thank you for the opportunity to testify. We look forward to answering your questions.

Statement of

Jonathan White
Commander
United States Public Health Service
Commissioned Corps
U.S. Department of Health and Human Services

Before the

U.S. Senate Permanent Subcommittee on Investigations
"Examining Efforts by HHS, DHS, and DOJ to Protect Unaccompanied Alien Children"

August 16, 2018

Chairman Portman and Ranking Member Carper, thank you for the opportunity to appear before this Subcommittee on behalf of the Department of Health and Human Services (HHS). I am Jonathan White, a career officer in the U.S. Public Health Service Commissioned Corps and have served in HHS in three administrations. I am presently assigned to the Office of the Assistant Secretary for Preparedness and Response (ASPR), and previously served as the Deputy Director of the Office of Refugee Resettlement (ORR) for the Unaccompanied Alien Children's (UAC) Program. I will provide an update on an interagency effort that HHS expects to have a positive impact on the work of the UAC program.

Checking the Background of Sponsors and their Cohabitants

HHS has a process for placing UAC with parents or other sponsors that is designed to comply with the 1997 Flores Settlement Agreement, the Homeland Security Act of 2002 (HSA), and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), and ensures the care and safety of UAC referred to ORR.

Memorandum of Agreement with the Department of Homeland Security

The Memorandum of Agreement (MOA) with the Department of Homeland Security (DHS), signed to become effective on June 7, 2018, is an enhancement to HHS policy to require fingerprint background checks for parents or other sponsors and other adults living in the household. The MOA also improves the process for the Departments to share information about UAC at the time of referral from U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection to ORR, while in the care and custody of ORR, and upon release from ORR care and custody. DHS and HHS recognize special attention is required to ensure the

transfer, placement, and release of UAC in a manner that is safe for the UAC and the communities into which they are released.

The MOA sets forth a process by which DHS will provide HHS with information necessary to conduct suitability assessments for sponsors using appropriate Federal, State, and local law enforcement and immigration sources. Specifically, ORR requires a background check of all potential sponsors, including parents and cohabitants. Under the MOA, ORR will transmit the fingerprints to DHS to perform criminal and immigration status checks on ORR's behalf. DHS will then submit the results to ORR.

The information sharing addressed in the MOA is consistent with the requirement of the TVPRA that the Secretaries of DHS and HHS "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. § 1232(c)(1). In fact, the MOA provides a framework to implement the more specific mandate that upon request from the Secretary of HHS, the Secretary of DHS "shall 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 it.

Joint Concept of Operations

The DHS-HHS MOA of February 2016 called for the establishment of a working group comprised of UAC subject matter experts from both departments to address operational matters for inclusion in a Joint Concept of Operations (JCO). On July 31, 2018, the agencies completed the JCO, and I would like to highlight for you some of the significant matters covered in the JCO.

The JCO provides field guidance and standardization of interagency policies, procedures, and guidelines related to the processing of UAC encountered by DHS, whose care will be transferred to HHS, after being placed in removal proceedings pursuant to Section 240 of the Immigration and Nationality Act (INA). The JCO does not take the place of agency policy regarding the processing of UAC nor is it a substitute for legislative action, where required; rather it is an interagency agreement to standardize agency operational relations.

The JCO memorializes current practices for custody transfer and transportation, including the placement into and the discharge from ORR custody; immigration processing and influx matters; services requirements, such as medical evaluations and emergencies and the Flores minimum standards for HHS facilities; and the reporting of allegations of abuse. Cooperation between DHS and HHS regarding the transport, processing, placement, care, and discharge of UAC is essential. Both departments take their roles seriously and work closely with interagency and foreign counterparts on a daily basis to ensure the fulfillment both of DHS's mission to enforce federal law and HHS' mission to provide care and release consistent with the best interest of the child.

The agencies expect the JCO to be a "living document" that will change as laws, policies, and procedures change. HHS believes it is a significant component in the array of tools the agencies will use as we go forward in providing care and services to UAC.

Conclusion

I would like to thank the Senators for their continued interest in the Administration's efforts. We have had many productive and beneficial meetings discussing this with your staff and will continue to assist you in any way we can.

Thank you for this opportunity to update you on ORR's recent efforts in the UAC program, and for your commitment to the safety and well-being of UAC. I would be happy to answer any questions you may have.

Department of Justice

STATEMENT OF

JAMES MCHENRY
DIRECTOR
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES DEPARTMENT OF JUSTICE

BEFORE THE

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

FOR A HEARING ENTITLED

"OVERSIGHT OF HHS, DHS, AND DOJ EFFORTS TO PROTECT UNACCOMPANIED ALIEN CHILDREN FROM HUMAN TRAFFICKING AND ABUSE"

PRESENTED ON

AUGUST 16, 2018

Statement of

James McHenry
Director
Executive Office for Immigration Review
Department of Justice

Before the
Senate Committee on Homeland Security and Governmental Affairs
Permanent Subcommittee on Investigations

Entitled
Oversight of HHS, DHS, and DOJ Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse

August 16, 2018

Mr. Chairman, Ranking Member Carper, and other distinguished Members of the Subcommittee, thank you for the opportunity to speak with you today regarding the Department of Justice's role in efforts to protect unaccompanied alien children (UAC) from human trafficking and abuse. Stopping human trafficking and abuse is a top priority for the Department, and I welcome the opportunity to talk about the Department's efforts in ending this scourge, especially in the context of illegal immigration.

Before discussing UAC specifically, let me first provide information about the Department's anti-trafficking work in general. The Department marshals numerous resources across many different components to combat human trafficking and abuse. Earlier this year the Attorney General convened a Human Trafficking Summit to emphasize the Department's strong commitment to fighting this menace and to discuss ways to build on its successes in combating trafficking. All 94 of the Department's U.S. Attorneys' Offices have designated Human Trafficking Coordinators, and they have developed anti-trafficking strategies for their districts in order to help ensure effective enforcement of the law. Their efforts are assisted by the Department's Human Trafficking Prosecution Unit (HTPU), which focuses on forced labor, transnational sex trafficking, and sex trafficking of adults; and Child Exploitation and Obscenity Section, which focuses on sex trafficking of minors within the United States and the sexual exploitation of minors outside of the United States when it is committed by United States citizens or permanent residents. In FY 2017 the Department secured convictions against nearly 500 traffickers, and its prosecution efforts on this front continue unabated.

The Department also works with other federal agency partners, including the Department of Homeland Security (DHS), and with international partners and foreign governments, in order to fight trafficking both in the United States and abroad. In 2017, for example, the Department, working in conjunction with DHS and the government of Mexico through a bilateral initiative, secured convictions against eight members of the Rendon-Reyes Sex Trafficking Organization for sex trafficking adults and minors from Mexico and Central America.

The Department's efforts to combat trafficking also extend beyond criminal prosecutions. For instance, the HTPU provides anti-trafficking training and technical assistance to federal, state, and local enforcement partners. The Department also works with trafficking victims to help ensure their rights are respected and recover any restitution. The Department administers numerous grant programs related to anti-human trafficking efforts, principally programs to aid survivors. In FY 2017, the Department invested more than $47 million in programming to combat human trafficking, with most funding supporting direct services to survivors.

In accordance with the law, the Department has established policies to ensure that UAC in the United States are protected from traffickers and other individuals who may seek to harm them. For aliens in removal proceedings, employees of the Department's Executive Office for Immigration Review (EOIR) follow established protocols, as required by law, for referring cases of suspected child abuse or human trafficking. For UAC in particular, EOIR also administers the Legal Orientation Program for Custodians of UAC (LOPC) in cooperation with the Department of Health and Human Services. The LOPC provides legal orientation services to custodians of UAC, including information regarding a custodian's responsibility to ensure the UAC's appearance at all immigration proceedings and a custodian's responsibility to protect the child from mistreatment, exploitation, and trafficking. The LOPC currently operates in fifteen locations nationwide and is supported by a nationwide call center.

In the immigration context human trafficking often goes hand-in-hand with alien smuggling and schemes to facilitate the improper entry of aliens into the United States, as both traffickers and smugglers seek to exploit weaknesses in border security and enforcement of the law. Children who are smuggled into the United States are especially vulnerable to human trafficking. Consequently, the Department prioritizes criminal enforcement of immigration laws passed by Congress. Further, it maintains no blanket exemption from prosecution for those who violate the laws passed by Congress, including for smugglers and human traffickers.

Executive Order 13767 directed the Attorney General to establish guidelines and allocate resources to ensure that border prosecutions enforcing the immigration laws Congress has passed are a high priority of the Department. On April 11, 2017, the Attorney General issued a memorandum to all federal prosecutors outlining certain immigration-related offenses, including alien harboring and smuggling under 8 U.S.C. § 1324, as high priorities for criminal prosecution. Additionally, the Attorney General directed each district to designate a Border Security Coordinator to be responsible for, among other activities, overseeing the investigation and prosecution of these offenses. Further, Executive Order 13773 made the dismantling of transnational criminal organizations, including human trafficking rings, a clear policy priority of the Executive Branch.

Although the Department of Justice generally has no operational or logistical role in either the care or processing of aliens for removal, including UAC, it recognizes that UAC in immigration proceedings are an issue of significant concern. There are over 80,000 pending UAC cases currently before EOIR, which is approximately eleven percent of the overall pending caseload. Over seventy percent of those cases have been pending for over one year. In FY 2018 to date, only 9600 UAC cases have been completed in immigration court, compared to 135,000 non-UAC cases that have been completed. Furthermore, each month approximately 580 UAC

fail to attend their immigration proceedings, and the rate of UAC removal orders issued *in absentia* has risen significantly since FY 2014. Approximately 6000 to 7000 UAC annually have failed to attend their immigration court hearings in recent years, and UAC are about twice as likely to fail to appear for immigration court as the overall alien population. In short, the data reflects significant concerns with UAC cases in immigration proceedings related to ensuring both that UAC appear at their hearings and that UAC cases are resolved in a timely manner consistent with due process.

Our current immigration system faces numerous challenges, ranging from a lack of clarity regarding criminal grounds of removability to space and resource constraints to the use of litigation to make nationwide law rather than the use of rulemaking or legislation. Issues with UAC in immigration proceedings have added to these challenges, as have efforts by traffickers to exploit weaknesses in the overall system. Despite these challenges, the Department of Justice is unequivocally committed to bringing to justice anyone who engages in the abominable crime of human trafficking, including the trafficking of UAC, and it stands ready to work with Congress to strengthen existing laws in order to achieve that goal.

United States Senate
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
Committee on Homeland Security and Governmental Affairs

Rob Portman, Chairman
Tom Carper, Ranking Member

OVERSIGHT OF THE CARE OF UNACCOMPANIED ALIEN CHILDREN

STAFF REPORT

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

UNITED STATES SENATE

OVERSIGHT OF THE CARE OF UNACCOMPANIED ALIEN CHILDREN

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I. EXECUTIVE SUMMARY

Since 2015, the Permanent Subcommittee on Investigations has conducted extensive oversight of federal government programs designed to care for children who enter the United States without a parent or legal guardian and ensure they are not trafficked or abused. Although the Department of Health and Human Services ("HHS") and Department of Homeland Security ("DHS") have taken incremental steps toward improving the care of these children—called unaccompanied alien children ("UACs") under federal law—they still do not take sufficient responsibility for guarding their safety and ensuring they appear at their immigration court proceedings.

Most significantly, no agency claims any legal responsibility for the children's well-being once HHS places them with sponsors—including sponsors who are not their parents or legal guardians—and no agency makes any effort to ensure UACs placed with sponsors appear at their immigration court proceedings. And while DHS and HHS recently completed a Joint Concept of Operations ("JCO")—some 17 months after it was due—the JCO only addresses current policy and fails to address any of the recommendations for improving the UAC system offered by the Subcommittee or the Government Accountability Office ("GAO"). Thus the JCO is largely a recitation of the status quo, and does little to offer hope that federal agencies are working effectively to improve UAC safety and ensure that the immigration system is functioning properly.

HHS, DHS, and the Department of Justice ("DOJ") have taken some modest steps in the right direction, but major deficiencies persist that leave the children at significant risk for trafficking and abuse and undermine our immigration system. This report documents the Subcommittee's findings over the past two and a half years since its initial hearing and report on UACs.

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Over the past six years, more than 200,000 children unaccompanied by parents or legal guardians have entered the United States without legal status. This influx of children strains the federal government's limited resources and poses significant challenges for immigration enforcement. When DHS apprehends UACs, it must transfer them to the HHS Office of Refugee Resettlement ("ORR") within 72 hours. ORR then works to place those children with adult sponsors in the United States—typically a parent or other family member, but in some instances, non-family members—to await their immigration court proceedings. If ORR cannot place a child with a sponsor, ORR continues to house the child in the least restrictive environment appropriate for that specific child's circumstances until completion of any removal proceedings in immigration court.

In 2015, the Subcommittee learned that over the course of four months in 2014, ORR placed eight children with members of a human trafficking ring. The traffickers lured the children into the United States with promises of education and a better life. After DHS apprehended the children and transferred them to HHS, members of the ring applied to serve as their sponsors by posing as family members or friends of the children. Once HHS placed the children with the traffickers, the traffickers put the children into forced labor on an egg farm in Marion, Ohio. The children worked for no pay for 12 hours a day, six to seven days a week, and lived in deplorable conditions. The traffickers threatened them and their families with violence if the children did not comply with them. Ultimately, DOJ charged seven defendants with a range of crimes, including human trafficking, forced labor, conspiracy, witness tampering, and encouraging another person to illegally enter the United States. As of this report, six of those defendants have been convicted for their roles in the scheme and sentenced to prison; the seventh case has not yet been decided.

In response to these tragic events, in 2015, the Subcommittee investigated HHS's process for screening potential UAC sponsors and other safeguards to protect UACs from trafficking and abuse. The Subcommittee found that HHS failed to conduct sufficient background checks of potential sponsors and other adult members of their households; failed to conduct site visits of the sponsors' homes; failed to recognize that a group of sponsors was accumulating multiple unrelated children; and, in one instance, permitted a sponsor to block a child-welfare case worker from visiting one of the victims. The Subcommittee also found that sponsors frequently failed to ensure that the children appeared for their immigration court proceedings, usually causing them to be ordered deported and to lose their opportunity to make their case to stay in the United States. And of particular significance, the Subcommittee found that once HHS places children with sponsors, no federal agency acknowledges any responsibility for the children's safety.

On January 28, 2016, the Subcommittee held a hearing and released a report detailing the deficiencies it found in HHS's processes for ensuring the safety of these children. One month after the hearing, HHS and DHS entered into a Memorandum of Agreement ("Agreement I") stating their commitment to protecting UACs both before and after HHS places them with sponsors. In Agreement I, DHS and HHS committed to establishing the JCO to define their respective responsibilities to protect these children within one year—by February 22, 2017.

Through continued oversight, the Subcommittee found that DHS and HHS failed to address many of the deficiencies the Subcommittee previously identified. Moreover, the departments failed to meet their own deadline for the JCO by more than 17 months. When Subcommittee staff asked DHS about the delay, DHS Assistant Secretary for Border, Immigration, and Trade Policy Michael Dougherty

responded that he did not see the point in finishing the JCO and did not understand why the Subcommittee cared about it because the JCO only would reduce current policies to writing. The Subcommittee explained the importance of putting policies in writing to provide accountability and transparency. It was evident that the departments did not regard the JCO as a high priority.

Following a Subcommittee hearing in April 2018 addressing the status of the JCO, DHS and HHS committed to completing the JCO by July 30, 2018. The departments completed the JCO on July 31, 2018. Completing the JCO represents progress: it commits to writing a process and assigns responsibilities for the transfer of UACs and sponsor background checks. This provides certainty to the departments and transparency to the public. But it only reflects longstanding protocol, not improvements in the system that would better guard the safety of UACs and ensure they appear for their immigration court proceedings.

The Subcommittee also learned of additional problems in the UAC program beyond what it observed in 2015. HHS testified that when it made 30-day follow-up telephone calls to UACs placed with sponsors over a three-month period in 2017, it "could not ascertain with certainty" the whereabouts of 1,475 of those children, and 28 had run away from their sponsors. HHS argues that it has no responsibility to track these children after placement and took no action based on the results of these calls to find those children.

According to DHS officials, HHS regularly fails to provide required post-placement plans to DHS for children in HHS care who turn 18 years old. Through these plans, HHS is supposed to update DHS on the child's circumstances and recommend whether DHS should take the child into custody or release the child on his or her own recognizance once the child ages out of the UAC program. HHS also does not contract with appropriate residential treatment facilities to house children who need both significant psychiatric services and housing in a secure setting.

Although DOJ immigration courts have more than 700,000 backlogged cases—more than 80,000 of which are UAC cases—DOJ has failed to hire its allotted number of immigration court judges. It also has not explored options for making court proceedings more accessible to UACs to increase the likelihood that they will appear for their immigration court proceedings.

Furthermore, some steps DHS and HHS have taken to improve the UAC program may have unintended consequences. At midnight on the night before the Subcommittee's April 2018 hearing, DHS and HHS released another Memorandum of Agreement ("Agreement II") governing information sharing between the agencies regarding potential sponsors. Agreement II requires HHS to share the immigration status of potential sponsors and other adults in their households with DHS to facilitate HHS's background checks. Agreement II may improve UAC safety in

some respects because HHS will have increased information about potential sponsors. Advocates for UACs have expressed concern, however, that Agreement II will deter potential sponsors from stepping forward to claim UACs because most potential sponsors are undocumented and will fear providing their information for use by DHS. If those concerns come to fruition, fewer sponsors will be available to claim UACs, and HHS will have to house a greater number of UACs for longer periods of time.

Although HHS and DHS have taken incremental steps toward improving the care of UACs, they still do not take sufficient responsibility for ensuring these children's safety and for ensuring they appear at their immigration court proceedings. DOJ also has not done all it can to reduce the backlog of immigration court cases. Most significantly, no agency claims any responsibility for the children's well-being once HHS places them with sponsors who are not their parents or legal guardians. These deficiencies compromise the well-being of children in the government's care, leave the children at significant risk for trafficking and abuse, and undermine our immigration system.

***

This report documents the Subcommittee's findings over the past two and a half years since its initial hearing and report in January 2016 on UACs. The Subcommittee has focused on weaknesses in the care of children who arrive in the United States unaccompanied and are placed with sponsors who are not their parents or legal guardians.

Most of these problems started under the Obama Administration and have continued into the Trump Administration. Over the past four months, however, the Trump Administration took steps that exacerbated these problems. Although this report does not address the ongoing family separation crisis in detail, it is important to note the strains that crisis currently is placing on the UAC program. On April 6, 2018, the Attorney General directed all U.S. Attorney's Offices along the Southwest Border to prosecute all DHS referrals of individuals under 8 U.S.C. § 1325(a), which prohibits both attempted illegal entry and illegal entry into the United States by an alien—the so-called "zero tolerance" policy.[1] One month later, DHS began referring adults who arrived in family units to DOJ for prosecution. Under the William Wilberforce Trafficking Victims Protection Reauthorization Act ("TVPRA")[2] and a 1997 consent decree called the *Flores* Agreement,[3] the government must place

[1] U.S. Dep't of Justice, *Memorandum for Fed. Prosecutors Along the Southwest Border: Zero-Tolerance for Offenses Under 8 U.S.C. § 1325(a)* (Apr. 6, 2018), https://www.justice.gov/opa/press-release/file/1049751/download.
[2] Pub. L. No. 110-457, 122 Stat. 5044 (2008).
[3] App. 001, Stipulated Settlement Agreement, *Flores v. Reno*, No. 85-cv-4544 (C.D. Cal. 1997) [hereinafter *Flores* Agreement].

UACs in the least restrictive setting that is in the best interests of the child. In 2016, the U.S. Court of Appeals for the Ninth Circuit expanded that requirement to children arriving in the United States with their parents.[4] Because those authorities limit detention of children with accompanying adults, when the U.S. Marshals Service took custody of parents, their children were separated from them and effectively became unaccompanied. DHS then transferred the children to ORR, which processed them as UACs.

By June 20, 2018, DHS stopped referring adult aliens traveling with children for prosecution.[5] Over those 10 weeks, however, the Administration separated more than 2500 children from their parents.[6] Once separated, the children became UACs and were transferred to HHS custody. Since June, the Administration has been working under a court order to reunite the families. As of this report, 1,569 of those children were reunited with their parents in ICE custody and 423 were discharged—most released to sponsors. [7] Approximately 559 children, however, have not been reunited with their families and remain in HHS care.[8]

These burdens on HHS—processing and housing these additional UACs and working to reunite the families—have stretched thin its already-limited resources for the UAC program. For example, although the Subcommittee has repeatedly asked HHS to update its numbers regarding the results of its 30-day wellness check telephone calls, HHS told the Subcommittee that it can either work to reunite families or update data—but not both.[9] Because of the toll the family reunification effort is taking on HHS's resources, HHS claims it is unable to respond to Congress regarding the thousands of other children who arrived in the country unaccompanied and who were placed with sponsors this year.

II. THE SUBCOMMITTEE'S INVESTIGATION

Since its January 2016 hearing and report, the Subcommittee has continued its oversight of the departments' processes for caring for unaccompanied alien children. On April 26, 2018, the Subcommittee held a follow-up hearing to inquire about the overdue JCO and allow the public to hear directly from DHS and HHS officials regarding how they protect these children.

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[4] *Flores v. Lynch*, 828 F.3d 898 (9th Cir. 2016).
[5] *See* Assoc. Press, *Customs and Border Protection Head Says Agency has Stopped Referring Immigrant Parents for Criminal Prosecution*, POLITICO (June 25, 2018), https://www.politico.com/story/2018/06/25/customs-border-protection-immigrant-parents-criminal-prosecution-670358.
[6] S. Comm. on Homeland Sec. & Governmental Affairs briefing with Commander Jonathan White *et al.*, U.S. Dep't of Health & Hum. Servs. (Aug. 10, 2018).
[7] *Id.*
[8] *Id.*
[9] *Id.*

In the course of its continued oversight, the Subcommittee has received numerous briefings from HHS, DHS, and DOJ. The briefings addressed the agencies' processes for apprehending UACs, transporting them to HHS, placing them with sponsors, ensuring their safety and appearance at immigration court proceedings, and adjudicating immigration cases. The Subcommittee also received briefings from the DHS Office of Inspector General, HHS Office of Inspector General, and the GAO.

The Subcommittee has met or spoken with 16 organizations that provide services, such as legal representation and welfare services, to UACs, either on a pro bono basis or under an HHS grant. The Subcommittee also spoke with four state government officials regarding states' responsibilities to provide services to UACs, including public education and welfare and emergency services. Subcommittee staff visited the Shenandoah Valley Juvenile Center, a secure facility that houses about 30 UACs found guilty of a crime or deemed to be a risk to themselves or others.

III. FINDINGS OF FACTS AND RECOMMENDATIONS

Findings of Fact

(1) **No federal agency claims legal responsibility or authority to ensure UACs are not being trafficked or abused once ORR places a child with a sponsor.** HHS officials recently offered conflicting testimony on this issue. HHS Director of the Administration for Children and Families Steven Wagner testified that that HHS is reviewing its policy. HHS Secretary Alex Azar testified that HHS's previous interpretation—that the department has no authority—stands. Current ORR leadership told the Subcommittee staff they recognize that prior administrations' interpretation of HHS's legal authority places these children in a "legal no man's land."

(2) **DHS and HHS took 29 months to create a JCO governing their responsibilities for the care and safety of UACs and missed their own deadline by 17 months.** Moreover, one senior DHS official questioned why Subcommittee staff believed the JCO was important, implying that he did not see value in completing the JCO and committing DHS and HHS processes to paper.

(3) **The JCO reflects the status quo and does not address any of the recommendations offered by the Subcommittee or the GAO.** The JCO offers no clarification of the federal government's responsibility for UACs once HHS places them with sponsors.

(4) **No federal agency tracks UACs after ORR places them with sponsors.** Without a method to track UACs after placement, the federal government has few means to determine whether the children are safe or to ensure they appear at their immigration court proceedings.

(5) **HHS's follow-up telephone calls to UACs placed with sponsors from October to December 2017 demonstrate that HHS does not know with certainty where approximately 20 percent of UACs are three months after placement.** ORR found that out of 7,635 attempted telephone calls, 28 UACs "had run away" and "ORR was unable to determine with certainty the whereabouts of 1,475 UAC." In response to those findings, HHS took no further action to determine their whereabouts.

(6) **HHS has directed its legal service grantees to cease providing legal representation to new UACs placed with sponsors because it believes its authority to provide such services is "shaky."** According to UAC legal service providers, UACs represented by attorneys are significantly more likely to appear at their immigration court proceedings.

(7) **No agency ensures UACs placed with sponsors appear at their immigration court proceedings or enforces the sponsorship agreement requiring sponsors to ensure the children's appearance at the proceedings.** If UACs fail to appear at their immigration court proceedings, the court typically will enter an *in absentia* removal order. Those children lose their opportunity to present a case for staying in the United States unless they petition to re-open their case, and if they leave the country, they likely will be barred from future entry.

(8) **UACs are failing to appear for their immigration court proceedings at increased rates.** The percentage of UACs ordered removed in absentia increased from 41 percent in 2016 (6,089 out of 15,016 completed cases) to 48 percent in 2017 (6,634 out of 13,758 completed cases).

(9) **According to UAC legal service providers, many UACs fail to appear for their immigration court proceedings because the courts are located far from where they live and they have no means to get to court.** Some UACs also fail to appear because their sponsors do not realize they need to file for a change of venue if they move.

(10) **The backlog of immigration court cases, including UAC cases, is significant, and DOJ does not have enough immigration court judges to process the cases.** Currently, 732,730 immigration cases total are pending; of those, 80,266 are UAC cases. More than 8,000 UAC cases have been pending for more than three years.

(11) **DOJ has not hired its full allotted complement of immigration court judges.** Currently, 355 immigration judges handle all immigration court cases, including 29 judges invested on August 10, 2018. DOJ has authority to hire 129 additional judges.

(12) **The median length of time UAC cases currently have been pending since the filing of a notice to appear is 480 days.** This significant lapse of time makes it less likely UACs will appear for their immigration proceedings.

(13) **HHS does not notify state governments before placing UACs with sponsors in those states.** Without state notification, states are hamstrung in providing welfare and other services to the children or to ensure they attend public school.

(14) **HHS has a plan to notify state governments before placing UACs previously held in secure facilities, but HHS has failed to implement that plan.** HHS explained it cannot implement the plan because it cannot determine whom to notify in the state governments.

(15) **HHS regularly fails to submit required post-placement plans to DHS for UACs who turn age 18 while in HHS's care.** These plans are supposed to inform DHS about each UAC and recommend whether DHS should detain the UAC or release the UAC into the community.

(16) **HHS does not contract with appropriate facilities to house UACs who must be held in a secure facility and who also have significant mental health or emotional issues.** Housing UACs who have significant mental health or emotional issues with the general population in secure facilities exposes those UACs, the facility staff, and other children to an increased risk of harm.

(17) **Due to delays in ORR's internal review processes, some UACs are spending more time than necessary in secure facilities.** This is contrary to the statutory mandate that UACs should be placed in the least restrictive setting that is in the best interests of the child.

Recommendations

As discussed in detail below, HHS has not implemented most of the recommendations in the Subcommittee's 2016 report, *Protecting Unaccompanied Alien Children from Trafficking and Other Abuses: The Role of the Office of Refugee Resettlement*. The Subcommittee offers the following recommendations in addition to the recommendations in that report.

(1) HHS should acknowledge that, under the TVPRA and the *Flores* Agreement, it has the legal responsibility to ensure that children it places with sponsors who are not the children's parents or legal guardians are not abused or trafficked. If HHS continues to refuse to acknowledge its responsibility, Congress should pass legislation clarifying HHS's obligations.

(2) DHS and HHS should review their information-sharing processes and methods outlined in the JCO to ensure that email communications do not lead to errors in transferring UACs from DHS to HHS custody.

(3) DHS and HHS should evaluate their information-sharing policies described in Agreement II to mitigate circumstances that could dissuade potential sponsors from claiming UACs because of fear of enforcement.

(4) HHS should track UACs after it places them with sponsors to ensure that they are safe and appear at their immigration court proceedings.

(5) If HHS cannot reach a UAC after the UAC is placed with a sponsor by telephone, HHS should make continued efforts to determine the location and living conditions of the UAC.

(6) HHS should enforce the sponsorship agreement requirement that sponsors ensure that the UACs appear at their immigration court proceedings.

(7) HHS should increase its efforts to enlist and coordinate pro bono legal services for children living with sponsors.

(8) DOJ should hire its full allotted complement of 484 immigration court judges.

(9) HHS should determine the appropriate point of contact in all 50 state governments to notify regarding the placement of UACs within each state.

(10) HHS should notify state governments before placing UACs with sponsors in those states.

(11) HHS should offer training to state and local government officials to educate them on their role, responsibilities, and authorities with regard to UACs.

(12) HHS should always submit the required post-placement plans to DHS for UACs who turn age 18 while in HHS's care.

(13) HHS should contract with a secure residential treatment facility to house UACs who must be held in a secure facility and who have significant mental or emotional issues.

(14) HHS should streamline its decision-making process for determining whether children in secure or staff-secure facilities are eligible to move to a lower level facility or for release to a sponsor.

IV. BACKGROUND

Under the Homeland Security Act of 2002, "unaccompanied alien children" are children under 18-years-old who have "no lawful immigrations status in the United States" who either do not have a parent or legal guardian in the United States or whose parent or legal guardian in the United States cannot care for them.[10] When UACs enter the United States, two DHS agencies—Customs and Border Protection ("CBP") and Immigration and Customs Enforcement ("ICE")—are responsible for apprehending them. An immigration court run by the DOJ Executive Office for Immigration Review ("EOIR") ultimately hears the child's case.

Between a child's apprehension and final immigration court proceedings, HHS is responsible for caring for the child and, typically, placing him or her with a sponsor in the United States. Two main authorities govern the treatment of UACs during that time: the TVPRA and the 1997 *Flores* Agreement. This section details the responsibilities of each agency from apprehension of a UAC through the UAC's immigration court proceedings and the legal authorities governing the treatment of UACs throughout that process.

A. Department of Homeland Security: Apprehension and Transfer

DHS has an intermittent role in the UAC program. Two of its divisions, CBP and ICE, are charged with apprehending undocumented immigrants, including

[10] 6 U.S.C. § 279(g)(2).

UACs—CBP at the country's borders[11] and ICE within the country's interior[12]. CBP apprehends the majority of UACs.[13] Once they apprehend a UAC, they hold the child in a DHS facility generally for no more than 72 hours.[14] DHS then transports the child to an ORR facility and transfers physical custody of the child to ORR.[15] In 2017, DHS referred 40,810 UACs into HHS's care.[16] As of March 31, 2018, HHS had received 21,574 referrals in FY2018.[17]

Recently, ICE, CBP, and ORR signed a Memorandum of Agreement ("Agreement II") governing information sharing between the agencies regarding UACs.[18] Agreement II provides that at the time of the initial transfer of a UAC from CBP or ICE to ORR, the apprehending agency will electronically transfer to ORR through the UAC Portal—an online information-sharing system—information about the UAC. That information includes basic biographical data such as name, date and country of birth, and potential sponsor information; situational factors, such as information about the UAC's health and travel companions; human trafficking indicators; and known criminal or behavioral issues.[19]

Agreement II states that DHS "will normally include in the Transfer Packet" copies of relevant documents, including identity documents; immigration records; the record of the person and property transferred; the child's notice to appear in immigration court; copies of any criminal records; and "CBP form 93, Unaccompanied Alien Child Screening Addendum (trafficking information), if conducted."[20] Within 24 hours of receiving notification from CBP or ICE that a UAC needs placement, ORR sends an email notifying both ICE and CBP of the

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[11] 8 U.S.C. § 1357; 8 C.F.R. § 287.5(c)(i).
[12] 8 U.S.C. § 1357; 8 C.F.R. § 287.5(c)(vi).
[13] WILLIAM A. KANDEL, CONG. RESEARCH SERV., R43599, UNACCOMPANIED ALIEN CHILDREN: AN OVERVIEW 4 (2017).
[14] 8 U.S.C. § 1232(b)(3).
[15] *Id.*
[16] *Oversight of Immigration Enforcement and Family Reunification Efforts: Hearing before the S. Comm. on the Judiciary*, 115th Cong. (2018) (statement of Commander Jonathan White, U.S. Pub. Health Serv. Commissioned Corps, U.S. Dep't of Health & Hum. Servs.).
[17] *Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse: Hearing before the S. Permanent Subcomm. on Investigations*, 115th Cong. (2018) (statement of Steven Wagner, Acting Assistant Sec'y, U.S. Dep't of Health & Hum. Servs. Admin. for Children & Families).
[18] App. 029, Memorandum of Agreement Among the Office of Refugee Resettlement of the U.S. Department of Health and Human Services and U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection of the U.S. Department of Homeland Security Regarding Consultation and Information Sharing in Unaccompanied Alien Children Matters (Apr. 13, 2018) [hereinafter Agreement II].
[19] App. 030, Agreement II at 2.
[20] App. 031, Agreement II at 3. On August 13, 2018, DHS officials told Subcommittee staff that DHS always conducts trafficking screenings and, in this instance, Agreement II (signed April 13, 2018) reflects outdated policy.

placement location.[21] ICE's Enforcement and Removal Operations facilitates the physical transfer of UACs from DHS custody to HHS custody.[22]

For children age 14 and older, a U.S. Border Patrol agent or CBP officer usually serves a Notice to Appear ("NTA") on the child, which the child must sign.[23] If the child does not speak English, CBP provides a translator.[24] For children under age 14 or who are over age 14 and not capable of signing the NTA, CBP transfers the child to HHS and serves the NTA on HHS—usually via hand delivery, but sometimes by U.S. mail.[25] After service upon the child or HHS, an ICE Field Office Juvenile Coordinator files the NTA with the immigration court. ICE usually delays filing for up to 60 days to give HHS time to release the UAC to a sponsor to ensure the NTA is filed in the jurisdiction where the UAC lives with the sponsor.[26]

B. Department of Health and Human Services: Care While Awaiting Immigration Court Proceedings

ORR, a division of the HHS Administration for Children and Family Services, is responsible for UACs until resolution of their immigration court proceedings or until they turn 18, whichever comes first. This report details below the two main authorities that govern HHS's care of UACs during that time: the TVPRA and the 1997 *Flores* Settlement Agreement. It also describes the various HHS housing and care alternatives available for UACs.

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[21] *Id.* at 2.
[22] App. 147–87, Unaccompanied Alien Children Joint Concept of Operations 8 (July 31, 2018) [hereinafter JCO].
[23] App. 168, JCO at 22; Briefing with policy staff, U.S. Dep't of Homeland Sec. Off. of Strategy, Policy & Plans; Mellisa Harper, Enforcement & Removal Operations, Immigration & Customs Enforcement; Scott Lloyd, Dir., Off. of Refugee Resettlement; *et al.* (Aug. 2, 2018).
[24] Briefing with policy staff, U.S. Dep't of Homeland Sec. Off. of Strategy, Policy & Plans; Mellisa Harper, Enforcement & Removal Operations, Immigration & Customs Enforcement; Scott Lloyd, Dir., Off. of Refugee Resettlement; *et al.* (Aug. 2, 2018).
[25] *Id.*
[26] *Id.*

1. Trafficking Victims Protection Reauthorization Act

Under the TVPRA, in general, within 72 hours of apprehension, DHS must transfer UACs to ORR.[27] The TVPRA provides that "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services."[28] HHS is to "promptly place[]" the children "in the least restrictive setting that is in the best interest of the child."[29]

ORR places most UACs with adult sponsors in the United States who agree to care for them and ensure their appearance at immigration proceedings.[30] Between October 1, 2014 and June 30, 2018, HHS released 149,867 UACs to sponsors.[31] According to HHS, in 2017, ORR released 49 percent of UACs to one of their parents ("Category 1 sponsors"). It released 41 percent to close relatives ("Category 2 sponsors"). And it released 10 percent to distant relatives or unrelated adults ("Category 3 sponsors").[32] This report describes how ORR accommodates children for whom sponsors are not available or appropriate in subsection (d) below.

Before placing a child with a sponsor, the HHS Secretary must determine that "the proposed custodian is capable of providing for the child's physical and mental well-being."[33] The Secretary also, "at a minimum," must verify "the custodian's identity and relationship to the child, if any," and must make "an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child."[34] In practice, ORR Federal Field Specialists—

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[27] 8 U.S.C. § 1232(b)(3).

[28] 8 U.S.C. § 1232(b)(1). Previously, the Immigration and Naturalization Service was responsible for the care of UACs, but the Homeland Security Act of 2002 transferred those responsibilities to HHS ("There are transferred to the Director of the Office of Refugee Resettlement of the Department of Health and Human Services functions under the immigration laws of the United States with respect to the care of unaccompanied alien children that were vested by statute in, or performed by, the Commissioner of Immigration and Naturalization." Pub. L. No. 107-296, 116 Stat. 2135 (2002); 2 U.S.C. § 279(a)).

[29] 8 U.S.C. § 1232(b)(2)(A).

[30] 8 U.S.C. § 1232(c).

[31] DEP'T OF HEALTH & HUM. SERVS., UNACCOMPANIED ALIEN CHILDREN RELEASED TO SPONSORS BY STATE (last accessed Aug. 9, 2018), https://www.acf.hhs.gov/orr/resource/unaccompanied-alien-children-released-to-sponsors-by-state.

[32] *Oversight of Immigration Enforcement and Family Reunification Efforts: Hearing before the S. Comm. on the Judiciary*, 115th Cong. (2018) (statement of Commander Jonathan White, U.S. Public Health Serv. Commissioned Corps, U.S. Dep't of Health & Hum. Servs.). *C.f.*, STAFF OF S. PERMANENT SUBCOMM. ON INVESTIGATIONS, 114TH CONG., REP. ON PROTECTING UNACCOMPANIED ALIEN CHILDREN FROM TRAFFICKING AND OTHER ABUSES: THE ROLE OF THE OFFICE OF REFUGEE RESETTLEMENT 13 (Comm. print. 2016) [*hereinafter* PSI 2016 REPORT].

[33] 8 U.S.C. § 1232(b)(3)(A).

[34] *Id.*

field staff located throughout the country, Case Managers, and contractor Case Coordinators carry out those duties.[35]

The Secretary then must determine whether a home study—an in-depth review of the child's potential living circumstances[36]—is necessary. The Secretary must conduct home studies for children who meet certain criteria, such as children who have been the victim of a severe form of trafficking or physical or sexual abuse, special needs children, or children for whom the sponsor "clearly presents a risk of abuse, maltreatment, exploitation, or trafficking."[37] In addition, the Secretary may conduct home studies for other children.[38]

The Secretary must provide post-release services, such as mental health care and social services, for children for whom a home study is conducted.[39] HHS offers those services through grants to service providers.[40] Using its discretion, HHS also is offering post-release services to an expanded number of children.[41] In Fiscal Year 2017, HHS received funding to provide post-release services to 11,000 children out of 41,000 children released to sponsors.[42] Even in cases in which HHS is required to provide post-release services, however, sponsors are not required to accept those services. ORR Director Scott Lloyd characterized them as "merely a set of voluntary services" HHS makes available to sponsors.[43]

In addition to governing the placement of UACs into appropriate living situations, the TVPRA requires the secretaries of HHS, DHS, and the Department of State, and the Attorney General to develop policies and programs to protect UACs in the United States from human traffickers.[44]

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[35] *ORR Policy Guide: Children Entering the United States Unaccompanied*, §§ 2.3.1–2.3.3, OFF. OF REFUGEE RESETTLEMENT (Jan. 30, 2015), https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied [hereinafter *ORR Policy Guide*].
[36] *ORR Policy Guide: Children Entering the United States Unaccompanied: Guide to Terms*, OFF. OF REFUGEE RESETTLEMENT (Mar. 21, 2016), https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms [hereinafter *ORR Guide to Terms*].
[37] 8 U.S.C. § 1232(b)(3)(B).
[38] *Id.*
[39] *Id.*
[40] Briefing with Scott Lloyd, Dir., Off. of Refugee Resettlement, and Jonathan White, Dep. Dir. for Children's Programs, Off. of Refugee Resettlement, *et al.* (Jan. 17, 2018).
[41] *Id.*
[42] *Id.*
[43] *Id.*
[44] 8 U.S.C. § 1232(c)(1).

2. The *Flores* Agreement

In conjunction with the TVPRA and other statutory provisions, a 1997 consent decree known as the *Flores* Settlement Agreement ("*Flores* Agreement") also governs HHS's care of unaccompanied alien children.[45] The former Immigration and Naturalization Service ("INS") originally entered into the *Flores* Agreement for the federal government. HHS inherited the INS's responsibilities under the *Flores* Agreement in the Homeland Security Act of 2002, which transferred to ORR "functions under the immigration laws of the United States with respect to the care of unaccompanied alien children that were vested by statute in, or performed by, the Commissioner of Immigration and Naturalization."[46]

The *Flores* Agreement arose out of a class action lawsuit initiated in 1985 challenging INS's policies to strip search unaccompanied alien children and to release them only to parents or legal guardians.[47] After more than a decade of litigation, the plaintiffs and the INS entered into a consent decree that set out "nationwide policy for the detention, release, and treatment of minors in the custody of INS."[48] It established a policy that the INS would:

> place each detained minor in the least restrictive setting appropriate to the minor's age and special needs, provided that such setting is consistent with its interests to ensure the minor's timely appearance before the INS and the immigration courts and to protect the minor's well-being and that of others.[49]

It clarified that nothing in the agreement:

> shall require the INS to release a minor to any person or agency whom the INS has reason to believe may harm or neglect the minor or fail to present him or her before the INS or the immigration courts when requested to do so.[50]

If the INS could not place a child with a sponsor, the *Flores* Agreement outlines conditions for housing the child in government-contracted facilities.[51]

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[45] App. 001, *Flores* Agreement.
[46] Pub. L. No. 107-296, 116 Stat. 2135 (2002); 2 U.S.C. § 279(a).
[47] *See* Complaint, *Flores v. Meese*, 681 F. Supp. 665, No. 85-cv-4544 (C.D. Cal. filed July 11, 1985).
[48] App. 003, *Flores* Agreement ¶ 9.
[49] App. 004, *Flores* Agreement ¶ 11.
[50] *Id.*
[51] App. 004–05, *Flores* Agreement ¶ 12.A.

Under the *Flores* Agreement, sponsors must execute an agreement to, among other things:

- "provide for the minor's physical, mental, and financial well-being";
- "ensure the minor's presence at all future proceedings before the INS and the immigration court";
- "notify the INS of any change of address within five . . . days following a move"; and
- "in the case of custodians other than parents or legal guardians, not transfer custody of the minor to another party without the prior written permission of the District Director."[52]

The agreement states that "[a] positive suitability assessment may be required" before releasing a child to a sponsor, including investigation of the sponsor's living conditions, verification of the sponsor's identity and employment, interviews of household members, and a home visit.[53]

The *Flores* Agreement makes clear that "[t]he INS may terminate the custody arrangements and assume legal custody of any minor whose custodian fails to comply with the agreement . . . . The INS, however, shall not terminate the custody arrangements for minor violations of [the provision requiring notification of the INS of change of address]."[54] HHS, however, reported to the Subcommittee that it did not inherit that authority under *Flores* and cannot terminate sponsorship.[55]

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[52] App. 006, *Flores Agreement* ¶ 15.
[53] App. 007, *Flores Agreement* ¶ 17.
[54] App. 007, *Flores Agreement* ¶ 16.
[55] App. 036–38, Letter from Mark. H. Greenberg, Acting Assistant Sec'y, Admin. for Children & Families, U.S. Dep't of Health & Hum. Servs. and Robert Carey, Dir., Off. of Refugee Resettlement, U.S. Dep't of Health & Hum. Servs., to the Hon. Rob Portman, Chairman, S. Permanent Subcomm. on Investigations and the Hon. Claire McCaskill, Ranking Member, S. Permanent Subcomm. on Investigations (Sept. 13, 2016).

3. DHS and HHS Information Sharing While a UAC is in HHS Physical Custody

a) Background Checks

Under Agreement II, HHS and DHS committed to sharing resources to facilitate sponsor background checks. ORR is to request information from ICE on "all potential sponsors and adult members of potential sponsors' households, in order to aid HHS in determining the suitability of a potential sponsor."[56] The information-sharing process is supposed to proceed as follows: ORR notifies potential sponsors that ORR will give their information to ICE to run a background check.[57] ORR provides ICE with the "name, date of birth, address, fingerprints . . . and any available identification documents or biographic information regarding the potential sponsor and all adult members of the potential sponsor's household."[58]

ICE then provides ORR with information about the potential sponsors and other adults in the household within 72 hours, including information regarding "citizenship, immigration status, criminal history, and immigration history.[59] ORR remains responsible for searching other databases, including public records, the Sex Offender Registry, National Criminal History, Child Abuse and Neglect, State Criminal History Repository, and local police records.[60]

b) UAC Incident Reporting

While UACs are in ORR care—either while awaiting sponsorship or living in one of the settings described below—ORR must report information regarding certain circumstances to various DHS components within 48 hours.[61] Specifically, ORR must report a UAC's unauthorized absence from the HHS facility; arrest of a UAC; alleged or suspected fraud, human smuggling, human trafficking, drug trafficking, weapons trafficking, or gang-related activity; abuse of a UAC while in ICE or CBP custody; violence by a UAC; or a change in the UAC's level of care (*e.g.*, from a secure facility to a staff-secure facility).[62]

If ICE or CBP becomes aware of any criminal information about a UAC that they did not have at the time of transfer, they are to notify ORR and provide supporting documentation as quickly as possible to help ORR determine if it should transfer the UAC to a different setting.[63]

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[56] App. 033, Agreement II at 5.
[57] *See* App. 039–43, ORR Authorization for Release of Information.
[58] App. 033, Agreement II at 5.
[59] *Id.*
[60] *Id.*
[61] *Id.* at 3–4.
[62] *Id.*
[63] *Id.* at 4.

4. Alternatives to Sponsorship

When sponsors are not available or appropriate to house a UAC, HHS houses those children with grantee organizations in a variety of settings. As of August 9, 2018, HHS was housing 11,423 UACs, although that number fluctuates daily.[64] The average length of stay for a UAC in HHS care is 41 days.[65]

HHS places children in settings appropriate to each child's needs. For example, HHS houses children without an appropriate sponsor in either a foster-care setting or in shelters until resolution of their immigration proceedings or until a sponsor becomes available.[66] Those facilities also include specialized housing for children with specific needs, such as very young (or "tender-aged") children; pregnant girls or girls who have infant children with them; mentally or physically disabled children; and children who are victims of abuse.[67]

HHS houses UACs who pose a risk to themselves or the community or who are flight risks in more restrictive settings, in accordance with the *Flores* Agreement. HHS places children who pose a moderate risk in staff-secure shelters, where they generally have freedom within the shelter, but are monitored by staff.[68] For children who present a higher risk, HHS contracts with three youth detention facilities, which house the children in a secure setting.[69] Children housed in staff-secure or secure settings have the right to have their placements reviewed by the care provider staff, the UAC's case coordinator, and ORR every 30 days to determine whether they can be moved down a level or released to a sponsor.[70]

If a child turns 18 while living in an HHS facility, the child's case is transferred to DHS.[71] At that point, HHS is required to provide a post-placement report to DHS about the former UAC with recommendations for handling the case.[72]

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[64] Briefing with Commander Jonathan White, U.S. Public Health Serv. Commissioned Corps, U.S. Dep't of Health & Hum. Servs. (Aug. 9, 2018) (572 of those children were separated from their parents from May to July 2018 under the Administration's zero-tolerance policy; the remainder are traditional UACs who arrived in the United States without an accompanying adult).
[65] *Oversight of Immigration Enforcement and Family Reunification Efforts: Hearing before the S. Comm. on the Judiciary*, 115th Cong. (2018) (testimony of Commander Jonathan White, U.S. Public Health Serv. Commissioned Corps, U.S. Dep't of Health & Hum. Servs.).
[66] *ORR Policy Guide* § 1.2.
[67] *Id.* § 1.2. *et seq.*
[68] *Id.* § 1.2.4.
[69] *Id.* § 1.2.
[70] *Id.* § 1.4.2.
[71] Briefing with Michael Dougherty, Assistant Sec'y for Border, Immigration & Trade Policy, U.S. Dep't of Homeland Sec.; Mellissa Harper, Unit Chief, Juvenile & Family Residential Mgmt. Unit, Immigration & Customs Enforcement, U.S. Dep't of Homeland Sec., *et al.* (Feb. 16, 2018); *see ORR Policy Guide* § 3.3.2.
[72]App. 168, JCO at 22; Briefing with Michael Dougherty, Assistant Sec'y for Border, Immigration & Trade Policy, U.S. Dep't of Homeland Sec.; Mellissa Harper, Unit Chief, Juvenile & Family

DHS then has the option to detain the former UAC or allow him or her to live in the community while awaiting his or her immigration court case.[73]

C. Department of Justice: Adjudication of UAC Immigration Cases

As in adult civil immigration cases, the DOJ Executive Office for Immigration Review ("EOIR") adjudicates UAC civil removal cases. ICE attorneys represent the government during immigration court proceedings. [74] As discussed above, after DHS serves the NTA upon either the child or HHS, an ICE Field Office Juvenile Coordinator files the NTA with an immigration court.[75] For UAC cases currently pending before the immigration courts, the median length of time the cases have been pending since the UAC's notice to appear was filed is 480 days.[76] More than eight thousand cases have been pending for more than three years.[77]

UACs typically argue that they are eligible to stay in the United States because they qualify for immigration relief, including asylum[78] or Special Immigrant Juvenile Status[79].[80] USCIS officers have initial jurisdiction over UAC applications for asylum[81] and Special Immigrant Juvenile Status.[82] During the

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Residential Mgmt. Unit, Immigration & Customs Enforcement, U.S. Dep't of Homeland Sec., *et al.* (Feb. 16, 2018); *see ORR Policy Guide* § 3.3.2.

[73] Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113–4 § 1261(2)(B) (codified as amended at 8 U.S.C. § 1232(2)(B) (2018)).

[74] JCO at 5.

[75] App. 151, JCO at 23; Briefing with policy staff, U.S. Dep't of Homeland Sec. Off. of Strategy, Policy & Plans; Mellisa Harper, Enforcement & Removal Operations, Immigration & Customs Enforcement; Scott Lloyd, Dir., Off. of Refugee Resettlement; *et al.* (Aug. 2, 2018).

[76] Exec. Off. for Immigration Review, *Current Median UAC Case Pending Time* (June 30, 2018), https://www.justice.gov/eoir/page/file/1061551/download.

[77] Exec. Off. for Immigration Review, *Current UAC Cases Pending More than Three Years* (July 6, 2018), https://www.justice.gov/eoir/page/file/1078571/download

[78] Asylum relief entitles asylum seekers to permanently remain in the United States if they establish they are a refugee—meaning they demonstrate they have a well-founded fear of persecution based on their race, religion, nationality, membership in a particular social or political group in their country of nationality or last habitual residence. 8 U.S.C. § 1101(a)(42); 8 U.S.C. § 1158.

[79] UACs are eligible for Special Immigrant Juvenile Status if they obtain a state court order stating that they cannot reunite with one or both of their parents because of abuse, neglect, or abandonment, and then apply to the United States Customs and Immigration Service for relief. Once granted, Special Immigrant Juvenile Status allows the UAC to apply for lawful permanent residency in the United States. 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 2014.11

[80] Briefing by James McHenry, Dir. of the Exec. Off. for Immigration Review, U.S. Dep't of Justice (June 22, 2018).

[81] 8 U.S.C. § 1158(b)(3)(C).

[82] 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 2014.11

pendency of those proceedings, the immigration court may stay removal proceedings.[83]

If a UAC fails to appear for his or her court date, the immigration court typically follows a two-step process.[84] First, the court determines whether the notice was proper, generally looking for proof that the address on file for the UAC matches the mailed notice.[85] If so, the court considers whether the UAC is removable. The ICE counsel submits evidence at this point to establish removability.[86] If the government meets its burden of proof on both steps, the court submits an *in absentia* removal order.[87] An *in absentia* removal order can have serious consequences for a UAC: if the UAC leaves the country and attempts to re-enter, the UAC may be ineligible for various forms of immigration relief for 10 years after entry of the final removal order.[88]

V. THE SUBCOMMITTEE'S 2015–2016 INVESTIGATION AND IMMEDIATE AFTERMATH

A. Subcommittee Investigation, Report, and Hearing

In 2015, the Subcommittee learned that over four months in 2014, a human trafficking ring lured Guatemalan children and adults to the United States with promises of jobs and education.[89] ORR failed to conduct appropriate background checks,[90] and consequently, placed eight of those children with sponsors in the United States who were affiliated with the trafficking ring.[91] ORR missed red flags, such as sponsors requesting to host multiple children and one sponsor preventing a

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[83] *See* United States Citizenship & Immigration Servs., *Questions and Answers* (June 10, 2013), https://www.uscis.gov/sites/default/files/USCIS/Refugee,%20Asylum,%20and%20Int%27l%20Ops/Asylum/ra-qanda-determine-jurisdiction-uac.pdf.
[84] Briefing by James McHenry, Dir. of the Exec. Off. for Immigration Review, U.S. Dep't of Justice (June 22, 2018).
[85] *Id.*
[86] *Id.*
[87] 8 U.S.C. § 1229a(b)(5)(A); Briefing by James McHenry, Dir. of the Exec. Off. for Immigration Review, U.S. Dep't of Justice (June 22, 2018).
[88] *See* 8 U.S.C. § 1229a(a)(7).
[89] Press Release, U.S. Dep't of Justice, Leader of Human Trafficking Organization Sentenced to Over 15 Years for Exploiting Guatemalan Migrants at Ohio Egg Farms (June 27, 2016), https://www.justice.gov/opa/pr/leader-human-trafficking-organization-sentenced-over-15-years-exploiting-guatemalan-migrants; Emily Mills, *Fourth person charged in egg farm migrant trafficking scheme*, MARION STAR (Dec. 27, 2017), https://www.marionstar.com/story/news/crime/2017/12/27/fourth-person-charged-egg-farm-migrant-trafficking-scheme/985614001/.
[90] PSI 2016 REPORT at 1–2.
[91] Emily Mills, *Fourth person charged in egg farm migrant trafficking scheme*, MARION STAR (Dec. 27, 2017), https://www.marionstar.com/story/news/crime/2017/12/27/fourth-person-charged-egg-farm-migrant-trafficking-scheme/985614001/.

child-welfare case worker from visiting with one of the victims.[92] For more than a year, the children were forced to work six or seven days a week, 12 hours per day on an egg farm in Marion, Ohio.[93] Their traffickers threatened physical harm to them and their families and withheld their paychecks to force them to work in deplorable conditions.[94]

Six individuals were convicted and sentenced to federal prison for their participation in the trafficking scheme.[95] In December 2017, DOJ charged a seventh defendant for his participation in the labor trafficking scheme.[96]

After learning about the Marion case in 2015, the Subcommittee investigated the circumstances that resulted in HHS placing these children with human traffickers, focusing on Category 3 sponsors—sponsors without a close relationship to the child, including distant relatives or unrelated adults. The Subcommittee reviewed HHS child placement case files, emails, and documents and interviewed ORR personnel.[97] On January 28, 2016, the Subcommittee released a report and held a hearing regarding the investigation.[98]

The investigation "revealed that HHS has failed to take adequate steps to ensure that UACs are placed with safe and appropriate sponsors."[99] The Subcommittee found systemic deficiencies in HHS's UAC placement process, specifically:

- **HHS's process for verifying relationships between UACs and Category 3 sponsors was unreliable and vulnerable to abuse.** HHS did not require Category 3 sponsors to provide any documentation of their relationship with the UACs they sought to sponsor.[100]

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[92] PSI 2016 REPORT at 1–2.
[93] Press Release, U.S. Dep't of Justice, Leader of Human Trafficking Organization Sentenced to Over 15 Years for Exploiting Guatemalan Migrants at Ohio Egg Farms (June 27, 2016), https://www.justice.gov/opa/pr/leader-human-trafficking-organization-sentenced-over-15-years-exploiting-guatemalan-migrants.
[94] *Id.*
[95] *Id.*
[96] Press Release, U.S. Dep't of Justice, Indictment Unsealed Charging Additional Man for Labor Trafficking Conspiracy that Forced Minors to Work at Egg Farm Near Marion (Dec. 27, 2017), https://www.justice.gov/usao-ndoh/pr/indictment-unsealed-charging-additional-man-labor-trafficking-conspiracy-forced-minors.
[97] PSI 2016 REPORT at 3–4, 29.
[98] PSI 2016 REPORT; *Adequacy of the Department of Health and Human Services' Efforts to Protect Unaccompanied Alien Children from Human Trafficking: Hearing before the S. Permanent Subcomm. on Investigations*, 114th Cong. (2016).
[99] PSI 2016 REPORT at 26.
[100] *Id.* at 27.

- **HHS was unable to detect when a sponsor or group of related sponsors was seeking custody of multiple unrelated children.** Acquiring multiple unrelated UACs can be a warning sign that a sponsor or group of sponsors may pose danger to those children.[101]

- **HHS failed to conduct adequate background checks on sponsors.** Throughout the time period examined by the Subcommittee, HHS did not conduct background checks on all relevant adults, including other adults living in the sponsor's home. HHS policy at that time also did not disqualify sponsors based on criminal history.[102]

- **HHS rarely conducted home studies.** The agency performed home studies—that is, an inspection and evaluation of the physical home in which a child will be placed—in less than 4.3 percent of cases from 2013 through 2015, and it failed to conduct home studies in even some statutorily-mandated cases. HHS did not conduct any home studies in the Marion cases.[103]

- **After releasing a child to a sponsor, HHS allowed the sponsor to refuse post-release services offered to the child—and even to bar contact between the child and HHS care providers attempting to provide those services.** That policy caused HHS to miss a potential opportunity to uncover the crime perpetrated in the Marion cases when one of the victim's sponsors refused to permit a social worker access to the child.[104]

- **HHS policy allowed non-relatives with criminal histories to sponsor children.** HHS instructed care providers that no criminal offense was a *per se* bar to sponsorship.[105]

- **Sponsors often failed to ensure UACs appear at immigration proceedings.** Failure to appear at an immigration hearing can have significant adverse consequences, and ensuring the child's appearance at immigration proceedings is a principal task of a child's sponsor. At the time of the Subcommittee's 2016 report, 40 percent of completed UAC immigration cases over an 18-month period resulted in an *in absentia* removal order based on the UAC's failure to appear.[106]

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[101] *Id.* at 30.
[102] *Id.* at 31–33.
[103] *Id.* at 33–40.
[104] *Id.* at 40–42.
[105] *Id.* at 44–45.
[106] *Id.* at 47–49.

- **No federal agency claimed to have authority or responsibility for the care of UACs after they are placed with non-parental sponsors in the United States.** HHS claimed it had no responsibility for the care and safety for UACs after it placed them with sponsors it selected, in tension with 8 U.S.C. § 1232, which makes the "care and custody" of all UACs the responsibility of HHS.[107]

- **ORR never promulgated its policies as regulations or subjected them to notice-and-comment rulemaking.** Instead, ORR maintained most of its policies in a constantly-changing Policy Guide that gives no certainty to UAC care providers or to UACs, nor transparency to Congress or the public.[108]

B. February 2016 Memorandum of Agreement

Shortly after the Subcommittee's January 26, 2016 hearing, DHS and HHS entered a Memorandum of Agreement ("Agreement I").[109] In Agreement I, the two agencies recognized their shared goals to ensure the "safe and expedited transfer and placement of UAC from DHS to HHS custody"; maximize efficiency in the use of resources; transmit information "to facilitate appropriate placement decisions"; "protect UAC in the custody of the United States or released to sponsors from mistreatment, exploitation, and trafficking"; and "promote the effective immigration processing and safe repatriation and reintegration of UAC."[110] Agreement I was to provide a "framework for interagency coordination" for the agencies' respective responsibilities.[111]

Under Agreement I, the agencies agreed to establish a Joint Concept of Operations ("JCO") "that should be completed no later than one year following the signing of this MOA, which should include, but need not be limited to standard protocols for consistent interagency cooperation on the care, processing, and transport of UAC."[112] The JCO was supposed to be completed by February 22, 2017; it was not finished until 17 months later, on July 31, 2018.

The agencies also agreed to establish a Senior Leadership Council to coordinate agency cooperation with regard to UACs and to establish an Interagency Work Group to develop policies and resolve complaints about the UAC process.[113]

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[107] *Id.* at 49–50.
[108] *Id.* at 50–51.
[109] App. 044–48, Memorandum of Agreement Between the Department of Homeland Security and the Department of Health and Human Services Regarding Unaccompanied Alien Children (Feb. 22, 2016) [hereinafter Agreement I].
[110] App. 044, Agreement I at 1.
[111] *Id.*
[112] App. 045, Agreement I at 2.
[113] *Id.*

C. Limited HHS Reforms in 2015 and 2016

Following the 2015 indictment of the defendants in the Marion case and the January 2016 Subcommittee hearing and report, HHS announced limited changes to its UAC program policies, including:

- **Post-Placement Follow-Up Calls**: In 2015, HHS released a new policy providing that ORR must attempt to contact all UACs and their sponsors 30 days after release. According to the HHS Office of Inspector General, these calls allow ORR to identify and report concerns to local child welfare or law enforcement agencies.[114]

- **National Call Center**: In June 2015, HHS announced an ORR National Call Center—a 24-hour hotline available for UACs, parents, and sponsors to connect them to community resources.[115]

- **Enhanced Background Checks**: Under its prior policy, HHS only conducted background checks on potential sponsors. In January 2016, HHS changed its policies to require additional background checks on other adults living in the potential sponsor's household and other caregivers.[116]

- **Additional Home Studies**: According to HHS policy, a home study is now required if an individual seeks to sponsor multiple UACs.[117] HHS policy states that HHS will perform a home study and provide post-release services, such as mental health treatment, to a broader set of potentially vulnerable UACs, including children 12-years-old and under.[118]

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[114] *HHS's Office of Refugee Resettlement Improved Coordination and Outreach to Promote the Safety and Well-Being of Unaccompanied Alien Children*, U.S. Dep't of Health & Hum. Servs. Off. of Inspector Gen., OEI-09-16-00260, July 31, 2017, https://oig.hhs.gov/oei/reports/oei-09-16-00260.asp.
[115] App. 050, Office of Refugee Resettlement National Call Center (June 25, 2015), https://www.acf.hhs.gov/orr/resource/orr-national-call-center.
[116] *ORR Policy Guide* § 2.5.1.
[117] *Id.* § 2.4.2.
[118] *Id.*

VI. THE SUBCOMMITTEE'S ONGOING INVESTIGATION: DHS AND HHS FAILURE TO ADDRESS 2016 FINDINGS

After its initial report and hearing in January 2016, the Subcommittee continued its oversight of the executive branch's care for UACs. The Subcommittee found that DHS and HHS took some steps to improve their care of UACs, such as running more consistent background checks on potential sponsors and other adults in the sponsors' households. The Subcommittee supports those efforts. The Subcommittee also found, however, that DHS and HHS have failed to address many of its previous recommendations to ensure UAC safety. Problems that started under the Obama Administration persist today under the Trump Administration.

As discussed below, the Subcommittee found that HHS and DHS have not addressed one of the most significant findings from the Subcommittee's investigation—that no federal agency claims responsibility for UACs placed with non-parental sponsors (Categories 2 and 3). HHS and DHS also failed to enter the JCO by February 22, 2017. In fact, they finally issued the JCO on July 31, 2018, 17 months beyond their own deadline, with no explanation for the delay. The JCO is limited to current, long-standing practice, and fails to address known deficiencies squarely within its scope. HHS still does not track UACs after HHS places them with sponsors, and the rate of UACs failing to appear at their immigration court proceedings is increasing. Neither HHS nor DOJ have taken meaningful steps to address those problems.

A. Continued Denial of Responsibility for Unaccompanied Alien Children After Placement

A decade ago, the HHS Office of Inspector General identified a foundational problem with the UAC program. After HHS places children with sponsors, no agency acknowledges that it has authority or responsibility for ensuring the children's safety. In March 2008, the Inspector General found that there was no formal agreement between DHS and HHS delineating their responsibilities with regard to UACs. And without such an agreement, "it is not clear which Department is responsible for ensuring the safety of children once they are released to sponsors and which Department is responsible for ensuring sponsors' continued compliance with sponsor agreements."[119] In December 2008, Congress passed the TVPRA, which states that "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services."[120]

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[119] DEP'T OF HEALTH & HUM. SERVS. OFF. OF INSPECTOR GEN., OEI-07-06-00290, DIV. OF UNACCOMPANIED CHILDREN'S SERVICES: EFFORTS TO SERVE CHILDREN (2008), https://oig.hhs.gov/oei/reports/oei-07-06-00290.pdf.
[120] 8 U.S.C. § 1232(b)(1).

In 2016, the Subcommittee confirmed that, in practice, nothing had changed since 2008. No agency believed it had responsibility for the care and safety for UACs after HHS places them with sponsors—a position in tension with the TVPRA, which places that responsibility on HHS.[121] In its 2016 report, the Subcommittee explained that under the TVPRA, it is clear that the "care and custody" of all UACs are "the responsibility of HHS, without limitation." The report highlighted that HHS's interpretation is inconsistent with the *Flores* Agreement, which authorized the INS to terminate sponsorship in cases of abuse of neglect.[122]

Over the past two and a half years, the Subcommittee has continued its oversight of the departments to ensure they made the recommended improvements—and, in particular, that HHS acknowledge its responsibility for UACs after HHS places them with non-parental sponsors. Some HHS officials at various points in time appear to be re-evaluating HHS's responsibilities; others have continued to argue that HHS has no responsibility for these children. For example:

- In a February 2016 letter to Sen. Claire McCaskill, the then-Acting Assistant Secretary for the Administration for Children and Families wrote, "once a child is released to a sponsor, ORR's legal and physical custody terminates." He explained that the Homeland Security Act of 2002 and the TVPRA "set forth a system that is intended to be temporary in nature, with a focus on caring for children while in our physical custody, and releasing children to appropriate sponsors." He argued that "if Congress had intended ORR's legal custody to continue after a child is released to a sponsor, the TVPRA would not have needed certain of its post-release provisions." He offered as an example that, had Congress intended HHS to have "continuing legal custody post-release," "HHS would necessarily have the authority and responsibility to provide services to the child after release," but, "[i]nstead, Congress specifically required follow-up services" in some cases, and "authorized follow-up services" in others. He also argued that the program would need to be "structured and resourced in a very different way" to accommodate long-term legal custody.[123]

- In response to the Subcommittee's questions for the record after the January 2016 hearing, HHS stated that "[t]he Flores consent decree cannot grant HHS any authority that it does not have by statute." Thus, it is "HHS's view . . . that ORR does not have the same ability to remove a

[121] PSI 2016 REPORT at 50.
[122] *Id.*
[123] App. 051–54, Letter from Mark Greenberg, Acting Assistant Sec'y, Admin. for Children & Families, U.S. Dep't of Health & Hum. Servs., to the Hon. Claire McCaskill, Ranking Member, S. Permanent Subcomm. on Investigations (Feb. 22, 2016).

child from a home and reassume custody as the former INS had at that time."[124]

- In a January 2018 briefing, ORR Director Scott Lloyd told Subcommittee staff ORR's current interpretation of the TVPRA is that HHS no longer has responsibility for UACs once they are placed with sponsors because the children are no longer "unaccompanied."[125] He continued, however, that HHS was reviewing its interpretation of the statute. He said ORR had submitted a request to the HHS Office of General Counsel asking (1) whether anything prohibits HHS from asserting a custodial relationship over a UAC post-placement and (2) whether anything requires a formal custodial role for HHS over UACs post-placement.[126] ORR sent follow-up questions to the Office of General Counsel after Mr. Lloyd briefed the Subcommittee.[127] Despite repeated requests for information, HHS has not told the Subcommittee whether the Office of General Counsel has responded to those questions.

- At the Subcommittee's April 26, 2018 hearing, HHS's Acting Assistant Secretary of the Administration for Children and Families Steven Wagner confirmed that "we are taking a fresh look at that question as a matter of both legal interpretation and appropriate policy."[128]

- In a May 2018 briefing, current ORR leadership told Subcommittee staff they recognize that prior Administrations' interpretation of HHS's legal authority places these children in a "legal no man's land."[129]

- On June 26, 2018, HHS Secretary Alex Azar testified that "once [UACs] are placed with a sponsor, they are no longer subject to our jurisdiction. We cannot . . . pull a child back from a relative. We don't have the legal

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[124] App. 036–38, Letter from Mark. H. Greenberg, Acting Assistant Sec'y, Admin. for Children & Families, U.S. Dep't of Health & Hum. Servs. and Robert Carey, Dir., Off. of Refugee Resettlement, U.S. Dep't of Health & Hum. Servs., to the Hon. Rob Portman, Chairman, S. Permanent Subcomm. on Investigations and the Hon. Claire McCaskill, Ranking Member, S. Permanent Subcomm. on Investigations (Sept. 13, 2016).
[125] Briefing with Scott Lloyd, Dir., Off. of Refugee Resettlement, and Jonathan White, Dep. Dir. for Children's Programs, Off. of Refugee Resettlement, *et al.* (Jan. 17, 2018).
[126] *Id.*
[127] App. 055–57, Email from Off. of Legis. Affairs, U.S. Dep't of Health & Hum. Servs., to Subcomm. Counsel, S. Permanent Subcomm. on Investigations, *et al.* (Feb. 4, 2018, 11:53 a.m.).
[128] *Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse: Hearing before the S. Permanent Subcomm. on Investigations*, 115th Cong. (2018) (testimony of Steven Wagner, Acting Assistant Sec'y, U.S. Dep't of Health and Hum. Servs. Admin. for Children & Families).
[129] Briefing with Scott Lloyd, Dir. of the Off. of Refugee Resettlement, *et al.* (May 2, 2017).

> authority. . . . We don't have any authority to go out and pull a child back from a sponsor once they're in that sponsor's custody."[130]

These interpretations of HHS's responsibilities and authorities do not account for the plain language of the definition of "unaccompanied alien child," at least with regard to children HHS places with Category 2 and 3 sponsors. Those children remain unaccompanied and under the HHS Secretary's care. The Homeland Security Act of 2002 defines "unaccompanied alien child" as:

> a child who—(A) has no lawful immigration status in the United States; (B) has not attained 18 years of age; and (C) with respect to whom—(i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody.[131]

Category 2 and 3 non-parental sponsors are not legal guardians of UACs unless they obtain an order from a state court. Thus, until the children are reunited with their parents or legal guardians, or until their sponsors obtain such an order, they remain unaccompanied alien children by definition, and still under the care and protection of HHS. Inferences drawn from grants of HHS's authority to provide services to these children do not alter the meaning of that provision. HHS's refusal to take responsibility for UACs throughout their immigration proceedings even in light of its statutory authority—particularly for those UACs it places with non-parental sponsors—undermines both UAC safety and the immigration system.

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[130] *Prescription Drug Affordability and Innovation: Addressing Challenges in Today's Market: Hearing before the S. Comm. on Finance*, 115th Cong. (2018) (testimony of the Hon. Alex Azar, Sec'y, U.S. Dep't of Health and Hum. Servs.).
[131] 6 U.S.C. § 279(g)(2).

B. Failure to Enter Joint Concept of Operations on a Timely Basis

1. GAO and HHS OIG Recommendation for Agreement

In 2008, the HHS Inspector General recommended that DHS and HHS enter an agreement to define their responsibilities with regard to UACs. The HHS Inspector General found that "[w]hen responsibilities were divided between HHS and DHS, no formal memorandum of understanding . . . was established to clarify each Department's roles." And as discussed above, the Inspector General continued, "[I]t is not clear which Department is responsible for ensuring the safety of children once they are released to sponsors and which Department is responsible for ensuring sponsors' continued compliance with sponsor agreements."[132]

In 2015, the GAO also highlighted the need for such an agreement. The GAO found that the transfer process from DHS to HHS was "inefficient and vulnerable to errors." From reviewing emails from a pair of three-day periods in 2014, the GAO "identified miscommunications between agencies, as well as errors during both time periods, including UAC who had to be redesignated to different shelters after initial placements and UAC who were assigned to multiple shelters simultaneously."[133]

The GAO echoed the HHS Inspector General's recommendation, advising that DHS and HHS "should jointly develop and implement a documented interagency process with clearly defined roles and responsibilities, as well as procedures to disseminate placement decisions, for all agencies involved in the referral and placement of UAC in HHS shelters."[134] In 2016, the Subcommittee found that, despite these recommendations, DHS and HHS had not established any agreement to govern their responsibilities for UACs.[135]

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[132] U.S. DEP'T OF HEALTH & HUM. SERVS. OFF. OF INSPECTOR GEN., OEI-07-06-00290, DIVISION OF UNACCOMPANIED CHILDREN'S SERVICES: EFFORTS TO SERVE CHILDREN ii (2008), https://oig.hhs.gov/oei/reports/oei-07-06-00290.pdf.

[133] U.S. GOV'T ACCOUNTABILITY OFF., GAO-15-521, UNACCOMPANIED ALIEN CHILDREN: ACTIONS NEEDED TO ENSURE CHILDREN RECEIVE REQUIRED CARE IN DHS CUSTODY 51 (2015), https://www.gao.gov/products/GAO-15-521.

[134] *Id.*

[135] PSI 2016 REPORT at 49–50.

2. Agreement I and Joint Concept of Operations

On February 22, 2016, following the Subcommittee's investigation and hearing, DHS and HHS signed Agreement I providing a framework for interagency coordination with respect to UACs. Agreement I recognized the two departments' shared commitment to "protect UAC in the custody of the United States or released to sponsors from mistreatment, exploitation, and trafficking."[136] Under Agreement I, the departments also planned to establish a Senior Leadership Council to coordinate interagency cooperation on UAC "care, processing, and transport," as well as an Interagency Working Group.[137]

In Agreement I, the departments agreed to "establish a Joint Concept of Operations (JCO) that should be completed no later than one year following the signing of this MOA [on February 22, 2016], which should include, but need not be limited to standard protocols for consistent interagency cooperation on the care, processing, and transport of UAC . . . ."[138] The agencies were supposed to complete the JCO by February 22, 2017.

According to the GAO, Agreement I identified priority issues for the departments to address related to UACs, including issues with chain of custody and the transport of UACs, but the JCO was to include the necessary operational specifics to address deficiencies identified by the GAO. To consider the recommendation closed, the GAO expects to see HHS and DHS complete and implement the JCO.[139]

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[136] App. 044, Agreement I at 1.
[137] *Id.* at 2.
[138] *Id.*
[139] *Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse: Hearing before the S. Permanent Subcomm. on Investigations*, 115th Cong. (2018) (statement of Kathryn A. Larin, Dir., Educ., Workforce & Income Sec. Team, U.S. Gov't Accountability Off.).

3. Deficiencies in Agreement II and the Joint Concept of Operations

Only after the Subcommittee repeatedly asked DHS and HHS why the JCO was delayed, DHS and HHS took two significant steps: first, they entered a new Memorandum of Agreement ("Agreement II") on April 13, 2018; and second, on July 31, 2018, they completed the JCO.

a) Agreement II

Agreement II governs information-sharing between ICE, CBP, and ORR regarding UACs and their potential sponsors, as described in Section IV above. The primary purpose of the information sharing under Agreement II is to "provide HHS with information necessary to conduct suitability assessments for sponsors from appropriate federal, state, and local law enforcement and immigration databases."[140]

In 2016, the Subcommittee found that HHS's failure to conduct sufficient background checks contributed to the circumstances that led HHS to place eight children with human traffickers.[141] More comprehensive background checks of more adults who will be living with UACs likely will increase UAC safety, and in that regard, Agreement II is an improvement over the processes the Subcommittee observed in 2016.

Immigration advocacy groups and UAC care providers have pointed out, however, that Agreement II does not limit DHS's use of the information HHS sends to it about potential sponsors and other adults in their households.[142] Many of them have expressed concern that, unless it is clear DHS will not use that information for enforcement purposes, fewer potential sponsors will apply to sponsor UACs because many of them are undocumented and fear enforcement.[143] Indeed, ORR personnel estimated that roughly 90 percent of current sponsors are undocumented.[144] According to ORR, it is too early to determine whether the changes to the information-sharing process will dissuade a significant number of potential sponsors from stepping forward.[145] ORR Director Lloyd commented that

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[140] App. 029, Agreement II at 1.
[141] PSI 2016 REPORT at 27–30.
[142] Briefings with UAC care providers; *see, e.g.*, Nat'l Immigrant Justice Ctr. Comment on HHS ACF Notice of Sponsorship Review Procedures for Approval for Unaccompanied Alien Children, OMB No. 0970–0278 (July 10, 2018), http://www.immigrantjustice.org/sites/default/files/content-type/commentary-item/documents/2018-07/NIJC%20Comment%20on%20HHS%20revisions%20to%20UC%20sponsor%20forms.pdf.
[143] *Id.*
[144] Briefing with Scott Lloyd, Dir., Off. of Refugee Resettlement; policy staff, Dep't of Homeland Sec. Off. of Strategy, Policy & Plans; Deane Dougherty, Deputy Assistant Dir. Enforcement & Removal Operations, Immigration and Customs Enforcement, *et al.* (June 5, 2018).
[145] *Id.*

he believed "a motivated sponsor won't let immigration status deter" him or her from coming forward for a child.[146]

If the advocacy groups and care providers are correct, however, and fewer sponsors are available, ORR will have to house more UACs for longer periods of time. The National Immigrant Justice Center has commented that, in this case, "children will remain confined in federal facilities at taxpayer expense, exacerbating the trauma and distress of survivors of violence and abuse in particular."[147]

Furthermore, based on ORR briefings, it is not apparent that HHS has sufficient capacity or has made comprehensive contingency plans to house significantly more UACs.

b) Joint Concept of Operations

On July 31, 2018, DHS and HHS finalized the JCO—17 months after the departments' own deadline and 10 years after the HHS Office of Inspector General first recommended they develop such an agreement. The JCO represents an initial step in improving UAC care. It is important to commit each department's responsibilities to paper to clarify who is responsible for taking specific actions with regard to UACs when the departments interact with each other. It likely will reduce some errors created by miscommunications between the departments. It also sets standard procedures that allow department leadership and Congress to hold personnel accountable for fulfilling their responsibilities toward UACs—at least where DHS and HHS interact with each other.

Over the course of 10 years, however, the departments should have been able to create a comprehensive plan for ensuring UAC safety. Agreement I gestured toward the notion that the JCO might do more than recite the status quo. It discussed the departments' shared goals to "protect UAC in the custody of the United States or released to sponsors" and "promote the effective immigration processing and safe repatriation and reintegration of UAC."[148] It provided that the JCO "should include, *but need not be limited to*, standard protocols for consistent interagency cooperation on the care, processing, and transport of UAC . . . ."[149]

The JCO is, in fact, limited to those standard protocols—and does not resolve longstanding problems with those protocols. The JCO states that it "memorializes current practices in accordance with" immigration laws and "[d]epartmental and

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[146] *Id.*
[147] Nat'l Immigrant Justice Ctr. Comment on HHS ACF Notice of Sponsorship Review Procedures for Approval for Unaccompanied Alien Children, OMB No.: 0970–0278 (July 10, 2018), http://www.immigrantjustice.org/sites/default/files/content-type/commentary-item/documents/2018-07/NIJC%20Comment%20on%20HHS%20revisions%20to%20UC%20sponsor%20forms.pdf.
[148] App. 044, Agreement I at I.
[149] *Id.* at 2 (emphasis added).

agency guidelines, policies, and procedures."[150] It defines its "purpose and scope" as follows:

> The JCO provides field guidance and standardization of interagency policies, procedures, and guidelines related to the processing of UAC encountered by DHS, whose care will be transferred to HHS, after being placed in removal proceedings pursuant to section 240 of the Immigration and Nationality Act . . . .[151]

In a briefing with Subcommittee staff, DHS personnel emphasized that the JCO does not replace current policies or announce new policies; rather, it describes "what's been happening for years" between the departments.[152] They said that the departments already should be in full compliance with the protocols described in the JCO.[153]

Even within the confines of its limited subject matter, the JCO does not address significant problems that the GAO previously identified in the DHS-HHS communication process. For example, in 2015, the GAO observed that "[t]he interagency process to refer UAC from DHS to HHS shelters is inefficient and vulnerable to error. DHS and HHS rely on e-mail communication and manual data entry to coordinate the transfer of UAC to shelters."[154] Now, in 2018, the shelter placement process still relies on emails. According to the JCO, "ORR makes the placement determination and notifies both the Referring Agency [CBP or ICE] and the facility's representative by email . . . when UAC placement has been obtained."[155] When asked whether current processes address the problems the GAO found in 2015 with email communications, a DHS official responded that the "important thing is that the communications are happening."[156] The departments do not appear to have changed their notification processes that the GAO found led to errors in placements in 2015.

Significantly, the JCO does not address care of UACs once HHS places them with sponsors. As discussed above, no agency takes responsibility for UACs after

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[150]App. 153, JCO at 7.
[151] *Id.*
[152] Briefing with policy staff, U.S. Dep't of Homeland Sec. Off. of Strategy, Policy & Plans; Mellisa Harper, Enforcement & Removal Operations, Immigration & Customs Enforcement; Scott Lloyd, Dir., Off. of Refugee Resettlement; *et al.* (Aug. 2, 2018).
[153] *Id.*
[154] U.S. GOV'T ACCOUNTABILITY OFF., GAO-15-521, UNACCOMPANIED ALIEN CHILDREN: ACTIONS NEEDED TO ENSURE CHILDREN RECEIVE REQUIRED CARE IN DHS CUSTODY 48 (2015), https://www.gao.gov/products/GAO-15-521.
[155]App. 154, JCO at 8.
[156] Briefing with policy staff, U.S. Dep't of Homeland Sec. Off. of Strategy, Policy & Plans; Mellisa Harper, Enforcement & Removal Operations, Immigration & Customs Enforcement; Scott Lloyd, Dir., Off. of Refugee Resettlement; *et al.* (Aug. 2, 2018).

HHS transfers them into a sponsor's care. The JCO does not change that enormous gap in UAC care.

4. Limited Post-Release Services and Failure to Track UACs After Placement

Over the last decade, HHS has had limited ability to track UACs after HHS places them with sponsors and provides post-release services in only a small number of cases. Post-release services in the form of social work, wellness checks, and legal aid provide HHS the best window into UAC-sponsor relationships, but HHS provides post-release services in few cases—and recently has eliminated legal services for children released to sponsors. These deficiencies continue to hamper HHS's care of UACs and leave these children at risk for trafficking and abuse.

In 2008, the HHS Office of Inspector General found that ORR's precursor, the Division of Unaccompanied Children's Services:

> does not have a method to track children after they are released to sponsors and therefore is unable to determine whether the processes facilities use to screen sponsors are effective and whether sponsors continue to provide for children's physical, mental, and financial well-being.[157]

In 2016, the Subcommittee found that HHS still did not have a mechanism to track UACs after their placements with sponsors.[158] The Subcommittee observed that post-release services were HHS's best means of tracking UACs and developing insight into their circumstances—but HHS provided post-release services in only about 10 percent of cases each year. [159] The Subcommittee noted that every UAC care provider it interviewed recommended that HHS provide post-release services to all UACs placed with Category 3 sponsors.[160]

Similarly, later in 2016, the GAO found that HHS had very little information about UACs after HHS released them to sponsors, and no means by which to collect such information systematically.[161] The GAO observed that "[w]ithout processes to ensure that the data from its activities are reliable, systematically collected, and compiled in summary form, ORR may be missing an opportunity to provide useful

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[157] U.S. DEP'T OF HEALTH & HUM. SERVS. OFF: OF INSPECTOR GEN., OEI-07-06-00290, DIVISION OF UNACCOMPANIED CHILDREN'S SERVICES: EFFORTS TO SERVE CHILDREN ii (2008), https://oig.hhs.gov/oei/reports/oei-07-06-00290.pdf.
[158] PSI 2016 REPORT at 44.
[159] *Id.*
[160] *Id.*
[161] U.S. GOV'T ACCOUNTABILITY OFF., GAO-16-180, UNACCOMPANIED ALIEN CHILDREN: HHS CAN TAKE FURTHER ACTIONS TO MONITOR THEIR CARE (2016), https://www.gao.gov/products/GAO-16-180.

information about [the UAC] population for the use of other government agencies."[162]

This situation largely remains the same today, with a few notable changes. HHS still has limited ability to track UACs after HHS places them with sponsors in the United States. HHS has reported to the Subcommittee, however, that it has made at least three significant changes to its post-release service practices, although they are of mixed effect.

First, HHS reported to the Subcommittee that it is offering post-release services to an increased number of UACs, both for the total number of UACs served and as a percentage of UACs referred to HHS by fiscal year.[163] In FY 2016, ORR provided 10,546 UACs with post-release services—which represents 17.8 percent of the 59,170 UACs DHS referred to HHS that year. In FY 2017, ORR provided 13,381 UACs with post-release services—representing 32.7 percent of UACs referred by DHS that year.[164]

During that same time, ORR reduced the total number of home studies it conducted. It conducted 3,540 home studies in FY 2016, for 5.9 percent of all UACs DHS referred to HHS. It conducted 3,173 home studies in FY 2017, for 7.7 percent of UACs referred that year.[165] As discussed in more detail in the Subcommittee's 2016 report, home studies are universally performed before placing a child in foster care. Particularly for children placed with Category 3 sponsors, sponsorship placements are substantially similar to foster care placements.[166]

Post-release services frequently provide HHS its only insight into the children's well-being, and the children's best shot at receiving help if their living situations prove to be unsafe.[167] The Subcommittee supports ORR's increase in post-release services, but cautions that the increase should not come at the expense of thorough home studies prior to placement.

Second, in August 2015, HHS began calling each UAC 30 days after placement with a sponsor to check on their welfare.[168] The Subcommittee observed in 2016 that "[t]hat process appears to have limited utility" because HHS had no means to follow up with a child with whom it had failed to make contact.[169] The data bear out that observation. At the Subcommittee's April 2018 hearing, Steven

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[162] *Id.* at 36
[163] Briefing with Scott Lloyd, Dir., Off. of Refugee Resettlement, and Jonathan White, Dep. Dir. for Children's Programs, Off. of Refugee Resettlement, *et al.* (Jan. 17, 2018).
[164] App. 058–59, Off. of Refugee Resettlement, *Facts and Data.*
[165] *Id.*
[166] PSI 2016 REPORT at 2, 19–20, 35–36.
[167] *Id.* at 42–44.
[168] *ORR Policy Guide* § 2.8.4; *see* PSI 2016 REPORT at 43.
[169] PSI 2016 REPORT at 44.

Wagner, the HHS Acting Assistant Secretary for the Administration for Children and Families, testified regarding those 30-day wellness check calls:

> From October to December 2017, ORR attempted to reach 7,635 UAC and their sponsors. Of this number, ORR reached and received agreement to participate in the safety and well-being call from approximately 86 percent of sponsors. From these calls, ORR learned that 6,075 UAC remained with their sponsors. Twenty-eight UAC had run away, five had been removed from the United States, and 52 had relocated to live with a non-sponsor. ORR was unable to determine with certainty the whereabouts of 1,475 UAC. Based on the calls, ORR referred 792 cases, which were in need of further assistance, to the National Call Center for additional information and services.[170]

Although the Subcommittee views the follow-up calls as a small step in the right direction, it is concerning that HHS apparently takes no action to address the alarming situations it discovers when it makes those calls. In many of the cases Mr. Wagner described above, HHS should have taken further action to ensure the children's welfare. For example:

- **HHS either could not reach or did not get sponsors' consent to participate in 14 percent, or about 1,070, of these calls.** HHS should have a mechanism to reach sponsors and UACs, and sponsors should be required to communicate with HHS when contacted. It should be a significant red flag if a sponsor refuses to speak with HHS on the telephone 30 days after HHS releases a child to that person.

- **HHS found that 28 UACs had run away from their sponsors.** It does not appear that HHS took any action in response to those discoveries or had any means by which to determine their location. HHS should develop a mechanism to track those children and to inform local authorities when children run away from their sponsors.

- **HHS found that 52 UACs were no longer living with their sponsor.** In these situations, HHS has no way of knowing whether those 52 UACs are living in safe conditions. Furthermore, under both the sponsor agreement[171] and the *Flores* Agreement,[172] sponsors are required to proactively notify the government if UACs change households—but HHS does not enforce that

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[170] *Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse: Hearing before the S. Permanent Subcomm. on Investigations*, 115th Cong. (2018) (statement of Steven Wagner, Acting Assistant Sec'y, U.S. Dep't of Health and Hum. Servs. Admin. for Children & Families).

[171] App. 071–72, Office of Refugee Resettlement Sponsor Handbook at 12–13.

[172] App. 006, *Flores Agreement* ¶ 15(C).

portion of the agreement. UAC care providers told the Subcommittee that a UAC's parents or other relatives often fear making themselves known to the government because they are also in the country without authorization. In those cases, they sometimes hire or persuade someone else to act as the child's sponsor, and once HHS releases the child to the sponsor, the child leaves the sponsor's care to live with her parents or other relatives.[173] This scenario endangers these children and prevents HHS from being able to ensure their safety, provide follow-up services where necessary, or ensure they appear at their immigration court proceedings.[174]

- **HHS "could not ascertain with certainty the whereabouts of 1,475 UAC."** To date, the Subcommittee is not aware that HHS has taken any follow-up action to determine where those children are, with whom they are living, and if they are safe. It is inexcusable that the government places children with adults to await their immigration court proceedings and, within 30 days, has lost track of 20 percent of those children. HHS must develop measures to track these children and hold sponsors accountable to their sponsorship agreements.

The 30-day follow-up wellness call is a positive measure—but its results ultimately highlight the deficiencies in the current system. Moreover, the Subcommittee has repeatedly asked HHS to update the numbers with the results of the calls it has made in 2018. As of this report, HHS failed to provide those numbers. HHS officials told the Subcommittee that it could either focus its resources on reuniting families separated under the zero-tolerance policy or on providing new data.[175] The Subcommittee supports reuniting the families quickly. It is concerning, however, that HHS is not tracking the results of its 30-day wellness check calls, reducing the already-limited visibility HHS and Congress have into the lives of children who arrived in the United States unaccompanied and who HHS placed with sponsors.

Third, and finally, HHS has directed its grantee legal service providers to stop accepting new clients from the population of UACs already released to sponsors. According to ORR Director Scott Lloyd, HHS's authority to provide legal services to children released to sponsors is "shaky."[176] This interpretation is contrary to law. The TVPRA provides that the HHS Secretary:

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[173] Briefing with UAC care providers (Apr. 4, 2018).
[174] *Id.*
[175] S. Comm. on Homeland Sec. and Governmental Affairs staff briefing with U.S. Dep't of Health and Hum. Servs. (Aug. 10, 2018)
[176] Briefing with policy staff, U.S. Dep't of Homeland Sec. Off. of Strategy, Policy & Plans; Mellisa Harper, Enforcement & Removal Operations, Immigration & Customs Enforcement; Scott Lloyd, Dir., Off. of Refugee Resettlement; *et al.* (Aug. 2, 2018).

> shall ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), that all unaccompanied alien children who are or have been in the custody of [HHS or DHS] . . . have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of pro bono counsel who agree to provide representation to such children without charge.[177]

Under the TVPRA, HHS still has an obligation to help those children obtain counsel. Given its decision to eliminate representation by its grantees for children placed with sponsors, ORR should increase its support for pro bono legal services for children living with sponsors. UAC legal service providers have testified about the positive effects legal representation has on UAC court attendance and welfare, noting that attorneys can provide an additional point of contact to help ensure UAC well-being.[178]

The limitations on HHS's ability to track UACs and its engagement with UACs post-placement have significant consequences. The Subcommittee has learned of allegations of at least one additional case of a child being placed into forced labor that perhaps could have been caught earlier if the child had been receiving post-release services. A UAC care provider reported to the Subcommittee:

> The limited use of home studies and post-release services has resulted in children being released to situations of abuse, abandonment, neglect, and trafficking. These are youth like Juan,[179] who was released from ORR care without services to his half-uncle in Florida. Shortly after his reunification, Juan's uncle withdrew him from school and sent him to work in the fields with his two cousins (who had not been in the care of ORR). This forced labor continued until Juan's cousin was injured and brought, with Juan, to the Emergency Room, where the injury raised abuse and trafficking concerns. [Child Protective Services] investigated the situation and removed the children from the home, placing the children in state custody.[180]

Other care providers relayed similar, anecdotal scenarios of UACs they had seen put into forced labor.

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[177] 8 U.S.C. § 1232(c)(5).

[178] *See, e.g., Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse: Hearing before the S. Permanent Subcomm. on Investigations*, 115th Cong. (2018) (statement of Jessica A. Ramos, Staff Attorney, Advocates for Basic Legal Equality, Inc.).

[179] Children's names are changed to protect their identities.

[180] App. 110, Email from UAC care provider to Subcommittee Staff (Aug. 3, 2018, 2:56 p.m.).

Another UAC care provider testified at the Subcommittee's April 2018 hearing about a case involving a 17-year-old Honduran girl who entered the country and was apprehended in 2016. The care provider testified:

> ORR found Anabel's mother in Cincinnati, Ohio and released Anabel to her mother. Anabel's mother did not receive a home study before Anabel was released from ORR, and Anabel did not receive post-release services. Before reunifying with her mother, Anabel had not seen her mother in over 10 years . . . For reasons unclear, Anabel's mother kicked Anabel out of the house approximately 5 months after Anabel was released to her care by ORR. Anabel was forced to move-in [*sic*] with an uncle, who provided Anabel with very little supervision.[181]

5. Increased Rates of Failure to Appear for Immigration Court Proceedings

It is critically important for UACs to appear at their immigration court proceedings. Appearing at their proceedings gives UACs the opportunity to apply for immigration relief or protection from removal, such as asylum or Special Immigrant Juvenile Status, and it upholds the orderly functioning of the country's immigration system. Failure to appear, on the other hand, usually results in the court ordering the child removed *in absentia*, which bars subsequent immigration relief for a period of 10 years if the child leaves and then attempts to re-enter the United States.[182]

In 2016, the Subcommittee found that a substantial number of UACs failed to appear for their immigration court proceedings from July 2014 through December 2015.[183] The Subcommittee now has found that over the intervening two and a half years since its last report, UACs are failing to appear at their immigration court proceedings at increased rates, as demonstrated in the table below. And of UACs ordered removed from the country, more than 80 percent of them are ordered removed *in absentia*.[184]

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[181] *Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse: Hearing before the S. Permanent Subcomm. on Investigations*, 115th Cong. (2018) (testimony of Allison E. Herre, Catholic Charities of Southwestern Ohio).
[182] PSI 2016 REPORT at 47–48; *see* 8 U.S.C. § 1232(c)(4); 8 U.S.C. §§ 1229 (b)–(c); 8 U.S.C. § 1225; and 8 U.S.C. § 1258.
[183] PSI 2016 REPORT at 47–49.
[184] Exec. Off. for Immigration Review, *UAC Statistics* (July 2, 2018), https://www.justice.gov/eoir/file/1083086/download (6,303 UACs ordered removed in FY2018; of those 5,109 were ordered removed *in absentia*).

Fiscal Year	Pending UAC Cases	UAC Initial Case Completions	UAC *In Absentia* Removal Orders	*In Absentia* Percentage[185]
2014	18,852	3,552	1,856	52%
2015	31,621	13,357	6,386	48%
2016	51,691	15,016	6,089	41%
2017	71,534	13,758	6,634	48%
2018 (through 6/30/18)	80,266	9,621	5,109	53%

Because failure to appear at their proceedings can have significant consequences for UACs, by law, HHS must cooperate with DOJ "to ensure that custodians receive legal orientation programs" and that such programs "address the custodian's responsibility to attempt to ensure the child's appearance at all immigration proceedings and to protect the child from mistreatment, exploitation, and trafficking."[186] Before HHS releases a UAC to a sponsor, the sponsor must sign a form agreeing to attend the legal orientation program and to "ensure the minor's presence at all future proceedings before DHS/Immigration and Customs Enforcement . . . and DOJ/EOIR."[187] Given the rates of non-appearance, it is clear that a majority of sponsors are not upholding that obligation, and no government agency is enforcing the agreement.

According to legal service providers, one of the main reasons UACs fail to appear for their proceedings is the significant amount of time between a UAC's apprehension and his or her first court appearance. The median length of time UAC cases currently have been pending since the filing of a notice to appear is 480 days.[188] This significant lapse of time can cause UACs to miss their court dates.[189] The GAO also has observed that if a significant amount of time passes before a respondent's hearing, witnesses are less likely to be available and pro bono attorneys are less inclined to accept cases scheduled far into the future.[190] Similarly, DHS attorneys told the GAO that it is difficult to assign one attorney to

[185] Exec. Off. for Immigration Review, *Unaccompanied Alien Child Cases* (July 6, 2018), https://www.justice.gov/eoir/page/file/1060871/download;
[186] 8 U.S.C. § 1232(c)(4).
[187] App. 071–72, Office of Refugee Resettlement Sponsor Handbook at 12–13.
[188] Exec. Off. for Immigration Review, *Current Median UAC Case Pending Time* (June 30, 2018), https://www.justice.gov/eoir/page/file/1061551/download.
[189] Briefing with UAC legal provider (Apr. 18, 2018).
[190] U.S. GOV'T ACCOUNTABILITY OFF., GAO-17-438, IMMIGRATION COURTS: ACTIONS NEEDED TO REDUCE CASE BACKLOG AND ADDRESS LONG-STANDING MANAGEMENT AND OPERATIONAL CHALLENGES 28–29 (2017).

the entire life of a case, which increases the amount of time and money necessary for new attorneys to prepare for the case.[191]

The delay is largely attributable to DOJ EOIR's substantial backlog of immigration cases, including UAC cases.[192] The GAO examined trends in EOIR's backlog last year. From FY 2006 through FY 2015, the number of EOIR's open cases grew 44 percent, from approximately 517,000 cases to 747,000 cases.[193] According to the GAO, the rate of new cases filed each year remained relatively steady, but the backlog gradually increased because the immigration courts completed cases at a reduced rate.[194] In FY 2006, the immigration courts completed about 287,000 cases, and in FY 2015, they completed about 199,000.[195] This was so even though the number of immigration court judges increased from 212 to 247 over that same period of time.[196] EOIR explained that new judges process cases more slowly than experienced judges.[197] Furthermore, cases began taking longer. In FY 2015, the median case completion time was 43 days; in FY 2015, it was 286 days.[198] EOIR attributed this increase to changes in the complexity of the cases filed—cases for relief such as asylum and removal withholdings increased and voluntary departure applications decreased.[199] And the 2014 surge of UAC cases—which tend to be more complex—also contributed to the backlog.[200]

As of July 2, 2018, 80,266 UAC cases were pending[201]—roughly 11 percent of the total 733,730 immigration cases pending across the country.[202] Currently, 355 immigration judges handle these cases, including 29 new immigration judges invested on August 10, 2018.[203] DOJ has authority to hire 129 additional judges.[204] To reduce this backlog, it is critical that DOJ make full use of the resources and authorities Congress has given it to conduct these proceedings. The GAO also has recommended that EOIR develop and implement a workforce plan that accounts for

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[191] *Id.* at 30.
[192] *Id.* at 22.
[193] *Id.* at 20.
[194] *Id.* at 22.
[195] *Id.*
[196] *Id.* at 23.
[197] *Id.* at 23–24.
[198] *Id.* at 25.
[199] *Id.*
[200] *Id.* at 27.
[201] Exec. Off. for Immigration Review, *UAC Statistics* (July 2, 2018), https://www.justice.gov/eoir/file/1083086/download.
[202] Exec. Off. for Immigration Review, *Pending Cases* (July 6, 2018), https://www.justice.gov/eoir/page/file/1060836/download.
[203] S. Comm. on Homeland Sec. & Governmental Affairs staff briefing with Kate Sheehy, Chief of Staff, Exec. Off. of Immigration Review, U.S. Dep't of Justice (Aug. 10, 2018).
[204] *Id.*

long-term staffing needs, the complexity of cases, and EOIR's performance goals.[205] This planning is especially critical given that as of 2017, 39 percent of immigration court judges were eligible for retirement.[206]

At the Subcommittee's April 26, 2018 hearing and in briefings, legal service and care providers have offered the Subcommittee several additional observations about why they believe UACs fail to appear at their court proceedings in some cases:

- **UACs struggle to appear in person at courts far from where they live.** Only 29 states, Puerto Rico, and the Northern Mariana Islands have immigration courts,[207] and in many cases, even courts in-state are far from where UACs live. In Ohio, for example, only one court—located in Cleveland—hears juvenile removal proceedings.[208] Similarly, in Delaware, the nearest juvenile immigration court is in Philadelphia.[209] According to a legal service provider, in the past, some of these courts allowed UACs to appear by telephone, but now, they require UACs to appear in person. The legal service providers explained that the UACs have to drive as far as four hours to attend their proceedings, and often the UACs do not have the resources or ability to travel.[210] They suggested that it would be helpful if the court would hold hearings in multiple locations or allow children to appear via telephone or videoconference.[211]

- **UACs are unaware of the need to request a change of venue.** One legal service provider testified before the Subcommittee that she frequently represents UACs placed into immigration court proceedings in one jurisdiction and released to sponsors in another jurisdiction, sometimes across the country. She said that many UACs and their sponsors do not know they need to request a change of venue in order to proceed with the case in the sponsor's home jurisdiction.[212]

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[205] U.S. GOV'T ACCOUNTABILITY OFF.,GAO-17-438, IMMIGRATION COURTS: ACTIONS NEEDED TO REDUCE CASE BACKLOG AND ADDRESS LONG-STANDING MANAGEMENT AND OPERATIONAL CHALLENGES 34 (2017).
[206] *Id.*
[207] Exec. Off. of Immigration Review, *Immigration Court Listing* (June 2018), https://www.justice.gov/eoir/eoir-immigration-court-listing#OH.
[208] *Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse: Hearing before the S. Permanent Subcomm. on Investigations*, 115th Cong. (2018) (statement of Jessica A. Ramos, Staff Attorney, Advocates for Basic Legal Equality, Inc.); briefing with legal service provider (Apr. 6, 2018); briefing with legal service provider (Apr. 10, 2018).
[209] Briefing with legal service provider (Apr. 18, 2018).
[210] Briefing with legal service provider (Apr. 10, 2018).
[211] *Id.*
[212] *See, e.g., Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse: Hearing before the S. Permanent Subcomm. on Investigations*, 115th Cong. (2018) (statement of Laura Carothers Graham, Deputy Dir., Community Legal Aid Soc., Inc.).

- **ICE priorities.** The service providers explained that sponsors—who are frequently undocumented immigrants themselves—are afraid to take the children to court because they fear ICE will arrest them at the courthouse.[213]

- **Language barriers and unclear instructions.** UACs and their sponsors receive a packet of information about the responsibilities they undertake with the placement. The legal service providers told Subcommittee staff that UACs and their sponsors often struggle to understand the legal requirements and the materials in the languages provided without the help of counsel, and, in some cases, an interpreter.[214]

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[213] Briefing with legal service provider (Apr. 9, 2018); *see also* App. 119, *USCIS Asylum Div. Quarterly Stakeholder Meeting Agenda* (Aug. 11, 2017) (question and answer portion addresses question regarding sponsor fear: "Sponsors and other adult caregivers are expressing increasing fear of attending child asylum interviews as witnesses or 'trusted adults' because of increasing fear of immigration enforcement efforts. Does the Asylum Division have a policy regarding the sharing of witness and other adults' information with Immigration and Customs Enforcement?"); App. 127, U.S. Conf. of Catholic Bishops Migration & Refugee Servs. and Lutheran Immigration & Refugee Servs., *Post-Release Services: Family Preservation Services for Immigrant Children Released from Federal Custody Frequently Asked Questions.*

[214] Briefing with legal service provider (Apr. 18, 2018).

VII. ADDITIONAL PROBLEMS PROTECTING UACS AND ENSURING APPEARANCE AT REMOVAL PROCEEDINGS

While reviewing HHS and DHS's progress in addressing the deficiencies the Subcommittee described in its January 2016 report, the Subcommittee identified several additional problems in the UAC program. As discussed in more detail below, despite relying on state agencies to ensure UAC welfare, HHS does not notify state governments of UACs' placements. The Subcommittee learned that HHS frequently fails to provide required age-out plans to DHS when UACs in HHS's custody turn 18. And HHS has not enlisted services from the appropriate providers to care for children who need to be in a secure setting who also have significant mental health issues, putting both those children and the children with whom they are housed at risk.

A. Lack of Notification to States of UAC Placement

HHS believes that once ORR releases UACs into their sponsors' care, their well-being is in the purview of local authorities.[215] Even if an HHS-contracted care provider has concerns about a UAC's care or safety, those providers report the problems to state and local authorities, not HHS.[216] When state agencies call ORR with concerns about UACs, HHS refers them to ICE.[217] HHS does not take responsibility for UACs under any of those circumstances,[218] nor does HHS track the number of UACs placed into state welfare programs[219].

Although HHS places enormous responsibility on state governments to ensure UAC welfare, HHS generally does not notify state or local governments when it places children with sponsors in those communities. The GAO found that representatives from city governments were unaware that UACs were living in their cities.[220]

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[215] PSI 2016 REPORT at 26; Briefing with Scott Lloyd, Dir., Off. of Refugee Resettlement, and Jonathan White, Dep. Dir. for Children's Programs, Off. of Refugee Resettlement, *et al.* (Jan. 17, 2018).

[216] App. 130–32, Letter from Mark Greenberg, Acting Assistant Sec'y, Admin. for Children & Families, U.S. Dep't of Health & Hum. Servs., and Robert Carey, Dir., Off. of Refugee Resettlement, to the Hon. Rob Portman, Chairman, S. Permanent Subcomm. on Investigations, and the Hon. Claire McCaskill, Ranking Member, S. Permanent Subcomm. on Investigations (Sept. 6, 2016).

[217] Briefing with Scott Lloyd, Dir., Off. of Refugee Resettlement, and Jonathan White, Dep. Dir. for Children's Programs, Off. of Refugee Resettlement, *et al.* (Jan. 17, 2018).

[218] App. 051–54, Letter from Mark Greenberg, Acting Assistant Sec'y, Admin. for Children & Families, U.S. Dep't of Health & Hum. Servs., to the Hon. Claire McCaskill, Ranking Member, S. Permanent Subcomm. on Investigations (Feb. 22, 2016).

[219] Briefing with Scott Lloyd, Dir., Off. of Refugee Resettlement, and Jonathan White, Dep. Dir. for Children's Programs, Off. of Refugee Resettlement, *et al.* (Jan. 17, 2018).

[220] U.S. GOV'T ACCOUNTABILITY OFF., GAO-16-180, UNACCOMPANIED ALIEN CHILDREN: HHS CAN TAKE FURTHER ACTIONS TO MONITOR THEIR CARE 37 (2016), https://www.gao.gov/products/GAO-16-180.

The Subcommittee interviewed 16 UAC care and legal service providers. Most of them agreed that it would be "wonderful"[221] and "very helpful"[222] if HHS were to notify state and local governments when it places UACs in a state. They explained that it would help the care providers to have lists of UACs in their communities so they could proactively reach out to offer services to the UACs and to connect them with other pro bono service providers, such as attorneys to represent them in their immigration court proceedings.[223] Some cautioned, however, that guardrails would need to be in place to protect the UAC and sponsor information privacy.[224]

The care providers also frequently mentioned that state and local governments do not understand their obligations and authorities with respect to UACs. One said that a state's child welfare services personnel were reluctant to get involved in helping UACs who had been abused.[225] All agreed that it would be "incredibly helpful" for ORR to provide trainings to state and local governments.[226]

The Subcommittee also spoke with state and local government officials. Those officials all also agreed that it would be useful for them to receive information about the UACs living in their communities for a variety of reasons. For example, Dr. Pattiva Cathell, an English Language Learner Counselor at Sussex Central High School in Delaware, observed that UACs frequently need special resources, such as language interpreters—but the school district cannot plan for those resources or even know to prepare for the additional number of students until the UACs arrive at school throughout the year.[227]

Furthermore, unless they are notified, local governments are not aware that UACs are living in their school districts and should be attending school. In that case, if UACs do not come to school, the local government has no reason to check on them or raise concerns about their welfare, negating a significant opportunity to learn of problems in a sponsorship situation.[228] Dr. Cathell testified before the Subcommittee that schools frequently are the first to observe problems. She said her school identified many incidents in which UACs under the age of 18 work while

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[221] Briefing with UAC care provider (Apr. 10, 2018).
[222] Briefing with UAC legal services provider (Apr. 10, 2018).
[223] Briefing with UAC care provider (Apr. 10, 2018).
[224] *E.g.*, briefing with UAC legal services provider (Apr. 9, 2018); briefing with UAC care provider (Apr. 23, 2018).
[225] Briefing with UAC care provider (Apr. 10, 2018).
[226] *E.g.*, briefing with UAC care provider (Apr. 6, 2018); briefing with UAC care provider (Apr. 9, 2018).
[227] Briefing with Dr. Pattiva Cathell (Apr. 17, 2018).
[228] *Id.*

attending school, often to pay rent to their sponsors, to pay the cost of their travel to the United States, or to send money back to family in their home country.[229]

On October 30, 2017, HHS changed its policy to provide that ORR would notify states regarding one population of UACs: it planned to notify local law enforcement when releasing UACs from a secure or staff secure facility to sponsors in those communities.[230] Currently, HHS houses about 180 UACs in secure or staff-secure settings, so this policy has the potential to affect only a miniscule portion of the UAC population. Moreover, HHS told Subcommittee staff that, in January 2018, the Department had not implemented the policy change because it was struggling to identify the appropriate point of contact at local law enforcement agencies across the country.[231] As of this report, HHS has begun a pilot program in two areas—Suffolk County, New York, and Los Angeles, California—to notify states regarding placement of these children.[232]

B. HHS Failure to Submit Post-Placement Plans

Under the JCO—which represents longstanding policy, according to the departments—HHS is required to provide "post-placement," or "post-18" plans when UACs in HHS care turn 18-years-old.[233] Once a UAC in HHS's care turns 18, ORR refers the UAC to ICE's Enforcement and Removal Operations ("ERO"), which is responsible for evaluating a UAC's immigration status.[234] HHS must provide post-placement plans to ERO prior to the child's 18th birthday.[235] These plans need to include information to allow ICE to evaluate the individual's circumstances and decide whether to detain the individual, release him or her on bond, or release him

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[229] *Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse: Hearing before the S. Permanent Subcomm. on Investigations*, 115th Cong. (2018) (statement of Dr. Pattiva Cathell, ELL School Counselor, Sussex Central High School).
[230] *ORR Policy Guide* § 5.9.
[231] Briefing with Scott Lloyd, Dir., Off. of Refugee Resettlement, and Jonathan White, Dep. Dir. for Children's Programs, Off. of Refugee Resettlement, *et al.* (Jan. 17, 2018).
[232] U.S. Comm. on Homeland Sec. & Governmental Affairs staff briefing with Commander Jonathan White, U.S. Public Health Serv. Commissioned Corps, U.S. Dep't of Health & Hum. Servs., and Toby Biswas, Supervisory Program Specialist, Div. of Policy, Off. of Refugee Resettlement (Aug. 10, 2018).
[233] App. 163, JCO at 17; Briefing with Michael Dougherty, Assistant Sec'y for Border, Immigration & Trade Policy, U.S. Dep't of Homeland Sec.; Mellissa Harper, Unit Chief, Juvenile & Family Residential Mgmt. Unit, Immigration & Customs Enforcement, U.S. Dep't of Homeland Sec., *et al.* (Feb. 16, 2018).
[234] 8 U.S.C. § 1232(c)(2)(B).
[235] Briefing with Michael Dougherty, Assistant Sec'y for Border, Immigration & Trade Policy, U.S. Dep't of Homeland Sec.; Mellissa Harper, Unit Chief, Juvenile & Family Residential Mgmt. Unit, Immigration & Customs Enforcement, U.S. Dep't of Homeland Sec., *et al.* (Feb. 16, 2018).

or her into the community after turning age 18.[236] The information includes familial and community ties, any criminal activity, and indications of flight risk.[237]

According to DHS, however, HHS frequently fails to provide those plans.[238] In Fiscal Year 2017, 731 UACs turned 18 while in HHS's physical and legal custody.[239] ICE only received post-placement plans for 230 of those UACs—just over 31 percent of cases.[240]

C. Secure Facilities

In addition to ongoing concerns about HHS's ability to ensure the safety of UACs after they are placed with sponsors, recent allegations in media reports and lawsuits raise concerns about the treatment of UACs in HHS's custody at secure facilities. Subcommittee interviews of staff at two of these facilities highlighted the efforts the staff undertake to protect the UACs, but also the difficulties of managing the UAC population with too few employees at one facility, and caring for UACs better suited for a secure residential treatment facility at the other. Staff at both facilities recommended that ORR provide secure facilities with policies tailored to their function. Currently, ORR applies the same policies to shelters, staff secure, and secure facilities.

By law, HHS must place UACs in the least restrictive setting appropriate for the child's needs.[241] There are three primary settings for UACs in HHS's care: shelters, staff secure facilities, and secure facilities.[242] Shelters are the least restrictive.[243] Staff secure facilities provide a heightened level of staff supervision for UACs with behavioral or mental health needs or UACs who pose a flight risk.[244] Secure facilities are juvenile detention facilities for UACs who require the highest level of supervision, such as UACs who pose a danger to themselves or others, or if they have been charged with a crime.[245] HHS contracts with state and local juvenile correctional facilities for beds in three secure facilities: Shenandoah Valley Juvenile Center ("SVJC" or "the Center") and Northern Virginia Juvenile Detention

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[236] *Id.* DHS must place individuals in the least restrictive setting available. 8 U.S.C. § 1232(c)(2)(B)
[237] Briefing with Michael Dougherty, Assistant Sec'y for Border, Immigration & Trade Policy, U.S. Dep't of Homeland Sec.; Mellissa Harper, Unit Chief, Juvenile & Family Residential Mgmt. Unit, Immigration & Customs Enforcement, U.S. Dep't of Homeland Sec., *et al.* (Feb. 16, 2018).
[238] *Id.*
[239] U.S. Dep't of Homeland Sec. responses to the Subcomm. (Mar. 27, 2018) [on file with the Subcommittee]
[240] *Id.*
[241] 8 U.S.C. § 1232(c)(2)(A).
[242] *ORR Policy Guide* § 1.1.
[243] *Id.*; *ORR Guide to Terms.*
[244] *ORR Policy Guide* § 1.2.4.
[245] *ORR Policy Guide* § 1.2.4.

("NOVA") in Virginia, and the Yolo County Juvenile Detention Center in California. As of February 28, 2018, 67 UACs were in secure facilities.[246]

1. Shenandoah Valley Juvenile Center

Because several lawsuits have focused on SVJC's care of UACs and because it houses the highest number of UACs in a secure facility—34 at last count—Subcommittee staff visited the Center on April 16, 2018. Since that visit, two recent investigations have yielded findings of no abuse of neglect at the Center. Shenandoah Valley Social Services investigated complaints alleging child abuse and neglect at SVJC and "did not find any clear evidence of abuse or neglect as defined by Virginia State Policy." It therefore "made an 'Unfounded' disposition," but offered several recommendations for improving UAC care at the Center.[247] Similarly, the Virginia Department of Juvenile Justice released a report of its own review of SVJC finding that SVJC was "in compliance with applicable regulations and certification standards" and recommended "areas where SVJC could improve programming for the youth in the custody of ORR."[248]

Subcommittee staff interviewed five staff members and several UACs regarding: (1) use of force and restraints; (2) mental health care; and (3) prolonged release time.

a) Use of Force and Restraints

Prior to visiting SVJC, attorneys for UACs told Subcommittee staff that they had observed children with serious injuries following altercations with SVJC staff, including one child who suffered a broken foot.[249] One said she saw marks on UACs wrists after the staff had used "soft restraints"—similar to seatbelt material—on them.[250] A UAC class action lawsuit filed in October 2017 raises similar allegations.[251]

During the Subcommittee staff visit, the Center personnel explained that the Center rarely uses physical restraints (meaning using their hands to physically hold a child) or mechanical restraints (meaning handcuffs or a restraint chair). The Center's policy is to do so only when children pose a risk to themselves or others, and only until the child calms down. They noted that, unlike a mental health

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[246] U.S. Dep't of Health & Hum. Servs. briefing (Feb. 28, 2018).
[247] App. 133–34, Letter from Shenandoah Valley Social Servs. (Aug. 1, 2018).
[248] App. 135–46, Virginia Dep't of Juvenile Justice *Report of Findings: Shenandoah Valley Juvenile Center* (Aug. 13, 2018).
[249] Legal services provider interview (Apr. 9, 2018).
[250] *Id.*
[251] Class Action Complaint at 2, *Doe v. Shenandoah Valley Juvenile Ctr. Comm'n*, No. 5:17-cv-00097-EKD, (W.D. Va. Oct. 4, 2017).

residential treatment facility, they are unable to administer medication to calm a child, so they have limited options if a child is a danger to himself or others.[252]

b) Mental Health Care

Both SVJC staff and other UAC care and legal service providers told the Subcommittee that UACs coming into the United States over the past several years are significantly more traumatized and in need of mental health services than children who came to the country previously.[253] SVJC staff explained to Subcommittee staff that the SVJC is not a residential treatment center and, as a juvenile detention facility, they are not equipped to deal with youth who have severe mental health issues. On-staff clinicians focus on keeping the UACs stable until their immigration proceedings, not on full-fledged psychiatric care, although a psychiatrist is available to work with the UACs.[254]

Several of the SVJC staff recommended that HHS contract with a secure residential treatment facility to house UACs who need significant mental health treatment and who also must be in a secure setting. They explained that HHS already contracts with residential treatment facilities, but because they are not secure settings, those facilities reject UACs referred by SVJC.[255]

The Subcommittee supports this recommendation. The *Flores* Agreement provides that a "facility for special needs minors . . . or others in appropriate circumstances," such as cases in which "a minor has drug or alcohol problems or is mentally ill," "may maintain that level of security permitted under state law which is necessary for the protection of the minor or others."[256] The ORR Policy Guide also accounts for such a need, stating, "[i]f a child has a mental health issue in addition to behavioral concerns or criminal history warranting placement into a restrictive level of care, ORR may place the youth in a residential treatment center or other therapeutic setting."[257]

ORR should contract with an appropriate secure residential treatment center to house and treat children with significant mental health issues who also must be in a secure setting.

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[252] Shenandoah Valley Juvenile Center interviews (Apr. 16, 2018).
[253] *E.g.*, interview with Brent Cardall, Yolo County, California Chief Probation Officer (Apr. 11, 2018); briefing with legal services provider (Apr. 9, 2018).
[254] Shenandoah Valley Juvenile Center interviews (Apr. 16, 2018).
[255] *Id.*
[256] App. 002, *Flores* Agreement ¶ 6.
[257] *ORR Policy Guide* § 1.2.4.

c) Prolonged Confinement

In June 2017, ORR changed its policy to require that the Director of ORR sign off on the release of UACs from secure or staff secure facilities.[258] Care providers, including SVJC staff, told Subcommittee staff they had observed an increase in the amount of time UACs are detained in these facilities. These providers suggested the delays may be due in part to this new policy. The SVJC staff said the delays and uncertainty increased UACs' sense of hopelessness, which sometimes contributes to deterioration in their behavior.[259] Furthermore, keeping UACs in a secure setting longer than necessary violates their right to live in the least restrictive setting that is in their best interests established in the *Flores* Agreement.

A 2017 federal district court case illustrates the problems prolonged condition can cause. The court held that ORR and SVJC violated a Honduran UAC's due process rights after case workers recommended that the child be reunified with his mother, and—14 months later—ORR summarily denied his release.[260] The court identified multiple deficiencies in ORR's detention review procedures, but held that ORR's significant and unexplained delay in responding to the mother's reunification request alone amounted to a violation of due process.[261] The court noted that psychological and behavioral reports regarding the UAC's condition during his confinement "reflect a worsening of [the child's] psychological condition in some respects. Perhaps if the reunification had been addressed more expediently, [the child] would not have had some of the behavioral problems that he has had, which ORR is now relying upon to deny reunification."[262] The court attributed these behavioral problems to his prolonged detention.[263]

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[258] *ORR Policy Guide* § 2.7.
[259] Shenandoah Valley Juvenile Center interviews (Apr. 16, 2018).
[260] *Santos v. Smith*, 260 F. Supp. 3d 598, 601 (W.D. Va. June 1, 2017).
[261] *Id.*
[262] *Id.*
[263] *Id.*

2. Yolo County Juvenile Detention Center

At the Yolo County Juvenile Detention Center in California, the Chief Probation Officer, Brent Cardall, recently asked the County to terminate its contract with ORR to house UACs because of UAC assaults on staff, as well as concerns about the staff-to-UAC to ratio.[264] He highlighted the severe trauma and mental illness he has observed among youth in the secure facility.[265] He raised further concerns that ORR officials were not present at recent discussions to renew the county's contract and said that the federal government is "not a great partner" on the contract.[266]

Cardall estimated that to improve security at the facility, the contract would have to increase from $3 million annually to $4.3 million annually, or ORR would have to reduce the number of UACs it sends to the facility from 24 down to 16.[267] The Yolo County Board voted three-to-one to seek an amended contract reducing the number of UACs in the facility.[268] Ultimately, Yolo received an additional $2.2 million to hire nine more full-time staff at the detention center,[269] and in July 2018, ORR provided $150,000 to the Yolo facility to pay for the UACs' summer educational programs.[270]

VIII. CONCLUSION

In 2015, the Subcommittee learned that HHS placed eight children with human traffickers, who sent them into forced labor in Ohio. The Subcommittee's oversight demonstrated that HHS disregarded basic standards of child welfare by failing to conduct background checks on those sponsors and to follow up on situations that should have raised concerns immediately.

Only after that tragedy did HHS begin improving its background check process. And only after the Subcommittee published a report and held a public hearing did DHS and HHS agree to create a structure for coordinating their UAC operations, even though the HHS Inspector General and GAO had been recommending they create such a structure for almost a decade.

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[264] Anne Ternus-Bellamy, *County to keep immigrant-youth detention contract for now*, DAVIS ENTER., Apr. 4, 2018, https://www.davisenterprise.com/local-news/county-to-keep-immigrant-youth-dentention-contract-for-now/.
[265] *Id.*
[266] *Id.*
[267] *Id.*
[268] *Id.*
[269] Anne Ternus-Bellamy, *Supervisors Vote to Keep Housing Refugee Minors at Juvenile Hall*, DAVIS ENTER., June 27, 2018, https://www.davisenterprise.com/local-news/supervisors-vote-to-keep-housing-refugee-minors-at-juvenile-hall/.
[270] Cintia Lopez, *$150,000 Granted to Supplement Education of ORR Youths*, WOODLAND DAILY DEMOCRAT, July 25, 2018, http://www.dailydemocrat.com/article/NI/20180725/NEWS/180729910.

It then took another two and a half years for the departments to put pen to paper and create the JCO—and it appears that the departments had no intention of completing that document until the Subcommittee began asking questions again. Once the JCO was finished, it demonstrated that the departments have not tried to improve their processes, but, instead, simply documented the status quo.

In the interim, while waiting for the JCO, the Subcommittee has received more allegations of children placed with sponsors who put them into forced labor—discovered not because HHS followed up with those children, but because a school counselor or emergency room personnel caught the problem. Still no one in the federal government accepts any responsibility for children once it places those children with sponsors who may be complete strangers to them. Furthermore, since the Subcommittee's 2016 report and hearing, the Administration has been reducing home studies and legal services provided to children living with sponsors. During that same time, the backlog of UAC cases before the immigration courts has been steadily increasing, causing more UACs to linger longer in a "legal no-man's land." And then when their court dates finally arrive, more than half of UACs do not appear for their court proceedings and are ordered removed *in absentia*, frequently costing them their opportunity to argue for immigration relief and causing them to be subject to a ban on entry for 10 years if they leave the country.

These problems are in addition to those the Subcommittee observed in the secure detention facilities. And this report does not address concerns about other HHS-grantee facilities that house UACs still in HHS's physical custody.

The current circumstances surrounding the UAC system are untenable. The Subcommittee will continue its oversight efforts to identify gaps in the care of this vulnerable population and deficiencies in the U.S. immigration system, and it will work with the departments to improve these conditions.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JENNY LISETTE FLORES, et al, Plaintiffs

v.

JANET RENO, Attorney General of the United States, et al., Defendants

Case No. CV 85-4544-RJK(Px)

STIPULATED SETTLEMENT AGREEMENT

WHEREAS, Plaintiffs have filed this action against Defendants, challenging, *inter alia*, the constitutionality of Defendants' policies, practices and regulations regarding the detention and release of unaccompanied minors taken into the custody of the Immigration and Naturalization Service (INS) in the Western Region; and

WHEREAS, the district court has certified this case as a class action on behalf of all minors apprehended by the INS in the Western Region of the United States; and

WHEREAS, this litigation has been pending for nine (9) years, all parties have conducted extensive discovery, and the United States Supreme Court has upheld the constitutionality of the challenged INS regulations on their face and has remanded for further proceedings consistent with its opinion; and

WHEREAS, on November 30, 1987, the parties reached a settlement agreement requiring that minors in INS custody in the Western Region be housed in facilities meeting certain standards, including state standards for the housing and care of dependent children, and Plaintiffs' motion to enforce compliance with that settlement is currently pending before the court; and

WHEREAS, a trial in this case would be complex, lengthy and costly to all parties concerned, and the decision of the district court would be subject to appeal by the losing parties with the final outcome uncertain; and

WHEREAS, the parties believe that settlement of this action is in their best interests and best serves the interests of justice by avoiding a complex, lengthy and costly trial, and subsequent appeals which could last several more years;

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NOW, THEREFORE, Plaintiffs and Defendants enter into this Stipulated Settlement Agreement (the Agreement), stipulate that it constitutes a full and complete resolution of the issues raised in this action, and agree to the following:

I DEFINITIONS

As used throughout this Agreement the following definitions shall apply:

1. The term "party" or "parties" shall apply to Defendants and Plaintiffs. As the term applies to Defendants, it shall include their agents, employees, contractors and/or successors in office. As the term applies to Plaintiffs, it shall include all class members.

2. The term "Plaintiff" or "Plaintiffs" shall apply to the named plaintiffs and all class members.

3. The term "class member" or "class members" shall apply to the persons defined in Paragraph 10 below.

4. The term "minor" shall apply to any person under the age of eighteen (18) years who is detained in the legal custody of the INS. This Agreement shall cease to apply to any person who has reached the age of eighteen years. The term "minor" shall not include an emancipated minor or an individual who has been incarcerated due to a conviction for a criminal offense as an adult. The INS shall treat all persons who are under the age of eighteen but not included within the definition of "minor" as adults for all purposes, including release on bond or recognizance.

5. The term "emancipated minor" shall refer to any minor who has been determined to be emancipated in an appropriate state judicial proceeding.

6. The term "licensed program" shall refer to any program, agency or organization that is licensed by an appropriate State agency to provide residential, group, or foster care services for dependent children, including a program operating group homes, foster homes, or facilities for special needs minors. A licensed program must also meet those standards for licensed programs set forth in Exhibit 1 attached hereto. All homes and facilities operated by licensed programs, including facilities for special needs minors, shall be non-secure as required under state law; provided, however, that a facility for special needs minors may maintain that level of security permitted under state law which is necessary for the protection of a minor or others in appropriate circumstances, *e.g.*, cases in which a minor has drug or alcohol problems or is mentally ill. The INS shall make reasonable efforts to provide licensed placements in those geographical areas where the majority of minors are apprehended, such as southern California, southeast Texas, southern Florida and the northeast corridor.

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7. The term "special needs minor" shall refer to a minor whose mental and/or physical condition requires special services and treatment by staff. A minor may have special needs due to drug or alcohol abuse, serious emotional disturbance, mental illness or retardation, or a physical condition or chronic illness that requires special services or treatment. A minor who has suffered serious neglect or abuse may be considered a minor with special needs if the minor requires special services or treatment as a result of the neglect or abuse. The INS shall assess minors to determine if they have special needs and, if so, shall place such minors, whenever possible, in licensed programs in which the INS places children without special needs, but which provide services and treatment for such special needs.

8. The term "medium security facility" shall refer to a facility that is operated by a program, agency or organization licensed by an appropriate State agency and that meets those standards set forth in Exhibit 1 attached hereto. A medium security facility is designed for minors who require close supervision but do not need placement in juvenile correctional facilities. It provides 24-hour awake supervision, custody, care, and treatment. It maintains stricter security measures, such as intensive staff supervision, than a facility operated by a licensed program in order to control problem behavior and to prevent escape. Such a facility may have a secure perimeter but shall not be equipped internally with major restraining construction or procedures typically associated with correctional facilities.

II SCOPE OF SETTLEMENT, EFFECTIVE DATE, AND PUBLICATION

9. This Agreement sets out nationwide policy for the detention, release, and treatment of minors in the custody of the INS and shall supersede all previous INS policies that are inconsistent with the terms of this Agreement. This Agreement shall become effective upon final court approval, except that those terms of this Agreement regarding placement pursuant to Paragraph 19 shall not become effective until all contracts under the Program Announcement referenced in Paragraph 20 below are negotiated and implemented. The INS shall make its best efforts to execute these contracts within 120 days after the court's final approval of this Agreement. However, the INS will make reasonable efforts to comply with Paragraph 19 prior to full implementation of all such contracts. Once all contracts under the Program Announcement referenced in Paragraph 20 have been implemented, this Agreement shall supersede the agreement entitled Memorandum of Understanding Re Compromise of Class Action: Conditions of Detention (hereinafter "MOU"), entered into by and between the Plaintiffs and Defendants and filed with the United States District Court for the Central District of California on November 30, 1987, and the MOU shall thereafter be null and void. However, Plaintiffs shall not institute any legal action for enforcement of the MOU for a six (6) month period commencing with the final district court approval of this Agreement, except that Plaintiffs may institute enforcement proceedings if the Defendants have engaged in serious violations of the MOU that have caused irreparable harm to a class member for which injunctive relief would be appropriate. Within 120 days of the final district court approval of this Agreement, the INS shall

initiate action to publish the relevant and substantive terms of this Agreement as a Service regulation. The final regulations shall not be inconsistent with the terms of this Agreement. Within 30 days of final court approval of this Agreement, the INS shall distribute to all INS field offices and sub-offices instructions regarding the processing, treatment, and placement of juveniles. Those instructions shall include, but may not be limited to, the provisions summarizing the terms of the Agreement attached hereto as Exhibit 2.

III CLASS DEFINITION

10. The certified class in this action shall be defined as follows: "All minors who are detained in the legal custody of the INS."

IV STATEMENTS OF GENERAL APPLICABILITY

11. The INS treats, and shall continue to treat, all minors in its custody with dignity, respect and special concern for their particular vulnerability as minors. The INS shall place each detained minor in the least restrictive setting appropriate to the minor's age and special needs, provided that such setting is consistent with its interests to ensure the minor's timely appearance before the INS and the immigration courts and to protect the minor's well-being and that of others. Nothing herein shall require the INS to release a minor to any person or agency whom the INS has reason to believe may harm or neglect the minor or fail to present him or her before the INS or the immigration courts when requested to do so.

V PROCEDURES AND TEMPORARY PLACEMENT FOLLOWING ARREST

12. Whenever the INS takes a minor into custody, it shall expeditiously process the minor and shall provide the minor with a notice of rights, including the right to a bond redetermination hearing if applicable. Following arrest, the INS shall hold minors in facilities that are safe and sanitary and that are consistent with the INS's concern for the particular vulnerability of minors. Facilities will provide access to toilets and sinks, drinking water and food as appropriate, medical assistance if the minor is in need of emergency services, adequate temperature control and ventilation, adequate supervision to protect minors from others, and contact with family members who were arrested with the minor. The INS will segregate unaccompanied minors from unrelated adults. Where such segregation is not immediately possible, an unaccompanied minor will not be detained with an unrelated adult for more than 24 hours. If there is no one to whom the INS may release the minor pursuant to Paragraph 14, and no appropriate licensed program is immediately available for placement pursuant to Paragraph 19, the minor may be placed in an INS detention facility, or other INS-contracted facility, having separate accommodations for minors, or a State or county juvenile detention facility. However, minors shall be separated from delinquent offenders. Every effort must be taken to ensure that the safety and well-being of the minors detained in these facilities are satisfactorily provided for by the staff. The INS will transfer a minor from a placement under this paragraph to a placement under Paragraph 19 (i) within three (3) days, if the minor

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was apprehended in an INS district in which a licensed program is located and has space available; or (ii) within five (5) days in all other cases; except:

1. as otherwise provided under Paragraph 13 or Paragraph 21;

2. as otherwise required by any court decree or court-approved settlement;

3. in the event of an emergency or influx of minors into the United States, in which case the INS shall place all minors pursuant to Paragraph 19 as expeditiously as possible; or

4. where individuals must be transported from remote areas for processing or speak unusual languages such that the INS must locate interpreters in order to complete processing, in which case the INS shall place all such minors pursuant to Paragraph 19 within five (5) business days.

B. For purposes of this Paragraph, the term "emergency" shall be defined as any act or event that prevents the placement of minors pursuant to Paragraph 19 within the time frame provided. Such emergencies include natural disasters (e.g., earthquakes, hurricanes, etc.), facility fires, civil disturbances, and medical emergencies (e.g., a chicken pox epidemic among a group of minors). The term "influx of minors into the United States" shall be defined as those circumstances where the INS has, at any given time, more than 130 minors eligible for placement in a licensed program under Paragraph 19, including those who have been so placed or are awaiting such placement.

C. In preparation for an "emergency" or "influx," as described in Subparagraph B, the INS shall have a written plan that describes the reasonable efforts that it will take to place all minors as expeditiously as possible. This plan shall include the identification of 80 beds that are potentially available for INS placements and that are licensed by an appropriate State agency to provide residential, group, or foster care services for dependent children. The plan, without identification of the additional beds available, is attached as Exhibit 3. The INS shall not be obligated to fund these additional beds on an ongoing basis. The INS shall update this listing of additional beds on a quarterly basis and provide Plaintiffs' counsel with a copy of this listing.

13. If a reasonable person would conclude that an alien detained by the INS is an adult despite his claims to be a minor, the INS shall treat the person as an adult for all purposes, including confinement and release on bond or recognizance. The INS may require the alien to submit to a medical or dental examination conducted by a medical professional or to submit to other appropriate procedures to verify his or her age. If the INS subsequently determines that such an individual is a minor, he or she will be treated as a minor in accordance with this Agreement for all purposes.

VI GENERAL POLICY FAVORING RELEASE

14. Where the INS determines that the detention of the minor is not required either to secure his or her timely appearance before the INS or the immigration court, or to ensure the minor's safety or that of others, the INS shall release a minor from its custody without unnecessary delay, in the following order of preference, to:

A. a parent;
B. a legal guardian;
C. an adult relative (brother, sister, aunt, uncle, or grandparent);
D. an adult individual or entity designated by the parent or legal guardian as capable and willing to care for the minor's well-being in (i) a declaration signed under penalty of perjury before an immigration or consular officer or (ii) such other document(s) that establish(es) to the satisfaction of the INS, in its discretion, the affiant's paternity or guardianship;
E. a licensed program willing to accept legal custody; or
F. an adult individual or entity seeking custody, in the discretion of the INS, when it appears that there is no other likely alternative to long term detention and family reunification does not appear to be a reasonable possibility.

15. Before a minor is released from INS custody pursuant to Paragraph 14 above, the custodian must execute an Affidavit of Support (Form I-134) and an agreement to:

A. provide for the minor's physical, mental, and financial well-being;

B. ensure the minor's presence at all future proceedings before the INS and the immigration court;

C. notify the INS of any change of address within five (5) days following a move;

D. in the case of custodians other than parents or legal guardians, not transfer custody of the minor to another party without the prior written permission of the District Director;

E. notify the INS at least five days prior to the custodian's departing the United States of such departure, whether the departure is voluntary or pursuant to a grant of voluntary departure or order of deportation; and

F. if dependency proceedings involving the minor are initiated, notify the INS of the initiation of a such proceedings and the dependency court of any immigration proceedings pending against the minor.

In the event of an emergency, a custodian may transfer temporary physical custody of a minor prior to securing permission from the INS but shall notify the INS of the transfer as soon as is practicable thereafter, but in all cases within 72 hours. For purposes of this Paragraph, examples of an "emergency" shall include the serious illness of the custodian, destruction of the home, etc. In all cases where the custodian in writing seeks written permission for a transfer, the District Director shall promptly respond to the request.

16. The INS may terminate the custody arrangements and assume legal custody of any minor whose custodian fails to comply with the agreement required under Paragraph 15. The INS, however, shall not terminate the custody arrangements for minor violations of that part of the custodial agreement outlined at Subparagraph 15.C above.

17. A positive suitability assessment may be required prior to release to any individual or program pursuant to Paragraph 14. A suitability assessment may include such components as an investigation of the living conditions in which the minor would be placed and the standard of care he would receive, verification of identity and employment of the individuals offering support, interviews of members of the household, and a home visit. Any such assessment should also take into consideration the wishes and concerns of the minor.

18. Upon taking a minor into custody, the INS, or the licensed program in which the minor is placed, shall make and record the prompt and continuous efforts on its part toward family reunification and the release of the minor pursuant to Paragraph 14 above. Such efforts at family reunification shall continue so long as the minor is in INS custody.

VII INS CUSTODY

19. In any case in which the INS does not release a minor pursuant to Paragraph 14, the minor shall remain in INS legal custody. Except as provided in Paragraphs 12 or 21, such minor shall be placed temporarily in a licensed program until such time as release can be effected in accordance with Paragraph 14 above or until the minor's immigration proceedings are concluded, whichever occurs earlier. All minors placed in such a licensed program remain in the legal custody of the INS and may only be transferred or released under the authority of the INS; provided, however, that in the event of an emergency a licensed program may transfer temporary physical custody of a minor prior to securing permission from the INS but shall notify the INS of the transfer as soon as is practicable thereafter, but in all cases within 8 hours.

20. Within 60 days of final court approval of this Agreement, the INS shall authorize the United States Department of Justice Community Relations Service to publish in the Commerce Business Daily and/or

the Federal Register a Program Announcement to solicit proposals for the care of 100 minors in licensed programs.

21. A minor may be held in or transferred to a suitable State or county juvenile detention facility or a secure INS detention facility, or INS-contracted facility, having separate accommodations for minors whenever the District Director or Chief Patrol Agent determines that the minor:

A. has been charged with, is chargeable, or has been convicted of a crime, or is the subject of delinquency proceedings, has been adjudicated delinquent, or is chargeable with a delinquent act; provided, however, that this provision shall not apply to any minor whose offense(s) fall(s) within either of the following categories:

i. Isolated offenses that (1) were not within a pattern or practice of criminal activity and (2) did not involve violence against a person or the use or carrying of a weapon (Examples: breaking and entering, vandalism, DUI, etc. This list is not exhaustive.);

ii. Petty offenses, which are not considered grounds for stricter means of detention in any case (Examples: shoplifting, joy riding, disturbing the peace, etc. This list is not exhaustive.);

As used in this paragraph, "chargeable" means that the INS has probable cause to believe that the individual has committed a specified offense;

B. has committed, or has made credible threats to commit, a violent or malicious act (whether directed at himself or others) while in INS legal custody or while in the presence of an INS officer;

C. has engaged, while in a licensed program, in conduct that has proven to be unacceptably disruptive of the normal functioning of the licensed program in which he or she has been placed and removal is necessary to ensure the welfare of the minor or others, as determined by the staff of the licensed program (Examples: drug or alcohol abuse, stealing, fighting, intimidation of others, etc. This list is not exhaustive.);

D. is an escape-risk; or

E. must be held in a secure facility for his or her own safety, such as when the INS has reason to believe that a smuggler would abduct or coerce a particular minor to secure payment of smuggling fees.

22. The term "escape-risk" means that there is a serious risk that the minor will attempt to escape from custody. Factors to consider when determining whether a minor is an escape-risk or not include, but are not limited to, whether:

A. the minor is currently under a final order of deportation or exclusion;

B. the minor's immigration history includes: a prior breach of a bond; a failure to appear before the INS or the immigration court; evidence that the minor is indebted to organized smugglers for his transport; or a voluntary departure or a previous removal from the United States pursuant to a final order of deportation or exclusion;

C. the minor has previously absconded or attempted to abscond from INS custody.

23. The INS will not place a minor in a secure facility pursuant to Paragraph 21 if there are less restrictive alternatives that are available and appropriate in the circumstances, such as transfer to (a) a medium security facility which would provide intensive staff supervision and counseling services or (b) another licensed program. All determinations to place a minor in a secure facility will be reviewed and approved by the regional juvenile coordinator.

24A. A minor in deportation proceedings shall be afforded a bond redetermination hearing before an immigration judge in every case, unless the minor indicates on the Notice of Custody Determination form that he or she refuses such a hearing.

B. Any minor who disagrees with the INS's determination to place that minor in a particular type of facility, or who asserts that the licensed program in which he or she has been placed does not comply with the standards set forth in Exhibit 1 attached hereto, may seek judicial review in any United States District Court with jurisdiction and venue over the matter to challenge that placement determination or to allege noncompliance with the standards set forth in Exhibit 1. In such an action, the United States District Court shall be limited to entering an order solely affecting the individual claims of the minor bringing the action.

C. In order to permit judicial review of Defendants' placement decisions as provided in this Agreement, Defendants shall provide minors not placed in licensed programs with a notice of the reasons for housing the minor in a detention or medium security facility. With respect to placement decisions reviewed under this paragraph, the standard of review for the INS's exercise of its discretion shall be the abuse of discretion standard of review. With respect to all other matters for which this paragraph provides judicial review, the standard of review shall be *de novo* review.

D. The INS shall promptly provide each minor not released with (a) INS Form I-770; (b) an explanation of the right of judicial review as set out in Exhibit 6, and (c) the list of free legal services providers compiled pursuant to INS regulation (unless previously given to the minor).

E. Exhausting the procedures established in Paragraph 37 of this Agreement shall not be a precondition to the bringing of an action under this paragraph in any United District Court. Prior to initiating any such action, however, the minor and/or the minors' attorney shall confer telephonically or in person with the United States Attorney's office in the judicial district where the action is to be filed, in an effort to informally resolve the minor's complaints without the need of federal court intervention.

VIII TRANSPORTATION OF MINORS

25. Unaccompanied minors arrested or taken into custody by the INS should not be transported by the INS in vehicles with detained adults except

A. when being transported from the place of arrest or apprehension to an INS office, or

B. where separate transportation would be otherwise impractical.

When transported together pursuant to Clause (B) minors shall be separated from adults. The INS shall take necessary precautions for the protection of the well-being of such minors when transported with adults.

26. The INS shall assist without undue delay in making transportation arrangements to the INS office nearest the location of the person or facility to whom a minor is to be released pursuant to Paragraph 14. The INS may, in its discretion, provide transportation to minors.

IX TRANSFER OF MINORS

27. Whenever a minor is transferred from one placement to another, the minor shall be transferred with all of his or her possessions and legal papers; provided, however, that if the minor's possessions exceed the amount permitted normally by the carrier in use, the possessions will be shipped to the minor in a timely manner. No minor who is represented by counsel shall be transferred without advance notice to such counsel, except in unusual and compelling circumstances such as where the safety of the minor or others is threatened or the minor has been determined to be an escape-risk, or where counsel has waived such notice, in which cases notice shall be provided to counsel within 24 hours following transfer.

X MONITORING AND REPORTS

28A. An INS Juvenile Coordinator in the Office of the Assistant Commissioner for Detention and Deportation shall monitor compliance with the terms of this Agreement and shall maintain an up-to-date

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record of all minors who are placed in proceedings and remain in INS custody for longer than 72 hours. Statistical information on such minors shall be collected weekly from all INS district offices and Border Patrol stations. Statistical information will include at least the following: (1) biographical information such as each minor's name, date of birth, and country of birth, (2) date placed in INS custody, (3) each date placed, removed or released, (4) to whom and where placed, transferred, removed or released, (5) immigration status, and (6) hearing dates. The INS, through the Juvenile Coordinator, shall also collect information regarding the reasons for every placement of a minor in a detention facility or medium security facility.

B. Should Plaintiffs' counsel have reasonable cause to believe that a minor in INS legal custody should have been released pursuant to Paragraph 14, Plaintiffs' counsel may contact the Juvenile Coordinator to request that the Coordinator investigate the case and inform Plaintiffs' counsel of the reasons why the minor has not been released.

29. On a semi-annual basis, until two years after the court determines, pursuant to Paragraph 31, that the INS has achieved substantial compliance with the terms of this Agreement, the INS shall provide to Plaintiffs' counsel the information collected pursuant to Paragraph 28, as permitted by law, and each INS policy or instruction issued to INS employees regarding the implementation of this Agreement. In addition, Plaintiffs' counsel shall have the opportunity to submit questions, on a semi-annual basis, to the Juvenile Coordinator in the Office of the Assistant Commissioner for Detention and Deportation with regard to the implementation of this Agreement and the information provided to Plaintiffs' counsel during the preceding six-month period pursuant to Paragraph 28. Plaintiffs' counsel shall present such questions either orally or in writing, at the option of the Juvenile Coordinator. The Juvenile Coordinator shall furnish responses, either orally or in writing at the option of Plaintiffs' counsel, within 30 days of receipt.

30. On an annual basis, commencing one year after final court approval of this Agreement, the INS Juvenile Coordinator shall review, assess, and report to the court regarding compliance with the terms of this Agreement. The Coordinator shall file these reports with the court and provide copies to the parties, including the final report referenced in Paragraph 35, so that they can submit comments on the report to the court. In each report, the Coordinator shall state to the court whether or not the INS is in substantial compliance with the terms of this Agreement, and, if the INS is not in substantial compliance, explain the reasons for the lack of compliance. The Coordinator shall continue to report on an annual basis until three years after the court determines that the INS has achieved substantial compliance with the terms of this Agreement.

31. One year after the court's approval of this Agreement, the Defendants may ask the court to determine whether the INS has achieved substantial compliance with the terms of this Agreement.

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XI ATTORNEY-CLIENT VISITS

32. A. Plaintiffs' counsel are entitled to attorney-client visits with class members even though they may not have the names of class members who are housed at a particular location. All visits shall occur in accordance with generally applicable policies and procedures relating to attorney-client visits at the facility in question. Upon Plaintiffs' counsel's arrival at a facility for attorney-client visits, the facility staff shall provide Plaintiffs' counsel with a list of names and alien registration numbers for the minors housed at that facility. In all instances, in order to memorialize any visit to a minor by Plaintiffs' counsel, Plaintiffs' counsel must file a notice of appearance with the INS prior to any attorney-client meeting. Plaintiffs' counsel may limit any such notice of appearance to representation of the minor in connection with this Agreement. Plaintiffs' counsel must submit a copy of the notice of appearance by hand or by mail to the local INS juvenile coordinator and a copy by hand to the staff of the facility.

B. Every six months, Plaintiffs' counsel shall provide the INS with a list of those attorneys who may make such attorney-client visits, as Plaintiffs' counsel, to minors during the following six month period. Attorney-client visits may also be conducted by any staff attorney employed by the Center for Human Rights & Constitutional Law in Los Angeles, California or the National Center for Youth Law in San Francisco, California, provided that such attorney presents credentials establishing his or her employment prior to any visit.

C. Agreements for the placement of minor in non-INS facilities shall permit attorney-client visits, including by class counsel in this case.

D. Nothing in Paragraph 32 shall affect a minor's right to refuse to meet with Plaintiffs' counsel. Further, the minor's parent or legal guardian may deny Plaintiffs' counsel permission to meet with the minor.

XII FACILITY VISITS

33. In addition to the attorney-client visits permitted pursuant to Paragraph 32, Plaintiffs' counsel may request access to any licensed program's facility in which a minor has been placed pursuant to Paragraph 19 or to any medium security facility or detention facility in which a minor has been placed pursuant to Paragraphs 21 or 23. Plaintiffs' counsel shall submit a request to visit a facility under this paragraph to the INS district juvenile coordinator who will provide reasonable assistance to Plaintiffs' counsel by conveying the request to the facility's staff and coordinating the visit. The rules and procedures to be followed in connection with any visit approved by a facility under this paragraph are set forth in Exhibit 4 attached, except as may be otherwise agreed by Plaintiffs' counsel and the facility's staff. In all visits to any facility pursuant to this Agreement, Plaintiffs' counsel and their associated experts shall treat minors and staff with courtesy and dignity and shall not disrupt the normal functioning of the facility.

XIII TRAINING

34. Within 120 days of final court approval of this Agreement, the INS shall provide appropriate guidance and training for designated INS employees regarding the terms of this Agreement. The INS shall develop written and/or audio or video materials for such training. Copies of such written and/or audio or video training materials shall be made available to Plaintiffs' counsel when such training materials are sent to the field, or to the extent practicable, prior to that time.

XIV DISMISSAL

35. After the court has determined that the INS is in substantial compliance with this Agreement and the Coordinator has filed a final report, the court, without further notice, shall dismiss this action. Until such dismissal, the court shall retain jurisdiction over this action.

XV RESERVATION OF RIGHTS

36. Nothing in this agreement shall limit the rights, if any, of individual class members to preserve issues for judicial review in the appeal of an individual case or for class members to exercise any independent rights they may otherwise have.

XVI NOTICE AND DISPUTE RESOLUTION

37. This paragraph provides for the enforcement, in this District Court, of the provisions of this Agreement except for claims brought under Paragraph 24. The parties shall meet telephonically or in person to discuss a complete or partial repudiation of this Agreement or any alleged non-compliance with the terms of the Agreement, prior to bringing any individual or class action to enforce this Agreement. Notice of a claim that defendants have violated the terms of this Agreement shall be served on plaintiffs addressed to:

CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW
Carlos Holguin
Peter A. Schey
256 South Occidental Boulevard
Los Angeles, CA 90057

NATIONAL CENTER FOR YOUTH LAW
Alice Bussiere
James Morales
114 Sansome Street, Suite 905
San Francisco, CA 94104

and on Defendants addressed to:

Michael Johnson
Assistant United States Attorney
300 N. Los Angeles St., Rm. 7516
Los Angeles, CA 90012

Allen Hausman
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, DC 20044

XVII PUBLICITY

38. Plaintiffs and Defendants shall hold a joint press conference to announce this Agreement. The INS shall send copies of this Agreement to social service and voluntary agencies agreed upon by the parties, as set forth in Exhibit 5 attached. The parties shall pursue such other public dissemination of information regarding this Agreement as the parties shall agree.

XVIII ATTORNEYS FEES AND COSTS

39. Within 60 days of final court approval of this Agreement, Defendants shall pay to Plaintiffs the total sum of $_____, in full settlement of all attorneys' fees and costs in this case.

XIX TERMINATION

40. All terms of this Agreement shall terminate the earlier of five years from the date of final court approval of this Agreement or three years after the court determines that the INS is in substantial compliance with the Agreement, except the following: the INS shall continue to house the general population of minors in INS custody in facilities that are state-licensed for the care of dependent minors.

XX REPRESENTATIONS AND WARRANTY

41. Counsel for the respective parties, on behalf of themselves and their clients, represent that they know of nothing in this Agreement that exceeds the legal authority of the parties or is in violation of any law. Defendants' counsel represent and warrant that they are fully authorized and empowered to enter into this Agreement on behalf of the Attorney General, the United States Department of Justice, and the Immigration and Naturalization Service, and acknowledge that Plaintiffs enter into this Agreement in reliance on such representation. Plaintiffs' counsel represent and warrant that they are fully authorized and empowered to enter into this Agreement on behalf of the Plaintiffs, and acknowledge that Defendants enter into this Agreement in reliance on such representation. The undersigned, by their signatures on

behalf of the Plaintiffs and Defendants, warrant that upon execution of this Agreement in their representative capacities, their principals, agents, and successors of such principals and agents shall be fully and unequivocally bound hereunder to the full extent authorized by law.

EXHIBIT 1
Minimum Standards for Licensed Programs

A. Licensed programs shall comply with all applicable state child welfare laws and regulations and all state and local building, fire, health and safety codes and shall provide or arrange for the following services for each minor in its care:

1. Proper physical care and maintenance, including suitable living accommodations, food, appropriate clothing, and personal grooming items.

2. Appropriate routine medical and dental care, family planning services, and emergency health care services, including a complete medical examination (including screening for infectious disease) within 48 hours of admission, excluding weekends and holidays, unless the minor was recently examined at another facility; appropriate immunizations in accordance with the U.S. Public Health Service (PHS), Center for Disease Control; administration of prescribed medication and special diets; appropriate mental health interventions when necessary.

3. An individualized needs assessment which shall include: (a) various initial intake forms; (b) essential data relating to the identification and history of the minor and family; (c) identification of the minors' special needs including any specific problem(s) which appear to require immediate intervention; (d) an educational assessment and plan; (e) an assessment of family relationships and interaction with adults, peers and authority figures; (f) a statement of religious preference and practice; (g) an assessment of the minor's personal goals, strengths and weaknesses; and (h) identifying information regarding immediate family members, other relatives, godparents or friends who may be residing in the United States and may be able to assist in family reunification.

4. Educational services appropriate to the minor's level of development, and communication skills in a structured classroom setting, Monday through Friday, which concentrates primarily on the development of basic academic competencies and secondarily on English Language Training (ELT). The educational program shall include instruction and educational and other reading materials in such languages as needed. Basic academic areas should include Science, Social Studies, Math, Reading, Writing and Physical Education. The program shall provide minors with

appropriate reading materials in languages other than English for use during the minor's leisure time.

5. Activities according to a recreation and leisure time plan which shall include daily outdoor activity, weather permitting, at least one hour per day of large muscle activity and one hour per day of structured leisure time activities (this should not include time spent watching television). Activities should be increased to a total of three hours on days when school is not in session.

6. At least one (1) individual counseling session per week conducted by trained social work staff with the specific objectives of reviewing the minor's progress, establishing new short term objectives, and addressing both the developmental and crisis-related needs of each minor.

7. Group counseling sessions at least twice a week. This is usually an informal process and takes place with all the minors present. It is a time when new minors are given the opportunity to get acquainted with the staff, other children, and the rules of the program. It is an open forum where everyone gets a chance to speak. Daily program management is discussed and decisions are made about recreational activities, etc. It is a time for staff and minors to discuss whatever is on their minds and to resolve problems.

8. Acculturation and adaptation services which include information regarding the development of social and inter-personal skills which contribute to those abilities necessary to live independently and responsibly.

9. Upon admission, a comprehensive orientation regarding program intent, services, rules (written and verbal), expectations and the availability of legal assistance.

10. Whenever possible, access to religious services of the minor's choice.

11. Visitation and contact with family members (regardless of their immigration status) which is structured to encourage such visitation. The staff shall respect the minor's privacy while reasonably preventing the unauthorized release of the minor.

12. A reasonable right to privacy, which shall include the right to: (a) wear his or her own clothes, when available; (b) retain a private space in the residential facility, group or foster home for the storage of personal belongings; (c) talk privately on the phone, as permitted by the house rules and regulations; (d) visit privately with guests, as permitted by the house rules and regulations; and (e) receive and send uncensored mail unless there is a reasonable belief that the mail contains contraband.

13. Family reunification services designed to identify relatives in the United States as well as in foreign countries and assistance in obtaining legal guardianship when necessary for the release of the minor.

14. Legal services information regarding the availability of free legal assistance, the right to be represented by counsel at no expense to the government, the right to a deportation or exclusion hearing before an immigration judge, the right to apply for political asylum or to request voluntary departure in lieu of deportation.

B. Service delivery is to be accomplished in a manner which is sensitive to the age, culture, native language and the complex needs of each minor.

C. Program rules and discipline standards shall be formulated with consideration for the range of ages and maturity in the program and shall be culturally sensitive to the needs of alien minors. Minors shall not be subjected to corporal punishment, humiliation, mental abuse, or punitive interference with the daily functions of living, such as eating or sleeping. Any sanctions employed shall not: (1) adversely affect either a minor's health, or physical or psychological well-being; or (2) deny minors regular meals, sufficient sleep, exercise, medical care, correspondence privileges, or legal assistance.

D. A comprehensive and realistic individual plan for the care of each minor must be developed in accordance with the minor's needs as determined by the individualized need assessment. Individual plans shall be implemented and closely coordinated through an operative case management system.

E. Programs shall develop, maintain and safeguard individual client case records. Agencies and organizations are required to develop a system of accountability which preserves the confidentiality of client information and protects the records from unauthorized use or disclosure.

F. Programs shall maintain adequate records and make regular reports as required by the INS that permit the INS to monitor and enforce this order and other requirements and standards as the INS may determine are in the best interests of the minors.

Exhibit 2
Instructions to Service Officers re:
Processing, Treatment, and Placement of Minors

These instructions are to advise Service officers of INS policy regarding the way in which minors in INS custody are processed, housed and released. These instructions are applicable nationwide and supersede all prior inconsistent instructions regarding minors.

(a) Minors. A minor is a person under the age of eighteen years. However, individuals who have been "emancipated" by a state court or convicted and incarcerated for a criminal offense as an adult are not considered minors. Such individuals must be treated as adults for all purposes, including confinement and release on bond.

Similarly, if a reasonable person would conclude that an individual is an adult despite his claims to be a minor, the INS shall treat such person as an adult for all purposes, including confinement and release on bond or recognizance. The INS may require such an individual to submit to a medical or dental examination conducted by a medical professional or to submit to other appropriate procedures to verify his or her age. If the INS subsequently determines that such an individual is a minor, he or she will be treated as a minor for all purposes.

(b) General policy. The INS treates and shall continued to treat minors with dignity, respect and special concern for their particular vulnerability. INS policy is to place each detained minor in the least restrictive setting appropriate to the minor's age and special needs, provided that such setting is consistent with the need to ensure the minor's timely appearance and to protect the minor's well-being and that of others. INS officers are not required to release a minor to any person or agency whom they have reason to believe may harm or neglect the minor or fail to present him or her before the INS or the immigration courts when requested to do so.

(c) Processing. The INS will expeditiously process minors and will provide them a Form I-770 notice of rights, including the right to a bond redetermination hearing, if applicable.

Following arrest, the INS will hold minors in a facility that is safe and sanitary and that is consistent with the INS's concern for the particular vulnerability of minors. Such facilities will have access to toilets and sinks, drinking water and food as appropriate, medical assistance if the minor is in need of emergency services, adequate temperature control and ventilation, adequate supervision to protect minors from others, and contact with family members who were arrested with the minor. The INS will separate unaccompanied minors from unrelated adults whenever possible. Where such segregation is not immediately possible, an unaccompanied minor will not be detained with an unrelated adult for more than 24 hours.

If the minor cannot be immediately released, and no licensed program (described below) is available to care for him, he should be placed in an INS or INS-contract facility that has separate accommodations for minors, or in a State or county juvenile detention facility that separates minors in INS custody from delinquent offenders. The INS will make every effort to ensure the safety and well-being of juveniles placed in these facilities.

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(d) Release. The INS will release minors from its custody without unnecessary delay, unless detention of a juvenile is required to secure her timely appearance or to ensure the minor's safety or that of others. Minors shall be released in the following order of preference, to:

(i) a parent;

(ii) a legal guardian;

(iii) an adult relative (brother, sister, aunt, uncle, or grandparent);

(iv) an adult individual or entity designated by the parent or legal guardian as capable and willing to care for the minor's well-being in (i) a declaration signed under penalty of perjury before an immigration or consular officer, or (ii) such other documentation that establishes to the satisfaction of the INS, in its discretion, that the individual designating the individual or entity as the minor's custodian is in fact the minor's parent or guardian;

(v) a state-licensed juvenile shelter, group home, or foster home willing to accept legal custody; or

(vi) an adult individual or entity seeking custody, in the discretion of the INS, when it appears that there is no other likely alternative to long term detention and family reunification does not appear to be a reasonable possibility.

(e) Certification of custodian. Before a minor is released, the custodian must execute an Affidavit of Support (Form I-134) and an agreement to:

(i) provide for the minor's physical, mental, and financial well-being;

(ii) ensure the minor's presence at all future proceedings before the INS and the immigration court;

(iii) notify the INS of any change of address within five (5) days following a move;

(iv) if the custodian is not a parent or legal guardian, not transfer custody of the minor to another party without the prior written permission of the District Director, except in the event of an emergency;

(v) notify the INS at least five days prior to the custodian's departing the United States of such departure, whether the departure is voluntary or pursuant to a grant of voluntary departure or order of deportation; and

(vi) if dependency proceedings involving the minor are initiated, notify the INS of the initiation of a such proceedings and the dependency court of any deportation proceedings pending against the minor.

In an emergency, a custodian may transfer temporary physical custody of a minor prior to securing permission from the INS, but must notify the INS of the transfer as soon as is practicable, and in all cases within 72 hours. Examples of an "emergency" include the serious illness of the custodian, destruction of the home, etc. In all cases where the custodian seeks written permission for a transfer, the District Director shall promptly respond to the request.

The INS may terminate the custody arrangements and assume legal custody of any minor whose custodian fails to comply with the agreement. However, custody arrangements will not be terminated for minor violations of the custodian's obligation to notify the INS of any change of address within five days following a move.

(f) Suitability assessment. An INS officer may require a positive suitability assessment prior to releasing a minor to any individual or program. A suitability assessment may include an investigation of the living conditions in which the minor is to be placed and the standard of care he would receive, verification of identity and employment of the individuals offering support, interviews of members of the household, and a home visit. The assessment will also take into consideration the wishes and concerns of the minor.

(g) Family reunification. Upon taking a minor into custody, the INS, or the licensed program in which the minor is placed, will promptly attempt to reunite the minor with his or her family to permit the release of the minor under Paragraph (d) above. Such efforts at family reunification will continue so long as the minor is in INS or licensed program custody and will be recorded by the INS or the licensed program in which the minor is placed.

(h) Placement in licensed programs. A "licensed program" is any program, agency or organization licensed by an appropriate state agency to provide residential group, or foster care services for dependent children, including a program operating group homes, foster homes or facilities for special needs minors. Exhibit 1 of the Flores v. Reno Settlement Agreement describes the standards required of licensed programs. Juveniles who remain in INS custody must be placed in a licensed program within three days if the minor was apprehended in an INS district in which a licensed program is located and has space available, or within five days in all other cases, except when:

(i) the minor is an escape risk or delinquent, as defined in Paragraph (l) below;

(ii) a court decree or court-approved settlement requires otherwise;

(iii) an emergency or influx of minors into the United States prevents compliance, in which case all minors should be placed in licensed programs as expeditiously as possible; or

(iv) where the minor must be transported from remote areas for processing or speaks an unusual language such that a special interpreter is required to process the minor, in which case the minor must be placed in a licensed program within five business days.

(i) Secure and supervised detention. A minor may be held in or transferred to a State or county juvenile detention facility or in a secure INS facility or INS-contracted facility having separate accommodations for minors, whenever the District Director or Chief Patrol Agent determines that the minor -

(i) has been charged with, is chargeable, or has been convicted of a crime, or is the subject of delinquency proceedings, has been adjudicated delinquent, or is chargeable with a delinquent act, unless the minor's offense is

(a) an isolated offense not within a pattern of criminal activity which did not involve violence against a person or the use or carrying of a weapon (Examples: breaking and entering, vandalism, DUI, etc.); or

(b) a petty offense, which is not considered grounds for stricter means of detention in any case (Examples: shoplifting, joy riding, disturbing the peace, etc.);

(ii) has committed, or has made credible threats to commit, a violent or malicious act (whether directed at himself or others) while in INS legal custody or while in the presence of an INS officer;

(iii) has engaged, while in a licensed program, in conduct that has proven to be unacceptably disruptive of the normal functioning of the licensed program in which he or she has been placed and removal is necessary to ensure the welfare of the minor or others, as determined by the staff of the licensed program (Examples: drug or alcohol abuse, stealing, fighting, intimidation of others, etc.);

(iv) is an escape-risk; or

(v) must be held in a secure facility for his or her own safety, such as when the INS has reason to believe that a smuggler would abduct or coerce a particular minor to secure payment of smuggling fees.

"Chargeable" means that the INS has probable cause to believe that the individual has committed a specified offense.

The term "escape-risk" means that there is a serious risk that the minor will attempt to escape from custody. Factors to consider when determining whether a minor is an escape-risk or not include, but are not limited to, whether:

(a) the minor is currently under a final order of deportation or exclusion;

(b) the minor's immigration history includes: a prior breach of a bond; a failure to appear before the INS or the immigration court; evidence that the minor is indebted to organized smugglers for his transport; or a voluntary departure or a previous removal from the United States pursuant to a final order of deportation or exclusion;

(c) the minor has previously absconded or attempted to abscond from INS custody.

The INS will not place a minor in a State or county juvenile detention facility, secure INS detention facility, or secure INS-contracted facility if less restrictive alternatives are available and appropriate in the circumstances, such as transfer to a medium security facility that provides intensive staff supervision and counseling services or transfer to another licensed program. All determinations to place a minor in a secure facility must be reviewed and approved by the regional Juvenile Coordinator.

(j) Notice of right to bond redetermination and judicial review of placement. A minor in deportation proceedings shall be afforded a bond redetermination hearing before an immigration judge in every case in which he either affirmatively requests, or fails to request or refuse, such a hearing on the Notice of Custody Determination. A juvenile who is not released or placed in a licensed placement shall be provided (1) a written explanation of the right of judicial review in the form attached, and (2) the list of free legal services providers compiled pursuant to 8 C.F.R. § 292a.

(k) Transportation and transfer. Unaccompanied minors should not be transported in vehicles with detained adults except when being transported from the place of arrest or apprehension to an INS office or where separate transportation would be otherwise impractical, in which case minors shall be separated from adults. INS officers shall take all necessary precautions for the protection of minors during transportation with adults.

When a minor is to be released, the INS will assist him or her in making transportation arrangements to the INS office nearest the location of the person or facility to whom a minor is to be released. The Service may, in its discretion, provide transportation to such minors.

Whenever a minor is transferred from one placement to another, she shall be transferred with all of her possessions and legal papers; provided, however, that if the minor's possessions exceed the amount permitted normally by the carrier in use, the possessions must be shipped to the minor in a timely manner. No minor who is represented by counsel should be transferred without advance notice to counsel, except in unusual and compelling circumstances such as where the safety of the minor or others is threatened or the minor has been determined to be an escape-risk, or where counsel has waived notice, in which cases notice must be provided to counsel within 24 hours following transfer.

(l) Periodic reporting. All INS district offices and Border Patrol stations must report to the Juvenile Coordinator statistical information on minors placed in proceedings who remain in INS custody for longer than 72 hours. Information will include: (a) biographical information, including the minor's name, date of birth, and country of birth, (b) date placed in INS custody, (c) each date placed, removed or released, (d) to whom and where placed, transferred, removed or released, (e) immigration status, and (f) hearing dates. The Juvenile Coordinator must also be informed of the reasons for placing a minor in a medium security facility or detention facility as described in paragraph (i).

(m) Attorney-client visits by Plaintiffs' counsel. The INS will permit lawyers for the *Reno v. Flores* plaintiff class to visit minors even though they may not have the names of minors who are housed at a particular location. A list of Plaintiffs' counsel entitled to make attorney-client visits with minors is available from the district Juvenile Coordinator. Attorney-client visits may also be conducted by any staff attorney employed by the Center for Human Rights & Constitutional Law of Los Angeles, California, or the National Center for Youth Law of San Francisco, California, provided that such attorney presents credentials establishing his or her employment prior to any visit.

Visits must occur in accordance with generally applicable policies and procedures relating to attorney-client visits at the facility in question. Upon Plaintiffs' counsel's arrival at a facility for attorney-client visits, the facility staff must provide Plaintiffs' counsel with a list of names and alien registration numbers for the minors housed at that facility. In all instances, in order to memorialize any visit to a minor by Plaintiffs' counsel, Plaintiffs' counsel must file a notice of appearance with the INS prior to any attorney-client meeting. Plaintiffs' counsel may limit the notice of appearance to representation of the minor in connection with his placement or treatment during INS custody. Plaintiffs' counsel must submit a copy of the notice of appearance by hand or by mail to the local INS juvenile coordinator and a copy by hand to the staff of the facility.

A minor may refuse to meet with Plaintiffs' counsel. Further, the minor's parent or legal guardian may deny Plaintiffs' counsel permission to meet with the minor.

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(n) Visits to licensed facilities. In addition to the attorney-client visits, Plaintiffs' counsel may request access to a licensed program's facility (described in paragraph (h)) or to a medium-security facility or detention facility (described in paragraph (i)) in which a minor has been placed. The district juvenile coordinator will convey the request to the facility's staff and coordinate the visit. The rules and procedures to be followed in connection with such visits are set out in Exhibit 4 of the *Flores v. Reno* Settlement Agreement,, unless Plaintiffs' counsel and the facility's staff agree otherwise. In all visits to any facility, Plaintiffs' counsel and their associated experts must treat minors and staff with courtesy and dignity and must not disrupt the normal functioning of the facility.

EXHIBIT 3
Contingency Plan

In the event of an emergency or influx that prevents the prompt placement of minors in licensed programs with which the Community Relations Service has contracted, INS policy is to make all reasonable efforts to place minors in licensed programs licensed by an appropriate state agency as expeditiously as possible. An emergency is an act or event, such as a natural disaster (e.g. earthquake, fire, hurricane), facility fire, civil disturbance, or medical emergency (e.g. a chicken pox epidemic among a group of minors) that prevents the prompt placement of minors in licensed facilities. An influx is defined as any situation in which there are more than 130 minors in the custody of the INS who are eligible for placement in licensed programs.

1. The Juvenile Coordinator will establish and maintain an Emergency Placement List of at least 80 beds at programs licensed by an appropriate state agency that are potentially available to accept emergency placements. These 80 placements would supplement the 130 placements that INS normally has available, and whenever possible, would meet all standards applicable to juvenile placements the INS normally uses. The Juvenile Coordinator may consult with child welfare specialists, group home operators, and others in developing the list. The Emergency Placement List will include the facility name; the number of beds at the facility; the name and telephone number of contact persons; the name and telephone number of contact persons for nights, holidays, and weekends if different; any restrictions on minors accepted (e.g. age); and any special services that are available.

2. The Juvenile Coordinator will maintain a list of minors affected by the emergency or influx, including (1) the minor's name, (2) date and country of birth, and (3) date placed in INS custody.

3. Within one business day of the emergency or influx the Juvenile Coordinator, or his or her designee will contact the programs on the Emergency Placement List to determine available placements. As soon as available placements are identified, the Juvenile Coordinator will advise appropriate INS staff of their

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availability. To the extent practicable, the INS will attempt to locate emergency placements in geographic areas where culturally and linguistically appropriate community services are available.

4. In the event that the number of minors needing emergency placement exceeds the available appropriate placements on the Emergency Placement List, the Juvenile Coordinator will work with the Community Relations Service to locate additional placements through licensed programs, county social services departments, and foster family agencies.

5. Each year, the INS will reevaluate the number of regular placements needed for detained minors to determine whether the number of regular placements should be adjusted to accommodate an increased or decreased number of minors eligible for placement in licensed programs. However, any decision to increase the number of placements available shall be subject to the availability of INS resources. The Juvenile Coordinator shall promptly provide Plaintiffs' counsel with any reevaluation made by INS pursuant to this paragraph.

6. The Juvenile Coordinator shall provide to Plaintiffs' counsel copies of the Emergency Placement List within six months after the court's final approval of the Settlement Agreement.

EXHIBIT 4
Agreement Concerning Facility Visits Under Paragraph 33

The purpose of facility visits under paragraph 33 is to interview class members and staff and to observe conditions at the facility. Visits under paragraph 33 shall be conducted in accordance with the generally applicable policies and procedures of the facility to the extent that those policies and procedures are consistent with this Exhibit.

Visits authorized under paragraph 33 shall be scheduled no less than seven (7) business days in advance. The names, positions, credentials, and professional association (e.g., Center for Human Rights and Constitutional Law) of the visitors will be provided at that time.

All visits with class members shall take place during normal business hours.

No video recording equipment or cameras of any type shall be permitted. Audio recording equipment shall be limited to hand-held tape recorders.

The number of visitors will not exceed six (6) or, in the case of a family foster home, four (4), including interpreters, in any instance. Up to two (2) of the visitors may be non-attorney experts in juvenile justice and/or child welfare.

No visit will extend beyond three (3) hours per day in length. Visits shall minimize disruption to the routine that minors and staff follow.

Exhibit 5
List of Organizations to Receive Information re: Settlement Agreement

Eric Cohen, Immig. Legal Resource Center, 1663 Mission St. Suite 602, San Francisco, CA 94103

Cecilia Munoz, Nat'l Council Of La Raza, 810 1st St. NE Suite 300, Washington, D.C. 20002

Susan Alva, Immig. & Citiz. Proj Director, Coalition For Humane Immig Rights of LA, 1521 Wilshire Blvd., Los Angeles, CA 90017

Angela Cornell, Albuquerque Border Cities Proj., Box 35895, Albuquerque, NM 87176-5895

Beth Persky, Executive Director, Centro De Asuntos Migratorios, 1446 Front Street, Suite 305, San Diego, CA 92101

Dan, Kesselbrenner, , National Lawyers Guild, National Immigration Project, 14 Beacon St.,#503, Boston, MA 02108

Lynn Marcus , SWRRP, 64 E. Broadway, Tucson, AZ 85701-1720

Maria Jimenez, , American Friends Service Cmte., ILEMP, 3522 Polk Street, Houston, TX 77003-4844

Wendy Young, , U.S. Cath. Conf., 3211 4th St. NE, , Washington, DC, 20017-1194

Miriam Hayward , International Institute Of The East Bay, 297 Lee Street , Oakland, CA 94610

Emily Goldfarb, , Coalition For Immigrant & Refugee Rights, 995 Market Street, Suite 1108 , San Francisco, CA 94103

Jose De La Paz, Director, California Immigrant Workers Association, 515 S. Shatto Place , Los Angeles, CA, 90020

Annie Wilson, LIRS, 390 Park Avenue South, First Asylum Concerns, New York, NY 10016

Stewart Kwoh, Asian Pacific American Legal Center, 1010 S. Flower St., Suite 302, Los Angeles, CA 90015

Warren Leiden, Executive Director, AILA, 1400 Eye St., N.W., Ste. 1200, Washington, DC, 20005

Frank Sharry, Nat'l Immig Ref & Citiz Forum, 220 I Street N.E., Ste. 220, Washington, D.C. 20002

Reynaldo Guerrero, Executive Director, Center For Immigrant's Rights, 48 St. Marks Place , New York, NY 10003

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John Goldstein, , Proyecto San Pablo, PO Box 4596,, Yuma, AZ 85364

Valerie Hink, Attorney At Law, Tucson Ecumenical Legal Assistance, P.O. Box 3007 , Tucson, AZ 85702

Pamela Mohr, Executive Director, Alliance For Children's Rights, 3708 Wilshire Blvd. Suite 720, Los Angeles, CA 90010

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Lorena Munoz, Staff Attorney, Legal Aid Foundation of LA-IRO, 1102 Crenshaw Blvd., Los Angeles, CA 90019

Christina Zawisza, Staff Attorney, Legal Services of Greater Miami, 225 N.E. 34th Street, Suite 300, Miami, FL 33137

Miriam Wright Edelman, Executive Director, Children's Defense Fund, 122 C Street N.W. 4th Floor, Washington, DC 20001

Rogelio Nunez, Executive Director, Proyecto Libertad, 113 N. First St., Harlingen, TX 78550

Exhibit 6
Notice of Right to Judicial Review

"The INS usually houses persons under the age of 18 in an open setting, such as a foster or group home, and not in detention facilities. If you believe that you have not been properly placed or that you have been treated improperly, you may ask a federal judge to review your case. You may call a lawyer to help you do this. If you cannot afford a lawyer, you may call one from the list of free legal services given to you with this form."

MEMORANDUM OF AGREEMENT
AMONG
THE OFFICE OF REFUGEE RESETTLEMENT
OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
AND
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AND
U.S. CUSTOMS AND BORDER PROTECTION
OF THE U.S. DEPARTMENT OF HOMELAND SECURITY
REGARDING
CONSULTATION AND INFORMATION SHARING
IN UNACCOMPANIED ALIEN CHILDREN MATTERS

I. Parties

The Parties to this Memorandum of Agreement (MOA) are the Office of Refugee Resettlement (ORR) in the Administration for Children and Families of the U.S. Department of Health and Human Services (HHS), and U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) of the U.S. Department of Homeland Security (DHS) (collectively "the Parties").

II. Purpose

The purpose of this MOA is to set forth the expectations of the Parties and implement processes for the Parties to share information about unaccompanied alien children (UACs) at the time of referral from ICE or CBP to ORR; while in the care and custody of ORR, including in the vetting of potential sponsors and adult members of potential sponsors' households; and upon release from ORR care and custody. This 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 databases, as required by law. Such information includes information to which HHS would otherwise not have access and without which suitability assessments are incomplete. The Parties recognize such information-sharing as a top priority requiring special attention to ensure that the transfer, placement, and release of UACs are safe for the UACs and the communities into which they are released.

This MOA does not address all necessary coordination between the Parties, nor is that the intent of this document. It is not a substitute for, nor does it supersede or revise, the Parties' responsibilities under the Memorandum of Agreement between the Department of Homeland Security and the Department of Health and Human Services Regarding Unaccompanied Alien Children, executed on February 22, 2016, which established a framework for interagency coordination.

III. Authorities

This MOA is authorized under, and entered into consistent with, the following provisions of law:

A. Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 102(b), 462, 116 Stat. 2135, 2142, 2202 (codified at 6 U.S.C. §§ 112(b), 279);

B. William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, § 235, 122 Stat. 5044, 5077-79 (codified in principal part at 8 U.S.C. § 1232);

C. Privacy Act of 1974, as amended, 5 U.S.C. § 552a;

D. Immigration and Nationality Act of 1952, as amended, §§ 103(a), 287 (codified at 8 U.S.C. §§ 1103(a), 1357); and

E. Tariff Act of 1930, as amended, § 589 (codified at 19 U.S.C. § 1589a).

IV. HHS and DHS Responsibilities Upon Initial Referral

A. Initial Referral and Transfer

1. At the time of initial referral, the DHS component (ICE or CBP) referring the UAC to HHS (specifically, ORR) will electronically transfer the following information about the UAC, to the extent such information is known and can be gathered in an operationally reasonable manner, to ORR through the UAC Portal or by some other appropriate method:

    a. Basic biographical data (e.g., name, date of birth, country of birth, potential sponsor information);
    b. Situational factors (e.g., health, pregnancy, travel companions);
    c. Human trafficking indicators; and
    d. Known criminal or behavioral issues, including arrests, criminal charges and convictions, immigration history, gang affiliation or suspected gang affiliation, and violence or behavioral concerns.

2. To ensure ORR has available information and supporting documentation to make an informed placement decision, the apprehending DHS component (ICE or CBP) will normally include in the Transfer Packet:

    a. Copies of all identity documents;
    b. DHS Form I-213, Record of Deportable/Inadmissible Alien;
    c. DHS Form I-216, Record of Persons and Property Transferred;
    d. DHS Form I-217, Information for Travel Document or Passport;

e. DHS Form I-770, Notice of Rights and Request for Disposition;
f. DHS Form I-862, Notice to Appear or other charging document;
g. CBP Form 93, Unaccompanied Alien Child Screening Addendum (trafficking information), if conducted;
h. Other applicable DHS, ICE, or CBP forms, if applicable, such as DHS Form I-200, Warrant for Arrest of Alien; and
i. Copies of any publicly available federal, state, or local criminal records in the possession of the apprehending DHS component (ICE or CBP) at the time of transfer and appropriate available documentation describing any gang, immigration, criminal, or other activity that may affect placement.

3. As expeditiously as possible, but no later than 24 hours after receiving notification from ICE or CBP of a UAC needing placement at an ORR facility, ORR will send a notification email notifying both ICE and CBP of the placement location. At a minimum, the message will include:

   a. Identifying information of the UAC at issue;
   b. Facility name and location; and
   c. Facility point of contact (name and telephone number).

B. ORR Care

1. While UAC are in ORR care, ORR will notify ICE or CBP of the following situations, as expeditiously as possible, but no later than 48 hours after the occurrence:

   a. Unauthorized absences. The ORR-funded care provider will contact the ICE Enforcement and Removal Operations (ERO) Field Office Juvenile Coordinator (FOJC) by telephone and provide notice by email.
   b. Arrest of a UAC in ORR custody. The ORR-funded care provider will contact the FOJC by telephone and provide notice by email.
   c. Death of a UAC. ORR headquarters will immediately notify, by telephone, ICE ERO.
   d. Alleged or suspected fraud, human smuggling, human trafficking, drug trafficking, weapons trafficking, or gang-related activity. ORR will notify the ICE Homeland Security Investigations Tip Line by email and, for human trafficking specifically (either by or of a UAC), ORR will also email the ICE Human Trafficking Help Desk.
   e. Abuse of a UAC in ICE or CBP custody. If ORR becomes aware of allegations of abuse of a UAC while he or she was in ICE or CBP custody, ORR will notify the appropriate DHS component (ICE or CBP) as required under ORR policy.
   f. Violence by a UAC while in ORR care. ORR will notify the FOJC of incidents of physical violence or assault by a UAC in its care, including incidents between a UAC and facility staff.

g. Change in level of care. ORR will provide notice by email to the FOJC of any step up/step down to or from secure care for the UAC.

2. ORR will provide to the FOJC copies of all age-determination findings concluding that an individual is 18 years of age or over, as soon as possible from the time of such determination.

3. If ICE or CBP becomes aware of any criminal information (e.g., information regarding gang affiliation) that it did not have at the time of initial referral and transfer, ICE or CBP will notify ORR as expeditiously as practicable after becoming aware of the information (using their best efforts to provide such notification within 48 hours), and provide supporting documentation, to aid in ORR's consideration of whether transfer of the UAC may be necessary.

4. To the extent permitted by law, and consistent with policy, DHS will report to ORR the results of any investigations (including investigations commenced following ORR's notification under Section IV(B)(1) of this MOA) they conduct that would be relevant to ORR's determinations concerning UAC care and placement. Such information will be provided as expeditiously as possible, and normally within 96 hours of such information becoming available.

V. HHS and DHS Responsibilities Prior to ORR Release of a UAC to a Sponsor

A. HHS's Responsibilities.

1. Pursuant to 8 U.S.C. § 1232(c)(3)(A), HHS must make a determination that a proposed sponsor is capable of providing for the child's physical and mental well-being. Such determination includes verification of the proposed sponsor's identity and relationship, as well as a finding that the proposed sponsor has not engaged in any activity that would indicate a potential risk to the child. In all placement determinations, HHS must ensure, among other things, that the UAC is likely to appear for all hearings or proceedings in which they are involved, is protected from smugglers and traffickers, and is placed in a setting where the UAC will not pose a danger to himself or others. 6 U.S.C. § 279(b)(2). In order to fulfill its statutory duty under 8 U.S.C. § 1232(c)(3)(A) and to ensure that all proposed placements meet the standards set forth in 6 U.S.C. § 279, ORR will take the following steps:

   a. Prior to any release of a UAC from ORR care and custody to any sponsor, ORR will request from ICE information about all potential sponsors and adult members of potential sponsors' households, in order to aid HHS in determining the suitability of a potential sponsor. Such information includes the citizenship, immigration status, criminal history, and immigration history (to the extent consistent with the Privacy Act of 1974). ORR will advise the potential sponsor that this process is a required step in the UAC placement process.

B. ORR will provide ICE with the name, date of birth, address, fingerprints (in a format and transmitted as prescribed by ICE from time to time), and any available identification documents or biographic information regarding the potential sponsor and all adult members of the potential sponsor's household. ICE will then provide ORR with the summary criminal and immigration history of the potential sponsor and all adult members of the potential sponsor's household to the extent available to ICE, consistent with the applicable confidentiality provisions of the Immigration and Nationality Act (INA). ORR will use the criminal and immigration history information provided by ICE in ORR's individualized determination of sponsorship eligibility.

1. ICE will ascertain only criminal and immigration history information. ORR will remain responsible for searching various databases including public records, Sex Offender Registry, National (FBI) Criminal History, Child Abuse and Neglect, State Criminal History Repository, and local police records for all potential sponsors.

C. DHS's Responsibilities

1. Upon notice from an ORR-funded care provider that a potential sponsor or adult member of a potential sponsors' household requires screening for criminal and immigration histories and that ORR has received proper authorization from the potential sponsor or adult household members, ICE will conduct the initial screening. At a minimum, the review will include:

    a. A biographic criminal check of the national databases;
    b. A biographic check for wants and warrants; and
    c. An immigration status check of the immigration databases.

2. ICE will run the fingerprints of the potential sponsor and/or adult household member and review the response received for any criminal activity.

3. ICE will provide the relevant criminal and immigration history information (consistent with the applicable confidentiality provisions of the INA) on the potential sponsor and adult household members within 72 hours, excluding weekends and holidays, after ORR requests the information and provides ICE with the necessary background information on the potential sponsor or adult member of the potential sponsors' household.

VI. Severability

Nothing in this Agreement is intended to conflict with current law or regulation or the directives of DHS, CBP, ICE, HHS, or ORR. If a term of this MOA is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

VII. Disputes

Disagreements between the Parties arising under or related to this MOA will be resolved by consultation. Attempts to resolve disputes will occur first at the lowest level possible. Any issues left unresolved after due consultation may be raised to the appropriate levels in the Parties, or if necessary, DHS and HHS.

VIII. Funding

Each Party intends to bear its own costs in relation to this MOA. Expenditures are subject to the Parties' budgetary resources and availability of funds pursuant to applicable laws and regulations. The Parties expressly acknowledge that this MOA in no way implies that funding is to be made available for such expenditures and does not obligate the Parties to expend any funds. Nothing in this MOA is intended to or shall be construed to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury in violation of the Antideficiency Act, 31 U.S.C. §§ 1341-1519.

IX. No Private Rights

This MOA is an agreement between the Parties and is not intended to, does not, and should not be construed to create any right or benefit, substantive or procedural, enforceable at law or in equity by any party in any administrative, civil, or criminal matter, against the United States, or any of its agencies, officers, or employees. This MOA does not and is not intended to place any limitations on the otherwise lawful enforcement or litigative prerogatives of the Parties.

X. Effective Date, Modification, and Termination

This MOA will take effect thirty (30) days after signature by the Parties and will remain in effect until revised or revoked in writing by mutual agreement of the Parties, or terminated without cause by any Party upon thirty (30) days advance notice in writing of intent to terminate.

Approved by:

Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection
U.S. Department of Homeland Security

04/13/18
Date

Thomas D. Homan
Deputy Director and Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

APR 13 2018
Date

Steven Wagner
Acting Assistant Secretary for Children and Families
U.S. Department of Health and Human Services

04-13-18
Date

Scott Lloyd
Director
Office of Refugee Resettlement
Administration for Children and Families
U.S. Department of Health and Human Services

4/13/18
Date

ADMINISTRATION FOR
CHILDREN & FAMILIES
330 C Street, S.W., Washington, DC 20201 | www.acf.hhs.gov

September 13, 2016

The Honorable Rob Portman
Chairman
Permanent Subcommittee on Investigations
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member
Permanent Subcommittee on Investigations
Committee on Homeland Security & Governmental Affairs Committee
United States Senate
Washington, DC 20510

Dear Chairman Portman and Senator McCaskill:

Thank you again for your May 31, 2016, letter concerning the responses we submitted to the questions for the record following the January 28, 2016, hearing by the Permanent Subcommittee on Investigations entitled, "Adequacy of the Department of Health and Human Services' Efforts to Protect Unaccompanied Alien Children from Human Trafficking."

As promised in our September 6, 2016 letter, answers to the remaining questions in response to your May 31, 2016, letter are included in the attached document.

We hope you find this information helpful. Please let us know if we can be of further assistance.

Sincerely,

Mark H. Greenberg
Acting Assistant Secretary
Administration for Children and Families

Robert Carey
Director, Office of Refugee Resettlement
Administration for Children and Families

Enclosure

Attachment

1. During the hearing, Sen. McCaskill asked Mr. Greenberg and Mr. Carey to provide, by February 4, 2016, a formal legal analysis supporting HHS's "long-standing policy" that ORR has no responsibility for unaccompanied alien children (UAC) after their placement with sponsors. On February 22, 2016, HHS provided a response to Sen. McCaskill's request, which argued that the Trafficking Victims Protection Act prevented HHS from asserting "continuing legal custody post-release" of a child. Please answer the following questions:

> **a. HHS's February 22, 2016, letter stated that ORR operates the Unaccompanied Children Program "consistent with the *Flores* Settlement." Under paragraph 16 of the *Flores* Settlement, however, ORR has the authority to "terminate the custody arrangements [that ORR enters into with UAC sponsors] and assume legal custody of any minor whose custodian fails to comply" with such a custody agreement. Please explain why paragraph 16 would not allow ORR to assume post-release custody of a UAC in the event a sponsor fails to fulfill his or her obligations.**

ORR relies on the Homeland Security Act of 2002 (HSA) and the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), to provide the contours of the Unaccompanied Children Program, which we operate consistent with the *Flores* Settlement.

Paragraph 16 of the *Flores* Settlement provided that "The INS may terminate the custody arrangements and assume legal custody" of a minor whose custodian fails to comply with the Affidavit of Support, but HHS's view is that ORR does not have the same ability to remove a child from a home and reassume custody as the former INS had at that time. Although ORR cannot directly reassume custody of a child, its concern for the child's welfare continues and staff work closely with other Federal, State, and local authorities as noted below.

ORR undertakes an extensive screening process before releasing a child to a sponsor, provides information to sponsors about community resources, and provides post-release services and other resources consistent with the statute and ORR policy.

If any of our provider grantees or staff have reason to believe that a child is unsafe, they are required to comply with mandatory reporting laws, State licensing requirements, and Federal laws and regulations for reporting to local child protective agencies and/or law enforcement.

> **b. HHS has explained to the Subcommittee that it has never invoked the authority provided in paragraph 16 and is unsure whether it or the Department of Homeland Security would be the proper agency to do so. Please state which agency, in the view of HHS, may properly invoke the authority in paragraph 16.**

The Flores consent decree cannot grant HHS any authority that it does not have by statute. As noted above, although the Flores Settlement provided that "The INS may terminate the custody arrangements and assume legal custody" of a minor whose custodian fails to comply with the Affidavit of Support, HHS's view is that ORR does not have the same ability to remove a child from a home and reassume custody as the former INS had at that time. We note, moreover, the interplay of the Flores Settlement Agreement (FSA) and the Trafficking Victims Protection Reauthorization Act (TVPRA) and

Homeland Security Act (HSA) is complex and the subject of significant legal uncertainty. Indeed, it continues to be the subject of litigation.

Authorization for Release of Information

ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/orr

Carefully read this authorization, then sign and date it in black ink.

I Authorize any investigator, special agent, employee, contractor, grantee or other duly accredited representative working on behalf of the Office of Refugee Resettlement (ORR) conducting my background investigation or sponsorship assessment to obtain and receive information for the purposes of assessing my ability to provide appropriate care and placement of a child and for providing post release services, as needed, or my background as a member of the household or care giver for a child, as applicable. I authorize any federal, state, or local criminal justice agency; federal, state, local, or private child welfare agency; federal immigration agency; or any other sources of information, such as schools, courts, treatment providers, probation/parole officers, mental health professionals, or other references, to release information about any criminal history, child abuse and neglect charges or concerns, past and present immigration status, mental health issues, substance abuse, domestic violence, or any other psychosocial information gathered about me either verbally or in writing.

I Authorize custodians of records and sources of information pertaining to me to release such information upon request of the investigator, special agent, employee, contractor, grantee, or other duly accredited representative of the Office of Refugee Resettlement.

I Understand that my biometric and biographical information, including my fingerprints, is shared with Federal, state, or local law enforcement agencies and may be used consistent with their authorities, including with the U.S. Department of Homeland Security (DHS) to determine my immigration status and criminal history, and with the Department of Justice (DOJ) to investigate my criminal history through the National Criminal Information Center.

I Understand that the information released by any custodian of my records and any other sources of information about me is for official use by the U.S. Government, its employees, grantees, contractors, and other delegated personnel, for the purposes stated above, and may be disclosed by the U.S. Government only as authorized by law.

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13) Public reporting burden for this collection of information is estimated to average 0.25 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Please see the accompanying privacy notice / Privacy Act statement for a discussion of (1) the authority for solicitation of information, and whether disclosure is mandatory or voluntary, (2) the principal purposes for which the information is intended to be used, (3) other routine uses which may be made of the information, and (4) the effects, if any, of not providing all or any part of the requested information.

I Understand that this information will become the property of the ORR and may be reviewed by its employees, grantees, contractors, and delegates. I also understand that the ORR may share this information with the employees and contractors of other federal agencies.

I Hereby Relinquish any claim or right under the laws of the United States against the federal government, its employees, grantees, contractors, or delegates, for the legally authorized use of any information gathered during a search of my criminal history, child welfare information, past or present immigration status, any information contained in my sponsorship application and supporting documentation, and any information gathered from any verbal or written sources regarding this sponsorship application. I hereby relinquish any claim or previous agreement with any federal, state, local, or private agency that would bar the ORR or the agency's official delegate from obtaining the requested information.

I declare and affirm under penalty of perjury that the information contained in this authorization is true and accurate to the best of my knowledge.

YOUR SIGNATURE _____ **DATE** _____

YOUR FULL NAME (PRINT CLEARLY)

_____

STAFF USE ONLY	
UAC NAME(S)	
UAC A#(S)	
CARE PROVIDER	
DIGITAL SITE LOCATION (IF ANY)	

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Information required for background check

1) About the minor(s)

List the names and dates of birth of all children you are applying to sponsor

Minor's Name	Minor's Date of Birth

2) Your full name (include first name, middle name, and last name)

3) Other names you have used

List other names you have used, such as your name before you were married or maternal last names and when you stopped using them.

Previous name	When you stopped using this name (month/year, e.g., 12/2010)

4) Your date of birth

e.g., 12/31/1979

5) Your place of birth

Where were you born?

City

County

State

Country

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6) Addresses: Where have you lived in the last five (5) years?

Street address (+ apartment number, if applicable)	**City (Country)**	**State**	**Zip code**	**From date** (month/year)	**To date** (month/year)
(EXAMPLE) *2539 Lowndes Hill Park Road*	*San Antonio*	*TX*	*78201*	*12/2014*	*11/2015*
Current Address					Current

Immigration Information (if applicable)

If you are not a US citizen, please provide the following information

7a) Alien registration number **A#**

7b) Country of Citizenship

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13) Public reporting burden for this collection of information is estimated to average 0.25 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Please see the accompanying privacy notice / Privacy Act statement for a discussion of (1) the authority for solicitation of information, and whether disclosure is mandatory or voluntary, (2) the principal purposes for which the information is intended to be used, (3) other routine uses which may be made of the information, and (4) the effects, if any, of not providing all or any part of the requested information.

PSI-042

United States Citizenship information

If you are a U.S. citizen but were not born in the U.S., provide information about *at least one* of the following proofs of citizenship.

8a) Naturalization Certificate

Court	City	State	Certificate Number	Month/Day/ Year Issued

8b) Citizenship Certificate Where was the certificate issued?

City	State	Certificate Number	Month/Day/Year Issued

8c) State Department Form 240 – Report of Birth Abroad of a Citizen of the United States

Date form was prepared (Month/Day/Year)	Explanation (if needed)

8d) U.S. Passport This may be either a current or previous U.S. Passport

Passport Number	Month/Day/Year Issued

9e) DUAL CITIZENSHIP (if applicable)

Name the country where you are a citizen in addition to the U.S. [ ]

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13) Public reporting burden for this collection of information is estimated to average 0.25 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Please see the accompanying privacy notice / Privacy Act statement for a discussion of (1) the authority for solicitation of information, and whether disclosure is mandatory or voluntary, (2) the principal purposes for which the information is intended to be used, (3) other routine uses which may be made of the information, and (4) the effects, if any, of not providing all or any part of the requested information.

MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF HOMELAND SECURITY AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGARDING UNACCOMPANIED ALIEN CHILDREN

1. Parties

The Parties to this Memorandum of Agreement (hereinafter "MOA") are the Department of Health and Human Services (HHS) and the Department of Homeland Security (DHS) (hereinafter, collectively, the "Parties").

2. Purpose

To continue to address the needs of unaccompanied alien children (UAC), as defined at 6 U.S.C. § 279(g)(2), the Parties recognize the following shared goals: ensure the safe and expedited transfer and placement of UAC from DHS to HHS custody; maximize efficiency in the allocation and expenditure of the Parties' respective program costs; ensure information is transmitted between the Parties to facilitate appropriate placement decisions and for HHS to promptly place the child in the least restrictive setting that is in the child's best interest until the child is released to an appropriate sponsor; continue the statutorily-required consultation between departments with respect to UAC placement determinations; protect UAC in the custody of the United States or released to sponsors from mistreatment, exploitation, and trafficking; and promote the effective immigration processing and safe repatriation and reintegration of UAC.

The Parties acknowledge the critical role of consistent interagency coordination on the care, processing, and transport of UAC. This MOA is intended to provide a framework for interagency coordination on the responsibilities of the Parties in coordinating and establishing procedures, shared goals, and interagency cooperation with respect to UAC.

3. Authority

The primary authorities that authorize or support this MOA are:

A. Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 102(b) (2), 462, 116 Stat. 2142, as amended (codified at 6 U.S.C. §§ 112(b) (2), 279);
C. William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, § 235, 122 Stat. 5044, 5074, as amended (codified in part at 8 U.S.C. § 1232);
D. Immigration and Nationality Act of 1952, as amended;
E. Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat. 54;
F. Title 8, Code of Federal Regulations.

4. Responsibilities

A. The Parties agree to establish a Joint Concept of Operations (JCO) that should be completed no later than one year following the signing of this MOA, which should include, but need not be limited to standard protocols for consistent interagency cooperation on the care, processing, and transport of UAC, during both steady state operations as well as in the event the number of UAC exceeds the standard capabilities of the Parties to process, transport, and/or shelter with existing resources.

B. The Parties agree to establish the following structure for UAC coordination to monitor and resolve issues, share information, and establish and maintain the JCO:

1. The Parties will establish and co-chair a Senior Leadership Council to serve as the coordinating body for consistent interagency cooperation on the care, processing, and transport of UAC. The Senior Leadership Council will also serve as a forum for discussing broader policy issues arising from these operational concerns. The Senior Leadership Council shall be composed of an equal number of senior officials from HHS and DHS representing relevant operational, policy, and administrative divisions responsible for UAC policies and operations, and will be co-chaired by two senior officials, one each designated by HHS and DHS.
2. The Parties will establish and co-chair an Interagency Work Group. The Group shall be composed of subject matter experts from each Party's relevant agencies and shall be co-chaired by a representative of HHS and DHS who shall be appointed by the Senior Leadership Council. Members may be added to the Interagency Work Group as co-chairs determine such additions to be necessary.
3. The Senior Leadership Council will:
   - i. Oversee and monitor the work by the Interagency Work Group, including the development of the JCO and the implementation of the Unified Coordination Group Plan for UAC Surge (which outlines the coordinated Federal response activities for a surge influx of UAC using an integrated concept of operations (UAC Plan for UAC Surge));
   - ii. Review, approve, and ensure implementation of the policies,, procedures, and protocols presented by the Interagency Work Group;
   - iii. Provide direction and instruction to the Interagency Work Group; and
   - iv.
   - v. Convene additional work groups as it deems necessary and appropriate.
4. The Interagency Work Group will be composed only of federal officials from each Party's relevant headquarters and component agencies, including but not limited to representatives from HHS ACF, and such other HHS representatives as HHS may determine and representatives from DHS CBP, DHS ICE, DHS OHA, DHS CRCL, DHS PLCY, DHS CISOMB, DHS FEMA, DHS PRIV, and DHS USCIS.
   - i. Members may be added to the Interagency Work Group as co-chairs determine such additions to be necessary.

ii. Members will participate in any subject matter interagency group established at the direction of the Executive Office of the President (EOP) to ensure cooperation and coordination across the Federal Government, to the extent such participation is consistent with the EOP directive.

iii. Members will prepare the JCO and implement the UAC Plan for UAC Surge as directed by the Senior Leadership Council, develop policies and procedures to ensure coordinate operations across agencies, and support and guide basic operational decisions at the field level to the extent permitted by law. Both the JCO and UAC Plan for UAC Surge are to be appropriately cleared within respective agencies and, if necessary, in the Interagency Work Group.

iv. The Interagency Work Group will also serve as a forum for resolving immediate complaints or concerns raised about the UAC process, identifying areas of concern, and attempting to resolve matters at the SME level before raising issues to the Senior Leadership Council.

5. Meetings of the Senior Leadership Council should take place quarterly. Meetings of the Interagency Working Group will take place as needed, and no less than once per month.

C. Information Sharing/Reporting Requirements

1. The Parties agree to establish data-sharing capabilities to facilitate coordinated UAC-related operations to the extent authorized by applicable law, regulations, and policy to facilitate coordinated UAC-related operations, as needed. In the event of a request for information from Congress, the media, or a member of the public, the originator of the information is responsible for responding to such requests. If the Party receiving such request is not the originator, that Party will expeditiously route the request to the originating agency within the other Party. With respect to reports and other products created jointly by the Parties, the Parties should consult with each other prior to the disclosure of the information.
2. The Parties agree to provide each other with UAC-related reports in a mutually agreed upon format, with mutually agreed upon regularity and with mutually agreed upon content.
3. The Parties agree on the need to ensure a closely coordinated and prompt response to seasonal and other changes in UAC migration patterns and flows.
4. The Parties agree to review and coordinate other migration plans (or portions thereof) that may relate to the UAC population to ensure the UAC population is properly incorporated.

D. Administrative Development

1. Each Party will make all reasonable efforts to notify the other about upcoming changes in UAC policy and procedures that may impact the other agency's policies or operations (absent exigent circumstances).
2. During UAC-relevant grant solicitation or panel review periods, each Party will invite the other agency to contribute any information that could be valuable to deliberations on awards.

5. Disputes

Disagreements between the Parties arising under or relating to this MOA will be resolved by consultation between the Parties. Attempts to resolve disputes will be made first at the lowest level possible. Any issues unresolved, after due consultation, may be raised to the appropriate level within each Party.

6. Effective Date, Modification, and Termination

This MOA is in effect upon the date of the last signature affixed hereto and will remain in effect until such time as the Parties enter into a new MOA, revise this MOA in writing by mutual consent, or terminate this MOA upon no less than 30 days' prior written notice by either Party. This MOA will be reviewed for modifications not less than once every five years from the effective date.

7. No Private Right

This MOA does not and is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person or entity in any matter, including any civil, criminal, or administrative matter. This MOA is intended to provide a framework for the Parties for handling the various matters described herein; it is not intended to be legally binding on either Party.

8. Other

A. Nothing in this MOA is intended to conflict with or supersede current law, regulation, or Presidential memoranda, orders, or directives. If a term of this MOA is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this MOA shall remain in full force and effect.

B. Each Party shall use its own appropriated or allotted funds and resources in performing activities under this MOA. The MOA does not provide for the reimbursement of funds. If the Parties wish to enter into a reimbursement arrangement, the Parties will enter into that arrangement separate and apart from this MOA.

C. Written notice to the Department of Homeland Security shall be sent to the official identified below or such successor as is identified by the agency:

Name: Mary Giovagnoli
Deputy Assistant Secretary for Immigration Policy
Office of Policy

Email: mary.giovagnoli@hq.dhs.gov

Written notice to the Department of Health and Human Services shall be sent to the

official identified below or such successor as is identified by the agency:

Name: Tricia Swartz
Associate Deputy Director
Office of Refugee Resettlement

Email: tricia.swartz@acf.hhs.gov

APPROVED BY:

_____ **Date:**_____

Alan Bersin
Assistant Secretary for International Affairs and Chief Diplomatic Officer
Office of Policy
U.S. Department of Homeland Security

_____ **Date:** FEB 1 9 2016
Mark H. Greenberg
Acting Assistant Secretary, Administration for Children and Families
U.S. Department of Health and Human Services

official identified below or such successor as is identified by the agency:

Name: Tricia Swartz
Associate Deputy Director
Office of Refugee Resettlement

Email: tricia.swartz@acf.hhs.gov

APPROVED BY:

Date: 2/22/2016

Alan Bersin
Assistant Secretary for International Affairs and Chief Diplomatic Officer
Office of Policy
U.S. Department of Homeland Security

_____ **Date:**_____
Mark H. Greenberg
Acting Assistant Secretary, Administration for Children and Families
U.S. Department of Health and Human Services

Office of Refugee Resettlement National Call Center

HELP LINE 1 (800) 203-7001 | information@ORRNCC.com
Text the word NINOS to 66467

FOR CHILDREN

If you are in immediate danger, call 9-1-1

If you experience any of the following, we are here to help:

- Nowhere to sleep
- Someone is forcing you to do something that makes you feel uncomfortable
- Someone is keeping you away from food, shelter, school, or medicine
- Trouble feeling safe and happy
- You are angry or hurting
- Feeling very sad or unwanted
- Family problems
- Kids being mean to you at school
- Difficulty finding help
- Difficulty with court
- Trouble finding your paperwork

For Parents and Sponsors

Looking for a child coming to the United States?

- We will ensure your message gets to the shelter caring for your child

Open 24 hours a day, 7 days a week. Call or text the word NINOS to 66467 any time.

Is your child already home? We can help with:

- Finding resources in your community for education, medical care, emotional support, juvenile justice, substance use, legal support and safety
- Assistance with child behavioral issues after reunification, including:
  - Kids running away
  - Kids feeling very sad or angry
  - Involvement with drugs or gangs
  - Inappropriate relationships
  - Kids hurting other kids
  - Kids getting into trouble at school
  - Any behavior that worries you
- Support for you to help strengthen your relationship with your child
- Assistance making sure your child has access to schools and education
- Support with family problems or domestic violence
- Help getting copies of child/immunization records and completing paperwork
- Assistance finding legal support and understanding court processes

1 (800) 203-7001 **Text NINOS to 66467**

FEB 22 2016

The Honorable Claire McCaskill
Ranking Member
Permanent Subcommittee on Investigations
Homeland Security & Government Affairs Committee
U.S. Senate
Washington, D.C. 20510

Dear Senator McCaskill,

I am writing to follow up with you regarding your questions in the January 28, 2016, hearing before the Permanent Subcommittee on Investigation (PSI) regarding its report, "Protecting Unaccompanied Alien Children from Trafficking and Other Abuses: The Role of the Office of Refugee Resettlement." Unaccompanied children who make the dangerous journey from Central America to the United States, often in the hands of human smugglers, come in search of a better life. Many of the children our office comes into contact with tell stories of fleeing poverty and violence. Like you, we believe that the safety and well-being of unaccompanied children is of paramount importance. We appreciate the work of the Subcommittee on this important issue.

Clearly, these are vulnerable children in difficult circumstances, and we treat each child referred to our care with compassion and a commitment to their safety and well-being. The HHS Office of Refugee Resettlement's (ORR) Unaccompanied Children's Program in the Administration for Children and Families provides care and custody to unaccompanied children referred to it. Our mission to care for unaccompanied children who have been referred to ORR has two key parts. The first is to create a safe and healthy environment in our shelters, one that ensures access to nutritious food, clean clothes, education and medical services. The second is to identify the least restrictive placement in the best interest of the child, usually with a sponsor, for each child while they await their U.S. immigration proceedings, subject to considerations of risk of flight, and danger to the child or community. ORR's policies are based on federal statutes and are consistent with the settlement agreement in Flores v. Reno, Case No. CV 85-4544-RJK (C.D. Cal. 1996) (known as the Flores settlement agreement).

Over the last year, ORR has made a number of enhancements to its process for safely releasing children to qualified sponsors, strengthening its pre-screening protocols and augmenting the resources and protections available post-release. In addition, as described more fully below, HHS has carefully reviewed the Subcommittee's report and is working to identify additional areas where it can continue to improve the protections in place.

At the recent hearing before the Subcommittee, you asked a number of questions about HHS's responsibilities with respect to these children after their release to sponsors. As we have previously explained to the Subcommittee, HHS's longstanding view across administrations is that, under the authorities governing the Unaccompanied Children Program, once a child is released to a sponsor, ORR's legal and physical custody terminates. But the fact that our custody ends upon release does not mean that our commitment to providing resources, connecting children to services, and protecting vulnerable children from abuse or exploitation ends. We have authorities that permit us to provide a range of services and resources post-release, and we make use of that authorization to establish policies and procedures that, among other things, are intended to protect those children that may be vulnerable to abuse or exploitation after they are released from our care. Through these services and resources, if any of our provider grantees or staff have reason to believe that a child is unsafe, they comply with mandatory reporting laws, state licensing requirements, and federal laws and regulations for reporting to local child protective agencies and/or law enforcement.

The Unaccompanied Children Program provides care to children referred to its custody and is responsible for the process of releasing children to their parents, relatives or other appropriate sponsors with whom they can live during their immigration proceedings. As you know, ORR relies on the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), to provide the contours of the Unaccompanied Children Program, which we operate consistent with the *Flores* Settlement. The authorities and the resources given to the Unaccompanied Children Program in ORR set forth a system that is intended to be temporary in nature, with a focus on caring for children while in our physical custody, and releasing children to appropriate sponsors. Additionally, if Congress had intended ORR's legal custody to continue after a child is released to a sponsor, the TVPRA would not have needed certain of its post-release provisions. If HHS had continuing legal custody post-release, for example, HHS would necessarily have the authority and responsibility to provide services to the child after release. Instead, Congress specifically required follow-up services in those limited cases where a home study was conducted, and it authorized follow-up services for certain other children with mental health or other needs. In addition, section 235(c)(5) of the TVPRA (8 U.S.C. § 1232(c)(5)) discusses legal services for children who "are" in the custody of HHS as well as those who "have been in the custody of the Secretary."[1] Taken together, these examples support the conclusion that the Unaccompanied Children Program's approach to legal custody is consistent with the statute and Congressional intent.

If the intent of the Congress had been for the Unaccompanied Children Program to retain legal custody over the children after their release to sponsors, the program would have needed to be structured and resourced in a very different way. The program is not structured in a manner similar to state procedures for child foster care, in which custody of the child is transferred to the

[1] This interpretation of the TVPRA is consistent with the Government's longstanding interpretation of the *Flores* settlement agreement. Like the TVPRA, the *Flores* agreement contains references to the "release" from government custody, and it specifically distinguishes between custody and releases from custody. Paragraph 14 of the agreement states that the release of a minor is a release from "custody." Paragraph 19 states that in cases in which the former-Immigration and Naturalization Service (INS) did not release a minor, the minor "shall remain in INS legal custody." Use of the word "remain," shows that legal custody continued while the minor was held by INS in a detention facility or some other type of facility, such as a licensed program. However, once a release occurred, the minor no longer "remained" in legal custody.

state after a judicial proceeding and the child is placed with a foster parent selected and licensed by the state. State child foster care systems include, for example, foster care maintenance payments and payments for health care expenditures, which the Unaccompanied Children Program does not have the authorization or funding to provide.

Services and Resources Available to Children and Sponsors After Release

Within its current authorities, ORR deploys its resources in order to provide post-release services and resources as effectively as possible, and has improved those offerings over the last year. ORR provides post release services for any child who received a home study, on a case-by-case basis if it is determined the child has mental health or other needs, and for certain other categories of children. In Fiscal Year 2015, ORR provided post-release services for 8,618 unaccompanied children.

In July 2015, ORR began a pilot project to provide post-release services to all unaccompanied children released to a non-relative or distant relative sponsor, as well as children whose placement has been disrupted or is at risk of disruption within 180 days of release and the child or sponsor has contacted ORR's hotline.

In May 2015, ORR expanded the capability of an existing telephone hotline, used to help parents locate children in ORR custody, to accept calls from children with safety-related concerns, as well as to sponsors calling with family problems or child behavior issues, or in need of assistance connecting to community resources. Every child released to a sponsor is given a card with the hotline's phone number on it (Spanish language access as well) and all providers and sponsors are also provided with the hotline phone number.

Starting last summer, care providers now call each household 30 days after the child is released from ORR care to check on the child's wellbeing and safety.

Despite ORR's efforts to place children with appropriate sponsors and provide safety-net resources post-release, the Ohio case highlights the fact that, in some instances, dishonest people may attempt to exploit the system and break the law in order to take advantage of unaccompanied children and their families. We take any situation where unaccompanied children may be in danger extremely seriously. When we learn of alleged fraud or cases of exploitation, ORR works with all appropriate law enforcement agencies and state child welfare organizations with the goal of ensuring that—as in the Ohio case—those who take advantage of children are brought to justice to the full extent of the law and children and their families are protected. And we are continually working to review our policies to make sure that they are as strong as they can be.

While the changes ORR has made over the last year establish important new safeguards, ORR is mindful of the continued need to closely examine its policies and procedures, and is actively working to identify additional steps it can take to strengthen its program. We have reviewed the Subcommittee's report in detail and have incorporated the report findings into our ongoing review as we work to identify and implement additional program enhancements. ORR has taken a number of initial steps in recent weeks. First, ORR has posted a Senior Advisor for Child Well-Being and Safety position, which will augment existing child welfare expertise and support

leadership's development of additional program improvements related to child safety post-release. Second, ORR has established a new discretionary home study policy, which will allow ORR care providers to recommend home studies in instances not required by TVPRA or existing ORR policy. Third, ORR is working with subject matter experts across the Administration to identify and incorporate enhanced interview and document verification techniques into the sponsor assessment process. We would be happy to keep the Subcommittee informed as we continue to work to strengthen the program going forward.

While we are grateful that Congress provided the $948 million in base funding for the program requested in the FY 2016 President's Budget, Congress did not enact the requested $400 million contingency fund in the FY 2016 Omnibus appropriation. The contingency fund would have helped ensure ORR had sufficient capacity to adjust to large and unpredictable fluctuations in need for shelter capacity. Without a contingency fund, our ability to respond to significant increases in migration is compromised. It would be difficult to significantly or substantially expand post-release services without the confidence that ACF has the funding it needs to fulfill its current responsibilities to take custody of unaccompanied children, and to provide appropriate shelter and care for them until they can be placed with a parent or sponsor.

Again, thank you for your interest in the Unaccompanied Children Program and your work on this important issue. I hope you find this information helpful. Please let my staff know if we can be of further assistance.

Sincerely,

Mark H. Greenberg
Acting Assistant Secretary
for the Administration for
Children and Families

cc: The Honorable Rob Portman, Chairman, Permanent Subcommittee on Investigations

[redacted]

From: [redacted] (HSGAC)
Sent: Tuesday, February 06, 2018 10:33 AM
To: [redacted] (HHS/ASL)'; [redacted] (HHS/ASL)
Cc: [redacted] (HSGAC); [redacted] (HSGAC); [redacted] (HSGAC); [redacted] (HSGAC)
Subject: RE: PSI Briefing

Hi [redacted],

We will have follow-up related to the responses below, but in the meantime I wanted to pass along a related briefing request:

We would also like to request a separate briefing focused on HHS ORR's gang initiative discussed during the January 17th briefing. In general, we are interested in the origins of this initiative and any specific safety or security-related incidents among UACs that may have led to the program being prioritized by HHS ORR. We are also interested in learning more about the secure and staff secure facilities that HHS ORR maintains. Please be prepared to discuss the locations of these facilities, the number of UACs housed in each with demographic breakdowns by gender and country of origin, and the number of supervisory officers assigned to work in each facility.

Please let us know if you need a more formal request or if you have any questions.

Best,
[redacted]

From: [redacted] (HHS/ASL) [redacted]]
Sent: Sunday, February 04, 2018 11:53 AM
To: [redacted] (HSGAC); [redacted] (HHS/ASL)
Cc: [redacted] (HSGAC); [redacted] (HSGAC); [redacted] (HSGAC); [redacted] (HSGAC)
Subject: RE: PSI Briefing

[redacted],

Here are the answers to your follow-up questions. Please note that since the ORR team started pulling this information after the briefing, we missed a question in your Jan. 26 email. We'll still need to get you the data on number of staff secure facilities (we've already asked). I'll give you a buzz tomorrow or Tuesday to discuss next steps considering there are several of your folks working with ORR currently.

1. When did ORR make a request of OGC to review the statutory authority to determine if ORR could follow-up on UACs post-release and take them back into custody?

   ORR Response: In April 2017, a request was sent to general counsel concerning the issue. Conversations about the operational and legal implications and considerations have been ongoing. Most recently, in January 2018, additional questions were sent to general counsel.

2. What does HHS do with information received when they are contacted by state child welfare agencies with concerns about a UAC's safety and welfare? How is that information used by HHS for future child protection?

ORR Response: When a sponsor does not fulfill his/her sponsorship obligation (an agreement is signed at the time of release) for any reason they are flagged in the ORR portal. This alerts ORR if they try to sponsor another child. Child abuse would fall into this category of not upholding the sponsorship agreement because of failure to protect the child. Other reasons, for example, might include not enrolling the child in school or not participating in post release services.

3. Have there been any changes to policies regarding the provision of post-release services since summer 2017?

   ORR Response: ORR Post Release service policy is published on the ORR website, https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-6#6.2. Updates are noted at the bottom of the policy with the date the policy was updated.

4. In FY17, out of 41,000 total UAC releases, HHS was allotted funding for the provision of PRS to 11,000 children. How many UAC were actually provided PRS in FY17?

   ORR Response: In FY16, ORR conducted 3,540 home studies and provided 10,546 UACs with post release services. In FY17, ORR conducted approximately 2,900 home studies and provided 11,500 UACs with post release services.

5. The list of contractors and grantees providing post-release services.

   ORR Response:
   - BCFS Health and Human Services
   - The Children's Village, Inc.
   - Florence Crittenton Services of Orange County, Inc.
   - Heartland Human Care Services
   - Lutheran Immigration and Refugee Services, Inc.
   - MercyFirst
   - Morrison Child and Family Services
   - Southwest Key Programs, Inc.
   - United States Conference of Catholic Bishops
   - United States Committee for Refugees and Immigrants

6. ORR policy on placements in secure and staff secure facilities.

   ORR Response: We have attached the full Policy and Procedures relating to placement in ORR facilities, and our corresponding forms. Below are descriptions of the attached documents.
   - **Template UAC Initial Placement Form**- This is our referral form. It is duplicated in the Portal for referrals received directly there. We require receipt of this form for all referrals made.
   - **UAC Placement Tool**- Intakes completes the first part of this tool (which is housed in the Portal) as an aid in determining placement level of care when processing referrals for minors with criminal history, gang involvement, or other factors (as outlined in the Policy Guide) that may require a more restrictive placement. The referral information and score from this tool are shared with an FFS Supervisor who approves type of placement for the UAC. (This procedure is outlined in the UAC MAP Section 1.3.2)
   - **UAC Policy Guide Section 1**- This is where all the policies relating to placement in ORR facilities are housed. The policies that relate most directly to Intakes are in **Section 1.2-1.3**. These are also found online here: https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-1#1.1

7. Details on the JCO process including the dates the JCO was shared with DHS and returned to HHS, the expected timeline based on a joint commitment with DHS, and more information on what is holding up progress on the JCO.

ORR Response: ORR submitted the last draft to DHS on October 6. DHS submitted their revised comments to the ORR draft on January 24, 2018.

8. How often do sponsors decline post-release services or not follow through?

   ORR Response: About 13% of sponsors decline or do not follow through with post release services.

Thanks!
[redacted]

From: [redacted] (HSGAC) [[redacted]]
Sent: Friday, January 26, 2018 3:05 PM
To: [redacted] (HHS/ASL); [redacted] (HHS/ASL)
Cc: [redacted] (HSGAC); [redacted] (HSGAC); [redacted] (HSGAC); [redacted] (HSGAC)
Subject: RE: PSI Briefing

[redacted],

Thanks again for your help arranging last week's briefing for PSI and HSGAC staff. Below are the list of follow-up items from that discussion. I'd like to flag items #1 and 10 as priorities for the Subcommittee.

As always, please let me know if you have any questions.

Best,

[redacted]

Follow-up items from HHS ORR's 1/17/18 briefing:

1. Timing of the request to OGC regarding legal responsibilities for UAC after placement with sponsors in the United States and the form of that request.
2. What does HHS do with information received when they are contacted by state child welfare agencies with concerns about a UAC's safety and welfare? How is that information used by HHS for future child protection?
3. A copy or link to the program rules and guidelines for provision of PRS.
4. Have there been any changes to policies regarding the provision of post-release services since summer 2017?
5. In FY17, out of 41,000 total UAC releases, HHS was allotted funding for the provision of PRS to 11,000 children. How many UAC were actually provided PRS in FY17?
6. The list of contractors and grantees providing post-release services.
7. ORR policy on placements in secure and staff secure facilities.
8. Further information on the type of information HHS would like access to from DHS.
9. Details on the JCO process including the dates the JCO was shared with DHS and returned to HHS, the expected timeline based on a joint commitment with DHS, and more information on what is holding up progress on the JCO.

OFFICE OF REFUGEE RESETTLEMENT

An Office of the Administration for Children & Families

Facts and Data

General Statistics

Data provided by fiscal year (October 1 – September 30)

Age | Country of Origin | Gender | Home Studies and Post-Release Services | Length of Stay | Referrals | Release to Sponsors

Age

Age breakdown of unaccompanied alien children by fiscal year (October 1 – September 30)

AGE	FY2017	FY2016	FY2015	FY2014	FY2013	FY2012
0-12	17%	18%	17%	21%	14%	11%
13-14	13%	14%	14%	16%	13%	11%
15-16	37%	37%	38%	36%	40%	39%
17	32%	31%	30%	27%	34%	38%

Country of Origin

The top three countries of origin shifted slightly from FY2014, with the highest percentage of children in FY2015 coming from Guatemala, followed closely by El Salvador and Honduras.

COUNTRY OF ORIGIN	FY2017	FY2016	FY2015	FY2014	FY2013	FY2012
HONDURAS	23%	21%	17%	34%	30%	27%
GUATEMALA	45%	40%	45%	32%	37%	34%
EL SALVADOR	27%	34%	29%	29%	26%	27%
MEXICO	<3%	3%	6%	<2%	3%	8%
ALL OTHER COUNTRIES	3%	2%	3%	<3%	5%	4%

Gender

The demographic breakdown in FY15 changed slightly from FY14 to reflect an increase in male UAC arrivals and decrease in female UAC arrivals.

YEAR	MALES	FEMALES
FY2017	68%	32%
FY2016	67%	33%
FY2015	68%	32%
FY2014	66%	34%
FY2013	73%	27%
FY2012	77%	23%

Home Studies and Post-Release Services

Number of home studies conducted by ORR and number of unaccompanied alien children served by post-release services (PRS).

YEAR	HOME STUDIES	UAC SERVED BY PRS
FY2017	3,173	13,381
FY2016	3,540	10,546

PSI-058

YEAR	HOME STUDIES	UAC SERVED BY PRS
FY2015	1,895	8,618

Length of Stay

Average length of stay of a child in shelter care* in FY2017 was 41 days.
*Includes Shelter and Transitional Foster Care only

Referrals

This reflects the number of referrals ORR receives from the Department of Homeland Security each fiscal year. Read more about **referrals to ORR and initial placement (https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-1#1.3)**.

YEAR	REFERRALS
FY2017	40,810
FY2016	59,170
FY2015	33, 726
FY2014	57, 496
FY2013	24, 668
FY2012	13, 625

Release to Sponsors

View the number of unaccompanied alien children released to sponsors by **state (https://www.acf.hhs.gov/orr/resource/unaccompanied-alien-children-released-to-sponsors-by-state)** and by **county (https://www.acf.hhs.gov/orr/resource/unaccompanied-alien-children-released-to-sponsors-by-county)**

View ORR Fact Sheet on Unaccompanied Alien Children's Services (https://www.acf.hhs.gov/sites/default/files/orr/orr_fact_sheet_on_unaccompanied_alien_childrens_services_0.pdf)

Listen (https://app.readspeaker.com/cgi-bin/rsent?customerid=7596&lang=en_us&readid=main&url=https%3A%2F%2Fwww.acf.hhs.gov%2Forr%2Fabout%2Fucs%2Ffacts-and-data)

Last Reviewed: June 25, 2018

Office of Refugee Resettlement

Sponsor Handbook

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Definitions

Office of Refugee Resettlement (ORR): The Office of Refugee Resettlement is a federal office in the Administration for Children and Families, an operational division of U.S. Department of Health and Human Services, and oversees care for unaccompanied children in the United States.

Care Provider: A care provider is any ORR funded program that is licensed, certified or accredited by an appropriate State agency to provide residential care for children, including shelter, group, foster care, staff-secure, secure, therapeutic or residential treatment care for children.

Reunification: Reunification is the process of a child being released from ORR care to a sponsor. A child is reunified only when the sponsor has been approved by the government as a safe caregiver for the child.

ORR National Call Center (ORRNCC): The call center is a helpline for unaccompanied children, sponsors, and their families to support them throughout the reunification process, including after the child is released to a sponsor's care.

Family Reunification: Family reunification is an older term used in the Flores Settlement Agreement to refer to the process of releasing an unaccompanied child to the care of a parent, relative or other sponsor.

Sponsor: A sponsor is an individual (in the majority of cases a parent or other relative) or entity to which ORR releases an unaccompanied child out of Federal custody.

Post-Release Services: Post-release services are synonymous with follow-up services. They are services provided to an unaccompanied child based on the child's needs after he/she leaves ORR care. Post-release service providers coordinate referrals to supportive services in the community where the unaccompanied child resides and provide other child welfare services, as needed. Post-release services can occur until the minor attains 18 years of age. Post-release services can occur in combination with a home study or independently. Participation in Post Release Services is a voluntary choice by the sponsor and unaccompanied child.

ADMINISTRATION FOR
CHILDREN & FAMILIES
Office of Refugee Resettlement

Division of Unaccompanied Children Operations

Fingerprint Instructions for Sponsors

In order to sponsor a minor in the custody of the Office of Refugee Resettlement (ORR), you must undergo a background check that requires you to be fingerprinted. Background checks typically take between one to two weeks to complete.

You must be fingerprinted within 3 days to begin the family reunification process. Please note that any delays made in filing any required paperwork or not attending a scheduled fingerprinting will delay the release of the minor you are attempting to sponsor.

Steps for Fingerprinting

1. Read the *Authorization for Release of Information* carefully and complete the form.
2. Fax or email the Case Manager the completed form and a copy of your photo ID. If you are unable to fax or email the documents, please send it by express or priority mail as soon as you are able to do so.
3. After submitting the form, the Case Manager will either arrange a fingerprinting session for you or will give you the contact information of the designated digital fingerprinting site to arrange your own appointment. *If you are unable to travel* to the designated digital fingerprint site, you may discuss with your Case Manager the option to provide two sets of paper fingerprints cards.
4. Attend your fingerprinting session at the scheduled time at the designated digital fingerprint site.
5. Contact the Case Manager after you attend your fingerprinting session to let him or her know you have done so and wait for any other instructions.

Requesting Background Check Results

Sponsors and adult household members may review the results of their FBI fingerprint background checks by sending a request to the care provider organization where the minor you are sponsoring currently resides or by sending a request directly to the ORR, Division of Unaccompanied Children's Operations, contact information available at http://www.acf.hhs.gov/programs/orr/programs/unaccompanied_alien_children.htm.

Challenging a FBI Criminal Background Check

If a sponsor or an adult household member believes the FBI criminal background check results are incorrect, he or she may challenge the accuracy or completeness of the information. The sponsor or adult household member may contact the agency that contributed the information the sponsor believes is incorrect. Additional details about obtaining a change, correction, or update of an FBI identification record are set forth in the U.S. Code of Federal Regulations at 28 CFR § 16.34.

Discharge Paperwork

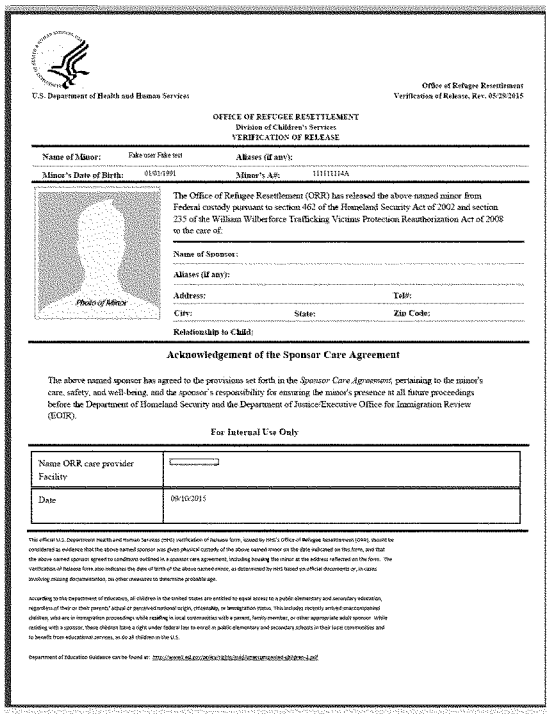
Unaccompanied children are provided with several important documents at the time of their release. It is important to review these documents carefully and to keep them safe. You will receive:

- Verification of Release Form (VRF)
- Immunization records and initial medical screening
- Initial dental exam and any significant dental records
- List of all medications the UC is taking, including dosage and reason plus original prescription
- Name and contact information of medical, mental health, and dental care providers so sponsor and UAC may request additional records if needed
- Educational assessments and records
- Sponsor Care Agreement
- Safety Plan

Your child will come home with a folder of documents. Keep these papers safe! You will need them for the child's school enrollment, court, and doctor's visits, and more.

Verification of Release Form (VRF)

This form is an official U.S. Department of Health and Human Services (HHS) form, issued by HHS's Office of Refugee Resettlement (ORR), and should be considered evidence that the sponsor has custody of the child, the child resides with the sponsor at the address reflected, and the age of the child. Although schools, school districts, and other units of government should not ask for this VRF form and sponsors are not required to submit it to a school or other unit of government, sponsors may choose to voluntarily present this form to a school or other unit of government. If presented, schools and other units of government should accept this form as one appropriate means for establishing proof of identity, residency, and/or age for purposes of enrolling a child in school. The VRF looks like this:



U.S. Department of Health and Human Services

Office of Refugee Resettlement
Verification of Release, Rev. 05/28/2015

OFFICE OF REFUGEE RESETTLEMENT
Division of Children's Services
VERIFICATION OF RELEASE

Name of Minor: Fake user Fake test **Aliases (if any):**

Minor's Date of Birth: 01/01/1991 **Minor's A#:** 1111111144A

Photo of Minor

The Office of Refugee Resettlement (ORR) has released the above named minor from Federal custody pursuant to section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to the care of:

Name of Sponsor:

Aliases (if any):

Address: **Tel#:**

City: **State:** **Zip Code:**

Relationship to Child:

Acknowledgement of the Sponsor Care Agreement

The above named sponsor has agreed to the provisions set forth in the *Sponsor Care Agreement*, pertaining to the minor's care, safety, and well-being, and the sponsor's responsibility for ensuring the minor's presence at all future proceedings before the Department of Homeland Security and the Department of Justice/Executive Office for Immigration Review (EOIR).

For Internal Use Only

Name ORR care provider Facility	
Date	09/10/2015

This official U.S. Department Health and Human Services (HHS) verification of release form, issued by HHS's Office of Refugee Resettlement (ORR), should be considered as evidence that the above named sponsor was given physical custody of the above named minor on the date indicated on this form, and that the above named sponsor agreed to conditions outlined in a sponsor care agreement, including housing the minor at the address reflected on the form. The verification of release form also indicates the date of birth of the above named minor, as determined by HHS based on official documents or, in cases involving missing documentation, on other measures to determine probable age.

According to this Department of Education, all children in the United States are entitled to equal access to a public elementary and secondary education, regardless of their or their parents' actual or perceived national origin, citizenship, or immigration status. This includes recently arrived unaccompanied children, who are in immigration proceedings while residing in local communities with a parent, family member, or other appropriate adult sponsor. While residing with a sponsor, these children have a right under federal law to enroll in public elementary and secondary schools in their local communities and to benefits from educational services, as do all children in the U.S.

Department of Education Guidance can be found at: http://www2.ed.gov/policy/rights/guide/unaccompanied-children-2.pdf

Medical Records

At the time of release, the child will receive copies of his/her medical records, which are very important to the child's safety and access to services after release. Many families do not qualify for health insurance, and costs for medications and treatment can be expensive. If you do not have health insurance or cannot add the child to your insurance plan, look for low-cost community health care clinics in your community. For assistance finding low-cost health care options, call the ORR National Call Center at 1-800-203-7001.

Prescriptions

The child's medical records will include prescriptions for medicine and instructions for how the child should take the medicine, so this paperwork is very important.

If there are any recommendations to keep the child healthy, like taking certain medicines or going to certain appointments, as a sponsor you are required to make sure the child receives that treatment after they are reunified. Review the medical paperwork carefully to make sure you are completely aware of any medicine or treatment the child should be receiving.

Medical and Mental Health History

The discharge packet may include medical, dental, and mental health examinations, treatment, or tests that were done while the child was in care. When you take the child to the doctor, dentist, counselor, or psychiatrist for check-ups in your community, these records can be helpful to the child's practitioners to understand the child's needs.

Vaccination Records

Pay extra attention to the vaccination record. The vaccination record shows all of the immunizations the child received while in shelter care to help protect them against diseases like measles, hepatitis, and varicella. When you enroll the child in school, the school will request to see this vaccination record as part of the enrollment process. Common vaccinations children receive in ORR care include inoculations against the following dangerous diseases:

Your child may need to continue a series of vaccinations to keep them safe from certain diseases after they come home. You will need to help the child access medical care to receive those vaccines in your community.

- Polio
- MMR
- Hepatitis A
- Hepatitis B
- Varicella
- Pneumococcal
- Meningococcal
- Diphtheria
- Tetanus
- Pertussis

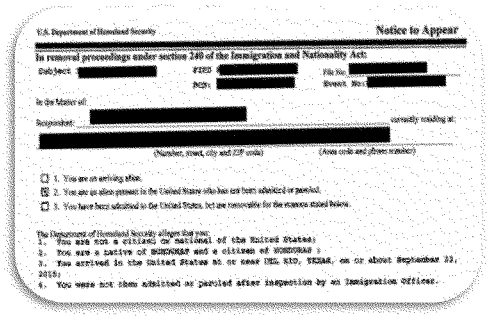
Some diseases require a series of vaccinations to prevent, so the child will need to continue receiving vaccinations from a doctor in your community after their release to protect them from those diseases.

Notice to Appear (NTA)

The child will also receive a document called the Notice to Appear, or NTA. This document demonstrates that the child is required to attend court as part of his/her immigration proceedings.

The NTA has the child's legally filed alien number, date of birth, and name. Even if the information on this form is incorrect, for example, if the child's name is spelled incorrectly, the information on this form is what the government officially has on file for the child. So, when you call to get updates on the child's court status, to ask questions about their case, or to work with

an attorney, they will ask for the information as it is written on the NTA, even if the child's name is incorrectly hyphenated or spelled incorrectly. The NTA looks like this:



U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject: [redacted] FINS [redacted] File No: [redacted]

SCN: [redacted] Event No: [redacted]

In the Matter of:

Respondent: [redacted] currently residing at:

[redacted]

(Number, street, city and ZIP code) (Area code and phone number)

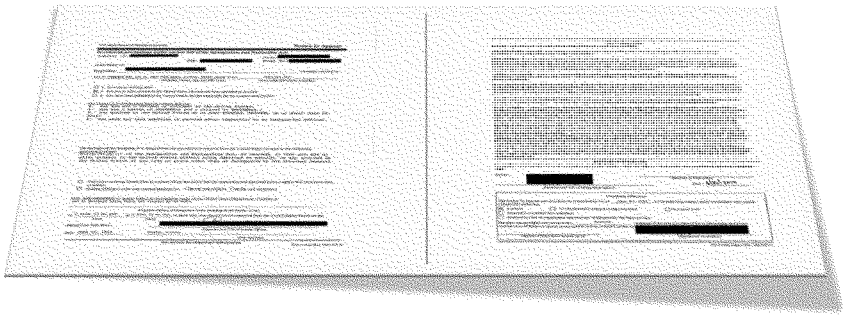
☐ 1. You are an arriving alien.

☒ 2. You are an alien present in the United States who has not been admitted or paroled.

☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.

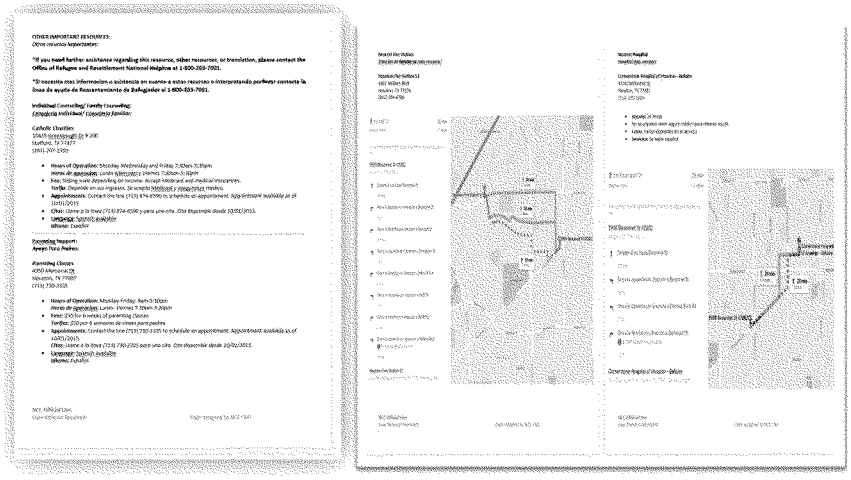
The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS ;
3. You arrived in the United States at or near DEL RIO, TEXAS, on or about September 22, 2015;
4. You were not then admitted or paroled after inspection by an Immigration Officer.



Safety Plan

The child will also be released with a document called a "safety plan." This plan is very important for both you and the child. It provides lists of important numbers to call, actions to take in unsafe situations, and warning signs or risks to look out for. Many ORR care providers will also include directions and maps to important resources in your community, like instructions on how to reach the police station if you are in danger. Keep this document handy and make sure your child has immediate access to it. This is an example of what a safety plan may look like:



Sponsor Care Agreement

This two-page document details the specific expectations for all sponsors. Make sure to read this document carefully. By moving forward with sponsoring an unaccompanied child, you are agreeing to abide by the expectations outlined in this document.

ADMINISTRATION FOR
CHILDREN & FAMILIES
Office of Refugee Resettlement

Division of Unaccompanied Children Operations

Sponsor Care Agreement

You have applied to the Office of Refugee Resettlement (ORR) to sponsor an unaccompanied alien child in the care and custody of the Federal Government pursuant to the Flores v. Reno Stipulated Settlement Agreement, No. 85-4544-RJK (Px) (C.D. Cal., Jan. 17, 1997), Section 462 of the Homeland Security Act of 2002 (6 U.S.C. §279) and Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. §1232). If your sponsorship application is approved, you will receive an ORR Verification of Release form and will enter into a custodial arrangement with the Federal Government in which you agree to comply with the following provisions while the minor is in your care:

- Provide for the physical and mental well-being of the minor, including but not limited to, food, shelter, clothing, education, medical care and other services as needed.
- If you are not the minor's parent or legal guardian, make best efforts to establish legal guardianship with your local court within a reasonable time.
- Attend a legal orientation program provided under the Department of Justice/Executive Office of Immigration Review (EOIR)'s Legal Orientation Program for Custodians (Sponsors), if available where you reside.
- Depending on where the minor's immigration case is pending, notify the local Immigration Court or the Board of Immigration Appeals within five (5) days of any change of address or phone number of the minor, by using an Alien's Change of Address form (Form EOIR-33). In addition if necessary, file a Change of Venue motion on the minor's behalf. The Change of Venue motion must contain information specified by the Immigration Court. Please note that a Change of Venue motion may require the assistance of an attorney. For guidance on the "motion to change venue," see the Immigration Court Practice Manual at https://www.justice.gov/eoir/office-chief-immigration-judge-0. For immigration case information please contact EOIR's immigration case information system at 1-800-898-7180. Visit EOIR's website for additional information at http://www.justice.gov/eoir/formslist.htm.
- Notify the Department of Homeland Security (DHS)/U.S. Citizenship and Immigration Services) within ten (10) days of any change of address, by filing an Alien's Change of Address Card (AR-11) or electronically, at http://1.usa.gov/Ac5MP.
- Ensure the minor's presence at all future proceedings before the DHS/Immigration and Customs Enforcement (ICE) and the DOJ/EOIR. For immigration case information, contact EOIR's case information system at 1-800-898-7180.

[Rev. 05/12/2017] **Page 1 of 2**

Sponsor Care Agreement
Office of Refugee Resettlement

- Ensure the minor reports to ICE for removal from the United States if an immigration judge issues a removal order or voluntary departure order. The minor is assigned to a Deportation Officer for removal proceedings.
- Notify local law enforcement or your state or local Child Protective Services if the minor has been or is at risk of being subjected to abuse, abandonment, neglect, or maltreatment or if you learn that the minor has been threatened, has been sexually or physically abused or assaulted, or has disappeared. Notice should be given as soon as it becomes practicable or no later than 24 hours after the event or after becoming aware of the risk or threat.
- Notify the National Center for Missing and Exploited Children at 1-800-843-5678 if the minor disappears, has been kidnapped, or runs away. Notice should be given as soon as it becomes practicable or no later than 24 hours after learning of the minor's disappearance.
- Notify ICE if the minor is contacted in any way by an individual(s) believed to represent an alien smuggling syndicate, organized crime, or a human trafficking organization. Provide notification as soon as possible or no later than 24 hours after becoming aware of this information. You can contact ICE at 1-866-341-2423.
- In the case of an emergency (serious illness, destruction of home, etc.), you may temporarily transfer physical custody of the minor to another person who will comply with the terms of this Sponsor Care Agreement.
- If you are not the child's parent or legal guardian, in the event you are no longer able and willing to care for the minor and unable to temporarily transfer physical custody, and the minor meets the definition of an unaccompanied alien child, you should notify the ORR National Call Center at 1-800-203-7001.
- The release of the above-named minor from the Office of Refugee Resettlement to your care does not grant the minor any legal immigration status and the minor must present himself/herself for immigration court proceedings.

Key components of the Sponsor Care Agreement are discussed in greater detail throughout this handbook. For example:

- Providing for the physical and mental well-being of the minor, including but not limited to, food, shelter, clothing, education, medical care and other services as needed – page 20
- Establishing legal guardianship with your local court within a reasonable time – page 28
- Attending a legal orientation program – page 23
- Notifying the local Immigration Court or the Board of Immigration Appeals and the Department of Homeland Security/USCIS within five (5) days of any change of address or phone number of the minor – page 23
- Ensuring the minor's presence at all future proceedings – page 23
- Ensuring the minor reports to ICE for removal from the United States if an immigration judge issues a removal order or voluntary departure order – page 23
- Notifying authorities if the minor has been or is at risk of being subjected to abuse, abandonment, neglect, or maltreatment or if you learn that the minor has been threatened, has been sexually or physically abused or assaulted, or has disappeared – page 23
- Notifying the National Center for Missing and Exploited Children at 1-800-843-5678 if the minor disappears, has been kidnapped, or runs away – page 21
- Notifying ICE if the minor is contacted in any way by an individual(s) believed to represent an alien smuggling syndicate, organized crime, or a human trafficking organization- page 26
- Contacting ORR at 1-800-203-7001 if you are not the child's parent or legal guardian, in the event you are no longer able and willing to care for the minor – page 28

Post Release Case Management

For some children, ORR will approve for case management services to continue even after the child has been released to your care. These services are called Post Release Services. If your child has been assigned these services, your agreement to participate in these services can be a requirement for the child to be released. A case manager will visit your home several times to support you and your family, and will meet directly with you and with the child. The case manager will not provide direct monetary support, but they will connect the family with many resources in the community, and will help the family identify solutions if they encounter problems along the way. If you relocate, it is very important to tell your post release case manager, so that they can provide you with direction on filing paperwork, and so that they come to the right address when they come to visit the child.

Children are assigned post release case management services for many reasons, but always because the federal government has determined that these services would be beneficial to help keep the child supported and safe after reunification. Cooperation with post release services will not only help the child, but can be very helpful to the whole family.

Caution: Fraud & Financial Exploitation

It is important for sponsors and family members to know that there are criminals who target families of children involved in the reunification process. It is unknown how these criminals get information for the children's families, but it is highly suspected that they are associated with smuggling rings or "guides". These criminals commonly ask sponsors/family for money in order to have the children released to family, that say that there is a fee for the reunification process, or say that the money will be used to cover the cost of travel to get the child to the family. This is called financial exploitation because usually these individuals are acting on their own and the money requested is not being used for what they claim.

There are **NO FEES** associated with the processing or reunification of children in ORR care. No one should contact you and ask you for money, your bank account information, your credit card number, or ask you to send payment or money order to another person or account.

When the time comes to have the child released from a shelter or foster home, you will have to make flight arrangements for the child and possibly an escort if the child is younger than 14 years old. Travel costs should ONLY be paid directly to company, an airline, or care provider facility. No one should ask you to pay travel costs to a certain person or personal account.

Furthermore, if you are being requested to make payment for fees or expenses related to the processing, reunification, or travel of a child please contact ORR National Call Center at 1-800-203-7001 for assistance. You should view the request with extreme caution and follow these best practices, as recommended by the Federal Bureau of investigations (FBI):

- Be skeptical of individuals representing themselves as officials and asking for payments or donations door-to-door, via phone, mail, e-mail, or social networking sites.
- Be skeptical of individuals requesting payment or contributions by courier or wire, or those who request your bank account or credit card number.
- Verify the legitimacy of the government agency or non-profit organization by utilizing various Internet-based resources which may confirm the correct phone number, e-mail, and/or the group's existence and its non-profit status rather than following a link to an e-mailed site.
- Call the official telephone number of the government agency seeking money to ensure the request for payment is legitimate.
- Do not respond to any unsolicited (spam) incoming e-mails. Do not click links contained within those messages.
- Be cautious of e-mails that claim to show pictures of intended recipients in attached files which may contain viruses. Only open attachments from known senders.
- Make contributions directly to known organizations rather than having others make the donation on your behalf to ensure contributions are received and used for intended purposes.
- Do not give your personal or financial information to anyone who seeks payment or solicits contributions. Providing such information may compromise your identity and make you vulnerable to identity theft.

WARNING

PROTECT YOURSELF FROM CRIMINALS TARGETING FAMILIES OF UNACCOMPANIED CHILDREN

There are criminals who target relatives of unaccompanied children entering the United States by demanding money from sponsors and/or family members, claiming the money will cover processing, reunification, and travel expenses needed to allow the children to be reunited with their families.

Fees for Processing or Reunification
There are no fees associated with the processing or reunification of an unaccompanied child. You do not need to pay money. No one should contact you and ask you for money, your bank account number, your credit card number, or ask you to send payment or a money order to another person or account.

Fees for Travel
You are responsible for the cost of your child's transportation and, if the care provider is escorting the child, for the care provider's transportation or airfare. If an airline escort is used, you are responsible for paying the airline's unaccompanied minor service fee. Travel costs should only be paid directly to a company, usually the airline or the care provider facility. No one should ask you to pay travel costs to an individual or to a personal account.

THESE ARE ILLEGAL ATTEMPTS TO STEAL YOUR MONEY. IF YOU ARE CONTACTED AND ASKED FOR FEES, OR ASKED TO PAY OR WIRE MONEY, PLEASE IMMEDIATELY CALL THE ORR NATIONAL CALL CENTER HELP LINE.

ORR National Call Center (800) 203-7001

Anyone who is requested to make payment for fees or expenses related to the processing, reunification, or travel of unaccompanied children should view such a request with extreme caution and follow these best practices, as recommended by the Federal Bureau of Investigations (FBI):

- Be skeptical of individuals representing themselves as officials and asking for payments or donations door-to-door, via phone, mail, e-mail, or social networking sites.
- Be skeptical of individuals requesting payment or contributions by courier or wire, or those who request your bank account or credit card number.
- Verify the legitimacy of the government agency or non-profit organization by utilizing various Internet-based resources which may confirm the correct phone number, e-mail, and/or the group's existence and its non-profit status rather than following a link to an e-mailed site.
- Call the official telephone number of the government agency seeking money to ensure the request for payment is legitimate.
- Do not respond to any unsolicited (spam) incoming e-mails. Do not click links contained within those messages.
- Be cautious of e-mails that claim to show pictures of intended recipients in attached files which may contain viruses. Only open attachments from known senders.
- Make contributions directly to known organizations rather than having others make the donation on your behalf to ensure contributions are received and used for intended purposes.
- Do not give your personal or financial information to anyone who seeks payment or solicits contributions. Providing such information may compromise your identity and make you vulnerable to identity theft.

Fraud Warning, 03/09/2016
ORR UC/FRP-12

Child Rights in Care vs. After Release

Just as a child's safety is protected while in ORR care, a child has rights when they are released to you. As the sponsor, you will be legally responsible for ensuring the child's rights are protected when they are released to your care. Some of the most important rights include:

Right to Education

Children are required to attend school up to a certain age (16, 17, or 18 years old, depending on the state you live in) and generally may attend regular public school until they complete high school or reach the eldest eligible age (19, 20, or 21 depending on the state you live in). You can find details on compulsory ages where children must be attending school in your state at this website: http://www.ncsl.org/research/education/upper-compulsory-school-age.aspx

You are required to enroll the child in school immediately after reunification. If the child is of an age where school attendance is required in your state and you do not enroll the child, this can be considered Child Neglect.

You must help the child to enroll in school immediately following family reunification. A good first step to enroll your child is to call or visit your local school to set up an appointment. They will tell you what documents they require for enrollment, and what the process looks like. For assistance enrolling, you can contact the ORR National Call Center at 1-800-203-7001.

Not only is education required for children in the United States, but school attendance can affect an unaccompanied child's case in court. Sponsors are legally responsible for making sure the child is successfully enrolled in school and that the child consistently goes to class. For teenagers and youth who are about to turn 18, they may have the option to enroll in a General Education Diploma (GED) program. This program can help youth receive credit for finishing high school. For teenagers and youth about to turn 18, this may meet their educational requirements.

To enroll in public school, you will likely need to show the child's age, where the child is living in the school district, and records of vaccinations/immunity. Schools typically accept any of a variety documents to show age, including:

- Religious document, like a baptism certificate
- Hospital paperwork
- Physician's certificate showing date of birth
- An adoption record
- An affidavit from a parent
- A birth certificate
- Previously verified school records

Examples of documents schools typically accept to show residency include:

- Copies of phone and water bills
- Lease agreements
- Affidavits

If the sponsor is unable to produce a document establishing the child's residence, the child still has a right under Federal law to enroll immediately in school.

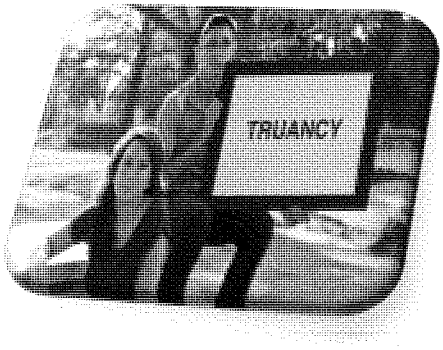
Schools might ask you for additional information about the child's past educational history, nationality, language(s) spoken at home, and your household income. This additional information is usually collected to help determine what educational assistance and services the child may need. This information may also help the school place the child in appropriate grade and courses. Schools must let children enroll in school, even if you do not, or cannot give any of this additional information. Schools are required to identify children who may not be able to speak, read, write or understand English so that they can teach English as well as other subjects. Schools are also required to identify and evaluate children (ages 3 to 21) who may have mental or physical disabilities in order to provide regular or special education and services to meet their needs. Schools are prohibited from using this additional information to discriminate against you or the child. Schools are prohibited from discriminating against you or the child based on race, color, national origin, religion, gender, sexual orientation, disability, citizenship, or immigration status.

In most states, children can be enrolled in school past the age of 18. You can check to see the oldest age you can enroll a child in public school at this website:
http://www.childtrends.org/?indicators=high-school-dropout-rates

It can also be helpful to ask what social work or counseling staff they have at the school. Ask for your child to have a meeting with the school social worker or counselor. The transition to a new school can be very difficult for a child, so arranging supports early on can help make the child feel more comfortable.

Children have the right to access public school, even if they do not have status yet, but sometimes this gets confusing at enrollment. If you have any difficulty getting the child enrolled, you can call the ORR National Call Center at 1-800-203-7001 and a case manager will help you work with the school to get the child enrolled.

Information about enrolling your child in a GED program can be found here:



http://study.com/article_directory/Articles_about_the_GED_(by_State).html

http://learningpath.org/article_directory/GED_Info_by_State.html

Truancy

When a child refuses to go to school and skips class, this is called "truancy." Because education is a legal requirement, both sponsors and children need to comply with the child's school attendance. If the child misses too many days at school, the child may have to go to truancy court, or the sponsor may have to pay fines.

If a child is refusing to go to school, there may be many reasons why. Unaccompanied children sometimes are bullied by other children at school, they may get frustrated with trying to study in English, or they may feel overwhelmed. If your child is refusing to go to school, try to figure out why, and talk to the school to help support the child to attend. Children have the right to go to school, and as a sponsor, you have the right to advocate for your child. If you or your child want to talk about challenges at school and think about ideas to increase school attendance, you can call the ORR National Call Center for support.

Right to Physical Well-Being

Child abuse and neglect laws differ between every state, but no matter where you are in the United States, as the child's sponsor, you are held legally responsible for protecting the child's physical and emotional well-being. Children are considered "children" until they turn 18.

Physical harm to a child is never permitted in the United States, even as a form of discipline. Adults may never hit, kick or otherwise harm the children in their care. All caregivers, including sponsors, must also take precautions to ensure other people do not harm the children in their care.

Provision of Basic Needs

You may never threaten or harm the child in your care, including withholding food or water as a form of punishment.

The sponsor must provide the children in their care with adequate food, shelter, clothing, medical care, and supervision. Caregivers are never permitted to deny a child basic food and water as punishment, and they may never force the child to leave their home. The sponsor must also ensure the child has adequate clothing to keep them safe and healthy, including sweaters and coats for cold weather. Sponsors are never permitted to force a child to work for these basic needs.

Sponsors are required to ensure the children in their care receive medical care. This ranges from basic check-ups and regular vaccinations to medical attention for an injury or illness as needed. This also applies to psychiatric medications. If a child is prescribed necessary medications to keep him safe, sponsors are required to make sure the child gets the medicine he/she needs. Medical care can get expensive, and there are often supports in many locations that can help with medical costs. To identify low-cost medical services in your area, call the ORR National Call Center at 1-800-203-7001.

Children may not be forced to pay for their food, their room, or rent in your home. Children may never be forced to leave the home to make it on their own.

Adequate Adult Supervision

Sponsors must also keep children safe by making sure they have adequate adult supervision. States have different rules about this, but overall, children may not be left at home unattended,

and should not be left alone caring for other children. In the states that allow teenagers to be at home without an adult, they still require that the child is prepared to protect himself. So, if your state allows you to leave the child at home, the child needs to know important information, like how to escape if there is a fire, what to do if a stranger knocks on the door, or who to call in an emergency.

For example, you can put together a plan with your child in writing, and keep the plan on your refrigerator for easy access. The plan could include:

My sponsor's phone number:

Neighbor/nearby family's phone number:

If I am in immediate danger, I can call 911.

If there is a fire, I can get outside by _____ and going to _____ to call 911.

If someone comes to the door, I will not let them in.

If I get injured, I can call 911.

I will not use the stove when I am home alone.

Part of supervision requirements include knowing where the child is when they are not at home. If the child runs away, this must be reported to police. Police will come to your home to interview you and get information to try to find the child to make sure he/she is safe. As a sponsor, failure to report a runaway is in some states a criminal act. For help reporting that a child has left your care, or if you are afraid that the child might run away, you can call the ORR National Call Center for support at 1-800-203-7001.

The National Center for Missing and Exploited Children (NCMEC) is a great resource for reporting your child missing, and NCMEC will keep this information in a centralized database to communicate with law enforcement nationally. To report your child missing to NCMEC, call 1-800-843-5678.

Right to Emotional Well-Being

Sponsors are also required to protect a child's emotional well-being. In the United States, adults may not threaten a child with harm. Sponsors also may not insult or emotionally reject children.

An example of this could include a sponsor telling a child he is unwanted or unwelcome in his home. These kinds of behaviors are considered emotional abuse, and there are state regulations that prohibit it.

Protecting Children from Themselves

Sponsors must provide a safe and supportive home, where the child is included in family activities. If a child is struggling with an emotional problem and might hurt himself, sponsors are also required to make sure the child gets help from a professional to keep him safe. This could include taking the child to the Emergency Room at your local hospital.

Specific self-harming behaviors to look out for include a child cutting, scraping, burning, or otherwise intentionally hurting himself. Children may try to hide this behavior, and may try to cover arms and legs or lock themselves in rooms while they are self-harming. This topic is further explored on page 27.

As a general rule, adults (over 18) may not engage in romantic or sexual relationships with children (under 18). Every state has specific laws about these relationships.

Protecting Children from Inappropriate Romantic Relationships

One very common and dangerous threat to a child's physical AND emotional well-being is an unsafe romantic relationship. In the United States, children cannot be in a romantic relationship with an adult. Each state has very specific laws preventing these relationships, but the general rules are that children (under 18) may not be in romantic relationships with adults (18 years old or more). Even if the child is not having sex with their adult partner, if there is any sort of sexual touching, sexual communication, or sexual photographs, this is a crime in the United States. It is still a crime even if the interactions occur on social media, like Facebook. The adult partner in the relationship may face very serious legal consequences for being part of any kind of sexual activity with a child, including fines, jail time, and a permanent, publicly visible criminal record that may make it difficult to secure employment.

Reporting Child Abuse and Neglect

The failure to protect a child's physical or emotional well-being is called child abuse and neglect. As a sponsor, you are not only required to follow the rules outlined above, but you are also required to protect the child from any other person who might cause physical or emotional harm to the child. If a sponsor knows that a child in his care is being harmed and does not

report it to authorities, the sponsor's failure to report may also be considered neglect. To report abuse or neglect, you can call your local Child Protective Services number or your local police. These numbers are available at www.childhelp.org.

If you need help reporting abuse, identifying the best local phone numbers to call, or finding solutions, you can call the ORR National Call Center for support at 1-800-203-7001.

You may also call Childhelp to report child abuse and neglect at 1-800-422-4453.

To report human trafficking, call the National Human Trafficking Resource Center (NHRTC) at 1-888-373-7888.

Right to Go to Court

Sponsors must take the search for an attorney for their child very seriously, and ensure that the child has every opportunity to meet with the attorney in preparation for court. Thousands of unaccompanied children every year are determined by the court to be legally allowed to stay in the United States, which allows children to grow up under U.S. protections, without the constant fear of being deported. You can get legal assistance, or help finding local, low-cost attorneys, by calling the Legal Orientation Program for Custodians (LOPC) hotline at 1-888-996-3848.

You are required to make arrangements to ensure an adult takes the child to court when the court date is scheduled. An attorney can help your child's case.

As a sponsor, one of the most important requirements of sponsorship is to make sure the child gets to court for their court date. Sponsors do not have to personally take the child to court, but they must make dependable arrangements to ensure the child attends his/her hearing. If a child does not attend, in many cases, courts will automatically issue a deportation order, so it is very, very important that the child attends. If the court issues the child a deportation order, sponsors are responsible for ensuring the child reports to ICE for removal from the United States.

As a sponsor you are required to keep the courts updated on the child's location, so that the child can attend court in the area where they reside. A child's relocation must be reported. To update the courts on a child's changed address, you will need to complete a Change of Address (COA) form and a Change of Venue (COV) form. The ORR National Call Center can help you complete these forms and determine where to mail them. To check on your child's court date, you can call the Immigration Hotline at 1-800-898-7180 to get regular updates.

DO YOU HAVE QUESTIONS ABOUT THE IMMIGRATION COURT PROCESS AND HOW IT AFFECTS YOUR CHILD?

The Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC) offers free legal information about:

1) The immigration court process;
2) How to obtain social services and free legal counsel; and
3) How to protect your child from mistreatment, exploitation, and trafficking.

The organizations below can answer many of your questions.

Atlanta, GA – Catholic Charities: (678) 222-3932

Boston, MA – Catholic Charities: (617) 464-8100

Charlotte, NC – Legal Services of Southern Piedmont: (704) 971-2577

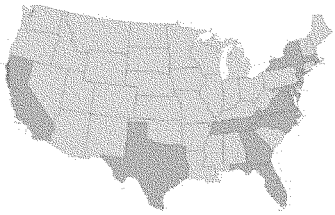
Dallas, TX – Catholic Charities: (214) 634-7182; ext. 243

Harlingen, TX – ProBAR: (956) 365-3775

Houston, TX – Catholic Charities: (713) 595-4169

Long Island, NY – Catholic Charities: (631) 789-5225

Los Angeles, CA – Esperanza Immigrant Rights Project: (213) 251-3589



Memphis, TN – Mid-South Immigration Advocates: (901) 466-8819

Miami, FL – Catholic Charities: (305) 373-1073; ext. 219

New York City, NY – Catholic Charities: (212) 419-3710

Newark, NJ – Catholic Charities: (973) 733-3516, ext. 206

San Francisco, CA – Immigration Center for Women and Children: (415) 861-1449, ext. 307

Washington, DC; Baltimore, MD; and Arlington, VA – Catholic Charities: (202) 465-9245

Please call the organization closest to where you live to get help. You can also contact the
LOPC CALL CENTER FOR UNACCOMPANIED IMMIGRANT MINORS
at **(888) 996-3848** or at **LOPC.CallCenter@archuy.org**
to schedule an appointment to receive more detailed information.

Legal Orientation Program for Custodians Overview *October 2016*

Working and Human Trafficking

Unaccompanied children are not authorized to work while they wait for their court date. Since unaccompanied children are not legally able to work, if they choose to work, the jobs available to them may be low-paying or dangerous. There are very strict rules in the United States about any child working in certain low-wage or dangerous jobs. If a child works in conditions that the Department of Labor says are unsafe or exploitative, this may be considered human trafficking, even if the child appears to agree to work. This includes any kind of work that is sexual in nature, like prostitution, stripping, escorting, or posing for photographs nude or in underwear. An adult who is part of trafficking a child can be prosecuted in federal court, with very severe consequences if found guilty.

The child may never be forced to work or be threatened in order to work. The child may not be forced to repay his or his family's debts. This could be considered human trafficking, which is a very serious crime in the United States.

More information about children, youth, and work regulations in the United States can be explored at https://www.osha.gov/youngworkers/employers.html.

No one is permitted to force an unaccompanied child to work in the United States, even if there is a debt. No sponsor is permitted to require a child to work to repay his or his family's debt or pay for room and board. Forcing, scaring, threatening, or tricking a child to work is also human trafficking. This means physically forcing a child to work is never permitted, but that also it is a federal crime to convince a child to work by threatening to kick him out of the home, report him to immigration or police, take revenge on the child's family in home country, or other threats. Each of these actions could be considered human trafficking, which is a very serious crime in the United States.

Unaccompanied children may be vulnerable to trafficking. Sometimes children or their families may owe funds for travel. Paying back those funds may not always be easy, and the child or their families may feel threatened or coerced into working to pay back the money owed. For an underage child in the U.S. who cannot work legally, being forced to work, not attending school in order to work, and working for no pay (working for a place to sleep or food) could all be considered human trafficking. Unaccompanied children may have made the trip to the U.S. to support their families in home country, or to help their families in the U.S., and may feel they need to work to provide for those family members. The need to make monies quickly may make them susceptible to traffickers, who are very good at convincing them it is necessary.

Unaccompanied children may be exposed to sex trafficking due to an attempt to develop a sense of belonging, perhaps seeking affection from older parental figures, or due to emotional issues related to attachment. In the U.S. it is illegal for underage children and adults to have relationships, which may be different from what is accepted in their home country.

This cultural difference may make children think initially that it is okay, when it is not. Sponsors who encourage or allow trafficking events to occur while they are responsible for the care of the child may be engaging in illegal activity.

If a sponsor or child receives contact from any individual(s) believed to represent an alien smuggling syndicate, organized crime, or a human trafficking organization, sponsors should report this to ICE immediately. For assistance reporting, you can contact the ORR National Call Center at 1-800-203-7001.

Right to Equal Protection

Children who identify as lesbian, gay, bisexual, questioning, or intersex are provided equal protection as all other children in the United States.

Around the world, there are millions of people who identify as LGBTQI: Lesbian, Gay, Bisexual, Questioning, or Intersex. There are many unaccompanied children who identify this way, and they are protected in the United States in the same way every child is protected. This means the child's physical and emotional well-being must be protected in your care. Talking about sexuality and gender identity can be very difficult for children and needs to be a safe conversation in your home. Take care not to share your child's sexuality or gender identity without his/her permission. That is his/her information to share. If you are uncomfortable or unsure about discussing gender identity with the child and supporting him/her, call the ORR National Call Center for local resources to help you best support the child.

A LGBTQI child has the same equally protected rights as child who is not. Public schools are legally required to protect all students from harassment. Under the U.S. Constitution, these schools must address any harassment against LGBTQI children the same way they would address harassment against any other student. Public schools cannot ignore harassment or bullying based on appearance or behavior that does not "match" a child's gender: boys who wear makeup, girls who dress "like a boy," or students who are transgender. School officials cannot tell a child that they have to change who they are or that they brought the harassment on to themselves by dressing or behaving "inappropriately." If your child is being harassed or bullied in school, you should report it immediately to a school official. They have a legal responsibility to respond.

If your child identifies as LGBTQI, these resources may be helpful:

www.healthychildren.org/

www.ambientejoven.org

Trevor Helpline Crisis Intervention for LGBT Youth

1.800.850.8078
24 hours a day, seven days a week

GLNH: Gay & Lesbian National Hotline

1.888.843.4564 (THE GLNH)
Monday - Friday, 6:00 PM-11:00 PM Eastern Time

The ORR National Call Center is also available to help you identify resources in your community at 1-800-203-7001.

Domestic Violence

You or someone in your home may already be experiencing a domestically violent relationship. This kind of relationship could be between spouses, siblings, or anyone who harms or threatens one another in the home. Domestic violence includes physical harm, emotional degradation, and the threat of harm. If you are experiencing domestic violence, there are a few things you may want to consider:

Domestic violence, even if the child is never physically harmed, can have an enormous impact on a child's development, their sense of safety, and their well-being. Children may try to stop violence in the home, putting themselves in harm's way. If you are considering sponsoring a child and there is already violence in your home, think carefully about the child's safety.

If someone in your home is harming you, there are safe places you can go. If you are in immediate danger, call 911. Police will come to help protect you, even if you don't have status.

Domestic violence does not tend to just go away. Abusers often need very comprehensive counseling support before their behaviors change permanently, if they ever do, and this can take a very long time.

Bringing a child into the home is increased responsibility and can be added stress for all members in the home. If the home already has violence, the reunification of a child into the home may make the violence worse.

You have options. If there is violence in your home, when you are ready to leave, there are safe places you can go. Call the **National Domestic Violence Hotline** at 1-800-799-7233 to talk through your options and plan for your safety. You can also visit their website at www.thehotline.org. If you are ever in immediate danger, you can call 911, and police will help you even if you do not have status.

Pursuing Legal Guardianship

Sponsors who are not the child's mother or father may want to consider pursuing legal guardianship of the child. Legal guardianship gives sponsors many of the same rights that a biological parent has to the child. For example, legal guardianship allows the sponsor to make important decisions on behalf of the child, such as agreeing to medical care or allowing marriage. Legal guardians can also claim children on their tax forms as a deduction. A family law attorney can help you pursue legal guardianship of the child in your care, and this attorney is often different from the attorney who may help the child with his/her immigration case. You can call the ORR National Call Center to help you locate family attorneys in your area.

Sponsors who are not the child's parent and who are struggling to care for a child may contact the ORR National Call Center for assistance, at 1-800-203-7001.

Resources for Individuals Pursuing Guardianship

BRYCS - Bridging Refugee Youth and Children's Services
United States Conference of Catholic Bishops
3211 Fourth Street NE
Washington, DC 20017

http://www.brycs.org/guardianship/guardianship-information-by-state.cfm

When a Child Comes Home

Every child and every family is different. Sponsorship can be a very rewarding experience, and many families report feeling fulfilled and relieved to be surrounded by their loved ones. There are some trends that many families experience, which may help to prepare you prior to your child's reunification.

"Honeymoon" Period

When an unaccompanied child first arrives at his sponsor's home, sometimes they might experience a "honeymoon" period. This refers to a period of time, which may be days, weeks, or months, when the child is new to the home and is on his/her best behavior. The child may be excited to be in a new place, not sure what the rules are, and eager to make a good impression. After a while, the child's behavior may begin to change as he/she gets more comfortable, and may begin to test the rules as any teenager does. It can be distressing for a sponsor to see the child's behavior change, but this is a normal experience for children after reunification.

Financial Challenges

Caring for another person can be very expensive, especially teenagers. Many families feel the financial impact when a child reunifies to their home, and it can be difficult to manage expenses, especially for the first few months. As soon as you can, plan out your budget, including expenditures and savings, and stick to it. Most communities have many resources that can

relieve some of your expenses, like food banks, low-cost clothing stores, and free medical clinics. If you need help strategizing on your budget or finding resources in your community, you can contact the ORR National Call Center for support at 1-800-203-7001.

Difficulty Adapting

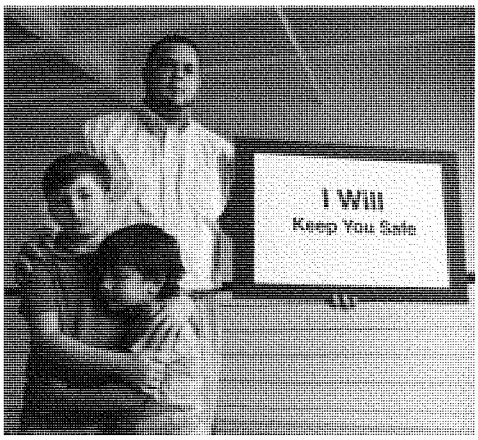
By the time a child gets to your home, they have been through a lot of changes very quickly. They may have experienced difficult things in their home country, they may have had a dangerous and frightening journey, they may have been detained suddenly by U.S. authorities, and then had to get used to living with many other children they have never met before in a shelter setting. Starting over in your home is one change in a series of many, life-changing events, and it can be a lot to take in for a child.

Once a child is in your home, the child has many new things to learn: house rules, new people, new customs, new culture, and a new language. One of the hardest things for a child to learn is how exactly they fit into a family. Especially for children reunifying with a parent, sibling rivalry can be extremely challenging for an unaccompanied child. Children may compete for their parents' love or attention, or they may feel unclear whether they are loved at all.

If someone in your home is harming you, there are safe places you can go. If you are in immediate danger, call 911. Police will come to help protect you, even if you don't have status.

Take Deliberate Action to Help the Child Feel like he "Belongs"

One of the most common experiences unaccompanied children have after reunification is the feeling that they do not "belong." Children often report that they feel like a burden on their sponsors, that they are not really part of the family, or that their sponsors do not care about them. Often, these are the same children who eventually run away or run into behavioral problems. As a sponsor, plan to be very clear and verbal about wanting the child in your home and being glad that they are there. The child needs to hear it, repeatedly, consistently, even if their behavior is becoming a challenge. Never talk about sending a child back to their home country as a form of punishment, or indicate that you wish they had not made the journey. This is deeply hurtful for the child, and it may be very hard for you to regain the child's trust after saying something like that.



Pay extra attention to making sure the child is included in family activities, and that they are treated with equal affection and attention as any other children in the home. It might not seem like a big deal to you, but they will be very, very aware of how they are treated compared to others. Set aside quality time to spend with the child, just you two, to keep building on your relationship and help the child to feel special. Quality time doesn't have to be anything well-planned or expensive, it could be something as simple as grocery shopping or going for a walk around the neighborhood. When a child is struggling to adapt to a new environment, these moments with you can be very meaningful and important for the child.

Pay Attention to the Child's Friends and Romantic Relationships

Also pay attention to who the child builds friendships and relationships with. Unaccompanied children will be very eager to find a place to belong, so they feel like they are wanted in this new, overwhelming environment. The child may get a group of friends or a romantic partner very quickly, to have stability and feel better about all of the changes. This can be a good thing, but it can also be dangerous.

Talk to Your Teen about Making Safe Sexual Decisions

For older children and teens, boyfriends and girlfriends are especially important for the sponsor to monitor. When they first arrive, children do not yet have large social networks (groups of

friends or peers) to protect them, they may be unsure of themselves, and they may be eager to fit in – this makes them more susceptible to an abusive or unsafe relationship, or to having sex in a relationship before they are ready. It might also make them more likely to send text messages or online messages with inappropriate photographs of themselves. Talk to your child about making safe sexual decisions, like never taking nude photos, never texting sexual content, abstaining from sex, waiting to have sex until they are ready, and using protection when they do eventually have sex. It is also important to talk to the child about the importance of setting boundaries with their partners to avoid violence in relationships. Reassure them it is never acceptable for their partner to intentionally hurt their feelings, or to hurt them physically. If you open the door early on for the child to talk to you about relationships and sex, it will make the conversation much easier for the child when they want your guidance down the line.

Your Child's Use of the Internet and Social Media

Monitor your child's use of the internet and social media. Children may meet strangers this way, and this can be dangerous.

Many unaccompanied children find romantic partners online, through Facebook or other social media. The danger with these relationships is that it's hard to know who the child is really talking to, or whether you can trust their online boyfriend or girlfriend is who they say they are. It is not uncommon for children to fall into trafficking or abusive relationships online. Chatting online can lead to children being convinced by their online partner to run away or get into trouble, or could even put your family in danger.

One of the best ways to monitor your child's use of the internet is to join social media yourself. If you join too, it gives you the chance to "friend" your child and see their profile, who their friends are, and what kind of communication they may be have publicly. If you have a computer at home, make sure it is set up in a public area of the house, so that you can see how it is being used. Set up rules about how frequently you will check their accounts online, or how often you will check their cell phone.

Common social media outlets include Facebook, Twitter, Instagram, Whatsapp, Tumblr, Snapchat, Vine, Tinder and many others. Be aware of what social media tools your child is using, and be proactive about monitoring your child's use of these tools. Make sure they do not indicate their location on social media websites or "check in" to specific addresses, so that it is not easy for a dangerous person to find them.

Trends Based on a Sponsor's Relationship with the Child

Some of the trends we see are specific to the type of relationship the child has to their sponsor. Whether a child is reunifying with a mother, a brother, a cousin, or a family friend can impact what some of the challenges might look like once the child comes home.

For Sponsors who are Parents

For sponsors who are the mother or father of the unaccompanied child, you might experience that the child is really upset about you leaving to the U.S., even though you left to help the family. It's a confusing emotion – the child may understand logically why you left, but the heart doesn't always think logically. It might also be hard for you – leaving wasn't easy, and it's hard as a parent to see your child push you away. As the adult, you need to do everything you can to communicate to the child that they are loved. You need to make sure any fears you have of rejection don't get in the way of consistent, loving attention, even if you keep getting pushed away. The more consistently loving you can be, the easier it will be for the child to trust that you still love him. This is especially relevant if you have had other children since you came to the United States, or if you have spent more time in recent years with other children in the home. Your child will have a lot of adapting to do, and it might hurt him to see the other children in the home already comfortable with you. He/she might feel jealous of them, or worry that you love them less, and the other kids might feel territorial or jealous too. Be very sensitive to this fear, and do everything you can to show that you love your child just as much as any other kids in the home. Make sure you talk to your family to prepare them before he comes to your home, and make clear that you expect all household members to warmly invite the child into the family.

For parents, you and your child will need to learn how to be together again as a family. The love is there, it just takes time and communication to get comfortable.

It also might be hard because you have a certain memory of what the child was like back in home country, and the child has a memory of you too. People change over time, and their personalities get shaped by their experiences. You'll see behaviors you don't recognize in your child, and your child might feel overwhelmed when the dream he has had about what the U.S. will be like isn't very accurate. Be supportive and consistent, and remember that the child is a product of his past and didn't become a "bad" kid. You can help change problem behaviors by giving him the new experiences he needs to change over time. The ORR National Call Center is available to support you with parenting challenges and to link you with local resources if you run into problems.

For Sponsors who are Family Members

For family members who are not the mother or father of the child, it can be difficult to care for a family member's child, because the way their mom or dad parents might be different from the way that you do. If it's safe, it can be helpful to facilitate communication between the child and his parents. Reach out to the child's parents for their advice on how to handle certain behaviors, what they see as working best with the child, and their thoughts on how you can be most supportive for him. The bottom line is that while the child is in the U.S., he/she is under your care, so you ultimately need to make the parenting decisions for the child. Relatives often see just the favorable, well-behaved side of children, and might not see the deep-down behaviors that parents see. You will see a wide range of behaviors, including negative behaviors, once the child comes home and gets comfortable, and you'll need to be consistent, kind, and responsible with the child no matter what new or challenging traits they demonstrate. The ORR National Call Center is available to support you with parenting challenges and to link you with local resources if you run into problems.

For family members and family friends, it can be hard to learn how to parent a new child. Remember, as a sponsor, you have agreed to care for this child as a parent would.

For Sponsors who are Family Friends

As a family friend, parenting another person's child can be very difficult. It can be hard to take ownership over such a responsibility. This is what you have agreed to, which means you are far more than just a place for the child to sleep and eat. If it's safe, involve the child's family where you can to help you strategize on parenting, but no matter what, don't take a back seat on parenting the child. He/she is reunifying with you as a child with a caregiver, not as a friend or a roommate. Ultimately, if things go wrong, you are held as accountable for the child as a parent would, because you are his primary caregiver. Your support and commitment to strong parenting will have a drastic effect on the child's success here in the U.S., so taking ownership of the parenting role right away will only help you. The ORR National Call Center is available to support you with parenting challenges and to link you with local resources if you run into problems.

Trauma and Behaviors

Many unaccompanied children have experienced very difficult, sad, or scary things while they were in home country, or on the journey to the United States. These kinds of experiences are described as "traumatic," when the experience overwhelmed the child's ability to cope. This does not mean the child has done anything wrong, or that there is anything weak about the child, but that their body is having long-term physical responses to the bad experiences they had before.

Even if your child has told you, it's possible that he has experienced very difficult things before he arrived into your care. Previous traumatic experiences can have a big, long-term impact on a child's behavior, and counseling services can help.

Common traumatic experiences that unaccompanied children report include gang violence, sexual abuse, domestic violence, physical abuse, being separated for a long time from parents, and witnessing the death or suffering of people they love.

These kinds of experiences are very hard to talk about, especially for children. Many children have not yet told their sponsors about some of the things that have happened to them. This can be a hardship in a child's challenge as a sponsor, because the child's behavior. past can have big, every day effects on eye out for these When the child comes home, keep any for you to seek behaviors, as they are important signals professional help to support the child.

Self-Harming

Self-harming means a child is purposefully hurting himself, often with repeated injuries that are small and easy to hide. Behaviors may include cutting, burning, head banging, wound picking, hair pulling, severe scratching, deep biting, and bruising. Children may use razor blades, scissors, paper clips, staples, broken glass, erasers, cigarettes, lighters, matches, or other objects to hurt themselves. When children self-harm, they are often doing it as a way to cope with difficult experiences. Cutting is an expression of something much bigger going on inside, and stressful life changes, like reunification, can make the behavior worse.

Self-harming is not uncommon, and it is a difficult habit to break. It is harmful and can lead to much bigger problems down the road, and the eventual risk for serious injury or possible suicide is higher than other children who do not self-harm.

Do not fly off the handle if the child discloses to you that he is hurting himself, or if you find out in another way. Use your judgment – if the injuries are superficial, treat them immediately, and call your supports and your mental health referrals. If the injuries are significant and they might need professional medical treatment, go to the emergency room right away or call 911 for help.

The reasons behind self-harming are very complex and differ for everybody. As a sponsor, you need to be supportive, open, and empathic if the child opens up to you about it, and you need to arrange professional help immediately. The issue is so complex that it needs to be addressed by professionals for the safety of the child.

Thinking about Suicide

The child in your care may tell you that he/she is thinking about dying, or even killing himself. That can be a scary message to hear. If you think the child in your care is about to hurt himself, call 911. Protective authorities will come to your home to help the child regardless of your or your child's immigration status – they respond to 911 calls only to keep people safe. You can also take the child to the closest Emergency Room at your local hospital. Every Emergency Room has staff available to assess people in crisis, and to assess whether your child is an immediate risk to himself.

If a child brings up suicidal thoughts to you, consider the following responses, suggested by the Suicide Prevention Lifeline (www.suicidepreventionlifeline.org):

- Be direct. Talk openly and matter-of-factly about suicide.
- Be willing to listen. Allow expressions of feelings. Accept the feelings.
- Be non-judgmental. Don't debate whether suicide is right or wrong, or whether feelings are good or bad. Don't lecture on the value of life.
- Get involved. Become available. Show interest and support.
- Don't dare him or her to do it.
- Don't act shocked. This will put distance between you.
- Don't be sworn to secrecy. Seek support.
- Offer hope that alternatives are available but do not offer glib reassurance.
- Take action. Remove dangerous objects from your home, like guns or stockpiled pills.
- Get help from persons or agencies specializing in crisis intervention and suicide prevention.

Bedtime Troubles

Children who have a history of traumatic experiences often have nightmares, reliving the terrible things that happened to them. Some children refuse to go to bed and fight bedtime, some struggle to sleep because they are too afraid, and others may wet the bed.

These kinds of problems affect a child's entire day, not just the night. They may struggle to think clearly, have poor school performance, or may be grumpy during the day, since they are never really getting a good night's sleep. It will be hard to help the child adjust to your home when the child's basic need – sleep – is not being met. If you see a child having difficulty with bedtime, professional support can be an enormous help to get rid of nightmares, help the child feel secure enough to sleep, and stop the bed-wetting. Once these stressful and exhausting behaviors go away, the child is likely to do better in school and adapt better to the home.

Nightmares and sleeping problems can be an important sign that your child is struggling and needs help.

Isolation

We often hear about unaccompanied children getting to their sponsor's home, but then wanting to stay alone in their bedroom or refusing to socialize with the family. There may be a lot of reasons for why the child acts this way. A new environment, especially for a traumatized child, can be a very overwhelming experience for a child, even if they already know everyone who lives in the house. Some children may want to stay alone because they feel sad about something that has happened, others may be very frightened to leave their room or the house. Still others may feel stuck, like they are not yet a part of your family. If you know the reason why the child is isolating himself, this can help you better understand ways to help him feel better. Seeking professional help for the child can help both you and the child better understand what is going on, and can help you come up with really good ideas to support the child and your family.

Eating or Not Eating

Some children, in response to changes, have disruptions in their eating habits. This could mean that they over-eat (feeling hungry and unsatisfied all the time) or under-eat (not want the meals or snacks offered). Typically this will get better within a few days. You can reach out to the ORR National Call Center for additional information if this does not get better. The call center can assist with tips and tricks to encourage healthy eating. You can also have them see your local doctor just to determine they are healthy.

Emotional Outbursts

A child's body experiences big changes after something traumatic happens. In response to that traumatic experience, the body, outside of the child's control, can change the way the muscles move, the heart beats, and the lungs breathe, and this can last for many years or more. The body can react very strongly to something that seems to you like it is very little, or not a big deal.

If a child in your care seems to have really strong emotional outbursts, it is possible they have had a really difficult past, and their bodies are reacting. The outbursts might look like extreme anger that cannot calm down, or extreme sadness that seems impossible to make better. It can be hard as a sponsor to see your child acting this way, but it is very important that you do not let yourself overreact, too. If a child is having big emotional outbursts, remember that it is the child's body acting that way, and that no one likes to feel that upset all the time. The good news is that these kinds of outbursts can be helped by a professional, who is trained to help the child regain control of their body. If you need help identifying a professional in your community to help the child control these outbursts, you can call the ORR National Call Center for support at 1-800-203-7001.

Big, frequent emotional outbursts may be the child's body's response to trauma and stress. It can be helped.

Defiance

Sometimes we hear about unaccompanied children refusing to follow the sponsor's rules or listen to what the sponsor has to say. Like emotional outbursts, there are a lot of reasons why a child might act this way. Sometimes, children have had to "act tough" for a long time in their home country to prevent others from harming them. That kind of behavior is hard to change overnight, even if the child is safe in your home.

A child might also break your rules because they know they can make you mad. Children who have experienced a lot of chaos at home, like lots of arguing or fighting between parents or other kids, sometimes try to re-create that chaos wherever they go, because that is what is predictable to them. They may push you, because they can count on you getting mad, and that certainty feels good to them, not the anger itself.

You can probably guess that no matter the reason behind defiance, it can get kids in a lot of trouble. When you remain calm and consistent it can help, but sometimes that's not enough. If you see this happening, it may be helpful to bring in a professional to help the child feel safe enough to lose the tough-guy act, or to learn how to feel normal even when there isn't chaos.

Sexualized Behaviors

Some sexual behaviors in children may be normal for their developmental stage. It becomes a problem when these behaviors impact their everyday lives, hurt the quality of their social relationships, or impact other people. When this happens, usually it means that the child again has had a very difficult past, and this is their body's reaction to it.

If a child in your home is engaging in any level of sexual behavior with others in your home, this can be a big problem. It can be scary for sponsors to see this behavior in the children they care for. It is important to remember that sexualized behavior in children is often a response to what the child has experienced in the past, and does not mean that the child is "bad" or cannot be helped. If you see problematic sexualized behaviors in the child in your care, make sure you have a plan in place to keep each person in the home safe and supervised, and reach out for support for the child to help them overcome the past experiences that are causing them to behave this way. You can reach out to the ORR National Call Center at 1-800-203-7001 to identify local resources to help you support the child.

Sexual Abuse or Sexual Harassment

Some UC may be victims of sexual abuse or harassment. Call the UC Sexual Abuse Hotline at 1-855-232-5393 for assistance with or if you have knowledge of a UC in this situation. If you are an unaccompanied child, a family member, sponsor, legal service provider, child advocate or any other individual with knowledge or suspicion of sexual abuse or sexual harassment occurring at a care provider operating on behalf of the Office of Refugee Resettlement (ORR), the Administration for Children and Families, the U.S. Department of Health and Human Services (HHS).

The Hotline is connected to live representatives who are bilingual in English and Spanish and experienced in interviewing minors. Translators will be provided for all other languages. The hours of operation are 8 a.m.—11:45p.m.EST, seven days a week. Individuals may report anonymously if desired.

Substance Abuse

Sometimes we hear about unaccompanied children using drugs or alcohol. There are many reasons for why a child might be using. Some children might use because it helps them cope with something bad that happened to them in the past. Some children use because they are in a brand new place, are desperate to be accepted and feel like they belong, and they feel more socially accepted when they use substances. Some children may have had to use for various reasons in home country, and have now developed an addiction that is hard to break. Whatever the reason, substance use can be dangerous for children, can cause long term damage to their bodies, or could even result in death. In almost all states in the U.S., the legal drinking age is 21, so if a child gets caught with alcohol, both the child and you can get in a lot of trouble. You can

get in even more trouble if you purchase alcohol or drugs for the child to use. Most drugs in most states are also illegal.

Although there are legal and health problems related to substance use, if your child is using, it is your job as a sponsor to make sure the child has access to help. Be careful not to accuse or blame the child when talking with him about drugs or alcohol. Instead, talk to the child about what your worries are, and try to get an understanding for what specific substances the child is using, when, and with whom. If the child is addicted to a substance, you will need to look for help to support him to stop using. If the use is related to a certain group of friends, rethink your supervision plan with the child, and strategize with the child about ways he can avoid using. A drug and alcohol counselor can help you think of ways to have this discussion, things you can do to protect the child, and places you can take the child to help him stop using. To find a drug and alcohol counselor in your area, contact the ORR National Call Center at 1-800-203-7001.

Bullying

Many unaccompanied children report getting bullied by other children, especially when they first join school. Children tend to pick on children who seem different, and unaccompanied children may dress differently, speak a different language, look different, or have different customs. Bullying can take many forms, from actual physical fighting or harming someone else, to intentionally making someone feel excluded, bad, or ashamed. Sometimes bullying is face to face in or after school, but it could also be by phone, text message, or online. Be careful not to underestimate how upsetting bullying can be for a child. Bullying can cause extreme distress and interfere with a child's daily living, in and out of school. Because it is so harmful for kids, there are laws about bullying and most schools have policies about how they will address it.

If your child is getting bullied, it is very common and encouraged for sponsors to contact the school or even go to the school in person to talk to the principal, teachers, or social workers. They will be required to take steps to protect the child. It might also be helpful for the child to join other positive activities outside of school, including sports, mentoring programs, or counseling. If you need help communicating with the school, advocating for the child, or thinking about ways to help keep the child safe, call the ORR National Call Center for support at 1-800-203-7001.

For more information about bullying, visit www.stopbullying.gov or call 1-800-273-TALK (8255).

Parenting

ORR works with many children and families, before and after reunification. Along the way, we have heard the following parenting tips, which can help make the child's transition easier once he gets home.

Rules and Consistency

Set rules and boundaries from the very beginning, and be very clear about what the expectations are in your house. It can be helpful to set the rules with the child, so that you are setting and agreeing to the expectations together. This sends the message to the child that you respect him, and it gives him the opportunity to discuss with you the reasoning behind the rules. The child is also more likely to follow the rules if he helped come up with them. Stick to your rules, and be as predictable as you can. Kids, especially unaccompanied children, often feel calmer and more under control when they know what behavior you expect from them.

Unaccompanied children have often had a lot of surprises and frightening changes over the last few years. They may get very upset, scared, or feel like they don't belong when routine changes, or when something catches them off guard. Do your best to set a daily routine that you stick to, so that the child can get comfortable with a daily schedule. For example, you might schedule dinner to be every night at 6:00, you might go grocery shopping every Sunday, or the kids might all floss, brush their teeth, and shower every night before bed. These kinds of routines can be very comforting to a child, and can create a sense of calm and belonging in world that is otherwise all brand new and full of surprises.

Encourage the behaviors you want to see

Catch the child doing something right. When you see the child behaving well, provide them specific praise for the action they are doing, in the moment. This can help encourage the child to keep repeating those behaviors, and sets the stage for you to give feedback if the child is breaking the rules. The child is much more likely to listen to the negative feedback if they trust that you also notice all the good things they do. Respect the child's ideas and thoughts. Remember, "I don't agree with you," is very different from "You're wrong."

When your child breaks the rules

Expect that the child will not always follow your rules, and will probably break them pretty often. Think about what you will do in response to problem behaviors.

One technique is to focus on responding to the child, not reacting. This means taking time to think through what is really happening before you address a behavior or problem. It also means making sure your response fits the situation, and isn't too casual or too overblown. Always ask yourself, "What message do I need to send to the child?" "Are my emotions getting in the way of sending the message I want to send?" and "Do I really understand the reasons behind the child's behavior?" Take the time you need to gather your thoughts, and to respond to the child

in the way you really want to. Wasting an opportunity for kind, thoughtful feedback by yelling or saying something you don't mean can set you back a few steps in parenting, and make it harder to enforce rules with the child in the future.

Another technique is to carefully think about whether a child's behavior is actually harming anyone. If the answer is "no," you may want to think about how you respond, and give the child some leeway where it is safe. Do your best to set boundaries on the things that are most important, so that you are picking the battles that are the most meaningful.

Have a plan for appropriate discipline with the child. In the United States, caregivers are never permitted to physically harm the child as a form of punishment, so hurting the child cannot be an option. Think about what kind of limits or restrictions you can set without harming the child, so that when the child misbehaves, you are prepared.

Sometimes, all of the good parenting in the world just doesn't seem to be enough. Recognize when a problem is bigger than you can handle. There is nothing shameful in being smart enough to reach out for help when the child needs it. That's good parenting.

Key Contacts

Emergencies	911
ORR National Call Center	1-800-203-7001
LOPC Hotline	1-888-996-3848
Immigration Hotline	1-800-898-7180
Childhelp National Child Abuse Hotline	1-800-422-4453
National Domestic Violence Hotline	1-800-799-7233
National Center for Missing and Exploited Children	1-800-843-5678
Gay Lesbian Bisexual Transsexual (GLBT) Hotline	1-888-843-4564
National Human Trafficking Resource Center	1-888-373-7888
Stopbullying.gov	1-800-273-8255
UC Sexual Abuse Hotline	1-855-232-5393

Office of Refugee Resettlement National Call Center

HELP LINE 1 (800) 203-7001 | information@ORRNCC.com
Text the word NINOS to 66467

FOR CHILDREN

If you are in immediate danger, call 9-1-1

If you experience any of the following, we are here to help:

- Nowhere to sleep
- Someone is forcing you to do something that makes you feel uncomfortable
- Someone is keeping you away from food, shelter, school, or medicine
- Trouble feeling safe and happy
- You are angry or hurting
- Feeling very sad or unwanted
- Family problems
- Kids being mean to you at school
- Difficulty finding help
- Difficulty with court
- Trouble finding your paperwork

For Parents and Sponsors

Looking for a child coming to the United States?

- We will ensure your message gets to the shelter caring for your child

Open 24 hours a day, 7 days a week. Call or text the word NINOS to 66467 any time.

Is your child already home? We can help with:

- Finding resources in your community for education, medical care, emotional support, juvenile justice, substance use, legal support and safety
- Assistance with child behavioral issues after reunification, including:
  - Kids running away
  - Kids feeling very sad or angry
  - Involvement with drugs or gangs
  - Inappropriate relationships
  - Kids hurting other kids
  - Kids getting into trouble at school
  - Any behavior that worries you
- Support for you to help strengthen your relationship with your child
- Assistance making sure your child has access to schools and education
- Support with family problems or domestic violence
- Help getting copies of child/immunization records and completing paperwork
- Assistance finding legal support and understanding court processes

1 (800) 203-7001 **Text NINOS to 66467**

IF YOU NEED **HELP**, CALL:

1-800-203-7001

ORR National Call Center

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- Someone is hurting you or making you feel bad
- Difficulty finding help
- Feeling very sad or unwanted
- Someone is keeping you away from food, shelter, school, or medicine
- Family problems
- Difficulty with court
- Trouble feeling safe and happy
- Kids being mean to you at school
- You are angry or hurting
- Nowhere to sleep
- Trouble finding your paperwork
- Someone is forcing you to do something that makes you feel uncomfortable
- Someone is touching you in a way you don't like or makes you do things that make you uncomfortable

Important Websites

http://traffickingresourcecenter.org/ - For anti-trafficking resources

https://www.osha.gov/youngworkers/workers.html - For information about youth work

http://www.ncsl.org/research/education/upper-compulsory-school-age.aspx - For information about mandatory school attendance requirements per state

http://www.brycs.org/ - For many resources specific to immigrant children and families, including:

http://www.brycs.org/child_welfare.cfm - For information on child welfare

http://www.brycs.org/family_strengthening.cfm - For information on family strengthening

http://www.brycs.org/schools.cfm - For information on schools

http://www.brycs.org/youth_development.cfm - For information on youth development

http://www.brycs.org/youtharts/youth_arts.htm - For information on youth arts

http://www.brycs.org/clearinghouse/anti-trafficking-resources.cfm - For information on anti-trafficking

http://www.brycs.org/head-start-collaboration.cfm - For information on early education (head start) programs for young children

http://www.stopbullying.gov/ - For information about bullying

http://www.thehotline.org/ - For information about domestic violence

www.suicidepreventionlifeline.org For information about suicide prevention

http://www.glbthotline.org/ For information about supporting LGBTQI youth

http://uacportal.org To download and watch the Sponsor Guide video.

https://1drv.ms/b/s!AlvMQjQgVb1CkmRglsp4etPmeLqP For information about sexual abuse or sexual harassment of an unaccompanied minor.

UC Sexual Abuse Hotline (1-855-232-5393)

Call the UC Sexual Abuse Hotline at 1-855-232-5393 if you are an unaccompanied child, a family member, sponsor, legal service provider, child advocate or any other individual with knowledge or suspicion of sexual abuse or sexual harassment occurring at a care provider operating on behalf of the Office of Refugee Resettlement (ORR), the Administration for Children and Families, the U.S. Department of Health and Human Services (HHS).

Through its network of care providers, ORR cares for unaccompanied children (UC) who enter the United States without a parent or legal guardian and without lawful immigration status following their apprehension by the Department of Homeland Security and referral to ORR.

ORR and its care providers serving unaccompanied children have a zero tolerance policy for sexual abuse and sexual harassment. Any person with knowledge or suspicion of sexual abuse or sexual harassment occurring at a care provider facility should call the UC Sexual Abuse Hotline at 1-855-232-5393.

The UC Sexual Abuse Hotline reports, as appropriate, any allegations received directly from any child or third party to State Child Protective Services (CPS), local law enforcement, and HHS. HHS forwards each Hotline report to the appropriate care provider, who ensures that all children and youth are safe and provided with appropriate services and that all required reports have been submitted.

The Hotline is connected to live representatives who are bilingual in English and Spanish and experienced in interviewing minors. Translators will be provided for all other languages. The hours of operation are 8 a.m.—11:45 p.m. EST, seven days a week. Individuals may report anonymously if desired.

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN®

take 25 Make time to talk about child safety.

25 WAYS TO MAKE KIDS SAFER

AT HOME

- Teach children their full name, address, and home telephone number. Make sure they know your full name.
- Make sure children know how to reach you at work or on your cell phone.
- Teach children how and when to use 911, and make sure they have a trusted adult to call if they're scared or have an emergency.
- Instruct children to keep the doors locked and not to open doors to talk to anyone when they are home alone.
- Choose babysitters with care. Once you have chosen the caregiver, drop in unexpectedly to see how your children are doing. Ask children about their experience and listen carefully to their responses.

GOING TO AND FROM SCHOOL

- Walk or drive the route to and from school with children, pointing out landmarks and safe places to go if they're being followed or need help.
- Remind children to take a friend whenever they walk or bike to school and to stay with a group at the bus stop.
- Caution children never to accept a ride from anyone unless you have told them it is okay to do so in each instance.

OUT AND ABOUT

- Take children on a walking tour of the neighborhood, and tell them whose homes they may visit without you.
- Teach children to ask permission before leaving home.
- Remind children not to walk or play alone outside.
- Remind children it's okay to say no to anything that makes them feel scared, uncomfortable, or confused. Teach children to tell you if anything or anyone makes them feel this way.
- Teach children to never approach a vehicle, occupied or not, unless they are accompanied by a parent, guardian, or other trusted adult.
- Practice "what-if" situations and ask children how they would respond. "What if you fell off your bike and you needed help? Who would you ask?"
- Teach children to check in with you if there is a change of plans.
- During family outings, establish a central, easy-to-locate spot to meet should you get separated.
- Teach children how to locate help in public places. Identify people who they can ask for help, such as uniformed law enforcement, security guards, and store clerks with nametags.
- Help children learn to recognize and avoid potential risks, so that they can deal with them if they happen.
- Teach children that if anyone tries to grab them, they should make a scene and make every effort to get away by kicking, screaming, and resisting.

ON THE NET

- Learn about the Internet. Visit www.NetSmartz.org for more information about Internet safety.
- Place the family computer in a common area, rather than a child's bedroom. Monitor their time spent online and the websites they've visited, and establish rules for Internet use.
- Know what other access children have to the Internet at school, libraries, or friends' homes.
- Use privacy settings on social networking sites to limit contact with unknown users, and make sure screennames don't reveal too much about children.
- Encourage children to tell you if anything they encounter online makes them feel sad, scared, or confused.
- Caution children not to post revealing information or inappropriate photos of themselves or their friends online.

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To learn more about child safety, visit www.take25.org.

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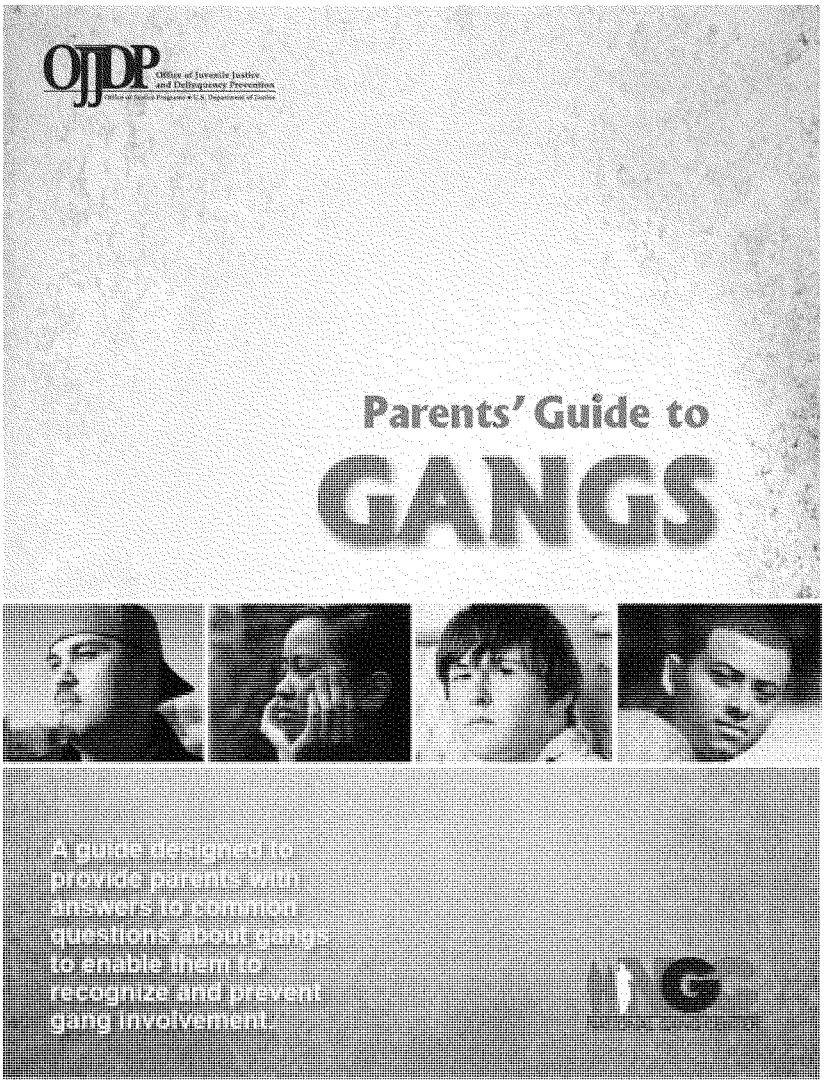
OJJDP
Office of Juvenile Justice and Delinquency Prevention
Office of Justice Programs • U.S. Department of Justice
Parents' Guide to
GANGS
A guide designed to provide parents with answers to common questions about gangs to enable them to recognize and prevent gang involvement.

Prevent Gang Involvement

Introduction

Parents play an important role in keeping young people out of gangs. There are many things parents can do to help their children stay away from gangs, including monitoring their activities, fostering close relationships with them, and using positive and consistent discipline. However, parents often lack factual information about gangs. This guide is designed to provide parents with answers to common questions about gangs to enable them to recognize and prevent gang involvement.

Why do youth join gangs?

There are a lot of reasons why youth get involved in gangs. Sometimes youth get "pulled" into a gang because they think they might earn a lot of money and gain status, or they may think it is a good way to show family, neighborhood, or cultural pride. Other times youth get "pushed" into a gang because they are afraid for their safety and think a gang will provide protection from neighborhood crime and violence, or they have been pressured by the gang to join.

What are the consequences of gang involvement?

Even though some youth believe that gang involvement might provide safety, protection, excitement, and opportunities to earn money, the truth is that gang involvement is very dangerous and limits opportunities for the future. Research has shown that youth who are gang-involved are more likely to commit crimes, which increases their chances of being arrested and incarcerated, and to be victims of violence themselves. Young girls are especially vulnerable to sexual victimization. Youth who get caught up in gangs are also less likely to graduate high school, less likely to find stable jobs, and more likely to have alcohol and drug problems and even health problems later in life.

How do I know if my child is involved in a gang?

The most common age that youth join a gang is around 15, but the early adolescent years (12–14 years of age) are a crucial time when youth are exposed to gangs and may consider joining a gang. While it is more common for boys to get involved in gangs, girls also face similar pushes and pulls and can also become involved in gangs. Gang involvement can be fluid, as some youth move in and out of gang-involved friendship groups. Thus, parents should pay attention to even small changes in behavior.

Common Gang Identifiers for Parents

Colors

While some gangs have reduced their use of specific colors to avoid identification by law enforcement, many gangs still use one or more colors as a symbol to represent themselves. These colors may be worn on shirts; bandanas; multicolored or single-colored beads; and belts, hats, shoes, shoelaces, hair bands, and jewelry. These colors may also appear in other possessions such as school supplies and room decorations.

Symbols and Numbers

Symbols and numbers have special significance within the gang culture. Common symbols of some of the large gangs in the United States include stars (five- and six-pointed), crowns, pitchforks (pointing up or down), three dots in a triangle, and numbers. These characters do not have the same meaning across the country, and symbolism varies regionally. Contact your local school resource officer or other law enforcement representative to get specific information on the meanings of unidentifiable symbols or numbers you may see in your area.

Clothing and Apparel

Gang-involved youth may dress a specific way to identify with a particular gang, set, clique, or crew. This might include clothing or bandanas worn only in certain colors; pants worn well below the waist; gang-themed T-shirts with pictures of gangs, prison scenes, graffiti, or slogans; two- or three-toned bead necklaces; or colored fabric belts, occasionally with metal buckles that bear the initial(s) of the gang. However, gang clothing trends change and are often different from one place to another, so clothing alone may not be enough to indicate a youth's affiliation with a particular gang.

Graffiti

Gangs use graffiti to mark their territory, brag about their reputation, mourn fallen friends, and threaten or challenge rival gangs. For this reason, graffiti can be very dangerous and should be removed as soon as possible. Youth who are engaging in graffiti may have items such as spray paint, spray-paint plastic tips, wide-tipped markers, or sketchbooks with graffiti works in progress. They may also have paint on their clothing, backpacks, or other items.

Social Media

The Internet has provided a new medium for gang communication and promotion. Social media Web sites, such as Facebook, Instagram, Twitter, YouTube, and others allow gang-involved individuals to represent their gang affiliation, taunt others, post threats, and organize and promote their gangs' activities. Social media escalates the potential for violence, since it reaches such a large audience.

Gang-Influenced Music and Movies

Gangsta/gangster rap is a style of rap music characterized by violent, tough-talking lyrics that glorify street-gang culture. Popular movies also focus on street gangs and their activities. Youth may show their interest in gangs through fascination with music and movies that portray street-gang culture. However, interest in these types of entertainment alone may not be enough to indicate involvement in a gang.

Sports Items

Letters, colors, or symbols associated with professional sports teams may have specific gang meanings in local street gang culture. Sports apparel may be purchased in nontraditional colors to correspond with a gang's colors or may be altered with graffiti or extra symbols or writing.

Tattoos

Gang-related tattoos are used to show affiliation, rank, crimes committed, racial and ethnic alliances, and loyalty to a gang. These tattoos often include the name, initials, or symbols of a specific gang and may be found on the hands, neck, face, chest, back, or arms.

Hand Signs

Some gangs use specific hand gestures and handshakes to communicate their affiliation with the gang, to issue threats or challenges to rival gangs, or to communicate in code when authority figures are present. These gestures can be known as "throwing up" or "stacking."

Other changes to look for:

- Withdrawing from family activities and planned events.
- Changed academic performance or declining school attendance.
- Defiant or confrontational behavior, such as talking back, verbal abuse, name-calling, and disrespect for parental authority.
- Staying out late without reason.
- Unusual desire for secrecy.
- Angry outbursts, excessive aggression.
- Excessive worry about safety; constantly surveying surroundings for danger.
- Sudden negative attitudes about law enforcement or adults in positions of authority (school officials or teachers).
- Change in attitude about school, church, or other normal activities or change in behavior when attending these activities.
- Drastic changes in personal style.
- Withdrawal from longtime friends and forming bonds with an entirely new group of friends.
- Suspected use of drugs, such as alcohol, inhalants, and narcotics.
- Possession of firearms, ammunition, or other weapons.
- Nonaccidental physical injuries (such as evidence of being beaten or injuries to hands and knuckles from fighting).
- Unexplained cash or goods, such as clothing, video games, or jewelry.

How Can I Help My Child?

Talk to your child about the negative consequences of gang behaviors and ways to avoid them
Be clear that you disapprove of gangs and do not want to see your child hurt or arrested. Be firm in your expectations that your child should NOT:

- Associate with any gang involved individuals.
- Hang out where gang members congregate.
- Attend any party or social event sponsored by gangs.
- Use any kind of hand or finger signs that may be meaningful to gangs, especially in pictures (even as a joke).
- Wear clothing that may have meaning to gangs in your area. (Explain to your child that these clothing items can put him or her in danger and that you will not purchase them or allow them to be worn.)

Get to know your child's friends and the friends' parents
Be aware of their attitudes toward drugs, alcohol, and gangs. Where children start to feel pressure to use drugs or join gangs, it usually comes from their friends.

Familiarize yourself with the Internet, popular slang terms, and your child's online activity
Communicate with your child about the potential negative consequences of online activity, including what he or she may post online. Spend time online with your child. Ask your child to show you his or her favorite online activities, sites, and online contacts. Finally, keep the computer in a common area and utilize the computer's and Web sites' parental controls to limit the child's access to Web sites and social media.

Talk to your child about ways to deal with pressure from friends
Help your child practice simple ways to respond to peer pressure. For example, if your child is challenged by a peer who says, "If you were my friend, you would," your child can respond, "If you were my friend, you wouldn't ask." Then, he or she should walk away.

Limit interaction with gang involved individuals
One of the strongest risk factors for joining a gang is living in the same house as someone who is involved in gangs. If your child has older siblings or other relatives in your home who are associated with gangs, be very watchful of the influence they have on your child, and intervene immediately if your child starts to copy their dress, attitudes, and/or behaviors.

Set firm limits with your child
Children and teenagers need to clearly know what is expected of them and the consequences for acting otherwise. When your child misbehaves, be sure to use fair and consistent discipline, while demonstrating unconditional love and support for your child.

Plan family time
Make time for your family to play, not much together, take trips (even to local parks or activities), keep family traditions, and have family meetings to talk about plans, feelings, and complaints.

For More Information

For more information, please visit our Web site at www.nationalgangcenter.gov. There are additional resources, such as the video "Why Youth Join Gangs" and a page dedicated to "Frequently Asked Questions About Gangs," that will provide information regarding gang joining and gang membership.

IIR
Institute for Intergovernmental Research

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Version 1, 01/2012

www.nationalgangcenter.gov

[redacted] (HSGAC)

From: [redacted]
Sent: Friday, August 03, 2018 2:56 PM
To: [redacted] (HSGAC); [redacted]
Cc: [redacted]
Subject: [redacted] Follow Up- UAC and Trafficking

[redacted],
It was great to meet you on Wednesday. We are very appreciative for Senator Portman's leadership on this important issue. [redacted]

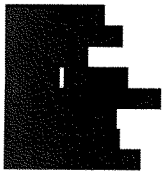
[redacted] we wanted to share the trafficking case example below.

Case Example – Trafficking by Sponsor in FL

The limited use of home studies and post-release services has resulted in children being released to situations of abuse, abandonment, neglect, and trafficking. These are youth like Juan,* who was released from ORR care without services to his half-uncle in Florida. Shortly after his reunification, Juan's uncle withdrew him from school and sent him to work in the fields with his two cousins (who had not been in the care of ORR). This forced labor continued until Juan's cousin was injured and brought, with Juan, to the Emergency Room, where the injury raised abuse and trafficking concerns. CPS investigated the situation and removed the children from the home, placing the children in state custody. (**Child's name changed to protect identity.*)

Have a nice weekend.

Sincerely,
[redacted]



U.S. Citizenship and Immigration Services

Agenda

USCIS Asylum Division Quarterly Stakeholder Meeting
Friday, Aug. 11, 2017
Tomich Center
111 Massachusetts Ave. NW
Washington, D.C. 20001
2 – 4 p.m. (Eastern)

I. **Welcome and Introductions**

II. **Asylum Division Updates**

a. The current RAIO-CT and ADOTP classes have enrolled 84 and 47 students, respectively.

b. Regularly Provided Statistics (posted on USCIS.Gov)
Affirmative Asylum Statistics (April 2017 – June 2017)
NACARA Statistics (June 1999 – June 2017)
Credible and Reasonable Fear Statistics and Nationality Reports (April 2017 – June 2017)
Unaccompanied Alien Children Statistics (April 2017 – June 2017)

We publish the regularly provided statistics on the uscis.gov website before the quarterly engagement so you can review them before the meeting and print a copy if you so choose.

III. **Asylum Office Jurisdiction Over Affirmative Asylum Applicants with Expedited Removal Orders and/or Notice To Appears (NTAs)**

a. We have a handful of clients who have been released from detention and issued NTAs, but those NTAs have not been filed with the immigration court. Immigration courts will not accept an asylum filing if an NTA has not yet been filed with the court. USCIS also rejects asylum filings for these applicants citing lack of jurisdiction, even though the 2013 Affirmative Asylum Manual states that the asylum office maintains jurisdiction unless an NTA has been served on an applicant and filed with the Executive Office for Immigration Review (EOIR). How can the issue be addressed to allow applicants caught in this "catch 22" to file before the one-year deadline? Does the asylum office consider itself to have jurisdiction when ICE has produced an NTA and served it upon an applicant, but ICE has not filed the NTA with EOIR? If the asylum office does not accept jurisdiction because it wants to give ICE an opportunity to file the NTA, would it make a difference if substantial time has passed without ICE taking any action?

Response: Due to ongoing litigation in *Mendez-Rojas v. Duke*, we are unable to respond to these questions at this time. Please note, if you have specific cases with related concerns and if ICE or CBP issued the NTA, we recommend you contact ICE to request that ICE file the NTA with the immigration court. If an Asylum Office issued the NTA after conducting a credible fear screening, please contact the Asylum Office to request that it file the NTA with the immigration court.

b. Some practitioners have seen that their local asylum offices are declining jurisdiction over affirmative asylum applications due to the existence of an expedited removal order even if:

- That order was later rescinded/vacated/never effectuated due to the superseding issuance of a Notice to Appear, and

- No charging document was filed with an immigration court. When the asylum office learns of the expedited removal order, they are administratively closing the case *sua sponte* for lack of jurisdiction.

In many cases practitioners and applicants are not provided notice of the administrative closure, and closure appears to stop the EAD clock and erase the time elapsed on the clock.

Please confirm the Asylum Division's interpretation of regulations and the INA regarding jurisdiction.

Response: See the response to question III.a. above.

IV. **Policy Memorandum PM-602-0137**

a. USCIS issued a Policy Memorandum PM-602-0137, dated Oct. 5, 2016, "Revised Guidance for Processing Asylum Cases Involving Terrorism-Related Inadmissibility Grounds and Amendment to the Hold Policy for Such Cases." Based on this memo, cases that were previously on hold at HQ due to possible TRIG will be "referred" to EOIR.

Can you please provide an update on how many cases remain at HQ that were previously on hold due to TRIG?

Response: We have approximately 10-15 TRIG cases that were removed from TRIG hold following the October 2016 policy memorandum still pending with HQ.

What is the process to remove these cases from hold for referral to EOIR and how long is this process expected to take?

Response: We cannot provide a timeline for when the processing of these cases will be completed. We are making every effort to review cases and return them to the field in a timely manner.

How will cases in which a TRIG exemption is authorized be processed under the new policy?

Response: Cases involving a TRIG exemption continue to receive two levels of review prior to decision service.

b. What is the date of the next of the next TRIG Quarterly Stakeholder Meeting?

Response: The next meeting has not been scheduled at this time. Please address inquiries on the scheduling of the next engagement to Karen Sohrakoff, chief of the RAIO TRIG Unit.

V. **Conflicts While Awaiting Adjustment**

a. Normally, a person who entered as a nonimmigrant, but has become in violation of his status, will be allowed to adjust status through the petition of a U.S. citizen immediate relative. If such a person has an I-130 and I-485 pending, and is awaiting his adjustment interview, upon the non-grant of an affirmative asylum application, would the asylum office refer the case to the EOIR, or allow the person to continue to await his adjustment interview? What would be the result of a non-grant of a person awaiting a TPS application adjudication, referral to the EOIR or allow the person to await adjudication of the TPS application?

Response: Asylum offices are required by regulation to issue Notices to Appear to affirmative asylum applicants who are not in valid immigration status and are not found eligible for asylum, but asylum offices may be willing to coordinate on a case-by-case basis with other USCIS components to delay issuance of an NTA if the adjudication of a concurrently pending application and/or petition is imminent.

VI. **Changes of Address**

a. If an asylum applicant lives in the jurisdiction of an asylum office, for example New Jersey, and moves to the jurisdiction of another office, for example New York, does the applicant need to do anything other than file an AR-11 to ensure that the case is transferred to the correct office? For example, should she write a letter to one or both offices?

Concerning the above example, does the transferred case join the asylum office queue based on the date of application? For example, in the example above, if the applicant filed in January 2015 and moved from the NJ jurisdiction to the NY jurisdiction, she should now be "current" for a NY interview. Should she expect to be interviewed immediately or are case transfers added to the queue in some other way?

Response: Asylum offices are notified of a change of address automatically, if the customer follows the directions in the uscis.gov website under File a Change of Address Online, including answering "yes" to the question: "Is this change of address for an application or petition currently in progress?" These steps must be taken to notify the asylum office where the application is pending of the change of address.

The Change of Address Online system captures the data provided by a customer or the representative in one central location to fulfill two processes: 1) notifying USCIS that a customer has changed his/her address and 2) in the case of a customer with a pending benefit request, informing the specific USCIS office of the change of address to ensure that asylum offices send mail to the proper address.

The applicant may also submit a change of address through the mail by sending one copy to the address on the website and one copy to the asylum office where the application is currently pending. Both steps must be taken if completing the change of address by mail.

Yes, the transferred case joins the asylum office queue at the new office based on the filing date.

b. Asylum adjudication jurisdiction—if an applicant changed address while asylum is pending, does the case follow to respective jurisdiction or stay with the initial jurisdiction?

Response: Generally, if the applicant has not been interviewed before the move, the applicant will be interviewed in the new asylum office jurisdiction. If the applicant was interviewed before moving to a new asylum office jurisdiction, generally the case will be adjudicated by the asylum officer in the old jurisdiction unless an additional interview is required.

VII. **Biometrics Notices**

a. During the call in January (I believe) there was mention that the biometric notices were going to be for date/time specific appointments. Notices arriving still have the two week window. Is this going to change?

Response: Yes. As of Aug. 3, the Asylum Division began to issue biometric notices for date/time specific appointments for all cases. However, applicants may continue to receive biometrics notices with two-week windows that were scheduled before the change for a short time during the transition.

b. What should practitioners do when the USCIS notification for asylum interview arrives before biometrics notification? Who should we contact to initiate fingerprints? Should we alert USCIS?

Response: In the fall of 2016, the Asylum Division began to "refresh or re-submit" existing asylum-related fingerprints for applicants such that the applicant no longer had to attend an appointment for biometrics collection. This provides better customer service to the applicants and also allows the Application Support Centers (ASC) to better handle increasing new asylum application receipts. If the applicant or dependent was previously fingerprinted for the asylum application and receives the interview notice without receiving a biometrics appointment, the applicant is not required to go to the ASC again for biometrics collection prior to the interview.

If the applicant or dependent has never been fingerprinted for the asylum application and received the interview notice before the biometrics appointment notice, please contact the asylum office where the application is pending so that they can schedule a biometrics appointment before the asylum interview.

c. After an asylum application is filed, we are receiving a biometrics notice with a range of dates, usually a week during which the applicants need to go to the local ASC office to have their fingerprints done. However, the local ASC office is refusing to fingerprint applicants with this type of notice and is asking them to provide a notice with a specific date and time. What should be done in this case?

   Response: Applicants should now receive a biometrics notice with a specific date and time. Please continue to attend biometrics appointments and take your appointment notice. If you need to re-schedule your appointment, follow the instructions on the notice or contact the local asylum office for assistance.

VIII. **Affirmative Asylum Scheduling Bulletin and Interview Priorities**

a. Asylum offices have stated at some local liaison meetings that the Affirmative Scheduling Bulletin is not accurate (delays are longer than what the website indicates). Will the bulletin be generally updated for accuracy?

   Response: Creating the scheduling bulletin is not a science. It's an estimation based on the number of cases scheduled for interview the previous month and the number of cases that were not scheduled for interview (from a particular filing month). The Asylum Division will look into ways to make the bulletin less manual and more accurate and informative, to include additional priorities and interview locations.

b. Will the asylum offices continue to prioritize scheduling of children's cases? If so, would they consider issuing a separate scheduling bulletin for children's cases so representatives can better plan for when those cases will be scheduled?

   Response: The scheduling priorities currently remain the same. See the response to VIII.a above.

c. I recall there was a recent announcement that the scheduling bulletin would include circuit rides. When is this likely to be implemented?

   Response: See the response to VIII.a above.

d. Are the asylum offices still scheduling interviews on a first-in-first-out basis? Have there been any changes in the prioritization or scheduling process for asylum interviews or are any such changes anticipated in the future?

Response: Generally, the asylum offices continue to follow the scheduling priorities as described on uscis.gov in the Affirmative Asylum Scheduling Bulletin. The Asylum Division continuously examines scheduling priorities based on receipts, pending caseloads, resources and priorities.

c. How many cases, as a percentage, typically have an applicant called back in for a follow-up/second interview? Anecdotal reports suggest an uptick in this occurring.

Response: We do not track this information in our case management system.

e. Can you please tell me how to request an expedited hearing?

Response: Asylum office directors may consider applicants' requests for urgent interview scheduling outside of the prioritization categories on a case-by-case basis. Please submit any urgent interview scheduling requests in writing to the asylum office with jurisdiction over your case. Go to the USCIS Service and Office locator page for contact information.

f. On average, how many months does the asylum process take?

Response: The length of time for completing an affirmative asylum application depends on various factors, including but not limited to:

- The date the application was filed;
- The caseload of the asylum office with jurisdiction over the application; and
- Whether the applicant is interviewed at a local asylum office or at a circuit ride interview location.

Please see the Affirmative Asylum Scheduling Bulletin | USCIS Affirmative Asylum Scheduling Bulletin for more information about interview priorities on uscis.gov/asylum.

IX. Including Updated Information in the Applicant's File in Time for the Interview

a. Many years go by before one obtains an interview with a two weeks' notice given before the interview. What is the best method to submit updated information or additional evidence to the asylum office? Is it better to do so in person at the time of the interview or should we do so within the two weeks by sending it to the asylum office? My problem with the latter is often times the additional documents do not get placed in the correct file for the officer to find before the interview.

Response: Check with the asylum office with jurisdiction over your case for local procedures for submitting supplemental documentation. Generally, you should submit the supplemental documents before or immediately after you receive the interview notice (within two weeks before the interview date). If you cannot submit the supplemental documents before two weeks, bring extra copies for the interviewing officer. You may drop them off earlier in the week with the interviewing officers at your circuit ride location.

X. **Post-Interview Delays**

a. We have experienced high number for asylum seekers approaching our agency asking for assistance. Could you please explain the delays in processing asylum applications, more specifically for clients from Syria? Some of these clients have been interviewed by an asylum officer more than once, and yet their cases are still pending for over two years. Is there a way for an applicant's attorney to advocate for an expedited decision following an asylum interview, for example, in the case where a client's family is in danger as they wait for the decision? How might an applicant find out how long a decision might take if they have been waiting for a year or longer for an interview decision?

   Response: We are not aware of delays specific to Syrian asylum cases. Asylum office directors have the discretion to consider applicants' requests for urgent post-interview processing on a case-by-case basis. Please submit your request to the asylum office with jurisdiction over your case.

b. Does USCIS have any estimates of how much longer the additional screening of applicants will add to current waiting times? Is there anything in particular that stakeholders who work with the affected populations can do to help USCIS with the new and expanded processes?

   Response: See the Executive Orders on Protecting the Homeland page on DHS's website for information outlining the impact of the executive orders.

c. Is there any policy change regarding asylum issues?

   Response: There are no changes regarding affirmative asylum issues.

XI. **I-94s for Defensive Asylees**

a. There is a problem around I-94s which has taken up so much time—yours, mine, and the new asylees! The problem is that sometimes new asylees are not handed an I-94 when they are released from detention, following a grant of asylum. Some are able to obtain one when they reach their destination and contact the local USCIS office. How do I resolve this problem?

   Response: The procedures for requesting and receiving an I-94 card after a grant of asylum by an immigration judge are available online at Immigration Benefits in EOIR Removal Proceedings. At the final hearing, you will receive orally and in writing the "Post-Order Instructions," which explain you must make the request to the local USCIS Field Office. The Asylum Offices do not provide I-94 cards to individuals granted asylum by an immigration judge.

XII. **Unaccompanied Children**

a. Is there any new or anticipated guidance on circumstances under which unaccompanied children will be re-designated as accompanied? Likewise, is there guidance or procedures for when those designated as unaccompanied children turn 18?

Response: Under Executive Order 13767 and the DHS implementation memo for Executive Order 13767, DHS is currently developing uniform guidance and procedures on applications for asylum filed by UACs for adjudication by USCIS under the "initial jurisdiction" provision of the TVPRA. However, the May 2013 USCIS memo, *Updated Procedures for Determination of Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children*, is still in effect. The memo has not been rescinded nor replaced with new procedures for determining initial jurisdiction.

b. Are the asylum offices still following the 2013 memo that says they will not do an independent analysis of UAC status for individuals who were designated UACs and never affirmatively "re-designated"? In other words, will the AO still treat an I-589 as filed by a UAC even if the applicant is now over 18 or appears to have reunified with a parent, so long as there was no re-designation?

Response: The May 2013 USCIS memo, *Updated Procedures for Determination of Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children*, is currently still in effect. At this time, the memo has not been rescinded or replaced with new procedures for determining initial jurisdiction. Under Executive Order 13767 and the DHS implementation memo for Executive Order 13767, however, DHS is currently developing new uniform guidance and procedures on applications for USCIS adjudication of asylum applications filed by UACs under the "initial jurisdiction" provision of the TVPRA.

c. Does the Asylum Office have jurisdiction over cases filed by a UAC who was in court even if the UAC took prosecutorial discretion and the case was admin closed or terminated? If they were designated as UACs and never re-designated, would the Asylum Office have jurisdiction even if several years have passed and the individual is no longer a minor?

Response: Under current procedures, if a UAC's removal proceedings were administratively closed, the NTA is still active in the case. Therefore, the Asylum Office may have jurisdiction over an asylum application pursuant to the "initial jurisdiction" provision of the TVPRA. If a UAC's removal proceedings were terminated, the Asylum Office would have jurisdiction over an asylum application as an affirmative asylum application since the applicant is no longer in removal proceedings, regardless of whether the application was filed by a UAC.

Under the 2013 memo currently still in effect, if CBP or ICE determined that an applicant was a UAC, and, as of the date of initial filing of the asylum application, that UAC status determination was still in place, USCIS will take initial jurisdiction over the case.

Under Executive Order 13767 and the DHS implementation memo for Executive Order 13767, however, DHS is currently developing new uniform guidance and procedures on

USCIS adjudication of applications for asylum filed by UACs under the "initial jurisdiction" provision of the TVPRA.

d. Sponsors and other adult caregivers are expressing increasing fear of attending child asylum interviews as witnesses or "trusted adults" because of increased immigration enforcement efforts. Does the Asylum Division have a policy regarding the sharing of witness and other adults' information with Immigration and Customs Enforcement? Will asylum officers be encouraged to give more weight to written declarations given these concerns?

Response: Asylum officers continue to be instructed to elicit testimony on all relevant eligibility requirements. Asylum interview notes are part of the record in the A-File. If the application is not approved, the asylum office transfers the file to ICE OPLA for removal proceedings. If the asylum application is approved, USCIS informs ICE so that appropriate arrangements may be made to terminate proceedings. Asylum officers will consider written declarations.

f. We have learned of a situation in which the SF Asylum Office denied a UAC's asylum claim based on evidence from ICE's EARM (Enforcement Alien Removal Module) system. Counsel for the UAC was not provided with the evidence or given an opportunity to address it at any time during the application process. Has USCIS implemented a new policy permitting asylum officers to issue denials without giving an applicant the opportunity to respond to the evidence used to deny the case? Please provide a copy of any written agency guidance regarding this practice.

Response: No, there is no new or revised policy. Please direct case specific inquiries and concerns to the interviewing office.

XIII. **Gang-Related Questions**

a. Are there new policies or practices on sending gang-related cases to Headquarters for review? If so, does this apply to victims of gang activity? Does the policy/practice apply to minors as well as adults? Advocates have also heard that any unaccompanied minors that are or were previously in a "staff-secure" or "secure" Office of Refugee Resettlement facility will have their cases sent to Headquarters for review. Is there a new policy in place on this?

Response: The Asylum Division has always maintained and exercised the ability to request certain cases be submitted to Headquarters for review before decision issuance, even if for only a short period of time, in order to get a better understanding of the types of cases being seen in the field. Recently, there has been significant reporting on gang activity in the United States associated with Central American gangs. As such, we believe it is prudent at this time to ensure that we understand what cases may be coming through the affirmative asylum process in which there are indications that the applicant has a history of violent criminal activity or gang affiliation or involvement. Therefore, we have asked offices to submit proposed grants to Headquarters for review if the adjudicator detects indicators of past or current gang affiliation regardless of whether the applicant is a juvenile or an adult.

Under ORR rules for placement, this type of history may be a factor considered when determining placement in these facilities. Therefore, as part of this request, we have requested to review proposed grants where the applicant was previously or is currently being held in a "staff-secure" or "secure" ORR facility. We may conduct a similar review of proposed referrals/denials in the future. We have not asked to see cases based on whether an applicant is a victim of gang activity.

b. Advocates have observed an increase in the number and detail of questions on whether unaccompanied minors had ever associated with gangs, or been victim of a gang. We have also noted an increase in questions relating to the child's journey to the United States and specifically who bore any costs associated with the journey. Can you comment on the purpose or intention of such questions?

   Response: We are not aware of an increase in the number or type of questions being asked about gang association, being a victim of gang violence, the applicant's journey to the U.S., or those who bore the costs for this journey. Adjudicators are trained to develop the record as necessary to make a legally sufficient determination, which could include asking about any of the issues raised in this question, depending on the facts of the case.

c. Which unaccompanied child asylum case decisions are currently being sent to Headquarters for review before the decisions can be issued? How long is it taking for Headquarters to complete these reviews? What percentage of UAC cases requires Headquarters review now?

   Response: We do not ask that UAC cases come to Headquarters categorically. They may be submitted for review if they are subject to the review discussed above, involving potential gang affiliation, or for other reasons, such as if they are novel, high profile, likely to be publicized, or involve national security issues. We do not have data on how long these cases take to review or what percentage of UAC cases receive Headquarters review.

d. AILA has received reports that asylum officers have implemented new procedures related to the adjudication of cases that may have possible MS-13 connections or possible gang-related issues. Has Headquarters provided any new guidance to the field concerning the adjudication of asylum cases with possible MS-13 connections or gang-related issues? If yes, please specify what these changes are. Are there written policies on these changes? Will USCIS provide stakeholders with a copy of these written policy changes?

   Response: Other than the steps mentioned above to require that certain proposed grants come to Headquarters for review, no additional guidance has gone to the field concerning the adjudication of asylum cases with possible MS-13 connections or gang-related issues.

e. Please identify which categories of asylum cases are now being sent to Headquarters for review. Will USCIS provide stakeholders with a copy of this updated written policy guidance?

Response: Cases that currently come to Headquarters include those described above in XIII.a. and c., including cases that may be likely to be publicized or are otherwise high profile, as well as any that involve national security issues.

XIV. **Publication of Lesson Plans and Training Modules**

a. Why does the Asylum Division publish just some, but not all, lesson plans and training modules? Why not publish all of them?

b. Will the Asylum Officer Basic Training Course lesson plan materials be made available in the USCIS Electronic Reading Room or in any other public location? If not, please explain.

c. When will USCIS guidance and officer training materials on children's asylum claims, such as the RAIO training materials, be available on the website again?

Response: Most training materials used to train new officers at RAIO are no longer available on RAIO's public website. The Asylum Division's lesson plans that are used to train asylum officers have been removed completely from the website and we are working to remove the remaining lesson plans because they will be posted for the public to access elsewhere.

In response to a series of recent Freedom of Information Act (FOIA) requests, all of our current lesson plans have been submitted to the USCIS FOIA office. The FOIA office will determine whether the materials are subject to any exceptions to disclosure. Any materials deemed sensitive or subject to a FOIA exception will be redacted by the FOIA office as appropriate. The FOIA office will post the remaining lesson plans, which we expect to be the majority of the lesson plans, in the USCIS Electronic Reading Room. Some of the materials have already been posted there, including training materials on adjudicating children's asylum claims and gender-related claims. We are working with the USCIS FOIA office to determine when the remaining materials will be posted.

XV. **Staffing**

a. How are the overall staffing levels for asylum officers? Are there many openings? Are there plans to increase the workforce at this time?

Response: The Asylum Division is currently authorized 625 field asylum officers. As of July 10, there are 516 field asylum officers onboard with an additional 102 individuals selected to fill some of the remaining vacancies. USCIS is currently engaged in its annual staffing needs assessment. No additional information is available at this time.

b. Please provide the current number of asylum officers currently on staff.

Response: See response to XVII.a above.

c. Please provide the average number of asylum officers assigned to conduct affirmative asylum interviews from January to August 2017, broken down by month.

Response: We do not capture the requested data.

d. During the May 2, 2017 Asylum Stakeholder meeting, the Asylum office indicated that asylum officers had been assigned to conduct CFIs and RFIs at the following detention centers: Cibola, Eloy, Florence, Adelanto, Imperial, Otay Mesa, Pearsall, Polk, Dilley, and Karnes. Please provide an updated list of the detention centers where asylum officers have been assigned to conduct CFIs and RFIs. Please provide the current number of asylum officers assigned to each facility.

Response: The facilities have not changed. The number of asylum officers assigned to these locations fluctuates weekly and, at times, daily. During the week of July 24, a total of 46 asylum officers were assigned to the above mentioned sites.

XVI. CBP **and Transgender Asylum Seekers**

a. I'm concerned about reports I've heard from Human Rights First and the Transgender Law Center that asylum seekers, including a number of transgender women fleeing violence in Central America, are being told by CBP at the border that they can't seek asylum and whether USCIS is working with CBP on addressing this issue. I would like to know if USCIS is working with CBP to address reports of CBP officers turning asylum seekers away at the border.

Response: The issue of CBP actions at the border related to asylum seekers is subject to litigation. Due to the litigation, we are unable to respond to this question.

XVII. **Initiation of Removal Proceedings**

a. Has there been any change in the past eight months to the policy or procedure for initiating removal proceedings against asylum applicants who have applied for asylum affirmatively and whose affirmative asylum cases have yet to be adjudicated by the asylum office?

Response: No, the Asylum Division has not made such changes in the past eight months.

a. For FY 2016 and 2017, how many cases have removal proceedings been initiated against people who had affirmative applications for asylum pending without decision at the time the NTA was issued? Please provide a breakdown by (a) asylum office, and (b) nationality of applicant. In how many of these cases had the affirmative asylum applicant been (a) charged with a criminal offense; (b) convicted of a criminal offense?

Response: USCIS Asylum does not track this information in our case management system.

c. If a case looks improbable, inconsistent with country conditions, or just falsified, is the interview process speeded up, to throw the person in court? Cases in the asylum office now take 27 months to be heard.

Response: USCIS schedules the affirmative asylum interview and considers the evidence on a case-by-case basis. If the individual does not establish eligibility for asylum and is not in lawful immigration status, the asylum office places the individual in removal proceedings.

XVIII. **Detention and Affirmative Asylum**

a. I have heard of those asylum applicants who have been stopped at checkpoints where CBP agents are present. The applicants have informed agents that they filed their asylum application before the expiration of their six months of their I-94 and are still being detained.

The ICE agent or CBP agent are saying that an asylum applicant has no legal status even if they filed before the six months of the expiration of their I-94, which is troubling, because if they detain every person who is awaiting an asylum interview, it would be contradictory to the acknowledgement of receipt that they receive after they file their I-589, which states you're allowed to remain in the United States while your asylum application is pending.

Therefore, perhaps further clarification is necessary to the CBP or to ICE agents so that a memo can be sent out that asylum applicants should not be detained, since they have an asylum application pending and it is not their fault that the USCIS has a backlog of asylum applications and they cannot have their interview conducted within six months so they should not have to bear the consequence of their asylum application not being processed for an interview and thus being detained saying that they're under no lawful status and that asylum applicants have no lawful status.

Even though they do not have a lawful status they are an asylum applicant and their I-797 acknowledgement of receipt states that you are allowed to remain in the United States while you're asylum application is pending. Therefore, my question is whether there is any clarification to ICE agents or to CBP agents, so they are aware that those asylum applicants with pending asylum applications before the USCIS, should not be detained if their six months have expired and their I-589 is pending before USCIS.

Response: ICE and CBP have the legal authority to determine whether to take aliens into custody when they encounter them at the border or inside the United States, and to determine whether to place them into removal proceedings. If ICE or CBP places them into removal proceedings, USCIS loses jurisdiction over the application and they may apply for asylum or other protection as a defense to removal while in detention.

XIX. **Credible Fear and Reasonable Fear Cases**

a. USCIS revised its Credible Fear of Persecution and Torture Determinations and Reasonable Fear of Persecution and Torture Determinations on Feb. 13, 2017. These new lesson plans

are effective as of Feb. 27, 2017. Has any additional guidance been issued to the field concerning CFIs and RFIs?

Response: No.

b. During the May 2, 2017, Asylum Stakeholder meeting, the Asylum Office stated that there is a random review process for CFI and RFI cases. Please identify any categories of CFI and RFI cases that are required to be reviewed by Headquarters.

Response: Headquarters does not review any specific categories of CFI or RFI cases. Cases are selected at random for submission to Headquarters for review.

XX. **Attorney Interaction with the Asylum Officer at the Interview**

a. Under the current training model, what exactly are new asylum officers trained to expect from their interactions with attorneys representing asylum applicants at the asylum interview? Interactions with asylum officers still vary substantially from officer to officer. Some welcome attorney participation to clear up obvious confusion so the interview is not needlessly sidetracked for 15-20 minutes because something is lost in translation. Others clearly do not want the attorney to open her mouth. What does the asylum division consider to be appropriate in terms of an attorney speaking during an asylum interview? I know that the older Asylum Officer Basic Training Course stated: "In certain instances, it may be appropriate for the representative to comment during the course of the interview to avoid confusion or misunderstandings. Such comments may be helpful and should not be discouraged."

This issue was also raised in the May 2, 2017, Stakeholder Meeting. However, I recently experienced the variance in asylum officer attitudes toward attorney participation in the asylum interview in interviews on June 7 and June 14. I feel it is necessary to continue to raise this issue until the problem has been rectified. Is the Asylum Division taking steps to assure that all asylum officers are familiar with the desired role that attorneys should play in an asylum interview? This seems particularly important as there are over 270,000 (likely tens of thousands more by the time the stakeholder meeting takes place) pending applications in which interviews will be necessary.

Response: All asylum officers receive training on non-adversarial interview techniques. The training materials emphasize the role of the asylum officer to manage the interview.

"Because of the non-adversarial nature of the process, described below, the role of the representative during the interview is minimal. You [the asylum officer] control the interview and will ask most of the questions. You may allow the representative to comment or ask questions during the course of the interview to clarify specific points. After your last question, you should give the attorney an opportunity to offer a closing statement. You have the discretion to limit the length of the closing statement, or in rare circumstances, require that a statement be submitted in writing instead." *Interviewing – Intro to the Non-Adversarial Interview.*

We have shared your concerns with the Arlington Asylum Office. The Arlington Asylum Office encourages attorneys to engage with local office management, by asking for a supervisor, after the completion of the interview if you have a particular concern regarding the officer's conduct in an interview. Also, all asylum offices have regular local stakeholder engagements and we encourage you to submit your questions to be discussed at those engagements. Contact the local asylum office management for the details regarding these engagements.

XXI. **Information Provided at the Waiting Room Window**

a. Some applicants report that when they inquire at the asylum office window, they are told their exact position on the short notice list (for example: "You are number 245."). Others are told that no information can be shared on that topic. For applicants that eagerly await their interviews because they seek to be reunited with their loved ones after receiving asylum, it helps when they can receive at least some information about where they are in the process. However, for those that are turned away with no information, it causes them confusion and frustration. Many have heard from friends that they were provided information when they inquired at the office window, so the applicant will wonder why she was not treated the same way. I would encourage the open sharing of this kind of information… but at the very least, there should be a consistent policy of dealing with these inquiries. Does such a policy already exist?

   Response: The Asylum Division has general national customer access standards which establishes multiple means for applicants to contact asylum offices while also protecting their confidentiality under 8 C.F.R. § 208.6. Asylum office management may also develop local procedures which meet the national standards. We have shared your concerns with Arlington Asylum management, and they will endeavor to provide standardized responses to this question.

USCCB Migration and Refugee Services
3211 4th Street, NE
Washington, D.C. 20071
Phone: 202-541-3352
Fax: 202-722-8750
www.usccb.org/MRS

Lutheran Immigration and Refugee Service
700 Light Street
Baltimore, MD 21230
Phone: 410-230-2700
Fax: 410-230-2890
http://www.lirs.org

Lutheran Immigratio
and Refugee Servic

Post-Release Services: Family Preservation Services for Immigrant Children Released from Federal Custody

Frequently Asked Questions (FAQ)s

What are post-release services?
Who receives post-release services?
When are post-release services required?
Why are post-release services necessary?
Where are post-release services available?
Who assists children and families through post-release services?
Who has custody of children during the post-release service period?
How do post-release service providers assist children and families?
When does Child Protective Services assist?
What is the post-release service period?
Who funds post-release services?

What are post-release services?
Post-release services ensure safety, well-being, and a path to permanency for unaccompanied alien children[1] (UAC) released from federal custody to family members and other caregivers throughout the United States. Through risk assessment, action-planning with families around areas of need and concern, systems advocacy with community providers, and culturally-appropriate services and community referrals, post-release services strengthen families and protect children. Lutheran Immigration and Refugee Service (LIRS) and the United States Conference of Catholic Bishops (USCCB) have provided post-release services for children released from federal custody since 1994.

Who receives post-release services?
In the US, UAC who are apprehended by immigration authorities due to their lack of immigration status are placed in the custody and care of the U.S. Department of Health and Human Services' Office of Refugee Resettlement (HHS/ORR). HHS/ORR makes and implements placement and service decisions of all UAC's while in federal custody. UACs have the right under federal law to be released to family members or other responsible adults (referred to as "sponsors"). HHS/ORR-funded care providers refer UAC who are released to family members (or other approved sponsor) to one of the HHS/ORR-funded agencies providing post-release services based on their assessment of the needs of the child, relationship and motivation of the sponsor, and ability of the sponsor to meet the child's unique needs. Not all children released from federal custody receive post-release services. The percentage of released children who receive post-release services fluctuates and is subject to allocation of funding.

[1] The term 'unaccompanied alien child' means a child who has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom there is no parent or legal guardian in the United States; or no parent or legal guardian in the United States is available to provide care and physical custody. (Homeland Security Act of 2002).

When are post-release services required?
The Trafficking Victims Protection Re-Authorization Act (TVPRA) of 2008 requires the Secretary of Health and Human Services to conduct follow-up services[2], during the pendency of removal proceedings, for children for whom a home study was conducted. Home studies are required if the child is a victim of severe trafficking in persons, has a disability as defined in Section 3 of the American Disabilities Act, if the child has been a victim of physical or sexual abuse under circumstances that indicate that the UAC's health or welfare has been significantly harmed or threatened, or if the proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child.[3] The TVPRA also authorizes the Secretary to conduct follow-up services in cases involving children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency. A sponsor is not obligated by law to accept post release services.

Why are post-release services necessary?
Child welfare practitioners have found the provision of family preservation services following family reunification to be essential to reducing the risk of harm to children and increasing the ability of parents to protect and supervise. Although family reunification, when safe and appropriate, is in the child's best interest, it can also be a highly stressful time, in particular, for families that have been separated for years, or, for children who are released to adults with whom they have little or no previous relationship. For UAC and their sponsors, environmental factors such as immigration status, English language ability, extent of integration, and lack of an extended family support structure in the US further compound the risk for breakdown upon reunification. Ultimately, supporting a successful reunification through post-release services reduces the likelihood of family breakdown, placement into foster care, commission of crime, recidivism into the juvenile justice system, recidivism into treatment placement, or first time entry into adult corrections.

Where are post-release services available?
UAC referred to LIRS and USCCB receive post-release services from a local, community-based organization *anywhere in the US or U.S. territories*. Post-release services follow the child; therefore, if the child and family move, or the approved sponsor arrangement breaks down and the child moves in with another family member, the child continues to receive services anywhere in the US.

Who assists children and families through post-release services?
LIRS and USCCB provide post-release services through their established networks of community-based agencies with expertise in professional child and family services and services for immigrants. We believe community-based services are essential and practitioners with established local partnerships and knowledge of local resources are best equipped to do this work. Education and ongoing support are necessary to assist community-based providers in tailoring their service approach to adequately address the unique needs of undocumented and mixed status families and help them navigate systems such as medical and mental health services, schools, direct assistance and the immigration courts.

Who has custody of children during the post-release service period?
The federal government relinquishes custody of the UAC once they are released to sponsors. Therefore, HHS/ORR retains no custodial authority once a child is released to a sponsor, even in cases in which LIRS/USCCB are providing post-release services. Although the sponsor signs a document stating s/he will care for the child, this document does not grant legal guardianship. Sponsors may apply for and receive legal guardianship according to state law; however, due to fear of being made known to immigration authorities, instability in housing or employment, and other challenges faced by undocumented sponsors, it is common that sponsors do not obtain guardianship leaving the UAC with no legal guardian.

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[2] While the term "follow up services" is used in the TVPRA, we use the term "post release services" for the purpose of this document since the implementing agency within HHS, the Office of Refugee Resettlement (ORR), uses the term "post release services", and our agencies have also adopted the term. They are two terms used synonymously.
[3] http://www.justice.gov/olp/pdf/wilberforce-act.pdf

How do post-release providers assist children and their families?
USCCB and LIRS implement a strengths-based family strengthening and kinship navigator approach adapted to the UAC's unique needs. This approach engages the family as active participants in goal-planning and achievement by empowering them to navigate community resources independently. This includes identifying the family's protective factors,[4] such as strong extended family relationships, the desire for education and achievement for their children, and the maintaining of cultural connections while integrating into U.S. society.

An assigned case manager coordinates an individualized package of services to UAC and their sponsors depending on their unique needs. Services include:

- Home visits and family preservation services
- Ongoing psycho-educational support and opportunities to foster community integration
- Systems advocacy and education to overcome barriers to services to include enrolling in public school, ensuring access to individual service plans (IEP) in school to include ESL courses and tutoring, and finding affordable and bilingual health care providers
- Identification of resources to support the family in meeting basic needs
- Connection to community supports, whether places of worship, ethnic community, and/or support groups
- Continuous assessment of child safety and well-being
- Referring children to low cost or pro bono immigration legal assistance and educating children and their families about immigration processes
- Convening, supporting, and encouraging interdisciplinary panel to discuss cases, as needed

When does Child Protective Services assist?
Local child protective services (CPS) are contacted per mandated reporting requirements, i.e. in cases of alleged child maltreatment by the sponsor. If needed, CPS may assign a guardian ad litem, or open an investigation. Responses by CPS to cases of alleged maltreatment of undocumented children vary by location, and LIRS and USCCB provide ongoing education to CPS about the needs of children in immigration proceedings.

What is the post-release service period?
The TVPRA mandates post-release services for children who received a home study continue throughout the duration of his or her removal proceedings, or, until they turn 18 years old, whichever happens first. For children released without a home study, post-release services are provided for six months, and potentially longer if in a professional's judgment, the child could benefit from ongoing assistance.

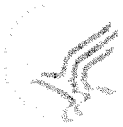
Who funds post-release services?
Currently, most post-release services are funded by HHS/ORR. However, LIRS and USCCB also provide non-governmental assistance to children identified as needing services after release from custody.

Please contact us if you would like further information about post release services for a child you know, or for information about becoming one of our network providers.

Migration & Refugee Services
U.S. Conference of Catholic Bishops
3211 4th Street, NE
Washington, DC 20017-1194
(202) 541-3081 / (202) 541-5409
migratingchildren@usccb.org
www.usccb.org/MRS

Children's Services
Lutheran Immigration & Refugee Service
700 Light Street
Baltimore, MD 21230
(410) 230-2757
childrenservices@lirs.org
http://www.lirs.org

4 Weine, S. (2008). Family Roles in Refugee Youth Resettlement from a Prevention Perspective. *Child and Adolescent Psychiatric Clinics of North America*, 17 (3), 515-532.



ADMINISTRATION FOR
CHILDREN & FAMILIES
330 C Street, S.W., Washington, DC 20201 | www.acf.hhs.gov

September 6, 2016

The Honorable Rob Portman
Chairman
Permanent Subcommittee on Investigations
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member
Permanent Subcommittee on Investigations
Committee on Homeland Security & Governmental Affairs Committee
United States Senate
Washington, DC 20510

Dear Chairman Portman and Senator McCaskill:

Thank you for your May 31, 2016, letter concerning the responses we submitted to the questions for the record following the January 28, 2016, hearing by the Permanent Subcommittee on Investigations entitled, "Adequacy of the Department of Health and Human Services' Efforts to Protect Unaccompanied Alien Children from Human Trafficking."

The Department of Health and Human Services recognizes and appreciates the importance of Congressional oversight and is committed to continuing to work with you regarding your inquiry into this matter. As such, we have provided further information responding to your May 31, 2016, letter in the attached document. We are working with your staffs to further explain how HHS cooperated fully with Federal law enforcement authorities in connection with the Marion, Ohio, criminal matters. In addition, the answers to the remaining questions will be forthcoming in the near future.

We hope you find this information helpful. Please let us know if we can be of further assistance.

Sincerely,

Mark H. Greenberg
Acting Assistant Secretary
Administration for Children and Families

Robert Carey
Director, Office of Refugee Resettlement
Administration for Children and Families

Enclosure

Attachment

1. During the hearing, Sen. McCaskill asked Mr. Greenberg and Mr. Carey to provide, by February 4, 2016, a formal legal analysis supporting HHS's "long-standing policy" that ORR has no responsibility for unaccompanied alien children (UAC) after their placement with sponsors. On February 22, 2016, HHS provided a response to Sen. McCaskill's request, which argued that the Trafficking Victims Protection Act prevented HHS from asserting "continuing legal custody post-release" of a child. Please answer the following questions:

> **d. HHS's February 22, 2016, letter argued that because "Congress specifically required follow-up services in those limited cases where a home study was conducted, and...authorized follow-up services for certain other children with mental health or other needs," Congress did not intend to grant ORR the general ability to retain or assume post-release custody of UACs. Please explain how 8 U.S.C. § 1232(c)(3)(B), which grants ORR the ability to conduct follow-up services in the above-mentioned cases, prohibits ORR from assuming post-release custody of UACs in other cases.**

HHS's longstanding interpretation of the statute is that this section of the statute is about services, once a child has already been released – not custody.

The authorities and the resources given to the Unaccompanied Children Program in ORR set forth a system that is intended to be temporary in nature, with a focus on caring for children while in our physical custody, and releasing children to appropriate sponsors. Additionally, if Congress had intended ORR's legal custody to continue after a child is released to a sponsor, HHS believes that the TVPRA would not have needed certain of its post-release provisions. If HHS had continuing legal custody post-release, for example, HHS would necessarily have the authority and responsibility to provide services to the child after release. Instead, Congress specifically required follow-up services in those limited cases where a home study was conducted, and it authorized follow-up services for certain other children with mental health or other needs. In addition, section 235(c)(5) of the TVPRA (8 U.S.C. § 1232(c)(5)) discusses legal services for children who "are" in the custody of HHS as well as those who "have been in the custody of the Secretary." Taken together, HHS believes that these examples support the conclusion that the Unaccompanied Children Program's approach to legal custody is consistent with the statute and Congressional intent.

If the intent of the Congress had been for the Unaccompanied Children Program to retain legal custody over the children after their release to sponsors, the program would have needed to be structured and resourced in a very different way. The program is not structured in a manner similar to state procedures for child foster care, in which custody of the child is transferred to the state after a judicial proceeding and the child is placed with a foster parent selected and licensed by the state. State child foster care systems include, for example, foster care maintenance payments and payments for health care expenditures, which the Unaccompanied Children Program does not have the authorization or funding to provide.

> **e. Please explain why, if 8 U.S.C. § 1232(c)(3)(B) requires follow-up services in certain cases, HHS has allowed sponsors to hold a veto over these services or bar care providers from communicating with UACs.**

8 U.S.C. 1232(c)(3)(B) gives ORR the authority to provide services. Participation in post-release services is a voluntary choice by the sponsor and unaccompanied child, and 8 U.S.C. 1232(c)(3)(B) does not compel their participation. As we wrote previously, a sponsor declining post-release services prior to a final placement decision would be a factor ORR would consider in determining whether the child's basic needs would be met by that sponsor. Based on reporting from ORR's post-release service providers, the vast majority of sponsors accept post-release services when they are offered; very few decline.

If any of our provider grantees or staff have reason to believe that a child is unsafe, they comply with mandatory reporting laws, State licensing requirements, and Federal laws and regulations for reporting to local child protective agencies and/or law enforcement.

f. Please describe any specific legal impediment to ORR conducting a home study when a UAC sponsored by a Category 3 sponsor fails to appear at an immigration hearing.

Home studies are conducted before a final placement decision is made for the child, and would not be applicable to a situation in which a Category 3 sponsor fails to appear at an immigration hearing, which would occur post-release. Follow-up services are done post-release. There is no legal impediment to doing follow-up services. However, a substantial increase in the number of children provided post-release services would require additional resources beyond what is currently provided by Congress to the program. And, as discussed above, post-release services are voluntary and if they uncover concerns about the child's well-being, then steps are taken in accordance with applicable state law.

4. Under federal law, "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services." 8 U.S.C. § 1232(b)(1). Notwithstanding the clarity of that provision, you testified that it is the Department's long-standing interpretation of the law that HHS is not responsible for an unaccompanied alien child after he or she is placed with a sponsor. In the Department's view, which Federal agency *is* responsible for unaccompanied alien children living with sponsors in the United States?

We can only speak to HHS's own authority on this issue and believe we have answered this question.

HHS's longstanding view across administrations is that, under the authorities governing the Unaccompanied Children's Program, once a child is released to a sponsor, ORR's legal and physical custody terminates. But the fact that ORR's custody ends upon release does not mean that its commitment to providing resources, connecting children to services, and protecting vulnerable children from abuse or exploitation ends. HHS has authorities that permit it to provide a range of services and resources post-release, and it makes use of that authorization to establish policies and procedures that, among other things, are intended to protect those children that may be vulnerable to abuse or exploitation after they are released from our care.

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Verona, VA 24482
Telephone (540) 245-5800
Fax (540) 245-5880

1200 Shenandoah Avenue
Waynesboro, VA 22980
Telephone (540) 942-6646
Fax (540) 942-6658

Shenandoah Valley Social Services

August 1, 2018

Mr. E. Scott Lloyd
Office of Refugee Resettlement C/O
Shenandoah Valley Juvenile Center
300 Technology Drive
Staunton, VA. 24401

Re. [redacted] **(Physical Abuse/Physical Neglect. Complt. 6/22/18)**
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Dear Mr. Lloyd,

Thank you for your cooperation during the recent Child Protective Services investigation. This investigation has been completed according to Virginia State Code (Title 63, Chapter 12-1, Section 63.1-24.17) which deals with complaints alleging child abuse and neglect.

We did not find any clear evidence of abuse or neglect as defined by Virginia State Policy; therefore, we have made an **"Unfounded"** disposition. The following are recommendations which the Department is making in regards to policy and procedure within the Shenandoah Valley Juvenile Center; while the allegations within the received report were unfounded, the Department believes that the specific population of unaccompanied minors within the Shenandoah Valley Juvenile Center would benefit from access to the following.

1. An evidence-based mental health screening with specific regard to past history of traumatic experienced or witnessed events; this screening is recommended upon admission to the facility, as well as on an as-needed basis as determined by the facility.

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Shenandoah Valley Social Services

2. Evidence-based, trauma-informed mental health services to be administered on an as-needed basis to the population of unaccompanied minors with past history of experienced or witnessed traumatic events as determined by the mental health screening tool and per the facility.
3. Cultural competency training to be administered to all staff upon hiring and on an as-needed basis.

The Department will maintain the information on this investigation for one year after the date of the complaint. The record will be purged after that one year period if there are no subsequent founded or unfounded reports received regarding you or the same child/children within that time period.

Thank you,

[redacted]

Child Protective Services Investigator

COMMONWEALTH OF VIRGINIA

Secretary of Public Safety and Homeland Security

AUGUST 13, 2018

VIRGINIA DEPARTMENT OF JUVENILE JUSTICE REPORT OF FINDINGS

SHENANDOAH VALLEY JUVENILE CENTER

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Recommendation for Virginia Board of Juvenile Justice

Memo From Child Protective Services (CPS)

BACKGROUND

In fall 2017, three migrant children detained by the federal government's Office of Refugee Resettlement (ORR) at the Shenandoah Valley Juvenile Center (SVJC) filed a federal class action lawsuit alleging abuse by the guards at SVJC. In early 2018, out of concern for the safety of the residents, Virginia Department of Juvenile Justice (DJJ) certification team reviewed prior certification documents and visited SVJC to monitor and observe conditions in the facility. The certification team did not find any immediate concerns regarding the health and safety of the residents.

On June 21, 2018, a story was published reporting the alleged abuse contained in the lawsuit. The Governor takes these allegations very seriously and, recognizing the severity of the information contained in the lawsuit, directed Secretary Brian J. Moran to initiate an inquiry. The Secretary immediately contacted the director of Department of Juvenile Justice and the Governor's Chief of Staff to identify a plan of action and commenced the investigation.

Findings and the process of the investigation are contained below.

ROLE OF THE DEPARTMENT OF JUVENILE JUSTICE

Pursuant to regulations issued by the State Board of Juvenile Justice, DJJ has oversight but not operational responsibility for locally operated juvenile detention centers. According to 6VAC35-20-36.1, whenever the DJJ becomes aware of a health, welfare, or safety violation in a locally operated detention center, the Department shall take immediate action to correct the violation, if not already done by the program or facility.[1] The actions include reporting the situation to child protective services (CPS), the Virginia State Police, or the local law enforcement agency as applicable. Additionally, 6VAC35-20-37 provides for the DJJ Director to take immediate administrative actions when evidence is found of health, welfare, or safety violations to include but not limited to:

- The immediate removal of juveniles from the program. The immediate removal by DJJ would be limited to court involved youth who are in local or state custody. The Director would notify ORR of the action and ORR is responsible for any removal of youth in federal custody.
- Placing the facility on probationary certification status.

[1] Virginia regulation, 6VAC35-101-95, requires the juvenile detention center staff to report all known criminal activity by residents or staff to the facility administrator. The facility administrator shall notify the appropriate persons or agencies to include law enforcement, child protective services and DJJ, if applicable and appropriate, of suspected criminal violations by residents or staff. The law enforcement agency and CPS would determine necessary action.

- Issuing a preliminary order to suspend the certification of the detention center when conditions or practices exist in the facility that pose an immediate and substantial threat to the health, welfare, or safety of the residents.

After DJJ's thorough investigation, it did make referrals to local child protective services, but based on their investigation, determined that no further action was necessary. See Department of Juvenile Justice Report.

The SVJC is an independent juvenile detention facility for youth managed by the Shenandoah Valley Juvenile Center Commission. SVJC staff are not state employees. Furthermore, DJJ does not have any official relationship or jurisdiction over the ORR, nor the federally supervised youth at SVJC. The ORR is a federal program under the U.S. Department of Health and Human Services (HHS) that works with unaccompanied minors while their immigration cases are pending.

Unaccompanied minors are immigrant youth under the age of 18 who have no parent or legal guardian in the United States. Unaccompanied minors are placed at SVJC when ORR has determined that a less secure placement would not be appropriate. The DJJ has no contractual relationship with ORR, nor auditing or monitoring authority or responsibility over the federal youth housed at SVJC. The federal youth program is audited and overseen solely by ORR. Pursuant to a cooperative agreement that SVJC entered with ORR and HHS, ORR monitors SVJC for compliance with their requirements through announced and unannounced monitoring visits. These are not the youth who have been subject to the recent family separation policies of the Trump administration.

SECRETARY OF PUBLIC SAFETY AND HOMELAND SECURITY AND DEPARTMENT OF JUVENILE JUSTICE INQUIRY

On the evening of June 21, 2018, upon the Governor's directive, Secretary Moran and DJJ Director, Andrew Block, met with the SVJC Superintendent and toured the facility, including visiting the units housing the youth in ORR custody.

On June 21, 2018, with permission and conditions set by ORR, the DJJ certification and quality assurance teams conducted interviews with SVJC staff and all federal residents at SVJC at that time. According to the SVJC, none of the youth originally named as plaintiffs in the October '17 lawsuit were still present at SVJC during the visits and interviews. Additionally, a protective order had been entered in March 2018 that prohibits SVJC and ORR from disclosing the identities of any of the plaintiffs in the litigation. The following day, the Secretary participated in a call with DJJ detailing the results of their interviews at the facility. The team, with the addition of DJJ investigators who are sworn law-enforcement officers, returned to SVJC on June 25 to continue their interviews and review the files of federal residents.

On June 22, 2018, Secretary Moran communicated with Virginia's Congressional delegation and other government leaders, including all members of the Virginia General Assembly. He provided them with a fact-sheet and other details relevant to the investigation and the facility's relationship with the Commonwealth.

On June 27, 2018, Secretary Moran and Governor's Office staff completed a conference call with Scott Lloyd, Director of ORR, and Laura Trueman, Principal Deputy Director of the Office of Intergovernmental and External Affairs at HHS, regarding standard overview of facilities in Virginia and other background and operational information.

THE FINDINGS

On June 28, the DJJ submitted a preliminary report and Child Protective Services (CPS) provided an update to their investigation to Secretary Moran. The conclusions of their investigations indicate that there were no life, health, or safety concerns for the residents at SVJC.

As of July 3, CPS completed its investigation into the allegations of abuse and found that there was no evidence of abuse or neglect *(see accompanying DJJ and CPS reports).*

INTRODUCTION

On June 21, 2018, Governor Ralph Northam requested Brian J. Moran, Secretary of Public Safety and Homeland Security, and the Department of Juvenile Justice (DJJ) to conduct an inquiry into the allegations contained in a lawsuit regarding the safety of federal residents housed at the Shenandoah Valley Juvenile Center (SVJC). At the time of the inquiry there were 22 residents placed by the Office of Refugee and Resettlement (ORR) at the facility. As reported by the residents, one resident has been there since September 30, 2016, and the other 21 residents were admitted between November 12, 2017, and June 12, 2018. According to the SVJC, the residents who were named plaintiffs in the October '17 lawsuit were no longer in the facility at the time of the interviews.

While the DJJ team found SVJC in compliance with applicable regulations and certification standards, they did identify areas where SVJC could improve programming for the youth in the custody of ORR. Accordingly, this memo includes both a description of the investigative process and findings, as well as a set of recommendations for SVJC.

The memo also includes a recommendation that DJJ will forward to the Board of the Virginia Department of Juvenile Justice: to amend current certification standards so that DJJ can better track the youth who are housed in local detention centers but in the legal custody of a different agency.

REVIEW PROCESS

Following the Governor's directive, a DJJ team of certification and quality assurance staff visited SVJC on June 21, 2018, and June 25, 2018. It is also worth noting that subsequent to the initial filing of the lawsuit in October of 2017, DJJ staff monitored ongoing conditions at SVJC. Specifically, DJJ certification staff conducted a modified certification visit to SVJC to monitor and observe conditions in the facility in March of 2018, and also reviewed prior certification documents to determine if any problems similar to those alleged in the lawsuit had been flagged. Neither the review of prior reports, nor the visit in March identified any immediate concerns about the life, health, and safety of the residents in the facility.

During the June 21 visit, DJJ staff interviewed all of the federal residents at SVJC. The team was not able to substantiate the conditions described in the lawsuit concerning the operations of SVJC or the mistreatment of residents. After obtaining permission from ORR, the team returned on June 25 and reviewed case files, medical files, room confinement forms, and other documentation to assess compliance with regulations relating to the quality of care. For the case review process and interviews, ORR placed the following restrictions:

- Case files are federal property and cannot be duplicated or copied;
- Audit team could not keep written notes of information in case files; and
- A SVJC staff member had to be present for all interviews.

FINDINGS

During interviews, three residents reported that they had experienced abusive behavior by staff. A further review of documentation revealed that two of these complaints were reported by the facility to Child Protective Services (CPS). CPS determined that these complaints did not meet the legal definition of abuse and neglect. Upon further consideration, CPS reopened the two cases and was on-site for a further review to include interviews with all of the federal residents. The third report was an initial complaint that occurred during the interview process and was reported to CPS by DJJ staff.

SVJC uses room confinement as part of its behavior management system to ensure the safety and security of residents, staff, and the facility. During interviews with the federal residents, and supported by room confinement records in the case files, there were no instances where residents were confined more than 24 hours. With the exception of one 23-hour confinement, confinements lasted approximately 4 hours. Pursuant to the case file records, in each instance of confinement, visual inspections of the residents by staff were made at least once every 30 minutes.

The facility uses approved restraints pursuant to the Regulations Governing Juvenile Secure Detention Centers, 6VAC35-101-1130. Review of training records indicated that all staff are trained in the use of restraints through a behavioral management system titled "Handle With Care."[2] Per regulation, mechanical restraints shall not be used as punishment; however, they are used for the protection of resident and staff. The regulation requires that SVJC train staff in the use of mechanical restraints including but not limited to the restraint chair and mesh spit guards. The restraint chair is used for out-of-control residents who cannot be safely restrained by less intrusive methods. While in the chair, a mesh spit guard can be placed on the resident's head to prevent spitting or biting. No residents interviewed had knowledge of the use of the restraint chair. In two instances reviewed, staff were disciplined for using an unapproved physical restraint technique that did not follow "Handle with Care" guidelines. Neither of these restraints related to the use of the restraint chair.

Interviews with staff and residents revealed due process is not well understood and this lack of understanding appears to be related to language barriers. A review of resident files showed disciplinary reports where federal residents acknowledge by noting and signing their right to appeal or not to appeal disciplinary action.

A review of files documented that medical concerns are responded to immediately. However, there was one incident wherein one resident did not receive medication as prescribed because the medication ran out. The resident missed one day of medication.

Regarding nutrition, residents stated they receive three meals a day and one evening snack. A review of resident files indicated special diets are documented and prepared for residents as required.

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[2] See, "Behavioral Management System, Inc.", Mark Chapman, 1984.

Interviews revealed that residents generally understood the grievance process and how to get issues resolved. Documentation in the files indicated the same.

Two DJJ investigators accompanied the team on June 25 and were tasked with identifying any gang activity. The investigators toured four housing units and observed three gang identifiers relating to MS-13. Two were drawings of the devil horn hand sign used by MS-13 and one was a "MS-13" etched in the window of one of the resident's doors. A fourth gang identifier was an 18th Street symbol scratched into the door of a resident's room. Overall, the housing units were very clean and free from graffiti. When identified by ORR prior to placement at SVJC, the file records indicated that SVJC received the notification of potential gang involvement upon admission.

CHILD PROTECTIVE SERVICES FOLLOW-UP

Based on the referrals from DJJ staff, Child Protective Services (CPS) staff from Shenandoah Valley Social Services conducted follow-up investigations, including individual interviews with a staff member who had allegedly engaged in abusive behavior.

Following these investigations, CPS found no abuse or neglect had taken place.

CONCLUSION AND RECOMMENDATIONS

On June 21, 2018, a DJJ team consisting of five members from the Certification Unit and the Quality Assurance Unit visited SVJC.[3] On June 25, 2018, an eight member team from the Certification Unit, the Quality Assurance Unit, and the Investigative Unit also visited SVJC.[4] CPS staff from Shenandoah Valley also conducted follow-up visits.

During this investigation DJJ staff found no life, health, or safety violations for youth in ORR's custody who have been placed at SVJC. Likewise, CPS, in their investigation, did not find evidence to support allegations of abuse or neglect. The team did find that the SVJC is a well-run facility that attempts to treat its staff and residents with respect and dignity.

While DJJ staff did not find sufficient evidence to support the conditions described in the lawsuit, the DJJ staff nevertheless identified areas where SVJC could strengthen its programming for this uniquely challenging group of youth—young people who have been frequently exposed to high levels of trauma, who are separated from their families, and who confront numerous language and cultural barriers, among others, to succeeding in SVJC and upon their release.

In addition, DJJ identified a gap in its certification authority over local detention centers which is that, without permission from the custodian agency (in this case ORR), DJJ does not have access to the records of youth, nor the youth themselves, who are in the custody of ORR

[3] On June 21 2018, the team members included Shelia Palmer (team leader), Clarice Booker, Mark Lewis, Andrea McMahon, and Leah Nielsen.

[4] On June 25, 2018, the team members included Shelia Palmer (team leader), Clarice Booker, Mark Lewis, Andrea McMahon, Deidre Davis, Nina Joyner, Dennis Sullivan, and John Rohde.

or other third parties. Accordingly, in this memo DJJ has also included a recommendation that it intends to propose at the next DJJ Board meeting.

Finally, while DJJ staff found nothing to indicate their misuse or abuse at SVJC, given the concerns raised by the allegations in the lawsuit about physical restraints more generally, and the fact that the Board of DJJ is charged with regulating their use, DJJ will inform and educate the Board about their use in Virginia in order that the Board may properly consider the current regulations and whether any changes might be necessary.

RECOMMENDATIONS FOR SVJC

RECOMMENDATION 1

SVJC should provide staff with training and professional development in the areas of positive youth development, cognitive behavioral interventions and trauma informed care.

It would benefit SVJC to invest in training for the administrative, management and line staff in the areas of positive youth development, cognitive behavioral interventions and trauma informed care. SVJC operational tenets are geared more toward a correctional philosophy and environment than a therapeutic model. SVJC currently operates a Community Placement Program for DJJ that incorporates the tenets of DJJ's community treatment model. The Missouri Youth Services Institute (MYSI) has trained all staff in the CPP in the principles of a therapeutic environment. As the youth placed by ORR are typically long term residents and similar to DJJ youth in that they have significant exposure to trauma, it would be of value for SVJC to adopt a similar community treatment model framework into the units housing the federal residents. Consistent staff and interactions with residents can diminish aggressive behaviors. If ORR were willing to collaborate with DJJ in this effort, it would promote a consistent philosophical approach within SVJC.

RECOMMENDATION 2

SVJC should increase the staff's understanding of and sensitivity toward the unique cultural backgrounds of the youth in the federal program, expand the culturally relevant programming for these youth, and increase the number of bilingual staff.

Culturally competent practices are crucial for ensuring effective services and treatment delivery to the Latino population at SVJC. SVJC staff need increased awareness of cultural factors that influence the federal residents' behavior and thinking patterns. A lack of social and emotional support networks impact stress and anxiety for the Latino youth and frequently is displayed as aggressive and negative behaviors. SVJC should reach out to and collaborate with local Latino serving agencies for assistance in the development of culturally relevant training and resources, and for assistance with recruitment of bilingual staff. Additional bilingual line staff and mental health counselors that understand the variations in the Spanish language within different Latino cultures would assist in addressing miscommunication and misunderstandings by the federal residents.

RECOMMENDATION 3

SVJC should strengthen the procedures for the use of mechanical restraints and re-train staff on the use of physical and mechanical restraints.

Although SVJC's procedures for mechanical restraints meet certification regulations, the procedure could be clearer and specific to the use of mechanical restraints. The use of a restraint chair and spit guards, as well as when and how it is used, should be better defined. DJJ suggests re-training all staff on the use of all restraints both physical and mechanical to include enhanced training on de-escalation techniques *(see Recommendation 4)*.

RECOMMENDATION 4

SVJC should provide ongoing training in the effective use of de-escalation techniques for all staff at SVJC.

SVJC staff require additional training on effective de-escalation practices. De-escalation techniques can prevent disruptive behavior, reduce the need for physical or mechanical restraints, and enhance the safety of the resident and staff. As many de-escalation techniques require effective communication this recommendation is linked to the need for additional bilingual staff.

RECOMMENDATION 5

SVJC should explore design and furniture modifications to create a setting more conducive to working with a population that has high rates of trauma.

SVJC was designed and constructed as a secure juvenile detention center meant to provide short-term confinement for pre-adjudicated youth. At the forefront, it must provide a safe and secure environment for residents and staff and protect the public safety. The physical design of the facility is based on a more traditional correctional setting. Housing units and individual rooms are designed for direct supervision of residents and monitoring by staff inside and outside of the housing areas. As SVJC is not able, without considerable cost, to change the physical design of the housing units or rooms, it should explore other options with regard to furniture styles, arrangement of furniture and paint colors that could help modify the environment and make it more developmentally appropriate and trauma responsive.

RECOMMENDATION FOR VIRGINIA BOARD OF JUVENILE JUSTICE

RECOMMENDATION 1

The Board of Juvenile Justice should promulgate an amendment to the regulations governing local juvenile detention centers to require that any time such a center enters into a contract with a third-party to house youth in the custody of the third-party, the contract must allow for DJJ staff to have the same access to the youth and their records as DJJ has to all other youth in that facility.

RECOMMENDATION 2

DJJ will inform and educate the Board about the use of mechanical restraints in juvenile correctional centers and locally operated juvenile detention centers in Virginia in order that the Board may properly consider the current regulations regarding the use of mechanical restraints and whether any changes might be necessary.

MEMO FROM CHILD PROTECTIVE SERVICES (CPS)

On 06/22/2018, the Shenandoah Valley Department of Social Services (SVDSS) began receiving numerous calls regarding allegations of abuse/neglect, which had been outlined in media reports released on 06/21/2018, as referenced within the executive summary of the DJJ report preceding this appendix. Specific to the calls received were allegations of abuse/neglect by guards against unaccompanied migrant children being detained at the SVJDC. These reports alleged the migrant children to having been "beaten and handcuffed" while also being "tied to chairs with bags placed over their heads". Additional allegations referenced these minors as being left "nude and shivering within their concrete cells". While none of these current reports identified any specific alleged abuser(s)/neglector(s), two previous reports had alleged physical abuse by one facility guard in the attempt to restrain two migrant children. As both of these previous reports had been determined invalid of meeting the requirements for a CPS response, it was suggested this decision be reconsidered. Therefore, on 06/22/2018, the SVDSS initiated an investigation into all allegations received.

The SVDSS began the process of interviewing all migrant children on 06/25/2018. This included eighteen children, again, all migrant children housed at the SVJDC. Interviews continued on 06/27/2018 and 06/28/2018 to include both migrant children and a number of administrative and supervisory staff. A final interview with the alleged abuser took place on 07/03/2018.

The interview process with all children included the CPS investigator employed by the SVDSS, the use of an interpreter retained by the SVDSS in addition to oversight by the CPS Regional Consultant with the Virginia Department of Social Services. Interviews with administrative and supervisory staff in addition to the alleged abuser involved the CPS investigator and the CPS regional consultant. The investigative process also included a full tour of the juvenile facility in addition to the review of hard record files for each migrant child. Also reviewed was video footage relating specifically to one of the allegations of physical abuse. Video footage relating to the second allegation of physical abuse was no longer accessible.

In conclusion of the CPS investigation, no information was obtained to implicate any additional alleged abuser(s)/neglector(s). Furthermore, the information obtained through child interviews found no evidence to support the allegations of any mistreatment or neglect. This was further evidenced by a complete tour of the SVJDC and visual inspection/demonstration of the restraint and protective equipment utilized by the facility, which, according to the DJJ, does meet certification regulations. Finally, a face-to-face interview with the alleged abuser and a review of the available video footage specific to the allegations of physical abuse found no preponderance of evidence to support a CPS finding. Verbal notification of these preliminary findings being in support of an unfounded CPS disposition was provided to the alleged abuser and the SVJDC on 07/03/2018. The final report documenting all evidence obtained and including all required, written notifications will be completed by 08/03/2018.

Unaccompanied Alien Children
Joint Concept of Operations

July 31, 2018

PSI-147

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List of Acronyms

A-File	Alien File
A-Number	Alien Number
ACF	Administration for Children and Families
CBP	U.S. Customs and Border Protection
COA	Change of Address
COV	Change of Venue
CRCL	Office of Civil Rights and Civil Liberties
DHS	U.S. Department of Homeland Security
DOJ	U.S. Department of Justice
DUCO	Division of Unaccompanied Children's Operations
EOIR	Executive Office for Immigration Review
ERO	Enforcement and Removal Operations
FFS	Federal Field Specialist
FOJC	Field Office Juvenile Coordinator
HHS	U.S. Department of Health and Human Services
HPC	HHS Processing Centers
ICE	U.S. Immigration and Customs Enforcement
IJ	Immigration Judge
INA	Immigration and Nationality Act
JCO	Joint Concept of Operations
JFRMU	Juvenile and Family Residential Management Unit
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NCIC	National Crime Information Center
NTA	Notice to Appear
OFO	Office of Field Operations
OIG	Office of Inspector General
ORR	Office of Refugee Resettlement
ROR	Released on Own Recognizance
SEN	Significant Event Notification
SIJ	Special Immigrant Juvenile
SIR	Significant Incident Report
TVPRA	William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
UAC	Unaccompanied Alien Child(ren)
UAC MAP	Unaccompanied Alien Children Manual of Procedures
USBP	U.S. Border Patrol

Introduction

An unaccompanied alien child (UAC) is defined in statute as a child who: A) has no lawful immigration status in the United States; B) has not attained 18 years of age; and C) with respect to whom (i) there is no parent or legal guardian in the United States, or (ii) no parent or legal guardian in the United States is available to provide care and physical custody.

The Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) each have separate responsibilities for the care, custody, and transfer of UAC. U.S. Customs and Border Protection (CBP) apprehends and holds UAC encountered at or near the border. U.S. Immigration and Customs Enforcement (ICE) apprehends UAC in the interior of the country, is responsible for custody transfer and repatriation activities, and represents the U.S. Government in removal proceedings before the U.S. Department of Justice (DOJ). HHS' Office of Refugee Resettlement (ORR) is responsible for coordinating and implementing UAC care and placement responsibilities once UAC[1] are transferred to the program by DHS, as well as conducting suitability determinations to ensure safe releases of UAC to sponsors who can provide for their physical and mental well-being.

The 1997 *Flores* Settlement Agreement, Homeland Security Act of 2002, (6 U.S.C. § 279), and the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) (8 U.S.C. § 1232) directly impact UAC policies and procedures. Departmental guidance, policies, procedures, and interagency agreements further inform UAC operations.

Office of Inspector General (OIG) Report Background

In March 2008, the HHS Office of Inspector General (OIG) issued a report recommending that HHS and DHS establish a Memorandum of Understanding (MOU) that would, "...clearly delineate the role and responsibilities of each Department" with regard to UAC operations. In written comments to the draft report, HHS' Administration for Children and Families (ACF) pointed out that ORR was drafting a Joint Operations Manual with DHS as a first step toward drafting an MOU. Due to intervening changes in statutory authority and other administrative priorities, work on a Joint Operations Manual stalled.

2016 Memorandum of Agreement

On February 19, 2016, DHS and HHS signed a Memorandum of Agreement (MOA) regarding UAC. The purpose was to accomplish the following: continue addressing the needs of UAC to ensure the safe and expedited transfer and placement from DHS to HHS custody; maximize efficiency in the allocation and expenditure of respective program costs; ensure information is transmitted to facilitate appropriate placement decisions and for HHS to promptly place the child in the least restrictive setting that is in the child's best interest until the child is released to an appropriate sponsor; continue the statutorily-required consultation between the departments with respect to UAC placement determinations; protect UAC in the custody of the United States or

[1] Certain UAC from contiguous countries (Mexico and Canada) will not be transferred to ORR.

released to sponsors from mistreatment, exploitation, and trafficking; and promote effective immigration processing as well as the safe repatriation and reintegration of UAC.

Working Group Structure

The 2016 MOA called for the establishment of a working group comprised of UAC subject matter experts from both departments to address operational matters for inclusion in a Joint Concept of Operations (JCO). The working group from HHS included ORR staff from a diverse group of backgrounds including supervisory program operations staff; field components; grantee oversight; monitoring and compliance; and policy and proeedures. The working group met on several occasions in late 2016 and concluded that a JCO outlining the responsibilities of DHS and HHS in the overlapping operations concerning processing, care (services), and transportation of UAC, would fulfill each responsibility required under Paragraph 4A of the 2016 MOA. The co-chairs of the working group left open the possibility of further collaboration on additional overlapping topic areas for inclusion in the JCO outline once the initial draft is published in order to further document joint efforts between the agencies or address operational issues in a cooperative manner.

2018 Memorandum of Agreement

On April 13, 2018, ORR, ICE, and CBP entered into a new Memorandum of Agreement (MOA) regarding consultation and information sharing practices between the agencies. In the 2018 MOA, ORR agreed to do the following: fingerprint all sponsors and adult members of the sponsor's household prior to the release of a UAC from ORR care and custody; transmit fingerprints/biographic information on sponsors and adult household members to DHS while a UAC is in ORR care; and to report certain situations or incidents to DHS component agencies as outlined in the MOA. DHS agreed to provide ORR certain documents at the time of initial referral necessary for ORR to make informed placement decisions; provide ORR with criminal history information or investigatory information, to the extent allowed by law, that would aid ORR in making care and placement decisions for UAC; provide ORR summary responses to fingerprint/biographic submissions, specifically immigration status information, criminal history checks of the national databases, and checks for wants and warrants. The 2016 MOA remains in effect and is not superceded by the 2018 MOA.

Purpose and Scope

This Joint Concept of Operations memorializes current practices in accordance with:

- Homeland Security Act of 2002, Pub. L. No. 107-296, § 462, 116 Stat. 2135, 2202 (codified at 6 U.S.C. § 279);
- Immigration and Nationality Act of 1952 (INA), Pub. L. 82–414, 66 Stat. 163, 8 U.S.C. ch. 12;
- Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Pub. L. No. 110-457, § 235, 122 Stat. 5044 (codified in principal part at8 U.S.C. § 1232);

- Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. §15607,Jenny Lisette Flores, et al. v. Janet Reno, Attorney General of the United States, et al., Case No. CV 85-4544-RJK (Px) (C.D. Cal. 1996) (*Flores* Settlement Agreement);
- Memorandum of Agreement ORR-ICE-CBP Regarding Consultation and Information Sharing in UAC Matters (April 13, 2018) (MOA ORR-ICE-CBP);
- Memorandum of Agreement DHS-HHS Regarding Unaccompanied Alien Children (February 22, 2018). (MOA 2016);
- Departmental and agency guidelines, policies, and procedures.

I. TRANSPORTATION

Transportation from DHS custody to HHS custody and determination of placement while in HHS custody, is a shared responsibility between CBP, ICE – Enforcement and Removal Operations (ICE/ERO), and HHS/ORR.

A. PLACEMENT INTO ORR CUSTODY

1. Notification

a. Responsible Agency:

i. ORR makes the placement determinations and notifies both the Referring Agency and the facility's representative by email ("Placement Confirmation") when UAC placement has been obtained, which must occur within 72 hours of the UAC determination. See UAC MAP, sections 1.3.1-1.3.2

ii. Upon placement confirmation from ORR, ICE/ERO is responsible for facilitating the UAC transfer from DHS custody to HHS custody. See ORR Policy Guide, section 1.1; UAC MAP, section 1.3.4.

iii. ICE/ERO is responsible for transfer to ORR care provider facilities after ORR designates placement. ICE/ERO may have local agreements in place with CBP to conduct transfers to ORR care providers.

iv. In most areas, the ICE/ERO transportation contractor coordinates directly with CBP and HHS for operational arrangements and estimated time of arrival notices. To meet the statutorily mandated 72-hour transfer requirement the ICE/ERO transportation contractor tracks movements from the Referring Agency's time of UAC determination.

b. Timeframe/Deadline:

i. Notification to ORR should be made as soon as possible, but no later than 48 hours after apprehension or any claim or suspicion that an alien in custody is under the age of 18.[2]

ii. Notification to ICE/ERO for transportation is made immediately upon receipt of placement notification.

c. Requirements:

i. *UAC Initial Placement Referral Form:* The *UAC Portal* should be used whenever feasible. However, in the event that the *UAC Portal* is not

[2] 8 U.S.C. § 1232(b)(2).

available, a placement request can be submitted by completing the *UAC Initial Placement Referral Form* and submitting to the ORR Intakes mailbox. A completed *UAC Initial Placement Referral Form*, along with any supporting documentation, should be scanned and emailed to orrducs_intakes@acf.hhs.gov (with read receipt), or faxed to (202) 401-1022. If there are concerns regarding the placement request, please call ORR Intakes directly at (202) 401-5709. See UAC MAP, sections 1.3.1-1.3.2

ii. For UAC with indicators requiring placement in a restrictive setting (e.g. secure, staff secure, or residential treatment facility), Intakes staff additionally complete the *Intakes Placement Checklist* and forward the placement request to an ORR FFS Supervisor for a final placement decision. The Intakes team communicates the final placement decision to DHS. See UAC MAP sections, 1.2.4; 1.3.2

2. Preparation

a. Responsible Agency:

i. Prior to transporting, CBP and ICE are responsible for ensuring that the UAC has been processed, charging documents have been properly served as applicable, ORR shelter placement has been requested, and bed space is confirmed.

ii. CBP is responsible for the initial medical screening. The CBP Transport, Escort, Detention, and Search (TEDS) policy states that if officers/agents suspect that a detainee has an observed or reported medical condition, such as a contagious disease, appropriate protective precautions must be taken and any required notifications be made according to the operational office's policies and procedures.

b. Timeframe/Deadline:

i. If a UAC encountered at a land border or port of entry of the United States does not meet criteria for withdrawal of an application for admission per 8 U.S.C. §§ 1232(a)(2)(A) and (B), or if no determination can be made within 48 hours of apprehension in accordance with 8 U.S.C. § 1232(a)(4), the UAC must be transferred to ORR within 72 hours after the UAC determination.[3]

c. Requirements:

i. *IHSC-795J*, Medical Summary (Juvenile): The UAC cannot travel without a recent medical summary, including an attached list of any medications.

[3] 8 U.S.C. § 1232(a)(4).

ii. *CBP-93, UAC Screening Addendum:* Utilized, as appropriate, to assess the likelihood that a UAC has been a victim of trafficking or is at risk of being trafficked, has a fear of return, and assesses the child's ability for independent decision-making.

iii. *Form I-770, Notice of Rights and Request for Disposition:* DHS must provide this form to all UACs.

3. Logistics

a. Responsible Agency:

i. ICE/ERO is required to provide appropriate numbers of escort and transportation vehicles for transporting UAC, in accordance with agency policy.

ii. Non-Secure Staff/Shelter

1. *Commercial Air*: The ICE/ERO UAC transportation contractor coordinates directly with HHS, and CBP as appropriate, for operational arrangements and estimated time of arrival notices. The ICE/ERO UAC transportation contractor provides unarmed escorts nationwide on long-distance commercial air services of UAC that terminates at non-secure ORR shelters.

2. *Ground Transport*: The ICE/ERO UAC transportation contractor also provides ground transportation to local ORR shelters in some areas.

3. *Charter*: The ICE/ERO UAC transportation contractor can coordinate charter flights for travel to New York, Chicago, Miami, and Phoenix, if approved by ICE/ERO Juvenile & Family Residential Management Unit. These cities have high concentration of ORR shelter beds.

iii. Secured Staff Shelter

1. ICE/ERO conducts transportation to ORR secure and staff-secure facilities.

b. Timeframe/Deadline:

Movements are conducted expeditiously to ensure there are no TVPRA violations. In most cases, transportation occurs within 24 hours of placement confirmation.

c. Requirements:

i. Notification to ORR through U.S. Border Patrol's (USBP) system of record (E3) or the *UAC Portal* includes (see UAC MAP, sections 1.1, 1.3; 2018 MOA ORR-ICE-CBP, Section IV(A)(1)):

1. Basic UAC Biographical Data (name, date of birth, country of birth, potential sponsor information);

2. Situational Factors (Health, Pregnancy, travel companions, etc.);

3. Human trafficking indicators; and

4. Known criminal or behavioral issues, including arrests, criminal charges and convictions, immigration history, gang affiliation or suspected gang affiliation, and violence or behavioral concerns.

ii. ORR Placement Confirmation email notification, which includes (see UAC MAP, section 1.3.3; 2018 MOA ORR-ICE-CBP, Section IV(A)(3)):

1. Basic UAC Biographical Data;

2. Care provider facility name and address; and

3. Facility point-of-contact name and phone number.

iii. *DHS I-191*: ICE/ERO generates *DHS I-191*, Accounting for Disclosure, for each record, or group of records disclosed to ORR.

4. Custody Transfer

a. Responsible Agency:

i. ORR assumes custody upon physical arrival of UAC at the designated care provider facility. See ORR Policy Guide, section 1.1.

b. Timeframe/Deadline:

i. Except in the case of exceptional circumstances, any department or agency of the Federal Government that has a UAC in its custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is a UAC.

c. Requirements:

i. The custody-transfer packet includes (see UAC MAP, section 1.3.4; MOA ORR-ICE-CBP, section IV(A)(2)):

1. Copies of all identification documents;

2. *Form I-213*, Record of Deportable/Inadmissible Alien;

3. *Form I-216*, Record of Person and Property Transferred;

4. *Form I-217*, Information for Travel Document or Passport;

5. *Form I-862*, Notice to Appear or charging document;

6. *Form I-770*, Notice of Rights and Request for Disposition for Minors;

7. *Form I-200*, Warrant for Arrest of Alien;

8. *CBP Form 93*, UAC Screening Addendum (trafficking information), if conducted;

9. Copies of any publicly available federal, state, or local criminal records in possession of the apprehending DHS Component (ICE or CBP) at the time of transfer describing any gang, immigration, criminal or other activity that may affect placement, including *Orantes* notification as applicable;

10. *DIHS-794*, In-Processing Health Screening Form;

11. Any medical paperwork (e.g., hospital records); and

12. List of medications.

ii. Although it is standard operating procedure for ICE/ERO to deliver custody transfer packets in the manner prescribed in this section, an ORR care provider cannot refuse to accept a UAC because of missing DHS-issued paperwork, without ORR's permission. See ORR Policy Guide, section 1.3.3.

B. DISCHARGE FROM ORR CUSTODY

1. Notification

a. Responsible Agency:

i. Release to Sponsor: ORR is responsible for notifying ICE/ERO that a UAC is being prepared for release, and again when a UAC is released. See ORR Policy Guide, section 2.8.2; 2.8.3; UAC MAP, section 2.8.

ii. Age-Outs: ORR is responsible for notifying ICE/ERO that a UAC is turning 18 years old or that an age-determination has found the alien to be more than 18 years old. See ORR Policy Guide, section 1.6; UAC MAP, section 1.6.

iii. Voluntary Departure/Final Orders of Removal: ICE/ERO will notify ORR that a UAC in ORR's custody was granted Voluntary Departure or was issued a Final Order of Removal.[4]

b. Timeframe/Deadline

i. Release to Sponsor: The ORR care provider will notify ICE/ERO at least 24 hours prior to the UAC's physical release from ORR custody. The ORR care provider will notify ICE/ERO again within 24 hours of the UAC's physical release. See ORR Policy Guide, section 2.8.2; 2.8.3; UAC MAP section 2.8.

ii. Age-Outs: The ORR care provider and/or ORR/Federal Field Specialists (FFS) notify ICE/ERO that the child will be turning 18 years old approximately 30 days before the UAC's 18th birthday, and again 24-hours prior to the UAC's 18th birthday. In the case of an age redetermination, ORR will notify ICE/ERO within three (3) calendar days from when ORR reasonably suspects that an individual in ORR's custody is over 18 years old. See ORR Policy Guide, section 1.6; UAC MAP, section 1.6.

iii. Voluntary Departure/Final Orders of Removal: ICE/ERO will notify ORR and the ORR care provider within three (3) business days of a grant of Voluntary Departure or the entry of a Final Order of Removal issued for a UAC in ORR custody.

c. Requirements:

i. Release to Sponsor: The ORR care provider provides a *Discharge Notification* to ICE/ERO with the UAC's biographical information, the name of the UAC's sponsor, the relationship to the sponsor, and the sponsor's address. See ORR Policy Guide, section 2.8.3; UAC MAP, section 2.8.

ii. Age-Outs: The ORR care provider and/or ORR/FFS will notify the ICE/ERO ICE/ERO Juvenile Coordinator via email of the pending Age-Out. See ORR Policy Guide, section 1.6; UAC MAP, section 1.6.

iii. Voluntary Departure/Final Orders of Removal: ICE/ERO transmits copies of the Immigration Judge's order to the ORR care provider and ORR/FFS. ICE/ERO is responsible for obtaining necessary travel documents from the consulate of the UAC's country of origin.

2. Preparation

[4] It is likely that a UAC's attorney will notify ORR and the child ORR care provider prior to the ICE/ERO notification of the immigration case outcome. However, ICE, as the prosecuting office, will be in the best position to notify ORR in all cases.

a. Responsible Agency:

i. Release to Sponsor: ORR is responsible for preparing the UAC for transport to a sponsor, with assistance from the sponsor as required. ORR, working with the ORR care provider, will follow all ORR policies regarding adult escorts to ensure UAC arrive safely to a point of release with the UAC's sponsor. See ORR Policy Guide, section 2.8.2.

ii. Age-Outs:

1. Post-18/Release on Own Recognizance (ROR), and all other cases: Attorney and/or ORR/FFS may work with ICE/ERO Field Office Juvenile Coordinator (FOJC) to determine whether a UAC approaching 18 years old may be OREC thereafter. Once the DHS/ICE FOJC has made a decision they will notify the UAC's ORR care provider, attorney, and the ORR/FFS that the UAC may be directly released from the ORR. See ORR Policy Guide, section 3.3.2.

2. Age Determinations/Transfers to DHS custody: For cases where an alien was determined through joint HHS-DHS policies to be over 18 years old or for UAC approaching 18 who are not ROR cases, the ORR care provider will notify the individual and attorney or ORR funded local-legal service provider that the individual is being prepared for transfer to ICE/ERO. See ORR Policy Guide, section 1.6; UAC MAP, section 1.6; TVPRA, 8 U.S.C. § 1232(c)(2)(B).

iii. Voluntary Departure/Final Orders of Removal:

1. The ORR care provider requests that the ORR funded local-legal service provider screen the UAC for immigration relief if the UAC has no legal relief options and no available sponsor and/or the UAC requests an expedited hearing or other hearing before an immigration judge. See ORR Program Guidance, Notice to Appear Changes (July 3, 2014).

2. ICE/ERO has responsibility to notify the local consulate of a pending Voluntary Departure or Final Order of Removal in order to obtain travel documents. DHS and ORR will closely coordinate preparations between each respective agency, the UAC, and the consulate, as required.

b. Timeframe/Deadline:

i. Release to Sponsor: ORR care providers are expected to physically release the UAC within three (3) calendar days of an ORR/FFS approving the release, absent exigent circumstances. See ORR Policy Guide, section 2.8.2.

ii. Age-Outs:

1. Post-18/ROR: ORR care provider submits a *Post-18 Plan* to ICE/ERO FOJC two (2) weeks prior to UAC's 18th birthday, if applicable. See ORR Policy Guide, section 3.3.2.

2. Age Determinations: ORR provides the results of an age re-determination, including relevant evidence to ICE/ERO FOJC within three (3) business days of receiving results. ORR and ORR care provider will follow existing policies to prepare UAC for transfer to ICE/ERO within 30 days of turning 18 years old. See ORR Policy Guide, section 1.6; UAC MAP, section 1.6.

3. Voluntary Departure/Final Orders of Removal: Timing for scheduling of expedited hearings is dependent on local immigration court rules, and current joint-EOIR, DHS, and ORR procedures.

c. Requirements:

i. Release to Sponsor: ORR care providers ensure UAC is prepared for travel; an escort is arranged, if applicable; DHS has been notified of the pending release; and, the sponsor and UAC's family have received notification of the pending release. See ORR Policy Guide, section 2.8.2; UAC MAP, section 2.8.

ii. Age-Outs:

1. Post-18/ROR: ORR care provider submits the *Post-18 Plan* to the ORR and the ICE/ERO FOJC for comment. *UAC MAP section 3 - PENDING*

2. Age Determinations: ORR provides the results of an age re-determination, including relevant evidence to ICE/ERO FOJC within 3 business days of receiving results. See ORR Policy Guide, section 1.6; UAC MAP, section 1.6.

3. Voluntary Departure/Final Orders of Removal: DHS provides notice to consulates. DHS is responsible for obtaining travel documents from consulate.

5. Logistics

a. Responsible Agency:

i. Release to Sponsor: ORR coordinates transportation and logistics directly with sponsor according to ORR's policies and procedures. See ORR Policy Guide, sections 2.8.2; 2.8.3; UAC MAP, section 2.8.

ii. Age-Outs:

1. Post-18/ROR: Logistics for release are contained in the individual *Post-18 Plan*, agreed to in advance of the UAC turning 18 years old. UAC MAP section 3 - PENDING.

2. Age Determinations: If an age re-determination indicates the UAC is over age 18, ORR will coordinate with the ICE/ERO FOJC to pick-up the alien for transfer into DHS custody, or other plans as requested. See ORR Policy Guide, section 1.6; UAC MAP section 1.6.

3. All other cases: The ICE/ERO FOJC coordinates transportation for the UAC with the ORR care provider. Transport will occur on the day the alien turns 18 years old. See UAC MAP, section 1.6.

iii. Voluntary Departure/Final Orders of Removal:

1. Upon request from a consulate and approval from ORR, the ORR care provider shares relevant contact and background information on a UAC's family in their country of origin. ORR Policy Guide, sections 5.4.6, 5.4.7.

2. Once the consulate informs DHS that travel documents have been approved and the UAC's family is contacted in the country of origin, DHS makes transportation arrangements for the UAC's repatriation to his or her country of origin. DHS informs the ORR care provider of the repatriation and coordinates with the provider the date and time ICE/ERO will arrive at the facility to transport the UAC for repatriation.

b. Timeframe/Deadline:

i. Release to Sponsor: The ORR care providers are expected to physically release UAC within three (3) calendar days of an ORR/FFS approving the release, absent exigent circumstances. See ORR Policy Guide, section 2.8.2; UAC MAP, section 2.8.

ii. Age-Outs: Logistics for age out cases should be completed at least three (3) calendar days prior to the UAC turning 18 years old, but in no event less than 24-hours prior to the UAC's 18th birthday. UAC MAP, section 1.6.2.

iii. Voluntary Departure/Final Orders of Removal: Repatriation of UAC will occur between 5 to 15 days of receiving travel documents from the consulate.

c. Requirements:

i. Release to Sponsor: Requirements follow ORR's general policies for release to a sponsor are found in the ORR Policy Guide, Section 2. ORR provides a copy of the appropriate Discharge Notification to the local ICE/ERO FOJC

and to the Immigration Court with jurisdiction over the UAC's case. The discharge notification form should include:

1. Date of Discharge
2. UAC Name
3. UAC A#
4. UAC Date of Birth
5. UAC Country of Birth
6. Sponsor's Name
7. Relationship to Sponsor
8. Sponsor's Address (verify the validity of the address given by using the U.S. Postal Service webpage).
9. Sponsor's Telephone Number

ii. Age-Outs:

1. Post-18/ROR: *Post-18 Plan*; Birth certificate, copy of ICE/ERO email confirming ROR. *UAC MAP section 3 – PENDING.*

2. Age Determinations: Copy of documents used to verify age, including but not limited to (see ORR Policy Guide, section 1.6.2):

   i) Official government-issued documents, including birth certificates. If the UAC in question is not in possession of original documentation, or if the authenticity of the original documentation is in question, government officials of the UAC's home country must be consulted in order to verify the validity of the documentation, in accordance with applicable privacy rights (e.g., protection of asylum seekers).
   ii) Other reliable records (e.g., baptismal certificates, school records, medical records) that indicate the UAC's date of birth.
   iii) Statements provided by the UAC regarding his or her age or birth date. Note: A UAC's uncorroborated declaration regarding age is not used as the sole basis for an age determination.
   iv) Statements from the UAC's parent(s) or legal guardian(s), if such persons can be identified and contacted.
   v) Statements from other persons.
   vi) Information from another government agencies (Federal, State, local or foreign).
   vii) State/local arrest records.
   viii) Child welfare agency records.
   ix) Medical records, including copies of documents used to make a medical age assessment. In accordance with 8 U.S.C. §1232(b)(4), neither DHS nor HHS relies exclusively on radiographs to determine age.

3. All other cases: ICE/ERO provides order confirming UAC to be remanded into DHS custody.

iii. Voluntary Departure/Final Orders of Removal: ICE/ERO FOJC notifies ORR and the ORR care provider of the imminent transfer of custody, and to prepare the UAC for travel. ORR care provider will ensure all needed legal documents are maintained and collected for copy into the UAC case file.

1. If an Immigration Judge orders a UAC removed from the United States or grants voluntary departure, DHS arranges for the UAC's safe return to his or her country of origin or last habitual residence according to applicable policies and procedures.

2. DHS recognizes that UAC are particularly vulnerable population and must be repatriated with special consideration and care. To safeguard the welfare of all UACs, DHS Components follow established policies[5] whenever repatriating UAC through the following actions:

   i) Repatriate during only daylight hours;
   ii) Ensure receiving government official or designee signs for custody to record the transfer;
   iii) Repatriate the UAC at a designated port of entry;
   iv) Provide the UAC an opportunity to communicate with a consular official prior to departure; and
   v) Preserve the unity of families during repatriation (for repatriation to Mexico, doubts of kinship should be coordinated with the Consulate of Mexico to safeguard the UAC's well-being).

3. The majority of UAC repatriations conducted by ICE/ERO occur via commercial air. ICE/ERO provides two escort officers for each UAC. An additional officer is added for each group that exceeds five UACs. Instances where both male and female children are being transported require an escorting officer of each gender.

[5] Note that current DHS policies regarding repatriation of UAC from non-contiguous countries go beyond what is statutorily required in 8 U.S.C. §USC 1232(a)(2)(C).

II. PROCESSING

DHS and HHS collaborate and coordinate the processing of all UAC. In so doing, the agencies comply with 6 U.S.C. § 279 and all agency internal policies, procedures, and guidance to ensure that UAC are treated with dignity and respect and with special concern for their vulnerability as UAC. The agencies also adhere to the TVPRA. All UAC are processed expeditiously and are given priority over other aliens in custody in order to move them swiftly to HHS/ORR placement.

Immediately after a minor is apprehended, one of the first tasks of the apprehending DHS component is to determine age, identity, and immigration status. As age and identity are determined, the apprehending DHS component creates an Alien File (either a permanent "A-file" or a temporary "T-file"), according to departmental guidelines prior to transfer of the UAC to ORR. The A-file or T-file must generally contain, at a minimum, the original *Form I-862* Notice to Appear (NTA), with signature and service on the alien (if the UAC is above 14 years of age), plus three copies, and any documentary evidence. If the UAC is below 14 years of age, then the certificate of service on the NTA will be served upon HHS/ORR when the custody of the UAC is transferred. The ICE/ERO FOJC provides instructions to the apprehending agency for delivery of the A-file or T-file to ICE/ERO.

A. Immigration Process Matters

1. Issuing NTAs to UAC *(under 14; 14 and over)*

a. Responsible Agency:

i. Upon encountering a potential UAC, the relevant agency must identify the age, identity, and immigration status of the minor. If the UAC is determined to be 14 years of age or older, an officer of the apprehending agency may take fingerprints of the UAC and initiate a search in the IDENT system to verify identity and determine if there have been any prior DHS apprehensions. The officer or agent will also initiate a criminal record check to establish if the UAC has had any previous criminal history.

ii. NTAs can only be signed by UAC 14 years of age and older, and must be left blank for UAC under 14 years of age.

iii. For UAC under 14 years of age, the NTA must be personally served on the "conservator." In most cases, the conservator will be an ORR care provider facility employee. ICE/ERO FOJC is responsible for visiting the ORR facility to personally serve the conservator, ensuring that the conservator legibly signs the NTA and prints his or her name and title beneath the signature. This requirement will ensure that ICE/ERO can demonstrate proper service of the NTA to the immigration court.

b. Timeframe/Deadline:

i. UAC that are 14 years of age and older will be issued NTA prior to transfer to the custody of ORR.

ii. When CBP issues an NTA to a UAC under 14 years of age, it may be necessary to delay service of the NTA until custody can be transferred to ORR. ORR should sign the NTA and other legal documentation and receive all copies of legal documentation on behalf of the UAC.

c. Requirements: Refer to JCO Section I(A)(4)(c)(i) for relevant documents provided in the DHS Transfer Packet. See also UAC MAP, section 1.3.4; 2018? MOA ORR-ICE-CBP, section IV(A)(2).

2. Filing NTAs *(special procedures)*

a. Responsible Agency:

i. Generally, CBP initiates the vast majority of removal proceedings for UAC.

ii. ICE/ERO also encounters UAC during interior enforcement operations, initiates removal proceedings, maintains and performs general UAC case management, and resolves any issues with the A-File and NTA to ensure proper service and to file the NTA with the DOJ's EOIR.

b. Timeframe/Deadline:

i. The NTA is filed (i) 60 days after the UAC's apprehension (a UAC in an ORR care provider facility); (ii) upon notice by ORR to file the NTA while the UAC is in an ORR care provider facility; or (iii) upon notice provided in the ORR *Discharge Notification* form that a UAC was released to a sponsor (in the jurisdiction of the UAC located at sponsor's address). See ORR Program Guidance, Notice to Appear Changes (July 3, 2014).

c. Requirements:

i. ICE/ERO requires a properly served NTA to file with EOIR in order to initiate immigration proceedings.

3. Information Requests between HHS and DHS

a. Responsible Agency:

i. ORR:

1. Case File Information: ORR is responsible for processing DHS requests, as applicable, for information on all UAC in ORR custody and for information contained in UAC case files. See Requests for UAC Case File Information (September 23, 2013).

2. Unauthorized Absence notices: In the event that a UAC absconds from ORR custody, ORR is responsible for notifying the local ICE/ERO FOJC with jurisdiction over the case. ORR will immediately notify local law enforcement agencies. See ORR Policy Guide, section 5.8.1.

3. Allegations of Abuse in DHS custody:

   i) For an allegation of sexual abuse that occurred while the UAC was in DHS custody, the ORR care providers must report the allegation to the DHS Office of Civil Rights and Civil Liberties (CRCL), CBP, and ICE. See ORR Policy Guide, section 5.8.4.

   ii) If a UAC makes an allegation of abuse, other than sexual abuse, that occurred while he or she was in the custody of DHS, ORR care providers must report the incident to DHS by emailing a copy of the significant incident report (SIR) to CRCL. See ORR Policy Guide, section 5.8.4.

4. Death of a UAC in ORR custody: ORR reports deaths of UAC in ORR custody to the ICE/ERO FOJC with jurisdiction over the case. See ORR Policy Guide, section 5.8.1.

5. Arrest of a UAC in ORR custody: The ORR funded care provider contacts the DHS/ICE FOJC with jurisdiction over the case by telephone and provides notice by email. See MOA ORR-ICE-CBP, section IV(B)(1).

6. Alleged or suspected fraud, human smuggling, human trafficking, drug trafficking, weapons trafficking, or gang-related activity. ORR notifies the ICE Homeland Security Investigations Tip Line by email and, for human trafficking specifically (either by or of a UAC), ORR also emails the ICE Human Trafficking Help Desk. See MOA ORR-ICE-CBP, section IV(B)(1).

7. Violence by a UAC while in ORR care. ORR notifies the ICE/ERO FOJC of incidents of physical violence or assault by a UAC in its care, including incidents between a UAC and facility staff. SeeMOA ORR-ICE-CBP, section IV(B)(1).

8. Change in level of care. ORR provides notice by email to the ICE/ERO FOJC of any step up/step down to or from secure care for the UAC. See MOA ORR-ICE-CBP, section IV(B)(1).

ii. DHS

1. If ICE or CBP becomes aware of any criminal information (e.g., information regarding gang affiliation) that it did not have at the time of initial referral and transfer, ICE or CBP will notify ORR as expeditiously as practicable, and as a matter of general practice, within 48 hours after becoming aware of the information. This includes providing supporting documentation to aid in ORR's consideration of whether transfer of the UAC may be necessary.

2. To the extent permitted by law, and consistent with policy, ICE or CBP will report to ORR the results of any investigations (including investigations commenced following ORR's notification under Section IV(B)(1) of 2018 MOA ORR-ICE-CBP) they conduct that would be relevant to ORR's determinations concerning UAC care and placement. Such information will be provided as expeditiously as possible, and ideally within 96 hours of such information becoming available.

b. Timeframe/Deadline:

i. ORR:

1. Case File Information: DHS requests for UAC case file information are triaged and responded to, as soon as possible, according to the nature of the request and any exigent circumstances regarding the request. See Requests for UAC Case File Information (September 23, 2013).

2. While UAC are in ORR care, ORR will notify ICE or CBP of incidents identified in section (3)(a)(i)(1)-(8) as expeditiously as possible, but no later than 48 hours after discovery of the incident. See MOA ORR-ICE-CBP, section IV(B)(1).

c. Requirements:

i. ORR:

1. Case File Information: Request for UAC case file information will follow ORR's policies regarding the disclosure of confidential information to government agencies.[6] Additionally, the requesting party must file an

[6] See Requests for UAC Case File Information.

Authorization for Release of Records.[7] ORR may redact information as required to protect the privacy or confidentiality of non-subjects to the request. ORR does not typically share psychiatric or psychological records absent a court-issued subpoena for those records. See Requests for UAC Case File Information (September 23, 2013).

2. ORR follows reporting requirements as outlined in the 2018 ORR-ICE-CBP MOA as described in (a)(i)(3) and (b)(i)(2) above.

4. Change of Address/Change of Venue Notices

a. Responsible Agency:

i. ORR is responsible for the filing of applicable Change of Address (COA) and Change of Venue Notices (COV), for UAC transferring placement between ORR care provider facilities (including Long Term Foster Care providers). The UAC's sponsor is responsible for COA/COV notices for the UAC once the UAC is released. See ORR Policy Guide, section 1.4.2; UAC MAP, section 1.4.

b. Timeframe/Deadline:

i. Transfers: The ORR care provider case manager at the referring ORR care provider completes copies of the immigration court COA/COV documents and the *Notice of Transfer to the ICE Chief Counsel Change of Address/Change of Venue*. UAC MAP, section 1.4.

ii. Releases: The ORR care provider facility provides the sponsor with the local immigration court's change of address/change of venue information, if the UAC's NTA has already been filed with the immigration court. See UAC MAP, section 1.4.

c. Requirements:

i. Transfers: Copies of COA/COV and the UAC's NTA are sent to the receiving jurisdiction's immigration court and emailed or mailed to the local ICE/ERO FOJC and the local ORR-funded Legal Service Provider (LSP). See UAC MAP, section 1.4.

[7] The *Authorization for Release of Records*, normally requires the consent of the UAC prior to release of their records in most instances. ORR has an exception to this requirement for other government agencies requesting UAC case files. ORR will examine the nature of the request, including the reasons for the requested information, and make a determination on a case-by-case basis on what information to release, if any, to DHS. Typically, a UAC's health information is not disclosed, nor is a sponsor's home study or post-release service information unless relevant to the DHS request.

ii. Releases: Prior to the physical release to a sponsor, the ORR care provider case manager will ensure the UAC (as appropriate) and sponsor are educated on the COA/COV process and informed on how to file for and verify that COA and COV has been completed. See ORR Policy Guide, section 2.8.1; UAC MAP, section 2.8.

B. Referral & Placement Process

1. Notification of Referral *(referral to ORR)*

a. Responsible Agency:

i. The apprehending DHS agency is responsible for the notification to ORR of a UAC requiring placement. See ORR Policy Guide, section 1.1.

b. Timeframe/Deadline:

i. The referring DHS component will notify ORR, once the referring agency or apprehending agency has identified a minor as a UAC or with any claim or suspicion that an alien in their custody is under 18 years of age. Notifications will be made as soon as possible, but not to exceed 48 hours after the UAC determination.

c. Requirements:

i. Once a UAC has been identified, a request for ORR placement must be submitted via ORR's *UAC Portal*. Generally, it is the apprehending agency's responsibility to refer the child to ORR via the *UAC Portal*. USBP has developed an electronic process whereby information entered into its system of record (E3) is automatically transferred into ORR's UAC Portal. All ICE/ERO FOJCs should have access to the UAC Portal. See UAC MAP, section 1.3. In the event a child is separated from a parent or other related adult USBP or ICE will enter this information into the UAC Portal.

ii. In the event that the UAC Portal is not available, a placement can be requested by completing the UAC Initial Placement Referral Form and submitting to the ORR intake mailbox at Orrducs_Intakes@acf.hhs.gov. See UAC MAP, section 1.3.

iii. The referring agency will complete the UAC Initial Placement Referral Form in its entirety, including as much detail as possible. The referring agency should review and verify all information to ensure accuracy of UAC medical information (where possible), UAC's criminal records (if applicable), sibling or other family with whom the UAC was traveling . Contact information for parents, legal guardians, or adult relatives should also be included, as this information can assist in ORR's reunification process. Medical conditions

and criminal history must be disclosed if known, to allow ORR to place each UAC in a facility that is equipped to handle that UAC's specific needs. See UAC MAP, sections 1.3, 1.3.2.

2. Placement Process

a. Responsible Agency:

i. ORR is responsible for the prompt placement designation of UAC referred to the agency by other Federal agencies and departments. See ORR Policy Guide, sections 1.1, 1.2.

b. Timeframe/Deadline:

i. ORR attempts to designate placement within 3 hours during standard business hours, assuming there are no exigent circumstances, but within 24 hours in most cases. See UAC MAP, section 1.3.2

ii. DHS transfers physical custody of the UAC to ORR within 72 hours of the UAC determination. See ORR policy Guide, section 1.2.

c. Requirements:

i. At the time of placement designation, DHS will be responsible for providing ORR the information referred to in JCO, Section I (A)(3)(c)(i):

ii. ORR considers the following factors when making a placement determination (See ORR Policy Guide, section 1.2.1):

1. Trafficking or other safety concerns;

2. Any special needs or issues requiring specialized services (for example, a child with language needs, mental health or medical concerns, or a youth who is pregnant or parenting);

3. Possibility of heightened vulnerability to sexual abuse due to prior sexual victimization;

4. Prior sexual abusiveness;

5. Identification as lesbian, gay, bisexual, transgender, questioning or intersex, or gender non-conforming appearance or manner;

6. Location of potential sponsor and family sponsorship options;

7. Siblings or parents in ORR custody;

8. Immigration issues (for example, legal representation needs, immigration proceedings);

9. Behavior;

10. Criminal or juvenile background;

11. Danger to self;

12. Danger to the community;

13. Escape risk;

14. Age;

15. Gender;

16. Expected length of stay in ORR custody; and

17. Location where the child or youth was apprehended.

3. Transfers to Long Term Foster Care

a. Responsible Agency:

i. ORR is responsible for Long Term Foster Care (LTFC) placement determinations for UAC. Non-ORR LTFC care providers in conjunction with the ORR/FFS explore viable placement options dependent on the UAC's individual needs and best interest. See ORR Policy Guide, sections 1.2.6, 1.4.3, 1.4.4.

b. Timeframe/Deadline:

i. After determining appropriateness of placement into LTFC, the ORR care provider case manager files a transfer request in consultation with the ORR/FFS. The proposed LTFC provider has ten (10) business days to review the request and supporting documentation and make a request for additional information from the UAC's current care provider case manager. See UAC MAP, section 1.4.4.

ii. Requests for additional information by the LTFC provider must be responded to within three (3) business days by the UAC's care provider case manager.

iii. The LTFC provider completes and submits a *LTFC Placement Memo* within ten (10) business days of the original transfer request, and submits the

completed memo to the ORR/FFS. The ORR/FFS reviews and communicates the transfer decision (generally within three (3) business days of receiving the completed memo) to the UAC's receiving/sending Case Coordinators, the UAC's care provider case manager, the LTFC provider case manager and the DHS/ICE FOJC. See UAC MAP, section 1.4.4.

c. Requirements:

i. *LTFC Placement Memo.*

ii. *Transfer Request.*

iii. Change of Address/Change of Venue, as applicable.

iv. Logistics for transfer are coordinated between the sending care provider and the LTFC provider.

III. CARE

Medical clearance, including screening, evaluation, and treatment, is a major component of the processing, movement, and release of UAC. UAC are typically in good health; however, some may have communicable diseases, significant behavioral or mental health issues, access and functional needs, or acute/chronic medical conditions. Likewise, many UAC come into Federal custody with experiences of trauma, including cases of victimization, sexual assault, and human trafficking. Some are pregnant.

UAC services in DHS and HHS custody are based upon the minimum standards of Exhibit 1 and Paragraph 12 of the *Flores* Settlement Agreement, as applicable.

A. SERVICE REQUIREMENTS

1. Medical Evaluation in DHS Custody

a. Responsible Agency:

i. ICE/ERO conducts a pre-transport screening to evaluate UAC for febrile respiratory disease and visible signs of potential communicable diseases prior to transfer from CBP to an ORR shelter in accordance with the Pre-Transport Screening Protocol. UAC diagnosed with fever, cough, sore throat, or visible signs of potential communicable diseases will not be cleared for transfer via commercial flight. Febrile UAC, or those visually presenting with symptoms mentioned, will be re-submitted to HHS/ORR for re-designation to local ORR shelters.

ii. While in CBP custody, in accordance with the CBP National Standards on TEDS Policy, CBP Officers and Agents must be alert to medical symptoms such as coughing, fever, diarrhea, rashes or emaciation, in addition to obvious wounds, injuries, cuts, bruising or bleeding, heat related injury or illness, and dehydration. Any observed or reported injury or illness must be reported, and appropriate medical care must be provided or sought in a timely manner. TEDS also requires CBP to be alert to physical, mental, or developmental disabilities that may require particular care or oversight.

b. Timeframe/Deadline:

i. During intake by CBP or ICE , UAC are screened for obvious diseases, injury, and/or disability and are referred for a medical evaluation, as needed.

ii. UAC are screened for febrile respiratory disease and visible signs of potential communicable diseases prior to moving to a new location.

iii. Any UAC with a serious medical condition or complaint will be transported to a local healthcare facility for evaluation and treatment. If still in ICE/ERO

custody, ICE/ERO personnel shall accompany and remain with the UAC until the completion of treatment and official medical clearance is provided.

iv. If the UAC is hospitalized, appropriate ICE/ERO supervisory notification shall occur.

v. Transfer: Evaluation for Suitability to Air Transfer. When the UAC is transported to HHS custody, ICE contractors review the paperwork to determine the necessary forms (either IHSC-795J or I-779) are included prior to intiating the transfer.

c. Requirements:

i. Medical Clearance for Release by either a physician or if the UAC went to a healthcare facility with a medical professional in processing health screening.

ii. Medical or Hospital Records.

iii. Medications, if applicable.

2. Health Service Emergencies in DHS Custody

a. Responsible Agency:

i. DHS shall respond immediately to observed or reported medical emergencies, and contact local emergency medical services when a UAC is determined to need urgent medical care.

ii. If the UAC is removed from the facility for medical treatment and he or she is in ICE/ERO custody, ICE/ERO personnel shall accompany and remain with the UAC until the completion of treatment and official medical clearance is provided.

iii. If the UAC is hospitalized, appropriate supervisory notifications shall occur.

b. Timeframe/Deadline:

i. Within two hours of reportable events or as soon as practical, telephonic notification must be made to the ICE/ERO Deputy Assistant for Field Operations for certain significant incidents, including significant injury or death. For other medical incidents, such as admittance to a hospital for less serious events, telephonic notification is not required, but the incident must be reported through an Executive Summary and Significant Event Notification (SEN) application within 24 hours. ICE/ERO should notify ORR once the UAC is released from the hospital or emergency care facility.

ii. While in CBP custody, CBP assumes the responsibility to provide appropriate medical care for all UACs. Once the UAC is cleared for travel by a competent medical professional, CBP will request placement from ORR via the UAC Portal, to which all medically relevant information is relayed.

c. Requirements:

i. First aid supplies and equipment are the responsibility of each facility. All facilities should have a written emergency medical response plan (access to 9-1-1 and 9-1-1 access to the facility), on which all employees should be educated.

3. *Flores* minimum standards for licensed facilities:

a. Responsible Agency: ORR is responsible for the minimum standards listed in the *Flores* settlement exhibit 1 for UAC placed in a licensed facility.[8]

b. Timeframe/Deadline: Refer to requirements below for timeframes of minimum standards.

c. Requirements (see *Flores* Settlement Agreement, Exhibit 1; ORR Policy Guide, section 3.3):

i. Proper physical care and maintenance, including suitable living accommodations, food, appropriate clothing, and personal grooming items.

ii. Appropriate routine medical and dental care, family planning services, and emergency health care services. A complete medical examination (including screenings for infectious disease) will be conducted within 48 hours of admission, excluding weekends and holidays, unless the UAC was recently examined at another ORR care provider facility; and appropriate immunizations will be provided in accordance with recommendations of the U.S. Department of Health and Human Services /U.S. Public Health Service (PHS), Centers for Disease Control and Prevention (CDC); as will: administration of prescribed medication and special diets; appropriate mental health interventions when necessary.

iii. An individualized needs assessment, which includes the various initial intake forms, collection of essential data relating to the identification and history of the child and his or her family, identification of the UAC's special needs including any specific problems which appear to require immediate intervention, an educational assessment and plan, an assessment of family

[8] A "licensed program" refers to any program, agency or organization that is licensed by an appropriate State agency to provide residential, group, or foster care services for dependent children, including a program operating group homes, foster homes, or facilities for special needs minors. As applied to ORR care providers, this includes, shelters, groups homes, staff secure facilities, transitional foster care, long term foster care providers.

relationships and interaction with adults, peers and authority figures; a statement of religious preference and practice; an assessment of the unaccompanied alien child's personal goals, strengths and weaknesses; identifying information regarding immediate family members, other relatives, godparents or friends who may be residing in the United States and may be able to assist in connecting the child with family members.

iv. Educational services appropriate to the UAC's level of development and communication skills in a structured classroom setting Monday-Friday, which concentrates primarily on the development of basic academic competencies and secondarily on English Language Training. The educational program shall include instruction and educational and other reading materials in such languages as needed. Basic academic areas should include Science, Social Studies, Math, Reading, Writing and Physical Education. The program must provide unaccompanied alien children with appropriate reading materials in languages other than English for use during leisure time.

v. Activities according to a recreation and leisure time plan that include daily outdoor activity, weather permitting, with at least one hour per day of large muscle activity and one hour per day of structured leisure time activities (that should not include time spent watching television). Activities should be increased to a total of three hours on days when school is not in session.

vi. At least one individual counseling session per week conducted by trained social work staff with the specific objective of reviewing the child's progress, establishing new short-term objectives, and addressing both the developmental and crisis-related needs of each child.

vii. Group counseling sessions at least twice a week. Sessions are usually informal and take place with all UAC present. The sessions give new UAC the opportunity to get acquainted with staff, other children, and the rules of the program. It is an open forum where everyone gets a chance to speak. Daily program management is discussed and decisions are made about recreational and other activities. The sessions allow staff and unaccompanied alien children to discuss whatever is on their minds and to resolve problems.

viii. Acculturation and adaptation services which include information regarding the development of social and inter-personal skills which contribute to those abilities necessary to live independently and responsibly.

ix. A comprehensive orientation regarding program intent, services, rules (written and verbal), expectations and the availability of legal assistance.

x. Whenever possible, access to religious services of the child's choice.

xi. Visitation and contact with family members (regardless of their immigration status), which is structured to encourage such visitation. The staff must respect the child's privacy while reasonably preventing the unauthorized release of the unaccompanied alien child.

xii. A reasonable right to privacy, which includes the right to wear his or her own clothes when available, retain a private space in the residential facility, group or foster home for the storage of personal belongings, talk privately on the phone and visit privately with guests, as permitted by the house rules and regulations, receive and send uncensored mail unless there is a reasonable belief that the mail contains contraband.

xiii. Services designed to identify relatives in the United States as well as in foreign countries and assistance in obtaining legal guardianship when necessary for the release of the UAC.

xiv. Legal services information, including the availability of free legal assistance, the right to be represented by counsel at no expense to the government, the right to a removal hearing before an immigration judge, the right to apply for asylum or to request voluntary departure in lieu of deportation. (This information is included in the Legal Resource Guide for Unaccompanied Alien Children.)

B. ALLEGATIONS OF ABUSE IN DHS CUSTODY

1. UAC Reported Abuse to DHS

a. Responsible Agency:

Agencies are responsible for making appropriate notification.

b. Timeframe/Deadline:

i. DHS immediately ensures the safety and security of the alleged victim and offers adequate medical and mental health care. Within two hours of notification to ICE, the Field Office notifies the ICE Joint Intake Center (JIC) telephonically and the local ORR Field Office of the alleged sexual abuse/assault. Within 24 hours, the Field Office notifies the ICE JIC in writing via the ICE Significant Event Notification Database of the alleged sexual assault/abuse. The Field Office reports the allegation to the designated state or local services agency as necessary under applicable mandatory reporting law. Upon transfer out of ICE/ERO custody, the Field Office ensures that the receiving facility is informed of the incident and the alleged victim's potential need for medical or mental healthcare or victim services.

c. Requirements:

i. Any employee who has information pertaining to or otherwise suspects a child is being neglected or abused/or has knowledge of the neglect/abuse will immediately notify the supervisor and communicate the following information:

- The location of the incident.
- Any other pertinent information about the abuse or information concerning the child that could assist in the investigation.
- The employee will provide the name, age, sex, nationality, and A-number of the child being neglected or abused, along with any other pertinent information such as other children involved, description of injuries, and adult guardian information.

ii. The person who directly witnesses or is advised by another that a child is being neglected or abused will call the respective State's Department of Family Protective Services' Child Abuse Hot-Line immediately but no later than one hour following the incident.

iii. Upon receiving initial notification of child neglect/abuse, the supervisor will immediately alert the HSA and/or designee, and the Duty Program Director. The Duty Program Director will then notify ICE. Within two hours of notification to ICE, the Field Office notifies the ICE JIC telephonically and the local Office of Professional Responsibility (OPR) Field Office of the alleged abuse/assault. Within 24 hours, the Field Office notifies the ICE JIC in writing via the ICE Significant Event Notification Database of the alleged assault/abuse.

2. UAC Reported Abuse to ORR

a. Responsible Agency:

i. ORR documents allegations of abuse that occurred while in DHS custody in Significant Incident Reports (SIRs). ORR provides notice, including the SIR itself, to DHS as directed in ORR policy. See ORR Policy Guide, section 5.8.4; MOA ORR-ICE-CBP, section IV(B)(1).

ii. ORR documents allegations of abuse that occurred in ORR custody in SIRs. See ORR Policy Guide, section 5.8.

b. Timeframe/Deadline:

i. Allegations of abuse in DHS custody reported while in ORR custody:

ii. If a UAC makes an allegation of abuse, other than sexual abuse, that occurred while he or she was in the custody of DHS, care providers must report the

incident to DHS by emailing a copy of the SIR to the DHS CRCL no later than 4 hours after learning of the allegation. See ORR Policy Guide, section 5.8.4.

iii. If a UAC makes an allegation of sexual abuse that occurred while he or she was in DHS custody, care providers must report the allegation to CRCL, CBP, and ICE no later than 4 hours after learning of the allegation by emailing a copy of the SIR. See ORR Policy Guide, section 5.8.4.

iv. Allegations of abuse in ORR custody reported while in ORR custody:

1. If a UAC makes an allegation of abuse that occurs in ORR custody, the care provider reports the incident to ORR officials no later than 4 hours after learning of the allegation. The ORR care provider reports appropriate significant incidents to CPS, the State licensing agency, and/or local law enforcement in accordance with mandatory reporting laws, State licensing requirements, Federal laws and regulations, and ORR policies and procedures. See ORR Policy Guide, section 5.8.2.

2. ORR care providers must report immediately but no later than 4 hours after obtaining any of the following: knowledge, suspicion, or information regarding an alleged or confirmed incident of sexual abuse, sexual harassment, or inappropriate sexual behavior; retaliation; or staff neglect/violation of responsibilities that occurs in ORR care via the Sexual Abuse Significant Incident Report (SA/SIR). For comprehensive information for reporting CPS, the State licensing agency, and/or local law enforcement, and in some cases to the FBI and HHS/OIG refer to ORR policy. ORR Policy Guide, sections 4.10.2, 5.8.3.

c. Requirements:

i. Allegations of abuse in DHS custody made while in ORR custody:

1. SIR with allegation of abuse.

2. Any allegations of abuse while in DHS custody should be reported to the Joint Intake Center (JIC). The JIC serves as the central "clearinghouse" for receiving, processing and tracking allegations of misconduct involving personnel and contractors employed by CBP and ICE.

3. Allegations of abuse while in CBP custody are to be immediately reported using one of the following methods:
   i) Call the toll-free Joint Intake Center Hotline at 1-877-2INTAKE or send a fax to (202) 344-3390;

   ii) Send an e-mail message to Joint.Intake@dhs.gov;

iii) Call the OIG at 1-800-323-8603;

iv) Access the online DHS OIG Complaint/Allegation Form at http://www.oig.dhs.gov/hotline/hotline.php; or

v) Write to DHS OIG:

DHS Office of Inspector General/MAIL STOP 0305
Attn: Office of Investigations - Hotline
245 Murray Lane SW
Washington, DC 20528-0305

ii. Allegations of abuse in ORR custody made while in ORR custody. Follow ORR reporting policies. See ORR Policy Guide, sections 4.10.2; 5.8.1-5.8.2.

C. NOTIFICATIONS AND ACCESS

1. Notification and approved Contacts while UAC is in DHS custody

a. Responsible Agency:

i. CBP or ICE (i.e. the apprehending agency).

b. Timeframe/Deadline:

i. UAC are advised of their rights during case processing through the provision of Form I-770. This process involves informing the UAC that he or she may have access to a telephone to call the UAC's mother/father/any other adult relative/adult friend, with a consular or diplomatic officer from their country, and communicate with a lawyer, legal representative, or consular officer at any time prior to departure from the United States. UAC are provided a list of free and low cost legal services and informed of their right to contact an attorney. UAC will be offered a phone call upon apprehension and may also decline to make any calls.

c. Requirements:

i. *Form I-770, Notice of Rights and Disposition for Minor*, if the UAC is younger than 14 years of age or unable to understand the notice, the form must be read and explained in a language and manner the UAC understands.
ii. Attorney-client and consulate visits/interviews are permitted, where applicable.

2. Notification and Contact of UAC Family while UAC is in ORR custody

a. Responsible Agency:

i. ORR is responsible for the notification and contact of a UAC's family and other stakeholders while the UAC is in HHS custody. ORR care provider Case Managers make notifications and contacts, after assessing the UAC's safety. See ORR Policy Guide, sections 2.2.1, 2.3.2.

b. Timeframe/Deadline:

i. Within 24 hours of a UAC's admission into ORR custody the *Initial Intakes Assessment* is completed which includes questions to identify UAC family members. The care provider Case Manager will determine if it is safe for the UAC to contact family members following relevant policy and procedures. See ORR Policy Guide, section 3.2.1.

ii. Within 5 days of a UAC's admission into ORR custody the *UAC Assessment* is administered. The *UAC Assessment* includes a section that includes family information. Any additional information later gathered in family contacts can be included on a subsequent *UAC Case Review*. See ORR Policy Guide, section 3.3.2.

c. Requirements:

i. Identification of familial contacts is obtained in the *Initial Intakes Assessment* and/or *UAC Assessment/UAC Case Review*. See ORR Policy Guide, sections 3.2.1; 3.2.2.

ii. ORR care providers follow internal program protocols for guaranteeing safe contacts for the UAC to communicate with family.

D. Influx Matters

1. Prioritization of Placement

a. Responsible Agency:

ORR is responsible for the placement of all UAC into HHS custody. The ORR Division of Unaccompanied Children Operations (DUCO) Intake Team is responsible for the placement processing following ORR's policies and procedures. The Intakes Team is also responsible for the prioritization of placement of UAC during an influx following ORR's policies and procedures. See ORR Policy Guide, section 1.7.

b. Timeframe/Deadline:

ORR strives, even in times of exceptional circumstances such as an influx, to provide timely placement into ORR custody. See ORR Policy Guide, section 1.7.

c. Requirements:

i. The following especially vulnerable UAC are prioritized for placement (see ORR Policy Guide, section 1.2.2):

1. UAC age 12 or under;

2. UAC with identified health concerns – or mental, physical, or developmental disabilities;

3. Pregnant or parenting UAC;

4. UAC who may require a specialized placement (UAC with delinquent activity); and

5. UAC nearing or exceeding 72 hours in DHS custody.

ii. Initial criteria for placement into an Influx Care Facility, include UAC who are (See ORR Policy Guide, section 1.7.3):

1. Be between 13-17 years of age;

2. Speak either English or Spanish;

3. Have no known behavioral or medical issues, including contagious diseases or health issues requiring immediate evaluation or medical treatment by a healthcare provider;

4. Have no known special needs (mental health or identified health concerns);

5. Deemed not a danger to self or others;

6. Have no criminal history (i.e., not charged with having committed a criminal offense);

7. Have not be involved as a perpetrator or victim of smuggling or trafficking activities;

8. Is not subject to a pending age determination;

9. Not part of a sibling group with a sibling(s) age 12 years or younger;

10. Not pregnant or parenting;

11. Medically cleared and vaccinated as required by the Influx Care Facility (for instance, if the Influx Care Facility is on a Department of Defense site):
    - Have completed the Medical Checklist for Influx Transfers

12. Able to be discharged from ORR expeditiously;

13. Not involved in an active State licensing, law enforcement, or PREA investigation;

14. Not turning 18 years old within 30 days of the transfer;

15. Not scheduled to be discharged in 3 days or less;

16. Does not have a pending Home Study; and

17. Does not have a current set docket date in immigration court or State/family court (juvenile included), or a pending adjustment of legal status, or nor an attorney of record.

2. Use of HHS Influx Care Facilities

a. Responsible Agency:

i. ORR is responsible for opening and operating HHS Influx Care Facilities. ORR uses existing grantees or contractor(s) to operate facilities and provide wrap around services. See ORR Policy Guide, section 1.7.

ii. Other Federal Departments: Other federal departments may be land holders. HHS will enter into MOUs to obtain a licensing permit with the land holding federal department for use of the property.

b. Timeframe/Deadline:

i. Time frames for use of HHS Influx Care Facilities are primarily determined by need and cost (whether referral numbers and overall capacity among ORR's network of care providers) to justify continued use of these facilities.

ii. If HHS has entered into MOUs with other land holding federal departments, the MOU will detail the timeframe in which HHS may operate, and will also include termination timeframes in the event HHS no longer requires use of the property.

c. Requirements: Not applicable.

3. Services at HHS Influx Care Facilities:

a. Responsible Agency:

ORR is responsible for all services at HHS Influx Care Facilities. DHS is responsible for transportation as identified in JCO Section 1 for initial placement into Influx Care Facilities.

b. Timeframe/Deadline:

i. Admission requirement (within 4 hours) for Influx Care Facility (see ORR Policy Guide, section 1.7.4):

1. Admit the UAC to the program in the ORR database;

2. Offer the UAC a meal and/or snack;

3. Offer the UAC an opportunity to shower, provide lice treatment, and give clean clothing; and

4. Complete an inventory of the UAC's belongings and DHS paperwork.

ii. Admission requirements (within 24 hours) for Influx Care Facility (see ORR Policy Guide, section 1.7.4):

1. Provide the UAC with all documents from the Legal Resource Guide.

2. Explain to the UAC the HPC:
   - Rules and responsibilities;
   - Grievance procedures
   - Sexual abuse reporting procedures.

3. Completes the Initial Intakes Assessment in the ORR database.

4. Contacts the UAC's family (following safety protocols) to notify them of the UAC's placement and determines if the UAC has a potential sponsor who resides in the United States.

5. Informs the UAC's family about the application process for the Safe and Timely Release of an UAC to a sponsor.

6. Informs the UAC's parent/legal guardian and identified potential sponsor that the placement is temporary and that when the UAC is transferred to a final ORR placement, the parent/legal guardian and potential sponsor will be notified.

iii. Medical Services: Influx Care Facilities must complete the initial medical examination within 48 hours. See ORR Policy Guide, section 1.7.5.

c. Requirements:

i. Influx Care Facilities must follow basic standards of care including (See ORR Policy Guide, section 1.7.6):

1. Maintain facilities that are safe and sanitary;

2. Provide access to toilets, sinks, and showers;

3. Provide drinking water and food;

4. Maintain adequate temperature control and ventilation;

5. Provide adequate supervision;

6. Provide same gender supervision for any area where UAC regularly undress, including restrooms and showers;

7. Provide UAC with appropriate clothing and personal grooming items;

8. Provide UAC a reasonable access to privacy, which includes the opportunity to wear his or her own clothes, as appropriate; retain a space for storage of personal belongings; talk privately on the phone, as appropriate; visit privately with guests, as appropriate; and receive and send uncensored mail unless there is a reasonable belief that the mail contains contraband;

9. Separate UAC who are subsequently found to have past criminal/juvenile delinquency or gang affiliation history and/or who exhibit behavior that presents a danger to themselves or to other UAC;

10. Adhere to a zero-tolerance policy towards sexual abuse and assault per ORR regulations and policy;

11. Adhere to ORR policy and procedures on significant incident and sexual abuse reporting and follow-up;

12. Allow reasonable access to legal services providers or UAC's attorneys of record that have provided proper documentation, subject to time and place restrictions;

13. Provide for either an in-person Know Your Rights presentation by a legal service provider or video Know Your Rights presentation;

14. Provide case management services for safe and timely release;

15. Follow ORR transport policies;

16. Allow access to religious services, if available;

17. Provide emergency clinical services;

18. Comply with reporting requirements as specified by ORR in consultation with HPC and Influx Care Facility providers;

19. Provide UAC an environment free from discrimination on the basis of gender, race, religion, national origin or sexual orientation; and

20. Keep UAC free from any cruel, harsh, unnecessary, demeaning or humiliating punishment.

To the extent practicable, non-State licensed HPCs and Influx Care Facilities are encouraged to provide the following services:

1. Educational services; and

2. Daily Recreational/Leisure time that includes one hour of large muscle activity and one hour of structured leisure time activities.

Conclusion

Cooperation between DHS and HHS regarding the transport, processing, placing, and care of UAC is essential. Both departments take their roles seriously and work closely with interagency and foreign counterparts on a daily basis to ensure the humane treatment of UAC while simultaneously enforcing the laws Congress has passed.

The JCO provides field guidance and standardization of interagency policies, procedures, and guidelines related to the processing of UAC encountered by DHS, whose care will be transferred to HHS, after being placed in removal proceedings pursuant to section 240 of the INA. The process for returning UACs to a contiguous country (i.e., Canada or Mexico) through withdrawal of an application for admission will be in accordance with the TVPRA.

This document does not take the place of agency policy regarding the processing of UAC nor is it a substitute for legislative action, where required; rather it is an interagency agreement to standardize agency operational relations. The JCO will prove helpful in many situations, but it is not intended to be all-inclusive or to provide comprehensive guidance for every situation. If field staff members have a question that is not addressed here, they shall elevate the issue through their respective chain of command.

The JCO will be made available to all applicable staff within each department, as appropriate. Updates, amendments, and expansions will occur as needed with agreement from both departments. Suggestions for changes and additions are to be referred to each department's respective chain of command for consideration; however, all additions or alterations must be submitted to and approved by headquarters-level policy and counsel offices.

Nothing in this document shall be construed to impair or otherwise affect the authority granted by law to an executive department or agency and to the extent this JCO contradicts any existing statute or regulation, the conflict should be resolved in favor of the statute or regulation. This document is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
330 C Street, S.W.
Washington, D.C. 20201

Case No. 15-0149

July 14, 2017

William Marshall
Judicial Watch
425 Third Street SW. Suite 800
Washington, DC 20024

Dear Mr. Marshall:

This is an interim response to your Freedom of Information Act (FOIA) request for Significant Incident Reports (SIRs) from May 1, 2014 through November 12, 2014, and associated summary reports. We are attaching responsive summary reports and look forward to further discussion about whether these materials can satisfy your request.

I have determined to withhold information under the FOIA exemption (b)(6), which protects information about individuals when disclosure would constitute a clearly unwarranted invasion of personal privacy. In this case, the withheld information consists of personally identifiable information of unaccompanied children and associated private individuals and employees of the grantees. In withholding the information, each individual's privacy interest was balanced against any public interest in disclosure. In each instance where information was withheld, I determined that the individual's privacy interests in safeguarding their personal information from abuse, fraud and theft outweighed any public interest in disclosure of the withheld information and that disclosure of the withheld information would reveal very little or nothing about the operations or activities of HHS, or any component thereof.

If you believe that the information withheld should not be exempt from disclosure, or this response constitutes an adverse determination, you may appeal. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. Your appeal must be electronically transmitted to FOIARequest@hhs.gov or mailed within 90 days from the date of receipt of this letter, to:

Ms. Catherine Teti
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Please clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact me or the HHS FOIA Public Liaison for assistance at:

Michael Bell, HHS FOIA Public Liaison
U.S. Department of Health and Human Services
Office of the Asst. Secretary for Public Affairs
200 Independence Avenue, SW, Room 729H
Washington, DC 20201

Telephone: (202) 260-0793
E-mail: HHS_FOIA_Public_Liaison@hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001

Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov
Fax: 202-741-5769

Sincerely yours,

Kimberly N. Epstein

Kimberly Epstein
FOIA Officer
Administration for Children and Families

Enclosures

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
April 27 – May 3, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: **1**
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: **8**
- Suspected Smuggling/Trafficking: **2**
- Possession/Use of Drugs: **1**
- Sexual Abuse outside the US – UAC Pregnant: **2**
- Sexual Abuse during Journey: **0**
- Other: **0**

Total Number of major SIR: 14 ; Total Number of SIRs for the Week: 647 ; Number of SIRs for FY14: 11,168

Incident Type: Sexual Abuse during Journey
Facility: BCFS San Antonio
Date of the Incident: 4/26/14 **UAC**:
Date of the Incident Reported to ORR: 4/26/14
Summary of SIR:
Upon minor's arrival, it was reported by ICE officers that UAC was taken to Fort Duncan Regional Medical Center ER due to minor having been sexually assaulted during her journey to the US.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICC
Date of the Incident: 4/28/14 **UAC**:
Date of the Incident Reported to ORR: 4/28/14
Summary of SIR:
During the course of initial assessment, minor disclosed a significant history of verbal and physical abuse, as well as forced labor by grandmother. Minor indicates that she has lived in the care of her grandmother since her mother immigrated to the United States approximately 10 years ago, and that her grandmother has hit her and verbally abused her that entire time. Minor indicates that her grandmother would hit her with her fists and any objects lying around such as belts, sticks, flat sides of knives, cooking spoons, etc. Minor recounts one instance when her grandmother struck her repeatedly in the face, resulting in black eyes and a bloody nose. Minor indicates that her grandmother would sometimes strike her in front of other workers at the tortilla plant or in front of family members, and would publicly belittle her. Minor also discloses that her grandmother would refuse to pay for minor's personal expenses, such as necessary clothes or school supplies, and when mother would send money from the US to fund minor, minor felt that she had to hide the money from her grandmother or else she would take it away. Minor has indicated that she was forced to work as "compensation" for her grandmother's care, and would often work 19 hour days without pay. Minor indicates that grandmother would also verbally and physically abuse minor's 15 year old sister, but that minor would attempt to deflect that abuse by taking it on herself. Minor denies that grandmother abused minor's cousin, whom grandmother preferred and doted upon.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Fairfield
Date of the Incident: 4/28/14
Date of the Incident Reported to ORR: 4/28/14 **UAC**:
Summary of SIR:
During session with minor he made allegations about indicative of inappropriate sexual behavior. reported that made sexual innuendos to him by saying that he wanted to be in his room with. stated, "Well you know what that means". stated that he knows is homosexual because he has shared with him that he used to have sex with men back in his country Guatemala. said that he does not pay much attention to him but he also stated that has shown to him when he is aroused by telling him, "Look" by pointing to an apparent

all redactions on this page have been made pursuant to (b)(6)

Obtained via FOIA by Judicial Watch, Inc.

erection, said. dded that is a kid who apparently can be manipulated by others because he acts "strange" and doing whatever he is told to.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: IES Brownsville
Date of the Incident: 4/26/14 **UAC**:
Date of the Incident Reported to ORR: 4/28/14
Summary of SIR:
UAC (age 10) reported that UAC (age 9) bites his lips every time he sees her. She mentioned also that over the weekend, Foster parent took them to McDonald's restaurant and when playing on the tube slides, told her: "Mira que soy caballero, tu pasa primero por el resbaladero" (because I'm a gentleman, I'll let you go first on the slide). As per stroked her back while moving her forward to slide. reported she does not like being touched that way.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Raymondville
Date of the Incident: 4/21/14 **UAC**:

Date of the Incident Reported to ORR: 4/21/14
Summary of SIR:
UAC reported to Shelter Supervisor of an incident regarding inappropriate touch by resident . UAC reported this incident occurred during his arrival, approximately 4/4/2014. UAC denied reporting the incident to BCFS staff at the time incident occurred.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: David and Margaret
Date of the Incident: 4/22/14 **UAC**:
Date of the Incident Reported to ORR: 4/22/14
Summary of SIR:
Resident was lying on the sofa and resident walked up to him and gave him a kiss on the forehead.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Rio Grande
Date of the Incident: 4/21/14 **UAC**:
Date of the Incident Reported to ORR: 4/22/14
Summary of SIR:
Minor's Mother disclosed that the reason why minor traveled to the U.S was to flee abuse from her adult boyfriend. Minor's mother/ Sponsor explained that the minor was living with her boyfriend four about a year and was aware that her daughter was experiencing some form of abuse from him. advised that she paid for the minor's trip and brought her daughter to the U.S to be in a better place. It should be noted that the minor did not want to disclose entirely but admitted that her boyfriend was 20 years old and is currently four months pregnant from him. On April 22, 2014, Minor spoke with Clinician and she did not want to disclose but did acknowledged that she experienced physical and verbal abuse from her boyfriend. No other issues were reported.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: SWK Lighthouse
Date of the Incident: 4/22/14 **UAC**:
Date of the Incident Reported to ORR: 4/23/14
Summary of SIR:
Client disclosed to clinician that his teacher nappropriately touched him and behaved inappropriately with him while client was Phoenix Children's Hospital and for some time while in shelter. Client went on to say that since being in the hospital (April 8th, 2014) has visited approximately every day. Client stated that he began to feel uncomfortable when he read the poems she was leaving him. He stated they contained inappropriate

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messages. For example, client reports that she would draw pictures of hearts with a key and would tell him that he had "the key to her heart". Client did not further elaborate on the content of the letters as he stated he felt uncomfortable repeating it. Client stated he would destroy all the letters as he did not want to keep them. Client also shares that Mrs. has told him that she would like to reconnect with him after he leaves the shelter and also asked for client's Facebook name to be able to find him, in which client refused by lying that he did not have an account. Additionally, client states that during visitation, whether a youth care worker (YCW) was present or not, she inappropriately touched him. Client reports that on approximately 5 different occasions, came to visit and sat toward the end of the bed where client was laying (while YCW was present – but not looking) and reports that she would slide her hanc under the covers and inside the leg pant and would begin to "seductively" (word client used to describe the touch) massage his leg. Client states he found find himself moving his legs away from her body but she continued to touch him. Client denied his genital area being touched. Additionally, client also shares that she "always" grabs his hand and begins to massage it all the way to his shoulder. On Sunday April 20th, client reported that visited him. Client states that when she walked in, he was sitting on a couch with a blanket over him. Client states that sat next to him and said she was cold and pulled his blanket over her body until both were sharing the same blanket. Client states he felt uncomfortable sharing the same blanket so he pulled it back to him and walked to his bed while stayed on the couch and continued conversation. While lying in bed, he states to have looked over at who was sitting on the couch and client states had her legs fully spread apart (while wearing a dress) and claims to have been exposing her genital area. Client states he was shocked and looked away. Client reports that she kept talking but he did not want to look at her because he could see through the corner of his eye that she was not closing her legs. Client states that an YCW was present but was facing client therefore unable to see behavior. On Monday April 21st client states he noticed chewing gum and asked her if she had another piece - she answered that she did not. Client states she then told him she could give him the piece she was chewing. Client reports she placed the piece of gum on the tip of her tongue and leaned over about an inch away from his face while her hand was placed on his neck. Client states he turned his face as he thought that she would kiss him and told her "No, I don't want it, it's full of germs". On another occasion, client states that was ending her visitation and decided to give him a hug before leaving. Client states that she gave him a tight hug and sucked on his neck. Client explained that it was not a "hickey" or a "kiss" - he specifically reports it being a "suction made with her lips" on the left side of his neck. Client tried to avoid by pretending to be asleep. He would also try to change conversation when comments she made were inappropriate, and pretended to be in pain so the visitation would terminate. Finally, client mentioned that while in class, ended to give him much attention and would want to sit next to him during lunch time. While sitting in lunch or in class, he states that would constantly rub her leg against his. Also, while in class, he states he would receive letters from her on a daily basis with "compromising" content. YCW in place was immediately instructed not to leave client unattended or unsupervised during visitations.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Lemon Grove
Date of the Incident: 4/22/14 **UAC**:
Date of the Incident Reported to ORR: 4/22/14
Summary of SIR: Addendum
Minor disclosed that she had had intercourse four times with a male she had been dating for three months that had resulted in her pregnancy. She disclosed that she had not consented to have sex with him and that he had hit her. She said that she met him through school and that he told her his name was but that it was a fake name. The relationship ended about four months ago when he left town and she has had no contact with him since.

Incident Type: Possession/Use of Drugs
Facility: Crittenton
Date of the Incident: 4/24/14 **UAC**:
Date of the Incident Reported to ORR: 4/24/14
Summary of SIR:
Client requested for Unit Supervisor to help him pack and clean his room when he felt over whelmed. Staff were in the room doing inventory of his personal belonging. When Unit supervisor was cleaning out his desk drawers noticed glue in a plastic-wrapped into a ball. asked client what was that used for and client stated he uses it to glue his drawings up on the wall. Seconds later picked up a folded paper and opened it up and then

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noticed a white powdery substance. sked if I knew what this was and I did not recognize the substance. I then immediately took the paper and placed it in one of the staff's drawers in the staff area. Unit Supervisor contacted Chemical Dependency and was told to write an SIR. The Program Director was also contacted and suggested to take the substance to the Fullerton Police Department. asked if I can take it. When exiting the med room staff saw client reaching over in to the staff area and opening the staff drawer behind the counter, asked what he was doing? Client stated he was throwing something away. I collected the paper and the glue from the staff drawer and put them into a zip lock bag and took it to the police station and spoke to Officer A. Park. The officer took the substance to get it tested when he returned he stated there was nothing in the paper or any type of residue he was not able conduct any type of test. Officer Park said for future reference not to transport any type of suspicious substance, to contact the police and isolate the evidence and do not let anyone touch it until the police arrive. When I returned to the unit, I checked the trash can and noticed there was white powder in the trashcan. I immediately notified Unit Supervisor and Assistant Program Director whom notified Program Director I then got the approval by program director to contact the police department and a police officer was immediately dispatched. The police arrived at the unit and spoke to Unit Supervisor Another officer arrived moments later and tested the substance. Officer B. Phu said there was not enough of the substance for it to be tested. Both officers spoke to client in the kitchen and then proceed to search his room. The police officer did not find anything else. Officer Phu mentioned that client had stated that it was a pill for a headache and that he received it from another client and he crushed the pill.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Friends of Youth Matsen
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 4/24/14
Summary of SIR:
SIR not recorded in UAC Portal.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Shelter
Date of the Incident: 4/23/14 **UAC**:
Date of the Incident Reported to ORR: 4/24/14
Summary of SIR:
stated that for the first three months he did not have to work while living with his aunt and uncle. After that time his uncle stated that had to work in his business. When told him that his father was sending them money to help support him living there, his uncle stated, "You father is paying my wife not me. Since you are living in my house you have to work for me." stated that he did not want to work there. He also stated that he was scared that if he didn't work he would be kicked out of the home. stated that on school days he worked from 4:00 PM to 10:00 PM and on weekends, during summer vacation, and holidays he worked from 5:00 AM to 10 PM. stated that for the first month his uncle gave him $10 a week. When asked if this was a fair wage, he stated that this was very low for the amount of hours he worked. After 1 month, stated that he was no longer paid and wasn't paid for the next 5 months. When asked why he didn't question his uncle about the pay, he stated that he was fearful that he would be kicked out of the home. After the 5 months he did tell his uncle that he wanted to be paid. He stated that his uncle then gave him $5 per week. After three weeks told him that this was too little, and he stated that his uncle said, "I am giving you this money because I want to. It is not for the work that you are doing. You are working here because you are living in my house." When was asked if this was something he agreed to at any point in him living there he stated that no it wasn't and that his father was still sending his aunt money every month. When asked if he ever had a day off, he stated that his aunt would be able to occasionally convince her husband to have stay home. stated that the next day he would be given more work than usually since he did not work. reported that he preferred to work daily instead of having the day off due to the extra work.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Baytown
Date of the Incident: 4/24/14 **UAC**:
Date of the Incident Reported to ORR: 4/25/14
Summary of SIR:

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On April 24, 2014 at around 10:09 pm in Charlie dorm, UAC was instructed to lower the volume on his radio by direct care staff As DCS turned around to monitor the UACs in her other assigned rooms, UAC made a whistling sound, followed by a kissing sound. Direct care immediately redirected UAC for his behavior and notified shift lead manager Shift lead spoke to UAC about his behavior.

Incident Type: Suspected Smuggling/Trafficking
Facility: Shiloh RTC
Date of the Incident: 4/23/14 **UAC**:
Date of the Incident Reported to ORR: 4/25/14
Summary of SIR:
Therapist met with client on the above date for individual session. Client reported feeling 'nervous' and opted to remain standing for session. Client paced office as she relayed the following information to therapist: Client stated that the person identified as was not the grandmother of her child in Honduras, but a woman who paid for her migration to US. Client stated that she is a friend of the woman's daughter who is approximately client's stated age. She stated that she came to US with woman's daughter in order to work with woman and pay her for the trip with money earned from employment. Client stated that she was to be employed as a prostitute. Client reported that her mother was not aware of her plan to come to the US. Client stated that she was worried about repaying her debt.

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
May 4 – May 10, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: **1**
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: **8**
- Suspected Smuggling/Trafficking: **2**
- Possession/Use of Drugs: **0**
- Sexual Abuse outside the US – UAC Pregnant: **2**
- Sexual Abuse during Journey: **7**
- Other: **1**

Total Number of major SIR: 21 ; Total Number of SIRs for the Week: 704 ; Number of SIRs for FY14: 11,872

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Extended Care
Date of the Incident: Unknown **UAC**:

Date of the Incident Reported to ORR: 5/5/14
Summary of SIR: (2)
SIR regarding threats by UAC to rape other UAC is not recorded in the UAC Portal.

Incident Type: Sexual Abuse during Journey
Facility: IES Los Fresnos
Date of the Incident: 5/5/14 **UAC**:
Date of the Incident Reported to ORR: 5/5/14
Summary of SIR:
reports she was inappropriately touched by an unknown male immigrant in her group after entering the U.S. Minor states the incident occurred shortly after entering the U.S. She states they entered the U.S. via Mexico border sometime in the evening of 04/29/14. She and her sister had just crossed into the U.S., when her sister needed to use the bathroom. Her sister left alone for a few minutes so she could go into a covered area to urinate. When was left alone, a male immigrant approximately 25 years old and from El Salvador, grabbed and covered her mouth. He touched her private area over her pants. was able to scream. Her sister heard her and ran back to see what happened. states her sister hit and shoved this individual. Her sister argued with him and then decided to stay behind in order to avoid traveling with him. They turned themselves in to border patrol shortly after this incident.
denied any other type of abuse during the journey and states this individual touched her over her clothing.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St. PJ's
Date of the Incident: 5/2/14
Date of the Incident Reported to ORR: 5/5/14 **UAC**:

Summary of SIR: (2)
Several peers reported to staff that they were uncomfortable with the behavior of minor,
One peer reported that attempted to rub her legs with her hands. She stated that stated that she wishes she could see underneath her dress. She stated that the peer was "her girl" and that no boys can look at her because she is hers. The peer added that when exiting the van, reportedly touched her buttocks and tried to put her hand between her legs. She added that makes inappropriate comments such as, "wear that dress tomorrow so I can see those legs", that she would pay money to have sex with her, and that she would be better than any man. Another peer reported that makes vulgar gestures and remarks such licking her lips and using her tongue to show how a man "should give it to her". The peer also reported that draws vulgar pictures and made a statement that she would like to "please" her. A third peer reported that the minor calls her names and shows her drawings of male parts. A fourth

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peer reported that stated that she looked "yummy", grabbed her hand and stated she was walking with her "husband". All peers stated that they did not report any of this information to the transporter during the court tours. The peers stated that they told the staff member that was bothering them, but did not provide the details above. The peers reported that the transporter redirected for bothering them. At 4:35pm, staff observed the minor pinch a peer's buttocks. She was immediately redirected by staff. The minor quickly stated it was an accident. The minor was asked to stand next to staff for the remainder of the meal.

Incident Type: Sexual Abuse during Journey
Facility: BCFS San Antonio
Date of the Incident: 5/5/14 **UAC**:
Date of the Incident Reported to ORR: 5/5/14
Summary of SIR:
During clinical interview UAC reported having been sexually molested by coyote on journey to U.S.A in April 2014. UAC stated nearby woman accompanied and protected UAC on remainder of journey. UAC stated no other sexual abuse from coyote. UAC stated no physical harm.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Antigua
Date of the Incident: 5/5/14 **UAC**:
Date of the Incident Reported to ORR: 5/5/14
Summary of SIR:
Youth disclosed that she was sexually assaulted by an unknown male in home country, El Salvador, and is currently 4 months pregnant. Youth stated on Dec. 20, 2013 she was a victim of sexual assault by an unknown male who entered their home when she was alone. Youth stated she only recalls a male coming at her with a rag in his hand and does not remember anything else, but him wearing black. Youth's brother found her with a blanket very dazed and confused. She was then taken to the hospital where she was medically reviewed for 2 days. The doctor shared with her that she had been a victim of rape. The youth stated she was upset but couldn't recall anything. The doctor advised her that she could become pregnant due to the sexual encounter. Youth stated on January 11, 2014 she found out she was pregnant. Youth added this was her first sexual encounter, she denied being sexually active prior to the incident. Youth has a very positive attitude toward this pregnancy, due to the circumstance. She stated that the situation was unfortunate but God would not give a child life without purpose and although it hurts her to know how it came about she tries to see the way God and her faith allows her too. Youth stated her brother and mother have been encouraging and supportive throughout the process of her understanding. Youth is four months pregnant and expecting a boy. Youth stated the perpetrator has never come back and she was not being threatened by anyone. Youth stated she migrated to the US to be with her mother.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Children's Village
Date of the Incident: 5/5/14 **UAC**:
Date of the Incident Reported to ORR: 5/6/14
Summary of SIR:
During the morning time refused to take her medication and instead hid underneath her bed stating that she did not like it here and would like to return back to the previous facility. Later on when transitioning into the living room, quickly pulled down her pants and underwear and flashed the group. When addressed and asked to pull up her pants began to laugh.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Raymondville
Date of the Incident: 5/6/14 **UAC**:

Date of the Incident Reported to ORR: 5/6/14
Summary of SIR: (2)
On 5/6/2014 at approximately 12:45pm in bedroom 2 UAC stated UAC tapped him with an open hand twice on the buttocks.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Bokenkamp
Date of the Incident: 5/7/14 **UAC**:
Date of the Incident Reported to ORR: 5/7/14
Summary of SIR:
UAC and direct care staff were in the ATU living room. UAC was sitting in a chair while direct care worker was standing. Direct care worker was called by another employee who was standing at the doorway. When direct care staff worker turned, UAC touched her left breast with his fingers.

Incident Type: Other
Facility: LSS of Michigan TFC
Date of the Incident: 5/6/14 **UAC**:
Date of the Incident Reported to ORR: 5/7/14
Summary of SIR:
mother (sponsor) reported that she was by unknown people that identified themselves as attorneys and requested money to have the minor released. reported that the person identified himself as an attorney and said that he had the minor in his care in the state of Arizona. The person told her to make a deposit of $1100 and pay the remainder amount at the time of release for a total amount of $2800; this transaction had to be completed within a day. was advised not to render any payment to the people due to being a fraudulent misrepresentation. Ms. provided a contact number that appeared on the caller ID ; however, no mane was provided.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Brownsville
Date of the Incident: 5/6/14 **UAC**:

Date of the Incident Reported to ORR: 5/7/14
Summary of SIR: (2)
On Tuesday May 6, 2014 at approximately 6:30pm, Shift Leader was approached by Staff Secure client with a complaint. Client stated that yesterday at about 3:00pm after school in room #3 in the Staff Secure dorm, fellow client and roommate exposed his private parts to him. Client did not state why he had not reported it immediately, only that he was feeling bad about the situation.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Harlingen
Date of the Incident: 5/6/14 **UAC**:
Date of the Incident Reported to ORR: 5/6/14
Summary of SIR:
On 5/6/14 at approximately 7:30 pm while at the Hennessee Shelter Dormitory, Direct Care Worker reported to Team Leader that four youth in group 4 voiced inappropriate touching allegation against UAC age 13.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland Casa Guadalupe
Date of the Incident: 5/7/14 **UAC**:
Date of the Incident Reported to ORR: 5/7/14
Summary of SIR:
Minor disclosed that he witnessed violence and experienced threats in home country. He stated that he was threatened by both drug traffickers and by gang members. Per the minor, his family was involved in the trafficking of drugs. He stated that he personally became involved in selling drugs at the age of 14. He stated that he participated in the transport of drugs to other locations in home country. He stated that he worked for his cousin in the sale of the drugs and that he was not forced to do anything that he did not want to do.

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Per the minor, drug traffickers from other groups of drug sellers called him almost on a daily basis and told him to watch his back because they were going to kill him. He reported that he did not feel very afraid when he received these phone calls because he was accustomed to death and did not feel like his life had very much value. He denied that the drug traffickers ever harmed him physically.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland Guadalupe 2
Date of the Incident: 5/7/14 **UAC**:
Date of the Incident Reported to ORR: 5/7/14
Summary of SIR:
During the initial clinical assessment, the minor stated that the guides she was traveling with had her conceal small packages of drugs during the journey to the US. Per the minor, the guides stated that she and her friends had to carry them because they were less likely to be searched by anyone that stopped them during the journey, to the US, than men. According to the minor, she did it because she was afraid that she might be hurt if she didn't follow orders. Per the minor, she was never threatened or physically harmed by the guides. The minor denied any disruptions in her sleep of eating patterns due to this incident. The minor stated she has not told anyone about the incident because she is afraid.

Incident Type: Sexual Abuse during Journey
Facility: Heartland Guadalupe 2
Date of the Incident: 5/7/14 **UAC**:
Date of the Incident Reported to ORR: 5/7/14
Summary of SIR:
During the initial clinical assessment, the minor stated that when they arrived in Mexico, she was raped and robbed. Per the minor she and the group she was traveling with were walking when two men came out from behind trees with shotguns and told them to get on the ground on their stomachs. Per the minor, the man took all their money and one of them went away for about 10 minutes, leaving the other man guarding them with the shotgun. Per the minor, when the second man came back they took turns raping her behind a nearby tree. Per the minor, after they raped her, the two men told the group that they were going to forgive them their lives and let them go. Per the minor, she has only spoken of this to the lawyer from NIJC I and to the program's clinician. The minor stated that she has nightmares regarding the incident and that when she thinks about the incident she doesn't feel like eating. The minor stated that sometimes she also has anxiety attacks related to the incident. The minor stated that the last nightmare occurred on 5/4/2014.

Incident Type: Sexual Abuse during Journey
Facility: Youthcare
Date of the Incident: 5/8/14 **UAC**:
Date of the Incident Reported to ORR: 5/8/14
Summary of SIR:
UAC reports that en-route to the U.S. she was raped by a man. She reports that the group stopped to take a rest, she walked over to a dark area to urinate a man approached her, asked her what she was doing, she told him nothing, he then grabbed her, put his hand over her mouth and raped her. He then left and left her there. She regained composure and rejoined the group, she didn't tell anyone in the group because she was ashamed. She didn't see the man again.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Youthcare
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 5/8/14
Summary of SIR:
SIR regarding UAC intimidation is not recorded in UAC Portal.

Incident Type: Sexual Abuse during Journey
Facility: BCFS Chavaneaux
Date of the Incident: 2/25/14 **UAC**:
Date of the Incident Reported to ORR: 2/25/14

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Summary of SIR:
disclosed during a session with clinician he was coerced into engaging in a sexual act with his guide while traversing Mexico approximately twenty days ago. Minor stated the guide who accompanied him on the journey was someone he knew was also from his community in Guatemala. Minor alleges he suspected this person was homosexual and has harassed him prior to the journey, but minor believed he was only joking. Minor reports the harassment continued once the journey to the United States began. Minor claims he was with the guide in Mexico when the guide asked the minor to allow him to receive fellatio or risk being left on the journey. Minor stated he feared to be left behind so he agreed to let the guide perform fellatio on him. states he is ashamed of the incident, but feels better talking about what occurred.

Incident Type: Sexual Abuse during Journey
Facility: Bethany Christian Services TFC
Date of the Incident: 5/6/14 **UAC**:
Date of the Incident Reported to ORR: 5/6/14
Summary of SIR: Addendum
Upon further assessment with the minor, she disclosed that on one occasion during the journey, 2 of the men she was traveling with touched her in her private areas with their hands while the coyote was gone buying food. She went to get a drink of water and they came up behind her, grabbed her, and put her on a bed in the house they were staying at in Mexico. On another occasion, she said that 5 men touched her in her private areas. Despite threats to harm her or her loved ones in El Salvador, the minor reported what happened to the owner of the house, who called the police. The police came and arrested the men. The minor became tearful when relating these events and requested to call her aunt, which was attempted but she was unable to be reached. The clinician provided empathy to the minor at the time of disclosure, praised her for her bravery in reporting the abuse, and told her that it was not her fault that this happened.

Incident Type: Sexual Abuse during Journey
Facility: SWK Sol
Date of the Incident: 5/9/14 **UAC**:
Date of the Incident Reported to ORR: 5/9/14
Summary of SIR:
Client reported that she was raped on her journey to the US. Client reported that when she arrived in Mexico she was staying in a house full of men while waiting for the guide to lead her into the US. Client reported that she stayed in the house for three days. Client reported that at night the men would drink a lot of alcohol. Client reported that one night after they had been drinking for a long period of time one of the men raped her. Client reported that this was a singular event and that after she was raped she has had discharge and is afraid that she could be pregnant.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Canutillo
Date of the Incident: 5/9/14 **UAC**:
Date of the Incident Reported to ORR: 5/9/14
Summary of SIR:
Client was being vitalized by medical coordinator then asked about client's menses and client had voiced that she had been raped. Client was seen by Dr. for initial physical exam. During the exam client had voiced that she had been sexually abused. Client was then told that her urinalysis results were positive for pregnancy. Client then became emotional and started to cry because she was unaware of her pregnancy. Client was explained that there would be help and support for her while she is in the program. Client was also redirected and offered to speak within house clinician. Client will continue to be closely monitored and she will follow up with Dr. as needed.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland IYC
Date of the Incident: 5/8/14 **UAC**:

Date of the Incident Reported to ORR: 5/9/14
Summary of SIR: (2)

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Within the context of the clinical session, minor (16 years of age) reported that his peer, whom he shares a room, had engaged in sexually inappropriate behaviors and other disruptive behaviors towards him. Clinical session conducted with the assistance of an Acateco interpreter, as minor's primary language is Acateco. Per minor, his peer, (who is hearing impaired and 14 years old), exposed his body to him on one occasion, had tried to kiss him, and poked him in the buttocks. These events occurred on different occasions at night near or before sleep time. Clinician sensitively gathered additional information while providing support. Minor clarified that when had poked his buttocks it happened while both participants were fully clothed and over clothes. The minor reported that on at least one occasion had exposed himself by showing him his penis. In addition, the minor reported that had bothered him in other ways that were not sexual in nature, such as by messing up his bed, hiding his clothes and tearing up his school work. Per minor, at times, hits or kicks him as well. Minor reported feeling uncomfortable and did not want to continue to sleep in the same room as The minor stated he had trouble sleeping as he would stay awake to make sure will not try to do something or act out. The minor reported to staff that the events had been occurring over the course of the last week. Clinician noted that due to communication barriers, the minor may have struggled to communicate this information to staff earlier. Clinician noted that has not yet been interviewed to clarify the information provided by this minor. A sign language skilled staff member will interview tomorrow to clarify further and provide any psycho-education and clarify limits where appropriate.

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DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
May 11 – May 17, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 0
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 6
- Suspected Smuggling/Trafficking: 3
- Possession/Use of Drugs: 2
- Sexual Abuse outside the US – UAC Pregnant: 3
- Sexual Abuse during Journey: 3
- Other: 0

Total Number of major SIR: 18 ; Total Number of SIRs for the Week: 676 ; Number of SIRs for FY14: 12,548

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland Guadalupe 3
Date of the Incident: 5/18/14 **UAC**:

Date of the Incident Reported to ORR: 5/19/14
Summary of SIR: (4)
While walking through the building checking on the participants, staff member reported that she witnessed participant (age 10) with his pants and underwear down in his room touching his penis. She reported that participant (age 8) was watching and smiling. She stated that participants (age 9) and (age 11) were in the room looking in other directions. She reported that each of the participants was in their assigned room. Staff member stated that she immediately asked participant to pull up his pants and she separated him from the other participants. Clinician interviewed each of the participants separately. reported that minor told him to play with his private parts. He stated that he responded that he did not want to and that he would get in trouble. He reported that participant then hit him on his private parts and told him to touch them. He stated that he then pulled down his pants and starting touching his penis. He reported that he did not tell a staff member because he was afraid that minor would hit him. Clinician interviewed minor He reported that he and minor Joseph were playing with toy dice. He stated that every time he rolled the dice, Jospeh would hit him on the arm the number of times that came up on the dice. He stated that then pulled his pants down and minor told him to pull them back up. He stated that then started touching himself on his penis and his buttocks. He stated that he told him not too. He denied taking his own pants down. Clinician interviewed participant who was also present for the incident. Participant reported that he saw both participants and taking their pants down. He reported that they then threw toy dice and that touched his penis to buttocks as many number of times that showed up on the dice. He stated that what they were doing was participant idea. He reported that he was going to tell a worker when staff member came to the room and saw . He stated that immediately before staff member entered the room, pulled his pants up. He reported that during this incident, he covered his own eyes with a blanket and told participant to do so as well.

Incident Type: Sexual Abuse during Journey
Facility: BCFS Baytown
Date of the Incident: 5/9/14 **UAC**:
Date of the Incident Reported to ORR: 5/9/14
Summary of SIR:
During a 72 hour & ISP assessment, reports experiencing physical abuse from his father and sexual abuse from a guide during his journey. On the first day of his journey to the U.S. traveled with an older man (35-40 years old) who served as a guide. That night, was in bed when the old man got in the bed with and asked him "if he had ever been with a women". didn't answer. The older man proceeded to put his hand in pants and to grab his testicles. At that moment got out of the bed and the older man left alone that night. reported that

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the whole event lasted one minute or less. The next day, went with another guide. reported it to the other guide and the guide told him that he would take the necessary measures to make sure this man is brought to justice. reports that he feels more affected by the abuse of his father than the sexual abuse that happen during the journey.

Incident Type: Sexual Abuse during Journey
Facility: Heartland SCIY
Date of the Incident: 5/11/14
Date of the Incident Reported to ORR: 5/12/14 **UAC**:
Summary of SIR:
During the initial clinical assessment, the minor reported that she was raped during her journey to the US. The minor reported that while she was living in Guatemala her friend, (17), told the minor that he knew a man named Jonathan who was able to fake Mexican documentation, "papeles falsos." The minor reported that she then contacted Jonathan to ask if he could falsify Mexican documentation for her. She stated that he asked the minor if she wanted the documents in order to be able to travel through MX on her way to the US, to which she responded, "yes." The minor reported that that then told her that he planned on traveling to the US and asked the minor if she wanted to join him to which she responded, "yes." The minor denied paying Jonathan for guiding her to the US and denied that was her coyote. She stated that she believed was going to accompany her until she arrived to the border of and the US. She reported that while on a bus in MX, told the minor that they had to go into the sleeping quarters at the bottom of the bus where there was a bed. She reported that explained to her that they had to hide, or be taken off the bus at a security check point. The minor reported that she believed that was a good person as he had talked to her about God and therefore did not question why he told her to do this. She stated that she and Jonathan went into the sleeping quarters of the bus while at a pit stop. She reported that while in the sleeping quarters Jonathan raped her while the bus continued its journey. She stated that she was able to get out of the cabin while at the next bus stop. She reported that at that point Jonathan told her to stay in the cabin and told her not to say anything about what had happened. She stated that her legs hurt badly but she went back into the passenger area of the bus as she preferred to get pulled off of the bus than to remain with She reported that told the minor, "tomate algo por si acaso se te quedo algo." The minor reported that she believes this comment was in reference to her taking some kind of abortion pill. She stated that he also threatened her saying, "No vayas a decirle a nadie si no te voy a bajar y darte una sorpresa." She stated that she is unaware of when or where they separated as she became disoriented after raped her. She stated that she did not see him again after the bus ride ended but stated that she fears returning to MX and seeing him again. The minor stated that since this incident she has felt strange and not like herself. She reported that during the rest of her journey she felt disoriented at times as she was unable to keep track of where she was or where she had been. She reported that she did no tell anyone about this situation. The minor stated that she owes $3,000 MX pesos to Jonathan. She reported that he lent the minor $3,000 MX pesos for her journey to the US. She reported that he lent her this amount of money in cash before beginning their journey and stated that she used the money for traveling expenses such as her bus fares and for food. She stated that she does not believe there are any consequences for not repaying this money as she believes his real motive for having the minor travel with him was to rape her. She stated that that she does not know if the money is still owed and she has no way of knowing how it would be repaid as she does not know where he currently is.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Brownsville
Date of the Incident: 5/12/14 **UAC**:
Date of the Incident Reported to ORR: 5/12/14
Summary of SIR:
Case manager met with to conduct initial intake and orientation. According to she made her journey to the US to stay with her biological mother, (age 37), who resides in Louisiana. As per prior to making the journey to the US she resided with her maternal grandmother age 63). According to she is about 4 months pregnant. When asked about her pregnancy, mentioned that her pregnancy is a result of a sexual assault by an unknown male in Honduras. stated the perpetrator looked to be about 30 years old. As per the perpetrator threatened to harm her family if she reported the sexual assault and told her he knew who she was and where she lived. As per she informed her maternal grandmother of the sexual assault but incident was never reported to the police. stated she has not seen the perpetrator since the sexual assault.

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Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Fairfield
Date of the Incident: 1/5/14 **UAC**:
Date of the Incident Reported to ORR: 5/12/14
Summary of SIR:
On 01-04-2014, travelled from Mexico to Mexico to vacation with his grandmother and uncles. On the morning of 01-05-14, he went to meet friends from whom he had not seen for six months. His friends asked him whether he wanted to "work" to which responded in the affirmative. then was introduced to man named who would be providing details regarding the job. informed he would transport "things" across the border. mentions he assumed he would be smuggling people across the border as this was the work he had previously done and was familiar with and because his friends knew he had no previous experience smuggling drugs. instructed to meet at an unspecified location to pick up his "things." Upon arrival, found a package with drugs. He disclosed he accepted the job since he knew physical harm could come to him should he refuse. When asked whether there were any explicit threats he responded no, but he said "when you accept a job, you have to follow through."

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Friends of Youth
Date of the Incident: 5/5/14 **UAC**:

Date of the Incident Reported to ORR: 5/7/14
Summary of SIR: (2)
Resident approached egarding an incident that occurred on 5/3/14, while he was washing dishes. While in the kitchen, according to was standing behind when felt someone tapping his buttocks briefly. then turned around and asked if he had touched states that simply stared quietly at him for about 10 seconds and both then walked away from the kitchen area. who was in the kitchen did not witness this interaction.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Shiloh RTC
Date of the Incident: 5/13/14 **UAC**:
Date of the Incident Reported to ORR: 5/13/14
Summary of SIR:
UAC told Direct Care Staff, that roommate had exposed himself in front of him the previous evening (05-12-14) at approximately 6:30pm. UAC stated that Direct Care Staff, saw the incident occur. Mr. was sitting in the doorway at the moment of the inappropriate behavior was alleged to have occurred. Direct Care Staff was questioned about the behavior by Staff Supervisor. Mr. denied seeing this behavior by UAC. UAC denied inappropriate sexual behavior.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS SA TFC
Date of the Incident: 5/14/14 **UAC**:

Date of the Incident Reported to ORR: 5/14/14
Summary of SIR: (3)
During an individual clinical session with , a UAC in the same home as made some allegations against stating that she had touch another UAC in the home, as well as the biological daughter of foster parents inappropriately. reported that would inappropriately touch and foster parent's biological daughter repeatedly on their private areas underneath their clothing, made sexual gestures (inappropriately rubbing self on the bunk bed ladder), and exposed her private areas to them. reported that the other girls engaged in the inappropriate touching behavior as well but that was the main one who would start the inappropriate touching and get the others to engage in the touching.

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Incident Type: Possession/Use of Drugs
Facility: Lutheran Community Services NW
Date of the Incident: 5/14/14 **UAC**:
Date of the Incident Reported to ORR: 5/15/14
Summary of SIR:
Staff was performing a weekly room search in oom and found 5 pills in one of his pockets. The pills were later identified as Trazodone, for which he has a current prescription at 100mg, to be taken every evening at bedtime. The found medication was confiscated and turned over to the Program Supervisor

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Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Canutillo
Date of the Incident: 2/1/14 **UAC**:
Date of the Incident Reported to ORR: 5/15/14
Summary of SIR:
On May 15, 2014 during the initial mental health screening (14) reported she was sexually assaulted by 5 gang members back in her country 4 months ago. Bettsy claimed she was beaten and threatened if she would report them. Betty stated a lady helped her and took her home after her assault. When she arrived home claimed her mother was not home, so she got in the shower and waited for her mother. stated she told her mother what had happened and she was supportive and took her to a clinic to get checked. reported she had bruses on her arms and legs. stated she did not notify the authorities due to being scared. disclosed being pregnant due to her rape. disclosed she called her father and told him what had happened. reported her father was supportive and encouraged her to come to the U.S. and told her not to worry that he was going to help her.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Galveston Multicultural Institute
Date of the Incident: 5/14/14 **UAC**:

Date of the Incident Reported to ORR: 5/15/14
Summary of SIR: (2)
Minor reported that on 5/14/2014 at about 2:25 pm when boys in care were in line to get in to the school building from the basketball court, the minor that was walking behind him touched his buttocks with both hands. Minor shattered "he touched my buttocks" "me toco las nalgas" Minor reported that he felt uncomfortable with the incident and reported to one of the staff.

Incident Type: Suspected Smuggling/Trafficking
Facility: Youth for Tomorrow
Date of the Incident: 5/15/14 **UAC**:
Date of the Incident Reported to ORR: 5/16/14
Summary of SIR:
reported his mother abandoned him to live with his maternal grandparents when he was a baby. He stated that since he can remember, his grandfather, beat him with his hands and kicked him in the stomach. He additionally reported that a maternal uncle lived in the home and was consistently under the influence of marihuana and would habitually hit for no reason. He reported that at the age of 6, his grandmother died and his grandfather kicked him out of the home to live on the streets. He explained that from the ages of 6-14, he worked different jobs to survive. He reported that sometime in mid-2005 he worked for a woman named for a period of one month. He noted that in this month, he worked seven days a week from 7:00a.m.-5:00p.m. He denied that he was provided with any type of payment, was barely allowed to eat, was not provided with clothes or medical care, was beat by sons, and was forced to sleep with the dogs on the floor. stated coerced him to stay by telling him he had nowhere else to go, so might as well continue working for her. stated he ran away after that month and continued living on the streets and working odd end jobs.

Incident Type: Sexual Abuse outside the US – UAC Pregnant

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Facility: SWK Conroe
Date of the Incident: 5/15/14 **UAC:**
Date of the Incident Reported to ORR: 5/16/14
Summary of SIR:
Client disclosed her pregnancy to her mother. When the client's mother asked her who the father of her child is, the client reluctantly replied that she was sexually assaulted by her guide several times. The client stated that the first time he sexually assaulted her was the evening of March 30, 2014. She reported that the guide sexually assaulted her every evening between March 30 - April 6. The client stated that the guide became very protective of her and when picked up by immigration, claimed her as his wife. The client stated through fear of retaliation, she did not report the sexual assault to anyone. She stated that she intended to tell her mother about the sexual assault once she was reunified, but upon finding out she was pregnant she was compelled to tell her mother before. The client reports no symptoms of PTSD, depression or trauma. The client reported feeling hopeful for the future and happy about her pregnancy. The client reported no suicidal or homicidal ideation and there appear to be no clinical concerns at this time.

Incident Type: Sexual Abuse during Journey
Facility: Tumbleweed
Date of the Incident: 5/14/14 **UAC:**
Date of the Incident Reported to ORR: 5/14/14
Summary of SIR:
reported that she was sexually assaulted by the guide that was bringing her to United States.

Incident Type: Possession/Use of Drugs
Facility: Youth for Tomorrow
Date of the Incident: 5/16/14 **UAC:**
Date of the Incident Reported to ORR: 5/16/14
Summary of SIR:
During the intake process, while staff was administering a drug screen. tested positive for THC.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Harlingen
Date of the Incident: 5/16/14 **UAC:**
Date of the Incident Reported to ORR: 5/17/14
Summary of SIR:
UAC informed CM that last night while taking shower, another resident walked into the bathroom and saw him in the shower. Upon getting ready for bed, the resident made the statement " que bonito trasero" in English, " what a nice behind." UAC reports that this comment made him feel bad (me hiso sentir mal). CM inquired if he had mentioned it to anyone else, and UAC said, "no". CM advised him that she would be reporting this incident to her supervisor and clinician. UAC agreed.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 5/16/14 **UAC:**
Date of the Incident Reported to ORR: 5/17/14
Summary of SIR:
In the context of clinical session minor reported he was threatened into joining a gang (MS) and was made to sell drugs for them. Minor explains since January 2013 on several occasions outside of school gang members would stop him and ask him to join their gang. Minor reports he confronted the gang and told them he would call the police if they persisted. Minor reports they threatened to kill him if he called the police or did not join their gang (MS). Minor reports he was forced to join the gang since they threatened to kill him and his family. Minor shared the gang members would call him to come out with them. Minor shared they would go seek for him and make him use drugs. Minor shared the gang members would give him drugs and make him use them by showing him their weapons. Minor reports the reason why the gang members made the kids use drugs was to get them addicted. Minor also shared the gang members would tell him to sell the drugs. Minor

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shared the first time they made him sell drugs they showed him their gun. Minor reports he understood if he didn't sell drugs he would be killed.

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DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
June 8 – June 14, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 1
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 8
- Suspected Smuggling/Trafficking: 2
- Possession/Use of Drugs: 0
- Sexual Abuse outside the US – UAC Pregnant: 1
- Sexual Abuse during Journey: 4
- Other: 5

Total Number of major SIR: 21 ; Total Number of SIRs for the Week: 882 ; Number of SIRs for FY14: 15,217

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS San Antonio
Date of the Incident: 6/7/14 **UAC**:
Date of the Incident Reported to ORR: 6/7/14
Summary of SIR:
During clinical interview, reported physical and emotional abuse by her father in home country throughout her life. reported that her father was violent and abusive to her and her mother; they were never allowed to leave the house. If or her mother needed to leave the house, her father had to accompany them. reported feeling kidnapped within her own home and reports being in fear of her father and their safety. reported being harmed with various objects and having been bruised on multiple occasions by her father. If her mother attempted to protect her, her mother was also beaten. On one occasion, reported being slammed against the wall and was unconscious for 30 minutes. She reports her mother remained by her side and that her mother requested to take her to the hospital but her father refused. She further reported coming to on her own. She denies any current symptoms related to this incident. disclosed to clinician being "sold by her father sold to a Narco (drug dealer)" in April of 2014. She reported that 3 men showed up to her home with her father and was ordered to prepare 2 changes of clothing; reported the plan was to transport her to the drug dealer. reported witnessing the exchange of a suitcase full of money to her father when she was then grabbed by the 3 men. was then tied up and placed into a van. reports having images of her mother crying and is currently worried about her mother's safety. reported that her father sold her because she was a virgin. During the ride to the "Narco's" home, reported crying uncontrollably and pleading for her life. During a bathroom stop, she reported that 2 of the men got off of the vehicle, and she was released by the driver of the vehicle, unbeknownst to the other men. She stated the man that released her told her he had daughters and would not want them to suffer like she was suffering. reported grabbing her suitcase and ran as hard as she could to get away. reported traveling to MX where she was detained by immigration and deported back to Guatemala. While she was with immigration in Mexico, she reported being able to obtain her aunt's friend's contact information who then provided her with money. After arriving in Guatemala, she traveled once more to the US in fear for her life and crossed into the US through the Rio Grande. reported that her potential sponsor is married to her paternal uncle who resides in Maryland; she reports maintaining contact with them throughout her journey. reports that she does not want for her father to know her whereabouts. is afraid for her mother's safety, and reports wanting to speak with her mother.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Shenandoah Valley Juvenile Center
Date of the Incident: 6/8/14 **UAC**:
Date of the Incident Reported to ORR: 6/8/14
Summary of SIR:
UAC was displaying inappropriate sexual behavior towards female staff. UAC was standing at his door with his hands on the window in the shape of a diamond. UAC was licking the window between his hands as he was looking towards a female staff member on the pod. UAC

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was verbally redirected by staff for inappropriate sexual behavior. UAC continued to grin and laugh, while his body was moving up and down against the door. UAC continued to be verbally redirected by staff for disruptive behavior and inappropriate sexual behavior towards staff. UAC remained in his room without further incident.

Incident Type: Sexual Abuse during Journey
Facility: IES Los Fresnos
Date of the Incident: 6/9/14
Date of the Incident Reported to ORR: 6/9/14 **UAC**:
Summary of SIR:
Minor reported during her journey to the U.S. while in Mexico a guide touched her buttock on top of her clothes several times.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Brownsville SS
Date of the Incident: 6/8/14 **UAC**:

Date of the Incident Reported to ORR: 6/9/14
Summary of SIR: (2)
While youths were forming a line to go get their snack in the cafeteria, according to staff YCW "Youth was doing a sexual dance moving his hips back and forth [infront of youth and he started getting closer to youth " Staff who was on a one to one with redirected youth immediately to stop dancing like that [thrusting his hips back and forth] and to form a line. Youth just stared at youth and suddenly punched in the face. Youth bent down as soon as he received the punch from youth C. Staff got in the middle of both youth and asked if he was ok. As soon as youth picked up his head [he became very upset] and walked toward youth saying "ora si no sabes con quien te metes te voy a dar pija te voy a dar unos vergasos." Youth walked back and stated "ya fue mucho pedo tuyo" youth tried to pass staff and and staff performed the CPI "child control position" for about 30 seconds and escorted youth to his room to calm himself down. was taken to the SWK medical department to be examined.

Incident Type: Other
Facility: Cayuga Centers
Date of the Incident: 6/7/14 **UAC**:
Date of the Incident Reported to ORR: 6/9/14
Summary of SIR:
UAC reported to clinician that foster parent hit her with UAC's belt on her arm. UAC showed arm to clinician and said that such hitting left her a mark but that she "did not have it anymore", she pointed out. She restated she did not like foster parent because she was not enough affectionate to her. Clinician validated UAC's disclosures, reassured the inappropriateness of the incident and told UAC she would follow up with relatives. UAC's cousin) also reported same incident to Case Manager, in addition to foster parent's inadequate disciplining methods, such as using threats and manipulation regarding removing priveleges from UAC's brother , or utilizing differential reinforcements with the kids in an attempt to alter kids' behavior. In a conversation between UAC's brother and clinician, he confirmed UAC's disclosures about foster parent's parenting mismanagement.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Fairfield
Date of the Incident: 6/9/14 **UAC**:
Date of the Incident Reported to ORR: 6/9/14
Summary of SIR:
approached Direct Care Staff and asked to speak with him regarding another minor's inappropriate comments. When asked to describe the incident, abruptly changed the topic and stated "creo que me estoy enamorando de ti" which translates to "I think am falling in love with you". On the previous night made a similar

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comment during a conversation with Program Director. As was departing, said something along the lines of, "I miss you; you are the light in my night".

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: BCFS San Antonio
Date of the Incident: 6/9/14 **UAC**:
Date of the Incident Reported to ORR: 6/9/14
Summary of SIR:
UAC reported in May 2012, during UAC's 5th month of pregnancy, (UAC's ex-boyfriend) began to become aggressive when speaking with UAC and become intoxicated. UAC reported raped once her in May 2012 when he arrived home intoxicated. UAC denied physical harm. UAC stated in May 2012, during UAC's 5th month of pregnancy, she had suicidal thoughts. UAC stated she had no intention of committing suicide or harming herself. UAC stated she used prayer and visualizing her life with child as motivation to not commit suicide. Clinician completed UAC denied current thoughts of suicide.

Incident Type: Sexual Abuse during Journey
Facility: SWK Presidente
Date of the Incident: 6/9/14 **UAC**:
Date of the Incident Reported to ORR: 6/10/14
Summary of SIR:
Client alleges she was sexually molested throughout her journey towards the USA by the "guide". Client voiced the "guide" touched her chest, back and buttocks almost every day while they were traveling. Client stated the "guide" also exposed his genital area one time. Client voiced the "guide" ask her to perform sexual acts in exchange of money but she did not accept. Client stated the events happened while she was traveling through Mexico.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Casa Houston
Date of the Incident: 6/9/14 **UAC**:

Date of the Incident Reported to ORR: 6/10/14
Summary of SIR: (2)
On Monday, June 9, 2014, the following was written in an incident report by for minor and her peers, and "Minor approached me and stated that it is known on the floor by minors that and are "boyfriend, girlfriend" and that on Saturday afternoon after last snack at 6:30 pm in classroom 3 they were sitting together in the classroom and was touching on her legs. Minor stated staff did not observe and she did not tell anyone until today. I asked her why she did not say anything sooner and she stated she did not know but that she continues to see them sitting together in classroom and cafeteria all the time and thought she should say something. I thanked minor for doing so and informed her never to be afraid and that staff is always here to assist. Minor understood."

Incident Type: Sexual Abuse during Journey
Facility: Cardinal McCloskey
Date of the Incident: 6/1/14 **UAC**:
Date of the Incident Reported to ORR: 6/10/14
Summary of SIR:
Youth reported she was raped by four different men two years ago on a failed attempt to enter the United States. Youth tagged along with her brother whose trip was paid for by the maternal uncle who resides in the US. When youth arrived at the border in Mexico prior to the cross over into the US, the uncle didn't have the money to pay for youth and her brother to cross over. Since the trip was only planned for youth's brother, the uncle paid for the brother and asked the coyote to return her to home country. Youth then reports she was taken to a house with three men and was left by the coyote and said he would return for her. Youth explained she spent over a month and a half in the home and was raped and forced to sexual things to the men. Youth states the coyote also made her preform sexual act with him and made two trips back to home country before picking her up and returning her to El Salvador.

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Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Cayuga Centers
Date of the Incident: 5/14/14 **UAC**:
Date of the Incident Reported to ORR: 5/15/14
Summary of SIR:
Minor asked me, , if I knew the definition of the word "Pendejo" and it's significant use in a conversation. I explained to the minor that the word was offensive in nature and that he shouldn't use it. I then inquired why the minor was asking, to which he responded: "Por que Lex me llamo un pendejo ayer". I asked the minor to elaborate further about the incident and he explained that while en route to the clinic with the afore mentioned staff and other minors in an agency vehicle he informed said staff of his reservations regarding being vaccinated and requested to be returned to class. The minor then states that the staff said: "No seas pendejo". The minor states that he did not understand the word but took it to be an offensive verbal attack. He states that the other minors in the vehicle began laughing at him, to which he responded by saying "Tu eres la pendeja".

Incident Type: Other
Facility: Bokenkamp
Date of the Incident: 5/29/14 **UAC**:
Date of the Incident Reported to ORR: 6/12/14
Summary of SIR:
UAC , disclosed that during her 7 day stay with immigration, in Texas, she witnessed and also experienced an immigration officer conduct himself inappropriately towards her. UAC stated when she arrived she witnessed the immigration officer place his hand in between the pants and stomach of another female minor and was being verbally inappropriate making a comment about her physical appearance. UAC stated a few days later, the immigration officer touched her thigh in an inappropriate manner and with a forceful gesture she moved his hand away. UAC stated that she did not report this incident to any officials in the building. UAC could not recall any information regarding the officers physical appearance nor could she remember the time or day that these events occurred.

Incident Type: Suspected Smuggling/Trafficking
Facility: KidsPeace
Date of the Incident: 6/13/14 **UAC**:
Date of the Incident Reported to ORR: 6/13/14
Summary of SIR:
UAC reported that he came to the USA because gang members were forcing him to deliver Marijuana. Gang members threatened to hurt UAC and a friend of his if he refused to do it. He decided to make the delivery because he thought that it would be one time deal, however, after the first delivery was done, gang members told him that he was "already part of the gang " and he needed to continue making the delivery of drugs if he wanted to avoid being beat up. UAC stated that he decided to come to the USA because "he wanted to have a normal life"

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Friends of Youth
Date of the Incident: 6/12/14 **UAC**:

Date of the Incident Reported to ORR: 6/13/14
Summary of SIR: (2)
During individual session resident MM informed this writer that has made inappropriate sexual comments to him. He reports that when he was walking down the hallway in the house told him, "te voy a hechar gasolina" or "I am going to pump gasoline in you". According to resident MM, comment was suggesting he wanted to perform anal penetration on him.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Friends of Youth
Date of the Incident: 6/11/14 **UAC**:

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Obtained via FOIA by Judicial Watch, Inc.

Date of the Incident Reported to ORR: 6/13/14
Summary of SIR:
asked to speak to staff and during this conversation reported that he continues to have romantic feeling towards staff This is the second time in two weeks that has reported this.

Incident Type: Other
Facility: Cayuga Centers
Date of the Incident: 6/12/14 **UAC**:
Date of the Incident Reported to ORR: 6/13/14
Summary of SIR:
UAC's 10 year-old sibling reported to both Case Manager and Clinician that on 06/12/2014, foster parent hit UAC with her open hand on UAC's hand because UAC did not want to seat still and watch TV. When Clinician asked UAC, she confirmed. In addition, UAC's sibling said that foster had previously hit UAC on her head with the hand because she was being fidgety, although she was not able to specify the exact date. UAC's sibling explained that the first time it happened she was afraid to report it. UAC's sibling also wrote a letter on her notebook asking the Clinician to tell the Case Manager about the incident. Clinician asked the children about their feelings towards returning to foster home and both of them said they did not want to go back.

Incident Type: Other
Facility: IES Driscoll
Date of the Incident: 6/13/14 **UAC**:
Date of the Incident Reported to ORR: 6/13/14
Summary of SIR:
During the Admission Assessment, resident disclosed to clinician that a possible sexual assault in May 2014 while detained by border patrol. Minor reported he believed to have been sexually assaulted by another UAC named while detained at the first border patrol station after being apprehended on June 1st in Rio Texas. Minor stated that made several sexual advances to him such as stating "vamos" and "dame un beso". Minor stated on one occasion asked him if he had ever been with another male. Minor stated he declined sexual advances each time. Minor also stated he was moved into another cell alongside 4 other older UAC and in which was placed shortly after. Minor states while he layed down, would place his leg on minor's body and minor would brush it away. Minor states he fell asleep beside He also reports when he awoke the next morning his pants were unbuttoned and his zipper was down. He mentioned asked him "Te gusto?" and proceeded to state "Estabas bien rico". Minor denied being able to recall any events of the night before but added the other UACs confirmed allegations. Minor admitted he felt sore from his rectal area and reported when he went to the restroom he noticed blood running down his leg. He confirmed the blood was from his rectal area. He denied reporting incident to anyone because he was told by border patrol not to ask so many questions or talk. He also admitted he was afraid of Minor states was taken out of the cell a few days later and currently denies knowing his whereabouts. However, resident reported the possible sexual assault incident to assigned clinician out of concern of coming in contact with while at IES-Driscoll.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Casa Houston
Date of the Incident: 6/13/14 **UAC**:
Date of the Incident Reported to ORR: 6/14/14
Summary of SIR:
On June 13, 2014 during individual counseling session, who is 11 years old, reported that a female peer had touched her inappropriately two days ago as they were in line walking to the cafeteria. According to her peer, who is 10 years old, touched her rear end with an open hand. Client stated this type of incident had occurred on at least two other occasions within the past two weeks. stated that she does not feel threatened by her peer, but she felt uncomfortable with that type of contact. Additionally, reported that this same peer had opened the restroom door as she was showering. reported that her peer was probably not aware that she was bathing, and she stated that her peer did not

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see her without her clothing. reported that her peer is her best friend and she does not feel threatened by her, but she did not feel comfortable with that type of physical contact.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Lackland AFB
Date of the Incident: 6/12/14 **UAC**:
Date of the Incident Reported to ORR: 6/14/14
Summary of SIR:
admitted to having made sexual gestures towards UAC stated he was "joking" with when he pulled his shorts up towards his waist revealing private areas. DCS informed that while addressing his behaviors, only spoke to her while grabbing his genitals. DCS additionally reported that and were thrusting their erections at each other while laughing, continuing the behavior even after she called their attention.

Incident Type: Sexual Abuse during Journey
Facility: SWK Palmas
Date of the Incident: 6/14/14 **UAC**:
Date of the Incident Reported to ORR: 6/14/14
Summary of SIR:
Client reported to clinician that during her journey from El Salvador to Mexico, her guide left her in a warehouse in Mexico with his boss, a 'narco,' and a group of other guides. Client reports this occurred about 1 month ago and that she was in the warehouse for a week and half. Client does not know why she was left there and asked to continue with her group, but her guide said that she had to say. Client stated the warehouse was used a location for guides and narcos to drink, smoke, and meet with the boss. While client was there, she was not given food or phone calls and was unable to sleep due to being afraid. Twice she went to the nearby river used for crossing immigrants and was told to observe so she could someday be a guide. When client was not at the river, she spent her time inside crying or hitting her head against a wall hoping to kill herself. Client reported that her guide's boss came into the warehouse often and while he was there he kissed her, groped/bit her chest, or pinched her legs. Client has several small bruises on her legs that are still visible and showed them to clinician. Client stated the guide's boss also put a gun to her head and told her to stop crying or that he would kill her. Client reported they also threatened to kill her entire family, but denied that they knew any information about her family in El Salvador. One day, her guide's boss came to the warehouse and had two men hold her hands back while he raped her. Client states she was raped three times that day by the guide's boss and was told that she was his 'mujer' (woman). Client stated the guide's boss is the only one who touched/raped her. After a week and half in the warehouse, client was told that she could leave. Client crossed the river alone and shortly after, an immigration helicopter apprehended her and took her to an immigration holding facility. Client was noted to be tearful and sad when she recounted the story. Client said that when she is left alone, she starts feeling afraid and thinking of the man who raped her and wants to kill herself so she can be with God. Client said that if she wanted to kill herself, she could use any available object to asphyxiate herself. Client denies any current intent to kill herself because she is not alone and feels supported and safe in the shelter environment. Client reports one previous suicide attempt 1 year ago; client took a blade and cut her wrist due to being bullied in her school. Client reports severe sleep disturbances, stating that she is unable to sleep because she thinks of the man who raped her or that when she does fall asleep, she has nightmares about what happened in the warehouse. Client reports appetite disturbances and states that last night was the first time she ate in almost 2 weeks. Client finished half of her breakfast on 6/14/14 while speaking with clinician and finished most of her lunch on 6/14/14 while speaking with clinician. Client reports having 'atackes de nervios' (anxiety attacks) as well, with the last attack occurring last night in the shelter. Client describes these attacks as several minutes when she cannot breathe, begins shaking, sweating, crying, feels dizzy, and is unable to think straight. Client reports she had these attacks several times a day while in the warehouse and also while in immigration. Client denies having any anxiety attacks today, 6/14/14. Client states she also experienced flashbacks while in the immigration facility and thought that she was back in the warehouse with the narcos/guides. Client denies experiencing any flashbacks today, 6/14/14. Client reports a generalized fear of all men right now but denies being afraid of any particular male in the shelter.

Incident Type: Other
Facility: Seton Home

Obtained via FOIA by Judicial Watch, Inc.

Date of the Incident: 6/14/14 **UAC:**
Date of the Incident Reported to ORR: 6/14/14
Summary of SIR:
Resident accompanied YCW to Walmart. YCW was within ratio guidelines by taking 4 residents with her to store. Upon paying, YCW and residents stopped to look at movies in a Redbox kiosk. was standing directly behind Other resident called attention of when turned back around Daisy was gone from area. Residents and searched the immediate perimeter of area; was nowhere to be found. Shelter Supervisor was contacted immediately. Constable at Walmart door was notified, and instructed to check restrooms and ask Customer Service to make a Code ADAM report. Residents and YCW checked restrooms and returned to the exit nearest to where was last seen. Constable approached and reported that a man had let the Constable know that a pregnant girl had come up to he and his wife, given them a note saying she was being held against her will, and then took off running across the parking lot into a field. This same man was already on the phone with SAPD by that time. Two SAPD units arrived to the scene and began the investigation. was contacted to confirm the release of information. YCW arrived to take the other residents back to cottage. One SAPD unit went to check perimeter of Walmart for resident; second unit followed to Seton Home to retrieve information for Missing Persons report. SAPD was given description of her full name, A#, DOB, POB, and basic med info. Law enforcement was notified that she is under ORR care. Program director was contacted and case manager, VP of Programs, ICE, FFS, and PO were all informed of incident. Hotline call to CPS and SIR were submitted to required individuals on 6/14/14.

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
June 15 – June 21, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 1
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 10
- Suspected Smuggling/Trafficking: 13
- Possession/Use of Drugs: 1
- Sexual Abuse outside the US – UAC Pregnant: 2
- Sexual Abuse during Journey: 4
- Other: 0

Total Number of major SIR: 31 ; Total Number of SIRs for the Week: 893 ; Number of SIRs for FY14: 16,110

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Casa Houston
Date of the Incident: 6/13/14 **UAC**:
Date of the Incident Reported to ORR: 6/15/14
Summary of SIR:
Peer reported that he had been subjected to bullying by Peer stated that has been making fun of the way peer talks and peers mannerisms. Peer stated that he does not feel comfortable being around or sharing a bedroom with him. While completing bedtime hygiene on the night of June 12, peer stated that attempted to pull down his pants. Peer was changing his t-shirt and Jose came up from behind him, and then tried to pull down his sweat pants. Peer was able to prevent his pants from coming down. Peer reported that he felt uncomfortable when Jose attempted to pull down his pants. Peer feels as if has been attempting to intimidate him and other minors in the program. has had escalation of behavior during his stay at SWK. This same peer stated that he witnessed Jose trying to intimidate another peer in the program. Peer stated that he attempted to intimidate the peer into giving his French fries. This peer stated that is telling other clients in the shelter that he was affiliated with a gang in Honduras.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS San Antonio
Date of the Incident: 6/14/14 **UAC**:
Date of the Incident Reported to ORR: 6/14/14
Summary of SIR:
reported working at age 14 to help pay for her sister's medical expenses. traveled to Mexico with her cousin to find employment. nd her cousin worked as housekeepers for a woman named She reports they worked and lived in this women's home for two months. tates she was verbally abused and mistreated by this woman. She states she was forced to work and was not allowed to go outside or leave the home. was not allowed to make phone calls or contact her family. reports she was provided with small amounts of food and was told she could not eat until she finished all of her chores. reports she did not return to the women's home, after she was given permission to visit her family. also reported that a coyote attempted to sexually assault her during her journey to the U.S. She reports the coyote was hired to guide her to the U.S. She reports the incident occurred after crossing the Rio Grande River. An unknown individual helped and she was able to get away. She denies physical harm.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Lackland AFB
Date of the Incident: 6/12/14
Date of the Incident Reported to ORR: 6/15/14 **UAC**:
Summary of SIR:
was accused of slapping a peer's buttocks on a consistent basis and calling him names. denies accusations.

Incident Type: Sexual Abuse during Journey

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Obtained via FOIA by Judicial Watch, Inc.

Facility: CH Poughkeepsie
Date of the Incident: 5/1/14 **UAC:**
Date of the Incident Reported to ORR: 6/14/14
Summary of SIR:
reports that she spent one month in a "safe house" in Texas that she was taken to by her coyote. She went there with her sister, who was traveling with her. She does not remember the name of the town in Texas. While staying there, she experienced sexual abuse on one occasion. While sleeping, another boarder in the safe house entered her room and touched her private parts forcibly. She immediately notified the coyote and he kicked this man out of the house. It did not occur again.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Antigua
Date of the Incident: 6/15/14 **UAC:**
Date of the Incident Reported to ORR: 6/16/14
Summary of SIR:
Youth disclosed yesterday after S PM he was a coyote for the past two years. He is from Mexico. He stated he would get paid $100-$200 per person that he crossed over. Youth stated he only crossed adults. Not children or minors. He stated he did not know anyone in shelter and did not have any intentions of escaping from our facility. He added he was recruited between the ages of 13and 14 by an older man in his neighborhood (which happens often). He stated his mother and father needed a better life and that was a job that paid good money. For the past couple months he wanted to get out of being a coyote but he couldn't because they needed him to work. Youth stated his employer would come over with a paddle with holes, whenever he rejected a job. He said a few times he was hit on his buttocks which left him bruised. So he would just do the job to avoid the consequences. Youth stated he did not fear for his life, neither his families. Youth stated he is not of any harm, has no criminal record, and hopes to reunify with his uncle and aunt that reside in Mission, Texas. Where he hopes to continue his education and find employment.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Sandy Pines
Date of the Incident: 6/2/14 **UAC:**
Date of the Incident Reported to ORR: 6/16/14
Summary of SIR: Addendum
Lead Clinician spoke with FFS Jill Volovar on 6/3/14 to update FFS on allegations by UAC. As per FFS recommendations, lead clinician to call DCF abuse hotline and add the address of South West Keys to the report to see if they would reconsider accepting the report. Lead Clinician called DCF abuse hot line and spoke with operator and added address of South West in Houston. However, call was still not accepted due to minor providing limit information and not clarifying the relationship of "girlfriend". Lead Clinician, spoke with 1:1 technician this morning to get an update on any new development on the report about girlfriend relationship with the Staff member from previous placement. MHT reported that in conversation with she gave her a last name of and reported she was her 1:1, 3 days of the week. She described her as being short with red hair. However, did not provide information of the extent of their relationship. called the abuse hotline with the additional information of the last name of the prior staff person. Hotline counselor was call was not accepted.

Incident Type: Suspected Smuggling/Trafficking
Facility: Selma Carson Home
Date of the Incident: 5/20/14 **UAC:**
Date of the Incident Reported to ORR: 6/16/14
Summary of SIR:
Minor reported being arrested as he was caught serving as guard for unknown gang members. Minor related that gangs recruited him to be a guard and watch for police activity in his assigned sector and report back to them via walky-talkies. He did this job for three months. Prior to being incarcerated, minor reported that the police kidnapped him for one day. He was apprehended on May 19, 2010 at 12:30pm were he was tortured and then placed in jail until the next day at 6:30pm. Minor was kicked, slapped, punched, threatened to be raped, threatened to be dropped in the river (minor does not know how to swim), and threatened with guns on his face for being a gang guard. Food and water was not provided.

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Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS San Antonio TFC
Date of the Incident: 6/14/14 **UAC**:
Date of the Incident Reported to ORR: 6/14/14
Summary of SIR:
It was reported to on-call staff over the weekend there were reports that said minor was attempting to touch other children, over their clothing, in the home (ages range from 7yrs to 10 yrs. mentioned minor 10 yrs. old same age range). Other children in the home reported that tried to place one child's head near his penis area, and then it was also reported that tried to place a child's hand on his penis area. As a result foster parent increased supervision and rearranged sleeping arrangements placing this child in his own room. Foster parent addressed the inappropriate horseplay/boundaries with all children in the home. The minor was remorseful and ashamed of his behaviors. Yesterday Foster parent reported that this incident of inappropriate boundaries resulted in another child in the home disclosing he was sexually abused in home country (this SIR will be completed by clinician and will be reported to CPS hotline). As a result of this disclosure and due to foster parents' request, we removed the child, to another foster home where he can be placed in his own room and have increased supervision.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Friends of Youth
Date of the Incident: 6/16/14 **UAC**:

Date of the Incident Reported to ORR: 6/17/14
Summary of SIR: (2)
Resident approached DCS after class to tell her that and Resident were exchanging sexual gestures and telling each other to "enseñame" (show me). Resident met with CPM to follow up on report to DCS and he reported that continuously turned around and looked under the desk at Resident crotch area. He reported that Resident appeared to grab his crotch area and lift up his leg. Resident reported that is often making comments that appear to be flirtatious in nature and that he often attempts to break boundaries by standing very close to his peers. DCS talked to Resident and asked him if he or were making any sexual gestures or talking inappropriately to each other during class and he replied that nothing happened and they did not talk during class. DCS then followed up with to ask if anything had occurred while in class. At first he said no but appeared to be upset. DCS asked him if any inappropriate comments were made by him or anyone else. He responded that everyone makes fun of him. then said that the guy wearing a black shirt (referring to Resident calls him a doll and said that he was going to have sex with him when they were playing soccer. DCS asked if Resident had done anything inappropriate today in class and he said that he was licking his lips at him. DCS asked if he told staff about the comments made earlier while playing soccer and he said no.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Campbell
Date of the Incident: 6/17/14 **UAC**:
Date of the Incident Reported to ORR: 6/17/14
Summary of SIR:
Client disclosed to clinician, during MHS interview, that she had been raped on or about March or April 2013 by an unknown male in her COO. Client reported that she was walking back from gathering firewood for her family's home and the unknown male assaulted and raped her. Client reported that she immediately reported this incident to the family. No report or charges were filed. As a result of the rape a pregnancy resulted and now client has an 8 month baby girl. Client did not express or display any dislike for her child. The clinician observed that there is love and good attachment between mother and baby. Client came to the US to improve her life and that of her baby. Mental Health: The client appears to be content to be at SWK and does not appear to be a danger to others or to self.

Incident Type: Suspected Smuggling/Trafficking
Facility: Youthcare
Date of the Incident: 6/17/14 **UAC**:

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Obtained via FOIA by Judicial Watch, Inc.

Date of the Incident Reported to ORR: 6/18/14
Summary of SIR:
UAC reports that on his travel to the U.S. in MX he was forced by unknown men into a car, he was then taken to there he was forced to work. He put together make shift backpacks, filled these with drugs and food. Sometimes he was taken to the desert and forced to carry the backpacks and water jugs to several lookout points, manned by men associated with the individuals. UAC reports that when he was taken out of the work building a man with a gun always went with him. He reports that he was not paid, he was given 2 sparse meals a day and water. He reports that he was not sure if he would ever get out. He reports that he could not leave and feared that if he escaped he would be shot. UAC reports that he was afraid that he would be killed, because one time while out in the desert, one of the other kids who was being forced to do the same, became upset started to argue and deny wanting to do the work, the man with gun pulled it out and shot the kid dead in front of him. UAC became very afraid that he would be killed. He reports that he managed to escape from that place because local Mexican authorities raided the place and when everyone took off running, he and another youth ran as well. In total he reports he was held against his will for 30 days.

Incident Type: Suspected Smuggling/Trafficking
Facility: Sandy Pines
Date of the Incident: 6/17/14 **UAC**:
Date of the Incident Reported to ORR: 6/17/14
Summary of SIR:
UAC was asked about her typical day when living in Guatemala. UAC reported that her father would force her to work in cocaine and "CANN" fields beginning at 4:00 a.m. through the evening and that she would then have to come home and cook dinner for her family. UAC verbalized feeling upset and resentful because her life had no meaning. UAC reported she would have to package marijuana leaves and cocaine milk from the cocaine flower during the night. She stated she was forced to sell drugs at least 1x weekly. UAC reported that if she refused to do the work, she would get hit by her father. UAC reported this activity started when she was age 10. After processing with her therapist, UAC's mood appeared to be stable. She was taken back to her unit without incident.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Brazoria County Youth Homes
Date of the Incident: 6/17/14 **UAC**:

Date of the Incident Reported to ORR: 6/17/14
Summary of SIR: (2)
It was reported by staff that UAC touched another UAC (B.S.A.M) inappropriately on his private part. It was reported by staff that UAC touched another UAC (B.S.A.M) inappropriately on his private part.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Jameson Center TFC
Date of the Incident: 6/12/14 **UAC**:
Date of the Incident Reported to ORR: 6/16/14
Summary of SIR:
has a medical condition and cognitive delays, resulting in her being sheltered in a foster home. The foster mother, reported that she took and three other children in her care to the swimming pool at the Knights of Columbus Center near her home on Thursday evening 6/12/2014. They were accompanied by her adult son, and an adult uncle who was visiting another child in DCS custody. The group had ordered food from a snack bar at the pool. and the other man were standing at a picnic table where the group was going to eat. was the only person seated at the table. The foster parent was climbing out of the pool about four feet away from their table. began blowing kisses at the two men. The first man she blew kisses to, told her no, not to do that. As he looked away, she turned to Mr. and pointed towards him and then placed her own finger on her private parts. She repeated this gesture for a total of three times in approximately half a minute. He told her no, and moved away from her. He then reported to the foster mother what the child had done.

Incident Type: Suspected Smuggling/Trafficking

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Facility: Heartland International RC
Date of the Incident: 6/16/14 **UAC:**
Date of the Incident Reported to ORR: 6/17/14
Summary of SIR:
In the context of an initial clinical interview, the minor Josue reported that for approximately a year, he was obligated by MS-13 gang members to work for them under the threat of bodily harm. He reports that he was told to transport and sell drugs for the gang, and states that if he were to refuse, then they would become angry and threaten the minor with "13 segundos de golpiza" (thirteen seconds of a beating). He reports that on two occasions in the course of performing work for the gang. On the first occasion he was held in jail for three days for being found in possession of drugs. On the second occasion, he was arrested for having run away from the police when they stopped him to search him. He reports that in January of this year, he decided he no longer wanted to do work for the gang, and began speaking to his mother so that he may come to the U.S. He reports that he did not like doing the work for the gang, and during the course of the time he worked for the gang he experienced nightmares almost on a daily basis. While he was planning his journey to the U.S., he stayed in his house at all times, and hid when the gang members he worked for came to look for him. He stated that while he waited for his opportunity to depart for the U.S., he was unable to sleep. The minor reports that at the present time, he does not have difficulty sleeping, eating or concentrating throughout the day. He reports that as he is not in El Salvador, he feels safe, and looks forward to having a safe life in the U.S. He states that he is only concerned for his safety in El Salvador, and that he is not worried for his safety at the present time.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS San Antonio TFC
Date of the Incident: 6/17/14 **UAC:**

Date of the Incident Reported to ORR: 6/18/14
Summary of SIR: (2)
During individual therapy session, and follow-up with minor in FH, minor reported that over the weekend, another minor in the home grabbed his hand and pulled it towards his private area, and told minor to touch him. Minor stated he never gave the other minor permission to grab him or touch him. Minor stated he pulled his hand away and moved away from other minor. Minor reported this was a one time incident, and that he felt uncomfortable and bad afterwards, but now feels better since minor is no longer in the FH. During individual therapy session, and follow-up with minor in FH, minor reported that over the weekend, another minor in the home grabbed his hand and pulled it towards his private area, and told minor to touch him. Minor stated he never gave the other minor permission to grab him or touch him. Minor stated he pulled his hand away and moved away from other minor. Minor reported this was a one time incident, and that he felt uncomfortable and bad afterwards, but now feels better since minor is no longer in the FH.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Haciende del Sol
Date of the Incident: 6/18/14 **UAC:**
Date of the Incident Reported to ORR: 6/18/14
Summary of SIR:
Client reported to clinician that back in her COO, El Salvador, she was sexually assaulted. Client reported that last November she went to the store around noon and on her way back home from the store, she got forcefully grabbed from behind and covered her eyes. Client reports that that is all she remembers because the assaulter, who client does not report to know who he could have been, knock her out unconscious and the next thing she remembers is making it home somehow and telling her uncle and aunt what had happened. Client reported that they believed her but did not take her to the hospital to get checked up because it was too far. Short after that, they told her aunt, client's current sponsor and that is when her aunt decided to bring her to live with her in Houston, TX, where she is currently residing right now. As a result from that assault, client is currently pregnant.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Paso SS
Date of the Incident: 6/17/14 **UAC:**
Date of the Incident Reported to ORR: 6/18/14

Obtained via FOIA by Judicial Watch, Inc.

Summary of SIR:
Minor reports that while walking on the street in MX he was taken at gunpoint by an armed man who tied him up for three days in a truck with no food. After being tied up for three days he heard a verbal exchange in which the man offered him to members of the cartel in exchange for money so that he could work for them as a smuggler. Minor reported that he was then forced to work for the " under a man named who worked under

Minor reports that these people forced him to smuggle drugs across the border against his will for about two years. He reports that he lived on the streets during this time, but that they always had a close eye on him and did not allow him to leave the area and he was afraid to go to another area and be picked up by another cartel. He stated that sometimes his boss, "gave him money to be able to feed himself, but he was not paid a regular salary for this work.
Minor reports that on his trips across the border he would try to surrender himself to border officials and was arrested a total of 16 times. He stated that he would be sent back across the bridge to and that there a member of the cartel would be waiting for him and would alert his boss to pick him up. He stated that the cartel would pay the DIF guards to get their workers back. Minor reported that he felt that he had no way out this situation. He stated that he was beaten when he did not do his job well or when the other smugglers reported to the boss that had turned himself in to immigration officials. He was told by the cartel that he owes them money because he lost drugs when he was smuggling fo them and that because of information he gave to immigration officials about one of their sites which caused them to lose money. He does not know how much he supposedly owes them. He stated that during this time he had no contact with his family because his mother's friend, had told him that the number changed and that she did not have the contact number. He also stated that he never wanted to tell the cartel that he had any family because he knew that other minor's families were threatened so that the minors would continue working. Minor always told the cartel members that he was abandoned and that he had no family, in order to protect his family. Minor reports having been abused by these people in the following ways: They tied him up on various occasions for up to a week at a time. They hit him, pushed him down and broke his tooth, and beat him on multiple occasions which left him swollen, bruised and scarred on his backside. Minor reported that he didn't go to the hospital after his beatings even though he was badly hurt because there are cartels informants working there. He reported that he simply sat in a bathtub of cold water to feel better. He reported that his last beating of this type was about two months ago (April 2014) in which he received 40 hits on the back side by a large wooden boat paddle with holes in it so that they could swing it faster and harder. Minor was seen by doctor at Madison School Based Health Center on 6/9/14 and it was found that minor does have bruising and scars on his backside. He stated that at one point the cartel locked him up in a house where people stayed while waiting to cross the border and made him clean the house and wash clothes. He stated that the house was guarded and that he was rarely allowed to leave the house and even when he left the house that they had people all over the city watching and he could not get away. Minor appeared very anxious and was emotional. He had some trouble answering questions due to being pressured and anxious, but was cooperative and expressed gratitude for being listened to. He reports being unsure who he can trust, but desperate for help. Minor reports that while enslaved by the cartel he thought of drinking bleach that he used to clean the house where they had him, but did not because he had a dream that told him not to give up and he did not want to hurt his family. He denies any current suicidal ideas, plans or intentions. Minor reports that while still in Mexico that he had some dreams about being beaten again by the cartel and that he felt like it was happening again and he could not protect himself He denies that he currently has these dreams.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Chavaneaux
Date of the Incident: 6/18/14 **UAC**:
Date of the Incident Reported to ORR: 6/18/14
Summary of SIR:
During a meeting with clinician, disclosed he was abused while in home country. explained that from nine years of age until he was fifteen years old, he was bullied by local children. The minors mocked him and his father who was an alcoholic. The other children involved reportedly also physically assaulted him on occasions. When he was fifteen years old, after a work related job injury in his back, he was offered another job. He accepted the job but eventually did not wish to stay. When tried to resign, he was held against his will and locked in a warehouse by himself. During the next six months he worked packing cartons onto trucks. He was paid $100 each month. This amount was not agreed upon but rather determined by the people who held him. The minor reported he was also fed irregularly and assaulted if he showed any sign of discontent. The minor stated he became anemic. He was able to escape

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Obtained via FOIA by Judicial Watch, Inc.

six months into the ordeal but the people involved eventually located his family and tried to take him against his will. The minor had a suicide attempt that year, which was 2012.

Incident Type: Suspected Smuggling/Trafficking
Facility: KidsPeace
Date of the Incident: 6/19/14 **UAC**:
Date of the Incident Reported to ORR: 6/19/14
Summary of SIR:
CM met with UAC and disclosed that she was abused by her caretakers in home country (a church pastor and his wife) up until the time she traveled to the US. UAC and her brother went to live with the pastor's family because her grandmother became unable to take care of them and their uncles were not interested in caring for them any longer. There was a monetary agreement between the UAC's parents and the pastors; the pastor would care for the UACs and pay them to work if the parents paid 1400.00 to the pastor monthly. She stated that at first, the pastor treated her and her brother well but slowly began to become angry at the UACs and would start to hit them hard with his hand and with a belt. She also states that both she and her brother were working (her brother was working on the farm owned by the pastor and she was mainly working in the home cooking and cleaning), but they were not receiving any money. If they refused to work or were late for work, they would be scolded and beaten. She states that the pastor and his wife also abused their own children as well. UAC reports that the worst abuse occurred when the pastor hit her brother's arm so hard 4 times that he broke it, and was taken to the hospital for treatment. UACs both fear the pastor and his wife and fear having to return to their home country.

Incident Type: Sexual Abuse during Journey
Facility: Heartland ICRC
Date of the Incident: 6/18/14 **UAC**:
Date of the Incident Reported to ORR: 6/18/14
Summary of SIR:
Minor alleged that she was sexually assaulted on her journey to the US. Minor reported that she was traveling by train and decided to fall asleep in one of the train boxes. Minor stated that suddenly a man put his hand over her mouth and proceeded to sexually assault her. Minor stated the man then left. Minor told a woman that was also traveling with her but stated that she has not told anyone else. Minor reports trouble sleeping, poor concentration, flashbacks, crying spells, headaches, and auditory hallucinations on two occasions.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Mercy First
Date of the Incident: 6/17/14 **UAC**:
Date of the Incident Reported to ORR: 6/17/14
Summary of SIR:
Minor reported to Clinician, one of the boy's recently discharged from program had touched her buttocks twice while they were doing chores a few days ago. Mildred reported to not going to the field trip over the weekend because he wanted to sit next to her and she felt uncomfortable.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Baytown
Date of the Incident: 6/18/14 **UAC**:
Date of the Incident Reported to ORR: 6/19/14
Summary of SIR:
Minor, stated to his peers while in the kitchen table that he would charge $6,000 - $8,000 per head to cross them over the border and turn them to immigration and they would not be turned into their home country. Direct Care Staff, immediately redirected and informed Shift Leader, about the situation.

Incident Type: Possession/Use of Drugs
Facility: Sandy Pines

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Date of the Incident: 5/31/14 **UAC:**
Date of the Incident Reported to ORR: 6/20/14
Summary of SIR: Addendum
Update on the white powder that UAC snorted on 05/31/14 her drug screen was positive for TCAs (tricyclic antidepressants). Dr. did literature review and found that, among other things, Seroquel can cause a false positive UDS result for TCAs. She was on Seroquel. As a result UAC has all medication in liquid form.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Fairfield
Date of the Incident: 6/19/14 **UAC:**
Date of the Incident Reported to ORR: 6/20/14
Summary of SIR:
Direct Care Staff, received a UAC report alleging exposed himself as he sat at his desk during the final hour of school.

Incident Type: Suspected Smuggling/Trafficking
Facility: LSS MI
Date of the Incident: 6/20/14 **UAC:**
Date of the Incident Reported to ORR: 6/20/14
Summary of SIR:
Therapist spoke with today during session and stated that while traveling through Mexico several possible gang members attempted to kidnap him, but he was able to get away. However, the same gang found him just across the Mexico/U.S. boarder on the Mexican side and kidnapped him again. The minor reported that gang members, possibly los zetas, forced him to take marijuana across the border. Upon entering the United States the minor reported he was left alone in the desert. He eventually left the drugs beneath a rock and fled to a neighboring town, but he was unaware of the town name. He also reported the gang members threatened to kill him if he did not do as he was told.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Brownsville SS
Date of the Incident: 6/20/14 **UAC:**
Date of the Incident Reported to ORR: 6/20/14
Summary of SIR:
Minor disclosed that he was forced to work as a foot guide in Mexico in 2013. He was threatened with a wooden paddle that had 3 holes. On four different occasions, minor would refuse to work as a foot guide and was hit 10 to 15 times on his buttocks and the back of his knees when he tried to move. He stated that the man that hit him made him lower his pants and stood in his underwear before he got hit. The length of time he was forced to work as a foot guide was 1 year.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Shiloh RTC
Date of the Incident: 6/20/14 **UAC:**
Date of the Incident Reported to ORR: 6/20/14
Summary of SIR:
Client stated that peers and have touched his posterior/buttocks under the context of horse play/teasing. Client was complaining that his peers and . tease and provoke him during horse play/teasing. Clinician discussed the incident with clinician thoroughly and client could not recall nor specify the date, nor the location of the horse play/teasing.

Incident Type: Suspected Smuggling/Trafficking
Facility: Selma Carson Home
Date of the Incident: 6/18/14 **UAC:**
Date of the Incident Reported to ORR: 6/18/14
Summary of SIR:
Minor disclosed that in March 2014 he attempted to migrate to US with Cousin and when apprehended and return to he was kidnapped and held captive for 3 months by local gang. Minor was forced to be a foot guide for gang.

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Minor reported he purposely would get apprehended by Border Patrol but he was always returned to where gang would be waiting for him at bridge. Minor reported they put gun to his head threaten to kill him and his family when he would refuse to work. Minor reported he almost drowned 3 times crossing the Rio Grande to men but they continued to force him to work. Minor was not able to escape and was scared to tell Border Patrol or ICE in fear of his family being killed.

Incident Type: Sexual Abuse during Journey
Facility: Heartland ICRC
Date of the Incident: 6/20/14 **UAC**:
Date of the Incident Reported to ORR: 6/21/14
Summary of SIR:
Minor reported he traveled to , Mexico alone. He spent 1 week in sleeping outside because he did not have any money. Minor reported he intended to find other people trying to go to the US, and travel with them. While in he was approached by a "guide" who brought the minor to meet with people he referred as the "mafia". The men told the minor, he would help the men by bring marijuana in a bag across the border into the US. Minor explained there were approximately 20 members of the group present and they all were carrying guns and were circled around the minor. He explained he did not feel he had an option to refuse participating because of the guns and because he did not have any other way to cross the border. Minor said he was promised $1200 if he crossed the border with the marijuana. Minor reported he was given a bag with marijuana, which he carried on his back. Minor was driven close to the border by the guide and then he and 8 other people (also carrying bags) went with the guide across the border to the US. Minor reported his guide warned him about video cameras placed in the desert to catch illegal immigrants. Minor said while evading a camera, he separated from his group accidentally. Minor said when he was away from the guide he left the bag on marijuana in the desert and continued to walk. Minor reported he did not receive any payment, because he did not complete the task and became separated from his guide. Minor continued to walk in the desert by himself for the next 12 hours, and was then found by US immigration officers. Clinician provided a clinical assessment and a safety evaluation. Minor reported he felt safe within the program and stated the "criminals" did not know where he or his family lived. Minor presents with healthy and adaptive coping skills and appears to be working on his adjustment into the program.

Incident Type: Sexual Abuse during Journey
Facility: Heartland ICRC
Date of the Incident: 6/20/14 **UAC**:
Date of the Incident Reported to ORR: 6/21/14
Summary of SIR:
In the context of an initial psychiatric evaluation, the minor reported that while on his journey to the U.S., he was kidnapped. Minor reports that he left home approximately 7 months ago. Minor traveled by bus from Honduras to Guatemala. Minor has some issues with the immigration in Guatemala. He was traveling with his uncle, who was threatened by the same people that threatened minor, and they chose a different route to take to get around immigration. Minor crossed the mountains on foot and on the other side continued by bus. Minor continued on bus through Mexico to In his uncle left him and returned to home county after a concerning call to his wife. Uncle's wife reported that they too were being threatened, and uncle returned to take care of his family. Minor received more money in from his mother, per wire transfer. Minor continued alone by bus through Mexico. Minor arrived in and paid for a hotel. Minor was in the hotel for 3 days and called his mother frequently to see if she could send more money so that he could cross. During the 3 day minor left the hotel to find food. As he was crossing the street a car stopped in front of him and 2 men got out. One man asked minor who his coyote was, when minor could not identify one he was herded into the back of the car at gunpoint. Minor traveled a half hour and arrived at a house where approximately 80 other immigrants were being held. Minor was interviewed to ask if he had any money. Minor stated that he had no money and that he arrived by waiting for wire transfers from his mother along the way. The kidnappers told him that he would have to call his mother and ask for her to send more money in order to grant his freedom. He was included on a call to his mother that was cut off when the kidnappers gave instructions for mother to send money. Minor waited 20 days before he was asked to call again and ask his mother for money once more. His mother told him that she still did not have money to send. At that point the kidnappers said that too much time had passed. Approximately 2 months passed in total. In the end, minor had only one option according to the kidnappers to take a bag/backpack across the border for them. There were 12 people that were given the same option. All 12 left the home at the same time and crossed into the US with a bag that they were given. Minor denies knowing what was in the bag. Minor was told to carry the bag to TX and there it would be

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transported to Houston. Minor crossed into US territory and walked 10 minutes from the riverfront. At that point immigration caught and detained him. Prior to being caught minor tossed the bag into the brush. Minor states that this was the 7th and final time he had tried to cross into the US. The first 6 times he was unsuccessful. Over the course of his captivity, the minor reports that he was fed only once a day, and witnessed two individuals be beaten for reasons he was unsure of. He denies experiencing any physical assault or harm while he was in his captivity.

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
July 13 – July 19, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 0
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 12
- Suspected Smuggling/Trafficking: 7
- Possession/Use of Drugs: 1
- Sexual Abuse outside the US – UAC Pregnant: 4
- Sexual Abuse during Journey: 7
- Other: 0

Total Number of major SIR: 31 ; Total Number of SIRs for the Week: 1,056 ; Number of SIRs for FY13: 18,541

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland Casa Guadalupe 1
Date of the Incident: 07/12/14 **UAC**:
Date of the Incident Reported to ORR: 07/13/14
Summary of SIR:
After being informed about an altercation between participant and participant from case manager JW, clinician met with minor to discuss the incident. The minor reported that when he thought participant called him a "princesa," the minor told "callate." The minor reported that minor got upset and punched the minor in the chest with a closed fist and then the minor pushed The minor reported that after that he proceeded to move to a different couch in the milieau as minor tripped him and the minor fell onto the couch. The minor reported that when minor tripped him, he got upset and slapped the minor's back with an open hand. Per minor, that is when case manager entered the area and asked the participants about what was happening. Clinician spoke with minor and he stated that minor got upset with him when the minor thought that called him the name "versh." Minor denied calling the minor the name. Per the minor grabbed his private parts with his hand and said "comete." Both participants were fully clothed at the time of the incident. The minor stated that this was not the first time that the minor ad grabbed his private parts; per minor the first time occurred during the minor's first day in the program when the minor grabbed his private parts while outside and asked "te gustas?" The minor also stated that the minor had also touched the minor's buttocks the first day and also that he witnessed minor touching the buttocks of another participant. Then, the minor reported that he was singing a song that had the word "princesa" in it and per minor the minor thought that was calling the minor "princesa." The minor denied calling the minor "princesa" and he stated that he put his fist on the minor's chest and told him that he's not going to fight him in this house. Per the minor Maikyn then hit in the chest with a closed fist and as minor was walking away, the minor also slapped the minor's back. Per it was at this moment that case manager entered the area and asked both participants what was happening. Clinician followed up with the minor and asked him if he had ever grabbed his private parts in front of any of the other participants and the minor reported that he did grab his private parts on 7/12/2014 in front of participant but denied saying anything to him. The minor also denied grabbing his private parts in front of other participants during any other times in the program. The minor reported that he did touch the buttocks of the participants but that he was just playing.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Shiloh RTC
Date of the Incident: 07/13/14 **UAC**:
Date of the Incident Reported to ORR: 07/13/14
Summary of SIR:
woke up at 4:00 am and started to get dressed. than began to exhibit bizarre behaviors like singing, praying, and touching his penis. Staff immediately redirected to refrain from his inappropriate sexual behaviors. would be calm after staff counseled him for a moment and then began using profanity at staff the next moment. began to talk about the devil, gangs in El Salvador, and continuously would talk to staff about the devil and staff would

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redirect thoughts and asked what they could do to help him calm down attempted several times to touch staffs genital area. Staff immediately prompted to move to a different assigned area because of his disruptive and inappropriate sexual behaviors. Staff did not want to continue to disrupt his peers and wake them up. Staff used body and touch control several times to prompt to a different area. No injuries reported. s being monitored on a one-to-one level of supervision.
10:30 AM: remained agitated and persistent with hallucinations and bizarre behavior. will be assessed by nurse.
3:37 PM: While watching soccer on TV, began putting all of his clothing in a brown paper bag. Staff asked what he was doing and he stated that he was getting ready to go back to El Salvador. Staff continued to counsel and he continued to pace around his room agitated at staff. Staff offered alternative activities to focus his thoughts on something different, and refused and continued to obsess on returning to El Salvador. Staff is monitoring Jose on a one-to-one level of supervision.
5:00 PM: While monitoring and counseling Jose closely, he continued to pace around his assigned area and began making bizarre statements like "I can talk to people with my mind" and "I can fly with my arms to different places." disclosed to staff that he was having visual hallucinations and auditory hallucinations in his head. Staff continued to monitor and counsel . than began to talk and wave to the TV. Staff prompted Jose and asked what he was doing and replied, "The people on TV are speaking and waving to me." Staff continued monitoring on a one-to-one level of supervision.
6:35 PM Throughout the afternoon displayed bizarre behaviors and is now exhibiting hyperactivity by sitting and standing frequently. Staff directed client to sit down and calm down. complies with staff directives, but then immediately afterwards stood up dancing and making bizarre statements. Staff offered alternative activities like listening to music, watching a TV show, or playing a game. said yes to all the activities, but does not do any of them for more than a few seconds. then engaged in inappropriate sexual behavior and exposed his penis in front of staff. Staff immediately redirected and prompted to refrain from inappropriate and bizarre behaviors. than began to put another pair of underwear on top of his shorts and attempted to touch staff. Staff counseled and prompted to calm down and stay on task. than began to sing and pray out loud. Staff continued monitoring on a one-to-one level of supervision.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Baytown
Date of the Incident: 07/12/14
Date of the Incident Reported to ORR: 07/13/14 **UAC**:

Summary of SIR: (2)
care was completing paper work and checking up with Alpha dorm room #2, she was called in by client who reported that peer had jumped on him in his bed and made sexual movements while he laying in his bed (humping motion). Both clients were fully clothed. It was reported that contact was only seconds due to Client reporting that he defended himself by kicking peer off of him. Client states jumped back at him, kicking and punching him, hurting his left pinky. states he stood in front of as if ready to fight. then told him, "no sabes con quien te metes" meaning you don't know who you're messing with" and "a mi se me mete el diablo" meaning "the devil gets inside me." As was explaining to staff what had happened, interrupted peer stating that was lying. Client stated that he was trying to call over direct care but his peers insisted he shouldn't. At this point shift lead arrived and he separated the clients into separate bedrooms. APD followed up with client Orlando about the incident. Client reported that his peer has had problems with all his roommates' in the room since they originally roomed together at Charlie dorm. All the clients involved in the incident are 13 years of age. When asked if he felt he was being picked on or if he was being targeted, client reported "no" and explained that his peer picks on others too. APD asked if he felt harassed by his peer and client said "no". APD explained to the client that in case any other issues arise to please inform the staff right away; he should not feel threatened or picked on by any other peer. All clients will remain separated in different rooms and staff will have to provide higher, vigilant supervision at all times.

Incident Type: Sexual Abuse during Journey
Facility: Youth for Tomorrow

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Obtained via FOIA by Judicial Watch, Inc.

Date of the Incident: 07/12/14 **UAC:**
Date of the Incident Reported to ORR: 07/13/14
Summary of SIR:
During individual session with Dr. , reported that he was sexually abused by a man who posed as a woman. The individual kissed and hug , but when realized that the individual was a man, tried to stop. The individual forced himself onto and made him touch his private areas against his will. told the individual to stop multiple times but he did not. managed to get away after he pushed the individual away from him. This incident happened in Mexico at a home where he was seeking for shelter.

Incident Type: Sexual Abuse during Journey
Facility: SWK Lemon Grove
Date of the Incident: 07/04/14 **UAC:**
Date of the Incident Reported to ORR: 07/11/14
Summary of SIR:
According to minor, while she was coming to the USA, she was raped in She explained that she was in a Hotel very tired after traveled all day. The last thing she remembers is that her pants were down till the knees. Minor does not remember who and how if were just one or several. This clinician made a CPS and SIR. This clinician will work and assisted minor with this trauma/ event.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Hidalgo Foster
Date of the Incident: 07/14/14 **UAC:**
Date of the Incident Reported to ORR: 07/14/14
Summary of SIR:
On 7/14/14, the assigned clinician met with age 15, to complete the initial assessment questionnaire. When the child was asked if she was pregnant, the child disclosed that she is 8 months pregnant. She further stated that her unborn child's biological father, is 19 years old and lives in Guatemala.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Mesa
Date of the Incident: 07/08/14 **UAC:**

Date of the Incident Reported to ORR: 07/14/14
Summary of SIR: (2)
During counseling session on 07/13/2014 client disclosed to clinician that on the night of 07/08/2014 client SCC exposed himself while positioned on his knees on one of the top beds of dorm # 2 located in C Area of shelter. Client also stated client SCC was probably masturbating while exposing but he is not completely certain about it.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Mesa Shelter
Date of the Incident: 07/14/14 **UAC:**
Date of the Incident Reported to ORR: 07/14/14
Summary of SIR:
Client reported that had been displaying inappropriate sexual behavior during bedtime. According to peer, client was touching himself while kneeling on the bed instead of doing this privately. Client stated that most of the clients in the room witnessed this event. Later, this Clinician, and Shift Manager, met with to discuss the incident. Client denied having done this. Per client, he knows he is supposed to be doing this in private and that he would not expose his genitals to other clients.

Incident Type: Sexual Abuse during Journey
Facility: Heartland ICRC
Date of the Incident: 07/11/14 **UAC:**
Date of the Incident Reported to ORR: 07/14/14

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Summary of SIR:
In the context of clinical session minor disclosed she was sexually assaulted on three different occasions during her journey to the U.S. Minor shared she was assaulted by the guide who was hired to facilitate her and her younger brother's travel. Minor reported the guide told her she was part of the Mara 18 (gang) and threatened to kill her brother and mother if she refused, struggled, or denounced him to authorities. Minor explained she feared for the safety of her family. Minor explained once detained she informed ICE of what occurred. Minor was provided a clinical assessment and reassured of her safety while in the shelter. Clinician evaluated minor's general functioning and mental status. Clinician noted the minor presents adaptive coping skills. Minor reported appropriate distress about the past assault experiences at this time, and denied current suicidal ideation, plan or attempt. Counseling will continue to be provided in order to reinforce adaptive functioning.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Tumbleweed
Date of the Incident: 07/12/14 **UAC**:
Date of the Incident Reported to ORR: 07/14/14
Summary of SIR:
was watching inappropriate videos with sexual content on the household computer.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Sol
Date of the Incident: 07/14/14 **UAC**:
Date of the Incident Reported to ORR: 07/15/14
Summary of SIR:
is a 16 years old female client from Guatemala that has been under Southwest Key custody since 7/11/2014. On 7/14/2014 as part of her initial health screening client had a urine pregnancy test done. Results were positive indicating that the client is pregnant. The client stated becoming pregnant as a result of a sexual abuse

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Incident Type: Sexual Abuse during Journey
Facility: LSS Foster El Paso
Date of the Incident: 12/01/13 **UAC**:
Date of the Incident Reported to ORR: 07/15/14
Summary of SIR:
Clinician met with the UMC this morning at University Medical Center (UMC). UAC disclosed she was sexually assaulted by her 46 year old paternal uncle in Honduras. She states the incident occurred three times. She reports it started in December of 2013. He would wait until she was alone in the home. He threatened to kill her if she reported this to her paternal grandmother. When the third incident occurred she told her grandmother. Her grandmother took her to the hospital. They check her and noticed that she was about 5 months pregnant. She and the baby were in good health. The grandmother reported it to the police. The uncle escaped and is currently hiding. Charges are pending. Her mother who lives in Florida decided to move her and the family to the US. Her mother calls her daily.Client is in good health and spirits. She tends to keep busy. She is making jewelry and bracelets. She has books to read. She has a bible and prenatal books to read. She is watching videos about prenatal care and breastfeeding. A psychiatrist from UMC is talking to her on a daily basis.

Incident Type: Sexual Abuse during Journey
Facility: Youth for Tomorrow
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 07/16/14
Summary of SIR:
An SIR regarding UAC journey to US is recorded in the UAC Portal, but the SIR does not mention sexual abuse.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Sol
Date of the Incident: 07/06/14 **UAC**:
Date of the Incident Reported to ORR: 07/09/14

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Summary of SIR:
is a 15 years old female client from Nicaragua that has been under Southwest Key custody since 7/6/2014. On 7/7/2014 as part of her initial health screening client had a urine pregnancy test done. Results were positive indicating that the client is pregnant. The client stated becoming pregnant as a result of sexual abuse.

Incident Type: Sexual Abuse during Journey
Facility: Youthcare
Date of the Incident: 07/14/14 **UAC**:
Date of the Incident Reported to ORR: 07/14/14
Summary of SIR:
UAC reports that en route to the U.S. the man that was taking her across the border, took her into the brush and told her that he had to have sex with him or he would kill her. He then forced sex on her. She was then taken to the river and crossed over to the U.S., where the man left her.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Galveston Multicultural Institute (Children's Center)
Date of the Incident: 07/16/14 **UAC**:

Date of the Incident Reported to ORR: 07/16/14
Summary of SIR: (2)
According with another minor in placement (UALR) grabbed his wrist and tried to place it in his private parts.
According with he removed his hand quickly and avoided touching the other minor's private parts.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 07/16/14 **UAC**:
Date of the Incident Reported to ORR: 07/17/14
Summary of SIR: Addendum
In the context of a clinical session the minor disclosed additional information about encounters with gangs in home country that are indicative of possible trafficking concerns. The minor stated she was forced to do work for the local MS gang in her community. When she was 13 or 14 years old the gang members from around her community began telling her to help them and threatened that if she did not they would kill her and her family. She complied so that no harm would come to her family. They would make her keep watch or be a "vigilante" and she would have to notify them if she saw police coming by making hand signs. The minor states they made her do this several times, perhaps about 15 times. She also disclosed that two of them would touch her inappropriately and one of them, multiple times, made her touch him with her hands in their genital area. They made her pay for their cell phone to be recharged with minutes with her own money multiple times. She began getting away from them by trying to avoid them by only going outside her home when it was necessary and walking with someone like her mother when she was out so that they would not bother her. She states the last time they forced her to do anything was about mid-2013. She expressed she was afraid to report this before for fearing they would harm her or her family.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Casa Blanca
Date of the Incident: 07/14/14 **UAC**:
Date of the Incident Reported to ORR: 07/15/14
Summary of SIR:
reported being coerced by in El Salvador to join their gang approximately 1-2 months ago. She reported that she and her family were threatened to be harmed if she did not join them. She noted that the tattoo (three dots on left hand) which according to the minors means "mi vida loca" (my crazy life) was done against her will. She shared that expected her to collect rent (money) from members of the community and would be required to report back to if anyone failed to pay. She reported having to stand on the street corners and would have to notify fellow when the police was in their neighborhood. The youth further shared that she would have to

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transport marijuana (ounces). She denied carrying or firing a weapon at any time. The youth reported fearing for her life and that her father sent for her and her younger sister to flee the threats and violence.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Presidente
Date of the Incident: 07/17/14 **UAC:**
Date of the Incident Reported to ORR: 07/17/14
Summary of SIR:
The following abuse happened in home country of El Salvador. Client reports that she is 5 months pregnant and that she was physically abused by her 22 year old boyfriend in home country. She lived with him from February 2014 until June 25, 2014. Client reports that would physically abuse her by pulling her hair, hitting her on her back with a belt. Client also reports that on one occasion he hit her on her leg with a water hose. Client shares that her mother, who lives in Los Angeles, California is aware of the abuse. Client states that her mother is also aware of her pregnancy. Client has a strong support system while at the facility. Client appears to be coping well. She will be seen by clinician on a weekly basis for individual and group counseling.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Chavaneaux
Date of the Incident: 07/16/14 **UAC:**
Date of the Incident Reported to ORR: 07/16/14
Summary of SIR:
During a meeting with clinician, , disclosed a minor identified as did pull down his pants yesterday morning while they were standing in line in Wing A. The minor further stated it was a seven year old kid and that nothing else happened. The minor reported he did feel uncomfortable and did tell the younger minor not to do that again.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Chavaneaux
Date of the Incident: 07/17/14 **UAC:**
Date of the Incident Reported to ORR: 07/17/14
Summary of SIR:
An incident report filed on July 16, 2014 indicates that had seen from Wing A touch on his backside over his shorts. was approached in regards to the incident that allegedly occurred to which reported that had slapped his buttocks over his shorts while in the A wing hallway and reports that he told to stop to which he did. It is important to note that during the interview, was preoccupied with playing and skipping around instead of disclosing detailed information.

Incident Type: Possession/Use of Drugs
Facility: Jameson Center TFC
Date of the Incident: 07/16/14 **UAC:**
Date of the Incident Reported to ORR: 07/17/14
Summary of SIR:
UAC was transported to the Boys and Girls Club about 10:30 am. He departed the premises of the Boys and Girls Club sometime after 2:00 pm, along with two other minors residing in the same foster home. When the foster parent arrived to pick up the boys around 3:00 pm, she spotted the UAC and the other two boys walking across the parking lot, apparently returning from the apartment complex next door. The foster parent observed that their eyes were red and she could smell marijuana. She asked the boys if they had been smoking. The UAC reportedly admitted that he had been doing so. Upon return to the home, the foster parent stated that she searched the boys. The UAC had nothing, although she found that another boy had a small amount of marijuana on his person. Then she called the Harris County Sheriff's Department, who sent an officer over to the home at in Houston. Officer A. Herrera spoke with the UAC about the consequences of smoking marijuana, and then removed the other boy in possession from the home.

Incident Type: Suspected Smuggling/Trafficking

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Facility: SWK Mesa SS
Date of the Incident: 07/09/14 **UAC:**
Date of the Incident Reported to ORR: 07/10/14
Summary of SIR:
stated that he did not know why he had been brought to this shelter as he had been detained twice before and was just deported back to Mexico without any problems. According to his friend (organizer), client declined to provide names, used to be a guide but has become an adult and is now organizing and recruiting young adolescents to work for them. also reported that there are many adolescents living around his block and most of them work for the same person. Client denied threats or abuse from the group that hires him and stated that they cannot do anything to him. Client denied that his father was working as a smuggler but stated that his father comes to the United States often.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Fairfield
Date of the Incident: 07/16/14 **UAC:**
Date of the Incident Reported to ORR: 07/16/14
Summary of SIR:
became non-cooperative after earning a consequence for sexually inappropriate behavior (held a banana in front of his genitals, thrusting back and forth from a standing position). From this point cursed, screamed, threw objects, and made remarks ("choke the stick" or "give me a choke") and gestures (grabbed his crotch) sexual in nature. also entered the rooms of other UAC as they were attempting to retire for bed and removed property that did not belong to him.

Incident Type: Suspected Smuggling/Trafficking
Facility: Bethany Christian Services Shelter
Date of the Incident: 07/18/14 **UAC:**
Date of the Incident Reported to ORR: 07/18/14
Summary of SIR:
During his initial mental health assessment youth reported that about six months ago he was approached by what he described as a "dangerous group of men." Youth reports that they acted friendly towards him and told him to come with them. Youth reports feeling afraid and obligated to comply. Youth said that he was taken to the border and told to cross a group of immigrants into the US. Youth said that this group of men showed up on three occasions and told him to "get into the car." Youth reports that on one occasion he told them that he did not want to go and one of the men became angry with him. Youth says that he then went with them for fear that they would hurt him or his family. Youth said that this group of men has a reputation for being violent and sometimes burning the houses of people who upset them. This youth reports that on three occasions he crossed people into the US and that on all three occasions he was detained by immigration. The first two times he was deported back to Mexico. The third time he was sent here to the shelter. Youth reports that on this last trip he had been hoping to stay in the US and find work to help his mother.

Incident Type: Suspected Smuggling/Trafficking
Facility: Bethany Christian Services Shelter
Date of the Incident: 07/17/17 **UAC:**
Date of the Incident Reported to ORR: 07/18/14
Summary of SIR:
Youth reports that he was "obligated" by a group of men on threats of violence to cross immigrants from Mexico to the US. He said that his family would be in danger if he revealed any information about these men and that he is currently very worried that they could hurt his mother or another member of his family. This youth reports that he was playing soccer when a group of men approached him. He said that acted overly friendly and it made him nervous. Youth reports that the men told him that they were going to a chicken fight and wanted him to come. Youth reports that he said he had to go home or his mother would be angry with him. Youth says that the men told him he could call his mother on their phone and tell her he would be staying at a cousin's house. Youth reports that the men did not take him to a chicken fight but rather to the river that divides Mexico and the US. Youth reports that he was ordered to take a group of immigrants across the border. Youth reports that the men showed up at his house once in a while and would tell him to get in the car with them. He says that he was made to do four crossings. Youth reports that on one occasion he was given $70 for his work. He was never given additional money.

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Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS SA TFC
Date of the Incident: 07/18/14 **UAC**:
Date of the Incident Reported to ORR: 07/18/14
Summary of SIR:
Minor reported in May, 2014 he was walking to school with his friend and members threatened to kill them if they did not transport drugs. held them at gun point and shot the friend for refusing. Minor was forced to transport drugs. He reported he was not in the Minor reported when he would walk to school at 6:00 a.m. they would make him skip school to carry the drugs in his backpack to different locations and he was only allowed to go to school two days out of the week. Minor feared for his life and told an uncle about the incident, and his uncle planned his journey to the U.S. Minor fears if he returns to he will be killed. Minor presented with grief and anxiety and was tearful while recalling the incident. He reported he had a nightmare after his friend was killed, but he has not had any more nightmares. He stated he lost interest in the things he enjoyed due to the stress and fear he felt. He reported he is eating and sleeping well and does not present with suicidal or homicidal ideation.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Secure
Date of the Incident: 07/15/14 **UAC**:
Date of the Incident Reported to ORR: 07/18/14
Summary of SIR:
Clinician met with minor for a mental health appointment. Clinician was reviewing with him his mood, stress, and anxiety levels. Later on, minor stated that this clinician was looking good. Clinician redirected him, then minor shared he was having issues on his private parts. Clinician mentioned to refer minor to the County nurse for an examination. Minor insisted that this clinician should take a look at his private parts. Minor then told clinician that no one would find out if this clinician took a look at his private parts. Clinician then noticed that minor had an erection in his pants. Clinician then ended the session and asked the minor to exit her office. On 7/16/2014, in the morning time, clinician addressed with minor the incident that occurred the day before. Clinician had consulted with YCW so that he would monitor clinician's session with minor while addressing incident. When clinician informed minor that new clinician would be meeting with him in the future, minor became very upset. Minor told clinician "ahora te vas a la verga" translated to, "now you can go fuck yourself." Minor then went to his room and slammed the door behind him. A few hours later during a psychiatric evaluation, the minor apologized to clinician for his behavior.

Incident Type: Suspected Smuggling/Trafficking
Facility: Crittenton
Date of the Incident: 07/18/14 **UAC**:
Date of the Incident Reported to ORR: 07/18/14
Summary of SIR:
During the assessment process client disclosed he works for the Cartel Client stated he will transport immigrants to the United States. Client informed clinician he is doing this by choice to obtained money to help his mother and purchase drugs for his personal use. Clinician consulted with Clinical Supervisor and was instructed to consult with the Child Abuse Registry.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Casa Blanca
Date of the Incident: 07/18/14 **UAC**:
Date of the Incident Reported to ORR: 07/19/14
Summary of SIR:
UAC displayed inappropriate sexual behavior by using his middle finger to repeatedly poke a doll on the buttocks. The incident took place while all UACs in care participated in a game of bingo in the dining room. Several female clients approached staff to inform of this and to request that was spoken to about this behavior which was making them very unconformable. As per female clients' report, appeared to be teasing them and purposely making them feel uncomfortable.

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Incident Type: Sexual Abuse during Journey
Facility: Heartland ICRC
Date of the Incident: 07/18/14 **UAC**:
Date of the Incident Reported to ORR: 07/19/14
Summary of SIR:
In the context of an initial clinical interview, the minor reported that while on his journey to the United States, he was sexually assaulted right outside of before he was taken across the border. The minor reports that he was taken from the house in at which he stayed, to a different house along with one other migrant minor in his group. When they arrived at the house, the minor reports that two of the guides took the other minor and stated that they were going to get food, and he was left in the house with more guides and the woman who owned the house. He reports that one of the other guides told him that the owner of the house wanted to talk to him, and he reports that he was lead to the woman's room, where he entered, and immediately realized that the door had been closed and the lights turned out. He reports that the woman then revealed herself to be without clothes, and with only a cell phone in her hand. She told the minor that he was to do what he is told, or she would call some of the people she knew to "get rid of him". The minor reports that he felt scared, and despite protesting, he did not resist for fear that he would be killed or harmed in some way. The minor reports that the woman then forced him to engage in sexual acts with her, and he reports that afterwards he felt really badly. He reports that she told him to not tell anyone about what had happened, and that she even offered him money, which he refused. He reports that when the other minor and the two guides returned to the house, they did not have any food, and the woman in fact cooked for them and fed them, leading him to speculate that the story of going out to buy food was a story told just to get the other minor out of the house. The minor also reported feeling that his body was used to "pay" for the food and somewhat good treatment he and his companion received afterwards. The minor reports that while the incident in one that he tries not to remember, he denies having difficulties with sleep, appetite, or concentration at the present time.

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DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
July 20 – July 26, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 2
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 12
- Suspected Smuggling/Trafficking: 4
- Possession/Use of Drugs: 0
- Sexual Abuse outside the US – UAC Pregnant: 3
- Sexual Abuse during Journey: 7
- Other: 5

Total Number of major SIR: 33 ; Total Number of SIRs for the Week: 969; Number of SIRs for FY13: 19,510

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Ventura (ERC)
Date of the Incident: 07/17/14 **UAC**:
Date of the Incident Reported to ORR: 07/17/14
Summary of SIR:
On July 17, 2014 clinician was informed of an email that was sent to SWK-Ventura (943) from the Guatemalan consulate, with information regarding possible trafficking concerns for the above mentioned client. The information provided in the email noted that the parents of this client made contact with the "Ministerio de Relaciones Exteriores" in home country, requesting that this client should not be reunified, rather returned to home country. Information in the email states that client's parents believe that the client was brought to the U.S. with deceiving hopes. The email also states that client's parents fear that this client might be a trafficking victim. This clinician assessed client individually for any trafficking concerns. Client did not disclose any further or different information than what he had disclosed to his initial clinician, in regards to his journey. This clinician along with the individuals stated in the Witness section further assessed the situation and made telephone calls to the individuals noted in the Staff Response and Intervention section.

Incident Type: Sexual Abuse during Journey
Facility: LSS MI TFC
Date of the Incident: 07/15/14 **UAC**:
Date of the Incident Reported to ORR: 07/15/14
Summary of SIR: Addendum
During UAC Assessment on 7/17/2014, the minor disclosed that during the nights at the hotels, the guide would caress the minor's thighs as well as her female cousin, When the minor and her female cousin, informed him to not touch them the more he would touch their legs.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: LSS NE
Date of the Incident: 07/21/14
Date of the Incident Reported to ORR: 07/21/14 **UAC**:
Summary of SIR:
Case worker received a phone call from UAC's MENTOR case worker, as UAC is placed with an out-of-network agency. UAC's case worker disclosed that his case has been transferred to a male case worker due to some concerns of sexually inappropriate behavior. UAC's case worker explained that UAC was asking her very personal questions that made her feel uncomfortable. She also disclosed that, during home visits, she felt that he was staring at her chest and rear end. Further, on a separate occasion, the case worker also explained that UAC's foster mother had a friend over for lunch one day. During that lunch, UAC appeared to be licking his lips provocatively and made the foster mother's friend feel very uncomfortable. UAC's foster mother has tried to address these concerns with him by explaining that it is disrespectful and

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very uncomfortable to behave this way towards women, especially authority figures. According to the foster mother and the case worker, it appears that UAC is having difficulty understanding his boundaries.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Ventura (ERC)
Date of the Incident: 07/20/14 **UAC**:
Date of the Incident Reported to ORR: 07/21/14
Summary of SIR:
During a client's UAC Assessment, client disclosed his need for reunification with a family friend who he does not know. Client stated that his father contacted possible sponsor and prepare everything for his journey. Client verbalized his need to work as soon as possible in order to pay his journey expenses and the sponsor for the favor. Client believes that he is going to be working in a New York restaurant.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Tumbleweed
Date of the Incident: 07/21/14 **UAC**:
Date of the Incident Reported to ORR: 07/21/14
Summary of SIR:
The client approached the client while he was doing his chores and began to bother his peer by hitting him on the back of his name, called him names and made obscene gestures.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: KidsPeace
Date of the Incident: 07/21/14 **UAC**:

Date of the Incident Reported to ORR: 07/22/14
Summary of SIR: (2)
This female UAC has been with us for quite some time as her home study is pending. She is an attractive young lady who tends to draw attention to herself. The UAC is a sexual abuse victim and has experienced extensive trauma in her home country. The UAC came forward to this clinician and reported a male UAC gave her a love note last Wednesday 7/16/14. The love note tells the female UAC she is "bonita" and asks the female UAC if she would be the male UAC's girlfriend. The note also tells the female UAC that the male UAC loves her. Upon discovering the note, this clinician spoke with house staff about any observations they may have. (YCW) reported to this clinician that she observed the female UAC pushing her body against the male UAC's body during a game of basketball 7/20/2014 in the gym. (YCW) reports advising the UACs that this is not permitted. The female UAC laughed about the incident and reports she and the male UAC are just friends. The female UAC reports she occasionally jokes around with some of the teenage male UACs but does not claim to be flirting with them. The female UAC reports other female UACs are teasing her about being the male UAC's girlfriend. Upon discussing this incident with the female UAC, she seemed to understand that this type of behavior is not permitted and will not be tolerated.

Incident Type: Other
Facility: BCFS Lackland AFB (ERC)
Date of the Incident: 07/19/14 **UAC**:
Date of the Incident Reported to ORR: 07/19/14
Summary of SIR:
was checking the suggestion boxes and discovered an anonymous note regarding female UAC Note stated that is daughter of coyote and that she passes information of the shelter to her father during phone calls when the clinician assistant is assisting other UAC's.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Seton Home
Date of the Incident: 07/21/14 **UAC**:
Date of the Incident Reported to ORR: 07/22/14

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Summary of SIR:
Resident disclosed that the pregnancy is a result of rape. Resident reported that in January or February 2014 while living in home country, she was walking along the road to her family's field when an unknown man grabbed her and dragged her off the road into the brush and raped her. Resident denied additional physical injury as a result of the rape. Resident reported the rape to her grandmother and called and told her mother who lives in the U.S. Resident's mother is her sponsor. Resident did not report the incident to local police because she felt that nothing would be done. Resident reported that she did not have any contact with the perpetrator after the rape. Resident disclosed that at the age of 10 her mother moved to the U.S. and the resident and her older brother went to live with her maternal aunt. The maternal aunt was physically and verbally abusive to her and her older brother. The resident reported that the aunt would hit her and her brother and the abuse often left bruises. Resident reported that after a year living with her aunt, the resident and her brother went to live with her paternal grandmother. Resident reported that the grandmother knew that the aunt was being abusive. Resident noted that her father died in a car accident in the U.S. in 2002. Resident reported that her mother sent money to help support the family. Resident noted community violence and reported that she was afraid to go shopping or out on the street alone and stayed home to be safe. Resident reports that she fled her home country because she did not feel safe after the incident. Resident presents no serious mental health issues as a result of the rape.

Incident Type: Other
Facility: BCFS Ft. Sill (ERC), BCFS Lackland AFB (ERC), BCFS Baytown, BCFS Harlingen, IES Foster Harlingen
Date of the Incident: 07/20/14 – 7/26/2014 **UAC**:

Date of the Incident Reported to ORR: 07/20/14 – 7/26/2014
Summary of SIR:
A large number of UAC sponsors were contacted by individuals attempting to scam them. The scenarios differed slightly, but generally all of the callers claimed to be case managers, programs, or DHS. The callers attempted to convince sponsors to wire money in exchange for the release of UAC. Some scams were successful.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Shelter
Date of the Incident: 07/21/14 **UAC**:
Date of the Incident Reported to ORR: 07/22/14
Summary of SIR:

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On 7/21/14 at 6:40 PM residents and informed Youth Care Worker that their roommate has been displaying inappropriate behavior towards them. They stated that he's been hugging resident in a tight manner to a point of restricting his ability to breathe. They also said he's been jumping on bed while he's sleeping. He has also been making a lot of noise on the top bunk of the bunk bed. This has been waking resident up at night. Resident also stated that has been pulling the bunk bed away from the wall with a lot of force, causing the screws to come out. The final complaint was given by tating that has been pretending to punch them and it makes them feel unsafe. They both said they want him to move to a different room. Or he should move to another room.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Ventura (ERC)
Date of the Incident: 07/22/14 **UAC**:
Date of the Incident Reported to ORR: 07/22/14
Summary of SIR:
On 7/22/14, clinician assessed client regarding an email that was sent on 7/21/14 at 1:30 AM. The email stated the following: "On 7/21/14 at approximately 7:35 PM, shift supervisor observed the client making inappropriate gestures towards a female UAC and "trying to talk" to her. Client was pulled aside and was informed that he cannot talk to females at the shelter. Staff took the client from the restroom to his dorm. Subsequently, the client approached youth care worker and informed her "he felt like killing himself." Client was taken to a classroom by staff to discuss the statements he made. Client informed shift supervisor, that he was very upset because on 7/20/14, staff caught him passing a note to a female UAC. contacted and was instructed to place the client on 1:1: supervision." On 7/22/14 @ 8 AM, clinician met with client to assess him for suicidality. Client informed clinician that he was extremely angry at staff for not allowing him to talk to a female UAC. Additionally, client stated he was angry because staff wrote an incident report. Client was under the impression that the incident report would place his case on hold and that he would have consequences by the judge handling his immigration case.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Seton Home
Date of the Incident: 07/21/14 **UAC**:
Date of the Incident Reported to ORR: 07/22/14
Summary of SIR:
The resident reported that her pregnancy is the result of a sexual assault that occurred in February in home country (Honduras). The resident reported that she was alone in her room at her aunt's house one evening when a male broke in and sexually assaulted her. The resident reported that the male turned off the lights in her room so she was unable to see him. The resident noted that the male placed a cloth over her mouth so she was unable to call for help. The resident reported that the attack lasted about 5 minutes and that the male left immediately after the attack. The resident reported the assault to her aunt who took her to a hospital for medical attention. The resident reported the assault to local authorities but was told that nothing would be done since she had not seen his face. The resident reported a strong narco presence in the community where she was living and that sexual violence against woman is common. The resident fled home country two days after the assault.

Incident Type: Sexual Abuse during Journey
Facility: SWK Casa Houston
Date of the Incident: 07/16/14 **UAC**:
Date of the Incident Reported to ORR: 07/23/14
Summary of SIR:
On July 16, 2014 during individual counseling session minor reported being molested by a 40 year old male during her journey. Minor stated she started her journey with her brother and an aunt that was fleeting violence in home country at that time due to not being able to pay the 'war tax' (Impuesto de Guerra) Minor stated she and her brother stayed at her aunt's relatives house and noted she shared bedroom with 2 female cousins. Minor stated that one night while she was sleeping she felt someone was touching her body over her clothes. Minor stated that when she opened her eyes she saw her aunt's brother in law (40) standing next to the bed, staring at the minor; then he left the room. Minor noted she felt

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confused and went back to sleeping. Minor noted the second time she felt someone touching her, she fully woke up and sit up on her bed; minor noted the man remained standing next to the bedroom door and would not leave, until the minor started crying. Minor noted once he left she woke up her cousins and told them what had happened. Minor stated she felt very afraid and uncomfortable but did not mention anything to her aunt, because she did not want to worry her since she was already going to a stressful time herself and she did not want any problems. Minor noted these days she has been having flashbacks of the man standing at the door and has difficulty falling asleep at night. Minor denied having any nightmares and once she is asleep, noted she is able to sleep through the night.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Cayuga Centers
Date of the Incident: 07/18/14 **UAC**:

Date of the Incident Reported to ORR: 07/22/14
Summary of SIR: (2)
The FP walked in on children hiding under the blankets touching each other. UAC was found with other child (female). FP immediately asked Female to leave the room. They were removed from the same FP and we had a conversation with regarding this behavior.

Incident Type: Other
Facility: Morrison TFC
Date of the Incident: 07/22/14 **UAC**:
Date of the Incident Reported to ORR: 07/23/14
Summary of SIR:
MA was asked to help facilitate a call for On the way to the phone call room she was crying and said that she didn't want to be here anymore and that the woman who takes care of her pulled her hair. The MA stopped into clinician s office. Clinician asked what happened and the youth said that the woman who takes care of her pulled her hair. Clinician asked her to show her what happened and the youth grabbed her pony tail and pretend pulled it, pulling her head back and to the side. She said that her head still hurts. We went to make the phone call with her parents and on the call she said that the woman that takes care of her pulled her hair and that she didn't want to go back to her house. She said that foster mom wouldn't let her take her pictures to school and was in a hurry. She said that foster mom woke her up by yelling and pulling her blanket onto the floor. She said that foster mom pushed her into her room the night before because she didn't want to go to sleep. She told her family that foster mom makes her get her own food and sometimes won't give her more when she asks, saying that she's already eaten too much. This was all said over the course of about 45 minutes. The youth's family threatened to call the police and to go to the media because her daughter was being abused. At one point one woman on the call said to another woman that "they are pulling her hair right now to keep her from talking". MA was able to ask them to ask if her hair was being pulled in the moment and agreed that it wasn't that it had been pulled in the morning. At the point at which the sponsors started to escalate and start yelling, MA asked a coworker to go and find the clinician or the case manager so that there was another person on the call. The clinician and the sponsors agreed that they would end the call and then they would call back with the case manager and talk about next steps.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Brownsville Foster
Date of the Incident: 07/23/14 **UAC**:
Date of the Incident Reported to ORR: 07/24/14
Summary of SIR:
Clinician received an email sent by Case coordinator, on 7/23/14, stating the following information which was reported to her by (age 16, 7 months pregnant): "The minor disclosed that while she resided with her father, her father would occasionally hit her with a belt leaving her with markings on her legs and arms. She also indicated that he would always get home drunk and go after her. The minor also disclosed that when she was 5 or 6 years old, her father attempted to sexually abuse her but since she started to cry out loud, he backed away."
"The minor's step-mother did not hit hurt but would lock the minor and her brother in a room and would not feed them. During the nights, the minor and her brother would sneak out to visit their maternal grandmother. While the minor and

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her brother resided with their father, the minor did not have constant communication with her mother as her father would not allow her to have too much contact." Clinician followed up with who stated she had indeed experienced physical abuse by her father and that her father had attempted to sexually abuse her when she was younger. also stated that her stepmother at times did not feed her and her brother. did not disclose any further information.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS SA LTFC
Date of the Incident: 07/22/14 **UAC**:
Date of the Incident Reported to ORR: 07/23/14
Summary of SIR: Addendum
Foster mom reported to CM that has been making inappropriate comments, displaying inappropriate behaviors, and making another foster child in the home feel uncomfortable and unsafe. The other UAC from the same foster home reported to Foster Parents, that has been calling him names such as "homosexual" " and "dirty face". stated to CM that he had insulted the other minor in the past, but he did it as a joke and the other minor started joking around too, but then the other minor did not continue, as he does not like the things said to him. Foster Parents also reported that minor had problems with his behavior at church as well. stayed for the whole hour in the bathroom with other UACs and skipped the service. It was reported that has told the other UAC from the same foster home to give him oral sex; however, no contact was made and no sexual acts were performed. Furthermore, has challenged the other minor to physical fights but the minor has not engaged and fighting has not occurred. had been insulting the other minor at school and the other minor reported kicked him from behind and hit him on his arm. Neither incident caused physical injury; however, the other minor feels threatened by

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Lackland AFB (ERC)
Date of the Incident: 07/03/14 **UAC**:

Date of the Incident Reported to ORR: 07/04/14
Summary of SIR: (2)
DC staff witnessed and reported seeing UACs in the same bathroom stall, facing each other, with both of their pants down, at approximately 10:40p.m. Clinician met with both UACs separately. UAC reported that he was masturbating and asked for toilet paper to clean himself after. lleges that at this point the DC staff walked in on them. UAC initially reported that nothing had occurred, as they were both playing around, when the DC staff walked in on them. Clinician, perceived as nervous and unclear as he continued changing his version of the event. Clinician confronted on the incongruences between both sides of the stories. UAC later admitted that he and engaged in mutual consensual masturbation, using their hands on each other. According to UAC J, there was no penetration. UAC acknowledged that both of their behaviors were a mistake and that should have not occurred. Shelter Manager and Clinician recommendation was to place both UACs on Increased Supervision 1:1, and for the case to be reviewed by FSS, at which point a transfer recommendation was initiated. UAC will be transferred to BCFS Baytown.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Galveston Multicultural Institute
Date of the Incident: 07/23/14 **UAC**:
Date of the Incident Reported to ORR: 07/24/14
Summary of SIR:
Minor has been making inappropriate sexual noises. He stated that minor yelled in purposefully sexual manner.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Rio Grande
Date of the Incident: 04/05/14 **UAC**:
Date of the Incident Reported to ORR: 07/15/14
Summary of SIR: Addendum
Upon further investigation, submitting trafficking addendum based on the information above as youth was exploited, forced to work, and abused during work.

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Incident Type: Other
Facility: BCFS Ft. Sill (ERC)
Date of the Incident: 07/02/14 **UAC**:
Date of the Incident Reported to ORR: 07/24/14
Summary of SIR:
Sponsor, reached out to the Guatemalan Consulate for assistance in finding her daughter. Sponsor reports her family found the name of z phone on the Guatemalan Consulate's website and called him for assistance. told the sponsor he knew her daughter's location and in order to have her released she needed to wire $2000 to MX under the name . gave her 45 minutes to wire the money however she was not able to collect the amount requested. The next day they received a call from from ICE requesting the money if not her daughter would be deported that same day. At that time the sponsor figured it was a scam and she told them that she did not know of anyone apprehended by immigration officials. Caller hung up.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: SWK Ventura (ERC)
Date of the Incident: 07/22/14 **UAC**:
Date of the Incident Reported to ORR: 07/24/14
Summary of SIR:
On 07/22/14 the clinician approached assistant lead and stated that she had given one of her assigned clients her personal phone number. She indicated the client wanted to contact her after his release to notify her he had arrived at his destination. explained to that per policy providing clients with personal information is not allowed. stated she would pull the client and take back her phone number. By the end of the day 07/22/14 it was unclear if the clinician had asked the client for the information back. On 07/22/2014 the clinician also asked if it would be "okay" to bring the client a birthday card and cake since his birthday was 07/23/2014. explained that a cake was not appropriate because we are not allowed to give gifts to the clients but that a birthday card was only acceptable if the card was signed by the clinical department. instructed to provide the card to the case manager in order for it to be in his documents not in his possession but indicated she should not continue to do that with her assigned clients.

Incident Type: Sexual Abuse during Journey
Facility: SWK Campbell
Date of the Incident: 07/24/14 **UAC**:
Date of the Incident Reported to ORR: 07/24/14
Summary of SIR:
Client reported to clinician while on his journey to the United States, in Mexico he was asked by two different individuals to perform sexual acts in exchange for money. Client reported he refused and was no longer pursued. Also in Mexico client reported he was offered help by an individual who was dressed as a woman. Client explained that he accepted help, receiving food, water, clothing and housing for several days. Client explained that he slept in the same bed with this individual and that at night the individual would touch him all over his body. Client reported he refused sexual intercourse and the individual stopped. However UAC indicated that even though he refused this individual's sexual advancements, he continued to touch him all over his body on other occasions.

Incident Type: Sexual Abuse during Journey
Facility: SWK Estrella
Date of the Incident: 06/18/14 **UAC**:
Date of the Incident Reported to ORR: 07/20/14
Summary of SIR:
eported that during her travel from El Salvador to the US border she was traveling by bus and an unknown male named that the youth describes as a thirty something years old raped her. Youth has a pregnancy test at the border with Nogales and the USA and another pregnancy test at the SWK shelter on 7/2/2014 both of the tests

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were negative. Youth reported to having her menstruation while awaiting transfer at the Nogales Port of Entry in AZ. Youth seems to be eating, sleeping and socializing well with her peers at the center. At this time this clinician has no concerns.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland IYC
Date of the Incident: 07/24/14 **UAC**:

Date of the Incident Reported to ORR: 07/25/14
Summary of SIR: (3)
Minor reported that the two peers whom he shares a room with made inappropriate sexual comments and gestures towards him. Per minor, on 7/23 after the lights had been turned off for bed time, and climbed up to his bed. Per minor grabbed his legs while covered his mouth. Per minor, and told him they were going to pull down his pants and violate him. Per minor, he tried to call out for staff but feels he was not loud enough to be heard. Per minor, he tried to kick off and tried to push away Per minor, after this, and got down from his bed and continued to talk about their plans. Per minor, he heard and talking, stating that they would wait until he went to bed, to then violate him. Per minor, he heard and commenting that they would use lotion in order to not hurt/burn minor. Per minor, and made other comments including that they were not joking and discussed who would attempt to violate him first. Per minor after and got down from his bed, he confronted them and asked them if they wanted to fight. Per minor, he did not want to fight but was angry at and as he did not like what they were doing. Per minor, they did not fight and he returned to his bed. Per Carlos, he did not go to sleep to keep watch in case and tried to do something to him. Minor reported that and fell asleep and did not try to do anything additional. Per minor, in the morning, and told the boys from the other room on the floor what they had tried to do. Minor reported that the boys then laughed and made jokes about it. Minor reported that approached him in the morning and asked him if they were friends, while trying to shake his hand. Minor reported that he did not shake his hand as he does not feel that friends treat each other in that manner. Per minor, has previously joked around with touching his arm or leg when singing. Per minor, this happened a few days ago. Minor denied being touched in his genitals during the incident from last night or at any other time. Per minor, when was grabbing his legs, his pants did come down a little. Clinician provided active listening and emphatic responses. Clinician sensitively proved for additional information to complete assessment of incident. Clinician re-assured minor of his safety while in the program. Clinician thanked minor for notifying clinician of the incident he had experienced and advised him that steps would be taken to address the concerns.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Mercy First
Date of the Incident: 07/18/17 **UAC**:
Date of the Incident Reported to ORR: 07/19/14
Summary of SIR:
Staff reported witnessing tap with hand private area as she was getting up from the couch. Staff reported seeing react to this tap by her legs going up in the air and covering her private area, appearing shocked. Staff immediately pulled to the side and asked her what had just happened. stated she had asked to stop touching but that she continues to do it. All of the minors in the group home were sitting on the couch when this incident occurred. One of the minors asked "Are you going to allow her to do that to you?" Clinician met with both girls separately, both provided a different scenario than what staff had reported. It appears both girls have come to a conclusion of sharing the same story. Clinician spoke to the other minor (witness) about the comment she'd made and what she had witnessed. Minor confirmed incident and comment she made.

Incident Type: Suspected Smuggling/Trafficking
Facility: LSS NY
Date of the Incident: 08/01/12 **UAC**:
Date of the Incident Reported to ORR: 07/24/14
Summary of SIR:

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Minor reported that he lived with a maternal aunt for two years. During this time he endured forced labor and exploitation, neglect, physical and verbal abuse. Aunt took him out of school to make him work cutting trees and selling wood. Minor reported that if he complained or refused to work, aunt would whip him with an electric cord. Minor reported that around August 1, 2012 aunt was upset because he refused to go work that day. Minor reported that aunt took a lit- piece of wood from the kitchen, asked her son to hold minor, and burned him on his left leg. Minor stated that aunt and son burned him again two months later. Minor reported around April 8 2013 he was severely beaten by aunt with a stick and then proceeded to lock him in a warehouse for 1 day. Minor stated that his shoulder was dislocated from the beating. Minor reported that a teacher found out about the abuse because she noticed the minor was in pain; she and the principal advocated for minor's removal from the aunt's house and minor was placed with a neighbor who took good care of him.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Cayuga Centers
Date of the Incident: 07/25/14 **UAC**:
Date of the Incident Reported to ORR: 07/25/14
Summary of SIR:
During lunch, two minors - and were writing in a notebook and delaying lunch, so I asked for notebook and told that she would get it back later in the day. When lunch was ending, was anxious to get the notebook back, but I thought it would be best to bring it to my supervisors. I told that because they were going back to class, it would be best to hold on to the notebook, which I considered a distraction, until the end of the day. When approached me the second time, was present. I told her about the notebook and she took it. I then asked her not to open it because I did not want to invade the minors' privacy - to which she said, "Nothing is private". She opened the notebook and found notes that were passed back and forth between the two minors. These notes were sexual in nature and I immediately took the notebook to

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Incident Type: Sexual Abuse during Journey
Facility: BCFS Ft. Sill (ERC)
Date of the Incident: 07/25/14 **UAC**:
Date of the Incident Reported to ORR: 07/25/14
Summary of SIR:
Youth also alleged that she was sexually molested by her guide during her trip to the U.S.

Incident Type: Sexual Abuse during Journey
Facility: SWK Antigua
Date of the Incident: 07/25/14 **UAC**:
Date of the Incident Reported to ORR: 07/25/14
Summary of SIR:
Client disclosed that she was touched inappropriately by a military official in Mexico. Youth reported the following which occurred in Mexico. Youth stated that meanwhile on her journey from Honduras to the US her bus was stopped by military officials. Military officials made their way onto the bus checking and inspecting the passengers on the bus. Youth stated that she was seated towards the back of the bus. A military official then approached the youth and directed her to go to the restroom so that he could further check the youth for any weapons or contraband. While in the restroom the official then instructed the youth to take off her clothing. When the youth refused, the official continued to ask her several questions regarding why she was traveling and threatened to deport her back to home country making her feel obligated to follow his instructions. Youth then undressed herself leaving only her underwear on. The military official then proceeded to check her for any contraband meanwhile touching and grabbing her inappropriately for several seconds. The military official stopped when another official made his way towards the restroom. The youth then put her clothes back on and made her way back to her seat. The clinician expressed her sympathy towards the youth for having to endure such a tragic event. The youth appeared to be coping with the incident in a stable manner and feels safe and secure in the facility at this time. The clinician will continue to assure the youth regarding her security here and will continue to follow up this youth.

Incident Type: Sexual Abuse during Journey
Facility: BCFS Ft. Sill (ERC)
Date of the Incident: 07/24/14 **UAC**:

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Date of the Incident Reported to ORR: 07/25/14
Summary of SIR:
Minor stated that she was raped by a police officer in Mexico while on her way to the US.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: IES Hidalgo Foster
Date of the Incident: 07/24/14 **UAC**:
Date of the Incident Reported to ORR: 07/24/14
Summary of SIR:
Assistant Program Director and Program Director received a notice of concern (NOC) from Lead Case Manager stating that at approximately 11:30 a.m. she had observed Clinician carrying UAC age 5, past her office and towards the IES Hidalgo Play Room. Lead Case Manager shared that she was reporting this because although the child was observed touching the walls as he was being carried, IES has a very strict no touch policy with UAC.

Incident Type: Other
Facility: BCFS Chavaneaux
Date of the Incident: 07/25/14 **UAC**:
Date of the Incident Reported to ORR: 07/25/14
Summary of SIR:
disclosed that he traveled to the US with a former male teacher who had attempted to force him to have sexual relationships with him beginning in 2012 when the minor was about 14 years old. Minor reported that the teacher would send him nude pictures of himself beginning in August 2012. During this time, stated that the teacher offered to give him an iPad and an "international use" credit card with 47,000 US dollars. Minor reported he accepted the offer and took the gifts without giving the teacher anything in return. said that at one point this teacher confronted a now ex-girlfriend and told her that was gay and that she had to break up with him. Minor reported he attempted to stop all contact with this individual by changing his phone number, but he would somehow continue contacting him by text and by social media such as Facebook, Whatsapp, and blackberry messenger "bb". During the trip through Mexico, stated that his former teacher touched him on his private area over his clothes. Minor told the owner of the house where they were staying for the night what was happening and she took the minor into another room away from the individual. and his friend stopped traveling with the teacher that night. Before the inappropriate touching occurred, minor recalled the teacher offered him drugs which the minor declined. reported that the teacher stole took his birth certificate and passport before he and his friend left him behind. According to Case Manager the individual has been calling the shelter wanting to speak with and asking to sponsor him. Contact with this individual will not be permitted. Minor stated he feels bad "for everything the teacher has done" but claims he is doing well. did not report having any nightmares and is eating well.

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DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
July 27 – August 2, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 1
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 13
- Suspected Smuggling/Trafficking: 8
- Possession/Use of Drugs: 2
- Sexual Abuse outside the US – UAC Pregnant: 1
- Sexual Abuse during Journey: 4
- Other: 3

Total Number of major SIR: 32; Total Number of SIRs for the Week: 833; Number of SIRs for FY14: 20,343

Incident Type: Sexual Abuse during Journey
Facility: BCFS Ft. Sill (ERC)
Date of the Incident: 07/25/14 **UAC**:
Date of the Incident Reported to ORR: 07/25/14
Summary of SIR: Addendum
UAC reported today that she was a victim of sexual molestation and abuse. She said she had been repeatedly raped by strangers while living in her native country. She described that she was raped twice. The first time, at the age of 13 by a stranger and then at age of 16 by a friend of her aunt, who was under the influence of drugs and alcohol. The latter incident occurred while she was living with her aunt, who was selling drugs. Youth also alleged that she was sexually molested by her guide during her trip to the U.S. UAC presented herself as sad and tearful as she spoke about her sexual abuse. She denied any suicidal ideation and/or intend at present. She denied any history of suicidal ideation and/or self-injurious behaviors. No other mental health concerns reported. Youth indicated she was looking forward to reuniting with her family, and that she feels safe and secure at this time. Clinician facilitated the expression of thoughts and feelings related to the abuse and educated youth about self-protective strategies. Clinician provided with support and effective coping skills to help youth manage negative emotions and improve interpersonal functioning.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland Guadalupe
Date of the Incident: 07/26/14 **UAC**:

Date of the Incident Reported to ORR: 07/28/14
Summary of SIR: (3)
After being informed by minor that the minor as directing inappropriate sexual comments at he clinician spoke with the minor When the clinician spoke with the minor the first time, the minor denied ever making any inappropriate comments towards any of his roommates. After speaking with the minor the clinician spoke with the third roommate and the minor reported that the minor had been saying inappropriate sexual comments towards The second time the clinician spoke with minor the minor was confused about what inappropriate sexual comments means and stated that it means to touch someone inappropriately. The clinician explained to the minor that inappropriate sexual comments/behavior includes saying inappropriate comments, not just touching someone.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Franklin
Date of the Incident: 07/27/14
Date of the Incident Reported to ORR: 07/28/14 **UAC**:
Summary of SIR:

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After Client showered she started to cry and got mad because her shirt did not fit her. Staff saw client lay down on her bed and client started taking off her clothes. Staff told client to put her clothes back on. Client said no and was touching her private area in an inappropriate way. Staff told client to stop touching herself and to put her clothes back on so client cooperated and started changing herself.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Seton Home
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 07/28/14
Summary of SIR:
Statement that pregnancy is not consensual is not contained in a SIR in the UAC Portal.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Nueva Esperanza
Date of the Incident: Unknown UAC:
Date of the Incident Reported to ORR: 07/28/14
Summary of SIR:
Trafficking concerns were not recorded in a SIR on the UAC Portal.

Incident Type: Other
Facility: BCFS Fairfield
Date of the Incident: 07/27/14 **UAC**:
Date of the Incident Reported to ORR: 07/27/14
Summary of SIR:
DCS asked why he felt the way he did and he responded by saying that there were two immigration officers who were "horrible". One told he was a "son of a bitch" and the other named "Craft" touched/grabbed him inappropriately where he was not supposed to. DCS reported the allegation through her chain of command.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Sol
Date of the Incident: 07/28/14 **UAC**:
Date of the Incident Reported to ORR: 07/28/14
Summary of SIR:
Client stated her sponsor, is attempting to adopt her niece . Client reported her niece has been raised by both her and her mother and her mother has legal guardianship since mother died shortly after she was born. On 7/28/2014, client's mother, reported to clinician she had not consented for her daughter or niece to travel to the U.S. Client's mother has made an official formal complaint to Honduran officials for kidnapping of both her daughter, and granddaughter, is in current care of under a different name. Client stated when she was in Mexico with her aunt, who falsified birth certificate documents under the name . Client's mother indicated to clinician that is demanding she send her documents including a power of attorney, immunization records, and death certificates. Client and her mother are under the impression wants to keep and possibly adopt her without their consent. Clinician also spoke to sponsor she was hesitant with providing information regarding this was evident with her not knowing the child's DOB and being unclear as how the child is now in her care. It appears this incident may involve trafficking.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Bethany USCCB
Date of the Incident: 07/28/14 **UAC**:

Date of the Incident Reported to ORR: 07/29/14
Summary of SIR: (2)

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Staff observed resident as he walked back to his room from the shower. Staff noticed several hickies, approximately 10, on chest and stomach. When staff asked him what happen, did not answer. There are suspicions within the residence that is involved. Resident as been noted engaging in inappropriate behavior and boundaries with resident Other staff in the home have seen put his arm around and also noted one incident where laid his head on lap during a car ride. This is what has led to the suspicion that resident may be responsible for the hickies observed on chest and stomach.
There are additional SIRs regarding "poor boundaries" between these two UAC recorded in the UAC Portal.

Incident Type: Other
Facility: BCFS Lackland AFB (ERC), BCFS Ft. Sill (ERC), BCFS Chavaneaux, BCFS Harlingen, BCFS San Antonio, Morrison Downtown
Date of the Incident: 07/12/14 – 7/27/2014 **UAC**:

Date of the Incident Reported to ORR: 07/27/14 – 8/2/2014
Summary of SIR: (16)
A large number of UAC sponsors were contacted by individuals attempting to scam them. The scenarios differed slightly, but generally all of the callers claimed to be case managers, programs, or DHS. The callers attempted to convince sponsors to wire money in exchange for the release of UAC. Some scams were successful.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Lackland AFB (ERC)
Date of the Incident: 07/08/14 **UAC**:
Date of the Incident Reported to ORR: 07/08/14
Summary of SIR:
Clinician received report from direct care staff that a UAC had sexually harassed, kicked, punched, and verbally threatened UAC immediately before lights out. During interview with clinician, UAC admitted that the accusations were true, but refused to apologize to UAC Shelter manager and clinician recommend placing UAC on 1:1 supervision in a separate dorm, with reassessment to follow.

Incident Type: Suspected Smuggling/Trafficking
Facility: Youth for Tomorrow
Date of the Incident: 07/29/14 **UAC**:
Date of the Incident Reported to ORR: 07/29/14
Summary of SIR:
Denis reported that during his journey at the end of May 2014, he ran out of money. He explained that he and another immigrant found a middle aged man (name unknown) who offered to pay them $15 per day to clean his roof. reported he was provided with three meals per day and a place to sleep during the four days he worked there. He reported

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working on a Wednesday-Sunday from 7:00 a.m.-5:00 p.m. denied any physical abuse from the man. Once the job was completed, stated that the man refused to pay him and threatened to harm him if he ever returned to the property.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: NOVA Staff Secure
Date of the Incident: 07/27/14 **UAC**:
Date of the Incident Reported to ORR: 07/29/14
Summary of SIR:
While on the dayroom floor, UAC was observed showing other UACs a picture he had taken using the Nintendo DS camera device. Staff noticed that the UACs were all laughing and requested to see the picture. UAC showed staff the Nintendo DS and said "Teacher, mire la foto que tome!" (Teacher, look at the photo that I took." The picture was of two other UACs. UAC had used the draw function on the device to draw on the pictures. He had drawn what looked to be penises going into the other UACs mouths. Staff moved to take the Nintendo DS from to more closely observe the photo. However, he quickly deleted the photo and said "I didn't do it, I didn't do it!"

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Peterson Residence
Date of the Incident: 07/29/14 **UAC**:
Date of the Incident Reported to ORR: 07/29/14
Summary of SIR:
Client reported in session today in regards to APR staff member's behavior with clients. is verbally abusive, consistently displays a bad attitude, "yells at us", "threatens us that we will not be able to go outside for recreation time if we do not hurry up and do as she asks". states staff member is very rude, and if she is in a bad attitude, she takes it out on the clients. is on her cell phone frequently and has been known to respond negatively to clients shortly after being the phone. He states he received a call from his grandmother yesterday; client witnessed staff member answer the phone say something very rude to family member then hung up the phone. When questioned staff member, staff yelled at him that he is only allowed phone calls on Sundays and Thursdays. lso made allegations of favoritism by staff member towards one particular client, He states staff member is always talking to and are always seem together. also states he witnessed staff member passing notes in classroom with stated that this behavior has been witnessed by several clients.

Incident Type: Possession/Use of Drugs
Facility: Friends of Youth
Date of the Incident: 07/28/14 **UAC**:
Date of the Incident Reported to ORR: 07/28/14
Summary of SIR:
At 7:00 pm resident asked BYC SR if he could be placed on "soap restriction". When asked why, shared that he has snorted soap on 4 occasions.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS San Antonio
Date of the Incident: 07/29/14 UAC:
Date of the Incident Reported to ORR: 07/29/14
Summary of SIR:
A child trafficking eligibility letter for was received for trafficking referral previously made; trafficking concerns previously documented in SIR during previous placement. Clinician completed therapeutic phone call with sponsor; reviewed letter, eligibility for benefits and services, and provided psycho-education. sponsor demonstrated to be very understanding of needs and willing to provide support.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: IES Los Fresnos
Date of the Incident: 07/29/14 **UAC**:

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Obtained via FOIA by Judicial Watch, Inc.

Date of the Incident Reported to ORR: 07/29/14
Summary of SIR:
On July 29, 2014 it was reported by Child Care Staff, that resident allegedly showed his private area to resident According to resident after playing games with fellow residents in the group he was walking over to sit down on the sofa and according to called him, when he turned to look at stated showed him his private area through the bottom of the shorts. Resident stated he then went back to play with other residents and advised the Child Care Worker of the incident. stated that he does not feel offended, but would like for it to not reoccur. enies ever showing his private area to any resident from his group.

Incident Type: Suspected Smuggling/Trafficking
Facility: Catholic Guardian Services TFC
Date of the Incident: 07/29/14 **UAC**: Dinora Esmeralda Lopez Gonzalez A#202001439
Gabriela Sarai Lopez Gonzalez A#202001442

Date of the Incident Reported to ORR: 07/30/14
Summary of SIR: (2)
On 07/29/14, Lead Case Manager reviewed the documents submitted by the UAC's sponsor, with the intention of screening for possible smuggling/trafficking. During the review LCM learned that the sponsor might have provided false information to the IRS for unknown reasons. To be specific, LCM noticed that on page 1 of the sponsor's 2013 1040 Form she listed her daughters, (17) and (15), as dependent and that she (the sponsor or the person who prepared her taxes) also included two social security numbers.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Conroe
Date of the Incident: 07/29/14 UAC:
Date of the Incident Reported to ORR: 07/30/14
Summary of SIR:
While completing the Child Traffic Screening Form, the client reported several instances of suspected trafficking.
1. Client was taken by force and put to work against his will.
2. Client was not paid a previously agreed upon wage.
3. Client was threatened with death if he tried to escape.
4. Client was restrained and beaten for non-compliance.
5. Client was given cocaine to increase his work productivity and forced to stay awake.
6. Client was forced to slash soldier's tires and find ways to avoid detection.
The Child Traffic Screening Form will be transmitted to Anti-trafficking In Persons department for review.

Incident Type: Suspected Smuggling/Trafficking
Facility: Shenandoah Valley Juvenile Center Secure
Date of the Incident: 07/30/14 **UAC**:
Date of the Incident Reported to ORR: 07/31/14
Summary of SIR:
While Delta Pod was preparing to eat lunch, UAC was observed flicking a resident in the ear by cameras and staff in the control room. Following the incident, the other Delta Pod resident attempted to get staff; Mr. attention. UAC immediately approached the other resident in a threatening manner, standing close to the resident's face with his arms outstretched. Staff; Mr. verbally redirected UAC and instructed UAC and all Delta Pod residents to their rooms since lunch was being delivered. Meanwhile, Training Coordinator; Ms. entered Delta Pod to speak with another resident. Mr. noticed UAC masturbating at his window while observing Ms. . Mr. verbally redirected UAC and immediately stood in front of UAC's window until Training Coordinator, Ms. exited Delta Pod. UAC remained in his room without further incident.

Incident Type: Sexual Abuse during Journey
Facility: BCFS San Antonio

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Obtained via FOIA by Judicial Watch, Inc.

Date of the Incident: 07/30/14 **UAC:**
Date of the Incident Reported to ORR: 07/30/14
Summary of SIR:
During initial intake assessment UAC disclosed to case manager that she was sexually molested while traveling to the US. She reports that one of the guides touched her under her clothes on minor's breasts and genitals while they were resting in a hotel room in Mexico. states this was a one-time incident, which stopped when a lady who was traveling with the group entered the room. UAC reports having nightmares, trouble sleeping and waking up and crying in the middle of the night due to the incident.

Incident Type: Sexual Abuse during Journey
Facility: His House
Date of the Incident: 07/30/14 **UAC:**
Date of the Incident Reported to ORR: 07/30/14
Summary of SIR:
The minor disclosed that in Mexico, during her journey to the U.S. , the guide took the group to a hotel to sleep and she later woke up to find 3 men in her hotel room. Minor said she found her pants down to her knees, her underwear out of place, but her bra unstrapped. The minor also states that she felt pain in her thighs and groin area and that her head and nose hurt, however, does not know what took place as she only remembers sleeping.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Shelter
Date of the Incident: 07/30/14 **UAC:**
Date of the Incident Reported to ORR: 07/30/14
Summary of SIR:
reports that as a young child, while living with his aunt (not adoptive mother), and her husband, he would be made to work usually agriculture-type of work, such as picking corn, beans, or clearing fields, sometimes carrying loads of wood, and tending cattle. He stated that would not be paid for this work. The crops would be sold and he would not be paid. "They would buy themselves the things they needed and would not give us anything." When he complained about the pain his body sustained, or the hours of work, then his aunt's husband would threaten to tell his aunt, who reportedly had a history of being physically, and emotionally abusive to him. This physical abuse was previously reported at prior facility (Morrison Paso Staff Secure). Additionally, he reports he worked from 6:30 AM to 5:30 PM. He would then eat and then go back to work until the sun went down. states he has not shared this information with his adoptive mother for fear of repercussion, specifically fear that his aunt would hurt him or his younger brother again.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Galveston Multiculturial Institute
Date of the Incident: 07/31/14 **UAC:**

Date of the Incident Reported to ORR: 07/31/14
Summary of SIR: (2)
According with reports from staff on Thursday July 31, 2014 at about 9:20 pm he was downstairs in the boy's house when he hear in the second floor minors laughing loudly. Staff went upstairs and found the 3 boys in room # 2 awake and laughing. Staff asked the one who was laughing loudly to come with him downstairs and then he took him to park the company's bus in the parking lot. During that time, minor reported to Staff the reason for the laughing. He stated that minor id pull his pants down and showed his private parts.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Secure
Date of the Incident: 07/30/14 **UAC:**
Date of the Incident Reported to ORR: 07/31/14
Summary of SIR:
While all program staff were attending their All Staff Meeting in the program classroom, all minors were participating in a group (sex education group), when this minor became disruptive when grabbing the instructors prop (plastic dildo) without

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permission and began making sexually inappropriate remarks. The instructor was not able to continue with the group due to minor and group being unmanageable, and discontinued the group as a result. Two on-call staff supervising the group alerted staff in the classroom to assist, as the instructor had discontinued the group and left. Milieu Supervisor and JCSS lead left the program meeting to provide assistance, as the entire group appeared to be very upset with this minor. Minor was asked to go to his room; however, minor refused, and was told back up for County Staff would be called. Minor then began directing the group to refuse to go back to their room as well, if County staff arrived on the unit, and then was also directing another program minor to fight back, scratch, and pull the hair of one of the on-call staff. After several redirections, minor walked back to his room.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Galveston Multiculturial Institute
Date of the Incident: 07/31/14 **UAC**:

Date of the Incident Reported to ORR: 08/01/14
Summary of SIR: (4)
On 8/1/2014, UAC eported that on 7/31/2014 (around the time getting ready to go to sleep), UAC touched her breast area. She stated she was sitting down on UAC s and talking to that peer when UAC ran to get onto UAC bed and touched UAC s chest area. She reported that UAC quickly passed that area with her hand. UAC reported that UAC saw this occur. She further reported that UAC then asked them to talk about "cosas de miedo" (things that are scary). She also stated that UAC also asked if they had played the Quija game further stating that there are spirits. UAC further reported that one day (unknown date), UAC told her that she went into the closet and put her head to the floor (ear to floor) and said that "el diablo" (devil) was with her.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Tumbleweed
Date of the Incident: 07/30/14 **UAC**:
Date of the Incident Reported to ORR: 07/30/14
Summary of SIR:
Client was sitting in the living room on the couch along with other clients. Staff noticed that other clients were sitting in the living room couch, sort of leaning in towards . Staff noticed that had an erection. The client was fully clothed but was not covering himself in front of staff of his peers.

Incident Type: Other
Facility: Commonwealth Catholic Charities
Date of the Incident: 08/01/12 **UAC**:
Date of the Incident Reported to ORR: 08/01/14
Summary of SIR:
This worker received a phone call from CPS worker on Friday, 08/01/14 at 4:50 pm. reported that she received a call from YMCA Camp Thunderbird counselor about being physically abused by his foster mother. Counselor reported to CPS Worker that disclosed to her that that earlier in the morning, at home, he was in trouble for stealing and his foster mother told him to go to his room, then he used his hands to indicate that she choked him and pulled his head up. CPS worker indicated that there was a language barrier because YMCA Staff did not speak Spanish and is only fluent in Spanish and speaks Basic English. CPS Worker told this worker that she will contact this worker on Monday before she makes a determination about the allegation and will let worker assess the situation with the minor and foster family over the weekend.

Incident Type: Sexual Abuse during Journey
Facility: SWK Presidente
Date of the Incident: 08/03/14 **UAC**:
Date of the Incident Reported to ORR: 08/03/14

Obtained via FOIA by Judicial Watch, Inc.

Summary of SIR:
Client reports that while she was traveling to the US, one of the males whom she was traveling with tried to rape her. Client recalls being asleep and suddenly waking up during the middle of the night and saw that a male an older man was touching her legs and trying to put force on youth. Youth reports that nothing happened to her and she was quickly escorted to another place away from the male stranger. Client reports that that night she stayed up crying and could not go to sleep. Client also reports that this is why she has trouble sleeping because she feels that the incident is happening again and she feels she runs out of air. Client also reported that during her trip to the US before crossing the border the Mexican army in Reynosa were tried to stop the group she was with and started shooting at everyone. Client reports that she did not know what to do and started to panic. Client reports that as she turn to her side she saw the man that would take care of her getting shot and was bleeding from his stomach. Client reports that the man told her to run and hide. Client reports that she was in a deserted area all alone and she found a small area where she was hiding until everything cleared out. Client reports that after the gun shots stopped everyone came out and started to walk. Client reports that she felt more alone because the man whom was taking care of her was no longer there. Client cried while recalling the event. Client states that as she gathered with the rest of the group they began to walk and then found an area to rest for the night. Client states that the next day when she woke up the group was gone leaving her alone with no food, and nowhere to go. Client reports that she went back the area where she was hiding when she heard the gunshots and spent the day and night there. Client reports crying and feeling very scared. Client also reports feeling hungry because she had not eaten in days. Client cried again as she was recalling the event. Client reports that during this night she could hear animals and she had nothing to cover her with or defend herself with. Client states that she was feeling alone and very scared. During session client seemed to be well she cried for a long time (30) minutes. Client states she needed to finally vent and let everything out. During her stay at SWK's client has been improving with her asthma attacks and practices her DEEP breathing techniques. Client's coping skills include drawing, coloring, and drawing.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland SCIY
Date of the Incident: 07/29/14 **UAC**:

Date of the Incident Reported to ORR: 07/31/14
Summary of SIR: (2)
reported that while in the program has displayed inappropriate sexual behaviors towards her. reported that bout 1½ weeks ago was standing in front of when she grabbed buttocks with both hands. told o stop and topped. reported that on 7/19/14, while was playing a video game in the common area of the facility, grabbed face with both hands and drew it towards her own face. let go of face and stood behind her, heard make a kissing noising on hand and placed the hand on top of mouth. reported that staff witnessed when placed a hand on mouth and redirected for touching also reported that on 7/29/14, placed her hands on hips. reported she pushed hands away from and told her to stop. reported that she did not report these incidents before because she thought was playing. reported that there were only three incidents and she does not feel threatened or pressured by reported she speaks to but feels uncomfortable because of the incidents.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland Guadalupe
Date of the Incident: 07/25/14 **UAC**:

Date of the Incident Reported to ORR: 07/25/14
Summary of SIR: (2)
Participant stated that had asked him to break the rules multiple times. He would refuse to follow lead. The minor stated that two days ago, while in their room, had pulled his pants and underwear down and had shown participant is private parts. related that he felt okay in the room, but that he would feel more comfortable in a different room. Per the minor, he does not have any nightmares.

Incident Type: Possession/Use of Drugs
Facility: Sandy Pines

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Obtained via FOIA by Judicial Watch, Inc.

Date of the Incident: 08/03/14 **UAC:**
Date of the Incident Reported to ORR: 08/04/14
Summary of SIR:
At 10:00 am on 8/3/14, while in her unit (Dolphin), UAC asked for a self-time-out. UAC walked to time-out area with MHT . While in the time-out area, attending MHT observed UAC sniffing a white powder like/unknown substance out of a clear plastic bag. MHT supervisor came into the time-out area and removed the clear plastic bag from UAC. UAC was questioned about the substance and she stated that it was medication. Unit nurses were notified by MHT supervisor. Unit nurses assessed UAC and determined her vital signs where unstable. Treating psychiatrist was notified and it was ordered for UAC to be transported to Jupiter Medical Center's ER to be evaluated. A call was received by MHT who was at Jupiter Medical Center with UAC, and she stated that UAC was being baker acted because she stated that she wants to kills herself. Jupiter Medical Center reported minor was baker acted and transported to West Palm Hospital's psychiatric pavilion. As of 8/4/14, UAC remains baker acted at West Palm Hospital's psychiatric pavilion.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Baytown
Date of the Incident: 08/04/14 **UAC:**
Date of the Incident Reported to ORR: 08/04/14
Summary of SIR:
During recreation on the soccer field youth, reported to Shift Lead that last night grabbed his buttocks and that he reported it to the night D.C. Night DCS told him that if client did it again, to let her know and she would write a report. It was reported by shift lead that after speaking with peers, and would horseplay and show inappropriate boundaries, for example physically bumping, kicking, and flinging shoes at each other. The client denies any wrong doing on his part. states that he never hit his peer; he only "bumped" his peer during soccer games. He denies saying any bad words.

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DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
August 3 – August 9, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 3
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 11
- Suspected Smuggling/Trafficking: 5
- Possession/Use of Drugs: 0
- Sexual Abuse outside the US – UAC Pregnant: 0
- Sexual Abuse during Journey: 5
- Other: 1

Total Number of major SIR: 25; Total Number of SIRs for the Week: 767; Number of SIRs for FY14: 21,110

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Baytown
Date of the Incident: 08/03/14 **UAC**:
Date of the Incident Reported to ORR: 08/04/14
Summary of SIR:
During recreation on the soccer field, client came to Shift Lead and reported that client smacked his buttocks as he was climbing in to bed last night, youth stated that he did not know why client touched him. Client stated that he has never disrespected his peer has not used any bad words towards him. Client denied any wrong doing.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Lighthouse
Date of the Incident: 08/04/14 **UAC**:
Date of the Incident Reported to ORR: 08/04/14
Summary of SIR:
On time and date mentioned above client reported that 3 years ago he lived with his biological father for a period of 1 and a half years. During the time he lived with his father, client reported that his father would hit him and his siblings almost every day. Client stated that his father would make client carry a piece of heavy iron over his head while he was kneeling. Client stated that if client dropped the iron or lowered it, his father would hit him on the back with an electrical cord. Client stated that on other occasion his father put his finger in client's ear and cut him. Client stated that on many he occasions he was injured and bruised. Client stated that he would go to the local clinic to heal, however, would never tell the staff what was happening at home. In addition, client stated that he was forced to work after school and during school breaks. Client stated that his father would have client and his siblings walk to a mountain for 3 hours and carry heavy poles. Client stated that his father would leave them there to work for the day while he went home and father would get paid for their work. Client stated that he tried to run away from his father's home on 2 occasions and his father caught him and hit him. Client indicated that after one and a half years he was able to contact his mother to let her know what was happening and she immediately removed them from the situation. This has been reported to CPS and the report has been accepted.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Campbell
Date of the Incident: 08/03/14
Date of the Incident Reported to ORR: 08/04/14 **UAC**:

Summary of SIR: (4)
Clients #1 approach me in the Stage area to inform me that a client #2 or Client #3 touch her in the butt. I pulled to the side client #2 and #3 to ask what had happened. Client #2 explained to that Client #3 and him where playing with a bracelet

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and client #2 pulled the bracelet from him and accidentally bumped into Client #1. Client #1 insisted in feeling harassed by both client #2 and #3, but both client #2#3 explained that it was an accident and they never would touch her inappropriately. explained to client #2 and #3 the consequences of harassing any client and that this incident would have to be documented. also explained to client #2 and #3 the importance of respecting one another and respecting each other space. Both Client #2#3 apologized to Client #1 and explained to her they never had the intention of making her feel bad. Clinician followed up and client who denied touching his female peer or having any type of physical contact with her. Client reported that he and his male peer were both pulling on a bracelet, as indicated in above report, while walking behind his female peer who was sitting down on a chair: however, he did not come into contact with his female peer. Furthermore, client stated that in the past seven days prior to this incident his female peer had been making inappropriate signs to him which he did not understand and made him feel uncomfortable. Client showed clinician the signs that female peer was making, middle finger up while all others were down, index finger being inserted into other hand which was held in a circle, signs with both hand which appeared to resemble gang signs, and "okay" hand gesture to the chest. Client denied reporting gestures.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: LSS MI
Date of the Incident: 08/04/14 **UAC**:
Date of the Incident Reported to ORR: 08/04/14
Summary of SIR:
While at Oasis House outside, client pointed out to staff that he was sexual aroused within his private area. In doing so, another client- was exposed to the incident of inappropriate sexual behaviors. Staff immediately told him to seize his actions and went over how those actions were inappropriate sexual behaviors and client topped.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Secure
Date of the Incident: 08/01/14 **UAC**:
Date of the Incident Reported to ORR: 08/04/14
Summary of SIR:
As YCW was sitting on the staff desk, this minor approached and began to engage YCW in a conversation. While conversing with YCW this minor started tapping YCW on the knee. YCW was not aware of this until a separate program staff approached YCW and informed him of what just happened. This minor was asked to respect the boundaries of peers and staff and was told that there would be consequences if it happened again. During gym, again in a playful manner, this minor approached YCW nd pinched YCW nipple. YCW immediately backed away from the minor and informed the minor that such behavior was inappropriate. As a consequence for this behavior, the minor was informed that he would have an early bedtime that night.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 07/16/14 **UAC**
Date of the Incident Reported to ORR: 08/04/14
Summary of SIR: (Addendum)
In the context of a clinical session the minor disclosed additional information about encounters with gangs in home country that are indicative of possible trafficking concerns. The minor stated she was forced to do work for the local gang in her community. When she was 13 or 14 years old the gang members from around her community began telling her to help them and threatened that if she did not they would kill her and her family. She complied so that no harm would come to her, or her family. They would make her keep watch or be a "vigilante" and she would have to notify them if she saw police coming by making hand signs. The minor states they made her do this several times, perhaps about 15 times. She also disclosed that two of them would touch her inappropriately and one of them, multiple times, made her touch him with her hands in their genital area. They made her pay for their cell phone to be recharged with minutes with her own money multiple times. She began getting away from them by trying to avoid them by only going outside her home when it was necessary and walking with someone like her mother when she was out so that they would not bother her. She states the last time they forced her to do anything was about mid-2013. She expressed she was afraid to report this before due to

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fearing they would harm her or her family. UPDATE 8.4.14: The minor disclosed additional information regarding abuse by gang members and possible trafficking concerns during a clinical session on 8.4.14. The minor reported that the gang also forced her to do deliveries or "drops". The first time she tried to refuse but they threatened her by saying they would kill her if she did not. The minor states they would have her take a suitcase, go by bus and then drop them off in specified locations. Sometimes she simply rode the bus to another station and dropped the suitcase somewhere in the bus station and other times she left them in cemeteries or by statues in town. She states they told her not to open the cases and therefore, she does not know what they were. She states the suitcases were heavy and wherever she left them she would see men pick them up. Sometimes the trips were long. Sometimes the bus trip was more than 3 hours one way and she would sometimes still have to walk far to the drop location. She was not given money for the bus fare and was forced to pay this herself. They did not pay her to do these deliveries. She would sometimes go 1-3 times per week. She does not recall exactly how many times she had to do this but states it was several times, possibly more than 50. She reported she did not report this in her initial disclosure because she was scared to but states she now realizes they were things she was forced to do. She also had to help other gang members in her school with their homework. She reports they "constantly threatened" her that she would be harmed if she said anything to anyone. Additionally, she disclosed that since she was 3 years old her older brother, was in a gang and his gang member friends would come to the home even though her brother was already in prison at the time. Without her brother knowing, his friends would come to the home when she was unattended and touch her in her private parts. This continued to occur up until she traveled to the USA. They would touch her whenever they saw her. These were among the same young men who forced her to work and forced her to touch them sexually.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Leake and Watts
Date of the Incident: 08/04/14 **UAC**:
Date of the Incident Reported to ORR: 08/04/14
Summary of SIR:
The cottage shift leader reported that was crying when the group returned to the cottage from the gym area. reported to the staff member that he was kicked in his left leg while he was at the gym. reported it was a staff member who did it in a way to tell him that it was time to leave. reported that he didn't think the staff tried to hurt him and was playing around but it did hurt him a lot. reported after being asked again who did this to him that he actually didn't see the staff doing this, but he assumed it was the one behind him. was told that this was going to be looked into further so we could find out who was the one who kicked him. He stated once more that he didn't see who else was behind him.
After further investigation within the QI Department it was found that Staff member from POH Program did in fact kicked minor as a way to call for him so he could get ready to leave the gym with the group. Although it appears that this was horse playing (video shows this) it violates the agency's rules and regulations. Staff was placed on administrative leave as of today 8/5/14.

Incident Type: Sexual Abuse during Journey
Facility: SWK Conroe
Date of the Incident: 08/04/14 **UAC**:
Date of the Incident Reported to ORR: 08/05/14
Summary of SIR:
During UAC assessment, client reported that she was sexually abused during her journey to the U.S. Client explained that one of the men traveling with her worked for the guide and he managed to get her alone during the journey in a motel. Client reported that during this time the man touched her inappropriately. Client stated that she did not know the man and does not have any information that could help identify him. Client denied any suicidal/homicidal ideations. Client denied any PTSD/ Depression symptoms.

Incident Type: Other
Facility: BCFS Lackland AFB (ERC), David and Margaret, BCFS Baytown
Date of the Incident: 07/12/14 – 8/9/2014 **UAC**:

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Date of the Incident Reported to ORR: 07/27/14 – 8/9/2014
Summary of SIR: (9)
A large number of UAC sponsors were contacted by individuals attempting to scam them. The scenarios differed slightly, but generally all of the callers claimed to be case managers, programs, or DHS. The callers attempted to convince sponsors to wire money in exchange for the release of UAC. Some scams were successful.

Incident Type: Sexual Abuse during Journey
Facility: SWK Franklin
Date of the Incident: 08/01/14 **UAC**:
Date of the Incident Reported to ORR: 08/05/14
Summary of SIR:
During a mental health screening with the client listed above, she disclosed that she was touched inappropriately by a man about three days ago while on her way to the US, possibly in Mexico. Client stated that while she was asleep with a group of other immigrants, a man started to touch her breasts in a sexual manner. The client recalled being woken up by the touching. She stated that she felt shocked and scared at the time of the incident. She claimed to have walked away to another area of the room, told the perpetrator to go away, and ended up sitting in a chair the rest of the night unable to sleep. The client clarified that no other touching or penetration of any kind was done. Client was asked how she felt about the situation at this time. She stated that she still felt "shocked...because [she] had never experienced any type of abuse before". Client became tearful during the interview.

Incident Type: Sexual Abuse during Journey
Facility: His House
Date of the Incident: 08/04/14 **UAC**:
Date of the Incident Reported to ORR: 08/04/14
Summary of SIR:
Minor claims that on her journey to the U.S., she was sexually molested by her guide. Minor reported that the guide touched her above her clothing while they were traveling in a car and said that when she told the guide to stop touching her, he threatened to turn her in to Mexican immigration officials. Minor also claims that the guide offered to pay her to take pictures of her naked. Minor refused his offer, and no photos were taken.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Galveston Multicultural Institute
Date of the Incident: 08/04/14 **UAC**:
Date of the Incident Reported to ORR: 08/05/14
Summary of SIR:
On Sunday at 9:30 p.m. minors reported to Shift Leader that when they were in church staff touch (rubbed) her on her upper back area making her feel uncomfortable. Minor reported that while at church some minors went up to pray in front with the pastor she stayed in her chair. She reported that Mr. approached her and staff touch (rubbed) her on her upper back/ shoulder area making her feel uncomfortable.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Chavaneaux
Date of the Incident: 08/05/14 **UAC**:
Date of the Incident Reported to ORR: 08/05/14
Summary of SIR:

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The clinician met with on August 5, 2014, to speak to him about a report made by a minor who is in the same hall as The clinician explained that the allegations were by a minor in his hallway who reported that touched him over his clothes on his buttock and genital area. denied the allegations and said he did not know what it was about. stated he was not worried about it because he had done nothing of what was being reported. He stated he mainly stays with his roommates, since he has to stay in his own room when he returns to his hall, has to line up with them when they move from one location to the other and when they are in the dining room. said he usually sits with his roommate when they are in the living rooms. was emotionally stable and responded respectfully to all questions. did not have any concerns. The clinician will follow up if needed.

Incident Type: Sexual Abuse during Journey
Facility: Lackland AFB
Date of the Incident: 06/06/14 **UAC**:
Date of the Incident Reported to ORR: 08/06/14
Summary of SIR:
UAC states a Coyote grabbed her by her arm and "touched her breasts and tried to force her into a room".

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Sol
Date of the Incident: 08/06/14 **UAC**:
Date of the Incident Reported to ORR: 08/06/14
Summary of SIR:
Client indicated she had started working at a very young age, however, she stated she does not recall her exact age she started working. Client currently is 12 years of age. Before leaving COO she had worked in several jobs. She stated her mom took her to work in a home in Mexico where she performed all the housework. Client reported she would get paid $1500 pesos a month. After working there for 2 months she worked in another home doing the housework, cooking and taking care of the children. Client stated she would get paid $1000 pesos a month. She then went and looked for another job and started working at a Chinese buffet from 9am -9pm and would get paid $600 pesos a week. Client stated she was laid off after working there for 4 months. This is when she worked at a food stand making quesadillas and was paid $1000 pesos a month. Client stated she then returned home to Guatemala and left to Mexico with a friend to look for work. She indicated she worked for a month sanding wood and was paid $1000 pesos a month, but had to quit because she got sick from the chemicals and dust in the factory. Client stated she then started working for a woman whom she took care of her child she was paid $50 pesos a day. After working there for 2 months, the client left alone for to work for a woman at food stand and would also take care of her children she stated she would get paid about $240 pesos a day for performing both jobs. During this time, client sent most of her money to her family. She stated she would only keep a small amount to buy her essentials and save some of it. It appears that client may have started working at the age of 10 considering the age she is now and the length of time she has been working. Client stated her mom made the arrangements when she first started working. Client stated that at first she was saddened to be away from home and to be working, but stated she felt that she could not quit as her mom had already made prior arrangements. Client indicated that after working and earning money she enjoyed working and continued to look for other jobs to help support her family in Guatemala. Client indicated when she lived and worked in her mother would visit her every 8 days or once a month. Client stated she was always personally paid and then she would send money to her family. Client expressed interest working in the U.S., however, clinician explained child labor laws prohibiting minors to be employed. Client responded positively and looks forward to attending school.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Shelter
Date of the Incident: 08/05/14 **UAC**:
Date of the Incident Reported to ORR: 08/05/14
Summary of SIR:
LYCW redirected upon hearing the comment. stopped any further comments. Once back in the program LYCW spoke to . stated that since the female staff member didn't hear him she could not be bothered by his comment. LYCW reviewed the program expectations and agreed to follow them and to refrain from making

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such comments again. has had several minor incidents with female staff members. However, the repeated pattern of these incidents creates a significant concern. Previous related incidents include:
8/1/2014 8pm: was making noises as a female staff member walked away from him and said, "mira si ve por ellas." was spoken to regarding the incident and agreed to refrain from making comments of a sexual nature in the program and agreed that his behavior was disrespectful.
7/28/2014 3pm: needed to be redirected throughout the day for multiple behaviors directed toward the same female staff member. Behaviors included: picking and giving a flower the staff member, staring at the staff member and ignoring redirections to stop, attempting to enter the physical space of the staff member, ignoring requests to move away, and winking at the staff member after asking her to fill up his water bottle. spoke to Clinician regarding the incident. Minor stated he understood what Clinician was saying, but did not accept that he had done anything inappropriate. stated that the issue was not his behavior, but the staff member's interpretation of his behavior. He wrote, with help from the clinician, an apology letter to the staff member. Upon returning to the milieu he announced to the other minors that he had written a letter for his girlfriend

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Incident Type: Suspected Smuggling/Trafficking
Facility: His House
Date of the Incident: 08/06/14 **UAC**:
Date of the Incident Reported to ORR: 08/06/14
Summary of SIR:
The minor disclosed that he was kidnapped by and forced to transport drugs into the U.S. Minor claims that he was able to drop the packet with the drugs before coming into the U.S. The minor also claims he was drugged by them and woke up inside a warehouse.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Baytown
Date of the Incident: 08/06/14 **UAC**:

Date of the Incident Reported to ORR: 08/07/14
Summary of SIR: (2)
On 08/06/2014 in Charlie Room 8 at 9:50pm, Client , stated to Direct Care that was dancing and listening to music when he pulled his shorts he exposed private parts up from between his legs. After D.C. addressed he admitted to dancing and pulling his shorts up, but denies ever exposing his private parts. Client states that if anything he might have shown a little of his underwear due to the shorts being so loose from the bottom part but denies ever exposing his private area. Client was re-directed by Direct Care , Shift Lead , and Supervisor for horse playing. Supervisor, explained the rules of the house and boundaries. Client understands and apologizes for horse playing. After Supervisor redirected the client's peers in the room, they also agreed that client was just dancing and playing around and at no part did he show his private area.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Chavaneaux
Date of the Incident: 08/05/14 **UAC**:
Date of the Incident Reported to ORR: 08/05/14
Summary of SIR:
The clinician met with on August 5, 2014, to speak to him about a report made by a minor who is in the same hall as The clinician explained that the allegations were by a minor in his hallway who reported that touched him over his clothes on his buttock and genital area. denied the allegations and said he did not know what it was about. stated he was not worried about it because he had done nothing of what was being reported. He stated he mainly stays with his roommates, since he has to stay in his own room when he returns to his hall, has to line up with them when they move from one location to the other and when they are in the dining room. said he usually sits with his roommate when they are in the living rooms.

Incident Type: Sexual Abuse during Journey

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Facility: IES Los Fresnos
Date of the Incident: 08/08/14 **UAC**:
Date of the Incident Reported to ORR: 08/08/14
Summary of SIR:
Furthermore, reported during the journey from Honduras to the U.S., she experienced an incident of sexual abuse by the smuggler traveling with her group. reported when they arrived to a hotel in Mexico, the smuggler placed her group in a hotel room. reported she fell asleep and when she woke up, she was alone with the smuggler. stated the smuggler was known as and stated her mother made the travel arrangements with him because she (mother) knew him. added she is aware is a member of the gang. Moreover, reported threatened to cut her face and one of her limbs if she did not comply to have sex with him. reported she pleaded for him not to hurt her and stated she told that she had been abuse before. eported stated he did not care and he proceeded to sexually abuse her (penetration). reported threatened her life if she reported the aforementioned incident. eported did not attempt to harm her again and he returned to her group. stated the next time she saw was when she was crossing from to the U.S. reported apologized to her. During the initial clinical interview, expressed feeling sadness due to the sexual abuse she experienced by ". reported the sexual abuse occurred seven days ago. also reported feeling fearful of being deported to Honduras and stated she fears or will harm her if she returns.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Sandy Pines
Date of the Incident: 08/08/14 **UAC**:
Date of the Incident Reported to ORR: 08/08/14
Summary of SIR:
UAC was sitting down next to another UAC (and was observed by MHT with her hand resting on UAC's upper thigh. redirected both UACs for exhibiting poor boundaries and requested they separate from each other. Both UACs refused to comply with directive. continued to prompt UACs to move to chairs separate from each other. UAC complied. UAC followed UAC and sat next to her again. UAC was redirected to separate from UAC) and was informed by in Spanish that she would get consequence for physical boundary breach. UAC became upset at and questioned his directive. walked away and was alerted by MHT to turn around. At this time, turned around and witnessed UAC running towards him with a metal chair raised over her head. blocked the chair with his right arm, engaged with UAC and both fell to the floor. Staff immediately intervened and a prone personal restraint was initiated on UAC at 10:57 am. UAC was released at 11:01 am when she was no longer making physical and verbal threats towards MHT . Nurse spoke with UAC processing/debriefing the events leading up to the incident. UAC was escorted to the time out area to calm down and continue processing the incident. UAC verbalized she has a knife hidden in her room and is going to stab UAC was able to calm down while in the time out area. Nurse assessed UAC for injury and noted her right eye swollen with a 1 cm. scratch on her eyebrow. Nurse offered pain medication for discomfort, but UAC refused. Unit Staff searched UAC's room to locate the knife UAC reported she had as well as any other objects that could be used to harm herself or others. Nothing was found. UAC was escorted back to her unit (Pelican). UAC was moved to another room without any roommates. UAC was given 8 REST hours for aggression and placed on eye contact around peers as per the psychiatrist's orders. UAC has processed this incident with the primary therapist. UAC will continue to work on identifying and implementing coping skills to manage her mood.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Chavaneaux
Date of the Incident: 08/07/14 **UAC**:
Date of the Incident Reported to ORR: 08/08/14
Summary of SIR:
Clients alleged that client showed his private parts to them. Clients and reported that they were playing in the middle of their room (A wing room 10) with their toy car when they heard the restroom door open. They stated that client opened the restroom door, and while he was standing inside the restroom between the sink and tub facing their room they saw pull his own shorts down

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and expose himself to them and eported that Jorge did not leave the restroom area. Minors said that they immediately went to find DCS to report the incident. DCS nformed Shift Supervisor of the incident. The Shift Supervisor reported to the incident to Associate Program Director , Clinician and Lead Case Manager . Shift Supervisor talked to about boundaries and respecting others.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Pleasant Hill
Date of the Incident: 08/04/14 **UAC**:
Date of the Incident Reported to ORR: 08/06/14
Summary of SIR:
According to on Monday 8/4/2014, before breakfast time, minor (15 y/o), exposed his private parts (penis) for a brief period of time, while uttering the word "mira (watch)" to him. Client indicated that the incident happened outside their rooms (8 & 9) while sitting on sofas and the exposure lasted less than 30 seconds. Client reported that this incident occurred only once and denied any other kind of incidents with client

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Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: St. PJ's Surge
Date of the Incident: 08/08/14 **UAC**:
Date of the Incident Reported to ORR: 08/08/14
Summary of SIR:
During clinical assessment with minor, minor attempted to have clinician conduct a therapeutic phone call with his friend. Clinician informed minor only Case Managers are authorized to approve contacts. Clinician inquired on who this friend was and how he knew her. Minor stated this friend was a program staff member at the facility where he was at previously, Lackland AFB. Minor stated he knew he should not have had a relationship outside of boundaries and he became worried she could get into trouble. Clinician informed minor he needed to turn in the phone number and the contact information for his friend. Minor stated the staff members name was . According to minor, received a report from her supervisor because she kissed him on the forehead and gave him and inappropriate hug. Minor mentioned he had his contact information among his belongings inside his crate by his bed. Minor turned the small paper with the contact information. Clinician explained the reason for needing to remove this information from his belongings. Minor worried about his friend who was a staff member at previous placement.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 08/08/14 **UAC**:
Date of the Incident Reported to ORR: 08/09/14
Summary of SIR:
In the context of clinical session minor (14) reported he was paid money after having sexual intercourse with a married woman (26) while in home country. Minor reported 2 years ago he met a woman (26) while at his sister's store. Minor reported the two of them ate lunch together and were physically attracted to one another. Minor explained he lied to the woman about his age. Minor reported he told the woman he was 15 years old instead of 13. Minor reported the woman told him she was attracted to younger men and invited him to her house. Minor reported he was happy to join her. Minor reported he was told the woman had a husband who would be away for work (truck driver) regularly. Minor reported the first time they had intercourse she paid him 500 Lempiras. Minor reported from that moment forward they began meeting twice a week. Minor stated she would pay him 500-800 Lempiras per week to sleep with her. Minor reports she would also send gifts to him through his friends. Minor reports the intercourse was consensual and they did not have an agreement in which she had to pay him. Minor explains he believes she did it either for pity or because she knew he was a minor without a job. Minor explains they cared for each other and had a great open communication. Minor denies being coerced.

Minor also reported he was held against his will at a house in Mexico and made to agree to work as a guide. Minor reported he traveled with his sister and his nephew through Guatemala and Mexico. Minor reported once they arrived to MX, they found a coyote to help them cross through the Rio Bravo. Minor shared his sister was not able to afford the money the coyote asked for to be able to cross all three of them over the Rio Bravo into the U.S. Minor reports his sister went ahead of him while the minor remained with the coyote in a house. Minor reports his sister sent the remaining money

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soon after she arrived to the U.S., but the coyote did not allow the minor to leave the house. Minor reported he spent about 3 months living in the house. Minor shared he would receive some food, have access to TV, internet, a bed and be able to spend time in a hammock. Minor explains he used to be treated better at the beginning of his stay, but things changed after the wife of the coyote tried to make a sexual advance on him. Minor reported the lady touched his genitals without his consent, but he was able to stop her and not allow her to sexually abuse him. Minor reported since then he would not be allowed to wash his clothes regularly, sleep with covers, or eat warm food. Minor reported that many of the people that came into the house would leave. Minor shared the largest amount of people who be at the home would be about 17 people. Minor reports the coyote would tell him he could leave soon, but would not keep his word. Minor reported the coyote did not allow him to leave the home and would tell him the cartels would grab him, torture him, make him a killer, or be made to sell drugs. Minor reported he did not try to escape the house for fear of the cartels. The coyote told him to work for him as a guide. Minor reports he turned the coyote down many times, until finally he realized the coyote was not going to let him leave unless he agreed to work as a guide for other immigrants. Minor reports he agreed and finally was allowed to assist another guide to learn the route to the U.S. Minor reports he decided to escape and turn himself in to ICE once he arrived to the U.S. Minor reports the coyote grabbed his birth certificate once the minor told him he would work for him. Minor reported the man wanted his birth certificate so the minor would not try to escape. Minor reported his sister told him the coyote would tell her to not pressure him to release the minor or he would be turned into "la maña"(Mexican cartel) or return him dead. Minor reports his sister would be asked for money that would not be given to the minor.

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DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
August 10 – August 16, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 3
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 8
- Suspected Smuggling/Trafficking: 10
- Possession/Use of Drugs: 1
- Sexual Abuse outside the US – UAC Pregnant: 2
- Sexual Abuse during Journey: 6
- Other: 2

Total Number of major SIR: 32; Total Number of SIRs for the Week: 711; Number of SIRs for FY14: 21,821

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Conroe
Date of the Incident: 06/22/14 **UAC**: Sandy Nineht Villeda Alfaro A#206794954
Date of the Incident Reported to ORR: 08/11/14
Summary of SIR:
Sandy and another UAC have been making sexual advances toward another girl (. All three youth concerned were interviewed and it was determined that there was a need to address the violation of rules and boundaries, as well as separate the aggressors. was reassessed after two days of shadow supervision in the dorm. She and the other aggressor were observed to be following rules and instructions related to direct supervision. Clinicians reinforced the importance of respecting the limits, boundaries of relationships and avoiding making inappropriate jokes. UAC reported understanding the consequences of inappropriate behaviors in and out of the shelter and they said they were willing to comply with the rules. It is recommended that they be removed from 1:1 shadow supervision at this time. The SIR, as reported, indicated that this event took place in Ft. Sill as opposed to SWK Conroe.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Rio Grande
Date of the Incident: 08/11/14 **UAC**:
Date of the Incident Reported to ORR: 08/11/14
Summary of SIR:
Youth reported possible concern for debt bondage/labor trafficking. Upon conducting mental health assessment with youth, he indicated that while he was staying in a "bodega" waiting to be assisted with crossing into the United States, he was forced to sell merchandise to other immigrants who were also staying in the bodega. Prior to leaving home country, youth was informed that he would be traveling with a coyote from Guatemala to Mexico. After arriving to Mexico, he was informed he would stay in a bodega in Reynosa, Tamaulipas for up to eight days. Youth indicated that the coyote stayed with him in the bodega for six days and informed him prior to leaving that he would only be there a few more days. Youth reported he was in the bodega for over 30 days. He indicated that he arrived in the bodega on July 7, 2014 and within one week he was forced to sell merchandise in a makeshift store that was housed inside the bodega. Youth stated that he sold merchandise for the people in charge of the bodega for three weeks, before being allowed to leave. Youth indicated that when he arrived there was another person who was running the store but after the individual left he was put in charge of the store. He indicated that he would sell sodas, cigarettes, marijuana joints, and beer to other immigrants where were also staying in the bodega. He indicated that on most days he would work from 8:00am until midnight or 1:00am; however, on various occasions they would wake him up at 5:00am and have him sell merchandise until 3:00am. He indicated that he had no control over the hours he was asked to work and it was at their request. Youth indicated he never sold merchandise to outsiders and everything was sold internally to the immigrants. He indicated the person in charge would also sell cocaine; however, he was never asked to handle or sell the cocaine. Youth was never paid for his services nor given an option whether he wanted to sell the merchandise. Youth indicated that he feared leaving because he thought they would beat/punished him for attempting to leave. Rumors among the immigrants included that shortly prior to the youth's arrival to the bodega someone tried leaving and was beat for attempting to leave. Other rumors among the immigrants suggested

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that if anyone tried leaving they could possibly be killed. Youth was not sure if the rumors were true, but he feared for his safety. He indicated that he would have to pay the people in charge for his meal. On two separate occasions he had to call his uncle to send him money so he could pay them for his meals. People in charge of the bodega would keep a large portion of the money, as a fee for the inconvenience of going to get the money for the youth. Youth indicated they would often give him little money back and sometimes he would go days without eating because he could not afford to buy food. He indicated that he once went four days without food and was only given water to drink. Youth did not want to call his family for more money because he knew the people in charge would keep most of it for themselves. He was informed by the people in charge that it was not safe for him to leave due to high immigration patrol on the border. Youth was finally given permission to leave the bodega on August 6, 2014 and it was then that he finally made his journey to the United States. Client is not sure why he spent so many days in the bodega and is uncertain if his uncle owes any money for his journey. Youth indicated that they never physically abused him; however, they would often say belittling and disrespectful comments to the youth. Youth indicated he never told his uncle or his family in home country about the living conditions in the bodega as he did not want to worry them. Youth did not express any concerns regarding his safety under his uncle's care and is hopeful for his future in the United States. Youth is not currently exhibiting any symptoms of trauma associated with his stay in the bodega. However, youth does report some mild symptoms of trauma associated with a separate incident in home country.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: SWK Combes
Date of the Incident: 08/10/14
Date of the Incident Reported to ORR: 08/11/14 **UAC**:
Summary of SIR:
Youth care worker stated that youth approached her and asked if she knew what happened to while she was out. Youth began by saying there are things going on with that staff does not know about. YCW then asked youth to tell her what he knows for the safety of Youth spoke about an allegation regarding YCW and youth Youth also said he was on south side with both and and that told him to go to dayroom because she needed to talk to alone. Youth also mentioned while passing through a room he saw crying and staff hugging him and tried to overhear a conversation between them and he said he heard, "this is not right between us". Youth said other youths knew about this too naming, nd Youth was then asked by YCW if he wanted to speak to the Shift Leader and he declined. notified her immediate supervisor at the time and proper documentation was completed concerning incident.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: BCFS Baytown
Date of the Incident: 08/08/14 **UAC**:
Date of the Incident Reported to ORR: 08/08/14
Summary of SIR:
Case manager asked sponsor if anyone contacted him asking for money for the release of his brother, client In the conversation, it was discovered that Mr. girlfriend who was the initial sponsor for the child stated that she had faxed a blank check with her signature along with a copy of her passport and resident card to a as proof of address and upon request. stated that she does not recall the name of the shelter, but does recall that the shelter was in Texas. She reported it was the first shelter the child was placed at. reported that asked her to have $1000.00 in her bank account as a guarantee for the release of the minor and that she would receive the money back at the end of the year. She also stated that sending the signed check would ensure that she can demonstrate to the government that she can care for the minor financially. stated that she faxed over a copy of the blank check containing her signature which she reports was never cashed. Lead case manager called to verify the information reported to the case manager and reported that same information however, she reports that she was not charged the money because the money was never withdrawn from her account. A search was completed regarding client's previous placement and the first placement was Southwest Key, Antigua and the case manager assigned was

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Incident Type: Suspected Smuggling/Trafficking

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Facility: Heartland ICC
Date of the Incident: 08/05/14 **UAC:**
Date of the Incident Reported to ORR: 08/05/14
Summary of SIR:
Upon arrival to the facility, minor reported that she has a maternal aunt living in New York who was initially the sponsor for the minor. After the first phone call with the potential sponsor, she refused to continue the process and another potential sponsor, who seems to be involved in a smuggling chain, attempted to sponsor the minor. During the minor's weekly phone calls between 06/01/2014 to 08/05/2014, the following information was gathered by the minor's case manager. Minor's father disclosed that minor's cousin and potential sponsor was closely working with the smuggler who assisted the minor to come to US and the minor's father suspected to be part of the smuggler chain. Minor reported that persuaded minor's parents to send the minor to US with her and promised to minor's parents that minor would receive good job opportunities from her. Minor reported that introduced the smuggler to minor's parents to help the minor to obtain an invalid US visa. Minor reported that was assigned to receive the minor at the airport where minor was apprehended by ICE. This sponsor was actively involved in the FR process for the minor. However, after was explained the required documents and procedure (including background check), she refused to sponsor the minor anymore and suggested the caseworker have her friend, with whom the minor has no relationship, sponsor the minor. After this request was denied by the caseworker, minor's father reported that the smuggler threatened the minor's father to take action quickly or the smuggler will do harm to the family. Minor's father reported that the smuggler threatened minor's father to either have the minor return back to China or have the minor sponsored out of the facility by 08/30/2014. Minor's father reported that he was worried that the smuggler would do harm to the minor if the minor returns back to China or was sent to other family member other than this 'assigned" sponsor

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Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 08/08/14 **UAC:** (b)(6)
Date of the Incident Reported to ORR: 08/09/14
Summary of SIR: (Addendum)
In the context of clinical session minor reported he was held against his will at a house in Mexico and made to agree to work as a guide. Minor reported he traveled with his sister and his nephew through Guatemala and Mexico. Minor reported once they arrived to (b)(6) , they found a coyote to help them cross through the Rio Bravo. Minor shared his sister was not able to afford the money the coyote asked for to be able to cross all three of them over the Rio Bravo into the U.S. Minor reports his sister went ahead of him while the minor remained with the coyote in a house. Minor reports his sister sent the remaining money soon after she arrived to the U.S., but the coyote did not allow the minor to leave the house. Minor reported he spent about 3 months living in the house. Minor shared he would receive some food, have access to TV, internet, a bed and be able to spend time in a hammock. Minor explains he used to be treated better at the beginning of his stay, but things changed after the wife of the coyote tried to make a sexual advance on him. Minor reported the lady touched his genitals without his consent, but he was able to stop her and not allow her to sexually abuse him. Minor reported since then he would not be allowed to wash his clothes regularly, sleep with covers, or eat warm food. Minor reported many of the people that came into the house would leave. Minor shared the largest amount of people who be at the home would be about 17 people. Minor reports the coyote would tell him he would be leaving soon, but would not keep his word. Minor reported the coyote did not allow him to leave the home and would tell him the cartels would grab, torture him, make him a killer, or be made to sell drugs. Minor reported he did not try to escape the house for fear of the cartels. Minor shared the coyote would then tell him to work for him as a guide. Minor reports he turned the coyote down many times, until finally he realized the coyote was not going to let him leave unless he agreed to work as a guide for other immigrants. Minor reports he agreed and finally was allowed to assist another guide to learn the route to the U.S. Minor reports he decided to escape and turn himself in to ICE once he arrived to the U.S. Minor reports the coyote grabbed his birth certificate once the minor told him he would work for him. Minor reported the man wanted his birth certificate so the minor would not try to escape. Minor reported his sister told him the coyote would tell her to not pressure him to release the minor or he would be turned into "la maña"(Mexican cartel) or return him dead. Minor reports his sister would be asked for money that would not be given to the minor.
Minor reported 2 years ago he met a woman (26) while at his sister's store. Minor reported the two of them ate lunch together and were physically attracted to one another. Minor explained he lied to the woman about his age. Minor reported he told the woman he was 15 years old instead of 13. Minor reported the woman told him she was attracted to

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younger men and invited him to her house. Minor reported he was happy to join her. Minor reported he was told the woman had a husband who would be away for work (truck driver) regularly. Minor reported the first time they had intercourse she paid him 500 Lempiras. Minor reported from that moment forward they began meeting twice a week. Minor stated she would pay him 500-800 Lempiras per week to sleep with her. Minor reports she would also send gifts to him through his friends. Minor reports the intercourse was consensual and they did not have an agreement in which she had to pay him. Minor explains he believes she did it either for pity or because she knew he was a minor without a job. Minor explains they cared for each other and had a great open communication. Minor denies being coerced.

Incident Type: Other
Facility: Cayuga Centers
Date of the Incident: 08/11/14 **UAC**:

Date of the Incident Reported to ORR: 08/11/14
Summary of SIR: (2)
Both minors listed above were taken to the nurse by Skills Trainer . Both minors had bumps on their body. Nurse said that it is possibly bed bug bites. Nurse asked the minor how many times do the sheets get changed and the minor responded every week. The nurse gave them an antibiotic cream to put on at night and in the morning after bathing. After we were done, confided in me that the sheets were not change every week. I asked her how often they were changed and she told me they haven't changed the sheets since her arrival to the foster home. I then asked her why she didn't tell the nurse when asked and she responded that she is afraid that she might be in trouble and would get "kicked out". I replied that she shouldn't be afraid and none of what she said will happen.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: LSS MI
Date of the Incident: 08/12/14 **UAC**:

Date of the Incident Reported to ORR: 08/12/14
Summary of SIR: (2)
While staff was talking with another client in the hallway of client's room another client walked by and read what was displayed on staff shirt, which read "LOVE." Client pointed to upper body area as he read the shirt and other client thought he was pointing to chest area of staff Staff explained to the other client that client was just reading what the shirt said and assured to him that he was not being sexually inappropriate, because client just read what the shirt said. Client walked by again and other client insisted on asking what had occurred after being told not to do so by staff and client responded by pronouncing "LOVE" on my shirt again. Next, other client asked in Spanish to touch my shirt in my upper chest area where the word "LOVE" was displayed while told to disregard what was asked of him by other client, but the client touched staff in the upper body area (breast) anyway as she tried to prevent it by moving away and quickly ran to his room. In doing so, another client was present in the hallway at the doorway of his room and said to that what he did was wrong and no good. The client that initiated the act thought it was funny as well as client told clients that it was not funny what had occurred, and he said that he did not care because it was not him who did it, but he was the one that influenced client to do the action. spoke to both clients separately explaining to them what inappropriate sexual behaviors are.

Incident Type: Other
Facility: BCFS Harlingnen
Date of the Incident: 07/12/14 – 8/9/2014 **UAC**:
Date of the Incident Reported to ORR: 07/27/14 – 8/9/2014
Summary of SIR:
UAC sponsor was contacted by individuals attempting to scam them.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Chavaneaux
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 08/12/14

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Obtained via FOIA by Judicial Watch, Inc.

Summary of SIR:
SIR regarding inappropriate sexual behavior is not recorded in the UAC Portal.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Chavaneaux
Date of the Incident: 08/11/14 **UAC**:
Date of the Incident Reported to ORR: 08/11/14
Summary of SIR:
The following SIR was in this UAC's case file online, but it does not match the incident emailed in the notification. Instead, the description may belong to (above this SIR) instead.
During a session with reported that today August 11, 2014, while he was in his room with his roommate, a minor from the next room came out of the bathroom telling his roommate, "Is this what you want?" and pointed to his genital area. stated he did not see what else happened, because when he saw the minor start to tell his roommate to touch his genitals, he went to tell staff. stated he has had problems with the minor before. He reports that the minor has touched his butt while they are in line and this is why he almost became violent with the minor. He reported this happened sometime last week.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Chavaneaux
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 08/12/14
Summary of SIR:
SIR regarding exposed genitals is not recorded in the UAC Portal. SIR may of bee attributed to the UAC above this one instead

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Paso
Date of the Incident: 08/12/14 **UAC**:
Date of the Incident Reported to ORR: 08/12/14
Summary of SIR:
YCW was walking through the resident hallway, doing the typical five minute check. YCW looked through the window into Resident room and saw him lying on his back on his bed with his pants down. Resident appeared to be masturbating. YCW used her radio to report the incident and call for backup. YCW knocked on resident door and reported that he witnessed resident pulling up his pants as he got up from bed and came to the door.

Incident Type: Sexual Abuse during Journey
Facility: SWK Pleasant Hill
Date of the Incident: 08/11/14 **UAC**:

Date of the Incident Reported to ORR: 08/11/14
Summary of SIR: (2)
Today 8/11/2014, around 6:05 pm, Staff were supervising the clients while they were writing their names on the board for an outing to the park. Suddenly, I saw client go behind the closet, so I walked over there and called out name. As soon as I called and client's name, walked away from client At the same time, the Indian clients were laughing and we asked them why they were laughing. They stated that Martha and client kissed. Then YCW and I processed incident with client in her room. was hesitant at first, but she confirmed that they did kiss for a brief period of time. After processing with I immediately informed LC about the incident and requested her assistance to process with clients as well. LC, then processed with both clients separately with the assistance of YCW for translation.

Incident Type: Sexual Abuse during Journey
Facility: LSS NY

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Date of the Incident: 06/25/14 **UAC**:
Date of the Incident Reported to ORR: 08/13/14
Summary of SIR:
Minor disclosed to Clinician that she was fondled by two coyotes during her journey. Minor reported that, at night, she had crossed the Rio Bravo with these two coyotes who were responsible for bringing her from to the U.S. As the group was sleeping, the two men began to touch her legs and buttock, fondling her over her clothing. Minor reported that she believes they stopped as they heard a plane flying overhead.

Incident Type: Possession/Use of Drugs
Facility: Sandy Pines
Date of the Incident: 08/012/14 **UAC**:
Date of the Incident Reported to ORR: 08/13/14
Summary of SIR:
Minor reported she did not feel good and asked for self-time out. She was escorted to the time out area with her one to one Ms. where she observed pacing and trying to sniff the drywall in the time out area. Minor then asked to speak with RN Ms. Ms. came to speak with minor and attempt to de-escalate her and then minor handed Ms. Jessica a bag with powder substance. Minor reported that a peer had given it to her but did not disclose who. Ms. immediately took minors vitals and reported they were slightly elevated and immediately informed treating psychiatrist Dr. Dr. instructed unit Nurse to monitor minor's vitals every four hours and then once minor is stable continue to monitor every shift for 24 hours and at that time to re-evaluate minor. After minor handed over the bag and her vitals were completed, minor was able to calm down and she went back to her unit. Clinical team assessed for her safety, re-evaluated and updated her current safety protocol. The new safety protocol was updated to indicate the following: Minor's bed is to remain in the middle of the room, not near the wall. is to wear clothing with no bra and staff will give her one outfit at a time. Hygiene: is to shower on day shift ONLY. At each time 1:1 staff changes, there is to be a search completed (have shake out her hair, put her arms up, loosen pants to be sure nothing is concealed). This search will be documented and signed off by 2 staff on the Search Form.

Incident Type: Suspected Smuggling/Trafficking
Facility: Sandy Pines
Date of the Incident: 08/12/14 **UAC**:
Date of the Incident Reported to ORR: 08/13/14
Summary of SIR:
During session minor disclosed the following, "Minor reported he was kidnapped twice and recruited by Narcs to perform illegal labor i.e., selling drugs, and human smuggling into the United States. Minor reports being kidnapped at age 12 by the and held captive for 2 years and forced to sell drugs. Minor reported he was kidnapped a second time by the for two 1/2 weeks and forced to be a foot guide and help bring people into the US borders. Minor reports he made 3 trips into the United States with a group of illegal immigrants. He reported two times he was deported back to Mexico. Minor reported the 3rd time he was caught by Ice and detained in the USA after reporting his story of being a foot guide. Minor reports both times his life was threatened and was beaten to continue to these illegal activities. Minor states he fears for his life and his family's life in fear of retaliation." In addition, he confirmed his story when meeting with his legal representative, Ms. when exploring for possible trafficking and legal relief. Primary therapist was able to process his feelings about the incident and will continue to do so in his sessions. Therapist informed case manager Ms. of the concerns and a trafficking referral will be made by case manager.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Secure
Date of the Incident: 08/13/14 **UAC**:
Date of the Incident Reported to ORR: 08/13/14
Summary of SIR:
Staff was in process of completing a pat down search on another program minor arriving from the medical department, when this minor approached the Staff conducting the pat down. This minor then turned to their side, stuck their butt out and said to the Staff conducting the pat down can you come check me too?" Staff directed this minor to return to

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their room for a timeout; minor refused. After multiple redirections, Staff directed all the youth to their rooms to deescalate situation with this minor. This minor then proceeded to return to their room.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 07/15/14 **UAC**:
Date of the Incident Reported to ORR: 08/04/14
Summary of SIR: Addendum
The minor disclosed additional information regarding abuse by gang members and possible trafficking concerns during a clinical session on 8.4.14. The minor reported that the gang also forced her to do deliveries or "drops". The first time she tried to refuse but they threatened her by saying they would kill her if she did not. The minor states they would have her take a suitcase, go by bus and then drop them off in specified locations. Sometimes she simply rode the bus to another station and dropped the suitcase somewhere in the bus station and other times she left them in cemeteries or by statues in town. She states they told her not to open the cases and therefore, she does not know what they were. She states the suitcases were heavy and wherever she left them she would see men pick them up. Sometimes the trips were long. Sometimes the bus trip was more than 3 hours one way and she would sometimes still have to walk far to the drop location. She was not given money for the bus fare and was forced to pay this herself. They did not pay her to do these deliveries. She would sometimes go 1-3 times per week. She does not recall exactly how many times she had to do this but states it was several times, possibly more than 50. She reported she did not report this in her initial disclosure because she was scared to but states she now realizes they were things she was forced to do. She also had to help other gang members in her school with their homework. She reports they "constantly threatened" her that she would be harmed if she said anything to anyone. She disclosed that since she was 3 years old her older brother, was in a gang and his gang member friends would come to the home even though her brother was already in prison at the time. Without her brother knowing, his friends would come to the home when she was unattended and touch her in her private parts. This continued to occur up until she traveled to the USA. They would touch her whenever they saw her. These were among the same young men who forced her to work and forced her to touch them sexually. (SIR addendum completed)

Incident Type: Sexual Abuse during Journey
Facility: Heartland ICRC
Date of the Incident: 07/11/14 **UAC**:
Date of the Incident Reported to ORR: 08/13/14
Summary of SIR: Addendum
During the course of a clinical session on 8.13.14, the minor clarified details about her sexual assaults. She reported that her guide sexually assaulted her 13 times (not 3 as noted previously) over the course of 3 days while transporting her to the USA. It is likely staff mistook the minor saying "trece/13" versus "tres/3" when she originally disclosed.

Incident Type: Suspected Smuggling/Trafficking
Facility: Bethany Christian Services Shelter
Date of the Incident: 08/13/14 UAC:
Date of the Incident Reported to ORR: 08/13/14
Summary of SIR:
During his initial mental health assessment this youth reported that he was forced into guiding immigrants from Mexico to the US by a group of men. Youth reports that he does not know their names. Youth reported that he crossed the border without inspection on three occasions. He said that he was deported the first two times and expected to be deported the third time. On his last trip this youth reported that he walked for six days and only took occasional naps. This youth did not say if these men are from a certain cartel. He did say that the most prominent cartel in the area where he lives is This youth reports that he does not believe that anyone is looking for him and does not believe that he or his family is currently in any danger. This youth appeared sad and anxious during the conversation and did not provide details on how he was forced, when he began doing this work or what the conditions were.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Conroe
Date of the Incident: 06/01/14 **UAC**:

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Date of the Incident Reported to ORR: 08/14/14
Summary of SIR: (2)
The client stated she reported the information differently when she came to Casa Conroe because in the previous shelter she was told she wasn't going to be able to work and that she needed to go to school. Client stated she and her sister reported that information to their aunt who then said they would go to school and work when they were able to work. The client stated she asked the aunt about coming to the US to work and the aunt said that she could. The client stated the aunt also said that the girls could work off their debt of 12,000 Quetzal to the "coyote" for crossing them over. The client stated that the aunt said she could arrange for her to work picking grapes and that she could go to work with her since the client's sister was going to babysit the aunt's child. Case manager has spoken to the client's mother, father, aunt, and uncle all are giving different stories. Case manager attempted to contact clients' aunt and left a detailed voice message explaining the transfer of both clients to Casa Conroe. Immediately case manager received a call from a different number and the caller identified himself as . stated that he was in charge of his nieces' case. He provided a phone number and he also stated to deal with him about anything regarding the case and not his wife. Case Manager interviewed Clients' mother ; case manager used a translator to ensure that understood all questions during the interview. During the interview stated that initially her daughters' Martha were heading to a place called "Florida" to study. reported that her daughters were traveling to the United States to stay with unknown persons from their village in Guatemala. explained that individuals from the village are taking families' children to the states to give them education and a better life. She stated that she does not know the individuals' names because her husband was the one who made all the arrangements for her daughters' trip. explained that she was confident because other people from their village had sent children and they had made it to the United States with the same people; therefore she thought her daughters would make it too. stated that her husband borrowed money from family members in Guatemala to pay the coyote. reported that her sister-in-law was not aware of her daughters' trip to the states because they were supposed to arrive in Florida with the individuals that promised to help give her daughters an education reported that once the coyote reached the Mexican border in the United States he called and asked for more money in dollars to get the clients across to the United States. stated that her husband contacted the people that promised to care for the minors in Florida but they declined to help with money. decided to call for help. stated that was surprised to hear that and were traveling to the States and she agreed to help. Furthermore; stated that agreed to send $1600 Dollars ($800/Child) to the coyotes to help and get across. The clients were later apprehended by immigration. was also questioned about and previous statement about traveling to the United States to work. Angelina stated that she does not know why her daughters lied about going to the US to work, she believes that the clients were nervous and scared and probably thought it could help them stay in the states. Additionally, reported that after her daughters were detained, her husband explained to her that a relative in Santa Cruz Barillas was sick and he was going to go care for the relative. explained that her husband told her that their daughters had been detained by immigration and that if someone called, for her to say that he had to go care for a family member in Barillas. reported that she had not seen her sister in law since about 15 years ago, but that she believed that even though and were born after left Guatemala she could care for them and give them a good future. also said that agreed to care for the clients and that she now has "some type" of legal status. stated that she wants for her daughters to be released to and her husband. The aunt stated that she never gave any money to the coyotes and that she did not help plan the trip. She restated that she was unaware of the client's plan to travel to the United States. stated that after talking to the clients, she talked to and and they stated that the clients were going to Florida to stay with cousin in Georgia but that she had no legal status therefore could not claim the minors. stated that she does not know the name of cousin and that she does not know any other family members in the US. reported that she traveled to Guatemala about two years ago on October to visit her father who lives in the same house as and said that she traveled to Guatemala with her 10 and 4 year old children and that the clients were there when she arrived. She also stated that she calls to Guatemala often but that she never had phone communication with the clients. Additionally Case manager questioned about her employment history; stated that her previous job was at a candle manufacturing company and that other than that she had never worked in the states. also stated that she lived in Florida for about 12 years and that her and her family moved to Georgia about a year ago. stated that she had recently talked to her brother in Guatemala and

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provided case manager with a contact number. Case Manager contacted the client's father
During the phone interview stated that he paid a coyote 12000 Quetzals and that his sister had no idea about his daughter's trip to the United States. He stated that he has no money to give his daughters an education and that a friend from the village referred him to the coyote. stated that his daughters came to the states to study and not to work. When case manager asked for the name of the friend that referred him to the coyote hesitated to answer and he replied that he is a friend from the village in a place called Florida. Case manager insisted on obtaining the name of this friend and stated that the name is He later stated that was the person that was supposed to care for his daughters in Florida but can no longer help because he had to go back to Guatemala. stated that had been back in the village for about 2 or 3 months. Additionally stated that he had not seen his sister in about 2 years and that the last time he saw her she had 2 children with her. He reported that his sister was not working because she was laid off from her job at a candle manufacturing company and that she agreed to care for and A home study is necessary at this point. Client denies and does not present with any PTSD or depression symptoms. Client denies any current suicidal/homicidal thoughts or plans.

Incident Type: Sexual Abuse during Journey
Facility: SWK Casita del Valle
Date of the Incident: 08/09/14 **UAC**:
Date of the Incident Reported to ORR: 08/14/14
Summary of SIR:
Client reported a history of threats while in her COO as well as sexual abuse while traveling to the US. Client stated that she received threats beginning in January 2014 and the threats continued about once a month, until she traveled to the US (June 2014). Client stated that a gang member (name unknown) threatened her after she refused to become his girlfriend. Client stated that about once a month, she would see him when she walked by herself to the store or to run errands. According to client, he threatened to take or and/or rape her. Client stated that although the threats occurred once a month they did not escalate. An SIR will be submitted with this information. Client indicated that she was raped by two men while in Mexico, prior to crossing into the US. Client indicated that on August 9, 2014, while waiting to cross into the US, she separated herself from her travel group in order to use the bathroom. While she was separated she was approached from behind by two men, whose faces were covered with black masks. Client stated that they put a piece of cloth over her month (which smelled strong, like alcohol). Client stated that she became dizzy and was not able to scream (client denied a loss of consciousness). Client stated that both men raped her and left. Client stated that she does not believe that the men traveled with her or continued to travel with her after the incident.

Incident Type: Suspected Smuggling/Trafficking
Facility: Catholic Charities Houston
Date of the Incident: 08/14/14 **UAC**:
Date of the Incident Reported to ORR: 08/14/14
Summary of SIR:
During Case Management intake, minor reported she was arrested today 8/14/14 upon her arrival at a location agreed upon to meet with a man for the purposes of prostitution. The minor reports the man she had agreed to meet was a police officer and there were many police officers at the designated location. Minor reports this was the first time she was engaging in prostitution.

Incident Type: Sexual Abuse during Journey
Facility: Morrison LTFC
Date of the Incident: 08/13/14 **UAC**:
Date of the Incident Reported to ORR: 08/14/14
Summary of SIR:
reported during his weekly in-home session that during his journey in November 2013, he reported being sexually abused by an adult female coyote while staying in a safe home in Mexico before crossing the border. stated that he does not know the name of the female coyote and he believes she was over 40 years-old. elaborated that the female coyote's responsibility was to mainly stay in the safe home to supervise people and would help at times to cross over people to the US. stated that the female coyote would be befriend him by saying nice comments, gave him extra food, and would buy him sodas. stated that the female coyote would follow him to the shower area and would

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caress his body and touch him in his body parts inappropriately. stated that on various occasion the female coyote would approach him to touch and caress his stomach, nipples, and buttocks. expressed that the female coyote would convince him to drink beers and would tell him degrading comments such coward and hoe to make him drink and become drunk. stated that the coyote female would smoke marijuana often and would blow on his face/nose and he felt that the second hand marijuana smoke along with the alcohol made him feel dizzy, confused, and disoriented. stated that the female coyote would tell him that if they did not have sex, she was not going help him cross the border and it would take longer for him to cross the border. stated that she was very persistent and he was not sure of what to do, but he did know he wanted to cross the border soon. stated that he was manipulated and obligated to have sex with the female coyote and said he had full intercourse sex four times. He added that she performed oral sex and asked to do the same for her, and he refused to do so many times. stated that he did not want to have sex with her because she was old, fat, and ugly. stated that he was starting to feel bad because he stayed about two weeks in the safe home and there were a lot of people leaving and he was one of the few youth staying there. stated that the female coyote was the one that helped him cross the border before being detained by ICE officials.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: KidsPeace
Date of the Incident: 08/14/14 **UAC**:
Date of the Incident Reported to ORR: 08/15/14
Summary of SIR:
UAC reports her childhood was filled with both happy and sad moments. She reports that her father was an alcoholic and she believes he abused additional substances as well. The UAC reports when she was between the ages of 5 and 7, she can recall that he father often hit her mother. When asked to describe how her father hit her mother, the UAC indicated he would beat in any way that he possibly could. She reports he punched her, pushed her, kicked her, slapped her and pulled her hair. The UAC denies physical abuse by her father. The UAC reports at the age of 7 her parents separated and the UAC and her 4 siblings (the UAC is the middle child), moved to another house with her mother. The UAC reports this is when everything changed. The UAC reports her mother began to abuse alcohol and would leave the children (all under the age of 15 at the time) alone at night while she went out to the bar. The UAC reports her mother began to blame the children for her separation with the father. The UAC reports her mother would say things like "you children are the reason your father hit me." The UAC reports after nights of partying and drinking, her mother would come home and begin hitting and yelling at the children. The UAC reports her mother would wake the children up and begin hitting them with whatever object she could find (belt, shoe, furniture etc.). The UAC reports this went out for 4 years and her mother's behavior and alcoholism continued to get worse. The UAC reports when she was 11 years old, her mother left the home, abandoned the children and moved out. After her mother left, the UAC reports she continued to send money to the children so they could pay for rent in the house where they resided. The UAC reports occasionally the mother would call to talk to the children. The UAC reports her oldest sister who was 16 at the time became primary caretaker of the four children who remained in the home. The UAC reports eventually this sister also left the home and another sister who was age 15 at the time became primary caretaker of the three children who remained in the home. Over time this sister left the home, placing the UAC in charge of taking care of herself and her two younger siblings. The UAC reports she became primary caretaker around the age of 14. Her two youngest siblings began to tell their mother that they did not living with the UAC. At this point, the mother assumed custody of the two younger children and asked the UAC to move in with her. The UAC reported she chose not to go with her mom because they "do not have a good relationship" and she "does not trust mother." The UAC reports she is angry that her mother abandoned her when she was little. The UAC reports for the past year she has lived on and off with her mother but has spent most of her time in the streets with friends and living alone in the house where she grew up. The UAC reports her mother sent her money to maintain this residence and she worked on and off doing odd jobs such as cutting hair and babysitting to pay for food and necessities. The UAC reports when her mother found out the UAC was pregnant she offered to help the UAC (UAC is five months pregnant). However the UAC reports her mother is a liar and she does not believe her mother truly wanted to help her. The UAC reports her mother would often take her in and then kick her out. The UAC reports for the past 3-5 months she has lived completely on her own and a neighbor occasionally helped her with things such as supplying food. (Drug Abuse) The UAC reports she began using drugs and alcohol at the age of 13. The UAC reports she has tried cocaine a few times. The UAC reports for the past two years she has used alcohol (tequila, rum, vodka, whiskey) combined with marijuana on a daily basis. She reports frequent use of marijuana and alcohol for the past 4 years in total. The UAC denies symptoms of withdrawal and reports she is not addicted to the drugs. The UAC reports she used the drugs when she was sad or mad and for fun. The UAC reports she last used marijuana and alcohol in July 2014.

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The UAC reports she began cutting her wrists and thighs at the age of 13. The UAC also reports she burns herself with cigarettes. There are visible burn marks and scars related to cutting on the UAC's arms. The UAC reports sometimes she did this to make little drawings on her body; however most of the time she did this due to feelings of sadness and anger. The UAC reports she would use any object sharp enough to cut (needles, box cutter, razors, pencils, eating utensils, lids from cans etc.). The UAC reports she last had self-injurious behaviors approximately 3-4 weeks ago. The UAC reports 4 prior suicide attempts. The last attempt occurred three months ago when the UAC jumped off a bridge. The UAC reports she suffered cuts and bruises but did not receive medical attention. The UAC reports additional attempts included attempting to: strangle hers elf with a rope, cut her veins, drown herself. The UAC reports she had "muchas ideas" when discussing ways that she imagined she would kill herself. The UAC denies current suicidal ideations. The UAC reports she often got into fights in her home country with both men and women. She reports no current homicidal ideations but reports in the past she has had thoughts of hurting others. The UAC reports she occasionally has nightmares. She reports recent nightmares of people telling her to do bad things (i.e. hurt others). The UAC reports she always wakes up when this is happening and she can never recall the face of the people in the dreams. Her last nightmare is reported as 1 month ago. The UAC reports sexual abuse in the form of fondling on two separate occasions. At the age of 14, the UAC reports her mother's boyfriend came into her bedroom while she was sleeping and began to fondle her under her clothing. She woke up and told him she would report him and this never happened again. The UAC reports she never told anyone about this incident. The UAC reports when she was about 15 years old, one evening she was drunk and sleeping and her sister's fiancé began to fondle her. She has recollections of him touching her breasts and vagina. The UAC reports she woke up screaming and she told her sister about the incident. The UAC reports her sister blames her for this incident. The UAC reports approximately 5 years ago, she burned the table, sofa, and chairs in her family home. The UAC reports she used a lighter to set fire to the objects. She reports she did this because she was mad and angry with her mother. The UAC's mood was stable throughout the interview. She maintained eye contact with this clinician and maintained steady speech. Her mood and affect were normal. She was oriented to time, person, self, and place. The UAC appears to have limited insight into her behaviors. It is this clinician's impression that the UAC lacks healthy coping skills to deal with abandonment issues, residual effects of trauma, anger issues and symptoms of depression. This clinician has concerns about the UAC's current mental health functioning.

Incident Type: Sexual Abuse during Journey
Facility: Bokenkamp
Date of the Incident: 07/11/14 **UAC**: (b)(6)
Date of the Incident Reported to ORR: 08/15/14
Summary of SIR:
UAC (b)(6) disclosed she had been sexually assaulted in form of rape and robbed in Mexico during her journey to the United States. UAC specified that on July 11, 2014 at 9:00 P.M. her group was advised they were going to walk approximately twenty miles to a wooden area to aboard a bus that would continue to take them to their destination. UAC reported while they were walking a group of bandits stopped them, threatened them with guns, and immediately began to physically assault them. UAC specified being sexually assaulted and robbed of one hundred dollars by three masked men that night. UAC also stated witnessing the bandits beat and rob the other individuals from the group. UAC stated neither she nor any of the other individuals reported the incident to the authorities at the time. UAC also reported she did not seek any medical attention after the sexual assault.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Sol
Date of the Incident: 08/15/14 **UAC**: (b)(6)
Date of the Incident Reported to ORR: 08/15/14
Summary of SIR:
Client disclosed to Clinician that she was sexually abused by an unknown aggressor back in her COO. Client reported that she went to the store one night around 7:00pm and on her way back a man in his mid-20s came out of the bushes and hit her and that is all she remembers. Client stated that she woke up on the street and she was crying and sore and so she went home and told her cousin what had happened and her cousin took her to the hospital, where she got medications. Client's cousin informed client's parents about this incident and they reported to the police but unfortunately nothing came out of it. As a result of this attack, Client is currently 35 weeks pregnant and she is not clear to travel.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: LSS of MI TFC
Date of the Incident: 08/15/14 **UAC**:
Date of the Incident Reported to ORR: 08/15/14
Summary of SIR:
The foster parent observed the minor, age 5, cuddling with the family cat, which he had not done before. He then pulled down his pants and attempted to put his penis in the cat's mouth. Foster mother called agency on-call phone to report incident.

Incident Type: Suspected Smuggling/Trafficking
Facility: Crittenton Shelter
Date of the Incident: 08/15/14 **UAC**:
Date of the Incident Reported to ORR: 08/15/14
Summary of SIR:
Client stated gang members in his home country known as verbally threaten him to do jobs for the gang. Client stated he was forced to break into cars and wash cars that belong to the gang members. Client stated he was told to do the jobs or he would be killed. Client stated he was first approached in December 2009 and continued doing jobs for the gang until approximately April 2013, when he left his home country. Client stated his primary reason for coming to the US was to escape the gang members. Client stated his parents confronted the gang members asking them to stop. The client stated the gang members replied back to parents stating, "He belongs to us, he is not yours."

Incident Type: Suspected Smuggling/Trafficking
Facility: St. PJ's Home
Date of the Incident: 08/15/14 **UAC**:
Date of the Incident Reported to ORR: 08/15/14
Summary of SIR: Addendum
Client and Clinician spoke about Client's reported activity of being forced to work for the Cartels back in HC. Client denied knowing what was inside the coolers when he was asked to unload the boats. Client stated that he did receive payment of 1,000 Lempiras which is the equivalent of around $47 each time. Client stated that after six months of unloading coolers with unidentified merchandise, he left his home town to move to the city in order to survive with his mother. Client denied any concerns in regards to this matter at the current time. Clinician LPC Intern.
08/15/14: Client and Clinician called aunt (Sponsor) in order to inform her of what Client had disclosed in regards to the work he was forced to do by the Cartels. Sponsor was very understanding stating that when one lives in Honduras and a Cartel tells someone to do something, one needs to do it; if not, they will kill the person and their entire family. Sponsor was very understanding while Client disclosed what is stated above and mentioned that he only wanted to protect his family. Sponsor said she was worried about minor and that she had brought him over because she had already experienced losing family members due to the violence in Honduras. Sponsor stated that as soon as Client arrived with her he would be sent to school and taken care of by her.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Children's Village
Date of the Incident: 08/13/14 **UAC**:
Date of the Incident Reported to ORR: 08/15/14
Summary of SIR:
Ms. received a phone call from Mr. , Assistant Supervisor informing her of an incident. According to Mr. Mr Case Manager) and Mr. were walking to the Day Care when they saw that Mr. was in the Day Care back yard without the minor. As they got closer they saw that the minivan was running and the key was in the ignition and the minor was in the vehicle. Mr. immediately secured the keys and Mr. looked to see if minor was safe. Mr. waited with Mr. and the minor until Mr. ame out of the Daycare and handed him the key to the minivan. Mr. and Mr. took the minor walking to medical for his medical appointment

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Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
August 17 – August 23, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 0
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 5
- Suspected Smuggling/Trafficking: 7
- Possession/Use of Drugs: 2
- Sexual Abuse outside the US – UAC Pregnant: 1
- Sexual Abuse during Journey: 3
- Other: 2

Total Number of major SIR: 20; Total Number of SIRs for the Week: 434; Number of SIRs for FY14: 22,255

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 08/16/14 **UAC**: (b)(6)
Date of the Incident Reported to ORR: 08/17/14
Summary of SIR:
The minor reported that her mother used to treat her well until she was older, about 10 years old. She reported that five years ago her mother stopped sending her to school and put the minor to work in the mother's business to help out the family. The minor stated she wanted to continue to study but her mother made her stop going, saying that it was useless because the girls who went to school only came back "with bellies" (pregnant). Her mother initially had a tortilla business in which the minor was made to work daily after waking at 2 am until about 8 pm when she went to bed. Several years ago her mother switched to another food business making a typical cultural food called "pupusas". The minor would help with tasks and making and selling them. She worked from about 6am until 8pm. The minor stated there was too much work and she did not like to do it. She last worked with her mother 3/31/14, the day before she fled her mother's home.
The minor stated her mother became verbally and physically abusive around the time she was taken out of school and made to work. The minor reported that if she expressed not wanting to work or not doing the work correctly, the mother engaged in coercive practices such as hitting the minor repeatedly if she refused. The minor would then work mainly for fear of being hit or related intimidation. She was verbally abusive to the minor daily, making derogatory comments to her if she did not get up and work or listen to her mother. The minor stated she does not know how many times her mother hit her physically because it was several times. She estimates her mother may have hit her about 3 times per week. She would hit her if she did not work, or follow the mother's instructions. The minor stated she would typically hit her either with an open hand or use objects such as belts, rope or cords. She would hit her usually on her back and sometimes leave red marks that faded shortly after. The minor reported she once hit her with a wooden stick on her legs and left her whole thigh very badly bruised for 15 days.

Incident Type: Other
Facility: SWK Casa Houston
Date of the Incident: 08/15/14 **UAC**:

(b)(6)

Obtained via FOIA by Judicial Watch, Inc.

(b)(6)

Date of the Incident Reported to ORR: 08/16/14
Summary of SIR: (16)
At 4:30pm in Cici's Pizza, (YCW), while monitoring staff and clients, was approached by an unknown person asking questions of the program he works in. The unknown person asked "do you work for southwest key" and Youth Care Worker replied "Yes, I do". The unknown person stated "that he was a lawyer and that he worked on cases for undocumented children". Then the unknown person moved from where Youth Care Worker was sitting. After he moved he pulled out his cell phone and started taking pictures of the clients and staff. Then at 4:37pm Youth Care Worker immediately called (ASL) informing her about the situation (ASL) informed Youth Care Worker quietly and calmly in an orderly fashion to leave the restaurant. While transitioning back to the shelter from the restaurant at 4:52pm staff noticed that they were being followed by the unknown person. Youth Care Worker immediately called (ASL) about the situation and was advised to come straight to the shelter.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Mesa
Date of the Incident: 08/01/14
Date of the Incident Reported to ORR: 08/18/14 **UAC**:
Summary of SIR:
Staff ocumented client went to the restroom without permission and changed his shorts outside of the restroom. Staff documented she saw client without his shorts. Staff documented client stated "eso te pasa por mala, porque me tartan mal.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland Beverly
Date of the Incident: 08/18/14 **UAC**:
Date of the Incident Reported to ORR: 08/18/14
Summary of SIR:
reported that UAC on more than one occasion, had hit UAC rear end with the palm of his hand. UAC reported most recent occasion being this afternoon in line when UACs were transitioning to another floor. Program Manager revised camera footage concerning reported incident. Program Manager confirmed UAC Fernando hitting UAC rear with the palm of his hand. Program Manager and met with both UACs in regards to this incident. UAC reported he was "bromiando" "horseplaying." UAC was reminded it is required for all UACs to respect each other's personal space and that under no circumstance is it appropriate to touch, hit or grab another person. UAC was reminded horse playing is not allowed in program. UAC confirmed he understand these mandatory house rules and will comply. Appropriate safety measures and behavior management were placed into effect immediately. In addition, UAC will be closely monitored as well as placed in front of line during transitions to avoid any future incidents.

Incident Type: Possession/Use of Drugs
Facility: Morrison Paso
Date of the Incident: 08/17/14 **UAC**:
Date of the Incident Reported to ORR: 08/17/14
Summary of SIR:
At about 9:35pm resident stated to YCW that all of the kids here at Paso are snorting white pills. YCW asked if the pills are from the med office, and said no, that some residents had brought them into the facility. YCW asked which residents were involved in taking the drugs and when it was happening. stated all the residents are snorting the white pills and at all the times of the day, but mostly in the evenings. also stated that he does not participate in the snorting of the drugs.

Incident Type: Sexual Abuse during Journey

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Obtained via FOIA by Judicial Watch, Inc.

Facility: Heartland ICC
Date of the Incident: 08/19/14 **UAC:**
Date of the Incident Reported to ORR: 08/19/14
Summary of SIR:
Minor disclosed that she was sexually accosted by the coyote twice during her travel to the United States. Minor reports during her stay in MX she was in a room by herself when the coyote came in and crawled into the bed with her, attempting to fondle her. She continuously rejected his advances and was getting ready to go sleep on the floor when other people entered the room and the coyote stopped harassing her. The minor reported a second time where the coyote was rubbing her shoulders and touching her back while in the dining area, the minor asked the coyote to stop touching her. Minor reported the coyote stopped touching her and minor denied any further harassment from the coyote.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Baytown
Date of the Incident: 08/18/14 **UAC:**

Date of the Incident Reported to ORR: 08/19/14
Summary of SIR: (2)
On August 18, 2014 between the hours of 10:30 am and 10:45 am, while on break in Alpha house, youth reported to Direct Staff that he saw both youths, and holding hands. While they were holding hands, youth . passed his hand to client Rubi P.J. and rubbed his hand between his abdomen and private area.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 07/16/14 **UAC:**
Date of the Incident Reported to ORR: 08/19/14
Summary of SIR: Addendum
Minor reports that the local gang members were members of the 18th street gang. When he had to work, he would lie to his mother and say that he was going out with friends, or he would ask permission to visit the houses of friends, when in reality he would go to the job. The minor reports that he would perform the tasks of collecting extortion money approximately 2 to 3 times a week, although sometimes they would seek him out only once a week. He states that it differed from week to week and that they would seek him out when they had an assignment for him. The minor does not remember the exact date of when he was kidnapped, but remembers that it was a Friday in June. The minor reports that he was outside of a shoe store in his town when he was kidnapped. He reports that something was put over his head, and that a cloth was pressed to his mouth, which made him sleepy. He guesses that he was drugged, as he does not remember much of what happened after he was taken. The minor reports that when he was abducted, he was alone as far as he knew. He knows that he was kept at an unknown location overnight before he was taken and arrived at the final destination, which was the run down house in what, he later discovered, was Mexico. He states that his head was covered most of the time, so his awareness of his surroundings was limited. He reports that he was the only person who was being held while in the run-down house in Mexico. He reports that there were other persons there, but that they would only smoke and hang out, which lead him to believe that they were not in his same situation. The minor reports that he was put to work cleaning windshields on the street by his captors. He states that he would stand by a traffic light and when the traffic stopped, he would clean windshields. All money he earned was taken away from him per his report. The man who ended up helping him first approached him at the traffic light when he was in his car. He states that as he cleaned the man's windshield, the man began to talk to him, and offered to help him, and invited him to get in his car. The minor reports that he initially did not trust the man after all that had happened to him thus far, and refused the man's help. He states that the man then drove off, apparently parked his car, and returned on foot to talk to the minor and offer him help. The minor states that he is sure the man offered him help because he felt sorry for him based on his appearance. The minor states that he was dirty and wearing torn clothes at this point. The minor reports that he decided to go with the man the same day he spoke to him, and that he never returned to the run-down house where he was held. He reports that after talking to the man for a portion of his day, he decided to take a chance, and just left with the man. He did not return to the run-down house.

Incident Type: Suspected Smuggling/Trafficking

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Obtained via FOIA by Judicial Watch, Inc.

Facility: Heartland Guadalupe
Date of the Incident: 8/20/2014 **UAC**:
Date of the Incident Reported to ORR: 8/20/2014
Summary of SIR:
Minor stated that a guide who had traveled with them from Honduras also accompanied them across the border into the United States. Minor stated that she was with her 29-year-old aunt and her 12-year-old cousin who is currently at the facility with minor. Minor stated that together they walked about four hours to a car and were then taken to an apartment in Alamo, Texas that was occupied by a male (approximately 50 years old) who appeared to be the owner. Minor stated that they were left there by the guide for two days and two nights. Minor stated that the guide stopped in once a day to bring food and then left. Minor stated that there were 16 women and 6 men in this apartment and they all stayed in the same room. Minor stated that while in the apartment the owner threatened them by saying "If you don't leave my apartment I'll call the police or cut you up". Minor stated that on one occasion the owner masturbated outside of their room and when one of the men tried to shut the door the owner swung knives at him so as to keep the door open. Minor stated that she, her cousin, and another minor were put in the closet of the room for protection in case the owner tried to harm them. Minor stated that on one occasion the owner spoke to a 25 year old man that was also staying in the apartment and asked him to help sell the woman for sex for $40 dollars each. Minor stated that she did not hear the owner saying this but that the 25 year old man told the rest of the group of the plan and that he had refused to help. Minor stated that the guide who had taken them to the apartment arrived the following day with food and they informed him of the owner's plan. Minor stated that the guide moved them to another apartment that same day. Minor stated that they were put in the apartment for 17 days and told not to leave because they could be kidnapped or held for ransom by other guides if they were found. Minor stated that they were given food once a day and the women and children stayed in a room separate from the men. Minor stated that she and her aunt and cousin were let go after 17 days and were then guided by foot for a few hours before getting in a car. Minor stated that after a short time driving, the guides left them in the car and immigration officers found them and detained them shortly after. Minor stated that her father (current sponsor in the US) is aware that minor was held in these apartments during her journey because her aunt had a cell phone with her that they were able to use.

Incident Type: Possession/Use of Drugs
Facility: IES Hidalgo Foster
Date of the Incident: 08/19/14 **UAC**:
Date of the Incident Reported to ORR: 08/19/14
Summary of SIR:
I.E.S. Hidalgo received a phone call from foster parent informing that she found a bottle of pills inside UAC backpack. Foster parent advised that the bottle of pills was white with a red label that read "Shot B G.S. Ginseng 400". Foster parent was advised to send her the bottle of pills immediately to her office.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Seton Home
Date of the Incident: 08/20/14 **UAC**:
Date of the Incident Reported to ORR: 08/20/14
Summary of SIR:
Resident disclosed during initial clinical assessment on 8-20-2014 that she is currently 33 weeks pregnant. The resident reported that her pregnancy was not consensual. The resident reported that she was sexually assaulted by her sister's boyfriend in January. The resident reported that he is a Nicaraguan male about 40 years old and works as a police officer. He sexually assaulted her in her home one evening when her sister was not home. The resident reported that he threatened to kill her and her sister if she told her sister about it or if she reported him to the authorities. The resident denied seeking medical attention after the assault. The resident reported that he continued to have a relationship with her sister and they would argue frequently, but denied knowing about or witnessing any abuse perpetrated by the male towards her sister. The resident reported that he would threaten her frequently when her sister was not around, but denied any further abuse occurring. The resident reported that soon before departing from home country on 7-13-14 she disclosed this information to her sister. Her sister wanted to report the incident, but did not for fear that he would kill them. The resident disclosed a history of childhood abandonment by both of her parents. The resident reported that when she was 6 or 7 years old, she and her sister had been abandoned by her parents and left in the care of a maternal aunt. The

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resident denied ever having any contact with either parent again, or knowing their current whereabouts. The resident reported that her sister and her resided with their aunt and her 3 children until 3 years ago. The resident reported that she had been residing with her sister in a rented home for the past 3 years and her grandmother (sponsor) financially supported them. The resident denied any family history of physical, verbal, or sexual abuse.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 08/20/14 **UAC**: (b)(6)
Date of the Incident Reported to ORR: 08/20/14
Summary of SIR:
Minor disclosed a history of suicidal ideation and gestures due to stress of abandonment, receiving threats and being coerced to engage in sexual activity. The details the minor provided are indicative of possible trafficking. The minor disclosed she fled home country from threats and coercion. The minor explained that both parents abandoned the family. The minor and her two younger sisters continued to live in the home because her grandmother lived in the home next door and would care for them daily. However, the grandmother soon became ill from diabetes and strokes when the minor was 13 and could no longer speak or get out of bed. When she was 13, a man, from a group who called themselves "Los Olanchanos", came to her home and began forcing her to pay him "renta" (200 lempiras per day). She never knew his name and states he was at least 35 years old. The minor stated the man was not a gang member, but part of a group who "cleaned the streets" of the town ridding it of gang members. However, they were also known for threatening people for money and would not let people leave the town. He threatened to kill her if she did not pay and on days she could not pay the full amount, he would force her to have sexual intercourse with him as her payment. The minor reported he assaulted her sexually in this manner multiple times beginning at age 13 because sometimes she did not have the money or at times needed the money for her and her sisters to live off of. Shortly after he began forcing her to pay the "renta", the minor asked him if he could help her get a job so she could have money to pay him. He made a false ID and began connecting her with different jobs. The minor would do different jobs. She worked in a supermarket working with inventory and giving product samples. At another time, she worked selling flowers and then in a clothes store. The minor would work about 4 days per week from 9am until about 6pm. She was typically paid 5,000 Lempiras per month, of which she was expected to give the equivalent of 200 lempiras per day to the man collecting renta. She states he would come by on Saturdays usually to pick it up. About 2.5 months ago, the minor told him she did not want to work for him anymore because she could no longer carry on with these experiences. He grabbed her angrily by the shoulders and pushed her, causing her to fall back and hurt her back on the corner of a table. She recalls not being able to get off the floor for some time and was not able to get out of bed for many days. The man, seeing she was hurt, brought her medication to help her get better and would visit her while she was home injured. When she felt better, she traveled to the USA. A man who usually guarded the town to know who left and entered helped her to leave the town so she could begin her trip north. As a result of these experiences, she struggled emotionally due to abandonment, stress of caring for her sisters, and the threats and coercion she was experiencing. She began feeling depressed and having suicidal ideation at age 13. She engaged in cutting with razors with the intent to end her life about once per month. She denies ever cutting deeply. She reported only having two very faint scars on her wrist/forearm that this clinician could barely see. She also reports there were times she stuck herself with needles. The minor states she continued with wanting to end her life and engaging in cutting from ages 13-15. At 15 she went to a religious retreat where she was able to confide in an adult about her problems and receive counsel from them. She reports this retreat helped her to feel much better. She has not had suicidal ideation or engaged in self-injury since. She denies any current thoughts to harm herself and feels safe in the center. She is able to use appropriate coping skills.

Incident Type: Other
Facility: SWK Nueva Esperanza, BCFS Chavaneaux
Date of the Incident: 08/20/14 **UAC**: (b)(6)

Date of the Incident Reported to ORR: 08/20/14
Summary of SIR:
Unknown individuals attempted to scam sponsors by requesting funds in exchange for UAC currently in care.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland Beverly

Obtained via FOIA by Judicial Watch, Inc.

Date of the Incident: Unknown **UAC:**
Date of the Incident Reported to ORR: 08/20/14
Summary of SIR:
SIR regarding trafficking concerns is not recorded in the UAC Portal.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St. PJ's
Date of the Incident: 08/20/14 **UAC:**
Date of the Incident Reported to ORR: 08/21/14
Summary of SIR:
rushed towards the staff member and kissed her and gave her a hug. The staff member proceeded to redirect and explained to him that the behavior was inappropriate. Again while in line to pick up his snack after school at 3:20 pm, again approached the same staff member and kissed her right cheek and then gave her a big smile after the incident. The staff again explained to hat the action was inappropriate and reminded him of boundaries.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Paso
Date of the Incident: 08/20/14 **UAC:**
Date of the Incident Reported to ORR: 08/20/14
Summary of SIR:
disclosed to clinician that at age 12 he was recruited to work as a foot guide by a man who he met in a park that gave him a soccer ball and money. He reports that although he started working voluntarily as a foot guide at age 12, by age 15 he decided that he did not want to continue doing this work because he was tired due to having to do up to three trips a day across the border. He reported that at this point that he was told by the people he worked for, "this is not a game and you are not a child anymore." They told him that he had to keep working for them. He reported that these people were always armed and he was afraid of them. He stated that they would come to his house and take him from his home to do this work because he was their only guide. Minor stated that his parents knew that this was happening but that they "could not help him." He stated that at one point he thought of escaping to the U.S. with his contact in Texas that normally transported him while working. He stated that this person offered to let him stay but then later took him back and he was hit by the people who he worked for in Mexico due to having tried to leave them. He stated that he was hit by them on three occasions. He stated that he is not sure what would have happened to him if he had stopped working for them entirely. He is unsure if they are looking for him or what they would do to him upon his return. He believes that they may have been arrested by the Mexican army recently.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison LTFC
Date of the Incident: 08/13/14 **UAC:**
Date of the Incident Reported to ORR: 08/21/14
Summary of SIR: Addendum
Today while attending a doctor appointment, minor also disclosed more information about what occurred in his journey to USA, after leaving the Safe House in Due to not knowing American law, minor states he was afraid to reveal this information previously. He stated that the coyotes handed him and his group over to another group of armed men, who wore masks, just across the river. believes that these men might have been affiliated with the , due to several statements that he overheard. Minor states that these masked men threatened him and the other immigrants to carry several suitcases (he thinks his weighed roughly 25 lbs) loaded with drugs. says he saw inside one of the bags, and he saw marijuana and cocaine in packages. He states that he did not want to do this job, but believed he had no choice due to the guns pointed at him and the stranded situation he was in at the border. He heard that the plan was for him and the others to walk all the way to Houston with these packages. states that he carried for the masked men for some duration and was not sure how to escape. He was prodded by the butt of the gun at times to keep marching. Finally, after a day, the group fell asleep at night, and was able to flee the group and ran into the countryside carrying nothing in his hands. Minor says he ran for 3 hours straight, due to being so frightened of the masked men. He says he eventually found a farm, and asked for help (to make a phone call, get water) from the man living there. The civilian called the local police, and was picked up by ICE officials.

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Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Sexual Abuse during Journey
Facility: SWK Rio Grande
Date of the Incident: 08/22/14 **UAC**:
Date of the Incident Reported to ORR: 08/22/14
Summary of SIR:
It was during her second journey that she was sexually assaulted and raped by the "Coyote" - guide that was escorting her, her sister, and several other immigrants. Youth indicated that he this individual was known by his nickname, who was a member of the , criminal gang in Honduras, as well as a member of the She indicated that throughout her journey he told her about his life's story and how his 6-year-old daughter was raped and murdered by a gang. He told her that he was going to do the same thing to her, telling things such as - he was going to tie her up, put a cover her mouth, and rape her. One night during their journey he entered her hotel room and raped her. Youth indicated that she was left with bruises on her arm and legs as she attempted to get away from him. She pleaded to him not to rape her and to think of his daughter who was still alive in Honduras. Youth indicated that he eventually stopped and began to weep and apologize to her for doing her wrong. He later threatened her that if she told anyone while in Mexico that they would kill him and that she better not even think about it. He also told her that she could tell anyone she wanted when she arrived to the United States but to not dare tell anyone in Mexico. Youth feared that he would extend their journey and attempt to rape her again that she did not tell anyone about the sexual assault. Youth indicated that her parents do not know about the sexual assault that occurred during her journey and does not want to tell her mother because she fears she will blame herself for selecting that particular guide.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland ICC
Date of the Incident: 08/22/14 **UAC**:

Date of the Incident Reported to ORR: 08/22/14
Summary of SIR: (2)
Minor informed staff that he does not want to sit in the same dining table as minor . When staff M.R. inquired minor for his reasons he reported minor has been expressing his liking for minor and requested minor to establish an intimate relationship with him. Staff M.R. informed clinician about the disclosure. Staff interviewed minor to follow up on the information disclosed. Minor reported participant . likes him, and wants to have sex with minor. Minor informed clinician that minor asked their roommate to inform minor that would like to have sex with him. Minor informed minor that he kept refusing minor Minor denied being touched by minor Minor denied having any sexual relationship with minor

Incident Type: Sexual Abuse during Journey
Facility: Heartland ICRC
Date of the Incident: 08/23/14 **UAC**:
Date of the Incident Reported to ORR: 08/23/14
Summary of SIR:
Minor reported that she was sexually assaulted while on her journey to the US. Minor stated that she was traveling with seven men when the coyote decided to rest at a hotel. Minor stated that she stayed in a hotel room with them and fell asleep. Minor said that in the middle of the night one of the men forced her to have sex with her. She told him that she did not want to but he forced her anyway. Minor stated that no one helped her and she did not know if the rest of the men saw what happened or if they were asleep. Minor stated that in the morning they all continued on their journey. Minor stated that it did not happen again. Minor stated that for the rest of the journey she felt bad but continued anyway.

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
August 24 – August 30, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 1
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 9
- Suspected Smuggling/Trafficking: 9
- Possession/Use of Drugs: 1
- Sexual Abuse outside the US – UAC Pregnant: 3
- Sexual Abuse during Journey: 5
- Other: 0

Total Number of major SIR: 28; Total Number of SIRs for the Week: 446; Number of SIRs for FY14: 22,701

Incident Type: Suspected Smuggling/Trafficking
Facility: Sandy Pines
Date of the Incident: 08/25/14 **UAC**:
Date of the Incident Reported to ORR: 08/25/14
Summary of SIR:
disclosed being held captive for 15 days during her journey to USA by coyote's brother. After being sexually abused by the coyote's boss, she was transferred to an abandoned home with four other girls where she was "sold to various men" on a daily basis. She stated that coyote's brother would make monetary transactions and would "sell them for sex." She reports being sexually abused and bitten for 15 straight days. She reported being injected with drugs on her thighs, so that she would not fight, and that her legs and thighs were bruised by the men that were raping her. She reports being raped numerous times during the day by different men. She reports escaping with the help of two young boys that worked for the coyote after the coyote and associates were captured by the border patrol. These boys would bring her food and water since limited food and water was provided by captors.

Incident Type: Suspected Smuggling/Trafficking
Facility: Sandy Pines
Date of the Incident: 08/25/14
Date of the Incident Reported to ORR: 08/25/14 **UAC**:
Summary of SIR:
disclosed that her stepfather would sexually abuse her and that her mother would force her to consent to have sexual intercourse. She reports that mother was ill with cancer and not able to have intercourse with step-father, so in order for step-father to continue to provide for the mother, the mother had to trade her for sex. reported stepfather threatened to leave the mother if she did not allow him to have sex with reported that this happened from age 11 to 13 until she came to USA. Mother would threaten her and limited her food, and told her that if disclosed the same thing would happen to her older sister. She reported that her mother would "prostitute her" and would force her to get in different cars where she had to have sex with males and females. Mother withheld gains for personal use. reported that during her journey the coyote "tricked her" and told her that he would help her by paying her journey and that would repay him once she started working in USA. She reports being held captive for 2 months and being raped by coyote daily. In addition, he "sold her" to five men (previously reported). She reports that the coyote forced her to cross the river in Texas and she carried 2 boxes, which she assumes were drugs. She crossed back the river and carried another box. She was instructed to leave boxes by the side of the river. Then, she ran and was captured by border patrol.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Harlingen
Date of the Incident: 08/25/14 **UAC**:
Date of the Incident Reported to ORR: 08/25/14
Summary of SIR:

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UAC disclosed having lived on his own while in home country of Guatemala since the age of 12. UAC stated his mother remarried and made the decision to move 7 hours away to another city in Guatemala. UAC stated his mother expected him to move with her however UAC indicated he voluntarily made the decision to stay in the home. UAC clarified he did not feel comfortable moving to live with a step-father. UAC stated he worked to provide for himself. UAC clarified his mother maintained communication and assisted him financially when she was able to throughout the 4 years he lived alone. Furthermore UAC disclosed being married to a 16 year old female whom was living with him for the past 6 months as well as traveled with resident to the U.S. UAC furthermore disclosed being verbally threatened and obligated to work planting a drug, "Amapola" while in home country of Guatemala. UAC stated he had been working under seven (7) individuals for the past 3 years and was verbally threatened to be beaten or killed when uncooperative. UAC clarified he was never physically harmed during this time. UAC stated he was paid $60 Quetzales per day if the (7) individuals desired to pay. UAC stated he never reported it to the local authorities due to fear and verbal threats by the individuals. UAC stated he is fearful if he were to return to home country of Guatemala. UAC denied any impairment to his daily functioning.

Incident Type: Sexual Abuse during Journey
Facility: IES Hidalgo Foster
Date of the Incident: 08/25/14 **UAC**:
Date of the Incident Reported to ORR: 08/25/14
Summary of SIR:
Child disclosed that on one occasion she was raped by an unknown male in Mexico. disclosed that the sexual assault occurred while she was kidnapped in Mexico. Currently, the child is approximately three months pregnant (not due to the sexual assault).

Incident Type: Sexual Abuse during Journey
Facility: SWK Rio Grande
Date of the Incident: 08/25/14 **UAC**:
Date of the Incident Reported to ORR: 08/26/14
Summary of SIR:
Youth reported that on her journey to the U.S she and two other women were touched by the guides inappropriately on their body at night when they would sleep. Youth reports that this incident occurred for three nights that it took them to travel to the U.S. Youth reports that the guides would separate the men and women at night and that's when the guides would lay next to them and touch them. Youth reports that the guides would tell them "to be quiet and not scream". Youth reports that she was never rapped nor had sexual relations with the guides.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Nueva Esperanza Staff Secure
Date of the Incident: 08/25/14 **UAC**:
Date of the Incident Reported to ORR: 08/26/14
Summary of SIR:
Youth was passing by room 3 when another youth called him to say good night, all lights were turned off from the hall and the room. At that time youth called staff that was supervising that room stating that youth had his penis out. Staff went inside the room and observed youth lying in bed all covered and not exposing himself. Shift Leader was advised by staff about the incident and had a talk with youth Jochua and he assured staff that what youth Juan said about him is a lie. Shift Leader also talked with youth and said he just saw client standing up exposing himself and that quickly jumped in bed. He was also advised that he can't be going to other rooms to say good night to other clients. As per staff youth wasn't standing and didn't see him exposing himself.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland Beverly
Date of the Incident: 08/26/14 **UAC**:
Date of the Incident Reported to ORR: 08/27/14

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Obtained via FOIA by Judicial Watch, Inc.

Summary of SIR:
UAC was observed by Staff hugging UAC from behind. UAC became visibly upset and immediately reported incident to both staff present. Staff met with UAC , UAC reported to staff he felt upset and uncomfortable by UAC actions. Staff provided UAC with support and reassurance Staff was working to resolve incident. Staff met with UAC regarding incident. UAC initially denied hugging UAC from behind but later, during conversation with Staff EV, admitted to actions. UAC was reminded by Staff of the requirement and importance of respecting personal space and maintaining appropriate boundaries. This is not the first occasion in which UAC has been redirected regarding respecting personal space and maintaining appropriate boundaries. Appropriate safety measures and behavior management was placed into effect immediately. In addition to remaining at the front of the line during transitions, UAC is being placed on 1-on-1 supervision and must be the only participant in restroom when he showers and when he uses the restroom. UAC will also remain in his single bed room. Clinician with the assistance of a Quiche language line translator, met with UAC for follow up regarding incident and UAC recent displays of difficulty with boundaries. During conversation with Clinician UAC reported not hugging from behind but only tugging on UAC s shirt. UAC was informed Program Manager reviewed camera footage of incident and camera footage displayed UAC hugging UAC from behind during physical education class. UAC became unresponsive after being provided with information regarding reviewed camera footage.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland Beverly
Date of the Incident: 8/26/2014 **UAC**:
Date of the Incident Reported to ORR: 8/27/2014
Summary of SIR:
UAC spoke with Residential Instructor and reported UAC had been making inappropriate sexual gestures to UAC other participants and towards female staff. UAC reported that the previous day minor UAC grabbed his genital area and made inappropriate sexual gestures and comments towards a female staff in the activity room. UAC reported the female staff member did not see or hear UAC gestures or comments. UAC also reported that UAC had made similar gestures towards him earlier during morning quiet time. UAC reported that UAC grabbed his own genital area and made inappropriate sexual comments to UAC and other minors. UAC reported that this behavior had occurred more than once, but that he had not wanted to "tell on anyone." UAC said that he was offended by UAC behavior and that UAC wanted to say something offensive in return, but UAC did not want to get in trouble.

Incident Type: Sexual Abuse during Journey
Facility: SWK El Presidente
Date of the Incident: 08/27/14 **UAC**:
Date of the Incident Reported to ORR: 08/27/14
Summary of SIR:
Client traveled with her father, , and client. Client states that was the "guide" where he would lead the way to the US. Client states that her trip was paid by Client states and affirms that her trip was planned by her friend and by client. Client states that during her trip to the US a man tried to sexually molest her and that she woke up startled and started to have an asthma attack. Client states that when she woke up from the asthma attack she was already in a hospital bed where she was there for 3 days.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Bethany USCCB
Date of the Incident: 08/26/14 **UAC**:
Date of the Incident Reported to ORR: 08/27/14
Summary of SIR:
On 8/26/14 around 3:30 pm was sitting on the couch near staff, , talking normally. He reached over and poked the upper right breast of the worker. He then said, "I touched your boob" in Spanish ("Yo toque tu

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chichi"). Worker informed him that this behavior is inappropriate and disrespectful. When asked why he did it, he said he was playing and it was a joke and that he was sorry he did it.

Incident Type: Sexual Abuse during Journey
Facility: Heartland ICRC
Date of the Incident: 08/27/14 **UAC**:
Date of the Incident Reported to ORR: 08/27/14
Summary of SIR:
Minor stated she was sexually assaulted twice during her journey to the USA. The first time occurred in Mexico in a hotel her group was staying at to rest. The minor states a girl who she made friends with along the way and trusted gave her a drink, she thinks it was coca cola. However, the minor states shortly after she felt strange and sleepy. She recalls that everyone then left the room and two males stayed behind. One stayed at the door while the other sexually assaulted her. The minor states that later in her trip, also in Mexico, she was assaulted again by a guide. The group was staying in a home and a male came in to the room the minor was staying in and assaulted her sexually. The minor stated she already disclosed her abuse to her mother who responded supportively.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Brownsville Foster
Date of the Incident: 08/27/14 **UAC**:
Date of the Incident Reported to ORR: 08/28/14
Summary of SIR:
made her journey to the US to stay with her biological mother, (age 37), who resides in Houston, TX. As per prior to making the journey to the US she resided with her friend (age 26) in home of El Salvador. According to she is about 8 months pregnant. When asked about her pregnancy, mentioned that her pregnancy is a result of a sexual assault that occurred in Honduras when a man by the name of (approximate age 25) of Honduras lured her away from her home country El Salvador, saying that her maternal grandmother had sent for her to travel to the U.S. believed to be a smuggler because her maternal grandmother had previously called from s cell phone when maternal grandmother was traveling to the U.S. reports that took her to Honduras in August of 2013 and would sexually assault and insult her, force her do chores like cook clean, and do laundry. When she attempted to escape, he would physically abuse her by hitting her with a wooden stick on her back, legs and face. expressed "me dejó como un monstruo (he left me like a monster)" and expressed this with tears in her eyes. reported she was finally able to escape from the house in January of 2014 (5 months later). After escaping, she returned to her sister's house in El Salvador and about three weeks later found out she was pregnant when she went to the doctor as she was feeling ill. stated that when she returned to El Salvador her biological father made a report to the Salvadoran Authorities. As per she was advised by Salvadoran authorities to seek counseling before filing an actual report. As per she attended four counseling sessions with a Psychologist, but then became discouraged and thought the aggressor would find her so it would be best for her to migrate to the U.S. As per her biological mother, (age 37), feared for her safety and made arrangements for her to make the journey to the US. expressed that although the baby is a product of above mentioned incident, it is not the baby's fault and states she feels love for her baby girl already.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Shiloh RTC
Date of the Incident: 08/28/14 **UAC**:
Date of the Incident Reported to ORR: 08/28/14
Summary of SIR:
While eating breakfast the client stated that she has to look pretty for school because her teacher makes her "wet" because he is so good looking and sexy. Client was redirected by staff about her inappropriate sexual comments.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 08/24/14 **UAC**:

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Date of the Incident Reported to ORR: 08/24/14
Summary of SIR: Addendum
During the initial assessments, the minor denied any trafficking related issues or concerns. However, during follow up contacts with potential sponsor, the sponsor identified several trafficking indicators by noting he believed the minor had been asked to complete tasks by gangs. Clinician followed up with the minor to reassess and in the context of a clinical session, the minor then disclosed possible indicators of trafficking concerns. The minor reported that since the age of 12 he was threatened by members of the gang. The minor stated that for the past two years he would be approached approximately every week by different adolescent gang members. The minor stated he believes that consisted of about 100 members who were against other nearby gangs such as and The minor stated that two years ago was the first time he was approached by 10 adolescent members of the gang and told he would need to kill a man and enter the gang. The minor stated that he replied no and ran from the men and was not harmed in any way. The minor reported over the past two years he was approached approximately 20-30 times by different members of gang. He stated that he was told to smoke marijuana and cocaine approximately 10 times. The minor reported that he was asked 5 times to transport about a pound of cocaine in a package. The minor reported that about 20-30 times he was asked to transport a gun or pistol. The minor stated that each time he refused and never complied with the gang members requests. The minor stated that because he never complied, he was frequently assaulted. The minor stated that every time he denied the requests, he would be pushed, kicked, or punched. The minor stated that most times he was harmed, he would have marks and bruises and during once incident he had a bloody nose and lip. The minor denied ever received medical care for his bruises and marks. The minor denied telling anyone but his older brother (sponsor) about being harmed and threatened. The minor reported that he did not tell his mother and godmother because he did not want them to worry about him. The minor reported not wanting to disclose the information previously because did not want to give the impression that he was engaging with gang members in any ways. The minor stated that these assaults and threats on his life were the primary reason for his migration to the U.S. The minor reported that his brother has been supportive and helped the minor escape the threats on his life.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 08/27/14 **UAC**:
Date of the Incident Reported to ORR: 08/28/14
Summary of SIR:
The minor disclosed a history of being threatened and sexually assaulted by gang members as well as others during her journey. As a result of her experiences she also had suicidal ideations. The minor was not able to continue her education in home country due to the threats from gang members. The minor reported gang members would bother her on her way to school and make her pay $20 daily in order to be left alone. They would tell her that if she did not pay she would have to do sexual acts with them. The minor reported that once they held a gun to her head because she did not have money and therefore were going to force sexual acts. The minor insisted they bother her and not her younger sister who was also present. Two male friends helped convince the gang members to leave her alone. Another day two of the gang members sexually assaulted the minor. The minor was sexually assaulted during her journey to the USA as well by an unknown man in Guatemala, who she states seemed to be from the USA. She was assaulted in Mexico City by another unknown male. She also reported that police officers in attempted to touch her inappropriately and offered her money for sex. Males who were traveling with her paid the officers money to leave her alone. She began having suicidal thoughts with a plan to cut her wrists during her journey as a result of the sexual assaults. Her last suicidal thought was in Mexico on her journey. She and her guide were in a car accident, the minor was not harmed but she thought, "It would have been better if I died in the accident".

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Hidalgo Foster
Date of the Incident: 08/28/14 **UAC**:
Date of the Incident Reported to ORR: 08/28/14
Summary of SIR:
Assigned clinician met with , age 16, to complete the initial assessment questionnaire. When child was asked the reason as to why she came to the U.S now, child disclosed that she traveled to the U.S. because she was scared for her safety. The child went on to say that she received several verbal threats on different

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separate occasions from her 20 year old boyfriend, saying that he was "going to kill her". When the child was asked if she was pregnant; the child disclosed that she is 4 months pregnant. She further stated that her unborn child's biological father, is 20 years old and lives in El Salvador

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Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Baytown
Date of the Incident: 08/28/14 **UAC**:
Date of the Incident Reported to ORR: 08/29/14
Summary of SIR:
During UAC assessment, stated that when the train stopped in during his journey, a group Mexican and Honduran persons offered him and the group of people he was traveling with food as well as a place to rest. stated that he and the persons traveling with him agreed to go with the men and that once they reached a house they were given food and treated well. stated that once they finished eating the food provided to them, the men asked, and the other travelers if they had any family in the US. reports that they were asked to provide them the phone numbers of family members in USA. stated that he did not tell them that he had family in the US. stated that he was searched and was asked to take off his clothes, in order for the men to ensure he did not have anything on him with telephone numbers. stated that he had a small piece of paper, but he ate it before the men could see it. also stated that the men told him that because he had no telephone numbers with on him he would have to cross the border with a backpack full of drugs. stated that he agreed to do so just so that the men would hurt him. stated that once it got dark, he and the group of men managed to escape and hide in a pharmacy. stated that they called the police and took a taxi and went to the border and crossed the river.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS San Antonio
Date of the Incident: 08/28/14 **UAC**:
Date of the Incident Reported to ORR: 08/29/14
Summary of SIR:
Yesterday after lunch while completing house chores UAC began to dance in the living room area and at the same time was mocking while dancing he began to make masturbation gestures with his hands against his genitals area, then he pretended to ejaculate while was not looking.

Incident Type: Suspected Smuggling/Trafficking
Facility: Bokenkamp TFC
Date of the Incident: 08/29/14 **UAC**:
Date of the Incident Reported to ORR: 08/29/14
Summary of SIR:
UAC, stated the he was forced for a week by gang members to distribute, "a little black bag" to various places in his home country. He was beaten when he didn't comply with their demands.

Incident Type: Sexual Abuse during Journey
Facility: SWK Presidente
Date of the Incident: 08/28/14 **UAC**:
Date of the Incident Reported to ORR: 08/29/14
Summary of SIR:
disclosed that she was sexually abused during her journey to the USA. This incident happened 16 days ago in Mexico. She was raped by a 25 years old man. Currently she is not pregnant, which was her concern. However client seems emotionally stable.

Incident Type: Suspected Smuggling/Trafficking
Facility: KidsPeace
Date of the Incident: 08/29/14 **UAC**:
Date of the Incident Reported to ORR: 08/29/14
Summary of SIR:

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met with UAC to clarify discrepancy in his initial interview. UAC first denied that he was smuggling people into the United States. Now, he is reporting that he was forced to smuggle people and that he was threatened to be killed if he refused. He stated that from Nov, 2013 until Aug.2014 he was forced by o work for them. During these 10 months ould physically abuse him, by punching him and kicking him. In Aug, 2014 he ran away from them to try to enter US and go to Texas, where his grandmother had agreed to meet him but he was caught by immigration and sent here. UAC originally reported to this clinician that he had a very stable life in Mexico with his mother and extended family. He denied any form of physical, sexual or emotional abuse. However, today he stated that since his grandmother left him to go to Texas when he was five years of age, and his mother became the primary caregiver, he suffered abuse and neglect. UAC told this clinician that the scars on his forehead are because his mother threw an item at him when he was eight years of age which resulted in him going to the hospital. Moreover, he reported that she was neglectful and that she only cared about herself, and she often left him with other people to care for him and his younger sisters. UAC Stated that he lied at his initial intake because he was not sure what to expect from this program but he feels safe now to talk about his history.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Union County
Date of the Incident: 08/15/14 **UAC**:
Date of the Incident Reported to ORR: 08/29/14
Summary of SIR:
On the above date and approximate time, the recreational coordinator, observed the above stated UAC to stick out his tongue in what appeared to be a sexual manner to another non-federal male resident, during the showing of a movie in the gym.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Brownsville Foster
Date of the Incident: 08/29/14 **UAC**:
Date of the Incident Reported to ORR: 08/29/14
Summary of SIR:
During initial intake and orientation, case manager met with who disclosed she was approximately 5 months pregnant. As per her pregnancy was a result of a sexual assault with an unknown man in El Salvador. reports while walking home from school one day in April, she was approached by two men (approximately in their late 30s early 40s). stated the men grabbed her and took her to an undisclosed location nearby. then reported she was held by one man and the other man sexually assaulted her. reported after the assault she was left alone and went home. tated she did not disclose anything to her family members her mother and siblings whom she resided with about the assault and locked herself in her bedroom. stated she then stopped attending school in fear of seeing her abuser. tated her mother inquired why she did not want to go to school but would not disclose any information to her mother. reported she notified her mother when she found out she was pregnant on May 8th. further stated no report was submitted to the police due to her brother Isaac (age 20) getting threatened by several gang members. For this reason, her mother with help from older sister made arrangements for to come to the US to be with her sister in California.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: IES Brownsville Foster
Date of the Incident: 08/23/14 **UAC**:

Date of the Incident Reported to ORR: 08/29/14
Summary of SIR: (2)
On 08/23/14 foster parent submitted a Notice of Concern because Jose was walking behind her at the mall. When was directed to walk next to Ms. Foster parent, he touched (who was walking besides Ms. Foster parent) on her behind.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: SW Nueva Esperanza Staff Secure
Date of the Incident: 08/28/14 **UAC**:

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Date of the Incident Reported to ORR: 08/29/14
Summary of SIR:
Client disclosed that he had an inappropriate relationship with a YCW in previous shelter. Client reported that this occurred about a month and a half ago at SWK- Casa Blanca in San Antonio, TX. Client was admitted to Nueva Esperanza Staff Secure 7-31-14. Client reported that they had physical contact at shelter. Client reported that he and YCW kissed on at least one occasion. Client reported that YCW purchased items such as clothing and shoes for him. Client reported that he and the YCW would often see each other and spend time together during the outings to the church. Client reported that he has continued to maintain contact with YCW via phone calls. Client reports that he contacts his brother in San Antonio and that the YCW has been at the brother's home and this is how they have communicated. Client reports that the one time that he had "physical contact" with the YCW this occurred while at the program. He reported that she was asked to take him to the restroom and when they entered the restroom, he began kissing her. Client reports that a male YCW walked in on them and immediately told them that he was going to have to report the incident. Client states that both he and the YCW pleaded with the male YCW not to report the incident and stated that this would never happen again. The incident was not reported. Client further stated that he and the YCW never engaged in sexual relations because he said that she told him that they needed to wait until he was 18yrs.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Crittenton LTFC
Date of the Incident: 08/28/14 **UAC**:
Date of the Incident Reported to ORR: 08/29/14
Summary of SIR:
Foster mother also states that she received a call from another foster mother where the UAC visits and the other foster mother stated that UAC had allegedly commented on how "good looking (no esta malo, se ve bien) her husband was" to parents who were visiting another UAC in the home. Other foster mother stated that she felt that UAC had behaved inappropriate at the party by also breastfeeding her 21 month old without covering up and that allegedly the UAC had been very vulgar during this visit and other visits. Foster mother stated that to maintain the boundaries and safety of the UAC the visits were going to be minimized. Foster mother gave the 14 day notice to have the UAC and child removed from the house, stating that she doesn't feel that she is able to help the UAC anymore.

Incident Type: Possession/Use of Drugs
Facility: Crittenton LTFC
Date of the Incident: 08/29/14 **UAC**:
Date of the Incident Reported to ORR: 08/29/14
Summary of SIR:
This youth's babysitter called this on-call social worker to report that at 7pm the youth had left to go to the local park. She had conveyed to him that she would also be going to the park later, but no time was given to him. The babysitter showed up at the park at around 7:10 pm (earlier than what the youth expected). As she arrived at the park, and he noticed her he and his friend ran off. She approached the area where they were sitting at and she found an empty box of cigarettes with ashes of Marijuana. She returned home, and looked around to see if the youth had arrived, but did not find him. She waited for him outside, and he suddenly around 7:40 pm came out through the side drive way (pretending as if he had been at the home the entire time). She proceeded to ask him about what had gone on at the park of which he ignored her, and as he passed her she noticed his eyes appeared red, and he smelled like Marijuana. The youth went straight to his bedroom. A short time later he went to the kitchen, and ate two servings of food.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Staff Secure
Date of the Incident: 08/29/14 **UAC**:
Date of the Incident Reported to ORR: 08/30/14
Summary of SIR:
reported being forced to provide services for and participate in gang activities in El Salvador. He also reports being severely beaten by this gang on a regular basis when he did not comply with their orders. Minor reported that initially he made small deliveries for the voluntarily, but with time they began to force him to do more. Minor reports that occasionally the would force him to go to a gang related meetings out of the area for 2-3

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days under threat of harm. He stopped doing errands for them after about a year, but with the agreement that they would continue to beat him severely on a regular basis, (about every two weeks). About a year and a half ago (Spring 2013) he reports was taken to a clinic by his gang after they beat him badly and he fainted. He stated that they told the doctor that other people had beat him. Minor reports that the doctor attended to him wounds, bruises and small cuts which were not serious, but did not given him any stitches, a diagnosis or any other treatment. Minor reports that he was beaten this way many times and at some point had a broken rib.

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DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
August 31 – September 6, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 0
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 7
- Suspected Smuggling/Trafficking: 3
- Possession/Use of Drugs: 0
- Sexual Abuse outside the US – UAC Pregnant: 1
- Sexual Abuse during Journey: 2
- Other: 1

Total Number of major SIR: 14; Total Number of SIRs for the Week: 441; Number of SIRs for FY14: 23,142

Incident Type: Sexual Abuse during Journey
Facility: SWK Antigua
Date of the Incident: 08/31/14 **UAC**:
Date of the Incident Reported to ORR: 08/31/14
Summary of SIR:
Youth disclosed that she was "touched" in her private areas by "men" during her journey to the U.S. Although she was unable to provide a specific date, she stated that these events occurred at some point between August 1st and 28th, 2014, while she was hiding in a "bodega [storage room]" in Mexico. At this moment, the youth did not provide specific details about the occurrence, given that she was highly distressed when recalling the events. This clinician submitted a report to the Texas Statewide Abuse, Neglect, and Exploitation System.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Baytown
Date of the Incident: 08/31/14
Date of the Incident Reported to ORR: 09/01/14 **UAC**:

Summary of SIR: (2)
Client was questioned regarding comments peer had reported he had made. Client admitted he made some inappropriate comments, but that he only scratched his private area because he itched. Direct Care informed client sexual urges are normal; however, he needs to address these urges privately. Client was also instructed to keep inappropriate comments to himself because they cross boundaries.

Incident Type: Sexual Abuse during Journey
Facility: BCFS San Antonio
Date of the Incident: 09/01/14 **UAC**:
Date of the Incident Reported to ORR: 09/02/14
Summary of SIR:
During initial intake assessment UAC disclosed to case manager that she was sexually molested while traveling to the US. She reports that one of the Coyote touched her under her clothes on minor's breasts and genitals while they were about to cross the river, Yesenia states this was a onetime incident, which stopped when a lady who was traveling with the group jumped in front of the coyote to stop him and lady yelled to UAC to run. UAC reports trouble sleeping.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Weslaco
Date of the Incident: 09/02/14 **UAC**:
Date of the Incident Reported to ORR: 09/03/14
Summary of SIR:

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On 08/29/14 (age 17, 8 months pregnant) arrived to IES Foster Weslaco, Texas. disclosed to Case Manager that her pregnancy is a result of sexual relationship with her ex-boyfriend approximately 20 years old) who resides in El Salvador. As per her family is aware of her pregnancy.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Lakeside Englewood
Date of the Incident: 08/29/14 **UAC**:
Date of the Incident Reported to ORR: 09/03/14
Summary of SIR:
On the above date and time, Client was heard stating to another Client that, "The cook is cute."

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison LTFC
Date of the Incident: 08/30/14 **UAC**:

Date of the Incident Reported to ORR: 09/03/14
Summary of SIR: (2)
Foster parents reported that they were suspicious that UAC nd UAC foster sibling were viewing pornography in UAC room on the foster parent's laptop. Foster dad wrote in IIR from created 9/2/2014 that foster mom had asked permission to enter the room. UAC put the bed cover over the laptop, so foster mom could not see the laptop screen. On 8/30/2014 the foster mom checked the internet history on the laptop by using CNTL+H. Foster mom saw history for pornography sites that were viewed the night the UAC put the cover over the laptop. Foster dad spoke to with UAC and UAC foster sibling to ask who was responsible for looking up the pornography. UAC did not admit to looking it up.

Incident Type: Suspected Smuggling/Trafficking
Facility: KidsPeace
Date of the Incident: 09/03/14 **UAC**:
Date of the Incident Reported to ORR: 09/04/14, 09/05/14
Summary of SIR:
During bedtime tonight (9/3/14), client asked if I could give advice about a secret she had. I notified her that it is my job to report everything she tells me, that I could not withhold information. Client notified me that she has withheld information about her baby's father from staff. had previously stated that her baby's father was not in the picture. Tonight, client disclosed that the baby's father is the brother of our former client (who came to America with) and that the baby's father was her boyfriend. Client stated that her current sponsor, is not just a family friend but her "mother in law" and boyfriend's mom (and previous client Ruth's mother). Client explained that paid for client to come to America so that her grand-baby would have a good life. Client didn't want to mention this because she was scared that she will get deported back to Guatemala if staff knew that her sponsor's son was her boyfriend. Client said that the baby's father was abusive to her in Guatemala and throughout their relationship and that he even choked her once. Also, client states that her baby's father is unsure if the baby is actually his. Client "mother in law" does not know that her son was abusive to our client expresses that she really likes and ex-client but she feels that if she goes to live with them that she will be obligated to be with her baby's father. Client does not want to be with her baby's father as of right now because of his previous abusive tendencies. (As reported by Youth Care Worker)
9/4/14: Clinician meets with UAC. UAC reports she feels sad. UAC presents with depressed affect and is teary eyed throughout the session. UAC does not communicate much with this worker. UAC reports she did not go to school today because she has concerns that she will act out in school. The UAC reports when she felt this way in the past she would engage in self-injurious behaviors or destroy things. UAC reports she was up all night and she could not sleep. UAC reports she wants to forget about everything bad that happened in her home country and she has racing thoughts at night. UAC reports everything is her fault because she made decisions to engage in risky behavior in home country. Clinician explains her past actions are not her fault and coming forward with the information is a positive coping skill and she has made improvements while in our care. Encourage UAC to write her thoughts down under the supervision of a staff member by using a crayon or marker (as she is not permitted to have a pen or pencil due to prior SIB). Encourage UAC to get some rest today. Inform nursing of situation so she can be assessed by doctor.

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During session with clinician, the UAC reports she has had trouble sleeping on and off because she is up thinking about things that she did in her home country. The UAC reports she is ashamed of the things she did. The UAC indicates she just wants to erase it all. Explain to the UAC that stuffing her thoughts, feelings and emotions will not lead to a good outcome and it is better to express herself. The UAC begins to share that when she had no money in home country because her mother would not send it, she would participate in sexual escort services and engage in sexual acts with men, usually men who preferred young girls and who were much older than the UAC. The UAC reports she knew there were safer ways to get money but this was faster and more lucrative. The UAC reports she did this from time to time in home country when she had no money. The UAC reports she would buy food and necessities with the money. The UAC is teary eyed when discussing this incident but eventually seems to understand these actions were not her fault, as the clinician works to empower her and reframe the situation. Thinking about the past is impacting the UAC's functioning (i.e. lack of sleep) from time to time. However, this clinician believes the UAC is making progress in her ability to express herself and articulate her thoughts and feelings.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Lakeside Englewood
Date of the Incident: 09/03/2014 **UAC**:
Date of the Incident Reported to ORR: 09/04/2014
Summary of SIR:
Client asked a staff member if she could use the staff member's phone or access Facebook. Staff Member redirected the client and re-explained the communication policy. Client then stated that if the staff member did not let her use the staff members phone, she would report to the staff member's supervisor that she was, "outside kissing a man," during her shift.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: KidsPeace
Date of the Incident: 09/04/14 **UAC**:
Date of the Incident Reported to ORR: 09/05/14
Summary of SIR:
made a statement about her liking him in a manner that can be seen as being inappropriate. She reported that was immediately redirected by staff and by the Youth Care Worker Supervisor about maintaining appropriate boundaries and respecting the female staff.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Sandy Pines
Date of the Incident: 09/05/14 **UAC**:
Date of the Incident Reported to ORR: 09/05/14
Summary of SIR:
During session with therapist disclosed kissing with discharged ORR female resident several times in the last month that minor was at our facility. He denied any further sexual activity with her. He refused to disclose any additional information such as times, places, areas, etc. He denies having current sexual activities with any other peers at this time. He refused to disclose any additional information at this time despite prompts. Therapist discussed with him rules and regulations about boundaries and he verbalized having good understanding of boundaries and expectations.

Incident Type: Other
Facility: BCFS Harlingen
Date of the Incident: 09/05/14 **UAC**:
Date of the Incident Reported to ORR: 09/06/14
Summary of SIR:
Sponsor informed Case Manager that he had been contacted by an unknown caller prior to his son being admitted into the shelter. The sponsor stated that the unknown caller told him that he had his son (UAC and his adult son in nd was told that he needed to wire money in order for them to be released. Sponsor stated that he sent money to three different locations: Sonora, Mexico, San Agustin, CA, and San Diego, CA. The total sum was $5,300 dollars. Sponsor provided Case Manager with the receipts of the money exchange thru Money Gram service. Attached are the Money Gram Transactions. Sponsor later realized that it was fraud. Sponsor states he will file a report.

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Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Staff Secure
Date of the Incident: 09/05/14 **UAC**:
Date of the Incident Reported to ORR: 09/06/14
Summary of SIR:
Minor reported that he has worked for the or the last two years as a foot guide. He reports that he initially worked for them voluntarily and had only planned to do so for a short time. He stated that while working that he lost several of the radios that belonged to the cartel and had to work to pay off this debt (about $300). He states by the time that he paid off this debt by working that they saw that he was a good worker and did not want to let him out. He stated that he was told he could change his job or move up in the organization, but that they expected him to be in for life or until he went to prison. He reports that members of this group come to his house to get him when they want him to work and that he has been physically hit by them and threatened at gunpoint. He reports that he has witnessed other workers be threatened at gun point and hit with a 4x4 for not complying with the wishes of this cartel. Minor stated that someone he knew was forced at gunpoint to move up in the organization to the position of guardia (lookout). He stated that when someone wants to leave the cartel beats them to the point that they are severely injured and then when the person is healed they come back and make them work, if they refuse to work, they beat them again until they agree to work. He is also reports being aware of people who have been killed for refusing to work for this cartel or trying to leave. Minor reports that he believes that if he returns to his home and does not work for this cartel that he will be severely beaten until and eventually killed. Clinician provided active listening and emotional support and assessed for trafficking concerns. Minor was cooperative with the interview but stated that he could not give any name of the people he worked with for fear that this would put him in danger. Clinician will submit ATIP trafficking referral. Clinician will further asses for mental health concerns related to exposure to community violence.

Incident Type: Suspected Smuggling/Trafficking
Facility: Abbot House
Date of the Incident: 09/05/14 **UAC**:
Date of the Incident Reported to ORR: 09/06/14
Summary of SIR:
During assessment disclosed that he worked for He stated that he began to work as a "chequiador"/watchman. Minor stated that he would look out for immigration and report to . stated that his position quickly changed after a car accident. Minor stated that he crashed one of cars and he needed to repay that money back. He stated that the total cost of the damages was 7,000 pesos. Minor stated that his new position with " was a "guia"/guide. Osvaldo stated that he did not want to do this, however, he did not want to say no because he did not want to find out what would happen if he did. He stated that a truck would show up at his house at any given time of day to pick him up to make a trip to the United States of America. He stated that the person who would organize it all went by the name of " Minor stated that he never met this person, he just heard of him. Minor stated that by the time the person in the truck picked him up and came back, a group of people migrating were already waiting for him to begin their journey. further disclosed that he made a total of five trips, including this one, as a guide to the United States of America. Minor stated that he was apprehended twice but the first time he was deported back to Mexico. Minor stated that the first trip he made was with another guide because he needed to learn the way. Minor stated that he was done paying off the debt with the last trip. Furthermore, he stated that he was not paid if he was caught. He stated that he did not get physical cash because the money was owed to them so he worked to pay off the debt.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St. PJ's
Date of the Incident: 09/05/14 **UAC**:
Date of the Incident Reported to ORR: 09/05/14
Summary of SIR:
Foster parent where is placed contacted Lead Case Manager at approximately 3:30PM to report she witnessed laying in the living room and she had her hands between her legs and making movements which appeared to foster mom as possible masturbation. Lead Case Manager contacted clinician. Clinician spoke with foster mother in regards to the incident and explained how to complete an Incident Report (IR). Foster mother reported in the IR she was supervising

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when she observed lying down on the family room sofa covered by a blanket. FM approached minor to see because she thought it odd for minor to have her legs open, she saw making movements with her hands. When realized FM was watching, she ran upstairs to her room and covered herself with a blanket. FM attempted to speak with minor to ask her what she was doing, minor refused to speak. FM allowed minor a few minutes alone and left her in her bedroom. During home visit, foster mother stated she and were the only ones downstairs at that time and she had been preparing a meal while supervising in the room next to the kitchen. FM stated she realized had her legs open and was making movements under the blanket in her genital area which appeared to her to be masturbation. During session with minor, stated she was lying on the sofa while brushing her hair. Minor recalled she began playing with the brush between her legs but not near her "private area." Minor denied she was touching her genitals. Minor denied ever being sexually abused. stated she has never been touched in a sexual nature by anyone and she has never touched any person, either voluntary or coerced. Minor denied any form of sexual abuse. Clinician engaged in a psycho-educational conversation in regards to changes which occur during adolescence. Clinician explained that there are physical changes which occur when children reach adolescence, which could happen at different age depending on each person. Clinician explained to minor masturbation is a natural response which can occur during hormonal changes in the body. Clinician explained the role of hormones and how this influences sexual maturity. Clinician normalized masturbation and having curiosity as a normal part of the adolescent process, but noted the differences between appropriate sexual behavior and inappropriate sexual behavior. Clinician engaged minor in a discussion to differentiate what is appropriate and inappropriate. Clinician informed minor that masturbation is a very personal and intimate act and so other children or people are not to be involved in any form and this should only occur in a private setting where no one else could see or has awareness of such. Clinician explained to minor that this is not something encouraged due to her young age, but it is something understood to be normal and expect-able due to her age. Clinician discussed other physical changes which occur in the female body during adolescence. Minor asked if shaving legs such as what she sees on television is part of the changes. Clinician stated there are several physiological and physical changes which occur during adolescence and puberty, which include hair growth in certain areas. Minor appeared to be much more relaxed and comfortable during the latter part of the session. A "compromiso de seguridad" (i.e.) safety plan was discussed to explain what is appropriate and inappropriate sexual behavior. Safety plan includes the use of a private setting if minor were to feel curious about touching herself as well as a list of foster mother, sponsor, Lead Case Manager or myself (Clinician) who can speak with minor and answer any questions as well as to provide support and information.

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
September 7 – September 13, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 0
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 4
- Suspected Smuggling/Trafficking: 7
- Possession/Use of Drugs: 3
- Sexual Abuse outside the US – UAC Pregnant: 2
- Sexual Abuse during Journey: 0
- Other: 0

Total Number of major SIR: 16; Total Number of SIRs for the Week: 410; Number of SIRs for FY14: 23,552

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 09/06/14 **UAC**:
Date of the Incident Reported to ORR: 09/07/14
Summary of SIR:
Minor was held captive 3 months and sexually assaulted and forced to work for them while captive. The information provided is indicative of possible trafficking concerns because the minor reported the gang forced her to sell drugs.
The minor stated she received gang threats, beginning in 2012 from gang in El Salvador. She was informed by her mother that they were requesting her mother to pay them a monthly fee. The minor does not know the quantity but states they threatened them about the money via letters stating they would kill the whole family. The minor's mother could not pay the fee and was being harassed by the gang members. Minor reported that in February 2013, three gang members took her by force when she was alone returning from a store. The minor reports that she was held against her will for about 3 months. She was held in a home that was about one hour from her own house. Minor also reported that she was also sexually assaulted by the same gang members. She became emotional and stated she does not know how many times they sexually assaulted her because she would not remember. She reports she thinks she was drugged because sometimes she would lose consciousness and they also would make her inhale marijuana smoke. Minor reported that she was also forced to sell drugs. They wanted her to sell marijuana and when she refused they told her "if you don't go out and sell we will kill her and her whole family, including her older sister (sponsor) and her baby". The minor states they knew her sister was pregnant when she left. Due to the threats she complied. They had her wait in the home and when people came to the front patio to buy marijuana she had to go out and sell it to them. She would have to do this about 1-2 days per week. In those days she would sometimes get about 5 people coming to buy drugs. They would not let her go off the property. Minor reported that one day she was able to escape. She states that they all went out and one stayed to watch her. However, he was a male who knew her family and for that he told her to escape. The minor states she learned he was beaten badly for her escape. She called her mother to pick her up after she escaped and went home. Minor reports the threats continued. They continued to threaten for money though her mother could never pay. They told the family that no one could ever leave the home alone because they would take them. The minor stopped going to school for a while as a result. This January she tried going again but had to stop because they would not leave her alone. They would always monitor her when she went to and from school and they would threaten to take her from the bus stop or school. They continue to watch her home "day and night" to monitor and scare the family. Minor left home to come to the United States on 08/15/2014 as she fears for her safety.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 09/07/14
Date of the Incident Reported to ORR: 09/08/14 **UAC**:
Summary of SIR:

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In the context of clinical intervention, the minor disclosed that he worked for a criminal syndicate in Mexico. The minor worked as an "alcon," a lookout for military personnel. The minor was forced to work for their organized crime group and experienced frequent beatings, forced to ingest drugs, and witnessed extensive violence.

Incident Type: Possession/Use of Drugs
Facility: Lutheran Community Services NW
Date of the Incident: 09/04/14 **UAC**: 3
Date of the Incident Reported to ORR: 09/05/14
Summary of SIR:
isclosed to FOY staff member that the previous day at school he had been approached by a student who invited him to smoke marijuana. He admitted that he agreed at which point he skipped class at school and smoked marijuana with his peer.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Brownsville Foster
Date of the Incident: 09/08/14 **UAC**:
Date of the Incident Reported to ORR: 09/08/14
Summary of SIR:
During initial assessment on 9/8/14, (age 16, about 9 months pregnant) disclosed having experienced neglect, and sexual abuse which resulted in her current pregnancy, in her home country of Honduras. also disclosed that during her journey she was forced to do chores. disclosed that on December 16, 2013 she was sexually assaulted. explained that she was walking alone to a friend's house around 8 pm in the evening, when 5 unknown men (ages unknown) grabbed her. stated 2 of the men held her down while the other 3 men raped her. stated the men hit her in her face and threatened to hurt her or her daughter if she told anyone. She stated her daughter was with her grandmother at the time of the incident, and she does not know how the men knew she had a daughter. The rape resulted in her current pregnancy. She shared she did not want to have the baby initially but changed her mind and now is looking forward to having her baby. stated her family is aware that she is pregnant but she did not disclose to anyone what happened to her.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Staff Secure
Date of the Incident: 09/05/14 **UAC**:
Date of the Incident Reported to ORR: 09/05/14
Summary of SIR:
Minor disclosed that while in home country minor was constantly asked to join the every time the gang members saw him walking around town. In March 2014 minor was stopped by member and was told that if he didn't join the gang the minor would be killed. Minor decided to join since he didn't have money to leave the town. Minor was forced to work for the gang as a look out for the police. Minor's job duties were to notify gang members by telephone if he were to see any police coming towards gang members. Minor also disclosed that one time he erased graffiti and was beat up by 6-7 gang members. Minor stated that he was punched all over his body and was in bed for 3 days to recover from beating. After minor recovered from beating minor went out to the street and was confronted by a gang member that he was going to be killed for erasing the graffiti. Minor stated that he decided to come to the U.S. because, "the gang doesn't make false threats."

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Paso
Date of the Incident: 09/08/14 **UAC**:
Date of the Incident Reported to ORR: 09/07/14
Summary of SIR:
During shift change the YCW's on shift decided that YCW would talk to resident about his attitude and inappropriateness towards women. YCW took resident aside and talked to him about the lack of respect he has for the female staff. YCW let resident know that the way he speaks to women and the way he looks at women is not appropriate or respectful. YCW let him know that all staff was aware and that this inappropriate

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behavior needs to change. Resident took it seriously and was aware that the rest of the staff would be keeping an eye on his behavior with the female staff. Later during the night, resident had an incident with some other residents during dinner and for his consequence he was sent to his room for the remainder of the night. During free time resident came out of his room and YCW alked to the resident and reminded him of his consequence, got upset and refused to listen. He didn't agree with the consequence and left to the living room to watch TV. YCW then proceeded to talk to but he continued refusing. YCW pulled resident to the side and reminded him about the conversation that they had had earlier during the day. YCW Ben pointed out that he wasn't listening or respecting YCW and YCW as they had both talked to him and told him to go to his room. YCW explained that he could go to his room immediately and deal with that one consequence for the night or he could have an even bigger consequence the following day. Resident hesitated a little and finally made his way back to his room.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Casa Blanca
Date of the Incident: 09/07/14 **UAC**:
Date of the Incident Reported to ORR: 09/09/14
Summary of SIR:
Clinician follow-up with client, regarding an incident report that was submitted by a YCW. During session, client reported this minor exposed himself to and a second minor, in the bedroom. reported that this occurred on three different occasions last week. stated that this minor, exposed his front genitalia ("My Body" children's picture used for confirmation) during the evening hours. Client stated that this minor, takes his clothes off in the room in the bed. stated that (UAC) was also in the room when Jose has exposed himself. expressed that behavior makes him feel uncomfortable. also reported that has hit him three times with a closed fist on his left shoulder which he also does not like.

Incident Type: Suspected Smuggling/Trafficking
Facility: KidsPeace
Date of the Incident: 09/05/2014 **UAC**:
Date of the Incident Reported to ORR: 09/05/2014
Summary of SIR:
UAC reports she has had trouble sleeping on and off because she is up thinking about things that she did in her home country. The UAC reports she is ashamed of the things she did. The UAC indicates she just wants to erase it all. UAC shared that when she had no money in home country because her mother would not send it, she would participate in sexual escort services and engage in sexual acts with men, usually men who preferred young girls and who were much older than the UAC. The UAC reports she knew there were safer ways to get money but this was faster and more lucrative. The UAC reports she did this from time to time in home country when she had no money. The UAC reports she would buy food and necessities with the money. The UAC is teary eyed when discussing this incident but eventually seems to understand these actions were not her fault, as the clinician works to empower her and reframe the situation. Thinking about the past is impacting the UAC's functioning (i.e. lack of sleep) from time to time. However, this clinician believes the UAC is making progress in her ability to express herself and articulate her thoughts and feelings.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: KidsPeace
Date of the Incident: 07/01/14 **UAC**:
Date of the Incident Reported to ORR: 09/08/14
Summary of SIR: Addendum
SIR notification indicates UAC was impregnated by means of a sexual assault during her journey, however there is not a SIR on the UAC Portal that explicitly states this is the case.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Children's Center Jameson TFC
Date of the Incident: 09/09/14 **UAC**:
Date of the Incident Reported to ORR: 09/10/14
Summary of SIR:

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Foster parent reported that while plays with her dolls she positions them in an appropriate sexual behavior. Furthermore, has also been observed using inappropriate language when speaking to foster mother's daughter, has called her a "puta."

Incident Type: Suspected Smuggling/Trafficking
Facility: Sandy Pines
Date of the Incident: 09/09/14 **UAC**:
Date of the Incident Reported to ORR: 09/10/14
Summary of SIR:
During session with primary therapist reported during today's session that while being kidnapped she was forced by coyote to cross a bag with cocaine from Mexico across the river to USA. She stated that she was threatened against her life if she did not transport bag across the river. She reported returning back to Mexico after dropping bag across the river. She reports crossing border 1x, and then going back to the warehouse because she was told that there were men that would hurt her if she did not return to Mexico. After incident she reported that two boys helped her escape. She crossed the river and border patrol found her.

Incident Type: Suspected Smuggling/Trafficking
Facility: Sandy Pines
Date of the Incident: 09/09/14 **UAC**:
Date of the Incident Reported to ORR: 09/10/14
Summary of SIR:
During an interview with UAC's legal representative and therapist, UAC disclosed that during his journey when he was staying in there were 4 men working with the Cartels that were assisting the Coyote sexually and physically assaulted him. He reported the men locked him up in a room and without food or water for 2 days. Minor reported that after the 2nd day they unlocked the room and let him go with the other members that were traveling with him. Minor the reported one of the men threatened him stating he needed to carry a bag across the river into the United States or they would kill him if did not comply. Minor reported he did not know what was in the bag until later on he put his hands inside the bag and realized it was marijuana. He was instructed to leave this bag near the river after he crossed over and someone will get it. Minor reported once he crossed into the United States he heard Immigration police and he ran, he was afraid and left the bag behind. He reported he was apprehended without the bag.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Casa Blanca
Date of the Incident: 09/07/14 . **UAC**:
Date of the Incident Reported to ORR: 09/09/14
Summary of SIR:
Clinician follow-up with client, regarding an incident report that was submitted by a YCW. During session, client reported that another minor, exposed himself to the client and a second minor in the bedroom. reported that this occurred on three different occasions last week. Client stated the minor, exposed his front genitalia ("My Body" children's picture used for confirmation) during the evening hours. Client stated that the other minor (Jose) takes his clothes off in the room in the bed. tated that (UAC) was also in the room when has exposed himself. expressed that behavior makes him feel uncomfortable. also reported that has hit him three times with a closed fist on his left shoulder which he also does not like.

Incident Type: Possession/Use of Drugs
Facility: Lutheran Social Services NE
Date of the Incident: 09/04/14 **UAC**:
Date of the Incident Reported to ORR: 09/11/14
Summary of SIR:
UAC admitted to her foster mother that she had been given alcohol by another student at school on Thursday 9/4/2014. Foster mother reported the information to family resource coordinator ZF and program manager IG. This case manager followed up with UAC on 9/10/2014 with a phone call to ask UAC for specific details regarding the incident. Minor stated that in the morning on 9/4/2014 a male student at her high school gave her a bottle of Coke. According to UAC, she

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believed the bottle to be filled with soda, however after she finished drinking it she was told by the male student that it was Coke mixed with red wine. UAC reported asking the student why he would give her alcohol but the student did not respond, he only laughed at her. Minor stated feeling dizzy, nauseous and disoriented throughout the rest of the school day, but felt better after arriving home from school. UAC was concerned that she would get into trouble for the incident, and did not report it to anyone until 9/10/2014. Initially, UAC told her foster mother there were a total of 4 students involved, 2 male and 2 female including herself. When UAC reported the details to this case manager, she stated that only she and one male student were involved. UAC told her foster mother that she knew the contents of the soda bottle had alcohol in it, but when she talked to her a second time she changed the details to say she was unaware there was alcohol in the bottle. Case manager tried to clarify the change in the story and UAC insisted that she was unaware she had been given alcohol.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Paso
Date of the Incident: 09/11/14 **UAC**:
Date of the Incident Reported to ORR: 09/11/14
Summary of SIR:
Minor and minor's aunt, (sponsor) reported that minor was forcibly recruited to work for as a foot guide. Minor had previously denied being threatened or forced to work but now reports that he did not mention it earlier because he does not like to talk about this topic. Minor stated that he initially met these people at a friend's house and they forced him to come with them to a house that belonged to one of their members. He stated that he left there without them knowing. He did not see them again for about 2 and a half months when he encountered them in the community while with his girlfriend. He stated that at that point they offered him a job and tried to convince him by telling him how much he could earn. Minor reports that he refused, but that they continued coming to his mother's restaurant every day for a month and asking for him. He stated that he would hide in the back while his mother talked to them and once they fought with her. He stated that these were members of the cartel and were armed. Minor reports that they then saw him in the community and told him that if he did not work for them that his girlfriend would "suffer the consequences." Minor reported that he was very afraid that these people would hurt his family or his girlfriend so he said that he would work for them. He reported that from this point on they call him at all hours of the day to work. He worked off and on for them for about the last year and a half. He reports that the man who was his boss was called . He reports that they always paid him as promised, but he feared that if he stopped working that they would come to look for him or bother his family. Minor reports that about a year ago some higher up members of the cartel lead by
forced him to come with him at gun point and held him for nine hours and questioned him about supposedly cheating them of their fees for persons who were crossing. Minor reports that they hit him 7 times on his butt with a 4x4 board specially designed with holes to do physical harm and leave scars. He reports that he was bloody and swollen by the time that they released him and they told him that they were going to kill him. Minor reports that he could not leave the house for several months and that he still has scars from this beating. Clinician assessed for trafficking concerns for symptoms of trauma. Minor reports that he did have symptoms of fear and hyper vigilance after he was beaten but currently denies any symptoms. Clinician will continue to asses and will submit ATIP referral.

Incident Type: Possession/Use of Drugs
Facility: Youth for Tomorrow
Date of the Incident: 09/11/14 **UAC**:
Date of the Incident Reported to ORR: 09/12/14
Summary of SIR:
During UAC admission process his drug screen became marijuana positive.

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
September 14 – September 20, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 2
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 12
- Suspected Smuggling/Trafficking: 7
- Possession/Use of Drugs: 0
- Sexual Abuse outside the US – UAC Pregnant: 4
- Sexual Abuse during Journey: 3
- Other: 3

Total Number of major SIR: 31; Total Number of SIRs for the Week: 530; Number of SIRs for FY14: 24,082

Incident Type: Suspected Smuggling/Trafficking
Facility: Southwest Key Combes
Date of the Incident: 09/12/14 **UAC**:
Date of the Incident Reported to ORR: 09/13/14
Summary of SIR:
Youth disclosed performing sexual acts in exchange for money/anything of value while in home-country and during journey. Youth disclosed to Youth Care Worker, (YCW) performing sexual acts in exchange for money/value on various occasions while living in COO. Youth reports this being the first time he disclosed this information. Youth reported "selling his body" to buy his mother a present in home-country. While on his journey to the US, the youth reported being forced to exchange sexual favors in order to pay for his journey. YCW Jesus Becerra, documented information on ETO (internal incident report) and followed up with youth's clinician regarding disclosure.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Bokenkamp
Date of the Incident: 09/15/14
Date of the Incident Reported to ORR: 09/15/14 **UAC**:
Summary of SIR:
UAC was observed over the weekend displaying some inappropriate behaviors. UAC was seen in her bed with her legs in the air hitting her private parts with her hand. UAC was also seen in the living area sitting on a ball, bouncing on it and rubbing her private area against it. Later that day, UAC was observed hitting and rubbing herself against the common area's floor. UAC was observed trying to place her fingers in her rear area.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Brownsville
Date of the Incident: 09/08/14 **UAC**:
Date of the Incident Reported to ORR: 09/15/14
Summary of SIR: Addendum
On 9/8/14 an SIR was reported to TDFPS regarding UAC (age 16/ 9 ½ months pregnant). disclosed having experienced neglect, and sexual abuse which resulted in her current pregnancy, in her home country of Honduras. also disclosed that during her journey she was forced to do chores. On 9/15/14, clinician A.P. received a letter from TDFPS concerning the report stating no further inquiry is planned, on their behalf, as it appears she is not in substantial risk of abuse or neglect. However, the letter states that concerns have been forwarded to Brownsville PD (email only) as they appear to have jurisdiction in the matter.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Children's Center Brazoria
Date of the Incident: 09/01/14 **UAC**:

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Date of the Incident Reported to ORR: 09/15/14
Summary of SIR: (3)
During a meeting to review the program rules between Program Director, Lead Case Manager and Case Manager and all UACs in care disclosed several incidents with YDW She reported that in one occasion YDW Yaneri touched her hair making her feel uncomfortable. She then reported that in another occasion she was sleeping when YDW Yaneri came in her room and grabbed her neck. She also reported that on another occasion staff questioning her why she was taking prescribed medication and when UAC told her why she responded by saying that "she did not have to take the medication." UAC reported that she had not reported this information to a Case Manager as she did not know that this information was to be reported.
Valeria disclosed that staff YDW Yaneri came into her room and pulled her legs while she was sleeping.
During a meeting to review the program rules between Program Director, Lead Case Manager and Case Manager and all UACs in care, disclosed that at night time while all UACs were in bed sleeping she overheard an staff saying "no me lo va a perdonar" (she will not forgive me). Then, she heard a camera flash. She reported that she recognized the staff voice. She reported that she is unsure if YDW took pictures of the UACS.

Incident Type: Suspected Smuggling/Trafficking
Facility: Children's Village
Date of the Incident: 09/15/14 **UAC**:
Date of the Incident Reported to ORR: 09/15/14
Summary of SIR:
When minor first arrived to the program she reported that she came to the US to be reunited with her 22 year old male cousin who resides in Seattle, Washington. Case Manager, conducted a thorough assessment with the minor and she revealed that in reality she came to the US to live with her 27 year old boyfriend who lives in Missouri. The minor stated that her intention was to be sponsored by her male cousin and when she would be released she would leave with her boyfriend. Case Manager contacted the cousin in Seattle, Washington. Mr. expressed his concerns in regards to sponsoring the minor. Mr. informed that he was not expecting minor, that he really did not have a close relationship with the minor in Guatemala and that he lives with other adult males in a one bedroom apartment. Moreover, Mr. confirmed that minor in reality was brought to the US by her so called boyfriend who is an adult and resides in Missouri. He said that he was concerned to proceed with sponsorship with the minor because he has never been in trouble with the law in this country and minor would probably leave with her boyfriend after being reunified with him. Mr. stated that he is aware of the law of consent in this country and that minor is not supposed to sustain an intimate relationship with and adult. then got in contact with who stated that he paid $7,000 dollars to bring the minor illegally into the US with the purpose to establish an intimate relationship with the minor and live with her. Mr. informed that he met minor around Feb. 2014 thru a phone call that he was having with a brother that he has in Guatemala. Since then he and minor continued having communication and "a relationship" thru different social media. Mr. is aware that minor is 15yr old and stated that he lied to minor about his age and in reality he is 32yr old (DOB: 6/1/82). According to Mr. he wants to help minor because she is a single mother who has 2yr old daughter in home country. During this phone call Mr. stated that he was willing to come forward and provide with all information and documentation in order to help minor be released from the program. However, he stopped answering the phone calls to and did not provide his full address.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Fairfield
Date of the Incident: 09/15/14 **UAC**:
Date of the Incident Reported to ORR: 09/15/14
Summary of SIR:
Jose reported during session that in fact he told teacher about certain incidents that occurred back in his country. He said that he was forced to kill while he was working for the Gulf Cartel back in Mexico. Minor indicated that he was taken into "high" consideration for these type of missions because he was known that he was intelligent, not a drug user and responsible. However, minor added that he did not like such missions, but he had no other choice. He said" "I either did it or I would get killed". Jose disclosed this with feelings of remorse by adding: "Maybe now I am being punished for what I

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did". Jose stated that he did not tell teacher anything else. He denied other allegations concerning raping people. Minor agreed to discuss these issues with his primary mental health counselor

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Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 09/15/14 **UAC**:
Date of the Incident Reported to ORR: 09/16/14
Summary of SIR:
Minor reported several instances of community violence victimization and provided some trafficking concern indicators while working for The minor reported the federal authorities in Mexico beat him after suspecting criminal activity based on his looks, minor shared the people he worked for punished him if he did not comply with their directions, an unknown NARCO leader held him for a day in a half to make him stop working as a guide, and he was part of a car accident. Minor reported in November 2013 he was stopped by Mexican authorities and was accused to be a lookout for the Cartels. Minor denied being affiliated with Cartels at that time. Minor reported the men stopped him and hit him with their fists on his body and with a plastic weapon on the sole of his feet. Minor reported his feet were left feeling tender and he was not able to walk. Minor reported after being hit by officials and was dropped off in a different location and left to find his way back to his community. Minor reported he hitchhiked to be able to make it home. Minor reported since February 2014 he has been threatened and hurt by the people he worked for as a foot guide,
Minor reported in February he told members of the Cartel that he did not want to work for them any longer since he was not getting paid for his services. Minor reported the men told him he had two choices, either continues working or they would hurt him. Minor expressed they did not verbalize they would hurt him, but that they pointed at a wooden paddle indicating the weapon they would chose to hurt him. Minor reported since then in five different occasions he was hit on his buttocks when he was not able to complete the work of guiding the people. Minor reported he was hit with a wooden paddle to the point of bruising. Minor reported he would receive between 10-20 hits with the paddle each time. Minor denied being paid what he was told, not receiving pay consistently, and being threatened to be hurt if he didn't continue working for the Cartel. Minor reported mid-March 2014 he, along with 5 other peers, were picked up by unknown men who were trying to gather information about what the minor and his peers worked in. Minor reported he believes the men were "NARCOS". Minor reported the man wanted make the minor stop working. Minor reported the people who picked them up first hit them with the back of weapons. Minor reported he was left with bruises on his arms. Minor reported he witnessed the men hit his friends in a worst manner than what he was hit. Minor reported the men blindfolded the group of teens and took a warehouse filled with dead bodies. Minor reported they remained in the warehouse for one day and a half. Minor reported while they were in the location the boss of the men who took them spoke with them to ask them to stop guiding people through the Mexican border. Minor reported he became frightened by the experience and stopped working as a guide until he was made to work again by the people of

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Incident Type: Sexual Abuse during Journey
Facility: Boystown
Date of the Incident: 09/04/2014 **UAC**:
Date of the Incident Reported to ORR: 09/16/2014
Summary of SIR:
Minor was traveling in a truck along with five other girls at night. Before reaching the border, a few males had stopped the vehicle and assisted the girls off the truck and proceeded to question the girls about their respective ages. Minor reported her age to one of the males and was then taken to an isolated area. The male raped the minor with no witnesses around and threatened to kill the minor if she should report it to anyone.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: IES Weslaco
Date of the Incident: 09/11/14 **UAC**:
Date of the Incident Reported to ORR: 09/11/14
Summary of SIR:
On 09/12/14, an incident was reported between Medical Assistant nd UAC It was reported that MA asked if it was okay to accept a hug and kiss from her (kiss was to UAC's cheek); this entire

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incident was witnessed by the other Medical Assistant, . did accept the hug and kiss on her cheek. However, this is not appropriate behavior and it is not acceptable to IES.

Incident Type: Suspected Smuggling/Trafficking
Facility: Sandy Pines
Date of the Incident: 09/15/14 **UAC**:
Date of the Incident Reported to ORR: 09/16/14
Summary of SIR:
UAC disclosed transporting one bag of drugs across a Texas river when she was crossing the border from Mexico to USA. UAC stated that the coyote threatened her at gun point if she refused to transport the drugs. UAC reported transporting only one bag and then giving it to men that were waiting for her across the river. After turning in the bag UAC stated that the coyote released her and her aunt, and they were able to continue with their journey into the USA. UAC reported she did not receive any payments. Assigned clinician will continue to assist UAC to process her thoughts and feelings related to this incident. Processing history of trauma is part of UAC's treatment plan goals.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland ICRC
Date of the Incident: 09/16/14 **UAC**:
Date of the Incident Reported to ORR: 09/16/14
Summary of SIR:
Clinician met with participant in order to address an incident with his peer. Staff was facilitating art class when she witnessed participant approach and pull down participant AMC's shorts and boxers, exposing him to the rest of the class. Staff mmediately intervened and had both participants leave the classroom with her. Participant AMC reported he was waiting to turn in his art project when participant pulled down his pants. reported to staff Carolina that he was joking and was laughing about the incident. Program Manager, was informed about the incident.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: KidsPeace
Date of the Incident: 09/16/14 **UAC**:
Date of the Incident Reported to ORR: 09/16/14
Summary of SIR:
SIR notification emailed stated that UAC may be pregnant as a consequence of sexual abuse. SIR in UAC Portal does not explicitly state this to be the case.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Chavaneaux
Date of the Incident: 08/12/14 **UAC**:
Date of the Incident Reported to ORR: 08/12/14
Summary of SIR:
reported that during the two weeks he has been here a minor who is his next door roommate has exposed his genitals. did not know when or where this happened. He stated he never reported because he did not want any problems with anyone. He also reported that another minor, also next door to him, has been bothering him while he is in the bathroom. He stated that a minor is always knocking on the door. He stated that today, while he was in the bathroom, the minor knocked on the door. syelled, "Leave me alone. Don't you see the bathroom is in use?" said the boy continued to bother him. opened the door and told the minor, "Is this what you want?!" and picked up his shirt. states he did this and then went back to the bathroom and to his bedroom.

Incident Type: Suspected Smuggling/Trafficking
Facility: Union County Detention Center
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 09/17/14
Summary of SIR:

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SIR regarding trafficking concerns is not recorded in the UAC Portal.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: BCFS San Antonio TFC
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 09/17/14
Summary of SIR:
SIR regarding pregnancy as a result of rape is not in the UAC Portal.

Incident Type: Other
Facility: Catholic Charities Houston
Date of the Incident: 09/17/14 **UAC**:
Date of the Incident Reported to ORR: 09/17/14
Summary of SIR:
Minor disclosed that his former sponsor tried to force him to smoke marijuana, snort cocaine, and drink alcohol several times. Minor stated that shortly after he was reunified with he started working with him in a paint factory. Minor stated that on several occasions after they returned from work, his sponsor would tell him that he had to smoke marijuana, snort cocaine, or drink alcohol because it was his house and his orders had to be followed in his house. Minor stated that his former sponsor did not hit him in order to make him smoke marijuana, snort cocaine, and drink alcohol. Minor stated that he did not do any drugs or consume alcohol and decided to leave before the situation got worse and that his former sponsor stole his last check when he left.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Chavaneaux
Date of the Incident: 09/18/14 **UAC**:
Date of the Incident Reported to ORR: 09/18/14
Summary of SIR:
On 9/18/2014 at 9:50 am during vocational class, Vocational Coordinator was helping client finish making a beanie and while sitting on the desk attempting to teach how to finish the beanie client eached and touch her chest. Client was immediately re-directed right away and the incident was reported to Shift Manager . was redirected to remember he could not be touching people. He appeared to understand, laughed and said "Oh si no touch".

Incident Type: Suspected Smuggling/Trafficking
Facility: Children's Home Tampa
Date of the Incident: 09/17/14 **UAC**:
Date of the Incident Reported to ORR: 09/17/14
Summary of SIR:
Ms. , Lead Case Manager, met with to complete the Human Trafficking Screening Questions. The Lead Case Manager as well as Case Manager, Ms. Therapist and , Lead Clinician agreed to complete the Human Trafficking questions after insistently indicated the need to begin to work to pay a debt he owes in his home country. the case manager, has been working with two sponsors for who is the cousin of mother and David is the cousin. as well as Lead Case Manager, has been concern about as a safe sponsor due to reports provided by and his family in Guatemala. The family and indicated that requested money to sponsor the child. Yesterday, and spoke with the family in Guatemala making clear and specific that sponsoring services are free. Lead Clinician also encouraged s family to notify us if anyone request money for sponsoring . During the process of completing the Human Trafficking Screening Questions, informed that he will be working with in a Restaurant already identified by He will live with for a week and then he will rent a room closed by Also, today spoke with (with the assistance of the Therapist) to assess if is requesting any money for sponsoring According to the information provided by the Therapist, seems to be aware of the importance of education and he is not requesting any monetary compensation for sponsoring . indicated that he grew up with mother and they have a good bonding.

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Incident Type: Sexual Abuse during Journey
Facility: Youth for Tomorrow
Date of the Incident: 09/17/14 **UAC**:
Date of the Incident Reported to ORR: 09/18/14
Summary of SIR:
reported that the guide she traveled with, nicknamed (approximately 50 years old), took her and other immigrants to a house owned by and held them captive there for eight days. She reported she was tied down and beaten by cartel members daily. She stated that held her at gunpoint and raped her in front of other immigrant females.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Catholic Charities Boystown
Date of the Incident: 08/27/14 **UAC**:
Date of the Incident Reported to ORR: 09/17/14
Summary of SIR:
While being evaluated, minor disclosed she was raped during her journey. The reported the abuse to the abuse hotline on 09/17/2014. During yesterday's (09/17/14) exams minor was also told her pregnancy urine sample tested positive. Minor reported the pregnancy was a result of the rape during the journey. This clinician met with minor for crisis intervention on 9/17/14 and minor disclosed a previous suicidal attempt in where she ingested poison 6 months ago in her home country. Minor reported suicidal ideations at the present time. Minor was referred to Southern Winds Hospital, however, was taken to Baptist Hospital per ecommendation. Minor was taken to Southern Winds this morning for psychiatric assessment. Minor reported she was raped during the journey while in Mexico and the approximate date was 08/27/14. Minor reported she was raped by 1 guide who separated her and 3 other girls from the group. Per minor, 4 guides and 3 girls were present, however, reported being raped by 1 guide. Minor reported she had previously taken poison 6 months ago and would do so again if she was forced to keep her pregnancy. Minor also stated, she would bang her head against the wall or find other means for taking her life. Per minor, if she could not terminate her pregnancy she stated she would return to her home country leave the baby with her mother and take her life because she finds it would be easier to do in El Salvador. Minor also stated every time something goes awry she has suicidal ideations.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Secure
Date of the Incident: 09/17/14 **UAC**:
Date of the Incident Reported to ORR: 09/17/14
Summary of SIR:
At approximately 1:25pm noticed this minor sitting on the couch next to another program minor with suspicious looks on their faces. This minor then yelled out that the other program minor was trying to touch his penis. At this point all program minors were directed to go to their rooms. This minor and the other program minor continued to stay in the F1 Milieu with suspicious looks on their faces until finally going to their rooms. Once in his room checked in with this minor to ask him what had occurred, this minor stated that the other program minor wanted to touch his penis but instead grabbed his arm forcefully. This minor was then interviewed by Program Director Assistant Program Director and Milieu Supervisor This minor stated that his self and the other program minor were just playing around and ensured that the other program minor did not touch his penis and that he only touched his arm.

Incident Type: Other
Facility: CC Phoenix LTFC
Date of the Incident: 09/15/14 **UAC**:
Date of the Incident Reported to ORR: 09/17/14
Summary of SIR:
Foster Parents and disclosed to the Licensing specialist that there were issues with missing money, being late and using the phone without permission. On 9/17/14, the CM did a home visit and received the following information:

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On Monday, September 15, Foster Parent discovered that $170 was missing from her purse. Part of the money was in her wallet and the other part was in the inside pocket of her purse. On Wednesday, 9/17, their daughter discovered $30 missing from her purse. The Foster Parents report that they believe to be using drugs. He comes home much later than the agreed upon time and has excuses for why he couldn't make it home on time. He arrives sweating and appearing to be under the influence of drugs. The Foster Parent, has experience with teens who have been under the influence of drugs because of his background as a preacher and states he is familiar with the symptoms. In addition, the family has discovered the cordless home phone to be either missing or left un-charged on 3 occasions, and they believe Jose to have been using the phone without permission. has only made a couple of phone calls using his phone cards, and the only people he claims to be calling are his brother in Mexico and a friend in Texas. He has not divulged to the family with whom he was talking when the phone has gone missing.
On 9/18/2014, this CM called the Foster Parents to see if they had confronted the 4 boys in the home regarding the money. Foster Parent disclosed that they did speak with them yesterday evening. When they called the boys down to talk to them, was reluctant to join them in the living room and was called 3 times before he arrived. The Foster Parents stated that the money was missing and that if they were not responsible, they should not feel bad. This morning, one of the boys called Foster Parent after leaving for school and disclosed that he had seen Jose with $120 at the mall over the weekend. He stated that one of the other boys also saw the money.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Secure
Date of the Incident: 09/17/14 **UAC**:
Date of the Incident Reported to ORR: 09/18/14
Summary of SIR:
noticed this minor sitting on the couch next to another program minor with suspicious looks on their faces. The other program minor then yelled out that this minor was trying to touch his penis. At this point all program minors were directed to go to their rooms. This minor and the other program minor continued to stay in the F1 Milieu with suspicious looks on their faces until finally going to their rooms. Once in his room checked in with this minor to ask him what had occurred, this minor stated that he was only joking and did not grab his penis but did grab the arm of the other program minor.

Incident Type: Other
Facility: Youth for Tomorrow
Date of the Incident: 09/16/14 **UAC**:

Date of the Incident Reported to ORR: 09/16/14
Summary of SIR: (2)
Sponsor notified case manager that he and his brother-in-law (husband of sponsor's sister) received two phone calls each on 09/16/2016, from an unknown man, with a phone number from Texas, asking for sponsor to pay $3,000 within the next 24-hours, if not, then the case would be closed and minor would be deported back to Guatemala right away.
FBI was notified by lead case manager.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Casa Houston
Date of the Incident: 09/17/14 **UAC**:

Date of the Incident Reported to ORR: 09/18/14
Summary of SIR: (2
While Youth Care Worker was monitoring clients on the 2nd floor in section 2 by room 7, client approached nd asked, "if it was okay to have relations (boyfriend/Girlfriend) in SWKEY". Staff informed the client "that it was against the program rules." Then client stated that at cleaning time between 7:40pm-8:00pm, in the laundry room, he saw minor and minor kiss each other on the mouth.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St. PJ's Children's Home

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Obtained via FOIA by Judicial Watch, Inc.

Date of the Incident: 09/19/14 **UAC:**
Date of the Incident Reported to ORR: 09/19/14
Summary of SIR:
The clinician, met with on 9/19/14 for individual therapy. During session, requested to speak with his cousin, stating he was not able to reach him during his two calls this week. The clinician granted his request and allowed a 15 minute phone call to his cousin. The clinician listened as talked on the phone. The clinician overheard elling his cousin about the program, expressing that he did not feel comfortable here since he is not used to being locked up in a facility. As the conversation continued, began to tell his cousin that it was not so bad being in care, as there are pretty women here. He started describing the clinician, stating she is tall, has dark hair and brown eyes. then told his cousin that he could only look and not touch. He stated "aquí no se puede enamorar a las mujeres como la que tengo enfrente de mi". continued to talk to his cousin. stated to his cousin that he cannot make anyone fall in love with him. He continued stating that, if only it could be the other way around, where the women here can initiate something and get him out of care.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St. PJ's Children's Home
Date of the Incident: 09/18/14 **UAC:**
Date of the Incident Reported to ORR: 09/18/14
Summary of SIR:
On 09/18/2014, while getting ready to enter a shower stall, pulled the curtain of a shower stall that was occupied. Minor stated incident was an accident.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Children's Village Staff Secure
Date of the Incident: 09/19/14 **UAC:**

Date of the Incident Reported to ORR: 09/19/14
Summary of SIR: (2)
While the residents were in the media room waiting to transition to the classroom, minor put his hands in his pant and started touching his private part and moaning. Minor was redirected by staff, minor responded that it was his private part and he could do whatever he wanted. During gym class, minor took the basketball and threw it at a resident's face. Minor was redirected several times and was informed to sit down and not participate in the class if he was unable to follow the rules. Minor refused and at one point kicked a soccer ball at another resident's face. Minor continued with disrespecting staff. Minor throughout the day continued with his disrespectful behavior and sticking out his middle finger at residents an staff. Minor was singing inappropriate song about his private part and that he did not care and that he can do whatever he wanted. Minor refused to follow directions. Minor was passing gas loudly in the classroom and laughing. Minor also passed another resident sitting at a desk and passed gas in his face. Every time minor was redirected by staff he responded by telling them to kiss his ass. After school, as minor was transitioning back to the cottage, minor grabbed an umbrella and swung it a resident. In the media room and tried to grab another minor by the neck and informed if he had the opportunity to be alone with him he would kill him and referred to him as a dog.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Baytown
Date of the Incident: 09/19/14 **UAC:**
Date of the Incident Reported to ORR: 09/19/14
Summary of SIR:
Minor while in school (Gym area), stated to direct care to tell direct care in Spanish, "Digale a que la quiero mucho"meaning " Tell that I like he a lot". Minor was redirected and explained that what he stated was not acceptable in this program. He then continued to state again in Spanish to direct care "Bueno, si no le puede decir a ella le digo a usted. Meaning well, if I can't tell her I will tell you". Minor then was redirected again and told that he cannot be stating those comments to anymore no matter who they are because it's part of the program and rules. Shift Lead, was notified, who also notified case manager,

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Secure
Date of the Incident: 09/19/14 **UAC**:
Date of the Incident Reported to ORR: 09/20/14
Summary of SIR:
At approximately 10 am, while in the classroom, because was saying inappropriate sexual things ("I am going to fuck you in your ass- ass rape you") to another youth.

Incident Type: Sexual Abuse during Journey
Facility: Heartland ICC
Date of the Incident: 09/20/14 **UAC**:
Date of the Incident Reported to ORR: 09/20/14
Summary of SIR:
Minor reported that, during her journey to the United States (while in Togo), she was sexually assaulted by an unknown man. Minor reports that this occurred in August of 2014. Minor reports that she was staying the home of her stepfather's friend when an unknown man came into the room she was in and attempted to push her down. At that point, minor states that she started screaming and that the man told her to be quiet. Minor states that stepfather came in and intervened immediately and prevented any further harm. Minor presented as calm when she made this report. She acknowledges that she felt afraid when this happened, but denies any symptoms of trauma such as nightmares, flashbacks, or avoidant behaviors related to the incidences.

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Alexis Cohen
September 21 – September 27, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 2
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 7
- Suspected Smuggling/Trafficking: 5
- Possession/Use of Drugs: 3
- Sexual Abuse outside the US – UAC Pregnant: 0
- Sexual Abuse during Journey: 2
- Other: 3

Total Number of major SIR: 22; Total Number of SIRs for the Week: 402; Number of SIRs for FY14: 24,484

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Nova Secure
Date of the Incident: 09/21/14 **UAC**:

Date of the Incident Reported to ORR: 09/22/14
Summary of SIR: (2)
While eating lunch in the cafeteria, UAC was observed winking and licking his lips while staring at a female staff member. He had previously been warned several times by staff that this type of behavior is unacceptable. For failure to comply and inappropriate gestures towards female staff, UAC will receive a 24 hour room restriction.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Casa Lighthouse
Date of the Incident: 09/08/14
Date of the Incident Reported to ORR: 09/21/14 **UAC**:
Summary of SIR:
On time and date mentioned above, client reported to clinician that when he arrived to Mexico,one policeman of that country detained him and his two friends and gave them to a unknown man, after speak .The client indicated they were locked up for seven days in a room. Client reported they were threatened with death if not carrying drugs and weapons. Client reported that four unknown adults was harmed. The client reported he was taken by four men (a gang called in Sonorita, Mexico. The Client reported was the Police of (one Policeman) who handed the client and his friends to a unknown men. The client reported they were forced to carry drugs and weapons in 10 suitcases. Client reported that four unknown men were in charge. Client states he was forced. Client states he and nine young men walked during 17 days (during the day or night) and were poorly fed. Client insists they were threatened with death if not carrying drugs and weapons. Client denies he will receive payment for his work.

Incident Type: Possession/Use of Drugs
Facility: CC Phoenix LTFC
Date of the Incident: 09/15/14 **UAC**:
Date of the Incident Reported to ORR: 09/17/14
Summary of SIR:
Foster Parents and disclosed to the Licensing specialist that there were issues with missing money, being late and using the phone without permission. On 9/17/14, the did a home visit and received the following information: On Monday, September 15, Foster discovered that $170 was missing from her purse. Part of the money was in her wallet and the other part was in the inside pocket of her purse. On Wednesday, 9/17, their daughter discovered $30 missing from her purse. The Foster Parents report that they believe to be using drugs. He comes home much later than the agreed upon time and has excuses for why he couldn't make it home on time. He arrives sweating and appearing to be under the influence of drugs. The Foster Parent, as experience with teens under the influence of drugs because of his background as a preacher and states he is familiar with the symptoms. In

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addition, the family has discovered the cordless home phone to be either missing or left uncharged on 3 occasions, and they believe to have been using the phone without permission. has only made a couple of phone calls using his phone cards, and the only people he claims to be calling are his brother in Mexico and a friend in Texas. He has not divulged to the family with whom he was talking when the phone has gone missing.

Incident Type: Other
Facility: Boystown
Date of the Incident: 09/04/14 **UAC**:
Date of the Incident Reported to ORR: 09/16/14
Summary of SIR: Addendum
Minor provided additional information regarding her rape. Per minor, she was raped while she was being transferred from immigration to a shelter. Minor reported. She was apprehended and taken into custody where she was fingerprinted and photographed. Minor reports after a few hours she was taken by immigration officials with 5 other minor girls and they were being transported to another shelter when their truck was stopped. Minor reported 2 men in a red truck separated from her the other 5 girls and took her to a remote location where one of the men proceeded to rape her while the other watched. Minor reported she believes they were Mexican but only spoke in English to each other. Minor reported after the abuse they dropped her off outside the shelter. Minor reported she was taken in by staff and was taken care of while there. Minor reported she observed immigration officials transporting other children used a code to enter the facility and the 2 men in the red truck did not, therefore, leaving her outside the shelter.
Clinician called the Florida Abuse hotline and spoke to at 2:45 pm who stated report could not be taken and transferred clinician to Texas State Hotline. Clinician reported to at 3:20 pm. Report was accepted and clinician was informed this report would be sent to Texas Law Enforcement for further investigation. Reference number given was #65268429. Clinician notified ORR and spoke to James 202 401-5709 at 4:00 pm. Officer Chang Badge 7869 and Officer Carbello from Miami Dade Police Department reported minors case to sex crimes unit. It was reported MDPD sex crimes unit will notify Texas sex crime unit. Case number provided for case is 4:35 pm.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Morrison Secure
Date of the Incident: 09/22/14 **UAC**:
Date of the Incident Reported to ORR: 09/22/14
Summary of SIR:
Minor was sent to his room during school due to disruptive behavior. During school break, a separate minor noticed this minor attempting to commit suicide with his sweater. Milieu Supervisor immediately opened this minor's room door and sent all other minors down to their rooms while County staff called for "back up." During this time, Milieu Supervisor talked to this minor, asking him to remove the sweater. As program staff approached, this minor began to tighten his sweater and tried to kick staff. County staff then utilized CPI restraining techniques to interrupt the suicide attempt and then escorted this minor to the medical close observation room. Following the use of CPI restraining techniques, this minor made an allegation to program Clinician , stating he was punched in the face on his left cheek by a County staff involved in the restraint. However, an hour later, this minor stated that this County staff accidentally hit him in the face as they were trying to remove the sweater from around the minor's neck during the intervention.
Addendum: PD followed up with investigation regarding allegation. Based on all information and accounts, no misuse or abuse of restraint was issued against minor. PD also spoke with FFS to provide update and information which conclude investigation and no abuse on minor was incurred.

Incident Type: Possession/Use of Drugs
Facility: Children's Center Jameson TFC
Date of the Incident: 09/22/14 **UAC**:
Date of the Incident Reported to ORR: 09/23/14
Summary of SIR:
After returning home for the evening UAC came into foster mother's home. Upon arrival foster parent noticed that uac's eyes were red. Foster mother then proceeded to question uac's behavior. Foster mother asked uac: "have you been smoking marijuana"? UAC did not deny the use of marijuana and stated, "yes".

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Children's Center Brazoria
Date of the Incident: 09/22/14 **UAC**:
Date of the Incident Reported to ORR: 09/22/14
Summary of SIR:
Teacher reported that during the class activity she observed that UAC was a little bit distractive and not focusing on his academic task, when she approached to him, she noted that UAC was drawing a big penis on his notebook, when UAC got aware that his teacher was approaching to him, he was trying to erase it.

Incident Type: Other
Facility: BCFS Harlingen
Date of the Incident: 09/23/2014 **UAC**:
Date of the Incident Reported to ORR: 09/23/2014
Summary of SIR:
While conducting the Sponsor Assessment follow up questions over the phone at the Case Manager office, the sponsor made disclosure to Case Manager On 9/21/14, Mr. reports that he received a phone call to his cell phone from a private caller who is an unidentified male requesting fees in exchange for the minor The unidentified male requested money to be wired to a Western Union account. Before further instructions, sponsor explained he was already in contact with minor and immigration [09/20/2014 at 4am]. Sponsor requested if he, indeed, had minor, to hand the phone over so sponsor was able to speak to minor. Phone call was disconnected. No further contact has been made since. Case Manager reiterated to sponsor that there are no fees associated with the release of the child and encouraged sponsor not to pay any fees requested. Case Manager encouraged sponsor to advise Case Manager if contact is made again. Sponsor agreed. Sponsor denies any other contact made requesting fees for the minor's release. Sponsor added, travel arrangements were made by mother in home country and he had no specific knowledge of arrangements made.

Incident Type: Sexual Abuse during Journey
Facility: Heartland SCIY
Date of the Incident: 09/22/14 **UAC**:
Date of the Incident Reported to ORR: 09/23/14
Summary of SIR:
Minor disclosed that she was raped, threatened and kidnapped during her journey to the US. The minor reported that police officials were following her and her cousin, (20), as well as other 8 undocumented people. The minor reported that she was then separated from her cousin, (20), and the group in Arriaga, Mexico. The minor reported that she was lost and continued to walk alone in the nighttime searching for her cousin, (20), and the undocumented group. The minor reported that as she was walking alone she saw a group of 4 men and she reported she became scared and started to run away in the opposite direction of the 4 men. The minor reported that, as she was running, she turned around to see if someone was following her and reported that one male was chasing her. The minor reported that she continued to run away and as she was running she fell down a hill, attempting to lose him. She reported that he followed her down the hill and grabbed her while she was still on the ground. The minor reported that she screamed and cried, "no me hagas nada" (don't do anything to me). The minor reported that the male then continued to grab her and he threatened to kill her with a "filo" if she did not engage in sex with him. The minor reported that she cried and yelled to the male, "no me hagas nada. No me mates" (don't do anything to me. Don't kill me). When asked what a "filo" was the minor reported it was like a type of edged knife. The minor reported that the male then raped her and kidnapped her. The minor reported that the male threatened to kill her if she screamed or attempted to get away from him. The minor reported that she traveled with the male for one day to Mexico and was able to escape from him. The minor reported that the male held her by her wrists. The minor reported that as she traveled with him to Mexico he had raped her 3 more times. The minor denied being physically hit by the male. The minor reported that she asked the male to let her go to the bathroom and the minor reported that she was then able to run away from the male. The minor denied being solicitated for money. When asked if she knew why the male kidnapped her, the minor reported that she did not know and denied the male telling her his plans. In Mexico, she sought help from an older female stranger whom then provided the minor with food and shelter. The minor reported that the female stranger helped her get in contact with her mother, in

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home country. The minor reported that she stayed with the female stranger for 9 hours while contacted the minor's cousin, (20), to pick her up from the stranger's home. The minor reported she found a female stranger who provided her with shelter, food, and assist her with being in communication with her mother for 9 hours. The minor then reported that she was able to contact her mother in home country to notify her cousin, 20) to pick her up from the female stranger's home. The minor then reported that her cousin, (20), picked her up and they continued to travel to the US.

Incident Type: Other
Facility: Children's Village
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 09/23/14
Summary of SIR:
SIR regarding mother's (possibly sponsor's) prostitution is not recorded in the UAC Portal.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Children's Village
Date of the Incident: 09/20/14 **UAC**:
Date of the Incident Reported to ORR: 09/23/14
Summary of SIR:
Today we received an incident report from the Assistant Supervisor of Wolfe Cottage that occurred on Saturday, September 20th, stating that youth specialist, Yoelina Abreau had seen youth specialist, get hit by the resident, and in turn grabbed the resident by the arm and shook her. According to also yelled at the minor.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Sandy Pines
Date of the Incident: 09/23/14 **UAC**:

Date of the Incident Reported to ORR: 09/24/14
Summary of SIR: (2)
Another UAC disclosed that she saw and a female UAC kissing Friday night during the talent show. The therapist met with on an individual basis to ask her about the allegations. confirmed that the female UAC and her are "dating and are girlfriends". confirmed that during the talent show the female UAC was sharing her lip-gloss with her and when she returned the lip gloss they exchange a kiss. During class the teacher found a letter for confirming a kiss was exchanged. When therapist was inquiring about the kissing incident she also disclosed that when she was 7 years old her female cousins ages 9 would play "house" with her and would touch her body parts, i.e. chest and vagina area. She reported that never disclosed this information to her mother or in previous records. The therapist called the abuse hot line and spoke with . This call was not taken because the minor does not have and will not have contact with her cousins in home country. Therapist also processed this with her during session. She appeared calm and stable. In addition, therapist was transferred to Martin County Sheriff department. Deputy Dau came to Sandy Pines took a report; resident has a call number No further investigation at this time due to this occurring in home country out of jurisdiction.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Board of Child Care
Date of the Incident: 09/22/14 **UAC**:
Date of the Incident Reported to ORR: 09/23/14
Summary of SIR:
was observed grabbing his groin while sitting at his desk in the classroom, the behavior lasted approximately 10 seconds at which point the minor stopped without the need for prompting from staff. On 9/23/14, this same behavior was observed by classroom staff, lasting for only a couple seconds, and stopped without prompting. Youth was fully clothed during both incidents and at no point acted inappropriately towards staff or peers.

Incident Type: Suspected Smuggling/Trafficking

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Facility: BCFS San Antonio
Date of the Incident: 09/24/14 **UAC:**
Date of the Incident Reported to ORR: 09/24/14
Summary of SIR:
A victim of trafficking eligibility letter was received for

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Helping Hands
Date of the Incident: 09/20/14 **UAC:**

Date of the Incident Reported to ORR: 09/20/14
Summary of SIR: (2)
A UAC in care on route to reunite with his sponsor reported to staff that had sexually abused 2 boys in El Salvador. According to staff and him were discussing if he knew anyone from back home that was at the shelter, stated yes he knew two of the UAC's. then reported that had done something he was not supposed to in El Salvador. He reported that had raped two boys in El Salvador, he reported that was arrested and in jail for 2-3days but release since there was not enough evidence. According to the towns people were aware of this situation and wanted to kill therefore both their mothers got together and planned the journey to the US.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: LSSNE
Date of the Incident: 09/25/14 **UAC:**
Date of the Incident Reported to ORR: 09/25/14
Summary of SIR:
This worker, received call from case worker she had been notified by school principal that around 10AM male student/UAC had approached UAC and put his hands around/ attempted to put his hands around her multiple times even after she had pushed him away and told him to stop. It wasn't until teacher intervened that UAC stopped attempting to put his arms around UAC Per school principal SA, UAC made the remark that this is not the first time UAC had attempted to touch her in a similar manner but she had always brushed him off.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: United Methodist Home
Date of the Incident: 09/18/14 **UAC:**
Date of the Incident Reported to ORR: 09/18/14
Summary of SIR:
Two staff members, and were discussing salsa (food) in the kitchen. commented to that her salsa was not very hot, but as someone from Mexico, she felt that the hotter her food, the better. asked f she liked "chili". This is a term that could have a double meaning. Isela commented that she does like spicy food and for her, spicy food is good food. commented that Isela was like the food. Some of these words are lost in translation, however both and felt this was inappropriate language and behavior and the other UACs were laughing as a result of this conversation. Isela let him know that his behavior was inappropriate and to be respectful towards staff. apologized.
It seems that showed an inappropriate sexual behavior toward staff as well, he is still displaying bullying behavior toward peers and adults. Regarding the inappropriate sexual behavior, it appears that he asked a young care female for a kiss. Regarding calling names, it seems that he calls names to his peers such as On September 25, 214, participated in an individual session with Clinician. Clinician discussed with those incidents and Clinician transferred to him the following skills: reviewed home rules, the consequences of bullying, coping skills, and appropriate behavior toward peers and adults.

Incident Type: Sexual Abuse during Journey
Facility: Heartland SCIY
Date of the Incident: 09/25/14 **UAC:**

Obtained via FOIA by Judicial Watch, Inc.

Date of the Incident Reported to ORR: 09/26/14
Summary of SIR:
The minor reported that during her journey to the US she was sexually assaulted during the journey by 3 fellow migrants who fondled her and pulled down her pants.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Nueva Esperanza
Date of the Incident: 09/25/14 **UAC**:
Date of the Incident Reported to ORR: 09/26/14
Summary of SIR:
Client expressed he was threatened and told to do a trip to smuggle humans across the river. Client expressed he informed his contacts he would no longer be crossing with them. Client expressed he left the area and was followed and stopped in his car. Client shared a man exited out of the car which was following his and told him not to forget that he (client) was working for Client shared that he told them he was not working for anyone. Client shared the man told him that he would kill him if he did not cross the people. Client expressed he told the man to kill him if he wanted to. Client shared that the man told him to cross the people and the client ended up smuggling the people across the river.

Incident Type: Possession/Use of Drugs
Facility: Crittenton LTFC
Date of the Incident: 09/25/14 **UAC**:
Date of the Incident Reported to ORR: 09/25/14
Summary of SIR:
On 9/25/14 foster mother called this on call worker to report that had allegedly smoked Marijuana in the bedroom. She addressed the smell in the bedroom with and the other youth sharing the bedroom. The other youth reported that had smoked Marijuana in the bedroom. Foster mother spoke to privately as well and he did not deny smoking the Marijuana. He stated that foster mother already new so why should he admit it as per foster mother. This on call worker followed paging guidelines and reported to Program Director.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCF5 San Antonio
Date of the Incident: 09/26/14 **UAC**:
Date of the Incident Reported to ORR: 09/26/14
Summary of SIR:
reported to clinician that while living in Guatemala she was unwillingly withdrawn from school, while in the third grade, by her stepfather and forced to work the coffee fields. reported to clinician that she worked the fields from age seven, 2006 to age 13, 2012. Her stepfather would take her earnings, as well as her mother's and older brother's earnings (now an adult), to provide for his other seven biological children. also reported that he would force them to work, was verbally abusive with profanity and threatened to not feed them. Additionally, she reported that she was not provided with sufficient water when tired, while working and on one occasion witnessed her mother get sick while working and was not provided medical assistance. reported that her mother left step-father three years ago and has worked on her own since, adding that she stopped working in the fields when her mother left her stepfather.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Nueva Esperanza Staff Secure
Date of the Incident: 09/26/14 **UAC**:
Date of the Incident Reported to ORR: 09/27/14
Summary of SIR:
Minor reported that asked minor if he wanted to work and minor mentioned that showed minor his 380 pistol at this time. Minor was told he was going to be paid $700 USD each time he guided immigrants. Minor refused to accept offer. Minor was then threatened with the pistol and was forced to get into the truck. Minor was taken to TX to a stash house. left minor with the immigrants and returned by 6:00 am on Tuesday, September 16, 2014. Minor stated that was driving and they transported about 15 immigrants. Minor kept telling he didn't want to go.

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Minor reported that they were dropped off on a lonely country road. . minor, and 15 immigrants walked for 4 days. Minor stated that on the second day, a 16 year old female was squatting on the ground urinating when approached her and began caressing her. Minor pushed in the young girl's defense and slapped the minor. A physical altercation took place between the two. Minor was punished by having his hands and feet tied up when they rested. continued to threaten everyone with a gun. Minor was forced to continue working because threatened to kill minor's mother. Minor felt he had to defend the immigrants. Minor stated he cried a lot on this journey because he feared for his life. His cell phone was taken away. He was able to steal his phone from while he was not looking and called his girlfriend's mother. When asked why he did not call his own mother, minor stated his girlfriend's mother is a US citizen and would have a better time assisting him. Minor reported that he was not given any food or water by , but was given some food by the immigrant that was carrying the food and water was unaware that he was given food. On the 4th day, minor woke up and saw that he was left behind. Minor was tied with his hands behind his back and his ankles were tied together. He stated it took him 5 hours to loosen the knots on his wrists to set himself free. Minor decided to continue walking for 2 more days until he reached Texas, where he was apprehended by BP agents. He was processed at the Border Patrol station in Texas, but was then transported to the local hospital where he stayed for 3 days. Minor suffered dehydration, rope burn, and cuts and scrapes from running through the brush. He was then transported to BP.

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Mata Sebgoya
November 02 – November 08, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 4
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 10
- Suspected Smuggling/Trafficking: 5
- Possession/Use of Drugs: 2
- Sexual Abuse outside the US – UAC Pregnant: 2
- Sexual Abuse during Journey: 3
- Other: 6

Total Number of Major SIRs: 32; Total Number of SIRs for the Week: 464; Number of SIRs for FY15: 2562

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Holy Family Institute
Date of the Incident: 11/01/14 **UAC**:
Date of the Incident Reported to ORR: 11/01/14
Summary of SIR:
UAC decided that she would watch TV when it was time to get ready for dinner. The staff unplugged the television when UAC didn't stop using the remote control. The staff positioned herself between the TV and the plug because UAC wanted to plug the TV back into the outlet. UAC was about to slam the glass living room door to get to the outlet on the wall behind the door, the staff kept her foot at the base of the door so that UAC could not shut it forcefully. UAC suddenly moved towards the door to shut it, but instead she hit her head on the door. She immediately began to cry. The staff told her that the nurse and supervisor would be called. She was upset and ran to another resident to cry. She began saying that the staff hit her. When the supervisor on duty arrived UAC again accused the staff of hitting her. However, when UAC saw that the staff was trying not to cry, she ran to the staff to give her a hug. She turned to the supervisor and denied her original accusation. The staff was removed from the facility and the nurse came to the house at 5:45 to check UAC's head.

Incident Type: Suspected Smuggling/Trafficking
Facility: Catholic Charities Forth Worth
Date of the Incident: 10/28/14 **UAC**:
Date of the Incident Reported to ORR: 11/03/14
Summary of SIR Addendum:
According to Dallas ICE officials, on Monday October 27, 2014, at approximately 1315 hours, the Dallas ICE Fugitive Operations Team, in a joint effort with Dallas PD and HSI Special Agents, in an attempt to locate a suspect in another open case, encountered the child in a makeshift room within the location that was being investigated. The child was placed at the Catholic Charities Fort Worth Assessment Center on the evening of Monday October 27, 2014. During completion of the child's initial intake assessment on the morning of Tuesday October 28, 2014, the child stated to case manager Castro that her name is not but rather, and that rather than being a 14 year old (DOB: citizen of El Salvador, she is in fact 18 years old (DOB: and a citizen of Mexico. The child reported that as a young child her biological father in El Salvador "did not want her" and "gave her away" to a "friend" of his in Mexico. According to the child, her biological mother did want her, but because her biological father was "not sure that [the child] belonged to him," he refused to let her biological mother keep her. According to the child, she has lived with her "adoptive" mother in Mexico, in the city of since she was a young child and, although the child could not provide any identifying paperwork, is also very adamant that she is 18 years old and not 14, as alleged by Dallas ICE and ORR Placements According to Dallas ICE officials, the child is also a suspected victim of trafficking, as she traveled to the United States to live with her 42 year-old" boyfriend" who is currently a fugitive. Dallas ICE officials stated that the man in question, Mr. paid $8,000 to bring the child to the United States. At this time the child has not disclosed any information regarding her being trafficked, and has stated that she and 42 year-old, Mr. are in a "relationship" and are going to get married. The child has reported multiple timelines for when her travel to the United States took place, including a report that she's been in the United States for 8 months, for 5 months, and

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"since June of this year." The child also stated to clinician that she was 14 years old when she left her "home country" to come to the United States. At this time it is unclear to Catholic Charities Fort Worth Shelter staff the true identify and age of the child.

Incident Type: Suspected Smuggling/Trafficking
Facility: David and Margaret
Date of the Incident: 10/23/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR:
During initial assessment, UM disclosed that his journey was paid with a loan that father acquired from a friend. UM stated the plan was that he was to cross the US/Mexican border with the assistance of guide and travel to Miami, Florida where a family friend had work ready for UM and his brother, who also traveled to USA and is currently also detained under DCS Shelter. UM stated once he arrived to family friend's home he would work and he would live in friend's home. UM stated money was said to be deducted from his pay from working to pay his housing and food.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Nova
Date of the Incident: 11/03/14 **UAC**:
Date of the Incident Reported to ORR: 11/03/14
Summary of SIR:
Staff member was on the back hallway of Unit 4 performing room checks. When she arrived to UAC s room at 9:00, he began to talk to her, saying "Can I ask you a question?" Staff replied "yes, what is it?" UAC replied, "do you like it up the ass?" Staff verbally redirected UAC that his behavior was inappropriate, and continued with room checks. When staff returned fifteen minutes later, at 9:15 AM, UAC was observed displaying sexual gestures towards her. UAC was again verbally redirected that his behavior was inappropriate. Staff continued performing room checks on other units. When staff returned fifteen minutes later to UAC room, at 9:30 AM, he was observed exposing his genitals to staff. He was laughing, and said "I want you to look at it." UAC remained in his room with no further incident.

Incident Type: Possession/Use of Drugs
Facility: Crittenton Services Foster Care
Date of the Incident: 11/02/14 **UAC**:
Date of the Incident Reported to ORR: 11/02/14
Summary of SIR:
11/2/2014 at 9 pm foster mother, , reported that she suspected to have been under the influence of Marijuana during the late afternoon to early evening hours of 11/2/2014. FM reported that left the home at about 3:30 pm to go to the park and arrived back in the home at 5:30 pm. She reported that when arrived at home his eyes were red and droopy and behaved as if he were under the influence of marijuana. Foster mother reported that she had company visiting on the same evening and did not address the issue with immediately, but instead waited until the house guests left the home and then reported the incident to this on call social worker. She reported that was in his room and had gone to sleep early. This worker reported the incident to Program director,

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Incident Type: Suspected Smuggling/Trafficking
Facility: David and Margaret
Date of the Incident: 10/23/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR:
During UM's initial intake, UM stated he and his father planned the journey to USA. UM stated family borrowed money to pay guide. UM stated he and his brother, who also is currently under DCS care, traveled. UM was told to follow guide's directives. UM was told that once he crossed the US/Mexico Border he would travel to father's friends home, who will have work ready for UM and brother. UM was informed that he would have food and housing available also. UM stated that the cost of housing and food would be deducted from pay provided for labor.

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Incident Type: Sexual Abuse during Journey
Facility: Heartland ICRC
Date of the Incident: 11/02/14 **UAC**:
Date of the Incident Reported to ORR: 11/03/14
Summary of SIR:
During the course of a clinical session the minor disclosed traumatic experiences occurred during her journey from home country to the USA including sexual assaults and witnessing death and dismemberment. The minor reported she traveled from home country to the USA in the mid-to-late summer of 2013. She traveled with her 17 year old maternal cousin. The two minors traveled together from home country with a guide leaving home approximately 7/6/13. They traveled by bus to the Guatemala and Mexico border where they stayed in a home or "casa hogar" 3 days where they were helped but their guide abandoned them. They then began going by train until around Mexico City. They continued on by train and soon met another guide who told them he would help them cross the rest of the way and that everything would go well. However, he instead took them to his home for 5 days and abused the minor sexually on three occasions. She states he threatened her that if she did not do what he said he would find her family in Honduras and bring them harm and turn her in to who would "do worse" to her and then kill her. She believes his friend may have abused her cousin but she is unsure because she did not report anything to the minor. After the 5 days, per the minor, his boss made him release them because their families paid for their release. He sent the minors from there by bus to They were walking 7 days in the desert in Mexico without food and water and feeling very ill. They crossed the border at the river and had to walk for the day and the night because the new guide left them. The next day ICE found them and the minor was detained. The minor also disclosed that she witnessed much death and dismemberment while riding the train in Mexico. She reported people would fall off the train and she witnessed them either dying or getting dismembered by the train. She also saw people fall off or get decapitated from standing or dancing on the train and the injuries would occur when passing hanging cables. On one occasion people were lying down on the train, the minor as well, and she realized the man lying next to her was dead and had turned purple. The minor states these left very "ugly" images in her mind. The minor reports a history of flashbacks or intrusive thoughts due to these experiences as well as abuse she endured (abuse is documented in a separate SIR). She reported she would see images of her sexual abuser's face while living in Missouri when she would have to go down to the basement to get laundry. She also reported at these times she experienced tactile sensations of someone touching her.

Incident Type: Other
Facility: SWK Nueva Esperanza Staff Secure
Date of the Incident: 11/04/14 **UAC**:
Date of the Incident Reported to ORR: 11/04/14
Summary of SIR:
Minor reported that on October 29, 2014 he was apprehended by immigration officers. Client was placed on the ground by immigration officers and he was handcuffed. One of the officers turned him around and punched minor in the face. Minor stated that he asked the officer to stop but he would not and he was hit approximately 6 times. Minor does not have any marks or bruises on his face.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: SWK Rio Grande
Date of the Incident: 11/03/14 **UAC**:
Date of the Incident Reported to ORR: 11/04/14
Summary of SIR:
Youth reported the following three incidences that stand out in his mind. He stated on Friday, 10/31/2014, SL asked staff members to escort youth, and youth, to New York wing. As the YCW was escorting them Mr. was walking down the hall turned around and began walking towards them. Youth states pointed at him and stated, "Vas a tener problemas conmigo, . Youth states he replied, "Yo no tengo problemacon nadie". At which point, threw his body forward as he was yelling, "Vas ir a Nueva York", to which youth replied, "vamos ir a Nueva York para hablar contodos" (Youth indicated was looking for SS, so they could all talk) and replies aggressively, "aqui orita yo te estoy mandando" leaving to look for staff. Youth were escorted to Hudson day room, at this time, youth say Lead Clinician, and requested to speak to her and informed her he

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wanted to file a police report against for Verbal Harassment. Later in the day when they were outside eating youth states he was feeling very uncomfortable because Mr. was staring him down. He approached APD, and told her he wanted to go inside the facility because he did not feel comfortable being outside. Mrs. spoke to Mr. o and told him about youth; youth is unaware what was said, however, he was not taken inside the facility. He states he then went to sit on one of the swings and throughout the time he was on the swing Mr. was standing in front of him constantly staring him down. Another incident youth described was after documented an incident report against him for not having brushed his teeth during the time given to complete this activity. Youth was upset and talking to another youth about the incident report he received for not brushing his teeth during allotted time due to having gone to medical and Mr heard him talking about this. Mr. scorted youth to SL office and told him "si te oigo hablando de ese incidente otra ves to voy a dar otro incidente y vas a sufrir las consequencias que to voy a poner". Lastly, youth reported an incident when he was chewing on a Styrofoam cup when he was approached by Mr. and directed to stop chewing on the cup and stated, "Si te miro otra ves mascando el vaso te voy a poner incidente y te voy a poner cinta (tape) en laboca".

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland CRC
Date of the Incident: 10/17/14 **UAC**:

Date of the Incident Reported to ORR: 11/04/14
Summary of SIR: Addendum
DCFS call was made to report alleged inappropriate sexual behavior between the two minors. DCFS case worker denied the investigation based on the grounds that this is not a sexual abuse. She stated that no report will be filed.

Incident Type: Other
Facility: Youth For Tomorrow
Date of the Incident: 09/11/14 **UAC**:
Date of the Incident Reported to ORR: 11/02/14
Summary of SIR Addendum:
Minor stated that she was traveling by car through Texas to the next stash house. Minor was pulled out of the car by a border patrol officer (he was wearing a green shirt) the officer grabbed her shirt and threw her to the dirt floor. Minor reported that her head hit the floor, injuring her neck as well.

Incident Type: Other
Facility: Cayuga Centers
Date of the Incident: 11/03/14 **UAC**:
Date of the Incident Reported to ORR: 11/03/14
Summary of SIR:
Case manager received a phone call on Monday, November 03, 2014 at approximately 1:45pm, Sponsor paternal grandmother) contacted regarding UAC: stating that her biological mother- appeared at her home on Friday, October 31, 2014 stating that she wanted to see her daughter. The sponsor allowed her to see her daughter and stay at the home over night. Saturday morning upon waking up she noticed that had taken the minor without consent with all documents that were given to the sponsor upon discharge. Sponsor is not aware as to how the biological mother received her home address and is aware that she lives somewhere in New Jersey. Please be advised that biological mother has not be in the minor's life since 2011 when she abandoned both the minor and sibling. has contacted the police but the police cannot confirm legal custody since biological mother took all paper work as well.

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Incident Type: Possession/Use of Drugs
Facility: The Children's Village TRAC VII
Date of the Incident: 11/03/14 **UAC**:
Date of the Incident Reported to ORR: 11/04/14
Summary of SIR:
Last night before bedtime was observed by Direct Care Staff that she had a sharpie marker on her possession playing with it and her demeanor started to change. Direct Care Staff removed the sharpie marker from possession, conducted a room check and found another sharpie marker on minor's belongings, which was also removed. Direct Care Staff documented the incident, and expressed concerns that the minor may have been sniffing the sharpie markers to get high. Today during a meeting with the Clinician and Case Manager the minor confirmed sniffing sharpie markers since Saturday night.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Helping Hands
Date of the Incident: 10/29/14 **UAC**:
Date of the Incident Reported to ORR: 11/04/14
Summary of SIR:
On 11/4/14, Youth worker reported to Lead Case Manager that UAC eported to her that and another UAC) had kissed on the lips in the van on their way to a community outing. made aware of this report ASAP. spoke with this case manager regarding the alleged kiss as is not always honest and has had tension with

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Nueva Esperanza
Date of the Incident: 11/03/14 **UAC**:

Date of the Incident Reported to ORR: 11/05/14
Summary of SIR:
Clients were cleaning restroom and getting ready to shower when YCW was asked to take a look at one of the restrooms by youth because it was filthy. When went to check the toilet youth was getting into the shower when he heard Youth Jochua tell him that youth was grabbing his genitals and telling him to look. YCW got out of the toilet area to see what was wrong and Youth explained to himwhat Youth was doing. asked youth o please close the door and shower which he told to shut up and he redirected him to close the door and shower. Youth began to be silly and open the door and grab his genitals and repeated to him to close the door and shower. YCW came to the entrance of the restroom area and heard telling Youth to close the door and shower. Youth repeated the action again and finally closed the door and began to shower.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: ST Pj's Childrens Home
Date of the Incident: 11/03/14 **UAC**:

Date of the Incident Reported to ORR: 11/04/14
Summary of SIR:
On the above date CM received an IR for minor IR stated, "Staff waking up the boys and monitoring them as they're waking up. When was calling staff to come to his room and he said to make a report. Ms. went to his room to check what was wrong. said went inside his room to check what was wrong. said went inside his room and uncovers him by pulling the blanket to the side. He said then touch his butt and ran to his to his room. Staff call as soon as said what happen in his room. came over to monitor and to talk to he did say he did it and was sorry he did it and did it as a joke. After talking with apologize to and they both shook hand and was O.K with it."

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Incident Type: Other
Facility: IES Foster Harlingen
Date of the Incident: 11/5/14 **UAC**:
Date of the Incident Reported to ORR: 11/5/14
Summary of SIR:
An allegation was made that UAC made a statement that she would cause bruising on her daughter as a means to file a child abuse report against her foster parents.

Incident Type: Sexual Abuse during Journey
Facility: SWK Casa Blanca
Date of the Incident: 5/04/14 **UAC**:
Date of the Incident Reported to ORR: 11/04/14
Summary of SIR:
The youth disclosed that approximately six months ago she was verbally harassed by an unknown male when she was eating alone at a restaurant. The youth reported that the male approached her and said that he wanted to have sexual relations with her and that he could be her boyfriend and provide her with what she needed. The youth was fearful so she left the restaurant and returned to her house without being followed. The youth was not physically harmed and never saw the man again. The youth disclosed that when she was in St. Luis, Mexico during her journey she was physically abused by three unknown males while riding on top of a train. The youth stated that the three men approached her and asked her to take off her clothing and to have sexual relations with them. The youth said that the men groped her breasts and her genitalia area over her undergarments. The youth said that she asked them to stop and was able to get away and jump off the train without being followed. The youth denied any further harm and is stable at this time.

Incident Type: **Incident Type**: Suspected Smuggling/Trafficking
Facility: Sycamore Canyon Academy
Date of the Incident: 10/15/14 **UAC**:
Date of the Incident Reported to ORR: 11/03/14
Summary of SIR:
UAC reported to that in Mexico, he was arrested by members of the who would not allow UAC to continue his journey unless he transported drugs across the border to the U.S. . UAC reports that he either had to make a cash payment in advance to continue or transport the Drugs to the U.S.UAC made the agreement to bring over the drugs from Mexico from the gang members due to him not having the capability to make the cash payment they gang demanded from him so he could continue his journey. UAC carried a backpack with about 22 kilos with marijuana which was to deliver across the border in a van, UAC would be accompanied by a guide and a young man on the way. UAC was then intersected by immigration officers in the Arizona desert. UAC hid the backpack of 22 kilos of marijuana in the dessert prior to being detained. UAC reports that the guide left the area and he then reported to immigration during his detainment prior to arriving to the shelter by providing the border patrol officer with information and area where he left the backpack with the 22 kilos of marijuana for them to seize.

Incident Type: Other
Facility: IES Foster Harlingen
Date of the Incident: 11/04/14 **UAC**:
Date of the Incident Reported to ORR: 11/05/14
Summary of SIR:
Minor s making allegations of abuse by foster parent Incident took place yesterday 11/4 and was reported yesterday evening. IES Harlingen Foster Program Director received a call from CPS Investigator alleging UAC and her child returned to Texas leaving her sponsor. According to information provided by CPS Investigator, UAC returned to Texas to live with Foster Parent's mother. CPSInvestigator indicated that they received a report from UAC alleging abuse against the foster parent.Three other UACs that were in the foster home were removed. Minors who were removed from the home are as follows:

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Children's Village
Date of the Incident: 11/05/14 **UAC**:
Date of the Incident Reported to ORR: 11/06/14
Summary of SIR:
As per behavioral report submitted by Youth Specialist the following incident occurred: The youth specialist arrived to Lord Cottage after her overnight shift at Stuart cottage. Upon arrival she shook this resident's hand to greet him and upon doing so he pulled her in and gave her a kiss on her cheek.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Nuevo Amanecer LCS
Date of the Incident: 05/07/14 **UAC**:
Date of the Incident Reported to ORR: 11/05/14
Summary of SIR:
On Wednesday November 5, 2014 UAC reported to case manager that on May 07 2014, while she resided in as she walked home from her friend's house she was approached and raped by an unknown male resulting in pregnancy. Per UAC she reported this incident to her mother but did not seek legal assistance. No further information was provided to case manager by UAC. On November 06, 2014 case manager reported incident to Los Angeles County CPS and was told by that she would call back with a reference number.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland CRC
Date of the Incident: 11/05/14 **UAC**:
Date of the Incident Reported to ORR: 11/06/14
Summary of SIR:
During an individual clinical session, the minor disclosed being robbed at gun point and being forced to carry Marijuana across the U.S.-Mexico border. The minor's disclosure is indicative to trafficking concerns. The minor reported that during his journey to the U.S. he and his father were traveling to the U.S. to escape gang violence in Honduras. The minor stated that from Honduras they took a train to Mexico, where they then boarded the train for the duration of their journey. The minor stated that in Mexico, somewhere near the train was stopped and all the migrants on the train were asked to leave the train. The minor reported that a group of members then asked the migrants (about 100 individuals) from the train, to stand against a wall. The minor stated that the men (5-10 members), all had guns including automatic weapons and tasers. The minor reported that they were then told to hand over all their valuables or they were be deported back to their home country. The minor stated that he was held at gunpoint as he and his father handed over all their money. The minor indicated that they had about 300 Mexican pesos. The minor reported that after they handed over the money they were allowed to board the train once again. The minor denied that he and his father were harmed in any way, but he did report witnessing several migrants being tasered and falling to the floor. The minor reported that after handing over all their money, the minor, his father and all the other migrants returned to the train to continue on their journey. The minor also reported being forced to carry Marijuana across the U.S.-Mexico border. The minor reported that after being held a gun point, they continued their journey to the U.S. via train and somewhere in were stopped and deboarded the train once again. The minor stated that this time they were stopped by 5 men from the or cartel. The minor stated that they were armed with guns, and were informed once they deboarded the train that they would need to comply with the men or they were be killed or kidnapped. The minor reported that the group deboarded were approximately he, his father, and about 7 other adult migrants. The minor stated they were told at this point that they would have to carry drugs across the border. The minor denied being told at this point where they would be going, but stated that he felt that he needed to comply otherwise he or his father would be killed. The minor stated that he was only sure that they would cross the border, and would hopefully be released once they complied with the men's request. The minor stated that they were taken to a house nearby, where they were kept for approximately 3 days. The minor stated that they were fed twice a day, and left to sleep on the floor. The minor indicated that they were mostly left alone for most of the day and just provided with food. UAC denied any maltreatment while in the house. The minor stated that on the last day they woke up at 4am were they began to prepare for the journey to cross the U.S.-Mexico border. The minor stated that they were provided with some food and water to pack, and he was provided with a green/black backpack.

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The minor was instructed to pack 50lbs of marijuana in plastic bags into his backpack. The minor complied with the request, and stated that he felt very scared but knew he had no other choice. The minor reported that they were then told that they would be crossing the desert.

Incident Type: Other
Facility: Cayuga Centers
Date of the Incident: 11/06/14 **UAC**:
Date of the Incident Reported to ORR: 11/07/14
Summary of SIR:
On 11/06/14 at 4:15PM, during the completion of the UAC Assessment, UAC reported to Clinician, that he was apprehended in Texas by officer that was dressed in a green uniform. The officer grabbed him tightly and slammed him on the ground to put him in hand cuffs. UAC reported that he his stomach was in pain after being slammed by this officer on the ground. UAC reported that he begged the officer not to put hand cuffs on him but that the officer did not listen to him. UAC reported that while the officer was putting hand cuffs on him he grabbed him really roughly and tightly and placed his arms to his back while having him down with his face facing the ground.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Shenandoah Valley Juvenile Center
Date of the Incident: 11/06/14 **UAC**:
Date of the Incident Reported to ORR: 11/07/14
Summary of SIR:
On 11/06/14 Ms teacher, informed Ms. ORR/DCS Program Manager that UAC told her that she was pregnant with UAC child. She stated that on Tuesday, 11/04/14 UAC had gone to the bathroom and left behind his semen on toilet paper. She requested to go to the bathroom after him and introduced the semen in her vagina. UAC proceeded to inform Ms. that she could feel that she was pregnant. On 11/06/14, Ms. confronted UAC with this disclosure and UAC she admitted to having told Ms this information but denied having artificially inseminated herself. She stated that she was joking and that she did not know why she had said such a things.Ms. also spoke with UAC and he stated that he had not left his semen behind in the bathroom. On 11/07/14, UAC asked to speak with Ms. while she was in restriction for assaulting a local minor (please refer to SIR filed on 11/07/14). She informed Ms. that she had lied to her yesterday, and that in fact she had asked UAC to leave his semen in the bathroom and that she had inserted it into her vagina because she wanted to be pregnant. Furthermore, she informed Ms. that she "knew" that she was pregnant and that she did not want to have an abortion.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: ST PJ's Childrens Home
Date of the Incident: 11/06/14 **UAC**:
Date of the Incident Reported to ORR: 11/07/14
Summary of SIR:
During Group activity on 11/6/2014, where group members were given the task of drawing something calming and relaxing, Clinician noticed drawing a picture of a naked man during ice breaker activity. The drawing included a smiling man with a penis and pubic hair. Clinician re-directed and picked up the drawing. Also during group activity, got up from his chair and put his mouth on the water cooler dispenser filter and started drinking water out of the dispenser filter instead of grabbing a paper cup and pouring water into it. was re-directed by Clinician and Water dispenser was cleaned and disinfected. On 11/7/2014,Clinician met with to address the drawing and to address his behaviors in group the previous day. denied drawing the picture and kept laughing and gigglingat Clinician. would point to random objects in the room and state that those objects drew the picture. continued to laugh and giggle and continued to deny drawing the picture. When asked where he has seen an image of a naked man, stated that he once saw a naked man walking down the street in home country. stated that he was running an errand (buying sugar) at the store and noticed a man walking down the street naked. tated that man took his clothesoff in the middle of the street and was walking around naked. reported that the naked man did not approach him. stated that he did not know why the manwas naked on the street during the daytime hours. reported that he went home and told his Grandmother about

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the incident. reported that his Grandmother began to ask him questions about the man and about the incident. stated that this incident occurred about a month before he decided to come to the United States. denied any type of sexual abuse and denied any other similar incidents. Clinician informed Jose that drawing these kinds of pictures is inappropriate. Clinician also addressed water cooler incident with and stressed the importance of following the rules. Jose stated that he understood the importance of following the rules and not drawing inappropriate pictures.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: A New Leaf
Date of the Incident: 11/04/14 **UAC**:
Date of the Incident Reported to ORR: 11/07/14
Summary of SIR:
Minor's peer disclosed to staff member that UAC SS is 'in love' with staff. According to the peer, minor SS plans to make sexual advances on staff AM.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Nuevo Amanecer LCS
Date of the Incident: 11/06/14 **UAC**:
Date of the Incident Reported to ORR: 11/06/14
Summary of SIR:
During case management the following UAC's , and reported that another UAC self- disclosed to them the following: "while living in Mexico she has had sex with her adult boyfriend who is a police officer". " she kissed a law enforcement officer (no name was reported) while at a store in the presence of another UAC (. "she had intercourse with the foster mothers fifteen year old son". "While at foster home she was caught (by foster mother) naked with fifteen year old son". Case manager conducted an immediate safety assessment and individually interviewed all parties involved including UAC above referenced UAC's and foster parent. Foster parent stated that she never caught UAC and fifteen year old son naked and that is always supervised by foster parent while at the foster home. Foster parents' fifteen year old son denied having any intercourse or ever been naked with UAC.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Camino A Casa –Bay City
Date of the Incident: 11/07/14 **UAC**:
Date of the Incident Reported to ORR: 11/07/14
Summary of SIR:
On 11/7/14 at approximately 4:00pm, stated that he was kicked by a staff member earlier in the day. stated that due to being kicked, his lower right back hurt.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: BCFS Harlingen
Date of the Incident: 11/07/14 **UAC**:
Date of the Incident Reported to ORR: 11/07/14
Summary of SIR:
On 11/7/14 at approximately 2:50 p.m., while at the Administration Building classroom #8, UAC A# approached Direct Care Worker nd voiced to him that on the night of 11/6/14 UAC had kissed Direct Care Worker who was assigned to that group. UAC A# stated that he witnessed UAC from group 24 in room #22 kissing Direct Care Worker UAC A# stated this occurred after DCW offered him a juice and they spent some time talking to one another. UAC A# further stated that UAC A# who is from the same group had also witnessed the incident. Direct Care Worker asked UAC A# to return to his chairand called UAC A# to ask him about the incident. Without mentioning anything, UAC A# voiced to Direct Care Worker the same information UAC A# had voiced to him.

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Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Heartland CHAP
Date of the Incident: 11/07/14 **UAC**:
Date of the Incident Reported to ORR: 11/08/14
Summary of SIR:
On 11/7/14 minor arrived to Heartland CHAP approximately 7 months pregnant. This was confirmed by positive results on the pregnancy exam. Minor reported the pregnancy was a result of a sexual assault in home country.

Incident Type: Sexual Abuse during Journey
Facility: Catholic Charities Boystown
Date of the Incident: 11/07/14 **UAC**:
Date of the Incident Reported to ORR: 11/07/14
Summary of SIR:
Minor reported to this clinician today that during her journey to the U.S., as she was riding a bus in Mexico, she was inappropriately touched on her left breast three times by one of the Mexican soldiers.

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DCS Weekly Significant Incident Report
Submitted by: Sabrina Torres
November 23 – November 29, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 3
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 6
- Suspected Smuggling/Trafficking: 11
- Possession/Use of Drugs: 0
- Sexual Abuse outside the US – UAC Pregnant: 1
- Sexual Abuse during Journey: 1
- Other: 5

Total Number of Major SIRs: 27; Total Number of SIRs for the Week: 407 ; Number of SIRs for FY15: 3908

Incident Type: Suspected Smuggling/Trafficking
Facility: Selma Carson Home
Date of the Incident: 11/19/14 **UAC**:
Date of the Incident Reported to ORR: 11/23/14
Summary of SIR:
Minor reports being a 17 year old, his birth certificate hasn't arrived yet. Due to sexual abuse report, dates will be treated as if minor was born in 06/13/1997, due to minor reporting his age when he was abused. On 11/19/2014 when minor was completing his assessment, minor disclosed that when he was 16 years old, he exchanged sex for money with a 28 year old lady. Minor explained this lady named minor doesn't know her last name, offered minor in the middle of the night 1500 pesos for exchange of sex with her. Minor agreed and went to look for his shoes and then walked to her home. Minor reported there was no trauma involved. Minor reported moved out from same neighborhood. Minor reported another incident, when he was 17 years old, minor stated this happened recently, he used to play soccer in a soccer field and a lady would flirt with him. Minor stated he started running with her and developed a romantic relationship. Minor stated she was a 32 year old, named Minor stated he liked her and they used to have sex. Minor stated it ended due to her having a boyfriend. CPS report 11/19/2014 at 4:16pm.

Incident Type: Other
Facility: CC Phoenix LTFC
Date of the Incident: 11/20/14 **UAC**:
Date of the Incident Reported to ORR: 11/24/14
Summary of SIR:
On November 20, 2014, the client's foster contacted the Case Manager and this Counselor to indicate the client was in the principal's office due to having a "BB Gun" in his possession. He was found to have the gun inside his school bag and he was allegedly holding it for another student. They suspended him from school until December 5, 2014 and he is pending further investigation. (The school completed their own incident report, Referral#

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Hacienda del Sol
Date of the Incident: 11/23/14 **UAC**:

Date of the Incident Reported to ORR: 11/24/14
Summary of SIR:
From the perception of direct care staff SWK, it was observed and appeared that the grabbed his arm/hand and pulled his hand towards the private parts.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: SWK Casa Houston
Date of the Incident: 11/23/14 **UAC**:

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Date of the Incident Reported to ORR: 11/24/14
Summary of SIR:
Minors and were in classroom 3 with two staff members and working on a project. Staff reported leaving the youth unsupervised for approximately 40 seconds when she stepped out of the classroom to give the keys to the laundry room to another staff member. In reviewing the camera footage, Shift Leader Ms. observed the following: Ms. observed staff exiting the classroom to the restroom at 11:02:23 am (per time on camera). Staff was left in the classroom with both minors and Staff then steps out of the classroom at 11:02:40 am (per time on camera) leaving both minors unsupervised for 40 seconds. Upon returning to the classroom at 11:03:21 am (per time on camera) staff GA is informed by minors that they have been left alone in the classroom. Staff then calls staff over the radio to come to the classroom. Staff returns to the classroom in what appears to be in a rush. Ms. makes her way to the classroom to see what had happened. Staff approaches her supervisor and notifies her that she left the classroom unintentionally. Ms. gathered some information and informed staff RG that she would be reporting the incident to her immediate supervisors. As per Ms. and Staff the rest of the group were right outside the classroom playing pool and other activities. In reviewing the camera footage, both minors were observed sitting at the table as they continued to work on the project for the 40 seconds they were left unsupervised.

Incident Type: Other
Facility: St. PJ Shelter
Date of the Incident: 11/23/14 **UAC**: N/A
Date of the Incident Reported to ORR: 11/24/14
Summary of SIR:
At approximately 3:40 a.m., staff observed an unknown man sitting on top of the main gate. As staff approached the man, the man began mumbling obscenitites. Staff called the San Antonio Police Department (SAPD) and alerted all houses on campus of the man sitting on the gate. Staff stepped away from the gate and monitored the man from a far. SAPD arrived at approximately 3:54 a.m. and spoke with the man. The man was observed to walk across the street to Mission Concepcion, and the officer drove away. Within a few minutes, the officer drove back toward Mission Concepcion and spoke with the man again. The man was then observed to walk away from Mission Concepcion and St. PJ's. Staff waved down the SAPD officer who indicated that the man appeared to be experiencing paranoia and was stating that someone was "trying to beat him." Detective Cantu indicated that he would stay within a block of St. PJ's to monitor the situation and ensure the man left the area. Staff continued to monitor the campus and reported no further sighting of the man.

Incident Type: Suspected Smuggling/Trafficking
Facility: Abbott House
Date of the Incident: 11/24/14 **UAC**:
Date of the Incident Reported to ORR: 11/24/14
Summary of SIR:
During the UAC assessment, disclosed information pertaining to the reason for travel into the United States and the arrangements made by her mother. It appears that the "alleged" sponsor, paid for . was to travel to the United States and live with She also disclosed that was to make her work to pay off debt. explained that a few years ago this occurred to her sister, who is currently 16 years old. According to her sister remained in care.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS San Antonio Staff Secure
Date of the Incident: 10/31/14 **UAC**:
Date of the Incident Reported to ORR: 11/24/14
Summary of SIR: Addendum
ORR/ATIP has determined that is eligible as a victim of trafficking. An eligibility letter has been sent. During an interview on 10/31/2014, minor disclosed that he was kidnapped by in MX. Minor stated that he then was taken to a house for one day. Minor denied any physical abuse or tortured by Minor stated that he was without food and water for one day. Minor stated that the next day he was taken near the Rio Grande River and told to

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smuggle immigrants into the USA if not he "knew what can happened to him." Minor stated that he was instructed to smuggle the immigrants across the Rio Grande River and walk straight till he find a truck. Minor stated that he was apprehended by Border Patrol before reaching the truck.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Las Palmas
Date of the Incident: 11/21/14 **UAC**:
Date of the Incident Reported to ORR: 11/24/14
Summary of SIR:
Client disclosed that sponsor (client's aunt) used to wake her up around 3am every day to cook (including school nights), so uncle can take it to his work and sell the food to 6 people for lunch. Client reported that aunt said: "You came to the US to help out your family in Guatemala" Client also reported that aunt said she will send the money collected from the food to her family in Guatemala which she never confirmed with her mother. In addition to this client reported that sponsor made her cook dinner and clean the house after school every day before allowing her to complete homework.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland CRC
Date of the Incident: 11/23/14 **UAC**
Date of the Incident Reported to ORR: 11/24/14
Summary of SIR:
In the context of an initial UAC assessment, the minor reported that he was threatened with harm unless he participated in gang activity and collect extortion money from others when in home country. ATIP is also being included due to coercion indicators with labor or tasks. The minor stated that approximately two to three years ago, his cousin had begun to involve him in gang activity in El Salvador under the threat of death. He reports that his cousin, who was a member of gang, forced him to collect extortions and smoke marijuana, and was told by his cousin that if he did not do what he asked, he would kill him. He reports that on one occasion, his cousin threatened him in a barn that if he were to ever join the he (the cousin) would kill him (the minor). After his verbal threat, the minor reports that his cousin began to choke him, and choked him until he passed out on the floor. On another occasion that took place approximately a year ago, the minor reports that his cousin and another gang member went out to the river nearby, and he witnessed his cousin execute the other gang member for allegedly defecting to the rival The minor reports that after witnessing his cousin kill the other gang member; he had nightmares for two days after the incident. He denied any further difficulties, and denies any current difficulties with sleep, concentration, or appetite. The minor reports that he would spend a lot of time thinking about what his cousin would force him to do, and would hope that he would not be asked to do anything "worse", such as be asked to kill someone. The minor denies being a member of the gang, and states that he was in a minor role that most gang members would be "tried out" to complete small tasks for the gang members.
He denies harming anyone in the course of being forced to work. He also reports that he was not able to tell anyone of what he was doing, as his cousin threatened to kill him if he told anyone. The minor reports that his cousin was incarcerated in El Salvador following the murder, and reports that it was then that he decided to come to the United States. He reports that once his cousin was incarcerated, he was able to tell his grandfather about the situation, and his grandfather helped him so that he may come to the United States.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Paso
Date of the Incident: 11/24/14 **UAC**:
Date of the Incident Reported to ORR: 11/25/14
Summary of SIR:
On 11/23/2014, resident was pretending to be holding either a cigarette or a joint and was showing another resident through the window and laughing about it. Resident kept on making crude jokes about sexual orientations of staff and would make inappropriate gestures towards other residents such as a masturbating motion and would pretend to be humping objects like basketballs and soccer balls.

Incident Type: Other
Facility: Morrison Transitional Foster Care

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Date of the Incident: 11/25/14 **UAC:** (b)(6)

Date of the Incident Reported to ORR: 11/25/14
Summary of SIR:
Youth reports that she was help in Immigration custody for about five nights. She and her brother reportedly separately that they were taken into custody last Thurs. 11/20/2014. Youth came into Micasa custody today, 11/25/14. According to the UAC Portal her "Apprehension and Transfer Information" referral date was 11/21/2014.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Friends of Youth
Date of the Incident: 11/18/14 **UAC:** (b)(6)
Date of the Incident Reported to ORR: 11/25/14
Summary of SIR:
MHT met with minor to address reported comments and obtain additional information. Minor reported that a staff member at previous program made several comments to him and another resident, (b)(6) telling them that they were gay and homosexual. Minor reported that he and the other resident made several reports regarding these interactions by staff member to the program and the program did not do anything about it and minor stated that "we did what we needed to do". Minor reported that he and the other resident were able to quickly go to the staff member's motorcycle, without staff members noticing, and that the other resident took off a tube like part of the staff member's motorcycle that goes to the odometer. Minor reported that they did it with the intention to break the staff member's motorcycle, and denied any intent to have the staff member get into an accident or die. Minor was made aware of the seriousness, concern for safety and inappropriateness of behavior. Minor reported that he did not think he did anything bad because program staff failed to do anything about his reports.

Incident Type: Suspected Smuggling/Trafficking
Facility: Leake and Watts
Date of the Incident: 11/24/14 **UAC:** (b)(6)
Date of the Incident Reported to ORR: 11/25/14
Summary of SIR:
During an attempted assessment on Wednesday, November 19, 2014 clinician and CW were able to see that minor has difficulties speaking Spanish. Nevertheless minor reported that she traveled from Guatemala to the United States alone. However the minor gave a contradicting version the very next day stating that she traveled with an unknown man and woman from Guatemala to Mexico to work in Cancun. The very next day the version of the story once again changed and she stated she traveled with the woman alone until she made it to Mexico where this unknown man appeared. As noted the story is not consistent as the minor continues to give different versions. Minor first reported that she worked in Cancun for two months making 300 pesos. She stated she worked in a man's house cleaning plates. She reported she lived with this man in one of his rooms. Minor reported that the man's house in Cancun was a very big house that had six bedrooms and there were other children working for him, both male and female. Upon further conversation she added to the story reporting that she also worked in Monterrey for two extra months in a restaurant where she made 300 pesos for those two months where a woman paid her the money. When asked which city she worked in first she stated she was taken to Monterey first and then to Cancun. During an assessment with the minor on Monday, November 24, 2014 CW and clinician were able to have a translator who spoke her native language. During this assessment minor reported that she traveled from Guatemala with a woman who she met in her hometown but did not previously know. Minor stated that the woman asked her if she wanted to work in Cancun since she is very poor in Guatemala. Minor reported she asked her mother who gave her the permission to go and ultimately minor states it was her decision to go. Then minor reports that after arriving to Mexico the man appeared whom she worked for in Cancun who paid her 300 pesos for two months of labor. Minor reported she worked washing dishes and cooking 7 days a week from 5 AM to midnight. She also reported there were other minors in the home working for the same man. Then after speaking further minor reported that she left Guatemala with both an unknown man and unknown woman. Stories are not consistent and details regarding the identity of this man and woman have not yet been obtained. Minor reported that all together in the four months she worked in Mexico she made 600 pesos. She stated that the unknown woman that brought her from Guatemala to Mexico to work, took $500 pesos out of the $600 pesos she made as her payment for bringing her to Mexico. However this information is contradicting due to the fact that $377.50 pesos were taken from the minor upon arriving to the program. During sessions both CW and

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clinician noticed that minor speaks always covering her face and looking down. She will either put on the hood of her jacket to cover her face or use her hand to cover her face. During the assessment with the translator minor began to tremble from the very beginning of the conversation. During the translation minor gave different versions of her story several different times in which even the translator took notice of. Anytime she was asked questions about her travel or labor in Mexico a different version was told.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Shenandoah Valley Juvenile Center –Secure
Date of the Incident: 11/25/14 **UAC**:
Date of the Incident Reported to ORR: 11/26/14
Summary of SIR:
was speaking to and while in her room. She then began to talk to in a sexual way about how she used to look good outside of the facility and that if he had seen her he would have been checking her out. She then asked in Spanish if had ever experimented with a Honduran girl. asked translated this to

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Incident Type: **Incident Type**: Suspected Smuggling/Trafficking
Facility: Shiloh Residential Treatment Center
Date of the Incident: 11/25/14 **UAC**:
Date of the Incident Reported to ORR: 11/26/14
Summary of SIR:
During individual therapy, at approximately 2:30 pm, the client disclosed a history of sex trafficking while residing in her home country. The client reported she was 14 years old, living in the city of San Pedro, and residing with her sister when she was lured onto a motorcycle and taken to a secluded house/building. The client reported the house/building was used for prostitution. The client reported she was verbally threatened, physically assaulted, and continuously monitored to prevent her from escaping. The client reported being raped multiple times and sexually assaulted by various men. She reported being punched, slapped, and threatened with guns and knives. The client reported she was detained in the house for approximately one month. She stated escaping through a window with the help of a peer who was also residing in the house/building. The client reported that she believes the peer was killed after she allowed/aided the client in her escape. The client disclosed the name, as the person who was in charge of the sex trafficking and who often threatened her verbally and physically. She reported being informed that she was kidnapped due to her brother ties with the gangs and . The client stated that her sister and are the only family members aware of sexual exploitation and abuse. She also reported believing that her sister was partly responsible for her kidnapping. She reported her sister encouraged her to take the ride in the motorcycle with The client stated she did not previously disclose being a victim of sex trafficking and abuse, because she was afraid that would find out and seek revenge with her family.

Incident Type: Suspected Smuggling/Trafficking
Facility: Abbott House
Date of the Incident: 11/24/14 **UAC**:
Date of the Incident Reported to ORR: 11/26/14
Summary of SIR Addendum:
The case manager and Program Director spoke with the potential sponsor on 11/26/14 @ 12:14 pm in regards to some discrepancies in the FRP packet and occupants in his residence. The sponsor stated that sister and her husband live in the home and that he is awaiting arrival. The sponsor stated that he paid for sister (16), (19) and 17) to come over to the United States and that these children are responsible to pay back the debt incurred for their travel.

Incident Type: Other
Facility: BCFS Fairfield
Date of the Incident: 11/26/14 **UAC**:

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Date of the Incident Reported to ORR: 11/26/14
Summary of SIR:
During an interview with the Mexican consulate, alleged mistreatment perpetrated by ICE officers. narrates that while he was detained, an officer presented a document in English. requested an explanation on the contents of the document and the officer responded the document was "nothing bad" and told him to sign the document. indicated he would not sign this document as he was not comfortable signing a document he did not understand. alleges the officer then threatened that if he didn't sign the document he would take him to a room and beat him. then proceeded to sign the document as he claimed he was fearful.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland CRC
Date of the Incident: 11/26/14 **UAC**:
Date of the Incident Reported to ORR: 11/27/14
Summary of SIR:
In the context of clinical session, the minor reported a man guarding the bodega where she stayed demanded the minor to do the cooking and cleaning for approximately 7 male migrants and himself, which is indicative of trafficking concerns. The minor reported she had a guide while traveling who took her to and had her stay in a home for about one month or a little over. She was repeatedly told they could not be taken to cross yet because there "was no pass" and it was not safe. The minor stated that her guide would not stay there but "come and go". However, "his friend" who was about in his mid-30's stayed a kept watch over the group in the home. She reported that this guard them made the minor and her cousin do all the cooking and cleaning since they "were the only girls". The minor and her cousin therefore did the cooking and cleaning for the others, approximately 7 males and the guard while in the home in She denied that he ever threatened her specifically and was not physically harmful to her. However, she felt she should not refuse to not cause problems or possible harm.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Harlingen
Date of the Incident: 11/26/14 **UAC**:

Date of the Incident Reported to ORR: 11/27/14
Summary of SIR:
On 11/26/14 at 8:05 pm while at the Emergency Shelter living quarters room #7 UAC (A# age 16, disclosed to DCW that UAC (A# age 17, from his same group had allegedly exposed his genital area to him while in the room.

Incident Type: Sexual Abuse during Journey
Facility: SWK Estrella
Date of the Incident: 10/15/14 **UAC**:
Date of the Incident Reported to ORR: 11/27/14
Summary of SIR:
Minor indicated that she had been raped by an (approx. age 18) male during the Journey. Incident occurred mid October UAC is not precisely sure of the date or location of the incident. The perpetrator was a male friend of the coyote who she traveled with. On three separate occasions, this male fondled her against her will; she managed to get away from the male on these occasions. UAC continuously expressed her anger and unwillingness to have perpetrators advances forced on her. The male was successful in raping her once. Minor was not sure exactly where she was at the time of the rape, she thinks in Mexico. Minor reported having bruises throughout her body - specifically on her upper right arm which was still visible on 11/27. Minor has indicated that she may be pregnant. Pregnancy results are not available at this time.

Incident Type: Other
Facility: Morrison Paso
Date of the Incident: 11/26/14 **UAC**:
Date of the Incident Reported to ORR: 11/27/14
Summary of SIR:

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Minor disclosed that upon being apprehended by Border Patrol an officer put a pistol to his head, even though he did not resist. He also reports that the same officer put a pistol to his companion's neck. Minor described this man as a shorter, heavy set, Caucasian man in his late 30's or early 40's with light hair and a hat on. Minor reports that the man told them to get down, then put the gun to the head as he was doing so, the man then turned the gun on his companion for a few seconds until they were on the ground. Shortly after more officers arrived and they were both cuffed them and taken away.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Combes
Date of the Incident: 11/23/14 **UAC**:
Date of the Incident Reported to ORR: 11/28/14
Summary of SIR:
On November 27, 2014 during mental health screening, youth disclosed history of forced drug trafficking and threat to his life. Youth reports, on Monday November 23, 2014, three unknown trucks arrived at his house occupied with 15 unknown people. Youth stated his wife, (14yoa), was at home; however, he instructed her to remain in the house. Youth denied knowing who these individuals were; however, many of them had identical tattoos of the Santa Muerte with above. Youth reports he was approached by known cartel leader, Youth stated he was told he was there to pick him up, as he was told by his friend\cartel member, that he wanted to work for them. Youth stated he denied wanting to work with them, as he was joking when he spoke with (Youth explained having had a prior conversation with an acquaintance of his when he jokingly stated he wanted to come to US; however did not have the funds to pay for a guide. Youth stated during this conversation, told him he could make arrangements with cartel to help him cross in exchange for crossing drugs. Youth stated he refused, as he did not want to traffic drugs and had no one to stay with in the US.) Youth stated told him they were still going to take him even if he did not want to work for them. Youth stated he was told if he did not want to go with them then he would be either beaten or killed. Youth he feared for his life so he went with these individuals. Youth stated he and five other unwilling individuals were taken to the river, where they were told they were going to take carry something into the US or they would be killed. Youth stated he knew one of the five other individuals, Youth stated he and fellow group mates were instructed they would wait until dark to cross river. Youth stated after sunset he and the others were pushed to the rivers edged and given their packages. Youth stated he knew his package contained marijuana, as he overheard a conversation among the other members and could smell the package contents. Youth stated he and his group mates were then surrounded by 15 other known armed gang members. Youth stated his group was threatened, if they refused to cross river or if they tried to return they would be shot. Youth stated his group composed of five others and a guide (also a cartel member). Youth confirmed guide was armed and was given a cell phone to receive further instructions. Youth voiced crossing the river via inflatable tire tube. Youth stated he was apprehended 10 to 15 min after crossing river. Youth denied being physically or sexually abused during this incident. Youth denied witnessing any acts of violence toward others during this time. Youth denied being forced to complete any other acts of violence, in addition to present trafficking. Youth is stable during disclosure. Youth appears to be stable as evidenced by his ability to participate in session and disclose information while demonstrating appropriate mood and affect during interview. Youth voiced feeling safe and secure within shelter. Youth denied any intention\plan\thought to run away, as he knew agency would assist him in returning to COO.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Bethany Christian Services TFC
Date of the Incident: 11/28/14 **UAC**:
Date of the Incident Reported to ORR: 11/29/14
Summary of SIR:
The youth reported to the caseworker that in August of this year she was raped by a local community gang member. The youth stated that her mother went to the store to buy some food while the youth was sleeping in her bed. The youth stated that after her mother left, the man came in and raped her. The youth stated that the man left and her mother found her once she returned. The man has since made threats to the youth's mother stating that if the youth stays in Honduras he will kill her. The youth and the mother decided that the best option was to have the youth move in with her sister and husband in the United States. The youth is three months pregnant from this incident.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior

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Facility: St. PJ's Childrens Home
Date of the Incident: 11/28/14 **UAC**:

Date of the Incident Reported to ORR: 11/29/14
Summary of SIR:
Current resident, reported this information to program staff, , on 11/28/2014 at approximately 11:00 a.m. Staff then notified Team Leader, Assistant Program Director, and Program Director, On 11/28/2014, Clinician, met with the peer to clarify reports and gather additional information. The peer stated that had told him once that staff, Ms. would touch his back to wake him up. The peer stated that told him "me toca la espalda". The peer then stated that told him that the staff, Ms. put her head on his shoulder to wake him up. The peer stated told him that this had occurred on only one occasion. Clinician then asked the peer to provide more details about his report of seeing Ms. with a "red face" and seeing rush into a bathroom stall. The peer denied making those reports and stated that he never saw anything between and Ms. z. He stated that he was verbally told this information by . Minor stated he made the report about what he had heard because he wanted to. He denied any further issues or concerns. Clinician asked the peer if he wanted to share anything else. Minor shook his head and returned to normal routine and activity.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Estrella
Date of the Incident: 09/15/14 **UAC**:
Date of the Incident Reported to ORR: 11/29/14
Summary of SIR:
Youth stated that he was detained by Mexican authorities on his first and second attempts to travel to the US. Youth reported to this writer that on his second attempt to travel to the US he was detained in Mexico, by authorities, and while there forced to work on a coffee plantation in MX. Youth stated that he was detained for approximately a month and a half (approximately from 09/01/2014-10/15/2014) at this location. Youth stated that after a month and a half he was put on a bus and taken to the Mexico/ Guatemala border and there released by Mexican authorities. Youth further stated that he was paid 1000 Mexican Pesos for his labor. Youth stated that this is his third attempt during which he arrived in the US without incident.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Hacienda del Sol
Date of the Incident: 11/28/14 **UAC**:

Date of the Incident Reported to ORR: 11/28/14
Summary of SIR:
Clinician responded to IR from YCW in regards to an allegation made by client. Clinician met with client making the allegations towards her peer. Client reported that on 11/26/2014 while they were waiting in line to go to the classroom, client touched her inappropriately on her back side. Client reported that he used his hand to "slap" her behind and then laughed about it. Client stated that she reported to YCW but no action was followed; so client waited for YCW and reported to him. Clinician interviewed client to get his side of the story, he reported that it was not him the one that accidentally touched from the back and that it was client with his pouch. Client reported that he is not sure why she is making those allegations towards him, when he reports hardly ever talking to her. Clinician then followed up with client and asked him about the incident and he reported that it was an accident and that, in fact, it was his pouch and that neither client used their hands to touch her intentionally. Clinician proceed to report findings to PD, and she directed Clinician to speak to shift leader, and review video footage. Once the video was reviewed by shift leader, APD shift supervisor, and Clinicians, and it was clear that there was no physical contact between clients. However it does appear that client pouch made contact with client's back side, confirming version of events. Video shows that client physically did no see who/what made contact with her back side. Also in the video it shows that YCW did not appear to witness the incident.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Selma Carson Home
Date of the Incident: 11/28/14 **UAC**
Date of the Incident Reported to ORR: 11/29/14
Summary of SIR:
During details when minor was in his room with door open resident 1 was mopping hallway and as resident 1 was near minor door Resident 2 was walking past when minor in room stated, hey look at the Virgin Mary pictures. Resident 1 and 2 both stopped and turned heads toward room and it was at that moment when resident 1 and 2 stated minor pulled both his pants and underwear and expose his penis to them. Staff was in hallway and witness resident 1 and 2 stopping in form of minor room door but minor was not visible. tated that she saw resident 1 and 2 make a grossed out face and then say something to minor in room and walked away. At the point both resident reported to her that minor had showed them his penis. Resident 1 and 2 reported the following day to CM that minor has exposed himself to them 2 times.

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Mata Sebgoya/Jacqueline Melvin
September 28 – October 4, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 2
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 8
- Suspected Smuggling/Trafficking: 10
- Possession/Use of Drugs: 1
- Sexual Abuse outside the US – UAC Pregnant: 3
- Sexual Abuse during Journey: 1
- Other: 0

Total Number of Major SIRs: 25 ; Total Number of SIRs for the Week: 461; Number of SIRs for FY14: 24,680

Incident Type: Possession/Use of Drugs
Facility: Morrison Paso Staff Secure
Date of the Incident: 09/28/14 **UAC**:
Date of the Incident Reported to ORR: 09/28/14
Summary of SIR:
Minor was seen sniffing an alcohol wipe, minor was redirected and alcohol wipes were also removed. Minor not only was redirected by staff but he was also informed of the danger and harm of sniffing alcohol wipes.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Los Fresnos
Date of the Incident: 08/2014 **UAC**:
Date of the Incident Reported to ORR: 09/29/2014
Summary of SIR:
Minor reported that while in Mexico, during her journey to the United States, she was raped by an unidentifiable adult male. Minor became pregnant as a result.

Incident Type: Suspected Smuggling/Trafficking
Facility: Bokenkamp Children's Shelter
Date of the Incident: 06/15/2011 **UAC**:
Date of the Incident Reported to ORR: 09/29/2014
Summary of SIR:
On 09/29/2014 during initial interview with case manager UAC reported that she was coerced to work for a gang, in El Salvador. UAC reported that she was required to do extortions on businesses around her area. UAC stated she was coerced to sell marijuana and crack cocaine. As a consequence, UAC began using marijuana and cocaine occasionally.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: CC Phoenix
Date of the Incident: 09/26/14 **UAC**:

Date of the Incident Reported to ORR: 09/29/14
Summary of SIR:
was seen by another UAC lying with her three old son, Foster mother reported both children where in a bedroom lying on the bed with the lights off. Both the female UAC and foster mother reported that both children were fully clothed and had been out of the family's presence for approximately three minutes.

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Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: SWK Mesa Staff Secure
Date of the Incident: 09/27/14 **UAC**:
Date of the Incident Reported to ORR: 09/29/14
Summary of SIR:
On 09/27/2014, at approximately 12:45 p.m., while doing arts and crafts UAC informed Youth Care Worker, that a peer told him that Youth Care Worker, had a fanny pack on her waist and a male staff allegedly lifted her fanny pack and rubbed her private area. Mr. asked if he knew who the male staff was. responded that he did not remember the staff's name. stated that Ms. allegedly did the same to a male staff; however, would not provide the male staff's name. also stated he did no remember the name of the client who told him about the alleged incident.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Hacienda Del Sol
Date of the Incident: 09/28/14 **UAC**:
Date of the Incident Reported to ORR: 09/29/14
Summary of SIR:
On 9/28/2014 clinician met with client to assess for trafficking, however, there was no interpreter available to translate, despite the scheduled appointment clinician had made on 9/25/2014. From the information gathered due to the language barrier, it appears client is suspected of being trafficked, but further assessment is needed. Client reported his sponsor, had loaned him money to travel to U.S. However, when case manager called sponsor he denied knowing who the client was. In addition, client reported that has helped several other individuals from Guatemala with loaning them money and finding them work. Client stated he was "hopped from person to person until he arrived to Mexico". While in Mexico, client stated he worked for a week in picking tomatoes. However, client stated he was not directly paid for the work he did. He stated his guide received the money. Client indicated he was paid 50 MXP for a day's work. Client stated he was told he needed to work to pay the rest of his journey to the U.S. Client stated his family's land papers were given as collateral for the loan that Martin gave him. Client reported that the money owed is 20,000 GTQ and 100 GTQ of interest each month. Client stated Martin is a family friend, but was unable to provide any information of the quality of their relationship. Because of the language barrier and limited availability of an interpreter, further assessment will be done with client.

Incident Type: Sexual Abuse during Journey
Facility: BCFS San Antonio TFC
Date of the Incident: 09/29/14 **UAC**:
Date of the Incident Reported to ORR: 09/29/14
Summary of SIR:
Minor was knocked out unconscious by gang and gang sexually assaulted her. Due to the sexual assault minor had a premature labor. Minor made a police incident report. After, baby was released from the hospital minor went back on train to continue her journey. Once arriving to Mexico .She was held against her will and threatened if she did not give cartel money they would kill her. Minor called mom and send $2,200 dollars for her release. Minor reports no physical or sexual harm from second incident. Due to these incidents minor is currently suffering from nightmares.

Incident Type: Suspected Smuggling/Trafficking
Facility: St. PJ's Children's Home
Date of the Incident: 09/24/14 **UAC**:
Date of the Incident Reported to ORR: 09/25/14
Summary of SIR: Addendum
Clinician created a Trafficking Addendum on 9/30/2014 based on the inconsistent statements and accounts of trip and problems identifying a viable sponsor. It is the clinician's impression that may have been at risk of exploitation based on her status as a minor and in a work/labor capacity. This concern is based upon report that her family owes a debt; the unknown motives of those who wanted to bring her to the U.S.; and that she reported that she traveled to the U.S after being promised a job by a lady in New Jersey.

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Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Suspected Smuggling/Trafficking
Facility: Bokenkamp Children's Shelter
Date of the Incident: 03/01/14 **UAC**:
Date of the Incident Reported to ORR: 09/30/14
Summary of SIR:
UAC disclosed that in March 2013, she worked for a man and woman who sold her for sex in Honduras. UAC stated the woman she worked for locked her out of the home so the abuser could take her to his home. UAC further disclosed that the woman took money from the man that sexually assaulted her UAC stated she was held captive and repeatedly raped by the man. UAC stated the same man took photographs of her naked with his cell phone. UAC stated she was held against her will for approximately a day and upon her release, returned to the home where she was living. UAC reported she did not live with her family. UAC stated she lived with the man and woman she who sold her to men. UAC disclosed she was sexually assaulted on a separate occasion in March 2013. UAC , stated the man and woman drove her to an unknown location and exchanged money with a different man so that he could have sex with her. UAC stated she was held against her will for several hours. UAC reported the man forced her to have sex with him. UAC disclosed she worked for the woman and man for several weeks before escaping to another city in Honduras.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Campbell
Date of the Incident: 09/30/14 **UAC**:
Date of the Incident Reported to ORR: 09/30/14
Summary of SIR:
The client reported to Clinician MS during MHS that her father had many outstanding debts with male individuals and would exploit his daughter by forcing her to have sexual intercourse with these individuals for payment of his debts. Client expressed that her father began prostituting the client from age 12 until she departed COO. Client reported that she made the journey to get away from her father and her current situation of abuse and exploitation.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland CRC
Date of the Incident: 08/27/14 UAC:
Date of the Incident Reported to ORR: 09/30/14
Summary of SIR: Addendum
The minor stated that she was held captive by in for about 2 months during her trip. She was traveling with a group and they stayed in a home to rest before continuing on with their trip. When the group she was with left the minor was told she could not continue with them because she was sexually assaulted during her trip. They called the minor's brother in the USA and told him she was going to wait a while there because she was not feeling well due to someone "trying to violate her" and they wanted to wait until she was better. The minor states they kept her there 2 months and only let her call her brother with monitored calls and she had to say she was okay and doing fine. In that time they forced the minor to learn to drive and use weapons because they wanted her to work for them. They threatened to kill her if she did not comply and told her they would tell her brother she "got lost". On two occasions they forced her to go with another male to make trips smuggling other immigrants from Mexico City to She went by "microbus" with them and had to help drive. On each trip they took about 30 people. She was paid 2,000 pesos per person but she typically had her money taken back by them. In the first trip they were caught by the police. The minor states she was let go because they also trained her to pass off as a Mexican national. On two occasions they took her to other locations in to see where they keep other hostages captive. They expressed they wanted her to learn to kill people. She told them she was not yet ready. The minor was also going to be groomed to bring drugs on her trip but they said she needed more training. She reported the first thing they teach is "not to have fear". The minor states her brother began being suspicious of why her journey was taking so long and was calling the man in as well as the guides he knew were guiding his sister by phone from El Salvador to Mexico. He was trying to figure out why she was taking long and pressure the men to send her. One of the men told her brother "how much money can we send you to forget about your sister?" Her brother told them to send her and did not accept a price. One of the men holding her told her to continue on to cross the border and that she

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was to tell her brother that she does not want to stay in the USA and wants to return. They explained he would probably get angry and ask her to repay him the money he spent on her trip. They said they would then send her the money to repay her brother and give her money to travel back. They told her if she did not return they would kill her brother and then find her and bring her back even if it took a year. They then took her themselves to cross the river.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: BCFS San Antonio LTFC
Date of the Incident: 09/29/14 **UAC**:
Date of the Incident Reported to ORR: 10/01/14
Summary of SIR:
Minor then disclosed that while he was looking through the books has on her book shelf, he found a note that read "Ustedes no son mis amores, y aqui hablan much de sexo." Minor stated that he did not know what to make of the letter and that he felt weird about it so put it back in the book and did not say anything else about it. Minor stated that he does not know who could have written the note and what it was intended for. Clinician congratulated minor for reporting and stated that he would too, let the appropriate personnel know.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland Casa Guadalupe
Date of the Incident: 08/15/14 **UAC**:
Date of the Incident Reported to ORR: 10/01/14
Summary of SIR:
A Trafficking SIR is being submitted due to coercion indicators. The minor reported that she was verbally threatened by the 50 year old owner of an apartment she was staying in while in Texas. In addition, minor stated that while in the apartment, she was told by another man that the owner had discussed a plan to sell the women in the apartment for sex. Minor stated that a guide who had traveled with them from Honduras also accompanied them across the border into the United States. Minor stated that she was with her 29-year-old aunt and her 12-year-old cousin who is currently at the facility with minor. Minor stated that together they walked about four hours to a car and were then taken to an apartment in Texas that was occupied by a male (approximately 50 years old) who appeared to be the owner. Minor stated that they were left there by the guide for two days and two nights. Minor stated that the guide stopped in once a day to bring food and then left. Minor stated that there were 16 women and 6 men in this apartment and they all stayed in the same room. Minor stated that while in the apartment the owner threatened them by saying "if you don't leave my apartment I'll call the police or cut you up". Minor stated that on one occasion the owner masturbated outside of their room and when one of the men tried to shut the door the owner swung knives at him so as to keep the door open. Minor stated that she, her cousin, and another minor were put in the closet of the room for protection in case the owner tried to harm them. Minor stated that on one occasion the owner spoke to a 25 year old man that was also staying in the apartment and asked him to help sell the woman for sex for $40 dollars each. Minor stated that she did not hear the owner saying this but that the 25 year old man told the rest of the group of the plan and that he had refused to help. Minor stated that the guide who had taken them to the apartment arrived the following day with food and they informed him of the owner's plan. Minor stated that the guide moved them to another apartment that same day. Minor stated that they were put in the apartment for 17 days and told not to leave because they could be kidnapped or held for ransom by other guides if they were found. Minor stated that they were given food once a day and the women and children stayed in a room separate from the men. Minor stated that she and her aunt and cousin were let go after 17 days and were then guided by foot for a few hours before getting in a car. Minor stated that after a short time driving, the guides left them in the car and immigration officers found them and detained them shortly after. Minor stated that her father (current sponsor in the US) is aware that minor was held in these apartments during her journey because her aunt had a cell phone with her that they were able to use.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault:
Facility: Heartland SCIY
Date of the Incident: 09/30/14 **UAC**:
UAC:
Date of the Incident Reported to ORR: 10/01/14
Summary of SIR:
While in class on 9/30/14 the minor reported that the minor touched her inappropriately while in class. Upon follow-up, the minor stated that while in class, she touched right thigh while attempting to move out of the desk that they were sharing. The minor denied touching on any other part of her body and stated that this lasted less than 10 seconds. This writer discussed the importance of boundaries and not touching others in the program and reiterated the program rules.

Incident Type: Suspected Smuggling/Trafficking
Facility: Shenandoah Valley Juvenile Center
Date of the Incident: 09/30/14 **UAC**:
Date of the Incident Reported to ORR: 10/01/14
Summary of SIR:
On 09/30/14, during a counseling session, UAC reports he is doing better and is aware that it is simply a matter of time before he is released to ICE for deportation back to Mexico as he is an adult. He shares his enthusiasm about the presentation he will be giving in school on landforms of Mexico. He presents less guarded and relaxed. He speaks more openly about his experience crossing the border and the circumstances of risk/trafficking that he endured prior to his recent apprehension. He is no longer worried about the safety and wellbeing of his family because his wife and son have moved with his in-laws to another house. does not want to pursue any legal adjustment of his status by way of a T-visa and simply wishes to return to Mexico to join his family. reports he and his mother had paid $7,000.00 to a coyote "guide" to get him across the border and to his mother's home in Texas. In late August, he says the coyote picked him up at his wife's parent's home in Mexico, to meet up with the guides that were waiting to cross the Rio Bravo. At the pick-up location, another Hispanic male, he identifies as "el gordo" the fat-one simply because of his size, not necessarily his nickname or alias, arrives and starts yelling "that there is a change of plans and everyone has to carry a suitcase of marijuana," at the immigrants waiting to cross. UAC
Hernandez says one of the immigrants refused to carry the suitcase because he did not want to get in any legal trouble and simply wanted to make it to his family in the United States. This same individual also stated he did not know how to swim and was afraid. removed a pistol from his waistband and shot the immigrant in the head, killing him, and asked if anyone else wanted to refuse. UAC carried the suitcase along with the other individuals, but they were apprehended by U.S.CBP/ICE officers and he was returned to Mexico the following day. UAC
returns to his in-law's home in Mexico. He reports that in early September, near the 5th or 6th, a large black SUV, drives up to the house. The UAC recognizes " inside the vehicle along with several heavily-armed men and is motioned to come over to the vehicle. tells him to gather his belongings because they are going to have him go across the border again with another suitcase of marijuana and if he refuses, his wife, son, and in-laws would be killed. UAC agrees to do so to protect his family. On 09/07/14, UAC and several other immigrants make it across the Rio Bravo carrying suitcases of marijuana using truck tire inner tubes and are subsequently apprehended by U.S. CBP/ICE officers.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Youth for Tomorrow
Date of the Incident: 10/01/14 **UAC**:

Date of the Incident Reported to ORR: 10/01/14
Summary of SIR:
reported to staff that he was touched inappropriately by another on his buttock. sked staff not to say anything to the Oscar.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Senderos
Date of the Incident: 10/01/14 **UAC**:
Date of the Incident Reported to ORR: 10/02/14
Summary of SIR:
Youth was making symbols (representing a vagina) to another youth. When addressed by and asked to stop, youth stopped. When staff was asking another staff what the symbol meant, youth gestured to staff with sexualized tongue gestures.

Incident Type: Suspected Smuggling/Trafficking
Facility: KidsPeace
Date of the Incident: 09/05/14 **UAC**:
Date of the Incident Reported to ORR: 10/02/14
Summary of SIR: Addedum
UAC discloses additional information related to potential sex trafficking. The UAC reports physical abuse by the "Senora" she worked for and having knowledge that the "Senora" employed at least 10 other underage girls. The UAC reports she had a romantic relationship with the "Senora" and she lived with her for approximately 9 months while working for her. The UAC reports fear that if she ever returned to home country this woman would hurt her.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: David and Margaret
Date of the Incident: 10/01/14 **UAC**:
Date of the Incident Reported to ORR: 10/02/14
Summary of SIR:
On October 1, 2014 at approximately 7:30pm at while waiting for Confession from resident resident made inappropriate sexual comments to staff UM tated to staff Ms, I need to be with a women, I feel frustrated because I haven't been with a woman in a long time". While staff was redirecting resident resident then proceeded to get an erection.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Chavaneaux
Date of the Incident: 08/28/14 **UAC**:
Date of the Incident Reported to ORR: 10/03/14
Summary of SIR: Addendum
On October 2, 2014, our department was notified that ORR/ATIP has reviewed the information submitted for and has determined that he is eligible as a victim of trafficking.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Foster Harlingen
Date of the Incident: 10/02/14 **UAC**:
Date of the Incident Reported to ORR: 10/03/14
Summary of SIR:
On October 2, 2014 while assigned clinician was gathering information in order to complete assessment/ISP, the teen disclosed the circumstances of her pregnancy. 15 year-old reported that she was raped by an unknown male in Guatemala. The teen went on to say that while outside during school hours an unknown male approached her with a knife and began to make threats towards her family if she did not follow him. informed the clinician that she believed the male had to have been following her since he was able to indicate the school her younger brother attended and the time her maternal uncle returned home from work. In fear that harm would be done to her or her family, proceeded to follow the male into a nearby wooded area. The teen reported that once she and the male were out of sight from other people he then raped her. mentioned that it was a one-time incident and is the result of her pregnancy. The teen reported that she believes she is approximately 7 months pregnant.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Selma Carson Home
Date of the Incident: 10/03/14 **UAC**:
Date of the Incident Reported to ORR: 10/03/14
Summary of SIR:
Staff was in staff office when resident HH stopped at office door to ask a question. As resident stood at door speaking with staff Resident walked behind resident bent down out of sight and pull down resident sweats pants. Resident immediately bent down to pull his pants up and that is when Resident ealized that staff had witness incident.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Welasco Foster
Date of the Incident: 10/03/14 **UAC**:
Date of the Incident Reported to ORR: 10/03/14
Summary of SIR:
On 10/02/14 (age 15, 2 months pregnant) arrived to IES Foster Weslaco, Texas. On 10/03/14 case manager met with During initial intake, disclosed to case manager that her pregnancy is a result of rape from an unknown gang member in El Salvador. As per her family is aware of the incident and of her pregnancy

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Senderos
Date of the Incident: 10/03/14 **UAC**:
Date of the Incident Reported to ORR: 10/04/14
Summary of SIR:
While in gym, county staff approached me and asked me to ask to pull up his pants. When gym was over, she told me that the youth was showing his pubic hair to everyone.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Crittenton LTFC
Date of the Incident: 09/28/14 **UAC**:
Date of the Incident Reported to ORR: 09/29/14
Summary of SIR:
Foster mother (FM) reported to Foster Care Social Worker (FCSW) that FM let use her cell phone to make a long distance phone call to her friend. FM reported that the family was not planning to go out that day but that she noticed that had put on make-up and fixed her hair. FM reported that when she received her cell phone back from that there were messages on FM's cell phone from unknown adult males who were texting back and forth with FM reported that she posed as and asked one of the adult males their age. According to FM, the adult male texted that he was 26 and that the adult male thought that was 20 years old. FM reported that had linked FM's cell phone to Facebook page where she saw that had posted provocative pictures of herself wearing a bikini sitting on the bathroom sink. FM also reported that she saw that had also posted pictures of her 18 month old daughter (UAC also living in the home) and that the child was not wearing clothing on some of the pictures. FM reported that when she asked why she posted pictures of her daughter that replied that her "friends" wanted to see her daughter. FM reported that according to the messages on her cell phone; had been chatting with three adult men of ages 26, 32, and 49. FM reported that she received more messages today for added friends on Facebook page. FM also reported that continuously tries to take FM's cell phone or the house phone to make unauthorized phone calls. FM reports that she has to wake up every fifteen minutes each night to ensure that is not using the phone without permission. FM also reported that she believes that may have stolen water, a soda, and a set of eyelashes from a Walmart store on the day they went to get a haircut. FM had not reported the incident at Wal-mart until now. FM reported that had allegedly taken FM's wedding band and that they eventually found it. FM reported that scratched FM when she snatched the cell phone from FM's hand. FM reports that she and her husband are worried that will make false allegations against foster father in retaliation for the increased supervision. When FCSW and FC

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Program Director were on the phone with (b)(6) she admitted to having been on Facebook and when asked about the pictures, (b)(6) esponded that she was not aware that she could not post up pictures.

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DCS Weekly Significant Incident Report
Submitted by: Mata Sebgoya/Jacqueline Melvin
October 05 – October 11, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 2
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 8
- Suspected Smuggling/Trafficking: 9
- Possession/Use of Drugs: 1
- Sexual Abuse outside the US – UAC Pregnant: 2
- Sexual Abuse during Journey: 6
- Other: 4

Total Number of Major SIRs: 32; Total Number of SIRs for the Week: 444; Number of SIRs for FY15: 705

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Shenandoah Valley Juvenile Center – Secure
Date of the Incident: 10/05/14 **UAC**:
Date of the Incident Reported to ORR: 10/06/14
Summary of SIR:
On 10/04/14, UAC lost a behavioral level for inappropriate sexual behavior. Minor had been touching his genital area and staring at another peer during the enlignment group session during the enrichment group session. Minor also pointed his penis at another peer and asked his peer: 'you want to suck it'. Minor is reported to have made many other inappropriate sexual behavior towards residents on the unit.

Incident Type: Sexual Abuse during Journey
Facility: Lakeside Washington Park
Date of the Incident: 10/05/14 **UAC**:
Date of the Incident Reported to ORR: 10/06/14
Summary of SIR:
Client stated that during her journey she was taken to an empty warehouse and forced to have sex with the owner of the warehouse. Client stated she attempted to refuse, but was threatened with violence and told she would be reported to Mexican Immigration if she did not cooperate. He threatened the next day to keep her longer in the warehouse if she told anyone of the event.

Incident Type: Sexual Abuse during Journey
Facility: Lakeside Washington Park
Date of the Incident: 10/06/14 **UAC**:
Date of the Incident Reported to ORR: 10/06/14
Summary of SIR:
Client reported that she was sexually abused by one of the smugglers that took care of the warehouse. Smuggler threatened her with violence if she did not participate.

Incident Type: Other
Facility: ST PJ
Date of the Incident: 10/03/14 **UAC**:
Date of the Incident Reported to ORR: 10/06/14
Summary of SIR: Addendum
Case Manager contacted both sponsor and minor's mother to get more information about phone calls that they were receiving requesting money for the safety of minor. Sponsor informed CM that he has not received any phone calls requesting money for minor from anyone. Minor's mother says she received a phone call from the guide requesting money but that was prior to being detained and that she was not able to pay any money to them because did not have money to give.

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Incident Type: Other
Facility: Morrison Transitional Foster Care
Date of the Incident: 10/06/14 **UAC**:
Date of the Incident Reported to ORR: 10/06/14
Summary of SIR:
Yeiner reported that he was only allowed to leave his room for eating and using the bathroom this weekend.

Incident Type: Suspected Smuggling/Trafficking
Facility: KidsPeace
Date of the Incident: 10/06/14 **UAC**:
Date of the Incident Reported to ORR: 10/06/14
Summary of SIR:
The UAC reports he came to the United States for a better life and to work so that he can send money back to his mothers and sisters in home country. The UAC reports his uncle works in a banana factory and his uncle talked to his boss about hiring the UAC to work in the factory and work may be available. The UAC would not elaborate on this when this clinician began asking additional questions. UAC was also traveling throughout the U.S. with other adult migrants who were transported by a guide.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Sandy Pines
Date of the Incident: 10/06/14 **UAC**:
Date of the Incident Reported to ORR: 10/06/14
Summary of SIR:
UAC was witness kissing another UAC in the classroom. After reviewing the cameras it was confirmed that UAC's exchanged a kiss. Camera was reviewed and confirmed that UACs exchanged a kiss. ORR Lead Therapist spoke with UACs regarding appropriate boundaries. Both UACs received 8 hours R.E.S.T. time and will be on a 10 foot ban from each other. The seating arrangements were changed in the classroom, so the two residents are not sitting near each other. UACs will continue to process incident with their primary therapist.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Sandy Pines
Date of the Incident: 10/06/14 **UAC**:
Date of the Incident Reported to ORR: 10/07/14
Summary of SIR:
UAC was witnessed kissing another UAC in the classroom. After reviewing the cameras it was confirmed that UAC's exchanged a kiss. Camera was reviewed and confirmed that UACs exchanged a kiss. ORR Lead Therapist spoke with UACs regarding appropriate boundaries. Both UACs received 8 hours R.E.S.T. time and will be on a 10 foot ban from each other. The seating arrangements were changed in the classroom, so the two residents are not sitting near each other. UACs will continue to process incident with their primary therapist.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland CRC
Date of the Incident: 10/06/14 **UAC**:
Date of the Incident Reported to ORR: 10/07/14
Summary of SIR:
The minor reported information indicative of possible trafficking concerns. The minor reported to GDIT staff that he was forced to sell drugs when in home country.

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Incident Type: Other
Facility: Morrison Transitional Foster Care
Date of the Incident: 10/06/14 **UAC**:
Date of the Incident Reported to ORR: 10/06/14
Summary of SIR: Addendum
Morrison received an email response from the Office of Adult Abuse Prevention and Investigation stating that the incident was reviewed and not considered neglect/abuse at this time and closed the referral.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Friends of Youth
Date of the Incident: 09/30/14 **UAC**:
Date of the Incident Reported to ORR: 10/06/14
Summary of SIR:
Minor had an MP3 in his possession that contained pornographic images and videos.

Incident Type: Suspected Smuggling/Trafficking
Facility: Selma Carson Home
Date of the Incident: 06/01/12 **UAC**:
Date of the Incident Reported to ORR: 10/01/14
Summary of SIR:
Resident reported he was forced to smuggle by the CDG called "The Cyclones".

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICC
Date of the Incident: 10/08/14 **UAC**:
Date of the Incident Reported to ORR: 08/10/14
Summary of SIR:
In the context of clinical assessment minor reported being physically assaulted by the guide, and made to work during his travel to the United States. The clinician met with minor to process the disclosure and evaluate for any additional needs.

Incident Type: Sexual Abuse during Journey
Facility: IES Shelter
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 10/07/14
Summary of SIR:
reported a history of abuse in her home country, while in Mexico during her journey from El Salvador to the U.S. and in the U.S. (in the U.S. by a smuggler). also reported engaging in a consensual sexual relationship with an adult male in her home country of El Salvador.

Incident Type: Possession/Use of Drugs
Facility: The Children's Center Jameson Center TFC
Date of the Incident: 10/08/14 **UAC**:
Date of the Incident Reported to ORR: 10/09/14
Summary of SIR:
Minor admitted to foster parent to still using marijuana at least once a week. Foster parents also found marijuana in the minor's room.

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Incident Type: Sexual Abuse during journey
Facility: His House Children's Home
Date of the Incident: 10/07/14 **UAC**:
Date of the Incident Reported to ORR: 10/08/14
Summary of SIR:
Minor was asked by her guide to lay naked next to him in case a immigration raid was to occur. Minor states that the guide did not touch her.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Rio Grande
Date of the Incident: 10/08/14 **UAC**:
Date of the Incident Reported to ORR: 10/08/14
Summary of SIR: Youth reported that youth would make inappropriate gestures to her such as blow kisses, bite her lip, and wink her eye. This behavior occurred sporadically for about two weeks. Youth also reported that youth tends to sway her arms back and forth and during one occurrence youth, brushed her hand against youth's behind when standing in line. During another time, youth asked youth if she liked girls and she replied with "mmm" while biting her lip. Youth reported that these behaviors from youth . would make her feel uncomfortable.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Lorraine Thomas
Date of the Incident: Not specified **UAC**:
Date of the Incident Reported to ORR: 10/07/14
Summary of SIR:
Minor was raped while on the journey to the US. Minor has requested to have an abortion.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Brownsville Foster
Date of the Incident: Late August **UAC**:
Date of the Incident Reported to ORR: 10/07/14
Summary of SIR:
Minor claims to be approximately 8 weeks pregnant and expecting twins. When asked about her pregnancy, mentioned that her pregnancy is a result of a sexual assault that occurred in Mexico, late August during her journey to the United States.

Incident Type: Sexual Abuse during Journey
Facility: IES Driscoll
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 10/07/14
Summary of SIR:
Resident disclosed being physically assaulted by several members of the "Policia Estatal Mexicana", Minor went on to report that she was handcuffed to the rods of the passenger seat's headrest while she led them to two random locations in where she hoped to somehow escape. Minor states she was hit on the back of the head and back by several officer with a closed and open hand after leading them to two random locations where they did not find any hidden firearms. Minor states one of the officers sat on top of her and placed the plastic bag over her head for approximately 20-30 seconds while threatening to kill her if she did not lead them to more firearms. Minor states the officer also placed his hand on her throat and squeezed it in order to hurt minor engaging in an inappropriate sexual relationship with an adult male, and a history of alcohol and drug use. Minor states she began to use cocaine this year and reports she last used on September 15, 2014. Minor states she also began to use "Rivotril" this year in order to get "high".

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Southwest Key Rio Grande
Date of the Incident: 07/10/14 **UAC**:
Date of the Incident Reported to ORR: 01/10/14
Summary of SIR:
On October 7, 2014 two female minors residing under the program's care accused the above-mentioned minor of displaying inappropriate behavior toward them. Minor and minor accused M.M (A# of blowing kisses, winking, biting her lip, and "accidently" brushing their buttocks with her hand. Assigned clinician met with minor to determine the nature of the accusations. At the time of the session, the minor denied engaging in inappropriate behavior. Clinician reminded minor of boundaries and respecting other individuals. Minor denies engaging inappropriate behavior.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: IES Foster Welasco
Date of the Incident: 10/08/14 **UAC**:
Date of the Incident Reported to ORR: 10/08/14
Summary of SIR:
On 10/08/14, the assigned clinician met with for a weekly individual session. reported that during the weekend she woke up on morning and observed Jade naked in the room. disclosed that on one occasion during the weekend she saw without clothes in her room. eported that was standing near the dresser. stated that she walked out of the room and asked to put her clothes on. eported that Jade was receptive and dressed herself. The clinician met with Jade to further assess the situation. denied being without clothes in her room while another child was present. The assigned clinician reviewed with the program rules and provided her with information about healthy boundaries. The clinician reviewed with the child the "Good & Bad Touch" activity workbook. The child has not made an outcry of abuse and or neglect.

Incident Type: Allegations of Abuse by Program Staff
Facility: Southwest Key Conroe
Date of the Incident: 10/02/14 **UAC**:
Date of the Incident Reported to ORR: 10/02/14
Summary of SIR:
Ms. stated that Ms. was yelling at client "a mi no me interesa lo que usted pienz o diga, aqui son las reglas y usted debe hacer lo que uno dice". Ms stated that the tone of voice Ms. used was harsh towards the clients. stated that Ms. refused to exchange the underwear of client as the client reported the underwear was too big for her but according to Ms. the underwear fit her right after Ms. hold the underwear to client's hip area. Ms. reported that she didn't say anything to Ms. at the time of the incident because she didn't want to be seen as she was taking authority away from staff in front of the clients.

Incident Type: Suspected smuggling/trafficking
Facility: Southwest Key Programs Combes
Date of the Incident: 05/1/14 **UAC**:
Date of the Incident Reported to ORR: 09/29/14
Summary of SIR: Addendum
Clarification for trafficking concerns -On September 29, 2014, during an interview assessment with youth, youth disclosed Information regarding history of gang persecution and verbal\emotional abuse by Youth reported fleeing home country due to gang persecution (by Youth also reported 3 separate incidents of being approached by and asked to traffic drugs Youth reported incident occurred on 3-4 months ago.

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Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Nova
Date of the Incident: 10/10/14 **UAC**:
Date of the Incident Reported to ORR: 10/10/14
Summary of SIR:
Failure to comply and inappropriate sexual comment. During art class, UAC made an inappropriate sexual comment to ORR Program Aide. UAC was escorted to his room with 24 hrs of room confinement.

Incident Type: Other
Facility: IES Foster Welasco
Date of the Incident: 10/08/14 **UAC**:
Date of the Incident Reported to ORR: 10/08/14
Summary of SIR:
On 10/08/2014, case manager received 3 notice of concerns from child care worker stating that (age 16) had told UAC's that she was not comfortable at her current foster home because her foster parent would limit the food in the foster home and that she would get upset if she asked her for more food. There were also allegations of rationing toilet paper, not being allowed to get up at night from her bedroom, and three foster children were sharing one bath towel.

Incident Type: Sexual Abuse during Journey
Facility: Southwest Casa Houston
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 09/29/14
Summary of SIR Addendum:
Minor reported being sexually assaulted while being held captive during her journey in Mission, TX. State wide intakes report: Reference . Additionally, ATIP responded to clinician's report, stating that minor does not qualify for benefits and services as a victim of trafficking.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICC-Beverly
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 10/11/14
Summary of SIR:
During the initial clinical assessment, minor reported he wanted to live with a family friend named Minor stated his father is friends with father, Minor stated he has never met Minor stated, he originally owed 5,000 quetzals for his journey to the US, and was planning to pay the money he owed Minor reported because he was apprehended by US immigration officers, his debt was reduced to 3500 quetzals. Minor also reported to the clinician he currently owes the 3500 quetzals to a different man in his community and no longer owes the money to Minor told the clinician, he did not know the name of the man he owes the money. However, minor told his family reunification worker , he owed the remaining 3500 to his potential sponsor, Minor reported to the clinician, he was responsible for paying his debt within the year. Minor also stated when he begins living with he would be responsible for any cost he incurs, such as food and clothing.

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Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Allegations of Abuse by Program Staff
Facility: Selma Carson Home
Date of the Incident: 10/05/14 **UAC**:

Date of the Incident Reported to ORR: 10/05/14
Summary of SIR (2):
Resident was refusing to leave social area for his room got into a verbal altercation with staff . Minor alleges staff used physical force such pushing minor down on chair and then once minor was at door of his room staff pushed minor into room with force and shut door. alleges that Minor alleges staff hit him on his ribs on right side of torso then grabbed minor's shirt on right side and pushed him in his room. Minor stated he felt staff scratch his chest when he was grabbed by the shirt.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICC-Beverly
Date of the Incident: Unknown **UAC**:
Date of the Incident Reported to ORR: 10/11/14
Summary of SIR:
Minor stated he then got in touch with a man named who agreed to sponsor the minor and pay for his trip to the US. Minor stated he agreed to pay 47,000 quetzals for his journey to the US. Minor stated he signed a paper agreeing to pay the money within one year. Minor said if he did not pay there would be consequences for the minor's mother, who is living in Guatemala. Minor explained, agreed to help the minor obtain a job working as a gardener. Minor stated he is to start this job upon his release from the program, in order to start repaying his debt.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICC-Beverly
Date of the Incident: 10/3/14 **UAC**:
Date of the Incident Reported to ORR: 10/11/14
Summary of SIR:
During the minor's initial clinical assessment, he reported working as a guide on one occasion and felt forced to act as a guide. Minor stated he was approached on October 3, 2014 by a car while sitting in the plaza of his town in Mexico. Minor reported he believed the men in the car were gang members, but he was unsure what gang they may have been affiliated. Minor was asked if he wanted to help cross people into the United States. Minor was offered 30 dollars per person to cross a group of four into the United States. Minor stated when he was approached; he noticed the men were armed with guns. Minor denied being verbally threatened, but stated he did not believe he could refuse the offer without negative repercussions. Minor agreed to act as a guide and got into the car. Minor reported one of the men told the minor "you look scared". Minor then told the men he was afraid and did not believe he could refuse the job offer. Minor stated the men in the car told him he didn't have to work for them, but he would be hit four times with a wooden bat if he decided not to complete the trip. Minor stated he decided to follow through and work as a guide, in order to avoid any physical violence. Minor was driven to his house by the men in order to change clothes, minor stated the men waited outside his house as he got ready. Minor stated he told his grandmother he was going out to run errands, but did not tell her about the men or his plans to work as a guide. Minor left his house on 10/03/2014 at 5pm and was driven to an area he did not know well. Minor arrived to the house at 8:30 pm. At 10:45 pm the four immigrants were brought to him by another man associated with the men in the car. Minor started walking with his group and crossed into the United States (Rio Bravo) and when they crossed the border into the US, the group began to run because they saw a truck approaching. Minor states the group tried to enter an abandoned house, but could not get in at which point he was apprehended by US immigration officers. Minor entered ICCB on 10/7/2014. Minor denied being asked to bring drugs or other items into the US and only traveled across the border with the immigrants.

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Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICRC
Date of the Incident: 10/3/14 **UAC**: (b)(6)
Date of the Incident Reported to ORR: 10/11/14
Summary of SIR: Addendum
This addendum is to provide information reported by the minor expressing additional trafficking indicators and coercion. He was made to watch as several of his friends were killed by the Cartel and to kill 3 people. The minor is very responsive to staff at program. He's being referred to psychiatry for additional assessment and supports.

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Jacqueline Melvin
October 12 – October 18, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 8
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 14
- Suspected Smuggling/Trafficking: 12
- Possession/Use of Drugs: 0
- Sexual Abuse outside the US – UAC Pregnant: 2
- Sexual Abuse during Journey: 5
- Other: 3

Total Number of Major SIRs: 44; Total Number of SIRs for the Week: 424; Number of SIRs for FY15: 1129

Incident Type: Other
Facility: BCFS Harlingen
Date of the Incident: 10/11/14 **UAC**:
Date of the Incident Reported to ORR: 10/12/14
Summary of SIR:
On 10/11/2014 at 10:14am, Case Manager was approached by Shift Supervisor regarding information documented by a direct care worker. During the initial call, minor (A# was said to have spoken to his mother who advised him that she received a phone call asking for monies to be paid for minor's return. Case Manager agreed to follow up immediately. On 10/11/14 at approximately 3:41 PM, contact was finally made with sponsor, Ms. mother of UAC reports that on 10/06/14 around noon, she received a phone call to her cell phone from an unidentified male requesting fee in exchange for the minor Sponsor requested to speak to her son however; the unidentified male declined and demanded $3,500 in exchange for minor. Once Ms. explained she needed more time, unidentified male instructed her to call for further instructions. The unidentified male threaten with minor's life by stating "Me paga por el chamaco o lo mato" meaning "either you pay the money or I kill the kid." explained she attempted to call unidentified male the following day (10/7/14) for further instructions however, no one answered the call.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: IES Los Fresnos
Date of the Incident: 10/12/14 **UAC**:
Date of the Incident Reported to ORR: 10/12/14
Summary of SIR:
On October 12, 2014 Child Care Staff eported, resident disclosed she been touched on the buttocks area by fellow female resident (who has been discharged from the facility 10/12/14 at 1:06PM) yesterday. stated she chose to disclose the incident due to the fact that the resident misunderstood a conversation and thought that stated it was who had touched her. According to residents and were joking about touching each other's buttocks on the previous Saturday night 10/11/14. Leiva then stated that during the night of 10/11/14 touched her in the buttocks area, which states that she did not like and does not joke with anyone in this manner.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Tumbleweed
Date of the Incident: 09/29/14 **UAC**:
Date of the Incident Reported to ORR: 10/13/14
Summary of SIR: Addendum
was caught watching pornographic videos while using the computer in the living room. accessed the video through the website, youtube on 9/29/2014. On 10/13/14, Case Manager and Clinician met with client and discussed appropriate behavior when using the computers Client seems to be needed of educated on appropriate behaviors and was hesitate to admit watching inappropriate websites. Client admitted being on a website with adult content and seemed embarrassed.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland CRC
Date of the Incident: 10/12/14 **UAC**:

Date of the Incident Reported to ORR: 10/13/14
Summary of SIR:
During the course of a clinical session minor's peer, (17), reported that minor, (15), grabbed her inappropriately. eported that they were working on decorating the bedroom door when accidentally touched her breast and apologized. stated that then grabbed left breast on purpose with force saying "mejor te lo agarro"/I'll just grab it better. stated she felt uncomfortable and went to her bed to lie down and get away from The minor stated she typically gets along okay with but did not want to say anything to her because she is afraid of her reaction because she sees "has an attitude". and are not roommates. Clinician followed up with who denied the event occurred the way KYCR reported it. stated she accidentally touched breast one day when they were outside for gym and that she apologized. denied ever grabbing with force or intent.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: KidsHaven
Date of the Incident: 10/11/14 **UAC**:
Date of the Incident Reported to ORR: 10/12/14
Summary of SIR:
On 10/13/14, at approximately 2:30 p.m., Assistant Director eceived a Grievance from In his grievance the UAC alleges that YCW yelled at him and became angry to the point that the UAC felt that the staff member wanted to strike him with his fist. The UAC reports that another staff member, YCW had to intervene to prevent YCW from striking the UAC. The UAC further alleges that YCW tried to escalate him to provoke him into becoming aggressive. The UAC further alleges that YCW Tineo threatened that he would report that the UAC, in collaboration with UAC , had cursed at the YCW n 10/13/14, at approximately 3:25 p.m., Assistant Director met with about his grievance. Assistant Director asked that the UAC inform AD of what happened on 10/11/14 between him and YCW informed AD that he and three other clients were taken to the Fun Zone at the Captain Wiley Building to shoot pool. reported that YCW's and were also in attendance. admitted that, while playing, he and his peers were using inappropriate language. However, the client asserts that the language was not directed to the KidsHaven staff and was not exhibited in an effort to be defiant. went on to say that he and his peers were transported by staff to the facility gym after they had completed their recreational activity at the Fun Zone. reported that he and his peers informed the staff of their interest to play Soccer but that YCW informed them that he was in charge and they would be playing Volleyball instead. went on to say that he and client began to goof around by tossing balls around the gym and pushing each other on a cart they found in the gymnasium. reports that YCW became very irate with the UAC's and began to yell at them aggressively as he paced back and forth and shoved his hands in his pocket. eports that YCW suddenly pulled his hands out of his pocket and continued to yell, as he paced around with clenched fists by his hips. reports that he and immediately felt threatened by YCW verbal abuse and clenched fists at his waists. As a result, and began to question YCW

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about his motives and informed him that they would be filing a grievance against him. In response, YCW allegedly informed the youth that he would be reporting them for their use of profanity and would tell the Administrative team that the UAC's had cursed and threatened him. reports that YCW was in an escalated state at this point in the conversation, warranting YCW to intervene and asked YCW to go for a walk so that he can calm down.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: NOVA Secure
Date of the Incident: 10/13/14 **UAC**:
Date of the Incident Reported to ORR: 10/14/14
Summary of SIR:
UAC was making inappropriate gestures towards staff. UAC was observed blowing kisses to a female staff. He was escorted to his room with 24hrs. of room confinement.

Incident Type: Other
Facility: Cayuga Centers
Date of the Incident: 10/14/14 **UAC**:

Date of the Incident Reported to ORR: 10/14/14
Summary of SIR:
Foster parent advised program that while on her way to her vehicle with UAC and his sibling they witnessed a shooting. She confirmed that she saw along with when the individual took out the firearm and began shooting. She explained that as soon as she heard the shooting she took cover with both UAC's and called the police as soon as she had the opportunity to do so. FP onfirmed that incident occurred two blocks away from her home currently located at: On 10/14/14 Clinician, met with UAC at approximately 11:S0am to assess for any trauma and/or nervousness regarding the shooting he was witness too earlier in the morning. LCSW Director of Clinical Services joined session for a few minutes to asses UAC. UAC reported that he saw a man take out a firearm and heard about 4-8 gunshots. UAC denied feeling nervous or afraid however, he verbalized feeling slightly nervous regarding walking in the same street again.

Incident Type: Suspected Smuggling/Trafficking
Facility: Selma Carson Home
Date of the Incident: 6/1/11 **UAC**:
202083855
Date of the Incident Reported to ORR: 10/14/14
Summary of SIR:
Minor was assessed again for any trafficking concerns, minor disclosed that he sold drugs, he was a "puntero" for 2 months during 2011, working from 12pm - 12am earning 1500 pesos a week. Minor shared that when he didn't want to work as a puntero, cartel threatened him by saying: "If you don't come we will force you to be with us". Minor stated he moved out of his mother's home and started living in a friend's home and changing places every week for 4 months. Minor reported cartel stopped looking for him.

Incident Type: Sexual Abuse during Journey
Facility: Southwest Key Las Palmas
Date of the Incident: 10/1/14 **UAC**:
Date of the Incident Reported to ORR: 10/14/14
Summary of SIR: Addendum
During the client's the client reported that while in her journey she stayed in a hotel when a got into her room and "made her a woman". Client cannot recall his name, his face or who that man is. Client reported that she cannot recall anything about this experience. Client reported that she does not remember place and time where the event happened. Client was having difficulties to remember in regards of her journey experience. During the interview client was indifferent when having to answer questions about passed physical abuse and sexual relationship with a man.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Hacienda Del Sol
Date of the Incident: 10/11/14 **UAC**:
Date of the Incident Reported to ORR: 10/14/14
Summary of SIR:
Client approached a male shift leader and made a sexual gesture towards him simulating oral sex with a hot dog wiener during lunch time. Shift leader immediately instructed client to stop and completed an incident report

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Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS San Antonio
Date of the Incident: 10/14/14 **UAC**: Axel Oved Cerrato Pineda A#206424203
Date of the Incident Reported to ORR: 10/14/14
Summary of SIR:
Minor reports being introduced to prostitution by his female friend and prostituted himself for eleven months under the name of " During this time, he reports selling six to seven bags of cocaine daily which cost approximately 120 lempiras or $35 USD. Minor reports he would earn up to 3,000 lempiras prostituting and would have to pay an additional $500 lempiras to the for "rent".

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: KidsPeace
Date of the Incident: 10/14/14 **UAC**:
Date of the Incident Reported to ORR: 10/14/14
Summary of SIR:
This clinician met with for an individual session. began to stare at this writer and started to touch his genitals. When this clinician mentioned to him that this behavior was inappropriate he immediately denied the behavior but then apologized. He proceeded to stand up and say "I have to go.' When he left the room he stated "I am going to the bathroom and was laughing about it."

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Holy Family Institute
Date of the Incident: 10/13/14 **UAC**:
Date of the Incident Reported to ORR: 10/14/14
Summary of SIR:
Students were preparing to transition from the school to the house. refused to leave the classroom and transition to the house with the YCWs present. She repeatedly stated that she "did not want to go back to the house." One of the teachers collected her personal belongings (her book bag, jacket, and water bottle) and waited by the door of the classroom for her. The other two teachers Teacher, and Educational Coordinator) were in the classroom with . was lying on the floor in a bean bag. The teachers tried to re-direct her by singing rhyming songs and then gave her a count down from 5 to 0. When one of the teachers got to 0, put one of her hands out and motioned for the teacher to help her up from off the ground. gently took her hand and helped her up off the bean bag while signing a rhyming song. Then, walked her out the door hand-in-hand and passed her off to the YCW who was waiting for her. walked out the door appropriately, but the teachers later learned she ran from the YCW back to the house. After arriving from school on 10/13/14, was upset and crying. She went upstairs into her room and got into her tent. Shift Supervisor) followed her and asked her why she was upset. Sindi shared that she was lying on the floor not wanting to leave the trailer at the end of the school day, and one of the teachers pulled her up off the floor. She couldn't remember the teacher's name; she could only describe her as "the tallest teacher. " She shared that when the teacher pulled her up, it hurt her hands. In follow-up call to Allegheny County Children Youth and Families, of CYF indicated that CYF decided not to assign this case to anyone for investigation and that the case was closed. indicated that it was okay to put teacher back into classroom. will return to the classroom on Monday morning.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland ICC
Date of the Incident: 10/14/14 **UAC**:
Date of the Incident Reported to ORR: 10/15/14
Summary of SIR:
Tender age participants were playing soccer with a balloon in their room, when staff heard a fall. Upon checking on them, he found was lying on the floor with his legs spread apart, holding his shorts and underwear down below his genitals. was laughing until he noticed staff in the doorway, at which point he pulled up his pants. were standing next to him, still playing soccer with the balloon.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Paso
Date of the Incident: 10/14/14 **UAC**:
Date of the Incident Reported to ORR: 10/15/14
Summary of SIR:
Minor reports that in March of 2013 the he left his mother's home in MX and went to live with his father in a different area of In April of 2013 while living with his father he met some people who that saw that he was poor and had ill-fitting, ragged clothes and gave him some nicer clothes. He reports that they began to talk to him about a job and asked him, "Don't you want to see yourself like this and always have nice things." He reported that in this manner they recruited him to a group to work with the as a lookout. Minor reported that in February of 2014 he decided that he wanted to leave the cartel because police had photos of him and knew who he was. The previous commandante had been killed in August 2013, and the new comandante was someone that he had relationship with and gave him permission to leave. He stated that he then left to go live with his family. Minor reported that during this time working for the cartel that he was paid as promised between 300-650$ per week and that as a look-out he was paid extra if he did not sleep. About a month later (March 2014) another "central" named who was part of the same group began to threaten his life via Facebook because he had left the cartel. He reported that this person told him "Te voy a entrar en el tambo." (I am going to put you in the barrel) He reports that this refers to the way that the cartel disposes of bodies. He also reports that this person came to his father's house to find him. Minor reports that in May of 2014 after a few months of being threatened and feeling scared he decided to start working with another group of the same cartel as a foot guide because he felt he needed protection and he knew that if he worked for this group that they would protect him from the people who sought to harm him. Minor reports that while living as a foot guide he lived in a "bodega" (house owned by the cartel where immigrants waited to cross the border). He reported after a few attempted journeys across the border the realized that the job was very difficult and did not want to continue to work. He stated that at that time (July 2014) he told members of this group that he no longer wanted to work and reported that they told him that if he wanted to leave that he would be taken to the commandante. When minor stated that he did want to go to the commandante to ask for permission that they told him to get him in the truck with them and told him that going to the commandante meant that he was going to be killed. They drove him around the block and then took him back to the bodega and threatened to kill him and beat him with a board. He stated that from that point on that he was "locked up" against his will and was not allowed to leave the bodega. They continued to force him to work as a foot guide. Minor reports that while working as a foot guide that he was supposed to be paid $80 per person that he crossed, but denies that he ever successfully crossed any person over the border

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St PJ's Childrens Home
Date of the Incident: 10/14/14 **UAC**:

Date of the Incident Reported to ORR: 10/15/14
Summary of SIR:
Angel shares bedroom #5 with the At 10:45pm, was observed by staff to go to the bathroom and then return to his bedroom and assigned bed. At 11:00pm, a bed check was completed and all UAC were accounted for in their bedrooms. Immediately following the bed check, staff started to complete chores in the kitchen. Staff immediately proceeded to bedroom #5 after hearing noises and met walking out the bedroom door. He stated that had

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gotten on top of him (while he slept on the top bunk) and made sexual movements. He added that had ejaculated on him. then pulled down his front shorts and boxers to show staff what he called "mecos". Staff asked to pick up his shorts. Staff immediately turned on the bedroom light to see lying in his bed with his eyes closed. Staff asked what happened to which he opened his eyes and replied, "Nothing happened". Team Leader was notified and immediately arrived to assist. was placed in line-of-sight and then moved to a different house to keep the UAC separated. stated to the Team Leader, "his shorts and boxers were down...I saw his thing". **Addendum**: mother was notified about incident. received a Sexual Assault Nurse Examination at Children's Hospital of San Antonio. SAPD and TDFPS Child Abuse Hotline were notified. **Addendum**: TDFPS Licensing Investigator, initiated a Minimum Standard violation investigation for Neglectful Supervision as a result of "child to child sexualized behavior". The licensing representative conducted an inspection of the shelter, interviewed both minors involved and spoke with staff that was present at the time, and documentation was provided to include Serious Incident Reports, Individual Service Plans, and UAC Assessments. made plans to return on 10/20/2014 to interview additional children and staff as collateral witnesses. At this time, no concerns or issues were noted.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Baytown
Date of the Incident: 10/15/14 **UAC**:
Date of the Incident Reported to ORR: 10/15/14
Summary of SIR:
During a weekly meeting with Case Manager along with Lead Case Managers, minor disclosed that he was involved with the in Honduras. Youth stated that he was involved in this gang activity for approximately 4 years. Youth stated that he felt obligated by gang members to do so, due to gang members threatening that they would cut his younger sister's head.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Seton Home
Date of the Incident: 10/15/14 **UAC**:
Date of the Incident Reported to ORR: 10/15/14
Summary of SIR:
Resident disclosed during initial clinical assessment on 10-15-2014 that she is currently 4 months pregnant. The pregnancy was not the result of a consensual relationship. The resident disclosed that she was sexually assaulted on home country (Honduras) around June 2014. The resident reported that the perpetrator was a known member of a local gang. Following the attack the resident was threatened on several occasions by the perpetrator, demanding that she have an abortion and demanding that she sell drugs in her school and neighborhood. The resident did not report the assault to the authorities or her family and did not seek medical attention.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Morrison TFC
Date of the Incident: 10/14/14 **UAC**:
Date of the Incident Reported to ORR: 10/15/14
Summary of SIR:
On 10/14/14 during a school activity grabbed at the arms and hands of another minor to stop the minor from taking his marker. YCW came over to intervene. YCW reported observing LEAP Teacher put her hands on the hood of sweatshirt and pulled directly back in response to his actions of grabbing the other minor's arm. YCW reported that immediately stopped his actions and looked up at LEAP Teacher On 10/15/14 alleged that his teacher had pinched him. His teacher explained that when entering the car for an outing into the community had tried three times to open the door. He was explained that the teacher would open the door. She stated that when she opened that door he told the teacher that she pinched him expressed that the Skills Trainer was there when the incident occurred. Morrison Division Director contacted Oregon CPS on 10/15/14 at 11:57 AM to report the incident. reported that she spoke to Oregon CPS worker who in turn consulted with Office of Adult Abuse Prevention and Investigation worker Todd Cooley, and stated that the incident did not rise to the level of investigation at this time.

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Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Lorraine Thomas
Date of the Incident: 10/07/14 **UAC**:
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
Termination of pregnancy completed on 10/14/2014. Pregnany was a result of rape during journey, which was previously reported on 8/27/14.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Nueva Esperanza Staff Secure
Date of the Incident: 10/16/14 **UAC**:
Date of the Incident Reported to ORR: 10/17/14
Summary of SIR:
On Thursday 10/16/2014 approximately at 11:46AM UAC reported to CM that about 8 months ago, while attempting to travel to visit a maternal aunt in North Carolina he was recruited by the cartel, he was the last person to be delivered from his group by the smugglers in MX. was told that he was going to be taught how to cross immigrants and as he progressed he would get paid more. Minor stated that his plan was to cross with the first group and flee to North Carolina. His first attempt to run away failed because the "lifter/pusher" would notify the cartel people via radio. stated that by the time he would cross back to the people he was working for were already expecting him at the bridge to take him back to the warehouse. Minor also reported to Case Manager that in other several occasions he attempted to run away from the warehouse by telling his boss that he needed to go to downtown in to buy clothes, but he was never sent alone. About 4 months ago approximately, after had just gotten paid he attempted to buy a bus ticket to at the bus station in However, the "estacas" from the cartel found him and took him to the boss because he was attempting to run away. UAC claims he was hit in the buttocks one time as a punishment for escaping. When case manager inquired with UAC about physical abuse, reported that he was never hit or physically abused other than the time he tried to escape. Minor reported being "stuck" with the cartel without being able to run away.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Brazoria County Youth Homes
Date of the Incident: 10/16/14 **UAC**:
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
Per documentation received today from staff, it was reported that UAC was sitting on the couch with both YDW (staff), when UAC sat down beside staff and UAC stated "ella queria que staff le diera Chichi". UAC then proceed to try to touch her breast, when staff redirected her she stop. Another YDW (staff) was sitting on the other side when UAC proceeded to tell her the same thing, "ella queria Chichi". YDW (staff) redirected her and UAC stop right away. Per UAC, she reported she doesn't remember doing anything wrong.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland ICCB
Date of the Incident: 10/15/14 **UAC**:
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
UAC reported that members of the asked him to transport 1,000 dollars from one neighborhood to another neighborhood. UAC reported he agreed to transport the money because he was afraid to say no. UAC reported that if he did not follow their request, they had threatened to physically assault him. UAC reported that he was approached again in June of 2014 and was asked to transport a package of cocaine and marijuana. UAC stated that he was told if he did not transport the package he would be physically assault by the members if they saw him in the market. UAC stated that he agreed to transport the drugs in a backpack by bus to the same location he had previously transported the 1,000 dollars to. UAC stated that a couple months later in August of 2014 he was asked by the gang members to transport a gun a few blocks away. UAC reported he was threatened again by the members, if he did not transport the gun they

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would physically assault him. UAC reported he agreed to transport the weapon, even though he knew it was illegal, because he was afraid of the members. UAC reported that in September of 2014 he was asked to transport another gun, but this time he told the members he did not want to help them anymore. UAC stated that he was told to meet the gang members the next day. UAC stated he arrived to the meeting and that there were approximately seven to eight members waiting for him and they proceeded to physically assault him.

Incident Type: Sexual Abuse during Journey
Facility: Southwest Key Rio Grande
Date of the Incident: 10/15/14 **UAC**:
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
Youth was also sexually assaulted in Guatemala from one of the male guides during her journey to the United States. Youth stated that she believes the guide was about 30 years old. During youth's journey to the U.S. she stayed at a hotel with some of the guides and other people traveling to the U.S. Youth reported she went to get her clothes from the Laundromat located in the hotel. Youth reported her clothes were missing and youth stated one of the guides was standing there with her clothes in his hand. He walked with youth back to her hotel room and had her take of the garment she was wearing. The guide told her he would put cream on the mosquito bites she had on her legs. The guide touched her inappropriately all over her body and then tried to rape her. Youth reported she refused to do anything with him. As per youth, she stated that the guide told her that if she was to have sex with him he would allow her to continue the journey and if she did not she would stay there in Guatemala. Youth continued to say no and the guide left the room. Youth did not see the guide again and he did not continue on the journey with her to Mexico. Youth spoke with another guide in charge and a lady that was in charge of guiding them to Mexico and they allowed her to continue the journey.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland CRC
Date of the Incident: 10/16/14 **UAC**:
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
During the course of a clinical session with minor she did not report trafficking indicators such as coercion, deception or threats, but given the circumstances of working for unknown persons throughout several places and living without family and SIR was submitted to ATIP as a precaution. Clinician met with minor on 10/15/14 to follow up on reports minor made to her FR Specialist that are indicative of possible trafficking. The minor stated that when she first came to the USA in February or March 2014 she lived with her father in Houston. After a month she moved in with her brother, While there she worked in a restaurant for 1-2 weeks at the cashier counter. She was paid $600 a month working Monday through Saturday. She stopped working there because her father and brother did not want her to work. She lived with her brother one month before running away around May to North Dakota. She stated a female friend from Houston helped her find a ride from unknown people. The minor paid $500 to be taken to North Dakota. The minor stated she went there because her maternal cousin, approximately 22 or 23) told her they paid more money there. In North Dakota her cousin got her a job where he worked. The minor worked for a clothing company in a warehouse or "bodega" placing price tickets on the merchandise. She was paid $1,500 every 2 weeks and worked Monday through Saturday 8am- 4pm. The minor stated that while working here she lived in a house with her bosses. Livings in the home were her 3 male bosses all aged 30-32. The minor stated she could not recall their names but that they were from Utah, were American and spoke little Spanish. Also in the home were her 20 year old female friend female cousin, (22) and 2 other unknown females who were about 22 and also from Latin American countries. The minor stated her bosses did not charge her rent and that the bosses paid for the house and all the bills. Each person had their own room. She did not have any money taken away. Her work was about 2 minutes away by car. Her male cousin would usually drive by to pick them up for work or the bosses lent them the car. Her cousin lived in another home. The minor reported she was working because she had a 13,000 Quetzales debt from her journey and she has paid it down to 4,000. The minor stated she was not forced to work or do other tasks against her will.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Baytown
Date of the Incident: 10/15/14 **UAC**:

Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
On October 15, 2014 at 4:55 pm, arriving at Bravo dorm 2nd floor from recreation, minors from room 17 and 18 entered their rooms. Direct Care, was checking on room 17 and then walked towards room 18 when she noticed a minor standing outside of room 18 trying to enter the bedroom but the door was closed and could not get in. Direct Care immediately tried to open the door and redirected whoever was on the other side to open the door. After hearing laughter inside the room, she once again attempted to open the door, redirected the minors to open it and notified Shift Leader, Seconds before Shift Leader arrived, the door was opened. The minors were inside the room with the door closed for approximately 20 seconds. When the door opened, staff witnessed client lying down on his bed, fully clothed and reported having a headache. had been holding the door. was seen sitting on the floor next to the window across the room. Minors were taken downstairs to process the incident and reiterated that doors are not to be closed due to safety issues and the need to follow directives from staff. All three minors were placed on increased supervision and were separated into different rooms. Several minutes after returning from talking to Shift Lead and Supervisor, minor was speaking to another peer of which Direct Care overheard state, "nos van hacer un reporte por que aquel se estaba jalando" which can mean, "we are getting an incident report because that guy was masturbating". Again, minors were redirected and separated and Shift Lead was notified. Minor spoke to Shift Lead and supervisor and stated he was joking with his peer because that's how he jokes with him. (Peer had been inquiring why the three clients had to speak to staff). Minor explained that "jalando" meant his peer was horse playing. stated his peer was not masturbating. The house rules were explained to the minor and that those types of comments (sexualized) were taken very seriously. Minors were separated into different rooms to avoid any future incidents of this manner.

Incident Type: Suspected Smuggling/Trafficking
Facility: Children's Village Shelter
Date of the Incident: 10/1S/14 **UAC**:
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
Minor is a foot guide who arrived to the Children's Village on 10/12/14; Minor has one prior apprehension and was granted a voluntary return. Minor works for As per minor's report, the main reason he came to the US was because he was going to get paid $200 dollars for helping the lead foot guide. Minor also reported that he was forced to come to be a foot guide; he said he was told to do so by a man that was holding two big guns on each side and a small gun pointing at him to go with the older foot guide who Minor identified as being around 20 years-old and/or early 30.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: CC Fort Worth LTFC
Date of the Incident: 10/16/14 **UAC**:
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
The client, biological mother, contacted Case Manager, stating that informed her that she was sneaking out of her foster home through her bedroom window at night in order to have sexual contact with alleged perpetrator, is a twenty three year old male that lived with in Mexico as a child; however currently lives in the Dallas/Fort Worth Metroplex. The foster parents were immediately notified and foster parent, spoke with about the allegations. confirmed that she been sneaking out of the home and confirmed that she had engaged in sexual activity. This has been occurring for approximately the past three weeks. The last known incident occurred on 10/12/14 in which and drove to home at night without the foster parent's knowledge.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: NOVA Secure
Date of the Incident: 10/16/14 **UAC**:
Date of the Incident Reported to ORR: 10/17/14
Summary of SIR:
At the above date and time, two female staff members were in the back hallway of Unit 4, reviewing individual UAC's hygiene products. UAC shouted from his room "te ves buena!" (You look good), to one of the female staff members. The staff member approached UAC room and asked him to repeat what he had said. UAC repeated, "te ves buena." The female staff then informed UAC that his comments were inappropriate and would not be tolerated. As the female staff members began to exit the hallway, UAC repeated his comment "te ves buena!"

Incident Type: Other
Facility: Southwest Key El Cajon
Date of the Incident: 10/15/14 **UAC**:
Date of the Incident Reported to ORR: 10/15/14
Summary of SIR:
CM received a phone call from who stated that he went on to the Facebook of minor in care which is how he was able to obtain information that CM, had sent to minor's mother stating that he was in our care and to contact us via telephone. CM, then asked how he knew minor. stated that minor was residing with him in Mexico since January 2014. tated that client was living with him and that one day he informed he was going out to the cyber café and never came back. Minor stated that he has never met in person but that he knows him through Facebook. On 10-12-2014 while this writer was revising minor's FB to see if minor's mother answer my message, I noticed that somebody sent a message from minor's Facebook account contacting minor's family saying "Tio llameme a este numero ------"This writer knows that the minor did not have access to Facebook but asked him anyways. Minor stated that he did not open his account but he confessed that somebody else has his password and that this account was link to other email address.

Incident Type: Suspected Smuggling/Trafficking
Facility: Southwest Key Rio Grande
Date of the Incident: 10/15/14 **UAC**:
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR: Addendum
During some part during the journey the youth informed the guide that she wanted to stay in Mexico and not travel to the United States. When the guide sexually assaulted youth, he told her to engage in sexual relations with him for exchange that he would let her stay in Mexico. After several refusals to have sexual relations with the guide, youth reported the guide left the hotel room. The next morning the guide called her adoptive brother living in the U.S. and passed the phone to the youth. The guide put his finger to his mouth as a gesture to keep quiet about the sexual assault. Youth's adoptive brother told youth on the telephone that she could not stay in Mexico and should return to El Salvador because he was afraid she would not follow his orders and stay in Mexico. Youth assumes that the guide informed her adoptive brother about her plans to stay in Mexico as she did not tell him. Youth did not hear the conversation her adoptive brother had with the guide. After the phone call with youth's adoptive brother, the guide did not want her to continue her journey, however, youth reported another guide in charge allowed her to continue on to Mexico. Based on youth's responses above, youth does present concerns of exploitation or possible trafficking.

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Incident Type: Suspected Smuggling/Trafficking
Facility: Youth For Tomorrow
Date of the Incident: 10/16/14 **UAC:**
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
Minor reported that after crossing the river he was told by his guides who were a part of that he needed to carry a backpack that contained packages of cocaine. Minor told his guides that he did not want to carry the backpack. He was told that if he did not carry the backpack they would leave him by himself in the dessert and he would have to find his own way. Minor was one of six individuals carrying the backpack and was told to walk in the front of the group with the guides. Minor was instructed when they were being apprehended to throw the backpack to the right side of the street and then he was run and hide in another area away from the backpack.

Incident Type: Sexual Abuse during Journey
Facility: IES Shelter
Date of the Incident: 10/07/14 **UAC:**
Date of the Incident Reported to ORR: 10/17/14
Summary of SIR: Addendum
On 10/15/14, Deputy (cellular number from the Brooks County Sheriff's Office arrived at the IES Shelter to interview for the sexual abuse the minor experienced in the U.S. (please refer to SIR completed on 10/08/14). Deputy informed clinician that the subsequent interview with the minor was to obtain information to file a formal report for the minor

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Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Chavaneuax
Date of the Incident: 10/15/14 **UAC:**
Date of the Incident Reported to ORR: 10/15/14
Summary of SIR:
During the interview with the clinician, disclosed information about gang members in his home town of San Miguel, El Salvador who were threatening him to sell marijuana. reported that in August of 2014 he was told by the members of o sell marijuana for them while attending school in San Miguel, and if he refused to comply they were going to beat him up. He reported that he was not ever injured and that he informed his parents of the threats and they formed an immediate plan to send him to live with his paternal aunt in Miami, Florida.

Incident Type: Sexual Abuse during Journey
Facility: IES Harlingen
Date of the Incident: 10/16/14 **UAC:**
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
reported that she was sexually abuse by an unknown man in home country disclosed that her current pregnancy is the result of the abused. As per he is about five months pregnant.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Crittenton Shelter
Date of the Incident: 10/16/14 **UAC:**
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
On the above date and time, while waiting at LAX for her flight, Client reported to me (Transporter the following: while she had been at her previous facility (Southwest Key-Ventura County), she and her female peers were woken up early in the morning by staff and taken outside to be "wetted". Client communicated that she and peers were fully dressed when they were "wetted". I asked why this occurred and she said that staff explained it as a normal "activity."

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Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: IES Brownsville Foster
Date of the Incident: 10/17/14 **UAC**:
Date of the Incident Reported to ORR: 10/17/14
Summary of SIR:
Foster parent expressed does not always tell the truth about certain things. Foster parent gave case manager an example that happened earlier this week. Foster parent stated was playing with the mat on the floor in the living room. Foster parent observed her husband touch on the top of his head and asked him not to play with the mat because the female resident (9 months pregnant) may get hurt. Foster parent then stated looked at her husband and replied "Porque me pegaste" (Translation: why did you hit me). Foster parent stated she redirected on not to say statements that are not true as they may be hurtful.

Incident Type: Suspected Smuggling/Trafficking
Facility: Southwest Key Casa Lighthouse
Date of the Incident: 9/8/14 **UAC**:
Date of the Incident Reported to ORR: 10/17/14
Summary of SIR:
The minor disclosed that once they arrived in Sonoita, Sonora they were walking through the street when two Mexican Police Officers approached them. The minor indicated that the police officers requested to provide money to them in order to release them. He reported that between him and his friends were able to pay the police officers $100.00MX. The minor stated that a man arrived a few minutes later and was talking to the police officers when the police told them to leave with him. The minor reported that they left with the man and were taken to a house where six more people were locked up. He stated that once in the house the man indicated that they had to work for him since he kept them from been taken by the police officers. The man stated to them that they work for the (Narcotrafic). The minor and his three friends were locked up in the house waiting for the right time to cross the border with the drugs. The minor reported that the previous day of his journey through the desert he and his friends were provided with food, water and shoes. The minor indicated that was forced to carry drugs on their backs for several days. He described that they would get up at 6:00am in the morning and walk for two hours with no break. He reported that they were not able to request to stop for few minutes because they were afraid. He reported that his friends and him were surrounded by people with weapons and pointed the guns towards their heads telling them to hurry up. He reported that during his journey they were poorly fed. The minor indicated that one night when the gang members were sleeping they escaped from them. He disclosed that they ran until they saw a little town located by the Interstate 8. He stated that a truck driver offered to give them a ride to Phoenix, AZ. The minor indicated that were pull over by the highway patrol because the back door of the truck was opened. He stated that the police officer requested their documentation and since they were unable to provide the documents were arrested and taken to the brother patrol officers. The minor indicated that they were transported to the ICE detention and finally he was transported to SWK Lighthouse.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: BCFS San Antonio LTFC
Date of the Incident: 10/16/14 **UAC**:
Date of the Incident Reported to ORR: 10/16/14
Summary of SIR:
reported to clinician that another UAC, who was previously in our LTFC program did not want to go to URM in Pennsylvania because he was in a relationship with a staff member at IES Driscoll, while he was a minor, and didn't want to leave Texas. stated he believes this female staff was 24 years old and was 17 years old when the relationship began. stated spent approximately 15 days in URM before leaving Pennsylvania and moving back to Texas to live with the woman. Finally, stated the woman is no longer employed at IES Driscoll and is now a teacher in Houston.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Heartland CRC
Date of the Incident: 10/17/14 **UAC**:

Date of the Incident Reported to ORR: 10/17/14
Summary of SIR:
was interviewed by Director due to reports that wanted to leave the Big Sister program as she was uncomfortable with behaviors she witnessed between and . reported that and had kissed, had passed a grape from mouth to mouth, and that Valeria had been on bed. stated that she has not seen them naked with one another, she has not seen them under the covers together (always on top of the bed), and stated that she has not seen them engage in any other type of sexual act. stated that had stated that she is a lesbian, but could not recall the date or time this verbalization occurred. denied that either or had touched her inappropriately, denied that they tried to kiss her, and denied any threats toward her on their behalf. and denied the allegations.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Brazoria County Youth Homes
Date of the Incident: 10/11/14 **UAC**:
Date of the Incident Reported to ORR: 10/18/14
Summary of SIR: Addendum
Minor reported to clinician that the Youth Development Worker (YDW staff) " was mistreating him. Minor reported to clinician that he feels " was mistreating him because "Mr. quitandonos los video game y diciendome palabra prosaica cabron". Based on this clinician's assessment, the minor experienced an incident of transference with the staff . Staff reported that while he was talking to and two other male minors about the program rules and privileges, he accidently said the word "cabron" without directing the word towards any one minor in particular. He reported that he recognized what he said and immediately apologized for saying that word in front of the minors. The minor stated that the staff directed this word to him only. On 10/17/2014, minor was transferred to Shiloh Treatment Center for 30 day sub-acute assessment for further assessment. Prior to the transfer, (clinician) met with UAC to process the transfer to Shiloh Treatment Center that included assessing how he was coping with the transfer and to clarify any questions he may have. UAC asked if he could say "good-bye" to staff, including staff who was present this date. When UAC saw this staff, UAC approached him and gave him a hug, sobbing thereafter. This staff made eye contact with UAC and provided UAC with encouraging words related to the transfer. UAC was observed to nod in agreement

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS San Antonio Shelter
Date of the Incident: 10/17/14 **UAC**:
Date of the Incident Reported to ORR: 10/18/14
Summary of SIR:
On 10/16/14 during dinner the minor stated to his peers that he took sexual pills that to enhance his erection. DFC redirected him twice about the inappropriateness of the statement. The minor disregarded her directives and stated it again. When the DFC re-directed again he became disrespectful calling her as a and . laughed at shelter staff redirection.

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Incident Type: Sexual Abuse during Journey
Facility: Heartland SCIY
Date of the Incident: 10/18/14 **UAC**:
Date of the Incident Reported to ORR: 10/18/14
Summary of SIR:
Per the minor, two other girls and she had been sexually assaulted by more than one man upon their arrival to a safe house during her journey to the US. Clinician inquired as to the exact number of men, minor declined to answer and was visibly teary. When clinician attempted to inquire further the minor noted that she did not want to talk about the subject.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: IES Driscoll
Date of the Incident: 10/16/14 **UAC**:
Date of the Incident Reported to ORR: 10/18/14
Summary of SIR:
UAC commented to he would be leaving soon and he was sad to leave the shelter. During this conversation brought up a Childcare worker who has been passing letters to him as well as having conversations which makes believe CCW wanted to have sex with him. advised CCW that CCW had made statements like "Nos vamos al bano?" or " Nos vamos al la casita solos?" and also "que se la quiere mamar." also said CCW was going to give him a bracelet which was worth $200. CCW did see one of the notes which said " Te quiero mucho.... Really I do"

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DCS Weekly Significant Incident Report
Submitted by: Jacqueline Melvin
October 19 – October 25, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 7
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 9
- Suspected Smuggling/Trafficking: 15
- Possession/Use of Drugs: 0
- Sexual Abuse outside the US – UAC Pregnant: 2
- Sexual Abuse during Journey: 4
- Other: 1

Total Number of Major SIRs: 38; Total Number of SIRs for the Week: 505; Number of SIRs for FY15: 1634

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Mesa Staff Secure
Date of the Incident: 10/20/14 **UAC**:
Date of the Incident Reported to ORR: 10/20/14
Summary of SIR:
Minor disclosed that between May 2013 and January 2014 minor had been working as a foot guide. Minor states that he had dropped out of school (he had finished his 2nd year of "Secondaria," or 8th grade) and in order to assist his mother and siblings financially, minor began guiding people across the border (across the river). Minor reports that he at first made 2 trips back and forth, and that minor's mother, supported his actions. Minor reports that he did not like it because the people around him intimidated him and he was scared to continue. Minor was 12 years old. However, minor reports that he felt coerced to keep working as a foot guide because he was scared of his family being killed if he refused. Minor stated that he did not remember the name (nickname) of his "boss," but reported that he (the boss) worked for the " Minor also disclosed that many times he was not paid the amount promised to him and was offered a number of excuses by his boss. Finally, according to minor, his boss stopped telling him to go on jobs in January 2014. Minor goes on to report that in June 2014, minor's old boss tracked him down once again and told him to guide four people across the border. Minor denies that he was physically hurt, but reports that there was a very explicit physical threat by boss to comply. Minor reports that he (minor) as well as the lives of his mother and 3 siblings were threatened by boss. Minor states that he did the job being ordered but that he had to help his family move to another side of town (Matamoros) to protect them from the cartel members.

Incident Type: Suspected Smuggling/Trafficking
Facility: New Hope Emergency Children's Shelter
Date of the Incident: 10/20/14 **UAC**:
Date of the Incident Reported to ORR: 10/20/14
Summary of SIR:
UAC has exhibited an infatuation with a 60 year old male whom he claimed to live with for the past year. During every session the clinician has with UAC he will ask to make a phone call to his care taker in home country. During a session on October 16, 2014, UAC disclosed working for the 60 year old male in home country. UAC stated a year ago, his mother told him she was unable to provide for him and so informed him he would be living with an "uncle" he had never met before. UAC stated he lived with 5 other males, whom also worked for his so called "uncle", However, UAC stated unlike the other workers, he would not receive payment for work performed in the fields planting milpa or cutting firewood because the 60 year-old male whom he lived with, would provide food and shelter for him. UAC denied being forced to do sexual favors and denied any physical abuse during his stay, however UAC had not been living with for an extended period of time. UAC tated that the incident was not reported to police officials and denied needing medical attention.

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Incident Type: Sexual Abuse during Journey
Facility: Helping Hands
Date of the Incident: 10/20/14 **UAC**:
Date of the Incident Reported to ORR: 10/20/14
Summary of SIR:
Youth reports he witnessed one of the coyotes (Javier) rape a female who was traveling with him. He reports wanting to help her but felt helpless because he was afraid of the coyotes. Youth reports he was also slapped by the same coyote after he was done talking to his mom because he was crying. He was also hit with a "ruler" by after youth went outside the house where they were hiding out. Youth was also threatened not to leave the house again or his mother would get "hurt". This same coyote would have youth pick up coins on the floor and touch his butt.

Incident Type: Suspected Smuggling/Trafficking
Facility: Mercy First
Date of the Incident: 10/20/14 **UAC**:
Date of the Incident Reported to ORR: 10/20/14
Summary of SIR:
Minor reported members forcefully told minor to be their look out for a day in COO. Minor reported the gang members instructions were that minor had to alert gang members when the authorities would come nearby. Minor reported that if he didn't obey to the gang members, they threatened to hurt him and his family members. Minor reported this happened only once in COO.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Campbell
Date of the Incident: 10/17/14 **UAC**:
Date of the Incident Reported to ORR: 10/20/14
Summary of SIR:
Due to various concerns related to the client's relationship with an adult, who resides in the U.S. and a loan he made to the family, and as well as leads where in agreement to submit for trafficking concerns. Client did not have any relationship with while as in home country and began in having telephonic contact with him approximately two years, two years after he had traveled to the U.S., throughout and efforts to assess for trafficking and the wellbeing of the client, the client and her parents have provided conflicting information. Client provided boyfriend's contact information stating it was her siblings' information. Client initially denied understanding or Speaking Spanish and was not responsive when an interpreter was provided. When clinician followed up client denied arrangement to live with her boyfriend and initially denied having a boyfriend. Client stated it was boyfriend idea for client to travel to the U.S. and stated that it was an arrangement made between boyfriend and parents and she was unaware of the detail. Client stated that she had agreed to travel as her boyfriend informed her she would be provided with an education and "everything" she wanted. Client reported that her boyfriend lent the family 20,000 quetzal for a family debt they had with the bank due to some property. Client additionally stated that the boyfriend was the solely responsible to pay the client's travel to the U.S. -When and followed up with father he initially denied having received any money from the boyfriend and when CL inquired about the client's disclosure, father confirmed that it was loan and it did not involve the client or the status of her relationship with this individual. Father further stated that the client would receive a monthly allowance of 100 to 200 U.S. dollars from the boyfriend which the client utilized for personal expenses. Throughout the client's discussion she states that multiple people, father, sibling, pastor have informed her that she must marry this individual as she has received money from him and it would be disrespectful or an embarrassment to her and the family if she does not follow through with the marriage. Client additionally stated that the boyfriend and father informed the client that if she does not marry this individual then the family will be responsible to repay the debt otherwise, the debt will be cleared.

Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Suspected Smuggling/Trafficking
Facility: Galveston Multicultural Institute
Date of the Incident: 6/1/14 **UAC**:
Date of the Incident Reported to ORR: 10/20/14
Summary of SIR:
Minor reported that he was physically assaulted by gang members. This incident happened about 2 months before withdrawing from school (June 2014). He reported that he was beat by 7 or 8 gang members for few seconds; they hit him with their hands all over his body except the head, threw him on the floor, and kicked him with their feet. Minor reported that he had bruises. He reported that he hid the bruises from his mother because he didn't want to hurt her/for her to suffer what he was doing. He did not receive any medical care after the beating. Minor reported that he withdrew from school on the first week in June 2014 because he was threatened by the According to minor he was forced by the gang to join them and work for them as a drug seller. He reported that he used to sell cigarette of Marijuana for one dollar each. Minor reported that he was threatened by the gang with hurt his 26 years old sister if he does not comply with the request from the gang. He was told "le vamos a hacer algo a tu hermana si no nos ayudas" (We are going to do something to you sister if you do not help us

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: IES Hildago
Date of the Incident: 10/20/14 **UAC**:

Date of the Incident Reported to ORR: 10/20/14
Summary of SIR:
On 10/20/14, the assigned clinician met with age 7, in regards to a disclosure made by child's foster parent. Foster parent reported that on Sunday 10/19/14, the child disclosed that the child's brother, (also a UAC in IES care), touched inappropriately in her private area. When the assigned clinician asked for additional information, reported that it occurred while they were watching television in the living room and this was the first occasion that something like this occurred. reported that she immediately informed foster parent, who was changing a sibling's diaper when incident occurred.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Paso
Date of the Incident: 10/20/14 **UAC**:
Date of the Incident Reported to ORR: 10/20/14
Summary of SIR:
While waiting at the gate to come into the garden area, minor pulled down the shorts of another minor exposing the underwear of the other minor.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Bokenkamp TFC
Date of the Incident: 10/17/14 **UAC**:

Date of the Incident Reported to ORR: 10/20/14
Summary of SIR:
UAC reported to foster mom that UAC was touching himself inappropriately and in a sexual manner under the blankets during their bed time. According to UAC both UAC and, UAC were sitting on the floor of the bedroom with a blanket over them and their hands under the blanket watching TV. UAC pulled the blanket away from them and found UAC with his pants down. According to UAC UAC approached him, put his hand under the blankets, and pulled down pants down.

all redactions on this page have been made pursuant to (b)(6)

Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Sexual Abuse during Journey
Facility: Mercy First
Date of the Incident: 10/8/14 **UAC**:
Date of the Incident Reported to ORR: 10/20/14
Summary of SIR:
During the initial UAC assessment the minor reported that while in Mexico he stayed in a home. While in this home the minor stated that several gang members would target him, and touch his buttocks. On several attempts the gang members tried to pin the minor and another minor on top of each other.

Incident Type: Suspected Smuggling/Trafficking
Facility: Shenandoah Valley Juvenile Center
Date of the Incident: 10/21/14 **UAC**:
Date of the Incident Reported to ORR: 10/21/14
Summary of SIR:
UAC reports that he witnessed torturing people in the streets. He reports that he was stopped and held by approximately six times within the past year. The first three times, UAC was hanging out with friends who had angered the Cartel. UAC reports that he was taken into the woods and beaten. UAC was held for a day and then released. Another time, UAC was kidnapped for about a week. UAC reports that he was blindfolded, tied up and beaten. UAC was with other boys in the same situation. His mother and uncle were charged a sum of money for UAC to be released. UAC does not know how much his mother and uncle paid. Then another time, UAC was kidnapped by the Cartel and 'planked'. UAC reports that he was hit in the knees with a wooden board until his knees bleed. UAC was unable to walk after being 'planked'. On 10/09/14, UAC was drinking with his friend, and his cousin,
They all spontaneously decided to cross the border, try to work in the United States and live with UAC's aunt in Brownsville, TX. As they were walking towards the border, they were kidnapped by UAC reports that they were tied up for about three days with UAC reports that he was whipped on his bottom with cords, beat with the cartel member's fists, and had a gun to his head. UAC reports that they were instructed to carry drugs across the border or be killed. UAC reports the cartel members cut head off with a machete in front of UAC and his cousin to demonstrate the consequences of disobeying their orders. UAC and his cousin were instructed to carry 10 kilos of marijuana across the border with a guide. UAC and his cousin crossed the border on 10/12/14. Once they were across the border, UAC and his cousin threw the drugs on the ground and started running. UAC reports the guide threatened both UAC and his cousin that they would be killed if they returned to Mexico for not carrying the drugs. UAC reports that the guide took the drugs back to Mexico.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Heartland SCIY
Date of the Incident: 10/16/14 **UAC**:
Date of the Incident Reported to ORR: 10/21/14
Summary of SIR:
During the initial clinical session, the minor reported that he had inappropriate interactions with a staff while in his previous program. The minor reported that while in his previous facility he would often feel upset because the other minors had parents who loved them and would work to get them out of the program quickly. He stated that he felt, "desesperado," that he was not leaving quickly and saddened that his parents did not care for him in this same manner. The minor stated that during this time, he gained a great deal of support from a male staff in the program named,
The minor reported that told the minor, "yo no puedo tener hijos,entonces te voy a cuidar como si eres mi hijo." The minor stated that he would often talk to in order to feel better when he was upset. The minor also reported that while he was in the program, was handing out company shirts to other staff members. The minor stated that he then asked , "Y donde esta la mia?".The minor reported that on the day he left the program in order to be transferred to SCIY, provided the minor with one of the company t-shirts and then took the minor into one of the rooms to hug the minor. The minor stated that he believes that took him to the room to hug him in order to be out of camera sight because everyone knew that it was part of the rules not to touch others. The minor denied being touched by Jaime at any other time. There is a previous SIR for the minor's referring facility due to concerns for inappropriate relationship between the minor and a female staff from his previous facility.

Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS San Antonio
Date of the Incident: 10/21/14 **UAC**:
Date of the Incident Reported to ORR: 10/21/14
Summary of SIR:
During UAC Mental Health Assessment with interpreter, Isabel reports she was not paid correct amount while working in Guatemala. While working on a coffee plantation she was promised 500 Quetzal for 40 days of work. Instead, Isabel reports receiving 300 Quetzal for her work which included picking coffee and cleaning the plantation. During her stay she reports her boss was extremely demanding and would have her and uncle work 12 hour shifts with limited food and water. Isabel's job depended on the need and as a result would work daily sometimes and other days have off. iving conditions consisted of staying in a warehouse with 60 other men and female workers. Isabel denies and physical abuse.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Heartland IYC
Date of the Incident: 10/20/14 **UAC**:
Date of the Incident Reported to ORR: 10/21/14
Summary of SIR:
Within the context of the clinical session, minor disclosed a female staff who worked at BCFS while minor was detained there was aware of minor's plans of escaping the facility and had promised to help minor and another participant after their escape. (See SIR completed for AWOL). Minor reported staff was a female of Mexican origin in her mid-twenties. Minor refused to disclose staff's name. Minor reported staff was aware minor and the other participants were planning on escaping the facility and promised them she will help them. Minor reported staff gave minor and the other participant her cell phone number to call her after they had escaped with the intention of helping them. Minor reported they called her from a public phone with money received from a Spanish-speaking adult male whom they met in the park. Minor reported staff told them to call her again the same day at 10 pm, after she finished her shift. Minor reported he and the other participant returned to the center before they had the opportunity to call her again. Minor reported she was no longer working there upon their return. Minor reported he believes she was fired because someone had suspected she was involved in minor's and the other participant's escape.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: SWK Mesa Shelter
Date of the Incident: 10/16/14 **UAC**:
Date of the Incident Reported to ORR: 10/21/14
Summary of SIR:
Clients reported to youth care worker nd Shift Leader that he saw one of the legs broken on a sofa, because he saw two staff sitting on the sofa, youth care worker and shift leader who was in area B sometime between 10:00pm and 6:00am during third shift under a blanket appearing to be doing something inappropriate.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Combes
Date of the Incident: 10/22/14 **UAC**:
Date of the Incident Reported to ORR: 10/22/14
Summary of SIR:
is a 16-year-old male from Guatemala who arrived to the shelter on 10/03/14. Youth reported inappropriate behavior by a peer in the program. Per internal documentation, youth disclosed to Teacher Assistant that a peer grabbed his buttocks while they were brushing their teeth in bathroom #6. eportedly began to address the behavior with the youth and another youth that resides in the same room The youth reportedly stated they normally horseplay in that manner (grabbing each other's buttocks) and the other youth made a comment to the staff member about being homosexual. All youth involved were placed on Poor Peer Relationship status and have been separated from one another. In addition, youth were educated on appropriate behavior in the program.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Secure
Date of the Incident: 10/22/14 **UAC**:
Date of the Incident Reported to ORR: 10/22/14
Summary of SIR:
At approximately 10:40am a sexually inappropriate note was found on the teacher's desk near his computer. The note contained drawings of multiple penises and said "joto" (homophobic slang), "puto" (bitch). Staff in the classroom did not see who threw the note nor did the teacher, so APD nd County Manager reviewed the video of the classroom and were able to see this minor throw the note onto the teacher's desk where his computer was. During the time while APD and County Manager were watching the video this minor was having to be redirected by YCW for drawing picture that was offensive to another program minor. This minor then became verbally aggressive towards staff and posturing in an aggressive manner at staff. He was able to comply and go to his room without further incident but was verbally aggressive towards YCW

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: IES Driscoll
Date of the Incident: 10/16/14 **UAC**:
Date of the Incident Reported to ORR: 10/21/14
Summary of SIR:
On October 21, 2014 during a follow up session with resident, he disclosed additional information to clinician regarding inappropriate comments and physical contact made by a childcare worker. Resident reported the childcare worker would give him candy, but minor denied ever eating the candy. He mentioned throwing the candy away out of fear the childcare worker had laced it with drugs. In addition resident stated while he was making his bed on October 18, 2014 the childcare worker came into his room and hugged him. Resident states he immediately pulled away from the childcare worker and informed him he was going to report the incident. Minor admitted feeling uncomfortable. Minor proceeded to state a month ago resident had disclosed the same childcare worker would ask him for hugs and kisses. However, minor denies having any knowledge of physical contact between the two.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Harlingen
Date of the Incident: 10/21/14 **UAC**

Date of the Incident Reported to ORR: 10/22/14
Summary of SIR:
UACs and accused of inappropriately touching their private parts.

Incident Type: Sexual Abuse during Journey
Facility: Lakeside Washington
Date of the Incident: 10/5/14 **UAC**:
Date of the Incident Reported to ORR: 10/6/14
Summary of SIR: Addendum
Minor stated that her mother made arrangements for her journey, but did not mention that they would be stopping at bodegas along the way. They made two of these unplanned Bodega stops during her journey. During the first stop there was no issue. At the second Bodegas, in exico, one of the men there took her and another girl to a factory near where they were staying. While there the man took the other girl to another room. He returned and took minor to a separate room. In this room he forced her to have intercourse with him. Minor stated that she attempted to fight him off, but was threatened that she would be reported to Mexican Immigration if she kept fighting. Afterwards he reiterated that he would report her to Mexican immigration authorities if she told anyone, and returned her to the Bodega where she continued on her trip.

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Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Paso
Date of the Incident: 10/20/14 **UAC**:
Date of the Incident Reported to ORR: 10/21/14
Summary of SIR:
Minor reported that he and a friend, Rene, met up with the people that he worked with the day before he came to the US and they took him to a house outside of the city in a ranch far from his home around 7pm with the understanding that they would be going to work as a guide. He reported that upon arriving he was told that they did not yet have permission to cross from those who control the border. He stated that he wanted to leave but was told that he would have to stay until the next day. He stated that because he was far away from the city there was no way to leave. He reports that they threatened to beat him if he tried. He also reports that that same night he told them that he no longer wanted to work for them and that he was told that if he did not work for them a few more times that he would have to endure a beating as his punishment. Minor reports that he and Rene stayed there until about 11 am the next day when they were told they had permission to cross. He was then taken to the Rio Grande River to cross over with the group of immigrants.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Morrison TFC
Date of the Incident: 10/14/15 **UAC**:
Date of the Incident Reported to ORR: 10/22/14
Summary of SIR: Addendum
YCW reported observing LEAP Teacher put her hands on the hood of sweatshirt and pulled directly back in response to his actions of grabbing the other minor's arm. also reported to CPS worker the concerns regarding the thought the incidents linked, but the CPS worker did not agree. and met with the supervisor and he explained that there have been concerns regarding communication/interactions between LEP Teacher and YCW and that there is tension between the two individuals.

Morrison Administrative Services Supervisor was asked to consult with as ehavior appears to be somewhat hostile towards the LEP teacher. Morrison will continue to monitor YCW interactions with LEP teacher and provide continued support and supervisor regarding this issue. On Friday the 17th met with , LEP Supervisor, and , LEP Vice Principal. also witnessed the first incident of the sweatshirt. She claims nothing happened. was informed of our process of having the teacher assist in the reporting since when individuals are directly that they should make the call to CPS. It was explained to and that there should not be any physical contact between LEP Staff and the minors. The tension between YCW and LEP teacher was also discussed and agreed to provide additional support and supervision.

Incident Type: Suspected Smuggling/Trafficking
Facility: Southwest Key Sol
Date of the Incident: 10/22/14 **UAC**:
Date of the Incident Reported to ORR: 10/23/14
Summary of SIR:
Client stated that he traveled with his uncle, and his 2 cousins. Client reported that his uncle traveled with them to ensure they arrived to the U.S. Mexico border safely. Client stated his uncle had arranged for all of them to work picking squash in Mexico with and individual. However, this individual was unable to obtain them work and consequently went with another individual. Client stated he had a fake Mexican identification to be able to work in Mexico. Client stated his cousins and uncle where unable to work at the location due to not having a hard copy Mexican identification. Thus, client was left to work at the location for a week while, client's cousins and uncle when to holding house in Sonora. Client stated he signed a contract in Hermosillo stating he would work the entire harvest which was about a month. In addition, the overseer of the location required client to have 3days of work be withheld from his pay check. Client stated this was to prevent workers from leaving before the harvest ended. Client indicated he was paid $120 pesos a day and was to pay $280 pesos for food provided to client while he worked. Client reported that he would work from 7am-7pm. Client stated that although he was not forced to work, he was obligated to work. He stated the area in which he worked was supervised and gated to prevent people from escaping and leaving the area. Client stated he worked

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for a week and only received $200 pesos for a week's worth of work after paying the $280 pesos for food. Client stated he was finally able to escape because they would allow workers to leave the premises on Sundays.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland CRC
Date of the Incident: 10/10/14 **UAC**:
Date of the Incident Addendum
A Trafficking SIR is being submitted due to labor trafficking indicators. The minor reported that she was provided with housing by her employer. Minor reported that after a year of working she was forced into a car and was sexually and physically assaulted by her boss and police officers in her home country. Minor stated that this happened because she went to the police to report that her boss and other management personnel were sexually abusing the women she worked with.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Seton Home
Date of the Incident: 10/24/14 UAC:
Date of the Incident Reported to ORR: 10/24/14
Summary of SIR:
Resident disclosed during initial clinical assessment on 10/24/14 that she is currently 5 months pregnant. The pregnancy was not the result of a consensual relationship. The resident disclosed that she was assaulted in home country (Guatemala) around May 2014. The resident denied knowing the identity of her attacker. The resident denied having reported the assault to the authorities or to her family, as has not received any prenatal care as a result.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Children's Village SS
Date of the Incident: 10/22/14 **UAC**:
Date of the Incident Reported to ORR: 10/23/14
Summary of SIR:
According to the report of another resident, was rubbing his private part in the morning and told his roommate that when he is sleeping that he was going to rub his private part in his face. The other resident also reported that Juan put his finger in his nose and wiped himself in the other resident's pants. The roommate looked for a staff and informed staff of what had happened in the bedroom. The roommate was immediately removed from the room and placed in another room. Throughout the minor made inappropriate comments to the female staff including the Assistant VP. Comments included that the female staff looked good and he would like to hit that. During media he walked towards a female staff and touched her face. In class he ripped the placement test that was given to him by the teacher and he broke the pencil in half. When the staff redirected him, he told the staff, "Me Vale Verga." During siesta, minor kept on calling a particular female staff informing her that he had a gift for her. The female as per order sent a male staff, male staff saw that the resident had his hands in his pants and pulled his pants up. Minor during transitioning from recreation in the basement shoved another minor aside and threatened to fight him. Staff immediately intervened and the other minor stepped aside and told him didn't want any problem with him.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: NOVA Secure
Date of the Incident: 10/20/14 **UAC**:
Date of the Incident Reported to ORR: 10/23/14
Summary of SIR:
While staff was performing room checks, UAC was observed in his room screaming loudly, and pulling his pants down to expose himself to another UAC across the hall. Staff verbally informed the UAC that this was unacceptable behavior. He remained in his room with no further incident.

Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Suspected Smuggling/Trafficking
Facility: Southwest Key Canutillo
Date of the Incident: 10/22/14 **UAC**:
Date of the Incident Reported to ORR: 10/23/14
Summary of SIR:
During a scheduled session on 10/22/2014 client provided additional information to his initial report on 9/25/2014. had initially reported his grandmother had tried to force him to sell drugs in his home country. During the session, voiced that he in fact was forced by his grandmother to sell and distribute marijuana. reported that for the past several years, his grandmother's house was a "stash house" and he lived around what looked like "bricks" of Marijuana and cocaine. reported his grandmother would make him sell drugs from his house (her house) as she would simply ask him to open the door, give "a package" and retrieve money from the person picking it up. He voiced his house was "like" a distribution center. reported his grandmother would beat him if he did not comply with this. also reported to have felt anxious and stressed about the situation and felt ill at times because he complied with this.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Weslaco
Date of the Incident: 10/22/14 **UAC**:
Date of the Incident Reported to ORR: 10/23/14
Summary of SIR:
UAC (age 15) arrived to IES Weslaco foster care program on 10/21/14. Upon completion of her initial intake on 10/22/14, reported to case manager that she was 3 months pregnant, and disclosed that her pregnancy was non-consensual. According to she was threatened by (age 20) who is a member in El Salvador to go live with him if not he was going to kill her. stated that he took her out of school by force and that she felt obligated to go with him since she feared for her life. fled from residence and home country due to being threatened by and feared for her life.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: BCFS Fairfield Staff Secure
Date of the Incident: 10/21/14 **UAC**:
Date of the Incident Reported to ORR: 10/22/14
Summary of SIR:
During the afternoon activity disclosed that he had a "horrible" experience at his precious placement (Union County). According to officers verbally abused the minors and encouraged them to fight whenever there were disagreements. recalls being insulted by a male of large build and Cuban origin. Furthermore, also reported that staff members provide gloves to the residents and took them into a room allowing them to hit each other and settle their "differences". As the fight in the room occurred, staff would make bets and provide the "winner" with outside food. The report was submitted to New Jersey Department of Children and Families by . Per the report was submitted for investigation to New Jersey Institutional Abuse. Please note, has been very guarded about the information he shares and who he shares the information too.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS San Antonio Staff Secure
Date of the Incident: 10/23/14 **UAC**:
Date of the Incident Reported to ORR: 10/23/14
Summary of SIR:
During weekly meeting with clinician, reported that on one of his successful journeys to the U.S. he was hitchhiking his way back in to Mexico and was offered a ride by an unknown individual who coerced him to cross a package from the U.S. in to Mexico. He refused and he felt his life was in danger because he was threatened. felt he had no choice but to cross the package in to Mexico. He states he did not know the contents of the package. was given a small package and a gun for protection. He was detained by U.S. police officers as he attempted to cross the package in to Mexico. reports he was placed in a juvenile detention center in Edinburg, Texas in 2012.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: A New Leaf
Date of the Incident: 10/23/14 **UAC**:
Date of the Incident Reported to ORR: 10/24/14
Summary of SIR:
Prior to the incident, client and had finished lunch. Approximately 2pm, both clients got up to read their kitchen duties, which are posted in front of the door entering the kitchen area. Staff was able to clearly see both clients from his view point; staff was sitting at the dinner table facing all clients. Client nd were reading their kitchen duties in front of the door. Both clients were standing shoulder to shoulder when client reached down with her right hand and quickly grabbed client hand which swiftly proceeded with client SA grabbing peer's rear-end. Staff immediately addressed client's behavior. Client without delay pulled her hand away from peer's buttocks. During incident, client did not react to client s inappropriate touching. Staff actually observed client smiling as this happened. Moreover, client and attempted to lie about the incident saying client just attempted to reach over to better read the kitchen duties log. This incident is being reported for information purposes; both clients involved denied incident.

Incident Type: Sexual Abuse during Journey
Facility: Friends of Youth McEachern
Date of the Incident: 10/24/14 **UAC**:
Date of the Incident Reported to ORR: 10/24/14
Summary of SIR:
While completing initial intake, was asked "do you feel safe right now" responded no as there were many male staff working in the program. elaborated and reported that during his trip to the U.S. he was kidnapped, eventually was able to escape and then declined housing at the immigrant shelter. reported that he then met a man who threatened to call the police or the cartel if he did not go with him. reported that this unknown male who he described as bald, short and chubby, sexually abused him. was reluctant to share any further details or information.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Morrison Paso
Date of the Incident: 10/24/14 **UAC**:
Date of the Incident Reported to ORR: 10/24/14
Summary of SIR:
On 10/24/14 clinician, was meeting with when he stated that a former resident of the program told him and the other residents that the following things happened at Morrison Senderos Secure Program. 1) The former resident stated that when new minors entered Senderos they would fight for 15 minutes. When asked if staff intervened or of kids were hurt, stated that he didn't know and that this was all that was said. 2) The former resident also stated that all the residents at would shower together. 3) The former resident stated that the food was bad. 4) The former resident stated that they were given IPODS. was further interviewed by Clinical Supervisor and When he was asked questions about the disclosures he stated that the former resident just told them these incidents occurred and didn't ask any questions and wasn't told about anything else.

Incident Type: Other
Facility: BCFS Baytown
Date of the Incident: 10/24/14 **UAC**:
Date of the Incident Reported to ORR: 10/24/14
Summary of SIR:
On 10/24/14 at 5:30 pm, Case manager contacted sponsor to inquire about anyone contacting him requesting money to release the minor. The sponsor reported that he received a call a week before Case Manager contacted him to ask if he was willing to sponsor the minor. The sponsor reported that the call that he received was from a private number and it was made between 10/6/14 and 10/7/14. The sponsor reported that a man asked him to send him money and a lady would come to his door and bring the minor to him. The sponsor reported that the man did not disclose an amount to send, but he did not listen to the man and hung up the phone.

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Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland IYC
Date of the Incident: 10/24/14 **UAC:**
Date of the Incident Reported to ORR: 10/24/14
Summary of SIR:
During the course of initial assessment, minor disclosed a history of working as a foot guide crossing undocumented immigrants into the United States. Minor reported that when he was 11 years old he would cross into the United States by himself to visit friends. When he was 13 years old a friend approached him that said with wanted minor to work as a foot guide. Minor reported hreatened him that if minor did not work for CDG minor would be killed. Minor stated trying to stop working as a foot guide when he was 14 years old but threatened him again that if he stopped then the would kill him. Minor stated working as a foot guide from 13 to 15 years old. Minor stated working one day a week, where he would cross approximately 10 migrants at a time, and get paid 80 dollars per person. Minor reported there was one time when he was 14 years old he was called upon to smuggle 20 kilos of marijuana (approximately 40 lbs) but was not ordered to smuggle any more. Minor worked as a foot guide until he was 15 years old when he was apprehended on July 22, 2014 in TX. Minor reports being apprehended 25 times prior to 2014 and was apprehended for the 26th time in July 2014 where he was detained and sent to an unaccompanied minors program in California. Minor was sent to a family friend in TX on September 12, 2014 and a week later moved in with his mother in TX. Minor states on October 19, 2014 he went back to Mexico to inform a leader in the named Miguel that minor had been detained in the United States which is why he was no longer working as a foot guide. Minor reported needing to do this because a nephew of who lives in TX found minor on Facebook and informed him that if he did not show his face to nd offer an explanation would hurt his family. Minor denies neither experiencing any physical harm nor witnessing any harm being done to anyone else. Minor states being forced to work for as a foot guide but denies being a member of the cartel or any other gang.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Paso Staff Secure
Date of the Incident: 10/25/14 **UAC:**
Date of the Incident Reported to ORR: 10/25/14
Summary of SIR:
stated that one of his brothers, who is 25 y/o, has been forced to work for people who contract with the in Mexico. Minor stated that his brother has been obligated to live in a warehouse where the people who are going to be smuggled are taken before crossing the border, and he is not allowed to live that warehouse. reported that his brother had an accident that resulted in a mental disability when he was 18 y/o. Minor stated that his brother has been apprehended several times by the authorities, but is always let go due to his disability. believes that because his brother will never been imprisoned, the people who have him captured don't let him go and forced him to work. stated that he (minor) started to work for the cartel as a foot guide about 6 months ago. stated that he started because his mother left the house and he was obligated to provide for his little siblings. Minor stated that he communicated to a friend that he would like to work for the cartel, and several days later members of the cartel came to his house and told him to work. Minor stated he had to work since he felt he could not refuse as he had heard several stories about minors being hurt when they refused to work for the cartel. Minor stated that when his daughter was born (about 4 months ago) he said to his boss he did not want to work anymore. Minor stated he was told that he would be hit with the wooden board if he refuses to work. Minor disclosed that he was also communicated that if he refuses to work he will never see his brother again, and he could only see him if he continues working for them. stated that his boss, whom he called , would pick him up not only from his house, but would look for him in several other places like a soccer field or the streets of Minor stated he felt harassed by his boss, but he felt obligated to work since he was afraid to be punished and also feared that something bad would happen to his brother.

all redactions on this page have been made pursuant to (b)(6)

Obtained via FOIA by Judicial Watch, Inc.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Secure
Date of the Incident: 10/24/14 **UAC**:
Date of the Incident Reported to ORR: 10/25/14
Summary of SIR:
Case manager was conducting an informational interview with mother of UAC, via teleconference. According to case manager's verbal report mother stated UAC traveled with another youth that was deported to home country recently. According to mother UAC and the other youth were (enganado) lied to by " (teacher, unsure of relation to minors; actual name unknown) into coming to the USA with. Mother of the UAC stated the had intentions of selling the youth (unknown to whom, or for what). According to youth's mother, UAC and the other youth ran away from the adult at the border in Mexico and crossed over to the USA, because he was "tratandoles muy mal" (treating them very poorly). Program is uncertain what "poorly" means at this time, or if abuse occurred. Both youth were apprehended by US authorities. 2. Per mother of UAC, is in custody, but it unknown to what authority or where. 3. Mother of UAC stated " has threatened UAC and other youth with death when he exits jail. Mother of UAC states the girlfriend (name or description unknown) of " is looking or UAC in US to kill him

Obtained via FOIA by Judicial Watch, Inc.

DCS Weekly Significant Incident Report
Submitted by: Jacqueline Melvin
October 26 – November 1, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 1
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 11
- Suspected Smuggling/Trafficking: 10
- Possession/Use of Drugs: 1
- Sexual Abuse outside the US – UAC Pregnant: 1
- Sexual Abuse during Journey: 7
- Other: 3

Total Number of Major SIRs: 34; Total Number of SIRs for the Week: 464; Number of SIRs for FY15: 2098

Incident Type: Sexual Abuse during Journey
Facility: CC Houston
Date of the Incident: 10/27/14 **UAC**:
Date of the Incident Reported to ORR: 10/27/14
Summary of SIR:
Minor reported while waiting in a warehouse in , Mexico, a man forced her to kiss him two times. Minor reported she pushed the man off and ran to a room where the women were. Minor did not report any other injuries or abuse.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS San Antonio Shelter
Date of the Incident: 10/24/14 **UAC**:
Date of the Incident Reported to ORR: 10/24/14
Summary of SIR: Addendum
Due to nature of allegations at previous shelter (inappropriate sexual behavior between one UAC against), minor was interviewed by SAPD Detective Wesley Ross, and a Spanish speaking translator. During this interview, RAICES child attorney , HHS OIG, and Clinician were present.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: A New Leaf
Date of the Incident: 10/26/14 **UAC**:
Date of the Incident Reported to ORR: 10/27/14
Summary of SIR:
At approximately 9:30pm, staff informed shift lead that both clients, and were talking to her about client prior to going to bed. According to Staff both clients stated client informed them that she feels attracted to Clinician and staff member Client stated to and he will do her best to entice both male staff.

Incident Type: Other
Facility: BCFS Harlingen
Date of the Incident: 10/27/14 **UAC**:
Date of the Incident Reported to ORR: 10/27/14
Summary of SIR:
On 10/27/2014 at 2:27 PM, Case Manager received a phone call from sponsor (mother) stating that she was calling to report she received a call from a female named Sponsor disclosed to Case Manager that this female caller reported her son (UAC was in the United States with a coyote. Sponsor was instructed to call the coyote at and pay money in exchange for UAC Sponsor reported she did not call the number as in previous conversations with Case Manager she had been made aware to report any such incidents and explained services were at no cost to the sponsor.

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Incident Type: Suspected Smuggling/Trafficking
Facility: CC Houston
Date of the Incident: 08/14/14 **UAC**:
Date of the Incident Reported to ORR: 10/27/14
Summary of SIR: Addendum
Minor mentioned that she spoke and met directly with the man (previously denied information) that was in charge of arranging her appointments with potential clients. She reported that she is not sure if this man was part of the FBI undercover operation or if he, in reality worked in the business of "selling of minor girls." Minor mentioned that he told her she would be paid $5,000 per client. Minor indicated she had the option to perform sexual acts with more than one client per night and that she was going to meet with 2 to 3 clients per night. She reported that she planned on working for one month, giving the money (she estimated $200,000) to her sister who was in turn going to distribute the money to their sister nd their mother in Honduras, who were not aware of the plan. Minor stated she planned to move back to Louisiana after her month of working in the Houston area. Minor reported she wanted to work to pay back the family for everything they have done for her. The minor has also started asking when she can speak to her mother about her sisters, currently, she is restricted from speaking to her mother about trafficking concerns and her sisters, and Luz).

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Harlingen
Date of the Incident: 10/27/14 **UAC**:
Date of the Incident Reported to ORR: 10/27/14
Summary of SIR:
During individual session with 15 year old female from El Salvador, she reported that back in her home country she was raped by an older male gang member. did not want to provide any details at the time, but mentioned she is 2 months pregnant as a result of the rape reported that it was an older male and that she had seen him before in the neighborhood but was not acquainted with him.

Incident Type: Sexual Abuse during Journey
Facility: Children's Village Shelter
Date of the Incident: 10/28/14 UAC:
Date of the Incident Reported to ORR: 10/28/14
Summary of SIR:
Minor requested to speak with Case Manager regarding an incident that took place during her journey to the U.S. Minor is a 15yo Hispanic female originally from El Salvador who traveled with her female cousin to the U.S to reunite with extended family living in the U.S. Per the minor, she informed the Case Manager that in Veracruz, Mexico she was raped by the owner of a hotel she and her cousin were staying. According to the minor, she and her cousin got into a fight while in the hotel room due to her cousin wanting to sleep in the same bed as the coyote that was bringing them to the U.S. Minor mentioned she wanted to sleep in the same bed as her cousin for protection purposes however, cousin refused. At that time, minor stated she punched her cousin in the back and everyone in the hotel room ganged up on telling her she was no longer able to sleep in the same room and she was to sleep outside; minor was provided with a pillow. Minor stated it was very cold at night and was not able to fall asleep. In the morning, she was told to get everyone breakfast before they started their journey. Minor stated she was really upset at her cousin and decided to go to the supermarket that was in that neighborhood. Minor stated the owner of the hotel (drug smuggler), was following her and "bothering" her stating told him to pick her up and take her back to the hotel. According to Minor, she did not want to get in the car with him however, since he was being very persistent and was growing impatient with his groveling she got in the car. According to minor, he informed her that he was going to take her to his home to pick up a few items that he forgot. At first, as hesitant in going however made the decision to go with him. In the car, he began to offer her something to drink; he kept insisting until minor drank what appeared to be soda. Minor stated that this particular drink had something in it that made her fall asleep. Minor stated when she woke up she found herself in his house, on his bed, under the covers; minor stated she was raped by this man. Minor stated she grew very upset she began to cry and immediately got dressed. Minor stated she did not see the man in the same room as her so she grabbed his car keys and his cellphone.

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According to she got in the car and began to drive; not knowing where she was going. Minor stated she turned his cellphone on and saw that name appeared in the caller ID. At this time, minor stated this man began driving after her in another car. Minor was not sure where she was going however, wanted to get away from him as fast as she could. At a stop light he pulled up next to the car and was informed to follow him since he was going to take her back to the hotel. Once the minor arrived to the hotel, her cousin and the other coyotes stated they were looking for her. began to cry and was really upset with her cousin since she believes it was her cousin and the coyote's idea to have this happen to her. stated she grabbed all of her things from the hotel room and proceeded to leave. stated her cousin began to apologize for throwing her out of the hotel room, was really upset she ignored her cousin. According to Kenia, she informed her cousin she was going to find her own way to the U.S. and no longer needed their assistance. She began to walk, in tears, when she came across another coyote who, she stated, helped her cross over to the U.S.

Incident Type: Possession/Use of Drugs
Facility: BCFS Extended Care
Date of the Incident: 10/29/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR:
On 10-29-14 UAC DRM was detained by NISD campus police. His teacher could smell the odor of marijuana when he walked in to the room. She called the NISD campus police and they found a little baggie with marijuana. UAC was escorted to the principal's office and has been placed under arrest. UAC had .015oz of marijuana in his pocket and admitted to smoking in the morning right before going to class. UAC is being transported to Bexar County Jail. We will be discharging UAC from our program as of today.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: IES Brownsville
Date of the Incident: 10/28/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR:
On 10/28/14, during individual session (age 17), mother to (age 1 year and 11 months) and (age 1 month) reported that she was feeling uncomfortable with a frequent visitor to the foster home in which she and her children are currently placed in. reported foster parent's daughter in law named visits the home on a daily basis, and she does not like the way treats her daughter reported that yesterday while she was changing her baby diaper, her daughter was in the living room/dining room area with stated that came crying into the room where was, and was holding her hand. asked what happened and according to led her to the living room area then pointed at " . stated that this made her believe that may have hit on her hand. reported that she did not observe any red marks or bruising. She stated she did not tell foster parent who was within hearing distance in the kitchen. stated in the past has made comments that make her uncomfortable such as: telling foster parent it is s mother's responsibility to watch stated these comments were made in front of her as if she was not there.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Nueva Esperanza
Date of the Incident: 10/28/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR:
Minor disclosed to this clinician that she was one of the last ones to leave a warehouse in . Minor shared while there she and two other females were ordered to wash the clothes of the man in charge and cook for everyone staying at the warehouse. Minor stated she washed clothes four weekends and cooked six times during the month she was there. Minor expressed the other people in the group who were also waiting to cross would tell her she better do as told otherwise she would stay there longer. Minor reported she was able to borrow a cell phone and she called her brother who lives in Miami to inform him of the situation. Minor stated the next day she and the other two females were taken to another warehouse to continue the journey to the U.S. Minor verbalized she had no knowledge whether her family was contacted by the man in charge of the warehouse to demand money so she could continue her journey. Minor shared she

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was not physically or sexually abused at any time while staying at the warehouse. Minor acknowledged she was there for one month but explained that people were taken 3 or 4 at a time and she and the other two females were left to the last. This clinician contacted minor's brother in Miami to get more information. Minor's brother stated that he never received any calls from anyone from that warehouse minor stayed. Minor's brother also stated that no one contacted him for any monies nor his family in home country. Minor stated that while at the other warehouse she witnessed some men being punched but not severely. Minor shared that the men verbally expressed that they did not like being yelled at or have their food they purchased thrown away. Minor expressed when the men were being hit she got up and went to the restroom. Minor expressed she felt scared but not terrified.

Incident Type: Sexual Abuse during Journey
Facility: United Methodist Home
Date of the Incident: 10/28/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR:
When she was in Mexico, she went to a place where a man (member of wanted to "buy her" and the coyote responded with "no because he had a commitment with her". responded to the coyote: "Ok but for the next trip, I want a guerita". man was 35 years old. stated "If Mexico wins the football game, la guerita will stay with me". The coyote told him "no, I will pay you a lot of money for her". The coyote moved them to a house closer to the river and she stayed there for 2 nights She argued with the coyote because he refused to continue with her. The coyote stated: "stay with me, I will buy you a house and I will give you whatever you want." He touched her breast and kissed her. Then, she spoke with another person because she wanted to cross the river without the coyote. left the coyote's house in the middle of the night and swam across the river alone to get to the United States. At this moment, is refusing to eat her meals.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Sandy Pines
Date of the Incident: 10/28/14 **UAC**:

Date of the Incident Reported to ORR: 10/29/14
Summary of SIR:
It was reported to a staff member) by another resident that and on kissed at the pool after lunch around 12:45 PM. was questioned by the therapist and confirmed that did kiss her while she was sitting down. was very honest and she was able to process this incident.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Shiloh Treatment Center
Date of the Incident: 10/28/14 **UAC**:
Date of the Incident Reported to ORR: 10/28/14
Summary of SIR:
Client reported that one of his peers has been periodically 'inappropriately touching' some of the other boys in his teaching home. Client reported that last Wednesday his peer touched his hand inappropriately while in the living area during leisure time, and later the same day he 'blew him a kiss' while eating dinner. Client stated that next day that this particular peer told another boy in his teaching home that client had shown peer his private part and that they were sexually intimate. Client reported that this peer continued telling others the same story for two more days. Client reported that two of his peers had also been touched in their private areas by this same boy in the teaching home; one peer while leaving the restroom, and the other peer while in the living area. Client reported that the inappropriate touching happens when passing this peer and staff is looking the other way. Therapist affirmed client for reporting and made a CPS report. This report was reported to supervisor and to case manager. Client was assured that he is safe and staff will make sure he is not bothered by this peer. Case Coordinator interviewed client around 2:30 pm, client disclosed he felt uncomfortable with peer reporting: minor uses sexual innuendo type gestures, and stated that about 3-4 days ago he let (staff member) know that the minor who is not a UAC, was bothering him and trying to hold his hand, that today he spoke to his CM and let her know that his roommate had touched his private part (Case Coordinator asked minor what area of his body he referred to and he pointed to it, Case Coordinator asked "pene" and client said yes) did not disclose what

Redacted one or two days have been reported to (b)(6)

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he and his roommate were doing when this occurred and also disclosed that peers have let him know that his roommate has told them they he and client are having/have had a sexual encounter.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS San Antonio
Date of the Incident: 10/28/14 **UAC**:
Date of the Incident Reported to ORR: 10/28/14
Summary of SIR:
While staff was accommodating UC's for lunch time, was singing out loud at the table. One of the staff asked the UC to stop singing because it was time to eat. Staff respectfully tried to re-direct and teach to him about good table manners. disregarded any teachings by staff and became argumentative and disrespectful with staff. He became angry and stated "Who are you to tell me what to do? Are you going to shut me up?" Minor continued by stating "Joboune" which means "Eat my penis" to staff.

Incident Type: Suspected Smuggling/Trafficking
Facility: CC Fort Worth Shelter
Date of the Incident: 10/28/14 **UAC**:
Date of the Incident Reported to ORR: 10/28/14
Summary of SIR:
During completion of the child's initial intake assessment on the morning of Tuesday October 28, 2014, the child stated to case manager that her name is not but rather, and that rather than being a 14 year old citizen of El Salvador, she is in fact 18 years old (DOB: and a citizen of Mexico. The child reported that as a young child her biological father in El Salvador "did not want her" and "gave her away" to a "friend" of his in Mexico. According to the child, her biological mother did want her, but because her biological father was "not sure that [the child] belonged to him," he refused to let her biological mother keep her. According to the child, she has lived with her "adoptive" mother in Mexico, in the city of since she was a young child and, although the child could not provide any identifying paperwork, is also very adamant that she is 18 years old and not 14, like Dallas ICE and ORR Placements allege. According to Dallas ICE officials, the child is also a suspected victim of trafficking, as she traveled to the United States to live with her 42 year-old "boyfriend" who is currently a fugitive. Dallas ICE officials stated that the man in question, Mr. paid $8,000 to bring the child to the United States. At this time the child has not disclosed any information regarding her being trafficked, and has stated that she and 42 year-old, are in a "relationship" and are going to get married. The child has reported multiple timelines for when her travel to the United States took place, including a report that she's been in the United States for 8 months, for 5 months, and "since June of this year." The child also stated to clinician that she was 14 years old when she left her "home country" to come to the United States. At this time it is unclear to Catholic Charities Fort Worth Shelter staff the true identify and age of the child.

Incident Type: Other
Facility: Bokenkamp TFC
Date of the Incident: 10/29/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR:
On October 29, 2014, CM was contacted by UAC's sponsor (mother) via telephone. Sponsor reported that she was contacted by an unknown individual who identified himself as . According to the sponsor, stated that he was working for an immigration office in Harlingen TX and that UAC had an immigration court hearing on 10/29/14 at 11:00 am . She was instructed by this man to make five deposits of five hundred dollars into a Western Union or money gram account to secure the release of her son for 11/02/2014 and to avoid deportation. Sponsor reported that the man called her again at 11:00 am stating that if she did not deposit the money her son was going to be deported to Ecuador. lso stated that she needed to hurry because he was the only one able to avoid UAC's deportation. Sponsor reported that did not speak very good Spanish.

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Incident Type: Suspected Smuggling/Trafficking
Facility: Cayuga Centers
Date of the Incident: 10/27/14 **UAC**:
Date of the Incident Reported to ORR: 10/27/14
Summary of SIR: Addendum
She clarified that 19 years old, the son of , her grandmother's boyfriend, did in fact live with her and her grandmother, and he obligated to transport drugs between her home and the homes of associates of his. She stated that he threatened to kill her if she did not do this. erified that her grandmother had also advised her to do as he asked because both and her grandmother had been told they would be killed if did not agree to do the transportation. nd her grandmother believed the threats were credible due to Johnathan's anger and having witnessed him and his friends attack others in the community before. One such incident took place approximately on September 1, 2014, wherein and his friends attacked and beat a transgender individual. also had a gun in the home for a while, however, he recently gave the gun to a friend and stated there were no other guns in the home after that point. reported she was obligated since age 7 to transport drugs every weekend, on Saturday and Sunday but not on days she attended school. She stated she transported drugs predominantly between and an associate of his, whom she reported she knew as lived slightly far away; she stated approximately 12 to 18 houses away. She reported she was always alone when she transported the drugs, and she had been told ahead of time by Johnathan that she would be carrying drugs. She described as keeping the drugs, described as small whitish-green balls, in a hollowed out stick. He would places the balls into small baggies and divide the baggies into 4 larger bags and then place the 4 bags in a black plastic bag for her to carry. She reported would both use and sell the drugs from the home. She described that he would take her school workbooks and rip pages out to roll up the drugs after he crushed the balls, and that when he smoked the drugs it smelled of burnt plastic. She also reports that individuals would come frequently to the house to seek out and buy drugs. She reported they would knock on the door and she would be made to answer. They would ask for the drugs and she would get them from exchange the drugs for money at the door. She said the drugs she would give them were in tiny bags. She reported the individuals would steal her money on the way to school (approximately $1 a day) were the same friends and associates of whom would often sleep outside their home in hammocks and on the front porch, they would frequently use and buy the drugs had. She also reports her aunt, age 18, was made to transport for as well, and was robbed daily as well when she would come to retrieve to walk to school with her.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Paso
Date of the Incident: 10/25/14 **UAC**:
Date of the Incident Reported to ORR: 10/28/14
Summary of SIR:
This SIR adds further information regarding trafficking original SIR 10/19/14. Minor stated that after he was apprehended for the first time by ICE, about a month and a half ago, he did not want to continue working for the Cartel, and told his boss about this. Minor stated his boss initially said that it was fine, but after a month his boss went to his house and told him he had to work smuggling drugs to the US. reported that his boss told him that if he refuses to transport the drugs, he was going to be physically punished with a wooden board. Minor stated that it is very common that the cartel physically penalizes minors with wooden boards that have holes on them to make them more harmful. Minor reported that the moment he was given the drugs, his boss told him that if he loses the drugs he would be killed. Because he was apprehended by immigration officers with the drugs he was forced to smuggled, Minor stated there is a 98% probability that he is going to be killed by the Cartel once he is back to Mexico. Minor stated that there are alternatives for him not to be killed: 1. Pay about $500 dollars to the Consulate when arriving to Mexico, and not being released to the DIF. B. Become an assassin for the cartel. Minor stated if he becomes an assassin, he would have to kill whoever they said, otherwise his fingers would be broken stated he has seen people many times being hurt with the wooden board with holes as punishment when members of the cartel do not follow orders. He stated he saw a person being killed in front of him. He stated there were 7 more people carrying drugs that day (about 9 months ago) when they looked for the drug that they were going to smuggle. Minor said they did not find the drugs and realized it was taken by the army. Minor stated the bosses told the 8 people to say who was the person who told the army, otherwise their fingers would be cut one by one.

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stated he found out who did tell the army. He described this person being beaten, taken to a place where all the assassins who work for the cartel were waiting in about 30 trucks. Minor stated this person was killed in front of everyone by a shot in the head, and then his body was thrown in a pile of tires and then burned. Minor stated he thought that could happen to him if he does something he is not supposed to do.

Incident Type: Sexual Abuse during Journey
Facility: Morrison Secure
Date of the Incident: 10/24/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR: Addendum
~27yrs old) a music teacher at Instituto professed his love to minor on the journey, gave minor alcohol, and tried to touch him in a sexual manner 2 to 3 times he was distracted (youth stated). Youth also stated the attempts of were unsuccessful.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Extended Care
Date of the Incident: 10/29/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR:
On 10-29-14 at approximately 7:17am UAC was redirected by staff for making inappropriate comments. UAC then proceeded to walk towards staff and continued repeating the the inappropriate comments. Minor was telling staff "En donde estavas te extrane mucho, estube pensando en ti mi amor. Yo no me porto bien con otros staff pero contigo si." "Where have you been? I have missed you so much, I have been thinking of you. I do not behave well with the other staff only you." Staff immediately redirected UAC and advised him that those comments were not an appropriate way of talking to staff. Minor proceeded to try to give staff a side hug, but staff stepped back and told minor that touching is not allowed. On the way to take minor to his medical appointment UAC once again made a comment "yo quiero que seas mi mamasita." "I want you to be my mamasita." Staff once again redirected minor and reminded him of proper boundaries. When minor got back from the medical appointment a pen fell from the staffs hand and it landed in front of minor. Minor was not moving to allow staff to pick up the pen and when he picked it up and gave it to the staff but touched staffs hand while giving over the pen.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS San Antonio Shelter
Date of the Incident: 09/26/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR: Addendum
A victim of trafficking eligibility letter was received for Minor, case manager and all parties involved will be informed of the information provided by ATIP.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS San Antonio Staff Secure
Date of the Incident: 10/29/14 **UAC**:
Date of the Incident Reported to ORR: 10/29/14
Summary of SIR:
During clinical interview, reported this as being the 6th time that he has been apprehended by ICE. Jose reports he was a "coyote" working in collaboration with his two older cousins who made arrangements with the and paid them an unknown fee. He stated that approximately four months ago he decided to stop working as a coyote. was told by individuals affiliated with the that he would be killed if he stopped working for them. feared for his safety and continued to work for these individuals.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St PJs Childrens Home
Date of the Incident: 10/29/14 **UAC**:
Date of the Incident Reported to ORR: 10/30/14
Summary of SIR:
shared with the clinician his love interest for two female staff members. He reported that he had asked a team leader what would happen if he fell in love with staff. reported that staff told him it was not something he could pursue. stated that he developed these feelings for staff because he falls in love easily, and then asked if a transfer to another facility was an option. reported he would consider a transfer to avoid seeing these two staff members, adding that he rarely sees one of them and identifying the other as a transporter. reported that he feels bad because he cannot act on his feelings and has thought of the consequences. He reported that he will not act on his feelings for staff, however does not like that he cannot pursue this love interest.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS Harlingen
Date of the Incident: 10/28/14 **UAC**:

Date of the Incident Reported to ORR: 10/28/14
Summary of SIR:
On 10/28/14 and at 8:40 pm while at the Emergency Shelter living quarters room #22 UAC (A#) age 16, disclosed to DCW that age 16, from his same group had exposed his genital area to him while in the room.

Incident Type: Suspected Smuggling/Trafficking
Facility: Southwest Key Hacienda del Sol
Date of the Incident: 10/30/14 **UAC**:

Date of the Incident Reported to ORR: 10/30/14
Summary of SIR:
Client's mother stated that client was forced to sell gum and candy in COO by a woman who was responsible for caring for the client and her younger brother. Mother could not divulge details of this in regards to timeframes etc or how she became aware of this information.

Incident Type: Suspected Smuggling/Trafficking
Facility: Southwest Key Lighthouse
Date of the Incident: 10/30/14 **UAC**:
Date of the Incident Reported to ORR: 10/30/14
Summary of SIR:
On the above date and time, client disclosed to Clinician LMSW, he was forced by unknown individuals to cross drugs to AZ, U.S. Client reported that on or about 10/17/2014, he was in Mexico, waiting to complete his journey to the U.S. He stated he was walking out of the hotel where he was staying to go buy beans and tortillas. He indicated as he left the building, a white car with two men came up on the side of him and asked him if he was to which he replied he was. He stated that one of the men got out of the car and approached him in an aggressive manner, grabbed him by the front part of the neck his shirt, and pushed him harshly up against a tree, causing him to deeply scratch his left shoulder. He stated that stated the man pointed a gun at his head and made him get into the car and told him they were taking him to Client stated that the car arrived at an undisclosed location where he observed men putting large duffle bags into another car. He stated he was there for approximately one half hour when they began driving again. He stated they arrived in at an unknown location. He stated he was told that he would be carrying a backpack full of marijuana across the border to the U.S. Client stated he told the men that he did not want to cross any drugs. He stated the man if he didn't carry the drugs he would kill him. He stated they also provided him with a backpack full of food, and two gallons of water. Client indicated he informed the man that was directing him and five other

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adult males that the load was too heavy and he could not carry it. He stated the man yelled at him "como que no puedes! Si no lo haces te disparo en cada rodilla haber si haci lo haces!" (What do you mean you can't? If you don't, i will shoot you in each knee to see if you'll then do it!). Client stated he and seven other male adults walked for five days through the desert into Arizona through an unknown location. He stated they would begin at 5 a.m. and stop at 6 p.m. and sleep through the night. He stated it took them another three days to reach Tucson, AZ. He stated he was unaware if the men he walked with had any weapons but stated that two of the men had knives to cut rope. He stated he was not threatened by any of the men he walked with during the time they were crossing the drugs across the desert and does not know what would have happened if he would have run. He stated he was told before he began his journey that he was not to leave the backpack undelivered under any circumstances or they would kill him. Client stated that on the third day of their walk toward Tucson, border patrol officers came upon the group in quads and apprehended him and the group. Client reported he spent one night, was treated well overall, and taken to a "carcel" where he was separated from the adult community, fed, and treated well overall. He stated that on the following day, he spent one night in another "carcel", was treated well overall, was separated from the adult community, fed, and treated well overall.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Downtown Shelter
Date of the Incident: 10/29/14 **UAC**:
Date of the Incident Reported to ORR: 10/30/14
Summary of SIR:
Minor has made numerous inappropriate sexual gestures and comments towards female staff. Minor took the sleeve of his sweatshirt and hit a female staff on the buttocks. When staff confronted minor he responded that he did it because he was curious about her body. The staff informed the minor that this was inappropriate and he responded by stating that she didn't even understand Spanish. The staff responded that she does understand Spanish and the minor responded and asked if she knew what "chinga tu madre"(fuck your mother) and "come mierda" (eat shit) meant. The minor then took his belt end and put it between the legs of a doll as if it was a penis and thrusted it towards the female staff and made grunting noises. Minor then stated "Me gusta tu" (I like you) several times despite the staff stating its inappropriate. In a separate situation, the minor received a banana for snack at which time he put the snack into his pocket and positioned it so it made his pants protrude in the crotch area. Minor then looked at a female staff member and said "oh mi banana" (oh my banana). Minor was redirected and stopped the inappropriate behavior.

Incident Type: Suspected Smuggling/Trafficking
Facility: Youth for Tomorrow
Date of the Incident: 09/17/14 **UAC**:
Date of the Incident Reported to ORR: 10/31/14
Summary of SIR:
She reported that while she was kidnapped by members during her journey to the US, she was forced to cook and clean for 8 days.

Incident Type: Sexual Abuse during Journey
Facility: NOVA Secure
Date of the Incident: 10/31/14 **UAC**:
Date of the Incident Reported to ORR: 10/31/14
Summary of SIR:
While performing the interview for the UAC assessment, disclosed to CM that he had been raped by a group of eight men during his journey to the U.S. He had been riding the train through Mexico when a group of eight men boarded the train and requested the money of everyone riding that car. had no money. Therefore they took him off the train and raped him.

all redactions on this page have been made pursuant to (b)(6)

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St PJs Children Home
Date of the Incident: 10/29/14 **UAC**:
Date of the Incident Reported to ORR: 10/30/14
Summary of SIR: Addendum
shared with the clinician his love interest for two female staff members. He reported that he had asked a team leader what would happen if he fell in love with staff. reported that staff told him it was not something he could pursue. stated that he developed these feelings for staff because he falls in love easily, and then asked if a transfer to another facility was an option. reported he would consider a transfer to avoid seeing these two staff members, adding that he rarely sees one of them and identifying the other as a transporter. reported that he feels bad because he cannot act on his feelings and has thought of the consequences. He reported that he will not act on his feelings for staff, however does not like that he cannot pursue this love interest.

Incident Type: Sexual Abuse during Journey
Facility: BCFS San Antonio
Date of the Incident: 10/31/14 **UAC**:
Date of the Incident Reported to ORR: 10/31/14
Summary of SIR:
During his journey to the US, reported that in Mexico, one of the individuals in his group attempted to touch his genitals eported having woken up and moved to another area of the room. enied any physical harm.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Downtown
Date of the Incident: 10/30/14 **UAC**:
Date of the Incident Reported to ORR: 10/30/14
Summary of SIR:
On October 30th, 2014 minor was put onto a behavior contract for a series of incidents that occurred over the last 10 days. Please see details below: October 20, 2014: At 12:30pm, minor used a folded piece of paper to make a sexual motion towards program teacher, s backside while she was faced the otherdirection. Youth Care Worker edirected minor immediately by stating, "Fabrizio, que estas haciendo? Sabes que falta de respeto es eso, no hagas eso." (Fabrizio, what are you doing? Do you know how disrespectful that is? Don't do that." At 12:40pm, Youth Care Worker spoke with minor one-on-one to further explain the program rules prohibiting disrespectful language and sexual behaviors towards others. October 28, 2014: At 1:35pm, minor made a sexual gesture in reference to program teacher, while she was speaking to the class. Youth Care Worker immediately removed minor from the classroom into the hallway and explained to minor that his action was inappropriate. Minor apologized to Youth Care Worker At 3:15pm, minor spoke with Milieu Supervisor from the doorway of his room about his use of a rude tone towards Youth Care Workers during lunch time. Milieu Supervisor informed minor that he would need to write a thinking paper to process his actions, and minor became visibly angry and was pacing in his room. Minor stated that he did not have a problem with how he spoke to staff during lunch, therefore, speaking with Milieu Supervisor was a waste of his time. Minor walked towards her very closely and said that he was not going to do the paper and that Milieu Supervisor hould leave him alone. Milieu Supervisor moved away from minor, said she would give him space, and Milieu Supervisor repeated that minor was required to complete the thinking paper. At 3:45pm, Milieu Supervisor spoke to minor and explained that the thinking paper was to be done before minor could use program electronics. Minor stated the he had not been disrespectful to anyone and said, "vale la verga" (it's worth cock).

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Incident Type: Other
Facility: BCFS Raymondville
Date of the Incident: 10/31/14 **UAC**:
Date of the Incident Reported to ORR: 11/01/14
Summary of SIR:
On October 31, 2014 at approximately 5:55pm, Direct Care Worker, advised Shift Lead, , during scheduled phone calls, UAC), was speaking with his aunt who reported UAC wife in home country receive a phone call asking for money in the amount of $1,500 for his release. UAC reported aunt denied knowing name or number of person requesting the money and advised she would be speaking with to obtain more information and asked to be called on 11/1/2014 for further clarification. Shift Lead spoke with and advised no money is to be requested of any youth nor family during youth's stay. understood all information discussed and was advised assigned case manager would be notified. At this time, UAC has no viable sponsor.

Incident Type: Sexual Abuse during Journey
Facility: SWK Rio Grande
Date of the Incident: 09/29/14 **UAC**:
Date of the Incident Reported to ORR: 11/01/14
Summary of SIR:
While Case Manager was conducting intake with minor, she reported that she was sexually abuse by two unknown males on September 27, 2014 in some part in Mexico. She added that she had made a police report and was then taken to a shelter where she was examined and provided with an counselor. Minor became emotional and decided not to proceed on discussing this matter. She was advised that the program will take care of her and for her to stay calm. Case manager referred her to Clinician on duty in order to follow up with minor. CPS REPORT WAS COMPLETED ON NOVEMBER 1, 2014 AT 11:54 A.M.

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DCS Weekly Significant Incident Report
Submitted by: Rocio Herrera
November 09 – November 15, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 3
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 10
- Suspected Smuggling/Trafficking: 12
- Possession/Use of Drugs: 1
- Sexual Abuse outside the US – UAC Pregnant: 5
- Sexual Abuse during Journey: 4
- Other: 6

Total Number of Major SIRs: 41; Total Number of SIRs for the Week: 484; Number of SIRs for FY15: 3046

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Lemon Grove
Date of the Incident: 07/31/14 **UAC**:
Date of the Incident Reported to ORR: 11/09/14
Summary of SIR:
Minor disclosed that towards the end of July she was raped by two gang members as a consequence of not joining their gang. As a result, the minor is now approximately 14 weeks (3 months) pregnant. She continued to be harassed by the men in the weeks following the event. For this reason, the minor and the family decided that the minor should travel to the US to live with her maternal aunt in the San Francisco area.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Lincoln Hall
Date of the Incident: 10/27/14 **UAC**:
Date of the Incident Reported to ORR: 11/10/14
Summary of SIR:
Minor made inappropriate comments towards female staff. During class minor refused to perform any work but would smile and leer at the teacher making her feel uncomfortable. also made a comment to one of the Treatment Environment staff asking if her breasts were real.

Incident Type: Allegations of Abuse by Program Staff
Facility: Camino A Casa Bay City Michigan
Date of the Incident: 11/07/14 **UAC**:
Date of the Incident Reported to ORR: 11/10/14
Summary of SIR: Addendum
On 11/7/14 at approximately 4:00pm, tated that he was kicked by a staff member earlier in the day. stated that due to being kicked, his lower right back hurt. The team called Child Protective Services the day that the incident occurred. The child was interviewed by the police and by CPS the day of the incident. The incident report states that a "3200 was called in at 5:20 pm." This may not have been clear in the initial submission; however a 3200 is a report of suspected abuse or neglect. The State of Michigan/Bureau of Child and Adult Licensing was also contacted regarding the incident and they will be doing a separate investigation. There is videotape of interactions between the youth and the staff member shortly prior to the incident in the public areas of the house; however the kick itself is not captured on video tape, as it occurred in the bedroom. 11/14/14 Update: Child's unverified father (sponsor) was informed of the incident on 11/8/14. Reunification of the child occurred on 11/13/14. In addition to the CPS and police interviews and notification, the program also notified the State of Michigan Bureau of Child and Adult Licensing (BCAL) regarding the incident. BCAL will conduct a separate investigation due to the nature of the incident. The video footage has been viewed by CPS and by the police as a part of their investigation. CPS conducted additional interviews with staff at the program on 11/13/14. CPS has not made a determination regarding whether or not the staff member will be substantiated for abuse of a child. The staff member remains suspending pending the outcome of the CPS and internal investigation.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Union County Juvenile Detention Center
Date of the Incident: 11/10/14 **UAC**:
Date of the Incident Reported to ORR: 11/10/14
Summary of SIR:
The above minor exhibited inappropriate sexually behavior towards a female custody staff officer. Incident report states that the UAC asked JDO. for a pencil and when it was given to him he attempted to touch her hand. After he finished with the pencil the UAC stood at the line by the Touch Screen Panel and asked the JDO "why do your pants fit like that?" The JDO ignored him and the UAC proceeded to state: today is my last day and before I go am I gonna grab a hand full of that shit!" JDO asked the minor to stop touching her and being inappropriate, he then requested to go into his room and asked to be woken up at 8:10am.

Incident Type: Suspected Smuggling/Trafficking
Facility: Heartland CRC
Date of the Incident: 11/11/14 **UAC**:
Date of the Incident Reported to ORR: 11/11/14
Summary of SIR Addendum:
During an individual clinical session, the minor disclosed being robbed at gun point and being forced to carry Marijuana across the U.S.-Mexico border. The minor reported that after being held a gun point, they continued their journey to the U.S. via train and somewhere in were stopped and deboarded the train once again. The minor stated that this time they were stopped by 5 men from the or artel. The minor stated that they were armed with guns, and were informed once they deboarded the train that they would need to comply with the men or they were be killed or kidnapped. The minor reported that the group deboarded was approximately he, his father, and about 7 other adult migrants. The minor stated they were told at this point that they would have to carry drugs across the border. The minor denied being told at this point where they would be going, but stated that he felt that he needed to comply otherwise he or his father would be killed. The minor stated that he was only sure that they would cross the border, and would hopefully be released once they complied with the men's request. The minor stated that they were taken to a house nearby, where they were kept for approximately 3 days. The minor stated that they were fed twice a day and left to sleep on the floor. The minor indicated that they were mostly left alone for most of the day and just provided with food. UAC denied any maltreatment while in the house. The minor stated that on the last day they woke up at 4am were they began to prepare for the journey to cross the U.S.-Mexico border. The minor stated that they were provided with some food and water to pack, and he was provided with a green/black backpack. The minor was instructed to pack 50lbs of marijuana in plastic bags into his backpack. The minor complied with the request, and stated that he felt very scared but knew he had no other choice. The minor reported that they were then told that they would be crossing the desert. The Cartel members informed the group that they had snipers watching the group from a distance and that they would be killed if they appeared to struggle at all. The minor stated that he, his father, and the group of 7 migrants carrying drugs then traveled with one member of the Cartel as a guide. The minor stated that the Cartel member had a gun on him, and instructed the group to follow him. The group was told that they would be traveling for approximately 6 days until they arrived to Arizona. The minor stated they would stop to eat and sleep. The minor reported that he was glad his father traveled with him, and was supportive to him during the journey. The minor reported that his father would help carry his heavy backpack when the minor seemed tired. UAC reported that on the 5th day of walking in the desert, they were apprehended by Immigration.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Seton Home
Date of the Incident: 11/10/14 **UAC**:
Date of the Incident Reported to ORR: 11/11/14
Summary of SIR:
Resident disclosed during initial clinical assessment on 11/10/14 that she is currently 3 months pregnant. The pregnancy was not the result of a consensual relationship. The resident disclosed that she was sexually assaulted in home country of Honduras in a "callejón" or back alley 3 months ago by an unknown perpetrator. The resident denied knowing the identity of her attacker and described him as being older than her and a gang member. Resident disclosed being held down by her arms, assaulted, then threatened by the perpetrator. Resident was told by the perpetrator that if she said something, he

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would go after her family. The resident denied having reported the assault to the authorities. Resident also denied having any bruises or bleeding and did not seek medical treatment. The resident reported telling her sister about the assault once she thought she might be pregnant. Resident disclosed that her sister took her to the doctor where it was confirmed that she was pregnant and that the doctor reported that everything was fine with the baby. Resident disclosed that she was given prenatal vitamins and continued to take them until her journey to the United States. The resident reported that she sister told her father and mother about the pregnancy. The resident disclosed that she came to the United States to reunify with her mother who resides in Fort Worth, Texas. The resident reported that she paid for her trip by saving the money her mother would send her on a weekly basis. The resident reported traveling by bus with several other people, stopping at various homes to stay the night. Resident reported that her trip took approximately 20 days and denied any significant incident occurring on the journey. Resident also denied having to work at any point in her journey. The clinician reported the incident to the Department of Family Protective Service on 11-11-14; Confirmation Number:

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St. PJs Children's Home
Date of the Incident: 11/10/14 **UAC:**
Date of the Incident Reported to ORR: 11/11/14
Summary of SIR Addendum:
Licensing investigator conducted a collateral interview with the minor to complete a pending investigation involving a peer, On 11/10/2014, the UACs were randomly selected to meet with TDFPS Licensing Investigator, as a collateral interview regarding a reportable incident involving a peer. expressed no concerns or issues following the interview.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St. PJs Children's Home
Date of the Incident: 11/10/14 **UAC:**
Date of the Incident Reported to ORR: 11/11/14
Summary of SIR Addendum:
Clinician was notified by CM that CM had spoken with minor's sponsor earlier in the day. CM reported that sponsor sounded concerned about a conversation she had with earlier in the day. Sponsor reported that stated that he was having problems with his roommate but she did not provide any further details to CM. Later that day on 11/10/2014, Clinician met with to address his phone call to sponsor and any problems he is having with another minor. reported that another minor in his dorm , not his roommate, has been picking on him and making inappropriate sexual comments towards him about his female cousin who is also in care. reported that minor has been telling that he is going to make his cousin " happy' and he is going to make her "choriar sangre" (make her bleed). also reported that as been staring at s cousin and following her while they leave the cafeteria. eported that has been picking on him /calling him names and threatened to "knock him out in a few seconds" if he says anything to staff. lso reported that minor and minor's friend "stare at him" when they see each other at school. reported that minor made physical gesture of cracking his knuckles like he was going to hurt when he saw him at school the other day. stated that both minors are not in his classroom at school. reported that this has been going on since Thursday of last week but he did not say anything because he feared it would affect his case and he would be here longer. also reported fear that minor would hurt him if he spoke up. eported that attempted to "trip" him during lunch at the cafeteria the other day causing him to drop his juice. Clinician assured that incident would not result in negative consequences for in.

Incident Type: Sexual Abuse during Journey
Facility: CC Boystown
Date of the Incident: 06/01/14 **UAC:**
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
Minor reported she was sexually abused in Mexico by a guide during her journey. Minor stated she left her home in Guatemala on October 5, 2014 with a paid guide and arrived in Mexico on October 12, 2014. Per minor, she was handed off to another guide once in who was responsible for crossing them into U.S. Territory. Per minor, the

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guide she was handed over kept them in a bodega from October 12, 2014- November 7, 2014. Minor reported during this time her and other were taken into the mountains and left there for 5 days at a time with no food. Minor also stated during her stay in this bodega she was raped and threatened by one of the guides. Minor stated her sister contacted the first paid guide out of concern she had not seen her sister and he contacted the other guide and demanded she be set free. Minor's sexual abuse was initially disclosed to and was reported by on 11/12/14.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Bethany LIRS
Date of the Incident: 11/11/14 **UAC**:
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
In addition, today BCS therapist met with UAC at FV. At that time UAC disclosed to therapist that she did not want to go home to the foster home. UAC stated that her foster mother is "mean" and one time "grabbed my arm and pushed me out the door to go outside to play when I didn't want to play outside". BCS therapist stated that UAC reported that she did not suffer any injury or marks on her skin from this interaction.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Heartland SCIY
Date of the Incident: 11/08/14 **UAC**:
Date of the Incident Reported to ORR: 11/08/14
Summary of SIR:
At approximately 2:30am, case manager ame onto the boys' floor and youth immediately came to him upset. did not understand what as saying and asked staff member o translate. and AG began speaking loudly and requested that the information be translated. stated that the minor wanted to speak with program supervisor Supervisor was not on shift so asked if he would like to speak with stated that he would like to speak with case manager and they met in the medical office. reported to that he was upset because at approximately 2:00am, he woke up in his top bunk because he felt someone touching his stomach. reported that his shirt was pushed up and had his hand on stomach. tated that he said "Why are you touching me?" repeatedly to who just walked out of the room. reported feeling unsafe around at this point. Staff called manager nd took aside to ask what had happened. reported that he had been doing room checks and noticed that the curtain was missing from the window in s room. reported that he had been feeling around in the bed looking for the missing curtain and his hand accidentally touched stomach and he apologized. Staff called manager who arrived on campus. Staff was sent to another building to do file reviews while the situation was sorted out. Manager met with and all staff witnesses. Manager notified director and then called the DCFS hotline to report what was alleging. The call was assigned report but the report was not taken by the hotline. Staff arrived on site to assess the minor's mental health, provided support and addressed minor's safety concerns. commended minor for his strength in notifying staff of his feelings and seeking out proper strategies with coping. reassured minor that he was safe at the program and that staff member would work at another program while minor was placed at the program. Minor was able to decrease his anxiety and return to his bedroom to sleep.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Downtown Shelter
Date of the Incident: 11/09/14 **UAC**:
Date of the Incident Reported to ORR: 11/11/14
Summary of SIR:
On Sunday, November 09, around 6pm during Dinner time minor asked YCW "Te gustas salchichas?" (Do you like sausages?). YCW told minor that she would not answer minor question. Minor began explaining how the question was not dirty by saying, "a mi, me gusta salchichas con pan" (I like sausage with bread). Minor then continued his conversation with two other residents; YCW did not understand what was talking about to the other minors. However, YCW overheard the comments being made by minor to the other two youth and reported to YCW that minor stated that he would hurt her by having sex with her so hard that it would put her in a wheel chair. YCW immediately asked minor to stop talking like that.

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Then Minor stated that, "Ella va a necesitar una pamper" (she would need a diaper). Minor then said that he would hurt her so bad that there would be no need for diapers.

Incident Type: Suspected Smuggling/Trafficking
Facility: St. PJ's Children's Home
Date of the Incident: 10/10/14 **UAC:**
Date of the Incident Reported to ORR: 11/10/14
Summary of SIR Addendum:
At Intake reported crossing a group of people near Laredo, TX on 11/08/2014. reported first crossing a group of people in October 2014, but that he was apprehended and sent back to his HC of Mexico. reported that on 1/08/2014 went looking for him while he was working and demanded that he cross another group of people to the United States. eported telling them that he didn't want to, but that they then threatened to hurt him and his family if he didn't do what they asked of him. reported that the men took him to the river where he then crossed a group of people. reported that he does not want to be in placement and for Voluntary Departure.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: Crittenton Shelter
Date of the Incident: 11/11/14 **UAC:**
Date of the Incident Reported to ORR: 11/11/14
Summary of SIR:
During initial intake, the minor reported she is 8 months pregnant. UAC reports that her mother did not know that she was coming to the United States. UAC reported that she was raped by 5 men in 9 different occasions in a time frame of two months. She reported that every time she got raped it was after school. She also reported that they put her to sleep and she would wake up in a motel. The UAC reported not to know any of the men but she reported that all the males appeared to be adults.

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: SWK Lemon Grove
Date of the Incident: 07/31/14 **UAC:**
Date of the Incident Reported to ORR: 11/09/14
Summary of SIR:
Minor disclosed that towards the end of July she was raped by two gang members as a consequence of not joining their gang. As a result, the minor received an ultrasound and her pregnancy is confirmed at 13 weeks. The minor is now approximately 14 weeks pregnant. She continued to be harassed by the men in the weeks following the event. For this reason, the minor and the family decided that the minor should travel to the US to live with her maternal aunt in the San Francisco area.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: St. PJs Children's Home
Date of the Incident: 11/10/14 **UAC:**
A#202002741
Date of the Incident Reported to ORR: 11/11/14
Summary of SIR Addendum:
The clinician followed up with in regards to another UAC's statement which involved making threats to hurt the UAC, and making inappropriate sexual remarks about the UAC's female cousin, who is also in care.
The clinician, was informed by clinician that his client reported that had threatened to beat him and had made offensive comments towards his female cousin, who is also in care. The clinician followed up with in session, in regards to these reports. initial reaction was that he already knew what the clinician was going to address with him in session. smiled and stated that he figured it out yesterday when he noticed that the clinician, had talked to the other boy. also stated that prior to that occurring; the boy had warned him that he would confess all these things to his clinician so that ould leave him alone. stated that he was not sure exactly what this boy was referring to since he did not do anything wrong. added that he always thought they were in good terms since they shared a shake yesterday evening. was asked to share his side of

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the story and what he thought the child reported to his clinician. stated that he is not sure what happened, as they talked before and everything was fine in his eyes. He stated that there was an incident about 5 or 6 days ago that occurred while they were in the cafeteria line. reported he was waiting to get a fork from the utensil dispenser when the other boy cut in front of him and spun the dispenser so that could not get his fork. stated that he asked him why he did that and told him to wait his turn. He stated that the boy was rude and did not listen and became angry and kicked his leg. reported he did not pay mind to the incident and continued on his way. reported that since then the boy has been giving him nasty looks and bothers him. eported that the boy also tells him that he does not want near his cousin. denied making any offensive or sexual comments towards this boy's cousin. He stated that the only comment he made was that she was not good looking. stated that he thinks this boy is making stories up, since he did not like that disrespected his cousin by calling her ugly. reported that he feels this boy's cousin likes him, since he catches her staring at him. reported he once said "esta bitcha esta horible" and since then the boy has been telling him to leave her alone. denied making that other statements that he would make his cousin "chorriar sangre". reported that he has tried to leave the boy alone, however it seems to him that he always wants to pick a fight. stated that when they would shower, he would tell that he thought he was tough only because he has a tattoo on his back. reported that they also fought over whose turn it was to play video games even though the rule is that the winner will continue to play the game. reported that he never wanted any problems with him and now feels uncomfortable being around him. stated that he has done his best to maintain his distance from him, to avoid further problems, however thought that this was not an issue since the boy continues to talk to him. reported that he is already doing things to avoid him, by showering in different bathrooms, always staying at the end of the line while he remains in the front as the go to school or the cafeteria. He also reported that they are in different classrooms and do not share a dorm room.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Conroe
Date of the Incident: 11/12/14 **UAC**:
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
According to an incident report by (staff) "At this time all clients were walking to the diner room, because at this time clients going to PE class, S. R. C. told me (mire teacher a I asked the client what happened and he told me that client show his private parts also the client say that it was not the first time that he showed it to him when they were in line. I call by the radio to shift leader and informed the incident shift leader take care the situation. Shift Leader took both clients apart to the group with youth care worker o process with them. During process tated that showed his private part two times to him when they were in line: one time going to class and one going to dining room. didn't say anything during process. Also During process tated that the first time that he showed it to him he let the other client know he is going to reported but the other one told him don't say anything." After the incident report was done and staffed with case manager and the rest of the treatment team. It was decided that (clinician) and I would staff these incidents with the client. While speaking with the client, he stated that the incident was just a joke among friends. He says the other client had done it to him as well at different times. Since the incident has become more severe since starting the Zoloft, we asked him if he has been having any side effects since taking the medication and he denied any. We explained to him that the medicine can cause him to feel emasculate and lose hormones. We also tried to find a way to resolve the behavior issues and he could only come up with maybe some alone time and doing puzzles. We explained to the client we would talk to our treatment team and try to come up with the best situation for him to stay at this shelter. According to Mrs. Assistant Program Director, the video tape does not show any type of exposure. It shows the Client turning around then making a face and getting out of line to call over Mrs. The incident report states it happened around the shift leader office but the video shows the incident by the restrooms.

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Incident Type: Other
Facility: IES Foster Hidalgo
Date of the Incident: 11/12/14 **UAC**:

Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
On 11/12/14, Mr. , the sponsor for (age 12) and , contacted IES Hidalgo Foster via phone at around 8:30am. Mr. stated he had received a call at around 8:00am from an attorney who stated his name was . Mr. voiced that Mr. asked him if he was father and that he would need to send him a payment of $850.00 for his daughters to be released from "custody", flown to him, and be granted a 1-3 year permission to remain in the U.S. Mr. stated that Mr. told him that was fine and was currently being detained. Mr. stated he suspected something was wrong when Mr. told him entered the U.S. through a different area than were she entered. Mr. voiced he did not recall what place Mr. told him allegedly entered through. Since Mr. did not trust Mr. he told Mr. he would call back to arrange for the payment. Mr. then contacted IES Hidalgo Foster to ask about this and Mr. was advised to disregard that call since his daughter is under ORR care and the process of reunification does not include attorneys asking for a payment so children can be released from custody nor granted a 1-3 year permission to remain in the U.S. Mr. stated he wanted to know more information about the person who contacted him and stated he would "follow along" next time he spoke to Mr Mr. oiced he understood the reunification process and stated he would not be making any payments to Mr.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Children's Village
Date of the Incident: 11/12/14 **UAC**:
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
Minor met with Case Manager yesterday to discuss and review any last questions that the minor have had in regards to foster care and to say "good-be" and wish her good luck. Minor gave Case Manager a note that was in a sealed envelope. Case Manager stated that he left the letter in his desk and did not open it until today. The letter stated the following: "Solo quiero que sepa que desde que lo vi la primera vez me gusto mucho y pues ahora yo se que por ahora no se puede. Pero talves mas adeande nos volvamos aver. " (I just want to tell you that from the first time I saw you, I liked you a lot. But I know that at this time it can't be. Maybe one day in the future we will see each other).

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: SWK Campbell
Date of the Incident: 11/12/14 **UAC**:

Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
While (I) YCW was on 1:1 supervision Client #1 pproached me and stated that he had something to say to (Me) YCW Client continued with "La morriya aqueya la Hermana del Salvadoreyo me dio un recadito, que decia que yo le gustaba mucho y que queria que le aga el amor, y que solo aga fuerte y apacionado" "yo no quiero broncas con esa morra esta bien morriya solo tiene 12anos y yo no quiero meterme en problemas por esas tipo de notas" Client was very expressive that he did not want to entertaining that type of interaction one She was only 12yrs old and that he did not want to get in trouble for those type of notes. Client also mentioned that he ripped the note in to very little pieces so that no one would see, but that he decided to inform Me so that if she send him another one that he would give it to a staff. SL was informed & I.R was completed by When clinician followed up with client, client reported the information above in incident report. Client disclosed that UAC approached him and requested to borrow the client's notebook and client agreed. Per client, UAC returned notebook and informed client that a note was in the notebook. Client reported that he read the note which stated that the UAC liked the client along with other inappropriate comments. When clinician inquired about the inappropriate comments, client shared that he was embarrassed to share: however, he had already shared the comment with the above YCW. Client further disclosed that upon reading the letter he decided to rip the note

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and throw it in the trash as he did not want other to see it and cause a misunderstand as the UAC was approximately thirteen years old.

Incident Type: Suspected Smuggling/Trafficking
Facility: Shenandoah Valley Juvenile Center – Staff Secure
Date of the Incident: 11/12/14 **UAC**:
Date of the Incident Reported to ORR: 11/13/14
Summary of SIR:
UAC reports that she is a 17 year old female from Guatemala. She reports having a seventh grade education. She identifies as being a lesbian and does not have a religious affiliation. UAC reports that she grew up off and on at her mother's house. She reports various stays in group- orphanage homes, as well as living on the street. She reports that she has always had a volatile relationship with her mother. She states that her mother has always verbally abused her. She remembers many times being told that she was never wanted should have been aborted, that she was hated etc. UAC states that her mother frequently hit her with metal rods, electric cords, and once chained her to her bed. She states that she has known she was a lesbian since a young age and has never been accepted as such by her mother. UAC reports an emotionally absent father and no problems with her siblings. There were neighbor women who would try and step in and try to help UAC with her mother at times to no avail. UAC reports that she has repeatedly been raped by her maternal uncle since the age of eight. She also reports that on occasion he threatened to hurt her sister if she did not let him have his way with her. UAC states that her mother does not believe this and says she is lying. UAC also report that a 17 year female cousin invited her to become a prostitute and taught her how to rob the men she served as well. UAC states that she had been told that since her uncle had used her no one would want her as she was used so she might as well use her body for money. She states that she prostituted herself out from the ages of 8 to 14 at which time she was still attending school and living at home. UAC reports that her mother did not provide for her and so she used her money for food and clothing. UAC also claims that she experimented with alcohol, marijuana, and cocaine from ages 8 to 14. UAC states that at age 14 a School teacher became involved and confronted UAC's mother. UAC reports that she was sent to live in a group home -

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Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Casa Antigua
Date of the Incident: 11/12/14 **UAC**:
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
On November 12, 2014, during a phone call with client's biological mother, case manager overheard client explaining to her mother the reason for coming to the United States. Client stated that she came to the United States due to a family member offering the father money for her to cross drugs into the U.S. Client also disclosed to the mother that her father was also offered money to have sexual relationships.

Incident Type: Suspected Smuggling/Trafficking
Facility: MercyFirst
Date of the Incident: 10/01/14 **UAC**:
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
Minor reported her paternal aunt whom lived near to the minor's home would force minor to clean minor's aunt's house on a weekly basis. Minor reported that her paternal aunt would threaten minor, if it wasn't done minor's aunt will tell minor's paternal grandmother to hit her the same day. Minor reported she was doing it against her will but cleaned aunt's home to avoid getting physically abused when minor would arrive to her home in COO.

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Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Pleasant Hill
Date of the Incident: 11/12/13 **UAC**:
Date of the Incident Reported to ORR: 11/11/14
Summary of SIR:
Client reported last year his father sold a piece of land in Bangladesh to send him to Brazil due to death threats received in home country. Client reported his father made the travel arrangements and he denied the cost of his travel to Brazil. Client reported his father gave him $300 USD on the day he left home to cover some living expenses. Client reported he left his home country on November of 2013 and he traveled alone by plane to Brazil. Client reported he planned on living with a family friend (agent) to continue his education while in Brazil. However, client reported the agent who was planning to enroll client in school refused and began pressuring client to work to pay for his food/shelter. Client reported he was called "lazy" for not wanting to work and the agent did not want to support client's wishes to go to school. Client denied ever being threatened or physically harmed. Client reported in order to pay his share of his living expenses, he began working from 11/2013 to 5/2014 at a local chicken slaughter house (killing chickens and packaging for delivery). Client reported working five days a week (Tuesdays to Saturdays) from 5:00am to 3:30pm and he was given breaks for lunch/rest time. Client reported he was given Sundays and Mondays off and he spend this time with the local boys to explore the town (playing/going to parks/buying food). Client reported during this time he was treated okay by the agent and he was provided with several meals a day. However, client reported he was not allowed to contact his family or go to school while he was staying in Brazil. In addition, client reported he was earning $300 USD per month but he had to pay the agent 200 Brazilian currency ($78.32 USD) each month for food/shelter. Client reported he confided with his friend, (who lived next door) the hardship he endured and how he was not given the opportunity to go to school. Client reported Carlos would assist him (without receiving payment) to come to the U.S. Client planned to reunite with a family friend in New York. Client reported he used the money he saved from his job to fund his journey and he spent around $600 USD. Client reported around May of 2014 he and traveled by bus/taxi for 1 day to Peru and they stayed in a hotel for 15-20 days. Client then traveled by bus/taxi/car for 1 day to Ecuador and he stayed in a hotel for 1 day. Client then traveled by bus/taxi to Colombia and walked 2 hours to Panama. Client then traveled by car to Costa Rica to Nicaragua to El Salvador to Guatemala to Mexico. Client reported left him in Mexico. Client reported he stayed 34 days in a Mexican camp and he was given documents to continue the rest of his journey. Client reported he traveled by taxi to get to border and he traveled by foot to cross the border where he was shortly detained by border patrol on 11/5/2014.

Incident Type: Sexual Abuse during Journey
Facility: SWK Rio Grande
Date of the Incident: 11/12/14 **UAC**:
Date of the Incident Reported to ORR: 11/13/14
Summary of SIR:
Minor disclosed that on September 27, 2014 during her journey, she was touched inappropriately by a Honduran immigrant who was about 40-years-old. This occurred in a bodega in while laying down to go to sleep in a room with four other immigrants that she traveled with. She states that she was lying in a bed and the male subject lye on a mattress on the floor perpendicular to her. She noticed that the guide in charge of her group left the room for no apparent reason. It was then that the subject got up from his mattress and began touching her legs by sticking his hands through the bottom of her pants. He was only able to reach her thighs when minor ran out of the room to tell another male immigrant. They both then went to tell the main guide in charge about what had happened. By that time, the male subject had left the bodega and the guide stated that if he returned, they would "tablear" him or hit him with boards as a consequence for what he did. The minor was then put in a room with only females and the offender did not return. Minor is certain that the man's intention was to touch her genitals and possibly rape her.

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Incident Type: Other
Facility: IES Foster Hidalgo
Date of the Incident: 11/12/14 **UAC**:

Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
On 11/12/14, Mrs. sponsor for (14 yr. old female), stated that she had received a call approximately 9:00 am on 11/12/14 from someone asking for funds in order to release her children from custody as they were currently apprehended and get a 1-3 year permit for them to stay in the United States. Mrs. stated the call was from a man who identified himself as and stated that he was an attorney. As per Mrs. asked for funds in the amount of $850 per child in order to offer services and asked that the money be sent through Money Gram. Mrs. told him she would talk to her family and give him a call back later. Before ending the call the person on the line gave a phone number of for her to call back when she was ready to send the funds. IES Hidalgo Lead Case Manager spoke to Mrs. Bonilla via phone and informed the Sponsor not to send any money to other programs or individuals calling her regarding her children pending reunification as it may be a scam. It was also explained to Mrs. that the only fees that she would be expected to pay would be those of the flight costs for her children once the case has been approved by ORR and the children are ready to be reunified with her. Mrs. stated that she understood and would contact IES Hidalgo if she had any other calls from individuals requesting money or if she had any questions or concerns.

Incident Type: Other
Facility: NY Foundling
Date of the Incident: 11/09/14 **UAC**:
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
Minor reported that while in detention, he experienced verbal abuse. According to minor an ICE official interrogated minor demanding that minor tell the "truth" about his age and that he was really 20 years old instead of 17 years old. Minor stated that the officer was wearing a green uniform. According to minor, the officer continued to make verbal threats to minor stating that because he was lying about his age that he would be deported. Minor stated feeling scared about the constant interrogations, but knowing that he was not lying, kept him hopeful. Minor did not report any nightmares or flashbacks as a result of the trauma experienced. No safety concerns at this time.

Incident Type: Other
Facility: IES Foster Hidalgo
Date of the Incident: 11/09/14 **UAC**:
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
On 11/12/14, the assigned clinician met with age 17, to complete her initial assessment questionnaire. When the child was asked if she had ever been threatened, disclosed that when she was detained by immigration that they threatened to take her son, (also a UAC at Hidalgo Foster Care Program), away from her and threatened to deport her. The child was unable to recall the station and/or city that this verbal threat took place.

Incident Type: Other
Facility: BCFS Chavaneaux
Date of the Incident: 11/12/14 **UAC**:
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
During an interview with clinician, disclosed information that in TX during his apprehension with U.S. Border Patrol minor was pointed at with a firearm by a border patrol officer. Minor reported that he was not harmed and he did not respond aggressively towards the officer. Wilson reported that he was afraid that the officer was going to accidentally shoot his firearm

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Incident Type: Sexual Abuse during Journey
Facility: IES Foster Hidalgo
Date of the Incident: 11/12/14 **UAC**:
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
When was asked if she has ever been touched in a way that made her feel uncomfortable, she disclosed that the male guide that helped her travel through Mexico touched her private areas while riding the bus. The child did not know the name and age of the male guide.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS San Antonio LTFC
Date of the Incident: 11/9/14 **UAC**:
Date of the Incident Reported to ORR: 11/13/14
Summary of SIR Addendum:
The cellphone that was confiscated from had inappropriate pictures. The pictures found on the cell phone consisted of minor posing provocatively in her undergarments. Some of the pictures were of minor only and other pictures included minor and another UAC who aged out of our program in October. There was no nudity involved and the minors were not placed at risk. denied sharing the pictures with anyone and did not upload them to any social media networks. was very resentful as she did not mean any harm by her actions. Case manager conducted a home visit and met with oster mother provided case manager with the confiscated cellphone and inappropriate pictures were found. She informed case manager she is aware she broke the rules and understands there might be a consequence for her actions. According to the phone was not activated and would only take pictures and use it to connect to Facebook. denied sharing the pictures with anyone. At this time, it has been decided a behavioral contract will not be completed as this is first incident. BCFS and Foster Parents will continue to monitor her behavior. Clinician and Case manager will follow up with her to address her behavior. Case manager requested her foster parents to continue to monitor her behavior for any mood changes and increase supervision while at the home. Foster parents will report any pertinent information to BCFS staff. Pro Bono attorney will also be notified.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Staff Secure (Paso)
Date of the Incident: 11/13/14 **UAC**:
Date of the Incident Reported to ORR: 11/13/14
Summary of SIR:
The following information has been gathered during two clinical sessions. Minor disclosed he was kidnapped by members of the cartel who obligated him to work for them as a foot guide. stated that around April 2014, he was working in a small alcohol dispensary when some people came in trucks, beat him and obligated him to enter in the truck. He stated he was taken to a house where other two people were. Minor stated he was tied, as well as the other people. Minor reported that one of the people who kidnapped him accused them to being thieves. He said his wife indicated they were the ones who broke into her house and stole things from it. Minor stated he never stole anything from anyone, and did not even know that person or his wife. Minor stated they did not believe what he said and told him he was going to be killed. Minor said during three days he was tied all the time, severely beaten, kicked, and was not provided with any food or water. reported on the third day the people who kidnapped him brought two other people, who were also accused of being thieves as well, and they killed them in front of him by shooting them in their heads. Minor said he was told that he was going to be killed like that too. Minor stated that one of the people put a gun in his head, and he was going to be shot, but at that moment this person received a phone call saying that there were no more foot guides available to smuggle people. Minor stated he and the other two people were told that they could save their lives if they worked for them as a foot guide. Minor stated he had to agree so he would not be killed. reported that he was untied, given food, and waited for about three days before he was sent to a trip smuggling people. Minor stated he was kidnapped in the house for 15 days, and he was allowed to visit his family and friends, but he was told that if he escapes he would be killed. Minor reported he told his father about this, but he did not do anything about it. stated he had to come back to the house one week, and then allowed to visit his family and friends for another week, then return to the

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house for another week, and so on. Minor reported he was not paid or told he was going to be paid, but sometimes his boss would give him some money. Minor denied knowing the name of the person who kidnapped him, but he stated he must be affiliated with the Minor stated that he has been apprehended 5 times, but only this one he has been sent to an IRR program.

Incident Type: Sexual Abuse during Journey
Facility: BCFS San Antonio LTFC
Date of the Incident: 11/13/14 **UAC**:
Date of the Incident Reported to ORR: 11/13/14
Summary of SIR:
During individual therapy session, while completing the Survey of Exposure to Community Violence, minor disclosed alleged sexual assault during journey to the United States. Minor stated that approximately five months ago, during her journey to the US, while she was traveling on a bus in Mexico, the bus was stopped by Mexican Federal Agents. The passengers were taken off the bus, and one of the agents asked minor for money and minor denied carrying money. The agent proceeded by slipping his hand down minor's lower back side, inside of the pant near the pocket area of the jeans, providing skin to skin contact, and stated he was searching for money minor may be hiding. At this time, minor reported feeling uncomfortable. Minor stated the agent quickly lifted his hand after he did not find any money, and stated minor could return to the bus. Minor denies any other form of inappropriate touching, and stated she was left physically unharmed after the incident.

Incident Type: Suspected Smuggling/Trafficking
Facility: Shenandoah Valley Juvenile Center Secure
Date of the Incident: 11/13/14 **UAC**:
Date of the Incident Reported to ORR: 11/14/14
Summary of SIR:
Summary -- On 11/13/14, UAC disclosed additional details about his time spent forced to work for the On 11/13/14, UAC disclosed additional details about his time spent forced working for UAC reports that he has always been a "malandro" or street kid. UAC reports that on the streets he met the right people that led him to finding his way to the border. UAC reports that his friend, said he was going to cross the border and showed UAC a map of where he was going to cross. UAC reports that he went from to with the money he had saved working as a mechanic, and attempted to cross the border with a "coyote." During this attempt, UAC reports that he was kidnapped by the "coyote" on the United States side of the border. UAC reports that groups of people were separated to proceed to their destinations and UAC was the only one that was separated alone. UAC reports he was taken back to Mexico and met a man named a leader of the UAC reports that this individual forced him to work as a foot guide for and threatened him with death if he chose to run away. UAC reports that he attempted to escape a first time, and was re-captured by the cartel and taken to UAC reports that he attempted to escape a second time. UAC reports he was captured once again and was beaten with a metal tube on this occasion. In addition, on this occasion UAC reports that his friend was shot and killed beside him, and that he was told by that if he ran away one more time, he would be shot just like his friend. UAC reports that he told he didn't want to work as a foot guide anymore and continued to force him to work and continued to threaten him. UAC reports that he has been apprehended 5 times by border patrol, and usually crossed with 10-15 people at a time. On a couple of occasions, UAC reports witnessing people drown in the river as he was guiding them across the river. UAC reports that every time he was apprehended, he was immediately returned to Mexico. UAC believes that the border patrol agents are in contact with from , because every time he was released and returned to Mexico a truck from employees would be there to pick him up. UAC reports that he had no chance of running away from the Gulf Cartel, because they always captured him after his apprehensions. UAC expressed fear that might be searching for UAC, and does not want to return to Mexico. UAC reports that does not know his family, and only knows that UAC was a street kid. UAC reported that up until his eventual successful escape, he had been working for for up to two years (while UAC was not sure exactly how long it had been, this is contrary to SIR dated 10.16.14 from SWK Nueva Esperanza, where he reported working for them for only eight months).

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Incident Type: Suspected Smuggling/Trafficking
Facility: Union County
Date of the Incident: 10/31/14 **UAC**:
Date of the Incident Reported to ORR: 11/14/14
Summary of SIR:
On 10/31/14, upon further investigation UAC continues to remain adamant that when he was caught by immigration transporting undocumented aliens that he was doing the transport only because he was forced to do so. Per UAC while working at a local carwash in Texas, people he did not know came up to him and asked him if he was interested in getting additional money. UAC asked doing what and was told that a van full of people would be brought to the carwash and he would then drive the van to an undisclosed location. UAC was told that he would follow a vehicle to the location and the people he transported would be dropped off then UAC would bring the van back to the carwash. UAC states that he refused the offer but then the people threatened that if he did not cooperate his mother and siblings would be hurt. UAC states he then agreed to do as he was told in fear that his family would be hurt. Per UAC he did the transport a couple of times and then eventually was caught by immigration in September resulting in then being placed under ORR custody. UAC states he never received any money for any of the transports he did.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Baytown
Date of the Incident: 11/14/14 **UAC**:
Date of the Incident Reported to ORR: 11/14/14
Summary of SIR Addendum:
the youth in ORR custody reported witnessing the following events while on his journey to the United States from Guatemala. For two weeks was held in a home owned by in Texas located outside of Texas. She had 20 – 25 immigrants on her property in separate building behind the home. was sold to this woman by a man (smuggler). was forced to work in the home. He cared for 4 grandchildren, the children's mother also lived in the home however her name was not provided. Reports indicate that was locked in a room at night with the four children. They were not allowed out of the room. reported they would have male guests in the home at night where alcohol and drugs were consumed. reported that and her daughter would leave illegal drugs on the table. reported witnessing the woman ingest Cocaine and there were times that the women snorted so much that their noses would bleed. This was also done in front of the children. reported that on one occasion, when the women had friends over, that they allowed the two year old to stay with them. On this occasion the women put beer in the two year old bottle and make her drink it. They then watched her stumbled around, as she was drunk from drinking the beer that was put in her bottle. The adults in the home were reported to watch this laughing and recording it on their phones. also reported that on one occasion 7 year old was outside of the bedroom when the women had friends over in the evening was struck in the eye by her mother for not being in the room as instructed. fell to the ground from the blow and helped care for her injury. reported that the next day the 7 year old went to school with a black eye. Authorities did come to the home and the mother reported that she got the black eye from fighting with her sibling. The family was informed that would be interviewed separately. mother told to tell authorities that she got in a fight with her sibling and that her brother had a pencil which poked her eye. further explained that the grandmother advised Jaqueline's mother that she should hit the kids on their feet, because nobody will be able to see marks on their feet. A TDFPS report has been submitted with the information above. E Report Confirmation Number:

Incident Type: Sexual Abuse outside the US – UAC Pregnant
Facility: IES Foster Brownsville
Date of the Incident: 11/05/14 **UAC**:
Date of the Incident Reported to ORR: 11/14/14
Summary of SIR:
On 11/05/2014, GDIT Case Coordinator L.G. reported via email that in her interview completed on same date with (age 17 & 5 months pregnant) she disclosed the following information: disclosed that her 2nd pregnancy was a result of a sexual assault by her neighbor. The minor did not want to disclose more information other than she has not told anyone of the assault. A CPS report has been filed. The following is the confirmation #: E-Report Confirmation Number:

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1626712. At this time, there are no signs of trauma induced concerns. has not reported or exhibited any changes in her sleeping and/or eating patterns. She has been reporting feeling comfortable and safe in her current placement. A recommendation was made to increase the number of days she is attending school as she is content participating in school activities. has expressed her desire for her unborn child to be a female due to already having a son. has been educated on healthy steps for teen mothers and protecting herself in future sexual relationships.

Incident Type: Other
Facility: IES Driscoll
Date of the Incident: 11/14/14 **UAC**:
Date of the Incident Reported to ORR: 11/14/14
Summary of SIR:
On November 14, 2014 during Admission Assessment, resident disclosed to clinician being verbally abused while in the care of U.S. immigration officials. Minor explained he was apprehended in TX after crossing the U.S border from Minor shared he was taken to an immigration center shortly after being apprehended. According to minor, he arrived at this site during night time on October 8, 2014. Minor described being treated harshly during the 28 hours he was held at this particular immigration center. Minor stated he was called names such as "Puto","Pendejo" ," No vales nada" and "Criminal" on a consistent basis. According to minor, there was an officer with the last name of who witnessed the resident and other residents being verbally abused. Minor was clear to indicate treated him well and was not aggressive towards him in any manner. Minor stated he requested to speak to a supervisor in hopes of addressing the verbal aggressiveness he was experiencing from the immigration officials. Minor informed being treated with disrespect when the supervisor met with him and was told (Te voy a dejar de ultimo para que dejes de estar chingando) he would be the last minor to be processed due to him making complaints about his stay at the immigration center. Minor also reported not being fed on a consistent basis. He shared he was only given two meals consisting of a sandwich and juice during the 28 hours he was detained at this station. Minor indicated after 28 hours he was taken to another immigration center where he was treated much better. Minor denied any type of verbal, physical or sexual abuse during the rest of his time under the care of immigration. However, he indicated he was not fed during the 12 hour period while he was transported to International Educational Services after leaving the first immigration center. Minor denied being physically or sexually harmed in any manner while in custody of immigration officials. Minor described feeling very frustrated and upset by the conditions he experienced. He shared he felt discriminated and saddened by the treatment he received. Minor denied currently experiencing any significant mental health issues such as suicidal ideations and self-harm behaviors as a result of the verbal abuse he endured. Minor presented emotionally stable during assessment and denied any current significant mental health concerns.

Incident Type: Possession/Use of Drugs
Facility: Morrison Paso
Date of the Incident: 11/12/14 **UAC**:
Date of the Incident Reported to ORR: 11/12/14
Summary of SIR:
YCW was walking to room S-18 when he noticed resident placing his thumb up to his nose and sniffing hard, YCW nocked on the door and saw resident jump and then crumple up a piece of paper on his desk. YCW spoke to the residents in room S-18 letting them know that they were about to have a meeting in the living room. Resident placed the crumpled piece of paper in his pocket then walked out of his room, resident asked YCW to use the restroom. YCW kept sight of resident and called APD over. YCW told APD about the situation, APD told resident to empty his pockets out and resident pulled out the crumpled paper. APD asked "what is that?" and resident responded saying "nada" APD told to open it up and resident did and there was a white substance inside the crumpled piece of paper. APD asked "What is that?" and resident responded that it was "sal" (salt) APD looked at it closely and told resident that it wasn't salt. Resident id not say anything. APD onfiscated the paper and took it with him. APD told resident to stay in the hall in a place that he could be seen by staff. ADP nvestigated and it was determined that the minor was snorting laundry soap. Minor was redirected not to do this anymore as it is not safe to do. Medical Assistant followed up with to make sure he's ok. Minor stated that he didn't snort anything and because staff caught him.

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Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Paso
Date of the Incident: 11/14/14 **UAC**:
Date of the Incident Reported to ORR: 11/14/14
Summary of SIR:
During clinical sessions, minor Jose Lopez disclosed he was working for the cartel as "culiador de linea" (line guard) and was obligated to smuggle drugs in the US this last time he has been apprehended. Jose stated that on 08/14/2014 a friend asked him to work for the cartel watching the line (border with the US), checking if there were authorities around. Minor stated his job was only to watch for police or immigration officers while other two people were going to cross the border. Jose stated that after those two people crossed, he was going to leave, but the person who was in charge told him he could not come back yet, threw a bag with drugs and told him he had to take that bag and deliver it in the US territory. Minor stated he refused to take the bag, and he was told that if he did not deliver it, he was going to be killed. Minor then was forced to take the bag and walked with it into the US territory. Minor reported that after 10 minutes of walking the boss communicated with them via radio and told them that immigration officers were around. He was told "regresate pero regresate con la droga o si no te matamos" (you have to come back, but come back with the drug otherwise we will kill you). Minor stated that he did not want to be killed and decided to turn himself in to the Border Patrol. also stated that previously to this apprehension he has been physically abused and harassed by members of the cartel in Mexico. He stated that on one occasion he was at a party when members of the Mexican police took him to a placed known as " Minor explained these are places managed by the police, in which people are locked in small cells, and tortured and requested money to be freed. Minor stated he was there for 3 days, with no food and no water, and after that time some assassins came to pick him up. Minor stated one of the assassins slapped twice across the face and did it again when they were in the car. Minor reported after 3 days, the police came to his house and took him again to the and the same assassin went to pick him up. Minor stated he was yelled and slapped again across the face and obligated him to watch all the police cars that were there at that time. Minor disclosed that on Aug. 12th, at night, minor was riding his bike when assassins took him to a place he calls "the zone" where the assassin who previously slapped him was there. Minor stated the assassin slapped him again in the face and took him to where he stayed 32 hours with no food or water. Jose reported that on Aug. 14th he was with some friends when assassins got out of a truck and started beaten them, with guns grips and kicks. Minor stated he was beaten severely that day, and that was the same night a friend asked him to watch the line.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS San Antonio LTFC
Date of the Incident: 11/14/14 **UAC**:
Date of the Incident Reported to ORR: 11/14/14
Summary of SIR Addendum:
Minor reported during her journey Mexican soldiers boarded the bus she was traveling on and robbed her. Minor stated she was told she had to pay them or they would take her. Minor gave them the money she had. Minor also stated that during her journey she did not eat well while she was waiting to cross the border in a warehouse. Minor stated the coyotes would give them small portions of food and she offered to help clean the warehouse in exchange for more food. Minor reported the coyotes did not force her to clean. Minor also stated that she witnessed the coyotes take drugs to stay awake and watch over them. At times minor stated the coyotes would hit and mistreat other travelers.

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DCS Weekly Significant Incident Report
Submitted by: Rocio Herrera
November 16 – November 22, 2014

Category of Significant Incident Report:

- Allegations of Abuse by Program Staff – Inappropriate Behavior: 2
- Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault: 7
- Suspected Smuggling/Trafficking: 10
- Possession/Use of Drugs: 0
- Sexual Abuse outside the US – UAC Pregnant: 0
- Sexual Abuse during Journey: 3
- Other: 4

Total Number of Major SIRs: 26; Total Number of SIRs for the Week: 455 ; Number of SIRs for FY15: 3501

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Paso
Date of the Incident: 11/14/14 **UAC**:
Date of the Incident Reported to ORR: 11/14/14
Summary of SIR:
It was reported by YCW that this youth made a threat to him. He documented the following "During lunch resident had the water gallon on his table when YCW asked to please put the water gallon back where it goes so other residents can get water as well. refused to put it back where it goes so YCW grabbed the gallon to put it back where it belongs and said "Ya no te voy a ponchar las llantas de tu carro, te voy a ponchar tu culo." Translating to "I'm not going to pop the tires of your car anymore; I'm going to pop your asshole."

Incident Type: Sexual Abuse during Journey
Facility: BCFS San Antonio LTFC
Date of the Incident: 11/13/14 **UAC**:
Date of the Incident Reported to ORR: 11/13/14
Summary of SIR:
During individual therapy session, while completing the Survey of Exposure to Community Violence, minor disclosed alleged sexual assault during journey to the United States. Minor stated that approximately five months ago, during her journey to the US, while she was traveling on a bus in Mexico, the bus was stopped by Mexican Federal Agents. The passengers were taken off the bus, and one of the agents asked minor for money and minor denied carrying money. The agent proceeded by slipping his hand down minor's lower back side, inside of the pants near the pocket area of the jeans, providing skin to skin contact, and stated he was searching for money minor may be hiding. At this time, minor reported feeling uncomfortable. Minor stated the agent quickly lifted his hand after he did not find any money, and stated minor could return to the bus. Minor denies any other form of inappropriate touching, and stated she was left physically unharmed after the incident.

Incident Type: Suspected Smuggling/Trafficking
Facility: United Methodist Home
Date of the Incident: 11/17/14 **UAC**:
Date of the Incident Reported to ORR: 11/17/14
Summary of SIR:
Today, the minor attended the school when she asked to talk with the Clinician. At soon she was alone with the Clinician, she started to cried and stated: "I have more to tell you. When I escape from the coyote, the coyote called to let them know that I escape told me). took me in Texas. They made me to smuggle drugs (10 drugs capsules) and threated me to kill me if I refused it. They wanted to transport the drug to We went back to Mexico In bus with 2 gringos). There, they gave me a pill and then, they got the 10 capsule of drugs. Then, they made me clean the capsules using toothpaste. They didn't offer any money to me to transport the drugs; just they threatened me that I have to do it. took me to the doctor because 2 gringos wanted to buy me for their business.

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The Gringos received payments but I don't know how much. They took me to a doctor and 2 gringos (one of them nick's name is wanted to buy me because they told me that I was perfect for something at the magazine. I meet a lady and she told me that I was too young for all this and she wanted to help me escape. The gringos took us to a room and they rape her in front of me and because she wanted to escape, they shot her head in front of me and then, opened her stomach to get the drugs, and they raped me (white guys). I saw cards on the floor with the following information: Texas and federal. They told me that if I escaped that might happen to me. They transported me in a boat, but I escape jumping out. They didn't shoot me because their boss wanted me. I swam and in Texas, I meet another lady with 2 kids. She was lost and she told me "we need to surrender" and we did.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Holy Family Institute
Date of the Incident: 11/17/14 **UAC**:
Date of the Incident Reported to ORR: 11/17/14
Summary of SIR:
Upon arrival to the home for a session with another resident, Clinician went to the second floor of the home where all residents and staff were transitioning the residents after school. ran out of her room to greet the clinician, hugged the clinician, and kissed directly on the clinician's right breast. Clinician immediately directed to let go and Clinician stepped away from Clinician stated that the behavior was inappropriate and directed to ask permission prior to hugging or kissing a staff member or resident. stated understanding and engaged in practice of the skill by asking the clinician for permission to greet her with a hug. Clinician then engaged in practice of the skill by permitting to give the clinician a quick hug. then tried to tickle the clinician. Clinician set the boundary that was again behaving inappropriately and directed her to give the clinician personal space. Clinician stated that was expected to keep her hands to herself and assisted in transitioning to the next activity in the residence.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Downtown Shelter
Date of the Incident: 11/16/14 **UAC**:
Date of the Incident Reported to ORR: 11/17/14
Summary of SIR:
Minor reported that while working for he was forced to carry packages across the border on two occasions. Minor stated that the first incident occurred approximately one year prior to being admitted to ORR care (Minor was initially admitted to Shenandoah Valley Staff Secure placement on 6/8/2014). He reported that he was told by members of the cartel that he had to carry packages containing Marijuana across the Rio Bravo. Minor stated that he refused, and told the cartel members that he would only transport people across the border. Minor reported that the members of the cartel then told minor that he would be beaten with a wooden plank, or worse, if he refused. Minor stated that he ended up taking the packages across the river and was not caught. Minor stated that approximately 3 months prior to being admitted into ORR care he was again asked to carry packages across the river. Minor stated that he again attempted to refuse, telling the cartel members that he feared being caught by the U.S. Border Patrol while carrying drugs, but that members of the cartel again warned him that he would have to "pay the consequences" if he refused. Minor stated that on the second incident he did not ask what was in the packages, but that they were smaller. Minor stated that he has not reported this in the past because he feared it would complicate his legal case. Minor stated he was not caught either time, and that he was fearful of being forced to do this type of work. Minor stated that he was regularly beaten by members of the cartel when they were displeased and that he decided to escape into the U.S. on his most recent journey due to the abuse and due to being pressured to do things against his will.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: KidsPeace
Date of the Incident: 11/18/14 **UAC**:
Date of the Incident Reported to ORR: 11/18/14
Summary of SIR:
reported that other UAC, has been bullying him. He has been calling "chica" (girl). Also, reported that said to him "Soy un violador, te voy a violar" (I am a rapist, I am going to rape you").

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Sandy Pines
Date of the Incident: 11/17/14 **UAC**:
Date of the Incident Reported to ORR: 11/18/14
Summary of SIR:
Peer reported witnessing UAC kissing with a male UAC in the hallway during school. They were reported to be kissing 11/17/14 at approximately 12:00 pm. UAC admitted to kissing, but UAC denied the allegations.

Incident Type: Other
Facility: LSS of New York
Date of the Incident: 11/15/14 **UAC**:
Date of the Incident Reported to ORR: 11/17/14
Summary of SIR:
Minor reports being placed in the Ice Box several times while being held in the detention center. Minor stated that the first time he spent one day and night with other minors, and was then taken out to another room. Minor stated that the second time he was placed with other adults, and was taken in and out of the room while immigration officials investigated his actual age. Minor reported it was not until the second to last day of being in the detention center that he received a blanket; the minor reported to be held in the detention center for seven days. Minor could not identify the name of any of the officials who placed him in the Icebox. Minor also reported that the day before coming to LSSNY, as he was waiting for his flight, an officer told him and others to stop being loud; minor indicated that the officer used foul language when speaking to them.

Incident Type: Suspected Smuggling/Trafficking
Facility: New York Foundling
Date of the Incident: 05/05/14 **UAC**:
Date of the Incident Reported to ORR: 11/17/14
Summary of SIR:
Minor disclosed that during his long journey to the U.S he experienced child labor, verbal abuse and exploitation. Minor reported that it took him about 6months to reach the US. Minor reported that during his journey, he worked in many places in exchange for food or shelter. Many times he was promised wages, but was often not paid. Around May 2014- Mexico-Minor reported that he spent 20 days living with a family that were related to his guide. Minor reported that he worked selling watermelons in exchange for room and board, no wages were paid. Minor reported that he worked 8 hours a day 7 days a week. Minor reported that there were no other workers in the residence. In addition at this residence minor reported that he witnessed the proprietor engaging in domestic violence with his wife. Minor reported that he witnesses the proprietor chasing his pregnant wife with a machete while in the presence of the proprietor's two year old child. Minor also disclosed that the proprietor once threatened him with a machete while drunk. Minor reports that he was scared and tried to stay away from the proprietor as much as possible. Minor reported that he called his brother in the US for financial support. According to minor his brother sent him money via the family at this residency and was only given 50% of the funds that were sent to him. Minor reported that when he protested he was told that the guide has said he should only receive that much. Minor was able to use these funds to take a bus to Mexico. Around June 2014- -Minor reported that he worked at a car wash where the owners routinely cheated him out of his wages. Minor reported that he worked from 9am to 1am, seven days a week. Minor reported that the owner made arrangements for minor to sleep in a bar next door. According to minor he finally left when he was able to save enough money to continue his journey to the US. Minor reported that owner refused to pay wages owed. Around September 2014- Mexico- Minor stated that when he arrived in he stayed with a relative of his nephew's stepmother. Minor reported that his brother paid rent for him every 15 days. Minor reports that the home was comprised of one room which he shared with 6 people. Minor reports that he shared a bed with a 12 year old boy. Minor reported that he was verbally abused by the proprietors, who insulted his mother and referred to him by homophobic slurs. Minor reported that his cell phone was stolen while at the boarding house. Minor reported no trauma, nightmares or flashback as a result of the abuse. No safety concerns at this time.

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Incident Type: Sexual Abuse during Journey
Facility: IES Shelter
Date of the Incident: 11/17/14 **UAC**:
Date of the Incident Reported to ORR: 11/18/14
Summary of SIR:
On November 17, 2014 during the initial clinical interview process with Clinician, minor reported verbal sexual harassment from two guides in Mexico xplained during the clinical assessment that she was verbally, sexually harassed by two guides during her journey through Mexico. states the second guide out of four guides that she traveled with asked her if she wanted to sleep on the mattress with him as well as all the other females. states she felt very uncomfortable and decided to sleep on the bare floor instead. also explained one by one the other females got off the mattress and left the guide on the mattress sleeping alone. As they traveled along getting to Mexico by bus the same guide who was called who appeared to be about 32 years of age asked her before arriving to their destination if she wanted to stay with him and the other male guides at the hotel so that she would sleep comfortably and if she did she would get special treatment such as tacos and clothes. states she refused and was not bothered by him any longer. As traveled farther in her journey and arrived in Mexico in a stash house, the 4th guide who was in the stash house constantly verbally harassed her as if wanting a relationship with her and asked her two times if she wanted to sleep with him. states he made her feel uncomfortable although she denies any physical or sexual contact with him because he was older than her and was fat.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: Morrison Secure
Date of the Incident: 11/18/14 **UAC**:
Date of the Incident Reported to ORR: 11/18/14
Summary of SIR:
Minor made sexual inappropriate gesturing towards a program female staff. While the unit was on their free time, minor was observed by staff, gesturing in an inappropriate sexual manner towards a female staff when they walked through the unit by smacking his hands together gesturing that he was slapping their bottom (back side of their butt) and smiling. Minor was seen by staff signaling at another youth his actions and or intentions. When the female staff walked by a second time, minor was seen by staff repeating the same inappropriate sexual gesture. Youth was sent to his room without incident.

Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: BCFS San Antonio
Date of the Incident: 11/18/14 **UAC**:
Date of the Incident Reported to ORR: 11/18/14
Summary of SIR: Addendum
In response to previous sexual assault in another program, attended his SANE follow up exam at Center for Miracles. STD testing results are pending for seven days. RN discussed recommendations for future testing. NO INJURY TO CHILD REQUIRING MEDICAL ATTENTION: attended his scheduled six week follow up appointment from initial SANE exam. He had a verbal consultation with the RN was taken to a medical exam room with Dr. in order to receive a one anal swab for STD testing Syphyilis & HIV. According to RN was hesitant to remove his pants but agreed and allowed the exam. He removed his pants but had his boxers on. Witnesses: CM Transporter Transporter , RN Dr. . Staff response and intervention: RN spoke with CM and discussed discharge information. An anal swab was received and within 7 days CM will receive a phone call if results are positive for Syphilis or HIV. RN discussed HIV testing in three months then six months and the HPV vaccine. CM Griselda reported the incident to LCM LCM Clinician Lead Clinician APD & PD Resolution and Follow up: Pending SANE recommendations, case management will follow up with medical recommendations, treatment plans, and legal recommendations. Case manager will notify CPS worker of any updates/recommendations.

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Incident Type: Allegations of Abuse by Other UAC Sexual Abuse; Inappropriate Sexual Behavior; Sexual Assault
Facility: NOVA
Date of the Incident: 11/14/14 **UAC**:
Date of the Incident Reported to ORR: 11/19/14
Summary of SIR:
While on the dayroom floor, staff observed UAC making gestures as if he were masturbating, and pretending to have breasts and squeeze them. Staff informed UAC that his behavior was inappropriate and that he needed to stop. UAC ceased his behavior. Approximately 50 minutes later, staff overheard him telling other UACs about putting semen on a pen that one of the female shift supervisors had given to him to sign a contract. Staff then interrupted the conversation and asked UAC to clarify what he was talking about. He provided more detail about the incident. The shift supervisor was notified and UAC was escorted to his room with no further incident.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Baytown
Date of the Incident: 11/18/14 **UAC:**
Date of the Incident Reported to ORR: 11/19/14
Summary of SIR Addendum:
the youth in ORR custody reported witnessing the following events while on his journey to the United States from Guatemala. For two weeks as held in a home owned by in Texas located outside of Texas. She had 20 – 25 immigrants on her property in separate building behind the home. was sold to this woman by a man (smuggler). was forced to work in the home. He cared for 4 grandchildren, the children's mother also lived in the home however her name was not provided. During a meeting with clinician, explained that during the two weeks he was held in a home owned by " where sexual advances and a possible sexual relationship, which was forced upon the minor. The minor indicates one night nd her oldest daughter had adult females in the home and they were drinking beers, smoking marijuana and inhaling cocaine. reports the other children in the home were placed in a room so they did not inhale the smoke. During three hours was sitting in the dining room table and when asked, he would take beers to the ladies. feel asleep at the table and at a later given time he awoke to see the room full of smoke from the marihuana. He felt odd and could not understand why he was laughing at everything. The female identified as took him by the hand and took him to a room. The female friend of hers went along. When in the room they began to touch him and asked him to remove his clothes to which he said he would rather not. They both pushed him on the bed and proceeded to remove his clothes. He stated they did so as well. The minor described tattoos they displayed. has a Virgin Mary tattoo on her left calf and the names of her children on her right calf. The second female, whom the minor reported to be in her late teens, had a butterfly on the left side of her lower abdomen and another butterfly on her left shoulder blade. Cosman cannot recall much but reported he fell asleep in the bed and awoke with them in bed as well, the next morning. He excused himself for not having reported it before because he feels ashamed. The minor feels safe in ORR placement. A TDFPS report has been submitted with the information above. E Report Confirmation Number: Dated Submitted: 11/19/2014 09:02 p.m.

Incident Type: Other
Facility: CC Boystown
Date of the Incident: 11/19/14 **UAC**: N/A
Date of the Incident Reported to ORR: 11/19/14
Summary of SIR:
On 11/19/14 at approximately 4:15am, a man trespassed our property opened the annex door from the second floor and sounded the alarm. Suddenly, the man closed the door when staff approached to him and asked "who are you?" and then the man ran away. The staff, reported immediately to the police and to her coworkers. The police came to the facility and apprehended the man.

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Incident Type: Other
Facility: Morrison TFC
Date of the Incident: 11/18/14 **UAC**:
Date of the Incident Reported to ORR: 11/19/14
Summary of SIR:
On 11/18/2014, at approximately 02:45p.m., minor reported to the onsite clinician, the following: "Youth reports that he arrived in immigration custody on 11/7/14. He reports that he spent seven days and six nights in custody. He states that on numerous occasions he and/or his brother asked to use the bathroom but were denied the right for an extended period of time and that on one occasion his brother peed in his pants after having to wait too long. reports that the immigration staff then made him change his brother's pants." **Per the UAC Portal/Case Management/Intakes/Apprehension and Transfer Information** Minor entered and was apprehend on 11/09/2014 at 12:00a.m. in California. Current Location: SYS POE, California, on 11/12/2014 at 12:00a.m. Minor was admitted to Morrison Micasa on Friday, November 14, 2014.

Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Children's Village Shelter
Date of the Incident: 11/18/14 **UAC**:
Date of the Incident Reported to ORR: 11/19/14
Summary of SIR:
Yesterday evening during therapy session with Clinician, minor revealed that she feels discriminated against by a Staff member According to minor, the Staff yells at her most of the times when is chores time and that this particular Staff tends to assign her more chores than the rest of the residents. Minor further explained that during a Community Meeting on Monday this particular Staff was talking about how to treat others with respect, love and compassion. However, minor stated that she felt distraught because this Staff does not treat her the way she was describing in the group. Minor stated that she could no longer hear what the Staff was saying about respect and how we are supposed to treat each other, and therefore, she began to cry.

Incident Type: Suspected Smuggling/Trafficking
Facility: Bethany Christian Services Shelter
Date of the Incident: 11/20/14 **UAC**:
Date of the Incident Reported to ORR: 11/20/14
Summary of SIR:
The youth reports that he was involved in drug smuggling (marijuana) while living in X. The youth reported that he was invited to join a drug smuggling organization by a friend from school. The youth reported that he and his friend began working for the organization in March 2014 and had made 18 or 19 trips since he started. The youth reports that he often felt scared during these trips because he did not know what was going to happen. The youth states he has been caught by U.S. Immigration officials about 6 or 7 times and was deported immediately, until this last time that he was caught on 6/21/14 and was sentenced to serve three months at the Eastern Arizona Juvenile Detention Center.
The youth reported that he worked for a man named who was part of the but the division of the cartel was called " The youth reported that he was paid $1,500 USD for every trip, if the drugs made it to their destination. The youth reported that out of all his trips, there were only two occasions when he was not paid due to the drugs being confiscated by immigration officials. The youth reported that the two times the drugs were confiscated, his boss made him take even more heavy backpacks full of drugs on his next trip to "get back at him." The youth stated that his maternal uncle was a good friend of and he was also involved with a drug cartel. The youth also reported that his uncle mysteriously disappeared about 4 or 5 years ago. The youth reports that his uncle was in the middle of working a drug deal, and he got in a truck with some other people and he never returned. When the family went searching for the uncle, one man told them that they should stop searching and thinks that the youth's uncle was probably killed. The youth also mentioned that his uncle had problems with some members of The youth states that his parents also worked with the youth's maternal uncle in the drug business. The youth reported that his father worked with his uncle, both selling drugs and welding compartments in different parts of cars in order to hide drugs in the walls of the cars, and in the gas tanks so the drugs would not be seen by the police when crossing the border. He states that his father, was arrested by the police while selling drugs, but when asked to state his name, he gave the name

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instead of his real name, and that is the name he goes by now. Additionally, the youth states that his mother, would go once in a while with his father to collect and transport money for the drugs, so she began using the name The youth is unsure if his mother has ever been arrested by the police. The youth indicated that there is a lot of community violence and vandalism in his home town. The youth stated that there are shootings regularly, which he related to all the drug trafficking that is going on in the town. The youth states that he would hear gunshots in the middle of the night many times. The youth also reported that there is a gang in his neighborhood named
The youth disclosed that his younger brother was being threatened by a gang member in his home town. The youth stated that both his younger brother and the gang member liked the same girl, and so that was the cause of the threats. The youth also reports that his father was threatened by armed drug traffickers about two or three years ago. He states that three cars pulled up to his house, his father went outside, and then the youth heard a lot of yelling. The youth could not understand what they were saying, but he thought at that moment that the drug traffickers were going to kill his father. The youth disclosed that about two years ago, a gang member in his hometown hit him on the chin with a bat, which sent the youth to the hospital. The youth reported that the gang member liked his girlfriend, and when he saw the two together, the gang member approached the youth and hit him with the bat one time. The youth reported that he was given stitches in the hospital and sent home. The youth reports that if he were to return to Mexico and be in a relationship with a girl, events like these would keep happening. The youth also reports that there was a time that people were not able to leave their homes after 3pm due to the shootings in the town. He reports that would kidnap kids, kill them, and then sell their organs. The youth reported fear that this may happen to his younger brother or cousins. The youth also reports that many of his friends have disappeared, including three kids from his school. The youth stated that the older kids who were kidnapped were forced to join cartels, such as against their will. The youth states that he fears that if he were to return to Mexico, that this may also happen to him as well. He also states that his family moved to a new part of MX) due to increased gang violence activities and shootings all around town. The youth reported that his mother called to inform him that his boss, went looking for him at his family's old house. The youth's mother was at their old house packing up their stuff when came by the house and asked the youth's mother where the youth is and why he is not back yet. The youth reported that his mother did not tell where the youth is and only mentioned that he was still in a detention center. also inquired why the youth was taking such a long time to return to Mexico and asked where the youth's family had recently moved to. The youth reported that his mother did not give ny information. The youth reported that he is afraid of what his previous boss will do to him if he does return to his home country. The youth also reported that when he was caught by immigration, the officials would ask who he worked for and the youth would tell them that he worked for " " Caseworker and clinician then asked the youth what his boss would do if he found out that the youth had given his name to the immigration officials and the youth states that would probably hit him, and doesn't know what else he may do. The youth states that if he were to continue working for " then the next step would be an invitation to join the cartel. The youth states that he does not want to become part of the cartel, but if he were to be invited, then it would be obligatory to join them, and the youth would not be allowed to decline.

Incident Type: Suspected Smuggling/Trafficking
Facility: CC Phoenix LTFC
Date of the Incident: 11/19/14 **UAC**:
Date of the Incident Reported to ORR: 11/20/14
Summary of SIR:
On November 19, 2014, at approximately 5:40pm, this Counselor met with the client at her foster home residence while her foster parents and her other peers were present at home. The client disclosed that she was feeling sad and lonely and she indicated that she does not understand why her father made the arrangement that he did, causing her to be in the United States in her present situation. She elaborated that her biological father in Guatemala had made an arrangement with the father of her husband, who she now wants to divorce. She stated that she really did not want to marry him and that in fact she did not even know him. After being repeatedly asked by her father to marry him she finally did so as to not disappoint him. stated that the hardest thing was losing her virginity to her husband, who she really did not know, and who was around 26 or 27 years old at the time. She reported having no knowledge that the intention was for her to come to United States and that in looking back she is surprised at the risk that she took in her journey to America. When the client was asked to clarify if she was forced into the marriage or if that was something she did voluntarily, she replied that it was forced in the sense that she did not want to disappoint her father and that is why in the past she was not clear

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on what we meant by force. The client's eyes became watery and we discussed positive coping skills and a list of people who are currently emotionally supportive to her needs.

Incident Type: Suspected Smuggling/Trafficking
Facility: Selma Carson Home
Date of the Incident: 3/15/14 **UAC**:
Date of the Incident Reported to ORR: 11/20/14
Summary of SIR:
Minor reported that one day in March, 2012, he went to a supermarket in Bakersfield, CA and on his way out a man approached him and introduced himself as He asked if minor wanted to work cleaning his yard. Minor said yes and agreed to come to the given address. When minor went to address the next day he noticed that it was a very small yard and was sorting his recycled bottles and cans. Minor was asked to help with sorting the cans and bottles and as he and were working at this, hared how he was sexually abused. then asked minor to show him his private parts and touched him. Minor was paid $50.00 that day and was asked to come back for another $50.00. A few days later minor went to ouse for the $50.00 and was given the $50.00 without having to do anything. Several times on other days to follow, minor showed his private parts to and touched him and minor was given $50.00 each time. Minor also reported that in October 2013 while he was looking for a job at the Home Depot in Bakersfield, CA he met a man named who asked him to clean his house for pay. On their way to house, asked minor what his sexual orientation was. Minor cleaned house and was paid and took minor's ph. #. A few days later called minor and told minor that he will be paid $100.00 if he had sex with him. Minor had sex with less than 10 times and received $100 each time they had sex. The incidents were already reported to the International Review Committee (IRC) and ICE Trafficking Officers and minor had received his Eligibility Letter for trafficking victim dated 11/12/14.

Incident Type: Suspected Smuggling/Trafficking
Facility: Morrison Secure
Date of the Incident: 08/01/13 **UAC**:
Date of the Incident Reported to ORR:
Summary of SIR:
UAC disclosed, that approximately between the age of 14 -16, while in home country, prior to coming to the USA he was forced to have sex with "homeboys" (Male adult gang leaders). UAC stated they would kill his family starting with his niece, and moving up. UAC stated, that for 3x a week for one year, the "homeboys" would wait for him at a place he had to pass returning home, and would physically take him and force him to have sex with the "homeboys" (Male adult gang leaders). UAC reported the "homeboys" would forcefully sodomize him and force him to touch them. UAC stated he was given cocaine prior to sexual encounters to "kill the pain". He reports that he was given so much cocaine that he would see stars, feel dizzy, and coming down would want to kill himself. UAC reported he did not report this to anyone, including his family.

Incident Type: Suspected Smuggling/Trafficking
Facility: SWK Rio Grande
Date of the Incident: 11/19/14 **UAC**
Date of the Incident Reported to ORR: 11/20/14
Summary of SIR Addendum:
Youth disclosed information regarding being forced (him and other youths) to work for gang members and being physically assaulted for refusing to work for them. Minor disclosed to clinician, LCDC LPCI, that in home country he was forced to work for members. Youth stated that in more than eight occasions (for the last two years including on one occasion a month prior to coming to the U.S.) a vehicle would show up to the park where youth would typically attend to play soccer. Youth stated that gang members would choose several youths from the soccer teams at random. Gang members would then send youths out against their will to do jobs such as physically assaulting people that own money from drugs and "taxes" or extortions. Youth was forced to do marijuana and cocaine prior to doing the jobs. Youth stated that he was given money after doing the jobs from 200 -400 lempiras (1 dollar = 22 lempiras) for each job and when refusing to do jobs he would get physically abused/ assaulted. Youth stated that he was physically assaulted for not cooperating in in at least three occasions and so badly hurt that he need to go to the hospital (bruises in the face, ribs and back). Youth stated that he knew of several friends who were constantly assaulted physically and sent to the hospital for

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not cooperating with the gang members. Youth stated that he knew of three youths from his neighborhoods that were disappeared for not following order from the gang.

Incident Type: Sexual Abuse during Journey
Facility: IES Driscoll
Date of the Incident: 11/20/14 **UAC**
Date of the Incident Reported to ORR: 11/20/14
Summary of SIR:
Minor disclosed he was raped after arriving in TX.

Incident Type: Other
Facility: Abbott House
Date of the Incident: 11/19/14 **UAC**:
Date of the Incident Reported to ORR: 11/20/14
Summary of SIR:
During a follow-up session for further assessment, minor disclosed that when he was apprehended he was hit on his left shoulder by one of the officers wearing a green uniform. Minor stated that he fell to the floor due to the extreme pain he felt at the moment. Minor also stated that he was hit multiple times but the one that hurt him most was the hit on the shoulder. Minor stated that he was then handcuffed and taken to the first building where he was detained. Minor stated that there the officers in the green uniforms "yelled at him like he was an animal." Minor stated that he felt horrible during the time he stayed there. Minor stated that at this place he was only fed tortillas with rice that was barely cooked. Minor stated that he did not eat. Minor also stated that he was not given anything to drink. Minor stated that he was afraid to ask for something to drink because of the way the officers were treating everyone there. Minor stated that there he slept on a "colchoneta" a thin mattress with a thin blanket but the room was cold. Furthermore, minor stated that he was transferred to a second building with 40-50 other boys in one room. Minor stated that at this place he was only given bread and ham and water to drink two times a day. He stated that the toilet was visible to others. Minor also stated that during the day time the thin mattresses were removed and he and other minors sat on the floor. Minor stated that during the day he slept on the bare floors but at nighttime the mattresses were returned. Minor stated that this lasted the time he was detained, which was one day. Minor stated that he felt horrible.

Incident Type: Suspected Smuggling/Trafficking
Facility: BCFS Fairfield
Date of the Incident: 11/01/14 **UAC**:
Date of the Incident Reported to ORR: 11/20/14
Summary of SIR:
During assessment session, tated that when he went to work to e met some men who one day arrived at the place where he was working to offer job opportunities in USA. According to minor he accepted the offer as he understood that he would be working in big houses cultivating chili. He and another friend accepted the proposition and they were instructed to go to a place where 3 men waited for him and his friend to cross them into US. However, minor said that there were 3-4 men each carrying a gun who told them they had to carry a cargo of 25 kilos of marijuana each in order to cross them to US. Minor and his friend declined to do it and they were threatened to get killed. Minor said they had no choice. Minor said that he got more scared when he learned that those men belonged to the group of Minor knew that they would kill him if they knew he was originally from an area where o not rule but oes. Minor said he was lucky they did not find that out because although he did not have anything to do with he came from an area where they are automatically considered enemies in the cartel war. The threats continued along the journey until they got to a place called the 9th station, minor said. The man who led them told them what they had to do from then on. stated that they were supposed to get to the 10ths station where a man would pay them $ 2,000 dollars and would take them to their final destinations. However, this never happened as they were arrested before getting to such station. dded that he is glad that this happened because they were not sure if in fact they would get out alive from this ordeal, he said.

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Incident Type: Allegations of Abuse by Program Staff – Inappropriate Behavior
Facility: Children' Village SS
Date of the Incident: 11/20/14 **UAC**:
Date of the Incident Reported to ORR: 11/20/14
Summary of SIR:
Minor got upset because he wanted another type of snack and they did not have sufficient to give him one. Staff explained to minor that there was not enough potato chips and gave him an ice cream instead. According to reports, the Staff continued speaking with another resident. eported the staff disrespected him by showing him her middle finger and claimed that she wanted to hit him and that he stood up to her and told her to hit him that he did not care. Minor and staff was separated by Assistant Supervisor, Ms. separated staff and minor and had each write their version of the incident. Ms. hen notified Assistant VP, Ms. nd Director of DIS, . After discussing the incident it was decided that Ms. Ruiz would make a report to the Justice Center. Ms. made the call to the Justice Center. Ms. Ruiz spoke to nd provided the confirmation #:
Ms. also had youth Specialist, write a statement as he was in hearing range of the conversation between Staff nd the minor. According to Mr. Ms. was talking to another resident and nterfered in the conversation and was the one who told that he was the other minor's attorney and that he needed to be present to hear what she was telling the other resident. In minor's statement he reported that Ms. used inappropriate language towards the residents and was keeping them up at night with her profanity and loud voice. Minor also questioned why Ms. eferred to one particular resident as "violador de mujeres" (Rapist). Assistant Supervisor, Ms. followed-up with the other resident regarding this allegation made by the minor. The other resident acknowledged that Ms. was calling him "violador de mujeres" (rapist). The other resident wrote a statement stating that the staff Ms. flipped the minor and made inappropriate comments towards them.

Written Statement of

Mr. Bill Canny
Executive Director
U.S. Conference of Catholic Bishops Migration and Refugee Services

For a Hearing of the
Senate Committee on Homeland Security and Government Affairs
Permanent Subcommittee on Investigations

"Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse"

Thursday, August 16, 2018
Dirksen Senate Office Building 342

My name is Bill Canny. I am the Executive Director of the Department of Migration and Refugee Services (MRS) within the U.S. Conference of Catholic Bishops (USCCB). On behalf of USCCB/MRS, I would like to thank the Senate Homeland Security & Government Affairs, Permanent Subcommittee on Investigations, as well as the Subcommittee Chair Senator Ron Johnson (R-WI) and Ranking Member Senator Claire McCaskill (D-MO) for the opportunity to submit this written statement for the record.

The care of unaccompanied immigrant children is of great importance to the Catholic Church. USCCB/MRS has operated programs, working in a public/private partnership with the U.S. government, to help protect unaccompanied children from all over the world for nearly 40 years and trafficking victims for more than 10 years. In this statement, I share insights from our work serving these children and their families and offer recommendations to help ensure that unaccompanied children are protected from situations of abuse and human trafficking.

U.S. Conference of Catholic Bishops & Catholic Social Teaching

The Catholic Church in the United States has played a critical role in the care of unaccompanied children and prevention of human trafficking, and USCCB/MRS has been a leader in the protection of and advocacy for unaccompanied children and human trafficking survivors. Our work assisting unaccompanied children is rooted in the belief that they, like all God's children, were created in His image and have a unique and sacred human dignity.

Since 1994, USCCB/MRS has operated the "Safe Passages" program. This program serves undocumented immigrant children apprehended by the Department of Homeland Security (DHS) and placed in the custody and care of the Office of Refugee Resettlement (ORR), within the Department of Health and Human Services (HHS). Through cooperative agreements with ORR, and in collaboration with community-based social service agencies, the Safe Passages program provides community-based residential care (foster care and small-scale shelter placements) to unaccompanied children in ORR custody, as well as family reunification services (pre-release placement screening and post-release social services for families). In fiscal year 2017, the USCCB/MRS Safe Passages program served 1,294 youth who arrived as unaccompanied children—1,042 through the family reunification program and 252 through the residential care programs.

In collaboration with HHS and the Department of Justice, and through private programming, USCCB/MRS also provides critical case-management, employment services, and victim identification training to help prevent human trafficking and to assist those victimized by it, including unaccompanied children. As Catholics, we believe that such work and efforts to combat human trafficking are, as Pope Francis has aptly stated, "a moral imperative."[1]

[1] Pope Francis, *Address to Participants in the International Forum on Migration and Peace* (February 2017), *available at* http://w2.vatican.va/content/francesco/en/speeches/2017/february/documents/papa-francesco_20170221_forum-migrazioni-pace.html.

Preventing Abuse and Trafficking of Unaccompanied Children

Once an unaccompanied child arrives at our border, we have a moral obligation to ensure his or her safety and wellbeing. As Pope Francis has said: "Among migrants, children constitute the most vulnerable group, because as they face the life ahead of them, they are invisible and voiceless."[2]

a. The Importance of Family Reunification Services

Facilitating release of unaccompanied children to family or "sponsors" pending their immigration removal proceedings is both a humane and fiscally-sound policy. Not only is reunification with family typically in a child's best interest, but maintaining children in government custody is incredibly costly.[3] It is vital, however, to ensure that families are supported and connected to community resources, that they understand their legal obligations, and, most importantly, that children are not released to unsafe situations.

As a social service provider, we have seen that unaccompanied children are particularly vulnerable to human trafficking, domestic servitude, and other exploitative situations. In the case of children in a forced migration context, prior victimization in their home country or during their journey to the United States, debts incurred for smuggling or transit fees, and their undocumented status are all characteristics that put them at heightened risk and make them easy prey for traffickers and others with ill intent.

Family reunification services – home studies and post-release services – are therefore vital to promote safe placements of children in appropriate environments. During a home study, a community-based case worker assesses the safety and suitability of the proposed caregiver and placement, including the caregiver's capacity to meet the child's unique needs, any potential risks of the placement, and the caregiver's motivation and commitment to care for the child. Home studies result in a recommendation on whether placement with the proposed caregiver is in the child's best interest. Post-release services (PRS) include risk assessment and action-planning with families around areas of need and concern, connection to community services, and referral to legal services. Consequently, these services are not only critical to ensuring a child's safe placement, but they also mitigate the risk for family breakdown, facilitate community integration, and help the family understand the need to comply with their immigration court proceedings.

While some recent improvements have been made to address the gaps in adequate family reunification services, the vast majority of unaccompanied children released from ORR care do not receive these important services. In fact, in FY 2017, ORR provided family reunification services for less than thirty-two percent of the 42,416 children released from its care - with only seven percent of youth receiving home studies.

Unfortunately, we know that the limited use of these services has resulted in children being released to unsafe placements, including situations of abuse and trafficking, and left without vital services for which

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[2] Pope Francis, *2017 World Doy of Migrants and Refugees Message* (September 8, 2016), *available at* https://w2.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco_20160908_world-migrants-day-2017.html.

[3] GOVERNMENT ACCOUNTABILITY OFFICE, UNACCOMPANIED ALIEN CHILDREN: ACTIONS NEEDED TO ENSURE CHILDREN RECEIVE REQUIRED CARE IN DHS CUSTODY 66 (JULY 2015), *available at* https://www.gao.gov/assets/680/671393.pdf (estimating that the average cost to the taxpayer to keep an unaccompanied child in an ORR shelter is $248 per day).

they qualify under law. These are children like Raul,[4] a teenager from Central America who suffered severe abuse in his home country. Raul's uncle "sold" his sisters and physically abused Raul. Raul has scars all over his body from the severe abuse, but Raul fears telling his sponsor (who is his biological father) because his uncle threatened his mother's life if anyone learned of the situation. As a result of this trauma, Raul is now wetting the bed, having nightmares, and constantly fears for his mother's safety. Despite this past abuse and clear need for family reunification services, including counseling services, Raul was released from ORR care without a home study or post-release services. USCCB/MRS was alerted to this case by Raul's legal counsel.

b. The Unintended Risks of Informotion Sharing

In addition to the underutilization of these valuable family reunification tools, we also believe that certain elements of well-intentioned policy changes regarding information-sharing of sponsors may put children at increased risk. In May 2018, ORR and the Department of Homeland Security (DHS) offices of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) entered into a Memorandum of Agreement (MOA) mandating continuous information-sharing on unaccompanied immigrant children beginning when CBP or ICE takes the children into custody through their release from ORR custody.[5] This includes information sharing on the children's potential sponsors, as well as anyone else living with the sponsors. One intent of such information sharing is to improve sponsor vetting and ensure safe placement of children, which we greatly appreciate and consider to be beneficial.

We are concerned, however, that the MOA may have severe unintended consequences in terms children's increased length of stay in ORR custody and the increased possibility of risk for abuse or trafficking. We are troubled over the possibility of these unintended consequences because the MOA fails to place any limitations on the use a sponsor's data by ICE and CBP. Without any limitations on and sufficient communication about the use of such data, family reunifications, the fundamental principle of child welfare, may likely be undermined by turning safe placement screening into a mechanism for immigration enforcement or, in the least, may be perceived by the immigrant community as such. It is anticipated that the MOA, as written, may accelerate not only the decline in releases to parents, but also releases overall, leading to longer and costly stays in ORR custody. USCCB/MRS is also highly concerned that, given the MOA, undocumented family members may fear coming forward to sponsor their children, instead seeking - or even paying - documented individuals in the community to come forward and claim to be a child's sponsor. This type of arrangement will put unaccompanied children and their families at increased risk of exploitation and trafficking by the third-party.

Recommendations

In light of these concerns and vulnerabilities, we recommend the following ways in which the important child protection and human trafficking prevention work of ORR can be strengthened:

- **Clearly Designate Responsibilities of ORR After Release.** Congress should pass legislation to ensure that ORR is clearly authorized to provide for the care of children even after their release to a

[4] Identifying information changed to protect child's confidentiality.

[5] *See* UCCB/MRS *et al.*, *ORR and DHS Information-Sharing Agreement: The Unintended Consequences*, https://justiceforimmigrants.org/2016site/wp-content/uploads/2018/06/MOA-Backgrounder-Final.pdf (last visited Aug. 10, 2018).

sponsor. Unfortunately, USCCB/MRS has witnessed instances in which a sponsor placement breaks down but Children's Protective Services (CPS) is unwilling to get involved and take custody of the child. In some of these instances, it has also been difficult to get ORR to resume care for the child.

We appreciate Senator Portman's attention to this issue and the efforts of all the offices engaged in bipartisan discussions to try to find a solution. We also welcomed the willingness of Senate offices to engage providers like USCCB/MRS in the conversation. We look forward to seeing what comes out of these discussions.

- **Increase Funding for Family Reunification Services.** In accordance with domestic child welfare best practices, Congress should urge ORR to increase the number unaccompanied children and families receiving family reunification services. As noted above, expanded family reunification services would increase protection for these children, allow them to be linked to local resources, provide education on immigration court requirements, and also provide monitoring of the child's safety and wellbeing – promoting the overall safety of our communities. We note that such programming should focus on strengthening the family to best promote long-term placement stability and integration.

- **Work to Identify Additional Risk Factors for Children.** We appreciate the steps ORR took in 2016 to designate additional risk factors warranting "discretionary" home studies (those not mandated by law). We encourage ORR, however, to regularly engage with providers to evaluate new and additional risk factors that could help to indicate concerns with placement of unaccompanied children. These factors, such as a youth being a pregnant or parenting teen, should be added to the list necessitating a discretionary home study.

- **Ensure Flexibility to Respond to Newly Identified Needs.** Children who are receiving PRS-only services, (those who generally do not get home studies), typically receive services for a shorter period of time than those children for whom family reunification services (PRS and a home study) are required by law. In some instances, we have seen children appropriately being designated to receive PRS-only services, only for the provider to later discover concerns that would have warranted legally mandated family reunification services (PRS and home study). In our experience, ORR has not allowed these children to be re-designated to receive the lengthier services.

  ORR must ensure that that the system maintains flexibility to address such situations. When risk factors are identified by service providers, it should allow for re-designation the child for legally-mandated PRS, even after release, so that the child can receive services through the pendency of his or her immigration court proceedings.

- **Limit Use of Sponsor Information to Prevent Trafficking Risk.** Congress should encourage DHS leadership, through rulemaking or policy memoranda, to limit the ability of information obtained pursuant to the MOA to be used for enforcement purposes absent extenuating circumstances (such as those individuals who are national security threats or have felony convictions which present a public safety concern).

Conclusion

How we respond to the children arriving at our border is a test of our moral character. In the words of Pope Francis, we must "not tire of courageously living the Gospel, which calls you to recognize and welcome the Lord Jesus among the smallest and most vulnerable."[6] As always, USCCB/MRS stands ready to offer our assistance to Congress, DHS, and HHS/ORR to strengthen protections for unaccompanied children and to help prevent and mitigate situations of human trafficking, abuse, and neglect.

[6] Pope Francis, *2017 World Day of Migrants and Refugees Message*, *supra* note 2.

Post-Hearing Questions for the Record
Submitted to the U.S. Department of Homeland Security
From Chairman Rob Portman and Ranking Member Tom Carper

"Oversight of Efforts to Protect Unaccompanied Alien Children
From Human Trafficking and Abuse"
August 16, 2018

Question#:	1
Topic:	MOA Information Sharing
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: In April 2018, HHS and DHS signed a Memorandum of Agreement (MOA) governing information sharing about UACs and potential sponsors. Advocates for UACs have expressed concerns that because the MOA might allow DHS to use sponsor information for enforcement purposes, fewer potential sponsors-who are frequently undocumented-might apply to house UACs because they fear enforcement.

Please describe how the MOA works in practice.

Response: On February 19, 2016, the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) signed a Memorandum of Agreement (MOA) regarding the care, custody, and transfer of unaccompanied alien children (UAC) between the respective departments. The purpose was to continue addressing the needs of UAC by ensuring the safe and expedited transfer and placement from DHS to HHS custody; maximizing efficiency in the allocation and expenditure of respective program costs; ensuring information is transmitted to facilitate appropriate placement decisions so HHS can promptly place the child in the least restrictive setting that is in the child's best interest until the child is released to an appropriate sponsor; continuing the statutorily-required consultation between departments with respect to UAC placement determinations; protecting UAC in the custody of the United States or released to sponsors from mistreatment, exploitation, and trafficking; and promoting effective immigration processing, as well as the safe repatriation and reintegration of UAC.

Subsequently, U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and HHS signed a MOA on April 13, 2018, to address information exchanges between each department and to enhance cooperation. Under the MOA, the HHS Office of Refugee Resettlement (ORR) fingerprinted all potential

Question#:	1
Topic:	MOA Information Sharing
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

sponsors (including parents and legal guardians) and adult household members. ICE then used the fingerprints to complete a check for criminal activity to assist ORR in its individualized determinations of sponsor suitability. Additionally, if ICE or CBP became aware of any criminal information, such as gang affiliation, that it did not have at the time of initial referral to ORR, they notified ORR as expeditiously as practicable, using their best efforts to provide information within 48 hours of discovery.

On December 19, 2018, ORR issued an internal operational directive regarding the fingerprinting of adult household members and sponsors under the MOA. Pursuant to the internal operational directive, ORR may complete its suitability assessments of sponsors without obtaining any fingerprints from adult household members in appropriate cases. While ORR will continue to fingerprint all sponsors, ORR may release children to Category 1 and 2 sponsors before ICE returns its background check results.

Further, the DHS-HHS MOA of February 2016 called for the establishment of a working group comprised of UAC subject matter experts from both departments to address operational matters for inclusion in a Joint Concept of Operations (JCO). On July 31, 2018, the agencies completed the JCO, which provides field guidance and standardization of interagency policies, procedures, and guidelines related to the processing of UAC encountered by DHS, whose care will be transferred to HHS, after being placed in removal proceedings pursuant to section 240 of the Immigration and Nationality Act. The JCO does not take the place of agency policy regarding the processing of UAC, nor is it a substitute for legislative action, where required; rather it is an interagency agreement to standardize agency operational relations. Additionally, the JCO memorializes current practices for custody transfer and transportation, including the placement into and the discharge from ORR custody; immigration processing and referrals and placement processing; influx matters; services requirements, such as medical evaluations and emergencies, and the *Flores* Settlement Agreement minimum standards for HHS facilities; and the reporting of allegations of abuse. Cooperation between DHS and HHS regarding the transport, processing, placement, care, and discharge of UAC is essential. Both departments take their roles seriously and work closely with interagency and foreign counterparts daily to ensure the humane treatment of UAC while simultaneously enforcing federal laws.

Question: Is the sponsor information shared under the MOA being used for immigration enforcement activities?

Response: Those individuals who are identified as potentially removable aliens through the information shared pursuant to the MOA may be referred to local ICE field offices for

Question#:	1
Topic:	MOA Information Sharing
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

appropriate action. This may include targeting, arrest, and removal. These determinations are made on a case-by-case basis in accordance with federal law.

Post-Hearing Questions for the Record
Submitted to the U.S. Department of Homeland Security
From Senator Claire McCaskill

"Oversight of Efforts to Protect Unaccompanied Alien Children
From Human Trafficking and Abuse"
August 16, 2018

Question#:	2
Topic:	Children Separated
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: How many children were separated from their parents between May 6, 2018 and June 20, 2018?

Response: We are working with our interagency partners at the U.S. Immigration and Customs Enforcement (ICE) to finalize that count.

Question: How many children were separated each month from an adult sibling between May 6, 2018 and August 16, 2018?

Response: Pursuant to federal law, including the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008, DHS policy states that a "family unit" is an alien parent or legal guardian and alien child(ren). Therefore, if an inadmissible child arrives with a non-custodial adult relative, such as an aunt, uncle, grandparent, or adult sibling, the child is an unaccompanied alien child. This designation does not result in a family separation, as the grouping is not considered to be a family unit. DHS does not maintain statistics on the separation of children from non-parent/guardian adults.

Question: How many children were separated from another adult relative such as a grandparent, aunt or uncle between May 6, 2018 and August 16, 2018?

Response: Pursuant to federal law, specifically the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008, the term unaccompanied alien child means a child who has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom there is no parent or legal guardian in the United States or no parent or legal guardian in the United States is available to provide care and physical custody. Therefore, if an inadmissible child arrives with a non-custodial adult relative, such as an aunt, uncle, grandparent, or adult sibling, the child is an

Question#:	2
Topic:	Children Separated
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

unaccompanied alien child. This designation does not result in a family separation, as the grouping is not considered to be a family unit. DHS does not maintain statistics on the separation of children from non-parent/guardian adults.

Question#:	3
Topic:	Record Keeping
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: How does Customs and Border Protection (CBP) record that the separation of a family unit has taken place?

Response: At ports of entry, when there is an inadmissible alien family unit and criminal history or child welfare reasons require CBP to separate an adult parent or legal guardian from his or her child, CBP policy dictates that a port manager at the GS-14 level or above approve the separation. Please note, the decision to separate a family cannot be delegated below the GS-14 level. The following also applies:

- The CBP OFO Manager who approved the family separation notifies the ICE ERO Juvenile Coordinator; the notification cannot be delegated to a lower level manager.
- Form I-213 (Record of Deportable/Inadmissible Alien) must be annotated with the reasons for the family separation.
- Upon determination that a child is a UAC and does not meet the criteria to voluntarily withdraw their application for admission (e.g., if from a contiguous country, able to make an independent decision, not a victim of a severe form of trafficking, and no fear of return), a referral for placement is made by notification to both the ICE/ERO/ Field Office Juvenile Coordinator (FOJC) and to Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR).

Between the ports of entry, the Border Patrol records all family groups and family units within our system of record. If the on duty Watch Commander determines a separation is necessary for criminal history or child welfare reasons, we annotate a field within the system of record, indicating the child(ren) are now unaccompanied and in need of placement. This opens a portal to transfer and enter information for HHS/ORR's use in finding appropriate placement for the Unaccompanied Alien Children. The electronic system of record is used to notify the ERO Field Office Juvenile Coordinator that a UAC has been identified and is being placed with HHS.

Question: Is this process the same for the separation of a child from a non-parent family member?

Response: Yes. Pursuant to federal law, including the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008, DHS policy states that a "family unit" is an alien parent or legal guardian and alien child(ren). Therefore, if an inadmissible child arrives with a non-custodial adult relative, such as an aunt, uncle,

Question#:	3
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Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

grandparent, or adult sibling, the child is an unaccompanied alien child . This designation does not result in a family separation, as the grouping is not considered to be a family unit.

If CBP determines the family unit to be fraudulent or if there is a criminal history for the adult(s) in the family, the adult(s) will be separated from the juveniles. CBP does not track separations that originate from fraudulent family cases, unless trafficking is suspected. In cases of suspected trafficking, CBP refers the cases to ICE Homeland Security Investigations.

Question#:	4
Topic:	BMGR Fencing
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: According to a Department of Defense (DOD) notification forwarded by CBP to Committee staff on August 14, 2018, DoD is preparing to install a 30-foot-tall barrier along 31.74 miles of the 37-mile border the Barry M. Goldwater Range (BMGR) shares with Mexico in southern Arizona. The construction is estimated to cost $450 million. DoD is reportedly exploring its funding options for the project.

Please provide a description of all existing border fencing in the BMGR, including its age, height, length, cost, and design.

Response: U.S Customs and Border Protection currently has 31.5 miles of primary pedestrian bollard wall on the BMGR constructed under the Pedestrian Fence 70 (PF70) program in 2007. This was a bollard-hybrid design.

Question: What federal department or agency paid for the fencing that currently exists?

Response: U.S Customs and Border Protection.

Question: Please provide a description of the barrier that is being planned, including its anticipated cost, construction schedule, height, length, and design.

Response: The Department of Homeland Security and U.S Customs and Border Protection have requested that the Department of Defense construct a 30-foot steel bollard barrier in a secondary position offset 150 feet from the existing primary barrier, an all-weather single lane road, and vehicular and pedestrian access gates. Cost and schedule are to be determined by DoD.

Question: Will the new barrier replace existing fencing, or will it serve as a secondary barrier?

Response: The new barrier will serve as a secondary barrier.

Question: How does the barrier that is being planned relate to the 28 miles of replacement primary pedestrian barrier CBP is planning to build in the U.S. Border Patrol's Yuma Sector using Fiscal Year (FY) 2018 appropriated funds?

Response: CBP's Fiscal Year 2018 border barrier replacement funding includes approximately 28 miles of primary replacement in Yuma Sector. Approximately 12 of

Question#:	4
Topic:	BMGR Fencing
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

the 28 miles are on the Barry M. Goldwater Range. CBP's project is a separate effort from DoD.

Question#:	5
Topic:	Border Patrol Zones
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: How many Border Patrol zones adjoin the U.S.-Mexico border in the Yuma Sector?

Response: The internal designation of border zones is Law Enforcement Sensitive. CBP would be pleased to brief Committee staff on these matters in person.

Question: Which specific zones are located in the 37 miles of the BMGR that adjoin the U.S.-Mexico border?

Response: The internal designation of border zones is Law Enforcement Sensitive. CBP would be pleased to brief Committee staff on these matters in person.

Question#:	6
Topic:	FY 2017 Apprehensions
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: How many apprehensions did the Border Patrol make in each of these border zones located in the BMGR in FY 2017?

Response: Zone level enforcement data is Law Enforcement Sensitive. CBP would be pleased to brief Committee staff on these matters in person.

Question: How many apprehensions did the Border Patrol make in each zone that adjoins the U.S.-Mexico border throughout the Yuma Sector in FY 2017?

Response: Zone level enforcement data is Law Enforcement Sensitive. CBP would be pleased to brief Committee staff on these matters in person.

Question#:	7
Topic:	Yuma and Rio Grande Valley Map
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Please provide a detailed map showing where each zone in the Yuma and Rio Grande Valley sectors is located.

Response: The geographic details of internally designated zones are Law Enforcement Sensitive. CBP would be pleased to brief Committee staff on these matters in person.

Question#:	8
Topic:	Scoring and Ranking
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: The U.S. Border Patrol recently used a "Decision Support Tool" to score and rank 197 "segments" and 33 "groups" along the Southwest Border for possible border barrier construction.

Which of these border segments is located in the BMGR?

Response: The Barry M. Goldwater Range (BMGR) segments are included in priorities 10 and 27.

Question: Which of these border groups is located in the BMGR?

Response: The Barry M. Goldwater Range (BMGR) segments are included in priorities 10 and 27.

Question: Please provide the numerical ranking that each border segment and group located in the BMGR received through the Border Patrol's Decision Support Tool.

Response: The Barry M. Goldwater Range (BMGR) segments are included in priorities 10 and 27.

Question#:	9
Topic:	Operational Review Board
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: According to a report that was publicly released by the Government Accountability Office (GAO) on August 6, 2018, an Operational Review Board composed of Border Patrol subject matter experts reviewed and edited initial Decision Support Tool rankings.

Please identify all members of the Operational Review Board by name and title, and please provide documentation of the board's decision to edit initial Decision Support Tool rankings.

Response: The Operational Review Board (ORB) was comprised of the following subject matter experts from the U.S. Border Patrol (USBP) Headquarters:

Acting Chief of Law Enforcement Operations Directorate, Chair
Associate Chiefs from the various corridors who had operational knowledge of their respective sector areas of responsibility
Assistant Chiefs from the various corridors who had operational knowledge of their respective sector areas of responsibility
Headquarters Intelligence Assistant Chiefs and Analysts who were familiar with Transnational Criminal Organizations (TCOs) Techniques Tactics and Procedures (TTPs) and nation-wide threats and trends
CBP professionals from the Office of Acquisitions

The board's decision to edit the initial Decision Support Tool (DST) rankings was based on subject matter expertise and other factors and was documented on Appendix B of the Border Security Improvement Plan (BSIP) dated January 4, 2018. The ORB's process for the final rankings is provided below which is an excerpt from the BSIP.

A core group of USBP subject matter experts reviewed the scores and rankings derived from the border wall decision support tool to determine final recommendations for Impedance and Denial (I&D) investments to USBP executive leadership. During the meeting, USBP shared intel and threat analysis to set the stage for the discussion. Sector-by-Sector reviews of all segments and associated rankings were then conducted. Rationale for all border groupings was restated and confirmed, with few refinements to groupings made in real-time. Further validation of segment scoring and groupings set the stage for prioritizing groups of proposed border wall miles.

ORB conducted a comparative review that assessed the segments and groups against one another to ensure individual scoring accurately reflected border-wide operational

Question#:	9
Topic:	Operational Review Board
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

priorities. Recommendations from the ORB were subsequently reviewed and approved by USBP and CBP Executive Leadership.

Question#:	10
Topic:	Decision Support Tool Development
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: For each contract and/or task order CBP awarded for development or implementation of the Decision Support Tool, please identify the following information:

Award ID (i.e. Procurement Instrument Identifier);

Contractor/vendor name and DUNS number;

Date of award; and

Dollar amount of award.

Response: Award ID (i.e. Procurement Instrument Identifier): HSBP1014J00280
Contractor/vendor name and DUNS number: Grant Thornton, LLP
Date of award: 3/22/17
Dollar amount of award: $172,472.64

Question#:	11
Topic:	Enforcement Actions
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: How many enforcement actions has Immigration and Customs Enforcement (ICE) taken against unaccompanied alien child (UAC) sponsors each month between January 20, 2017 and August 16, 2018.

Response: U.S. Immigration and Customs Enforcement (ICE) has taken enforcement actions against 41 individuals who came to its attention pursuant to the April 13, 2018 Memorandum of Agreement (MOA) between ICE, U.S. Customs and Border Protection, and the Department of Health and Human Services. However, based on the information received by ICE, it cannot specify whether the 41 individuals were potential sponsors or adult household members. The MOA addresses information exchanges between each department, enhances cooperation, and includes additional safeguards for the vetting of potential sponsors or adult household members of unaccompanied alien children. ICE Enforcement and Removal Operations does not otherwise track the requested data.

Question: Was the Office of Refugee Resettlement (ORR) notified in advance of these enforcement actions? If so, what coordination took place?

Response: ICE does not provide notification to the Department of Health and Human Services Office of Refugee Resettlement in advance of enforcement actions against unaccompanied alien children sponsors or adult household members.

Question#:	12
Topic:	Notifications
Hearing:	Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Under the Memorandum of Agreement and the Joint Concept of Operations, will ORR be notified if ICE plans to conduct enforcement actions against the sponsors of UACs?

Response: U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and the Department of Health and Human Services (HHS) signed a Memorandum of Agreement (MOA) on April 13, 2018, to address information exchanges between each department, to enhance cooperation, and to include several additional safeguards.

Similarly, to further ensure that unaccompanied alien children (UAC) are protected from trafficking and abuse, and pursuant to the 2016 MOA, DHS and HHS have completed a Joint Concept of Operations (JCO), which memorializes the existing processes and procedures in areas where the two departments have joint responsibility in protecting UAC. This important document lays out the responsibilities of each department, and further delineates these responsibilities to the Components within DHS and HHS.

ICE greatly values its working relationship with the HHS Office of Refugee Resettlement (ORR) in addressing the UAC population; however, ORR is not a law enforcement agency, nor does it have a role in the apprehension, removal, and in some cases, criminal prosecution of aliens. Generally, ICE would not share any law enforcement sensitive information, including details of any planned enforcement actions or targeting information in advance of the action to protect the integrity of the operation and ensure the safety and welfare of the public, officers, and the target aliens. Further, there is nothing within the JCO or the MOA that addresses advance notice of enforcement actions.

Question: What steps will ICE take to ensure the safety of UACs or the safety of any other children present in a sponsor's home during and after an enforcement action?

Response: Since this MOA was signed and the JCO completed, DHS has continued to work with HHS to make meaningful improvements to our information sharing arrangements, in line with the Administration's immigration principles and priorities, and in accordance with the applicable laws. This includes policies surrounding ICE enforcement operations. Targeted enforcement actions are an integral part of ICE's mission to enforce the nation's immigration laws. ICE prioritizes enforcement efforts on those aliens who pose a threat to public safety or national security, while not excluding from enforcement any immigration violators encountered during the course of daily

Question#:	12
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operations. Targeted arrests may occur against specific individuals who have been identified and thoroughly investigated through a variety of resources. In accordance with existing law and policy and at its discretion, ICE may take additional aliens into custody who are encountered during the course of targeted enforcement actions and who are not legally present in the United States.

That said, ICE Enforcement and Removal Operations officers may encounter juveniles during enforcement activities. The presence of any juveniles at a target location, or in the care of a targeted alien, is always a possibility and officers investigate the presence of juveniles prior to conducting any enforcement operation. During targeted enforcement operations, ICE personnel ensure that the agency's immigration enforcement activities do not unnecessarily disrupt the parental rights of both alien parents or legal guardians of juveniles. If ICE takes a primary caregiver into custody, procedures vary depending on whether the juvenile is accompanied, unaccompanied, a citizen, or a non-citizen.

Further, if any juveniles are present during an enforcement action, officers work to ensure that a parent or legal guardian is present to ensure the safety of the juvenile. Often, officers will also coordinate with the arrested alien to identify another family member or neighbor that can ensure the safety of the juvenile or juveniles until another family member can arrive on scene. In the absence of an identified responsible adult, coordination takes place with the local and/or state child protective service and/or HHS to ensure that the juvenile or juveniles are placed in a safe environment prior to leaving the scene of the arrest with a family member or other responsible adult.

Post-Hearing Questions for the Record
Submitted to Commander Johnathan White
United States Public Health Service
Commissioned Corps
U.S. Department of Health and Human Services
From Senator Claire McCaskill

"Oversight of Efforts to Protect Unaccompanied Alien Children
From Human Trafficking and Abuse"
August 16, 2018

1. **For each year between FY 2014 and FY 2018, what was the average length of time that unaccompanied alien children (UAC) were in the custody of the Office of Refugee Resettlement (ORR)? Please provide a detailed breakdown for each month based on the age and gender of the children.**

   RESPONSE: ORR does not collect data for length of care based on gender and age. The following is the average length of care for all children:

Average Length of Care FY 15-FY 2018*	
FY 14	Data not available
FY 15	34 Days
FY 16	38 Days
FY 17	48 Days
FY 18	60 Days

   *Excludes foster care as well as therapeutic and residential treatment UAC cases.
   Source: Unaccompanied Alien Children Program Monthly Statistics

2. **What is the longest length of time that children are permitted to stay in ORR custody? After that period ends, what happens to the child?**

   RESPONSE: There is no limit on the length of time that children may stay in ORR custody. However, UAC may not remain in ORR care after turning 18 years of age ("aging out"), when they may be transferred to the Department of Homeland Security, or receive lawful immigration status. Under its policy, ORR does not release UAC on his/her own recognizance.

   The following factors may contribute to extended stay cases (more than 4 months):
   - The child or youth has no viable sponsor.
   - A legal service provider or attorney has screened the child or youth as eligible for immigration relief.

- Another reason prevents the UAC from returning to the home country, such as the child's country of origin is in a state of emergency.

Whenever possible, ORR attempts to place extended stay cases in long-term foster care (LTFC), where UAC receive many services, such as education, in a community setting. For more information about LTFC provision of services, see Section 3.6 of the ORR Online Policy Guide.

3. **For each year between FY 2014 and FY 2018, please provide a breakdown of the age and gender of all children in ORR custody.**

RESPONSE: Please see attachment 1, which provides the number of initial placements by month.

4. **If a child calls the ORR hotline and reports that they are being abused or harmed in some way, what responsibility does HHS have to ensure that child's safety?**

RESPONSE: ORR takes all allegations of abuse or neglect seriously.

If a child who has been released to a sponsor calls the ORR hotline and reports that he or she is being abused or harmed in some way, ORR has protocols in place to ensure allegations are promptly reported to Child Protective Services or law enforcement.

All reports made to the ORR hotline must be documented and reported in accordance with mandatory reporting laws, state licensing requirements, federal laws and regulations, and ORR policies and procedures. The call center must report concerns about children's safety and well-being to appropriate investigative agencies, as applicable. The call center also notifies ORR of immediate dangers to a released child's safety and well-being.

ORR handles these types of reports similarly to how ORR addresses information from the Safety and Well-Being Follow-Up Call, which care providers conduct 30 calendar days after release of the UAC. These procedures are included in the UAC Manual of Procedures (UAC MAP), which is disseminated to every ORR care provider, staff, and contractors. Relevant procedures are as follows:

Child May be in Immediate Danger
If the follow-up call indicates that the child may be in immediate danger (i.e., in immediate danger of serious harm), the designated staff does the following:
• Calls 9-1-1 immediately.
• Stays on the phone with the child until authorities arrive.
• Reports any emergency involving 9-1-1 to the ORR National Call Center Help Line at 1 (800) 203-7001.
• Complies with mandatory reporting laws, state licensing requirements, and federal laws and regulations for reporting to local child protective agencies and/or law enforcement.

• If the sponsor is the alleged perpetrator, flags the sponsor and provides explanation as to why the sponsor is being flagged in the UAC Portal.
• Emails notification to the federal field staff (FFS) who approved the release (and the Post Release Service provider, if applicable) and includes UAC name and A number; UAC date of release; new sponsor/child contact phone number; sponsor address; previous ORR placement; summary of call; actions taken (including information on reporting the incident and any associated case numbers).

The FFS who is notified that the child may be in immediate danger immediately elevates the incident to the FFS supervisor, reviews the allegation, and ensures that the incident was reported to the appropriate authority to investigate. The FFS also elevates any identified safety trends or issues to the FFS supervisor, such as an indication that the sponsor is involved in trafficking UAC. If the care provider's designated staff did not report the allegation correctly, the FFS provides technical assistance.

If the care provider notifies the Intakes Hotline that the follow-up call indicates that the child may be in immediate danger and was reported to 9-1-1, ORR intakes immediately notifies the FFS supervisor (or on-call FSS supervisor if after hours). The FFS supervisor immediately informs the senior FFS supervisor.

Child May Be Unsafe
If the follow-up call indicates that the child may be unsafe (but not in immediate danger) the designated staff completes the steps above under Child May Be in Immediate Danger with the exception of dialing 9-1-1 and contacting the ORR Intakes Hotline.

The FFS who is notified that the child may be unsafe, reviews the allegation and ensures that it was properly reported and, if it wasn't, provides technical assistance.

5. **How many allegations of abuse has ORR received regarding children in the care of sponsors between FY 2016 and FY 2018? How are these allegations investigated?**

RESPONSE: The ORR hotline reported 1,142 allegations of abuse to ORR when children were in care of sponsors between FY 2016 and the first two weeks of October 2018. Note that the figure includes all incidents that indicate any interaction with Child Protective Services, not just those in which the sponsor was the perpetrator.

ORR is not a law enforcement or investigative body, however, ORR follows protocols for mandatory and other reporting requirements. These incidents are investigated according to the procedures outlined in response to Question #4 above.

When ORR receives notification that a child is in danger, ORR reviews the matter to determine what, if any, additional action should be taken, including but not limited to reporting the matter to local law enforcement and protective services, or state child welfare licensing authorities, providing post release services to the released child and his or her sponsor, requiring corrective action to be taken to remedy any failure to comply with federal and state laws and regulations, licensing and accreditation standards, ORR policies and procedures, and child welfare standards, or providing technical assistance, as needed, to ensure that deficiencies are addressed.

6. **How many allegations of abuse has ORR received regarding children in ORR care between FY 2016 and FY 2018? How are these allegations investigated?**

RESPONSE: Care providers report to the Federal Bureau of Investigation (FBI) any allegations of sexual abuse that are subject to federal reporting laws or could constitute violations of federal law. Sexual abuse is defined at 34 U.S.C. 20341 and in ORR regulations at 45 C.F.R. 411.6. Sexual abuse can include allegations such as touching of the buttocks or allegations of sexual assault, whether it was a minor-on-minor or staff-on-minor allegation. Additionally, care providers report sexual abuse to child protective services (CPS), the state licensing agency, and the HHS Office of Inspector General (OIG). In FY 2016 and 2017, care providers reported 612 allegations of sexual abuse to the FBI. Of those 612 allegations, 105 allegations involved a staff member at an ORR-funded care provider facility. In October 2017 through July 2018, care providers reported 412 allegations of sexual abuse to the FBI. Of those 412 allegations, 49 allegations involved a staff member at an ORR-funded care provider facility.

ORR reviews every report of sexual abuse submitted by care providers. When appropriate, ORR issues corrective actions or stops further placement of unaccompanied alien children until the care provider addresses identified issues. CPS and state licensing investigate allegations of sexual abuse according to state law, and the FBI and the HHS OIG investigate allegations according to federal laws and procedures.

Post-Hearing Questions for the Record
Submitted to Commander Jonathan White
United States Public Health Service
Commissioned Corps
U.S. Department of Health and Human Services
From Senator Margaret Wood Hassan

"Oversight of Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse"
Thursday, August 16, 2018

1. **You recently provided the American Civil Liberties Union (ACLU) phone numbers for deported parents, after you were ordered to do so by the court in *Ms. L v. ICE*. Many of those phone numbers were apparently in the government's possession much earlier. What is your justification for not providing those phone numbers on a rolling basis, as you obtained them?**

   RESPONSE: The Federal plan for reunification of separated children with class member parents outside the United States, developed by HHS in partnership with the Departments of Homeland Security, State, and Justice, includes a role for the ACLU. Under the plan, HHS provides the ACLU Steering Committee with the contact information for class member parents in their home country so that the ACLU can make contact with such parents outside the United States, advise them of their rights and options, and receive from the parents a final, knowing, and voluntary decision as to whether the parent wishes the child to be reunified with the parent in home country, or for his or her child to continue through standard ORR sponsorship processes to be discharged to a sponsor (almost always a family member) here in the United States. The plan was approved by Judge Dana Sabraw. ORR does not routinely provide contact information for parents in their home country to nongovernmental entities absent a court order.

Post-Hearing Questions for the Record
Submitted to Commander Jonathan White
United States Public Health Service
Commissioned Corps
U.S. Department of Health and Human Services
From Chairman Rob Portman and Ranking Member Tom Carper

"Oversight of Efforts to Protect Unaccompanied Alien Children From Human Trafficking and Abuse"
August 16, 2018

1. **In 2018 to date, how many children total have been placed with:**
   a. **Category 1 (parent or legal guardian) sponsors**
   b. **Category 2 (close relative) sponsors**
   c. **Category 3 (other) sponsors**

RESPONSE: The following chart provides the requested data:

UAC Discharged by Sponsor Category - Fiscal Year '18	
Sponsor Category	**# of UAC Discharged**
Category 1 (parent or legal guardian)	14,651
Category 2 (close relative)	16,464
Category 3 (other)	3,787
Grand Total	**34,902**

2. **How many UACs are currently in each type of HHS care (e.g., shelter, foster care, secure, staff secure, tender-aged facility)? How much does it cost to house one UAC per day in each of those types of settings?**

RESPONSE:

The table below highlights the type of UAC care provider, the number of UAC in care, and the care provider's occupancy percentage as of March 11, 2019.

Data as of March 11,2019									
Type	**Shelter**	**Transitional Foster Care**	**Residential Care**	**Staff-Secure**	**Secure**	**LTFC**	**Therapeutic**	**Influx Shelter - Active**	**Total**
In Care	8049	1279	36	96	16	439	8	1750	**11673**
% occupancy	86%	87%	72%	64%	28%	72%	67%	100%	**87%**

The average daily cost to care for a child in a permanent HHS shelter is approximately $262 per day. The cost to care for a child in Influx Care Facilities varies but is approximately $700 to $800 per day at the current site.

3. In 2018, how many children:

   a. Has HHS offered post release services?

RESPONSE: All UAC who meet the Trafficking Victims Protection Reauthorization Act of 2008 (TVRPA) criteria for a home study also receive mandatory post release services (PRS) following their release from ORR custody.

The TVPRA also authorizes ORR to provide PRS to UAC with mental health or other needs that could benefit from ongoing assistance from a social welfare agency.

Other UAC may also receive PRS if they are specially identified as needing additional assistance in connecting to appropriate resources in the community.

   b. Have received post-release services?
   RESPONSE: In FY18, 14,088 released minors received PRS.

   c. Have refused offered post-release services?
   RESPONSE: ORR does not yet have data available on PRS declined by sponsors in 2018.

4. **What kinds of post-release services has HHS provided UACs in 2018? How many UACs have received each type of service in 2018?**

RESPONSE:
PRS include the following service referral areas:

- **Placement Stability and Safety**: PRS providers must work with sponsors to address challenges in parenting a UAC. This may include guidance about maintaining a safe home; supervision of the UAC; protecting the UAC from threats by smugglers, traffickers, and gangs; as well as information about child abuse, neglect, separation, grief and loss, and how these issues affect children.
- **Immigration Proceedings**: The PRS provider must monitor and help facilitate the sponsor's plan to ensure the UAC's attendance at all immigration court proceedings and compliance with DHS requirements.
- **Guardianship**: If the sponsor is not a parent or legal guardian of the child, then the PRS provider must provide the sponsor information about the benefits of obtaining legal guardianship of the child. If the sponsor is interested in becoming the child's legal guardian, then the provider may assist the sponsor in identifying the legal resources to do so.
- **Legal Services**: PRS providers must assist the sponsor is accessing relevant legal service resources including resources for immigration matters and unresolved juvenile justice issues.
- **Education**: PRS providers must assist the sponsor with school enrollment and monitor the UAC's progress in school. PRS providers may also assist with alternative education plans for UAC who exceed the state's minimum age requirement for mandatory school attendance.
- **Medical Services**: PRS providers must assist the sponsor in obtaining medical insurance for the UAC and in locating medical providers that meet the individual needs of the child and the sponsor. If a child requires specialized medical assistance, the PRS provider must assist the sponsor in making and keeping medical appointments and monitoring the UAC's medical requirements.
- **Individual Mental Health Services**: PRS providers must provide the sponsor with relevant mental health resources and referrals for the UAC. The resources and referrals must take into account the individual needs of the UAC and sponsor. If a UAC requires specialized mental health assistance, PRS providers must assist the sponsor in making and keeping mental health appointments and monitoring the UAC's mental health requirements. PRS providers must provide guidance on the administration and monitoring of psychotropic medications, as needed.
- **Family Stabilization/Counseling**: PRS providers must provide the sponsor with relevant resources and referrals for family counseling and/or individual counseling that meet individual needs of the child and the sponsor.
- **Substance Abuse**: PRS providers must assist the sponsor in locating resources to help address any substance abuse-related needs of the UAC.
- **Gang Prevention**: PRS providers must provide the sponsor information about gang prevention programs in the sponsor's community.

- **Other Services**: PRS providers may assist the sponsor and UAC with accessing local resources in other specialized service areas based on the needs and at the request of the UAC.

PRS are not mandatory and released minors and their sponsors may choose to participate or not in these services. Once a minor is released to a sponsor, s/he is no longer in the custody of ORR.

ORR does not have data on PRS referrals for FY18. However, the table below highlights the types of community-based resources or services to which PRS providers referred released minors, in FY17.

Areas of Referrals for Community-Based Services	Number of minors referred to services in FY2017
Placement Stability and Safety	3,660
Legal Services	10,759
School Enrollment / Education	10,096
Medical Services	10,408
Individual Mental Health Services	8,287
Family Stabilization / Counseling	9,673
Substance Abuse	3,660

5. What kinds of legal services does HHS provide UACs?

RESPONSE: ORR has a contract to provide legal services to UAC. Legal service providers provide:

- Know Your Rights presentations;
- Screenings for legal relief and for human trafficking concerns;
- Direct representation for UAC in ORR care to the greatest extent practicable;
- Pro Bono legal representation to the greatest extent practicable; and
- Friends of the court services where applicable and allowed under local immigration court rules.

The providers collaborate with the Executive Office for Immigration Review in providing legal orientation presentations to all sponsors of UAC.

6. From January 1, 2016 to the present, how many UACs (a) in HHS facilities and (b) living with sponsors received each kind of legal service in each year?

RESPONSE: ORR provides Know-Your-Rights presentations to all children and youth within 7 to 10 days of admission into ORR custody in the minor's native language. Also, ORR conducts a legal screening, done by a case worker, paralegal, or attorney, which assesses a child's background, journey into the U.S., family members, and history of persecution, violence, and/or abuse for all UAC in its care.

ORR also provides direct representation to youth who are without reunification options (to those children for whom no sponsor is identified). ORR provides representation to these children regardless of whether they are identified for a form of immigration legal relief or not. ORR also provides direct representation to certain UAC who have entered into immigration proceedings while in HHS care.

ORR is under no legal obligation to pay for legal representation for UACs. Nonetheless, in certain circumstances specified in ORR guidelines, ORR does provide legal representation.

ORR also provides each minor with a Legal Resource Guide, which includes a list of potential pro bono and other legal service providers in their state.

The table below shows the services provided by ORR's legal service provider.

Number of UAC Who Received ORR Legal Services

Calendar Year	Services in Custody						
	Know Your Rights	Screenings	Court Prep	Court Assistance	Representation[1]		
					Total	In House	Pro Bono Only
2016	62,718	59,978	8,526	2,273	2,371	2,283	88
2017	29,570	30,195	4,052	2,427	2,444	2,334	110
2018	49,435	46,924	7,601	5,566	3,335	3,195	140

Calendar Year	Released Services		
	Rep		
	Total	In House	Pro Bono Only
2016	4,165	2,924	1,241
2017	2,481	1,204	1,277

[1] Data shows legal representation in which all of the child's representation began through ORR's contractor. In a small number of cases (not represented) ORR initiated representation and then another legal service provider, e.g., a pro bono representative, continued the service.

2018	746	293[2]	453

NOTE: These numbers depict the total number of unique services for each year. The sum of the services exceed the total unique number of children who received that service because, in a small number of cases, the same child may receive the same service multiple times.

7. **From January 1, 2016 to the present, for how many UACs did HHS perform home studies in each year?**

   RESPONSE:

Number of Home Studies Conducted by ORR	
FY 2016	3,540
FY 2017	3,173
FY 2018	3,641

8. **Please explain any changes made to the legal services provided to unaccompanied alien children (UACs) (a) in HHS facilities and (b) released to sponsors in 2018. Please also explain any planned changes to those services, including what those changes are and the reasoning for making those changes.**

   There have been no changes to legal services available to children in ORR care provider facilities. UAC in ORR custody receive Know Your Rights presentations, legal services screenings, court preparation assistance, and, if the child has no reunification options or enters immigration proceedings while in ORR care, direct representation from a legal service provider, funded by ORR.

   RESPONSE: ORR previously paid for direct representation when a UAC was released in one of nine cities. However, due to funding constraints, ORR has halted the provision of legal services to these UACs. On May 18, 2018, ORR sent a directive to the legal services contractor instructing the contractor to not initiate new cases for UAC that are released in one of nine cities.

9. **In 2017, HHS asked its Office of General Counsel (OGC) to evaluate its responsibilities and authorities for caring for UACs placed with sponsors. In early 2018, HHS asked OGC additional questions on that same topic. Has HHS received**

[2] ORR directed its legal services provider to stop initiating representation based on the child's release in one of nine cities.

a response from OGC? If so, what was that response? If not, when does HHS expect a response?

RESPONSE: HHS has consistently maintained the position that custody of UAC terminates upon release. While ORR may continue to follow up in cases, and offer post-release services in other cases, the legal custodial relationship ends upon release. Most recently, the Administration articulated this position in its proposed rule on the "Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children." See proposed rule at 45 C.F.R. 410.207 (83 FR 45486) ("Upon release to an approved sponsor, a UAC is no longer in the custody of ORR.")

10. **Have any HHS facilities that care for UACs lost their license to care for UACs or other children since January 1, 2016?**

RESPONSE: On October 24, SouthWest Keys surrendered their license to two of their facilities in Arizona. No other ORR-funded facility has lost its license since January 1, 2016.

11. **Since January 1, 2016, how many children has HHS removed from facilities that care for UACs because of allegations of physical or sexual abuse?**

RESPONSE: In September of this fiscal year, ORR transferred a total of 90 UAC from one SouthWest Key facility following abuse allegations. In 2017, ORR transferred 95 UAC from one SouthWest Key facility to another shelter. In late March and early April 2016, ORR transferred 31 UAC out of a Galveston care provider agency.

12. **In April 2018, HHS and DHS signed a Memorandum of Agreement (MOA) governing information sharing about UACs and potential sponsors. Advocates for UACs have expressed concerns that because the MOA might allow DHS to use sponsor information for enforcement purposes, fewer potential sponsors—who are frequently undocumented—might apply to house UACs because they fear enforcement.**

    a. **Please describe how the MOA works in practice.**

    RESPONSE: ORR's current procedures for requesting background checks from sponsors and adult household members are outlined in the UAC Manual of Procedures (UAC MAP). This includes requesting an Authorization for Release of Information from all individuals who will need fingerprints; updating all requests for background checks in the UAC Portal; and coordinating with other federal agencies to put in requests, process results, and make release decisions based on these and other factors.

    An abridged excerpt of current fingerprint background check procedures from the UAC MAP are included in Appendix 1.

b. Is the sponsor information shared under the MOU being used for immigration enforcement activities?

RESPONSE: ORR's policy continues to be that ORR does not disqualify potential sponsors on the basis of their immigration status. ORR uses immigration status information to determine if a sponsor care plan will be needed if the sponsor needs to leave the United States.

ORR is not a law enforcement agency. HHS defers to DHS regarding questions about how it uses information obtained from the MOU with HHS.

c. Does HHS anticipate that undocumented sponsors may be less likely to offer to house UACs as a result of the MOA?

RESPONSE: ORR is continually reviewing data to determine new trends in submission of family reunification applications.

ORR also continually responds to unanticipated needs from the UAC program. However, ORR's mission has always remained the same: to care for the well-being and safety of UAC in its care and to identify and assess potential sponsors.

ORR tracks UAC placements and releases on a daily basis. This hands on approach helps us respond immediately when the need arises for additional bed capacity or other short term measures.

d. Has the Department prepared for that possibility? If so, how? If not, why not?

RESPONSE: The implementation of the MOA correlated with increases in UAC length of care and with growth in the UAC population. ORR has actively worked to both reduce length of stay and expand bed capacity.

Appendix 1

**** Please note that ORR is in the process of updating the MAP based on a new operational directive that was issued on 3/25/19. Procedures for this operational directive have not yet been incorporated into the MAP.***

FINGERPRINT CHECK (INCLUDES NATIONAL (FBI) CRIMINAL HISTORY CHECK, DHS CRIMINAL HISTORY CHECK, AND IMMIGRATION STATUS CHECK)

1. The case manager obtains an *Authorization for Release of Information (ARI)* and government issued photo ID for all relevant parties.

NOTE: If needed, some ORR digital fingerprint sites offer in-person assistance completing the *FRP* and/or *ARI*.

2. The case manager asks any sponsor, adult household member, and/or adult caregiver who claims to be a U.S. citizen to provide a copy of his/her U.S. Birth Certificate, Certificate of Naturalization or Certificate of Citizenship, or U.S. Passport.

   NOTE: Not submitting a copy of a U.S. Birth Certificate, Certificate of Naturalization or Certificate of Citizenship, or U.S. Passport will affect the accuracy of the Immigration Status Check and PSC/DCS may document the subject of the check as having possible immigration issues.

3. The case manager assists the potential sponsor, adult household member, and/or adult caregiver in scheduling a fingerprint appointment at an ORR digital fingerprint site to occur **within 3 business days of receiving the signed *ARI* and government issued photo ID.** If distance or other limitations prevent the individual(s) from traveling to an ORR digital fingerprint site, the case manager explains the process of using paper fingerprint cards.

   NOTE: If the fingerprint subject received assistance completing the *FRP* and/or *ARI* at an ORR digital fingerprint site, the digital site will email the completed and signed *FRP* documents and/or *ARI* to the case manager.

   NOTE: If the fingerprint subject uses paper fingerprint cards, the fingerprint cards must be mailed back to the case manager.

4. The case manager completes the Check Requested field in the Background Check table in the Sponsor Information section of the UAC Portal.

5. The case manager fully completes the *Sponsor Check Coversheet*. If any of the following conditions apply the case manager documents the condition in the comments section of the *Sponsor Check Coversheet:*

   - If paper fingerprint cards are used, the name of the mail carrier (UPS, FedEx, etc.) and the tracking number must be included.
   - If the case manager is requesting the fingerprint check be expedited, the reason must be noted (see **Quick Glance: Expediting Fingerprint Check Results** for full requirements).
   - If the case manager believes the individual previously completed a fingerprint check, that must be noted and the approximate date should be included.
   - If the individual is the sponsor or household member for more than one UAC, the name and A# of those UAC must be included.

Quick Glance: Expediting Fingerprint Check Results

Case managers may request expedited processing for Fingerprint Checks under the following circumstances:

- Imminent age out
- Legal issue
- UAC medical issue
- Cat 1 cases that require fingerprint check results before the UAC may be released (see **Quick Glance: Release of UAC Prior to Receiving Fingerprint Check Results**)

To request expedited processing and allow PSC/DCS to appropriately prioritize expedited cases, the case manager must include "REQUEST TO EXPEDITE:" before the subject line of the email and notate the following in the Comments section of the *Sponsor Check Coversheet*:

- Basis for the request
- Date by which results are needed
- If there are other items pending (e.g., home study) that would not allow for immediate release of the UAC once fingerprint check results have been received

PSC/DCS will prioritize all cases for which expedited processing is requested that fall under the circumstances listed above, but cannot guarantee results will be available within the requested date.

If the case manager requests expedited processing for any circumstance not listed above, PSC/DCS will elevate the request to ORR HQ for approval.

6. The case manager reviews the *Sponsor Check Coversheet*, *ARI*, government issued photo ID, and paper fingerprint cards (if applicable) for accuracy, completeness, and legibility.

7. If paper fingerprint cards are used, the case manager uses an express mail service (e.g., UPS, FedEx, USPS Priority Mail) to send the following to PSC/DCS for **next morning** delivery:
    - Two original fingerprint cards (ORR does not collect Social Security Numbers and this field should be blacked out
    - Copy of the *Sponsor Check Coversheet*
    - Copy of the *Authorization for Release of Information*
    - Copy of the subject's government issued photo ID

8. The case manager formally requests the Fingerprint Check using the email template below.

Email Template: Fingerprint Check Requests

From: Case Manager
To: SponsorCheck.os@hhs.gov
Subject: Fingerprint Check Request for [sponsor's initials]
- If requesting expedited results, add "REQUEST TO EXPEDITE:"
- If the case requires results before the UAC may be released, add "RESULTS REQUIRED:"

Attachments:
- *Sponsor Check Cover Sheet*
- *Authorization for Release of Information*
- Copy of government issued photo ID (If individual is claiming U.S. citizenship, a U.S. Birth Certificate, Certificate of Naturalization or Certificate of Citizenship, or U.S. Passport is preferable)

NOTE: All of the documents listed above as attachments must be submitted to PSC/DCS together. The documents must be merged into one PDF.

Case managers must password protect any Personally Identifiable Information (PII) that is sent to PSC/DCS. The *Sponsor Check Cover Sheet, ARI,* and photo ID must be password protected. The body of the email includes the message that the password for the attached documents will be sent separately. A second email should include the universal UAC Password which should be used by all care providers and ORR staff and contractors. Do not include PII in follow up emails.

9. The case manager determines if the UAC is eligible for release prior to receipt of background check results (see **Quick Glance: Release of UAC Prior to Receiving Fingerprint Check Results**).

   NOTE: The Case Manager should staff eligible cases with the FFS, or notify the FFS of an eligible case via email, as soon as possible. The Case Manager and FFS document in the *Release Request* that the case is being processed without waiting for fingerprint results because the case falls under the "December 2018 Operational Directive."

Quick Glance: Release of UAC Prior to Receiving Fingerprint Check Results

A UAC may be recommended and approved for release without obtaining the Fingerprint Check results if:

- The sponsor is Category 1 or Category 2

- A public records check did not reveal possible disqualifying factors under Section 2.7.4;
- There is no documented risk to the safety of the unaccompanied alien child and the child is not considered especially vulnerable;
- The case is not being referred for a home study;
- All family reunification application, assessments, documentation, and other required background check results (with the exception of CA/N Check results) needed to approve a safe release have been received and reviewed by the case manager; and
- Receipt of the Fingerprint Check results is the only step preventing a release recommendation.

Note: If the case manager anticipates that the Fingerprint Check results will not be received until after the UAC is released, they must still request the Fingerprint Check from PSC/DCS prior to submission of the *Release Request*. This includes submission of all required paperwork (*Sponsor Check Coversheet*, *Authorization for Release of Information*, and Photo ID). Sending an email without paperwork is not sufficient.

In any instance where a UAC is released and possible derogatory information is later discovered after Fingerprint Check results are received, the FFS makes a case by case determination on what follow up is required, if any. State CPS or law enforcement may be notified if there is determined to be any immediate danger to a child's welfare. The FFS may also attempt to refer the case for post-release services.

10. PSC/DCS reviews incoming fingerprint check requests for accuracy, completeness, and legibility. If any required documents are missing or the request does not comply with other requirements, PSC/DCS rejects the submission and informs the case manager that the request must be resubmitted. PSC/DCS processes background checks in the order in which they are received and any requests that need to be resubmitted fall to the bottom of the queue.

11. PSC/DCS completes the Date Requested, Date Results Received, and Results fields in the Background Check table in the Sponsor Information section of the UAC Portal when the Fingerprint Check is complete and, if applicable, uploads criminal history reports to ORR Connect (SharePoint website).

12. PSC/DCS emails a spreadsheet containing Fingerprint Check results to the designated ORR staff once a day. The spreadsheet includes the following:
    - Immigration Status Check results
        i. Immigration Status – whether the individual is a **U.S. citizen**, **appears legal**, or appears to have **possible immigration issues**)
        ii. Law Enforcement Support Center (LESC) Immigration Status – this is the result provided by DHS/ICE

- National (FBI) Criminal and DHS Criminal History Check result (i.e., whether the individual **appears clear,** if the case was **referred to the assigned FFS**, or if the individual had **unclassifiable fingerprints**)
- Confirmation results were entered into the UAC Portal
- Whether criminal history record was uploaded into ORR Connect

NOTE: For expedited cases, PSC/DCS sends results directly to the case manager and copies the FFS instead of including the results in the spreadsheet (See **Quick Glance: Expediting Fingerprint Check Results**).

13. The designated ORR staff emails the Fingerprint Check results received from PSC/DCS individually to each care provider facility and copies the assigned FFS.

14. The care provider distributes Fingerprint Check results received from the designed ORR staff to the assigned case managers.

    NOTE: If the prints are unclassifiable, the case manager assists the individual in scheduling a fingerprint appointment at an ORR digital fingerprint site so that a second set of prints may be obtained, even if the UAC has already been released. If the individual does not have access to an ORR digital fingerprint site, then paper fingerprint cards may be used.

    NOTE: ORR federal staff and PSC/DCS do not release criminal history records produced by National (FBI) Criminal History Checks or DHS Criminal History Checks to ORR grantees, ORR contractors, third party reviewers, outside organizations, or individuals. ORR does not confirm or deny the existence of the records and does not share the content of a record verbally or in writing.

    NOTE: Fingerprint Check results are valid for 270 days from the date results are received, which is documented in the Date Results Received column of the Background Check Table in the UAC Portal. If the UAC is not approved for release before fingerprint check results expire, the sponsor, adult household member, and/or adult caregiver must be re-fingerprinted and a new fingerprint check must be requested from PSC/DCS.

Quick Glance: Requesting Status Updates for Background Check Results

FINGERPRINT CHECKS

Case managers may email PSC/DCS to request a status update on their Fingerprint Check request. However, unless the case has been expedited, the case manager must wait at least seven business days from the time they emailed a complete Fingerprint Check request to PSC/DCS (or from the time when PSC/DCS received paper fingerprint cards if digital fingerprints were not taken) before asking for a status update.

During periods of influx or other circumstances where there is a delay in processing Fingerprint Checks, PSC/DCS may direct case managers to wait for a longer period of time before requesting a status update. In order to avoid exacerbating situations in which there are processing delays, case managers must follow any such guidance provided by PSC/DCS.

To request a status update, case manager must enter "Status Update Request for [sponsor/household member's initials]" in the subject line of the email and include the following information in a separate password-protected document:

- For All Requests: sponsor/household member name and date of birth, UAC name and A#
- For Digital Fingerprints: ORR digital fingerprint site name, date fingerprinted
- For Paper Fingerprints: courier name and tracking number, shipping date

Questions for the Record
Executive Office for Immigration Review
Before the Committee on Homeland Security and Governmental Affairs
For a Hearing Entitled
"Oversight of Efforts to Protect Unaccompanied Alien Children
From Human Trafficking and Abuse"
August 16, 2018

Questions Posed By Senator Claire McCaskill

1. **For each year between FY 2013 and FY 2018, please provide the following information:**

   A. **How many unaccompanied alien children (UAC) had representation during the course of their immigration proceedings? How long was the duration of that representation?**

   Response: By statute, the Department of Health and Human Services (HHS) works to address issues of representation for UAC in, or who have been in, its care and custody. The Department of Justice respectfully defers to HHS regarding UAC's access to counsel.

   The Executive Office of Immigration Review (EOIR) does not calculate the length of representation in cases in immigration proceedings. The chart below indicates the number of overall UAC cases with representation of record during the course of immigration proceedings by fiscal year. This includes both active pending and completed cases.

FY	Represented
FY 2013	6,881
FY 2014	16,482
FY 2015	33,841
FY 2016	51,920
FY 2017	59,512
FY 2018	57,376

   In addition to the cases reflected on the chart, there are currently 17,885 UAC cases that are pending but inactive because they have been administratively closed. Of those, 16,479, or approximately 92 percent, have representation.

B. How many children were represented when they were ordered removed?

Response: Please see the chart below regarding the number of UAC who had representation at the time they were ordered removed.

FY	Total
FY 2013	237
FY 2014	212
FY 2015	1,007
FY 2016	768
FY 2017	1,168
FY 2018	1,779

C. How many UACs were ordered removed? How many were subsequently removed by Immigration and Customs Enforcement (ICE)?

Response: The chart below indicates the number of removal orders issued to UAC each fiscal year. EOIR plays no role in executing removal orders and respectfully defers to the Department of Homeland Security (DHS) regarding the number of UAC who were actually removed subsequent to the issuance of a removal order.

FY	Removal Orders
FY 2013	1,130
FY 2014	2,139
FY 2015	7,530
FY 2016	6,805
FY 2017	7,576
FY 2018	7,722

D. How many UACs have cases that are still pending before the Executive Office for Immigration Review (EOIR)?

Response: As of September 7, 2018, there are 83,343 UAC cases actively pending before EOIR. The chart below indicates the fiscal year in which the currently pending cases were initiated.

FY Initiated	Pending
< FY 2013	486
FY 2013	434
FY 2014	3,277
FY 2015	8,256
FY 2016	19,846
FY 2017	28,775
FY 2018	22,269
Total	**83,343**

There are also currently 17,885 UAC cases that are pending but inactive because they have been administratively closed.

E. **How many UACs were ordered removed in absentia? How many of those children that were ordered removed in absentia had representation?**

Response: Please see the chart below.

FY	*In Absentia*	*In Absentia* with Representation
FY 2013	829	89
FY 2014	1,849	165
FY 2015	6,374	616
FY 2016	6,072	680
FY 2017	6,609	843
FY 2018	6,191	968

2. **For each year between FY 2013 and FY 2018, please provide a breakdown of the length of time it took to process cases on the detained docket, broken down by case type. Please provide a similar breakdown for the non-detained docket.**

Response: Please see the charts below.

Median (In Days) for Detained Initial Case Completions							
FY	Removal	Asylum-Only	Withholding-Only	Credible Fear Review	Reasonable Fear Review	Claimed Status Review	Rescission
FY 2013	26	72	83	4	7	5	N/A
FY 2014	29	61	81	5	7	13	N/A
FY 2015	37	76	93	5	7	9	N/A
FY 2016	44	62	103	5	7	21	N/A
FY 2017	44	39	108	6	7	2	N/A
FY 2018	42	54	102	6	7	8	N/A

Median (In Days) for Non-Detained Initial Case Completions		
FY	Removal	Rescission
FY 2013	637	476
FY 2014	628	499
FY 2015	495	302
FY 2016	595	386
FY 2017	637	962
FY 2018	752	487

3. **How are UACs provided notice of where and when their immigration court proceedings will take place?**

Response: The initial hearing time and date may be set by DHS upon service of a Notice to Appear (NTA) on the UAC. If the UAC is under the age of 14, DHS must also serve the individual with whom the UAC resides and, whenever possible, serve a near relative, guardian, committee, or friend. For UAC between the ages of 14 and 18, the NTA does not need to be served on an adult, except for those UACs residing within the Ninth Circuit. If the UAC is in HHS custody, DHS serves the head of the facility. If the UAC has counsel or a representative of record, that individual is also served. Service may be in person or by mail.

If the hearing date and time are not set by DHS in the NTA, EOIR will mail a hearing notice to the UAC at the last address provided. EOIR mails a hearing notice, generally by first class mail, to the UAC's or custodian's address (as applicable) as indicated on the NTA or as last provided by the custodian. The hearing notice contains the date, time, and location where the proceeding will be held, the rights the individual has in removal proceedings, notice of a requirement to inform the immigration court of any address changes, and other information. EOIR also operates an automated case information hotline to allow respondents to call to receive the date, time, and location of upcoming hearings. The child's custodian is responsible for providing notice of address changes,

which must be filed with the immigration court within five business days of the address change. If the individual has counsel or a representative of record, notice of the hearing is also provided to that individual. An initial hearing notice is typically sent by mail. Subsequent notices are given at the conclusion of each hearing and are generally served in person.

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