

**ANOTHER BIDEN BLUNDER:
MISSING UNACCOMPANIED ALIEN CHILDREN
AND CRIMINAL SPONSORS**

HEARING
BEFORE THE
SUBCOMMITTEE ON BORDER SECURITY
AND IMMIGRATION
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

SEPTEMBER 17, 2025

Serial No. J-119-40

Printed for the use of the Committee on the Judiciary



www.judiciary.senate.gov
www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE

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WEDNESDAY, SEPTEMBER 17, 2025

UNITED STATES SENATE,
SUBCOMMITTEE ON BORDER SECURITY AND IMMIGRATION,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice at 2 p.m., in Room 226, Dirksen Senate Office Building, Hon. John Cornyn, Chair of the Subcommittee, presiding.

Present: Senators Cornyn [presiding], Britt, Moody, Padilla, Klobuchar, Hirono and Booker.

Also present: Senator Durbin.

**OPENING STATEMENT OF HON. JOHN CORNYN,
A U.S. SENATOR FROM THE STATE OF TEXAS**

Chair CORNYN. I call to order this hearing of the Senate Judiciary Committee Subcommittee on Border Security and Immigration. Senator Padilla and I are, of course, Chair and Ranking Member, and we are actually anticipating the presence of Senator Grassley, the Chairman of the full Committee, and Senator Durbin, perhaps as well.

So, when they come, we'll be happy to accommodate them and listen to their statement. The purpose of today's hearing is to determine what the consequences have been of the failure that occurred on President Biden's watch, the tragic and irresponsible treatment of hundreds of thousands of migrant children.

President Biden literally lost track of more than 320,000 unaccompanied children, sometimes called UACs, unaccompanied children, who are somewhere we hope still in the United States. Some of them may no longer be living, we don't know and they don't know what happened to them, and obviously they do not appear to have care.

The Biden Administration released many of these children into the custody of unvetted, even criminal sponsors. Now, while it may seem repetitive to have yet another hearing on the issue, the fact of the matter is that our work here is not yet done. As a result of the open border policies of the Biden Administration, letting in roughly 11,000,000 illegal aliens and more than 500,000 unaccompanied children, many of these children of course, had to travel from dangerous cartel control routes through South America. And many suffered horrific harm and now they're saddled with a life-

time of trauma that could have been avoided if they hadn't been enticed to leave their home country.

Parents and other relatives played a role in the sad saga by making the credible decision to place their child into the hands of a criminal organization, potentially putting them in harm's way in the first place. They were often the ones to initiate the process, paying smugglers thousands of dollars to bring their children into the United States illegally.

And you have to ask yourself, why in the world would they do something like that? Well, because they realize that under the Biden policies these children were likely to be deposited here in the United States in place with a sponsor and be able to stay in the United States. Some of these children thought they were going to be united with a relative or parent, but they ended up being trafficked or forced to work to pay for their smuggling debts.

And let's not forget the other side of the problem. Among the 500,000 unaccompanied minor children that President Biden led into the country, some were members of the Tren de Aragua and MS-13 gangs. Many of these so-called children were 17-year-olds or virtually for all practical purposes, adults. Some of them had already committed crimes in their home country and continued their criminal conduct here in the United States.

And of course, no one can forget the many victims of crimes committed by juvenile illegal aliens, crimes like the death of Kayla Hamilton, who was raped and murdered or Maria Gonzalez, who was raped and strangled to death. As horrific as these stories are, they are nothing new. I can cite volumes of news reports and articles detailing such horrors, as I'm sure Chairman Grassley, who's been following this issue for years now, can as well, since he's spearheaded many of the investigations into the problems with the unaccompanied minor program for years.

But what is truly shocking is the level of irresponsibility and the callousness of the Biden Administration and ultimately allowing these children to be released to sponsors who weren't their relatives based on fake addresses and fraudulent documentation. The Biden Administration prioritized the release of thousands of migrant children without doing background checks or waiting to receive the results of background checks, or without conducting mandatory home studies, even when staff raised concern indicating that such studies were warranted. When the Trump Administration came in, new leadership at HHS discovered a backlog of more than 65,000 case reports, which the Biden Office of Refugee Resettlement known as ORR, either dismissed or simply chose to do nothing about.

I must commend the men and women of the Trump Administration for the work they've done to try to right these wrongs in this far as our treatment of these migrant children. Under AG Bondi, Secretary Noem, and Secretary Kennedy's leadership, we've witnessed progress in the last 8 months, although much remains to be done. Working with State and local law enforcement authorities, the Trump Administration is located more than 22,000 missing illegal migrant children and arrested more than 400 criminal sponsors.

As of March, HHSORR, has now made DNA testing mandatory for all sponsors. It really is, again, I just, my threshold for being shocked has gotten so high because of the outrageous conduct that we're talking about here. But for many years, the Biden Administration resisted doing DNA testing to make sure that these children were actually biologically related to the people who claim them as their children, which in many cases they were not.

HHS has created additional factors that caseworkers need to consider when assessing whether a home study is mandatory, that's a followup after the child is placed or should be conducted for the protection of the child. Finally, HHS has reviewed all of the 65,000 case reports that were left behind by the Biden Administration and elevated cases that are indicative of fraud and other significant activity to law enforcement for further review investigation.

These measures will protect young children from further harm or trafficking based on false claimed family relationships and other harms. But unfortunately, for many of these children, help has come too late. DHS reported that 27 migrant children were found dead either by murder, suicide, or drug overdose. And that's just the ones they found. All these reports of harm to these young people are shocking, and the blame for the failures in the unaccompanied minor process during the fiscal year 2021–2024 lays squarely at President Biden's feet.

But I want to take a moment to refocus Members' attention on what I believe is really the issue here. You'll hear plenty of stories today of about enforcement actions of the Trump Administration and its impact on migrant communities but no one seems to want to discuss why we continue to incentivize parents and other relatives to pay criminal organizations large sums of money to smuggle their children into the United States.

We have laws in the books now that encourage children to make that treacherous journey through South America to enter the country illegally. The problem, it seems to me, is one of the Government's own making, and it's not a problem that began with President Trump or President Biden, but dates back to 1985 with a legal decision called the *Flores* case.

The *Flores* case was a lawsuit between a liberal advocacy group and the former Immigration Naturalization Service, or INS. INS chose to exercise its discretion to allow deportable children to be released from government custody under very specific circumstances. First, INS would only release the child to his or her parents or legal guardian.

Second, INS would only release the child if the parent or legal guardian appeared in person at an INS office or before an INS officer. Unfortunately, the liberal advocates who were concerned that this process might result in some parents who were illegally present in the United States from being detained and deported as part of this process.

So rather than risk the deportation of people who illegally entered into the United States, they basically sacrificed the welfare of these unaccompanied minor children. It really is shameful and their efforts to ensure that no alien is deported under any conditions at any time.

These advocates press for INS to change its policies to ensure the Government released deportable children from detention as quickly as possible. That became the goal of the Government, release these children as soon as possible. The tragic result of the *Flores* settlement is that it created an incentive for unaccompanied children to continue to come to the United States because it virtually guaranteed the expedited release of that child into the interior of our country.

And tragically, the speed at which the Biden Administration released these children seemed to take precedence over ensuring that they were safe, and that their sponsors were properly vetted. Additionally, the passage of the Trafficking Victims Protection Reauthorization Act created a similar perverse incentive. This law created a process for the Government to send unaccompanied children from Mexico or Canada back to their home countries after screening them for trafficking or credible fear.

But there was a loophole, unaccompanied children from any other country other than Canada and Mexico, who crossed the border illegally got to stay in the United States and placed in proceedings and ultimately released from custody into the custody of sponsors. Once illegal aliens in the United States and cartels and gangs in South America learned of this legal loophole, border crossings by unaccompanied minors surged, in FY 2021–2023, hundreds of thousands of these unaccompanied children made their way to the border.

And I would say that while these children may have presented themselves as unaccompanied, they definitely were accompanied during that treacherous trip from their home in South America or Mexico, because they were given to the custody of coyotes or human smugglers who cared nothing for the welfare of these children and then released at the border into the custody of the Border Patrol because these parents knew and the smugglers knew that the children would be cared for once they made their way to the United States—if they made their way to the United States.

The lesson here is clear, President Obama agreed with Republicans back in the day that these incentives could and should be fixed legislatively. And I'm talking about the *Flores* case now, but the Democratic base would not hear of it. They would prefer to have migrant children endangered than even raise the possibility that some illegal immigrants might be deported.

For all of the talk about due process during the Trump Administration, this issue highlights the way that our Democratic colleagues have pushed to skirt the formal process for releasing unaccompanied minors in order to minimize the chances of any person who's come to the country illegally being deported. And there is a heavy, heavy price to pay. And I would submit, we won't know what the full price ultimately is for years, maybe decades, yet to come.

As these children, of a variety of different ages, grow up under perhaps horrific circumstances. We don't know whether they are going to school. We don't know whether they're being given access to healthcare. We don't know whether they're being trafficked or held for forced servitude. So, I'm hopeful after after this hearing and perhaps after some deliberation, we can find a way to put

aside partisan politics and to have the moral conviction to take one step toward addressing the root of this problem.

If we really care about protecting children, we would never, ever tolerate putting them in harm's way in the first place. Ranking Member.

**OPENING STATEMENT OF HON. ALEX PADILLA,
A U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator PADILLA. Thank you, Mr. Chair. Good afternoon, everybody. And I too want to thank everybody for being here. And I'm actually very, very glad that we have the opportunity to talk today about the welfare of unaccompanied children in our immigration system. Mr. Chairman, it's been good to try to do as much bipartisan common sense of work together as we've had over the last 4½ years, because we know that when it comes to all issues and conversations about immigration, which is very complex, it gets very passionate real quick.

See, too often their stories of unaccompanied children go unheard until a horrific story about their mistreatment shocks the conscience of our country. And it's not just a matter of past tense. It's not just a matter of what happened during the Biden Administration or in prior years. One of these stories broke out just a few weeks ago on Sunday, August 31, at about 1 or 2 o'clock in the morning, 76 children in Texas shelters were jolted awake in the middle of the night with no warning.

They were instructed to pack their bags and immigration officials led them to an airport to be deported without a hearing, without due process and without proper vetting to see if they would actually be safe back in Guatemala. These kids, as you can imagine, were terrified. And as you can see from the declarations filed in court, there's a chart here with some of the quotes from those declarations here behind me.

These children waited for hours on buses and on airplanes, wondering what their fate would be. Some feared returning home to abusive families, violence or forced marriage. Many prayed. One little girl was so scared that she vomited. Without an 11th hour intervention by a judge these children could have been back in Guatemala fighting many for their lives. That's how children are being treated in the system but it gets worse.

Following a concerning whistleblower disclosure made to the Chair of this Subcommittee and myself, we're now learning that allegedly at least 30 of the children, who the Government was—who the Government had cleared for imminent removal, had been previously flagged as having signs of being victims of trafficking or abuse and who would face harm if returned to Guatemala.

Yet before these whistleblowers went public, the acting director of ORR had sworn under oath in a court of law that these children had been screened and were cleared for repatriation. These whistleblowers came forward at great personal cost. And Mr. Chairman, I ask consent to enter the whistleblower disclosure into the record.

Chair CORNYN. Without objection.

[Poster displayed.]

Senator PADILLA. Thank you very much. And copies will be shared to, with Members of the Subcommittee if you haven't re-

ceived it already. So, knowing all this, now, it's on us to do the right thing and bring ORR officials before this Committee to demand the truth. Now, Mr. Chairman, we are the Committee of Jurisdiction with an obligation to conduct oversight over ORR.

So, I don't just ask you, I urge you, let's work together to schedule an oversight hearing with ORR to get to the truth. Every single one of us here has a responsibility to stand up for the children in our immigration system, whether it's because of trafficking, physical or sexual abuse, child labor, or violations of their due process. And this is a responsibility that I don't take lightly. None of us should take lightly, but already, it's occurred to me what is happening at this hearing and it's something different.

It seems to be an effort to make this an ongoing political issue, blaming a former President for a current problem. For some, it may be about pleasing the Trump Administration or not wanting to hold them accountable, because the reality is, if the focus is what is the State of affairs of unaccompanied children, the conditions in which they're being detained, or how they're being treated, or how their due process is or is not being fulfilled, then we should be having a holistic conversation, not just looking at the past, but looking at the present and trying to create the rightful future by our rule of law.

Because the reality is the Trump Administration officials should be the ones in the seats in front of us to field our questions and to answer our questions about their, in many ways, "Cruel and unlawful policies" especially after this whistleblower disclosure. And for a moment, Mr. Chair, let me shed light on two items that you raised in your opening statement, the *Flores* settlement, which you referenced.

The *Flores* settlement sets minimum standards of care for children who are being detained for months at a time with unrelated adults. That's what the *Flores* settlement is about. The Trafficking Victims Protection Reauthorization Act is a bipartisan law that was signed into law by George H.W. Bush to protect children from exploitation and abuse. So, if we truly want to improve our immigration system and protect unaccompanied children, we'd be exercising our oversight authority to ask about the real harm currently happening to children because of the indiscriminate mass deportation policies that this Administration is carrying out.

There has to be real oversight of this Administration and their dangerous treatment of minors. So don't lecture me about kids and then at the same time, grab defenseless children in the middle of the night to haul them off to a country when we know they will be in danger. Don't lecture me about kids but then refuse to call out this Administration when they deprive them of representation.

And don't lecture me about kids and then refuse to speak out when we hear parents are being forced to decide whether to be deported with their children or let them be sent to ORR shelters as we learned just this morning. And don't just take my word for it, just read the heartbreaking reporting in this morning's Washington Post. And Mr. Chairman, I ask consent to enter that article into the record for today's hearing as well.

Chair CORNYN. Without objection.

[The information appears as a submission for the record.]

Senator PADILLA. Thank you very much. And not a single child benefits from political theater. So today, it's my hope that this hearing doesn't devolve into just a competition of who can praise Trump the most or who can bash Biden the best. Because regardless of which party is in the White House or which party is in the majority in Congress, keeping children safe should be a bipartisan concern.

In fact, alongside Senator Durbin, I co-chaired a hearing of the Senate Judiciary Committee in June 2023, one of two oversight hearings that we had that year alone on protecting unaccompanied children and fighting child labor exploitation. That's right.

Everybody in this hearing room and everybody watching at home, Democrats demanded accountability from the Biden Administration on what happened to children under their watch. And I invite our Republican colleagues to join us in demanding the same accountability from the Trump Administration about what's happening to children under theirs. So, let's speak up for the children's whose lives are on the line, no matter who is in the White House. Thank you, Mr. Chairman.

Chair CORNYN. I know Senator Grassley has a conflict and is unable to make it. So, I'll turn next to the Ranking Member of the full Committee. Before I do that, I'd ask unanimous consent to make part of the record two stories by The New York Times dated April the 17, 2023. And actually, the first one is February 25, 2023. These were investigative stories done by the New York Times, the title of which is, "Alone and exploited migrant children work brutal jobs across the U.S."

And the second installment of that investigative story is entitled as, "Migrant children were put to work, U.S. ignored warnings."

[Holds up documents].

[The information appears as submissions for the record.]

Chair CORNYN. With that I'll turn to the Ranking Member.

**OPENING STATEMENT OF HON. RICHARD J. DURBIN,
A U.S. SENATOR FROM THE STATE OF ILLINOIS**

Senator DURBIN. Thank you very much, Mr. Chairman. And I'd like to say that I joined with the Chairman of the Subcommittee or the Ranking Member of the Subcommittee in saying that what happened in the past is important, we should learn from it. But what's happening today is what counts. Where are these kids today? What decisions are being made today? How are they doing? Let me give you one example.

A few months ago, I joined all my Democratic colleagues on this Committee in a letter to Chairman Grassley requesting a hearing on the Trump Administration's decision to voluntarily drop a lawsuit against Southwest Key, the largest private provider of sheltering care for unaccompanied children. Southwest Key has been accused of repeatedly subjecting children to sexual abuse and harassment between 2015 and 2023, which is why the Biden Administration filed a lawsuit against them.

I hope that we can get a response from the Chairman and a hearing on that issue, maybe in the Subcommittee about why that lawsuit was dropped by the Trump Administration. That is a timely response to what's happening to these kids. And I'll just close

by saying that I've joined with Senator Padilla because we have whistleblower allegations that the Trump Administration misled the courts to justify deporting unaccompanied children at risk of trafficking and abuse. Protecting children should be bipartisan, not partisan. When I was Chair, we held a hearing holding the Biden officials accountable for the unaccompanied children.

I call on Chairs, Grassley and Cornyn to do the same, have the courage to hold this Administration responsible as well. Let's get to the bottom of this for the good of these children, I yield.

Chair CORNYN. Just in a brief response, I would say what's happening today is important, no doubt about it, but failing to examine the reasons for the disaster that we're experiencing today by inviting millions of people to come to the country, basically unvetted, including a half a million children, and then suggesting that, well, really, we need to ignore all that and the consequences of that fail to provide the accountability that I think the American people deserve.

And the work is not yet done because many of these children are simply unaccounted for. And we don't know, again, what's happened to them. We don't know that they're currently alive or dead. We don't know whether they are trafficked for sex or into forced labor, whether they're going to school, whether they're getting healthcare they need. And the position the Biden Administration is they don't really have any responsibility or they didn't once they placed these children with sponsors, but placing them with unvetted sponsors and then saying, "Our job's done, it's not our job anymore. Somebody else has to deal with that." It is just plainly irresponsible. And the consequences of this are, like I said, will not fully be known, I think, for years or maybe decades to come.

So, what I'd like to do is now welcome today's witnesses to the hearing and I appreciate each of you being here and providing your expertise and testimony on such an important topic. The first witness is the former Chief Patrol agent, Chris Clem, who's retired from the U.S. Border Patrol. He worked for the former Immigration and Naturalization Service in the Department of Homeland Security, U.S. Customs and Border Protection.

He served with the Government with honor and distinction for more than 27½ years, including the senior executive service level from 2018 until his retirement, he's known for, as matter of fact, no nonsense approach. Chris Clem served in multiple locations throughout his career and in key leadership positions across the Southern Border and in Washington D.C.

Chris Clem has been on the front line through many border crises, including El Paso and Yuma, Arizona. He worked with the current Administration during the first 100 days as a senior advisor to HHS Secretary Robert F. Kennedy, Jr. His role involved directing operations relating to immigration especially as it pertains to HHS and specifically on the issues affecting unaccompanied children.

Ali Hopper is a nationally recognized expert in human trafficking and the President of Guard Against Trafficking, a nonprofit she co-founded to combat exploitation through innovative research, education, and advocacy. Ms. Hopper authored Florida's landmark Anti Grooming Bill, she now uses a model in multiple States. She's

also testified before Congress on child trafficking issues and delivered numerous congressional Senate briefings on human trafficking.

Ms. Hopper conducts on the ground research in the United States, Mexico, Central and South America, including interviews with human traffickers who've been incarcerated in the United States and abroad. She's trained Interpol in South America, U.S. law enforcement and policymakers across multiple States and countries. Ali is a member of the Florida's Circuit 12 Human Trafficking Task Force, and I'm sure well known to our, perhaps our newest Senator from Florida, Senator Moody.

Our frequent voice and national medium is Hopper continues to shape public awareness and drive forward policies to protect children and combat trafficking nationwide. Mary Giovagnoli, did I get that right?

Ms. GIOVAGNOLI. Yes.

Chair CORNYN. With a name like mine, you have to—I'm always very sensitive to that. So, I won't try it again. But Mary served as the first ever ombudsman for unaccompanied children at HHS. She served in this non-political role from October, 2024 to March, 2025. Ms. Giovagnoli is an immigration lawyer with policy expertise and more than 25 years of Federal Government and non-profit experience. She's also served as Deputy Assistant Secretary for immigration policy at DHS from February, 2015 to January, 2017.

So, if I can get you to please rise and if you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

[Witnesses are sworn in.]

Chair CORNYN. Thank you. Please have a seat. Chief Clem, we'll turn to you—for each of you for 5 minutes of opening statements, and then we will have some questions for you.

STATEMENT OF CHRIS CLEM, RETIRED CHIEF PATROL AGENT AND FORMER SENIOR ADVISOR AT HHS, RED ROCK, ARIZONA

Mr. CLEM. Well, good afternoon, Chairman and Members of the Committee. My name is Chris Clem. I'm a retired Chief Patrol Agent in the U.S. Border Patrol. I began my career in 1995 in Lordsburg, New Mexico as a Border Patrol agent trainee, and retired on December 31, 2022 as the Chief Patrol Agent in Yuma, Arizona. In January this year, I was appointed to the position of senior advisor at Health and Human Services to be part of the transition to the Trump Administration for the first 100 days.

My responses to your questions will be based on my recollection of my experiences and observations over the last 30 plus years. I spent most of my career along the southwest border. As a Border Patrol agent, I was a career government employee who served under five Presidential Administrations, starting under President Clinton and ending under President Biden. As a Border Patrol agent and chief, I was not a political appointee.

I promoted through the ranks through competitive process and commanded five Border Patrol stations across Arizona, New Mexico, and Texas. I served as the Deputy Chief Patrol agent in the New Orleans Sector, El Paso sector, acting chief in Big Bend, Texas, and retired as the Chief Patrol Agent in Yuma, Arizona.

Each location is different with its own set of unique circumstances from terrain to infrastructure, to communities and to threats. However, the one thing that is consistent across the spectrum is without border security, our agents, our community, the migrants, and our country are vulnerable. Without collaborative efforts of the community and other agencies, the mission is compromised. While immigration and border security are closely related, they're not mutually exclusive.

However, without proper border security in the form of physical security, Border Patrol agents' strong policies and consequences, the integrity of the immigration system is compromised, and the founding principles surrounding the rule of law suffer. This is exceptionally prominent when it comes to dealing with unaccompanied alien children. And during my time at HHS, my direct assignment was overseeing the refugee resettlement and focusing on finding the missing children and directing changes to prevent this from happening again.

I was laser focused on this narrow scope and it was my opinion that the country expected nothing less of me. My testimony and response today will be focused on the issues impacting UACs while at HHS and my experience with this issue throughout my professional career. During the Biden Administration, we know they set a record number of approximately 479,000 UACs entered the United States illegally. The children that entered the U.S. illegally ranged from months old to 17 years old. The reality is many of these children were adolescents and aware of what they were doing. Unfortunately, many of the younger and tender aged children did not.

This is the ugly truth regarding our border and immigration policies and that encourage and exploit these vulnerable populations. While serving at HHS, I must say I was not surprised by the findings and the horror stories I was made aware of. Some were shocking, but again, not surprised. Bottom line, the system at ORR prioritized placement speed over protection of children.

This complicates the entire system. For example, the Biden Administration delayed the notice of a peer filings for 120 days, which impeded the ability of the Federal Government to track and monitor the UACs after release from ORR custody. Additionally, field guidance in 2021, relaxed sponsor vetting by removing biometric background checks requirements for category one or close relative sponsors, not requiring background checks of adult household members in those same categories, and eliminating coordination between case managers and co case coordinators to expedite the release to keep up with the surge of arrivals.

Any organization involving children should be prioritizing their safety above all, especially knowing that many were exposed to violence and in horrible conditions throughout their journey to our border. I'm confident in stating that oftentimes the safest a child has been in that journey is with the Border Patrol. And a Border Patrol station is no place for a child, given the circumstances they were taken care of and prioritized until placed.

I also observed that if a sponsor application met the minimum requirements or appeared to make the effort, it was generally acceptable. The followup and verification and vetting process spon-

sors was abysmal. I recall one case where a home site visit was conducted to assess the environment of a placement of a teen. The location was in Illinois and the site visit concluded with a do not place based on the alleged mother's gang affiliation, numerous unrelated adults and the general unsafe environment, the decision was overruled.

The child who was 17 was found dead a few months later with his pants down with an adult male who was unconscious in the backseat of a car. The question remains, "Why did we place this child? Additionally, there was a case involving a fraudulent sponsor claimed to be an adult brother of a 14-year-old female. The documents used were fraudulent, no family verification such as biometrics, fingerprints. However, the 14-year-old was placed with a 30-year-old male. The child was raped multiple times and became pregnant. The Department of Justice under Biden refused to prosecute the case, but fortunately, the State of Ohio detained this individual. The current Department of Justice filed federal charges and received an indictment by the grand jury.

There are countless heinous crimes involving these UACs that have resulted from practices at ORR. It was my opportunity and my opportunity to fix that. Information sharing across the departments and agencies as best interest of the U.S. Government. All the UAC information received by ORR comes from encounters by DHS, the majority from Customs and Border Protection. In fact, referrals to ORR from CBP have increased recently.

It begs the question, are these continuing lawsuits and injunctions and are presenting a false sense of security? And are the traffickers exploiting this and creating a pull factor? Only time will tell. During my time from January to May, I immediately stood up an internal task force from the ORR Integrity and Accountability Team to go through all the cases that were suspected of fraud.

I also created what was referred to as the war room, where Federal law enforcement agents at DHS and others work side by side to review these cases and to find the missing children as well as target the fraudulent sponsors. Additionally, because of my background relationships with Federal law enforcement, specifically CBP, collectively, we were able to ensure every unaccompanied alien child encounter at the border, whether at the border between the border or at the ports, is met with by an HSI, Homeland Security Investigation special agent that would respond and conduct an interview at the encounter.

In other words, an immediate action was taking place to address the smuggled or trafficked child to include responses to alleged sponsors or family members location that the child or the smuggler claims to be in coordination with. This helps ensure the criminal activity is addressed early on in the event rather than responding days, weeks, or months later.

Recent reports indicated over 22,000 kids have been found and over 400 sponsors have had charges filed against them. This is only the tip of the iceberg as more unaccompanied children will be found and more criminal charges will be filed. I know I'm pressed for time, but one of the more dumbfounding discoveries revealed immediately to me upon arriving in January was an internal review by the Office of General Counsel at HHS.

The review was conducted in 2023 based on a Florida grand jury investigation on the pharaohs and fraud at ORR and the impact of the State of Florida. The General Counsel National Complex litigation team was directed to conduct an internal audit to validate or invalidate the Florida case. The information found by OGC was not only verified and corroborated the Florida case, it found more evidence of fraud with placement of sponsorships of the UACs.

The findings were briefed to politically appointed leaders at HHS, however, no known meaningful actions were put in place. That said, I authorized an additional OGC review to determine the status of ORR and the earlier findings. Once again, the results revealed that the previous findings were accurate and more evidence of suspected fraud was found.

In fact, a sampling of a thousand suspected fraud cases confirmed evidence over 70 percent of those files were fraud. The timeline, the case reviewed for August 23 to January 25. Throughout my tenure at HHS, we were continuously looking for information, leads to find more about the missing kids, the practices, and solutions above all. During that time, we found several caches of unanswered notices of concerns.

These notices were instruments used to communicate with ORR after a child had been placed outside of ORR. Anyone associated with the child, the child themselves, a sponsor, a family neighbor, an anonymous could report that via the notice of concern. We found an initial tranche of over 50,000, and then additional caches totaling 65,000 notices of concerns that went unanswered.

These notices could range from complaints about food to inappropriate conduct. The fact is that those were 65,000 opportunities to make a difference in a child's life that went unanswered. While I was there, we made huge strides in addressing these notices, and it's my understanding they're down to just a few hundred or a few thousand.

Chair CORNYN. Chief if you'd wrap up your opening statement.

Mr. CLEM. Yes, I just want to say it's my hope in attending this and providing this information that we can learn from the failures of the past and move forward to prevent this from happening again. The reason why they come to this country is not the issue but it's how we handle it and how we keep them safe. So, my full statement has been submitted for the record, and I look forward to your questions.

[The prepared statement of Mr. Clem appears as a submission for the record.]

Chair CORNYN. Yes, all of your statements will be made part of the record. Thank you. And Senator Padilla would like to say a few words of introduction to Ms. Giovagnoli.

Senator PADILLA. Thank you, Mr. Chairman. Yes. Just to add a little bit to your final introduction to Ms. Giovagnoli, just to call out some of the experience that she brings to this conversation, which I think is not only relevant, but usually helpful. She served with the Attorney General Honors Program as a trial attorney for Immigration Naturalization Service once upon a time INS in Chicago before joining the INS Office of General Counsel, important positions, quality experience.

She then joined what's now USCIS Services office of the Principal Legal Advisor continuing to focus on asylum and refugee issues until she became USCIS Senior Advisor for Congressional Relations. Ms. Giovagnoli is also an alum of this very Subcommittee, having served as counsel for then Senator Edward Kennedy. So, I think relevant and constructive experience and I look forward to her testimony and our questions.

Chair CORNYN. Thank you. Ms. Giovagnoli, we will turn to you for your opening statement.

STATEMENT OF MARY E. GIOVAGNOLI, FORMER OMBUDS FOR UNACCOMPANIED CHILDREN AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, WASHINGTON, DC

Ms. GIOVAGNOLI. Thank you, Chairman Cornyn, Ranking Member Padilla, and Members of the Subcommittee for the opportunity to speak to you about the grave harms facing unaccompanied children. My name is Mary Giovagnoli. After a long career as a Government immigration attorney and a nonprofit immigration policy advocate, I returned to the Government in October, 2024 to become the first ombuds for unaccompanied children at the Department of Health and Human Services.

I was a civil servant whose office provided an independent, impartial, and confidential resource to identify issues and concerns about the Government's treatment of unaccompanied children. I'd been in my position a few months when President Trump took office. Little did I know I would have only a month left before I was caught up in the mass firing of probationary workers.

In that time, however, I witnessed firsthand how the Trump Administration transformed the Office of Refugee Resettlement, from a Child Protection Agency into an immigration enforcement tool, violating Federal law and endangering children.

All of these actions were supposedly taken in the name of protecting children, including children that the Trump Administration claimed went missing under the prior administration. But that claim repeated here today is based on misinterpretation of reports about children's safety and is being used to wage a campaign of terror against children and their families.

The greatest threat to unaccompanied children's safety today comes from the policies of the Trump Administration, whose reckless actions are making children more vulnerable to trafficking and other harms by isolating them from loved ones, denying them access to services and destroying their ability to trust Government officials.

The gravity of the situation is exemplified by the Trump Administration's plans to remove 600 Guatemalan children without warning or due process. In the wee hours of the morning on the Sunday before Labor Day, roughly 76 unaccompanied children in shelter or foster care were shaken from their beds and told that they would be removed to Guatemala in a few hours' time.

But for a temporary restraining order issued at 4:30 in the morning, these children would've been whisked away without due process to a country that many had fled for fear of their lives. Nothing about this incident enhances the safety of children. Everything about this incident demonstrates the Administration's disregard for

children, regardless of sound bites to the contrary. This disregard takes many forms. ORR is now administered by former ICE officials who are needlessly separating parents and children, imposing higher barriers for sponsorship and allowing ICE to participate in the sponsorship decisionmaking process, and to arrest sponsors at those interviews.

Children are now averaging 6 months in custody with potentially devastating impact on their health and mental well-being. ORR also abruptly terminated Federal funding for legal representation that is vital to protecting the safety of over 26,000 unaccompanied children. Although the funding was temporarily restored by court order, the future of legal protection for children is deeply in doubt.

These protections are critical. Without the network of legal and social service providers, the Government would've succeeded in removing the Guatemalan children under the cover of darkness, ignoring their legal claims and the responsibility to follow the law. In court, the Government asserted then later retracted an inaccurate claim that the children's parents had requested their return to Guatemala, they had not.

In doing so, the Government attorney acknowledged it is unfortunate that the children were frightened and pulled out in the middle of the night. It was more than unfortunate. It is an indictment of the lack of sensitivity to children encouraged by this Administration. I think we can all agree that we're required to protect unaccompanied children under law but also as a matter of conscience and duty.

Extreme responses to tragedy ultimately do not serve children's best interests. Crafting a program that maximizes protection and minimizes the risk of harm is difficult and requires constant assessment, significant resources, and multiple levels of oversight. Balancing competing risks and harms will always be difficult but the well-being of children should guide us.

I've worked for decades with people across the political spectrum to improve the immigration system for children. In fact, on the fateful day of September 11, 2001, I was an INS attorney drafting testimony for Commissioner James Ziegler, a Republican appointee to announce significant changes at INS to improve the care for unaccompanied children.

That announcement was never made, but ultimately, in the aftermath of the great tragedy, when Congress created the Department of Homeland Security, it also transferred the care and custody of children to HHS. Even in our fear and sorrow, there was bipartisan consensus that children's best interests could not be protected if they were cared for by the same agency seeking to deport them.

Rather than prove the judgment of Congress wrong, the Trump Administration has demonstrated that blurring the lines leads to lasting harm. I look forward to discussing more balanced solutions to protecting unaccompanied children during the day's hearing. I can assure you that none of those recommendations include shaking children from their beds in the middle of the night. Thank you.

[The prepared statement of Ms. Giovagnoli appears as a submission for the record.]

Chair CORNYN. Ms. Hopper.

**STATEMENT OF ALI HOPPER, PRESIDENT & CO-FOUNDER,
GUARD AGAINST TRAFFICKING, VENICE, FLORIDA**

Ms. HOPPER. Chairman Cornyn, Ranking Member Padilla and the distinguished Committee Members, thank you for the opportunity to testify. Charlie Kirk once said, “We are called to fight evil and proclaim truth, that as Christians, we are called to enter the public arena to correct error with truth.” He believed that if you believe in something, you must have the courage to fight for it.

We honor him today as I testify, standing to fight evil and proclaim truth in defense of children. I am Ali Hopper, president and co-founder of Guard Against Trafficking. I testified before Congress in November, 2024 and July, 2025 on child exploitation at the border, an NGO negligence. As a Hispanic mother, I cannot imagine the trauma these children have endured.

Today, I’m here to address this ongoing crisis and outline what must be done to ensure accountability and justice. Through extensive field work and interviews with human traffickers, cartel members, whistleblowers and unaccompanied alien children, my research partner, Dr. Jared Sadowsky, and I were exposed to an assembly line of exploitation.

Children moved through cartel-controlled routes, carrying slips of paper, naming the sponsors they were instructed to request. We saw those slips ourselves. Border Patrol processed them. HHS released them. NGO’s received them. Government contractors transported them. Step-by-step, children were handed off with virtually no oversight, sometimes ending up with cartel-controlled sponsors and all of it was funded on the backs of American taxpayers.

A whistleblower who served as a director of Cherokee Federal’s Pomona Fairplex described to us alarming misconduct. Delayed background checks allowed a registered sex offender to access children. A gang member using a false identity was assigned to place children with sponsors. Children were sent to empty fields, overcrowded apartments and at least, were sent to addresses later discovered to be strip clubs.

Hundreds were routinely miscounted. Several 13-to 17-year-old girls were taken offsite to an abortion clinic without his knowledge or authorization. Some after months of being in custody, suggesting pregnancies occurred during their journey or while in facility care. Any staff who raised concerns were silenced or terminated. Failures extended to NGO’s and contractors transporting the children.

The Association for the Recovery of Children documented multiple ORR violations while observing a chartered flight of migrant children that arrived in Tennessee. Joey, a former MVM site supervisor, reported staff raising concerns about children crying and not knowing their sponsors.

When he questioned the screening process, he was told to stay in his lane while upper management reportedly said, “We are going to have to start flying some of these kids overseas, there aren’t enough sponsors and we need to get them out of here.” But transportation was only part of the problem. Once children were placed, oversight disappeared.

Post placement welfare frequently failed, leaving over 300,000 children unaccounted for. Recently, we discovered roughly 117 children were trafficked to a Midwest farm. Some arriving at schools

with STDs or pregnant. Our intervention has triggered a criminal investigation. The risks to children are reflected in the increasingly sophisticated methods cartels use to operate undetected.

A former trafficker we interviewed explained that while smuggling fees have doubled, operations have largely shifted underground waiting until this Administration's term ends. Cartels now rely on elaborate tunnels, some running beneath the Rio Grande River, designed and built by migrants with specialized engineering skills who were coerced into cartel ranks.

Cartels are also expanding beyond sexual exploitation, forced labor and organ harvesting into the trafficking of newborns. NGO's in Mexico have facilitated transfers providing false papers and concealing the circumstances of the adoption. Journalist, Katerina Schulz told us of a horrific trend in Juarez, Mexico, where pregnant women are kidnapped, their babies are forcibly extracted, the mothers are left to die and the babies are sold for illegal adoption in El Paso.

It is essential to back current efforts to secure the border, locate missing children and investigate criminal networks while simultaneously enacting immediate corrective measures to fix systemic failures and ensure accountability. Therefore, I respectfully urge the Senate to audit ORR contracts over a \$100,000,000 to start and claw back unspent funds, drastically shake up the ORRUAC program for failed sponsor vetting and post-release monitoring and strengthen law enforcement Federal agency collaboration to share data, track sponsors, locate missing children and dismantle trafficking networks.

We have a responsibility and opportunity to act with courage and moral clarity, to restore integrity to the system and protect the innocent lives depending on us. Thank you for your time and I look forward to your questions.

[The prepared statement of Ms. Hopper appears as a submission for the record.]

Chair CORNYN. Thank you, Ms. Hopper. We'll start with 5-minute rounds and I will begin. Chief Clem, what is the main driving force for this smuggling of minor children from their homes in Central or South America, or Mexico into the United States? What's the incentive that's driving that?

Mr. CLEM. Well first of all, it is profit. The cartels and the smuggling organizations are commodity neutral, whether it's people, kids, or product. It's about overall money, but also some of the existing loopholes that in our system that we've all mentioned today that they can get these kids here in the United States and continue to do that to make profit. And again, it's loopholes in the laws.

Chair CORNYN. So, in your experience after 27½ years, I think is Government service your view is that that these criminal organizations that frequently called transnational criminal organizations have simply become expert at how to exploit the U.S. laws or U.S. law enforcement?

Mr. CLEM. 100 percent. I mean, they are excellent at information and intelligence gathering on what we're doing here in the United States, from monitoring operations to monitoring what we're doing here on a House floor or a Senate floor. They're listening to what

we're doing and they're going to adjust their business model based on what U.S. policies are.

Chair CORNYN. And we've heard some concerns expressed which I share about the treatment of any minor child while in U.S. custody. Not a lot of discussion about the incentives that drive parents or family members to turn their kids over to cartels to transmit them to the to the border. But in your experience, are many of the children that are turned over to the coyotes or the smugglers or abused along the way?

Mr. CLEM. I think just the general process that goes on to be smuggled through Mexico into our U.S. border is horrific because of the stash houses, the unrelated adults, the things that are going on. Are many of them abused? Yes. Not all of them but we have seen plenty of them that are pretty traumatized. They don't say much to us and when they're in our custody but we do have avenues to get them the support they need while they're in our custody.

At the end of the day, when the volumes are so high, we don't always see that while they're with Border Patrol. And it comes out later when they're placed in ORR.

Chair CORNYN. Well, speaking of the volumes, if the policy of the Biden Administration was essentially to wave anybody who shows up at the border in, particularly those who utter the magic words that they're coached to say in order to qualify for a preliminary screening for asylum, that overwhelmed the capacity of the Border Patrol to deal with them, did they not?

We saw crowded detention facilities. We saw Border Patrol rather than protecting the border feeding children, changing diapers, transporting them, did it overwhelm our capacity to deal with it? But the policies of the previous administration?

Mr. CLEM. Well, I was firsthand on the ground there in Yuma especially where we would sometimes hold 5,000–6,000 people in the parking lot in the soft side of facilities that were in constructed to maintain this flow. There were times where in my 126 miles of border, we had four agents out there because we were too busy processing. Now, I will say for the record, Yuma did not have a large unaccompanied alien child crossing, my neighbors in Tucson did.

My neighbors in San Diego did. We just had people from 116 different countries overwhelming all of our resources. So, we could not put the effort, the law enforcement, the criminal investigation piece on any of the trafficking and smuggling operations that were going on because we were outnumbered sometimes 10-to-1, 50-to-1 on illegal aliens and Border Patrol agents.

Chair CORNYN. So, Ms. Hopper I have it in my hand an article from the Atlantic Journal-Constitution entitled, "For migrant girls, new lives in the U.S. brings a risk of sexual abuse." And we are, without objection, going to make that part of the record, is that the future that many of these young girls face coming into the United States and being placed with unvetted sponsors.

[The information appears as a submission for the record.]

Ms. HOPPER. It is unfortunately and when it doesn't include the sexual exploitation that they encounter along the journey, only to

be further sexually exploited once they come into the country that article clearly outlines that, yes.

Chair CORNYN. And do we know whether those young girls who are traumatized by that whether they receive the mental and physical healthcare that they may need in the United States or are they just—is that something we just don't know the answer to?

Ms. HOPPER. We are unclear of the answer to that.

Chair CORNYN. Okay. Thank you. Senator Padilla.

Senator PADILLA. Thank you, Mr. Chair. Just a couple of things in response to Mr. Clem's remarks and yours, Mr. Chair, I do believe we have engaged unfruitfully but an ongoing conversation for years now about part of the solution here to modernize our immigration system is to address root causes.

What is it that drives people, children, adults, women, and men, to want to come to United States for a variety of reasons. And there's been periods of time over administrations where our engagement with not just the Government leaders in Mexico but throughout the hemisphere being effective in stemming the flow.

And so, I'm glad you're putting that on the table and look forward to working with you on that. The other thing I would recognize from Mr. Clem is a recognition that the number of countries represented in migrants coming to United States. They're not all from Mexico, they're coming through Mexico. And that's an important distinction, so I appreciate that.

But I do want to turn my attention to the children who are in custody today because despite significantly lower numbers at the border, including the arrivals of unaccompanied children being weighed down, children are spending dramatically more time in ORR custody under this Administration.

[Poster is displayed.]

As the chart behind me shows when there were 6,000 children in custody on any typical day in October, 2024, they were in custody for about 49 days. That was consistent for a long time. Currently, there's roughly 2000 children in custody on any given day but they're spending roughly 6 months in custody.

That's fewer children spending a lot more time in ORR facilities, not because ORR is overwhelmed from this reduced workload but because of the changes this Administration has made to impose what seemed to be new barriers to family reunification. This Administration has created new restrictions that have kept even biological parents from quickly being reunited with children, creating hurdles that have nothing to do with the child's safety.

And I agree that is paramount but we have to strike the right balance. What difference does the legal status of a loving, caring parent or family member make when determining whether a child can be well cared for and safe? The truth is, it doesn't. All it does is make children feel like they're being treated as bait while languishing in custody, while mental health deteriorates over time. Six months is a long, long time.

Ms. Giovagnoli, can you tell us how these policies run counter to the law that protects children in our Government's care and custody and speak to the impact on children when their sponsors are too afraid to come forward and claim them?

Ms. GIOVAGNOLI. Yes. Thank you, Senator. I think that it's important to sort of ground this in the idea that ORR's responsibility to care for the children starts with, under the law, identifying appropriate sponsor once the child is coming to their care and then going through a very elaborate and rigorous process for vetting those sponsors. And I think what people often don't realize is that this also involves trying to reach the parents in the home country if the child has a parent remaining in the home country to determine both what the dynamic is between the child and the parent but also to determine what the parent's interests are in terms of placing their children with sponsors.

And so I think every effort is made to try to find, if not the parent, then some other loving family member to take the responsibility for the child. When that's not possible, there are various other levels of care that they try to release a child into because ultimately, congregate care for children can have a really detrimental impact on their health and their well-being.

And it is everything from the fact that these shelters are not really designed to have the services, I should say, to care for children long term. So there comes a point in time where educational needs really begin to suffer. Other opportunities that the children may have if they were outside the congregate care setting that they aren't able to enjoy.

So, their development can really be hampered by longtime custody. Sometimes that's the only option. But the goal of both the TVPRA of the current regulations governing care and placement of children and basic child welfare principles is that you should try to reunite children with their parents whenever you can, safely.

Senator PADILLA. Thank you, Mr. Chair. I know 5 minutes goes back quickly. I have additional questions. I'll wait for the second round.

Chair CORNYN. Senator Moody.

Senator MOODY. Thank you so much and thank you for holding this hearing. I think it's incredibly important as we move forward. I was very concerned—I'm not planning on heading down this road, but it shocked me to my core to hear the testimony Ms. Giovagnoli that Trump claimed kids went missing.

As attorney general in the State of Florida and working with law enforcement around our State, and litigating constantly against the Biden Administration as they broke down the border and put kids in jeopardy and began to legally traffic children, well, let me rephrase that. Under the auspices of legality, traffic children around the United States, we were afraid that that would be a claim, because sometimes when things get into a partisan world of discussion, people think it's made up.

And that's why I was so fascinated with the results of a grand jury investigation that we conducted in Florida. And I was the attorney general. And that is a grand jury. For those that don't know is not Republicans or Democrats. It's just lay people that give up their time to come and listen to testimony and witnesses and produce a report.

And the report was shocking. And this was in the middle of the Biden Administration. The State wide grand jury on this particular issue found that the Biden Administration over the course of the

Administration, but even in a short period of time, over a 10-month period, they lost thousands of children. When they investigated, they found that they were put into situations where they were abused.

Children were running away from sponsors, sold for sex, sent to empty lots, a strip club in one instance, one teenage girl was placed with a house of an unknown man. She had no idea who the person was. And so merely they found that the Biden Administration was facilitating the forced trafficking of children. I mean, you can't put it any other way.

I'm not saying that, a grand jury found that. And what was shocking to is the first time I've heard it until today, was to hear from you, Mr. Clem, and that was even before I heard of the allegation that Trump is claiming the Biden Administration lost thousands of children, which I can't believe you can sit there and say that with a straight face, but that you, when you got into office, you said, "This report cannot be ignored. What happened to it? Did they even get it?" And indeed, you found they did get it and it was a sign for someone to review to determine if it was in fact happening. Is that right?

Mr. CLEM. That's correct.

Senator MOODY. And as a result of your allegations, or your direction, they found that not only was it happening, it had continued throughout the administration?

Mr. CLEM. Just for clarification, when the initial report came from your Florida, the Becerra led HHS, reviewed it, some of the political leaders there were briefed on this but nothing was done. It just sat there. There was no meaningful action that we could determine that happened after that.

So, when I was briefed on that in late January and early February this year, I said, "Wait a second. We need to update this and verify this." So, we conducted a second review and we corroborate everything that the initial HHS review corroborated and then some. So two strikes on this one. In a good way for us on this because we're finding the mistakes and we're finding ways to solve them.

Senator MOODY. And I want to commend the hard work that you've been doing. In fact, we've already made some progress in recognizing that this is a child welfare issue and that these children need some sort of a structure. In fact, when we were doing recent legislation here federally, we tied some of that funding to active cooperation with State child welfare agencies because the States are the ones that deal with child welfare and stability within their States.

I know some States and even lawmakers wanted to turn a blind eye to what's going on and now they just want to focus on the last 8 months. And just forget about the fact that all of those administration officials knew what was going on, not only looked into it, verified it, but then buried it. And was that at the same time when you had administration officials coming to testify to lawmakers here and saying, "Nothing to see, everything is fine?"

Mr. CLEM. I don't know the answer to that but I know that report and that study was done in late 2023. So that I couldn't answer in the affirmative or negative on that timeline.

Senator MOODY. Well, we had some progress. We've tied funding now to making sure that if funding goes to these States that they've got to cooperate with child welfare, that's important. I was proud to get that done over the summer. But I've also introduced a Stop GAPS Act, which would require ORR to work with States and local authorities to guarantee that anyone granted custody of an unaccompanied minor is properly vetted. I want to add to making sure we're coordinating with State authorities but now make sure there's vetting in place as well. Hopefully the State authorities are already doing that.

So, I would invite, if truly we want to engage in a bipartisan way, I would invite anyone to sign on to this bipartisan legislation to make sure that children are going to properly vetted homes and that those that are trained to deal with child welfare are given the responsibility and knowledge.

In fact, the real challenge for States like Florida that wanted to do this and wanted to ensure that these children were looked after and not sold, we know they ended up many times in forced labor as well. They wouldn't give us any information. We pleaded, we held grand juries, we asked Biden to send or we asked the Government to send people to testify. Just send us documents. They stonewalled us—they stonewalled us.

And so, the only way the States are going to be able to protect children is if they have the information, not if people are flown in and by the cover of darkness, not if they're snuck into nonprofits and then let to go whoever shows up to pick them up. There has to be accountability.

So again, I would ask my colleagues, Stop GAPS Act. I think it'll go a long way to ensuring the safety of children.

Chair CORNYN. Senator Durbin.

Senator DURBIN. Thanks, Mr. Chairman. Thanks for your holding this hearing. A few weeks ago, I went to the immigration court in downtown Chicago. I recommend that to my colleagues, to spend the morning in the immigration court and watch what happens. People come in with appointed times, some with attorneys, some without, carrying beaten up old envelopes with Federal documents in it.

This is their day for their appearance. It's a big day in their lives. For some of them, they're going to find out whether they can stay in the United States or whether they have a chance to achieve some sort of status that gives them a future. I was greeted at the door when I went to the immigration court by the chief judge.

She had been with the court for 9 years and she walked me up to the courtroom and escorted me in and I sat down and she left. I watched as the proceedings continued and someone came to me and said, "There are no ICE agents in the courthouse today, which is unusual, they heard you were coming." The ICE agents were showing up at the hearings that the people were told they have to attend and detaining them in the hallways.

So, you can imagine the dilemma that these individuals are facing. Do I get into the system and hope that it works? Or do I get into the building and hope that I don't get detained? Two weeks after I visited that immigration court, they fired the judge who had been there for 9 years and escorted me into the building, and sent

a memo out to all of the other judges and personnel not to have any conversations with Members of Congress. Is that how this is supposed to work?

In my mind, it tells you what's going on in the real world out there. People who are trying to find out if they have a legal path in this system. For many of them, even if they believe they have one, it may not work. We're seeing people now who are being detained, who are citizens of the United States, snatched off the street corners and other places and they have no history of committing any crimes.

Some of them are here legally, some of them in status, some not in status. The other thing that I came to do over the years was to visit these ORR facilities for children. There's one called Heartland in Chicago. You may have heard of it, Ms. Giovagnoli. I believe they're good people and I believe they're honestly trying to treat these children well. I can't understand.

I cannot understand how desperate a mother must be to turn her child over to a coyote or a transporter to take that little child into the United States in the hopes that they'll link up with somebody in the family. I can't imagine that, particularly when you consider the hardships they go through. I can remember scenes where two little girls walked into a room. They wanted me to see them.

They were holding hands about 5 years old each. And I said, "Who are these little girls?" And they said, "They've decided they're sisters but one of them is from Guatemala and the other is from Mexico." They're just being kicked around the system. They're looking for anything that looks like family or security.

So, in those situations, we have this problem as well. If they're placed with someone who the agency believes is a responsible person, some people have criticized the fact that they can't get followup phone calls to these same people. Why can't we find these kids? Some of the situations are such that the families they're with don't want to link up with this Government.

There may be somebody in the household who's undocumented, they're frightened to be part of the legal system. That's a dilemma. If we're going to keep the kids safe, we have to know these people are and that they're doing the right thing. But the system is militating against that at this very moment. People are scared to death of the Trump Administration deporting them and so they're not cooperating. Ms. Giovagnoli, is anyone taking your place as ombudsman?

Ms. GIOVAGNOLI. No one's been hired for my position, no. There's an acting ombuds but that person is actually also the acting Commissioner of the Children's Bureau, I believe so. They're not doing my job really.

Senator DURBIN. Ms. Hopper, I understand the Administration is removed more than 70 percent of the workforce monitoring and combating trafficking in persons and delayed the release of its annual report documenting human trafficking. Does this rollback of investigative and oversight resources help in the cause of making sure children are not trafficked?

Ms. HOPPER. I think when you inherit a burning building, you need to focus on putting out the fire in the house and then focus on recovery of the house. And so right now, focusing on closing the

borders, getting out the worst in our country and finding these children is a priority, so.

Senator DURBIN. If the building's on fire, the first call is for firefighters to come and help, right?

Ms. HOPPER. Yes.

Senator DURBIN. In this case, the building's on fire. And the first thing we're doing is calling the fire department saying, "Don't report, we don't need any additional people on the scene." Don't we need both?

Ms. HOPPER. We need Border Patrol agents to protect our borders and to get out the worst of the worst.

Senator DURBIN. Yes. And do we also need people to work with unaccompanied children and others who are trying to find a safe way through our system?

Ms. HOPPER. Absolutely.

Senator DURBIN. Thank you.

Chair CORNYN. I know we have other folks on this side of the aisle that plan on coming but in the meantime, we'll go ahead with Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman. Border security is important and a part of border security is what happens to unaccompanied minor children. I introduced a Fair Day In Court For Kids Act, which would ensure unaccompanied children with legal representation in immigration court. And like Senator Durbin, I have visited the immigration court in Maryland and unaccompanied children who have to contend with immigration court.

And children as young as—I know that Senator Durbin had noted that he has seen children as young as under 5 years old having to stand before the judge. You have to help the child get on a seat. How is that child supposed to contend with this kind of system? So having representation, legal representation is important and there's no way that, as I said, a child can navigate our complex immigration system on his or her own. And immigration judges are a hundred times less likely to provide relief to unaccompanied children without Counsel, as compared to children who have Counsel.

But I also mentioned this because legal representation is a powerful weapon against these children being trafficked. I have a number of questions for Ms. Giovagnoli. So, do you agree that having children have legal Counsel is an important way for us to contend with the dilemmas faced by unaccompanied minors in our country?

Ms. GIOVAGNOLI. Legal Counsel is essential Senator. And I think the whole community is grateful to you for reintroducing the Fair Day and Court Act precisely because it recognizes that every unaccompanied child should have legal representation.

Senator HIRONO. The thing is that earlier this year, this Administration attempted to cut funding for legal representation. We don't even provide legal representation for all the children but that there was some funding for that and there was an attempt to cut this funding for these vulnerable children. It is incredible that this destructive move is actually going to help traffickers because I think that it provides a fertile ground for children who do not have this kind of support for the traffickers to move in.

And the Trump Administration recently detained roughly 600 military lawyers, JAG lawyers to serve as temporary immigration

judges. And these military officers will serve as—I mean, they do have other jobs that they're supposed to be doing as JAG officers but then these military officers will serve as judges for who knows how long, typically an immigration judge receives months of classroom-based training and on the job training, including a mentorship program that lasts more than a year.

So, it is a specialized thing to be an immigration judge. I mention all of this because one of the most important jobs that an immigration judge has is to look for signs of trafficking, especially considering the Administration's attempted reduction of funding for lawyers for unaccompanied minors. It will be that much more important for these judges to guard against trafficking.

So training is important. You can't just move 600 JAG people to become immigration judges and you know frankly, a lot of that is being done simply to move things along, not necessary to protect the minors. So Mr. Chairman, I'm glad that you're holding this hearing but I note that we do not have anybody from the current Administration to provide us with an opportunity to question what is actually going on today, especially since mere weeks ago this Administration tried to send scores of vulnerable children back to Guatemala as noted with no due process in the middle of the night against their wishes and their parents' wishes.

So, somebody had to seek a TRO, which was granted. So, in the court the Administration tried to argue that this particular move to deport all these children was done at the request of the children's parents, not so. The Administration withdrew that claim when it became clear that that was not the truth. When an administration withdraws a major claim like that in court, Congress must get to the bottom of what is going on.

So, again, it would be helpful, Mr. Chairman, if we actually have somebody from this Administration to respond to our questions. Back to Ms. Giovagnoli, I'm running out of time. Are you confident that these temporary JAG judges will be able to do the job as they're just sort of moved over to do immigration?

MS. GIOVAGNOLI. Well, with respect to the judges who are being put in this position, I think that without the proper training—particularly if they're going to be seeing children's cases—it can be really—it will be really a disaster for the children who appear before a judge who isn't trained in the immigration law and in the special needs of a child.

SENATOR HIRONO. And we note that your position has not been filled. So, there is no ombudsman for these unaccompanied children. And I do want to know Mr. Chairman, that this Administration is using so called wellness checks to check up on children. And while they're added, they scoop up people who may have been vetted but who may not be documented.

And so, they are scooped up because the Administration has a goal of arresting at least 3000 people a day. Some of them for deportation purposes, some of them may be U.S. citizens. Thank you, Mr. Chairman.

CHAIR CORNYN. Well, it strikes me that the argument that you're making is that the welfare of these children should be sacrificed because somebody in the household might be illegally present in the United States and subject to deportation. Senator Britt.

Senator BRITT. Mr. Chairman, Ranking Member, I appreciate the opportunity to have this hearing today and want to thank all of the witnesses for your time and ability to come and speak to us on this important issue. Chief Clem, I'm going to start with you. You served in Border Patrol for over 27 years and so I know you've had a front row seat to witness the crisis at our Southern Border and including the spike in arrivals of UACs.

I know that you've talked a little bit about this today. But specifically, I believe we need to amend Section 235 of the Trafficking Victims Protection Reauthorization Act of 2008, which is primary, the loophole that is used in our laws to incentivize the illegal immigration of UACs to our Southern Border. I've been proud to co-sponsor a number of bills that will actually do just that but it's also worth noting that historically that has been a bipartisan position.

June 2014, President Obama sent a letter to congressional leadership asking Congress to amend this act. And even the Washington Post editorial board followed suit in August 2014. Can you explain to everyone how Section 235 of the TVPRA has incentivized illegal migration of UACs to the Southern Border, particularly UACs from non-contiguous countries?

Mr. CLEM. I'm going to do my best to recall that specific section but what I understand, the TVPRA and especially having worked up in Washington, DC as the CBP head for President Obama's executive actions during that timeframe, when we saw that initial push of UACs in South Texas. TVPRA allows for immediate repatriation to contiguous countries, Mexico and Canada.

Senator BRITT. Right.

Mr. CLEM. What we need and when you get to the incentivize, is why are we separating Canada and Mexico from all the other countries, especially those in our hemisphere, central America, who are generally allies. Why would we not treat the UACs with a rapid repatriation once we've done an initial screening to ensure that they're not trafficked or not victims of any kind of abuse but once that's cleared, we should treat them and get them back to their home country as quickly as possible.

Just like we would do with the Canadian national or a Mexican national. I think that would close a loophole and keep the family. Because that's oftentimes what happens. The families are separated before they even get to our border. Come up with a more clear and direct process for someone to lawfully immigrate United States versus sending their child in here and then hoping they can reconnect later.

Senator BRITT. Right. And look, I believe that this creates a safety issue, not only in many times for the lives of the UACs but also for the American people in many ways. And in June, 2024, a report from the House Judiciary Subcommittee on Immigration Integrity, Security and Enforcement discussed the fact that at the time more than 400,000 UACs were released to sponsors by the Biden, Harris Administration, which is a 100 percent increase compared to that of the first Trump Administration.

Most of them were teenage boys. And if you look at it, nearly 70 percent of UACs referred to HHS were 15 years of age or older. And in fact, only 19 percent were actually under the age of 12. And the report also found that HHS did not have a policy to refer

known gang members to the Justice Department. Additionally, it went on HHS did not ask UACs' home country and consulates or embassies for their criminal record, despite having the actual ability to do that.

And HHS admitted that it did not currently have any secure facilities designed for the secure placement of UACs who posed a danger to themselves or those who had been determined to have a criminal record. So, it's worth noting and remembering the Biden, Harris Administration released a 17-year-old MS-13 gang member who had entered the country as a UAC and then went on to sexually assault and murder 20-year-old Kyla Hamilton.

For the record, Kyla was an actual legal resident of Maryland, unlike others who we've heard a lot about in the last couple of months. Chief Clem in my remaining minute here, what reforms do you think are needed within the UAC program to prevent future release of UACs who actually pose a threat to the safety of Americans?

Mr. CLEM. Yes. We cannot dismiss the fact that many of these kids, as you mentioned, are 15 or older. They're much more, in my opinion, mature than some of the 15-year-olds here in the United States. They've had a hardened life but they've been exposed to these gangs and they're willing to do the work of the gangs and for the safety of other children and for safety of the United States. We have to look at this from a law enforcement perspective, first to protect everybody.

So, I would make sure that we have separate funding and facilities for those that are believed to be criminal, illegal, alien children associated with gangs. So we can make sure that they are not put into settings or released to other gang members.

Senator BRITT. Right.

Mr. CLEM. This is what it's all about. In order to find this bipartisan solution, we have to recognize that there is a criminal element associated with illegally—in the United States, whether you're an adult or a child, let's focus on that piece to protect everyone involved, most importantly, the American citizens, but the migrants themselves and then start taking small chunks at the immigration system overall.

But we cannot sit there and broad brush and say every child over here and every sponsor is doing this for the right reason because we've got proof, the otherwise. So we have to put law enforcement as a priority first to protect Americans and these children. After that, you got an uphill battle on solving the immigration piece but it should be a quick solution to target the criminal element involved in all of this.

Senator BRITT. Thank you so much, Chief Clem, and I'll submit the rest of my questions for the record. Thank you.

Chair CORNYN. So Chief, with 500,000 unaccompanied children during the Biden Administration, 4 years, we know those numbers have dropped precipitously since that time in terms of the number of unaccompanied minors coming into the country. And I think the total for 2025 is roughly 28,000. So that's 500,000, 28,000 now. So it's dropped dramatically. What would you attribute that drop in the number of unaccompanied children showing up at the border to?

Mr. CLEM. Well, most importantly, it's the enforcement action at the border. It's the consequences for anybody that crosses the border. And exactly what some of the concerns are that have been spoke about today is that we are going after the sponsors. We are making sure that we are putting the child's best interest first.

So, when length of the care goes up from 60 days to 6 months, that's a good thing because we're making sure we're not putting them back into a potential criminal environment. And yes, if somebody in that family is undocumented, they should be arrested and detained, and the family can stay together. So, when you see that drop, that's because enforcement is taking place that had been virtually not used or should I rephrase that, that it wasn't done at the level that it could have been done over the previous administrations.

Senator CORNYN. So, Ms. Giovagnoli, do you agree with Chief Clem that if in fact a member of the household where these children are placed with a sponsor, if they in fact are illegally present in the United States, that they should be deported?

Ms. GIOVAGNOLI. I think it depends on the situation but they shouldn't be—you know what, let me say it a different way.

Chair CORNYN. Well, I'd like you to answer my question.

Ms. GIOVAGNOLI. Well, I'm trying to. I'm just trying to think about the best way to do it. The mere fact that someone is here unlawfully without authorization doesn't necessarily mean that they should be deported.

Chair CORNYN. It's a crime.

Ms. GIOVAGNOLI. Is it?

Chair CORNYN. Yes.

Ms. GIOVAGNOLI. I don't think so. It's a civil matter.

Chair CORNYN. No, it's a crime.

Ms. GIOVAGNOLI. It's a civil matter.

Chair CORNYN. So, you don't think that people illegally present should be deported?

Ms. GIOVAGNOLI. It depends on the situation.

Chair CORNYN. Okay. Well, is that why you—while you worked for the Department of Health and Human Services and that you did not seek to vet the other members of the household where these children were placed?

Ms. GIOVAGNOLI. Well, Senator, first of all, many of the allegations about improper vetting and things like that actually occurred before I got to HHS. Second, my job—

Chair CORNYN. I'm talking about on your watch. Did you see children placed with sponsors in households where the other members of the household were unvetted?

Ms. GIOVAGNOLI. Sir, my job was to receive reports from all stakeholders and investigate those reports. I did not get reports of that kind. So, I don't have an answer for you because I wasn't involved in that part of the process.

Chair CORNYN. Well, don't you think it would be a good idea to vet the other members of the household to see if maybe, let's say, one of them is not a sex offender?

Ms. GIOVAGNOLI. I think that the vetting standards that are in place now and those standards have increased significantly allow or are to do that in many situations. But also, the important thing

is that if you have enough information that you can determine that the child is going to be placed safely, you continue to check on that child.

And under the Biden Administration, the post release services went from only 20 percent of children to a 100 percent of children in terms of having other followups and other points of contact. You also have attorneys to make sure that the children are safe.

Chair CORNYN. Well, I thought the New York Times when they went through an investigation, they tried to followup on these unaccompanied children placed with sponsors and I believe the number is 85,000 cases and there was no answer. Does that concern you?

Ms. GIOVAGNOLI. If that was the only piece of information that identified whether or not a child was missing or not, maybe. But that's not the case. Calling a family and them not answering doesn't mean anything if they have eventually caught back up with the family in another way—

Chair CORNYN. It means they don't know—you don't know about the welfare of that child.

Ms. GIOVAGNOLI. No, it doesn't, not at all. It's one data point in a much more elaborate set of contact.

Chair CORNYN. So you call the house to check on the welfare of the child and nobody answers and that's not a concern of yours?

Ms. GIOVAGNOLI. Let's say you call the house to check on the child and nobody answers. If you do it again, and you do it again, and you do it again as they would in the child welfare system. The first call, which is all that we're talking about, is not the only way that they are in contact with.

Chair CORNYN. So you think losing each is okay? You don't.

Ms. GIOVAGNOLI. I don't think they're lost—I don't think they're lost. No. Senator.

Chair CORNYN. How do you know—how do you know what's happened to them? Nobody is answering the phone. Let me turn to you, Chief Clem. And Ms. Hopper, do you think it's a problem to place these children with sponsors in a home where you don't know who else is living in the household, Ms. Hopper?

Ms. HOPPER. It absolutely is. And when Ms. Giovagnoli mentioned the phone calls, there were two phone calls. And when Senator Moody mentioned that State agencies were trying to do welfare checks on the children sent to Florida, DCF Director, Shevaun Harris, came here, sat at this table last year in a Senate round table and said that State agencies were being stonewalled from receiving the information of these sponsors and where they were sent. So State agencies could not conduct welfare checks.

Why would Federal agencies stonewall State agencies from conducting welfare checks to ensure the welfare and the well-being of a child in their State?

Chair CORNYN. Chief Clem, do you agree with Ms. Hopper?

Mr. CLEM. I agree, putting my law enforcement hat on, that is always my concern, knowing what is happening at the border, the fact that there is so much trafficking and transnational criminal organizations have their hands in everything to put the well-being of this child as a priority, we have to followup. We have to know who is in that household.

We need to know the background checks of all those. So yes, the first call needs to be followed up with a knock on the door and if necessary, a kick in the door to find out if these kids are there and if they're taken care of.

Chair CORNYN. Well, my friend and colleague, Senator Padilla mentioned root causes. So the Border Patrol, I've learned everything I know about the border from the Border Patrol in my State and elsewhere. And what they've told me is that there are things called push factors and pull factors. In other words, the push factors are things you would expect, poverty, violence, maybe a desire for a better life, something we can all identify with. But the pull factor is what is the reward being given to somebody who comes to the country outside of legal channels?

And do you believe the pull factors during the last 4 years, during the preceding administration were significant influence on the number and the volume of unaccompanied children that made their way to the border? And as we know, there were half a million of them?

Mr. CLEM. Yes, that's exactly my experience from day one in the Border Patrol to the time I retired. When we have policies that incentivize, a catch and release or a quick release into the country, that is a pull factor. It's what I mentioned earlier, that the transnational criminal organizations are watching and listening to everything we say. So, they're changing their business model on what we're doing here.

So, when we stand strong and enforce the law and hold people accountable and give consequences, we see that reduction at the border and the numbers show that. When we don't, when we overcrowd facilities, when we catch and release, when we do not do what's best in the child's interest, at least outwardly facing that incentivized, that becomes a pull factor.

And we've seen that play time and time again throughout my career.

Chair CORNYN. So, if you're truly concerned about the welfare of these children, it strikes me as one of the most important things you can do is enforce the law, secure the border, and discourage people from coming in the first place.

Mr. CLEM. I agree. And that's what we're doing right now as I mentioned in my opening statement, how we have special agents responding to the field where these encounters are happening to make sure that we can mitigate any criminal activity right then and there. So we can start right off the bat that we are reducing the likelihood of this child being trafficked and placed them in harm's way when they're ultimately released from ORR or if we are able to repatriate them back to their country. That's what law enforcement does.

Chair CORNYN. Thank you. Senator Padilla.

Senator PADILLA. Thank you, Mr. Chair. A couple of followup questions for Ms. Giovagnoli before I ask about post release services. So, let's put a pin in that. I'll come back to that in a minute here but I want to afford you an opportunity to further respond to a couple of issues that have come up previously by some of my colleagues.

Number one, the value and importance of access to Counsel for unaccompanied children. Number two, anything further to add on this as we recognize, unwillingness or reluctance sometimes on the part of a parent or a sponsor to engage in this process. Generally, but also what that means for the accuracy and value of underlying data as a result.

I mean, the one example you kept pointing to, just because the first call doesn't get answered, it doesn't mean that a second or third call may not. There's a lot more to it than that. And third, just from a governance and oversight standpoint, the distinction between an ombuds person and an inspector general—pluses and minuses in the value of an ombuds office as no longer exists.

I know those are three big ones before I get to my post release services question, those are in any particular order.

Ms. GIOVAGNOLI. Those are three big ones. Let me work backward. The Ombuds office still has staff. We have a deputy but it has been seriously curtailed by the HHS administration. And it is not allowed to do the kind of oversight, the kind of visits, the kind of investigations that we had envisioned. I think that's critical. Anyone that is calling on more investigation into when things go wrong should recognize that accountability starts at that basic level of an Ombuds Office that can pick up the questions when they first come up, whatever they are. And in fact, even though I was in the Trump Administration for the first month, at least not once was I ever invited or asked to participate in any of the meetings that were taking place about the new vetting or any of these other programs. So, I have no idea what was actually going on in that room, but it wasn't transparent.

Senator PADILLA. And pardon the interruption here but does the apparent change in mission or priority combined with the reduction in resource help or hurt the cause of addressing the concern of unaccompanied children?

Ms. GIOVAGNOLI. It hurts it, of course. You asked me several questions and I got so riled up on that last one that I've now forgotten.

Senator PADILLA. Access to Counsel, importance value, of course, access to Counsel or reduce access to Counsel for unaccompanied children.

Ms. GIOVAGNOLI. Well, I think that one of the unfortunate things about the discussion so far today has been that we have focused so much on the very tragic situations and which should never happen. No child should be subject to this kind of harm and abuse ever. But we neglect to mention that there are thousands and thousands and thousands of children who have become thriving, successful young adults because they were given the opportunity to be protected in the United States. I used to work at Kids in Need of Defense and legal services organization that represented thousands of children over the years who are now contributing to the United States in wonderful ways. And that in and of itself should identify the importance of having representation. As Senator Hirono says, there is a higher likelihood that a child will receive some type of protection in the United States because there is an attorney.

And that's because immigration law is so incredibly complicated and asylum, and trafficking protections and all the different kinds

of things that a child might be eligible for are extremely complex, difficult things to do that a child on their own simply can't. They don't know the legal standard, let alone have probably the developmental ability to be able to articulate everything that's happened to them without guidance.

Senator PADILLA. Thank you. And the third was, any further comment on the willingness versus reluctance of a parent to a sponsor to field the phone call or otherwise?

Ms. GIOVAGNOLI. Yes. Absolutely, there's no question that the more that ICE becomes the face of child protection in the United States, the more it is that parents and sponsors are going to be reluctant to participate. And I should note that the Inspector General's report that listed the 291,000 NTAs that ICE did not issue. It was not a report that was talking about HHS, it was talking about ICE failures to communicate with HHS. It was talking about ICE failures to not followup, even though the Biden Administration's legal advisor for ICE had set up a protocol for looking for children, say, who had not appeared in court.

So, there are many, many—as I always used to tell my staff, there's never two sides to a story. There's five or six or seven and I'm afraid that we've really only seen maybe one and a half sides today.

Senator PADILLA. Okay. Thank you for that. And now finally, my post release services question. I have additional ones. I'm mindful of the time of day. I can submit some for questions for the record. But on this point, which I think is important to cover today, before an unaccompanied child is placed with a sponsor, the Office of Refugees Resettlement, ORR must, at a minimum determine that the sponsor is "Capable of providing for the child's physical and mental well-being?"

Ms. GIOVAGNOLI. Yes.

Senator PADILLA. "Once placed, ORR's post-release services can be crucial in ensuring the well-being of an unaccompanied children as they integrate into communities." So my question, in an ideal world should all children receive post release services and how do these services work in conjunction with the vetting that happened prior to the placement to protect children from exploitation or trafficking?

Ms. GIOVAGNOLI. Yes, in an ideal world, they should receive those kinds of services. Post release services provide opportunities to help with adjustment to the community. So, enrolling in school, identifying mental or physical health issues that may not have been apparent or develop after the fact. Many of these children, as everyone has said, have suffered some serious trauma. Some of them are victims of trafficking. Some of those things do not emerge in the time that they're in custody. It's only when they meet with someone that they trust that they start to tell their real stories.

Senator PADILLA. Thank you.

Chair CORNYN. The grand jury report that Senator Moody was referring to dated March 30, 2023 will be made part of the record without objection. So the record will stay open for 1 week for Members to submit additional questions. So, you may be hearing from Members of the Committee and we'd appreciate your attention to

those and prompt response if you do get those. And with that thank you for being here.

Senator PADILLA. Mr. Chair, if I may for——

Chair CORNYN. Sure.

Senator PADILLA. In closing, just a few thoughts and remarks. First, I would move to enter into a number of statements into the record including the statement from Kids in Need of Defense, the statement from the Acacia Center for Justice, the statement from the American Pediatric Association, and the statement from the American Psychological Association of Services.

And I just want to thank the witnesses for your time and your participation today. I think we should all agree that we want to ensure the safety and well-being of unaccompanied children just as a human concern while we struggle to modernize our immigration system as a whole. It saddens me that we have not made the progress in the last 8 months, the last 4 years, et cetera, that we should have.

But we have an obligation to put aside some political theater and conduct true oversight of the disturbing allegations sent to us by whistleblowers, not just to look back to the prior administration. Let's look at what's happening as we speak. We have an obligation, therefore, to also ask the Trump Administration tough questions and demand transparency.

We need to do more to ensure that children are not needlessly separated from their parents. We need to do better to account for parents or sponsors sometimes reluctant or fear of participating in the process in a dynamic that Senator Durbin has articulated. I do believe it is possible, in fact, it's imperative that we balance being protective without keeping kids in custody for overly extended periods of time, which does tend to cause them harm as well.

It's a delicate balance but a necessary balance. And at the very least, we need to make sure that these children have access to the services and the support that they need, including access to Counsel as Senator Hirono has championed, along with the post release services that we just discussed. All in an effort to keep them safe able when they're released to vetted sponsors. After all, these are children, they're minors.

In some cases, preschoolers, not unlike those being portrayed in the chart behind me, that the Administration is currently forcing to go into immigration court alone. So, Mr. Chair, I again ask that you join me in calling for that accountability. We are the Committee of Jurisdiction, so let's hold an oversight hearing. Let's go to one of these shelters and see what's really happening to children currently and what conditions are being held on today.

[Poster is displayed.]

And last, a comment or a response to a comment that I heard earlier about the worst among us. As you've heard me say repeatedly, Mr. Chairman, all year long, if this Administration was truly only targeting the "Worst among us," the dangerous, violent criminals that they like to talk about so very often, there would be no debate, there would be no discussion. But ICE's data, the Department of Homeland Securities data, has shown what we have believed all along. The vast majority of people being detained, being arrested, many being deported even without due process, are not

the dangerous violent criminals, the convicted criminals that they speak of.

There are people who happen to be undocumented for a number of reasons. Maybe they were here initially lawfully because of TPS and that has been taken away from them by this President. Maybe they came initially lawfully on a VISA of some sort and have overstayed that VISA. That doesn't mean that they came here unlawfully but they now find themselves in that category.

And yes, some that did come unlawfully but have no criminal convictions on their record. But many work in industries that our Federal Government deems is essential. Whether it's in construction, whether it's in agriculture, whether it's in hospitality or healthcare or otherwise, they deserve better than to live in fear of deportation.

They are not the dangerous, violent criminals that this Administration likes to talk about. That is the reality of the times that we're living in. We can and must do better. And this is the Committee of Jurisdiction. I look forward to working with you, Mr. Chairman, to tackle these problems with serious constructive engagement. And I thank you for the hearing today.

Chair CORNYN. One final unanimous consent request. We have examples of bills or amendments containing text designed to fix the loophole in the TVPRA UAC loophole, which will be made part of the record, without objection.

Chair CORNYN. Thank you all for being here. The hearing is now adjourned.

[Whereupon, at 3:56 p.m., the hearing was adjourned.]

[Additional material submitted for the record follows.]

Written Testimony-Chris T. Clem 9/17/25

Senate Judiciary Sub-Committee

Good afternoon, Chairman and members of the committee. My name is Chris Clem, and I am a retired Chief Patrol Agent of the US Border Patrol. I began my career in 1995 in Lordsburg, NM as a GS-5 Border Patrol Trainee and retired on December 31, 2022, as the Senior Executive Service Chief Patrol Agent in Yuma, AZ. In January of this year, I was appointed to the position of Senior Advisor at Health and Human Services (HHS) to be part of the transition into the Trump Administration for the first 100 days. I am a resident of the State of Arizona and have lived most of my professional life along the southern border. Therefore, my responses to your questions will be based on my best recollection of my experiences and observations over the last 30 plus years.

I spent most of my career along the Southwest Border, where I was a canine handler, collateral duty intelligence officer, firearms instructor, and I spent a few years in Washington, DC and New Orleans, LA. As a border patrol agent, I was career government employee who served under five Presidential Administrations starting under Clinton and ending under Biden. As a border patrol agent and chief, I was not a political appointee. I promoted through the ranks through the competitive process and commanded five border patrol stations across New Mexico, Texas, and Arizona. I served as the Deputy Chief Patrol Agent in New Orleans Sector and in El Paso Sector, and the Acting Chief in Big Bend, Texas Sector before being promoted to the Chief Patrol Agent of the Yuma, AZ Sector for two years until retirement. I spent time as an agent in remote locations as well as urban environments, and it is important to reiterate, if you have been to one station you have been to one station, if you have been to one sector you have been to one sector. Each location is different with its own set of unique circumstances from terrain to infrastructure, to communities and to threats. However, the one thing that is consistent across the spectrum, without border security, our agents, our community, the migrants, and our country are vulnerable. Without the collaborative efforts of the community and other agencies the mission is compromised. While immigration and border security are closely related, they are not mutually exclusive. However, without proper border security, in the form of physical security, border patrol agents, strong policies and consequences, the integrity of the immigration system is compromised and the founding principles surrounding the rule of law suffer. This is exceptionally prominent when dealing with unaccompanied alien children (UAC). During my time at HHS, my direct assignment was overseeing the Office of Refugee Resettlement and focusing on finding the missing children and directing changes to prevent this from happening again. I was laser focused on this narrow scope; it was my opinion that the country expected nothing less than that from me. My testimony and responses today will be focused on the issues impacting Unaccompanied Alien Children while at HHS and my experience with this issue throughout my professional career.

The phenomenon surrounding UAC was nearly unheard of until approximately 2014 during the Obama/Biden Administration when we saw a drastic increase of UAC and families in South Texas. This influx gathered national attention and even resulted in a DHS Secretarial Proclamations and an "all hands-on deck" approach to placing children. I was part of the team that stood up the National Operations Center to address this in Washington, DC until FEMA took the lead. So much has been made about "kids in cages", the fact is these holding facilities were created to temporarily house and keep these children safe from unrelated adults, for their safety. These were in fact built in 2014

and 2015 to handle the UAC crisis because ORR was ineffective at managing the placement of children. For the better part of 12 years, I have experienced systemic problems at ORR, never being prepared, woefully responsive to emerging needs, and constantly scrambling to meet the needs of the children. From 2014-2015 I spoke at numerous hearings and committee meetings on Capitol Hill on the same issue regarding ORR and the handling of UAC. During the Biden/Harris Administration we saw the record setting number of approximately 479,000 UAC enter into the United States illegally. The children who entered the US illegally ranged from months old to 17 years old, the reality is many of these children were adolescents and aware of what they were doing, many of the younger and tender-aged ones did not. This is the ugly truth regarding our border and immigration policies that encourage and exploit these vulnerable populations.

ORR Sponsorship falls into four categories; Category 1 a parent or legal guardian, which would be the priority, Category 2, an adult relative, Category 3 an unrelated adult or Category 4 which is the last option of foster care. All these sponsors require documentation and verification.

While serving at HHS, I must say I was not surprised by the findings and horror stories I was made aware of, some were shocking, but again not surprised. Bottomline, the system at ORR prioritized placement speed over protection of the children, this complicates the entire system. For example, the Biden Administration delayed Notice to Appear filings by 120 days which impeded the ability of the federal government to track and monitor UACs after release from ORR custody. Additionally, ORR field guidance in 2021 relaxed sponsor vetting by removing biometric background check requirements for Category 1 or close relative sponsors, not requiring background checks of adult household members for Category 1 or Category 2 cases and eliminating coordination between case managers and case coordinators to expedite releases to keep up with the surge of arrivals. Any organization involving children should be prioritizing their safety above all, especially knowing that many were exposed to violence and in horrible conditions throughout their journey to our border. I am confident in stating that oftentimes the safest the child had been on their journey was when in the care of the border patrol, while a border patrol station is no place for a child, given the circumstances, they were taken care of and prioritized, until placed.

I also observed that if sponsor applications met the minimum requirements or appeared to "make an effort" it was generally acceptable. The follow up and verification and vetting process of sponsors was abysmal. I recall one case where a home site visit was conducted to assess the environment for the placement of a teen. The location was in Illinois and the site visit concluded with a Do Not Place based on the alleged mother's gang affiliation, numerous unrelated adults, and general unsafe environment. The decision was overruled. The child, who was 17 was found dead a few months later, with his pants down, with an adult male who was unconscious, in the back seat of the car. The question remains, why did we place this child? Additionally, there was a case involving a fraudulent sponsor who claimed to be the adult brother of a 14-year-old female. The documents used were fraudulent, no family verification such as biometrics, fingerprints, however the 14-year-old was placed with a 30-year-old male. The child was raped multiple times and became pregnant. The DOJ under Biden refused to prosecute the case, fortunately the State of Ohio detained the subject, and the current DOJ filed federal charges, and received an indictment by a Grand Jury. There are countless heinous crimes involving UAC that have resulted from the practices at ORR. It was my opportunity to fix that.

Information sharing across US Departments and agencies is in the best interest of the US Government. All the UAC information received by ORR comes from encounters by DHS, the majority from Customs and Border Protection (CBP). In fact, referrals to ORR from CBP have increased recently, it begs the question; are these continuing lawsuits and injunctions presenting a false sense of security and are traffickers exploiting this and creating “a pull factor”? Only time will tell.

During my time from January to May, I immediately stood up an internal task force from the ORR Integrity and Accountability Team to go through all the cases that were suspected of fraud. I also created what is referred to as “The War Room” where federal law enforcement agencies from DHS, DOJ and others work side-by-side to review cases and leads to find missing UACs as well as target fraudulent sponsors. Additionally, because of my background and relationships with fellow federal law enforcement, specifically CBP, collectively we were able to ensure every UAC encounter at the border, whether between or at the ports, an HSI Special Agent would respond to conduct an interview into the encounter. In other words, an immediate action was taking place to address the smuggled or trafficked UAC, to include responses to alleged sponsors or family members’ locations the child or smuggler claimed to have planned with prior to the entry. This helps ensure any criminal activity is addressed early in the event, rather than responding days, weeks or months later. Recent reports indicate that over 22,000 kids have been found and over 400 sponsors have had charges filed against them. This is only the tip of the iceberg as more UACs will be found, and more criminal charges will be filed.

One of the more dumbfounding discoveries revealed immediately to me upon arriving in January was an internal review by the Office of General Counsel at HHS. The review was conducted in 2023 based on a Florida Grand Jury investigation on the failures and fraud at ORR and the impact to Florida. The OGC National Complex Litigation Team was directed to conduct an internal audit to validate or invalidate the Florida case. The information found by OGC not only verified and corroborated the Florida case it found more evidence of fraud with placement and sponsorship of UAC. The findings were briefed to politically appointed leaders at HHS, however, no known or meaningful actions were put in place. That said, I authorized an additional OGC review to determine the status of ORR and the earlier findings. Once again, the results revealed that the previous findings were accurate, and more evidence of suspected fraud was found. In fact, a sampling of approximately 1000 suspected fraud cases confirmed evidence of fraud in over 70% of the files. The timeline for the case reviewed was from August 2023-January 2025.

Throughout my 100-day tenure at HHS we were continuously looking for information, leads, etc to find more about the missing kids, the practices and solutions to all the above. During this time, we found several caches of unanswered Notices of Concerns. These notices were instruments used to communicate with ORR after a child had been placed outside of ORR. Anyone associated with the child; the child themselves, a sponsor, family, neighbor or anonymous could report via the Notice of Concern. We found an initial tranche of over 50,000 and then additional caches totaling approximately 65,000 notices that went unanswered. These notices could range from complaints about the food being served to inappropriate contact. The fact is that this was 65,000 opportunities to make a difference in a child’s life that went unanswered. While I was there, we made huge strides in addressing these notices and it is my understanding that they are down to just a few thousand.

It is my hope that by attending this hearing and providing information we can learn from the failures of the past and move forward to prevent this from happening again. The reason for UAC coming to this country is not the issue, the issue is that the way they were handled by the very government agency that was designed to help them failed them and failed the US. We must make sharing information between all government agencies in this space a priority, no exception, this is about safety and preventing children from being placed back in some instances the very same environment many were trying to escape. It is my opinion that ORR be moved from HHS and placed in DHS so there is direct oversight from apprehension, criminal investigation, to placement and immigration resolution. This would be more efficient operationally and administratively.

I am honored to appear here today and look forward to your questions.

**Testimony of Mary Giovagnoli, Former Ombuds for Unaccompanied Children at the
Department of Health and Human Services
Before the Senate Judiciary Subcommittee on Border Security and Immigration
“Another Biden Blunder: Missing Unaccompanied Children and Criminal Sponsors”
September 17, 2025**

Thank you, Chairman Cornyn, Ranking Member Padilla, and Members of the Subcommittee, for the opportunity to speak to you today about the grave harms facing unaccompanied children under the Trump administration. My name is Mary Giovagnoli; I am the former Ombuds for Unaccompanied Children at the Department of Health and Human Services. As such, I witnessed firsthand how the Trump Administration transformed ORR from a child protection agency into an immigration enforcement tool, violating federal law and endangering children. In my testimony today, I will provide the context needed to understand the scope of this tragedy, briefly addressing the relevant history and laws, documenting specific Trump-era policies that have prolonged child detention, stripped legal protections, and separated families. Finally, I will be discussing both the importance of oversight and the necessity to strengthen and expand our efforts to protect children through child-centered and common sense reforms. The Trump administration’s policies pose the greatest risk to unaccompanied children in the U.S. today, as it systematically eliminates the protections and resources put in place by Congress to keep unaccompanied children safe.

The Trump Administration is Ignoring and Undermining Laws and Policies that Protect Unaccompanied Children

For three decades in government and nonprofits, including as Ombuds for Unaccompanied Children, I have focused on ensuring child-appropriate treatment under immigration law. As a new trial attorney in 1996, I was stunned to encounter a child, a little girl, perhaps six years old, in court, alone, with only a representative from her shelter for assistance. This was the first time I realized that our immigration system was not designed to address the needs of children, especially those fleeing violence or abuse, whose harrowing migration journey began hundreds or thousands of miles away, but continued in the courtroom.

In fact, on the tragic day of September 11, 2001, I was writing testimony for Republican INS Commissioner James Ziglar for a hearing the following day that would have laid out a new framework for the care, custody, and placement of unaccompanied immigrant children. We envisioned this new framework would faithfully address the requirements of the 1997 Flores Settlement Agreement, which among other factors, obligated the government to prioritize a child’s best interest when making placement decisions, following the practice of least restrictive placement policy, and a presumption in favor of release to a parent or other qualified sponsor.

While that hearing was understandably canceled, the growing bipartisan awareness of the unique vulnerabilities, needs, and legal issues facing children remained a key factor in discussions about restructuring the government’s management of its immigration and national security functions. With the passage of the Homeland Security Act in March 2002, not only did Congress dissolve the INS and transfer many of its functions to the new Department of Homeland Security, but it specifically acknowledged the importance of separating the care and custody of unaccompanied children from the detention and removal functions of the now defunct INS.

The Homeland Security Act transferred the responsibility to care for unaccompanied children to the Office of Refugee Resettlement, where it continues to reside today. And since that time, Congress has returned to the need to protect unaccompanied children, most notably with the bipartisan passage of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). The TVPRA strengthened anti-trafficking protections for children, created more child-appropriate mechanisms for assessing a child's eligibility for asylum status and other legal protections, and codified the notion of acting in a child's best interests, maximizing legal representation, home studies, and support for improving the conditions children faced which made them vulnerable to trafficking. Until recently, Congress had consistently supported increased funding for legal services and post-release services, a positive approach to protecting children from trafficking that was all but abandoned in the provisions of the "One Big Beautiful Bill Act of 2025" (H.R. 1). Despite its nickname, there is nothing beautiful about this law or the impact it will have on unaccompanied children's health and safety.

As I contemplate the state of unaccompanied children in the United States today, the rejection in H.R. 1 of practical, lifesaving services for unaccompanied children, along with the concerted efforts of the Trump administration to use children as pawns in its mass deportation agenda weighs heavily. In July, Ms. Magazine published my analysis of the state of play for unaccompanied children after six months of the Trump administration. It is, in essence, a [shadow Ombuds Report](#), an attempt to continue to provide the kind of perspective and oversight function I had hoped to do from within the government. Since the publication of that article, I have become even more concerned about the current trajectory for children's protection.

The government has a duty to protect the children in its care and preventing any kind of exploitation or harm to unaccompanied children should always be paramount. But that objective should not be politicized or used as a pretense for failing to protect children from the excesses of immigration enforcement, cutting off their access to asylum, and intentionally separating them from their families.

And yet this is what is happening in the United States today. From October 2024 to July 2025, the average length of care of children who are in ORR custody [grew from 67 to 187 days](#). Children are now routinely in government custody for six months; parents are facing greater barriers every day to securing their children's release; legal representation and other protections are being stripped away; ICE is calling the shots at ORR; and the government is flagrantly violating the laws protecting children and denying them their rights.

The Trump Administration Is Using Its Immigration Authority to Terrorize and Bully Children

The gravity of the situation is exemplified by the Trump Administration's plans to remove 600 Guatemalan children without warning or due process. In the wee hours of the morning on the Sunday before Labor Day, roughly 76 unaccompanied children were shaken awake from their beds in ORR custody and told that they would be removed to Guatemala in a few hours' time. Numerous [first-hand accounts](#), including [affidavits](#) from the children themselves, describe the fear, confusion, and trauma the children experienced and the chaos that ensued.

Fortunately, this attempt to remove children under the cover of darkness failed when a federal judge issued a Temporary Restraining Order at 4:30 in the morning. It would take hours before the children were removed from planes and even more hours to return them to their care providers. The government claimed that its actions were justified because it was removing the children at the request of their parents, and thus there was no need to observe immigration laws or the requirements of the TVPRA. Those claims are not consistent with the TVPRA's legal framework for addressing children's immigration cases nor the TVPRA's detailed requirements holding the U.S. government accountable for returning a child to their country only when the return can be done safely.

Shortly after this shocking incident, the media reported on an investigation conducted by the child advocate within the Guatemalan Attorney General's office, which unequivocally established that Guatemalan parents had not requested the children's return. In fact, many parents did not want their children to return to Guatemala for fear that they would be harmed. When confronted with this evidence during a preliminary injunction hearing on September 10, 2025, [the government retracted](#) its claim. The government's attorney acknowledged, "It is unfortunate that the children were frightened and pulled out in the middle of the night."

But, it is more than unfortunate. It is an indictment of this administration's lack of sensitivity toward children. It is hard to imagine the trauma this event caused for the 76 children who spent a nightmarish day wondering whether they would be returned to a country they had fled out of fear for their lives. It is even harder to say what impact this will have on the children's ability to feel safe in government custody. It is not difficult, however, to conclude that the pattern and practice of the Trump administration's treatment of unaccompanied minors paved the way for that frightening middle-of-the-night ambush and attack on children.

This is a Systemic Attack on Children, Unmoored from Common Sense

To fully understand the scope of this cruelty, we must return to the early days of the Trump administration and the feverish efforts to turn ORR into an extension of ICE. Driven by an unshakeable belief in the certainty that they would find the so-called missing children, the new administration quickly turned the unaccompanied children's program upside down.

The Trump Administration Moved Swiftly to Dismantle the Unaccompanied Children's Program and Independent Oversight

As the Ombuds for Unaccompanied Children, I witnessed the first days of the Trump administration's systemic effort to dismantle protections for unaccompanied children. With shocking speed, the administration sought to remake the Unaccompanied Children's Program, reframing its mission from that of a child welfare program to an arm of immigration enforcement, counter to Congress' clear intent to separate ORR's functions from DHS. In the name of protecting children from trafficking, the administration immediately handed control of ORR over to an ICE official. Within a few days, we learned that the White House had ordered ORR to take down information about the Ombuds office from its website. We were informed we could not set our own travel schedule to conduct visits to shelter care and other ORR-funded facilities. We were instructed to cancel upcoming stakeholder engagements. This was happening across the

government, affecting many agencies and programs. However, limiting stakeholder engagement for our office contradicted the UC Ombuds' regulatory authority to conduct frequent stakeholder engagements, which are crucial for building trust and gathering firsthand information about issues and concerns. Eventually, I was able to persuade ORR to return basic contact information about the Ombuds office to its website, but without stakeholder engagement or the capacity to advertise our presence, it could be very difficult for anyone, particularly an unaccompanied child, to learn about or understand our work.

Within the first few weeks, acting officials cut the flow of information to my office. Using the discredited reports of missing children as an excuse, ICE and ORR began working closely to supposedly find missing children and punish fraudulent sponsors. Despite my authority as the Ombuds to conduct oversight and be made aware of policy changes, my office was not informed about these changes or given access to memos and policy guidance, nor were we given the opportunity to review and make recommendations based on our knowledge of practical problems that could affect children, families, and providers. I was heartened by my one conversation with the first Acting Director, who affirmed her support for the work of the Ombuds. I hoped that, in time, we would have the opportunity to monitor, report on, and recommend any necessary corrective action to these new policy decisions.

Instead, within a few weeks' time, I was removed from my position as Ombuds, as part of the purge of probationary employees throughout the government. A few days before my removal, for the first and only time, I met with a political appointee, who grilled me on whether the Ombuds would serve the interests of the administration, particularly with respect to rooting out fraud. I raised concerns about plans to significantly increase vetting for sponsors, noting that similar efforts during the first Trump administration had resulted in prolonged detention for children and that numerous studies had found that even short periods of detention and separation from parents were detrimental to a child's well-being. If the administration intended to increase vetting, I noted that it had to simultaneously develop new programs and plans to address the mental and physical health of children, their educational and social needs and other services to counter this prolonged period of detention.

I also noted that the value of an Ombuds was to serve as an impartial and neutral party to assess the impact of policies. My office could provide a vital perspective on the implementation of new policies, particularly as we were charged by regulation with conducting regular stakeholder engagement, providing valuable feedback and recommendations that could lead to real-time adjustments in agency practice. I was shut down, however, and told that concerns over a child's well-being were irrelevant, as any harm the children experienced because of prolonged detention was justified if it prevented them from being trafficked. It was clear to me that the administration intended to disregard the conclusions of [medical experts](#) that prolonged detention *in and of itself* renders a child more vulnerable to trafficking, as it exacerbates mental and physical health issues, increases isolation from family, and delays educational and other attainments that can create a positive self-image. Deportation, as well, without appropriate safeguards could return a child to the very conditions they fled, many of which—poverty, political unrest, violence, discrimination, and gender and sexual orientation norms—may further the risks of exploitation and harm. It was also clear to me that, rather than value the role of an independent, confidential and impartial

ombuds office, this administration had no interest in finding the best solutions, but only those that fit into its preconstructed narrative. My vision of child protection did not fit into that narrative.

The Lost Children Narrative Does Not Withstand Scrutiny

But that narrative is at the heart of today's hearing, and the challenge is for us to carefully examine its premises and evidence. In essence, I was told that it is the Trump administration's job to protect the children from mistakes of the past; the threat of trafficking to unaccompanied children is so great that any measure, no matter how extreme, should be taken to preclude the mere possibility of child exploitation. But this narrative is not sustainable. At the outer edge of the argument, no child would ever be released from custody because there can never be 100 per cent certainty that a parent or other sponsor will protect the child. At the other edge of the argument, detaining children for any length of time is unacceptable because children suffer in custody. Clearly, neither extreme is an appropriate response. Full detention for the length of a child's case leads to measurable harm. Immediately releasing a child without some safeguards, including appropriate vetting of a sponsor, exposes children to possible harm and exploitation.

Despite this need for taking a measured and balanced approach, tragedies often lead to extreme swings in policy. In today's discussion the false narrative of the missing children serves as the justification for shifting authority from HHS to DHS, justifying harming children in order to protect them.

As I developed long-term plans for the Ombuds office, I hoped to investigate the genesis of this narrative to determine what, if any of the underlying claims could be verified and to determine whether my office should recommend any corrective actions. I was dismissed before we could even begin to review these allegations. The genesis for this claim, however, appears to be media reports and oversight reports that address various aspects of the safety of unaccompanied children, but the numbers pulled from these reports are not about "lost" children.

For instance, the New York Times reported in 2023 that over a period of 2 years, 85,000 unaccompanied children and/or their sponsors had not responded to ORR "follow-up" calls after the children were released from ORR custody. There are numerous reasons for lack of responses, including not being home or available to respond to the calls, failure to recognize the caller's phone number, or updated phone numbers on the part of the children or sponsors, and fear of the government. The non-responses did not indicate that the children were "missing" or unsafe. Nonetheless, ORR recognized the need to increase monitoring of children's safety and ultimately extended post-release services to all children released from ORR's custody. This expansion of services was not required by the TVPRA but were implemented in recognition of the added protection and benefits that come from follow-up monitoring.

In August 2024, the DHS Inspector General issued a Final Management Alert bringing attention to its concerns that ICE was not proactively monitoring the safety of unaccompanied children, noting that ICE had failed to file Notices to Appear before the immigration court for approximately 290,000 unaccompanied minors. These non-filings spanned the Trump and Biden administrations. The report also found that approximately 32,000 unaccompanied children who had been placed in immigration court proceedings did not appear for their hearings. The DHS

Inspector General discovered that ICE frequently failed to follow up on the safety of children who did not appear at a hearing, despite guidance issued by the Office of the Principal Legal Advisor in 2023 that agents should do so. The Management Alert noted that ICE's internal data sharing systems did not support routine sharing of such information and that ICE frequently failed to share its concerns with HHS. The Management Alert also noted that HHS had welcomed receiving information about a child's failure to appear in court, as that would help their case managers conduct follow-ups.

As with the HHS welfare checks, a non-appearance before immigration court is not a reliable indicator in and of itself of a child's safety, especially because many of these children were separately maintaining communication with U.S. government officials through applications for humanitarian relief filed with U.S. Citizenship and Immigration Services and were actively engaged with legal and social services providers as administered by ORR.

The distorted takeaways from the New York Times piece led to a separate fact-check report in which the same publication traced how misinterpretations and exaggeration had not only inflated the original number of children affected, but had taken the article's findings out of context. In the case of the Inspector General's Management Alert, the critique focused on improving internal ICE mechanisms for documenting interactions with unaccompanied children and for notifying HHS when children had failed to appear in court. By alerting ICE to potential problems and gaps, the report aimed to promote more effective identification of red flags and potential problems, rather than criticizing decisions to release children.

The DHS Inspector General issued a subsequent report released in March 2025 that shifts the attention from ICE's shortcomings to what the report characterizes as HHS's failure to cooperate with ICE. It concludes that ICE cannot fulfill its obligations to protect children because of existing policies protecting confidentiality and limitations placed on ICE by the TVPRA. It is striking how much these conclusions appear to track with the Trump administration's agenda for giving ICE greater control over ORR.

It is also striking how quickly ICE's new role has endangered unaccompanied children.

The Trump Administration's Policies Will Make Children More Vulnerable to Harm, Both in the United States and Abroad.

While it is untrue that hundreds of thousands of unaccompanied children went "missing," what is and always has been true is that unaccompanied children are particularly vulnerable to trafficking, exploitation, abuse, and other harm. This makes the Trump administration's systematic erosion of policies that protect unaccompanied children even more troubling, as it has directly and substantially heightened this population's risk of harm

The Trump Administration is Separating Parents and Children Through Restrictive Policies on Sponsorship

Under longstanding policy, legal settlement requirements and regulation, parents and close family members are the preferred sponsors for unaccompanied children, but the government still requires

rigorous vetting and documentation to ensure that the child is released safely. The Trump administration has added layers of bureaucracy, limits, and restrictions to sponsorship requirements that do not necessarily prevent trafficking but do ensure that children will remain in custody longer. The changes in policy include:

- February 14: the government significantly expanded mandatory fingerprinting requirements to include every adult residing in the household and any alternative caregivers.
- March 7: ORR issued new guidelines on acceptable documents for proof of identification, eliminating foreign-issued documents (such as a passport), limited documentation that could be used to show proof of address (including eliminating procedures allowing a case manager to mail a code to an individual and then have them verify the code), imposed new requirements for denial of applications if any evidence of falsified documents by any member of the household is present; and required case managers to report any suspicion of fraud to the HHS Inspector General and to ICE for *criminal prosecution*.
- March 14: the government instituted mandatory DNA testing of any family relationship; prior policy required DNA testing in limited situations where the relationship could not otherwise be clearly established, or other vulnerabilities existed.
- April 15: ORR clarified that an applicant must establish proof of income but limited the list of acceptable documents that can be submitted.

Any of these requirements make it harder for parents who may not have legal status to qualify as sponsors, as they may have limited access to “accepted” identity, income, or other documents. For example, now that foreign passports and other foreign identity documents will no longer be accepted, many families will not be able to apply for sponsorship of their own children. In 19 states and the District of Columbia, people without legal status may obtain a driver’s license or state ID, but there is often a long wait for such documents. Because the new requirements are retroactive, even families in states that issue government identification will wait longer to reunite with their children as they get in line for state issued documents, and individuals without lawful status living in the other 31 states are likely unable to meet the new ID requirements altogether.

The expanded fingerprinting requirements are particularly disruptive. Even if the parent has legal status or can produce approved identity documents, they often live in mixed-status families or other mixed housing situations. One advocate told me about a family who was forced to move out of their home because their housemates were afraid to be fingerprinted as they lacked legal status. Once the family moved, they were approved, but the rules changed again, because their identity documents no longer met the new government requirements. The shifting rules have shattered trust between children and their families — and prolonged trauma as they sometimes believe their parents aren’t trying hard enough to get them released. And the extended stays in custody, coupled with uncertainty and fear have a detrimental impact on the child and the family.

As a result, the [average length of stay in custody](#) before release jumped from 49 days in February to 217 days in April. According to a federal lawsuit filed in May, *Amelia C v. Kennedy*, parents who thought their applications were complete were rejected or placed on hold because they need DNA tests, can’t provide a U.S. issued document, or are afraid to ask their employer for income documentation. Some have been told they cannot sponsor their own child. Most telling, the average

number of children in custody has not changed significantly since February, but the release to parents and other individuals plummeted from 1858 children in February to 45 in April.

A stay in the *Amelia C.* case precludes the government from applying the new policies, but the average length of stay remains high, in part because parents are increasingly afraid to come forward given the overall increase in ICE enforcement actions. While unaccompanied children are now averaging 6 months in custody, there appears to be little increase in services. It is no surprise that many of these children, deprived of family reunification, are experiencing depression, anxiety, and hopelessness. Far from promoting child safety, the administration's policies are devastating this vulnerable population's well-being.

The Trump Administration Has Increased Enforcement Actions Against Parents and Other Sponsors

While the administration is separating parents from children, it is increasing the odds that children will remain in custody by targeting their parents for deportation. [In-person document](#) checks are now mandatory, and include participation by ICE personnel, further increasing the chilling effect on sponsors, who fear that sponsoring their child may lead to deportation for the whole family. ICE has arrested sponsors, and turned [wellness checks](#), formerly conducted by HHS, into [de facto enforcement](#), undermining reunification.

Parents are not only being kept from their children, and children from their parents, but even families who are reunited are now living in fear that the government may take a parent, their child, or the whole family away.

Denial of Services to Children Reduces their Protections and Makes them More Vulnerable to Trafficking and Other Harms

Whether in custody or released to a sponsor, the Trump administration continues its attacks on unaccompanied children by depriving them of the very assistance that can help to protect them from trafficking.

Legal representation is a critical factor in ensuring a full and fair hearing of any case before the immigration court or adjudicated before USCIS, but for unaccompanied children, many of whom are too young to understand court proceedings, file applications or assess their options on their own, legal services are a critical step in protecting their rights and their safety. In March 2025, the administration [abruptly terminated core legal services provided under a longstanding contract administered through the Office of Refugee Resettlement](#). This termination jeopardizes the cases of over 26,000 children represented by attorneys from over 100 organizations around the country. Although these services were reinstated under court order, damage to the infrastructure endures, as these non-profit service providers were forced to cut staff and withdraw from cases while children found themselves without counsel, forced to go into court alone or supported only by a family member or shelter staff. Children with legal representation are far more likely to obtain legal status, understand and participate in their case, and make informed decisions about their future.

The Trump administration has curtailed access to information and basic screenings in shelters and at immigration courts. The Department of Justice's Executive Office for Immigration Review has [rescinded a memo issued in 2023 which established specialized children's dockets](#) in immigration court for unaccompanied children's proceedings. The memo required those proceedings to be presided over by specially trained immigration judges and governed by more child-appropriate court procedures. EOIR has also weakened access to [pro bono legal representation](#), [Friend of the Court](#) assistance, and [child advocates](#) representing children's best interests. These policies, many of which restore measures in effect during the first Trump administration, undermine fair consideration of children's cases.

Further, H.R. 1 imposes novel and onerous fees on applications for humanitarian relief with no exceptions for minors or other vulnerable populations that seemed to be designed to – and will likely – force children to abandon their legal claims. In many cases, an unaccompanied child – including a child as young as two or three years old, [may need to spend more than \\$6,000 dollars](#) merely to have a chance at obtaining safety in the United States.

The administration has also [terminated](#) the Special Immigrant Juvenile Status (SIJS) deferred action program. This program provided added protection to former unaccompanied children in the time between receiving SIJS status and becoming a lawful permanent resident. Backlogs and annual visa limits combine to place many formerly unaccompanied children in limbo, as SIJS alone does not provide eligibility for work authorization. Without deferred action, these children, many of whom are teenagers, become prime targets for exploitation, as they frequently must find work to support themselves or contribute to their families.

The Trump administration is also attempting to leverage funding provisions in H.R. 1 into weapons to quickly deport unaccompanied children. [Media reports](#) indicate that the Trump Administration is interpreting authorization of funding provided under H.R. 1 for the removal of “specified” unaccompanied children to authorize summary return of unaccompanied children ages 14-17, throughout the country, and without an immigration court hearing, if those children “consent” to the return and don't demonstrate protection concerns. Yet many children lack the capacity to provide such “consent” and may not even comprehend that DHS is seeking to return them to their countries of origin. Further, it is unclear whether DHS is even screening these children for protection concerns before summarily returning them. This raises grave concerns that DHS could summarily rip away children from the communities they have resided in for years and send them back into harm's way.

Finally, the Trump administration has relentlessly blocked asylum seekers and other vulnerable groups from fully accessing their right to apply for asylum and has imposed numerous legal requirements that will make it difficult if not impossible for gender-based claims, including issues of domestic violence, to be treated as a basis for persecution. Such restrictions could endanger many children's eligibility given the often-complex issues of gender, sexual and other forms of violence, abuse, and age that make a child vulnerable to persecution.

Taken together, these policies contribute to a climate of fear and instability that increases rather than lessen opportunities for trafficking and exploitation.

The Trump Administration Has Decimated Oversight Functions

An important tool for keeping children safe is to provide multiple avenues for oversight and accountability. As the interests of ORR and ICE converge, parents and children will become less likely to view ORR as a caregiver and more likely to perceive it as a jailer. Without attorneys or child advocates to address their legal concerns and best interests, children may feel they have nowhere to turn, especially if they do not have access to internal oversight mechanisms. The UC Ombuds office remains, but its presence is muted, its ability to engage in systemic analysis of problems is unclear, and its future is uncertain. DHS effectively closed the Office of Civil Rights and Civil Liberties, which was instrumental in shutting down the notorious Artesia family detention center during the Obama administration. DHS has also eliminated the statutory Office of Immigration Detention Ombudsman, because its activities posed “an impediment to law enforcement.” ODIO played a particularly important role in monitoring CBP facilities, often intervening to prevent family separation or to facilitate reunifications.

Every reduction in oversight capacity and resources makes it that much harder to address harmful government actions, to identify possible problems within shelters or service providers, and to build a confidential, impartial and independent network of organizations that can be trusted by children, their families, and internal and external stakeholders.

We Must Recommit to Protecting Unaccompanied Children

Protecting unaccompanied children is not simply a legal matter. It is a matter of conscience and of duty. But crafting a program that maximizes protection and minimizes the risk of harm is difficult and made even more difficult by the polarizing atmosphere in which the immigration debate takes place. Bipartisan solutions are possible. I have worked with people across the political and religious spectrum to improve our system for caring for unaccompanied children. Some of the recommendations and practical policies that bring people together to protect children are the following:

1. Immigration policies that recognize the unique needs and vulnerability of children can guide us to better solutions. Experts in children’s physical and emotional development have long recommended that our immigration system adapt to the needs of children, rather than forcing them into a system designed for adults. This is true for every aspect of a child’s interaction with the immigration system, from initial contact to their care and custody to the types of legal relief, to the outcomes of their cases.
2. Now more than ever, the protections of the TVPRA should be respected and expanded. Critics of the TVPRA allege that the protections it provides are a magnet for children. They are not a magnet but a lifeline. We should not have to dole out compassion or shy away from protecting children to manage our borders and regulate the flow of immigrants.
3. The midnight attempts to deport children demonstrate how important it is to ensure that children have legal protection. Without legal professionals, child advocates, and other service providers children are vulnerable, not only to traffickers and others who seek to do them harm, but to the violation of rights by the very government expected to care for

them. Restoring and expanding funds for legal services and other post release services is a critical safeguard in the fight to protect unaccompanied children from harm.

4. Children should never be used as bait to drive deportation numbers. Immigration agents should not hover near schools, places of worship, courthouses, or any other public facility where children and their parents should feel safe. Children will be safer when their loved ones feel safe.
5. Humanitarian protections, particularly refugee admissions and asylum status, are a vital part of our immigration system. Children require the time and patience it takes to learn their story, build their trust, and be able to analyze and articulate their need for protection. They should not be blocked from the right to seek asylum by artificial requirements and legal theories that pretend that gender, sexual orientation, or lack of power cannot be the basis for persecution.
6. Vigorous and independent oversight at all levels is a critical tool for ensuring that individual issues are quickly identified and resolved and that more systemic issues can be studied. Restoring and expanding the Ombuds offices and other oversight functions throughout DHS and HHS is a critical step in ensuring that children are protected from harm.

We must ensure that children can sleep soundly in their beds, afraid of neither criminals nor government agents seeking to do them harm. This requires fully funding legal services and post release services that protect children, restoring child-centered practices throughout the immigration system, and creating safer pathways for legal immigration for children and their parents. We put traffickers out of business only when the underlying issues of poverty, fear and violence are put to rest. This does not happen by denying children their rights, or keeping them from their parents, or waking them in the middle of the night, rushing them onto planes, and terrorizing them with the thought that they will be forcibly returned to a country in which they are afraid to live and cannot thrive.



Chairman Cornyn, Ranking Member Padilla, and distinguished committee members, thank you for the opportunity to testify.

My name is Ali Hopper - President & co-founder of GUARD Against Trafficking, a 501(c)3 dedicated to combatting human trafficking through innovative research, dynamic education, and empowered action. As a Hispanic mother, I cannot imagine the trauma these children endured, yet we must understand the true extent of the issue and confront the reality of their neglect, abuse, and mismanagement at the hands of the U.S. Government and non-government organizations (NGOs) and ensure we take the necessary steps to prevent this from ever happening again.

In November 2024, I testified before Congress about the child exploitation at our southern border. In July 2025, I testified again on how NGOs, through complacency and negligence, indirectly enabled the smuggling and trafficking of children. Today, I appear before you to address this ongoing crisis and to discuss what must be done to ensure accountability and justice.

My research partner, Dr. Jarrod Sadulski, and I have conducted extensive fieldwork including interviewing human traffickers, cartel members, whistleblowers, and Unaccompanied Alien Children (UACs). What we've uncovered is essentially an assembly line of exploitation: children moved through cartel-controlled smuggling routes, given sponsor names and phone numbers by traffickers, handed to Border Patrol, processed by HHS, passed to NGOs, transported by government contractors, and ultimately delivered to cartel-controlled sponsors. Step by step, this conveyor belt completes the cycle—while American taxpayers unknowingly fund every stage of the process.

The previous administration failed to protect these children, creating conditions that allowed physical abuse, sexual abuse, and even death. ORR delegated responsibility to NGOs, while NGOs claimed safety was ORR's duty. In reality, no one ensured protection. Sponsor background checks often relied on public databases, like "People Finder," instead of law-enforcement-level screening, directly enabling exploitation.

Traffickers themselves admitted they could bring children to the border, provide sponsor names, and rely on NGOs to deliver those children into cartel networks. Cartels even infiltrated NGOs to strengthen the pipeline. At Cherokee Federal, a gang member employed under a false identity was promoted and placed in charge of placing children with sponsors child sponsorships, resulting in children being sent to empty fields, overcrowded apartments, and even addresses tied to strip clubs. NGOs stood at the center of this failure.

Since 2008, over \$20 billion has been spent on the UAC program, with nearly \$14 billion allocated in the last six years¹, meaning two-thirds of the funding was spent in just one-third of the program's lifespan. Despite this massive investment, hundreds of thousands of children remain unaccounted for as taxpayer dollars flowed into a system exploited by criminal networks. Today, we must confront examine how these children were failed and grossly mismanaged by the very NGOs entrusted with their care.

NGOs

Financial reviews of programs supporting unaccompanied alien children revealed widespread mismanagement, executive enrichment, and misuse of federal funds intended to protect children. Grants meant to safeguard minors were treated like venture capital, prioritizing rapid growth over public service. Some NGOs reinforced this environment by blocking safety protocols, resisting oversight, and silencing internal dissent, creating conditions where children remained at serious risk. Key individuals facilitated this system. Andrew Lorenzen-Strait, a former Biden transition official and ICE advisor, helped secure no-bid contracts for multiple NGOs and was recorded referring to the border crisis as a “boom for business,”² highlighting how some leveraged humanitarian programs for profit rather than child safety.

CHEROKEE FEDERAL CASE

We interviewed a whistleblower who served as a director of Cherokee Federal's command center at the Pomona Fairplex and revealed alarming misconduct. Background checks for new employees were delayed, allowing a registered sex offender to gain access to children before it was discovered that he was a sex offender. Children were routinely miscounted, not by a few, but by hundreds, and records tracking their placement were often missing. Mold was found on food being served to the children, and methamphetamine, cannabis, and alcohol were present on the premises. A five-year-old child was even found playing with a cannabis pen.

The whistleblower also reported that several 13–17-year-old girls were taken offsite without his knowledge or permission. When he investigated, he discovered they were being brought to an abortion clinic, medical procedures were occurring without parental or guardian approval. Some of these children had been in custody for months, indicating that they had become pregnant either during their journey across the border or while in the care of the facility.

¹ https://taggs.hhs.gov/Detail/CFDADetail?arg_CFDA_Num=93676#help-introduction%23~:text=Unaccompanied%2520Children%2520Program

² https://www.washingtonexaminer.com/news/1785362/biden-transition-official-caught-on-camera-saying-border-crisis-is-boom-for-business/#google_vignette

ENDEAVORS CASE

Based on our research interviews with contracted compliance officers with firsthand accounts at the Endeavors' Pecos, Texas facility, revealed multiple violations [Exhibit 2]. Staff were hired without completed fingerprinting or thorough background checks. Male staff were found inside female dorms. A contractor led 150 teenage girls in sexually explicit dance routines, teaching them how to "twerk," twice—once at the facility ribbon-cutting and again months later—before intervention by an on-site compliance officer. Children collapsed after being subjected to extensive vaccination protocols with no parental consent or follow-up. In several cases, UACs on the verge of turning 18 were released early to avoid ICE transfer, and an employee who raised concerns about too many children being sent to a single address was terminated. A former ICE employee serving as a contracted compliance team lead was actively blocked from reviewing child placements.

TRANSPORTATION CONTRACTORS

Failures extended beyond facilities to transportation. NGOs tasked with moving children to sponsors often placed them at risk. We personally observed unaccompanied minors flying alone without escorts. Flight attendants reported children arriving at incorrect airports, struggling to communicate due to language barriers, and in some cases requiring CPS or police intervention when sponsors failed to appear.

The [Association for the Recovery of Children](#) also documented multiple failures by transportation contractors, personally observing violations of ORR policies and insufficient protections for children in transit. Firsthand accounts from whistleblowers illustrate systemic breakdowns. "Joey," a Site Supervisor for MVM and liaison for HHS responsible for 1,500 children aged 8 to 16, reported that numerous employees raised concerns about children crying and saying they did not know their sponsors. When he questioned the screening process, he was instructed to "stay in his lane." Upper management reportedly said, "we're going to have to start flying some of these kids overseas. We need to get them out of here, and there aren't enough sponsors."

These cases reflect widespread neglect, inadequate oversight, and a system that incentivized output over outcomes and consistently prioritized speed over child safety.

CONSEQUENCES OF SYSTEMIC NEGLECT

Across the country, transnational criminal networks and cartels exploited every gap in our broken immigration system, including the asylum process and the Unaccompanied Alien Children program. Children were funneled into a system designed to fast-track them to cartel-controlled sponsors, funded by U.S. taxpayer dollars. Post-placement welfare procedures, though appearing sufficient on paper, failed in practice and were part of the broken system that contributed to over 300,000 children going unaccounted for.

Our research uncovered approximately 117 UAC children who have been trafficked to a farm in the Midwest. In this case, children as young as eight years old have come from the farm to the school with sexually transmitted diseases and a thirteen-year-old came to school

pregnant. Intervention on our part has triggered a current criminal investigation, but the case underscores the urgent need to prevent global industries from profiting from trafficking, abuse, and modern-day slavery.

CURRENT TRENDS IN HUMAN TRAFFICKING

A former human trafficker and cartel member, told us cartel operations remain as “business as usual.” Although prices have doubled, trafficking has largely moved underground. Cartels are relying on sophisticated tunnels built by migrants they force into service. Under the last administration, for example, migrants with specialized skills who were attempting to come to the Southwest Border, such as structural engineers, were coerced into joining cartel ranks and now design and construct these tunnels. Tunnels have been in existence for a long time. However, they are becoming more elaborate and are being built under the Rio Grande River.

ILLEGAL ADOPTION

The issue grows darker still. Since the Southern border has become more secure under this current Administration, cartels and traffickers are expanding operations beyond sexual exploitation, forced labor or organ harvesting and are widening their scope to include the trafficking of newborns. A research interview conducted with journalist Katarina Szulc uncovered a horrific pattern in Juarez, Mexico, where pregnant women are routinely kidnapped, their babies are forcibly extracted from their bodies, the mothers are left to die, and the babies are sold for illegal adoption in El Paso.

This operation is facilitated in part by NGOs in Mexico, which provide false documentation to support these illicit transfers. Children sold through these illegal adoption networks often arrive in the U.S. with falsified paperwork, concealing their true identities and the circumstances of their “adoption”.

The involvement of NGOs in these schemes demonstrates a disturbing extension of systemic exploitation, showing that even organizations ostensibly dedicated to humanitarian assistance can be co-opted into networks that enable and conceal human trafficking.

Addressing these abuses requires sustained oversight and intervention. We are grateful for this administration’s efforts to locate unaccounted-for children and to investigate these networks. Yet, while progress has been made, the systemic failures that allowed this abuse to occur cannot be ignored. These were not isolated or unforeseeable incidents—they were the result of negligence, inadequate oversight, and a culture of unaccountability that spanned multiple administrations and organizations. To prevent such failures from recurring, we must act decisively.

POLICY RECOMMENDATIONS

Protecting children must rise above politics. This is about protecting children and standing united against the evils of modern-day slavery. Good intentions and humanitarian missions must never excuse harm. When policies enable exploitation, accountability and decisive action must ensure it never happens again.

Therefore, I respectfully urge the Senate to take the following actions:

1. **Conduct Forensic Audits of Major Contracts** Require independent audits of all ORR and ICE/DHS contracts over \$100 million. Auditors should follow the money - examining spending for unused facilities, executive compensation from grant funds, and contract compliance. Wasteful or abusive contracts must be suspended, terminated, and unspent funds clawed back.
2. **Strengthen Vetting and Oversight:** Rebuild the sponsor vetting process from the ground up. This means re-imposing rigorous background checks (including fingerprinting and criminal/abuse registry checks for all adults in a household) before a child is released. Require proof of identity, income, and relationship for sponsors, and flag cases with multiple sponsor applications or addresses receiving numerous children. Home studies (in-person home visits) by social workers should be mandated for all high-risk placements (ideally for all placements of UACs), both before release and as follow-up. ORR should not hesitate to deny or delay release if a sponsor raises any concern. The goal must shift from "fast release" to "safe release." Congress is already considering legislation to this effect (such as H.R. 5018, the Stop Human Trafficking of Minors Act, which would tighten sponsor requirements). These reforms need to be enacted and enforced.
3. **Expand Post-Release Monitoring:** Children must not disappear after leaving government custody. ORR should partner with state agencies and NGOs to conduct in-person check-ins for 6–12 months. Missed court dates, school absences, or unanswered calls should trigger welfare investigations. A national database must track outcomes, with regular public reports to hold agencies accountable.
4. **Create Independent Oversight and Accountability:** Establish a federal oversight body (either within GAO or as a dedicated Inspector General task force) that has the authority to audit contractors, conduct unannounced inspections, investigate whistleblower reports, and refer cases for prosecution. Establishing this accountability is critical to changing the current culture of impunity.
5. **Close Loopholes and End "Shadow" Programs:** Prohibit extralegal custody arrangements like hoteling. Every minor must be housed in licensed facilities with vetted staff, legal counsel, and child advocates. Emergency shelters must meet the same standards as ORR shelters. Contracts should be performance-based, tied to child safety, not headcounts.

6. **Strengthen Collaboration with Law Enforcement:** The immigration and law enforcement agencies must work together to identify and dismantle trafficking rings that target UACs. This includes data-sharing: HHS/ORR should provide DHS and DOJ with information on suspicious sponsor patterns (e.g. one person sponsoring multiple unrelated kids, or many kids going to the same factory or address). DHS in turn should ensure any intelligence about cartel involvement is relayed to HHS. Task forces can be formed in hotspot areas to proactively check on clusters of UAC placements for signs of labor exploitation. Recent large-scale raids (like the California farm case) show the effectiveness of joint action when agencies coordinate.

We have a responsibility and an opportunity to act with courage and moral clarity to restore integrity to this system and protect the innocent lives depending on us.

Thank you for your time and I look forward your questions.

Ali Hopper

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Questions for the Record
Charles E. Grassley of Iowa
Chairman, Committee on the Judiciary
“Another Biden Blunder: Missing Unaccompanied Alien Children and
Criminal Sponsors”
Submitted September 24, 2025

Question Submitted to Mr. Chris Clem:

During your testimony, you stated that the Biden administration prioritized the speed of Unaccompanied Alien Children (UAC) placements despite concerns about the safety of sponsor households. In addition, you stated that the vetting process and verification of sponsors was “abysmal” and that the information and data that ORR possesses on UACs derives, at least in part, from encounters from DHS.

Can you describe in more detail your criticism of the data collection and information sharing processes under the Biden-ORR and DHS? In your response, please list specific types of data where you think there may be accuracy or reliability concerns, including biographical data as well as data used to vet sponsors such as background checks or fingerprinting.

Clem Responses:

Previously, there were no standards when it came to identity documents acceptable for taking custody of a child; foreign, expired, and images of documents were all accepted. This created ideal opportunities for fraud as evidenced by internal investigations and exacerbated an already overwhelmed system.

The use of unverifiable documents or copies of copies enabled criminal activities, criminals and traffickers to further exploit the US Government and the children. Furthermore, DNA testing or evidence was not required; oftentimes, a sponsor was never seen in person. Instead, UAC were delivered to airports via contractors and turned over without eyes on a sponsor or physical address.

The database, UAC Portal, is unstructured data that makes queries virtually impossible; the fact that no one fixed the portal for 14 years, begs the question, why hasn’t it been fixed? To fix this problem a modernized UAC tracking system must be developed with access granted to all that are involved in the UAC enforcement and immigration continuum. This will ensure real time tracking and accountability for the government, the child and sponsors and allow for quick enforcement actions as needed to protect the child. Additionally, this system should be accessible by State and Local law enforcement and Child Protective Services to aid in ensuring the well-being and care of children.

Lastly, DHS, more specifically US Customs and Border Protection, accounts for the largest portion of UAC turned over to ORR. Therefore, information obtained by ORR on UAC, should be shared timely with other DHS components when suspicious information is discovered to address UAC safety

or criminal activity, however it was an established policy and practice under the Biden/Harris HHS/ORR to not share information with DHS, even when it was originated by DHS. This puts UAC at risk for exploitation and allows traffickers to often act with impunity.

I appreciate the opportunity to expand on my testimony, and it is my hope that common sense will prevail on UAC custody and care issues and enforcement on unscrupulous sponsors.

Senate Judiciary Committee
Hearing on “Another Biden Blunder: Missing Unaccompanied Alien Children and
Criminal Sponsors”
September 17, 2025
Responses to Questions for the Record Submitted by Senator Amy Klobuchar

Mary Giovagnoli, Former Ombuds for Unaccompanied Children at the Department of Health and Human Services

1. *In 2024, the Biden administration formed the independent Unaccompanied Children Office of the Ombuds within the Department of Health and Human Services, which you led until earlier this year. The office was supposed to address concerns within the Unaccompanied Children Program and investigate any violations of law or policy. In April, the Department of Government Efficiency (DOGE) removed you and fired most of the office’s staff.*
 - *What oversight mechanisms are currently available to ensure that the Department of Homeland Security and the Office of Refugee Resettlement are following all policies and procedures governing the care of unaccompanied children?*
 - *Prior to your dismissal in April, what progress were you making in investigating deficiencies in the ORR vetting process?*
 - *To your knowledge, has the Office of the Ombuds continued your work?*

Response:

Thank you for your interest in the important oversight work of the Unaccompanied Children Office of the Ombuds (UCOO) and for noting the serious disruption to our work caused by the unlawful firing of our probationary employees, including me. The drastic cuts imposed by the Department of Government Efficiency and the Office of Management and Budget have had a serious impact on the ability of the remaining staff to effectively conduct oversight.

In answer to the first and third parts of your question, it is my understanding that genuine, independent oversight of the Office of Refugee Resettlement’s (ORR) compliance is extremely limited. While the Office of Inspector General may conduct investigations, the UCOO is the only government entity external to the ORR that is devoted exclusively to monitoring ORR’s compliance with law, policy and procedures governing the care of unaccompanied children. Consequently, cutting staff, including the Ombuds, was a blow to our nascent efforts to build a fully functioning office. Other positions within the UCOO, including a communications manager and a data analyst, could not be filled because of the hiring freeze that went into effect immediately after President Trump’s inauguration. To my knowledge these positions remain unfilled, hampering the UCOO’s ability to conduct more systemic analysis, develop outreach and educational materials, and fully engage with the public.

The remaining staff members are exceptionally talented and dedicated individuals, and I believe that they continue to receive complaints and concerns, fulfilling their duties as much as possible

with limited resources and capacity, but without the freedom to fully investigate cases. At the time I was terminated, limitations on travel and stakeholder engagement further hampered our efforts to communicate directly with all stakeholders, including children and sponsors, shelter staff, legal service providers and others interested in protecting the well-being of children. Based on my observation as the former Ombuds, I do not see evidence that the Office is able to carry out the robust site visits and multiple types of stakeholder engagements we had planned for 2025. By its nature, much of the work conducted is confidential, so it can be difficult as an outside observer to fully gauge progress, but the lack of transparency and free flow of information are signs to me that the UCOO is not being afforded the access, tools, or information it needs to fulfill its mission.

These limitations are further compounded by the gutting of DHS oversight offices, particularly the Office of the Immigration Detention Ombudsman and the Office of Civil Rights and Civil Liberties, both of which played important roles in monitoring DHS agencies' treatment of unaccompanied children. We looked to these more established offices as guides and colleagues, seeking to coordinate and share information to ensure a seamless understanding of the issues facing unaccompanied children as they interacted with the government. Ironically, as ICE gains greater access to ORR functions, and to children themselves, the need for DHS oversight has increased rather than decreased with respect to unaccompanied children. The absence of these partners is a serious blow to oversight for unaccompanied children.

Regarding the review of ORR vetting issues, I should note that I was originally notified on February 15 that I would be placed on administrative leave immediately and terminated a month later; ultimately my termination became effective on May 8. Sometime in the beginning of February we began to hear that ORR intended to impose new eligibility requirements on sponsors that could make it difficult for parents to sponsor their own children. It was difficult to obtain information about ORR's plans or ICE's role in changing vetting procedures. It was also difficult to meet with leadership about our concerns. When I expressed concerns that new requirements would lead to longer periods in custody, in turn leading to more health and well-being issues for children I was told that none of this mattered as long as children were protected from trafficking. After my departure I continued to monitor developments as best as I could and provided analysis of the impact of the new vetting procedures in articles published by Ms Magazine but that was solely in my individual and private capacity.

I am deeply concerned that the kind of policy based, systemic analysis of ongoing issues that I hoped the Ombuds office would be able to conduct is impossible under the current administration.

2. *As you noted in your written testimony from last October to July of this year, the average length of care of children who are in the Office of Refugee Resettlement's custody grew from 67 days to 187 days. The Office of Refugee Resettlement is statutorily required to minimize the amount of time that a child is in government custody.*
 - *Based on your experience, is the Trump Administration adhering to this statutory requirement?*
 - *How can the Office of Refugee Resettlement strike the proper balance between vetting placements carefully and moving children from government custody into the care of a sponsor?*

- *Given that children are now in the care of the Office of Refugee Resettlement for an average of over 6 months, what legal avenues do these children have to challenge their placements?*

Response:

Thank you for drawing attention to the extraordinary amount of time children are now spending in government custody, even though they often have loving parents or other family members who are prepared and willing to sponsor them. The entire framework of the unaccompanied children's legal system is premised on the importance of acting in the best interests of the child, which includes placing a child in the least restrictive setting possible while in custody and releasing them from custody as quickly as possible once an appropriate sponsor has been identified who can properly care for them.

As with the child welfare system, there is a strong presumption in favor of reunifying parent and child, and decades of evidence demonstrating that children will not thrive in congregate care settings that cannot replicate strong family bonds. These presumptions and lessons are woven into the Homeland Security Act of 2002, which transferred the care and custody of unaccompanied minors to HHS in order to make use of the agency's child welfare expertise, as well as the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) that specifically requires the government to place children in the least restrictive setting possible and prioritizes release to parents or other close relatives, emphasizing use of a best interests standard in determining appropriate treatment throughout the child's immigration journey. The importance of this responsibility is fully described in 45 CFR 410, frequently called the [*Unaccompanied Children Program Foundational Rule*](#). This rule provides a comprehensive framework for protecting children in ORR's care and custody, including the criteria for placement decisions and vetting of sponsors, solidifying the commitment to place the child in a setting that is best suited to their needs and desires.

The Trump administration has repeatedly ignored these laws, threatening children's health, safety and well-being. In [*The Unraveling of ORR*](#), the National Center for Youth Law documents the myriad policy changes ORR has implemented that have extended children's length of time in custody and the devastating mental health impact on children. Similarly, the Acacia Center for Justice has carefully analyzed the data tracking children's time in detention, with alarming findings not only about length of stay, but reasons for release. In [*Dismantling Protections: How ORR Policy Changes Trap Children in Extended Detention*](#), the Acacia Center finds that most children presently in ORR custody are more likely to remain in custody than be released to a sponsor.

Both studies document the direct link between new policies that make it difficult, if not impossible, for parents to sponsor their own children, often because their lack of immigration status precludes them from obtaining documentation now required by ORR. Other new requirements, including mandatory DNA testing, increased documentation for income verification, mandatory fingerprinting for all household members, and in person interviews (at which ICE officials may be present) contribute to the obstacles and risks sponsors face. Even if these requirements may be appropriate in some cases, there is no evidence that blanket requirements of this nature are keeping children safe. In fact, they are harming children more than helping them.

But it is a very reasonable and fair question to ask, as you have, what is the right balance? ORR's responsibility to care for children encompasses both the quality of care they receive while in government custody as well as the obligation to place children with parents or other sponsors who can provide a safe environment for them. Although this balance is often described as one of speed versus certainty, it is better thought of as a risk assessment, in which the possible risks are balanced against known harms. Here, the question is, "What is the tipping point where vetting requirements no longer protect the child, but instead risk hurting them?" The Trump administration has repeatedly taken the position that its extreme policies protect children from trafficking, but it simply cannot be the case that the only way to keep children safe is to lock them away.

Instead, as the Acacia Center recommends, the government must practice nuanced vetting, making use of a variety of tools and practices to ensure that each child receives the best possible placement. By the end of the Biden administration, this vetting was geared to individual children's risk factors, the relationship between the child and the potential sponsor, and background and identity checks. Reasonable minds can disagree about what evidence is sufficient to establish eligibility, but the requirements for sponsorship must be realistic. If a potential sponsor cannot produce a required document, what alternative forms of evidence are available to them? If DNA testing is required, are testing facilities readily available? Are the eligibility requirements creating or exacerbating delays elsewhere in the system? If so, and if the requirement is truly necessary, how can ORR reduce the delays on its end? If policies are in place that discourage sponsors from coming forward (such as allowing ICE agents to be present during sponsor interviews), are those policies really serving the best interests of the child? If there are additional risk factors in a household, what steps can be taken to reduce or eliminate those risks before ruling out the sponsor?

It is also important to treat vetting as only one part of the broader effort to protect the child's best interests. Access to post-release services and legal representation ensure that children have multiple avenues for seeking assistance and support. And if a child does appear to be in danger, ORR should have policies in place that can swiftly assist the child, whether that is working through state and local child protection agencies or through direct intervention from ORR. Continued funding from Congress to support these services is therefore necessary to ensure that the government meets its statutory obligation to children.

In cases where children are not released to a sponsor, a sponsor may appeal the decision for a review before the Assistant Secretary for the Administration of Children and Families or their designee (45 CFR 410.1206) and could further pursue a writ of habeas corpus. Where the issue is systemic, however, legal challenges are often filed on behalf of parents or children. Several cases are currently pending, including *Angelica S. v. HHS* in which the plaintiffs argue that the Trump administration's new sponsorship policies are inconsistent with the law and violate parental rights. Plaintiffs obtained preliminary injunctions that preclude the government from applying some of the new policies to children in ORR custody on or before April 22, 2025, while that litigation proceeds.

In some cases, existing court orders or settlements govern placement decisions, including the 1997 landmark *Flores v. Reno* settlement agreement, which established the placement principles that have been subsequently codified by law and regulation, and which remains in effect for certain types of placement decisions made by ORR today. Another example is the settlement in *Garcia Ramirez, et al.*, a lawsuit arising from the first Trump administration's attempt to immediately place

children into adult detention facilities if they turn 18 while in ORR custody. Under terms of the settlement, if children cannot be placed by ORR, ICE must consider alternative forms of detention rather than automatically assign the child to an adult detention facility. Nonetheless, on October 1, 2025, ICE issued new guidance requiring adult detention for unaccompanied minors who turn 18, in direct violation of the settlement. Plaintiffs immediately challenged the order; the court just as quickly entered a Temporary Restraining Order against the implementation of the policy.

Thank you for the opportunity to discuss the complex issues facing unaccompanied children in ORR custody and for your ongoing support of fair treatment for all children.



10/9/2025

Report on the Unaccompanied Alien Children (UAC) Program: Field Findings and Systemic Failures

Introduction

My research partner, Dr. Jarrod Sadulski, and I have conducted extensive fieldwork on U.S. border operations, interviewing human traffickers, cartel members, whistleblowers, and Unaccompanied Alien Children (UACs). Our findings confirm that the UAC Program has devolved into an "assembly line of exploitation," where federal policies, NGO mismanagement, and cartel infiltration create cascading vulnerabilities. These failures not only imperil vulnerable children but also erode national security, demanding urgent reforms to safeguard lives and borders.

Response to Senate Testimony on Unaccompanied Alien Children (UAC) Exploitation

Thank you for highlighting these issues from my testimony - I stand them fully. UACs often arrived at U.S. borders with prewritten instructions from unidentified handlers, directing them to request named sponsors. Paired with the Biden Administrations' accelerated sponsor placement process, this created an "assembly line of exploitation," funneling children into trafficking networks with minimal safeguards. Drawing from field research, whistleblower interviews, and documented cases, here's how we found cartels exploited the system.

Question 1: How Cartels Exploited the Sponsor System

1. Coached Instructions and Fraudulent Sponsor Requests

- Cartel operatives coached children en route to memorize or carry sponsor details, bypassing initial vetting. Without mandatory DNA testing by Customs and Border Protection (CBP), familial claims go unverified, releasing minors to unvetted individuals.
- *Example:* We personally saw UACs as young as 8 have presented identical handwritten notes naming the same "sponsor" in distant states, sourced from cartel handlers they could not identify. This speeds releases but masks trafficking endpoints.

2. Identity Laundering and Infiltrated Processes

- Cartels routinely alter documents (names, ages, origins) to pose adults as family or hide criminal ties, corrupting U.S. records and enabling "laundering" of identities.
- They infiltrate NGOs, turning aid into smuggling routes. Preselected sponsor info exploits rules prioritizing quick placements over scrutiny.

3. Inadequate Vetting and Dangerous Releases

- Background checks, home studies, and household visits are routinely waived or rushed. Sponsors often prove to be fronts for exploitation, for example, empty lots, illicit businesses like strip clubs, or fast-food sites listed as "homes."
- **Legislative Gap:** The Kayla Hamilton Act (H.R. 125, introduced by Rep. Russell Fry) exposes this by mandating checks on both sponsors and UACs, revealing ties to foreign crimes or cartels that current protocols ignore.

4. Facility and Operational Breakdowns

- Endeavors (Pecos, TX): Unvetted staff accessed dorms; explicit "dance routines" targeted girls; excessive vaccinations caused collapses; early releases dodged ICE scrutiny. Whistleblowers fired for flagging sponsor concerns.
- Cherokee Federal (Pomona Fairplex, CA): Sex offender accessed kids due to background check delays; hundreds of children miscounted, missing records, moldy food, drugs found on site (ex. a 5-year-old with a vape); abortions for teenage girls without guardian consent.

5. Transportation and Post Placement Risks

- Minors shipped nationwide via chartered flights, commercial airlines, and buses with little oversight. Many traveled alone, to wrong destinations, or without sponsors, prompting CPS interventions.
- *Example 1:* Association for the Recovery of Children documented multiple ORR violations while observing a charter flight of migrant children arrive in Tennessee.
- *Example 2:* Former MVM site supervisor reported staff raising concerns about children crying and not knowing who their sponsors were. Upper management reportedly said, "We're going to have to start flying some of these kids overseas. There aren't enough sponsors, and we need to get them out of here."

6. Post Placement Breakdowns

- Most follow-ups relied on unanswered phone calls, allowing cases to be closed prematurely. Over 300,000 UACs remain unaccounted for. Data was not shared with state agencies to permit state conducted welfare checks.
- *Example:* Our field research documented 117 UACs trafficked to a Midwest farm where children presented with STDs and a thirteen-year-old arrived pregnant. Our intervention triggered an active criminal investigation.

Question 2: Why Children Were Told to Request Specific Sponsors

Based on our research and direct experience in these cases, many children were deliberately coached by cartel operatives or their intermediaries to request specific, preselected sponsors, often individuals or fronts with established ties to trafficking networks, to ensure seamless handoff and continued exploitation after release from government custody. This coaching occurred during transit, with handlers providing scripted details, including sponsor names, addresses, and even fabricated familial relationships, to exploit the systems emphasis on rapid placement over rigorous verification.

To your specific example: Yes, I firmly believe UACs were purposely directed to request sponsors who evaded or minimized background checks, allowing numerous direct placements into the hands of human traffickers or cartels. The sponsor vetting process under the current framework relies heavily on self-reported information submitted via insecure channels, such as WhatsApp messages containing scanned IDs, without mandatory biometric verification, facial recognition, or in person confirmation. This creates a vulnerability that traffickers exploit by selecting "sponsors" who appear low risk on paper but are unvetted in practice, individuals without prior U.S. records, using stolen identities, or posing as distant relatives.

Indicators of this widespread fraud are stark: Though no comprehensive count exists due to inadequate tracking, HHS audits and internal reviews have revealed that nearly 70 percent of sponsor applications contained fraudulent information, including falsified documents and mismatched identities. Post release monitoring, which often consists of little more than unanswered phone calls, compounds the issue, repeatedly failing to detect when children are rerouted to exploitation sites. At its core, the unreliability of the systems data, where unverified IDs flood a compromised database, enables this pipeline, turning releases into predetermined trafficking endpoints. Strengthening mandatory DNA testing, biometric sponsor matching, and comprehensive home studies is critical to dismantling this tactic.

Systemic Issues Across All Steps

1. **NGO Mismanagement:** Unvetted staff, silenced whistleblowers, and blocked oversight.

2. **Cartel Exploitation:** Embedded themselves in sponsor pipelines and NGO processes.
3. **Federal Oversight Gaps:** ORR and DHS contractor layers eroded accountability.
4. **Financial Misuse:** \$20B+ in federal funding rewarded output (speed) over outcomes (safety).

Recommendations

- Sponsor vetting: Mandate in-person home studies, ID/income/relationship verification; integrate DNA/biometrics; flag multi-child/repeat-address links.
- Post placement monitoring: require 6–12 months of in-person monitoring; share data with state welfare agencies.
- Policy shift: Pass/enforce Kayla Hamilton Act; prioritize “safe release” over “fast release”.

**More extensive recommendations included as an addendum.*

Conclusion

Our research confirms children were deliberately coached to request cartel-linked sponsors, securing traffickers' control over minors even after federal release. Weak identity verification, NGO mismanagement, and obstructed oversight have forged a system prioritizing speed over safety, funneling children into national-scale trafficking pipelines. Only by enforcing accountability and child-first safeguards—replacing profit with protection—can we dismantle this taxpayer-funded pipeline and reclaim border integrity.

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ADDENDUM: UAC PROGRAM POLICY RECOMMENDATIONS

1. **Conduct Forensic Audits of Major Contracts:** Require independent audits of all ORR and ICE/DHS contracts starting with contracts over \$100 million. Auditors should follow the money - examining spending for unused facilities, executive compensation from grant funds, and contract compliance. Wasteful or abusive contracts must be suspended, terminated, and unspent funds clawed back.
2. **Strengthen Vetting and Oversight:** Rebuild the sponsor vetting process from the ground up. This means re-imposing rigorous background checks (including fingerprinting and criminal/abuse registry checks for all adults in a household) before a child is released. Require proof of identity, income, and relationship for sponsors, and flag cases with multiple sponsor applications or addresses receiving numerous children. Home studies (in-person home visits) by social workers should be mandated for all high-risk placements (ideally for all placements of UACs), both before release and as follow-up. ORR should not hesitate to deny or delay release if a sponsor raises any concern. The goal must shift from "fast release" to "safe release." Congress is already considering legislation to this effect (such as H.R. 5018, the Stop Human Trafficking of Minors Act, which would tighten sponsor requirements). These reforms need to be enacted and enforced.
3. **Expand Post-Release Monitoring:** Children must not disappear after leaving government custody. ORR should partner with state agencies and NGOs to conduct in-person check-ins for 6–12 months. Missed court dates, school absences, or unanswered calls should trigger welfare investigations. A national database must track outcomes, with regular public reports to hold agencies accountable.
4. **Create Independent Oversight and Accountability:** Establish a federal oversight body (either within GAO or as a dedicated Inspector General task force) that has the authority to audit contractors, conduct unannounced inspections, investigate whistleblower reports, and refer cases for prosecution. Establishing this accountability is critical to changing the current culture of impunity.
5. **Close Loopholes and End "Shadow" Programs:** Prohibit extralegal custody arrangements like hoteling. Every minor must be housed in licensed facilities with vetted staff, legal counsel, and child advocates. Emergency shelters must meet the same standards as ORR shelters. Contracts should be performance-based, tied to child safety, not headcounts.
6. **Strengthen Collaboration with Law Enforcement:** The immigration and law enforcement agencies must work together to identify and dismantle trafficking rings that target UACs. This includes data-sharing: HHS/ORR should provide

DHS and DOJ with information on suspicious sponsor patterns (e.g. one person sponsoring multiple unrelated kids, or many kids going to the same factory or address). DHS in turn should ensure any intelligence about cartel involvement is relayed to HHS. Task forces can be formed in hotspot areas to proactively check on clusters of UAC placements for signs of labor exploitation. Recent large-scale raids (like the California farm case) show the effectiveness of joint action when agencies coordinate.

A P P E N D I X

The following submissions are available at:

<https://www.govinfo.gov/content/pkg/CHRG-119shrg62654/pdf/CHRG-119shrg62654-add1.pdf>

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