

NATIONAL IMMIGRANT JUSTICE CENTER

July 10, 2018

ACF Reports Clearance Officer
Administration for Children & Families
Office of Planning, Research, and Evaluation
330 C Street, S.W.
Washington, D.C. 20201

Via e-mail: infocollection@acf.hhs.gov

RE: HHS ACF Notice of Sponsorship Review Procedures for Approval for Unaccompanied Alien Children, OMB No.: 0970-0278

Dear Reports Clearance Officer:

The National Immigrant Justice Center (NIJC) appreciates the opportunity to comment on the Notice of Sponsorship Review Procedures for Approval for Unaccompanied Alien Children published May 15, 2018 (the “Notice”) by the office of Administration for Children (ACF), Office of Refugee Resettlement (ORR), Department of Health and Human Services (HHS, or the “Department”). *See* Federal Regulation No. 94, Vol. 83 at 22490-22491.

The National Immigrant Justice Center (NIJC) is dedicated to ensuring human rights protections and access to justice for immigrants, refugees, and asylum seekers. NIJC provides direct legal services to and advocates for these populations through policy reform, impact litigation, and public education. Since its founding more than three decades ago, NIJC has been unique in blending individual client advocacy with broad-based systemic change. NIJC is the largest legal service provider for unaccompanied immigrant children in Illinois, Indiana and Wisconsin, including children held in or released from the custody of the Office of Refugee Resettlement (ORR). More broadly, NIJC provides legal services to more than 10,000 individuals each year, including numerous caregivers of citizen and noncitizen children.

The release of unaccompanied children from Office of Refugee Resettlement (ORR) custody to the care of safe and capable sponsors, most often parents or close family members, plays a critical role in the ability of children to process and work through painful experiences, adapt to a new country and community, and coordinate with legal counsel to prepare their legal cases. As such, NIJC has a strong interest in the content of the Notice’s proposed instruments, Sponsor’s

Agreement to Conditions of Release (ORR R-420 & ORR R-420s) (“Sponsor’s Agreement”), Verification of Release (ORR R-535), Family Reunification Packet (ORR FRP-081), and the Authorization for Release of Information (ORR R-317, FRP-2), Family Reunification Checklist for Sponsors (FRP-3AS, FRP-3A), Fingerprint Instructions (FRP-7), and Letter of Designation (FRP-9).

We are concerned about immigration screening and enforcement against individuals who might be deemed the safest and most capable caregivers for unaccompanied children. The new procedures will alter longstanding practice and frustrate the ability of the Office of Refugee Resettlement (ORR) to place children in the “least restrictive setting” in their best interests pursuant to the Homeland Security Act of 2002, the Trafficking Victims Protection Reauthorization of 2008 (TVPRA), and the *Flores* Settlement Agreement. Furthermore, the instruments do not give the potential sponsor or the unaccompanied child adequate notice of the information-sharing with Immigration and Customs Enforcement (ICE), nor of the potential uses ICE may make of their data.

NIJC offers the following comments to ensure ORR’s continued ability to comply with its legal responsibility for identifying, vetting, and placing children with safe and capable caregivers.

A. The Notice’s new sponsorship review procedures covering potential sponsors and their adult household members will create a pronounced chilling effect deterring sponsorship of unaccompanied children for release from government detention.

The proposed changes would effectuate a broad and troubling shift in the focus of the sponsor review process from child welfare and family reunification to immigration enforcement. In addition to disregarding the best interests of children, the use of this information to arrest and deport capable caregivers increases the vulnerability of children to trafficking and other harm.

In vetting potential sponsors for unaccompanied children, ORR requires interviews and background checks of potential sponsors, along with the completion of a family reunification application. Fingerprinting is also required for some sponsors, including non-parents and those seeking to sponsor children identified as victims of trafficking and abuse. As part of routine background checks, immigration status information may appear and be documented in ORR’s system, but is used for child welfare rather than enforcement purposes.¹ Under previous requirements, within 24 hours of a child’s release, ORR routinely provided the Department of Homeland Security (DHS) with demographic information and the child’s and sponsor’s names, address, and relationship, for use in connection with the child’s immigration proceedings. DHS

was generally treated similarly to all other individuals and entities, and was required to submit a detailed, individualized request for all other information.²

The new Memorandum of Agreement (MOA) between ORR and DHS markedly expands the universe of information readily available to DHS about children in ORR care, their potential sponsors, and others living in the sponsors' homes. In implementing this agreement, ORR will provide DHS biographic and biometric information, names, addresses, and other documents of potential sponsors as well as any adults residing in the potential sponsors' homes.^{3,4} More than a mere technicality, this expansion will act as a powerful deterrent to individuals seeking to sponsor their children or relatives out of ORR custody.

In addition to foreclosing the reunification of children with safe and capable caregivers who may be undocumented, the proposed changes may deter individuals who are lawfully present, including U.S. citizens, from sponsoring unaccompanied children in order to avoid interacting with Immigration and Customs Enforcement (ICE) or exposing others living with or near them to potential interaction or enforcement.⁵ A similar chilling effect emerged during the summer of 2017, following ICE's enforcement actions against sponsors as part of the agency's "Human Smuggling Disruption Initiative." Despite lacking any involvement in smuggling, the fear of immigration or criminal enforcement, or mere interaction with DHS, caused some potential caregivers with legal status to forgo sponsoring children out of ORR custody.⁶

Widespread fear among adults of interacting with ORR's sponsorship process poses significant consequences for the well-being of children in federal care. Absent the participation and trust of unaccompanied children and potential sponsors in this process, ORR will be unable to promptly identify safe and appropriate placements for unaccompanied children. As ORR seeks to locate alternate sponsors, children will remain confined in federal facilities at taxpayer expense, exacerbating the trauma and distress of survivors of violence and abuse in particular.⁷ Far from protecting children, as the MOA's information-sharing purports to intend, these outcomes will increase the risk that children, isolated and fatigued by prolonged detention, will be forced into a false choice between indefinite detention and a return to the same dangers from which they fled. This result would not only endanger children, but also may render hollow critical humanitarian protections enacted by Congress and run contrary to our country's obligations under international law.⁸

B. The chilling effect of the new Memorandum of Agreement will likely necessitate increased release to unrelated and unfamiliar sponsors, putting children at greater risk of trafficking or other harm.

Alternatively, if parents or other trusted prospective caregivers are deported, ORR will be required to depend on the willingness of other, unfamiliar individuals to serve the role of

sponsor. The placement of children with sponsors with whom they do not have a familial or personal relationship may, however, put children at greater risk of trafficking or other harm upon their release from ORR custody, and may otherwise negatively impact children's welfare.⁹ We urge HHS to rescind the new procedures and cancel its Memorandum of Agreement with DHS to ensure ORR's ability to identify and place children with the best and safest caregivers for them, pursuant to federal law, unimpeded by DHS' competing immigration enforcement priorities.

C. The new Authorization for Release of Information (ORR R-317) and Family Reunification Packet (ORR FRP-081) do not adequately inform potential sponsors of the sharing of their data with and use by Department of Homeland Security as described in the Notice and Memorandum of Agreement in a manner consistent with obtaining their meaningful consent.

The Notice states that,

“The information collection will allow ACF to conduct suitability assessments to vet potential sponsors of unaccompanied alien children in accordance with a Memorandum of Agreement (MOA) between ORR and the Department of Homeland Security. Specifically, the information collection allows ORR to obtain biometric and biographical information from sponsors, adult members of their household, and adult care givers identified in a sponsor care plan, where applicable. ORR in turn shares the information collected with other federal departments to conduct background checks.”

However, the Authorization for Release of Information form FRP-2 makes no mention of the uses DHS may make of a potential sponsor's information as described in the MOA. Rather, the other family reunification forms direct applicants to a privacy notice, while the Authorization for Release of Information form states only that,

“The biometric and biographical information, including fingerprints, is shared with Federal, state, or local law enforcement agencies and may be used consistent with their authorities, including with the U.S. Department of Homeland Security (DHS) to determine my immigration status and criminal history, and with the Department of Justice (DOJ) to investigate my criminal history through the National Criminal Information Center.”

This statement is too vague to adequately disclose to an individual completing the application that the information may be used for law enforcement purposes by Immigration and Customs Enforcement (ICE) within DHS. The statement implies that the information will be used only to determine whether the individual is an appropriate sponsor. Furthermore, this statement in the Authorization for Release of Information does not indicate any durational limitations on the

information sharing, potentially authorizing perpetual use of any information, including invasive biometric data, gathered from the applicant. Similarly, the “other departments” language indicates that information might be shared with government departments other than DHS, making the extent of the information sharing even less clear.

The Notice and Authorization for Release of Information form also lack precision and detail in their descriptions of information sharing. The proposed instruments do not provide complete and specific information on all of the potential uses ICE or other DHS components may make of the information, nor do they capture the scope of information DHS may request from ORR. As a result, ORR asks potential sponsors and other adult household members to provide *carte blanche* to ORR, ICE, and any other federal, state, or local law enforcement authority to receive, possess, and use their biographical and biometric information indefinitely and without clear limitations.

In addition, the new Authorization for Release of Information form asks for information “required for background check,” and “conducting my background investigation or sponsorship assessment,” indicating that the information is being collected for the purposes of completing a background check on the sponsor. The authorization requested would include not only personally identifying information such as names and addresses, but also biometrics for potential sponsors and other adults living in a potential sponsors’ homes. The agency’s vague reference to assessing “ability to provide appropriate care and placement of a child and for providing post release services, as needed...” fails to provide sponsors and potential caregivers or household members with adequate notice of how and for what purpose their personal information will be collected and disseminated. In the absence of such clarity, sponsors will be unable to provide meaningful consent to the collection of their information by DHS directly or by ORR, which pursuant to the new MOA will routinely share information with DHS.

Page two of the Family Reunification Application includes a “Frequently Asked Questions” section that poses the question, “Can I sponsor my child if I am undocumented” with a response, “Yes. ORR/DUCO prefers to release a child to a parent or legal guardian, regardless of your immigration status.” This statement is misleading to potential sponsors because it fails to mention the law enforcement use that DHS will make of their data pursuant to the MOA which this Notice aims to implement. In its System of Records Notice implementing the MOA, ICE explicitly lists one of its purposes for information on potential sponsors and adult household members shared by ORR “to identify and arrest those who may be subject to removal”. ORR cannot obtain meaningful consent from potential sponsors applying through these proposed instruments while failing to acknowledge (1) the information sharing and (2) ICE’s purposes for collecting information on potential sponsors.

D. The new procedures frustrate the ability of the Office of Refugee Resettlement to place unaccompanied children in the “least restrictive setting” in their best interests consistent with federal law and settlement authority.

The Homeland Security Act of 2002 transferred most of the duties and responsibilities of the former Immigration and Naturalization Service to the Department of Homeland Security. Congress recognized, however, that assigning care and custody of the most vulnerable migrant children to an enforcement agency would not be “appropriate” and instead transferred these responsibilities to ORR, in light of its extensive and specialized experience working with refugee children.¹⁰ Since that time, ORR has provided care for unaccompanied children through a network of contracted shelters and facilities nationwide.

Pursuant to the TVPRA, ORR is obligated to ensure that unaccompanied children are “promptly placed in the least restrictive setting that is in the best interest of the child.”¹¹ ORR evaluates potential sponsors for their ability to provide for a child’s safety and well-being¹² and to ensure the child’s appearance at immigration proceedings.¹³ Pursuant to the *Flores* Settlement Agreement, parents and legal guardians receive priority among potential sponsors, who may also include other immediate relatives, distant relatives, or unrelated individuals.¹⁴ Lawful immigration status is not a prerequisite for sponsorship, in recognition that children are better served with safe and capable caretakers in a home than by remaining in federal detention and that a potential caretaker’s immigration status is not relevant to his or her fitness to care appropriately for a child. Indeed, in the past, ORR has explained that while the agency has received information about a potential sponsor’s immigration status since 2005, it has been the agency’s policy to enable “the release of unaccompanied alien children (UAC) to undocumented sponsors, in appropriate circumstances and subject to certain safeguards.”¹⁵

In its System of Records Notice implementing the MOA, DHS explicitly lists one of its purposes for information on potential sponsors and adult household members shared by ORR “to identify and arrest those who may be subject to removal”.¹⁶ ICE’s use of immigration status information from the sponsorship process to identify targets for immigration enforcement will likely prevent many children from reunifying with the best and safest caregivers for them, as a result of their relatives’ arrest or deportation by ICE, or more general fear of interaction with or potential mistreatment by ICE.¹⁷

Enforcement against potential sponsors and others living with them poses significant and enduring psychological and emotional trauma, and mental health consequences for children, as documented in a December 2017 complaint to DHS’ Office of Inspector General and Office of Civil Rights and Civil Liberties regarding the agency’s targeted enforcement actions against sponsors last year.¹⁸ Indeed, the use of information provided for sponsorship purposes for immigration enforcement increases the likelihood that children will interpret their own search for

protection as the cause of their sponsor's interaction with ICE, or potential detention or deportation. Compounding this trauma, children likely will be detained for prolonged periods of time if potential sponsors decline to come forward or are detained or deported. In addition to imposing significant costs on ORR,¹⁹ prolonged detention and the unavailability of familial sponsors increase the likelihood that children will be placed with unrelated or unfamiliar caregivers, at increased risk of trafficking and other harm. This result, far from being in the best interests of children, is the very opposite of that intended by both *Flores* and the TVPRA.²⁰

While criminal information available through ORR's existing background checks may be useful in evaluating a sponsor's ability to offer a safe home, an individual's immigration history and status offers little such benefit. The unique bonds and support shared by parents and their children, and the benefits of family reunification, exist *regardless* of one's immigration status. This recognition is reflected in child welfare practice throughout the country. ICE's use of sponsor information for enforcement would effectively disrupt family reunification in the absence of evidence indicating any correlation between a proposed sponsor's immigration status and danger to a child. Determinations about the most appropriate sponsors for vulnerable children should be based on a child welfare professional's individualized assessment of a child's unique needs and best interests, *not* on DHS' immigration enforcement priorities.

E. Enforcement against sponsors and other adults in the potential sponsors' households will frustrate access to due process for unaccompanied children.

The expanded information sharing with DHS, coupled with ICE's explicit intention to use the information of potential sponsors and adult household members to identify and arrest those subject to deportation, also creates significant barriers for the legal cases of unaccompanied children. Given the pervasive fear caused by targeted enforcement, potential sponsors may hesitate to interact with children in ORR custody. In addition to erecting hurdles to routine communication, enforcement and its related chilling effect will deprive children of access to information and documentation that may be necessary to prove their legal cases.

Parents and other close family members frequently possess contextual information and evidence that is essential to substantiate children's asylum cases but that may be unavailable to children, owing to their tender age or their parents' efforts to shield them from the dangers facing their families.²¹ The detention and deportation of proposed caregivers will make it more difficult for children to obtain critical information and documents to prove their cases, due to difficulties in communicating with parents who are detained or residing in remote areas in foreign countries.

Adding to these challenges, enforcement against caregivers will require that children navigate their legal cases while in detention awaiting others who might step forward to sponsor them out of ORR custody. In addition to frustrating access to attorneys and social services,

detention imposes significant psychological and emotional burdens on children who have endured past trauma and who are seeking humanitarian relief.²² With uncertainty about the whereabouts of their loved ones and when they will be released from detention, children will be faced with the false choice of remaining confined indefinitely or returning to the dangers from which they fled. A process designed to reunite children with caregivers while they await immigration proceedings should never be used to undermine children's very participation in these proceedings, which may determine their safety and their futures.

F. The information collection compromises the welfare of unaccompanied immigrant children so that ICE may pursue their potential sponsors and family members for civil immigration enforcement.

Although the Notice claims that ORR will share the information because DHS seeks the biographical and biometric information of potential sponsors and their adult household members to “inform determinations regarding sponsorship of unaccompanied alien children who are in the care and custody of HHS”, the Notice fails to demonstrate that the proposed immigration and criminal background checks by DHS safeguard the best interests of children in HHS custody. This silence is particularly notable in the face of the purpose stated elsewhere by DHS for collecting potential sponsor information: “to identify and arrest those who may be subject to removal”. No information or analysis is proffered of the likely effects, beneficial or deleterious, on the unaccompanied children.

Elsewhere in the public record, DHS claims that its new system of records, enabled by these procedures, is meant to protect children.²³ However, as in this Notice, these claims lack any detailed or evidence-based justification for using information obtained from unaccompanied children to take civil immigration enforcement action against the very adults with whom these children hoped to find safety. When considered in the context of DHS's poor track record of safeguarding the safety and rights of children²⁴ and coupled with DHS's stated purpose of using unaccompanied children as conduits for civil immigration enforcement actions against their families, circumstances suggest that DHS is using lip service to child welfare concerns as a shield to obscure practices that disregard children's wellbeing.

NIJC is deeply concerned by the corruption of ORR's process for reunifying unaccompanied children with family members in the service of DHS civil law enforcement priorities seeking to identify and arrest potential sponsors and other adults living in the potential sponsors' homes. Such enforcement actions—and fear of them—would have far-reaching emotional and psychological consequences for children and frustrate the ability of ORR to identify and promptly place children with the best and safest caregivers. This result would run contrary to both *Flores* and the TVPRA, and negatively impact children. We urge HHS to rescind these

procedures and cancel its Memorandum of Agreement with DHS to ensure the best interests of children remain the overarching and unimpeded priority of ORR’s sponsorship review process.

Sincerely,

/s/

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¹ ORR, Sponsors and Placement: Release of Unaccompanied Alien Children to Sponsors in the U.S., <https://www.acf.hhs.gov/orr/about/ucs/sponsors>.

² ORR, *Request for UAC Case File Information*, <https://www.acf.hhs.gov/orr/resource/requests-for-uac-case-file-information> (last updated Dec. 8, 2017).

³ 83 Fed. Reg. at 20846 (noting among purposes of the system “[t]o screen individuals to verify or ascertain citizenship or immigration status and immigration history, and criminal history to inform determinations regarding sponsorship of unaccompanied alien children . . . and to identify and arrest those who may be subject to removal”). Categories of individuals covered by the proposed system include “[i]ndividuals seeking approval from HHS to sponsor an unaccompanied alien child, and/or other adult members of the potential sponsor’s household.” *Id.*

⁴ See Eli Hager, *Trump’s Quiet War on Migrant Kids: How the administration is turning child protection into law enforcement* (May 1, 2018), <https://www.themarshallproject.org/2018/05/01/trump-s-quiet-war-on-migrant-kids>.

⁵ See KIND, *Targeting Families* (Dec. 2017), https://supportkind.org/wp-content/uploads/2017/12/Targeting-Families_-December-2017_Final-v.2.pdf.

⁶ See *Id.* at 12-13.

⁷ See, e.g., U.N. Convention on the Rights of the Child (September 2, 1990); General Comment 6 to the Convention pgh. 47, “Treatment of Unaccompanied and Separated Children Outside their Country of Origin” (CRC 2005) (“[States] should, in particular, take into account the fact that unaccompanied children have undergone separation from family members and have also, to varying degrees, experienced loss, trauma, disruption and violence. Many of such children, in particular, those who are refugees, have further experienced pervasive violence and the stress associated with a country afflicted by war. This may have created deep-rooted feelings of helplessness and undermined a child’s trust in others. . . . The profound trauma experienced by many affected children calls for special sensitivity and attention in their care and rehabilitation.”); Am. Academy of Pediatrics, *Detention of Immigrant Children*, *Pediatrics* (Apr. 2017), at 6-7, <http://pediatrics.aappublications.org/content/pediatrics/early/2017/03/09/peds.2017-0483.full.pdf> (discussing research finding “high rates of posttraumatic stress disorder, anxiety, depression, suicidal ideation, and other behavioral problems” among unaccompanied immigrant children who are detained and noting the vulnerability of

children who have experienced trauma and violence to additional trauma and fear); see Am. Psychological Ass'n, *Disrupting Young Lives: How Detention and Deportation Affect US-born Children of Immigrants*, CFY News (Nov. 2016, <http://www.apa.org/pi/families/resources/newsletter/2016/11/detention-deportation.aspx> (noting that immigrant detention "is related to persistent negative mental health outcomes, including depression, PTSD and anxiety").

⁸ See 8 U.S.C. § 1158 (asylum); Article 33 (1) of the 1951 Convention Relating to the Status of Refugees, which states that:

No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

Id. (While the U.S. is not a signatory to the 1951 Convention, it has acceded to the 1967 Protocol Relating to the Status of Refugees, which incorporates this obligation through Article I(1) of that agreement).

⁹ See, e.g., FBI, *New Fraud Schemes Targeting Families of Unaccompanied Children* (July 19, 2014), <https://www.fbi.gov/contact-us/field-offices/sanantonio/news/press-releases/new-fraud-schemes-targeting-families-of-unaccompanied-children>.

¹⁰ See, e.g., 148 Cong. Rec. S8180 (2002) (letter from Sen. Lieberman & Sen. Thompson):

Currently, INS has responsibility for the care and custody of these children. It would not be appropriate to transfer this responsibility to Department of Homeland Security. This legislation transfers responsibility for the care and custody of unaccompanied alien children who are in Federal custody . . . to the Office of Refugee Resettlement . . . ORR has decades of experience working with foreign-born children, and ORR administers a specialized resettlement program for unaccompanied refugee children.

Id.

¹¹ 8 U.S.C. § 1232(c)(2)(A).

¹² 8 U.S.C. § 1232(c)(3)(A). "[A]n unaccompanied alien child may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child's physical and mental well-being. Such determination shall, at a minimum, include verification of the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child."

¹³ 6 U.S.C. § 279(b)(2)(A).

¹⁴ *Flores Settlement Agreement* ¶ 14; 8 U.S.C. § 1232(c); ORR, Sponsors and Placement: Release of Unaccompanied Alien Children to Sponsors in the U.S., <https://www.acf.hhs.gov/orr/about/ucs/sponsors>; U.S. Dep't of Health and Human Services, Office of Inspector General, HHS's Office of Refugee Resettlement Improved Coordination and Outreach to Promote the Safety and Well-Being of Unaccompanied Alien Children (July 2017) ("ORR releases most children to their parents or an immediate relative.").

¹⁵ ORR, Sponsors and Placement: Release of Unaccompanied Alien Children to Sponsors in the U.S., <https://www.acf.hhs.gov/orr/about/ucs/sponsors>.

¹⁶ 83 Fed. Reg. at 20846 (noting among purposes of the system "[t]o screen individuals to verify or ascertain citizenship or immigration status and immigration history, and criminal history to inform determinations regarding sponsorship of unaccompanied alien children . . . and to identify and arrest those who may be subject to removal"). Categories of individuals covered by the proposed system include "[i]ndividuals seeking approval from HHS to sponsor an unaccompanied alien child, and/or other adult members of the potential sponsor's household."

¹⁷ See, e.g., Janell Ross, Aaron C. Davis & Joel Achenbach, *Immigrant community on high alert, fearing Trump's 'deportation force'*, Wash. Post., Feb. 11, 2017 ("Fear and panic have gripped America's immigrant community as reports circulate that federal agents have become newly aggressive under President Trump, who campaigned for office with a vow to create a 'deportation force.'"); Kathleen M. Roche, et. al, *Impacts of Immigration Actions and News and the Psychological Distress of U.S. Latino Parents Raising Adolescents*, J. of Adolescent Health (2018) at p. 5, http://www.jahonline.org/pb/assets/raw/Health%20Advance/journals/jah/jah_10367.pdf ("Evidence for adverse consequences of immigration actions and news across residency statuses is consistent with research indicating that immigration policy can be equally harmful to documented and undocumented Latinos.").

¹⁸ See, e.g., Nat'l Immigrant Justice Center, et al., Complaint to DHS Acting Inspector General and DHS Office of Civil Rights and Civil Liberties Re: ICE and CBP Coercive Enforcement Actions against Sponsors of Unaccompanied Children Conducted in Violation of Family Unity, Protection, and Due Process Rights, at 3 (Dec. 6, 2017), http://www.immigrantjustice.org/sites/default/files/content-type/press-release/documents/201712/Sponsor%20Enforcement-OIG_CRCL_Complaint_Cover_Letter-FINAL_PUBLIC.pdf; Wendy Cervantes and Christina Walker, Center for Law and Social Policy (CLASP), *Five Reasons Trump's Immigration Orders Harm Children*, Apr. 2017; Leila Schochet, Center for American Progress, *Trump's Immigration Policies Are Harming American Children*, Jul. 31, 2017.

¹⁹ See Government Accountability Office, *Unaccompanied Alien Children: Actions Needed to Ensure Children Receive Required Care in DHS Custody*, at 66 (July 2015), available at <https://www.gao.gov/assets/680/671393.pdf> (estimating the average daily cost per bed in a basic shelter at \$248 for fiscal year 2014).

²⁰ See Cong. Record (House), William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Dec. 10, 2008, at H10902, Statement of Rep. Smith (NJ) (“By protecting the victims and not sending them back to their home country where they are often exploited in a vicious cycle of exploitation, we say to the victims we will make every effort to make you safe and secure.”); *id.* at 10903, Statement of Rep. Loretta Sanchez (CA) (The TVPRA “provides additional protections for trafficking survivors who are threatened by trafficking perpetrators, and for children who are at risk of being repatriated into the hands of traffickers or abusers.”).

²¹ See, e.g. KIND, *Betraying Family Values: How Immigration Policy at the United States Border is Separating Families* (Jan. 2017), https://supportkind.org/wp-content/uploads/2017/04/BetrayingFamilyValues_April-2017.pdf at 13-14 (discussing the due process implications of separating family members).

²² See *supra* note 7.

²³ See, e.g., Nick Miroff, Wash. Post, *Trump's 'zero tolerance' at the border is causing child shelters to fill up fast*, May 29, 2018, at https://www.washingtonpost.com/world/national-security/trumps-zero-tolerance-at-the-border-is-causing-child-shelters-to-fill-up-fast/2018/05/29/7aab0ae4-636b-11e8-a69c-b944de66d9e7_story.html?utm_term=.bfc26eccc3ea.

²⁴ See, e.g., Government Accountability Office, *Unaccompanied Alien Children: Actions Needed to Ensure Children Receive Required Care in DHS Custody*, July 14, 2015, at <https://www.gao.gov/products/GAO-15-521>; Am. Academy of Pediatrics, Pediatrics, Detention of Immigrant Children (Apr. 2017), at <http://pediatrics.aappublications.org/content/pediatrics/early/2017/03/09/peds.2017-0483.full.pdf>; Report of the DHS Advisory Committee on Family Residential Centers, Sept. 30, 2016, at <https://www.ice.gov/sites/default/files/documents/Report/2016/ACFRC-sc-16093.pdf>.