



Where We Stand: A 20-Year Retrospective of the Unaccompanied Children’s Program in the United States

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CHAPTER FOUR PART ONE: Home Studies and Post–Release Services for Unaccompanied Children

The U.S. Committee for Refugees and Immigrants (USCRI) and The Children's Village present chapter four, part one, of Where We Stand: A 20-Year Retrospective of the Unaccompanied Children's Program in the United States. The retrospective will review the Unaccompanied Children's Program from the passage of the Homeland Security Act (HSA) of 2002 until today. It assesses 20 years of legislation, policies, litigation, and, most importantly, the U.S. federal government’s care of unaccompanied migrating children, with a view toward the next steps and improvements for the years ahead. The fourth chapter looks at services offered to unaccompanied children. Part one will cover home studies and post-release services.

When a child is referred to the Office of Refugee Resettlement (ORR) by the Department of Homeland Security (DHS), ORR's intake specialists must make a placement determination for the child within ORR’s network of care providers. The placement must be in the least restrictive setting and in the child's best interest. While the child is in ORR care and custody, he or she will receive an array of services in accordance with the *Flores* settlement agreement, federal laws, regulations, policies, and state licensing standards.

After a child is admitted to ORR care and custody, trained care providers begin the process to release the child to family members or other sponsors. The process for the safe and timely release of an unaccompanied child from ORR custody involves several steps, including: the identification of sponsors; sponsor application; interviews; the assessment (evaluation) of sponsor suitability, including verification of the sponsor’s identity and relationship to the child (if any), background checks, and in some cases home studies; and post-release planning.

Although the *Flores* settlement agreement has a provision that requires detailed standards for the children’s care and services, it does not mandate home studies or post-release services in any particular situation. The Trafficking Victim’s Protection Reauthorization Act (TVPRA) of 2008 included a provision that mandates the Department of Health and Human Services (HHS) to conduct a home study for certain unaccompanied children. This provision was incorporated into law to ensure services are in place to promote the child's safety, well-being, and stability



while they are in immigration proceedings. Section 235(c)(3)(B) goes on to state that children receiving home studies must also receive follow-up services during the period of their removal proceedings. It permits the agency to conduct follow-up services in cases involving children with mental health or other needs. The TVPRA of 2008 mandates that a home study is conducted if:

1. The child is a victim of a severe form of trafficking in persons;
2. The child is a special needs child with a disability as defined by section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);
3. The child has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened;
or
4. The child's sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence.¹

Home Study

A home study is conducted for any case in which the child meets the home study requirements set forth by the TVPRA. A home study is an in-depth investigation of the potential sponsor's ability to ensure the child's safety and well-being. The process generally includes background checks of the sponsor and adult household members, a home visit(s), a face-to-face sponsor interview and possibly interviews with other household members, and post-release services.² A home study assesses the potential sponsor's ability to meet the child's needs, educates and prepares the sponsor for the child's release, and builds on the sponsor assessment conducted by the care provider staff to verify or corroborate information gathered during that process.³

¹ The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA, P.L. 110-457).

² Administration for Children and Families (ACF) (2022), ORR Guide, section 2.4.2. Available at: <https://www.id.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.4.2>

³ *Id.*



Raquel fled Guatemala with her brother in search of a better life and opportunities after being separated from their family during a volcanic eruption. They were apprehended by the Department of Homeland Security (DHS) at the Southern border, handed over to the Office of Refugee Resettlement (ORR), and sent to an ORR-funded shelter. Upon release from the shelter, Raquel received post-release services because she was being reunited with an unrelated sponsor, which is considered a risk factor for reunification. After a couple of months of successful post-release services, Raquel's brother disclosed to a schoolteacher that Raquel was being sexually assaulted by the owner of their home, who lived in the apartment upstairs. Raquel's case worker alerted local child protective services, and Raquel was removed from the home immediately and placed into foster care with her brother. During that time, Raquel was connected with an immigration attorney and a child and family lawyer from the public council service due to the sexual assault allegations. Raquel attended school consistently, made new friends, and was referred to the Office of Trafficking in Persons at HHS, where she qualified as a victim of trafficking. At Raquel's closure visit, she asked her case worker if she could video call her parents in Guatemala. Surrounded by crops that extended for miles, Raquel's mother and father smiled and said, "Gracias por todo lo que usted hizo; le salvo la vida a mi hija" (Thank you for everything, you saved my daughter's life).

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Any child receiving a home study must also receive post-release services (PRS) during the pendency of the child's removal proceeding. These services must end when the child turns 18 years of age, when the child's case is terminated, or when the child is granted voluntary departure or immigration status.⁵

⁴ Testimony was provided for by USCRI home study and post-release service regional supervisor Leah Jacobs Varo. A pseudonym was given to protect the identity of the unaccompanied child.

⁵ Administration for Children and Families (ACF) (2022), ORR Guide, section 2.4.2. Available at: <https://www.id.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.4.2>



Post-Release Services (PRS)

PRS is synonymous with follow-up services. They are services provided to an unaccompanied child based on the child's needs after he/she leaves ORR care. PRS providers, funded by the Office of Refugee Resettlement within the U.S. Department of Health and Human Services, coordinate referrals to supportive services in the community where the unaccompanied child resides and provide other child welfare services as needed.⁶

At 14 years old, Jimena left El Salvador to flee from her father, who had sex trafficked her, and to escape brutal violence, extortion, and sexual assault at the hands of multiple family members. Jimena arrived in the U.S. pregnant with her step-grandfather's baby and was placed in a shelter. Upon release from the shelter, she was reunited with her maternal aunt after a positive home study recommendation. Jimena was connected with a post-release services provider and provided prenatal care for her unborn child. Jimena disclosed to her case worker that she was forced to prostitute herself in her home country, and the case worker made a referral to the Office of Trafficking in Persons (OTIP). Jimena qualified as a victim of trafficking and has been receiving assistance through the Trafficking Victim Assistance Program (TVAP) since March 2022. This program has connected her with healthcare, food stamps, and other government financial support. Jimena regularly saw her school counselor for mental health support as she waited for a mental health appointment at her local clinic. She reported feeling safe and beginning to develop friendships since enrolling in school. Although she has a long road ahead of her, Jimena has begun to face the effects of her past trauma and is looking forward to a bright future for herself and her baby here in the U.S.

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Even if the child did not receive a home study, ORR refers a child to PRS if:

- The child was released to a non-relative sponsor, or

⁶ ACF (2022), ORR Guide, section 6.2. Available at: <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-6#6.2>

⁷ Testimony was provided for by USCRI home study and post-release service regional supervisor Leah Jacobs Varo. A pseudonym was given to protect the identity of the unaccompanied child.



- The release was determined to be safe and appropriate, but the unaccompanied child and sponsor would benefit from ongoing assistance from a community-based service provider.⁸

While ORR does not offer a model for PRS, they do provide a list of mandatory service domains to which organizations providing PRS must comply. These services include:

1. ensuring the safety of the placement;
2. making referrals to legal services;
3. assisting with school enrollment and engagement;
4. linking children to medical services;
5. arranging for mental health services.

Post-release services aim to connect unaccompanied children to local resources, legal service providers, mental health clinics, and other organizations. These programs connect children to vital services that facilitate successful integration into their new communities across the country.

To better understand home studies and PRS, I sat down with Criselda Gonzalez, the Director of Home Study and Post Release Services at the U.S. Committee for Refugees and Immigrants.

"Post-release providers assist children by advocating and assessing their needs and then connecting them to the appropriate resource. By connecting children to the appropriate resource, we teach them how to use their voice and acclimate to a different culture they're not used to. As providers, we walk children through different processes so that eventually they feel empowered enough to do things on their own."

Larger cities with established communities may have a more robust and diverse network of services and providers compared to small rural areas.

"Let's look at Tennessee, for example. In Chattanooga, you have a limited number of resources compared to Nashville, where you have an abundance of resources. In many instances, we have seen the church play a bigger role in rural areas to serve unaccompanied children and their families," Gonzalez said.

⁸ *Id.*



According to Gonzalez, another challenge for PRS providers is having children "age out" when they turn eighteen.

"As providers, we create a post-eighteen plan that will help the future young adult start planning out next steps; such as identifying a vocational trade school. But there is an absence of more robust aftercare for those who need it," Gonzalez said.

Conclusion and Recommendations

Home studies and post-release services provide unaccompanied children with the vital services needed to facilitate their successful integration into new communities across the country. More importantly, post-release services are a safety tool, allowing PRS providers to ensure that release decisions by ORR are safe.

Congress should pass legislation that requires every child released from the Office of Refugee Resettlement to receive post-release services.

Congress has only specified that certain children receive home studies and post-release services. By singling out certain children to receive specialized follow-up services, Congress implicitly instructed that all children should not receive those services.

To ensure that the agencies and organizations tasked with providing for the safety and well-being of UC after release have the necessary tools and support to carry out their mission, USCRI recommends that Congress clarify in law and provide appropriations for ORR's responsibility for the children's ongoing safety after release. Post-release services would serve as a safety net to ensure that releases are safe and remain safe. The most realistic way to ensure safe releases is to follow up. If post-release services were provided for all children, case managers would go into all UC homes— they would be able to identify child welfare concerns, and problems with placements and, if necessary, could remove children from unsafe situations. The services also would connect all children and their families to resources in their communities, as opposed to the low percentage connected under the current system.

The key to providing post-release services to all UC is that it must be written into the law, and Congress must provide funding.

USCRI supports the policy that allows a child's case manager to determine the time period for post-release services. Like recommendation one, we suggest that this policy be written into law.



In addition to providing post-release services for all UCs, the time period for post-release services should be left to the discretion of each child's case manager. Sometimes, post-release services are unnecessary until a child turns 18 or receives immigration status. In other cases, a limit of 180 days, such as the limit for discretionary post-release services under the current ORR policy, may be too short for many children. Post-release services case managers are best positioned to make the decision.

At the time of the writing of this report, ORR was conducting a pilot of an enhanced post-release services program. Under the pilot, more unaccompanied children were receiving post-release services, but at different levels, with some children receiving minimal follow-up and others receiving extensive, more in-depth services. As one of the main PRS providers, USCRI will continue to monitor the effectiveness and best practices for home studies and post-release services.