

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

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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.