

Responsibility for Unaccompanied Minors Act

Sponsored by

Senators Rob Portman, Richard Blumenthal, James Lankford, and Tom Carper

Since FY 2014, HHS has placed more than 325,000 unaccompanied alien children (UAC) with adult sponsors in the United States while they wait for their immigration court proceedings. In 2016, the Permanent Subcommittee on Investigations released a [report](#) detailing HHS's failure to protect some of these children. In fact, HHS placed some of these children with human traffickers who sent these children into forced labor on an egg farm in Marion, Ohio. In August 2018, PSI released a [second report](#) finding that HHS has implemented some reforms, but has failed to take action on key recommendations that will better protect these children from abuse; help ensure the children appear at immigration proceedings; and give states more visibility into the UAC population within in their borders. This bill remedies those shortcomings.

Key Provisions

1. Clarification of HHS Responsibilities

- *Problem:* HHS denies that it has legal responsibility for UACs once they are placed with sponsors. If sponsors abuse the children or fail to ensure they show up for their immigration court proceedings, HHS denies that it has authority to remove the children from those sponsors' care and relies entirely on state and local welfare agencies to respond to reports of problems. HHS testified to PSI that, based on telephone calls to sponsors 30 days after placement, they were "unable to determine with certainty the whereabouts of 1,475 UAC" placed with sponsors over one three-month period.
- *Solution:* This legislation clarifies that HHS has ongoing authority to care for UACs until the child's immigration proceedings conclude. It mandates that HHS must do background checks on all potential sponsors and other adults in the household.

2. Care of Unaccompanied Alien Children

- *Problem:* If a sponsor neglects a UAC or fails to ensure the child appears at his immigration proceedings, HHS does not rescind the sponsorship agreement automatically.
- *Solution:* This legislation requires HHS to terminate sponsorship and reassume physical custody of the UAC if a non-parental sponsor fails to comply with his sponsorship agreement. It also requires sponsors to accept post-release services when offered by HHS.

3. State Notification

- *Problem:* Currently, HHS does not notify states or localities when it places UACs with sponsors in a state.
- *Solution:* This legislation requires HHS to notify state welfare agencies before it releases UACs to sponsors within a state. Notification will help states better prepare for UACs living in their states and help legal service providers gain better access to UACs—which will help ensure their presence at immigration proceedings.

4. Additional Immigration Judges

- *Problem:* The immigration courts have a nearly 1.3 million case backlog, 103,587 of which are UAC cases.
- *Solution:* This legislation provides 225 additional immigration judge teams to help reduce the backlog.