

United States Senate

WASHINGTON, DC 20510

April 8, 2025

The Honorable Robert F. Kennedy, Jr.
Secretary of Health and Human Services
200 Independence Ave. SW
Washington, D.C. 20201

The Honorable Kristi Noem
Secretary of Homeland Security
2707 Martin Luther King Jr Ave. SE
Washington, D.C. 20528

Dear Secretary Kennedy and Secretary Noem:

We write in response to alarming reports that the Office of Refugee Resettlement (ORR) has authorized expanded access by Immigration and Customs Enforcement (ICE) personnel to an ORR database containing information about unaccompanied children and their sponsors.

In the exercise of its responsibilities under the *Homeland Security Act of 2002* and the *Trafficking Victims Protection Reauthorization Act of 2008* (TVPRA) to provide for unaccompanied children's care and placement, ORR maintains significant and often deeply sensitive information about children and their sponsors. Sharing of this information is subject to strict limits under several federal and state laws, regulations, and ORR policies in recognition of the severe harms to children and families that may follow from unauthorized use and disclosure. Reports that additional ICE personnel may now access ORR's database raise serious questions about the authority and purpose for such use.

ORR's confidential case files include information ranging from counseling notes, mental health information, medical records, to information about incidents that may occur in care. Children's files may include sensitive details about trauma, physical and sexual abuse, and other harm that a child has experienced in their country of origin, during their journey, or even while in government custody. ORR also maintains information and documentation about sponsors and other household members as part of the Family Reunification Application completed by potential sponsors. This may include information about immigration status.

With limited exceptions, this information must be kept confidential and released by ORR only to individuals or entities providing appropriate authorization and documentation. Although ORR shares information with relevant ICE personnel in limited circumstances, like in the case of a

child who is absent from or has been transferred out of a facility and in certain other instances relating to child safety, it generally requires the Department of Homeland Security, like other investigative agencies, to make a formal case file request detailing the scope of any relevant investigation and/or providing a warrant, court order, or subpoena to seek case file information.¹ Further, consistent with prior congressional directives and outlined in ORR's Policy Guide and the ORR Unaccompanied Children Program Foundational Rule, ORR "shall not share any immigration status information relating to potential sponsors with any law enforcement or immigration enforcement related entity at any time."²

It is unclear what information ICE personnel will now be able to view and how broadly such information may be being shared. The potential for ICE personnel to maintain access to the full database at any time is particularly troubling, and it is especially disconcerting in light of recent reports that ICE will be implementing a multi-phased enforcement initiative against unaccompanied children and their families in the coming weeks that could potentially result in the placement of hundreds of thousands of children into removal proceedings and/or in family detention. Past information sharing during the prior Trump Administration resulted in harmful impacts for children and their families.³ With the recent issuance of an Interim Final Rule aimed at revoking the Foundational Rule's provisions limiting information sharing⁴, we are especially concerned about a repeat of harmful impacts for children and their families.

In April 2018, ORR and DHS signed a Memorandum of Agreement providing for continuous information sharing about unaccompanied children from the time they arrived through release. Based on this information, ICE undertook enforcement actions against sponsors of unaccompanied children, which resulted in many children being left without potential sponsors, who had either been apprehended by ICE or declined to come forward to sponsor children in ORR custody out of fear of interacting with the federal government. Children spent longer periods in ORR custody, leading many to experience distress, compounding their previous trauma. Information sharing also resulted in new government inefficiencies and costs, as the number of children in care steadily increased and releases were stymied.

The use of ORR's child welfare functions to promote immigration enforcement were not only unlawful, but put children at greater risk of trafficking and exploitation. In response, Congress enacted critical directives to prevent ORR's sharing of non-essential case information and children's mental health records for immigration enforcement,⁵ and the 2018 Memorandum of Agreement was ultimately terminated.

¹ See, e.g., ORR Policy Guide, 5.10.7 Information Sharing with Investigative Agencies; 5.10.2 Limits to Sharing Information with DHS and EOIR.

² ORR, Unaccompanied Children Foundational Rule, 89 Fed. Reg. 34384, 34591 (Apr. 30, 2024), codified at § 410.120(b). See also ORR Policy Guide 5.10.2; House Report 116-450 (2020).

³ See, e.g., Nat'l Immigrant Justice Center, et.al, Children as Bait: Impacts of the ORR-DHS Information-Sharing Agreement, <https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2019-03/Children-as-Bait.pdf>.

⁴ Unaccompanied Children Program Foundational Rule; Update to Accord with Statutory Requirements, 90 Fed. Reg. 13,554 (Mar. 25, 2025).

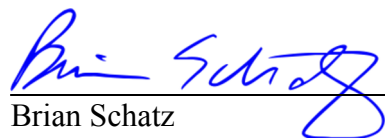
We are deeply concerned that broad and unlawful information sharing practices may be renewed, with dire consequences for children's safety, rights, and the fair administration of justice. Therefore, we request that you provide detailed information regarding the purpose, nature, and authority for any expanded information sharing between ORR and ICE. We also ask that you immediately suspend any access to ORR's database and children's case files that runs counter to existing law, policy, and regulations.

We look forward to your immediate response.

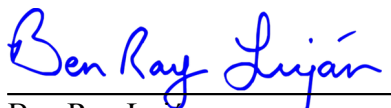
Sincerely,




Alex Padilla
United States Senator



Brian Schatz
United States Senator



Ben Ray Lujan
United States Senator



Martin Heinrich
United States Senator



Adam B. Schiff
United States Senator



Cory A. Booker
United States Senator



Jacky Rosen
United States Senator



Mazie K. Hirono
United States Senator

⁵ [H. Rept. 116-450 - DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2021](#) (Sec. 234 & 235).