



United States
Conference of
Catholic Bishops

Office of the
General Counsel

3211 Fourth Street, NE
Washington, DC
20017

202.541.3000
usccb.org

Submitted via Regulations.gov

August 21, 2026

The Honorable Robert F. Kennedy Jr.
Secretary
U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Ave, S.W.
Washington, D.C. 20201

RE: Notice of Proposed Rulemaking, “Unaccompanied Children Program Foundational Rule; Sponsor Assessment Update to Include Proof of Identity, Background Check, Placement, and Income Verification Standards,” RIN 0970-AD26, 91 FR 38582

Dear Secretary Kennedy:

The United States Conference of Catholic Bishops (USCCB) appreciates the opportunity to comment on the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement’s (ORR or the “Agency”) Notice of Proposed Rulemaking regarding the “Unaccompanied Children Program Foundational Rule; Sponsor Assessment Update To Include Proof of Identity, Background Check, Placement, and Income Verification Standards” (the “Proposed Rule”), published in the *Federal Register* on June 26, 2026.¹

The USCCB is a nonprofit corporation whose members are the active Catholic bishops of the United States, representing nearly 200 autonomous dioceses in all 50 states and the U.S. Virgin Islands. The USCCB’s Secretariat of Migration, formerly its Department of Migration and Refugee Services, works under the guidance of the USCCB’s Committee on Migration to promote the Catholic Church’s concern for migrants and refugees, including unaccompanied children. Until 2025, the USCCB had also partnered with the federal government for decades to provide services centered on protecting these children from human trafficking and other forms of exploitation. Though no longer a federal grantee, the USCCB, along with the Church more broadly, maintains a deep and abiding interest in promoting the well-being of unaccompanied noncitizen children.

¹ Unaccompanied Children Program Foundational Rule; Sponsor Assessment Update to Include Proof of Identity, Background Check, Placement, and Income Verification Standards, 91 Fed. Reg. 38,582 (June 26, 2026) [hereinafter NPRM].

Pope Leo XIV has referred to children as “the most vulnerable group within the global movements of migration.”² Unaccompanied children are particularly vulnerable to human trafficking, domestic servitude, and other exploitative situations. The Church considers it a moral obligation on the part of society as a whole to ensure that all children are protected from such harms, consistent with their God-given dignity. This requires reaffirming the principle of the best interests of the child.³ Further, family unity is both a foundational element of Catholic social teaching and a cornerstone of the American immigration system. When possible, family unity should be prioritized for the good of society. Taking all this together, the Church calls for “the adoption of effective legal instruments of protection, the promotion of family reunification, and the prevention of the trauma caused by separation.”⁴

Catholic ministries throughout the United States work to support families navigating the immigration system through the provision of social services, legal assistance, and pastoral care, including accompaniment for those in detention. Through all of this work, the USCCB understands firsthand the importance of the protections for unaccompanied children set forth in the Homeland Security Act,⁵ the Trafficking Victims Protection Reauthorization Act (TVPRA),⁶ the *Flores* Settlement Agreement (FSA),⁷ and other measures and has worked to help implement and encourage compliance with their requirements. The Church’s depth of experience in this area has also informed recommendations for further measures that could be taken to enhance protections.⁸

In 2023, the USCCB submitted a comment regarding ORR’s Unaccompanied Children Program Foundational Rule,⁹ applauding the Agency’s efforts to codify protections that promote the health and well-being of unaccompanied children but expressing concerns over discrepancies with what we believe to be practices that reflect the best interests of each child. We are grateful to ORR for its commitment to ensuring that children are placed in safe and stable environments upon their release from government custody, and we share this goal. We do, however, have some concerns regarding this Proposed Rule.

We fear, without guaranteeing adequate flexibility, that the Agency’s newly proposed sponsor requirements for proof of identity and proof of income could exclude otherwise eligible parents and relatives from sponsoring children, creating excessive barriers to reunification and unnecessarily prolonging children’s stays in government custody. Under federal law, prospective sponsors may be noncitizens, including those without lawful immigration status—and this is as it

² Message of His Holiness Pope Leo XIV for the 112th World Day of Migrants and Refugees (Sept. 27, 2026), <https://www.vatican.va/content/leo-xiv/en/messages/migration/documents/20260811-world-migrants-day-2026.html>.

³ *Id.*

⁴ *Id.*

⁵ Homeland Security Act of 2002, 6 U.S.C. § 279(g)(2) (2002).

⁶ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, 8 U.S.C. § 1232(a)(2).

⁷ Settlement Agreement, *Flores, et al. v. Reno, et al.*, Case No. CV 85-4544 (C.D. Cal., Jan. 1, 1997).

⁸ See, e.g., Press Release, U.S. Bishops’ Migration Chairman Sends Recommendations to Congress on Enhancing Protections for Noncitizen Children Released from Federal Care (Nov. 9, 2023), <https://www.usccb.org/news/2023/us-bishops-migration-chairman-sends-recommendations-congress-enhancing-protections> [hereinafter UC Recommendations].

⁹ See generally U.S. Conference of Catholic Bishops & Catholic Charities USA, Comments on “Unaccompanied Children Program Foundational Rule” Notice of Proposed Rulemaking, RIN 0970-AC93 (Dec. 4, 2023), https://www.usccb.org/sites/default/files/about/general-counsel/rulemaking/upload/23-1204_Joint_USCCB-CCUSA_Comments_UC_Foundational_Rule.pdf.

should be, since “unaccompanied alien children,” by definition, are themselves noncitizens who lack lawful immigration status. Nevertheless, one’s immigration status can limit access to certain forms of identification, including many of the forms of identification enumerated in the proposed changes to 45 CFR 410.1202.¹⁰ For instance, a driver’s license is one of the most common forms of identification, but only select states allow persons without lawful status to be issued licenses.¹¹

Additional obstacles are potentially troubling in light of the striking increase in the average length of time children are already spending in ORR care. According to ORR data, the average monthly length of care in Fiscal Year (FY) 2026 has more than doubled from the highest monthly average recorded over the past decade, even as the total number of children entering ORR care has sharply declined. The current average length of care in FY 2026 is nearly 190 days.¹² Previously, the highest monthly average length of care was 69 days in FY 2020.¹³ Further, between FY 2024 and FY 2025, the average length of care grew from 30 days to 117 days.¹⁴ Several factors appear to have contributed to this alarming trend, including an increase in the amount and sensitivity of information that is already required by ORR in the sponsorship application packet, coupled with an increase in information sharing with immigration authorities, which can deter potential sponsors from coming forward and has led to some sponsors being targeted by enforcement agencies.¹⁵

By the Agency’s own admission,¹⁶ the length of stay in custody will likely be increased further by the implementation of these new requirements. The detrimental health effects on children who spend long periods of time in government custody are profound. A 2019 report by the HHS Office of Inspector General (OIG) found that children with longer stays in ORR care facilities experienced more stress, anxiety, and behavioral issues, leading to higher levels of defiance, hopelessness, and frustration, as well as more instances of self-harm and suicidal ideation.¹⁷ Simultaneously, separation from family members can trigger toxic stress in children, negatively impacting their physiological and psychological well-being and healthy development. This can lead to short and long-term consequences, including physical, emotional, and behavioral issues.¹⁸

¹⁰ NPRM, *supra* note 1 at 38,586.

¹¹ National Conference of State Legislatures, *States Offering Driver’s Licenses to Immigrants* (Mar. 13, 2023), <https://www.ncsl.org/immigration/states-offering-drivers-licenses-to-immigrants>.

¹² See U.S. Dep’t of Health and Human Servs., Office of Refugee Resettlement, *Unaccompanied Alien Children Data: Average Monthly Data*, <https://acf.gov/orr/about/ucs/facts-and-data> (last updated Aug. 10, 2026) (showing that the average length of care in FY 2026 was 166 days in October, 169 in November, 175 in December, 185 in January, 195 in February, 209 in March, 215 in April, 205 in May, 194 in June, and 183 in July for a collective average of 189.6).

¹³ See U.S. Dep’t of Health and Human Servs., Office of Refugee Resettlement, *Unaccompanied Alien Children Data: Released to Sponsors*, <https://acf.gov/orr/about/ucs/facts-and-data> (last updated Aug. 10, 2026).

¹⁴ *Id.*

¹⁵ NEHA DESAI, MELISSA ADAMSON, & RYAN MATLOW, THE UNRAVELING OF ORR: A QUICK AND CALCULATED UNDOING OF A SYSTEM INTENDED TO PROTECT CHILDREN 5 (Sept. 2025), https://youthlaw.org/wp-content/uploads/ncyl_the-unraveling-of-orr_sept2025_final.pdf.

¹⁶ NPRM, *supra* note 1 at 38,588.

¹⁷ U.S. DEP’T OF HEALTH AND HUMAN SERVS., OFF. OF INSPECTOR GEN., CARE PROVIDER FACILITIES DESCRIBED CHALLENGES ADDRESSING MENTAL HEALTH NEEDS OF CHILDREN IN HHS CUSTODY 12, OEI-09-18-00431 (Sept. 2019), <https://oig.hhs.gov/documents/evaluation/3153/OEI-09-18-00431-Complete%20Report.pdf>.

¹⁸ CINTHIA PALOMINO, ET AL., THE IMPACTS OF FAMILY SEPARATION AND DEPORTATION ON CHILDREN: HEALTH, DEVELOPMENT, MENTAL HEALTH, EDUCATION AND ECONOMIC CONDITIONS, (May 2025), <https://cep.asu.edu/sites/g/files/litvpz916/files/2025-05/The%20Impacts%20of%20Family%20Separation%20and%20Deportation%20on%20Children%E2%80%99s%20Health%2C%20Mental%20Health%2C%20Economic%20Conditions%2C%20Development%2C%20and%20Education%20%286%29.pdf>.

Furthermore, we believe unnecessarily prolonged family separation, combined with excessive obstacles for prospective sponsors, could conflict with the Administration's other stated immigration objectives, especially where a noncitizen family member faces removal or feels pressured to voluntarily depart the country before being able to reunite with a child. While the Administration is devoted to removing or encouraging the voluntary departure of those unlawfully present in the United States, it has simultaneously reaffirmed a commitment to "keeping families together."¹⁹ Reunification becomes much more difficult to effectuate once a family member is no longer in the United States,²⁰ inflicting significant harm on a child and his or her family member(s), while also creating increased challenges for the government.

Consistent with Catholic social teaching, we believe that children who come into contact with ORR, like all children, are best served in the care of a loving family. Federal law reflects this principle. The TVPRA requires HHS to promptly place an unaccompanied child in the least restrictive setting that is in the best interests of the child.²¹ Accordingly, timely reunification with family members, whenever possible and consistent with a child's safety and well-being, should remain a guiding principle for the Unaccompanied Alien Children Bureau. At the same time, the safety and well-being of children must always be paramount, and the speed of release should never be prioritized at the expense of those objectives. We also recognize that exploitation and abuse are most likely to occur when children are isolated from supportive relationships or face barriers to accessing assistance. Policies should seek to both protect children and facilitate safe, timely reunification with qualified family members or other suitable adults.

For these reasons, when finalizing these regulatory changes, we respectfully urge ORR to maintain and ensure reasonable flexibility regarding sponsor suitability requirements proposed at 45 CFR 410.1202. In this regard, we affirm the inclusion of § 410.1202(b)(2), which would permit deviation from the enumerated list of documents on a case-by-case basis, and § 410.1202(c)(5), which allows waivers for the requirement to collect Social Security or taxpayer identification numbers. Requiring specific documentation from a limited list of documents that can be difficult for noncitizens to attain can create an unnecessary hardship for families, leading to prolonged family separation and the negative consequences described above. Similarly, financial means to care for a child has long been considered as one part of sponsor suitability assessments, but inability to show formal proof of income should not automatically disqualify a prospective sponsor. This is especially true as the Administration takes other actions to increase limits on access to legal work authorization for many different categories of noncitizens.

We appreciate ORR's confirmation that information collected "would not be used to penalize family members who have also been subject to severe forms of trafficking."²² In general, and consistent with federal law, we urge the Agency to look to the totality of the circumstances to determine the best interests of each child. Absent reliable evidence that placement would

¹⁹ Myah Ward, *Homan Presses Undocumented Immigrants to Self-Deport, Threatening Prosecution*, POLITICO (Apr. 28, 2025), <https://www.politico.com/news/2025/04/28/tom-homan-trump-deportations-immigrants-00312327>.

²⁰ This has been aptly demonstrated through the experience of the Interagency Task Force on the Reunification of Families, which five years running has still not been able to effectuate the reunification of all family members separated during the implementation of the Zero-Tolerance Policy. *See generally* U.S. Dep't of Homeland Sec., *Family Reunification Task Force*, <https://www.dhs.gov/family-reunification-task-force> (last updated Aug. 10, 2026).

²¹ 8 U.S.C. § 1232(c)(2)(A).

²² NPRM, *supra* note 1 at 38,586.

jeopardize a child's safety or well-being, parents should be afforded substantial deference in sponsorship and reunification determinations and parental rights should be given significant consideration whenever implicated.

While we recognize the proposed changes are an attempt to address gaps identified in the sponsor vetting process, it is also important to address a lack of consistent recordkeeping by ORR itself as a significant contributor to perceived shortcomings. For example, in the HHS OIG's report from 2024,²³ which ORR cites as background for this Proposed Rule, the Inspector General found major lapses in the Agency's own efforts to properly document the vetting that was undertaken. This phenomenon, which relates to the procedural and information management failures of federal agencies themselves, rather than the actions or suitability of sponsors, is not isolated to ORR.²⁴ Improved recordkeeping processes could address many concerns without generating additional or unnecessary barriers to reunification. It is vital that children and families not be forced to bear the brunt of the federal government's own failings through the imposition of stringent requirements that only address one side of the equation.

Finally, we wish to reiterate the importance of post-release services, including meaningful access to legal counsel,²⁵ as well as the robust enforcement of federal anti-trafficking and child labor laws generally, for protecting these children beyond the point of reunification with a safe sponsor. This is consistent with the USCCB's past observations that "exploitation is most likely to occur when children lack access to support and become isolated from their local communities."²⁶

Thank you for taking our views into consideration. We welcome the opportunity to further discuss our feedback with ORR to better align this Proposed Rule with our shared goal of ensuring the safety of this vulnerable population.

Respectfully,



William Quinn
General Counsel
U.S. Conference of Catholic Bishops

²³ See generally U.S. DEP'T OF HEALTH AND HUMAN SERVS., OFF. OF INSPECTOR GEN., GAPS IN SPONSOR SCREENING AND FOLLOWUP RAISE SAFETY CONCERNS FOR UNACCOMPANIED CHILDREN 12, OEI-09-18-00431 (Sept. 2019), <https://oig.hhs.gov/documents/evaluation/3153/OEI-09-18-00431-Complete%20Report.pdf>.

²⁴ See, e.g., U.S. DEP'T OF HOMELAND SEC., OFF. OF INSPECTOR GEN., FINAL MANAGEMENT ALERT, MANAGEMENT ALERT – ICE CANNOT MONITOR ALL UNACCOMPANIED MIGRANT CHILDREN RELEASED FROM DHS AND U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES' CUSTODY, OIG-24-46 (Aug. 19, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-08/OIG-24-46-Aug24.pdf> (finding U.S. Immigration and Customs and Enforcement had failed to serve notices to appear on almost 300,000 children).

²⁵ In accordance with the statutory mandate at 8 U.S.C. § 1232(c)(5).

²⁶ UC Recommendations, *supra* note 8.