



June 24, 2025

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ACF/OPRE Certifying Officer
Office of Refugee Resettlement
Administration for Children and Families
Department of Health and Human Services
330 C St, SW, Room 5123
Washington, DC 20201

Submitted via Federal e-Rulemaking Portal

Re: Comment in response to Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970-0278) [FR Doc. 2025-07075]

Dear Ms. Jones:

Children's Rights is a national advocacy organization dedicated to improving the lives of children living in or impacted by America's child welfare, juvenile legal, immigration, education, and healthcare systems. We use civil rights impact litigation, advocacy and policy expertise, and public education to hold governments accountable for keeping kids safe and healthy. Our work centers on creating lasting systemic change that will advance the rights of children for generations.

We submit this public comment to **oppose** the Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet, 90 Fed. Reg. 17438 (Apr. 25, 2025). The Proposed Information Collection Activity will cause a great deal of harm to children and families.

Background

In April 2025, the Office of Refugee Resettlement ("ORR") proposed revisions to information collection for potential sponsors of unaccompanied minor immigrant children. Significant proposed changes include, but are not limited to, the following: (1) revisions to which supporting documents sponsors can use for proof of identity; (2) increased biometric data and background checks for sponsors and adult household members; and (3) work authorization proof/proof of income. These proposed changes are extremely problematic for multiple reasons.

First, the proposed information collection activity ("PICA") is contrary to children's best interests. PICA presents numerous administrative, and often insurmountable, hurdles for sponsorship approval. As a result, unaccompanied children experience prolonged detention, which causes

severe mental and physical harm. PICA will directly lead to children facing indefinite detention. PICA prevents the reunification of families and undermines family well-being.

Second, the proposed collection of information is not necessary for ORR to fulfill its statutory mandate. In fact, PICA conflicts with ORR's mission and other legal obligations because it does not prioritize the best interests of children. PICA is simply not necessary for vetting sponsors, and any arguments to the contrary are erroneous and misleading.

Third, the proposed changes to the information collection requirements are of limited utility and place a disproportionate burden on potential sponsors and unaccompanied children. The proposed proof of income requirement is impossible for many sponsors to provide, and thus prevents many children from reuniting with their loved ones. Contrary to the agency's assertion, it is not actually required by 45 CFR 410.1202(c).

Fourth, the proof of income provision is overbroad and allows the government to deny children their fundamental right to family integrity without a compelling government interest. It also discriminates against children based on familial income, thereby denying them equal protection under the law.

Finally, there are other less harmful alternatives to PICA that would accomplish ORR's goal of safe and suitable placements with sponsors post-release.

Children's Rights urges ORR to reject PICA. A far better solution would be to provide legal representation and social services to unaccompanied children after their release from ORR custody. Child welfare organizations advocate for this alternative to help unaccompanied children understand their legal rights, uphold the safety of sponsorship settings, and facilitate children's integration into the local community.¹

A. Contrary to ORR's mission, PICA is not in line with children's best interests.

1. Detention of any length can lead to severe mental and physical harm for children.

Research confirms the significant physical and mental health ramifications of detention. Detained children experience psychiatric disorders including depression, anxiety, and post-traumatic stress disorder as a result of their experience in immigration detention facilities.² In a systematic review of adolescent and children detainees, these disorders were reported both during and following

¹ Kids in Need of Defense (KIND), *Fact Sheet on Labor Exploitation of Unaccompanied Children* at 2 (Sept 2023), https://supportkind.org/wp-content/uploads/2023/09/23_Labor-Exploitation-of-Unaccompanied-Children.pdf.

² Ann Lorek, et al., *The mental and physical health difficulties of children held within a British immigration detention center: a pilot study*, *Child Abuse Negl.* 573-85 (2009); Sarah Mares & Jon Jureidini, *Psychiatric assessment of children and families in immigration detention – clinical, administrative and ethical issues*, *Aust N Z J Public Health* 520-26 (2004).

detention, with higher symptom scores in detained compared to non-detained individuals.³ Young children in detention facilities frequently experience developmental delays and severe behavioral issues, including decreased eating, emotional attachment issues, and aggression.⁴ Detained unaccompanied minors often experience social difficulties such as disruptive conduct, behavioral regression, and mutism.⁵ In extreme cases, detained youth engage in self-harming behaviors and experience suicidal ideation.⁶

In addition, sleep deprivation has negative health effects for detained unaccompanied minors in federal custody.⁷ It can lead to impaired cognitive and neurobehavioral problems, including memory recall deficits, behavioral dysregulation, and attention-related disorders.⁸ Significant mental and behavioral health issues such as social withdrawal, self-injurious behaviors, and suicidal ideation can also result from sleep deprivation in detention centers.⁹ Detained sleep-deprived children are at higher risk for negative physical health consequences, including diabetes, obesity, endothelial dysfunction, hypertension, and chronic inflammation which can increase the risk of a wide variety of diseases including cancer, autoimmune, and neurodegenerative diseases.¹⁰

ORR facilities fail to protect unaccompanied minors from these harms. There is inconsistent access to medical, dental, and mental health care at ORR facilities.¹¹ The risk of exposure to additional trauma, including abuse from facility staff, physical and sexual violence from other detainees, and separation from family further exacerbates the physical and mental harms of detention for children.¹² Multiple organizations, including the American College of Physicians and American Academy of Pediatrics, have publicly condemned the practice of keeping children in government detention centers.¹³ PICA clearly does not serve the best interests of children.

³ M. von Werthern, et al., *The impact of immigration detention on mental health: a systematic review*, BMC Psychiatry 382 (2018).

⁴ Julie Linton, et al., *Detention of Immigrant Children*, Pediatrics 139(5) at 6 (2017).

⁵ Katy Robjant, et al., *Mental health implications of detaining asylum seekers: systematic review*, British Journal of Psychiatry 194(4) at 309 (2009).

⁶ Ryan Matlow, et al., *Guidance for Mental Health Professionals Serving Unaccompanied Children Released from Government Custody*, Stanford Early Life Stress and Resilience Program at 19-22 (Nov. 2021), https://youthlaw.org/sites/default/files/attachments/2022-03/2021_Guidance-for-Mental-Health-Professionals-Serving-Unaccompanied-Children-Released-from-Government-Custody.pdf

⁷ Katherine R Peeler, et al., *Sleep deprivation of detained children*, Health Hum Rights 21(1): 317-20 (2020).

⁸ Avi Sadeh, *Consequences of Sleep Loss or Sleep Disruption in Children*, Sleep Med Clinics 2(3) 513-20 (2007); see also Peeler, *supra* note 7.

⁹ Eleanor McGlinchey, et al., *The Role of Sleep Disturbance in Suicidal and Nonsuicidal Self-Injurious Behavior among Adolescents*, Suicide Life Threat Behav 47(1): 103-111 (2017).

¹⁰ See Peeler, *supra* note 7; Jonas Quist, et al., *Sleep and cardiometabolic risk in children and adolescents*, Sleep Med Rev 29:76-100 (2016); Janet Mullington, et al., *Cardiovascular, inflammatory, and metabolic consequences of sleep deprivation*, Prog Cardiovasc Dis. 51(4): 294-302 (2009); Sergio Garbarino, et al., *Role of sleep deprivation in immune-related disease risk and outcomes*, Commun Biol 4, 1304 (2021).

¹¹ See Linton, *supra* note 4, at 6

¹² See Matlow, *supra* note 6, at 26.

¹³ See Linton, *supra* note 4; Fabricio Balcazar, *Policy statement on the incarceration of undocumented migrant families: society for community research and action division of the American Psychological Association*, Am J Community Psychol 57(1-2): 255-63 (2016); ACP Says Family Detention Harms the Health of Children, Other

2. *PICA increases the length of detention, thereby worsening the harm to children.*

PICA is especially cruel because it prolongs detention. Even brief detention can cause long-term mental health risks in the pediatric population as discussed above.¹⁴ Prolonged detention exacerbates mental distress and increases functional impairment in children.¹⁵ Mental illness symptoms persist for years after detention release, and symptom severity is often associated with the length of time a child spends in a detention facility.¹⁶

A 2019 United States Inspector General report found that “some children who did not initially exhibit mental health or behavioral issues began reacting negatively as their stays grew longer . . . according to facility staff, longer stays resulted in higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation.”¹⁷ Mental health clinicians observed the ongoing mental health deterioration as a child’s length of stay in ORR custody increased.¹⁸

PICA’s documentation requirements have made the sponsorship application process more onerous than ever. Prospective sponsors often have no way to easily obtain the requisite original and unexpired documents, and it is nearly impossible for non-citizens to obtain formal proof of income and work authorizations. As a result, PICA will force thousands of children to languish in ORR shelter detention despite having sponsors who could provide them with a loving home.

The Inspector General Report recommended that ORR ensure that policies “do not present unnecessary barriers to children’s release to appropriate sponsors.”¹⁹ Yet that is exactly what PICA does, and we have already seen the results: while the average length of ORR custody for discharged children was 35 days in October 2024, by April 2025, the average number of days more than quadrupled to 217 days.²⁰

3. *PICA prevents the reunification of families.*

Family Members, American College of Physicians (2018), <https://www.acponline.org/acp-newsroom/acp-says-family-detention-harms-the-health-of-children-other-family-members>.

¹⁴ See Linton, *supra* note 4, at 6.

¹⁵ See Matlow, *supra* note 6, at 26.

¹⁶ Zachary Steel, et al., *Impact of immigration detention and temporary protection on the mental health of refugees*, Br J Psychiatry 188:58-64 (2006).

¹⁷ Joanne Chiedi, *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, U.S. DHHS, Office of Inspector General. OEI-09-18-00431 at 12 (2019).

¹⁸ *Id.* at 20.

¹⁹ *Id.*

²⁰ ORR, An Office of the Administration for Children & Families. *Fact Sheets and Data: Average Monthly Data* (June 10, 2025), <https://acf.gov/orr/about/ucs/facts-and-data>.

Reunification is crucial to ending the cycle of trauma endured by many children fleeing their home countries. Family homes are the least restrictive and safest places in which children can grow and thrive. Studies compared children in institutional settings to children who remained with caregivers and family members; unsurprisingly, the mental health outcomes for detained children without a caregiver and/or family member are significantly worse.²¹ Children's basic needs, including healthy food, medical care, and sleep, cannot be sufficiently met without individualized and reliable caregiver-child relationships.²² Given that sponsors are generally family members who are the most appropriate caregivers for the child, reunification is in the best interest of the child. PICA's documentation requirements prevent reunification.

4. *Families are destabilized by PICA's emphasis on increased information collection.*

PICA will discourage sponsors from coming forward for unaccompanied minors – their fear of deportation if they do not present acceptable documentation puts them in an untenable position.²³ They must now weigh the risk of leaving a child in a federal facility against the risk of alerting ICE to their immigration status.²⁴

This fear is not unfounded. Internal ICE documents show that ICE currently seeks out children and their U.S. based sponsors for immigration enforcement purposes through “welfare checks” that inevitably lead to family separation.²⁵ As Bilal Askaryar, communications director at the Acacia Center for Justice, has reported, “The message to prospective sponsors is clear – you take care of these kids, and it’s now going to put a target on your back.”²⁶ PICA's destabilizing effect on families is tragic for unaccompanied minors: “children have resorted to self-harm because their reunification has been delayed or entirely prevented over a document that their sponsor literally cannot obtain.”²⁷ PICA will likely lead to the deportation of sponsors and dissolution of families. And adding insult to injury, the children left behind will be forced to enter the child welfare system with its own traumatic effects.²⁸

²¹ See M. von Werthern, *supra* note 3, at 10.

²² Center on the Developing Child at Harvard University. *InBrief: The science of neglect*, (May 20, 2013), <https://developingchild.harvard.edu/resources/inbrief-the-science-of-neglect/>.

²³ Mana Azarmi, *Data Provided to HHS to Vett Sponsors of Unaccompanied Children Should Not be Repurposed for Immigration Enforcement*, Center for Democracy and Technology (Nov. 28, 2018), <https://cdt.org/insights/data-provided-to-hhs-to-vett-sponsors-of-unaccompanied-children-should-not-be-repurposed-for-immigration-enforcement/?utm>.

²⁴ *Id.*

²⁵ Jose Olivares, *ICE seeking out unaccompanied immigrant children to deport or prosecute*, The Guardian (Apr. 28, 2025), <https://www.theguardian.com/us-news/2025/apr/28/ice-unaccompanied-immigrant-children>.

²⁶ Julia Lurie, “*The Children are Being Used as Bait*,” Mother Jones (May 12, 2025), <https://www.motherjones.com/politics/2025/05/unaccompanied-immigrant-children-trump-ice-orr-shelters>.

²⁷ *Id.*

²⁸ Randy Capps, et al., *Implications of Immigration Enforcement Activities for the Well-Being of Children in Immigrant Facilities*, The Urban Institute (Sept. 2015), 2000405-Implications-of-Immigration-Enforcement-Activities-for-the-Well-Being-of-Children-in-Immigrant-Families.pdf.

5. *PICA undermines family well-being.*

PICA will keep children in government custody and prevent parents and children from reuniting. *See* Treasury and General Government Appropriations Act of 1999 §§ 653 and 654. Dissuading family members from reuniting with their children “erodes the stability” of families by leaving children languishing in facilities without family support. Keeping children in detention, where parents cannot supervise or advocate for their education, “erodes the . . . rights of parents in the education, nurture, and supervision of their children.” *Id.*

B. The proposed collection of information is *not* necessary for ORR to carry out its statutory responsibilities.

1. *The proposed collection of information directly conflicts with ORR’s statutory mission and other legal obligations.*

PICA’s focus on identity and income documentation for potential sponsors of unaccompanied minors runs afoul of Congress’s clear statutory intent when it transferred oversight of the care and custody of unaccompanied minors to ORR. As Senator Feinstein said at the time, “This change finally resolved the conflict of interest inherent in the former system that pitted the enforcement side of the [INS] against the benefits side of the same agency in the care of unaccompanied alien children.” 153 Cong. Rec. S3001, S3004 (daily ed. Mar. 12, 2007); 8 U.S.C. § 1232(b)(1); *see also* 6 U.S.C. § 279(a) (transfer of care of unaccompanied minors from the Immigration and Naturalization Service to ORR); *see also* *D.B. v. Poston*, 119 F. Supp. 3d 472, 479 (E.D. Va. 2015); *aff’d in part, vacated in part, remanded sub nom., D.B. v. Cardall*, 826 F.3d 721 (4th Cir. 2016) (same).

ORR is not an immigration enforcement agency. ORR’s mandate is to act in the best interests of unaccompanied minors; the agency must not engage in immigration enforcement that harms them or their sponsors. ORR acknowledges that placement with sponsors, and not in ORR facilities, is in the best interest of children. *See* 88 FR 68928 (“ORR notes . . . its strong belief that, generally, placement with a vetted and approved family member or other vetted and approved sponsor, as opposed to continued placement in an ORR care provider facility . . . is in the best interests of unaccompanied children.”).

PICA undermines other ORR legal obligations. First, PICA’s enactment of numerous administrative hurdles for sponsor approval drastically decreases the likelihood of sponsorship for unaccompanied children. This is in direct violation of the Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”), which mandates that an unaccompanied child “shall be promptly placed in the least restrictive setting that is in the best interest of the child.” 8 U.S.C. § 1232(c)(2)(A).

Second, 45 CFR § 410.1201(a) requires that ORR release a child from custody without unnecessary delay. But PICA delays this release by making it less likely for sponsors to be promptly approved or approved at all. This additional barrier markedly prolongs detention for unaccompanied immigrant children.

2. *The agency's justification for PICA is unsound and based on an incorrect interpretation of pre-existing data.*

HHS attempts to justify PICA's proposed revisions under the guise that these administrative steps will lead to finding more suitable and safer sponsors. Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet, 90 Fed. Reg. 17438 (Apr. 25, 2025) ("Finally, the current Administration has requested more comprehensive information on sponsor income to support suitability assessments as part of the sponsorship application . . . this form collects information related to the potential sponsor's ability to provide for the unaccompanied alien child's mental and physical wellbeing."). In reality, it seeks to weaponize the collection of sponsor information to carry out the Trump Administration's immigration enforcement agenda.

This is not the Trump Administration's first attempt at collecting more sponsor information while using "child welfare" as a pretext for what is truly an immigration and law enforcement ploy. *See J.E.C.M. by & Through His Next Friend Saravia v. Lloyd*, 352 F.Supp. 3d 559, 583 (E.D.Va.2018) ("ORR has increasingly focused on law and immigration enforcement to the detriment of child welfare. Equally plausible is plaintiffs' argument that in funneling biographical and biometric information for all adults living in a potential sponsor's household to DHS – regardless of the would-be sponsor's immigration status or of any indicia of risk factors – the information-sharing policy is primarily designed to serve immigration enforcement efforts.")

Contrary to HHS's current assertion, ORR did not previously release significant portions of unaccompanied minors to third-party sponsors engaged in human trafficking and sexual exploitation. Data shows that the vast majority of sponsors are adult parents or close relatives of unaccompanied minors.²⁹ In 2020, of the children who left ORR custody, 39% were released to a parent, 46% to another close relative, and 16% to a more distant relative, family friend, or other approved sponsor.³⁰ These family or relative sponsors provide a more loving and stable home for children than federal detention ever could. Even for the small minority of children released to non-blood relative sponsors who "could be seen as more likely to exploit or mistreat UACs, the vast majority do not."³¹ (Emphasis added.)

²⁹ See *Fact Sheet on Labor Exploitation of Unaccompanied Children*, *supra* note 1.

³⁰ Mark Greenberg, et al., *Strengthening Services for Unaccompanied Children in U.S. Communities*, Migration Policy Institute Human Services Initiative at 9 (June 2021), <https://www.migrationpolicy.org/research/services-unaccompanied-children-us-communities>.

³¹ *Unaccompanied Alien Children – 2025 Update*, National Immigration Forum (Apr. 2, 2025), <https://immigrationforum.org/article/unaccompanied-alien-children-ucs-or-uacs-2025-update/>.

ORR's argument that the improper vetting of sponsors led to unprecedented levels of human trafficking or missing children is patently false. Certain data points, such as the number of minors who missed immigration court dates or the percentage of unanswered phone calls to sponsors after a child is released, do not mean that a child is being held in unsafe conditions by an improperly vetted sponsor. This is clearly a problem of "missing paperwork" as opposed to a "missing kids" problem.³² As leading immigration attorneys have noted:

"In the cases of the 32,000 minors who missed immigration court dates, experts on immigration law explained that these minors could miss court dates for numerous reasons, including that they did not receive their notice to appear because ICE did not have their correct address on file."³³

The same is true for the unanswered post-release phone calls to sponsors: "[t]here are many reasons why families might not answer these calls: for example, they may not pick up because they do not recognize the phone number in question; they have updated their own phone number; they may miss the call because they are unavailable; and in some situations, sponsors may perceive that U.S. government outreach could lead to immigration enforcement consequences. Follow up phone calls are therefore not a basis to measure children's safety."³⁴

C. Proposed changes to the information collection requirements for sponsors are harmful and unnecessary.

1. The proposed proof of identity requirements place an enormous but useless burden on potential sponsors and unaccompanied children.

HHS claims that part of the rationale for updating the accepted proof of identity documents is to provide a safer framework than reliance on foreign-issued identity documents. Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction, *Angelica S. v. U.S. Department of Health Services*, (D.D.C.) (2025); citing Biswas Decl. ¶ 14. While proof of identity based on foreign-issued identity documents presents challenges for HHS, HHS concedes that ORR can rely on foreign consulates and embassies to authenticate documents issued outside the United States. *Id.*; citing Biswas Decl. ¶ 15. Given the risk of extreme emotional and physical harm to unaccompanied minors who remain in prolonged detention, ORR should not remove options for authentication if it can still rely on these entities.

2. The proposed proof of income requirements are unrealistic for sponsors and not sufficiently justified by 45 CFR 410.1202(c).

³² Laura Doan, *Trump claims Biden lost track of over 300,000 migrant children. Here's a fact check*, CBS News (Dec. 12, 2024), <https://www.cbsnews.com/news/trump-claims-biden-lost-300000-migrant-children-fact-check/>.

³³ *Id.*

³⁴ See *Fact Sheet on Labor Exploitation of Unaccompanied Children*, *supra* note 1.

ORR's proposed proof of income requirements are prohibitive for many prospective sponsors. Sponsors will be required to submit a previous year's tax return, copy of recent paystubs for the past 60 days continuously, or an employment verification letter. *See* ORR Unaccompanied Alien Children Bureau Policy Guide, Section 2, U.S. DHHS (Apr. 15, 2025). According to Mary Miller Flowers, Policy Director of the Young Center for Immigrant Children's Rights, they "have put in a trifecta of policies that essentially make it impossible for [children] to leave federal detention."³⁵

ORR justified these onerous requirements by relying on a regulation that does *not* require all of these formal documents. 45 CFR 410.1202(c) only requires "verification of the employment, income, *or* other information provided by the potential sponsor as evidence of the ability to support the child." (emphasis added). The prior Family Reunification Application successfully assessed sponsors' financial information without imposing onerous barriers. It required that sponsors answer, in detail, how they planned to financially support the minor, including all sources and amounts of income and an explanation of any financial support to be received from others, if applicable. PICA's new proposed proof of income requirements are bureaucratic impediments with marginal utility.

D. PICA violates children and their potential sponsors' constitutional rights.

Children have a fundamental right to family integrity, and PICA violates that right by impeding family members from reuniting with their children. *See Ms. L. v. U.S. Immigration and Customs Enforcement*, 302 F.Supp.3d 1149, 1161 (S.D.Cal.2018) ("The substantive due process right to family integrity or to familial association is well established. In sum, there is no dispute the constitutional right to family integrity applies to aliens.")

A child's constitutional right to family integrity is firmly grounded in the Fourteenth Amendment's Substantive Due Process Clause. *Duchesne v. Sugarman*, 566 F.2d 817, 825 (2d Cir. 1977). The Supreme Court described the right to family integrity as "perhaps the oldest of the fundamental liberty interests recognized by the Court." *Troxel v. Granville*, 530 U.S. 57, 65 (2000); *see also Santosky v. Kramer*, 455 U.S. 745, 753 (1982) (holding that parents and children share an interest in preventing termination of their relationship); *Moore v. City of E. Cleveland*, 431 U.S. 494, 503 (1977) ("the sanctity of the family . . . is deeply rooted in this Nation's history and tradition"); *Duchesne*, 566 F.2d at 825 ("[T]he most essential and basic aspect of familial privacy [is] the right of the family to remain together without the coercive interference of the awesome power of the state."); *Kia P. v. McIntyre*, 235 F.3d 749, 759 (2d. Cir. 2000) ("[C]hildren have a parallel constitutionally protected liberty interest in not being dislocated from the emotional attachments that derive from the intimacy of daily family association.").

As with other fundamental rights, government interference with children's right to remain with their families is subject to strict scrutiny. Government agencies cannot separate a child from their

³⁵ *Id.*

family in the absence of “compelling circumstances.” *Carvalho v. Lewis*, 274 S.E.2d 471, 472 (Ga. 1981). Even then, the intrusion must be “narrowly tailored” to serve the state’s interest in protecting the child’s health and well-being. *See, e.g., Washington v. Glucksberg*, 521 U.S. 702, 721 (1997) (Due process “forbids the government to infringe . . . ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest.”) (quoting *Reno v. Flores*, 507 U.S. 292, 302 (1993)); *M.L.B. v. S.L.J.*, 519 U.S. 102, 116 (1996); *Kia P.*, 235 F.3d at 758; *Zablocki v. Redhail*, 434 U.S. 374, 388 (1978); *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978) (concluding it would be unconstitutional “[i]f a State were to attempt to force the breakup of a natural family, over the objections of the parents and their children, without some showing of unfitness and for the sole reason that to do so was thought to be in the children’s best interest.”).

In the case of low-income sponsors, lack of documented income does not meet the “compelling circumstances” and “narrow tailoring” threshold to justify the government’s intrusion upon family integrity. *See In re. A.H.*, 842 A.2d 674, 687 (D.C.2004) (“To be sure, family poverty is not a reason, in and of itself, to find a child neglected, even if it plausibly could be argued that the child’s best interests would be served by removal to a materially wealthier home.”); *see also In re B.D.J.*, 728 N.E.2d 195, 202 (Ind.Ct.App.2000) (Unless a parent’s poverty causes him to neglect his child or expose the children to danger, “the fact that the father is of low or inconsistent income of itself does *not* show unfitness”) (emphasis added); *Santosky*, 455 U.S. at 760 (“[U]ntil the State proves parental unfitness, the child and his parents share a vital interest in preventing erroneous termination of their natural relationship.”). The State “has *no* compelling interest in removing children from parents who are in fact competent to love and care for them.” *Henry v. Sheriff of Tuscaloosa Cnty., Alabama*, 135 F.4th 1271, 1304 (11th Cir. 2025) (emphasis added).

PICA’s proof of income requirement, by allowing the size of a potential sponsor’s pocketbook to determine whether a child is able to reunite with family, also denies children equal protection under the law. *See M.L.B. v. S.L.J.*, 519 U.S. at 102 (1996) (holding that State may not deny review of termination of parental rights because of parent’s poverty: “the size of her pocketbook should not be dispositive when an ‘interest far more precious than any property right’ is at stake.”); *see also Roberts v. LaVallee*, 389 U.S. 40, 42 (1967) (“Our decisions for more than a decade now have made clear that differences in access to instruments needed to vindicate legal rights, when based upon the financial situation of the defendant, are repugnant to the Constitution.”); *see also Smith v. Bennett*, 365 U.S. 708, 714 (1961) (“[T]he Fourteenth Amendment weighs the interests of rich and poor . . . in equal scale, and its hand extends as far to each. In failing to extend the privilege . . . to its indigent prisoners, Iowa denies them equal protection of the laws.”)

E. There are other less harmful alternatives to PICA that would accomplish ORR’s goal of safe and suitable placements with sponsors post-discharge.

Children’s Rights unequivocally advocates for the reunification of unaccompanied minors with safe and appropriate sponsors. PICA’s proposed sponsor information requirements directly

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contradict this goal. They penalize the vast majority of unaccompanied children who can be released to safe and loving sponsors. Facilitating the provision of legal representation and social services for unaccompanied children after their release from ORR custody offers a more effective and comprehensive solution for any concerns HHS may actually have about child labor or trafficking.

Conclusion

PICA should be rejected because it (1) is contrary to children's best interests; (2) contradicts the statutory mission of ORR; (3) is overly burdensome for the children ORR is mandated to care for; and it (4) violates children's and their potential sponsors' constitutional rights. Finally, there are other less harmful alternatives to PICA that would increase the likelihood of safe and suitable placements with sponsors.

Respectfully submitted,

Eleanor Roberts

Staff Attorney

On behalf of Children's Rights