

GAO Highlights

Highlights of [GAO-19-163](#), a report to the Ranking Member, Committee on Energy and Commerce, House of Representatives

Why GAO Did This Study

On April 6, 2018, the Attorney General issued a memorandum on criminal prosecutions of immigration offenses, which, according to HHS officials, resulted in a considerable increase in the number of minor children whom DHS separated from their parents after attempting to cross the U.S. border illegally. On June 20, 2018, the President issued an executive order directing that alien families generally be detained together, and on June 26, 2018, a federal judge ordered the government to reunify separated families. DHS is responsible for the apprehension of individuals at the border, including families, and the transfer of UAC to HHS. HHS is responsible for coordinating the placement and care of UAC.

GAO was asked to examine processes for tracking and reunifying separated families. This report discusses DHS and HHS (1) planning efforts related to the Attorney General's April 2018 memo, (2) systems for indicating children were separated from parents, and (3) actions to reunify families in response to the June 2018 court order. GAO reviewed agency policies and procedures, filings in the relevant court case as of August 23, 2018, and interviewed DHS and HHS officials. GAO also visited four ORR shelters in July 2018 to interview staff responsible for the separated children.

What GAO Recommends

GAO is not making recommendations. GAO previously recommended that DHS and HHS improve their process for transferring UAC from DHS to HHS custody. DHS and HHS provided technical comments that were incorporated, as appropriate.

View [GAO-19-163](#). For more information, contact Kathryn A. Larin at (202) 512-7215 or larink@gao.gov or Rebecca Gambler at (202) 512-8777 or gambler@gao.gov.

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UNACCOMPANIED CHILDREN

Agency Efforts to Reunify Children Separated from Parents at the Border

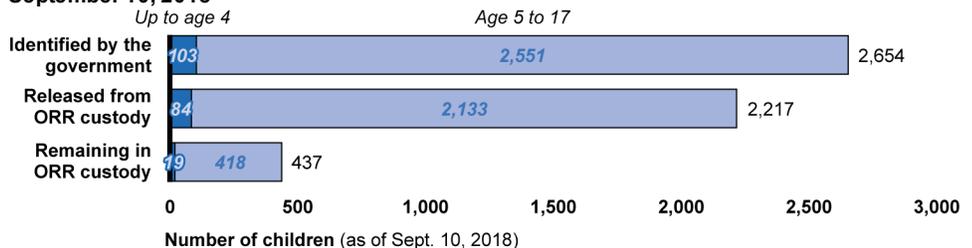
What GAO Found

Department of Homeland Security (DHS) and Department of Health and Human Services (HHS) officials we interviewed said the agencies did not plan for the potential increase in the number of children separated from their parent or legal guardian as a result of the Attorney General's April 2018 "zero tolerance" memo. These officials told GAO that they were unaware of the memo in advance of its public release. The memo directed Department of Justice prosecutors to accept for criminal prosecution all referrals from DHS of offenses related to improper entry into the United States, to the extent practicable. As a result, parents were placed in criminal detention, and their children were placed in the custody of HHS's Office of Refugee Resettlement (ORR). DHS and ORR treated separated children as unaccompanied alien children (UAC)—those under 18 years old with no lawful immigration status and no parent or legal guardian in the United States available to provide care and physical custody.

Prior to April 2018, DHS and HHS did not have a consistent way to indicate in their data systems children and parents separated at the border. In April and July 2018, U.S. Customs and Border Protection and ORR, respectively, updated their databases to allow them to indicate whether a child was separated. However, it is too soon to know the extent to which these changes, if fully implemented, will consistently indicate when children have been separated from their parents, or will help reunify families, if appropriate.

In response to a June 26, 2018 court order to quickly reunify children separated from their parents, HHS determined how many children in its care were subject to the order and developed procedures for reunifying these families. The government identified 2,654 children in ORR custody who potentially met reunification criteria. On July 10, 2018, the court approved reunification procedures for the parents covered by the June 2018 court order. This order noted that ORR's standard procedures used to release UACs from its care to sponsors were not meant to apply to this case, in which parents and children who were apprehended together were separated by government officials. DHS and HHS officials and staff at the ORR shelters GAO visited noted some challenges to reunification, including arranging communication between parent and child and coordinating transportation. As of September 10, 2018, 437 children remained in ORR custody for various reasons, such as ineligibility for reunification.

Number of Separated Children Potentially Eligible to Be Reunified with Parents as of September 10, 2018



Source: Ms. L. v. ICE, No. 18-0428 (S.D. Cal. Sept. 13, 2018) (joint status report). | GAO-19-163

ORR= Office of Refugee Resettlement

Note: GAO did not independently verify the accuracy of these data.