



# Freedom Network USA

Toby Biswas, ACF/ORR Director of Policy  
U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Refugee Resettlement  
Unaccompanied Children Bureau  
330 C St SW  
Washington, DC 20201

August 25, 2026

**RE: ORR Notice of Proposed Rule Making Unaccompanied Children Program Foundational Rule:  
Sponsor Assessment Update to Include Proof of Identity, Background Check, Placement, and Income  
Verification Standards (Docket ID ACF-2026-0199 and/or RIN 0970-AD26)**

Dear Mr. Biswas,

Freedom Network USA is the nation's largest coalition of human trafficking services providers, advocates, and survivors. We know, from over 25 years of experience working with human trafficking survivors, that survivors of all ages need safety and autonomy to recover from trafficking and rebuild their lives. These same principles, alongside access to support systems and basic protections, also prevent vulnerabilities to human trafficking. This is why we submit this comment in opposition to the proposed changes to the Unaccompanied Children Program Foundational Rule (Docket ID ACF-2026-0199 and/or RIN 0970-AD26).

The Unaccompanied Children Program was established by Congress through the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). It was included in the TVPRA specifically because it created the largest human trafficking prevention effort undertaken by the US Government. The TVPRA requires the basic protections these vulnerable children need to avoid exploitation and abuse: safe and child-appropriate placements, removal from unsafe immigration detention settings, connections with social services, placement with family members and loved ones, and legal and advocate representation. All following regulatory action should follow the TVPRA's established guidelines for identifying and protecting trafficking victims and protecting all children from abuse in the Office of Refugee Resettlement's (ORR) care.

The changes proposed by ORR are unnecessary to maintain the safety of children in its care and will increase their exposure to abuse and exploitation. We oppose the proposed changes because they will put trafficking survivors at risk of abuse and are in conflict with ORR's legal obligations under the TVPRA.

## **I. Body searches put children in danger of abuse and are unnecessary to assess “potential dangerousness”**

Survivors of human trafficking may have body markings or tattoos related to their experience. They may be placed there by the trafficker or a related organization, as a form of marking them or asserting control. Others may have culturally significant tattoos or tattoos unrelated to their trafficking experience. Some gang or trafficking-related tattoos may resemble culturally-significant ones. Body markings alone cannot be taken as indicators of victimization or of gang-affiliation and are not reliable indicators of “potential dangerousness” of a child

There is no reliable screening tool or assessment for determining if a tattoo or marking is related to trafficking. The body searches proposed by ORR will be unable to meaningfully distinguish between trafficking or gang-related tattoos and other types tattoos, putting children at risk of being placed in restrictive and dangerous settings based on misidentification. Trafficking survivors will be misidentified as gang members and placed in detention, exposing them to additional abuse and restricting their access to lifesaving social services. Children with culturally-significant tattoos misidentified as gang markings will also face harmful detention, rather than safe sponsor placements. Markings on children’s bodies are not sufficient evidence of “potential dangerousness.”

Additionally, the process proposed for body searches will expose children to abuse and exploitation. ORR staff and contractors are not suited to assess tattoos or markings. ORR facilities have received thousands of reports of physical and sexual abuse against unaccompanied children in their care, including over 7,467 reports between fiscal years 2016 and 2020.<sup>1</sup> ORR fails to detail how it plans to protect children from abuse in the proposed body search process, or how staff have been held accountable for past abuse in its facilities. The proposal would require body searches that put children in physically vulnerable positions with authority figures, with no proposed guardrails.

## **II. Circumventing prompt placement with sponsors puts children at risk of exploitation and abuse**

The TVPRA mandates that ORR place children with in the “least restrictive setting in their best interest.”<sup>2</sup> Despite this requirement, ORR has continually held children in custody for prolonged periods of time<sup>3</sup> and suggests to further extend detention in this proposed rule. Congress included the requirement for prompt placement in the TVPRA because it protects children from abuse and prevents re-traumatization of trafficking survivors. Survivors held in prolonged detention may face similar conditions to trafficking,

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<sup>1</sup> Administration for Children and Families, Office of Refugee Resettlement, “Report on Sexual Abuse and Harassment Involving Unaccompanied Children: 2017,” July 1, 2025, <https://acf.gov/orr/programs/uc/reports/report-sexual-abuse-and-sexual-harassment-involving-unaccompanied-children>.

<sup>2</sup> 8 U.S.C. § 1232(c)(2)

<sup>3</sup> Isabelle Taft, “These Kids Trekged Hundreds of Miles to Reunite With Their Parents. The Feds Kept Them Separated for Months,” New York Focus, May 13, 2026, <https://nysfocus.com/2026/05/13/unaccompanied-kids-immigrant-habeas-orr-detained-parents>

with no choice and autonomy over their lives, which can be re-traumatizing. Unaccompanied children who are human trafficking survivors are better able to connect with resources and victim services when they are in sponsor placements. Creating stability by going to school, having a safe and consistent home, and connecting with family and community is critical for child survivors.

Prolonged detention and time in other government custody settings increase children's vulnerabilities to human trafficking by keeping them disconnected from support networks and social services. Children with stable support networks face lower risks of trafficking and exploitation. Children held in extended custody lose trust and connection with these networks, and are more vulnerable to abuse. The TVPRA was clear that its statutory protections for unaccompanied children are intended to identify trafficking survivors and prevent all unaccompanied children from becoming vulnerable to trafficking.

ORR's trafficking prevention and child welfare mandates require ORR to release children to the least restrictive setting that best serves their individual interests. Instead, ORR proposes further restricting children to ORR custody, where they are unable to access the resources and support they require. ORR's proposed changes to vetting, proof of income, identification, and expanded background check requirements for sponsors and household members will keep children in prolonged detention and deter legitimate sponsors. ORR fails to explain how these proposed changes will demonstrably increase unaccompanied children's safety and conform with its statutory mandates to place children without unnecessary delay. Without justification for these changes, ORR proposes implementing policies that increase family separation and increase children's time in custody arbitrarily.

## **Conclusion**

The proposed changes to the Unaccompanied Children Program Foundation Rule undermine the statutory guidelines in the TVPRA intended to uphold the welfare of children in ORR care. Instead of investing further in services for unaccompanied children, which directly reduces vulnerabilities to trafficking and abuse, HHS has taken steps across policy levels and funding types to dismantle the largest trafficking prevention program in the United States. The proposed changes would deny children family reunification and expose them to potential exploitation and abuse in contradiction to ORR's child welfare mandates. We oppose the proposed changes and encourage ORR to rescind the Notice of Proposed Rulemaking in its entirety.

Sincerely,

A handwritten signature in black ink, appearing to read "Emma Ecker".

Emma Ecker  
Associate Policy Manager  
Freedom Network USA