

April 6, 2016

John Young

United States Office of Special Counsel

RE: Release of Unaccompanied Children to Criminal Sponsors

Dear Mr. Young,

I am disappointed by the inaction of Department of Homeland Security, Immigration and Customs Enforcement (DHS-ICE) and Health and Human Services (HHS) to remove Unaccompanied Children (UACs) from the hands of criminal sponsors. I am also disappointed that HHS has not conducted criminal history checks on sponsors, nor conducted mandatory fingerprint checks on the sponsors. I am also disappointed that rather than encourage employees to come forward as whistleblowers; the agencies target or discredit their employees.

Background:

Over the past two years, the Department of Homeland Security, Immigration and Customs Enforcement (DHS-ICE) and Health and Human Services (HHS) released tender age unaccompanied children (UACs) to convicted criminals. DHS-ICE and HHS are aware of these releases and did not return the children to safe havens.

On August 4, 2015, an email with an Excel Spreadsheet attached was circulated. The email originated from Senior Executive Service (SES) members at the highest levels of ICE. The spreadsheet was created by ICE ERO, in coordination with HHS, and forwarded to ICE for analysis; the spreadsheet was dated July 2015 and the email stated they planned on an operation to target the criminal aliens. Of 29,000 UAC sponsors identified in the spreadsheet; 3,669 were convicted of crimes. Crimes ranged from reentry after deportation to DUI to assault to homicide to sex crimes. I was alarmed that we knew of this information and did not make a plan to get the innocent children out of the hands of criminals. My other main concern was all of these children being released to men outside of their families that could simply be sex traffickers.

Releasing UACs falls under the purview of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR). ICE works with ORR to conduct criminal history checks of the sponsors but does not dig deep based on the burden of checking with each state for convictions; not just Federal convictions in the National Crime Information Center (NCIC). When ICE did dig deep they found out sponsors were criminals. ORR also provides UAC sponsor data directly to ICE.

There have been over 100,000 UACs released to sponsors since 2014; there is no possible way HHS and DHS-ICE vetted (meaning they fingerprinted and ran National Criminal Index Checks on them) all of them.

According to HHS ORR "Fingerprints; In order to sponsor a minor in the custody of the ORR, you must undergo a background check that requires you to be fingerprinted. Background checks typically take between one to two weeks to complete; therefore, you must get fingerprinted within 3 days to begin the process. Please note that any delays made in filing any required paperwork or not attending a scheduled fingerprinting will delay the release of the minor you are attempting to sponsor".

Fingerprints are simply not happening. This does not touch on the fact that the UACs are also being released to aliens present in the United States without admission; a simple check of name/DOB would reveal if the sponsors are here without permission. This is an issue; if DHS ICE arrests the sponsor for any reason, the child is left without a sponsor and is on their own.

HHS claimed in an email to you that; I, as the Whistleblower, provided different versions of the original spreadsheet. HHS stated to OSC the following "As you know, we've received four different versions of a spreadsheet provided by the whistleblower in support of his allegations. We're posed to move forward based on the last submission. However, we do feel some clarification is needed. The last spreadsheet does not have the same sponsor convictions that were represented in previous iterations. Also, the number of significant (or serious) criminal backgrounds are much lower. Can you please determine how these changes can be accounted for? Let me know if you have questions. Thank you!".

HHS did not do due diligence and run their own criminal history checks but solely decided to dismiss the provided spreadsheets. HHS needs to run criminal history checks on all the sponsors, to include fingerprints, as mandated by their own internal policies and as stated on their open source website; [http://www.acf.hhs.gov/programs/orr/resource/unaccompanied-childrens-services#Family Reunification Packet for Sponsors](http://www.acf.hhs.gov/programs/orr/resource/unaccompanied-childrens-services#Family%20Reunification%20Packet%20for%20Sponsors)

The ORR also provides notification to DHS-ICE via a form called "ORR Notification to ICE Chief Counsel Release of Unaccompanied Alien Child to Sponsor and Request to Change Address" and also provides a "Verification of Release" to DHS ICE. DHS-ICE also has access to the HHS UAC "portal". This portal has the status of all UACs (included location and identifying information) and their alleged locations after release.

DHS-ICE has not removed the UACs from the hands of criminals and continues to release children to unvetted sponsors. **The original spreadsheet was date July 8, 2015; there has been NO action by HHS and/or DHS ICE to remove the UACs from criminal sponsors at any period after this.**

The HSC Director directed the DHS Human Smuggling personnel to rename the criminal sponsors to "smugglers" in order to hide the fact that DHS ICE was aware of criminal sponsors.

The original DHS ICE email to and from SES and GS15 ICE managers is below;

"Subject: 20150708 original 2nd part.xlsx

Attached is Op. Yeti UAC sponsor data, which ERO NACTC in VT (who I'll be working with while at USCIS) ran through their DAS system to identify criminals. The second tab, column BD, sorted alphabetically, are the results. Criminality ranges from illegal entry (the majority) to two child molesters, with a few hit and runs, and other assorted bad things – domestic violence, DUI, larceny. 3,669 in total. They're planning an enforcement action on the sponsors (IAW priorities I'm sure). Thought you'd find this interesting."

Whistleblower Response to HHS Office of Inspector General (OIG) Report dated February 26, 2016:

HHS OIG provided a "rebuttal" rather than a thorough review of my allegations and attempted to discredit me rather than help the victim children. HHS OIG claimed the spreadsheet provided did not contain accurate information and they could not substantiate the UACs where released to criminals. This is simply not true, in fact, the sponsor data on the spreadsheet came directly from HHS and was provided to DHS ICE to run criminal history checks on. A simple call/email to DHS-ICE would determine the origination of the data. It is apparent that HHS OIG determined the best method to ensure the

safety of tender age children was to attempt to discredit the whistleblower; rather than look at their own database, to include the UAC ORR database.

HHS OIG sampled (25) cases of the over 100,000 UACs released since the inception of the UAC releases by ORR. Of the (25), HHS OIG stated only (6) could be determined to have been in custody of HHS ORR. And of the (6) they found no issues. Six children out of over 100,000; this is alarming. ALL of the over 100,000 sponsors should have been vetted, to have been cleared to care for the children. HHS simply decided to ignore the already released children, and stated they will “enhance” their process in the future. If even **ONE** child is released to a sex trafficker, murderer, etc. that is unacceptable.

Conclusion:

HHS needs to conduct thorough checks of sponsors to include, but not limited to;

- Criminal History checks using Federal AND State databases.
- Fingerprinting all sponsors; to include those already in the “system” as sponsors; (digital or ink), scanned, and sent to NCIC.
- Immediately coordinate contact with the UACs (if old enough) and sponsors released to; in order to determine if they are safe and secure.

DHS ICE needs to assist HHS to identify criminal aliens and remove the UACs from criminal sponsors.

DHS-ICE and HHS needs to encourage whistleblowers to come forward rather than discredit or target them as is common practice:

I remain anonymous in this letter; but DHS ICE management is aware of my identity. Freedom of Information Act (FOIA) requests by me to the ICE FOIA office determined the agency monitored my communications and terminated my assignment to a senior position based on my protected disclosures. FOIA requests also determined the agency targeted me by investigating my background (over 20 years) in an attempt to discover disparaging information to discredit me; none was or could be found because I have decades of service to our nation with no misconduct.

A list of DHS actors and witnesses from Homeland Security Investigations, Office of Professional Responsibility, and Enforcement and Removal Operations is available.