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The Office of Refugee Resettlement Needs To Improve Its Monitoring of Unlicensed Unaccompanied Alien Children Program Care Providers' Compliance With Background Check Requirements

REPORT HIGHLIGHTS

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The Office of Refugee Resettlement Needs To Improve Its Monitoring of Unlicensed Unaccompanied Alien Children Program Care Providers' Compliance With Background Check Requirements

Why OIG Did This Audit

- The Office of Refugee Resettlement (ORR) manages the Unaccompanied Alien Children (UAC) Program, which serves children who have no lawful immigration status in the United States and have no parent or legal guardian in this country, or do not have one available to assume custody and care for them in this country. All care providers are required to conduct background investigations on all employees and contractors who may have contact with children in ORR care.
- In 2021, Texas and Florida took actions to stop the State licensing of ORR UAC Program care providers. In January 2024, ORR officials disclosed to OIG that an unlicensed care provider did not conduct the required national Federal Bureau of Investigation fingerprint-based background checks and only conducted these checks at the State level.
- This audit determined whether ORR monitored unlicensed care providers' compliance with background check requirements.

What OIG Found

From September 2021 through August 2024, for the 58 unlicensed care provider facilities in Texas and Florida, ORR only conducted 176 of the 256 required monitoring visits and did not always conduct those monitoring visits within required timeframes. Specifically, ORR:

- Did not conduct 80 of the 198 required abbreviated monitoring visits (required quarterly).
- Did not conduct 43 of the 58 required comprehensive monitoring visits timely (required every 2 years).

Because these monitoring visits were not conducted or were not conducted timely, ORR missed opportunities to identify noncompliance with background check requirements. New staff may have had access to children before the care provider could verify that the staff member did not have a criminal history or a history indicating a risk to unaccompanied alien children. As a result, the health and safety of unaccompanied alien children may have been at risk.

We also noted a recent issue in Florida involving obstacles to obtaining required background checks, which arose after the audit period.

What OIG Recommends

We made two recommendations to ORR, including that it conduct required abbreviated monitoring visits at unlicensed facilities approximately every 90 days and put mechanisms in place to verify that all required background checks at unlicensed care providers are conducted.

Commenting on behalf of ORR, ACF partially concurred with our first recommendation, concurred with our second recommendation, and detailed steps it has taken and plans to take to address the recommendations.

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INTRODUCTION

WHY WE DID THIS AUDIT

The Office of Refugee Resettlement (ORR), a program office of the Administration for Children and Families within the Department of Health and Human Services, manages the Unaccompanied Alien Children Program (UAC Program).[1] The UAC Program serves children who have no lawful immigration status in the United States and have no parent or legal guardian in this country, or do not have one available to assume custody and care for them in this country.[2]

ORR provides funds to address the needs of these children through cooperative agreements or contracts with several types of care providers, including standard care providers, which must be licensed by an appropriate licensing agency.[3] To help ensure the safety of the children in the UAC Program, Federal regulations and ORR policy require all care providers to conduct background investigations on all employees and contractors who may have contact with children in ORR care.

In 2021, the States of Texas and Florida took actions to stop the State licensing of ORR UAC Program care providers.[4] In January 2024, ORR officials disclosed to the Office of Inspector General (OIG) that ORR had discovered that one of its largest unlicensed care providers in Texas did not conduct the required national Federal Bureau of Investigation (FBI) fingerprint-based background checks on more than 3,000 of its employees and only conducted these checks at the State level. As a result of this disclosure, we decided to conduct an audit to determine: (1) whether the FBI fingerprint-based checks of national and State registries were occurring for employees at ORR-funded unlicensed care provider facilities located in Texas and Florida and (2) whether ORR monitored all Texas and Florida unlicensed care provider facilities in accordance with Federal requirements.

[1] The Unaccompanied Alien Children Program, formerly known as the Unaccompanied Children Program, is currently known as the Unaccompanied Alien Children Bureau.

[2] 6 U.S.C. § 279(g)(2).

[3] A care provider facility is any ORR-funded care provider that is licensed, certified, or accredited by an appropriate State or local agency to provide residential or group services to unaccompanied alien children. These care provider facilities include programs of group homes or facilities for children with special needs or heightened supervision for children (45 CFR § 411.5).

[4] Throughout this report, we refer to the process as "delicensing" and those UAC Program care providers that have gone through this process as "unlicensed care providers." See Appendix B for a timeline of States' delicensing actions and applicable revisions to Federal regulations.

OIG has examined various aspects of the UAC Program; this report builds on our previous audits of ORR's efforts to protect children and specifically addresses ORR monitoring procedures for all unlicensed care providers' compliance with the background check requirements.[5]

OBJECTIVE

Our objective was to determine whether ORR monitored unlicensed care providers' compliance with background check requirements.

BACKGROUND

ORR Care Provider Network

Federal law requires the safe and timely placement of children in the least restrictive setting that is in the child's best interest.[6] To address the needs of children, ORR provides funds through cooperative agreements or contracts to several types of care providers in its care provider network, including shelters, transitional foster care, long-term foster care, and heightened supervision, or secure facilities.[7] A child typically remains in ORR's care until ORR releases the child to a vetted sponsor, who can assume custody.[8]

ORR Monitoring Policies and Procedures

According to ORR guidance, monitoring is an ongoing, multi-layered process that provides oversight of all components of a care provider's program, including program design, management, services, safety and security, child protection, case management, personnel management, stakeholder relations, and fiscal management. ORR monitoring activities include desk monitoring, routine site visits, and site visits in response to program officer or other requests, and monitoring visits.[9]

ORR conducts comprehensive onsite monitoring visits to standard care provider facilities not less than once every 2 years. During monitoring visits, monitoring personnel under the direction of ORR's Unaccompanied Children (UC) Monitoring Team monitor care providers to verify compliance with regulations, policies, and child welfare standards. Monitoring visits include selecting care provider personnel files to verify that the care provider is conducting

[5] OIG reports related to the UAC Program can be found at OIG UAC Program.

[6] 8 U.S.C. § 1232(c)(2).

[7] A care provider can have multiple facilities. For purposes of this report, we are limiting our review to unlicensed care provider facilities.

[8] 45 CFR §§ 410.1200 - 410.1203 were enacted on July 1, 2024, which was near the end of the audit period.

[9] For this audit, we focused on monitoring visits because they provide a comprehensive review of the program and are subject to Federal requirements. See Appendix C for details about ORR monitoring activities.

required background checks and making suitability determinations for those individuals that have access to the children.

ORR monitoring personnel use templates, checklists, and other tools to guide them through the monitoring process, verifying that the selected personnel files include the required background checks.[10] If ORR monitoring personnel find that a care provider is not compliant with requirements, ORR issues a corrective action report that describes the findings and corrective actions to be taken. The care provider then has up to 30 days to submit a response indicating its corrections or resolutions to the noncompliance.

Background Checks

An FBI fingerprint check is a fingerprint-based criminal history records check that draws from law enforcement information reported to the FBI by various Federal, State, and local jurisdictions. FBI fingerprint checks can be obtained from the FBI by authorized agencies.

A child protective services check of the staff's State or States of U.S. residence for the last 5 years includes a Child Abuse and Neglect (CA/N) check. A CA/N check determines whether an individual has been reported in a specific State to have committed child abuse or neglect or has a record of substantiated maltreatment of a child, depending on the content of a State's registry.

In December 2022, ORR was required to revise its monitoring policies and procedures to comply with the Consolidated Appropriations Act of 2023 (P.L. No. 117-328, Division H, Title II, Section 231), which established requirements for comprehensive and quarterly[11] monitoring of unlicensed care provider facilities. Revisions to the policies were finalized and incorporated into ORR guidance in August 2023.[12]

In addition to the 2-year monitoring requirement for standard care provider facilities, the new guidance requires ORR to conduct a comprehensive onsite monitoring visit to unlicensed care provider facilities during the first 3 months of operation, with quarterly (abbreviated) monitoring visits thereafter.[13] ORR officials explained to us that before finalizing the new monitoring guidance, ORR applied the requirement for monitoring standard care provider facilities every 2 years to unlicensed care provider facilities.

[10] ORR Guide § 5.5.1 (Jun. 15, 2015).

[11] For the purposes of this audit, we define "quarterly" as a 3-month interval and a month as approximately 30 days. Therefore, we calculated a quarter to be 90 days, a 3-month interval.

[12] Unaccompanied Children (UC) Monitoring Team Overview and Onsite Monitoring Visit Handbook, version 1.1 (Aug. 16, 2023).

[13] According to ORR, the only difference between a comprehensive and abbreviated monitoring visit is the frequency and sample size of the case files reviewed.

ORR Employee Background Check Requirements

Background checks are a critical component of the employment screening process, providing information about the suitability of an applicant to work with children and youth.[14] Federal regulations prohibit an ORR care provider from hiring or enlisting the services of any individual who will have direct contact with children if the applicant has engaged in sexual abuse, sexual harassment, or any type of inappropriate sexual behavior.[15] To implement these safeguards, care providers must conduct background checks on all employees and contractors who may have contact with children in ORR care.[16] Background checks must be conducted before employees are hired and gain access to children or youth.[17] ORR has minimum standards for the scope of background checks because State licensing requirements vary from State to State. Thus, care providers must complete background investigations according to both ORR's minimum standards and individual State licensing requirements.[18, 19]

Care providers must complete the FBI fingerprint-based background check for an employee using a public or private vendor and must keep the results of all background checks in the employee's personnel file. The care provider must document the review and conclusions regarding a background check and keep it in the employee's personnel file. In addition, the care provider must provide all information about the background check, including the background check and conclusions, to ORR if requested.

Texas Background Check Procedures Before and After Delicensing

The Texas Health and Human Services Commission (HHSC) licenses and regulates child care programs and is one of the agencies authorized to access the Texas Department of Public Safety (DPS) Fingerprint-based Applicant Clearinghouse of Texas' (FACT) secure website, to conduct the FBI fingerprint-based national and State background checks. However, effective August 31, 2021, after the State delicensed all ORR care providers, HHSC no longer conducted the required background checks for these care providers.[20]

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[14] Employment screenings are a broader process that includes background checks as one component along with other assessments like reference checks, skills tests, and drug tests aimed at evaluating a candidate's suitability for the job.

[15] 45 CFR § 411.16(a); ORR Guide § 4.3.4 (Mar. 11, 2019). On Jan. 10, 2025, ORR updated its guide to require the staff hiring decision to include an ORR Central Registry check**.**

[16] 45 CFR §§ 411.16(c) and (d).

[17] 45 CFR § 411.16(c); ORR Guide § 4.3.3 (Mar. 11, 2019).

[18] 45 CFR §§ 411.16(c) and (d).

[19] ORR Guide § 4.3.3.1 (Dec. 18, 2023). On Jan. 10, 2025, ORR added an annual requirement for care providers to conduct ORR Central Registry checks.

[20] Texas Administrative Code §745.115 Adopted Rule (Jul. 22, 2022); 47 TexReg 4336 (2022).

After delicensing, ORR updated a Memorandum of Understanding with DPS that allows ORR to conduct national and State FBI fingerprint-based background checks on behalf of the unlicensed care providers through the FACT using an ORR-specific service code. On September 24, 2021, ORR provided these Texas care providers with instructions for requesting fingerprint-based background checks through DPS using ORR's service code. This process allows ORR to adjudicate the fingerprint-based background checks, and many of the Texas unlicensed care providers have opted to have ORR conduct and adjudicate the required background checks.[21] The remaining unlicensed care providers elected to conduct the required background checks through DFPS using other licensed programs (e.g. foster care).

Florida Background Check Procedures Before and After Delicensing

The Florida Department of Children and Families (DCF) licenses and regulates programs for children and vulnerable adults. DCF is one of seven State agencies that use the Florida Agency for Health Care Administration Clearinghouse (the Clearinghouse) to access Federal and State background checks. Before delicensing, UAC Program care providers would access the Clearinghouse, through DCF, to conduct required background checks for employees.

However, after delicensing, DCF began revoking Clearinghouse access to unlicensed care providers. ORR did not provide additional guidance or a mechanism for unlicensed care providers to obtain the required background checks and instead simply instructed the care providers to follow the State's requirements. To comply with Florida law, the unlicensed UAC Program care providers would access the Clearinghouse under their licensed programs, such as foster care, to obtain background checks for their UAC Program employees.

ORR Discovered That a Care Provider Had Not Complied With National FBI Fingerprint-Based Background Check Requirements

In March 2023, ORR began conducting monitoring visits at 1 of its largest Texas care provider's 17 facilities for the first time since the care provider was delicensed in August 2021. During a subsequent September 2023 monitoring visit at this care provider's facilities, an ORR monitor discovered that the care provider had not conducted the required national FBI fingerprint-based background checks on its employees since the provider was delicensed.

In total, the care provider had not conducted the required national FBI fingerprint-based background checks for more than 3,000 of its employees throughout its facilities. The care provider had used an incorrect service code when it requested FBI fingerprint-based background checks, which resulted in the search parameters being limited to records from the State of Texas only, instead of checking both national and State registries.

After discovering this noncompliance, ORR conducted and adjudicated the required background checks for the care provider's employees. Ultimately, ORR conducted and adjudicated

[21] As of December 2025, ORR continues to conduct and adjudicate the required background checks for staff in unlicensed facilities in Texas.

background checks for 7,069 of the care provider's employees hired before March 2024, including the more than 3,000 employees who did not have the required FBI fingerprint-based background checks. ORR completed risk evaluations and appeals for 41 of the care provider's employees that received notification that they were ineligible for employment by the care provider. Of those 41 employees, 36 eventually had successful risk evaluations or appeals and were approved, and those employees received updated eligibility notification letters. Of the remaining five employees who did not have successful risk evaluations or appeals, four were terminated and one resigned.

HOW WE CONDUCTED THIS AUDIT

ORR provided a list of 58 unlicensed care provider facilities in Texas and Florida that were in operation from September 2021 through August 2024 (audit period).[22]

We reviewed Federal regulations and ORR policies and procedures for monitoring unlicensed care provider facilities, including monitoring whether care providers conducted required background checks. Based on issues ORR disclosed to OIG, this audit focuses on FBI fingerprint-based background checks and the child protective service checks, which are also known as CA/N checks. Further, we analyzed documentation of ORR's monitoring of unlicensed care provider facilities in Texas and Florida to determine whether the required monitoring visits occurred in accordance with Federal regulations. We met with ORR officials throughout the audit to obtain additional information and discuss their processes and our findings.

We met with officials from the Texas unlicensed care provider that had not complied with national FBI fingerprint-based background checks to discuss the details of the noncompliance. We surveyed the remaining Texas unlicensed care providers regarding the process they used for conducting background checks. Specifically, we requested information on how they were conducting the required background checks since delicensing.[23]

We met with Texas DPS officials to gain an understanding of the background check process, including the service codes used, to determine whether the required national and State background checks were being conducted at all unlicensed care providers in Texas.

We also met with Florida's unlicensed care providers and DCF officials to assess how background checks were conducted before and after delicensing. We reviewed DCF's policies and procedures for conducting FBI fingerprint-based background checks and documenting in personnel files that the national FBI fingerprint-based background checks were conducted.[24]

[22] There were 50 Texas and 8 Florida unlicensed care provider facilities operating during our audit period.

[23] We determined that the issue of noncompliance with the national FBI fingerprint-based background check requirement by the Texas care provider was isolated to its facilities and was not a systemic vulnerability affecting Texas unlicensed care providers.

[24] We determined that the Florida care providers complied with the national FBI fingerprint-based background check requirement; however, see Other Matters for OIG's concerns about future noncompliance issues.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix A contains the details of our audit scope and methodology. Appendix B contains a timeline of Texas's and Florida's delicensing actions and applicable revisions to Federal regulations. Appendix C contains details about ORR monitoring activities and Appendices D and E contain a summary of ORR's Texas and Florida monitoring visits, respectively.

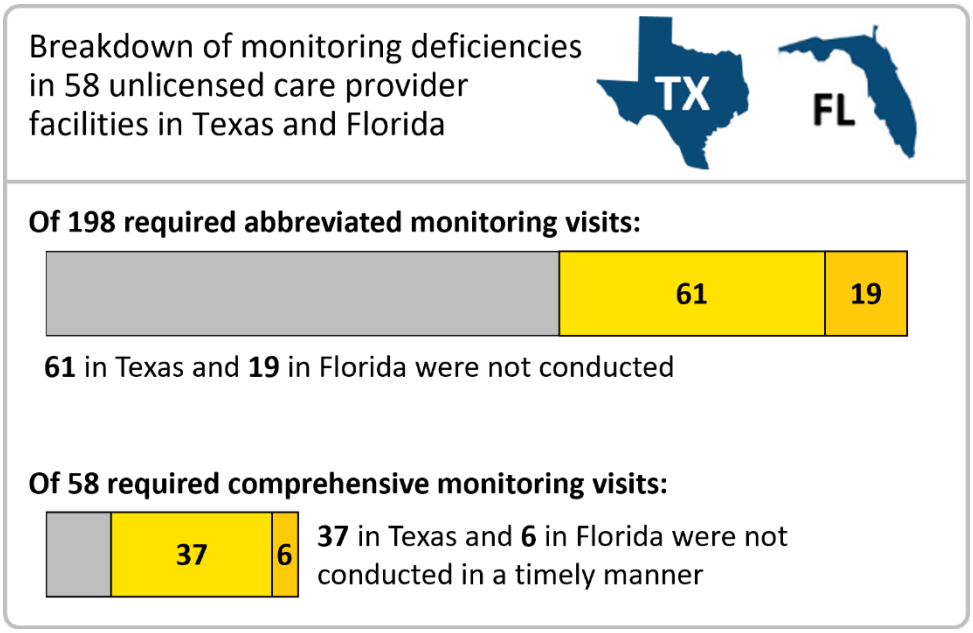
FINDINGS

ORR did not comply with requirements for monitoring unlicensed care providers' compliance with background check requirements in Texas and Florida during our audit period. Specifically, for the 58 unlicensed care provider facilities in Texas and Florida, ORR:

- Did not conduct 80 of the 198 required abbreviated monitoring visits during the audit period
- Did not conduct 43 of the 58 required comprehensive monitoring visits timely

See Figure 1 for a summary of our findings for Texas and Florida.

Figure 1: Summary of ORR's Compliance With Background Check Requirements



ORR mainly attributed its lack of compliance with the comprehensive monitoring requirements to challenges posed by the COVID-19 pandemic, an influx of unaccompanied alien children, and

challenges securing monitoring contractors to conduct the increased monitoring visit requirement. Because it did not conduct all required monitoring visits, ORR was unable to verify unlicensed care providers' compliance with required background checks. As a result, the health and safety of unaccompanied alien children may have been at risk.

ORR DID NOT COMPLY WITH REQUIREMENTS FOR MONITORING UNLICENSED CARE PROVIDER FACILITIES IN TEXAS AND FLORIDA

Background Check Requirements

ORR was responsible for conducting comprehensive onsite monitoring visits at standard care provider facilities not less than once every 2 years and at unlicensed care provider facilities during the first 3 months of operation, with quarterly (abbreviated) monitoring visits thereafter.[25]

The monitoring visit includes a review of policies and procedures, reports, and case files. It also includes a week-long visit and inspection of the facility to review additional reports, case files, other documents, interviews with staff, children, and stakeholders. During the monitoring visit, monitoring personnel utilize templates and checklists and other tools that must be completed at each site to examine the relevant documents, reports, and files. The monitoring visit examination involves reviewing care provider staff personnel files to verify that the employee background checks are being conducted in compliance with requirements.[26]

ORR Did Not Conduct All Monitoring Visits in Texas and Did Not Conduct Some Monitoring Visits Timely

Of the 219 monitoring visits (169 abbreviated and 50 comprehensive) ORR was required to conduct during our audit period for 50 unlicensed care provider facilities in Texas, ORR:

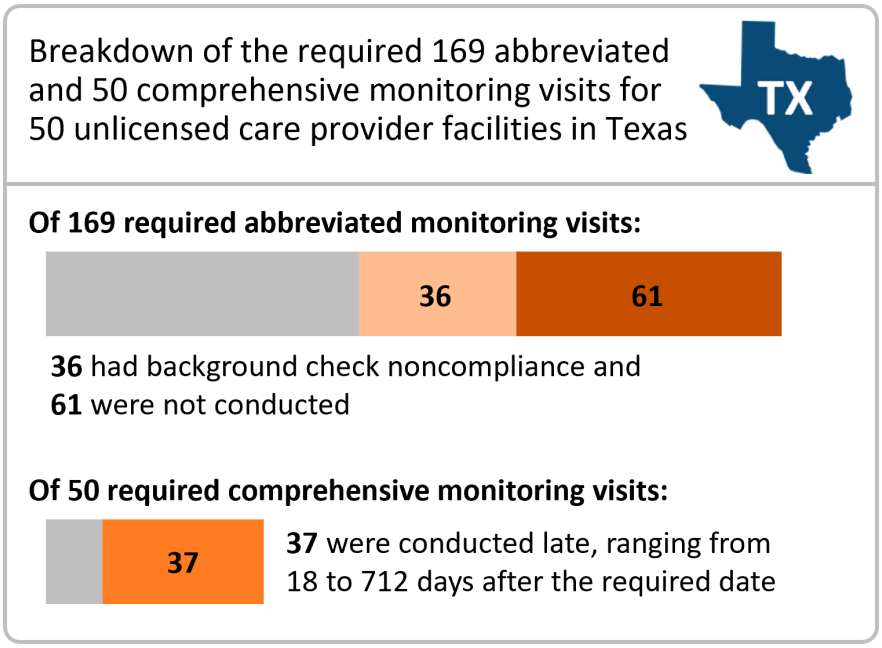
- Did not conduct 61 of the 169 required abbreviated monitoring visits
- Did not conduct 37 of the 50 required comprehensive monitoring visits timely

See Figure 2 on the next page for a summary of ORR's Texas monitoring visits that were either not conducted or were not conducted timely.

[25] Consolidated Appropriations Act of 2023 (P.L. No. 117-328, Division H, Title II, Section 231(5)).

[26] ORR Guide § 5.5.1 (Jun. 15, 2015). On Aug. 1, 2024, ORR added technical revisions to include removal of the term "alien" and to update the name UC Program to UC Bureau.

Figure 2: Summary of ORR's Texas Monitoring Visits



ORR did not conduct 1 or more required abbreviated monitoring visits at 49 of the 50 unlicensed care provider facilities. For the 108 abbreviated monitoring visits that it did conduct, ORR identified background check noncompliance during 36 visits at 30 of the 50 unlicensed care provider facilities. Further, the 37 comprehensive monitoring visits that were conducted late occurred from 18 to 712 days (over 23 months) after the required due date. During the comprehensive monitoring visits, ORR identified that 29 of the 50 unlicensed care provider facilities did not comply with background check requirements.

Examples of noncompliance ORR identified in its monitoring reports of the abbreviated and comprehensive monitoring visits included FBI fingerprint-based background checks that were not conducted or documented, staff dates of hire that occurred before the care provider received cleared FBI fingerprint-based background checks, and FBI fingerprint-based background checks that were expired. In addition, ORR found that unlicensed care providers did not conduct Child Protective Services (CPS) clearances or conducted the CPS clearances after employees were hired.

For one unlicensed care provider that did not comply with national FBI fingerprint-based background check requirements, ORR did not:

- Detect the noncompliance in 14 of the 17 monitoring visits it conducted in 2023 at the unlicensed care provider's facilities
- Conduct 13 monitoring visits in a timely manner; these visits were between 200 to 659 days late

These deficiencies added to the delay in discovering the specific care provider's systemic noncompliance in conducting national FBI fingerprint-based background checks since being delicensed in August 2021.

Because ORR did not conduct required monitoring visits, it could not verify that unlicensed care providers complied with background check requirements. Further, since care provider staff were hired before care providers received cleared FBI fingerprint-based background checks, new staff may have had access to children before the care provider could verify that the staff member did not have a criminal history or an abuse and neglect history indicating a risk to unaccompanied alien children. As a result, the health and safety of the unaccompanied alien children may have been at risk.

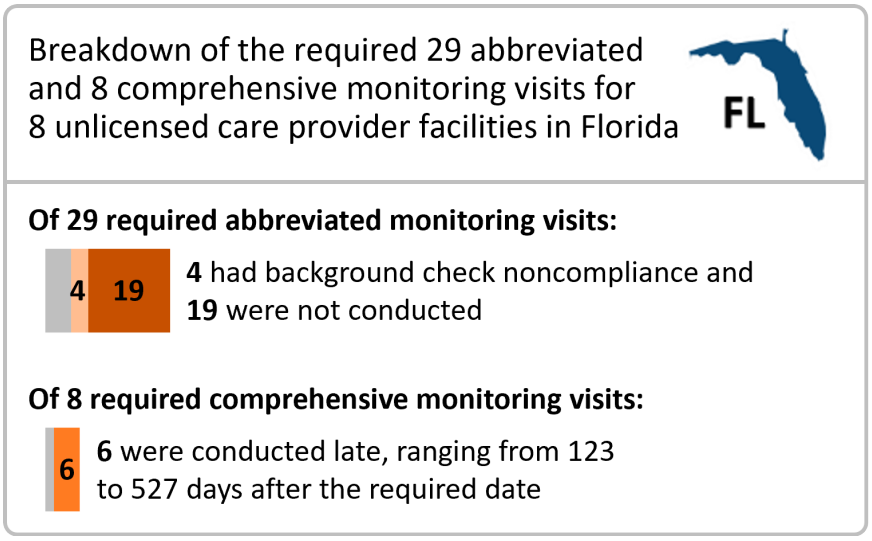
ORR Did Not Conduct All Monitoring Visits in Florida and Did Not Conduct Some Monitoring Visits Timely

Of the 37 monitoring visits (29 abbreviated and 8 comprehensive) ORR was required to conduct during our audit period for 8 unlicensed care provider facilities in Florida, ORR:

- Did not conduct 19 of the 29 required abbreviated monitoring visits
- Did not conduct 6 of the 8 comprehensive monitoring visits timely

See Figure 3 for a summary of ORR's Florida monitoring visits that were either not conducted or were not conducted timely.

Figure 3: Summary of ORR's Florida Monitoring Visits



ORR did not conduct one or more required abbreviated monitoring visits at all eight unlicensed care provider facilities. In the 10 abbreviated monitoring visits that it did conduct, ORR identified background check noncompliance during four visits at four of the eight unlicensed care provider facilities. Further, the six comprehensive monitoring visits that were conducted

late occurred from 123 to 527 days (over 17 months) after the required due date. During the comprehensive monitoring visits, ORR identified that two of the eight unlicensed care provider facilities did not comply with background check requirements.

Examples of noncompliance ORR identified in its monitoring reports of the abbreviated monitoring visits included FBI fingerprint-based background checks and CPS checks for States of residency that were conducted after the employee's date of hire, FBI fingerprint-based background check 5-year updates that were not conducted, and missing background check information from the personnel records for subcontracted individuals. Care providers corrected these deficiencies when ORR monitoring personnel requested the care providers to remove the staff from having direct access to children until the appropriate checks were obtained and to establish a supervision plan for all applicable staff.

All instances of background check noncompliance identified during the comprehensive monitoring visits were related to CPS checks. Specifically, care providers either did not conduct CPS checks or conducted the checks after the employee's date of hire. Care providers corrected these deficiencies when ORR monitoring personnel requested that the care providers remove the staff from having direct access to children until the appropriate checks were obtained.

Because ORR did not conduct required monitoring visits, it did not verify that care providers complied with background check requirements. Further, since care provider staff were hired before care providers received cleared FBI fingerprint-based background checks, new staff may have had access to children before the care provider could verify that the staff member did not have a criminal history or an abuse and neglect history indicating a risk to unaccompanied alien children. As a result, the health and safety of unaccompanied alien children may have been at risk.

ORR MONITORING VISITS WERE DELAYED BY PANDEMIC-RELATED STAFFING AND CONTRACTOR SHORTAGES

ORR stated that, during our audit period, it faced challenges posed by the COVID-19 pandemic and an influx of unaccompanied alien children through the southern border. ORR also stated that it did not have the staffing or resources to monitor all programs within the required timeframes due to a hiring freeze and difficulty securing monitoring contractors. When ORR suspended in-person monitoring activities during the pandemic, it created a backlog of unconducted comprehensive monitoring visits. ORR resumed and prioritized in-person monitoring visits as COVID-19 restrictions were lifted and as it was able to secure monitoring contractors to conduct monitoring visits.[27]

[27] ORR conducted desk monitoring instead of onsite monitoring visits at care provider facilities during the pandemic. In September 2022, ORR modified the monitoring contract to include onsite quarterly monitoring visits for Texas unlicensed facilities. In March 2023, the monitoring contractors began supporting monitoring visits to Texas unlicensed facilities under the direction of the UC Monitoring Team.

When conducting the abbreviated monitoring, ORR considered that a visit met the requirements if it was completed in any month of the quarter, rather than every 90 days (3 months). For example, if a monitoring visit occurred in January 2024 (the beginning of the first quarter of the calendar year) and the next monitoring visit occurred in June 2024 (the end of the second quarter of the calendar year), ORR considered these visits met the monitoring requirements, even though almost 180 days (6 months) would have transpired between visits.

In addition, after ORR resumed monitoring visits, its monitoring personnel did not identify that the FBI fingerprint-based background checks were only being conducted on a State level at one of the largest unlicensed care providers in Texas. During a later monitoring visit, the monitoring personnel reached out to ORR supervisors questioning the validity of the background checks performed by the care provider. Based on email communications between ORR and the monitoring personnel, the monitoring personnel were not familiar with the requirement to verify FBI fingerprint-based background check documentation and said it was difficult to differentiate between a national and a State-level FBI fingerprint-based background check.

RECOMMENDATIONS

- We recommend that ORR conduct required abbreviated monitoring visits at unlicensed facilities approximately every 90 days.

- We recommend that ORR put mechanisms in place to verify that all required background checks at unlicensed care providers are conducted.

ACF COMMENTS AND OIG RESPONSE

ACF COMMENTS

In written comments on our draft report, ACF (commenting on behalf of ORR) partially concurred with our first recommendation and concurred with our second recommendation. ACF also detailed steps it has taken and plans to take to address the recommendations.

In response to our first recommendation, ACF asked that the recommendation be specific to unlicensed care facilities. ACF affirmed its commitment to the safety and wellbeing of unaccompanied alien children while explaining that past operational constraints limited monitoring capacity. ACF stated that it is developing enhanced monitoring policies that include a mix of in-person and desk monitoring of all unlicensed facilities. In addition, ACF created a new Monitoring and Compliance Bureau to enhance care provider oversight going forward.

In response to our second recommendation, ACF fully concurred and highlighted improvements to background-check verification, including new internal guidance, expanded support from suitability staff, digitized monitoring tools, and upcoming technology upgrades that will provide greater visibility and tracking of background-check completion across programs. ACF's comments are included in their entirety as Appendix F.

OIG RESPONSE

After reviewing ACF's comments, we revised our first recommendation to specify that we recommend ORR conduct abbreviated monitoring visits at unlicensed care provider facilities—rather than all facilities—approximately every 90 days. Our audit focused on unlicensed care providers and this recommendation aligns with the guidance in the Unaccompanied Children (UC) Monitoring Team Overview and Onsite Monitoring Visit Handbook in place at the time of our audit.

OTHER MATTERS

During the course of our audit, which focused on ORR's monitoring of unlicensed care facilities between September 2021 and August 2024, we also identified a more recent vulnerability related to how Florida unlicensed care providers obtain required background checks. DCF told us that it became aware that Florida unlicensed care providers were obtaining the appropriate background checks for its UAC Program employees through the Clearinghouse by selecting another licensed program. DCF later informed the Florida unlicensed care providers that requesting background checks for their UAC Program employees through the Clearinghouse under a licensed program was prohibited, and DCF began revoking Clearinghouse access to unlicensed care providers. In August and September 2024, Florida unlicensed care providers told us that they had requested but not yet received guidance from ORR about how to obtain the required background checks.

In May and June 2025, the Florida unlicensed care providers indicated that ORR still had not provided any guidance or support on how they could obtain the appropriate background checks to meet Federal requirements. In addition, more unlicensed care providers stated they have lost access to the Clearinghouse, and others reported that they continued obtaining background checks as if employees were under a licensed program. As a result of DCF's restrictions to the Clearinghouse, unlicensed care providers are not able to obtain the required national background checks, which could put the safety of the unaccompanied alien children at risk.

In July 2025, ORR officials indicated that it is currently in contact with DCF and will assess the need for guidance after further looking into this matter. In December 2025, ORR informed OIG that ORR had not provided any guidance to Florida DCF or UAC providers on how to obtain appropriate background checks.

APPENDIX A: AUDIT SCOPE AND METHODOLOGY

SCOPE

Our audit period began on September 1, 2021, after Texas took action to delicense care providers, and ended on August 31, 2024. During this period, there were 50 unlicensed care providers operating in Texas and 8 operating in Florida. Based on issues ORR disclosed to OIG, this audit focuses on FBI fingerprint-based background checks and child protective service checks, also known as CA/N checks.

We did not assess the overall internal control structures of ORR. We limited our assessment of ORR's internal controls to those related to monitoring activities and conducting background checks for employees.

We conducted our audit from April 2024 through March 2026.

METHODOLOGY

We took the following steps to accomplish our objective:

- Reviewed Federal laws and regulations, ORR policies and procedures related to background checks for employees at unlicensed care providers, and ORR policy related to monitoring of those care providers

- Obtained a list of unlicensed care providers and facilities in Texas and Florida that were in operation when we began our audit

- Obtained and reviewed the background check process before and after Texas and Florida stopped licensing care providers

- Interviewed ORR officials to obtain a full understanding of ORR's role in the background check process and the policies and procedures for monitoring unlicensed care providers, including monitoring of required employee background checks

- Reviewed ORR's monitoring templates, checklists, and tools for monitoring unlicensed care providers

- Received from ORR a list of all unlicensed care providers that indicated which facilities were using ORR to conduct and adjudicate background checks and which facilities were not using ORR

- Received from ORR officials a detailed description; of the background check process, including a review of all documentation for unlicensed care providers in Texas and Florida that did not use ORR to conduct background checks

- Obtained and reviewed Texas DPS's and Florida DCF's policies and procedures for conducting FBI fingerprint-based background checks for employees of standard and unlicensed care providers

- Interviewed Texas DPS and Florida DCF officials to gain an understanding of the FBI fingerprint-based background check process for standard and unlicensed care providers, including the service codes used for these checks and DPS's and DCF's role in adjudicating the results of these checks

- Received a walk-through of Texas DPS's system and process for conducting background checks for employees of standard and unlicensed care providers, including a review of the documentation supporting the incoming request for an FBI fingerprint-based background check, the results, and any letter adjudicating the results

- Obtained and reviewed the service codes used to conduct FBI fingerprint-based background checks for employees of unlicensed care providers to determine whether the required check of national and State registries was conducted and, when appropriate, determine why different service codes were provided to different unlicensed facilities

- Surveyed unlicensed care providers in Texas to ascertain how the required background checks were being conducted since care providers were delicensed and determine whether the national FBI fingerprint-based background check noncompliance was systemic

- Contacted the unlicensed care provider in Texas that was not conducting the required national FBI fingerprint-based background checks to determine the number of employees who potentially did not receive the required check

- Interviewed officials at care providers in Florida to ascertain how the required background checks were being conducted before and after care providers were delicensed and to determine whether the national FBI fingerprint-based background checks were being conducted

- Obtained and analyzed Texas' and Florida's care provider documentation supporting the FBI fingerprint-based background checks conducted by Texas DPS and Florida DCF

- Obtained and analyzed ORR's monitoring reports (Corrective Action Reports) for unlicensed care provider facilities to determine whether monitoring complied with the comprehensive and abbreviated monitoring requirements and assessed findings related to personnel background checks

- Determined ORR compliance with monitoring requirements for the State of Texas and Florida by:

    - Determining the number of comprehensive and abbreviated monitoring visits required during our audit period, excluding from our analysis all abbreviated monitoring visits with a due date after August 2024

    - Determining the due dates for comprehensive monitoring visits at every 2-year interval either beginning with the first UAC Program placement date or within the first 90 days (3 months) of operation

    - Calculating the due dates for abbreviated monitoring visits at every 90-day (3-month) interval beginning with the last comprehensive monitoring or when the new ORR monitoring guidance went into effect

    - Considering monitoring visits "on-time" if they occurred within 15 days after the required due date

    - Considering comprehensive monitoring visits “not conducted” if they did not occur within 720 days (2 years) and, for those facilities newly opened, if they did not occur within 15 days after the required due date

- Discussed the results of our audit with ORR officials

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained will provide a reasonable basis for our findings and conclusions based on our audit objectives.

APPENDIX B: TIMELINE OF STATE DELICENSING ACTIONS AND CHANGES TO FEDERAL REGULATIONS

2015

6/15/2015 – ORR Guidance § 5.5.2 (before delicensing)
Comprehensive monitoring visits of care providers to be conducted every 2 years or biannually.

2021

5/31/2021 – Texas Governor's Proclamation
Emergency declaration mandates that the Texas Health and Human Services Commission (HHSC) start the process of discontinuing the State licensing of UAC Program care providers.

7/23/2021 – Texas Administrative Code (TAC) § 745.115
HHSC adopts emergency rules relating to care providers that are exempt from licensure and regulation by HHSC.

8/30/2021 – Texas Register Preamble to TAC § 745.115
HHSC requires care providers cease providing care or shelter to an unlawful immigrant or surrender license.

9/24/2021 – ORR Guidance
ORR sent guidance to unlicensed Texas care providers on how to obtain background checks.

9/28/2021 – Florida Governor's Executive Order 21-223
Mandates that DCF will not grant or renew licenses to family foster homes, residential child-caring agencies, or child-placing agencies that seek to provide services for unaccompanied alien children.

2022

2/9/2022 – Florida Administrative Code Rule 65C-9.004
DCF published a Proposed Rule prohibiting the issuance or renewal of licenses for any family foster home, residential child-caring agency, or child-placing agency that applies to house unaccompanied alien children in Florida.

3/9/2022 – License Surrenders Begin
First Florida ORR UAC Program care provider's license is surrendered.

7/22/2022 –TAC § 745.115
HHSC adopts Rule discontinuing Texas licensing requirements.

12/29/2022 – Consolidated Appropriations Act of 2023, (P.L. No. 117-328, Division H, Title II, Section 231)
Puts in place comprehensive and quarterly monitoring requirements for unlicensed facilities.

2023

3/31/2023 – No More Florida Licenses
The last Florida ORR UAC Program care provider's license expires.

8/16/2023 – Unaccompanied Children (UC) Monitoring Team Overview and Onsite Monitoring Visit Handbook, version 1.1 (Aug. 16, 2023) (after delicensing)
ORR finalizes guidance for conducting comprehensive and abbreviated (quarterly) monitoring for unlicensed facilities.

APPENDIX C: DESCRIPTION OF ORR MONITORING ACTIVITIES FROM THE ORR GUIDE FROM SEPTEMBER 2021 THROUGH AUGUST 2024 [28]

Desk Monitoring refers to ongoing oversight from ORR Division of Grants Management staff. Desk monitoring includes regular reviews of records and reports, such as annual goals and objectives, quarterly program reports, Significant Incident Reports (SIRs), ORR reports about the timely and accurate use of the ORR case management database, and financial reports. It also includes regular calls with care provider Program Directors and others to become knowledgeable about the infrastructure and management systems of the individual programs and to review data found in required documents and reports. To ensure compliance with policies and procedures and to follow up on SIRs, ORR staff also request facility case files and spot check them for accuracy and completeness.

Routine Site Visits are routine day long site visits conducted at least once a month at each facility to observe service delivery and to review records and procedures. During site visits, ORR representatives attend "case staffings," (meetings that take place with care provider staff, Case Coordinators, and others, and in which individual unaccompanied alien child cases are discussed) at care provider facilities to observe both the collaboration between care provider teams and the effectiveness of the case management system as a whole. ORR receives monthly reports on all care provider facilities based on the findings from these site visits as well as quarterly reports on each facility identifying strengths and weaknesses, identified concerns, and training needs. All issues from desk monitoring or site visits that concern safety or security issues or otherwise need elevation are reported to ORR supervisors immediately.

Site Visits in Response to Project Officer or Other Requests are visits for a specific purpose or investigation; for example, a site visit could be conducted in response to a corrective action plan.

Monitoring Visits are to be conducted not less than once every 2 years at standard facilities and during the first 3 months of operation at unlicensed facilities. Thereafter, ORR monitors conduct quarterly (abbreviated) visits, which consist of a comprehensive inspection based on information submitted by the care provider before and during the visit and interviews with staff, unaccompanied alien children, and stakeholders. The formal monitoring visit utilizes templates and checklists and other tools that must be completed at each site. The last step in the process is ORR's submission of a monitoring report to the provider (30 days after the visit) with a list of corrective actions that must be addressed. A corrective action is any finding that indicates noncompliance with explicit policies or procedures defined by ORR. The care provider has up to 30 days to submit a response to the corrective action plan, indicating how the program has corrected or will remedy any noncompliance. However, ORR may require more immediate action when appropriate and will notify the care provider.

[28] ORR Guide § 5.5.1 (Jun. 15, 2015). In August 2023, ORR finalized and incorporated into Chapter 2 of the Unaccompanied Children (UC) Monitoring Team Overview and Onsite Monitoring Visit Handbook (Version 1.1), the monitoring policies for unlicensed care providers as required by the Consolidated Appropriations Act, 2023, Division H, Title II, Section 231.

APPENDIX D: SUMMARY OF ORR'S TEXAS MONITORING VISITS FROM SEPTEMBER 2021 THROUGH AUGUST 2024

Facility Number	Number of Visits Required	Number of Visits Conducted	Number of Visits Not Conducted	Number of Visits Late	Days Late
1	5	3	2	1	365
2	5	4	1	1	274
3	5	4	1	1	328
4	5	4	1	1	278
5	5	3	2	1	302
6	5	3	2	1	148
7	5	4	1	1	440
8	5	4	1	1	230
9	5	4	1	1	274
10	5	3	2	1	207
11	5	4	1	1	202
12	5	4	1	1	200
13	5	4	1	1	259
14	5	3	2	1	287
15	5	4	1	1	244
16	5	3	2	1	236
17	5	4	1	1	203
18	4	3	1	1	481
19	4	3	1	1	652
20	3	2	1	1	67
21	4	3	1	1	213
22	3	2	1	1	387
23	5	3	2	1	104
24	5	4	1	0	0
25	4	3	1	0	0

Facility Number	Number of Visits Required	Number of Visits Conducted	Number of Visits Not Conducted	Number of Visits Late	Days Late
26	4	3	1	1	691
27	5	3	2	1	59
28	5	3	2	0	0
29	5	3	2	1	49
30	4	3	1	1	709
31	4	3	1	0	0
32	5	4	1	0	0
33	4	2	2	1	606
34	5	4	1	0	0
35	4	3	1	0	0
36	3	2	1	1	18
37	4	3	1	1	659
38	4	3	1	1	333
39	3	2	1	1	26
40	4	3	1	1	434
41	4	3	1	0	0
42	3	3	0	1	61
43	4	2	2	1	298
44	4	3	1	0	0
45	4	3	1	0	0
46	4	3	1	1	712
47	5	4	1	1	98
48	4	3	1	0	0
49	4	3	1	0	0
50	3	2	1	0	0
Total	**219**	**158**	**61**	**37**	

APPENDIX E: SUMMARY OF ORR'S FLORIDA MONITORING VISITS FROM SEPTEMBER 2021 THROUGH AUGUST 2024

Facility Number	Number of Visits Required	Number of Visits Conducted	Number of Visits Not Conducted	Number of Visits Late	Days Late
1	5	2	3	1	126
2	3	1	2	0	0
3	5	3	2	0	0
4	4	2	2	1	187
5	5	2	3	1	527
6	5	3	2	1	124
7	5	3	2	1	123
8	5	2	3	1	314
Total	**37**	**18**	**19**	**6**	

APPENDIX F: ACF COMMENTS

ADMINISTRATION FOR CHILDREN & FAMILIES

Office of the Assistant Secretary | 330 C Street, S.W., Suite 4034
Washington, D.C. 20201 | www.acf.hhs.gov

April 17, 2026

John D. Hagg
Acting Deputy Inspector General for Audit Services
U.S. Department of Health and Human Services
330 Independence Avenue, SW
Washington, DC 20201

Dear Acting Deputy Inspector General Hagg:

The Administration for Children and Families (ACF) appreciates the opportunity to respond to the Office of Inspector General (OIG) draft report titled, *The Office of Refugee Resettlement Needs to Improve Its Monitoring of Unlicensed Unaccompanied Children Program Care Providers' Compliance With Background Check Requirements, (*A-06-24-07001). Please find our comments and responses to the two draft report recommendations below.

Recommendation 1: We recommend that ORR conduct required abbreviated monitoring visits approximately every 90 days.

ACF Response: ORR partially concurs with this recommendation and asks that the recommendation be specific to unlicensed care provider programs.

ORR notes that during the audit period of 2021 to 2024, monitoring capacity was significantly constrained by multiple, overlapping operational demands, including pandemic restrictions, a federal hiring freeze, contract delays, unprecedented referral volumes, staff deployments to support influx sites, required quarterly monitoring of influx sites, Secretary-directed monitoring of programs serving Afghan youth in 2022, and urgent monitoring assignments to programs in Arizona and California (2024). ORR also continued to conduct oversight of regular licensed programs during this period. Notwithstanding these operational constraints, ORR worked to quarterly monitor unlicensed facilities during periods of influx, as defined by when ORR's operational capacity is at or exceeds 85 percent for a period of 3 days.

With these constraints resolved and ORR's current operations in a non-influx period, ORR is developing enhanced monitoring policies and procedures as required under 45 CFR 410.1303(e), which includes a mix of in-person and desk monitoring of all unlicensed facilities, to be implemented during times of non-influx. ORR is able to ramp up its monitoring capacity at unlicensed facilities in operation for more than three consecutive months during an influx to provide the minimum of one comprehensive monitoring visit, with quarterly monitoring thereafter (per Public Law 119-75). ORR continues to ensure comprehensive monitoring visits occur for all programs every two years in line with Unaccompanied Alien Children Bureau Policy Guide Section 5.5 ORR Monitoring and Compliance.

Additionally, please note that in June 2025, ORR consolidated monitoring, evaluation, compliance, and training functions into the new Monitoring and Compliance Bureau, creating a central hub for oversight and compliance across both the Refugee Program Bureau and the Unaccompanied Alien Children Bureau. The Bureau is comprised of four specialized divisions – UAC Monitoring, Refugee Monitoring, Evaluation & Learning, and Safety, Security & Physical Plant, with 130+ federal and contractor staff. Since their development, MCB has developed uniform monitoring assessment standards for consistent and transparent program oversight, began integrating monitoring standards and tools into a singular data system to enable standardized documentation, improved data integrity, and trend analysis, initiated internal audits of sponsor vetting processes to strengthen practices, and established a specialized division of safety, security, and facility experts to enhance oversight of care provider conditions and environmental safety.

ORR continues to showcase its commitment to the safety and wellbeing of unaccompanied alien children in care by developing monitoring and compliance tools that ensure continued quality improvement and identify areas of growth.

Recommendation 2: We recommend that ORR put mechanisms in place to verify that all required background checks at unlicensed care providers are conducted.

ACF Response: ORR concurs with this recommendation.

ORR agrees with the importance of strengthening mechanisms to verify background-check compliance across unlicensed programs, particularly given the significant state-by-state variation in fingerprinting processes, adjudication systems, and Child Abuse/Neglect (CA/N) check procedures.

To address this, ORR issued new internal guidance to monitoring staff, developed by the multidisciplinary Background Check Workgroup in November 2023. This guidance provides a structured verification approach by outlining the different ways states conduct fingerprinting and CA/N checks, key decision points in the process, and standardized questions monitors should use to understand a care provider's background check workflow. The tool helps ensure monitors probe for the correct information and avoid assumptions when state processes differ in terminology, routing, or adjudication. As a result of the Background Check Workgroup initiative, ORR's Background Check Badging and Suitability team will support the monitoring team's review of employees during site visits by furnishing them with any available suitability information for all employees under review upon request.

In addition, ORR is revising and digitizing all monitoring tools to more effectively track noncompliance identified during monitoring visits, including background check reviews. These revisions support greater consistency in how monitors record the information gathered using the internal guidance and enable ORR to identify and address any recurring patters of noncompliance through established corrective-action processes.

Additional forthcoming improvements in technology will allow for ORR Project Officers to see information for all staff background checks for all programs, licensed and delicensed, in ORR' s Program Management Hub. This platform in tandem with ORR's digitization model, ORRbit, will ensure suitability determinations are completed for each staff member and easily accessible by ORR's Division of Provider Management.

Together, these updates strengthen ORR's mechanisms for verifying required background checks, improve consistency in monitoring practice, and enhance ORR's ability to identify and resolve background check issues across varying state systems.

Thank you again for the opportunity to review this draft report. Please direct any follow-up inquiries to Latasha Abney, Director, Office of Grants Policy, at (202) 401-5324.

Sincerely,

Alex J. Adams
Assistant Secretary
Administration for Children and Families
U.S. Department of Health and Human Services

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Washington, DC 20201

Email: Public.Affairs@oig.hhs.gov