



Characteristics of Separated Children in ORR's Care: June 27, 2018–November 15, 2020

What OIG Did

The Office of Refugee Resettlement (ORR) is a program office of the Administration for Children and Families (ACF) within the Department of Health and Human Services (HHS). ORR operates the Unaccompanied Children (UC) Program to provide care and placement for children without lawful immigration status who do not have a parent or guardian in the United States who is available to take custody ("unaccompanied children"). An unaccompanied child typically remains in ORR's care until one of three things happens: an appropriate sponsor is located in the United States who can assume custody, the child turns 18 years old, or the child's immigration status is resolved.

Most children referred to ORR by the Department of Homeland Security (DHS) have surrendered to or been apprehended by immigration officials while entering the United States without a parent or legal guardian. However, some children enter the United States with a parent or legal guardian but are subsequently separated from that adult by DHS officials and then referred to ORR. In this report, we refer to these two types of unaccompanied children as "non-separated children" and "separated children," respectively.

Historically, separations were rare and typically occurred because of an unverified parental relationship, a parental health issue, or another concern that the parent could pose a danger to the child.¹ However, in 2017 and 2018, the number of separated children referred to ORR increased significantly as a result of initiatives by the Department of Justice (DOJ) and DHS to increase prosecution of certain immigration offenses. These initiatives culminated in the spring 2018 implementation of the "zero tolerance" policy. Under that policy, large numbers of families entering the United States without authorization were separated by DHS. Typically, adults were held in Federal detention while their children were referred to ORR.² On June 26, 2018, a Federal district court halted family separations with only a few exceptions.³

Prior OIG work identified challenges that ORR faced in addressing the mental health needs of separated children and efficiently identifying appropriate sponsors for their release.⁴ Given these challenges, this study provides the following information: the number of separated children who have been referred to ORR since the June 2018 court order; the reasons the separations occurred; the separated children's key characteristics and release outcomes; and how separated children compare to non-separated children in ORR's care.

Key Takeaways

In total, 1,178 children were separated from a parent or legal guardian and referred to ORR's care between June 27, 2018 (the day after a Federal district court halted most family separations) and November 15, 2020 (the date of the most recent complete data available at the time of our review).

Separated children were 9 years old on average, with more than a quarter under 5 years old. In comparison, non-separated children were 15 years old on average.

Seventy percent of separated children referred to ORR had been separated by immigration officials because of a parent's criminal history. The types of criminal histories that prompted separations varied widely, from homicide to traffic-related offenses.

Separated children spent longer in ORR's care and were less likely than non-separated children to be released to a sponsor. Separated children were more likely than non-separated children to be released through voluntary departure to their home countries.

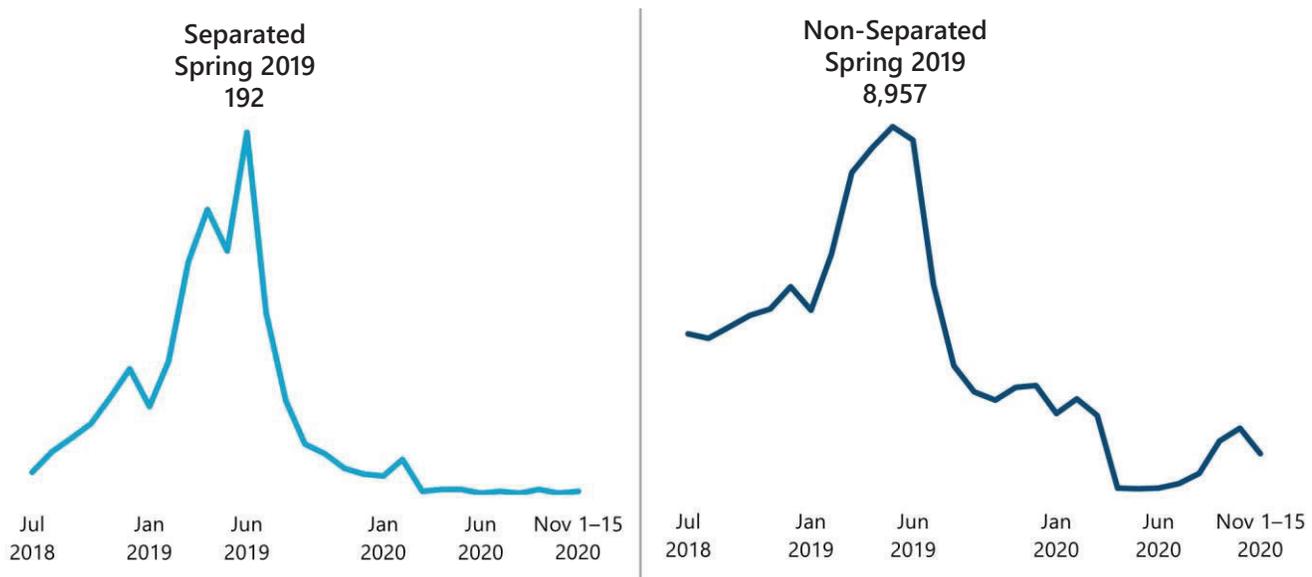
Of the 1,178 separated children referred to ORR during the period we reviewed, ORR ultimately reunified 182 children (15 percent) with the parent from whom the child was separated.

How many separated children were referred to ORR after June 26, 2018?

In total, **1,178 separated children** were referred to ORR between June 27, 2018 (the day after a Federal district court order halted most family separations) and November 15, 2020 (the date of the most recent complete data available at the time of OIG’s review).⁵ This accounts for **1.2 percent** of all children referred to ORR during that period. That is approximately four times the rate that ORR officials observed in late 2016 (0.3 percent of referrals) but is far lower than the rate at the height of the zero-tolerance policy (approximately 25 percent of all referrals).

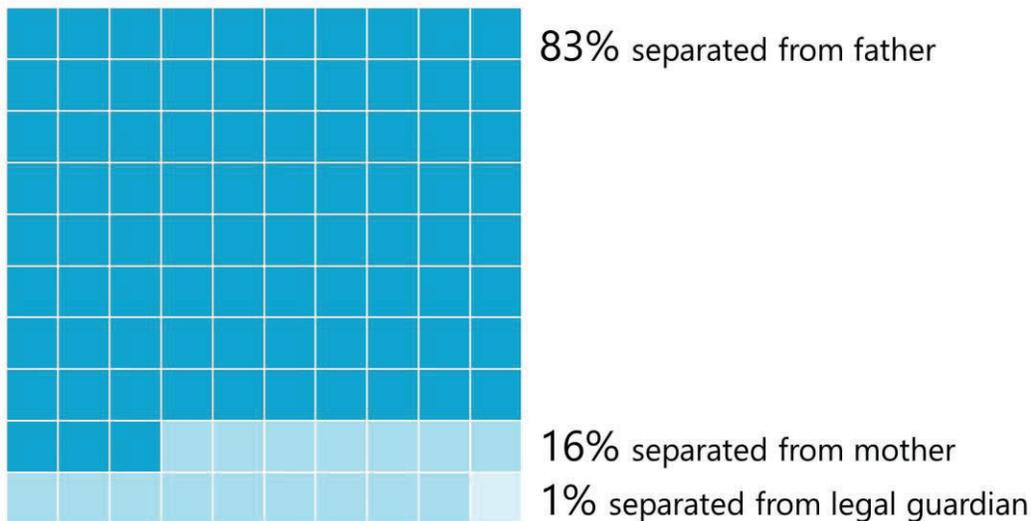
Generally, trends in the numbers of separated children referred to ORR after June 2018 mirrored the trends in overall referrals. For both separated and non-separated children, referrals peaked in the spring of 2019 and dropped substantially thereafter.

The numbers of both separated and non-separated children referred to ORR after June 2018 followed similar trends, peaking in spring 2019.



Source: OIG analysis of ORR’s data on referrals to the UC Program from June 27, 2018–November 15, 2020.

The vast majority of separated children were separated from their fathers.



Source: OIG analysis of ORR’s data on referrals to the UC Program from June 27, 2018–November 15, 2020.

Note: In three cases, the child was separated from more than one parent.

How do separated children differ from other children in ORR's care?

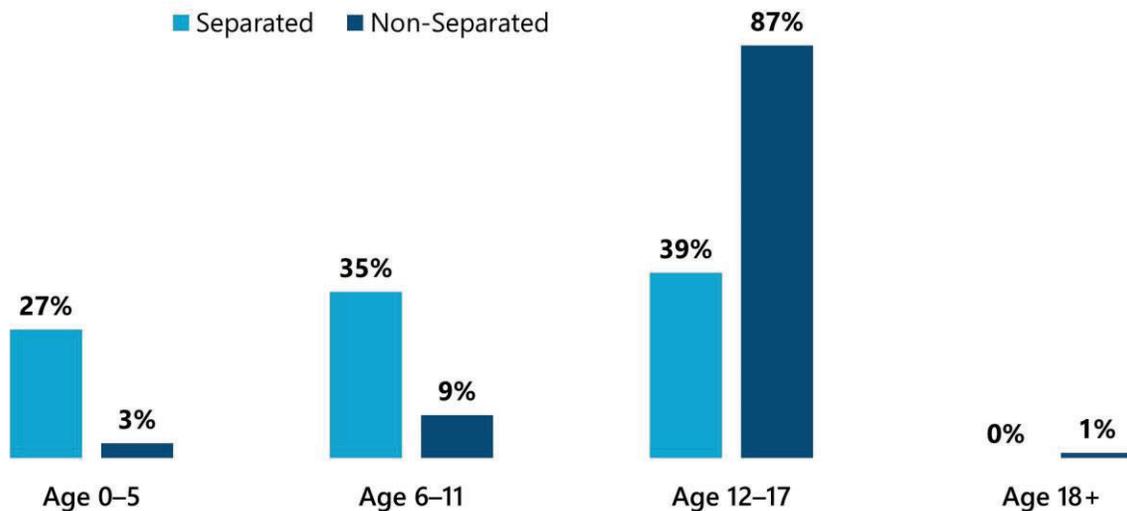
Separated children referred to ORR were on average 9 years old, whereas non-separated children were on average 15 years old. More than one-quarter of separated children were 5 years old or younger. ORR staff have reported challenges in meeting the needs of young children, who require care available only at a limited number of specially-licensed facilities.

On average, separated children were 6 years younger than non-separated children.



Source: OIG analysis of ORR's data on referrals to the UC Program from June 27, 2018–November 15, 2020.

More than one-quarter of separated children were 5 years old or younger when referred to ORR, compared to only 3 percent of non-separated children.



Source: OIG analysis of ORR's data on referrals to the UC Program from June 27, 2018–November 15, 2020.

Note: ORR provides care for minors under the age of 18. However, ORR sometimes receives an individual who is later determined to be age 18 or older; for that reason, the graphic above shows a small number of referrals at age 18 or older.

How are separated children similar to other children in ORR's care?

Most separated and non-separated children referred to ORR were male.



Source: OIG analysis of ORR's data on referrals to the UC Program from June 27, 2018–November 15, 2020.

Most separated and non-separated children referred to ORR were from Honduras, Guatemala, and El Salvador.



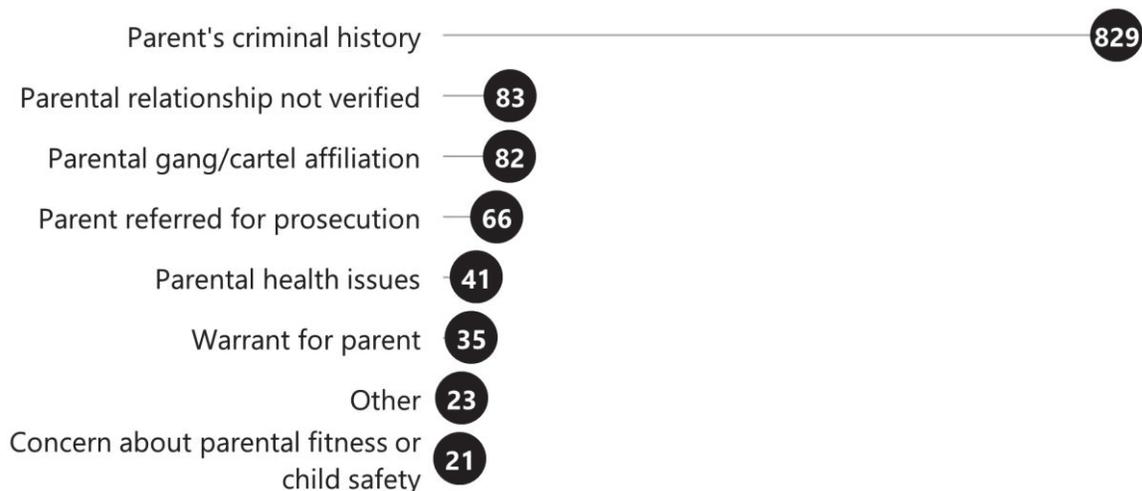
Source: OIG analysis of ORR's data on referrals to the UC Program from June 27, 2018–November 15, 2020.

What are the reasons children were separated from their parents and referred to ORR?

When DHS refers a separated child to ORR, it provides ORR with the reason for separation. This information is important for two reasons. First, in order to make well-informed decisions about a child’s care and placement, ORR and facility staff need to know why each individual child has been separated from a parent or legal guardian. Second, in order to better predict programmatic, capacity, and resource needs for the UC Program, policymakers and program officials need to understand the overall reasons that children enter HHS custody.

For the majority of separated children—70 percent—information that DHS provided to ORR attributed the separation to a parent’s criminal history. This is a change from historical patterns. Although ORR and DHS did not maintain detailed data about separated children until July 2018, ORR and DHS officials have previously reported that the rare family separations that occurred prior to 2017 typically resulted from an unverified parental relationship, parental health issue, or another concern that the parent could pose a danger to the child.⁶ However, these three reasons combined accounted for just 12 percent of separated children referred to ORR from June 27, 2018, through November 15, 2020.

Most separated children referred to ORR had been separated because of a parent’s criminal history.



Source: OIG analysis of ORR’s data on referrals to the UC Program from June 27, 2018–November 15, 2020.

Notes: In two cases, the child was separated from more than one parent, and DHS provided a different reason for separating the child from each of the child’s parents. Therefore, the sum of the number of referrals does not equal 1,178.

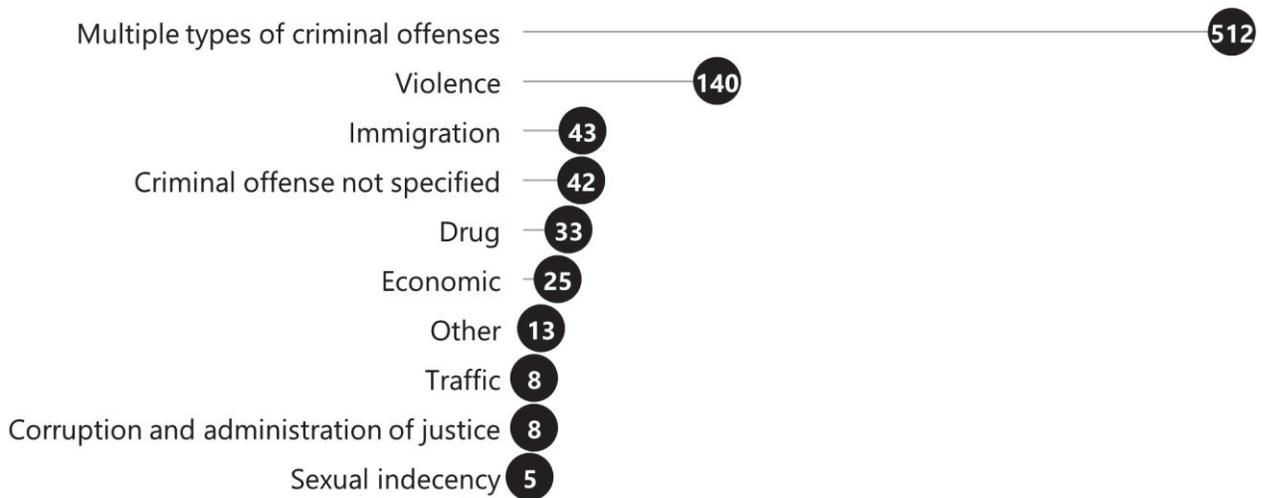
The category “Parent’s criminal history” includes all children for whom DHS indicated that the parent’s criminal history was a reason for separation, either alone or in combination with gang/cartel affiliation or immigration history. The category “Parental gang/cartel affiliation” includes all children for whom DHS indicated that the parent’s gang/cartel affiliation was a reason for separation, either alone or in combination with immigration history. Please see page 11 of this data snapshot (within the Methodology section) for more detail about how we report the reasons for separation on the basis of information that DHS provided to ORR.

In accordance with a June 2018 Federal district court ruling and as clarified in January 2020, a parent and child entering the United States without lawful immigration status can be separated only under certain circumstances: when the parent is unfit, poses a danger to the child, has a communicable disease, has a criminal history, or is not actually the child’s parent.⁷ With regard to criminal history, the court noted that the criteria are not limited to criminal history that has a bearing on a parent’s fitness or on danger to the child. The court further clarified that because DHS must also account for national security and law enforcement concerns, any type of criminal history can be considered grounds for separating a parent and child. (There is one exception: families cannot be separated solely because of a parent’s illegal entry into the United States under 8 U.S.C. § 1325.)^{8, 9}

What information has ORR received about parents' criminal histories that led to children being separated?

ORR staff reported that information about the nature of a parent's criminal history is important to their ability to assess each child's needs and ensure appropriate care and placement. In most separations involving a parent's criminal history, the information that ORR received from DHS indicated that the parent's history included multiple types of criminal offenses. For example, the parent of one separated child had a criminal history of disorderly conduct, forgery of checks, and possession of fraudulent immigration documents. Another parent had a criminal history of resisting arrest, driving under the influence, cruelty toward a child, and felony re-entry into the United States. Of separated children whose parent had only one type of criminal history, the most common type was violent offenses, such as assault. For 42 children (5 percent of separations due to criminal history), the referral did not specify the nature of the criminal history.

Children were separated for a variety of alleged criminal offenses that were reported in their parents' backgrounds.



Source: OIG analysis of ORR's data on referrals to the UC Program from June 27, 2018–November 15, 2020.

Note: Please see page 12 of this data snapshot (within the Methodology section) for examples of offenses in each category.

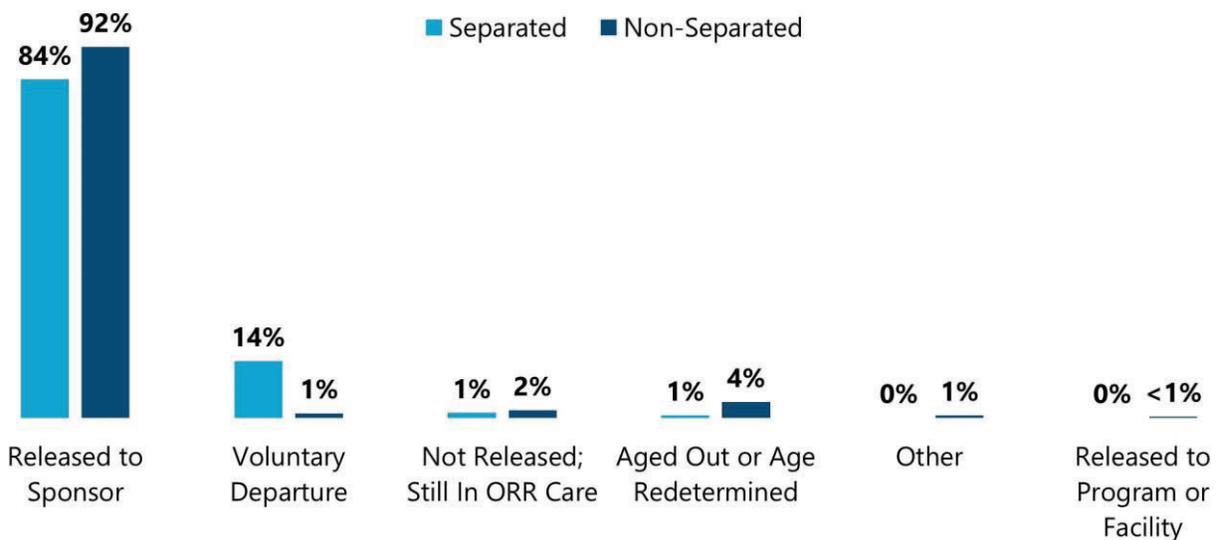
The level of detail that ORR received about parents' criminal histories varied. For some separated children, ORR received information that included the dates when the criminal incidents occurred and how they were resolved. For example, information that ORR received for one separated child noted that her mother had a criminal history of a hit-and-run causing property damage approximately 12 years prior, for which she had received 36 months' probation with imposition of sentence suspended.¹⁰ In other cases, the information that ORR received generally described offenses but did not indicate when the incident occurred and did not specify whether the history involved an arrest, conviction, or active warrant for the parent. For example, information that ORR received for one separated child stated that his father had a criminal history of "DUI, Felony Hit & Run, Minor Traffic Violations," without further detail. Finally, for some separated children, the information that ORR received explained why the parent's criminal history led to separation—for example, stating explicitly that the parent's criminal history posed a danger to the child or that the DHS family detention center would not accept the parent because of the parent's criminal history. For other children, the information received did not include an explanation of why the parent's criminal history necessitated family separation. As prior OIG work has noted, incomplete or inaccurate information about the reason for a separation may impede ORR's ability to efficiently determine the appropriate placement for the child.¹¹

How were separated children released from ORR’s care?

A child typically remains in ORR’s care until an appropriate sponsor is located in the United States who can assume custody.¹² ORR gives preference to the child’s parent, followed by the child’s legal guardian.¹³ If these individuals are not qualified to care for the child, ORR may then assess close relatives, distant relatives, or unrelated adults such as family friends. When possible and appropriate, ORR involves the child’s parent in identifying a sponsor; for example, in some cases, the parent signs a letter of designation to identify a preferred sponsor.

When ORR cannot identify an appropriate sponsor, ORR may release the child to a program or facility setting in which ORR provides long-term care and custody, including community-based foster care or a group home. Children are also released from ORR’s care when they turn 18 years old (resulting in transfer to DHS custody) or when their immigration status is resolved (including when they are granted voluntary departure from the United States).

Separated children were less likely than non-separated children to be released to a sponsor (including the parent from whom they were separated or another appropriate adult). Separated children were more likely than non-separated children to be released through voluntary departure to their home countries.



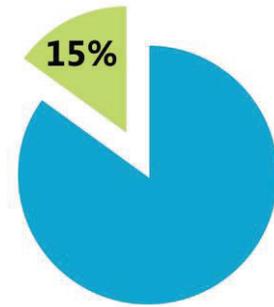
Source: OIG analysis of ORR’s data on referrals to the UC Program from June 27, 2018–November 15, 2020.

Note: For separated children, the “Released to Sponsor” category includes both children released to the parent from whom they were separated and children who were released to another sponsor (typically a close relative—sometimes, the child’s other parent). OIG’s “Other” category includes the child’s (1) being placed in a DHS family detention center, (2) being granted immigration relief, (3) being referred to law enforcement officials, (4) being ordered removed, (5) running away from custody, or (6) having a discharge type that does not fall into one of the available categories in ORR’s electronic case management system.

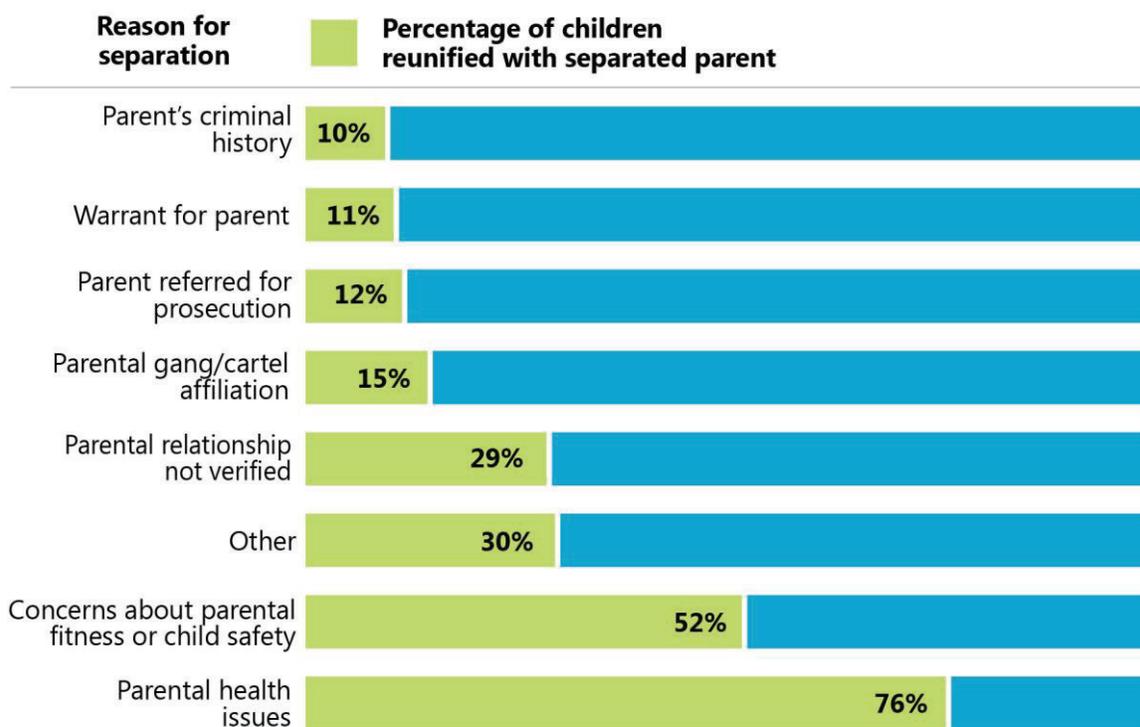
How often were separated children reunified with their separated parent?

Of the 1,178 separated children referred to ORR during the period of our review, ORR reunified a total of 182 children (15 percent) with the parent from whom they were separated.

On average, these children remained in ORR's care for 95 days before reunification; however, the length of stay varied greatly, ranging from 2 to 495 days. It is possible that some children who opted for voluntary departure were also able to reunite with a parent in their home country, but ORR reported that it has little visibility into these children's outcomes.



Reunification with the separated parent was least likely when the separation was due to a parent's criminal history and most likely when the separation was due to a parent's health issues.



Source: OIG analysis of ORR's data on referrals to the UC Program from June 27, 2018–November 15, 2020.

To safely reunify a child with the parent from whom the child was separated, ORR must determine that the parent meets all sponsorship requirements and has been or will be released from DHS custody. For all children in ORR's care, ORR assesses potential sponsors—including the child's parent—according to statutory requirements and ORR policies intended to ensure the child's safety. When the parent has a criminal history (as was the case for most separated children in our review), ORR staff use information provided by DHS with the child's referral, as well as other sources, to assess whether there could be harm to the child if ORR released the child to the parent. In doing so, ORR takes into consideration the nature of the criminal history as well as how long ago the incident(s) occurred.¹⁴ As we have noted previously, the information that ORR received at the time of referral did not always include detailed information about parents' criminal histories. ORR staff reported to OIG that they are typically able to request and eventually obtain additional information from DHS, but that more timely availability of this information would aid staff's ability to efficiently release the child, reducing the length of time that the child remains in ORR's care.

How long did separated children remain in ORR's care?

Over the period of OIG's review, separated children were in ORR's care for an average of 84 days, whereas non-separated children were in ORR's care for an average of 53 days. Separated children who were released because they were granted voluntary departure were in ORR's care the longest, at 155 days on average. Separated children released to sponsors were in care for 72 days. In comparison, non-separated children who were granted voluntary departure were in care for 164 days and non-separated children released to sponsors were in care for 50 days.

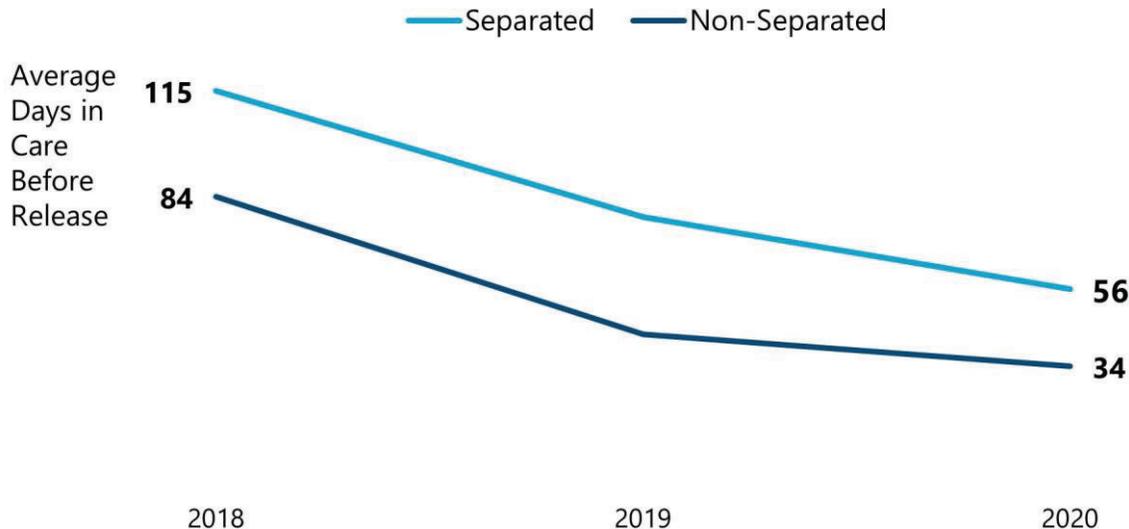
As noted in prior OIG work, non-separated children often arrive prepared to provide ORR with information about relatives who could serve as potential sponsors. In contrast, children separated from their parents by immigration officials are less likely to have this information, which can make it more difficult for ORR to identify an appropriate sponsor. Additionally, very young children—who make up a significant proportion of separated children placed in ORR's care—are often unable to communicate basic facts needed to confirm relationships, which similarly hinders the sponsorship and release process.

Before being released, separated children were in ORR's care for one month longer than non-separated children.



Source: OIG analysis of ORR's data on referrals to the UC Program from June 27, 2018–November 15, 2020.

From 2018 to 2020, the average length of time a child remained in ORR's care before release decreased substantially. However, separated children consistently remained in ORR's care for longer than non-separated children.



Source: OIG analysis of ORR's data on referrals to the UC Program from June 27, 2018–November 15, 2020.

Conclusion

This data snapshot provides information to policymakers, stakeholders, and the public about children who have been separated from a parent or legal guardian and referred to ORR after the date that a Federal district court halted most family separations (subject to certain exceptions). With recent increases in the number of children entering ORR's care, it is important to understand why children are referred to the UC Program. In addition, previous OIG work found that separated children have distinct needs that ORR must address and may present additional challenges to ORR operations.

OIG found that between June 27, 2018 (the day after a Federal district court halted most family separations) and November 15, 2020 (the date of the most recent data available at the time of our review), ORR received 1,178 children who had been separated by DHS from a parent or legal guardian. This accounts for 1.2 percent of all children referred to ORR during that time. Most of these separations were carried out because the child's parent had a criminal history, the nature of which varied widely.

Although separated children make up a small proportion of the population ORR serves, they have different characteristics and face substantial challenges. They are significantly younger than non-separated children—just 9 years old, on average, with more than a quarter being 5 years old or younger. Additionally, prior OIG work noted that separated children have unique mental health needs.

Further, the sponsorship assessment process is typically more complex for separated children. Separated children are less likely to have information about relatives in the United States, and due to their younger age, are often less able to communicate basic facts needed to confirm relationships. DHS—not ORR—decides when to separate a parent and child upon entry into the United States; however, ORR must determine whether the child can be safely reunified with the separated parent and identify an alternative sponsor if needed. We found instances in which ORR received incomplete information about the reason for separation—for example, when a referral attributed a separation to a parent's criminal history but did not provide the specifics of that criminal history. In these cases, ORR and facility staff must spend additional time obtaining needed detail, lengthening the release process. These factors may contribute to OIG's finding that, compared to non-separated children, separated children remained in ORR's care for longer before being released and were less likely to be released to a sponsor such as a parent or legal guardian.

The June 2018 Federal district court order limited family separations, but it did not end them. Although family separations are far less frequent now than they were during the time of the zero-tolerance policy and related prosecution initiatives, such separations remain more frequent than they were before that time. As a result, separated children are now a consistent presence in the UC Program. This data snapshot provides information about the characteristics, circumstances, and release outcomes of this unique population of children in ORR care.

Methodology

Data Sources

ORR extracted the following data on November 24, 2020, in response to OIG's request:

- The UC Portal is ORR's electronic case management system. It contains detailed information about every child referred to ORR. We requested relevant fields (date of child's birth, date child was placed with ORR, date of child's release, release type, etc.) for all children referred to ORR from June 27, 2018 through November 15, 2020.
- ORR also maintains a tracking spreadsheet with key information about separated children, including the reason that DHS provided to ORR for the separation. We requested all tracking spreadsheet data for separated children referred to ORR from June 27, 2018, through November 15, 2020.

We also interviewed ORR program staff, including headquarters staff and Federal field specialist supervisors for the 4 facilities that received 33 percent of all separation referrals during the period under review: Cayuga Centers, BCFS San Antonio, Southwest Key Casa Padre, and Southwest Key Combes. We interviewed staff about their observations regarding family separation as well as challenges that they experienced in receiving from DHS complete and accurate data regarding parents' backgrounds, including the reasons for separations.

Analysis

We analyzed data from the UC Portal and ORR's tracking spreadsheet to determine the number of separated and non-separated children who have been referred to ORR after the June 26, 2018, court order.¹⁵ For each group, we summarized demographic characteristics such as age, sex, and country of origin; calculated the average length of stay; and determined the frequency of various release outcomes.

For separated children, we also identified the reason that DHS provided for separating the family. DHS communicated to ORR a "general reason" for each separation, using the following categories:

- Health issue/hospitalization;
- Parent criminal history;
- Parent criminal history and immigration history;
- Parent cartel/gang affiliation and criminal history;
- Parent criminal history, immigration history, and cartel/gang affiliation;
- Parent cartel/gang affiliation;
- Parent cartel/gang affiliation and immigration history;
- Parent fitness (other than for hospitalization)/child danger concerns;
- Unverified familial relationship/fraud;
- Separated from other adult relative;
- Referred for prosecution;
- Other—warrant; and
- Other.

For each category, we calculated the frequency of referrals of separated children. To describe children separated by DHS because of parental criminal history, we combined referrals associated with the following DHS categories: Parent criminal history; Parent criminal history and immigration history; Parent cartel/gang affiliation and criminal history; Parent criminal history, immigration history, and cartel/gang affiliation. To describe children separated by DHS because of parent cartel/gang affiliation, we combined referrals associated with the following DHS categories: Parent cartel/gang affiliation; Parent cartel/gang affiliation and immigration history. To describe children separated by DHS because of concerns that the individual accompanying the child was not the child's parent (i.e., parental relationship not verified), we combined the following DHS categories: Separated from other adult relative; Unverified familial relationship/fraud.

DHS provides additional information about the reason for separation in a separate field. When the general reason for separation was parental criminal history, we used the additional information to categorize the criminal history as follows:

- Offenses involving violence (e.g., homicide, domestic violence, assault);
- Offenses involving sexual indecency (e.g., indecent exposure, soliciting a lewd act, prostitution);
- Economic offenses (e.g., forgery, burglary, extortion);
- Offenses involving drugs (e.g., marijuana or other drug possession; trafficking or distribution of drugs);
- Offenses involving immigration (e.g., illegal re-entry to the United States, human smuggling, false citizenship);
- Traffic-related offenses (e.g., driving under the influence, driving without a valid license, failure to stop and give information);
- Offenses involving corruption and administration of justice (e.g., failure to appear, probation violation, flight from officer);
- Other offenses (e.g., reckless conduct, disturbing the peace, public intoxication); and
- Not specified (no information about the offense(s) committed by the parent).

The data that DHS provided to ORR sometimes listed multiple offenses but did not clearly indicate which specific offense(s) led immigration officials to separate the child from the parent. Therefore, for each referral, we included all offenses that were listed in the information DHS provided. When all offenses listed were of a single type (for example, drug), we categorized the child as having been separated from the parent because of that offense type. When the offenses encompassed multiple types (for example, drug and violence), we categorized the child as having been separated from the parent because of “multiple types of criminal offenses.”

Additionally, we analyzed ORR interview responses to summarize challenges that program staff and Federal field specialist supervisors report in obtaining from DHS complete and accurate data regarding parents’ backgrounds, including the reasons for separations.

Scope

This study includes children referred to ORR from June 27, 2018, through November 15, 2020. We describe the number and characteristics of separated children as well as the information DHS provided to ORR about the reasons for separation. We did not determine whether ongoing separations are in accordance with the court’s instructions, as the decision to separate a child from a parent or legal guardian is made by DHS rather than ORR.

Limitations

We did not independently verify data provided by ORR or by DHS.

Standards

We conducted this study in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency.

Acknowledgments

Bahar Adili served as the team leader for this study. Office of Evaluation and Inspections headquarters staff who provided support include Kaliane Davidson, Christine Moritz, and Mike Novello.

We would also like to acknowledge the contributions of other Office of Inspector General staff, including Laura Canfield and Jessica Swanstrom.

This report was prepared under the direction of Dave Tawes, Regional Inspector General for Evaluation and Inspections in the Baltimore regional office; Louise Schoggen, Assistant Regional Inspector General; and Heather Barton, Deputy Regional Inspector General.

Endnotes

¹ No statute dictates the circumstances under which families will be separated upon apprehension by immigration authorities, and there are no detailed records of historical numbers and causes of family separations. However, the Government Accountability Office (GAO) reports that according to DHS and HHS officials, DHS has historically separated a small number of children from accompanying adults, citing reasons such as a threat to the child's safety or when the adult is not confirmed to be the child's parent or legal guardian. (See: GAO, *Unaccompanied Children: Agency Efforts to Reunify Children Separated from Parents at the Border*, GAO-19-163, October 9, 2018, p. 13. Available at <https://www.gao.gov/assets/700/694918.pdf>.) ORR staff we interviewed for a prior study confirmed that historically, ORR had received small numbers of separated children, citing reasons such as the parent's experiencing a medical problem that precluded caring for his or her child. (See: HHS OIG, *Separated Children Placed in Office of Refugee Resettlement Care*, OEI-BL-18-00511, January 2019. Available at <https://oig.hhs.gov/oei/reports/oei-BL-18-00511.pdf>.) ORR is not a law enforcement agency and has no role in the decision to separate families or prosecute violations of immigration law.

² Based on court filings in the *Ms. L v. ICE*, No. 18-0428, litigation, approximately 4,000 children were separated from their parents between July 1, 2017, and June 26, 2018, the majority of whom have now been reunified with their parents.

³ On June 26, 2018, a Federal district court issued a preliminary injunction prohibiting family separations (subject to some exceptions) and ordered the Federal Government to quickly reunify separated families who met certain criteria. See: *Ms. L v. ICE*, 310 F. Supp. 3d 1133 (S.D. Cal. June 26, 2018). In accordance with the June 2018 district court ruling and as clarified by the court in January 2020, a parent and child entering the United States without lawful immigration status can be separated only under certain circumstances: when the parent is unfit, poses a danger to the child, has a communicable disease, has a criminal history, or is not actually the child's parent. There is one exception to the provision that a parent and child can be separated because of the parent's criminal history: illegal entry into the United States under 8 U.S.C. § 1325. See: *Ms. L v. ICE*, 310 F. Supp. 3d at n. 11. The distinctions between illegal entry under 8 U.S.C. § 1325 and 8 U.S.C. § 1326 are discussed in more detail at *Ms. L v. ICE*, 415 F. Supp. 3d 980, 993-995 (S.D. CA 2021).

⁴ HHS OIG, *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, OEI-09-18-00431, September 2019. Available at <https://oig.hhs.gov/oei/reports/oei-09-18-00431.pdf>; HHS OIG, *Communication and Management Challenges Impeded HHS's Response to Zero-Tolerance Policy*, OEI-BL-18-00510, March 2020. Available at <https://oig.hhs.gov/oei/reports/oei-BL-18-00510.pdf>.

⁵ In addition to the 1,178 children described in this review, the most recent publicly available summary data released by ORR indicate that 99 additional children were separated by DHS from a parent or legal guardian and referred to ORR between December 1, 2020, and June 30, 2021.

⁶ See Endnote 1.

⁷ *Ms. L v. ICE*, 415 F. Supp. 3d at 993 (January 13, 2020, order granting in part and denying in part plaintiffs' motion to enforce the Court's June 26, 2018, preliminary injunction).

⁸ See Endnote 3.

⁹ *Ms. L. v. ICE*, 415 F. Supp. 3d at 993 (January 13, 2020, order granting in part and denying in part plaintiffs' motion to enforce the Court's June 26, 2018, preliminary injunction).

¹⁰ "Imposition of sentence suspended" means that probation was assigned but without a prison term in the case that probation is violated.

¹¹ HHS OIG, *Separated Children Placed in Office of Refugee Resettlement Care*, OEI-BL-18-00511, January 2019. Available at <https://oig.hhs.gov/oei/reports/oei-BL-18-00511.pdf>.

¹² 8 U.S.C. § 1232(c).

¹³ *Flores v. Reno*, No. 85-4544 (C.D. Cal. Jan. 17, 1997). This Stipulated Settlement Agreement sets out an order of priority for sponsors with whom children should be placed.

¹⁴ In some cases, even if the parent's criminal history itself does not suggest potential harm to the child, ORR may nonetheless be unable to release the child to the parent because the parent is in Federal custody and the child would be unable to remain with the parent while the parent undergoes legal proceedings.

¹⁵ A very small proportion—0.1 percent—of children in our period of review were associated with multiple referrals. We used the number of referrals to represent the number of children referred to ORR.