

COURAGE & CAFFEINE

Submitted by email to infocollection@acf.hhs.gov

Date: September 23, 2026

To: Office of Refugee Resettlement, Administration for Children and Families, U.S.
Department of Health and Human Services

Re: Proposed Information Collection Activity; Mental Health Assessment Form and Onsite Health Intervention Form, OMB No. 0970-0509, 91 Fed. Reg. 46,935 (July 27, 2026), FR Doc. 2026-15087

I. Who I Am

I submit this comment as the founder of Courage & Caffeine, a policy publication with more than 125,000 Substack subscribers that reads legislation and regulation for its readers and publishes the sources behind every claim. I am a researcher and author, and I worked on the Stop the Demand anti-trafficking initiative and on Florida's Buyer Beware bill. I have also filed a separate comment in my individual capacity on the consent and records questions this notice raises. This comment addresses one issue: trafficking risk at the point of repatriation. My attached white paper, *Sent Home Unseen*, sets out the full record and sources for what follows.

II. My Position

The notice proposes to share children's health information with the Department of Homeland Security (DHS) "when a child in ORR custody has healthcare needs and is identified by DHS for repatriation," and to rely on the child's own consent for mental health information: "Prior to sharing mental health information with DHS, ORR will request consent from the child." 91 Fed. Reg. at 46,936.

For a child who has been trafficked, the moment DHS decides to send her home is the most dangerous moment in her case. I do not suggest that the Office of Refugee Resettlement (ORR) intends any harm. My concern is the effect. As written, the proposal raises the risk that trafficked children go unidentified, are returned without a real assessment of the danger waiting for them, and have what they disclosed reach people who should never see it.

I support sharing what a child needs for safe travel. I ask the agency to build that sharing so it protects trafficked children rather than exposing them.

III. Questions Addressed

I address the Department's questions on (a) whether the collection will have practical utility and (c) the quality, utility, and clarity of the information to be collected.

IV. What I Ask the Agency to Consider

A. *Trafficking is found in exactly these conversations*

ORR's regulations require that when a child's "responses to questions during any examination or assessment indicate the possibility" of trafficking or labor exploitation, the care provider "must

notify the ACF Office of Trafficking in Persons within twenty-four (24) hours.” 45 C.F.R. § 410.1302(c)(8)(ii). DHS depends on that screening: its Inspector General reported that ICE’s Enforcement and Removal Operations “relies on HHS to screen for trafficking indicators for UACs in HHS custody.” DHS OIG, OIG-25-21, at 7 (Mar. 25, 2025). HHS’s Office on Trafficking in Persons (OTIP) reports that the number of unique children referred to it rose from 2,146 in 2021 to 4,539 in 2024. Each of those referrals began with someone learning what happened to a child. A child who believes her words may travel to DHS at the point of her return has every reason to stay silent, and a silent child is never referred.

That referral path may also be narrowing. The Associated Press reported on September 16, 2026 that a September 10 ORR memo, which has not been published, directs care providers to send trafficking concerns to ORR instead of OTIP, with ORR deciding which to forward. If that is accurate, fewer trafficking concerns would reach OTIP at the same time more mental health information reaches DHS. ORR’s regulation still requires notice to OTIP within 24 hours, 45 C.F.R. § 410.1302(c)(8)(ii), and a report’s value to criminal investigators is not the test Congress set for helping a child, 22 U.S.C. § 7105(b)(1)(G)(iv)(III). I ask ACF to publish the memo and explain how it fits with this proposal.

B. The request comes at the worst possible time

Traffickers control children through fear, and much of that fear points home, through threats against family and debts owed by the family. Congress requires DHS to “consult the Department of State’s Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.” 8 U.S.C. § 1232(a)(5) (B). The 2025 Trafficking in Persons Report states that in Guatemala “[c]orruption and official complicity in trafficking crimes remained a significant concern,” and that authorities have investigated officials for “facilitating child sex trafficking.” In Mexico, “[s]ome current and former government officials facilitated or participated in trafficking crimes.” Official complicity is also reported as a concern in Honduras and El Salvador.

The notice places no limit on what DHS may do with a child’s information or with whom it may be shared, and DHS’s central immigration records system already permits disclosure “[t]o foreign governments for the purpose of coordinating and conducting the removal of individuals to other nations under the INA.” 82 Fed. Reg. 43,556, 43,563 (Sept. 18, 2017). I do not assume a child’s information would be sent abroad. But a child’s diagnoses and “concerns that require management” can reveal what happened to her, and in a country where officials have facilitated child sex trafficking, information that marks a returning child as a victim can reach the people she fled. For most children, the missing use limit is a privacy question. For a trafficked child, it is a safety question.

C. Neither the child nor an unscreened adult should decide

A child cannot be the one who decides, because a trafficker can coach, pressure, or frighten her. But the adults closest to a child are not always safe either. The 2025 report states that in Guatemala “[c]hild victims’ families are often complicit in their exploitation,” and ORR reported in June 2026 that “former UAC became victims of crimes by their sponsors, including incidents of trafficking and sexual assault.” 91 Fed. Reg. 38,582, 38,584-85 (proposed June 26, 2026). Congress built the answer: independent child advocates, authorized specifically “for child trafficking victims and other vulnerable unaccompanied alien children.” 8 U.S.C. § 1232(c)(6)(A). Where trafficking indicators

are present, an advocate should be appointed before any request is made, and no parent, relative, or sponsor who may be connected to the child's exploitation should make the decision.

D. A child's own decision is a weak safeguard at the point of return

Congress already allows some children from contiguous countries to be returned on the strength of their own decision, but only if DHS determines that the child is not a trafficking victim, faces no credible risk of being trafficked on return, and "is able to make an independent decision." 8 U.S.C. § 1232(a)(2)(A). GAO found that CBP "repatriated about 93 percent of Mexican UAC under age 14 from fiscal years 2009 through 2014 without documenting the basis for decisions," and that in observed interviews agents "did not ask any questions pertaining to the risk of a child being trafficked upon return." GAO-15-521, Highlights & 35 (July 2015). Those findings are dated and concern border screening, not ORR. The lesson still holds: a child's decision, accepted near the point of return without a defined standard, protects no one. The notice relies on a child's consent with no standard at all.

E. After return, no one is watching

Research from the International Organization for Migration found that "children and young people are highly vulnerable to trafficking in the first instance and to re-trafficking upon return." IOM, *The Causes and Consequences of Re-trafficking* 58 (2010). UNICEF reported "very limited case management or psychosocial support for returned migrant children and their families in northern Central America." UNICEF, *Uprooted in Central America and Mexico* 19 (2018). GAO found that in El Salvador and Honduras "there are currently no systems in place to track migrants when they return to their communities." GAO-19-62, at 40 (2018). Identification has to happen before a child leaves, because after she leaves no one may be positioned to protect her.

F. Congress kept child victims' help separate from enforcement

HHS "may not require that the child cooperate with law enforcement as a condition for receiving" an eligibility letter, 22 U.S.C. § 7105(b)(1)(G)(iv)(III); officials who discover a possible child victim must notify HHS within 24 hours, *id.* § 7105(b)(1)(H); and a child advocate "shall not be compelled to testify" about what the child said, 8 U.S.C. § 1232(c)(6)(A). When a child may be a trafficking victim, federal law sends information toward protection. The notice creates a new flow in the other direction, from the counselor's office to the agency carrying out the child's return, at the moment return is imminent. I ask the agency to reconcile the two.

V. My Requests

1. **Screen before sharing.** When DHS identifies a child for repatriation, conduct and document a trafficking screening, including the risk of trafficking on return, before any information is shared with DHS.
2. **Refer within 24 hours, then wait.** Refer any trafficking indication to OTIP within 24 hours, as 45 C.F.R. § 410.1302(c)(8)(ii) requires, and hold any repatriation-related disclosure until OTIP has made its interim eligibility determination.
3. **Keep trafficking disclosures out.** Exclude from anything sent to DHS any information about trafficking, exploitation, abuse, or the people involved, beyond what a treating clinician certifies is needed for safe travel.

4. **No onward disclosure.** Condition any sharing on a written DHS commitment that a child's mental health information will not be disclosed to any foreign government or used in removal proceedings, detention decisions, or enforcement against the child, her family, or her sponsor.
5. **An independent adult decides.** Never ask a child alone. Where trafficking indicators are present, appoint a child advocate under 8 U.S.C. § 1232(c)(6) before any request, and exclude any parent, relative, or sponsor who may be connected to the child's exploitation.
6. **Support the safe-repatriation assessment.** Where ORR has information bearing on trafficking risk, give DHS a risk flag that supports its duty under 8 U.S.C. § 1232(a)(5)(B), rather than the child's clinical record.
7. **Measure and report.** Track and publish how many children identified for repatriation were screened for trafficking, referred to OTIP, asked for consent, and returned.

VI. Closing

A trafficked child is most often found because she finally tells someone what happened. This proposal asks for her signature at the moment she is being sent home, without saying where her words will go. I ask the agency to make sure that the last conversation a trafficked child has in ORR's care is one that protects her. Thank you for the opportunity to comment.

Respectfully submitted,

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Attachment: *Sent Home Unseen* (white paper)