

Sent Home Unseen

How sharing children's mental health information with DHS at the point of repatriation raises the risk that trafficked children are returned to danger

A white paper by Rebekah Ricks, Founder, Courage & Caffeine, September 2026

Submitted with Courage & Caffeine's comment on OMB No. 0970-0509, 91 Fed. Reg. 46,935 (July 27, 2026)

Executive Summary

The Office of Refugee Resettlement (ORR) proposes to share health information about children in its custody 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 before sharing mental health information: “Prior to sharing mental health information with DHS, ORR will request consent from the child.”¹

I do not suggest that ORR intends to help traffickers. My concern is the effect. The proposal operates at the most dangerous point in a trafficked child's case, the moment DHS has decided to send her home, and it changes the terms of the conversations in which trafficking is most often discovered. On the record assembled here, it raises the risk of four failures.

Missed identification. Federal rules expect trafficking to surface during ORR's examinations and assessments, and DHS relies on ORR to find it. A child who believes her words may travel to DHS, and from there toward home, has every reason to stay silent. A child who stays silent is never referred for protection.

Unexamined return. When Congress allowed border officials to return children from contiguous countries on the strength of the child's own decision, it required findings that the child could make an independent decision and faced no credible risk of being trafficked on return. GAO found those findings routinely undocumented. A bare request for a child's consent, made at the point of return, is the same weak safeguard.

Information in the wrong hands. The notice places no limit on what DHS may do with a child's information or with whom it may be shared. The State Department reports that official complicity in trafficking remains a significant concern in Guatemala and Mexico, and a concern in Honduras and El Salvador.

No one watching after return. Research on re-trafficking and GAO's findings on reintegration show that once a child is returned, no system follows her. Identification has to happen before she leaves.

¹ Admin. for Children & Families, Proposed Information Collection Activity; Mental Health Assessment Form and Onsite Health Intervention Form, OMB No. 0970-0509, 91 Fed. Reg. 46,935, 46,936 (July 27, 2026), FR Doc. 2026-15087, <https://www.federalregister.gov/documents/2026/07/27/2026-15087/proposed-information-collection-activity-mental-health-assessment-form-and-onsite-health>.

My recommendation: when DHS identifies a child for repatriation, ORR should screen for trafficking and for risk on return before any information is shared; refer any indication to HHS's Office on Trafficking in Persons within 24 hours and hold the disclosure until it acts; keep trafficking disclosures out of anything sent to DHS; bar onward disclosure to foreign governments; and never let a child, or an adult who may be connected to her exploitation, be the one who decides.

1. The Proposal at the Point of Return

The notice lists what would be shared: identifying information, active diagnoses or concerns that require management, allergies, current medications and dosages, isolation or quarantine requirements, health-related accommodations, and health-related travel restrictions.² It names no DHS component, no system of records, no retention period, and no limit on use or onward disclosure.³ It sets no minimum age for the child whose consent is sought and does not say what happens if she refuses.

The trigger matters. Sharing happens only after DHS has identified the child for repatriation. That is the moment when a trafficked child's safety depends most on two things: whether anyone has learned what happened to her, and whether the people she is being returned to include the people who exploited her.

2. Trafficking Is Found in These Conversations

Federal rules place the discovery of child trafficking inside ORR's care. ORR's regulations provide that "[i]f the unaccompanied child's responses to questions during any examination or assessment indicate the possibility that the unaccompanied child may have been a victim of human trafficking or labor exploitation, the care provider facility must notify the ACF Office of Trafficking in Persons within twenty-four (24) hours."⁴ ORR's Policy Guide states that "[c]are providers must screen all unaccompanied alien children to identify potential victims of a severe form of trafficking."⁵

DHS depends on that screening. The DHS Inspector General reported that ICE's Enforcement and Removal Operations "relies on HHS to screen for trafficking indicators for UACs in HHS custody and report suspicions to HSI," and that ORR reported referring "more than 570 incidents involving UACs related to human, drug, and weapons trafficking" to Homeland Security Investigations from fiscal years 2019 to 2023.⁶

The scale is growing. 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, and that it issued 2,167 Eligibility Letters to children in fiscal year 2023.⁷ OTIP does not report how many of these children

² 91 Fed. Reg. at 46,936.

³ See *id.* at 46,935-37.

⁴ 45 C.F.R. § 410.1302(c)(8)(ii).

⁵ ORR Unaccompanied Alien Children Bureau Policy Guide § 3.3.3 (rev. Aug. 2, 2023), <https://acf.gov/orr/policy-guidance/uac-program-policy-guide-section-3>.

⁶ DHS Office of Inspector General, OIG-25-21, *ICE Cannot Effectively Monitor the Location and Status of All Unaccompanied Alien Children After Federal Custody* 7 (Mar. 25, 2025), <https://www.oig.dhs.gov/sites/default/files/assets/2025-03/OIG-25-21-Mar25.pdf>.

were in ORR's care, and I do not claim that all of them were. The figures show how many child victims are found only because someone learned what happened and made a referral.

A mental health assessment is one of the places where that happens. When the notice changes what a child is told about where her words may go, it changes the conditions under which trafficking is discovered.

That referral path may also be narrowing. The Associated Press reported on September 16, 2026 that a September 10 memo directs care providers to send trafficking concerns to ORR rather than to OTIP, with ORR deciding which cases to forward.⁸ According to the report, ORR said most of the reports it had reviewed were not viable trafficking leads for criminal investigators. I rely on the reporting only for what it describes. If it is accurate, two changes would take effect together: fewer trafficking concerns would reach OTIP, and more of a child's mental health information would reach DHS at the point of return. ORR's regulation still requires notice to OTIP within 24 hours.⁹ And a report's value to criminal investigators is not the test Congress set for helping a child: HHS "may not require that the child cooperate with law enforcement as a condition for receiving" an eligibility letter.¹⁰ ACF should publish the memo and explain how it fits with this proposal.

3. The Most Dangerous Moment to Ask

Traffickers control children through fear, and much of that fear points home. The International Organization for Migration's study of re-trafficking describes situations "where the trafficker(s) continue to threaten [victims] or their family members," and situations in which debts "are owed to family members and/or local community members due to costs incurred in the first migration or trafficking experience."¹¹ A child whose trafficker has threatened her family at home, asked on the eve of her return whether ORR may send her mental health information to DHS, faces a choice no child should face. She can agree and risk that what she disclosed follows her home, or she can stay silent about what happened and lose the protection that disclosure would bring.

Congress recognized that conditions at home matter. It directed that the Secretary of Homeland Security "shall 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."¹² Those reports describe the risk plainly.

4. Where the Information Could Go

The State Department's 2025 Trafficking in Persons Report, the most recent edition, describes official complicity in the countries to which many of these children return.

⁷ HHS Office on Trafficking in Persons, Certification and Eligibility Letters data (updated Sept. 1, 2026), <https://acf.gov/otip/research-policy/data/certification-eligibility>.

⁸ Associated Press, *Change in Human Trafficking Reporting Alarms Advocates for Migrant Children* (Sept. 16, 2026), <https://www.local10.com/news/2026/09/16/change-in-human-trafficking-reporting-alarms-advocates-for-migrant-children/>. The memo has not been published, and I have not reviewed it.

⁹ 45 C.F.R. § 410.1302(c)(8)(ii).

¹⁰ 22 U.S.C. § 7105(b)(1)(G)(iv)(III).

¹¹ Alison Jobe, Int'l Org. for Migration, *The Causes and Consequences of Re-trafficking: Evidence from the IOM Human Trafficking Database* 13 (2010), https://publications.iom.int/system/files/pdf/causes_of_retrafficking.pdf.

¹² 8 U.S.C. § 1232(a)(5)(B).

Country	What the 2025 Trafficking in Persons Report says
Guatemala (Tier 2)	“Corruption and official complicity in trafficking crimes remained a significant concern.” “Authorities have investigated police, military, and elected officials for paying children for sex acts, facilitating child sex trafficking, accepting bribes from traffickers, or protecting venues where trafficking occurs.” ¹³
Honduras (Tier 2)	“[C]orruption and official complicity in trafficking crimes remained concerns.” ¹⁴
El Salvador (Tier 2)	“Corruption and complicity among some individual government officials occurred.” ¹⁵
Mexico (Tier 2)	“Corruption and official complicity in trafficking crimes remained significant concerns.” “Some current and former government officials facilitated or participated in trafficking crimes.” ¹⁶

The report describes conditions in each country as a whole, not the treatment of any particular returned child.

The notice does not say that any of a child’s information would be sent to a foreign government, and I do not assume it would. But the notice places no limit on onward disclosure, 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.”¹⁷ A child’s diagnoses and “concerns that require management” can reveal what happened to her.¹⁸ In a country where police and officials have facilitated child sex trafficking, information that marks a returning child as a victim can reach the people she fled.

That is why the absence of a use limit is not a technicality. For most children it is a privacy question. For a trafficked child it is a safety question.

5. Families, Sponsors, and Consent

The people closest to a child are not always safe. The 2025 report states that in Guatemala “[c]hild victims’ families are often complicit in their exploitation,”¹⁹ and that in Mexico’s state of Tlaxcala “parents or other family members are often complicit in facilitating these crimes.”²⁰ In Honduras, “[t]raffickers exploit victims within their own homes or communities, including their own family

¹³ U.S. Dep’t of State, *2025 Trafficking in Persons Report: Guatemala* (Sept. 29, 2025), <https://www.state.gov/reports/2025-trafficking-in-persons-report/guatemala/>.

¹⁴ U.S. Dep’t of State, *2025 Trafficking in Persons Report: Honduras* (Sept. 29, 2025), <https://www.state.gov/reports/2025-trafficking-in-persons-report/honduras/>.

¹⁵ U.S. Dep’t of State, *2025 Trafficking in Persons Report: El Salvador* (Sept. 29, 2025), <https://www.state.gov/reports/2025-trafficking-in-persons-report/el-salvador/>.

¹⁶ U.S. Dep’t of State, *2025 Trafficking in Persons Report: Mexico* (Sept. 29, 2025), <https://www.state.gov/reports/2025-trafficking-in-persons-report/mexico/>.

¹⁷ DHS/USCIS/ICE/CBP-001, Alien File, Index, and National File Tracking System of Records, Routine Use HH, 82 Fed. Reg. 43,556, 43,563 (Sept. 18, 2017), *as modified by* 90 Fed. Reg. 61,409 (Dec. 31, 2025).

¹⁸ 91 Fed. Reg. at 46,936.

¹⁹ U.S. Dep’t of State, *2025 Trafficking in Persons Report: Guatemala* (Sept. 29, 2025), <https://www.state.gov/reports/2025-trafficking-in-persons-report/guatemala/>.

²⁰ U.S. Dep’t of State, *2025 Trafficking in Persons Report: Mexico* (Sept. 29, 2025), <https://www.state.gov/reports/2025-trafficking-in-persons-report/mexico/>.

members or friends.”²¹ The report’s narrative on the United States identifies “familial trafficking” as one way children are exploited in forced labor.²²

Sponsors can be a danger too. ORR reported in June 2026 that its own investigations had revealed cases in which “former UAC became victims of crimes by their sponsors, including incidents of trafficking and sexual assault.”²³ The State Department describes unaccompanied children transferred to HHS as “at significant risk of exploitation, including forced labor, sex trafficking, and sexual abuse.”²⁴

This cuts two ways, and both point to the same answer. A child cannot be the one who decides, because a trafficker can coach, pressure, or frighten her into saying yes or no. And a parent or sponsor cannot be the automatic decision maker where there is any indication that person is connected to the child’s exploitation. The safeguard Congress built for this situation is an independent child advocate, authorized specifically “for child trafficking victims and other vulnerable unaccompanied alien children.”²⁵ Where trafficking indicators are present, an advocate should be appointed before any request is made.

6. A Child’s Decision at the Border: What the Record Shows

Congress has already allowed some children to be returned on the strength of their own decision, and it required safeguards when it did. For children from contiguous countries, border officials may permit a child to withdraw her application for admission and return only if DHS determines, case by case, that the child “has not been a victim of a severe form of trafficking in persons, and there is no credible evidence that such child is at risk of being trafficked upon return,” and that “the child is able to make an independent decision to withdraw the child’s application for admission to the United States.”²⁶

GAO examined how that worked in practice. It 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,” although CBP policy presumes children under 14 “generally unable to make an independent decision.”²⁷ GAO projected that half of the Mexican unaccompanied children Border Patrol apprehended in fiscal year 2014 “had at least one trafficking indicator present,” yet agents found them not to be victims without documenting any follow-up questions.²⁸ In the interviews GAO observed, agents “did not ask any questions pertaining to the risk of a child being trafficked upon return to his or her country of origin.”²⁹

²¹ U.S. Dep’t of State, *2025 Trafficking in Persons Report: Honduras* (Sept. 29, 2025), <https://www.state.gov/reports/2025-trafficking-in-persons-report/honduras/>.

²² U.S. Dep’t of State, *2025 Trafficking in Persons Report: United States* (Sept. 29, 2025), <https://www.state.gov/reports/2025-trafficking-in-persons-report/united-states/>.

²³ Unaccompanied Children Program Foundational Rule; Sponsor Assessment Update To Include Proof of Identity, Background Check, Placement, and Income Verification Standards, 91 Fed. Reg. 38,582, 38,584-85 (proposed June 26, 2026).

²⁴ *2025 Trafficking in Persons Report: United States*, *supra*.

²⁵ 8 U.S.C. § 1232(c)(6)(A).

²⁶ 8 U.S.C. § 1232(a)(2)(A)(i), (iii).

²⁷ U.S. Gov’t Accountability Office, GAO-15-521, *Unaccompanied Alien Children: Actions Needed to Ensure Children Receive Required Care in DHS Custody* (July 2015), <https://www.gao.gov/assets/gao-15-521.pdf>, Highlights.

²⁸ *Id.* at 33.

²⁹ *Id.* at 35.

These findings date from 2015 and concern border screening, not ORR. I cite them for one lesson: when the government relies on a child's own decision near the point of return, without a defined standard and documentation, the safeguard erodes. The notice relies on a child's consent with no standard at all.

7. After Return, No One Is Watching

Research on re-trafficking points to the period after return as a time of acute risk. The IOM study found that “children and young people are highly vulnerable to trafficking in the first instance and to re-trafficking upon return,”³⁰ and that trafficked persons “forcibly returned to their countries of origin without being first referred to IOM or some other organization that can undertake a risk assessment and help facilitate their safe return may be highly vulnerable to re-trafficking, particularly en route to their countries of origin.”³¹ The study's cases came mostly from Europe and involved female victims, so I cite it for the pattern, not for a rate.

In Central America, support for returned children is thin. UNICEF reported that “there is very limited case management or psychosocial support for returned migrant children and their families in northern Central America,” and that returnees in Guatemala and Honduras “said that if local gang members knew someone had been deported from the United States, they would likely target that person based on the assumption that he or she had money.”³² GAO found that in El Salvador and Honduras “there are currently no systems in place to track migrants when they return to their communities.”³³ And UNODC reports that Central America and the Caribbean are among the regions where children make up the highest share of detected trafficking victims, “around 60 per cent.”³⁴

Congress anticipated this. It ordered a program to develop best practices “to ensure the safe and sustainable repatriation and reintegration of unaccompanied alien children.”³⁵ The lesson for this notice is that identification must happen before a child leaves, because after she leaves, no one may be positioned to protect her.

8. Congress Separated Child Victims' Help From Enforcement

Federal law deliberately keeps a trafficked child's path to help separate from law enforcement. HHS “may not require that the child cooperate with law enforcement as a condition for receiving” an eligibility letter.³⁶ Any federal, state, or local official who discovers that a person under 18 may be a trafficking victim must notify HHS “[n]ot later than 24 hours” afterward, so that interim assistance

³⁰ Jobe, *supra*, at 58.

³¹ *Id.* at 13.

³² UNICEF, *Uprooted in Central America and Mexico: Migrant and Refugee Children Face a Vicious Cycle of Hardship and Danger* 19 (Aug. 2018), https://www.unicef.org/media/47701/file/UNICEF_Child_Alert_2018_Central_America_and_Mexico-ENG.pdf.

³³ U.S. Gov't Accountability Office, GAO-19-62, *Central America: USAID Assists Migrants Returning to their Home Countries, but Effectiveness of Reintegration Efforts Remains to Be Determined* 40 (Nov. 2018), <https://www.gao.gov/assets/gao-19-62.pdf>.

³⁴ UNODC, *Global Report on Trafficking in Persons 2024* 45 (Dec. 2024), https://www.unodc.org/documents/data-and-analysis/glotip/2024/GLOTIP2024_BOOK.pdf.

³⁵ 8 U.S.C. § 1232(a)(5)(A).

³⁶ 22 U.S.C. § 7105(b)(1)(G)(iv)(III).

can be provided.³⁷ And a child advocate “shall not be compelled to testify or provide evidence in any proceeding concerning any information or opinion received from the child.”³⁸

The design is consistent. When a child may be a trafficking victim, information flows toward protection, and the child’s help does not depend on her usefulness to enforcement. 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. ACF should reconcile the proposal with the protective design Congress built.

9. ORR’s Strongest Arguments, and My Answers

“The information helps DHS keep a child safe during travel.”

It can, and I support sharing what is needed for safe travel. But the trafficking risk lies less in a medication list than in what a child’s diagnoses and concerns reveal, and in who may eventually see them. A travel packet can be built without them.

“DHS already screens for trafficking before return.”

For children from contiguous countries the statute requires it, and GAO found the screening routinely undocumented. For other children, DHS relies on HHS to find trafficking indicators, as its Inspector General reported. That is why ORR’s assessments, and children’s willingness to speak in them, matter so much.

“The child’s consent protects her.”

A child who has been trafficked may be under a trafficker’s influence, afraid for her family, and days from return. Her consent, requested by her custodian, is the weakest possible protection at the moment she most needs a strong one.

“These risks are speculative.”

The official complicity, family involvement, sponsor victimization, border screening failures, and lack of post-return tracking described here are documented by the State Department, ORR, GAO, and the DHS Inspector General. What is uncertain is how often the proposal would lead to harm, and the notice offers no analysis of that question. It should, before the collection is approved.

10. Recommendations

1. **Screen before sharing.** When DHS identifies a child for repatriation, ORR should 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.

³⁷ 22 U.S.C. § 7105(b)(1)(H).

³⁸ 8 U.S.C. § 1232(c)(6)(A).

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 from the decision 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 statutory duty to consult the Trafficking in Persons Report before repatriation, 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, so ACF can see whether the change deters disclosure.

11. Scope and Limits

I rely on primary sources: the notice, statutes, regulations, ORR policy, OTIP data, State Department reports, GAO and Inspector General reports, and reports of UNICEF, IOM, and UNODC. I do not claim that ORR intends to aid traffickers, that any particular child's information would reach a foreign government, or that the proposal would cause a specific number of children to be re-trafficked. The IOM study draws on European cases and the GAO screening findings date from 2015; I cite both for patterns, not rates. OTIP's figures are not limited to children in ORR care. The State Department's findings describe conditions in each country as a whole. The account of the September 2026 referral memo comes from news reporting, because the memo has not been published.

About the Author

Rebekah Ricks is 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. She is a researcher and author, and she worked on the Stop the Demand anti-trafficking initiative and on Florida's Buyer Beware bill. She lives in Winter Haven, Florida.