



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

June 9, 2021

The Hon. Xavier Becerra
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra:

The crisis at the southwest border is spilling into other areas of government beyond the United States Department of Homeland Security. The increasing number of unaccompanied minors is stressing the ability of the Office of Refugee Resettlement (ORR) to respond appropriately and is negatively impacting Arizona's children in the child welfare system. Unfortunately, ORR's approach jeopardizes both vulnerable Arizona children who have experienced abuse and neglect as well as migrant children.

I strongly urge the Administration for Children and Families to immediately:

- Cease efforts to redirect licensed beds that are currently serving Arizona foster children;
- Review and adjust ORR's practice of vetting host sponsors through virtual home visiting; and
- Reconsider and adjust ORR's procurement practices for shelter beds that negatively influence the Arizona Department of Child Safety's ability to serve foster children.

First, while we recognize that ORR is in need of additional space to house unaccompanied minor children, the solution cannot be to try to obtain that space from providers that are essential for the state's child welfare agency to care for Arizona's abused and neglected children. Unfortunately, this is the route ORR has taken as they have now employed recruitment efforts that have specifically targeted child welfare-licensed facilities that are needed to serve American children in the foster care system. The State has already lost space for foster youth to ORR as a result of these recent federal actions. ORR must immediately refrain from awarding any contracts that directly compete for bed capacity with providers that are currently contracted to serve Arizona foster or Tribal children and youth.


Secondly, the lax review process used by the U.S. Department of Health and Human Services (HHS) is lacking in necessary safeguards and is putting unaccompanied minors at risk. Specifically, it has come to Arizona's attention that ORR has permitted virtual home studies of

host sponsors. Virtual home studies are not sufficient to ensure that the home is truly a safe location as concerning things can be hidden on a camera that would be apparent in person. With the increased number of unaccompanied minors entering the United States, regretfully this humanitarian crisis provides a ripe environment for human and sex trafficking - an issue that Arizona has worked hard to combat over the past number of years. Permitting the use of virtual vetting of host sponsors is not congruent with maintaining child safety nor does it deter human and sex traffickers from taking advantage of the humanitarian crisis. Permitting placement of unaccompanied minors without a full, in-person vetting process increases the opportunity for exploitation. As such, any program that places children in Arizona should conduct in-person home studies prior to placing unaccompanied youth with a host sponsor.

Lastly, ORR's grant making and contracting practices create an unfair competitive business environment that directly and negatively impacts vulnerable foster children. ORR is compensating programs in excess of \$300/day for congregate care beds (double the daily average state rate), which far exceeds any state's ability to fairly compete. Additionally, the recent passing of the Families First Prevention Services Act considers shelter care, similar to that contracted by ORR, a non-qualifying Social Security Act reimbursable placement type. Simply stated, effective October 1, 2021 states will no longer receive a federal share of reimbursement for children residing in the very shelter bed types that ORR is procuring. This removal of federal fiscal support will impact Arizona's budget by \$25M in SFY2022 alone and now that ORR is actively recruiting additional contracted beds, local providers are demanding rate increases or they will seek to redirect bed capacity to ORR contracts. The combined actions threaten to displace vulnerable American foster children from safe homes.

Undoubtedly, this crisis is presenting challenges in all aspects of federal, state and local jurisdictions. However, the manner in which ORR is responding is likely to create more challenges than it solves. This cannot be the way that the federal government intends to solve this crisis. I respectfully request that these practices be promptly reviewed and adjusted to protect all vulnerable youth.

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is written in a cursive, flowing style.

Douglas A. Ducey
Governor
State of Arizona