very little oversight and accountability where instances of abuse could occur with complete impunity because of the quick turnaround time that's occurring at the border.

And these children, they've got the right to make a phone call. They don't make the phone call necessarily to a lawyer. And they also have rights to relief from removal, including asylum and special immigrant juvenile protection. But it's another gaping black hole that we're just only starting to learn about because we've been really only focusing on the 8,000 children who are going through removal proceedings who are getting better access to pro bono counsel.

So I thank you very much and look forward to your questions.

CHAIRMAN WALTON: Thank you for your testimony.

Ms. Tosado, if -- Mr. Nugent seems to say it's pretty bleak for children.

MS. REBEKAH TOSADO: He does.

CHAIRMAN WALTON: Do you agree with him?

MS. REBEKAH TOSADO: Well, I would like to provide you some information on the role of our office and what DHS's continued role is in this
I want to emphasize that we have two main missions, and one includes providing proactive legal and policy advice to departmental components, which means a lot of times we need to -- our work needs to be informed by what you are seeing as the impact of policies and procedures on your clients.

So we urge you to bring concerns to us and to ICE directly. And, also, we have a mechanism to investigate and resolve complaints. And many of the issues that you discussed could be addressed through the complaint process.

So the area of unaccompanied minors, population of unaccompanied minors is one my office has been involved in.

You've already heard that the Homeland Security Act -- it transferred responsibility for care and protection of minors to ORR, which means Department of Homeland Security -- that's unaccompanied minors -- no longer has that responsibility for housing a majority of minors.

There are some minors that we still do house in some of our facilities, as Mr. Nugent has mentioned.

The DHS responsibilities that we continue to have include apprehension of unaccompanied
minors, their processing either at the ports of
entry or at the processing stations, referring the
cases to ORR, and managing the court cases,
immigration cases.

Just to give you a little bit of an
overview of how it happens, how the process works,
Customs and border protection officers at the port
of entry or the Border Patrol agents that are
stationed along the border normally are the law
enforcement officials that interact with
unaccompanied minors. It could be ICE officers as
well in the interior.

When an unaccompanied minor is apprehended,
they are transported either to the processing
station, unless it's at the port of entry, in which
they're held there for a short period of time, or
in -- at least for a transitional period.

As I think the two witnesses testified,
they're not detention facilities. They're not meant
to be detention facilities, and they don't provide
the services that one would expect of detention
facilities.

But there are some requirements that need
to be met. The two things I wanted to mention is
that minors are not placed with unrelated adults.
That is a mandate, and that is something that is followed at the detention facilities.

In addition to that, minors are supervised by the CBP officers or the Border Patrol agents while they're in their custody.

Once the processing has been completed -- or when the processing is about to take place, if there's an unaccompanied minor, the Border Patrol will call ICE, the coordinator, the juvenile coordinator to make contact with ORR and provide them information about the unaccompanied minor so that the -- so that a placement can be identified.

Once ORR enters into the process, a designation is made to transfer that minor to the ORR, either its facility -- in some cases it's foster care.

And the -- so at that point the ICE -- at that point the designation is made. The practice right now is for the DHS officials to transport that minor to ORR, whatever placement is available and made available by that agency.

ICE and NCBP both have policies and procedures in place that are aimed to ensure that unaccompanied minors are treated with, quote, dignity, respect, and special concern for their
particular vulnerability as children, end quote, and
that's from the agreement.

For a number of years ICE policy has been
incorporated into a juvenile protocol manual which
was first developed by the INS after the agreement.
And that policy is in the process of being updated.

Chief of the Border Patrol, Aguilar, issued
policy to the field which provides a great deal of
guidance on how Border Patrol agents should handle
unaccompanied minors that come into their
short-term -- into the facilities for a short-term
basis. And the memorandum affirms the procedures
that require the Border Patrol to contact ICE so
that ORR is notified immediately.

But it also states that unaccompanied
minors will be processed expeditiously. And what's
important here is that they are to be -- they have
priority over all other aliens in custody and
reiterates the need to comply with the agreement and
for the standards for temporary hold rooms and
requires that unaccompanied minors receive hot meals
or three meals a day and be provided to access to
snacks, milk, and juice during that short-term hold.

The memorandum states it is imperative that
the guidance be adhered to and that unaccompanied
minors be relocated to an ORR-approved facility as soon as possible.

Our office has been working with these two components within the department to improve conditions, detention for unaccompanied minors, and to expedite the transfer of these minors to ORR.

We've received some complaints and investigative complaints regarding treatment of unaccompanied minors. We have recently issued a final report on recommendations to ICE and Customs and border probation. This is an internal document we talked about before.

And our office will continue to work with the components and with ORR to monitor conditions and treatment of minors in DHS custody.

Thank you.

CHAIRMAN WALTON: The report, the internal report you just referenced, you're saying we would not be able to gain access to that?

MS. REBEKAH TOSADO: Well, sir, the way that our office carries out its responsibilities is to work with the components, to gain access to as much information as we can, and to provide a confidential report that is not released to the complainant.