

Toby Biswas
Assistant Deputy Director-Policy
Unaccompanied Alien Children Bureau
Office of Refugee Resettlement
Department of Health and Human Services

cc. Angie Salazar, Acting Director, Office of Refugee Resettlement, Department of Health and Human Services
Robert F. Kennedy, Jr, Secretary, Department of Health and Human Services
The Honorable Mike Johnson, Speaker of the United States House of Representatives, U.S. House of Representatives
The Honorable Hakeem Jeffries, Minority Leader, U.S. House of Representatives
The Honorable John Thune, Majority Leader, United States Senate
The Honorable Charles Schumer, Minority Leader, United States Senate

August 24, 2026

RE: Request to Provide Public Comment on Unaccompanied Children Program Foundational Rule; Sponsor Assessment Update To Include Proof of Identity, Background Check, Placement, and Income Verification Standards; Docket #45 CFR Part 410, RIN 0970-AD26

Dear Assistant Deputy Director Biswas,

By notice issued on June 26, 2026, the Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), and the Department of Health and Human Services (HHS) (“the Department”) have jointly published new rules modifying key practices surrounding the intake and assessment of unaccompanied children and the protocol surrounding their release to family members or other guardians (“the Rule”), and accompanying request for comment. **Hispanic Federation (HF)** respectfully submits the following comment in response to HHS, ORR, and ACF request for comment on the IFR and proposed rulemaking, HHS Docket #45 CFR Part 410, RIN 0970-AD26. Ultimately, Hispanic Federation urges complete withdrawal of the rule in light of critical oversights in the Department’s Regulatory Impact Analysis, most notably in its consideration of impact on the American family.

1. Hispanic Federation Interest in Rule

Hispanic Federation is a nonprofit membership service and advocacy organization with a network of over 850 organizations across the country. HF is committed to empowering and

advancing the Hispanic community, with a focus on low-income, marginalized, and immigrant Latines. With supported programming in 40 states, Puerto Rico, the U.S. Virgin Islands and the District of Columbia, HF's focus areas include immigration, economic empowerment, civic engagement, disaster relief, philanthropy, education, health, and the environment. HF also maintains ongoing immigration advocacy and welcome campaigns and meets the organizational development needs of its member agencies through grant-making and capacity-building assistance.

Per HHS, ORR, and ACF's invitation to interested parties to submit relevant written data, views, or arguments on the proposed rule, we address here the Rule's certain deleterious impacts, including durable psychological harm to children and their parents or guardians, undue household costs, and likely impacts on small businesses and local economies. We note that the Department elides many of these consequences in its regulatory impact analysis, rendering it an untenable foundation for the proposed Rulemaking. Ultimately it is HF's adamant advice that the Rule be withdrawn in full.

2. Background and Context

Rates of children entailed in immigration proceedings have risen notably over the last decade,¹ in many cases as a direct result of policies that directly promoted family separation, most notably iterations of Zero Tolerance policies.² Such policies are pointedly unpopular;³ unfortunately, the Rule is poised to exacerbate many of the most deleterious aspects of family separation policies, including protracted detention, uncertain pathways to family reunification, and invasive and traumatic practices. The Department offers little in the way of a public reasoned basis for this entrenchment, despite family unification being a mainstay and guiding function of U.S. immigration policy since the early 20th century.⁴ Those born outside the United States account for approximately 7.5 percent of the U.S. citizen population,⁵ and U.S. families that include immigrant family members comprise nearly 30 percent of all U.S. households.⁶ These households contribute billions in tax-dollars each year,⁷ operate a disproportionate rate of small

¹ <https://www.migrationpolicy.org/data-tool/unaccompanied-children-state-county> (Accessed 8/20/26); <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative/immigration-court-legal-representation-dashboard> (Accessed 8/20/26)

² <https://www.congress.gov/crs-product/LSB10150> (Accessed 8/20/26)

³ <https://today.umd.edu/most-americans-oppose-family-separation-border-immigration-policy-poll-finds-842eae8a-f27d-41ce-9e31-cffd98ff65fe>; <https://news.web.baylor.edu/news/story/2020/majority-people-national-survey-opposed-separating-immigrant-families-usmexico> (Accessed 8/20/26)

⁴ Anita O. Maddali, *Le# Behind: The Dying Principle of Family Reunification Under Immigration Law*, 50 U. Mich. J. L. Reform 107, (2016)

⁵ <https://www.census.gov/popclock/> (Accessed 8/20/26); <https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/>. (Accessed 8/20/26)

⁶ <https://www.migrationpolicy.org/journal/spotlight/frequently-requested-statistics-immigrants-and-immigration-united-states> (Accessed 8/20/26)

⁷ <https://www.vox.com/policy-and-politics/2019/4/17/18411975/tps-immigrants-pay-billions-in-taxes> (Accessed 5/2/25); <https://itep.org/study-undocumented-immigrants-contribute-nearly-100-billion-in-taxes-a-year/> (Accessed 5/2/25)

businesses,⁸ including firms employing millions of workers,⁹ and staff hundreds of thousands of vital community-oriented positions, from nurses to teachers.¹⁰ While naturally not all are directly involved in immigration for family reunification, they are broadly indicative of the range of communities that engage familial immigration pathways in the spirit with which Congress intended, whether through familial visas or asylum programs. Fully reckoning with the impact of the Rule requires understanding this population and the ways in which proposed changes would disrupt them. Indeed, the Department acknowledges that the Rule would interfere in U.S. familial pathways to immigration in its clarification that documents demonstrating U.S. citizenship would continue to serve as one of the key means of verifying identity under its requirements. However, the Department offers only a gesture at these harms, which HF outlines below.

3. Summary of Research on UAC Detention and Separation

Individual studies and meta-analyses are unequivocal in demonstrating that familial separation during the immigration process, including and particularly the detention of UAC's, contributes to acute and lasting harm to immigrant children.¹¹ Even short-term detention is significantly correlated with increased rates of depression, anxiety-disorders, post-traumatic stress disorders, and more that can clearly emerge in post-release familial and clinical assessments,¹² and that endure for years after, above and beyond the average four-year duration between first symptomatic onset and receipt of medical treatment.¹³ Similarly prevalent are emergent detachment disorders, particularly when the child in question is younger than six-years-old at time of detention.¹⁴ These risks are only exacerbated when the detained child experiences

⁸ <https://news.mit.edu/2022/study-immigrants-more-likely-start-firms-create-jobs-0509> (Accessed 8/20/26)

⁹ https://advocacy.sba.gov/wp-content/uploads/2022/10/Small-Business-Facts_Immigrant-Business-Ownership_508c_V2.pdf (Accessed 8/20/26)

¹⁰ <https://www.kff.org/immigrant-health/the-role-of-immigrants-in-the-u-s-health-care-workforce/> (Accessed 8/20/26)

¹¹ Teicher, Martin H. "Childhood trauma and the enduring consequences of forcibly separating children from parents at the United States border." *BMC medicine* vol. 16,1 146. 22 Aug. 2018, doi:10.1186/s12916-018-1147-y, including a discussion of some of the epigenetic pathways for the enduring harms.

¹² Song, Suzan J. "Mental health of unaccompanied children: effects of U.S. immigration policies." *BJPpsych open* vol. 7,6 e200. 2 Nov. 2021, doi:10.1192/bjo.2021.1016

¹³ Mattingly, T Joseph 2nd et al. "Unseen Costs: The Direct and Indirect Impact of U.S. Immigration Policies on Child and Adolescent Health and Well-Being." *Journal of traumatic stress* vol. 33,6 (2020): 873-881. doi:10.1002/jts.22576

¹⁴ See Teicher, citing: Lyons-Ruth K, Pechtel P, Yoon SA, Anderson CM, Teicher MH. Disorganized attachment in infancy predicts greater amygdala volume in adulthood. *Behav Brain Res.* 2016;308:83–93. doi: 10.1016/j.bbr.2016.03.050 Jensen SK, Dickie EW, Schwartz DH, Evans CJ, Dumontheil I, Paus T, et al. Effect of early adversity and childhood internalizing symptoms on brain structure in young men. *JAMA Pediatr.* 2015;169(10):938–946. doi: 10.1001/jamapediatrics.2015.1486; Teicher MH, Anderson CM, Ohashi K, Khan A, McGreenery CE, Bolger EA, et al. Differential effects of childhood neglect and abuse during sensitive exposure periods on male and female hippocampus. *NeuroImage.* 2018;169:443–452. doi: 10.1016/j.neuroimage.2017.12.055; Rao H, Betancourt L, Giannetta JM, Brodsky NL, Korczykowski M, Avants BB, et al. Early parental care is important for hippocampal maturation: evidence from brain morphology in humans. *NeuroImage.* 2010;49(1):1144–1150. doi: 10.1016/j.neuroimage.2009.07.003; Luby JL, Belden A, Harms MP, Tillman R, Barch DM. Preschool is a sensitive period for the influence of maternal support on the

traumatic events during the immigration process, including at the hands of processing authorities.¹⁵ It is facially obvious yet essential to note that enhanced, antagonistic physical examinations of the sort that the Department proposes would constitute such an event for unaccompanied minors in U.S. custody.¹⁶

Deleterious consequences of family separation and the detention of minors extend to academic outcomes as well.¹⁷ Research has suggested that everything from scores in mathematics to reading are negatively impacted,¹⁸ as well as predictive indicators of soft skills.¹⁹ Both duration of detention and extent of traumatic exposure are implicated in these consequences, and each would therefore likely be exacerbated by the Rule.²⁰ Reduced educational outcomes are connected with lowered educational attainment,²¹ which in turn proscribes both economic opportunity and social outcomes.²² Divorce rates, for instance, are inversely correlated with educational attainment, illustrating the potential ramifications of a policy that would unjustifiably expose a greater array of families to such conditions.²³ Family separation policies have also contributed to direct out-of-pocket costs for immigrant families in the form of both legal fees²⁴ and increased five- and ten-year medical costs as families grapple with the physical and mental health tolls of minor detention.²⁵ These tolls are not limited solely to detained minors as well; the family members from whom they are separated also experience acute distress, contributing to increased incidence of mental health challenges of their own, and providing an aggravated

trajectory of hippocampal development. Proc Natl Acad Sci U S A. 2016;113(20):5742–5747. doi: 10.1073/pnas.1601443113.

¹⁵ As suggested in <https://www.annualreviews.org/docserver/fulltext/soc/51/1/annurev-soc-090324-020834.pdf?expires=1787079457&id=id&accname=guest&checksum=7483E73C8E395EC0F0C1A307852D6CB1>, particularly 412–415. (Accessed 8/20/26)

¹⁶ A sensible inference in light of research including that of Shela Sridhar et al., “Approaching pediatric mental health screening and care in immigration detention,” *Lancet Health Policy*, Vol. 43, Mar: 2025, which emphasized that the adversarial nature of immigrant detention conditions, including medical examinations, can exacerbate trauma.

¹⁷ I.e. T.H. Gindling and Sara Z. Poggio, “Family Separation and Reunification as a Factor in the Educational Success of Immigrant Children,” Maryland Institute for Policy Analysis & Research, 2008.

¹⁸ Yao Lu, Qian He, and Jeanne Brooks-Gunn, “Diverse Experience of Immigrant Children: How Do Separation and Reunification Shape Their Development?” in *Child Dev*, January 2021. Grindling and Poggio are again also thorough and instructive.

¹⁹ Mattingly, Unseen Costs.

²⁰ Robjant, Katy et al. “Mental health implications of detaining asylum seekers: systematic review.” *The British journal of psychiatry: the journal of mental science* vol. 194,4 (2009): 306–12. doi:10.1192/bjp.bp.108.053223

²¹ Magnuson, K., Duncan, G. J., Lee, K. T. H., & Metzger, M. W. (2016). Early School Adjustment and Educational Attainment. *American Educational Research Journal*, 53(4), 1198–1228.

²² Research on this point is wide and multifaceted, but this report from the Education Department outlines many salient points: <https://nces.ed.gov/pubs97/web/97939.asp> (accessed 8/20/26.)

²³ Brand, Jennie E et al. “Why Does Parental Divorce Lower Children’s Educational Attainment? A Causal Mediation Analysis.” *Sociological science* vol. 6 (2019): 264–292. doi:10.15195/v6.a11

²⁴ Wichelt, Natalie et al. “Legal Relief for Children in Immigrant Families: A Mixed-Methods Study.” *International journal of environmental research and public health* vol. 19,7 4373. 5 Apr. 2022, doi:10.3390/ijerph19074373.

²⁵ Mattingly, Unseen Costs.

tension on reunification challenges, including attachment stressors.²⁶ Any one of these anticipatable impacts would justify skepticism to the Rule, but taken together, Hispanic Federation can only ardently urge the Department to withdraw it in its entirety.

4. Objections to Regulatory Impact Analysis

The impacts enumerated above also directly impugn the Department's regulatory impact analysis, evidencing the need for closer scrutiny and ultimately withdrawal of the Rule. The Department erroneously claims that the Rule will have no significant impact on families within the scope of its legal obligation to ensure that the integrity of the family is indemnified from regulatory rulemaking.²⁷ Consideration of the malconsequences previously outlined though renders this claim absurd on a prima facie basis. On baseline, as covered, family separation and other policies that lead to the detention of minors can lead to or exacerbate attachment-security disorders.²⁸ These conditions are causally linked to negative familial outcomes of precisely the type that Sec. 654 is intended to prevent.²⁹ By expanding policies that directly undermine the strength of familial relations, including that between parent-and-child, the Rule would assuredly warrant a greater family impact analysis than the Department accords it.

Likewise, mental health challenges beyond direct attachment disorders can still contribute to underlying tensions in familial stability. Depression or anxiety in either child or guardian can decrease family stability.³⁰ These factors are extraordinarily relevant in view of the Department's proposal to mandate body inspections for minors, which would certainly qualify as an acute stressor for many children in detention.³¹ Academic challenges are correlated with increased familial tensions,³² and given the expected burden on educational outcomes associated with family detention, should be considered salient to the familial regulatory impact analysis. So too should the economic burden of family intention, including the elevated medical costs over five- and ten-year periods and associated legal fees be incorporated into the analysis, as research has

²⁶ In addition to the literature cited above, Victoria Ojeda et al. also have a significant investigation of these effects: Ojeda, Victoria D et al. "Deported Men's and Father's Perspective: The Impacts of Family Separation on Children and Families in the U.S." *Frontiers in psychiatry* vol. 11 148. 17 Mar. 2020, doi:10.3389/fpsy.2020.00148

²⁷ <https://www.federalregister.gov/d/2026-12946/p-142>

²⁸ See: Teicher; Song; Ojeda; Gindling.

²⁹ *Supra*, especially 21-24.

³⁰ Ronald C. Kessler, Ellen E. Walters, and Melinda S. Forthofer, "The Social Consequences of Psychiatric Disorders, III: Probability of Marital Stability," *Am J Psychiatry* 1998; 155:1092-1096; Susan H. Busch and Colleen L. Barry, "Mental Health Disorders In Childhood: Assessing The Burden On Families," *Health Affairs*, Vol. 26, No. 4, 2007.

³¹ Meg Gould, "Cruel and Unusual Trauma: How Eighth Amendment Principles Governing Conditions of Confinement Should Apply to Juvenile Strip Searches," *Columbia Human Rights Law Review*: 52.2: 2021.

³² Lidia Infante-Cañete et al., "One more step in the study of children's daily stress: The spillover effect as the transfer of tension in family and school environments," *Frontiers in Psychology*, 2022; Klaus Hurrelmann, Uwe Engel, Birgit Holler, Elisabeth Nordlohne, "Failure in school, family conflicts, and psychosomatic disorders in adolescence," *Journal of Adolescence*, Volume 11, Issue 3, 1988, Pages 237-249, ISSN 0140-1971, [https://doi.org/10.1016/S0140-1971\(88\)80007-1](https://doi.org/10.1016/S0140-1971(88)80007-1).

persistently shown that financial costs, particularly medical debt,³³ are correlated to increased stress.³⁴ Aggravated stressors themselves warrant heightened regulatory scrutiny in light of widening scholarship on the epigenetic consequences of persistent stress, including decreased life expectancy.³⁵ Hispanic Federation strongly urges the full withdrawal of the Rule by virtue of these egregious oversights by the Department into the likely familial impacts of its implementation.

These challenges likewise warrant further small entities impact analysis and civil rights impact analysis than accorded by DHS. Immigrant and mixed-status households fuel a disproportionate rate of small business activity.³⁶ In turn, these households are among the most likely to be implicated in the proposed Rulemaking. By the Department's admission, compliance with the expanded identity verification and income requirements under the Rule would impose increased temporal and fiscal costs on affected families. Small business owners routinely rely on personal finances and capitalization sources for their operations,³⁷ and their work hours and personal hours are often fungible, with ratios shifting according to business needs.³⁸ These business disruptions would prove deleterious to local economies, which are highly responsive to downturns in small business.³⁹ The Department does not include a meaningful consideration of downstream effects to small business entities from the Rule, which could prove significant to stakeholder assessments of its impacts. Similarly, burdens from the Rule would fall principally on racial-ethnic minority households, which are disproportionately represented in immigrant and mixed-status households. The prospect that the harms enumerated above may fall disproportionately onto families of U.S. citizens on the basis of protected characteristics warrants heightened scrutiny to ensure that they fall within the reasonable bounds of immigration statute is warranted, particularly given the source authority for the Rulemaking.

³³ Khan, Muhammad Ali, Ziauddin ., Ayesha Zumner, and Ayesha Malik. 2024. "The Psychological Impact of Debt: Stress and Its Connection to Mental Health Disorders". *Review of Education, Administration & Law* 7 (4):319-33. <https://doi.org/10.47067/real.v7i4.384>.

³⁴ Fitch C, Hamilton S, Bassett P, Davey R (2011), "The relationship between personal debt and mental health: a systematic review". *Mental Health Review Journal*, Vol. 16 No. 4 pp. 153–166, doi: <https://doi.org/10.1108/13619321111202313>; Elizabeth Sweet, Arijit Nandi, Emma K. Adam, Thomas W. McDade, "The high price of debt: Household financial debt and its impact on mental and physical health," *Social Science & Medicine*, Volume 91, 2013, Pages 94-100, ISSN 0277-9536, <https://doi.org/10.1016/j.socscimed.2013.05.009>.

³⁵ Indeed, Amy Guillaumet-Adkins and Yania Yañez highlight pathways by which such epigenetic stressors may be understood as causative of the underlying mechanics of aging themselves. Guillaumet-Adkins, Amy, Yañez, Yania, Peris-Díaz, Manuel D., Calabria, Ines, Palanca-Ballester, Cora, Sandoval, Juan, *Epigenetics and Oxidative Stress in Aging, Oxidative Medicine and Cellular Longevity*, 2017, 9175806, 8 pages, 2017. <https://doi.org/10.1155/2017/9175806>

³⁶ <https://news.mit.edu/2022/study-immigrants-more-likely-start-firms-create-jobs-0509> (Accessed 8/21/26)

³⁷ John Moon, "Small Business Finance and Personal Assets," *Community Investments*, Vol 21, Iss. 3, Winter 2009/2010.

³⁸ Peter Michael McNamara, "An exploration of the time-management behaviours of small-business owner-managers," PhD Diss.: University of Wollongong, Syndey Business School; June, 2016.

³⁹ Baum-Snow, Gendron-Carrier and Pavan for instance find distinct, significant relations between business quality and neighboring commercial activity at the local scale of 500m. Nathaniel Baum-Snow, Nicolas Gendron-Carrier, and Ronni Pavan, "Local Productivity Spillovers," *American Economic Review*, vol. 114, no. 4, April 2024.

Hispanic Federation also objects to the absence of a meaningful analysis of expected transfers stemming from the Rule. Legal and administrative filing fees, emergent health costs, and business losses all would be reasonable grounds for transference analyses that could similarly help stakeholders in assessing the Rule. Likewise, the proposed revisions to the accepted documents for verification of identity by parents or guardians would impose unacknowledged yet salient costs for affected families, amounting to a fee for familial reunification. The elimination of several categories of acceptable identification would force many to pursue new forms of identification; the required documentation for which alone can routinely cost above \$100.⁴⁰ Meanwhile, the vague requirements for income verification will almost certainly lead to confusion, delays, and potentially subjective rejection of applications, only worsening costs of compliance and perpetuating the time that minors spend in detention. These costs would compound with both physical and bureaucratic logistical burdens, posing unique barriers to rural populations.⁴¹ Here as well, the Department fails to conduct a thorough analysis of financial burdens and transference. In turn, we urge withdrawal of the Rule until such an analysis is conducted and published.

At several junctures, the Department expresses that the Rule is largely intended to address concerns arising from purported investigations into abuses of children stemming from policies that are less disruptive to families.⁴² Unfortunately, the Department includes little in the way of quantified or qualified information into these abuses, offering the public scant opportunity to assess their scope or relevance to the proposed Rule. Hispanic Federation would welcome the opportunity for community stakeholder engagement in ways to protect unaccompanied minors without undermining the stability or cohesion of millions of American families, but the Department does not offer that opportunity. Similarly, the Department expresses welcome to community stakeholder suggestions on how to navigate the very real possibility of enforced tattooing, but without providing information into investigative outcomes, it is not feasible for groups with relevant expertise to inform Department rulemaking.

6. Hispanic Federation Serving Immigration Initiatives

Hispanic Federation and its network have been serving immigrants and particularly asylum seekers for decades through programs coordinating legal aid, representation, and culturally and linguistically competent support upon arrival. As an umbrella organization, Hispanic Federation has a proven track record of designing and launching national, state-wide, and locally focused immigration initiatives, including direct legal, case management, and navigation services to vulnerable migrants and asylum seekers. Programs include:

⁴⁰ A first-time passport book, for instance, costs \$130, with book and card totaling \$160, to say nothing of the fees associated for obtaining, copying, or notarizing the documents necessary to obtain the passport.

<https://travel.state.gov/content/travel/en/passports/how-apply/fees.html> (Accessed 3/31/26.)

⁴¹ <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/fall2023-preventing-legal-deserts-in-our-rural-communities/> (Accessed 8/21/26.)

⁴² i.e. <https://www.federalregister.gov/d/2026-12946/p-95>

- *Caminos de Esperanza*: A legal support program serving immigrant communities across the country in conjunction with 12 organizations. HF has provided more than 4,000 legal screenings, and direct representation for more than 1,000 asylum seekers. This program speaks not only to HF's investment in the asylum-seeking process but also the organization's qualification to offer feedback on the IFR.
- *Welcoming New York*: A New York Statewide initiative providing legal screenings for asylum seekers, pro se assistance for asylum applications, EADs, and Temporary Protected Status applications. This work is conducted in conjunction with both external attorneys and Department of Justice representatives. HF has served over 18,000 immigrants through 33 partner organizations through this program's universal service model. HF's leadership in this program highlights our experience cooperating with federal officials on sensitive agenda, including on asylum.
- *Florida's HELLO Program*: Through Florida's HELLO (Help, Education, Legal Assistance, Listening, Outreach) program, HF conducts monthly workshops with the Orlando Center For Justice to provide immigrant community members, including newly arrived migrants, with culturally and linguistically competent information about the immigration system in America. This includes free legal guidance with trained lawyers and staff to help participants navigate this immigration system. HF's experience serving the immigrant community in Florida is particularly relevant to our assessment of the proposed maritime expansion of the Circumvention of Legal Pathways rule.

7. Conclusion

Research is abundantly clear that the Rule will demonstrably and durable harm affected families. Those potentially involved are no small proportion of the country, and include many of our nation's most vulnerable children. Consequences range from trauma-induced depression to financial tolls. The Department does not meaningfully take these harms into consideration in the proposed Rulemaking, while simultaneously failing to quantify expected benefits from the proposal. The contrast between the anticipated harms wrought by the inhumane provisions of this Rule against the paucity of claimed benefits cannot be overstated. In turn, Hispanic Federation ardently holds that the Department has a clear regulatory, societal, and ethical obligation to withdraw it in full.

Sincerely,

Julietta Lopez
Vice President for Federal Advocacy and Network Mobilization
Hispanic Federation