



U.S. Department of Health & Human Services
Office of Inspector General

**HHS's Office of Refugee
Resettlement Improved
Coordination and
Outreach to Promote the
Safety and Well-Being of
Unaccompanied Alien
Children**

OEI-09-16-00260
July 2017

oig.hhs.gov

Daniel R. Levinson
Inspector General



Report in Brief

July 2017

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U.S. Department of Health & Human Services Office of Inspector General



Why OIG Did This Review

Each year, tens of thousands of children without legal status enter the United States unaccompanied by their parents or legal guardians. These children are referred to as unaccompanied alien children (UAC). Between fiscal years 2012 and 2016, the number of UAC entering the United States increased dramatically. Concern for the safety and well-being of these children after their release from Federal custody has risen in recent years, especially in response to instances of human trafficking.

In response to the influx and ongoing concerns, this Office of Inspector General (OIG) report follows up on a 2008 report on the placement, care, and release of UAC. In the 2008 report, OIG found a lack of clarity between the Department of Health and Human Services (HHS) and the Department of Homeland Security (DHS) regarding their roles and responsibilities related to UAC. OIG also found that at the time neither Department checked on children's safety and well-being after their release from Federal custody. OIG recommended that the Departments delineate their roles and responsibilities in a formal agreement.

How OIG Did This Review

We interviewed officials from HHS's Office of Refugee Resettlement and DHS in July and August 2016; reviewed policies, laws, and testimony related to UAC; and examined related HHS data and documentation.

HHS's Office of Refugee Resettlement Improved Coordination and Outreach to Promote the Safety and Well-Being of Unaccompanied Alien Children

What OIG Found

Since OIG's 2008 report, HHS and DHS roles and responsibilities related to UAC are now more clearly delineated in Federal law. Further, HHS has improved its coordination with DHS and increased its efforts to promote the safety and well-being of UAC after their release from HHS custody. The Departments have signed a formal agreement regarding their coordination.

Additionally, HHS's Office of Refugee Resettlement (ORR) has increased its contact with UAC and their adult sponsors after the child's release from HHS custody through three efforts: (1) case management services for the most vulnerable children and their sponsors, (2) safety and well-being calls to each child and their sponsors 30 days after release, and (3) helplines available to all children and their sponsors. These efforts allow ORR to identify concerns about the safety of UAC and report such concerns to local law enforcement and child protective service agencies for investigation.

What OIG Concludes

In light of Federal law delineating HHS and DHS roles and responsibilities, the Departments' improved coordination, and HHS's increased efforts to promote the safety and well-being of UAC, OIG considers its prior recommendation implemented. However, we recognize that these efforts do not guarantee that all UAC are protected from harm. UAC are a highly vulnerable population with ongoing threats to their safety and well-being. We encourage ORR to continue its efforts to contact these children after their release to sponsors and provide case management services for those who are the most vulnerable. Further, ORR should continue to report any concerns about the safety and well-being of UAC to the local law enforcement and child protective service agencies that have jurisdiction to address such concerns, and to support these agencies in any way possible. Finally, we encourage ORR to continue its efforts to share information and coordinate with DHS.

Since OIG's 2008 report, HHS has improved its coordination with DHS and increased its efforts to promote the safety and well-being of UAC after their release from HHS custody. Through these efforts, HHS identified concerns about the safety and well-being of these children, and reported the concerns to investigative agencies.

Full report can be found at <http://oig.hhs.gov/oei/reports/oei-09-16-00260.pdf>.

BACKGROUND

Each year, tens of thousands of children without legal status enter the United States unaccompanied by their parents or legal guardians. These children are referred to as unaccompanied alien children (UAC).¹ In 2008, OIG examined the placement, care, and release of UAC and found a lack of clarity between the Department of Health and Human Services (HHS) and the Department of Homeland Security (DHS) regarding their roles and responsibilities related to UAC.² OIG also found that the Departments rarely followed up with children after their release from HHS custody. OIG recommended that HHS establish a formal agreement with DHS to delineate each Department's roles and responsibilities as they relate to UAC.

We had two purposes for this study. First, to examine HHS's progress toward implementing our 2008 recommendation that HHS establish a formal agreement with DHS to delineate each Department's roles and responsibilities as they relate to UAC.³ Second, we examined the efforts of the Office of Refugee Resettlement (ORR), within HHS, to promote the safety and well-being of children after their release from ORR's custody.

In addition to this study, OIG has other ongoing efforts related to UAC. The Office of Audit Services is reviewing selected ORR grantees' compliance with Federal requirements and applicable health and safety standards for the care and release of children in their custody. These include: building security, capacity, and fire inspection requirements; child medical services; and sponsor background checks and sponsor placement decisions. Also, the Office of Investigations provides ongoing law enforcement consultation, training, and technical assistance in matters involving ORR. For example, the Office of Investigations provides investigative expertise as appropriate in response to reports of abuse or neglect when children are in HHS's care and custody.

Federal custody and care of UAC

The majority of UAC who come into Federal custody are apprehended by DHS border patrol officers.⁴ When DHS apprehends a child, it temporarily detains and cares for the child. DHS is required to hold UAC in safe and sanitary facilities and provide access to food

¹ An "unaccompanied alien child" is defined in statute as a child who has no lawful immigration status in the United States, is under 18 years old, and who has no parent or legal guardian in the United States available to provide care and physical custody. 8 U.S.C. § 279(g)(2).

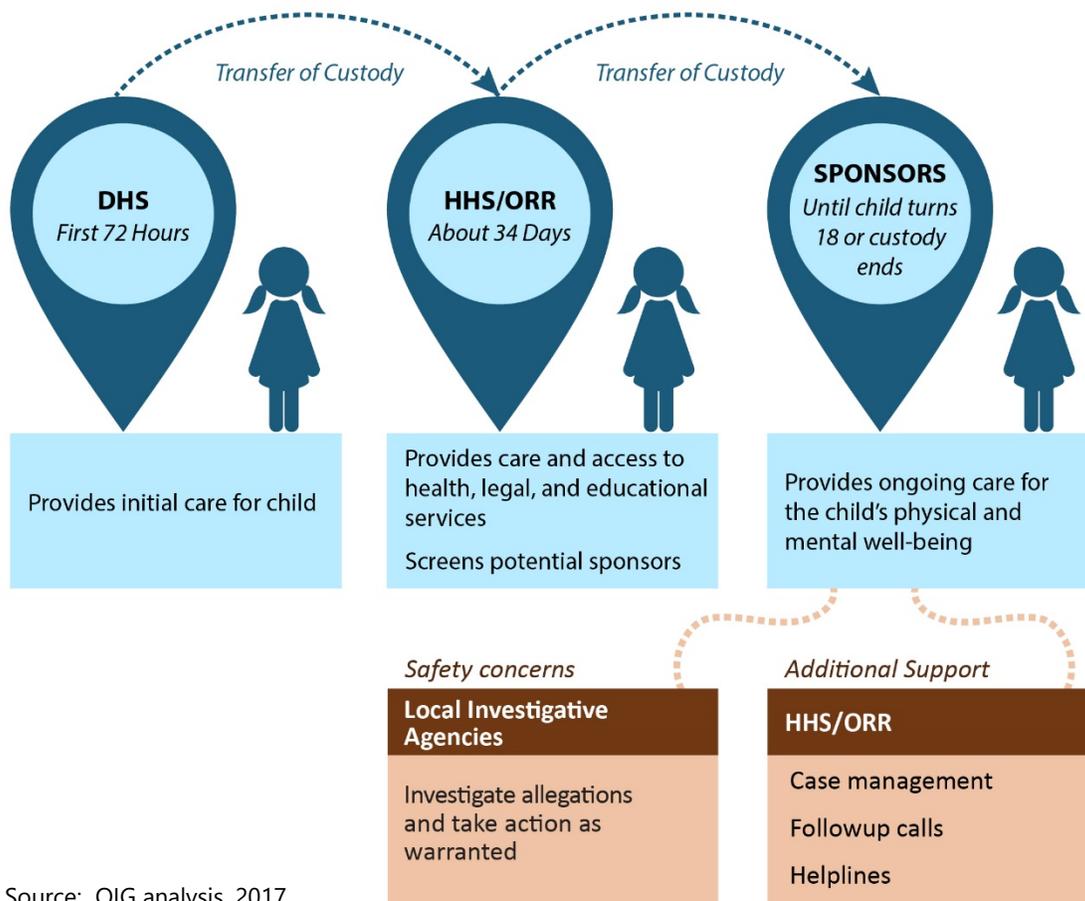
² OIG, *Division of Unaccompanied Children's Services: Efforts to Serve Children*, OEI-07-06-00290, March 2008. The report references the Division of Unaccompanied Children's Services, which is now referred to as the Division of Children's Services within ORR.

³ Prior to this review, ORR implemented two other recommendations from the 2008 OIG report related to oversight of residential facilities.

⁴ ORR, *ORR Guide: Children Entering the United States Unaccompanied. Section 1.1 Summary of Policies for Placement and Transfer of Unaccompanied Children in ORR Care Provider Facilities*. In addition to DHS, in rare circumstances other Federal agencies may refer UAC to ORR's care.

and drinking water, medical assistance, and adequate supervision.⁵ DHS must then transfer the child to the custody of ORR within 72 hours.⁶ ORR places most of these children in residential facilities that provide access to legal services, education, and health care. Federal law requires the safe and timely release of children from ORR's custody to parents, guardians, relatives, or nonrelated adults, referred to as "sponsors."⁷ ORR releases most children to their parents or an immediate relative (see Exhibit 1).⁸

Exhibit 1: Who is responsible for UAC safety and well-being?



Source: OIG analysis, 2017.

⁵ *Flores Settlement Agreement*, Case No. CV 85-4544-RJK(Px) (C.D. Cal. Jan. 17, 1997). The *Flores Settlement Agreement* initially applied to the Immigration and Naturalization Service and now extends to DHS and ORR.

⁶ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, § 235(b)(3) (P.L. 110-457, December 23, 2008) (codified at 8 U.S.C. § 1232 (b)(3)). This requirement applies to children from noncontiguous countries only. Children from contiguous countries are generally returned to their country of origin.

⁷ 8 U.S.C. § 1232(c).

⁸ GAO, *Unaccompanied Children: HHS Can Take Further Actions to Monitor their Care*, February 2016, p. 30.

Screening potential sponsors and notification of expectations

The process for release of UAC from ORR custody to a sponsor involves multiple steps, including the evaluation of the suitability of the potential sponsor. ORR evaluates sponsors through verification of the sponsor's identity and relationship to the child, background checks, and in some cases home studies.⁹

According to ORR policy, all potential sponsors undergo a criminal public records check and a sex offender registry check. If a potential sponsor is not a parent or legal guardian, ORR also conducts a fingerprint background check. Additionally, if a potential sponsor is a parent or legal guardian, a fingerprint background check is required when there is a documented risk to the safety of the child, the child is especially vulnerable, and/or the case is referred for a home study.¹⁰

Under Federal law, ORR must conduct a home study as part of its evaluation of a potential sponsor for certain UAC, such as victims of human trafficking or abuse or those who have special needs.¹¹ ORR may also choose to conduct home studies for other children at its discretion. A home study consists of interviews, a home visit, and a written report containing the home study case worker's findings. The purposes of a home study are to assess the potential sponsor's ability to meet the child's needs, to educate and prepare the sponsor for the child's release, and to verify information gathered from sponsors.¹²

Before releasing UAC, ORR notifies sponsors of several expectations of sponsorship in a document referred to as the "sponsor care agreement."¹³ Expectations for sponsors include, but are not limited to, providing for the education, safety, and well-being of the child; notifying DHS of changes of address; and ensuring that the child attends all future immigration hearings.

Services for sponsors and UAC after release from ORR custody

After ORR releases UAC to sponsors, ORR is required to provide services to children who received a home study. These services include assistance in connecting children and their sponsors to community-based resources such as locating legal representation, enrolling children in school, and obtaining health care. For the purposes of this report, we refer to these services as "case management services."¹⁴ ORR may also provide case management services to other children at its discretion.

⁹ 8 U.S.C. § 1232(c)(3)(A).

¹⁰ ORR, *ORR Guide: Children Entering the United States Unaccompanied. Section 2.5.1 ORR Policies on Requesting Background Checks of Sponsors: Criteria for Background Checks.*

¹¹ 8 U.S.C. § 1232(c)(3)(B).

¹² ORR, *ORR Guide: Children Entering the United States Unaccompanied. Section 2.4.2 Home Study Requirement.*

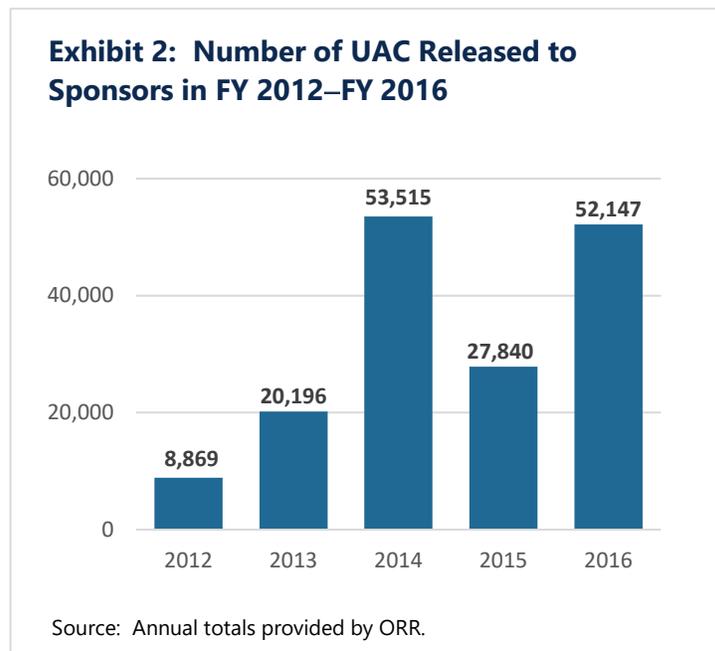
¹³ The sponsor care agreement is available online at <https://www.acf.hhs.gov/orr/resource/unaccompanied-childrens-services>. Accessed on March 10, 2017.

¹⁴ 8 U.S.C. § 1232(c)(3)(B).

Significant increases in the number of UAC and concerns about safety and well-being after their release to sponsors

The number of UAC that ORR released to sponsors significantly increased during the last 5 years, from approximately 8,869 in fiscal year (FY) 2012 to 52,147 in FY 2016 (see Exhibit 2). In FY 2014, the number of children that ORR released to sponsors surged to 53,515—more than double from the previous year—and exceeded ORR’s program planning, physical capacity and staffing, and stretched authorized funding.¹⁵ During the same period, ORR released a small number of children to a sponsor who was part of a trafficking conspiracy. These children were housed in poor conditions, forced to work long hours, not enrolled in school, and threatened with physical harm. The sponsor, along with two co-conspirators, subsequently pleaded guilty to charges related to the trafficking scheme. The case drew significant attention to, and increased concern about, the well-being of UAC after they are released from ORR’s care and custody.¹⁶

External factors such as violence, poverty, and political turmoil in UAC’s home countries are unpredictable and affect the number of children coming into ORR’s custody.¹⁷ For example, in FY 2016, ORR experienced another surge of UAC as it released 52,147 children to sponsors, up from 27,840 in FY 2015. According to ORR, this unpredictability creates serious operational challenges because ORR may not have access to additional funding during surges.¹⁸ By law, ORR is required to safely house children after it takes custody



¹⁵ ORR, *Office of Refugee Resettlement Year in Review – FY 2014*, January 2015. Accessed at <http://www.acf.hhs.gov/orr/resource/office-of-refugee-resettlement-year-in-review-fy2014-on-march-7-2017>.

¹⁶ United States Senate, Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, *Protecting Unaccompanied Alien Children from Trafficking and Other Abuses: The Role of the Office of Refugee Resettlement*. January 28, 2016, p. 1.

¹⁷ Migration Policy Institute, *Trends in Unaccompanied Child and Family Migration from Central America*, January 2016, p. 6.

¹⁸ United States Senate, Committee on Judiciary, Questions for the Record, *The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?* February 23, 2016.

from DHS, screen potential sponsors, and timely release children to sponsors.¹⁹ Therefore, according to ORR, it would be difficult for it to significantly or substantially expand postrelease services beyond the efforts described in this report without contingency funding.²⁰

METHODOLOGY

Data Collection and Analysis

To examine HHS's progress toward establishing a formal agreement with DHS, we reviewed the Memorandum of Agreement signed by DHS and ORR in February 2016 and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. We conducted structured interviews with four officials from ORR and two officials from DHS in July and August 2016. We requested status updates and clarifications by email as needed through December 2016.

To examine ORR's efforts to promote the safety and well-being of UAC after their release to sponsors, we reviewed documentation and data related to ORR's efforts, including: (1) all written policies and procedures related to these efforts; (2) data related to safety and well-being calls and ORR's Sexual Abuse Hotline for the first half of FY 2016; (3) performance progress reports for grantee organizations that provided case management services during the first half of FY 2016; and (4) other data related to UAC, such as the number of children released to sponsors in the first two quarters of FY 2016. We also discussed ORR's efforts during interviews with agency officials.

Limitations

We did not independently verify the data that ORR provided or the information submitted to ORR by its grantees.

Standards

This study was conducted in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency.

¹⁹ 8 U.S.C. § 1232(c).

²⁰ Letter to Senator Claire McCaskill from Mark H. Greenberg, Acting Assistant Secretary for the Administration for Children and Families. February 22, 2016.

FINDINGS

Since 2008, coordination between HHS and DHS has improved, and their roles and responsibilities are more clearly defined

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), and a 2016 formal agreement between HHS and DHS, have helped to outline each Department's roles and responsibilities related to UAC.²¹ Officials from both Departments reported that they use these two documents as a framework for their coordination. In addition, these officials reported better lines of communication and infrastructure to support coordination, particularly in response to the surge of children that entered the country in 2014. Officials also reported that the Departments communicate daily across staff levels on various issues. In light of this progress, OIG now considers the 2008 recommendation, to establish a formal agreement that delineates the roles and responsibilities of HHS and DHS, as implemented.

TVPRA helped to outline roles and responsibilities for HHS and DHS

In 2008, Congress enacted the TVPRA, which broadly outlined HHS and DHS roles and responsibilities for the care and placement of UAC.²² As OIG's 2008 report highlighted, prior to the enactment of TVPRA, the obligations of each agency related to UAC—from the time of their apprehension through the time of their immigration hearing—remained unclear. TVPRA provided the framework for coordination between the two Departments by specifying requirements for the transport, custody, and care of UAC (see Appendix). Officials from both Departments reported that TVPRA has led to smoother operations, increased communication, and interagency collaboration.

Although the bulk of TVPRA requirements relate to responsibilities while UAC are still in the custody of either DHS or HHS, TVPRA did assign a role to HHS relating to children after their release to sponsors. TVPRA requires HHS to provide case management services to certain vulnerable children, as discussed in detail later in this report. TVPRA did not assign any responsibilities to DHS relating to children after their release to sponsors.

HHS and DHS entered into a formal agreement that further outlines each Department's roles and responsibilities

In addition to following requirements in the TVPRA, HHS and DHS have taken steps to improve interdepartmental coordination. In February 2016, the Departments entered into a Memorandum of Agreement (MOA), which recognized the shared goal to protect UAC from mistreatment, exploitation, and trafficking.²³ In the MOA, both Departments agreed to establish a structure of coordination to monitor and resolve issues and share

²¹ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, P.L. 110-457. December 23, 2008.

²² Ibid.

²³ HHS and DHS, *Memorandum of Agreement Between the Department of Homeland Security and the Department of Health and Human Services Regarding Unaccompanied Alien Children*, February 2016.

information. The MOA also established a Senior Leadership Council comprised of high-level staff across various agencies that serves as the coordinating body for interdepartmental cooperation on the care, processing, and transport of children. ORR reported that the Senior Leadership Council meets about every other month and also serves as a forum for discussing broader policy issues arising from operational concerns. One activity that the Council has undertaken is developing a Joint Concept of Operations to further formalize the working relationship between HHS and DHS, establish procedures for consistent interdepartmental coordination regarding UAC, and identify other areas that need to be addressed.

Since 2008, ORR has increased its contact with UAC after their release to sponsors, which allows ORR to identify and report safety concerns

Since 2008, ORR implemented three efforts that increase contact with UAC after their release to sponsors and promote their safety and well-being. The three efforts that ORR implemented are (1) case management services for highly vulnerable children and their sponsors, (2) safety and well-being calls for all children and sponsors 30 days after release, and (3) helplines available to all children and sponsors to report concerns and identify services in their communities.

Through these three efforts, ORR is able to identify and report concerns about UAC to local investigative agencies. ORR officials reported that all ORR staff and service providers must report suspected cases of abuse or neglect to investigative agencies that include child protective services and local law enforcement, in accordance with State law. According to ORR, it continues to track all reported cases to determine whether it needs to take further action. Because ORR is not a law enforcement agency, its staff and service providers do not themselves undertake investigative or enforcement actions. Rather, they rely on local agencies that have jurisdiction to address such concerns. Through these three efforts, in the first half of 2016, ORR reported concerns to investigative agencies about the safety and well-being of 135 UAC. These concerns included allegations of sexual abuse, neglect and abandonment, trafficking, runaways, and children not attending school.

ORR provides case management services to highly vulnerable UAC

ORR offers case management services to approximately 20 percent of UAC who are released to sponsors.²⁴ Since 2008, under TVPRA, ORR is required to offer case management services to children who received a home study before being released to their sponsor.²⁵ Although not required by law, ORR expanded case management services in July 2015 to, at its discretion, other highly vulnerable UAC, including those who are

²⁴ In FY 2016, ORR provided case management services to 10,546 of the 52,147 UAC released to sponsors.

²⁵ ORR conducts home studies for children that it determines are victims of human trafficking or abuse or have special needs. 8 U.S.C. § 1232(c)(3)(B).

12 years old and under who are released to a nonrelative sponsor, or who ORR identifies as needing additional assistance in connecting with resources in the community.

Case management services may include a combination of home visits, telephone contacts, written correspondence, community referrals, provision of educational materials, and support groups. In general, service providers meet with UAC who receive case management services at least three times during the initial 6-month period following their release to the sponsor, and as needed until the child's immigration hearing, 18th birthday, or services are no longer needed.²⁶

On average, UAC receive case management services for less than 9 months.²⁷ ORR data indicate that services end for a large group of these children because ORR determines that case management services are no longer needed. Sponsors may also refuse case management services, though they rarely do. While providing case management services during the first half of FY 2016, ORR service providers identified and reported safety and well-being concerns for 89 children to child protective services.²⁸

ORR attempts to contact all UAC and their sponsors 30 days after release

Beginning in August 2015, ORR has attempted to contact every child and their sponsor by phone 30 days after UAC are released from ORR custody.²⁹ Through the calls, service providers attempt to determine whether the child is safe and inquire about issues such as whether the child is attending school and aware of upcoming court dates.

During the first half of FY 2016, ORR attempted to contact each of the 25,975 UAC it released to sponsors. ORR was able to contact 89 percent of sponsors and 84 percent of children 30–37 days after release from ORR custody. As the result of these calls, ORR reported safety and well-being concerns for 36 children to investigative agencies. The 36 concerns included 22 children who ran away from the sponsor's home, 5 children not attending school, 3 allegations of neglect or abandonment, 3 changes of address, 2 allegations of human trafficking, and 1 allegation of sexual abuse.

ORR operates two helplines available to all UAC and sponsors

ORR began operating two helplines in 2015 that are available to all sponsors and UAC after their release from ORR custody. The first, the Sexual Abuse Hotline, accepts reports of sexual abuse relating to UAC. During the first half of FY 2016, ORR staff reported 10 allegations of sexual abuse of children to investigative agencies based on calls to the Sexual Abuse Hotline.

ORR operates an additional helpline, the National Call Center, to offer assistance to UAC and sponsors after the child's release, such as referring them to services in their local

²⁶ ORR, *Division of Unaccompanied Children's Services Home Study and Post-Release Services Guidance*, December 2010.

²⁷ According to ORR, UAC receive case management services for an average of 267 days.

²⁸ We were unable to identify the specific reasons for concern for these 89 children on the basis of the documentation we reviewed.

²⁹ According to ORR policy, service providers must make a minimum of three attempts to contact children and sponsors.

communities and accepting reports of safety and well-being concerns. As of December 2016, ORR did not have data on the number of calls received by the National Call Center or whether any of the calls resulted in reports to investigative agencies.

CONCLUSION

Coordination between Federal departments as they work to respond to influxes of UAC entering the United States, and continued contact with the children after ORR releases them to the custody of sponsors, are critical to promoting the safety and well-being of UAC.

In the 2008 OIG report, we found a lack of clarity regarding the roles and responsibilities of HHS and DHS, and that neither Department checked on UAC's safety and well-being after their release to sponsors. We recommended that the Departments delineate their roles and responsibilities. Soon after, the enactment of the TVPRA clarified certain roles and responsibilities by assigning specific tasks to each Department. HHS and DHS have also improved their communication and cooperation and established an MOA and leadership council focused on coordination.

ORR has gone beyond the requirements in TVPRA and widely increased its contact with UAC and sponsors after the child's release from ORR's custody. ORR now provides case management services to the most vulnerable children and their sponsors, attempts to contact all children and their sponsors 30 days after release, and operates helplines available to all children and their sponsors. These efforts allow ORR to identify concerns about the safety of UAC, and report such concerns to law enforcement and child protective service agencies for investigation.

In light of these developments, OIG now considers its prior recommendation implemented. Although the roles and responsibilities of Federal agencies are defined and ORR has gone beyond Federal requirements in order to better protect UACs' safety and well-being, we recognize that these efforts do not guarantee that all UAC are protected from harm. UAC are a highly vulnerable population with ongoing potential threats to their safety and well-being, including human trafficking, abuse, and risk of exploitation by or other harm from gangs. We encourage ORR to continue its efforts to contact these children after their release to sponsors and provide case management services for those who are the most vulnerable. Further, ORR should continue to report any concerns about the safety and well-being of UAC to the local law enforcement and child protective service agencies that have jurisdiction to address such concerns, and to support these agencies in any way possible. Finally, we encourage ORR to continue its efforts to share information and coordinate with DHS.

APPENDIX

Key HHS and DHS roles and responsibilities addressed in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 related to UAC:

Roles and Responsibilities		Department
Notification	HHS must be notified within 48 hours upon the apprehension of UAC or any claim or suspicion that an alien in the custody of a Federal department or agency is under 18 years of age.	DHS and any other Departments or Agencies of the Federal Government
Transfer	Except in the case of "exceptional circumstances," a child shall be transferred to HHS no later than 72 hours after the child is determined to be an unaccompanied alien.	DHS and any other Departments or Agencies of the Federal Government
Safe and Secure Placement	UAC in the custody of HHS shall be promptly placed in the least restrictive setting that is in the best interest of the child.	HHS
Suitability Assessment	UAC may not be placed with a sponsor unless HHS makes a determination that the potential sponsor is capable of providing for the child's physical and mental well-being. HHS shall, at a minimum, verify the sponsor's identity and relationship to the child and that the sponsor has not engaged in any activity that would indicate a potential risk to the child.	HHS
Postrelease Activities	HHS shall provide followup services for UAC that received a home study. HHS is also authorized to conduct followup services in cases involving children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency.	HHS

Source: William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), § 235(b)(3) (P.L. 110-457, December 23, 2008) (codified at 8 U.S.C. § 1232 (b) and (c)).

ACKNOWLEDGMENTS

China Tantameng and Rosemary Rawlins served as the team leaders for this study. Office of Evaluation and Inspections staff who provided support include Kevin Farber and Melicia Seay.

This report was prepared under the direction of Blaine Collins, Regional Inspector General for Evaluation and Inspections in the San Francisco regional office, and Abby Amoroso and Michael Henry, Deputy Regional Inspectors General.

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