

## THE SUPPORTING STATEMENT

**A. Justification****1. Circumstances Making the Collection of Information Necessary**

The Refugee Act of 1980 (Pub. L. No. 96-212) 8 U.S.C. 1522(a)(6) amended the Immigration and Nationality Act (INA) to create a domestic refugee resettlement program to provide assistance and services to refugees resettling in the United States. With the enactment of this legislation, the Office of Refugee Resettlement (ORR) issued a series of regulations, at 45 CFR Part 400, to establish comprehensive requirements for a State-administered Refugee Resettlement Program (RRP), including child welfare services to unaccompanied minors (the Unaccompanied Refugee Minors, or URM, program). The URM program, governed by the INA (8 U.S.C. 1522, Section 412(d)) as well as regulations published on January 30, 1986 (51 CFR 3904) at 45 CFR 400 Subpart H, currently operates in 15 States through State Refugee Coordinators, providing foster care, supportive services, and independent living services provided in accordance with State Title IV-B and IV-E child and family service plans, legislation, ORR and State regulations, and policy guidance.

Under the provisions of Section 412(d)(2)(B)(iv) of the INA (8 U.S.C. 1522), the Director of ORR is required to prepare and maintain a list of all such unaccompanied children who have entered the United States after April 1, 1975; the names and last known residence of their parents (if living) at the time of arrival; and the children's location, status, and progress. Also, under the provisions of section 413(b)(7) of the Act (8 U.S.C. 1523), ORR is required to submit a report to the Congress each year which summarizes the location and status of unaccompanied refugee children admitted to the United States. ORR regulations at 45 CFR 400.120 describe specific URM program reporting requirements.

Self-sufficiency is the over-arching purpose of the refugee program (45 CFR 400.1) on behalf of refugees and other clients receiving ORR assistance and services. Research has shown that youth who emancipate from foster care face many difficulties in achieving self-sufficiency, with many experiencing troubling outcomes. Although efforts are made to reunify minors in the URM program with family, the majority emancipate from foster care. ORR needs to know that the program has the intended effect of supporting youth in the URM program to achieve self-sufficiency.

Pursuant to these statutory and regulatory provisions, ORR currently requires grantees to submit two reports. An Unaccompanied Refugee Minor Placement Report (Form ORR-3) is submitted upon initial placement of the child in the State and whenever there is a change in the child's status, including termination from the program. Currently, an Unaccompanied Refugee Minor Progress Report (Form ORR-4) is required annually (approximately 12 months from the initial date of placement of a minor in a foster care setting and then every 12 months thereafter) to indicate the child's progress towards established goals in the case plan and the agency's efforts toward family reunification.

In general, the URM provider agencies which are under contract with the State to provide child services actually prepare the reports. This reporting requirement is not burdensome: the requested information is similar to the information that State agencies collect on children placed under their supervision and care, such as child and family information, appropriateness of the placement, family reunification, legal status, services necessary to attain the placement goals, and periodic review of the child's progress in

attaining case plan goals. Failure to provide these reports may result in delay, suspension, or termination of grant support to States for URM provider agencies.

Since publication on January 30, 1986 (51 CFR 3904) of regulations at 45 CFR 400 Subpart H regarding child welfare services (including services to unaccompanied minors), as well as the publication on October 14, 1987 of a Statement of Program Goals, Priorities, Standards, and Guidelines for the Unaccompanied Minor Refugee and Cuban/Haitian Entrant Program, ORR has issued policy guidance, and new Federal legislation has led to changes in the URM program. For example:

- The Chafee Foster Care Independence Program (CFCIP) of 1999 (Pub. L. 106-169) and subsequent enhancements gave states the option to extend independent living services and provide Educational and Training Vouchers (ETV) to foster children and former foster children who emancipated from care;
- The Trafficking Victims Protection Act (TVPA) of 2000 (Pub. L. 106-386) made a new category of children eligible for URM services – victims of a severe form of trafficking in persons;
- The Homeland Security Act of 2002 (Pub. L. 107-296) mandated ORR responsibility for the placement and care of Unaccompanied Alien Children (UAC), and the URM program now regularly receives referrals of UACs who become eligible for refugee benefits and lack family reunification options; and
- The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 (Pub. L. 110-457) introduced a new category of certain youth granted Special Immigrant Juvenile Status (SIJS) by the U.S. Department of Homeland Security (DHS) who may be determined eligible for URM services.

ORR regulations at 45 CFR 400.112 provide that a state provide the same child welfare services and benefits to the same extent as are provided to other children of the same age under a State’s title IV-B plan, following the same child welfare standards, practices and procedures in serving minors in the URM program. Between the mid 1980s and early part of this decade, federal legislation has evolved to provide states with more options to bolster independent living services to youth “likely to remain in foster care” until at least age 18, as well as services and supports to youth who have aged out of foster care. ORR issued a policy letter to ensure that minors in the URM program receive parity of service with State independent living programs for foster and former foster youth.

Along with flexibility and Federal support for independent living services, the Foster Care Independence Act of 1999 referenced above requires states participating in the program to collect and provide data on services provided, including on the number and characteristics of youth receiving these services, as well as outcomes that can be used to assess state performance in operating independent living programs. ACF published a final rule for the resulting Chafee National Youth in Transition Database (NYTD) on February 26, 2008 (45 CFR Part 1356), establishing the framework for reporting on the status of youth transitioning from child welfare services.

## 2. Purpose and Use of the Information Collection

ORR uses information collected to determine a minor’s eligibility for the URM program, to facilitate placement in the program, to track progress of minors in the program, and to allow for effective program monitoring. Information gathered also contributes to ORR’s tracking of URM cases and their outcomes.

ORR uses data from these reports as follows:

- o Program Eligibility: Cases with questionable eligibility are flagged for further investigation. Such cases include children whose parents have arrived or who are independently living in the United States, children above State-allowed age limits for foster care, and similar discrepancies.
- o Monitoring: Reports on placement locations and status changes (including establishment of legal responsibility for the child) enable ORR to monitor State programs based on numbers and characteristics of the caseload of each State, reconciling numbers of children reported with financial claims for their support.
- o Planning and Budgeting: Data related to caseloads and projected program terminations, particularly those children about to reach the age of majority are correlated to permit long-range program planning and budgeting. For example, Item 5, "Estimated Date of Emancipation," in Form ORR-3 together with State Department estimates of anticipated new arrivals of unaccompanied refugee minors permits ORR, States, and national resettlement agencies to project caseloads several years into the future. Such information assists both in projecting budgets and in assisting national resettlement agencies in placing new arrivals with cost-effective agencies with refugee expertise.
- o Family Reunification: The information on Forms ORR-3 and ORR-4 enables ORR to meet its statutory obligation to maintain a national, central registry of all unaccompanied refugee minors which could thereby assist parents and other relatives in locating their children anywhere in the United States for purposes of family reunification. No other registry of unaccompanied minor placement exists.

The Form ORR-3 is prepared by the agencies that provide immediate care for the children and is submitted through the State refugee agency:

- o *Upon arrival of the child in the United States.* This report serves to notify the State and ORR that proper legal arrangements have been made for the child, that the child is in care, and that financial claims on the child's behalf will commence.
- o *Upon change of placement (foster or group home) or status (such as finalization of legal status).* This information enables ORR to fulfill its statutory obligation to maintain a record of the child's whereabouts and thereby stand ready to assist in locating the child for family reunification.
- o *Upon program termination through emancipation or family reunification.* This information serves to notify States and ORR that financial claims for this child will terminate.

The Trafficking Victims Protection Act of 2000 (TVPA) and the William Wilberforce Trafficking Victims Protection Act of 2008 (TVPRA) extend eligibility to the same extent as for refugees for federally funded or administered benefits and services to minor victims of a severe form of trafficking, certain non-citizen minor family members of trafficking victims and minors who are presumed to be victims of trafficking on an interim basis. TVPRA 2008 provides that special immigrant juveniles (SIJs) are eligible for ORR's URM program and services. The ORR-3 data permit ORR to track placements of these newly eligible populations in an orderly fashion, while continuing ethnic-specific services for children remaining in care and ensuring that the services are delivered in a cost-effective way as the caseload increases.

Via the Form ORR-3, ORR staff flags cases of questionable eligibility, carries out family reunification tracking, and produces State-by-State reports for ORR's follow-up and monitoring tasks. These data

permit further analysis with respect to projected caseloads for use by States, national voluntary agencies, and ORR in budgeting and program planning.

The Form ORR-4 is prepared by the agencies that provide immediate care for the children and is currently submitted through the State refugee agency 12 months from the initial date of URM placement and annually until the youth exits the program. The data from Form ORR-4 (Progress Report) permit ORR to develop aggregate data by agency on client progress and achievements. This permits comparisons of program quality among provider agencies and States, and, when correlated with program cost data, permits identification of qualitative cost-effectiveness among States and agencies. This strategy remains important as the number of admissions has increased and many of the current providers have rapidly expanded their capacity to serve increased numbers of minors.

The requested revisions to the ORR-3 and ORR-4 forms are designed to incorporate changes in the operation of the URM program, including the presence of newly eligible populations of minors. These revisions include:

- Revising form titles to reflect the program name, Unaccompanied Refugee Minor (URM), and reflecting the use of Form ORR-4 as an “Outcomes” vs. “Progress” report;
- Additional categories of placement origin and eligibility type;
- Additional options of placement type and child welfare services (including independent living);
- Request for placement cost;
- Request for medical coverage information;
- Extended educational, vocational and social adjustment service provision with outcome measures similar to NYTD.

### 3. Use of Improved Information Technology and Burden Reduction

Currently, the various forms are submitted by email and fax to ORR. However, ORR is in the process of developing a web-based data collection system whereby grantees and requestors would submit the information online. This would:

- Simplify information collection
- Ensure that information reaches ORR (emails and faxes can get lost)
- Reduce the use of paper
- Centrally manage the data collection process
- Standardize data entry and increase accuracy
- Improve ORR’s ability to analyze data along several parameters to assess program quality
- Enhance quality control

ORR plans to implement an improved URM database, including web-based data collection, during the next phase of development of the ORR Refugee Arrivals Data System, hopefully during FY 2010.

### 4. Efforts to Identify Duplication and Use of Similar Information

The Children’s Bureau via the NYTD requires States to report on the characteristics of and services provided to minors participating in Independent Living programs authorized by the Chafee Foster Care Independence Program (CFCIP) of 1999 (Pub. L. 106-169) and subsequent enhancements. Because many URM youth are in private agency custody (rather than State or county), a significant percentage of URM youth is not subject to these reporting requirements despite their receiving services similar to those

provided to other youth. It follows that aggregate NYTD data are inadequate in presenting outcomes-related information for URM youth and do not permit ORR to meet its legislative requirements.

5. Impact on Small Businesses or Other Small Entities

Not applicable.

6. Consequences of Collecting the Information Less Frequently

Current regulations at 45 CFR 400.120 outline the reporting requirements for child welfare services.

- (1) The State must submit the Unaccompanied Refugee Minor Placement Report (ORR-3) within:
  - 30 days of the date of a youth's placement in the State;
  - 60 days of the date of a change of status in which the youth's placement is transferred or legal responsibility of any kind for the minor is established or transferred; and
  - 60 days of the date of termination in which the youth is emancipated or reunited with a parent or other (relative or non-relative) adult with custody.
- (2) The State must submit the current Unaccompanied Refugee Minor Progress Report (ORR-4) on each youth annually, beginning approximately 12 months from the date of the initial placement report by the State.

To require either of these reports less frequently would both undermine their purpose and raise questions about whether ORR was meeting its legislative and regulatory requirements.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

No special circumstances are involved. This information collection is consistent with all OMB guidelines specified in 5 CFR 1320.6. The Refugee Arrivals Data System, which will eventually be modified to include the URM program database (including web-based information collection), is a Privacy Act System of Records.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

The 60-day Federal Register Notice was published on August 24, 2009, Volume 74, Number 162, Page 42675-42676. ORR received five comments on this notice.

*Comment:* Two comments requested copies of the forms proposed for revision.

*Response:* ORR responded with directions to existing forms posted on the ORR website.

*Comment:* A participating national voluntary agency (volag) offered comments representing the national and local affiliates' desires to include in Form ORR-4 a line indicating the sponsoring national volag to assist in communications. Other suggested additions include: Placements; Native Language; Legal Permanent Residency; Visa/Status, and a section for post 18 planning, placement changes during the reporting period, and queries of specific support provided for a physical or developmental delay, whether the child is currently employed, and if the child has other relatives in the United States. Further comments regarding the Form ORR-3 include separating combined questions in particular sections and

adding information about the minors' current level of functioning in regard to education, language ability, and mental health to provide a point of comparison for forms submitted subsequent to the initial placement report. For the Final Report to close a case, the commenter proposed including information related to post closure services, level of education obtained at closure, is the child employed or attending school, does the child have any outstanding physical or mental health needs, what independent living skills did they participate in or complete, did the child adjust their status, what is their language level at time of closure, what efforts were made during the case to help minors retain cultural, linguistic and spiritual connection to their country or origin. The commenter suggested creating separate forms for initial placement reports and case closing reports.

*Response:* ORR thanked the commenter for suggestions and has considered the incorporation of these items into the report revisions.

*Comment:* A local URM program provider submitted comments regarding Form ORR-4, identifying a confusing question in Section 1, #5 regarding the “date a child entered the U.S.” which can be different from the date on their I-94 after a grant of asylum if the minor entered unlawfully (as in the case of DUCS minors). Regarding Form ORR-3, the commenter proposed replacing language in the top Section, Report Usage: “Is this placement also a reclassification?” with “is this placement a reclassification or a designation?” Other comments regarding the Final Report: “AWOL” is very militaristic and doesn’t capture all the reasons why a minor leaves; “Jail” is very specific and a more general term can be used. “Emancipation” section can be more description of how the client exits. The commenter suggested alternate language: “voluntary exit” instead of AWOL; “detention” instead of “jail;” differentiate “premature emancipation” from “emancipation after completion of program.” The same concerns for Form ORR-4 were repeated for ORR-3: Section I, #6 related to the date a child enters the U.S.; the form should clarify whether it is the actual date of entry to the U.S. or the date on which eligible status is conferred. The commenter suggested less confusing language for Section I, #10 and #11: “Residence of mother/father when minor arrived in U.S.”

*Response:* ORR thanked the commenter for language substitutions and clarification and has considered them for incorporation into the report revisions.

*Comment:* Jean Public commented that it was time that no unaccompanied minor refugees were allowed entry, but to focus on American citizens rather than continue to burden American taxpayers to care for “alleged ‘refugees’ from all over the world,” without the ability to care for ourselves.

*Response:* ORR did not provide a response to this comment as it was not directed to the revisions proposed in existing program reports.

During a meeting on September 23, 2009, between ORR and two national volags involved in the placement of minors in URM care — the Lutheran Immigration and Refugee Service (LIRS) and the U.S. Conference of Catholic Bishops (USCCB) — ORR called the group’s attention to the first Federal Register notice regarding renewal and revision of Forms ORR-3 and ORR-4 with a 60-day comment period. ORR referred the group to the current forms available on ORR’s website and indicated that this was the time to make open-ended comments; a brief discussion followed. Volag participants included from LIRS: Olivia Faries (Director, Children’s Services, 410-230-2894), Chak Ng (Associate Director, Foster Care and Permanency Planning, 410-230-2850), Connie Daniels (Foster Care Specialist, 410-230-2796), and from USCCB: Nathalie Lummert (Associate Director, Children’s Services, 202-541-3314), Adrienne Young

(Assistant Director, Foster Care, 202-541-3091), and Jacklyne Kamara (Placement Specialist, 202-541-3347).

9. Explanation of Any Payment or Gift to Respondents

Not applicable.

10. Assurance of Confidentiality Provided to Respondents

The Refugee Arrivals Data System (RADS), which will eventually be modified to include the URM program database (including web-based information collection), is a Privacy Act System of Records. The Privacy Act System of Records Notice was initially published in the SSA Privacy Act: Notices of Systems of Records in September 1985 (No. 09-60-0216). A System of Records Notice for RADS is in progress but not yet published.

11. Justification for Sensitive Questions

Not applicable.

12. Estimates of Annualized Burden Hours and Costs

Annual Burden Estimates				
Instrument	# of Respondents	# of responses per Respondent	Average burden hours per Response	Total burden hours
ORR-3 (Refugee Unaccompanied Minor Placement Report)	15	63	0.25	236.25
ORR-4 (Refugee and Entrant Unaccompanied Minor Outcomes Report)	15	63	1.25	1,181.25

Estimated Total Annual Burden Hours: 1,417.50

The monetary value of this burden is \$21 X 1,417.5 hours or \$29,767.50

13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

The cost of administration of the Unaccompanied Refugee Minor program is reimbursed 100 percent by the Federal government. As a consequence, there is no cost burden to the public for information collection requirements.

14. Annualized Cost to the Federal Government

Aggregate cost estimates for collecting information are provided here:

- Unaccompanied Refugee Minor Placement Report (*Form ORR-3*):
  - We estimate the total annualized cost to be \$4,961.25 (236.25 staff hours at \$21 per hour).

- Unaccompanied Refugee Minor Outcomes Report (*Form ORR-4*)
  - We estimate the total annualized cost to the Federal government to be \$24,806.25 (1,181.25 staff hours at \$21 per hour).

Total annualized cost burden: \$29,767.50

15. Explanation for Program Changes or Adjustments

There are two adjustments: 1) the number of unaccompanied refugee minors has increased, and 2) the cost burden has been corrected to correct an error in methodology. Also, a program change occurred with both the ORR-3 and ORR-4 in that both instruments were revised to collect more data and therefore an increase burden per response.

The changes in the URM program and ORR's need to ensure parity of services and of outcome measures necessitate revisions and additions to the current reporting requirements.

As the URM program expands, ORR has found its current data collection to be inadequate to satisfactorily capture the more complex placement and service needs of new populations, including costs for special needs placements and medical care for budget planning, and to adequately report outcomes of self-sufficiency for unaccompanied minors. The Form ORR-3 now includes information on the average daily cost rate for the placement type. Though the TVPRA 2008 provides for URM eligibility for special immigrant juveniles, it did not convey "qualified alien" status that would exempt them from the five-year bar for federal public benefits imposed on certain legal immigrants. Information related to medical care and coverage is now required from URM providers. To fully meet its expanded statutory authority to serve unaccompanied children whose life histories and characteristics differ greatly from those of unaccompanied refugee children, and to ensure parity of child welfare services with those available to children in State foster care, ORR requires additional information to ensure adequate placement capacity with a range of relevant service options, including medical care, and for budget planning, tracking and reporting program and individual outcomes. At this time, Forms ORR-3 and ORR-4 provide the only vehicle for gathering this level of information.

The existing Form ORR-4 Progress Report is insufficient for providing ORR with a base of information for annually reporting youth progress, consistent with NYTD outcome measures, and for evaluating new services provided. NYTD requires collection of data on a baseline population of youth within 45 days after youth turn 17, 19 and 21 years of age, and who are or were under the State's care and custody and are receiving independent living benefits funded by the State. In greater than half of URM program locations, a private provider agency accepts legal responsibility for minors, so the NYTD survey only occurs in less than half of existing URM program locations. Although URM youth in some States may be among those surveyed, many will not be.

ORR is revising the Form ORR-4 as an "Outcomes" report, designed to collect from URM programs baseline and outcomes information for each youth age 17 and above, regardless of whether the State, county or URM provider agency holds or has held legal responsibility. There are so few youth in URM programs nationally that in order to get a real picture of the situation, ORR needs to receive information regarding youth in all URM locations, at initial placement and every 12 months, where results are more likely to be statistically significant. ORR does not propose to change the reporting time frame for Form ORR-4, in regulation at 45 CFR 400.120 to be submitted every 12 months from the child's initial placement report, but is justified in collecting information on every youth in the URM program starting

at age 17 due to the high percentage of youth who emancipate from care with significantly varied life histories and experiences, family sensibilities, cultures and languages.

ORR estimates an increased collection burden due to a larger and expanded eligible caseload for URM services, reflecting a 68% increase in number of responses. ORR anticipates that the new Form ORR-4 outcomes information collection will require ½ hour for compiling information, ½ hour surveying the youth, and ¼ hour processing the report through provider and state agency approval and submission. To address parity of measuring outcomes among URM youth consistent with NYTD, ORR estimates an increase of 340% in burden hours due to the additional collection of outcomes data. Estimated costs to the Federal government reflect an increase commensurate with that for burden hours.

16. Plans for Tabulation and Publication and Project Time Schedule

Not applicable.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

Not applicable; expiration date will be displayed.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

Not applicable.

**B. Statistical Methods (used for collection of information employing statistical methods)**

Not applicable. No statistical methods employed.