

THE SUPPORTING STATEMENT
Approval of the ORR-3 Placement Report and ORR-4 Outcomes Report

A. Justification

1. Circumstances Making the Collection of Information Necessary

The Refugee Act of 1980 (Public Law. 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 Outcomes 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. During the last revision of these forms, a requirement to submit

baseline and follow up ORR-4 reports was added, for the purpose of enhancing outcome information similar to the data elements collected for other foster youth in the custody of states.

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 refugee benefits, including 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 URM placement and services 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 placement and services.
- The Violence Against Women’s Act (VAWA) was reauthorized on March 7, 2013, amending Section 235(d)(4)(A) of TVPRA 2008 to make U status recipients eligible for URM placement and services.

ORR regulations at 45 CFR 400.116 provide that a state provide the same range of child welfare services and benefits that are provided to other foster children in a state, including services identified in the State’s title IV-B plan in serving minors in the URM program. 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. During the last revision, the ORR-4 form was updated to parallel data elements on independent living services and outcomes collected via NYTD.

Information submitted as part of the current ORR-3 and ORR-4 is required by ORR regulations, or is designed to allow for comparison with independent living services provided to and outcomes experienced by other foster youth in the United States. ORR regulations at 45 CFR 400.120 requires state refugee coordinators to report on forms prescribed by the Director, the following reports on each unaccompanied minor:

- (a) An initial report within 30 days of the date of the minor's placement in the state;
- (b) A progress report every 12 months beginning with 12 months from the date of the initial report in paragraph (a);
- (c) A change of status report within 60 days of the date that –
 - (1) The minor's placement is changed;
 - (2) Legal responsibility of any kind for the minor is established or transferred; or
- (d) A final report within 60 days of the date of that the minor—
 - (1) Is reunited with a parents; or
 - (2) Is united with an adult, other than a parent, in accordance with 400.113(b) or 400.115 (c) of this part.
 - (3) Is emancipated.

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 or other identifying data affecting a child's status in the program). 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.
- o *Upon re-entering to the URM program*

The data from Form ORR-4 (Outcome 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 Form ORR-4 is prepared by the agencies that provide immediate care for the children and is submitted through the State refugee agency:

- Annual outcomes report for youth receiving ORR-funded placement and/or services, including independent living/educational services.
- Baseline report for youth 17 and above and submitted in conjunction with an initial ORR-3 placement report.
- Follow up annual report for former URM clients who are 17 to 21 years old and have terminated all ORR-funded services.

3. Use of Improved Information Technology and Burden Reduction

Currently, the ORR-3 and ORR-4 reports are submitted by email 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 and the process of review by states
- Ensure that information reaches ORR quicker
- 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 a web-based URM database during the next phase of development of the ORR Refugee Arrivals Data System, hopefully during FY 2013.

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 (P.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 violate its legislative and regulatory requirements. To eliminate the baseline and follow up ORR-4 reports, which were added during the last revision, would effectively eliminate the ability to compare URM outcomes to those of other foster youth captured via NYTD.

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 1320.5. The Unaccompanied Refugee Minor (URM) database as a part of the Refugee Arrivals Data System (RADS) 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 Wednesday, August 8, 2012, Volume 77, Number 153, Page 47395-47396. ORR forwarded the Federal Register Notice to all URM State Refugee Coordinators, URM provider agencies and two national voluntary agencies, the Lutheran Immigrant and Refugee Service (LIRS) and the United States Conference of Catholic Bishops (USCCB).

ORR received several specific comments on this notice, including from the Colorado Refugee Services Program, the Florida Department of Children and Families, and the Massachusetts Office for Refugees and Immigrants, which incorporated input from associated URM providers.

Several comments were made in support of the proposed forms, including that the forms are more user-friendly, that the instructions are very good, and that the additional prompts for information on family reunification are useful. One commenter indicated that he had no negative comments on the forms and instructions.

Specific comments and ORR responses:

Comment: Two commenters indicated that the burden estimate for completing the forms was not sufficient, including to accommodate processing time for the URM provider and state office to coordinate review and submission of the forms. One commenter indicated that their local practice included review by a supervisor and possible correction prior to submission to the state agency.

Response: ORR agreed with this comment, in part, and has increased the estimate for the time it takes to prepare and submit the ORR-4 report by additional 15 minutes, to 1.5 hours. ORR was not convinced of the need to increase the estimate for the ORR-3 report. The burden estimate represents an average of all reports; in many cases an ORR-3 change of status report involves a minimal investment in time. In addition, ORR understands that processing time varies based on

procedures used by URM provider agencies and states for filling out, reviewing and submitting the reports to ORR.

Comment: On the ORR-3: Section VI on Independent Living could be integrated into Section IV on placement; they both ask for the address where the youth lives. The Service Type box from Section VI could just be added to Section IV.

Response: This comment echoes confusion evidenced in many ORR-3 forms submitted in the past few years. ORR's intention is to capture the addresses of youth who are in ORR-funded placements in Section IV on placement, and to capture addresses of youth who are no longer receiving placement services and are living independently in Section VI on independent living. ORR considered eliminating one of the address fields, as suggested by the commenter, but chose to keep both in order to better distinguish between youth who are receiving placement services and those who are not. To address the concern raised by this commenter, ORR added to Section IV on placement an additional check box for "No placement" with a parenthetical reference to the youth residence field in Section VI on independent living. If placement services have ended and a youth is living independently, ORR expects the respondent to check the box for "no placement" and leave the rest of Section IV blank. If a youth is in a semi-independent living placement, ORR expects the respondent to check the box for "semi-independent living" in section IV on placement and to skip the first two questions in section VI on independent living.

Comment: The definition of "semi-independent living" in Section IV and the definition on "Independent Living" in Section VI can mean the same thing. If a youth is living in his own apartment but receiving money from the URM program, it would count as semi-independent living because the definition for section IV is "an apartment... without 24 hour adult supervision... receiving financial support from the URM program that is funded by ORR."

Response: In response to this comment, ORR has strengthened the ORR-3 instructions to distinguish between semi-independent living *placement* and independent living. Key differences, for purposes of reporting to ORR, are that: 1) youth who are living independently manage their own living arrangements (perhaps with financial support via the URM program), whereas state, county or URM provider agencies arrange and directly pay for semi-independent living placements; 2) youth who are living independently receive no *formal* adult supervision, whereas state, county or URM provider agencies ensure formal arrangements for supervision of youth in semi-independent living placements; and 3) youth who are living independently are either no longer eligible for placement or have opted not to receive placement services at some point after reaching the age of majority.

Comment: Both forms contain questions where the answer choices are limited to "Yes" or "No" with any option to insert "N/A" (Not applicable). Inserting an "N/A" option on every appropriate question would alert the reviewer that the questions was not omitted, but rather considered and answered.

Response: ORR re-reviewed the forms and applied the suggestion selectively where applicable.

Comment: The wording of questions using URM and Youth interchangeably creates confusion. Using "Minors" for everyone younger than 18 and "youth" for those between the ages of 18-22 would eliminate confusion as these are widely understood terms. If a question applies to both, minors and youth, using "and/or" or "minor/youth" would work for those questions.

Response: ORR recognizes the challenge of finding simple descriptors for clients of a program that can serve individuals from infancy to young adulthood. In recent years the age of clients has increased, with efforts to ensure access to independent living services and benefits. As a result, over the past several years ORR has heard from states and URM providers that the use of the word "minor" in this program can be somewhat problematic. In response to the above comment, ORR has reviewed the use of the words "children," "youth," and "minors" in the ORR-3 and ORR-4 forms and instructions. For the purposes of the ORR-3 and ORR-4 reports ORR there is little need to draw the distinction suggested by the commenter between "minors" under the age of 18 and other individuals over the age of 18, especially since there are variations in eligibility for service based on age across states participating in the URM program. We have revised text to rely primarily on the use of the word "youth" when describing a data element that applies to *all* URM clients, and have added to the instructions a notation that references in the reports to "minors" and "youth" are intended to apply *both* to children under the age of 18 and youth over the age of 18 years old. We have also included specific age ranges when noting exceptions to reporting requirements based on age. Finally, we have added text to the forms and instructions to help respondents more clearly indicate when a client is receiving placement services, ORR-funded independent living services and education benefits, or both.

Comment: In indicating when each form is due, it may be helpful to note that this deadline is relevant to the date the State Agency forwards the information to ORR, but that the State Agency has the discretion to establish "internal deadlines" to receive the forms from the contracted agency in order to manage the review and feedback loop of the same.

Response: ORR agrees with this recommendation and clarified the instructions by adding "due to ORR" by certain date.

Comment: Section I of ORR-3, "Report Action", 2 "Change in Status" allows for the reporting of multiple changes and only one line for reporting the date of the reported change(s). This is generally not a problem if only one change is being reported. However, there are instances where more than one change takes place within a single reporting period.

Response: ORR agrees with this recommendation and has added a field for date of action for every listed change of status event.

Comment: Section I of ORR-3, question 9, "URM's Children in Care" captures the name of the children, dates of birth, and citizenship status. The absence of other data about them appears to convey a message that they do not constitute a central constituency whereas the monitoring of their care ought to in effect be a central case management responsibility of all URM programs. It appears also that no funding is directed towards meeting their needs.

Response: ORR has decided to not adopt this recommendation. ORR appreciates that it may take more time and effort to provide case management to a URM client who has children, such as to ensure that the URM parent is providing appropriate care to the children. However, such children are not URM clients and ORR regulations do not provide an authority to capture detailed information about them,

Comment: Section III of ORR-4, 1. b the box to “Provide additional curricular information” needs to be formatted to allow for the display of full sentences across the box.

Response: ORR agrees with this recommendation and adjusted the forms.

Comment: Section III of ORR-4, 2, “Medical Coverage” offers options for “Medicaid”, “ORR-Funded Medical Coverage” and “Other”. Youth lose Medicaid coverage at 21 years old in Florida. Therefore, an answer choice that reflects “None” would help document this gap in service.

Response: ORR agrees with this recommendation and modified the forms to incorporate “other” and “none” as options.

Comment: Section III of ORR-4, 3, “Caseworker/Provider Assessment:” – The instruction indicates the reporter should “... Provide an explanation if necessary.” I suggest the instruction asks the reporter to provide an explanation for all “Poor” and all “Excellent” ratings.

Response: ORR has decided to not to adopt this recommendation, as we believe the current option to elaborate on all ratings is sufficient.

Comment: For Section IV of ORR-4, “Family Reunification Activity”, question 1, “Does the youth have a current permanency plan?”, I would recommend a choice for “Pending” is included with a space to report anticipated date of review by the courts.

Response: ORR has decided to not adopt this recommendation as we believe it is sufficient for the federal government to capture information on whether or not the youth has a current permanency plan in effect at the time the annual report is submitted.

Comment: One commenter said 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.

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 1985 (No. 09-60-0216). A system of Records Notice for RADS is in progress under 09-80-0325 notice, 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	75	0.25 (15 Minutes)	281.25
ORR-4 (Refugee and Entrant Unaccompanied Minor Outcomes Report)	15	119	1.5 (1 hour and 30 minutes)	2,677.5

Estimated Total Annual Burden Hours: 2,958.75

Annual Cost Estimates:

Aggregate cost estimates for collecting information are provided here:

- Unaccompanied Refugee Minor Placement Report (*Form ORR-3*):
 - We estimate the total annualized opportunity cost to be \$5,906.25 (281.25 staff hours at \$21 per hour).
- Unaccompanied Refugee Minor Outcomes Report (*Form ORR-4*)
 - We estimate the total annualized opportunity cost to be \$56,227.5 (2,677.5 staff hours at \$21 per hour).

Total annualized cost burden: \$62,133.75

The costs associated with ORR-3 and ORR-4 reports are included in the program budget for URM program. The cost of administration of the Unaccompanied Refugee Minor program is reimbursed 100 percent by the Federal government.

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

There is no cost burden associated with this information collection.

14. Annualized Cost to the Federal Government

There is no cost to federal government.

15. Explanation for Program Changes or Adjustments

The revisions we propose are based upon a recent legislative change in reauthorization of the Violence Against Women's Act (VAWA) on March 7, 2013. The VAWA 2013 amended Section 235 (d)(4)(A) of TVPRA and made U Status Recipients eligible to enter the Unaccompanied Refugee Minor (URM) placement and services.

ORR does not have data to postulate about how many children would meet the new criteria and be eligible for the URM placement and services. ORR estimates no substantial increase in collection burden at presently from this new eligible category based on the VAWA reauthorization act per se.

16. Plans for Tabulation and Publication and Project Time Schedule (Not sure what this refers to)

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

None.

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

Not applicable. No statistical methods employed.