

THE SUPPORTING STATEMENT

A. Justification

1. Circumstances Making the Collection of Information Necessary

The Administration for Children and Families (ACF), Office of Refugee Resettlement (ORR) is submitting several instruments directly related to the care and placement of unaccompanied alien children in Federal custody for processing pursuant to § 1320.05 of the Paperwork Reduction Act. The proposed instruments are the following: 1) the Family Reunification Application (ORR FRP-3 & ORR FRP-3s); 2) Family Reunification Checklist for Sponsors (ORR FRP-3A & ORR FRP-3As); 3) Authorization for Release of Information (ORR FRP-2 & ORR FRP-2s). These forms have been previously approved by ACF, HHS, and OMB but are set to expire in October 31, 2014. Due to the large influx of unaccompanied alien children this summer that overwhelmed ACF/ORR resources, ACF/ORR was unable to submit a request package to OMB before the expiration date. Under normal clearance procedures, collection of these instruments would be discontinued on the expiration date until the clearance process was completed. In order to prevent disruption of the collection of information, ORR requested and was granted an emergency extension of the expiration date of these instruments for a period of 90 days.

The original version of the forms were approved by OMB in June 2005, renewed in July 2008 with no changes, and renewed again in October 2011 with non-material changes. Some minor changes have since been made to the forms which will be detailed in other sections of this supporting statement.

The ACF/ORR functions related to the care and placement of unaccompanied alien children (UAC) were transferred from the former INS pursuant to § 462 of the Homeland Security Act, 6 U.S.C. 279. The standards of care relating to unaccompanied alien children in Federal custody were established by the *Flores v. Reno* Settlement Agreement, No. CV85-4544-RJK (C.D. Cal. 1996). The Department of Homeland Security (DHS) retains the responsibility of immigration benefits and enforcement. Though the responsibility of these functions to ACF/ORR was formally transferred on March 1, 2003, the assumption of these functions has been a gradual process. *Flores* provides that ACF/ORR is to release UAC, when appropriate, to custodial sponsors who agree to provide for their mental, physical, and financial wellbeing, to ensure their attendance at immigration hearings, and to comply with removal proceedings if so ordered. Non-compliance with the terms of the settlement allows for the *Flores* class counsel to compel enforcement. Pursuant to a Statement of Principles between DHS and the Department of Health and Human Services (HHS) both recognized the provisions established by the *Flores*, including a general policy favoring placement of a UAC with family members, or individuals designated by the UAC's parents or legal guardians as an alternative to shelter or secure-detention environments.¹

Under the Homeland Security Act, the consideration for children's safety from smugglers, traffickers or others who might seek to victimize or otherwise engage them in criminal, harmful, or exploitive activity must be taken into account when making a placement determination.² The former INS performed investigative background checks on the sponsor requesting release during the reunification process. During the transition period, DHS performed these checks on these sponsors. As of August 2, 2004, DHS ceased its performance of background checks on sponsors and also the physical release from custody.³ In 2008, Congress passed, and the President signed the William Wilberforce Trafficking Victims Protection Reauthorization Act ("TVPRA of 2008"). §235 of the TVPRA of 2008 creates additional requirements for the placement, care, and release, for UAC in federal custody. §235(c)(4) establishes a new pro-bono program for sponsors that will affect the forms under review.

These proposed information collections will assist ACF/ORR achieve compliance with the Homeland Security Act, the TVPRA of 2008, and *Flores* in regards to the family reunification procedures of unaccompanied alien children. The cited statutes and documents are included with this package.

¹ See Statement of Principles, Dated April 6, 2004

² 6 U.S.C. 279(b)(2)

³ See Immigrations and Customs Enforcement Memo, Dated July 29, 2004

2. Purpose and Use of the Information Collection

Family Reunification Application (ORR FRP-3 & FRP-3s)

The Family Reunification Application collects information related to the potential sponsor's ability to provide for the UAC's mental and physical wellbeing. The information collected will be used by ACF/ORR to determine the suitability of a sponsor as a custodian of a UAC. After the information is collected, it is sent electronically to ACF/ORR headquarters for review. The expected respondents of this instrument are adults requesting the release of unaccompanied alien children in ORR custody to their custody. The form is available in both an English and a Spanish version.

The form was previously part of the Family Reunification Packet, which consisted of the Family Reunification Checklist for Sponsors and itself. The two forms are now separate documents. Additionally, the layout of this form has been updated to make it more easily read. Questions related to education, medical care, supervision, and the respondent's alien number, social security number, or tax identification number have been removed and the question related to financial support has been expanded in order to avoid duplication of information collection.

Family Reunification Checklist for Sponsors (ORR FRP-3A & FRP-3As)

The Family Reunification Checklist for Sponsors, a companion form to the Family Reunification Application, consists of a checklist of documents that ORR requires a sponsor to submit to a care provider and to ORR that will verify the sponsor's address, identity, immigration status, background information, and other information. After the information is collected, it is sent electronically to ACF/ORR headquarters for review. The expected respondents of this instrument are adults requesting the release of unaccompanied alien children in ORR custody to their custody. The checklist is available in both an English and a Spanish version.

The checklist was previously part of the Family Reunification Packet, which consisted of the Family Reunification Application and itself. The two forms are now separate documents. Additionally, the content of the checklist has changed slightly from previous years and a section reminding respondents which forms they must complete and return to ACF/ORR and which documents they must read and keep in their possession has been added. The layout of the checklist has been updated to make it more easily read.

Authorization for Release of Information (ORR FRP-2 & ORR FRP-2s)

The Authorization for Release of Information collects respondents' affirmation of consent to background investigations and information to allow for ACF/ORR to make a determination of whether the UAC will be safe in the custody of the sponsor. After the information is collected, it is sent electronically to ACF/ORR headquarters for review. The expected respondents of this instrument are adults requesting the release of unaccompanied alien children in ORR custody to their custody. The form is available in both an English and a Spanish version.

No changes have been made to this form.

3. Use of Improved Information Technology and Burden Reduction

ACF/ORR has consulted with DHS, EOIR, HHS General Counsel, and Voluntary Agencies (VOLAGS) over the course of the development of these instruments to minimize the burden of collection to the potential respondents and to effectively achieve compliance with the Homeland Security Act, the TVPRA of 2008, and *Flores*. Electronic means of collecting this information was considered during the development of these proposed instruments. However, the access to adequate information technology to collect the information could not be assumed, hence the reliance on paper-based formats. Generally, the sponsors who will be filling out these documents lack access to computers and usually are not computer literate, therefore ORR has determined that filing the forms by hand is the best method to complete the forms.

4. Efforts to Identify Duplication and Use of Similar Information

The information being collected by these instruments are not obtainable from other available sources.

5. Impact on Small Businesses or Other Small Entities

The proposed information collections will not burden or impact small businesses. In the event that an entity comes forward to request a UAC as the custodial sponsor, the requested information is at the minimum for intended use.

6. Consequences of Collecting the Information Less Frequently

The lack of these instruments would impede ACF/ORR from performing its charged duty of making care and placement determinations for unaccompanied alien children in its care. In order to make a determination regarding the suitability of a requesting sponsor, ACF/ORR needs to collect the information as requested in the Family Reunification Application, Family Reunification Checklist for Sponsors, and the Authorization for Release of Information. These proposed instruments are necessary for the continuous function of the family reunification process for releasing unaccompanied alien children from ACF/ORR custody. These documents only need to be collected once (per child). Though exact figures are hard to come by, overwhelmingly most sponsors only sponsor one child (except for rare circumstances where there is a sibling group). Therefore, for the overwhelming number of sponsors the signing and filing of the forms is the only time they will be in contact with ORR.

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

These proposed information collections will not entail any special handling procedures as indicated in the OMB guidance for Paperwork Reduction Act processing.

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

ACF/ORR has consulted with DHS, EOIR, HHS General Counsel, and Voluntary Agencies (VOLAGS) over the course of the development of these instruments to minimize the burden of collection to the potential respondents. ACF published a notices for comment in the Federal Register for processing for these proposed information collections on October 3, 2014 (Volume 79, Pages 59774 -59775) and on December 16, 2014 (Volume 79, Page 74726).

As of January 8, 2015, ACF/ORR has not received any comments.

9. Explanation of Any Payment or Gift to Respondents

No provision or gift to the respondent will be provided.

10. Assurance of Confidentiality Provided to Respondents

ACF/ORR has established a system of records to ensure the level of confidentiality pursuant to the Privacy Act, 5 U.S.C. 552(a). Official copies of the information collections will reside at ACF/ORR facilities and electronic copies will be circulated between the facilities and ACF/ORR offices.

11. Justification for Sensitive Questions

ACF/ORR will not be asking for any information of a sensitive nature in these proposed instruments. In the Family Reunification Application, Family Reunification Checklist for Sponsors, and the Authorization for Release of Information, ORR will ask for a social security number, but the submittal of this information is not mandatory. Facility staff will inform applicants that they are not required to submit a social security number, that submission is voluntary, and that the social

security number will only be used for the verification of identity and to perform the background investigative check. If a requesting sponsor/respondent does not provide a social security number, ACF/ORR may be unable to complete the investigative background check.

12. Estimates of Annualized Burden Hours and Costs

ANNUAL BURDEN ESTIMATE FOR RESPONDENTS

| Instrument | Number of Respondents | Number of Responses per Respondent | Average Burden Hours per Response | Total Burden Hours |
|---|-----------------------|------------------------------------|-----------------------------------|--------------------|
| Family Reunification Application | 55,200 | 1 | 0.25 | 13,800 |
| Family Reunification Checklist for Sponsors | 55,200 | 1 | 0.75 | 41,400 |
| Authorization for Release of Information | 55,200 | 1 | 0.25 | 13,800 |

Estimated Total Annual Burden per Respondent: 69,000

ESTIMATED OPPORTUNITY COST FOR RESPONDENTS

| Instrument | Number of Respondents | Average Burden Hours per Response | Cost per Respondent per Hour | Total Estimated Cost |
|---|-----------------------|-----------------------------------|------------------------------|----------------------|
| Family Reunification Application | 55,200 | 0.25 | \$7.25 | \$100,050 |
| Family Reunification Checklist for Sponsors | 55,200 | 0.75 | \$7.25 | \$300,150 |
| Authorization for Release of Information | 55,200 | 0.25 | \$7.25 | \$100,050 |

Estimated Total Annual Burden per Respondent: \$500,250

ANNUAL BURDEN ESTIMATE FOR RECORD KEEPERS

| Instrument | Number of Respondents | Number of Responses per Respondent | Average Burden Hours per Record Keeper | Total Burden Hours |
|---|-----------------------|------------------------------------|--|--------------------|
| Family Reunification Application | 55,200 | 1 | 0.25 | 13,800 |
| Family Reunification Checklist for Sponsors | 55,200 | 1 | 0.25 | 13,800 |
| Authorization for Release of Information | 55,200 | 1 | 0.25 | 13,800 |

Estimated Total Annual Burden per Record Keeper: 41,400

ESTIMATED OPPORTUNITY COST FOR RECORD KEEPERS

| Instrument | Number of Respondents | Average Burden Hours per Response | Cost per Record Keeper per Hour | Total Estimated Cost |
|---|-----------------------|-----------------------------------|---------------------------------|----------------------|
| Family Reunification Application | 55,200 | 0.25 | \$14.00 | \$193,200 |
| Family Reunification Checklist for Sponsors | 55,200 | 0.25 | \$14.00 | \$193,200 |
| Authorization for Release of Information | 55,200 | 0.25 | \$14.00 | \$193,200 |

Estimated Total Annual Burden per Record Keeper: \$579,600

For FY15, it is estimated that approximately 55,200 sponsors (respondents) will request the release of a UAC in ORR

custody. Each sponsor must complete the Family Reunification Application, the Family Reunification Checklist for Sponsors, and the Authorization for Release of Information. These instruments have been used in the field by ORR facilities and the estimates are drawn from the observed times of completion.

Family Reunification Application (ORR FRP-3 & FRP-3s)

The estimated time for the completion of the Family Reunification Application by sponsors is approximately 15 minutes. Several of the items request the provision of nominal information, such as names, contact information, addresses and telephone numbers. The more substantive items request information on how the respondent plans to financially support the UAC and the UAC's potential exposure to communicable diseases within the household where he/she will reside. It is estimated that an ORR grantee case manager (record keeper) would need about 15 minutes to explain the form to the sponsor and to coordinate the collection and the subsequent transmission of the form to ORR headquarters.

Calculating a wage for sponsors is difficult. However, most sponsors make minimum wage and this wage is used to determine the estimated opportunity cost. The 15 minutes of time needed for the record keeper to explain and file the document is calculated at \$14.00 which is the average hourly rate of an ORR grantee case manager.

Family Reunification Checklist for Sponsors (ORR FRP-3A & FRP-3As)

The estimated time for the completion of the Family Reunification Checklist for Sponsors by respondents is approximately 45 minutes, including the time necessary to gather and make copies of necessary documents. Copies of several documents are requested. It is estimated that an ORR grantee case manager would need about 15 minutes to explain the form to the respondent and to coordinate the collection and the subsequent transmission of information to ORR headquarters.

Calculating a wage for sponsors is difficult. However, most sponsors make minimum wage and this wage is used to determine the estimated opportunity cost. The 15 minutes of time needed for the record keeper to explain and file the document is calculated at \$14.00 which is the average hourly rate of an ORR grantee case manager.

Authorization for Release of Information (ORR FRP-2 & ORR FRP-2s)

The estimated time for completion of the Authorization for Release of Information is approximately 15 minutes. Several of the items request the provision of nominal information, such as names and places of residence. Other items require disclosure of personal citizenship information. It is estimated that an ORR grantee case manager would need about 15 minutes to explain the form to the respondent and to coordinate the collection and the subsequent transmission of information to ORR headquarters.

Calculating a wage for sponsors is difficult. However, most sponsors make minimum wage and this wage is used to determine the estimated opportunity cost. The 15 minutes of time needed for the record keeper to explain and file the document is calculated at \$14.00 which is the average hourly rate of an ORR grantee case manager.

13. Estimates of Other Total Annual Cost Burden to Respondents

Respondents will not incur any direct monetary costs, other than their time, in the completion of these instruments. The instruments will be completed by the sponsors (respondents) themselves and the hiring of a service provider to complete the instruments is not required. The technology employed for the electronic transmission of the instruments to the ORR grantee case manager (record keeper), such as personal computers with internet access, fax machines, scanners, and copiers, is expected to be readily accessible to the respondent at no cost.

14. Annualized Cost to the Federal Government

Preparation of Instruments:

The creation of these documents was handled in 2004 by ORR Headquarters staff in conference with counterparts at DHS, EOIR, and with HHS OGC. The time spent on the creation of these instruments is difficult to account for because of the staffing needs. The time spent by ORR staff updating the forms in 2014 is also difficult to attain because of the disparate amount of time spent over a year long period.

Duplication of Paper-based instruments:

TOTAL ESTIMATED PRINTING COST

| Instrument | Est. Quantity of Instrument | Total Pages of Instrument | Cost Per Page | Total Estimated Printing Cost for per instrument: |
|---|-----------------------------|---------------------------|---------------|---|
| Family Reunification Application | 55,200 | 2 | \$0.05 | \$5,520 |
| Family Reunification Checklist for Sponsors | 55,200 | 1 | \$0.05 | \$2,760 |
| Authorization for Release of Information | 55,200 | 2 | \$0.05 | \$5,520 |

Estimated Total Cost for Paper-based Duplication: \$13,800

This estimate assumes \$0.05 per page for duplication purposes.

Federal Staff Time and Costs:

The annualized cost estimate for each of these instruments considers the time of a step 5 GS-12 in the Washington, DC locality, at 2,000 hours per fiscal year for \$41.07 per hour, to review information following the submittal. The estimate also assumes the average amount of time expected to review the information as provided.

ESTIMATED COST FOR FEDERAL STAFF

| Instrument | Number of Respondents | Average Burden Hours per Response | Cost of Federal Staff per Hour | Total Estimated Cost |
|---|-----------------------|-----------------------------------|--------------------------------|----------------------|
| Family Reunification Application | 55,200 | 0.1666 | \$41.07 | \$377,844 |
| Family Reunification Checklist for Sponsors | 55,200 | 0.1666 | \$41.07 | \$377,844 |
| Authorization for Release of Information | 55,200 | 0.0833 | \$41.07 | \$188,922 |

Estimated Total Cost for Federal Staff: \$566,766

15. Explanation for Program Changes or Adjustments

This information collection is set to expire and therefore ACF/ORR decided that making minor changes to the forms to comply with updates in the law, the TVPRA of 2008, and requests by DHS/ICE, and the drafting of new policies and procedures made it a convenient time to update the forms.

Program Changes:

Previously, the collection of information for reunification procedures for unaccompanied alien children included a total of four separate forms. ACF/ORR has modified two of the four forms, the Sponsor's Agreement to Conditions of Release and the Verification of Release, so that they no longer require the collection of information from respondents. One of the remaining forms, The Family Reunification Packet, has been split into two separate forms, the Family Reunification Application and the Family Reunification Checklist for Sponsors. The final form, the Authorization for Release of Information, was unchanged. These program changes result in a change of four total instruments in this information collection to three total instruments.

Program Adjustments:

Previously, the collection of information for reunification procedures for unaccompanied alien children included a total of four separate forms with the number of respondents, burden hours, and cost as follows:

| Instrument | Responses | Burden Hours | Cost |
|--|-----------|--------------|----------|
| Family Reunification Packet | 4,595 | 4,595 | \$0 |
| Sponsor’s Agreement to Conditions of Release | 4,595 | 1,149 | \$68,925 |
| Verification of Release | 4,595 | 1,149 | \$0 |
| Authorization for Release of Information | 4,595 | 1,149 | \$0 |
| Total | 18,380 | 8,042 | \$68,925 |

The actual number of respondents has increased over the past three years, therefore ACF/ORR has updated the estimated number of responses per form from 4,595 to 55,200. The new estimate was calculated by multiplying the estimated number of UAC referred in FY15 (60,000) by the percentage of UAC released to sponsors in FY14 (92%).

The combined total average burden hours per response for these two forms remains the same as when they were one form – one hour. The average burden hours per response for the Authorization for Release of Information has also remained the same – 0.25 hours. However, due to the increase in the number of respondents, the total burden hours for each form has increased.

Additionally, the sole form resulting in a direct monetary cost to the respondents – the Sponsor’s Agreement to Conditions of Release required respondents to purchase the services of a notary – is no longer part of this information collection. Therefore, the total cost to respondents has decreased to \$0.

The current estimate of the number of respondents, burden hours, and cost are as follows:

| Instrument | Responses | Burden Hours | Cost |
|---|-----------|--------------|------|
| Family Reunification Application | 55,200 | 13,800 | \$0 |
| Family Reunification Checklist for Sponsors | 55,200 | 41,400 | \$0 |
| Authorization for Release of Information | 55,200 | 13,800 | \$0 |
| Total | 165,600 | 69,000 | \$0 |

16. Plans for Tabulation and Publication and Project Time Schedule

ACF/ORR does not plan to publish the information provided by the respondents.

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

ACF/ORR plans to display the expiration date of clearance as set by OMB.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

ACF/ORR does not take any exception to any of the items in the certification statement.

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

1. Respondent Universe and Sampling Methods N/A

2. Procedures for the Collection of Information N/A

3. Methods to Maximize Response Rates and Deal with Nonresponse N/A

4. Test of Procedures or Methods to be Undertaken N/A

5. Individuals Consulted on Statistical Aspects and Individuals Collecting and/or Analyzing Data N/A