

# **SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION**

## **AFFIDAVIT OF RELATIONSHIP OMB Number 1405-0206 DS-7656**

### **A. JUSTIFICATION**

1. The Department of State, Bureau of Population, Refugees and Migration (PRM) is responsible for coordinating and managing the U.S. Refugee Admissions Program (USRAP). PRM coordinates within the Department of State, as well as with the Department of Homeland Security's U.S. Citizenship and Immigration Services (DHS/USCIS), in carrying out this responsibility. A critical part of the State Department's responsibility is determining which individuals, from among millions of refugees worldwide, will have access to USRAP. Section 207(a)(3) of the Immigration and Nationality Act (INA) states that admissions "shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation." Which individuals are "of special humanitarian concern" to the United States for the purpose of refugee resettlement consideration is determined through the USRAP priority system. As set forth in the annual **Proposed Refugee Admissions: Report to the Congress**, submitted by the Secretary of State on behalf of the President, there are currently three priorities or categories of cases that have access to USRAP. Priority-3 (P-3) is for individual cases from designated nationalities granted access for purposes of reunification with U.S.- based family members already in the United States.

PRM and DHS/USCIS resumed the program three years ago following a four year suspension of the program due to fraud that was discovered in 2008. One of the criteria for access is for an applicant to have an Affidavit of Relationship (AOR), DS-7656, filed on his or her behalf by an eligible U.S.- based family member in the United States. Qualifying U.S.- based family members are persons who were admitted to the United States as refugees or were granted asylum, including persons who are lawful permanent residents or U.S. citizens who initially were admitted to the United States as refugees or granted asylum. U.S.- based family members must be at least 18 years of age and have been admitted to the United States as a refugee or granted asylum in the United States no more than five years prior to filing the AOR. U.S.- based family members may file an AOR on behalf of their spouse, unmarried children under 21, and/or parents. Information listed in the Affidavit of Relationship (AOR) is essential to determining qualification for access to the USRAP through Priority-3. The AOR also informs the U.S.- based family members relative that DNA evidence of all claimed parent-child relationships between the U.S.- based family members and parents and/or unmarried children under 21 will be required as a

condition of access to P-3 processing and that the costs will be borne by the U.S.-based family member or his or her family member(s) who may apply for access to refugee processing, or their derivative beneficiaries, as the case may be. Applicants whose claimed biological relationships are confirmed by DNA testing will be eligible for reimbursement of DNA test costs.

As noted above, PRM plays a critical role in determining which individuals, from among millions of refugees worldwide, will have access to U.S. resettlement consideration, or in other words, which individuals are “of special humanitarian concern” under Section 207(a)(3) of the INA. PRM believes it is necessary to require DNA testing in order to determine eligibility under P-3 processing.

The Department of Homeland Security is responsible for determining who is eligible for admission to the United States as a refugee. The Department of Homeland Security uses the information listed in the AOR to confirm and verify information related to the family members overseas seeking refugee resettlement as well as subsequent applications or petitions for other immigration benefits they may seek under U.S. law. Accordingly, the AOR serves as an important tool to combat fraud in such adjudications and programs.

2. Working with a resettlement agency that partners with the Department of State, U.S.-based family members in the United States complete the AOR to: a) establish that they meet the requirements for being an U.S.- based family member by having been previously admitted to the United States as a refugee or granted asylum; b) provide a list of qualifying family members (spouse, unmarried children under 21, and parents) who may wish to apply for refugee resettlement to the United States; c) establish that the family members are nationals of qualifying countries under the P-3 program; and d) provide a comprehensive listing of all relatives to create a family tree that assists DHS/USCIS officers to make determinations of bona fide familial relationships during the refugee adjudication process. Once completed, the AOR is sent by the resettlement agency to the Refugee Processing Center (RPC) for case creation and processing. The Resettlement Support Center (RSC), which is an organization working under a cooperative agreement with the Department of State, then initiates processing of refugee applicants and conduct case pre-screening.

Once the RSC has conducted the initial prescreening of the applicants overseas, it will contact the U.S.- based family member with instructions on arranging for DNA relationship testing to verify all claimed biological parent-child relationships between the U.S.- based family member and his/her parents and/or his/her unmarried children under 21. The U.S.- based family member will select a U.S. lab approved by the American Association of Blood Banks (AABB) to conduct DNA relationship testing. DNA collection kits will be sent to the relevant RSC, and DNA samples will be collected from the overseas relative(s) through a buccal swab by a designated panel physician. The panel physician will return the samples to the U.S. lab for DNA relationship testing. Results will be forwarded to the RPC, which will record in its system whether each claimed biological relationship was confirmed or not confirmed. The RPC will then redact the lab report so as not to retain any specific information

about the matching of alleles between the U.S.- based family members relative and his/her parents and/or children overseas. The information is then reviewed by the Refugee Access Verification Unit (RAVU) of USCIS to confirm that the information presented in the AOR is consistent with information previously provided by the U.S.- based family members. If the refugee applicant overseas is eligible for continued processing, PRM via the RSC will present the overseas applicants to DHS/USCIS for adjudication. The U.S. lab that was selected to conduct the testing will retain the DNA sample according to its own policies (usually for six months) and will also retain a copy of the test result in the event that results are contested. The Department of State will not retain the DNA sample.

The Privacy Impact Assessment (PIA) for this collection is posted on the Department of State website at <http://www.state.gov/m/a/ips/c24223.htm>

3. The collection of this information currently involves the limited use of, electronic techniques. U.S.- based family members (respondents) in the United States will work closely with a resettlement agency during the completion of the AOR to ensure that the information is accurate. The resettlement agency is often the same organization that helped resettle the refugee (respondent) in the United States and is therefore personally familiar with the particulars of the case. Individuals who were granted asylum in the United States may visit any resettlement agency to complete an AOR. Sometimes U.S.- based family members (respondents) do not have strong English-language skills and benefit from having a face-to-face meeting with resettlement agency staff. The collection instrument (DS-7656) will be available electronically and responses will be completed electronically. Completed AORs will be printed out for ink signature by the respondents as well if needed for any enforcement actions later. The electronic copy will be submitted electronically by the resettlement agency to the RPC for downloading into the Worldwide Refugee Admission Processing System (WRAPS), with the signed paper copy following by mail. Within the next three years, however, it is anticipated that AORs will be submitted electronically only, with electronic signatures, by the resettlement agency to the RPC. PRM and USCIS are working on a plan to transition to “paper-lite” systems which will include digital signatures. Relevant agencies including DOJ and OMB will be notified at this time.
4. There is no duplication of information. The information necessary for the processing of family members under the P-3 program is not available elsewhere.
5. This information collection does not impact small businesses or other small entities.
6. Without this information collection, the United States would lack the necessary data to verify family relationships between the U.S.- based family members and refugee applicants overseas and accomplish its stated policy of permitting qualifying family members of refugees and asylees to resettle in the United States under the P-3 program. The information is collected on an as-needed basis; there is no standardized schedule of collection.
7. There are no special collection circumstances.

8. A 60-Day Notice of Proposed Information Collection: Affidavit of Relationship was published in the *Federal Register* on April 8 (Public Notice PN-9087) for information collection 1405-0206; to solicit public comment. One comment was received which was not germane to the collection, but rather a general complaint against refugees and immigrants.
9. There are no payments or gifts to respondents.
10. Department records related to refugee processing are confidential per Section 222(f) of the Immigration and Nationality Act (8 U.S.C. §1202(f)). That section states that such records “shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of immigration, nationality, and other laws of the United States.” As some of the information collected might be subject to the Privacy Act, 5 U.S.C. § 552a, the AOR contains a Privacy Act Statement and explains to the respondent how the information may be used.
11. A PRM/USCIS review of the program in 2008 which included a DNA testing pilot suggested widespread fraud in claimed biological relationships in the P-3 program, and possible use of the P-3 program to traffic minors to the United States. The DNA testing requirement was added to deter familial relationship fraud. The form states that the U.S.- based family members will be requested to submit to DNA testing to confirm the relationship(s) between themselves and parents, and/or children overseas.
12. The estimated annual number of respondents is 2,500. The annual hour burden is estimated to be 2,500 hours, based on 70 minutes per form x 2,500. The annual hour burden was determined based on the submissions from the previous year and consultation with the resettlement agencies, which have experience collecting this type of information. The hour cost burden for this collection is based on a weighted wage of  $\$29.81 \times 1.4 \times 2,500 \text{ respondents} \times 1.167 \text{ hour} = \$121,758.94$ .
13. Based on 2,500 annual applicants to this program, and assuming that all will require some DNA testing at an average testing cost of \$560 per applicant, the total cost burden to respondents is \$1,400,000. However, since 95 percent of the applicants will be reimbursed, the total cost burden to the respondents will be  $1,400,000 \times .05 = \$70,000$ .
14. RPC staff estimates devoting 50 minutes per AOR to process the information submitted by applicants. The total cost to the Federal Government of this processing, at a \$44.00 hourly rate, is \$91,666.67. The cost of reimbursing the applicants for DNA testing is based on the assumption that 95% of the 2,500 applicants will have their relationships confirmed by DNA. Assuming an average cost of \$560 per test per U.S.- based family member, 2,375 individuals will need reimbursement at a total cost of 1,330,000. The estimated salary cost for the staff required to provide reimbursements is \$80,000 per year. Therefore, the total estimated cost incurred by the government is:  $91,667 + 1,330,000 + 80,000 = \$1,501,667$ .
15. Changes made to the last submission include the following:

The Department is now requiring that all overseas applicants be registered as a refugee in the country of asylum in which they are residing. This requirement was added because the host countries in which most beneficiaries are residing require that

the applicants have refugee status in order to obtain an exit permit to depart as a refugee. Based on the initial pre-screenings of P-3 beneficiaries in the first two years since the re-launch of the program in 2012, approximately 80 percent of beneficiaries were unregistered, many of them having just recently arrived in country from their country of origin in order to avail themselves to refugee resettlement processing following their U.S.- based family members' submission of an AOR. This program is designed to allow access to resettled refugees and asylees' family members who are already refugees at the time of filing the AOR. Other family reunification programs are available to reunite refugees and asylees with family members without family members having to demonstrate a refugee claim such as the V92 and V93 programs. Unregistered applicants are also unlikely to be able to obtain an exit permit to depart the country if approved for refugee status. Confirmation of registration is now a yes/no question on the form.

The Department is requesting information on all of the Qualifying Family Member's (QFM) previous marriages, the names of the spouse and the dates of marriages and termination. This information can be cross checked with the U.S.- based family member's A-file to determine the validity of the marriage between the QFM and U.S.- based family member, and ensure all prior marriages were legally terminated. This information can also be used to determine whether derivatives may or may not qualify as step-children according to U.S. law.

The Department is requesting names of the parents of derivative family members. Names of both parents of derivatives of a qualifying family member listed on an AOR can be compared to any information that may be contained in the U.S.- based family member's A-file and family tree, and to test credibility regarding the relationship between the QFM and his/her derivatives during the adjudication interview.

The Privacy Act Statement on page "one of five" has been updated on the form so that it is consistent with the Department of State format.

16. The Department will not publish the results of this collection.
17. The Department will display the expiration date for OMB approval of the information collection.
18. There are no exceptions to the certification statement.

## **B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.