

## THE SUPPORTING STATEMENT

### A. Justification

#### 1. Circumstances Making the Collection of Information Necessary

The Homeland Security Act of 2002, Section 462 transferred responsibilities for the care and placement of unaccompanied children (UC) from the Commissioner of the Immigration and Naturalization Service to the Director of the Office of Refugee Resettlement (ORR).

The Trafficking Victims Protection Reauthorization Act of 2008 directs that UC must “be promptly placed in the least restrictive setting that is in the best interest of the child.” See 8 U.S.C. § 1232(c)(2)(A). The settlement agreement in *Flores v. Reno*, which is binding on the U.S. Government, establishes an order of priority for sponsors with whom children should be placed, except in limited circumstances, and also sets minimum standards for the release, housing, care, and transportation of unaccompanied children.

Section 1101(c) of the Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4, 42 USC, 15607(d) amended section 8 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607) by requiring the Secretary of Health and Human Services to publish a final rule adopting national standards for the prevention, reduction, and punishment of rape and sexual assault that apply to care providers that maintain custody of UC.

The ORR Unaccompanied Children Program provides placement, care, custody and mandated services for UC until such time as they can be successfully released to a sponsor, repatriated to their home country, or obtain legal status.

Through cooperative agreements and contracts, ORR funds residential care providers that provide temporary housing and other services to unaccompanied children in ORR custody. These care provider facilities are State licensed and must meet ORR requirements to ensure a high level quality of care. They provide a continuum of care for children, including placements in ORR foster care, group homes, shelter, staff secure, secure, and residential treatment centers. The care providers provide children with classroom education, health care, socialization/recreation, vocational training, mental health services, access to legal services, and case management.

In order to monitor performance and ensure compliance with statutory and regulatory requirements and standards, ORR:

- Collects information from its network of care providers to show evidence that care providers’ standards of care, family reunification methods, internal policies and procedures, personnel, training, and other components meet minimum standards and ensure the safety and security of children in ORR care.

- Requires care providers to track the timely release process and delivery of services for individual children and youth to ensure compliance and allow ORR to conduct formal monitoring and performance review.

## 2. Purpose and Use of the Information Collection

The components of this information request include:

- 1) **UC Portal Capacity Report:** Care providers complete the sections on “In Care” and “Beds in Reserve” as well as the section recording the UC who have been discharged on a daily basis so that ORR Intakes has a complete picture of available beds for UC placements.
- 2) **The Further Assessment Swift Track (FAST) Placement Tool (Versions for Secure and Staff Secure placements):** Initially used by ORR Intakes to determine when a UC warrants a placement in Secure or Staff Secure Care. Care providers must use the tool to update a status for UC who are placed in Secure Care at least every 30 days. (Care providers are not required to re-use tool for UC who have been placed in Staff Secure Care).
- 3) **Placement Authorization:** Auto-generated. Requires a signature from the care provider acknowledging a particular UC placement into their facility.
- 4) **Notice of Placement in Secure or Staff Secure Facility:** Acknowledges UC’s placement in a secure or staff secure care provider facility with signature of UC and facility witness.
- 5) **Initial Intakes Assessment:** Biographical information is auto-populated for care providers based on ORR information obtained at Intakes. Screens for trafficking or other safety concerns, special needs, danger to self and others, medical conditions, mental health concerns.
- 6) **UC Assessment:** Care provider must complete within 7 days of UC’s admission, covers biographic, family, legal, migration, medical, substance abuse, and mental health history.
- 7) **Individual Service Plan:** Documents the services that have been provided (for example, number of counseling sessions, educational assessment and classes) and is updated every 30 days. When a child is transferred to a new facility, a new ISP is developed.
- 8) **UC Case Review Form:** Documents any new information not indicated in the UC Assessment.
- 9) **New Sponsor Form:** Identifies any potential sponsor(s) for a particular UC. In addition to serving as a record for a particular case, helps ORR track individuals who are attempting to sponsor numerous UC, which may suggest a possible trafficking or abuse situation.
- 10) **Transfer Request and Tracking Form:** Auto-populated and used to obtain ORR permission for transfer to another care facility. (Filled out by both ORR and care providers) and used to document when a UC is transferred from one facility to another (requires signatures of both facilities).
- 11) **Long Term Foster Care Placement Memo:** When ORR identifies a placement of a UC with a long term foster care facility, the long term foster care provider or national VOLAG receiving the transfer request completes the memo and sends to ORR to ensure continuity of services and tracking of records for a UC.

- 12) **Travel Request form for UC Long Term Foster Care:** Must be filled out by program at least 10 days prior to travel start date.
- 13) **Notice of Transfer to ICE Chief Counsel and Change of Address:** Required so that the Chief Counsel of ICE may file a Motion for Change of Venue and/or Change of Address with the Executive Office for Immigration Review (EOIR), if applicable, to ensure immigration hearing may proceed.
- 14) **Care Provider Family Reunification Checklist:** Care providers must complete and affirm that all documents, forms, and steps are completed in the release process.
- 15) **Release Request:** Provides care provider recommendation for release of a UC to a sponsor. All releases must be approved by ORR prior to UC release.
- 16) **Discharge Notification:** Includes date and type of discharge (transfer, home country, sponsor release) and is sent to ICE.
- 17) **Verification of Release:** Signed by sponsor as notification that named UC has been released according to the law. Sponsor must also acknowledge agreement with the provisions of the Sponsor Care Agreement pertaining to the minor's care, safety, and well-being, and the sponsor's responsibility for ensuring the minor's presence at all future proceedings before the Department of Homeland Security and EOIR.
- 18) **Child Advocate Referral and Appointment Form:** Used by the Child Advocate Program to recommend that ORR appoint an independent child advocate for a victim of child trafficking or in other cases involving vulnerable children.
- 19) **Notice of Rights and Provision of Services Handout:** Care providers are required to provide to all UC under the Flores v. Reno Settlement Agreement.
- 20) **Legal Service Provider List for UC:** List of organizations who offer free legal representation and help for UC with State and Federal courts, immigration hearings, and appeals. Required under the Flores Settlement Agreement.
- 21) **URM Application:** Certain populations of children and youth in ORR custody may become eligible for the Unaccompanied Refugee Minors Program, which is a State administered foster care program. In such instances the care provider facility or other interested party may complete this application form on behalf of the child.
- 22) **Withdrawal of Application or Declination of Placement Form:** If a youth who has submitted an application for the URM Program wishes to withdraw this application, or if he or she has been offered placement and wishes to decline this placement, the youth must complete this form.
- 23) **Standard Shelter Tour Request:** Used by members of the public and the media to submit to care providers in order to tour a shelter facility.

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

The tasks described in this supporting statement are mainly conducted through the ORR online database (The UC Portal), which provides a central location for case records and the documentation of other activities (for example, when a child or youth is transferred to another facility). Many of these records are "auto-populated" on the UC Portal once the original data points are completed (such as DOB, "A" number, date of initial placement). The UC Portal is a secure limited access database that requires two factor authentication. The use of electronic records also allows ORR Project Officers to more

easily monitor grantee compliance with standards of care and record keeping compared with hard copy case files that are only available onsite. The database also allows ORR to more easily calculate bed capacity throughout the network so that resources are efficiently distributed, particularly during an influx when large numbers of unaccompanied children are crossing the border.

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

ORR is the only entity, Federal, State or local, charged with the safety and well-being of unaccompanied children who are apprehended. Most unaccompanied children enter the United States without identification, such as a foreign passport and, in many cases, a birth certificate. Therefore, ORR is responsible for creating the most complete and accurate picture of the child's history, needs, and potential sponsors to ensure the safety of individual children as well as communities. ORR instruments provide the basis so that ORR can partner with other Federal, State, and local agencies to conduct background checks of children and sponsors, to screen for human trafficking concerns, identify children and youth who are eligible for special refugee status, provide mandated services and address other special considerations or concerns.

#### **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 UC 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 children in its care. Furthermore, all grantees funded to provide services to these children are required in writing to comply with all of ORR's program policies and guidelines, which includes collecting the information in these instruments.

This collection allows ORR to make a timely assessment of each UC's unique needs and situations so that he or she may be placed in the least restrictive setting as ORR attempts to find suitable sponsors for these children. ORR grantees have a mandated time frame for conducting the assessment and providing services to unaccompanied children and youth to prevent populations of children and youth from lengthy stays in facilities set up to provide temporary assistance.

#### **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 and to effectively achieve

compliance with the Homeland Security Act, the TVPRA of 2008, and Flores.

ACF published notices for comment in the Federal Register for processing for these proposed information collections on September 22, 2015 (Vol. 80, page 57191). The comment period closed on November 21, 2015. ACF/ORR did not receive 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). ACF/ORR expects to publish the System of Record Notice in Summer of 2016.

Official copies of the information collections reside at ACF/ORR facilities and electronic copies are circulated between the facilities and ACF/ORR offices.

**11. Justification for Sensitive Questions**

ORR collects sensitive information on home country conditions for UC to place and provide services to children as directed by the *Flores* Agreement.

ACF/ORR does not ask for any information of a sensitive nature beyond the need for screening for child abuse and neglect, human trafficking, gang affiliation, and other questions used to determine circumstances relating to the child’s departure from the country of origin.

**12. Estimates of Annualized Burden Hours and Costs**

Estimates used to calculate burden are based on the following factors:

- The number of times these data are collected is dependent upon the number of unaccompanied children crossing over the U.S. border on an annual basis. In FY 2015, the number of children in ORR care was approximately 34,000. The number of children released from ORR care in FY2015 was 30,252.
- Most of the data is entered into the portal by the Case Managers who are salaried and exempted employees of ORR grantees and are paid an estimated \$19.61/hour (with variance by region).
- ORR generally funds approximately 100 care provider grantees on an annual basis.

**Estimated Information Collection Costs for Respondents**

<b>Instrument</b>	<b>Number of Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Average Burden Hours per Response</b>	<b>Total Burden Hours</b>	<b>Cost of burden per hour</b>	<b>Annual cost of burden</b>
UC Portal	100	340	.08/hour	2,720	\$19.61	\$53,339

Capacity Report						
Further Assessment Swift Track (FAST) Placement Tool	100	11	.25 /hour	275	\$19.61	\$5,393
Placement Authorization Form	100	374	.05 /hour	1,870	\$19.61	\$36,671
Notice of Placement in Secure or Staff Secure Facility	14	11	.05 /hour	8	\$19.61	\$157
Initial Intakes Form	100	340	.25 /hour	8,500	\$19.61	\$166,685
UC Assessment	100	340	.50 /hour	17,000	\$19.61	\$333,370
Individual Service Plan	100	453	.25	11,325	\$19.61	\$222,083
UC Case Review Form	100	340	.50 / hour	17,000	\$19.61	\$333,370
New Sponsor Form	100	510	.50 /hour	25,500	\$19.61	\$500,055
Transfer Request and Tracking Form	100	34	.25 /hour	850	\$19.61	\$16,668
Long Term Foster Care Placement Memo	100	2.2	.05 / hour	11	\$19.61	\$216
Travel Request Form for UC Long Term Foster Care	100	2.2	.25 / hour	55	\$19.61	\$1,078
Notice of Transfer to	100	300	.1 /hour	3,000	\$19.61	\$58,830

ICE Chief Counsel and Change of Address						
Care Provider Family Reunification Checklist	100	510	.05/hour	2,550	\$19.61	\$50,005
Release Request	100	300	.12/ hour	3,600	\$19.61	\$70,596
Discharge Notification	100	300	.12 /hour	3,600	\$19.61	\$70,596
Verification of Release	100	300	.05 /hour	1,500	\$19.61	\$29,415
Child Advocate Referral and Appointment Form	100	25	.25/ hour	625	\$19.61	\$12,256
Notice of Rights and Provision of Services Handout	100	340	.05 /hour	1,700	\$19.61	\$33,337
Legal Service Provider List for UC	100	340	.05/ hour	1,700	\$19.61	\$33,337
URM Application	100	25	.50	1,250	\$19.61	\$24,512
Withdrawal of Application or Declination of Placement Form	100	1	.05 /hour	5	\$19.61	\$98
Standard Shelter Tour Request	100	1	.05 /hour	5	\$19.61	\$98

**Total Information Collection Burden Hours = 104,648**

**Estimated Recordkeeping Costs for Respondents**

<b>Instrument</b>	<b>Number of Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Average Burden Hours per Response</b>	<b>Total Burden Hours</b>	<b>Cost of burden per</b>	<b>Annual cost of burden</b>
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Withdrawal of Application or Declination of Placement Form	100	1	.05 /hour	5	\$19.61	\$98
Standard Shelter Tour Request	100	1	.05 /hour	5	\$19.61	\$98

**Total Recordkeeping Burden Hours for Respondents = 104,648**

**Total Estimated Annual Burden Hours = 209,296**

**Total Estimated Opportunity Costs = \$4, 104,295**

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

There are no monetary costs for respondents and record keepers.

**14. Annualized Cost to the Federal Government**

ORR federal headquarters and field staff within the ORR Division of Children’s Services are responsible for additional data collection and record keeping for the FAST Placement Tool, Initial Intakes Form, UC Assessment; New Sponsor Form; Transfer Request and Tracking Form, Long Term Foster Care Placement Memo; Release Request; Discharge Notification, and Standard Shelter Tour Request. The annualized cost is \$445,050 for an estimated 14,835 hours at the GS-12 pay scale using an estimated hourly rate of \$30 (costs may vary by region).

**15. Explanation for Program Changes or Adjustments**

This is a new request.

**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)**

**The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When item 16 is checked "Yes," the following documentation should be included in the supporting statement to the extent that it applies to the methods proposed:**

**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