

## 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 the Paperwork Reduction Act (PRA). The proposed instruments are the following: 1) the Family Reunification Application (ORR UAC/FRP-3 & ORR UAC/FRP-3s); 2) Authorization for Release of Information (ORR UAC/FRP-2 & ORR UAC/FRP-2s); 3) Fingerprinting Instructions for Sponsors (ORR UAC/FRP-7& ORR UAC/FRP-7s); and, 4) Letter of Designation for Care of a Minor (ORR UAC/FRP-9 & ORR UAC/FRP-9s).

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. HHS currently also complies with 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. *Flores* provides that ACF/ORR is to release UAC for whom ORR determines continued custody is not necessary to ensure the minor's safety or that of others, 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. *Flores* also provides that a positive suitability assessment may be required prior to release, and may include investigation of the living conditions in which the minor would be placed and the standard of care he or she would receive, verification of identity and employment of the individuals offering support, interviews of members of the household, and a home visit.

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 is taken into account when making a placement determination.<sup>1</sup> 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, 8 U.S.C. 1232, creates additional requirements for the placement, care, and release, for UAC in federal custody. The TVPRA also contains language stating that there should be policies to ensure UAC are protected from traffickers and others seeking to victimize them or otherwise engage them in criminal, harmful, or exploitive activity. 8 U.S.C. § 1232(c)(1).

The former INS performed investigative background checks on the sponsor requesting release of UACs during the sponsorship review 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 the physical release from custody.<sup>2</sup> ORR conducts background checks on adults requesting the release of unaccompanied alien children (potential sponsors) in ORR custody to their custody, and adults in the sponsor's household, or adult care givers identified in a sponsor care plan, in certain instances. ACF anticipates that in May of 2018 DHS will resume performing some aspects of background checks for those individuals that ORR requires fingerprints from, pursuant to a joint Memorandum of Agreement signed by ORR and DHS in April 2018. ORR will also send information to other agencies and entities, such as FBI, to conduct parts of the background checks in ORR's suitability process. ACF retains primary responsibility for conducting suitability determinations for sponsors and, as appropriate, other adult members of their household. ACF coordinates and works with its federal partners, including OPM, FBI, and DHS, in this effort.

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

#### 2. Purpose and Use of the Information Collection

##### ***Family Reunification Application (ORR UAC/FRP-3 & UAC/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. ORR uses the information collected to determine the suitability of a sponsor as a custodian of a UAC. After the information is collected it is transmitted electronically to the ORR official responsible for approving the

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<sup>1</sup> 6 U.S.C. 279(b)(2)

<sup>2</sup> See Immigrations and Customs Enforcement Memo, Dated July 29, 2004

release. 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 English and Spanish.

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

The Authorization for Release of Information collects respondents' written consent to background investigations with Federal, state or local law enforcement and/or child welfare agencies, and information to allow for ACF/ORR to make a determination of whether the UAC will be safe in the custody of the sponsor, as well as other household members. After the information is collected, it is sent electronically to HHS/Program Support Center (PSC) for review and processing. The expected respondents of this instrument are adults requesting the release of unaccompanied alien children (potential sponsors) in ORR custody to their custody and adults in the sponsor's household, or adult care givers identified in a sponsor care plan in certain instances. The form is available in both English and Spanish.

***Fingerprint Instructions (ORR UAC/FRP-7 & ORR UAC/FRP-7s)***

The Fingerprint Instructions for Sponsors informs, as appropriate, sponsors and other adult members of their household that they must undergo fingerprinting. In most cases, fingerprints are collected electronically at grantee-operated digital fingerprinting sites. This information is then sent electronically to HHS/PSC for review. In a small number of cases, a respondent may submit fingerprints to ACF via mail using the FBI's fingerprinting form (OMB Ctrl. No. 1110-0046). The expected respondents of this instrument are adults requesting the release of unaccompanied alien children in ORR custody to their custody, adult members of their household, and adult care givers identified in a sponsor care plan, as applicable. The form is available in both English and a Spanish.

***Letter of Designation for Care of a Minor (ORR UAC/FRP-9 & ORR UAC/FRP-9s)***

The Letter of Designation for Care of a Minor (Letter of Designation) is filed by a UAC parent(s) or legal guardian(s) to specify a sponsor they wish to provide care giving authority for their child. The form is optional (not required for release) but helps non-parent sponsors access community resources or answer questions from government authorities about the nature of their relationship with a UAC in their care. The form is available in both English and Spanish.

Information collected from sponsors and other adult members of their households using these instruments may be shared with HHS' contractors, Federal, state or local law enforcement and/or child welfare agencies, and federal partners, including OPM, FBI, and DHS, for the purpose of conducting background checks to determine the sponsor and their home's suitability, and as otherwise permitted under the Privacy Act.

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

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 general reliance on paper-based formats for most forms. The forms have been converted to form-fillable pdfs to the extent respondents have computer access connected to the internet. To the extent possible, biometric information is collected electronically and in all cases it is converted to an electronic format for transmission to federal partners. Generally, the individuals who will be filling out these documents lack access to computers and they may not be 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, the Authorization for Release of Information, and the Fingerprint Instructions. These proposed instruments are necessary for the continuous function of the sponsorship review process for releasing unaccompanied alien children from ACF/ORR custody. These documents only need to be collected once (per child). In the event that a child transfers to another care facility, the new care facility would have access to the file. In some cases, the care facility would conduct concurrent planning and investigate more than one potential sponsor per child in order to meet the goal of releasing a child to a sponsor in a timely and safe manner. In those cases, each potential sponsor would complete the family reunification package. 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**

ACF is submitting this request for emergency processing pursuant to 5 CFR 1320.13. The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information needed for background investigations, with potential harms to children requiring placement with suitable sponsors.

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

ACF will respond to public comments received on the collection of information.

## **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. 552a. ORR's system of records notice was published on July 18, 2016 at 81 FR 46682. A Privacy Act statement describing the authority for collecting the information, the principal uses, the routine uses that may be made of the information, and the effect of not providing all or some of the requested information, is provided to sponsors and, as appropriate, other adult members of their households. Under published routine uses, information may be shared with federal partners, including OPM, FBI, and DHS, where it will be managed and used in accordance with their policies.

Official copies of the information collections reside at ACF/ORR facilities and electronic copies are circulated between the facilities and ACF/ORR offices. The completed forms/instruments are stored on a secure ACF portal that requires two factor authentication for ALL users and is available at this hyperlink: <https://www.uacportal.org/>.

Biometric information collected by ORR is used specifically for background check purposes utilizing Federal criminal and immigration databases.

## **11. Justification for Sensitive Questions**

As part of the suitability process for potential sponsors, ORR collects fingerprints from sponsor applicants, adult members of their household, and in certain cases adult care givers identified in a sponsor care plan. The fingerprints are transmitted from an ORR digital site (or at local police stations in rare cases on a fingerprint card) and submitted to HHS/PSC. HHS/PSC

transmits to OPM is a vetted FBI channeler. The digitized prints (or in the case of a fingerprint card, HHS/PSC digitizes the card) are sent to the FBI to run the prints against the NCIC database. The digitized prints will also be transmitted to DHS to search for criminal history, active wants and warrants, and immigration status checks through the IDENT system. The results of the FBI and DHS records are then transmitted back to OPM and then back to HHS/PSC. HHS/PSC provides the results to Federal ORR employees who make sponsor release decisions, based in part on the results of the background checks.

ORR also asks potential sponsors about whether individuals in their households have contagious medical conditions and about their criminal history. This information is necessary for the suitability determination.

## 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	50,000	1	0.5	25,000
Authorization for Release of Information	90,000	1	0.25	22,500
Fingerprint Instructions	90,000	1	1	90,000
Letter of Designation	25,000	1	0.25	6,250

Estimated Total Annual Burden per Respondent:

143,750

### 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	50,000	0.5	\$7.25	\$181,250
Authorization for Release of Information	90,000	0.25	\$7.25	\$163,125
Fingerprint Instructions	90,000	1	\$7.25	\$652,000
Letter of Designation	25,000	0.25	\$7.25	\$45,313

Estimated Total Annual Burden per Respondent:

\$1,041,688

### ANNUAL BURDEN HOUR ESTIMATE FOR RECORD KEEPER

Instrument	Number of Respondents	Number of Responses per Respondent	Average Burden Hours per Record Keeper	Total Burden Hours
Family Reunification Application	50,000	1	0.25	12,500
Authorization for Release of Information	90,000	1	0.25	22,500
Fingerprint Instructions	90,000	1	0.25	22,500
Letter of Designation	25,000	1	0.25	6,250

Estimated Total Annual Burden per Record Keeper:

63,750

### ESTIMATED OPPORTUNITY COST FOR RECORD KEEPER

Instrument	Number of Respondents	Average Burden Hours per Response	Cost per Record Keeper per Hour	Total Estimated Cost
Family Reunification Application	50,000	0.25	\$14.00	\$175,000
Authorization for Release of Information	90,000	0.25	\$14.00	\$315,000
Fingerprint Instructions	90,000	0.25	\$14.00	\$315,000
Letter of Designation	25,000	0.25	\$14.00	\$87,500
Estimated Total Annual Burden per Respondent:				\$892,500

Each sponsor must complete the Family Reunification Application, Authorization for Release of Information. All household members must complete the Authorization for Release of Information in order for a background check to be conducted, and certain adult care givers identified in a sponsor care plan. 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 UAC/FRP-3 & UAC/FRP-3s)***

The estimated time for the completion of the Family Reunification Application by sponsors is approximately 30 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. This information is necessary to determine sponsor suitability and ensure the safety of the child. Additionally, ORR notes that what had been a separate information collection, the Family Reunification Application Checklist for sponsors is merged into the application. The Family Reunification Application requires sponsors to provide certain identity documents for identity verification purposes for both the sponsor and child; proof of address; and proof of relationship with the UAC they are seeking to sponsor. ORR based acceptable identity documents from DHS’s I-9 form. The checklist also solicits information from sponsors regarding pending or closed criminal history or other legal matters to which the sponsor was a subject. Criminal history information is used only for purposes of making sponsor suitability decisions under ORR policies.

ORR estimates that an ORR grantee case manager (record keeper) would need about 30 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.

***Authorization for Release of Information (ORR UAC/FRP-2 & ORR UAC/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 or adults in their household 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.

***Fingerprint Instructions (ORR UAC/FRP-7 & ORR UAC/FRP-7s)***

The estimated amount of time for a respondent to read the instruction, wait to have their fingerprints taken at a digital site, have their identity documents inspected at the site, and have those results transmitted will vary but is reasonably calculated to be approximately 1 hour. The digital site case worker who is an ORR grantee, takes about 15 minutes to take and process the prints based on observations and reports from the field. 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 (digital site case worker) to explain and file the fingerprints is calculated at \$14.00 which is the approximate wage of a digital site case worker.

**Letter of Designation for Care of a Minor (ORR UAC/FRP-9 & ORR/FRP-9s)**

The estimated time for completion of the Letter of Designation is approximately 15 minutes. Several of the items request the provision of nominal information, such as names and places of residence. ORR estimates 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 parents of UAC 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 fingerprinting machines, 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**

**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	50,000	10	\$0.05	\$25,000
Authorization for Release of Information	90,000	2	\$0.05	\$9,000
Fingerprint Instructions	90,000	1	\$0.05	\$4,500
Letter of Designation	25,000	2	\$0.05	\$2,500

Estimated Total Cost for Paper-based Duplication: \$41,000

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 to review information following the submittal. The estimate 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
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Family Reunification Application	50,000	0.1666	\$41.07	\$342,113
Authorization for Release of Information	90,000	0.1666	\$41.07	\$615,804
Fingerprint Instructions	90,000	0.0833	\$41.07	\$307,902
Letter of Designation	25,000	0.1666	\$41.07	\$171,057
Estimated Total Cost for Federal Staff:				\$1,436,875.02

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

These updates incorporate adult household member respondents, as well as fingerprinting of sponsors and adult household members, as appropriate, into the existing PRA package. It also includes two new forms completed by parents/legal guardians of UAC who wish to identify a sponsor and instructions for the collection of fingerprints. The revisions also address information sharing with federal partners. ACF has incorporated the new burden associated with adult household member respondents, fingerprinting, and additional forms in to the package.

### **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