

Services Provided to Unaccompanied Alien Children

**OMB Information Collection Request
0970 – 0553**

Supporting Statement Part A - Justification

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Submitted By:
Office of Refugee Resettlement
Administration for Children and Families
U.S. Department of Health and Human Services

SUPPORTING STATEMENT A – JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

The Homeland Security Act (HSA), 6 U.S.C. 279, transferred responsibilities for the care and placement of unaccompanied alien children (UAC) from the Commissioner of the former Immigration and Naturalization Service (INS) to the Director of the Office of Refugee Resettlement (ORR).

The *Flores v. Reno* Settlement Agreement, No. CV85-4544-RJK (C.D. Cal. 1996), establishes an order of priority for sponsors with whom UAC should be placed and sets minimum standards for the release, housing, services, transportation, and discharge of UAC. *Flores* also entitles Plaintiffs' counsel to visit ORR facilities.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), 8 U.S.C. 1232, creates additional requirements for the placement, services, and discharge of UAC in federal custody. The TVPRA also directs ORR to create policies to ensure UAC are protected from traffickers and others seeking to victimize them or otherwise engage them in criminal, harmful, or exploitative activity.

ORR's Interim Final Rule on the Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children, 45 CFR Part 411, sets forth such standards for ORR care provider facilities that house UAC in accordance with section 1101(c) of the Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4 (VAWA 2013).

ORR's UAC Program provides care and custody for UAC until they can be safely released to a sponsor, repatriated to their home country, or obtain legal status. ORR funds residential care provider facilities that provide temporary housing and other services to UAC in ORR custody. Care provider facilities are State licensed, with the exception of temporary influx care facilities, and must meet ORR requirements to ensure a high-level quality of care. Services provided at care provider facilities include, but are not limited to, education, recreation, vocational training, acculturation, nutrition, medical, mental health, legal, and case management.

ORR is submitting several instruments directly related to the care of UAC for processing pursuant to the Paperwork Reduction Act. These instruments allow ORR to provide services to UAC as required by statute and ORR policy. The proposed instruments are:

- Sponsor Assessment (Form S-5)
- Home Study Report (Form S-6)
- New Sponsor (Form S-7)
- Initial Intakes Assessment (Form S-8)
- Assessment for Risk (Form S-9)
- UAC Assessment (Form S-11)
- UAC Case Review (Form S-12)
- Individual Service Plan (Form S-13)
- Travel Request for Long Term Foster Care (Form S-14)
- Child Advocate Recommendation and Appointment (Form S-15)

- Summary Notes: Thirty Day Restrictive Placement Case Review (Form S-16)
- UAC Case Status

2. Purpose and Use of the Information Collection

- **Sponsor Assessment (Form S-5):** This instrument is used by case managers to document their assessment of the suitability of a potential sponsor to provide for the safety and well-being of a UAC.
- **Home Study Report (Form S-6):** This instrument is used by home study providers to document their assessment of a potential sponsor after performing a home site visit.
- **New Sponsor (Form S-7):** This instrument is used by care providers to assign a potential sponsor to a UAC in the ORR database and track certain information related to the potential sponsor for safety and suitability assessment purposes. This form is currently approved under OMB Number 0970-0498.
- **Initial Intakes Assessment (Form S-8):** This instrument is used by care providers to screen UAC for trafficking or other safety concerns, special needs, danger to self and others, medical conditions, and mental health concerns. This form is currently approved under OMB Number 0970-0498.
- **Assessment for Risk (Form S-9):** This instrument is an assessment administered by care providers to reduce the risk that a child or youth is sexually abused or abuses someone else while in ORR custody.
- **UAC Assessment (Form S-11):** This instrument is an in-depth assessment used by care providers to document information about the UAC that is used to inform provision of services (e.g., case management, legal, education, medical, mental health, home studies), screen for trafficking or other safety concerns, and identify special needs. This form is currently approved under OMB Number 0970-0498.
- **UAC Case Review (Form S-12):** This instrument is used by care providers to document new information obtained after completion of the UAC Assessment. This form is currently approved under OMB Number 0970-0498.
- **Individual Service Plan (Form S-13):** This instrument is used by care providers to document all services provided to the UAC. This form is currently approved under OMB Number 0970-0498.
- **Travel Request for Long Term Foster Care (Form S-14):** This instrument is used by long term foster care providers to request ORR approval for a UAC to travel with their foster family outside of the local community. This form is currently approved under OMB Number 0970-0498.
- **Child Advocate Recommendation and Appointment (Form S-15):** This instrument is used by care providers and other stakeholders to recommend appointment of a child advocate for a UAC. The child advocate contractor then enters whether a child advocate is available and ORR approves the appointment. This form is currently approved under OMB Number 0970-0498.
- **Summary Notes: Thirty Day Restrictive Placement Case Review (Form S-16):** This instrument is used by care providers to document their thirty day review for UAC in placed in

a restrictive setting.

- **UAC Case Status:** This instrument is used by care providers to monitor the status of high-level milestones in a UAC's case.

3. Use of Improved Information Technology and Burden Reduction

The majority of the instruments described in this supporting statement are housed in ORR's case management system, the UAC Portal (see list below). Many of the data fields in the UAC Portal are auto-populated once the original data fields are completed (e.g., date of birth, alien number, UAC name). The UAC Portal is a secure limited access database that requires multifactor authentication. Three instruments are in Word format and one is in PDF format.

ORR is in the process of developing a new case management system which will streamline information management by consolidating UAC information from disparate storage locations, reduce manual paperwork processing conducted outside of the system (e.g., spreadsheets, PDFs, Word documents), maximize the use of auto-population so that information is not entered more than once, enforce business rules through automated workflow management, and improve business intelligence capabilities by automating reporting and data analytics. All of the instruments in this collection will be incorporated into the new system in 2021.

Instruments in UAC Portal

- New Sponsor (Form S-7)
- Initial Intakes Assessment (Form S-8)
- Assessment for Risk (Form S-9)
- UAC Assessment (Form S-11)
- UAC Case Review (Form S-12)
- Individual Service Plan (Form S-13)
- Travel Request for Long Term Foster Care (Form S-14)
- UAC Case Status

Instruments in Word Format

- Sponsor Assessment (Form S-5)
- Home Study Report (Form S-6)
- Child Advocate Recommendation and Appointment (Form S-15)

Instruments in PFD Format

- Summary Notes: Thirty Day Restrictive Placement Case Review (Form S-16)

4. Efforts to Identify Duplication and Use of Similar Information

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

5. Impact on Small Businesses or Other Small Entities

The proposed information collections will not burden or impact small businesses.

6. Consequences of Collecting the Information Less Frequently

Not collecting the information on these forms would impede ORR from performing its charged duty of releasing UAC from its custody as quickly and safely as possible. Furthermore, all grantees funded to provide services to these children are required in writing to comply with all of ORR's program policies, procedures, and other guidance, which includes collecting the information in these instruments.

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

None of the characteristics outlined in 5 CFR 1320.5(d)(2) apply to the instruments in this collection.

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

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice was published on Date July 24, 2020, Volume 85, Number 143, pages 44895-44897, and provided a sixty-day period for public comment. During the notice and comment period, responses were received from four commenters, each containing multiple comments. Attachment A provides a summary of those comments and ORR's responses.

9. Explanation of Any Payment or Gift to Respondents

No payment or gift to the respondents will be provided.

10. Assurance of Confidentiality Provided to Respondents

ORR 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.

11. Justification for Sensitive Questions

Sensitive information is collected on the forms in order for ORR to provide appropriate services to UAC and to make an informed, timely, and safe release decisions. ORR does not ask for any information of a sensitive nature beyond what is needed to provide services and make the release decisions.

12. Estimates of Annualized Burden Hours and Costs

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

- The number of responses per respondent was calculated using FY2019 data on the actual number of responses for existing instruments.
- ORR funds approximately 195 care provider grantees and expects to continue the trend of increasing capacity each year. This includes approximately 30 long term foster care programs, 15 restrictive placement programs, and 11 home study providers.
- The cost to respondents was calculated using wage data, accessed in March 2020, for the Bureau of Labor Statistics (BLS) job code 21-1021 Child, Family, and School Social Workers in the industry of Other Residential Care Facilities. The rates were multiplied by two to account for fringe benefits and overhead – $\$19.21 \times 2 = \38.42

Information Collection Title	Annual Number of Respondents	Annual Number of Responses per Respondent	Average Burden Minutes per Response	Annual Total Burden Hours	Average Hourly Wage	Total Annual Cost
Sponsor Assessment (Form S-5)	206	327	60	67,362	\$38.42	\$2,588,048.04
Home Study Report (Form S-6)	11	364	45	3,003	\$38.42	\$115,375.26
New Sponsor (Form S-7)	206	327	20	22,454	\$38.42	\$862,682.68
Initial Intakes Assessment (Form S-8)	206	363	15	18,695	\$38.42	\$718,261.90
Assessment for Risk (Form S-9)	206	794	30	81,782	\$38.42	\$3,142,064.44
UAC Assessment (Form S-11)	206	369	45	57,011	\$38.42	\$2,190,362.62
UAC Case Review (Form S-12)	206	764	30	78,692	\$38.42	\$3,023,346.64
Individual Service Plan (Form S-13)	206	985	15	50,728	\$38.42	\$1,948,969.76
UAC Long Term Foster Care Travel Request (Form S-14)	30	9	15	68	\$38.42	\$2,612.56
Child Advocate Referral and Appointment (Form S-15)	206	5	15	258	\$38.42	\$9,912.36
Summary Notes Thirty Day Restrictive Placement Case Review (Form S-16)	15	68	30	510	\$38.42	\$19,594.20
UAC Case Status	206	354	3	3,646	\$38.42	\$140,079.32
			Estimated Annual Burden Hours Total:	384,209	Estimated Annual Cost Total:	\$14,761,309.78

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

Respondents will not incur any direct monetary costs, other than their time, in the completion of these instruments.

14. Annualized Cost to the Federal Government

The annualized cost estimate for each of these instruments considers the time of a step 1 GS-12 in the Washington, DC locality to review information following submittal. No additional costs will be incurred by the Federal government for developing computer systems or storing the instruments as those systems are already in place. The hourly rate was multiplied by two to account for fringe benefits and overhead.

Information Collection Title	Annual Number of Respondents	Annual Number of Responses per Respondent	Average Burden Minutes per Response	Annual Total Burden Hours	Average Hourly Wage	Total Annual Cost
Sponsor Assessment (Form S-5)	45	1,494	30	33,615	\$82.74	\$2,781,305.10
Home Study Report (Form S-6)	45	89	30	2,003	\$82.74	\$165,728.22
New Sponsor (Form S-7)	45	1,494	10	11,205	\$82.74	\$927,101.70
Initial Intakes Assessment (Form S-8)	45	1,660	7	8,715	\$82.74	\$721,079.10
Assessment for Risk (Form S-9)	45	3,634	10	27,255	\$82.74	\$2,255,078.70
UAC Assessment (Form S-11)	45	1,689	30	38,003	\$82.74	\$3,144,368.22
UAC Case Review (Form S-12)	45	3,495	20	52,425	\$82.74	\$4,337,644.50
Individual Service Plan (Form S-13)	45	4,507	5	16,901	\$82.74	\$1,398,388.74
UAC Long Term Foster Care Travel Request (Form S-14)	45	6	7	32	\$82.74	\$2,647.68
Child Advocate Referral and Appointment (Form S-15)	45	23	5	86	\$82.74	\$7,115.64
Summary Notes Thirty Day Restrictive Placement Case Review (Form S-16)	45	23	15	259	\$82.74	\$21,429.66
UAC Case Status	45	1,619	2	2,429	\$82.74	\$200,975.46
			Estimated Annual Burden Hours Total:	192,928	Estimated Annual Cost Total:	\$15,962,862.72

15. Explanation for Program Changes or Adjustments

ORR is reorganizing the instruments currently approved under OMB 0970-0498 into separate collections based on the purpose of the information collected. This collection includes seven instruments from OMB 0970-0498 that are related to services provided to UAC. This collection also includes five other instruments that fall under this information collection category that are subject to PRA and require approval by OMB.

16. Plans for Tabulation and Publication and Project Time Schedule

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

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

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

18. Exceptions to Certification for Paperwork Reduction Act Submissions

No exceptions are necessary for this information collection.