

# **Placement and Transfer of Unaccompanied Alien Children into ORR Care Provider Facilities**

**OMB Information Collection Request  
0970 - 0554**

## **Supporting Statement Part A - Justification**

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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 place UAC referred to ORR by Federal agencies into care provider facilities and to transfer UAC within the ORR care provider network. The proposed instruments are:

- Placement Authorization (Form P-1)
- Authorization for Medical, Dental, and Mental Health Care (Form P-2)
- Notice of Placement in a Restrictive Setting (Form P-4/4s)
- Long Term Foster Care Placement Memo (Form P-5)
- Intakes Placement Checklist (Form P-7)
- Care Provider Checklist for Transfers to Influx Care Facilities (Form P-8)
- Medical Checklist for Transfers (Form P-9A)
- Medical Checklist for Influx Transfers (Form P-9B)
- Transfer Request (Form P-10)

- Transfer Request and Tracking Form (Form P-11)
- UAC Portal Capacity Report (Form P-12)
- Add New UAC (Form P-13)
- Notice of Transfer to Immigration and Customs Enforcement's (ICE) Chief Counsel – Change of Address/Change of Venue (Form P-14)

## 2. Purpose and Use of the Information Collection

- **Placement Authorization (Form P-1):** This instrument is used by ORR to authorize a care provider to provide care and services to UAC placed in their facility. Care providers sign the instrument to acknowledge certain responsibilities related to the care of the UAC. This form is currently approved under OMB Number 0970-0498.
- **Authorization for Medical, Dental, and Mental Health Care (Form P-2):** This instrument is used by ORR to authorize a care provider to provide medical, dental, and mental health care services to UAC placed in their facility. Care providers sign the instrument to acknowledge certain responsibilities related to the care of the UAC.
- **Notice of Placement in a Restrictive Setting (Form P-4/4s):** This instrument is used by care providers to document and inform UAC of the reason they have been placed in a restrictive setting. This form is currently approved under OMB Number 0970-0498 under the title Notice of Placement in Secure or Staff Secure.
- **Long Term Foster Care Placement Memo (Form P-5):** This instrument is used by care providers to ensure continuity of services and tracking of records for a UAC following transfer. This form is currently approved under OMB Number 0970-0498.
- **Intakes Placement Checklist (Form P-7):** This instrument is used by ORR Intakes staff to determine whether initial placement in a restrictive setting is appropriate for a UAC. This form is currently approved under OMB Number 0970-0498 under the title Further Assessment Swift Track (FAST) Placement Tool.
- **Care Provider Checklist for Transfers to Influx Care Facilities (Form P-8):** This instrument is used by care providers to ensure that all criteria for transfer of a UAC to an influx care facility have been met.
- **Medical Checklist for Transfers (Form P-9A):** This instrument is used by care providers to ensure that UAC are medically cleared for transfer within the ORR care provider network, excluding transfer to an influx care facility.
- **Medical Checklist for Influx Transfers (Form P-9B):** This instrument is used by care providers to ensure that UAC are medically cleared for transfer to an influx care facility.
- **Transfer Request (Form P-10):** This instrument is used by care provider facilities, ORR contractor staff, and ORR Federal staff to process recommendations and decisions for transfer of a UAC within the ORR care provider network. This form is currently approved under OMB Number 0970-0498 under the title Transfer Request and Tracking Form.
- **Transfer Request and Tracking Form (Form P-11):** This instrument is used by care providers to track the physical transfer of the UAC and their belongings.
- **UAC Portal Capacity Report (Form P-12):** This instrument is used by care providers and ORR to track availability of beds in care provider facilities. This form is currently approved under OMB Number 0970-0498.

- **Add New UAC (Form P-13):** This instrument is used by Federal agencies to refer UAC to ORR custody and by ORR Intakes staff to place UAC in an ORR care provider facility.
- **Notice of Transfer to ICE Chief Counsel – Change of Address/Change of Venue (Form P-14):** This instrument is used by care providers to notify DHS of the transfer of a UAC within the ORR care provider network so that DHS may file a Motion for Change of Venue and/or Change of Address with the Executive Office for Immigration Review to ensure the UAC’s immigration case is transferred to the local immigration court, if applicable. This form is currently approved under OMB Number 0970-0498.

### **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. Four 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**

- Placement Authorization (Form P-1)
- Authorization for Medical, Dental, and Mental Health Care (Form P-2)
- Intakes Placement Checklist (Form P-7)
- Transfer Request (Form P-10)
- Transfer Request and Tracking Form (Form P-11)
- UAC Portal Capacity Report (Form P-12)
- Add New UAC (Form P-13)
- Notice of Transfer to ICE Chief Counsel – Change of Address/Change of Venue (Form P-14)

#### **Instruments in Word Format**

- Long Term Foster Care Placement Memo (Form P-5)
- Care Provider Checklist for Transfers to Influx Care Facilities (Form P-8)
- Medical Checklist for Transfers (Form P-9A)
- Medical Checklist for Influx Transfers (Form P-9B)

#### **Instruments in PFD Format**

- Notice of Placement in a Restrictive Setting (Form P-4/4s)

#### **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 requests 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 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 44897-44898, and provided a sixty-day period for public comment. During the notice and comment period, responses were received from one commenter, containing three 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 in 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 UAC discharged from ORR custody and UAC transferred within the ORR care provider network.
- 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 and 15 restrictive placement programs.
- 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	Annual Total Cost
Placement Authorization (Form P-1)	206	377	1	1,294	\$38.42	\$49,715.48
Authorization for Medical, Dental, and Mental Health Care (Form P-2)	206	377	1	1,294	\$38.42	\$49,715.48
Notice of Placement in a Restrictive Setting (Form P-4/4s)	15	68	20	340	\$38.42	\$13,062.80
Long Term Foster Care Placement Memo (Form P-5)	30	4	15	30	\$38.42	\$1,152.60
Intakes Placement Checklist (Form P-7)	16	4,343	15	17,372	\$38.42	\$667,432.24
Care Provider Checklist for Transfers to Influx Care Facilities (Form P-8)	206	11	15	567	\$38.42	\$21,784.14
Medical Checklist for Transfers (Form P-9A)	206	29	5	498	\$38.42	\$19,133.16
Medical Checklist for Influx Transfers (Form P-9B)	206	11	10	378	\$38.42	\$14,522.76
Transfer Request (Form P-10)	206	39	45	6,026	\$38.42	\$231,518.92
Transfer Request and	206	39	10	1,339	\$38.42	\$51,444.38

Tracking Form (Form P-11)						
UAC Portal Capacity Report (Form P-12)	206	365	5	6,266	\$38.42	\$240,739.72
Add New UAC (Form P-13)	50	1,390	15	17,375	\$38.42	\$667,547.50
Notice of Transfer to ICE Chief Counsel - Change of Address/Change of Venue (Form P-14)	206	39	10	1,339	\$38.42	\$51,444.38
		<b>Estimated Annual Burden Hours Total:</b>		<b>54,118</b>	<b>Estimated Annual Cost Total:</b>	<b>\$2,079,213.56</b>

### 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 Federal Staff Burden Minutes per Response	Annual Total Federal Staff Burden Hours	Average Federal Staff Hourly Wage	Annual Total Federal Staff Cost
Placement Authorization (Form P-1)	45	1,722	1	1,292	\$82.74	\$106,900.08
Authorization for Medical, Dental, and Mental Health Care (Form P-2)	45	1,722	1	1,292	\$82.74	\$106,900.08
Notice of Placement in a Restrictive Setting (Form P-4/4s)	45	23	10	173	\$82.74	\$14,314.02
Long Term Foster Care Placement Memo (Form P-5)	45	3	1	2	\$82.74	\$165.48
Intakes Placement Checklist (Form P-7)	45	1,545	7	8,111	\$82.74	\$671,104.14
Care Provider Checklist for Transfers to Influx	45	50	7	263	\$82.74	\$21,760.62

Care Facilities (Form P-8)						
Medical Checklist for Transfers (Form P-9A)	45	129	2	194	\$82.74	\$16,051.56
Medical Checklist for Influx Transfers (Form P-9B)	45	50	4	150	\$82.74	\$12,411.00
Transfer Request (Form P-10)	45	178	20	2,670	\$82.74	\$220,915.80
Transfer Request and Tracking Form (Form P-11)	45	178	4	534	\$82.74	\$44,183.16
UAC Portal Capacity Report (Form P-12)	45	1,671	1	1,253	\$82.74	\$103,673.22
Add New UAC (Form P-13)	45	1,545	5	5,794	\$82.74	\$479,395.56
Notice of Transfer to ICE Chief Counsel - Change of Address/Change of Venue (Form P-14)	45	178	4	534	\$82.74	\$44,183.16
				<b>Estimated Annual Burden Hours Total:</b>	<b>22,265</b>	<b>Estimated Annual Cost Total:</b>
						<b>\$1,841,957.88</b>

### 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.