

Administration and Oversight of the Unaccompanied Alien Children Program

**OMB Information Collection Request
0970 - 0547**

Supporting Statement Part A - Justification

OCTOBER 2020

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, care, and transportation 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, care, and release 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, Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children, 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 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 facilitate stakeholder visits to care provider facilities; obtain consent from UAC to share their case file information; improve service delivery to UAC; and ensure that serious issues are elevated to ORR and that all incidents and the response to such incidents are documented and resolved in a way that protects the interests of UAC. The proposed instruments are:

- Care Provider Facility Tour Request (Form A-1A)
- Notice to UAC for Flores Visits (Form A-4 & A-4s)
- Authorization for Release of Records (Form A-5)
- Program Level Event Report (Form A-9)
- Emergency Significant Incident Report and Addendum (Form A-10A & A-10B)
- Significant Incident Report and Addendum (Form A-10C & A-10D)
- Sexual Abuse Significant Incident Report and Addendum (Form A-10E & A-10F)
- Hotline Alert (Form A-12)

2. Purpose and Use of the Information Collection

- **Care Provider Facility Tour Request (Form A-1A):** This instrument is used by advocacy groups, faith-based organizations, researchers, government officials and other stakeholders to request tours of ORR care provider facilities. After the request is received, ORR documents its decision and details regarding date and location of the tour, if applicable, and provides the completed form to the requester. This

instrument was previously approved under OMB No. 0970-0498. The form has been changed from a Word document to a fillable PDF and the formatting has been streamlined for ease of use. The information collected has not changed, except for the addition of a signature block.

- **Notice to UAC for Flores Visits (Forms A-4 & A-4s):** This instrument is used by care provider facilities to notify UAC of upcoming visits by *Flores* counsel (lawyers and volunteers from the organization that originally participated in the creation of the Flores Settlement Agreement) and allow UAC to add their name to a sign-up sheet if they are willing to speak with *Flores* counsel. This is a new instrument.
- **Authorization for Release of Records (Form A-5):** This instrument is used by attorneys, legal service providers, government agencies, and other stakeholders to request UAC case file records. In most cases, requesters are required to obtain the signature of the subject of the record request (UAC or their parent/legal guardian or sponsor) and a witness.
- **Program Level Event (PLE) Report (Form A-9):** This instrument is used by ORR care provider programs to inform ORR of events that may affect the entire care provider facility, such as an active shooter or natural disaster. An updated PLE Report is required for events that occur over multiple days or if the situation changes regarding the event. This is a new instrument.
- **Emergency Significant Incident Report (SIR) and Addendum (Forms A-10A & A-10B):** This instrument is used by ORR care provider programs to inform ORR of urgent situations in which there is an immediate threat to a child's safety and well-being that require instantaneous action. In some cases, an Emergency SIR Addendum may be required to provide additional information obtained after the initial report.
- **Significant Incident Report (SIR) and Addendum (Forms A-10C & A-10D):** This instrument is used by ORR care provider programs to inform ORR of situations that affect, but do not immediately threaten, the safety and well-being of a child. In some cases, an SIR Addendum may be required to provide additional information obtained after the initial report.
- **Sexual Abuse Significant Incident Report (SA/SIR) and Addendum (Forms A-10E & A-10F):** This instrument is used by ORR care provider programs to inform ORR of allegations of sexual harassment, sexual abuse, and inappropriate sexual behavior that occurred while the UAC was in ORR custody. In some cases, an SA/SIR Addendum may be required to provide additional information obtained after the initial report.
- **Hotline Alert (Form A-12):** This instrument is used by ORR's National Call Center to inform ORR of allegations sexual harassment, sexual abuse, inappropriate sexual behavior, and physical abuse that occurred while the UAC was in ORR custody.

3. Use of Improved Information Technology and Burden Reduction

Several 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. In January 2021, ORR will launch a new case management system, called UAC Path, which will replace UAC Portal. All forms currently available in UAC Portal will be available in UAC Path.

The *Care Provider Facility Tour Request* and *Authorization for Release of Records* are completed by stakeholders who do not have access to the UAC Portal. Therefore, the instruments are completed in PDF format and emailed to ORR for processing. The *Notice to UAC for Flores Visits* is completed in PDF format, printed, and posted in care provider facilities to allow UAC to sign up if they are willing to speak with *Flores* counsel.

Instruments in UAC Portal

- Program Level Event Report (Form A-9)
- Emergency Significant Incident Report and Addendum (Form A-10A & A-10B)
- Significant Incident Report and Addendum (Form A-10C & A-10D)
- Sexual Abuse Significant Incident Report and Addendum (Form A-10E & A-10F)
- Hotline Alert (Form A-12)

Instruments in PDF Format

- Care Provider Facility Tour Request (Form A-1A)
- Notice to UAC for Flores Visits (Form A-4 & A-4s)
- Authorization for Release of Records (Form A-5)

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

The lack of these instruments would impede ORR from performing its charged duty of ensuring the safety and well-being of UAC in its custody. 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.

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 April 16, 2020, Volume 85, Number 74, pages 21240-21241, and provided a sixty-day period for public comment. During the notice and comment period, responses were received from five 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 provision 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 may be collected in the *Emergency Significant Incident Report and Addendum*; *Significant Incident Report and Addendum*; *Sexual Abuse Significant Incident Report and Addendum*; and *Hotline Alert* in order to ensure that ORR has the information it needs to quickly respond to and resolve serious incidents in a way that protects the interests of UAC in its custody. ORR does not ask for any information of a sensitive nature beyond the need for appropriately responding to serious incidents.

12. Estimates of Annualized Burden Hours and Costs

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

- The number of respondents was calculated using FY2019 data on the actual number of responses for existing instruments and the number of UAC released to a sponsor.
- ORR funds approximately 195 care provider grantees and expects to continue the trend of increasing capacity each year.
- The cost to respondents was calculated using wage data, accessed in March 2020, for the following Bureau of Labor Statistics (BLS) job codes. The rates were multiplied by two to account for fringe benefits and overhead.
 - 21-1021 Child, Family, and School Social Workers in the industry of Other Residential Care Facilities – $\$19.21 \times 2 = \38.42
 - 43-6014 Secretaries and Administrative Assistants, Except Legal, Medical, and Executive across all industries – $\$17.75 \times 2 = \35.50
 - 23-2011 Paralegals and Legal Assistants in the industry of Legal Services – $\$25.20 \times 2 = \50.40

Information Collection Title	Annual Number of Respondents	Annual Number of Responses per Respondent	Average Burden <u>Minutes</u> per Response	Annual Total Burden <u>Minutes</u>	Average Hourly Wage	Annual Total Cost
Care Provider Facility Tour Request (Form A-1A)	200	1	10	2,000	\$35.50	\$1,183.33
Notice to UAC for Flores Visits (Forms A-4 & A-4s)	20	1	15	300	\$38.42	\$192.10
Authorization for Release of Records (Form A-5)	4,000	1	10	40,000	\$50.40	\$33,600.00
Program Level Event (Form A-9)	1,500	1	20	30,000	\$38.42	\$19,210.00

Emergency Significant Incident Report (Form A-10A)	1,640	1	20	32,800	\$38.42	\$21,002.93
Emergency Significant Incident Report Addendum (Form A-10B)	1,360	1	15	20,400	\$38.42	\$13,062.80
Significant Incident Report (Form A-10C)	80,340	1	20	1,606,800	\$38.42	\$1,028,887.60
Significant Incident Report Addendum (Form A-10D)	25,630	1	15	384,450	\$38.42	\$246,176.15
Sexual Abuse Significant Incident Report (Form A-10E)	5,980	1	20	119,600	\$38.42	\$76,583.87
Sexual Abuse Significant Incident Report Addendum (Form A-10F)	4,190	1	15	62,850	\$38.42	\$40,244.95
Hotline Alert (Form A-12)	80	1	15	1,200	\$38.42	\$768.40
Estimated Annual Burden Total:				2,300,400 minutes*	Estimated Annual Cost Total:	\$1,480,912.13

* Estimates here are in minutes for a more accurate burden count. ROCIS converts to hours for each line and therefore shows 38,341 hours.

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 Minutes	Average Federal Staff Hourly Wage	Annual Total Federal Staff Cost
Care Provider Facility Tour Request (Form A-1A)	200	1	20	4,000	\$82.74	\$5,516.00
Notice to UAC for Flores Visits (Forms A-4 & A-4s)	20	1	0	0	\$82.74	\$0.00

Authorization for Release of Records (Form A-5)	4,000	1	20	80,000	\$82.74	\$110,320.00
Program Level Event (Form A-9)	1,500	1	30	45,000	\$82.74	\$62,055.00
Emergency Significant Incident Report (Form A-10A)	1,640	1	30	49,200	\$82.74	\$67,846.80
Emergency Significant Incident Report Addendum (Form A-10B)	1,360	1	20	27,200	\$82.74	\$37,508.80
Significant Incident Report (Form A-10C)	80,340	1	30	2,410,200	\$82.74	\$3,323,665.80
Significant Incident Report Addendum (Form A-10D)	25,630	1	20	512,600	\$82.74	\$706,875.40
Sexual Abuse Significant Incident Report (Form A-10E)	5,980	1	30	179,400	\$82.74	\$247,392.60
Sexual Abuse Significant Incident Report Addendum (Form A-10F)	4,190	1	20	83,800	\$82.74	\$115,560.20
Hotline Alert (Form A-12)	80	1	20	1,600	\$82.74	\$2,206.40
Estimated Annual Burden Total:				3,393,000	Estimated Annual Cost Total:	\$4,678,947.00

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 one instrument from OMB 0970-0498 that is related to administration and oversight tasks for the UAC Program, the *Care Provider Facility Tour Request*. This form was changed from a Word document to a fillable PDF and the formatting has been streamlined for ease of use.

This collection also includes several other instruments that fall under this information collection category that are subject to PRA and require approval by OMB.

ORR no longer plans to implement the *UAC Satisfaction Survey* (Form A-11 & A-11s) or the *UAC Satisfaction Survey Aggregate Data* instruments, which were included in the 60-Day Federal Register Notice for this information collection. ORR is removing these two instruments from this information collection request.

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.

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Supporting Statement Part B – Statistical Methods

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SUPPORTING STATEMENT B – 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