

Services Provided to Unaccompanied Alien Children

**OMB Information Collection Request
0970 - 0553**

Attachment A - Summary of Public Comments and ORR Responses

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

Some of the below responses reference ORR's new case management system, UAC Path. ORR is in the process of developing the UAC Path system, which will be launched mid-2021. Most of the instruments in this collection will be incorporated into UAC Path. Updated UAC Path versions of the instruments will be submitted to the Office of Management and Budget (OMB) for review and approval with any substantive changes to include a period for public comment.

Initial Intakes Assessment and Assessment for Risk

1. One commenter recommends that the instruments be updated to accommodate different age groups and use more age appropriate terminology, or, alternatively, that ORR create a user guide to address these concerns.

ORR Response: ORR understands that ORR care provider grantees may experience challenges in administering these assessments across a population of different ages, cultures, languages, and varying individual needs. ORR's procedures manual advises care providers to interview children in a child-friendly and culturally- and linguistically- appropriate manner when completing the assessments. ORR will consider the commenter's request to create a user guide.

UAC Case Review

1. One commenter notes that the mental health section uses an outdated axis model and recommends that ORR update this section. The commenter also recommends that ORR add a case management section where ORR care providers may add general case management information, such as behavioral or educational updates.

ORR Response: ORR is updating how mental health information is captured in UAC Path (ORR's new online case management system) and will no longer be using the axis model. The current version and UAC Path version of the instrument have a Case Plan section in which ORR care providers may enter information on reunification, health, and legal concerns. The UAC Case Review is not intended to capture all aspects of the UAC's case, rather it is a point in time general assessment of the child's case, family history, and service needs. ORR care providers use methods internal to their organization to capture aspects of child's case not included in the UAC Case Review or other ORR-created instruments, such as case manager and clinician notes, educational assessments, and educational process notes.

2. One commenter notes that the form is difficult to read for children who have extended stays in ORR custody and require multiple monthly updates. The commenter recommends that the form be updated to provide separate areas to enter monthly updates.

ORR Response: ORR requires care providers to create a new UAC Case Review every 30 days (90 days for long term foster care programs). This requirement assists in ensuring that the UAC Case Review does not become an overly long document for UAC who have extended stays in ORR custody. In addition, this instrument will be added to the new UAC Path system, which will be user-friendly and easy to read.

Individual Service Plan

1. One commenter recommends that ORR add a dropdown field in the “Other Services” section so that ORR care providers may select from other types of standard services such as prevention of sexual abuse orientations/refreshers, English as a second language (ESL) classes, and medical/dental appointments.

ORR Response: In the new UAC Path system, this instrument will include additional options to select from in a dropdown field (e.g., education, vocation, recreation and leisure) for type of service and a text field to provide further detail on the specific task associated with the type of service.

2. One commenter notes that ORR care provider grantees must often complete multiple service plans because the ORR form does not meet the requirements of the care provider’s state licensing agency. The commenter recommends that ORR update the form include areas where the care provide may document needs identified at admission, medical and dental needs, information regarding intellectual functioning/needs and how they will be addressed, therapeutic needs, and cultural identity needs.

ORR Response: As mentioned above, the revised instrument in the UAC Path system will include expanded options in the dropdown field type of service and a text field to provide further detail on the specific task associated with the type of service. In addition, the instrument will include a “notes” text field. These changes will expand the flexibility of the instrument and decrease the likelihood that care providers will need to create a separate Individual Service Plan for their state licensing agency.

Sponsor Assessment

1. One commenter recommends that ORR remove the question “Did any of your children come to the U.S. with you? (If not born in the U.S.)” or, alternatively, add a disclaimer to the form stating that the information collected will not be used for enforcement purposes, nor for sponsor suitability purposes, and include explicit instruction in the form to read this disclaimer out for those sponsors who are illiterate and are having the form read to them. The commenter is concerned that this question may lead to enforcement against undocumented members of the sponsor’s household or criminalization of the sponsor, and may result in sponsors not providing complete responses to other biographical questions. The commenter disputes the relevance of the question as it pertains to the sponsor’s ability to care for the UAC.

ORR Response: This instrument is completed by case managers based on information provided in the sponsor application and sponsor interview, not by the sponsors themselves. ORR provides *Privacy Notices* to all prospective sponsors that explain why their information is being collected and with whom it may be shared. Case managers explain these notices to the sponsor and answer any related questions. Case managers are also required to inform sponsors of restrictions the Consolidated Appropriations Act of 2020 (Pub. L. 116-93, § 216) places on how DHS may use information obtained from ORR. This question has been a part of the Sponsor Assessment since 2016 and ORR has noted no discernable effect on sponsors’ willingness to provide complete response to biographical questions.

2. One commenter notes that the proposed form removes a question asking for immigration status at the beginning of the form and replaces it with a new section on proof of immigration status that requests proof of any authorizing documents. The commenter notes that there are no safety, family reunification, or public policy reason stated for needing the information and is concerned that the information may be shared between agencies and used for enforcement purposes against the sponsor. The commenter is also concerned that the new section could create a chilling affect that may lead to a child's prolonged stay in ORR custody and that the information may be used in the Trump Administration's efforts to promote denaturalization. The commenter recommends that no new documentation be required or, alternatively, that ORR explain on the form explicitly what the documentation will be used for and which government agencies may also receive it.

ORR Response: ORR made the changes to immigration status information collected in the instrument on June 24, 2019 to align with revisions made to the ORR Policy Guide on June 18, 2019 (see [ORR Policy Guide Section 2.2.4 Required Documents for Submission with the Application for Release](#)). The revised policy explains the reason the information is collected and how it is used. In addition, all potential sponsor are provided a *Privacy Notice for Sponsors* and parents/legal guardians are additionally provided a *Privacy Notice for Parents and Legal Guardians* as part of the Family Reunification Packet. The *Privacy Notices* explain the reason their information is collected and with whom it may be shared. There has been no noticeable chilling effect on sponsors coming forward in relation to this policy revision since its implementation.

3. One commenter recommends reverting the question "Is the sponsor a U.S. citizen or a lawful permanent resident? If no, list the adult caregiver identified who will assume responsibility for the child if sponsor becomes unavailable to care/or the minor." to what was asked on the previous version of the form, "Does the sponsor have an immigration status?" or excluding it all together. The commenter notes that the revised question creates a more stringent standard for the sponsor and is concerned that the information may be misused or discussed by caseworkers and documented in case notes.

ORR Response: The question the commenter refers to does not create a more stringent standard, but rather clarifies existing policy. ORR has long required a Sponsor Care Plan for sponsors who may leave the United States to ensure that the child has a caregiver, despite any complications resulting from the sponsor's immigration situation (see [ORR Policy Guide, Section 2.7.6 Issues Related to Recommendations and Decisions](#)). ORR updated its policy on June 7, 2018 to clarify that it considers any sponsor who is not a U.S. citizen or a lawful permanent resident at risk for an unexpected departure from the country. It is unclear why the commenter believes the information collected may be misused or why they believe it is inappropriate to discuss the information or document it in case notes. ORR requires its Federal, grantee, and contractor staff to abide by all Federal and State privacy and information sharing laws and regulations, licensing and accreditation standards, ORR policies and procedures, and child welfare standards. In order to effectively communicate with all parties involved in the child's case and provide the best care possible for the child, case managers should be discussing details of children's cases in weekly case staffings with care provider and ORR staff and documenting the progress of cases in their case management notes, this includes discussion and documentation of a Sponsor Care Plan.

4. One commenter recommends that ORR remove the questions "Do you know why the UAC decided to travel to the U.S. at this time? Did the potential sponsor mention any U.S. immigration policy or practice as a factor in the UAC's decision to travel to the U.S.? Did the potential sponsor mention economic, job, or education opportunities as a factor in the UAC's decision to travel to the U.S.?" The commenter is concerned that answering the questions in the affirmative may be detrimental to the UAC's immigration case and/or lead to enforcement by government agencies. The commenter also notes that children may not answer questions in a linear manner or effectively explain the nuance in their reasons for travel. The commenter does not believe this question has any bearing on the sponsor's ability to care for the UAC.

ORR Response: This instrument documents information provided by the sponsor, not the UAC. ORR asks sponsors about their knowledge of the UAC's journey to the United States and compares their response to those provided by the UAC to assess for any signs that the sponsor or UAC may not be responding truthfully about their relationship and to assess for trafficking indicators. Additionally, the Consolidated Appropriations Act of 2020 (Pub. L. 116-93, § 216) generally restricts DHS from using information obtained from ORR for enforcement purposes.

UAC Assessment

1. One commenter recommends that ORR remove the questions "Why did you decide to travel to the U.S. at this time? Did the child mention any U.S. immigration policy or practice as a factor in his/her decision to travel to the U.S.? For UAC aged 14-17 ONLY: Did the child mention economic, job, or educational opportunities as a factor in his/her decision to travel to the U.S.?" The commenter is concerned that answering the questions in the affirmative may be detrimental to the UAC's immigration case, lead to enforcement by government agencies, and/or undermine the child's right to due process. The commenter also notes that children may not answer questions in a linear manner or effectively explain the nuance in their reasons for travel.

ORR Response: ORR is collecting narrative information to analyze potential pull factors for UAC migration to the United States. Assessments as a general matter are not shared outside of ORR without consent.

2. One commenter is concerned that the instrument does not explain whether information provided in the mental health section is strictly internal and confidential or if it is subject to being shared with other government agencies. The commenter recommends that ORR include specific information explaining what information regarding a child's mental health history could be shared and with whom.

ORR Response: The commenter is commenting upon ORR policy and not the instrument itself. ORR does not create policy via information collection instruments; policies are published in its online ORR Policy Guide. Generally, ORR does not share clinical information without a UAC's consent, except when required by state "mandatory reporting" laws. Examples of mandatory reporting include cases where concerns are raised regarding child abuse and maltreatment or where a UAC is in imminent danger to self or others.

3. One commenter recommended that the instrument allow future dates to be entered in the Legal section for scheduled legal appointments.

ORR Response: In the new UAC Path system, legal services information will be moved out of the UAC Assessment and into its own separate section. Future dates will be allowed when entering legal appointments. -

4. One commenter notes that the Sponsor Information section of the form is duplicative of information collected in the Sponsor Assessment form and recommends that this section be updated or deleted altogether.

ORR Response: The Sponsor Information section will be retitled Sponsor Risk Assessment in the UAC Path system. The information entered into this section will be information shared by the UAC or the UAC's family/friends. Information disclosed by the sponsor will continue to be entered in the Sponsor Assessment.

5. One commenter notes that some information collected in this instrument is duplicative of information collected in the Initial Intakes Assessment form and is concerned that ORR is requiring minors, especially tender age youth, to keep providing the same information.

ORR Response: The Initial Intakes Assessment and UAC Assessment are each administered once upon admission to a care provider facility. The Initial Intakes Assessment is a short assessment that gathers information needed to identify immediate needs or issues. The UAC Assessment is a more lengthy assessment that gathers more detailed information needed to evaluate the UAC for services and to develop an initial release plan. There is minimal overlap in question between the two assessments. Some of the information contained in both assessments, such as biographical information, is auto-populated and does not need to be asked again. Other areas that may seem duplicative, such as family and friends in the U.S., are needed to confirm the information provided during the Initial Intakes Assessment and obtain more details.

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