

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**Affidavit of Relationship for Minors who are Nationals of El
Salvador, Guatemala, or Honduras**

**OMB Number 1405-0217
DS-7699**

A. JUSTIFICATION

1. Why is this collection necessary and what are the legal statutes that allow this?

The Department of State's (hereafter "the Department") Bureau of Population, Refugees, and Migration (PRM) is responsible for coordinating and managing the U.S. Refugee Admissions Program (USRAP). PRM coordinates within the Department, as well as with the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS), in carrying out this responsibility. A critical part of the Department's responsibility is determining which individuals, from among millions of refugees worldwide, will have access to U.S. resettlement consideration. Section 207(a)(3) of the Immigration and Nationality Act (INA) states that admissions "shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation." Which individuals are "of special humanitarian concern" to the United States for the purpose of refugee resettlement consideration is determined through the USRAP priority system.

PRM and USCIS are now preparing to restart an expanded "in-country" program known as the Central American Minors (CAM) program to provide a means for certain persons in the United States (qualifying parents or qualifying legal guardians, hereafter "qualifying individuals") to claim a relationship with children in Honduras, El Salvador, and Guatemala and to assist the Department in determining whether those children are qualified to seek access to the USRAP for family reunification purposes. Department-funded domestic Resettlement Agency (RA) representatives, who will assist persons with this form, are knowledgeable about who is eligible to file the form. This form also assists USCIS to verify parent-child relationships during refugee case adjudication. The main purpose of the DS-7699 is for the qualifying individuals to provide biographical information about children overseas who may subsequently seek access to the USRAP for verification by the U.S. government.

The first step to requesting access for a child to USRAP consideration will be for a qualifying individual to file an Affidavit of Relationship (AOR), DS-7699 for qualifying family

members in Honduras, El Salvador, and Guatemala. Qualifying individuals are parents or legal guardians who are lawful permanent residents or who currently fall into one of the following categories in the United States:

- Temporary Protected Status Grantee
- Parolee
- Deferred Action for Childhood Arrivals (DACA) Recipient
- Deferred Action (non-DACA) Recipient
- Deferred Enforced Departure Recipient
- Withholding of Removal Grantee
- Applicant for Asylum with a pending I-589 filed by May 15, 2021
- Applicant for U visa with a pending I-918 filed by May 15, 2021

Qualifying individuals must be at least 18 years of age and may file an AOR for sons and/or daughters under the age of 21 who are nationals of El Salvador, Guatemala, and Honduras, and their qualified “add-ons” as defined in the AOR. These include siblings of the sons and daughters over the age of 21 regardless of marital status, the in-country biological parent of the qualified child regardless of marital status, and caregivers of a qualified child who are also related to the U.S.-based lawfully present parent or child.

Information listed in the AOR is essential to determining qualification for access to the USRAP. The AOR also informs a qualifying parent that DNA evidence of all claimed biological parent-child relationships between the qualifying parent and unmarried children under the age of 21 will be required as a condition of access to the program.

DHS is responsible for determining who is eligible for admission to the United States as a refugee. Section 207(c)(1) of the INA, 8 U.S.C. section 1157(c)(1), authorizes the DHS Secretary to admit any refugee who is determined to be of special humanitarian concern to the United States, meets the definition of refugee as outlined under INA Section 101(a)(42), 8 U.S.C. section 1101(a)(42), is not firmly resettled in any foreign country, and is otherwise admissible as an immigrant. DHS uses the information listed in the AOR to confirm and verify information related to the family members in the specified countries seeking refugee resettlement as well as subsequent applications or petitions for other immigration benefits they may seek under U.S. law. Accordingly, the AOR serves as an important tool to combat fraud in such adjudications and programs.

2. What business purpose is the information gathered going to be used for?

Working with an RA, qualifying individuals in the United States must complete the AOR and submit supporting documentation to: a) establish that they meet the requirements for being a qualifying individual who currently falls into one of the aforementioned categories; b) provide a list of qualifying family members who may seek access to refugee resettlement in the United States. Once completed, the AOR is sent by the RA to the Refugee Processing Center (RPC) for case creation and processing. The information is used by the RPC for case management; by USCIS to determine that the qualifying individual falls into one of the aforementioned categories; and by the Resettlement Support Center (RSC) for case prescreening and further processing after DHS interview. The International Organization for

Migration (IOM) administers the RSC in Latin America under a Memorandum of Understanding with the Department to conduct case prescreening and assist in the processing of refugee applicants.

After receiving the DS-7699 from the RPC, the RSC will conduct an initial prescreening interview. Once the RSC has conducted initial prescreening of the overseas case, it will contact the qualifying individual through the RA with instructions on arranging for DNA relationship testing to verify all claimed biological parent-child relationships between the qualifying parent and biological children. The qualifying parent will select a U.S. lab approved by the American Association of Blood Banks (AABB) to conduct DNA relationship testing. DNA collection kits will be sent to the RSC and DNA samples will be collected from the overseas children through a buccal swab. The RSC will return the samples to the U.S. lab for DNA relationship testing. Results will be forwarded to the RPC, which will record in START, the case management system for the USRAP, whether each claimed biological relationship was confirmed or not confirmed. The RPC will then redact the lab report so as not to retain any specific information about the matching of alleles between the qualifying parent and his or her children overseas.

The U.S. lab that was selected to conduct the testing will retain the DNA sample according to its own policies (usually for six months) and will also retain a copy of the test result in the event that results are contested. The Department will not retain the DNA sample.

The Privacy Impact Assessment (PIA) for this collection will be posted on the Department website at <http://www.state.gov/m/a/ips/c24223.htm>

3. *Is this collection able to be completed electronically (e.g. through a website or application)?*

PRM maintains cooperative agreements with nine RAs. These RAs have a network of nearly 200 affiliate offices throughout the United States. The collection of this information currently involves the limited use of electronic techniques. Qualifying individuals in the United States will work closely with an affiliate office of an RA during the completion of the AOR to ensure that the information is accurate. Qualifying individuals may visit any RA affiliate to complete an AOR. Qualifying individuals who have limited English proficiency will often benefit from having a face-to-face meeting with RA staff. The collection instrument (DS-7699) will be available electronically and responses will be completed electronically. Completed AORs will be printed out for ink signature by the respondents as well. The electronic copy will be submitted electronically by the RA to the RPC for inclusion into START with the signed paper copy remaining with the RA.

4. *Does this collection duplicate any other collection of information?*

There is no duplication of information collection efforts.

5. *Describe any impacts on small business.*

This information collection does not impact small businesses or other small entities.

6. *What are consequences if this collection is not done?*

Without this information collection, the United States would lack the necessary data to verify family relationships between the qualifying individuals and their children applying for the in-country program in the qualifying countries and accomplish its stated policy of permitting qualifying children to resettle in the United States under this in-country program. The information is collected on an as-needed basis; there is no standardized schedule of collection. According to information from the DHS' Customs and Border Protection, the number of unaccompanied children from El Salvador, Guatemala, and Honduras arriving at the U.S.-Mexico border has increased from approximately 3,600 in January to an average of over 13,000 per month over the last four months, contributing to a growing humanitarian crisis on the border. Similarly, reporting from the Department of Health and Human Services' Office of Refugee Resettlement indicates that in FY 2020 85 percent of unaccompanied children were nationals of the Northern Triangle, the vast majority of whom were seeking to reunite with a parent or close relative in the United States. Accordingly, this collection is essential to the mission of the Department of State to address and stem the flow of irregular migration from Central America on an urgent basis through immediate implementation of the reinstated and expanded CAM program. This delay will severely impact the Department's ability to respond to the mandate to provide protection and family reunification to children (and other eligible family members or caregivers) from El Salvador, Guatemala, and Honduras who are attempting to join parents lawfully present in the United States.

7. Are there any special collection circumstances?

There are no special circumstances.

8. Document publication (or intent to publish) a request for public comments in the Federal Register

PRM intends to request emergency approval of this form, Federal Register document citation number 86 FR 34300.

9. Are payments or gifts given to the respondents?

There are no payments or gifts to respondents.

10. Describe assurances of privacy/confidentiality

As some of the information collected might be subject to the Privacy Act, 5 U.S.C. § 552a, page one of the AOR contains a Privacy Act Statement outlining the purposes of the information collected, with whom information may be shared, and that provision of information is voluntary. Subsequently, refugee applicants for and from whom this information is collected are advised of its uses in a Notice of Confidentiality, which the individual signs with the overseas Resettlement Support Center during initial case prescreening. A Privacy Impact Assessment was conducted in August 2020 prior to the launch of the new USRAP case management system, START.

11. *Are any questions of a sensitive nature asked?*

There are no questions of a sensitive nature on the AOR.

12. *Describe the monetary burden to respondents (out of pocket costs) needed to complete this collection.*

The estimated annual number of respondents is 2,000. The annual hour burden is estimated to be 2,000 hours, based on 60 minutes per form x 2,000. The annual hour burden was determined after consultation with the RAs, which have many years of experience collecting this type of information. The hour cost burden for this collection is based on estimated wage of \$30.00 (per respondent) x 2,000 respondents x 1 hour = \$60,000.00. The \$30.00 is for an estimated two-hour time period the respondent would take off of work to complete the form with a resettlement agency caseworker. This includes one hour at the agency and one hour combined for transportation.

13. *Describe the cost incurred by the Federal Government to complete this collection.*

RPC staff estimates devoting 60 minutes per AOR to process the information submitted by applicants. The total cost to the Federal Government of this processing, at a \$44.00 hourly rate, is \$88,000.00. The cost of payment for applicants for DNA testing is based on the assumption that 2,000 will initiate testing for an average of two children. At an average testing cost of \$600.00 for 2,000 applicants, the total cost for DNA testing is 1,200,000.00. . Therefore, the total cost incurred by the government is: \$1,200,000 + \$88,000 = \$1,288,000.00.

14. *Explain any changes/adjustments to this collection since the previous submission*

The Department is seeking a reinstatement of the expired DS-7699, which includes revisions to reflect expansions of eligibility to file the AOR. In the previous DS-7699, only a parent (biological, step-, or adoptive) with lawful present in the United States (pursuant to Temporary Protected Status, Parole, Deferred Action for Childhood Arrivals, Deferred Action, Deferred Enforced Departure, or Withholding of Removal) was eligible to file. The revised DS-7699 expands filing eligibility to legal guardians lawfully present in the United States (pursuant to the same requirements as parents), as well as to U.S.-based parents and legal guardians with a pending I-589 asylum application or pending I-918 U visa petition filed prior to May 15, 2021.

15. *Specify if the data gathered by this collection will be published.*

The Department will not publish the results of this collection.

16.If applicable, explain the reason(s) for seeking approval to not display the OMB expiration date. Otherwise, write “The Department will display the OMB expiration date.”

The Department will display the expiration date for OMB approval of the information collection.

17.Explain any exceptions to the OMB certification statement below. If there are no exceptions, write “The Department is not seeking exceptions to the certification statement”.

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.