

Release of Unaccompanied Children from ORR Custody

**OMB Information Collection Request
0970 - 0552**

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

Summary

This request is for revisions to the forms currently approved under OMB #0970-0552 and for reinstatement of a form that was previously approved under OMB #0970-0498 under this OMB number. All instruments will be incorporated into ORR's new case management system, UC Path. Details about the changes are described in section A15.

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 children (UC) 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 UC should be placed and sets minimum standards for the housing, services, transportation, and discharge of UC. *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 UC in federal custody. The TVPRA also directs ORR to create policies to ensure UC 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 UC in accordance with section 1101(c) of the Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4 (VAWA 2013).

ORR's UC Program provides care and custody for UC 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 UC 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.

The instruments included in this information collection are directly relate to the care of UC for processing pursuant to the Paperwork Reduction Act. These instruments allow ORR to process the release of UC from ORR custody and provide services after release. The instruments are:

- Verification of Release (Form R-1)
- Discharge Notification (Form R-2)
- ORR Release Notification - ORR Notification to Immigration and Customs Enforcement (ICE) Chief Counsel – Release of Unaccompanied Child to Sponsor and Request to Change Address (Form R-3)
- Release Request (Form R-4)

- Safety and Well-Being Call (Form R-6)

2. Purpose and Use of the Information Collection

- **Verification of Release (Form R-1):** This instrument is an official document provided to UC and their sponsors by care provider facilities showing that ORR released the UC into the sponsor's care and custody.
- **Discharge Notification (Form R-2):** This instrument is used by care provider facilities to notify stakeholders of the transfer of a UC to another care provider facility or the release of a UC from ORR custody. See [ORR Policy Guide Section 2.8.3 Closing the Case File](#) for related policies.
- **ORR Release Notification – Notice to ICE Chief Counsel - Release of Unaccompanied Child to Sponsor and Request to Change Address (Form R-3):** This instrument is used by care provider facilities to notify ICE Chief Counsel of the release of a UC and request a change of address.
- **Release Request (Form R-4):** This instrument is used by care provider facilities, ORR contractor staff, and ORR Federal staff to process recommendations and decisions for release of a UC from ORR custody. See [ORR Policy Guide Section 2.7. Recommendations and Decisions on Release](#) for related policies.
- **Safety and Well-Being Call (Form R-6):** This instrument is used by care provider facilities to document the outcome of calls made to UC and their sponsors after release to ensure the child is safe and refer the sponsor to additional resources as needed. See [ORR Policy Guide Section 2.8.4 Safety and Well Being Follow Up Call](#) for related policies.

3. Use of Improved Information Technology and Burden Reduction

ORR is in the process of developing a new case management system which will streamline information management by consolidating UC 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 UC Path when launched.

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 UC 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 February 25, 2021, Volume 86, Number 36, pages 11536-11537, and provided a sixty-day period for public comment. During the notice and comment period, responses were received from two 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 may be collected in the *Release Request* in order for ORR to make an informed, timely, and safe release decision. ORR does not ask for any information of a sensitive nature beyond what is needed to make the release decision.

12. Estimates of Annualized Burden Hours and Costs

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

- FY2021 projections for referrals to ORR custody, transfers within the ORR care provider network, and discharges from ORR custody.
- ORR funds approximately 216 care provider grantees.

- 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
Verification of Release (Form R-1)	216	253	10	9,108	\$38.42	\$349,929.36
Discharge Notification (Form R-2)	216	290	10	10,440	\$38.42	\$401,104.80
ORR Release Notification - ORR Notification to ICE Chief Counsel Release of UC to Sponsor and Request to Change Address (Form R-3)	216	270	5	4,860	\$38.42	\$186,721.20
Release Request (Form R-4) – Grantee Case Managers	216	254	25	22,860	\$38.42	\$878,281.20
Release Request (Form R-4) – Contractor Case Coordinators	170	321	20	18,190	\$38.42	\$698,859.80
Safety and Well-Being Call (R-6)	216	253	45	40,986	\$38.42	\$1,574,682.12
Estimated Annual Burden Hours Total:				106,444	Estimated Annual Cost Total:	\$4,089,578.48

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	Number of Federal Staff	Number of Responses	Average Burden	Total Burden	Average Hourly	Total Annual Cost
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		per Federal Staff	Minutes per Response	Hours	Wage	
Discharge Notification (Form R-2)	45	1,391	5	5,216	\$82.74	\$431,571.84
ORR Release Notification - ORR Notification to ICE Chief Counsel Release of UC to Sponsor and Request to Change Address (Form R-3)	45	1,298	5	4,868	\$82.74	\$402,778.32
Release Request (Form R-4)	45	1,220	30	27,450	\$82.74	\$2,271,213.00
Safety and Well-Being Call (R-6)	45	1,213	20	18,195	\$82.74	\$1,505,454.30
Estimated Annual Burden Hours Total:				55,729	Estimated Annual Cost Total:	\$4,611,017.46

15. Explanation for Program Changes or Adjustments

A. ORR plans to revise all four instruments currently approved under OMB #0970-0552 and reinstate one instrument previously approved under OMB #0970-0498 and add it to this collection. All instruments will be incorporated into ORR’s new case management system, UC Path. Finally, ORR plans to replace the term “unaccompanied alien child (UAC)” with “unaccompanied child (UC)” throughout the instruments in this collection. Note that the screenshots of UC Path instruments attached to this package do not reflect this change because it has not yet been developed in the system. However, the revision in terminology will be made before the system is launched.

- **Verification of Release (Form R-1):** This form was previously approved under OMB Number 0970-0498 and is being reinstated with formatting changes under this new OMB number. No changes were made to the content. The average burden minutes per response was increased from three to 10 minutes.
- **Discharge Notification (Form R-2):**
 - o The “Proof of Relationship” field was removed because that information is found elsewhere in UC Path and does not need to be displayed in this instrument.
 - o The following fields were added: “Returning UC, Entry #”, “Type of Age Out”, “Sponsor Category”, “Next Immigration Hearing”, “Granted Voluntary Discharge Date”, “Parent/Legal Guardian Separation”, “Is this a MPP Case”, “UC Parent Name”, “Program Type”
 - o The “Local Law Enforcement” and “DHS Family Shelter” fields were replaced with the “Governmental Agency” and “Name of Government Agency” fields.
 - o The following fields were added, but are not visible on version of the instrument sent to stakeholders:

- “Discharge Delay”, “DHS Age Out Plan”, “Referral to Services in COO”, “Completed Referral Services COO?”, “Date Travel Document Requested”, “Date of Issuance of Travel Document”
 - All fields in the “Transportation Details” section
 - The average burden minutes per response was increased from seven to 10 minutes.
 - **ORR Release Notification – Notice to ICE Chief Counsel - Release of Unaccompanied Child to Sponsor and Request to Change Address (Form R-3):** The instrument was reformatted. No changes were made to the content. The average burden minutes per response was increased from three to five minutes.
 - **Release Request (Form R-4):**
 - The instrument was reformatted and the titles of some fields were reworded.
 - Several fields containing biographical information for the UC were removed from the top of the instrument.
 - The “Provide details on relationship including official documentation” text box removed because that information is easily accessible elsewhere in UC Path.
 - Several fields related to release dates and immigration court appearance were removed because they are easily accessible elsewhere in UC Path.
 - A new section called “Release Request Routing” was added to facilitate automated notification of pending releases within UC Path. Some fields in this section are auto-populated.
 - A new “Child Advocates” section was added, containing two fields.
 - A new “Medical” section was added to facilitate automated notification to the ORR medical coordinator, when applicable. The section contains two fields.
 - A new “Legal” section was added. All fields in this section are auto-populated with the exception of the comments field.
 - A new “Program Information” section was added to capture relevant details when a UC is being release to a program/entity.
 - In the “Case Manager Recommendation” section, a couple auto-populated date fields were added.
 - **Safety and Well-Being Call (Form R-6):** Currently, case managers document responses from the sponsor and UC interview questions (required per ORR procedures) in their case management notes. ORR expanded this instrument to include the information currently captured in case management notes, in addition to the information captured in the current version of the *Safety and Well-Being Follow-Up Call Report*. The average burden minutes per response was increased from 30 to 45 minutes.
- B. ORR plans to remove the term “alien” from the title of this information collection and revise it to read “Release of Unaccompanied Children from ORR Custody.”
- C. ORR intends to conduct a phased rollout of the UC Path system. Beginning Fall 2021, ORR plans to roll the UC Path system out to a small group of care provider programs. ORR will gradually

expand use of the system to other programs and expects all care provider programs will be using UC Path by Spring 2022. To ensure continuity of operations, care provider programs will need the ability to continue using instruments in the UC Portal system and in other formats (e.g., PDF, Excel) while they are waiting to transition over to the UC Path system. Therefore, ORR requests OMB's approval to continue use of the following instruments, concurrently with the UC Path versions of the same instruments until all care provider programs are using UC Path. Although all care providers are expected to be using UC Path by Spring 2022, ORR requests approval to continue using these instruments for up to one year to account for any unexpected technical issues that may arise during rollout. These versions were last approved by OMB on March 10, 2021.

- Verification of Release (Form R-1) – UC Portal
- Discharge Notification (Form R-2) – UC Portal
- Notice to Immigration and Customs Enforcement's (ICE) Chief Counsel – Release of Unaccompanied Alien Child to Sponsor and Request to Change Address (Form R-3) – UC Portal
- Release Request (Form R-4) – UC Portal
- Safety and Well-Being Follow-Up Call Report (Form R-6) – Excel

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 for all forms except the Verification of Release (VOR).

The completed VOR is often used by sponsors as an identification document for the minor, who may lack any other form of U.S. government photo identification. Sometimes a sponsor has a VOR that was completed and provided to them prior to the OMB expiration date, the OMB expiration date subsequently passes, and then the sponsor needs to use the VOR as an ID for the minor. In this situation, the VOR is often rejected because the OMB expiration date is confused for an identification form expiration date. However, completed VORs do not expire. To avoid these situations, ORR requests an exception from OMB on the requirement to display the expiration date. ORR still plans to display the OMB number and burden statement.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

No exceptions are necessary for this information collection.