

Family Reunification Packet for Sponsors of Unaccompanied Children

**OMB Information Collection Request
0970 - 0278**

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

1. Circumstances Making the Collection of Information Necessary

The Department of Health and Human Services (HHS), Administration for Children and Families (ACF), Office of Refugee Resettlement's (ORR) Unaccompanied Children (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 must meet State licensing standards (with the exception of temporary emergency facilities and facilities located in states that are unwilling to license facilities caring for UC) and 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 uses several instruments directly related to the care of UC and this request is to extend approval under the Paperwork Reduction Act. ORR has made some revisions, as described in this request. The instruments in this information collection allow ORR to achieve compliance with applicable laws, regulations, and other legal requirements related to the assessment of potential sponsors for UC. The instruments are the following:

- Authorization for Release of Information (Forms FRP-2 & FRP-2s)
- Family Reunification Application (Forms FRP-3 & FRP-3s)
- Fingerprinting Instructions (Forms FRP-7 & FRP-7s)
- Letter of Designation for Care of a Minor (Forms FRP-9 & FRP-9s)

Legal Authorities

The Homeland Security Act (HSA), 6 U.S.C. 279, transferred responsibilities for the care and placement of UC from the Commissioner of the former Immigration and Naturalization Service (INS) to the Director of 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).

Background Checks

The former INS performed investigative background checks on the potential sponsor requesting release of a UC during the sponsorship review process. During the transition period, DHS performed these checks on these sponsors. As of August 2, 2004, DHS ceased its performance of background checks on sponsors and the physical release from custody.¹ ORR conducts public records background checks on all potential sponsors, their adult household members, and adult caregivers identified in a sponsor care plan (hereinafter "adult caregivers"). ORR conducts fingerprint-based background checks on potential sponsors, adult household members, and adult caregivers under certain circumstances. ORR also sends information to other agencies and entities, such as the

¹ See Immigrations and Customs Enforcement Memo, Dated July 29, 2004

Federal Bureau of Investigation (FBI), to conduct parts of the fingerprint-based background checks in ORR's suitability process. ORR retains primary responsibility for conducting suitability determinations for sponsors and, as appropriate, adult members of their household and adult caregivers. ORR coordinates and works with its federal partners, including the Office of Personnel Management (OPM) and FBI, in this effort. In June 2018, DHS resumed performing some aspects of background checks for those individuals that ORR requires fingerprints from, pursuant to a joint Memorandum of Agreement signed by ORR and DHS in April 2018 (MOA). ORR subsequently issued four operational directives (December 2018, March 2019, and two in June 2019) that reduced the number of individuals requiring fingerprint checks and discontinued using DHS ICE to obtain immigration status. These operational directives were subsequently incorporated into the ORR Policy Guide. In March 2021, the 2018 MOA was terminated and information sharing between DHS and ORR reverted to the previous MOA to reduce information sharing for the purpose of immigration enforcement.

2. Purpose and Use of the Information Collection

- **Authorization for Release of Information (Forms FRP-2 & FRP-2s):** This instrument collects respondents' written consent to background investigations with Federal, state or local law enforcement and/or child welfare agencies, and information to allow ORR to make a determination of whether the UC will be safe in the custody of the potential sponsor, as well as other adult household members. After the information is collected, it is sent electronically to HHS/Program Support Center (PSC) for review and processing. The expected respondents of this instrument are, under certain circumstances, potential sponsors, adult household members, and adult caregivers. The form is available in both English and Spanish.
- **Family Reunification Application (Forms FRP-3 & FRP-3s):** This instrument collects information related to the potential sponsor's ability to provide for the UC's mental and physical wellbeing. ORR uses the information collected to determine the suitability of a potential sponsor as a custodian of a UC. After the information is collected, it is transmitted electronically to the ORR official responsible for approving the release. The expected respondents of this instrument are potential sponsors. The form is available in both English and Spanish.
- **Fingerprinting Instructions (Forms FRP-7 & FRP-7s):** This instrument informs, as appropriate, potential sponsors, adult household members, and adult caregivers of the steps they must take to be fingerprinted. Fingerprints are collected electronically at grantee or contractor-operated digital fingerprinting sites or submitted via mail using FBI fingerprint cards (form FD-258, OMB Ctrl. No. 1110-0046). The expected respondents of this instrument are, under certain circumstances, potential sponsors, adult household members, and adult caregivers. The instrument is available in both English and Spanish.
- **Letter of Designation for Care of a Minor (Forms FRP-9 & FRP-9s):** This instrument is filed by a UC's parent(s) or legal guardian(s) to specify a potential sponsor to whom they wish to grant caregiving authority for their child. The form is optional (not required for release) but helps non-parent sponsors access community resources or answer questions from government authorities about the nature of their relationship with a UC in their care. The form is available in both English and Spanish.

Information collected from potential sponsors, adult household members, and adult caregivers using these instruments may be shared with HHS' contractors; grantees; Federal, state or local law enforcement and/or child welfare agencies; and federal partners, including OPM, FBI, and DHS, for the purpose of conducting background checks to determine the potential sponsor's and their home's suitability, and as otherwise permitted under the Privacy Act. Information collected in these instruments is not used or shared for immigration enforcement purposes or any other purpose not specified above.

3. Use of Improved Information Technology and Burden Reduction

Web-based means of collecting this information were considered during the development of these proposed instruments. However, the access to adequate information technology could not be assumed for the individuals who will be completing these instruments. Therefore, ORR determined that fillable PDF is the best format for these instruments. This allows individuals who have access to computers to complete and file the form electronically, while also allowing the option to complete and file the forms by hand. To the extent possible, biometric information is collected electronically and, in all cases, it is converted to an electronic format for transmission to federal partners.

4. Efforts to Identify Duplication and Use of Similar Information

The information being collected by these instruments are not obtainable from other available 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 having the information provided through these instruments would impede ORR from performing its charged duty of making care and placement determinations for UC in its care. In order to make a determination regarding the suitability of a potential sponsor, ORR needs to collect the information requested in the *Family Reunification Application*, *Authorization for Release of Information*, and *Fingerprinting Instructions*. These proposed instruments are necessary for the continuous function of the sponsorship review process for releasing UC from ORR custody.

Most potential sponsors only sponsor one child, but some may apply to sponsor multiple children at the same time (e.g., sibling groups). These instruments are collected once per sponsorship attempt, which includes attempts to sponsor multiple children at the same time. In the event that a child transfers to another care facility, the new care provider facility would have access to the file. In some cases, the care provider facility conducts concurrent planning and investigates more than one potential sponsor per child in order to meet the goal of releasing a child to a sponsor in a timely and safe manner. In those cases, each potential sponsor would complete the Family Reunification Packet. Though exact figures are hard to come by, overwhelmingly most potential sponsors only apply to sponsor a child(ren) one time. Therefore, most potential sponsors are completing and signing the forms only once.

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 March 22, 2022, Volume 87, Number 55, pages 16194-16195, and provided a sixty-day period for public comment. During the notice and comment period, ORR received two comment letters – one submitted jointly by eight advocacy organizations and one submitted by an individual advocacy organization. All commenters supported the proposed changes to the forms. One commenter identified additional areas in the forms where ORR could replace the term “minor” with “child” and suggested that ORR further amend the forms to make those changes. ORR concurs with the commenter's suggestion and updated the forms accordingly.

9. Explanation of Any Payment or Gift to Respondents

No provision or gift to the respondent will be provided.

10. Assurance of Confidentiality Provided to Respondents

ORR has 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. A Privacy Act statement describing the authority for collecting the information, the principal uses, the routine uses that may be made of the information, and the effect of not providing all or some of the requested information, is provided to potential sponsors and, as appropriate, adult members of their households and adult caregivers. Under published routine uses, information may be shared with federal partners, including OPM and FBI, where it will be managed and used in accordance with their policies.

Official copies of the information collections reside at ORR grantee facilities and electronic copies are circulated between the facilities and ORR offices. The completed instruments are stored in a secure database that requires two-factor authentication for all users.

Biometric information collected by ORR is used specifically for background check purposes utilizing Federal databases.

11. Justification for Sensitive Questions

The *Family Reunification Application* asks potential sponsors whether individuals in their households have contagious medical conditions, whether the minor has any health conditions, and whether they or any individual in their household have criminal history. Under certain circumstances, ORR also collects the fingerprints of the potential sponsor, adults in the potential sponsor's household, and adult caregivers. ORR informs the potential sponsor that this information is necessary for to make a suitability determination. The potential sponsor signs the *Family Reunification Application*. Individuals from whom ORR collects fingerprints provide consent by signing the *Authorization for Release of Information*.

12. Estimates of Annualized Burden Hours and Costs

Estimated Burden Hours and Opportunity Costs for Respondents

Each potential sponsor must complete the *Family Reunification Application*, *Authorization for Release of Information*, and, under certain circumstances, have their fingerprints collected. Adult household members and adult caregivers must complete the *Authorization for Release of Information* and have their fingerprints collected

in certain circumstances. The *Letter of Designation* is completed by parents and legal guardians when applicable. Estimates for the number of respondents are drawn from data in the ORR database and estimates for the average burden hours are drawn from observed times of completion.

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

- Estimates for the number of respondents are drawn from data in the ORR database.
- Most respondents only apply to sponsor a child(ren) once.
- The average burden hours per response are drawn from observed completion times and include the time it takes the respondent to listen to the grantee case manager explain the instrument, ask follow-up questions, gather the required information and enter it into the instrument, gather required supporting documents, and get documents notarized, as applicable. The estimate also takes the following factors into account:
 - Travel may be necessary to obtain identity documents or notarize documents, as applicable. Travel is also required for respondents who are required to submit fingerprints.
 - Respondents will need to engage third parties to obtain all required information and documents. Third parties may include the respondent's household members, family, employer, accountant or tax preparer, bank, landlord, health insurance provider, notary, consulate, and certain Federal, State, or local government agencies.
- ORR assumes most respondents make minimum wage. The Federal minimum wage rate was multiplied by two to account for fringe benefits and overhead – $\$7.25 \times 2 = \14.50

Instrument Title	Annual Total Number of Respondents	Annual Total Number of Responses per Respondent	Average Burden Hours per Response	Annual Total Burden Hours	Average Hourly Wage	Total Annual Cost
Authorization for Release of Information (Forms FRP-2 & FRP-2s)	81,532	1	0.50	40,766	\$14.50	\$591,107.00
Family Reunification Application (Forms FRP-3 & FRP-3s)	122,950	1	1.00	122,950	\$14.50	\$1,782,775.00
Fingerprinting Instructions (Forms FRP-7 & FRP-7s)	81,532	1	1.25	101,915	\$14.50	\$1,477,767.50
Letter of Designation for Care of Minor (Forms FRP-9 & FRP-9s)	41,181	1	0.75	30,886	\$14.50	\$447,847.00
Estimated Annual Burden Hours Total:				296,517	Estimated Annual Cost Total:	\$4,299,496.50

Estimated Burden Hours and Opportunity Costs for Record Keepers

Grantee case managers (record keepers) explain the instruments to the potential sponsor and coordinate the collection and the subsequent transmission of the instruments back to the case manager. In cases where fingerprints are required, case managers also assist the potential sponsor in setting up a fingerprinting appointment. Case managers review all information provided by potential sponsors in the instruments to assess suitability to care for the UC.

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

- ORR funds approximately 235 care provider grantees.
- Estimates for the number of responses per record keeper are drawn from data in the ORR database.
- The average burden hours per response includes the time it takes to explain the instrument to the respondent, answer any follow-up questions, provide more extensive assistance completing the instrument when needed, connect the respondent to resources when needed (e.g., notary, government agency, consulate), and review the information and documents provided by the respondent. It also includes the time it takes to schedule a fingerprint appointment, when applicable.
- The cost to record keepers was calculated using wage data from May 2020 for the Bureau of Labor Statistics (BLS) job code 21-1021 Child, Family, and School Social Workers. The rate was multiplied by two to account for fringe benefits and overhead – $\$25.18 \times 2 = \50.36

Instrument Title	Annual Total Number of Record Keepers	Annual Total Number of Responses per Record Keeper	Average Burden Hours per Response	Annual Total Burden Hours	Average Hourly Wage	Total Annual Cost
Authorization for Release of Information (Forms FRP-2 & FRP-2s)	235	347	0.25	20,386	\$50.36	\$1,026,638.96
Family Reunification Application (Forms FRP-3 & FRP-3s)	235	523	0.25	30,726	\$50.36	\$1,547,361.36
Fingerprinting Instructions (Forms FRP-7 & FRP-7s)	235	347	1.00	81,545	\$50.36	\$4,106,606.20
Letter of Designation for Care of Minor (Forms FRP-9 & FRP-9s)	235	175	0.25	10,281	\$50.36	\$517,751.16
Estimated Annual Burden Hours Total:				142,938	Estimated Annual Cost Total:	\$7,198,357.68

13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

Respondents and record keepers will not incur any direct monetary costs, other than their time, in the completion of these instruments.

14. Annualized Cost to the Federal Government

Annualized Cost for Federal Staff

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 fingerprint background check results (Fingerprinting Instructions). No other instruments in this collection are routinely reviewed by Federal staff. 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 – $\$43.17 \times 2 = \86.34

Instrument Title	Annual Total Number of Federal Staff	Annual Total Number of Responses per Federal Staff	Average Burden Hours per Response	Annual Total Burden Hours	Average Hourly Wage	Total Annual Cost
Fingerprinting Instructions (Forms FRP-7 & FRP-7s)	75	1,087	15.00	1,222,875	\$86.34	\$105,583,027.50
Estimated Annual Burden Hours Total:				1,222,875	Estimated Annual Cost Total:	\$105,583,027.50

Annualized Printing Cost

This estimate assumes that record keepers print and mail instruments to approximately 50% of respondents at a cost of \$0.05 per page.

Instrument Title	Annual Total Number of Respondents	Annual Total Number of Responses per Respondent	Pages per Instrument	Total Pages	Cost per Page	Total Annual Printing Cost
Authorization for Release of Information (Forms FRP-2 & FRP-2s)	81,532	1	4	326,128	\$0.05	\$16,306.40
Family Reunification Application (Forms FRP-3 & FRP-3s)	122,950	1	11	1,352,450	\$0.05	\$67,622.50
Fingerprinting Instructions (Forms FRP-7 & FRP-7s)	81,532	1	1	81,532	\$0.05	\$4,076.60
Letter of Designation for Care of Minor (Forms FRP-9 & FRP-9s)	41,181	1	2	82,362	\$0.05	\$4,118.10
Estimated Annual Burden Hours Total:				1,842,472	Estimated Annual Cost Total:	\$92,123.60

15. Explanation for Program Changes or Adjustments

- **Authorization for Release of Information –**
 - ORR replaced the term “minor” with “child.”
 - ORR removed the Alien Registration Number field since it is not required for background checks.
 - ORR removed reference to “past and present immigration status” since that information will no longer be collected in the Family Reunification Application.
- **Family Reunification Application –**
 - ORR replaced the term “minor” with “child.”

- o **Proof of Identity** – ORR added clarification that individuals under the age of 21 may use the ORR *Verification of Release* form with a photograph to meet this requirement.
- o **Proof of Immigration Status or U.S. Citizenship** – ORR removed the requirement that potential sponsors provide documentation verifying their immigration status or U.S. citizenship. ORR no longer uses this information as a criterion to determine when a sponsor care plan is required, therefore, it is no longer necessary to collect this information.
- o **Proof of Address** – ORR also removed the phrase “dated within the last two months” that appears after the current lease line item because it is not applicable to those that acceptable form of documentation.
- o **Burden Estimate** – Increased the average burden hours per response from 0.75 hours to a more accurate estimate of 1.0 hour.
- **Letter of Designation for Care of a Minor** –
 - o ORR replaced the term “minor” with “child.”
 - o ORR increased the average burden hours per response from 0.5 hours to a more accurate estimate of 0.75 hours.

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.