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Office of Management and Budget (OMB)

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Date: June 9, 2022

Subject: Non-Substantive Change Request – Services Provided to Unaccompanied Children (OMB #0970-0553)

This memo requests approval of a non-substantive change to the approved information collection, Services Provided to Unaccompanied Children (OMB #0970-0553).

BACKGROUND

The Services Provided to Unaccompanied Children information collection contains 22 instruments that allow ORR to collect information necessary to provide services to Unaccompanied Children (UC) as required by the Homeland Security Act (6 U.S.C. 279), the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 (8 U.S.C. 1232), and the *Flores* Settlement Agreement (No. CV85-4544-RJK (C.D. Cal. 1996)). The collection was last approved by OMB on April 28, 2022 and expires on April 30, 2025.

On November 18, 2018, Plaintiffs filed their class action lawsuit, captioned *Duchitanga v. Huang* (No. 18 Civ. 10332 (PAC) (JW)), asserting claims under the TVPRA, the Due Process Clause, and the Administrative Procedure Act. The lawsuit alleged that ORR's policy established fingerprinting requirements for sponsors and household members which led to delays in the release of UC. The Parties executed a Settlement Agreement and the court approved on May 5, 2022. As part of the Settlement Agreement, ORR is obligated to meet certain deadlines relating to the scheduling and processing of sponsor's and household members' fingerprints, and to provide monthly reports demonstrating compliance with those terms.

OVERVIEW OF REQUESTED CHANGES

ORR is proposing several revisions to the *UC Case Status* form, which is located within ORR's case management system, UC Portal. The purpose of the *UC Case Status* is to allow case managers to monitor the status of high-level milestones in the UC's case. This form is largely auto-populated with a handful of fillable fields. The proposed revisions described below will allow ORR to comply with the *Duchitanga* Settlement Agreement, have a centralized place to document the information of the case manager assigned to the UC, and improve the organization of the form.

Duchitanga Settlement Agreement

These proposed new fields will allow ORR to collect the data necessary to meet the reporting requirements laid out in the Settlement Agreement and to monitor its compliance with the terms of the Agreement. Without the requested changes, ORR will be unable to meet its obligations under the Settlement Agreement.

Several of the proposed fields were already approved by OMB for use in a new case management system that ORR had previously planned to use, in the *Sponsor Application* (Form S-24). However, ORR is continuing to use its UC Portal system and is required to begin collecting this data under the Settlement Agreement. Therefore, ORR proposes rewording these fields and moving them into the *UC Case Status* form in the UC Portal.

| Proposed UC Case Status Field | Corresponding Field in Form S-24 | Notes |
|--|---|--|
| Method of Fingerprinting (ORR Digital Site, Fieldprint, Paper fingerprint cards) | Format (ORR Digital Site, Paper) | Reworded and added new option to dropdown menu. |
| Fingerprint cards sent to adult by case manager - Date sent | | New field. Only required when paper fingerprint cards are being used. |
| Complete fingerprint cards received by PSC - Date received | Date Paper Prints Received by PSC | Reworded. Only required when paper fingerprint cards are being used. |
| First available fingerprint appointment - Date available | Initial Appointment Date Offered | Reworded. Only required when prints are taken at a digital site (ORR or Fieldprint). |
| Accepted fingerprint appointment - Date of appointment | Date Appointment Accepted | Reworded. Only required when prints are taken at a digital site (ORR or Fieldprint). |
| ID sent to ORR Digital Site - Date sent | | New field. Only required when prints are taken at an ORR digital site. |
| ARI sent to ORR Digital Site - Date sent | Date ARI Form Uploaded | Reworded. Only required when prints are taken at an ORR digital site. |

Other Proposed Revisions

Reorganization of Background Checks Section

These proposed revisions will better organize and improve functionality for the Background Checks section of the form.

- Split background check information between two separate tabs, one for the sponsor and the other for household members and alternate adult caregivers.
- Reorganized fields capturing the dates background checks were requested and received to be in a table format and to be grouped by sponsor, household member, or alternate adult caregiver rather than by type of background check. All date fields continue to be auto-populated.

New Case Manager Information Section

These proposed revisions will provide a centralized place where care provider and ORR staff can determine which case manager is assigned to the UC's case and, if applicable, who the previous case manager was.

This new section includes a check box the user can select to indicate that they are the primary case manager. Checking the box will cause the below fields to appear in the primary case manager subsection.

- Name (auto-populated)
- Email Address (auto-populated)
- Phone Number (text field)
- Organization (dropdown field with options for EIS Virtual, EIS Onsite, Federal Detailee, ICF, Licensed Facility, and USCIS Virtual CM)

If a new case manager is assigned, when that person selects the primary case manager check box, the previous case manager's information will be auto-populated into a previous case manager subsection and the new case manager's information will appear in the primary case manager subsection.