

Unaccompanied Alien Children Assessment of Children and Sponsors

**OMB Information Collection Request
0970 - NEW**

Attachment A - Summary of Public Comments and ORR Responses

April 2025

Type of Request: New Collection

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

ORR expresses its appreciation to the public for the thoughtful and detailed comments in response to this information collection request. In addition to comments specific to the information collection, several of the comments received relate to the overall program are outside the scope of the purpose for which comments on the information collection were solicited. As specified in 5 C.F.R. § 1320.8(d), these purposes are: whether the form and the information it collects are necessary for what the agency is trying to accomplish through the form and whether the information collected will have practical utility; to evaluate the paperwork burden of filling out the form and whether the agency's estimate of the burden was correct; the usefulness of the information being collected on the form; and, minimizing the form completion burden. Where comments fell outside the scope of these purposes, ORR extends its thanks to the public and will consider these comments in our future work.

Sponsor Assessment (Form S-5)

1. A commenter representing *Lucas R.* plaintiff counsel expressed concern that the form does not sufficiently document ORR's affirmative duty to "support and assist otherwise viable potential sponsors in accessing and coordinating appropriate post-release community-based services and supports available in the community to support the sponsor's ability to care for a child with one or more disabilities" as contemplated on the Unaccompanied Children Program Foundational Rule, (45 C.F.R. § 410.1311(e)(2)) and *Lucas R.* Disability Settlement § V.B.1. The commenter suggested adding a prompt to the Care Plan tab to affirmatively document steps ORR will undertake to help the sponsor better understand the child's needs related to their disability, as well as the support ORR will provide to connect the sponsor to appropriate post-release services available in their community.

ORR Response: ORR thanks the commenter for their suggestion and agrees to incorporate the proposed additional field in the Sponsor Assessment (Form S-5) to better document the provision of affirmative support to potential sponsors of children with disabilities required under the *Lucas R.* settlement agreement and Unaccompanied Children Program Foundational Rule.

2. The same commenter, representing *Lucas R.* plaintiff counsel, raised concern that the Sponsor Assessment (Form S-5) also does not properly consider whether ORR has taken all the required steps to assist a sponsor with understanding and supporting the needs of a child with a disability, and that it has considered its required due diligence in this regard during the sponsor assessment process; it is necessary to ensure that case managers and unification specialists have and consider all relevant information before issuing a release recommendation in order to avoid unnecessary denial or delay of release to sponsors of children with disabilities. To this end, the commenter suggests modifying the Sponsor Assessment Tab to include fields documenting any outstanding concerns the case manager may have about the sponsor's ability to care for a child with a disability, the steps ORR has taken to help the sponsor understand the child's needs, the sponsor's awareness of the child's 504 Individualized Service Plan, and ORR's actions to date to execute the plan.

ORR Response: ORR thanks the commenter for their suggestion and agrees to incorporate the proposed additional field in the Sponsor Assessment (Form S-5) to better document the provision of affirmative support to potential sponsors of children with disabilities when the Case Manager notes outstanding concerns for the sponsor's ability to care for the child. ORR will now require Case Managers to describe actions taken to educate the sponsor on the child's needs,

the Post-Release Services that will be available to the sponsor, and their anticipated impact on the safety of the potential release, as required under the Lucas R. settlement agreement.

3. The same commentor, representing *Lucas R.* plaintiff counsel, identified the need to document the Unification Specialist's assistive role in supporting safe reunification between sponsors and children with disabilities. To this end, the comment recommends adding a field to the Sponsor Assessment (Form S-5) under the Unification Specialist Assessment that documents how the unification specialist's Sponsor Suitability Recommendation has been informed by ORR's affirmative duty to aid potential sponsors seeking custody of children with disabilities.

ORR Response: ORR thanks the commentor for their suggestion and agrees to incorporate the suggested edits to the Sponsor Assessment form in order to consistently document ORR's duty to affirmatively assist potential sponsors to meet the needs of children with identified disabilities during the sponsor vetting process; given the Unification Specialist's central role in this process, it is appropriate to incorporate these specific criteria in the Sponsor Suitability Recommendation.

4. The same commentor, representing *Lucas R.* plaintiff counsel, cites to the 1988 U.S. Department of Health and Human Services Nondiscrimination on Basis of Handicap in Federally Conducted Programs and Activities Rule ([45 C.F.R. § 85.21](#); *id.* [§ 84.68\(b\)\(7\)\(i\)](#)) to elevate their concern that ORR must not discriminate against a potential sponsor with a disability during the sponsor vetting process; ORR is obligated to offer reasonable modifications to the standard sponsorship process to facilitate the process for sponsors with disabilities. The commentor suggests the addition of a field to the Care Plan tab to document what, if any accommodations have been made for a sponsor with disability in the sponsorship process.

ORR Response: ORR appreciates the feedback provided by the commentor and agrees to amend the Sponsor Assessment - Care Plan to document support or reasonable accommodations or modifications made for sponsors with disabilities seeking reunification with an unaccompanied alien child. ORR prioritizes the safe and timely release of all children to well-qualified sponsors and affirms that sponsors with disabilities are entitled to reasonable accommodations to facilitate their participation in the process as well as to ensure they may meet the needs of the child.

5. The same commentor, representing *Lucas R.* plaintiff counsel, cites to the Unaccompanied Children Program Foundational Rule at 45 C.F.R. § 410.1311(e)(1) (see also Disability Settlement § V.B.2) to elevate their concern that the sponsorship process does not sufficiently demonstrate ORR's contemplation of the potential benefits of releasing a child with a disability to a community-based setting. To rectify this, the commentor suggests modifying the Sponsor Assessment Summary under the Case Manager Assessment to specifically prompt the case manager to evaluate the potential benefits of community placement for the child in their final assessment of the sponsor.

ORR Response: ORR thanks the commenter for their suggestions to better document ORR's contemplation of the benefits to the child that result from reunifying with the identified sponsor in the sponsor's community setting. ORR made conforming edits to the document to clarify that care provider case managers document these factors when evaluating the suitability of potential

sponsors. ORR acknowledges that access to community resources and support can significantly impact safety and well-being for all released children.