

September 12, 2025

Submitted electronically via www.reginfo.gov/public/do/PRAMain

Administration for Children and Families
Office of Planning, Research, and Evaluation (OPRE)
330 C Street SW, Washington, DC 20201
Attn: Mary C. Jones, ACF/OPRE Certifying Officer

Office of Refugee Resettlement (ORR)
Unaccompanied Children Bureau
Attn: Toby Biswas, ACF/ORR Director of Policy

RE: ORR Proposed Information Collection Activity: Revisions to Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970-0278), 2025-07075 (90 FR 17438).

Dear Ms. Jones and Mr. Biswas,

The Young Center for Immigrant Children’s Rights (Young Center) submits this comment in response to the referenced information collection activities entitled “Unaccompanied Alien Children Sponsor Application Packet (OMB #0970-0278)” (“Sponsor Application Packet”).

Since 2004, the Young Center has served as the federally-appointed independent Child Advocate, akin to a best interests guardian *ad litem*, for child survivors of trafficking and other vulnerable unaccompanied immigrant children in government custody, as authorized by the Trafficking Victims Protection Reauthorization Act, 8 U.S.C. § 1232(c)(6)(A) (hereafter TVPRA). Child Advocates are independent advocates for children’s best interests, including their safety, expressed wishes, wellness, and legal rights.

As justification for the proposed changes to the Sponsor Application Packet, ORR states that its “priority is to ensure the safety and well-being of the children in (ORR) care, which begins with ensuring the sponsorship process is free from fraud.”¹ Yet, the proposed changes belie their stated intent. With these changes, ORR contravenes federal law, long-established practice, and its own commitments to Congress by prioritizing immigration enforcement objectives at the expense of children’s safety and wellbeing. These proposed changes have cost children, including the profound psychological harm of prolonged detention and family separation.²

¹ Unaccompanied Alien Children Sponsor Application Packet, OMB Information Collection Request, 0970 – 0278, Attachment A - Summary of Public Comments and ORR Responses, https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202508-0970-005. Attachment A - Summary of Public Comments and ORR Responses July 2025

² Complaint for Declaratory and Injunctive Relief, *Angelica S. v. HHS*, Case No. 25-cv-01405 (D.D.C. May 8, 2025) (“*Angelica S.*”).

In response, in May and June 2025, the Young Center submitted comments objecting to related information collections, including the rescission of the Unaccompanied Child Foundational Rule provision limiting information-sharing at 45 C.F.R. 410.1303(h)(2), and revisions to the Sponsor Application Packet that were unwarranted, onerous, and in conflict with ORR’s child welfare mandate.³ Unfortunately, rather than recognize and address the concerns raised by the Young Center and other commenters in past rounds of revision and comment, ORR continues to adopt changes to the Sponsor Application Packet that are harmful to children and their families.

Thus, for the same reasons expressed by the Young Center previously, and the additional reasons discussed below, we object to the proposed changes.

I. ORR’s proposed revisions subvert legal protections for unaccompanied children and well-established child welfare best practices in the interest of immigration enforcement objectives.

ORR proposes adding three new forms to the Sponsor Application Packet: Affidavit of Financial Support (Form SAP-8); Sponsor Application for *Ms. L* Separation Cases (Form SAP-9); and DNA Testing Instructions (Form SAP-10). ORR also proposes revisions to existing forms, including adding a field to the Authorization for Release of Information (Form SAP-2) to collect Social Security Numbers or Tax Identification Numbers from sponsors, and narrowing the types of identity documents that will be accepted as part of the Sponsor Application (Form SAP-3).⁴

These proposed revisions to the Sponsor Application Packet reflect several ORR policy changes enacted since February 2025 that prioritize immigration enforcement above established protections and practice in the care of unaccompanied children.

On March 25, 2025, ORR announced it would rescind with immediate effect 45 C.F.R. 410.1303(h)(2), which protected information collected during sponsor vetting from being used for immigration enforcement purposes.⁵ As ORR itself recognized when adopting the regulations, “it

³ Young Center Comment on the Interim Final Rule “Unaccompanied Children Program Foundational Rule; Update to Accord with Statutory Requirements,” RIN 0970-AD16, May 27, 2025, <https://www.regulations.gov/comment/ACF-2025-0004-0384>; Young Center Comment on Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970-0278), 2025-07075 (90 FR 17438), and Unaccompanied Alien Children Bureau Assessments for Children and Sponsors (Office of Management and Budget #0970-NEW), 2025-09370 (90 FR 22296), June 24, 2025, https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202504-0970-010.

⁴ Supporting Statement Part A – Justification, OMB Information Collection Request, 0970 – 0278 (Aug. 2025), https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202508-0970-005.

⁵ 2025-04971 (90 FR 13554), <https://www.regulations.gov/comment/ACF-2025-0004-0384>.

The Young Center submitted comments opposing the IFR, which went into immediate effect, as a violation of children’s rights to privacy, safety, and best interests. Sharing sponsor’s immigration status information for immigration enforcement purposes causes vulnerable children to stay detained in federal immigration custody much longer than they otherwise would. Young Center Comment on the Interim

is not an immigration enforcement agency, and does not have statutory authorization to investigate the immigration status of potential sponsors.”⁶ ORR also recognized that “safeguarding and maintaining the confidentiality of unaccompanied children’s case file records is critical to carrying out ORR’s responsibilities under the HSA and the TVPRA.”⁷ Whereas ORR previously “(did) not share immigration status information relating to potential sponsors with any law enforcement or immigration entity at any time,”⁸ the agency now facilitates the Department of Homeland Security’s (DHS) unfettered access to children.⁹ These changes are operationalized in the proposed Authorization for Release of Information (Form SAP-2).

In February 2025, ORR issued Field Guidance #26 requiring all adult sponsors (including parents and legal guardians), adult household members, and adult caregivers identified in a Sponsor Care plan to complete fingerprint checks with ORR before a child can be approved for release to the sponsor.¹⁰ ORR followed up in March 2025 with Field Guidance #27, which effectively requires any biologically-related sponsor to submit their DNA for testing.¹¹ These policies are operationalized in the proposed Fingerprinting Instructions (Form SAP-5) and DNA Testing Instructions (Form SAP-10).

On March 7, 2025, ORR amended its policy to significantly restrict foreign-issued photo identification and require that any foreign passports contain a “temporary I-551 stamp or I-94,” thereby prioritizing a sponsor’s immigration status over verification of their identity. On July 4, 2025, Congress enacted a budget resolution that established stricter identification requirements to identify and collect sensitive information from sponsors and members of their households.¹² Specifically, the new law authorizes ORR to collect sponsors’ Social Security or Tax

Final Rule “Unaccompanied Children Program Foundational Rule; Update to Accord with Statutory Requirements,” RIN 0970-AD16, May 27, 2025, <https://www.regulations.gov/comment/ACF-2025-0004-0384>.

⁶ Unaccompanied Children Program Foundational Rule, 2024-08329 (89 FR 34384 April 30, 2024), <https://www.federalregister.gov/documents/2024/04/30/2024-08329/unaccompanied-children-program-foundational-rule>. ORR also acknowledges that immigration enforcement falls outside its mandate and scope of authority in the proposed Frequently Asked Questions.

⁷ *Id.*

⁸ ORR limited consultation with federal agencies to “placement determinations to ensure that unaccompanied children are likely to appear at all hearings and proceedings in which they are involved; are protected from smugglers, traffickers, and others who might seek to victimize or otherwise engage them in criminal, harmful, or exploitative activity; and are placed in a setting in which they are not likely to pose a danger to themselves or others.”

⁹ “Federal law enforcement to begin interviewing unaccompanied migrant children in government custody,” CNN (Aug. 8, 2025), <https://www.cnn.com/2025/08/08/politics/exclusive-federal-law-enforcement-to-begin-interviewing-unaccompanied-migrant-children-in-government-custody>.

¹⁰ ORR Field Guidance #26 -- Fingerprint Background Checks and Acceptable Supporting Documentation for a Family Reunification Application (Feb. 14, 2025), <https://acf.gov/sites/default/files/documents/orr/ORR-FG-26-Revised-Fingerprint-Requirements-for-Sponsors-and-HHM--02-14-2025-.pdf>.

¹¹ ORR Field Guidance #27 -- DNA Testing Expansion (Mar. 14, 2025), <https://acf.gov/sites/default/files/documents/orr/FG-27 - DNA Testing Expansion.pdf>.

¹² One Big Beautiful Bill Act, Pub. L. 119-21 (2025).

Identification Numbers to share with immigration enforcement agencies. These changes are operationalized in the proposed Sponsor Application (Form SAP-3) and Sponsor Application for *Ms. L* Separation Cases (Form SAP-9).

In July 2025, ORR issued guidance to care providers requiring in-person verification of sponsor identification and interrogations with DHS for immigration enforcement investigative purposes. Lack of notice to sponsors of these interrogations denies sponsors due process and places them at risk of adverse enforcement consequences. The Young Center Child Advocate Program has learned that several of the interrogations have resulted in sponsors' arrest and detention, further delaying children's release from federal custody and making other sponsors afraid to come forward.

These changes do not advance ORR's stated goal of protecting children's safety and wellbeing. Instead, these changes make it extremely difficult for any sponsor – the majority of whom are parents, legal guardians, or other adult relatives¹³ – to qualify if they are undocumented (even if they have pending applications for immigration relief). Through these and other policy changes, ICE is performing immigration enforcement functions through ORR, and usurping ORR's own delegated authority to vet sponsors.

II. ORR's revisions to the Sponsor Application Form impose onerous requirements on sponsors that exceed and contravene its legal authority.

ORR claims that the proposed Sponsor Application Packet is supported by legal authority, but in doing so distorts and disregards key provisions of the laws that govern the UC system.

Specifically, ORR cites the TVPRA and the Unaccompanied Child Foundational Rule, which require ORR to “create policies to ensure that unaccompanied children are protected from traffickers and others seeking to victimize them or otherwise engage them in criminal, harmful, or exploitative activity.”¹⁴ ORR also notes that the TVPRA and Foundational Rule obligate ORR to “make a determination that the proposed custodian is capable of providing for the child's physical and mental well-being.”¹⁵ Yet ORR appears to overlook the provisions of the TVPRA and Foundational Rule that prioritize children's best interests and require prompt and continuous efforts toward a child's release without unnecessary delay.¹⁶

¹³ Admin. for Children and Families, Office of Refugee Resettlement, Facts and Data, Released to Sponsors: Total monthly discharges by category to individual sponsors, as of the last day of the month, in FY2025. <https://acf.gov/orr/about/ucs/facts-and-data>.

¹⁴ Unaccompanied Children Program Foundational Rule - Final Rule, 2024-08329 (89 FR 34384), citing TVPRA, <https://www.govinfo.gov/content/pkg/FR-2024-04-30/pdf/2024-08329.pdf>; see also §410.1202(b) (sponsor suitability).

¹⁵ 8 U.S.C. § 1232(c)(3)(A); 45 C.F.R. § 410.1202(b).

¹⁶ 45 C.F.R. § 410.1203(a); 45 C.F.R. § 410.1201(a).

Both the statute and regulations are clear that a sponsor is suitable so long as they can provide for the child's physical and mental wellbeing.¹⁷ The Foundational Rule codifies the order of preferred sponsors to (1) a parent; (2) a legal guardian; (3) an adult relative; (4) an adult individual or entity designated by the parent or legal guardian; (5) a licensed program willing to accept legal custody; or (6) an adult individual or entity seeking custody (at ORR's discretion and when there is no other alternative).¹⁸ Per the TVPRA, the sponsor vetting process simply requires "verification of the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child."¹⁹ While ORR may conduct home studies in cases where sponsors "*clearly* present a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available *objective* evidence," extensive background checks are not necessary for all sponsors.²⁰

Yet, ORR in this proposed information collection distorts the language in the TVPRA and Foundational Rule to subject children's parents, legal guardians and close relatives to heightened scrutiny beyond what is required, without the clear and objective evidence of safety risk conditioned under the TVPRA.²¹

III. With the newly introduced forms, ORR disregards court orders that clearly define its obligations to uphold basic due process protections for children's sponsors.

Under *Ms. L v. ICE*, which pertains to parents and children who are apprehended together and separated by immigration enforcement officials, ORR has an obligation to facilitate a streamlined process for class members.²² To promote children's best interests, the Court ordered that "the government need not comply with the onerous (vetting) policies" to release children to the parents the government separated them from. The Court ordered that ORR should not delay reunification with unwarranted background checks on the parent or other adults in the parent's household.²³ The Court was clear that "the touchstone here is the interest of the parent in making decisions for their child, and presumably the parent has the child's best interests in mind."²⁴

The proposed *Ms. L* Sponsor Application (Form SAP-3) applies the same restrictive vetting process to parents and legal guardians impermissibly separated from their children when taken into DHS custody. The form only "streamlines" the restrictive sponsor vetting process inasmuch as it exempts other adult household members of separated parents from it.²⁵ The form prohibits foreign-

¹⁷ 45 C.F.R. § 410.1205(a); see also 8 U.S.C. § 1232(c)(3)(A).

¹⁸ 45 C.F.R. § 410.1201(a).

¹⁹ 8 U.S.C. § 1232(c)(3)(A).

²⁰ 8 U.S.C. § 1232(c)(3)(B) (emphasis added).

²¹ 8 U.S.C. § 1232.

²² Order Following Status Conference filed in *Ms. L. et al v. Immigration and Customs Enforcement*, Case No., 3:18-cv-00428 (S.D. Cal.), at 2-3 (July 10, 2018).

²³ *Id.* at 3.

²⁴ *Id.* at 4.

²⁵ "The form mostly collects the same information about the sponsor as Form SAP-3, except that fields asking for information about household members or alternate caregivers are not included."

issued or expired photo identification, the most commonly accessible form to a typical parent apprehended and separated at ports of entry.²⁶ As currently written, the *Ms. L.* Sponsor Application form requires separated parents to go through the same “onerous (vetting) process” proscribed by the Court.

Under *Lucas R. v. Azar*, a federal court reasoned that “because at least three courts have found ORR’s prior vetting procedures for parental sponsors violate due process,” the importance of procedural safeguards needed to be underscored to avoid “uncertainty, insecurity, and controversy” in the future.²⁷ Specifically, the Court held that “requiring written notice of denial and the right to appeal will help correct any errors or miscommunication that lead to unnecessarily prolonged detention and infringement of Class Members’ strong interests in familial relationships and to be free of restrictive placements.”²⁸ Under the terms of a settlement, familial sponsors have a right to notice of sponsorship decisions within 10-14 days of ORR’s receipt of their applications, notice of the basis of any denied applications, and the right to appeal within 30 days of request.²⁹ The Court also imposed a 90-day review period of children’s reunification process as a procedural guardrail to limit excessive and lengthy time in custody³⁰ As if to prove the Court’s point, children’s length of detention rose sharply following the implementation of ORR’s superfluous sponsor requirements from a 35-day average to 112 days in March 2025, climbing further to 217 days in April 2025.³¹

The instructions for each form and the Frequently Asked Questions page omit critical information to sponsors about their rights to notice and appeal. The FAQ only lists the following six clarifying questions, none of which address the rights children and their sponsors are entitled to under *Ms. L.* or *Lucas R.*:

1. Can I sponsor my child if I am without lawful immigration status (“undocumented”) or out of status?

²⁶ The form does state: “We *may* consider other U.S. or foreign government-issued documents not included in this list if at least one of the documents includes a photograph.” However, this statement is inexact and sows confusion as to whether foreign-issued photo identification is sufficient and acceptable for *Ms. L.* class members.

²⁷ Order Granting Declaratory Judgment in *Lucas R. v. Becerra*, Case No. 18-CV-5741, ECF 447 (C.D. Cal. Sept. 16, 2024) (“*Lucas R.*”), citing *Guerra v. Sutton*, 783 F.2d 1371, 1376 (9th Cir. 1986).

²⁸ In-Chambers Order Re Cross Motions for Summary Judgement filed in *Lucas R.* (Doc. No. 376) at 39 (March 11, 2022).

²⁹ *Id.* at 11; see also ORR Policy Guide Section 2.7, Recommendations and Decisions on Release, Section 2.7.7 Notification of Denial and 2.7.8 Appeal of Release Denial, <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.7.8>.

³⁰ Summary Judgment Order filed in *Lucas R.* (Doc. No. 376, Mar. 11, 2022), at 41.

³¹ Mary Giovagnoli, *Immigrant Kids Trapped in U.S. Custody: The Hidden Crisis Inside the Office of Refugee Resettlement*, Ms. Magazine (May 2, 2025), <https://msmagazine.com/2025/05/02/immigrant-kids-trapped-in-u-s-custody-the-hidden-crisis-inside-the-office-of-refugee-resettlement/>; Valerie Gonzalez, *ICE is showing up to interview parents hoping to reunite with their children who entered US alone*, ABC News (Sept. 2, 2025), <https://abc7ny.com/post/trump-administrations-ice-is-showing-interview-parents-hoping-reunite-children-entered-us-alone/17719830/>.

2. Is there a cost to sponsor a child?
3. Do I need an attorney to sponsor a child?
4. Why do I have to submit my fingerprints?
5. What information do I have to provide?
6. When do I need to give these documents to my Case Manager?

The FAQs do not include explanations of sponsors' right to appeal the in-person sponsor verification policy. And again, due to egregious changes in ORR's information sharing procedures, any information that ORR collects from sponsors could be shared with federal enforcement agencies and stored in databases without their full and informed consent. The lack of notice to sponsors about how the information collected in the Authorization of Release of Information form will be used and ICE's role in the vetting process threatens to trap sponsors into serious immigration enforcement consequences and makes the failure to explain their rights even more harmful.

IV. The proposed new forms and revisions to the Sponsor Application Packet will cause considerable harm to children by extending their separation from family and worsening the traumatic effects of their prolonged detention.

Children and their family members have publicly reported their confusion and immense stress of the heightened vetting policies underlying the proposed Sponsor Application Packet.³² Multiple child welfare and health experts have decried the psychological harms of prolonged separation stemming from these policies.³³ The Young Center has repeatedly warned of the dangerous consequences of information-sharing with ICE and other enforcement agencies.³⁴ Disclosure of

³² Complaint for Declaratory and Injunctive Relief filed in *Angelica S.* (May 8, 2025); Declaration of J.E.D.M. filed May 9, 2025, *Angelica S.*

³³ Comment from American Academy of Pediatrics, Academic Pediatric Association, American Academy of Child and Adolescent Psychiatry, American College of Physicians, American Pediatric Society, Association of Medical School Pediatric Department Chairs, National Association of Pediatric Nurse Practitioners, Pediatric Policy Council, Society for Adolescent Health and Medicine, Society for Pediatric Research on the Interim Final Rule RIN 0970-AD16; "ORR also does not consider the impact the (info-sharing) IFR is having on prolonging family separation...Prolonged exposure to highly stressful situations — known as toxic stress — can disrupt a child's brain architecture and affect his or her short- and long-term health." Advocates for Human Rights, *Take Action: Oppose Expansive and Invasive Data Collection Schemes for People Applying for Immigration Status* (May 1, 2025), <https://www.theadvocatesforhumanrights.org/News/A/Index?id=567>.

³⁴ Young Center, Migration and Refugee Services, Women's Refugee Commission, National Immigrant Justice Center and Lutheran Immigrant and Refugee Services, *The ORR and DHS Information-Sharing Agreement and its Consequences* (Oct. 2019), <https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2019-05/ORR-DHS%20Information-Sharing-Consequences-2019-04-29.pdf>; Young Center Comment on the Interim Final Rule "Unaccompanied Children Program Foundational Rule; Update to Accord with Statutory Requirements," RIN 0970-AD16 (May 27, 2025), <https://www.regulations.gov/comment/ACF-2025-0004-0384>; Immigration Enforcement At All Costs: How the Trump Administration is Endangering Unaccompanied Immigrant Children (March 28, 2025),

sponsors' sensitive information has facilitated DHS's intimidation and interrogation of children and their sponsors, leading to their arrest, detention, and deportation.³⁵

By continuing to subvert the sponsorship process to serve immigration enforcement objectives at the expense of children's best interests, ORR has effectively abdicated its child welfare obligations and transformed into a puppet agency for ICE.

We urge ORR to honor its commitment to children, Congress, and the public by rescinding the proposed changes to the Sponsor Application Packet and reverting to its original mandate to promptly reunify children with the families, minimize their length of stay in detention, and prioritize their best interests above all else.

Sincerely,

Young Center for Immigrant Children's Rights



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<https://www.theyoungcenter.org/publications/immigration-enforcement-at-all-costs-how-the-trump-administration-is-endangering-unaccompanied-immigrant-children/>.

³⁵ Jose Olivares, *ICE seeking out unaccompanied immigrant children to deport or prosecute*, Guardian (Apr. 28, 2025), <https://www.theguardian.com/us-news/2025/apr/28/ice-unaccompanied-immigrant-children>; Lomi Kriel and Mica Rosenberg, *An agency tasked with protecting immigrant children is becoming an enforcement arm, current and former staffers say*, Texas Tribune/ProPublica (May 14, 2025), <https://www.texastribune.org/2025/05/14/office-of-refugee-resettlement-immigration-enforcement-trump/>.