



June 8, 2026

Toby Biswas  
Director of Policy,  
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Unaccompanied Children Bureau  
Office of Refugee Resettlement  
Administration for Children and Families  
Department of Health and Human Services  
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*Submitted* via email: [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov)

**RE: Proposed Information Collection Activity; Office of Refugee Resettlement Unaccompanied Refugee Minors Program Application and Withdrawal of Unaccompanied Refugee Minors Program Application or Declination of Unaccompanied Refugee Minors Program Placement Forms (Office of Management and Budget #0970-0550)**

Dear Mr. Biswas,

Immigrant Defenders Law Center ("ImmDef") submits the following comment in response to the Office of Refugee Resettlement, Administration for Children and Families, and the U.S. Department of Health and Human Services request for comment on proposed revisions to the Unaccompanied Refugee Minors (URM) Program Application and Withdrawal of Unaccompanied Refugee Minors Program Application or Declination of Unaccompanied Refugee Minors Program Placement Forms. See Office of Refugee Resettlement, Administration for Children and Families, and the U.S. Department of Health and Human Services; Unaccompanied Refugee Minors (URM) Program Application and Withdrawal of URM Program Application or Declination of URM Program Placement Forms (Office of Management and Budget #0970-0550), available at <https://www.federalregister.gov/documents/2026/04/09/2026-06805/proposed-information-collection-activity-office-of-refugee-resettlement-unaccompanied-refugee-minors>.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected;

and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.<sup>1</sup>

ImmDef is a nonprofit organization based in Los Angeles, California, with additional offices in Riverside, Santa Ana, and San Diego. We are Southern California's largest removal defense non-profit organization, providing pro bono legal services to thousands of indigent clients in removal proceedings each year. Since its founding in 2015, ImmDef has developed a wealth of relevant experience representing children in the care of the Office of Refugee Resettlement ("ORR"), those who have been placed in the Unaccompanied Refugee Minor ("URM") program, and those who have been released to sponsors in the community. ImmDef has provided direct legal services to over 27,000 unaccompanied children ("UC"), including hundreds of children who have been designated as URM. ImmDef also engages in policy advocacy and strategic litigation to further the rights of unaccompanied children and other immigrant communities. Accordingly, ImmDef has significant expertise regarding the barriers children face in seeking safe, stable, and appropriate long-term placements.

ImmDef has carefully reviewed the proposed revisions and has serious concerns that many of the changes will create substantial and unnecessary barriers to URM placement. In particular, the proposed form imposes an increased narrative burden, expanded document upload requirements, and heightened disclosure obligations that collectively will delay or altogether prevent access to the URM program for eligible youth. These changes risk prolonging children's time in custody, exacerbating mental health challenges, and increasing the likelihood that youth age out of eligibility before securing a placement. Additionally, the various proposed changes prevent prompt placement in the least restrictive setting, contrary to what is mandated by the Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA").

In addition, restricting gender options on the URM application to solely "male" and "female" is inconsistent with federal anti-discrimination principles and fails to reflect the lived realities of many unaccompanied children. Forcing youth to select inaccurate gender categories can undermine their dignity, erode trust, and obscure critical information relevant to their safety. More importantly, gender identity can be directly relevant to a child's protection needs, including experiences of persecution, family rejection, or heightened risk of harm. Expanding gender options to include nonbinary and self-identified categories would promote accurate data collection; support trauma-informed, child-centered care; and align the application process with current legal and policy standards.

The URM program serves some of the most vulnerable children in ORR custody including those who cannot safely reunify with family members and therefore depend on timely access to long-term foster care placement. ImmDef respectfully requests that ORR, Administration for Children and Families, and the U.S. Department of Health and Human Services reconsider the proposed changes discussed below.

#### **I. The Proposed Changes Impose Expanded Document Upload Requirements that Create Significant Administrative Barriers**

The proposed changes to the application significantly expand the number of documentation uploads required for the URM application. Many UCs and assisters may not have all the documentation and records required to submit the application. By emphasizing comprehensive documentation

uploads, there is an increased burden on UC youth navigating a journey to a long-term safe placement. Children with extended ORR custody histories, multiple placements, or trauma-related incidents will face higher risk of application delays as a result. These delays can have serious consequences for UCs who are experiencing prolonged detention or approaching age-out.

The URM application process is already complex, time-intensive, and administratively burdensome, particularly for youth approaching their 18th birthday. ImmDef has clients for whom even minimal delays or logistical barriers had severe consequences. For example, E.R.<sup>2</sup> received approval of his SIJS-based Form I-360 less than one month before turning 18. Counsel immediately requested initiation of the URM application, and the application was submitted just five days before his birthday. Although a URM provider had confirmed an available placement, ORR declined to open the application, citing insufficient time to complete the process. As a result, E.R. was discharged on his 18th birthday to a homeless youth shelter, in a city he did not know. In another ImmDef case, counsel for S.M. proactively contacted the child's case manager and URM program leadership to assess whether the youth could be accepted into the program if temporary guardianship were secured before her 18th birthday. Despite these efforts, the program ultimately declined due to lack of capacity. S. M was released to a community sponsor. Together, these cases demonstrate that even where youth are eligible and placements may be viable, administrative hurdles, timing constraints, and capacity limitations already prevent access to the URM program. Adding further documentation and narrative requirements will only increase processing time and exacerbate these existing barriers, heightening the risk that eligible youth will age out and face homelessness before their applications are adjudicated.

These expanded requirements are inconsistent with ORR policy recognizing that documentation may be incomplete, inconsistent, or unavailable due to the nature of migration and custody history. See ORR URM Policy Guide § 1.4 (acknowledging various reasons for discrepancies in identity and age documentation). The proposed requirement that identity documents originate from a minor's country of origin and the exclusion of ORR-issued records to verify A-numbers impose limitations that are not aligned with accepted evidentiary flexibility under current ORR policy.

As recognized in ORR URM Policy Guide § 1.4, age discrepancies may arise for a variety of reasons. The proposed requirement that documentation originate from a minor's country of origin is inconsistent with the range of acceptable evidence contemplated in ORR URM Policy Guide § 1.4.1. Additionally, the language in Section 2 requiring documentation to verify a minor's Alien Number ("A#")—specifically stating that "documents issued by ORR do not serve as proof of a minor's A#"—unduly limits the documentation available to assisters seeking to complete the application in a timely manner. Excluding ORR-issued records in certain sections while implicitly relying on them in others creates inconsistent and confusing requirements. These inconsistencies are likely to delay application completion and, in turn, prolong a minor's time in ORR custody, imposing unnecessary burdens on both assisters and unaccompanied children navigating the process.

Moreover, the increased mandatory uploads related to identity, immigration status, custody history, health, education, and placement history are not always accessible to one provider or organization. There are several parties involved during a UC's journey leading to a URM program application—various case managers, ORR staff, legal service providers, the Department of Homeland Security, the State Department, and the Executive Office for Immigration Review may all play a role. The accessibility of complete records often results in fragmented documentation burdening the UC or assister. The

cumulative effect of these proposed changes continues to create a higher administrative barrier for the most vulnerable UC youth and potentially limit URM access based on documentation collection rather than eligibility.

ImmDef recommends clarifying that children will not be penalized if documents are missing or unavailable, especially when those records are controlled by ORR or other agencies. ImmDef also urges ORR to recognize that many unaccompanied children have incomplete or complex records due to their migration and placement history. The application should serve as a neutral intake process—not a screening tool—and should not create barriers to accessing the URM program.

## **II. The Proposed Changes to the URM Program Application Weaken a Child-Centered Approach to Placement**

A child-centered approach to placement is paramount and that requires taking into account the child's preferences, as well as those of their current provider, without debasing the child using dehumanizing language.

ImmDef recommends restoring the “Minor's Preference” section in Section 4 of the application, which has been removed in the proposed form. This section is critical to ensuring that placement decisions reflect the child's best interests and individual needs. Without an opportunity to express their preferences, youth are effectively excluded from the placement process at the outset. This exclusion can lead to adverse outcomes, including prolonged time in custody, delayed community integration, and an increased risk of aging out of eligibility. It may also result in youth rejecting placements that do not align with their needs—outcomes that could be mitigated by incorporating their input earlier in the process.

Children should be encouraged to participate in decisions regarding their long-term placement and be given a meaningful voice from the outset of the application process. A range of factors—such as geographic location, educational opportunities, and access to supportive resources—can significantly influence whether a placement is appropriate and sustainable. Restoring this section would enable youth to articulate their goals and needs, thereby supporting more informed and effective placement decisions by ORR. Without this input, the application risks functioning primarily as a screening mechanism rather than as a truly child-centered process.

ImmDef also recommends restoring the “Current Provider Recommendations” section. Current providers often play a central role in completing the application and maintain regular contact with the youth. They may possess a deep understanding of the child's current circumstances and history, and may be well positioned to provide meaningful insight into the child's needs, strengths, and placement preferences.

Moreover, ImmDef rejects ORR's reversion to the term “Unaccompanied Alien Child” over “Unaccompanied Child” in these forms and throughout ORR documents and policy. While the word “alien” exists in the statute, it is broadly considered a dehumanizing slur. The decision to include the addition of the word “alien” does nothing to increase clarity, is not legally required, and merely serves to diminish the humanity of the children ORR is tasked with protecting. ImmDef recommends removing the term from ORR documents and policy to align with a child-centered approach to describe children in ORR care.

### **III. The Proposed Changes Expand Sponsor and Family Reunification Disclosures in Ways that Harm Unaccompanied Minors**

Section 6 of the proposed revisions significantly expand required disclosures related to family reunification and prior sponsorship history. Applicants must now list all prior sponsors determined to be unable, unwilling, or unsuitable; including sponsor determinations made during earlier periods of ORR custody. Sponsor vetting determinations, home studies, and reunification decisions are often made early in ORR custody, sometimes years before a URM application is contemplated.

Records that contain sponsor vetting information may be fragmented across multiple providers or unavailable to the child or the assister completing the application.

While the URM program operates under a distinct framework, ORR's UAC Policy Guide reflects broader agency standards governing sponsorship, best interest determinations, and institutional responsibilities. These proposed requirements conflict with ORR's established sponsorship framework, which places responsibility for vetting and suitability determinations on ORR and its providers—not on the child. See ORR UAC Bureau Policy Guide §§ 2.2 and 2.3 (sponsor assessment and release decision-making). Requiring minors to reconstruct these determinations improperly shifts institutional responsibility onto the child.

Further, ORR policy recognizes that family reunification decisions are complex, case-specific, and subject to evolving circumstances. See ORR UAC Bureau Policy Guide § 2.7 (family reunification considerations). These determinations rely on information obtained through ORR's sponsor vetting and assessment processes, much of which is not within the child's knowledge or control. The proposed form fails to account for this reality and instead penalizes minors for incomplete or unavailable information.

Requiring explanations of why a child did not reunify with a parent or why reunification is not in the child's best interest will often be difficult because the relevant information and underlying reasons are rarely available or known to one person. These determinations typically arise from a complex set of circumstances documented across multiple stages of ORR custody and involving many different providers, case managers or ORR staff. As a result, these expanded requirements may delay placement, discourage participation, and limit access to the URM program, particularly for youth who lack access to complete records.

### **IV. The Proposed Changes Expand Behavioral and Mental Health History Reporting in Ways that Harm Minors**

The proposed revisions to Section 7 significantly expand required disclosures related to behavioral and mental health history, regardless of where the underlying events occurred (e.g., in the child's home country, during migration, or within the United States). It remains unclear how broad historical disclosures, including one-time incidents without regard to context or location, will be evaluated in determining eligibility for the URM program. Many UCs have experienced trauma, often exacerbated during periods of instability or while in custody. Requiring comprehensive disclosure of these experiences may deter applicants who would otherwise benefit from the program, while also compelling minors to revisit traumatic events they may not be prepared to share due to fear or lack of support.

The proposed changes also require disclosure of one-time incidents and submission of reports from the child's entire time in ORR custody—not just recent or relevant events. These reports often reflect only the provider's perspective and do not give the child a chance to explain what happened. In many cases, these incidents reflect temporary stress rather than ongoing concerns. ImmDef urges ORR to clarify that past incidents, especially those that are resolved, age-related, or tied to specific situations, will not be used to disqualify otherwise eligible children. This information should only be used to understand a child's current needs and ensure appropriate placement, consistent with ORR URM Policy Guide § 2.3.2.

ImmDef also recommends restoring the requirement that any determination regarding whether a child poses a danger to themselves or others be made by a qualified clinician or evaluator. Such assessments should be conducted by professionals equipped to consider the child's developmental stage, trauma history, and overall context. Additionally, requiring disclosure of mental health treatment—such as hospitalizations, emergency care, or residential treatment—should not be used as a negative factor in placement decisions. Rather, a child's engagement with medical or mental health services should be recognized as a positive indicator of support and care, not as a basis for limiting access to the URM program.

Finally, ImmDef recommends reinstating the language “determined by a clinician or other qualified evaluator” in the Section 7 question, “Is the minor a danger to themselves or others, to support items checked above...?” within the Physical, Behavioral, and Mental Health Information section. Determinations of this nature should be made by qualified professionals who are equipped to apply trauma-informed, developmentally appropriate criteria. Additionally, disclosures regarding whether a minor has been transported to the emergency room, hospitalized, or received residential mental health treatment should not be treated as negative factors. Instead, such information should be viewed as evidence of the child's engagement with necessary care and support, rather than as a basis for limiting access to placement.

## **V. ORR Should Require or Encourage Consultation with Legal Counsel in URM Placement Decisions**

Given the complexity of the application and the significant consequences of URM placement decisions, ImmDef strongly recommends that ORR incorporate measures to ensure minors have meaningful access to legal counsel.

ORR policy recognizes the importance of legal services in safeguarding children's rights and supporting informed decision-making. See ORR UAC Bureau Policy Guide § 3.7 (legal services). Incorporating consultation with counsel into the application process would align with this framework.

Specifically, ORR should 1) encourage consultation with counsel prior to application submission; 2) provide space to indicate whether counsel has been consulted; and 3) ensure legal representatives can meaningfully contribute to applications where appropriate.

Legal counsel is critical in ensuring accuracy, minimizing delays, and protecting the best interests of the child.

## **VI. Conclusion**

While ImmDef supports efforts to improve the URM application process, the proposed changes impose substantial and unnecessary burdens that risk delaying or denying access to the program. These revisions undermine ORR's own policy framework by shifting responsibility onto minors, increasing administrative barriers, and failing to adhere to trauma-informed and child-centered principles. Furthermore, the proposed changes risk prolonging children's confinement in ORR custody and undermine child welfare principles and the TVPRA's mandate that children be placed in the least restrictive environment. TVPRA, 8 U.S.C. § 1232(c)(2)(A).

ImmDef respectfully urges ORR to reconsider the proposed changes and to revise the application to reduce administrative burdens, clarify requirements, and align the process with established ORR policies. ImmDef further recommends incorporating safeguards, including access to legal counsel and contributions from a child advocate to ensure that eligible youth are not improperly excluded from URM placement. We also urge OMB to withhold approval for such changes. Thank you for your consideration.

Sincerely,



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