

Unaccompanied Alien Children Sponsor Application Packet

**OMB Information Collection Request
0970 - 0278**

Attachment A - Summary of Public Comments and ORR Responses

July 2025

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

ORR received four comment letters from advocacy groups and one comment letter from class counsel in *Angelica S. v HHS*. 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, a few of the comments received relate to underlying policy and are thus outside the scope of the purpose for which comments on the information collection were solicited. As specified in 5 C.F.R.s. 1320.8(d), these purposes are to: evaluate 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; enhance the usefulness of the information being collected on the form; and minimizing the form completion burden. Although some of the comments summarized below are outside of the scope for this specific information collection, ORR extends its thanks to the public and will consider these comments in our future work.

General

1. The commenter noted that ORR changing the information collection title from "Family Reunification Application for Sponsors of Unaccompanied Alien Children" to "Unaccompanied Alien Children Sponsor Application Packet" had suggested broader changes in ORR's approach to its legal responsibilities. They argued that the ORR Foundational Rule had emphasized family unification and the release of unaccompanied children to vetted sponsors, prioritizing family members. They also referenced the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), saying it had supported family reunification whenever possible. The commenter believed these changes undermined ORR's mission to prioritize child welfare and family reunification. The commenter recommended that ORR maintain "family reunification" in the title of the information collection to help center ORR's continued commitment to this consideration as part of individualized sponsor assessments and to humanize a process rooted in children's best interests.

ORR Response: ORR thanks the commenter for their recommendation. ORR's primary purpose is to ensure the safety and well-being of these children by placing them in the least restrictive setting and releasing them into the care of family members or other suitable sponsors. ORR respectfully declined the recommendation to maintain "family reunification" language. ORR feels that sponsorship language is all-encompassing of the various categories within the sponsorship process since not all releases are reunifications. Therefore, "sponsorship" is more accurate than "reunification."

2. The commenter noted that the term "alien" is widely regarded as a dehumanizing slur and praised the previous administration's decision to remove it from many ORR documents. They argued that the addition of "alien" does not enhance clarity, is not legally required, and diminishes the humanity of the children under ORR's care. The commenter recommended that ORR revert to using "unaccompanied child" instead of "unaccompanied alien child" in their forms and documents.

ORR Response: ORR appreciates the commenter's recommendation. The terminology adopted by each administration does not alter ORR's unwavering commitment to guaranteeing the safety and well-being of the children in our care. This language also aligns with the terminology used in the statute, see 6 U.S.C. 279(g)(2). Consequently, ORR has declined to adopt the recommendation.

Sponsor Application (Form SAP-3)

General

3. Three commenters expressed concern that the proposed changes to the Sponsor Application form would discourage individuals from becoming sponsors, resulting in more unaccompanied alien children remaining in ORR custody for longer periods. Commenters proposed this situation could hinder ORR's ability to meet its mission and legal obligations. The commenters recommended that the proposed changes to the Sponsor Application Form be rescinded.

ORR Response: ORR thanks the commenters for their recommendations to rescind the proposed changes to the Sponsor Application form. As ORR seeks to protect children in the sponsorship process, we insist these changes are necessary and declined to rescind them. Our priority is to ensure the safety and well-being of the children in our care, which begins with ensuring the sponsorship process is free from fraud.

4. The commenter noted that the proposed elimination of the "How to complete this application" section and the FAQ page would reduce transparency and clarity for potential sponsors. The commenter stated that these sections provided crucial guidance on the application process and the removal of these sections could deter sponsorship, especially given ORR's past information sharing with DHS and policies requiring lawful immigration status. The commenter believes these changes undermine ORR's child welfare mission and its ability to evaluate and place children safely and promptly. The commenter recommended that this explanatory information be retained to uphold ORR's legal obligations, clarify its independence from DHS, enable potential sponsors' engagement, and prevent prolonged delays in release.

ORR Response: ORR thanks the commenter for their recommendation. ORR agrees that the "How to Complete This Application" and "FAQ" sections provide valuable clarity for potential sponsors. ORR clarifies that these sections have not been removed from the application packet, rather, they have been moved from this form to the Sponsor Packet Introduction Letter (formerly titled "Cover Letter"), which will be provided to all potential sponsor applicants.

Proof of Identity Documents

5. Four commenters claimed the information collection narrowed the options for proving a sponsor's relationship to the child, requiring original or full-color copies of documents and removing the acceptance of expired documents. They argued that this change could create barriers and delays for potential sponsors, especially those from countries unable to provide such copies or those who have fled persecution. They also raised the concern that the proposed changes eliminate flexibility in accepting other valid documents and did not address the interaction with new DNA testing requirements. The commenters recommended the following:
 - ORR reconsider the requirement for full-color copies, provide clear guidelines and exceptions to avoid unnecessary barriers and delays, allow flexibility in accepting other valid documents, and consider the interaction with DNA testing requirements.
 - ORR rescind the proposed changes and accept documents consistent with the current version of the application, including accepting expired documents where necessary.
 - ORR retain discretion to accept and request additional documents as needed and permit potential sponsors the option to consent to DNA testing to prove a biological relationship if they did not have the necessary documents.
 - ORR retain the existing list of acceptable identity documents, or at minimum remove the requirement that a foreign passport include DHS authorization stamps.

ORR Response: ORR thanks the commenters for their input. We are focused on implementing new standards to protect our children from potential fraud and trafficking. ORR continues to evaluate sponsorship on a case-by-case basis, which includes possible exceptions to supporting document requirements based on the relationship of the potential sponsor and the child. ORR declined to revise the list of identity documentation requirements, including the DHS authorization stamp requirement, as we believe the stamp can help prevent passport forgery or tampering. Additionally, ORR has decided to maintain the requirement for "legible full color photocopies" of birth certificates to prevent fraud. ORR added a new instrument titled "DNA Testing Instructions" to provide potential sponsors with information about the DNA testing requirement.

6. The commenter criticized the new list of acceptable proof of identity documents as unsuitable and causing delays in family reunification. The commenter believed that the proposed changes narrowed the options for proving a sponsor's identity, affecting undocumented individuals by limiting acceptable documents to those typically available to U.S. citizens, lawful residents, or those with work authorization. The commenter stated that this approach creates significant delays and barriers for potential sponsors,

leading to prolonged custody for children. The commenter recommended that ORR rescind any proposed modifications restricting acceptable documents and develop a tailored list that is aligned with ORR's needs while maintaining flexibility to verify documents on a case-by-case basis.

ORR Response: ORR appreciates the commenter's recommendation. Our updated standards aim to protect vulnerable children from potential fraud and trafficking. While ORR has exceptions for proof of identity documents based on sponsor category, we have decided not to rescind any proposed modifications restricting acceptable documents. Sponsorship applications are reviewed on a case-by-case basis once all required information and documentation are submitted.

7. The commenter stated that using USCIS Form I-9 requirements for ORR's sponsor application form was inappropriate because they served different purposes. The commenter explained that Form I-9 was designed to verify work authorization, while ORR's form was meant to establish identity and sponsor suitability. The commenter further stated that USCIS documents are not accessible to many potential sponsors, who are often undocumented, and that this mismatch leads to unnecessary delays in releasing children from ORR custody, violating legal obligations to place children in the least restrictive setting promptly. The commenter recommended reconsidering changes to the list of acceptable identity documents and proof of sponsor-child relationships.

ORR Response: ORR thanks the commenter for their recommendation. Our primary goal is to release children promptly to safe sponsors. Potential sponsors may request exceptions for identity documents, depending on their category or relationship to the child. Sponsorship applications are reviewed on a case-by-case basis once all required information and documentation are submitted. ORR respectfully declined to reconsider the proposed changes to the identity and proof of sponsor-child relationship documents.

Income Requirements

8. Three commenters were concerned about the new proof of income documentation requirement in the Sponsor Application (Form SAP-3). They recommend revising the list of acceptable proof of identity documents and the new income documentation requirement, arguing that these changes are restrictive and not justified by child welfare concerns. The commenters urged ORR to reconsider the narrow definition of acceptable income documentation and to provide flexibility for other forms of financial proof. They believed the current requirements disproportionately affect self-employed, low-income, and undocumented sponsors. The commenters suggested rescinding the additional proof of income documentation section while retaining the Financial Information section, allowing applicants to describe how they will provide for the child and to submit additional supporting documentation.

ORR Response: ORR thanks the commenters for their input. ORR declined the recommendation to rescind the proof of income requirements. However, we expanded the list of acceptable proof of income documentation. This includes the creation of a new form, the Affidavit of Financial Support (Form SAP-8), that sponsors may use as proof that they receive financial support from another individual.

9. The commenter contends that the proposed list of proof of income documents is overly restrictive and not justified by child welfare concerns. The commenter explained that many potential sponsors, especially those without work authorization or stable employment, may not have access to the specified documents. The commenter further stated that while ORR's regulations allow for income verification, the proposed list excludes alternative reliable information and this rigidity could prevent children from being placed with the most suitable sponsors, even if they can provide for the child's best interests. The commenter recommends that ORR adopt a more flexible approach to proof of income documentation, considering alternatives such as bank statements or attestations from others willing to support the child. The commenter noted that this would align with standard child welfare practices and ensure children are placed with the most suitable sponsors, prioritizing their best interests.

ORR Response: ORR appreciates the commenter's recommendation, and we expanded the list of acceptable proof of income documentation to include other alternatives. This includes the creation of a new form, the Affidavit of Financial Support (Form SAP-8), that sponsors may use as proof that they receive financial support from another individual. Sponsorship applications will continue to be reviewed on a case-by-case basis once all required information and documentation are submitted.

Proof of Address

10. The commenter recommends that the Sponsor Application retain the existing list of options as well as the notation that the potential sponsor can contact the case manager if unable to submit these forms of documentation. The commenter believes this will enable ORR to consider other valid documents that may not have been contemplated in the list but that may nevertheless reliably prove where the sponsor currently resides. The commenter also suggested that potential sponsors could be permitted the option to consent to a home study conducted by a child welfare professional if they are unable to access the requested documentation.

ORR Response: ORR appreciates the recommendations but declines to rescind changes to the list of acceptable documents. The notation to contact the case manager/sponsor specialist has been added back to the top of the Supporting Documents section. Sponsorship applications will be reviewed on a case-by-case basis once all necessary information is provided. If a category 1 sponsor cannot provide required documentation

and seeks a waiver, an ORR-mandated home study is now required. Effective 7/14/25, new guidance outlines conditions for denying release and adds subcategories to ORR-mandated home studies. Home studies are required if the potential sponsor claims a biological relationship but refuses a DNA test, the potential category 1 sponsor cannot provide documentation and seeks a waiver, the potential category 1 or 2 sponsor is not biologically related, or the potential sponsor is a category 3 sponsor.

Authorization for Release of Information (Form SAP-2)

11. Three commenters stated that they opposed the proposed changes allowing the sharing of sponsor immigration status information for enforcement purposes, recommending the maintenance of existing protections to ensure children's privacy and safety. They noted that the Unaccompanied Child Program Foundational Rule and the Privacy Act of 1974 limit ORR's authority to share records with third parties. Commenters argued this change violates children's rights to privacy, safety, and best interests.

The commenters also claimed changes in the information collection would further remove restrictions on sharing information with federal enforcement agencies, potentially deterring family members from sponsoring children due to fear of immigration enforcement. The commenters stated that sharing sponsor information with Immigration and Customs Enforcement (ICE) for enforcement purposes creates fear among potential sponsors, especially those without lawful immigration status, and that this fear can extend to those with lawful status due to recent aggressive enforcement tactics.

The commenters stated that sharing of information with ICE does not ensure children's safety, rather, it places them at risk for prolonged or indefinite detention. The commenters recommend that ORR restore the language clarifying that the Department of Homeland Security (DHS) cannot use sponsor information for immigration enforcement. They urge ORR to maintain its independence from DHS's enforcement functions and align policies with its child welfare mission. The commenters also advise against proceeding with the proposed changes, emphasizing the need to maintain existing protections to ensure children's privacy and safety, and to encourage family members and trusted adults to come forward as sponsors without fear of immigration enforcement.

ORR Response: ORR appreciates the commenters' recommendations. ORR issued an [Interim Final Rule \(IFR\)](#), effective March 25, 2025, to update the Unaccompanied Children Program Foundational Rule. This change eliminated the provision that prohibited ORR from sharing immigration status information with law enforcement in order to comply with existing Immigration and Nationality Act's information sharing requirements. Policy Guide Sections 5.10 and 5.10.7 have been updated to clarify that

ORR will share information with agencies like DHS and DOJ upon receiving proper authorization or legal orders.

In addition, ORR notes that the removed language was a reference to statutory restrictions placed on DHS. These restrictions will remain in place until such time as Congress decides to modify or remove them, regardless of whether they are cited in ORR documents. Further, all potential sponsors are provided information in writing about which non-HHS parties ORR may disclose information to and why, in accordance with the Privacy Act of 1974 and ORR's Systems of Record Notice (SORN).

ORR declined to restore the previous language to ensure alignment with regulations and ORR's SORN.

Procedural/PRA Concerns

12. Multiple commenters noted that ORR implemented changes before public comment and OMB review, causing inconsistencies and procedural unfairness. They argued that ORR's premature implementation undermines the goals of the Paperwork Reduction Act (PRA) and the effectiveness of its Unaccompanied Children Program. The commenters stated:

- ORR removed the Family Reunification Application Packet from its website, renamed it to Sponsor Application Packet (SAP), and required potential sponsors to create an online account to access the form. This change aligns with a February 2025 memorandum aimed at reducing exploitation risks by removing sponsor processes from public platforms. However, the memorandum did not detail the exploitation risks or consider impacts on transparency and potential sponsors' ability to make informed decisions. It also failed to address barriers for sponsors without internet access or English proficiency. These changes were not included in the Federal Register Notice, and ORR did not accurately factor them into the burden estimate for potential sponsors.
- ORR narrowed the use of foreign documents to prove identity, required proof of income, and removed clarifications that lawful immigration status is not required for sponsorship and that sponsors' information will not be shared for immigration enforcement purposes. This prevented public feedback on measures affecting vulnerable children's safety and wellbeing.

The commenters urge ORR to rescind these changes and ensure future proposals comply with PRA requirements. They also request that ORR provide an opportunity for potential sponsors affected by denials or delays due to these violations to have their applications reconsidered under the previous requirements. Any new approved requirements should be implemented prospectively to avoid disruptions and lack of notice to potential sponsors with ongoing applications.

ORR Response: ORR thanks the commenters for their recommendations. As ORR seeks to protect children in the sponsorship process, we insist these changes are necessary and have declined to rescind them. We have recalculated the burden estimates to reflect the digital application process. Electronic data is essential for ensuring accuracy, efficiency, and integration across various applications.

ORR clarifies that potential sponsors are always assigned an ORR sponsor specialist to walk them through the application process and answer all questions. In addition, ORR staff are able to assist sponsors who may have trouble using the app by inputting the information provided by the sponsor into the app. The sponsor may then either 1) review and electronically sign or 2) request PDF copies be emailed or mailed to them to review, sign, and send back to ORR. As a last resort, we still maintain PDF copies for handwritten applications.