

Unaccompanied Alien Children Sponsor Application Packet

**OMB Information Collection Request
0970 - 0278**

Attachment B - Summary of Public Comments and ORR Responses

January 2026

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

ORR received two 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.

Sponsor Application Packet General Comments

1. All commenters noted that ORR's new practice of sharing sponsor immigration status with the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) has created fear among potential sponsors—particularly parents and close relatives who may be undocumented. The commenters further stated that this practice discourages sponsorship applications, resulting in unaccompanied children remaining in ORR custody far longer than necessary and potentially causing permanent family separation. All three commenters recommended rescinding the proposed changes to the Sponsorship Application.

ORR Response: ORR appreciates the commenters' recommendations. On March 25, 2025, ORR issued an Interim Final Rule (IFR) updating the Unaccompanied Children Program Foundational Rule. This update removed the provision that previously prohibited ORR from sharing immigration status information with law enforcement, in order to comply with the information-sharing requirements of the Immigration and Nationality Act. Policy Guide Sections 5.10 and 5.10.7 have been revised to clarify that ORR may share information with agencies such as DHS and the Department of Justice (DOJ) when proper authorization or legal orders are provided.

Additionally, ORR notes that the removed language referenced statutory restrictions placed on DHS. These restrictions remain in effect unless and until Congress modifies or repeals them, regardless of whether they are cited in ORR documentation. All potential sponsors are provided with written information about which non-HHS entities ORR may share information with and the reasons for such disclosures, in accordance with the Privacy Act of 1974 and ORR's System of Records Notice (SORN).

While we thank the commenters for their recommendations to rescind the proposed changes to the Sponsor Application form, ORR maintains that these changes are necessary to protect children in the sponsorship process. Our priority is to ensure the safety and well-being of the children in our care, beginning with a sponsorship process that is secure and free from fraud.

2. Commenters urged ORR to prioritize child safety, protect against trafficking, and ensure timely placement with safe sponsors. They expressed concern that heightened documentation and restrictive policies delay release, disproportionately affecting parents and close relatives. The commenters further stated that automatically disqualifying sponsors based on documentation alone leads to unnecessary family separations and undermines ORR's child welfare mission and legal obligations. They noted that Federal court (*Angelica S. v. HHS*, D.D.C. 2025) found the rules likely unlawful. They also asserted that blanket documentation rules prevent case-by-case

“best interest” determinations required by 8 U.S.C. § 1232. They called for immediate policy revision to support children’s well-being and prompt reunification.

ORR Response: ORR appreciates the recommendations but maintains that the proposed Sponsor Application changes are necessary to ensure a secure, fraud-free process and protect children’s safety and well-being.

3. One commenter asserted that ORR violates due process by failing to provide written denials, appeal rights, and timely reunification reviews. They argued that the Sponsor Application Packet and FAQs do not adequately inform sponsors—particularly those with limited English proficiency—about their rights, the risks of information sharing with enforcement agencies, or the appeals process. The commenter believes these changes impose excessive burdens, prolong child detention, deter potential sponsors, and conflict with ORR’s child welfare mission and legal obligations. The commenter urges immediate policy revision to communicate their rights more clearly.

ORR Response: ORR appreciates the commenter’s recommendation. ORR clarifies that potential sponsors are always assigned an ORR Division of Sponsor Administration Federal Field Specialist to walk them through the application process and answer all questions. In addition, the forms are currently available in English and Spanish and ORR staff is working to translate the package documents into multiple languages. All potential sponsors are provided with written information about which non-HHS entities ORR may share information with and the reasons for such disclosures, in accordance with the Privacy Act of 1974 and ORR’s System of Records Notice (SORN).

ORR’s goal is to release UACs to suitable sponsors where consistent with its statutory mandate to ensure that placement does not result in danger to UACs, to the community, or risk of flight by any UAC. *See, e.g.,* 6 U.S.C. § 279(b)(1), (b)(2)(A)(ii); 8 U.S.C. § 1232(c)(1), (c)(3)(A). The TVPRA prohibits HHS from releasing a child to a proposed custodian unless HHS first “makes a determination that the proposed custodian is capable of providing for the child’s physical and mental well-being,” which “shall, at a minimum, include 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.” 8 U.S.C. § 1232(c)(3)(A).

Additionally, ORR considers all releases in line with the UC Program Foundational Rule, particularly 45 C.F.R. 410.1205 and 45 C.F.R. 410.1206.

Authorization for Release of Information (Form SAP-2)

4. Commenters emphasized that ORR’s statutory mandate is child welfare—not immigration enforcement. They stated that policies like the Authorization for Release of Information (Form SAP-2) effectively serve enforcement purposes by penalizing sponsors based on immigration status, which exceeds ORR’s authority. The commenters contended that these practices undermine proper sponsor vetting focused on child safety. Additionally, the commenters noted that the restricted list of acceptable ID

documents excludes common forms like foreign passports and expired IDs, disproportionately harming immigrant communities.

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 decline 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.

5. All commenters noted that ORR's use of USCIS Form I-9 Lists A and B to verify sponsor identity is inappropriate, as ORR's mission is to assess sponsor suitability—not immigration or work authorization status. They stated that this practice leads to the wrongful disqualification of safe and qualified sponsors based on irrelevant criteria. Commenters also argued that background checks such as fingerprinting and DNA testing already provide sufficient identity verification, making the restrictive documentation requirements unnecessary and arbitrary.

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 respectfully declines to reconsider the proposed changes to the identity and proof of sponsor-child relationship documents. ORR continues to evaluate sponsorship on a case-by-case basis once all required information and documentation are submitted, which includes possible exceptions to supporting document requirements based on the relationship of the potential sponsor and the child.

Affidavit of Financial Support (Form SAP-8)

6. Two of the commenters stated that the recently introduced Affidavit Form (SAP-8) is confusing and inconsistently worded, increasing the risk of inaccurate or incomplete submissions. They noted that the form contains unclear instructions and conflicting definitions of "dependents," "income," and "assets," which make it difficult to complete accurately. The commenters expressed concern that these inconsistencies, combined with vague terminology, could lead to errors that may result in application denials or legal penalties for perjury.

ORR Response: ORR appreciates the commenter's recommendations and has updated the Affidavit of Financial Support (Form SAP-8) as follows:

- We changed the layout of the form so that it is only completed by one respondent (as opposed to both the sponsor and their financial supporter entering information). This will make the form easier to complete, simplify instructions, and eliminate any logistical challenges that could occur by requiring two separate parties to enter information into and sign the same form.
- We updated the form's instructions to clarify the purpose of the form and make clear that it is an optional form.

- We separated income and assets into separate sections and clarified what the respondent should include for employment income, other income, and assets.
- We clarified that *dependents* refers specifically to individuals who rely on the respondent's income to provide for the majority of their basic needs, such as housing, food, and healthcare.

Sponsorship applications will continue to be reviewed on a case-by-case basis once all required information and documentation have been submitted. Potential sponsors are always assigned an UACB Division of Sponsor Administration Federal Field Specialist to answer any questions or provide more clarity when needed.

7. Two commenters also expressed concern that the form's complexity and warnings regarding interpreter use disproportionately burden applicants with limited English proficiency.

ORR Response: ORR thanks the commenter for their concern. Potential sponsors are always assigned a UACB Division of Sponsor Administration Federal Field Specialist to answer any questions or provide more clarity when needed. Sponsorship applications will continue to be reviewed on a case-by-case basis once all required information and documentation have been submitted. In addition, ORR translated the form into Spanish and plans to translate the form into other languages commonly spoken by sponsors in the future.