

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 17, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 410

RIN 0970–AD26

Unaccompanied Children Program Foundational Rule; Sponsor Assessment Update To Include Proof of Identity, Background Check, Placement, and Income Verification Standards

AGENCY: Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM, or proposed rule) would establish certain additional requirements for sponsor suitability assessments related to proof of identity, proof of income, and other information required for background checks to promote the safe placement of unaccompanied alien children (UAC). This NPRM proposes acceptable documentation for proof of identity and would require proof of income from potential sponsors of UAC in ORR custody by reason of their immigration status, as described in the Homeland Security Act of 2002 (HSA) and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPR). This NPRM also proposes amendments to background check requirements for sponsor suitability assessments and the conduct of examinations of UAC related to considerations of UAC dangerousness to self or others that align with the One Big Beautiful Bill Act. Finally, this NPRM proposes certain administrative updates to align numbering and terminology between proposals and existing

regulations. The docket on <https://www.regulations.gov> will include a plain language summary of the NPRM.

DATES: Consideration will be given to comments on this rulemaking received on or before August 25, 2026.

ADDRESSES: You may send comments, identified by Docket ID ACF–2026–0199 and/or RIN 0970–AD26, by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Email:** UACPolicy-RegulatoryAffairs@acf.hhs.gov. Include Docket ID ACF–2026–0199 and/or RIN 0970–AD26 in the subject line of the message.

Instructions: All submissions received must include the agency name and docket number or RIN for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Toby Biswas, Assistant Deputy Director-Policy, Unaccompanied Alien Children Bureau, Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services, Washington, DC, (202) 205–4440 or UACPolicy-RegulatoryAffairs@acf.hhs.gov.

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I. Table of Abbreviations

ACF—Administration for Children and Families
 DHS—Department of Homeland Security
 DOJ—Department of Justice
 EOIR—Executive Office for Immigration Review
 HHS—U.S. Department of Health and Human Services
 HSA—Homeland Security Act of 2002
 ICE—Immigration and Customs Enforcement
 I&A—Integrity & Accountability
 FBI—Federal Bureau of Investigation
 OIG—Office of Inspector General
 OMB—Office of Management and Budget
 ORR—Office of Refugee Resettlement
 TVPRA—William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
 UAC—Unaccompanied Alien Children
 USCIS—United States Citizenship and Immigration Services

II. Executive Summary

This NPRM proposes to amend the Unaccompanied Children Program Foundational Rule (the Foundational Rule), 45 CFR part 410, by establishing certain additional requirements intended to promote the safety of UAC when they are released to sponsors. The NPRM proposes adding a new paragraph (h) to existing § 410.1103 to explicitly authorize ORR to examine UAC in its custody for visible gang-related and/or other criminal organization-related tattoos (hereafter “gang-related”) markings, and/or brandings as part of ORR’s assessment of the UAC’s potential dangerousness to self or others or potential to be a victim of trafficking in persons. It would also establish, at § 410.1202(b) and (c), additional requirements for sponsor suitability assessments regarding proof of identity, proof of income, and background checks. Specifically, this NPRM proposes the establishment of a new requirement to submit proof of income, updated requirements for background checks, and a list of acceptable documentation for potential sponsors of UAC to demonstrate proof of identity. ORR is proposing these requirements in response to concerns identified by external and internal investigations of the safety of UAC who have been released from ORR custody, which include instances of suspected document fraud, identity fraud, identity misrepresentation, alias use, shared contact information, and exploitation.¹ These proposals have been carefully considered in light of ORR’s statutory obligation to ensure the well-being of each UAC in its care. In addition, this NPRM, based on recently enacted legislation that provided ORR funds for fiscal year 2025 through September 30, 2028 to support various activities, would propose clarifications to ORR’s existing practices, including with respect to sponsor background checks and examinations of UAC for gang-related tattoos or markings. See One Big Beautiful Bill Act, Public Law 119–21, tit. VIII, sub. tit. H, sec. 87001(b)(3) (July 4, 2025). Finally, this NPRM proposes

¹ See Minority Staff of S. Comm. on Homeland Sec. and Governmental Affs., 117th Cong., Federal Care of Unaccompanied Children: Minors Remain Vulnerable to Trafficking and Abuse (2022). [https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Federal%20Care%20of%20Unaccompanied%20Alien%20Children%20Report%20\(FINAL\).pdf](https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Federal%20Care%20of%20Unaccompanied%20Alien%20Children%20Report%20(FINAL).pdf); and U.S. Dept. of Health and Human Services, Office of Inspector General, Gaps in Sponsor Screening and Follow up Raise Safety Concerns for Unaccompanied Children, Report No. OEI–07–21–00250 (Feb. 8, 2024). <https://oig.hhs.gov/reports/all/2024/gaps-in-sponsor-screening-and-followup-raise-safety-concerns-for-unaccompanied-children/>.

administrative updates to terminology and regulatory structure.

III. Background and Scope of Regulatory Action

A. Authority and Background

In this NPRM, ORR proposes additional proof of identity, proof of income, and background check requirements for sponsor suitability assessments in accordance with its statutory responsibilities. Pursuant to the TVPRA at 8 U.S.C. 1232(c)(3)(A), “an unaccompanied alien child may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child’s physical and mental well-being,” and “[s]uch determination 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.” Under § 410.1202(b), ORR must conduct a suitability assessment of a potential sponsor that at minimum must “consist of review of the potential sponsor’s application package, including verification of the potential sponsor’s identity.” Further, § 410.1203(c) requires that potential sponsors of UAC submit supporting documentation, including identity documents, with a sponsor application. ORR may also require “verification of the employment, income, or other information provided by the potential sponsor as evidence of the ability to support the child” as part of the suitability assessment under § 410.1202(c). ORR is further required under § 410.1202(c) to conduct background and criminal record checks of all potential sponsors and adult residents (e.g., any individual 18 years or older) of the potential sponsor’s household. Neither statute nor ORR regulations, however, specifically delineate the types of documents ORR would accept as proof of identity or proof of income, nor do they delineate specific processes for conducting background checks of potential sponsors and adult residents of their households. Instead, ORR has historically described detailed requirements in sub-regulatory guidance.

As further explained below, both internal ORR investigations and external entities have identified continuing concerns related to the safety of UAC who have been released to sponsors from ORR custody. In response to these concerns, through this proposed rule, ORR proposes acceptable types of

sponsor proof of identity documentation, to require proof of income, and certain required components of a background check to ensure the safety of UAC released to sponsors. Notwithstanding existing ORR policies in the ORR Unaccompanied Alien Children Bureau Policy Guide (ORR Policy Guide) as well as other sub-regulatory guidance concerning minimum requirements for vetting potential sponsors, which ORR has updated several times since its original publication in 2015,² these investigations have identified specific gaps in ORR’s processes, resulting in situations where the safety of UAC could have been or has been compromised.

For example, Congressional oversight requests and investigations have identified gaps and suggested enhancements to ORR’s sponsor vetting process.³ In December 2022, the Permanent Subcommittee on Investigations within the U.S. Senate Committee on Homeland Security and Governmental Affairs published a report identifying concerns with ORR’s sponsor vetting process.⁴ The report noted that ORR’s completion of sponsor background checks had declined despite an increase in the number of UAC who entered the United States over the same period. The Subcommittee also reported that, when UAC were released to a parent, sponsor background checks were inadequate and certain background check requirements were waived. The report stated that “waiving background check requirements on household members—even when ORR is releasing

a child to a parent—exposes the child to potential risk and abuse.”⁵ The Subcommittee recommended ORR establish additional safeguards in its sponsor vetting process, such as enhancing procedures for verifying pre-existing relationships and developing formal guidance for case managers to apply during the verification process.⁶ The Subcommittee also recommended updates to the ORR Policy Guide to indicate that, if a potential sponsor or household member refuses to comply with required background checks, ORR will prohibit release of a UAC into their custody.⁷

In March 2023, ORR established an Integrity & Accountability (I&A) Team as an independent body within ORR with defined responsibilities to detect, prevent, mitigate, and report potential fraud and exploitation in the sponsor application process. The I&A Team is responsible for reporting all suspected fraud-related incidents to the HHS Office of Inspector General (OIG) and to the U.S. Department of Homeland Security (DHS) for law enforcement assessment and, where appropriate, criminal investigation.⁸ The I&A Team found multiple instances of potential fraud, both perpetrated by or perpetrated on UAC and potential sponsors. Examples included instances of UAC and sponsors using altered birth certificates or unaltered birth certificates belonging to other people. The team found that some potential fraud involved collusion with family members in the country of origin. For example, the I&A Team identified ten UAC who were released to sponsors with falsified documents in October 2024. In one case, the I&A Team found that a woman and her partner attempted to sponsor a total of 15 UAC by using multiple aliases over a five-year period. The aliases were only discovered when the sponsor underwent fingerprinting. These cases illustrate the importance of biometric verification and cross-case comparison of identifiers, including names, dates of birth, addresses, telephone numbers, email addresses, and other application data, to identify potential fraud schemes involving aliases, recycled contact information, or repeated sponsorship attempts.

The I&A Team also identified several instances of attempted or successful extortion related to sponsorship of UAC. In several of these cases, an individual

² See ORR Unaccompanied Alien Children Bureau Policy Guide (Policy Guide): Record of Posting and Revision Dates, section 2.2.4. <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-record-posting-and-revision-dates>.

³ See, e.g., Letter from Sen. Grassley (Jan. 23, 2024). https://www.grassley.senate.gov/imo/media/doc/grassley_to_dhs_fbi_child_trafficking_referral1.pdf (indicating that the Senator had evidence of suspicious sponsors and summarizing several instances of apparent sponsor fraud, including a case of “a male subject who provided questionable documents to sponsor a young female. Although he claimed to be one of the girl’s close relatives, he later posted photographs of the female on social media showing himself touching her in a suggestive manner.”). See also Letter from Sen. Cassidy (May 16, 2024). https://www.help.senate.gov/imo/media/doc/2024-05-16_letter_from_sen_cassidy_to_secbecerrareoversightoforr.pdf (detailing letters sent to HHS, the Department of Labor (DOL), and a federal contractor related to sponsor vetting).

⁴ See Minority Staff of S. Comm. on Homeland Sec. and Governmental Affs., 117th Cong., Federal Care of Unaccompanied Children: Minors Remain Vulnerable to Trafficking and Abuse (2022). [https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Federal%20Care%20of%20Unaccompanied%20Alien%20Children%20Report%20\(FINAL\).pdf](https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Federal%20Care%20of%20Unaccompanied%20Alien%20Children%20Report%20(FINAL).pdf).

⁵ *Id.* at 36.

⁶ *Id.* at v.

⁷ *Id.*

⁸ See Policy Guide, section 5.8.2. <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-5#5.8.2>.

demand payment to sponsor a UAC. One scheme consisted of 17 reported instances of successful extortion over four months, totaling \$27,694. In light of the I&A Team's findings, ORR has concluded that these types of fraud are often difficult to identify and therefore may likely be underreported. In another scheme, a previous sponsor used multiple identity documents associated with two different aliases and three different addresses to sponsor or attempt to sponsor three UAC. This sponsor was arrested and indicted by a Federal grand jury in April 2025 for serious charges including, but not limited to, sex trafficking, assault, and aggravated identity theft. In another case, a sponsor posed as a female UAC's adult brother using fake identity documents. The fraudulent sponsor then raped and impregnated the youth after her release, which resulted in the sponsor's arrest and incarceration in November 2024 on State sexual assault charges in Ohio and for which the sponsor is now serving a four-year prison term. In another ongoing case, an individual sought to sponsor a total of four UAC over a period of five years, using three aliases, five different addresses (one of which was used by six other adults to sponsor UAC), and a phone number associated with sixteen other adults who sponsored or attempted to sponsor UAC. This sponsor, as of December 2025, faces charges of making false, fictitious, or fraudulent statements.

The HHS OIG also investigated ORR's sponsor screening process and published its findings in February 2024.⁹ OIG found that 16 percent of case files for UAC released to sponsors in March and April of 2021 lacked any documentation that showed one or more required sponsor safety checks, including required public background checks, were conducted. Further, OIG identified several UAC who were released to sponsors who had missing or incomplete documents in their case files related to the screening process, and found that in 35 percent of UAC's case files, sponsor-submitted IDs (e.g., images or scans of photo IDs, birth certificates, or legal documents) contained legibility concerns. OIG recommended, among other things, that ORR implement additional safeguards to ensure that all safety checks are conducted and documented prior to

approving the release of a UAC to a sponsor. In light of findings of incidents in which the identity of a potential sponsor was not adequately verified, and safety checks were not completed, ORR has reexamined its requirements and is proposing updates in this proposed rule to address the issues identified.

Considering these concerning findings (e.g., failures in verifying sponsor identity and completing required background checks, the ORR I&A Team's findings of potential fraud and extortion in the sponsor application process, and Congress' recommendations that ORR enhance its release processes), in March and April of 2025, ORR published sub-regulatory guidance updating its proof of identity and proof of income requirements. These updates were challenged in the District Court for the District of Columbia, which issued a preliminary injunction based on concerns that ORR was departing from prior policies without sufficient explanation.¹⁰

Notwithstanding the preliminary injunction, ORR believes that the identified risks to child welfare remain urgent, and that its current sponsor assessment requirements are inadequate to address the risks identified.

Additionally, on January 20, 2025, President Trump issued Executive Order 14159, which specifically directs HHS to take "all appropriate action to stop the trafficking and smuggling of alien children into the United States."¹¹

Based on concerning child welfare findings and Executive Order 14159, and pursuant to ORR's statutory responsibilities (see, e.g., 8 U.S.C. 1232(c)(1) and 8 U.S.C. 1232(c)(3)(A)), ORR therefore proposes in this NPRM additional requirements with respect to background checks, acceptable forms of identification for potential sponsors, and proof of income from potential sponsors as described in this proposed rule. These updated requirements would further advance the ORR I&A Team's goals to identify instances of potential fraud, would help ORR carry

out its statutory responsibilities, and would support needed changes identified by the investigations described above. For reasons further explained below, ORR also believes that this proposed rule addresses the concerns noted by the District Court with respect to its previous attempts to update its proof of identity and proof of income requirements through sub-regulatory guidance.

Additionally, Public Law 119–21, which was signed into law on July 4, 2025, provided additional funds to be used by ORR for enumerated purposes, including specific elements to be included as part of background checks for potential sponsors and for determinations of whether a UAC poses a danger to self or others. See One Big Beautiful Bill Act, Public Law 119–21, tit. VIII, sub. tit. H, sec. 87001. ORR is accordingly proposing certain additional requirements relevant to background checks and UAC dangerousness assessments.

B. Scope of Regulatory Action

This proposed rule would update the Foundational Rule with respect to considerations generally applicable to the placement of a UAC described at § 410.1103 and sponsor suitability requirements described at § 410.1202. Specifically, this proposed rule would establish that ORR may examine a UAC for gang-related tattoos and markings, and would establish additional requirements regarding proof of identity, proof of income, and background checks for sponsor suitability assessments. The proposals would update previous sub-regulatory guidance that was in place until March 7, 2025, as to proof of identity, and April 15, 2025, as to proof of income.¹² Further, ORR believes it has authority under the Foundational Rule and TVPRA to propose these updated requirements, including assessing UAC for dangerousness based on gang affiliation, but also believes that it has the authority to propose these specific updates to align with purposes described in Public Law 119–21. The standards proposed in this NPRM would apply to all UAC in ORR's custody. Lastly, this proposed rule would amend the definition of "unaccompanied child" at § 410.1001 to

¹⁰ See Order, *Angelica S. v. U.S. Dep't of Health & Human Servs.*, No. 1:25-cv-01405 (D.D.C. June 9, 2025) (*Angelica S.*), ECF No. 34 (certifying a class of plaintiff unaccompanied alien children and enjoining application of ORR policy updates concerning proof of identity and proof of income with respect to the class); Memorandum Opinion (June 9, 2025), ECF No. 35 (preventing ORR, in a "narrow" decision, from "creating a new blanket policy that departs from its previous one without explaining how it weighed the disrupted reliance interests against other valid considerations").

¹¹ Executive Order 14159: Protecting the American People Against Invasion. 90 FR 8443 (2025). <https://www.federalregister.gov/documents/2025/01/29/2025-02006/protecting-the-american-people-against-invasion>.

¹² See Policy Guide, section 2.2.4. <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.2.4> and see dates and descriptions of revisions to the Policy Guide at the ORR Unaccompanied Alien Children Bureau Policy Guide: Record of Posting and Revision Dates. <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-record-posting-and-revision-dates>.

⁹ U.S. Dept. of Health and Human Services, Office of Inspector General, Gaps in Sponsor Screening and Follow up Raise Safety Concerns for Unaccompanied Children, Report No. OEI-07-21-00250 (Feb. 8, 2024). <https://oig.hhs.gov/reports/all/2024/gaps-in-sponsor-screening-and-followup-raise-safety-concerns-for-unaccompanied-children/>.

include the HSA statutory term “unaccompanied alien child.”

IV. Discussion of Elements of the Notice of Proposed Rulemaking

This section provides detailed discussion of the proposed updates to regulations at part 410, which would establish updated requirements for proof of identity documentation, proof of income, and background checks for potential sponsors and their adult household members, as well as assessment of UAC for dangerousness, and would make a revision to terminology.

§ 410.1202 Sponsor Suitability

A. Proof of Identity

Historically, ORR has accepted a wide variety of identity documents as proof of sponsor identity, including many documents issued by foreign governments. Before March 7, 2025, the ORR Policy Guide listed documentation that could be used to verify a potential sponsor’s identity, including the following forms of identification that would not meet the proposed requirements in this NPRM: foreign passport that contains a photograph; birth certificate; marriage certificate; court order for name change; foreign national identification card; consular passport renewal receipt that contains a photograph; Mexican consular identification card; foreign driver’s license that contains a photograph; Canadian border crossing card that contains a photograph; Mexican border crossing card that contains a photograph with valid Form I–94; and other similar documents (including ORR Verification of Release form with a photograph for individuals under the age of 21).

However, as identified by the ORR I&A Team and as further discussed below and at Section V., Rationale, ORR has encountered issues with respect to such documentation. First, at times ORR has had difficulty authenticating certain documents submitted by sponsors, especially in a timely manner. For example, ORR has relied on foreign consulates and embassies, often liaising with the support of the Department of State, to authenticate certain identification documents issued outside the United States, a process complicated by international relations and the stability of certain foreign States. Second, ORR is aware of reports of potential fraud with the use of such foreign documents. HHS’s own internal investigations have revealed documented cases of criminal prosecutions related to the use of fraudulent foreign documents in

sponsor applications in which former UAC became victims of crimes by their sponsors, including incidents of trafficking and sexual assault.

Therefore, ORR proposes to amend § 410.1202(b)(1) to state that ORR would accept only the following documentation as proof of identity for potential sponsors, unless a deviation from the standards at § 410.1202(b)(1) is supported by clear justification and determined on a case-by-case basis by HHS ORR headquarters: U.S. Passport or U.S. Passport Card; Permanent Resident Card or Alien Registration Receipt Card (Form I–551); Foreign passport that contains a temporary I–551 stamp or temporary I–551 printed notation on a machine-readable immigrant visa; Employment Authorization Document that contains a photograph (Form I–766); Foreign passport with Form I–94 or Form I–94A with Arrival-Departure Record, bearing the same name as on the passport; Passport from the Federated States of Micronesia (FSM), Republic of the Marshall Islands (RMI), or Republic of Palau with Form I–94 or Form I–94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM, RMI, or Republic of Palau;¹³ Driver’s license or ID card issued by a U.S. State or outlying possession of the United States (e.g., the District of Columbia, Puerto Rico, Guam) provided it contains a photograph or information such as a name, date of birth, sex, height, eye color, and address; ID card issued by U.S. Federal, State or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address; U.S. Military card or draft record; U.S. Military dependent’s ID card; U.S. Coast Guard Merchant Mariner Card; Native American tribal document; and Driver’s license issued by a Canadian government authority.

ORR notes that the documents proposed as acceptable proof of identity in this NPRM are generally consistent with the list currently established in its sub-regulatory guidance, as described in the ORR Policy Guide (Section 2.2.4 Required Documents for Submission with the Sponsor Application for Release). The documents proposed as acceptable proof of identity in this NPRM also, in many instances, mirror

those identified in Lists A and B of USCIS Form I–9 as of the time of this rule’s publication.¹⁴ The current version of the Form I–9 provides three lists of acceptable documents: List A contains documents which demonstrate both identity and employment authorization; List B, which describes documents that establish identity; and List C, which describes documents that establish employment authorization.¹⁵ Lists A and B, for purposes of this discussion, describe documents that establish identity that are issued by known and reliable government entities with which ORR can directly communicate for purposes of authentication. In addition, List A documents and many List B documents also include security features (e.g., holograms), which add an extra layer of protection against the use of fraudulent identification by requiring additional document verification in the process for applying for and issuing such identity documentation.

Given ORR’s concerns about potential fraud under its prior identification requirements, its need to timely authenticate documents, the enhanced protections offered with the documents in its proposed list, and the fact that the documents it has proposed in many instances mirror those currently accepted to establish identity by USCIS in Lists A and B of the Form I–9, ORR believes that the updated documents list it has proposed above describe the most reliable forms of documentation for purposes of verifying a potential sponsor’s identity, particularly where such documents are more readily authenticated through U.S. government records, trusted issuing authorities, or other reliable verification mechanisms. ORR believes that these proposed updates to its proof of identity requirements would mitigate risks of potential fraud in accordance with its statutory responsibility to protect UAC safety and to act in their best interests. ORR believes this would be a reasonable approach based both on findings of potential and actual harm to UAC through the release process and on its statutory responsibility to place UAC with sponsors who are capable of providing for UAC’s physical and mental well-being as required of ORR by 8 U.S.C. 1232(c)(3)(A). ORR may

¹⁴ See generally Form I–9, Employment Eligibility Verification. <https://www.uscis.gov/i-9>. Accessed February 11, 2026.

¹⁵ The I–9 also allows for certain receipts that may be presented in lieu of a document in Lists A, B, or C for a temporary period; however, ORR did not propose to include those receipts as potential forms of identification in this proposed rule because ORR did not believe they were sufficient for the purpose of sponsor proof of identification.

¹³ ORR notes that it includes the Republic of Palau in this proposed rule and intends to update the ORR Policy Guide to align with this proposed rule, as the Republic of Palau is also a participating member in the Compact of Free Association. While the Republic of Palau is not in Form I–9, it is discussed in the instructions to the Form I–9 at <https://www.uscis.gov/sites/default/files/document/forms/i-9instr.pdf>.

propose future updates to proof of identity requirements in line with its statutory responsibilities under the TVPRA to verify the identity and relationship of a potential sponsor to the UAC and ensure that potential sponsor has not engaged in activity that would indicate a potential risk to the UAC.

Generally aligning ORR's acceptable identity documentation requirements with Lists A and B from Form I-9 would enable ORR to ensure that both ORR and care provider staff could reliably review identity documents, as well as any photographs on the documents, to determine whether the individual submitting the identity document is in fact the subject of the identity document. ORR has considered the potential for disruption and/or delay in UAC release to sponsors due to the change in documentation requirements, and these factors are weighed below, along with other factors, under section V., "Rationale."

For these reasons, ORR proposes to amend § 410.1202(b) to add paragraph (1) as follows:

Proof of identity. ORR will accept the following as proof of identity for potential sponsors as part of the suitability assessment:

- (i) U.S. Passport or U.S. Passport Card;
- (ii) Permanent Resident Card or Alien Registration Receipt Card (Form I-551);
- (iii) Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa;
- (iv) Employment Authorization Document that contains a photograph (Form I-766);
- (v) Foreign passport with Form I-94 or Form I-94A with Arrival-Departure Record, bearing the same name as on the passport;
- (vi) Passport from the Federated States of Micronesia (FSM), Republic of the Marshall Islands (RMI), or Republic of Palau with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM, RMI, or Republic of Palau;
- (vii) Driver's license or ID card issued by a U.S. State or outlying possession of the United States provided it contains a photograph and information such as a name, date of birth, sex, height, eye color, and address;
- (viii) ID card issued by U.S. Federal, State or local government agencies or entities, provided it contains a photograph and information such as name, date of birth, sex, height, eye color, and address;
- (ix) U.S. Military card or draft record;
- (x) U.S. Military dependent's ID card;

(xi) U.S. Coast Guard Merchant Mariner Card;

(xii) Native American tribal document; or

(xiii) Driver's license issued by a Canadian government authority.

ORR also proposes to add new paragraph § 410.1202(b)(2), which would be consistent with current policy, and which would provide that any deviations from the standards in § 410.1202(b)(1) must be supported by clear justification and may be made on a case-by-case basis by HHS ORR headquarters, with appropriate documentation of the basis for the deviation and any additional verification steps taken.

ORR requests comment on its proposed updates to documents that it would accept as proof of identity as part of its sponsor suitability assessment.

B. Proof of Income

Prior to 2014, ORR required potential sponsors to submit proof of income. This requirement was consistent with ORR's statutory responsibility to determine that a prospective sponsor is able to provide for a UAC's well-being consistent with 8 U.S.C. 1232(c)(3)(A). In addition, 6 U.S.C. 279(b)(1)(E) makes ORR responsible for implementing policies with respect to the care and placement of UAC.

In response to concerns related to the safety and well-being of UAC who have been released to sponsors from ORR custody, ORR now proposes to reestablish the requirement that potential sponsors submit proof of income to ORR to demonstrate they have the financial means to support the UAC. ORR would evaluate such proof of income, including financial documents, submitted alongside the sponsor application as part of the sponsor suitability assessment.

Sponsors who lack stable income or financial resources may be vulnerable to labor exploitation or trafficking situations—risks that are especially urgent now given findings from recent investigations by both outside entities and by ORR itself. If a sponsor is working in exploitative conditions, such as working excessive hours or experiencing wage theft, they may be unable to properly care for the UAC or provide them with a safe living environment. Further, when sponsors lack adequate income, UAC may be compelled to work in dangerous environments, work excessive hours, or may become targets for labor traffickers.¹⁶ By requiring submission of

proof of income information as part of the sponsor application, ORR would be better able to assess whether there are indicators that a potential sponsor is being subjected to labor trafficking or labor exploitation, including instances of potential extortion, as well as whether submitted employment or income information contains inconsistencies or other indicators of fraud relevant to sponsor suitability. It is ORR's understanding that the Office on Trafficking in Persons has found that parents and other family members have been subjected to human trafficking and/or labor exploitation and had similar debts as the UAC they sponsored.¹⁷ ORR notes that the proposed collection of this information would not be used to penalize family members who have also been subject to severe forms of trafficking, as is disallowed by the TVPRA at 22 U.S.C. 7101(b)(19), but would be used to identify potential risks to UAC as well as fraudulent activities. ORR would use the information that would be obtained during the proposed employment and income verification to inform the safety assessment, safety planning, decision to refer a case for a home study (as currently defined at 45 CFR 410.1001), and level of post-release services to recommend for the support of the UAC as well as for the support of the UAC's sponsors, including those who may also have been subject to trafficking.

To maintain operational flexibility, ORR does not propose an enumerated list of acceptable forms of proof of income. ORR notes that it may, however, review documents such as the following, which would be submitted with the Sponsor Application: a previous year's tax return if the potential sponsor was present in the United States during the prior tax year; copies of paystubs for at least the past 60 continuous days; or an original letter from the potential sponsor's employer verifying their employment and salary

Persons Report, <https://www.state.gov/reports/2025-trafficking-in-persons-report/>; and DOJ, U.S. Attorney's Office, E.D. of VA, Press Release, Four Charged in Connection with Labor Trafficking, Forced Labor, and Immigration Offenses at Williamsburg Laundry Facility, https://www.oig.dol.gov/public/Press%20Releases/Four_Charged_Labor_Trafficking_Forced_Labor_Williamsburg_Laundry_Facility_USAO%20ED-VA.pdf (describing a 33-count indictment charging four people with charges including human trafficking of a 13-year old girl who was forced to work nights while also attending school during the day).

¹⁷ See Defendant's Memorandum of Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction. *Angelica S. v. U.S. Department of Health and Human Services*, No. 1:25-cv-01405-DLF (C.D. Cal. May 23, 2025) at Exhibit D, ECF No. 21-5.

¹⁶ See U.S. Dept. of State, Office to Monitor and Combat Trafficking in Persons (2025). Trafficking in

information and signed within the past 60 days. ORR notes that these example documents are the currently accepted supporting documents outlined in the ORR Policy Guide.¹⁸ ORR is also considering reviewing types of assets, like savings, which could be considered as part of proof of income. ORR seeks comment on this proposal generally but also as to the type of documents that may support its proposed proof of income documentation requirements. ORR anticipates that it may also issue sub-regulatory guidance to update current guidance and specifically enumerate acceptable types of proof. Relatedly, ORR has revised requirements contained in the Sponsor Application Package to now require sponsors to confirm that they will provide proof of income and commit to providing financially for a UAC. Upon clearance of any administrative requirements to publish such form, including under the Paperwork Reduction Act of 1995 (PRA), ORR may further update its sub-regulatory guidance to explicitly require the ORR Affidavit of Support to include more instructions for case managers and Federal Field Specialists on sponsors showing proof of income. ORR believes that providing a list of acceptable documents in sub-regulatory guidance will encourage consistent practice across its care provider facilities while enabling ORR to maintain flexibility to update the list.

In line with the above, ORR proposes to amend § 410.1202(c) by removing “income” from the second sentence of paragraph (c), making the remainder of the second sentence of paragraph (c) a new paragraph (c)(1) and adding new paragraph (c)(2) to provide that ORR would require potential sponsors to submit proof of income as part of the suitability assessment.

ORR requests comments on these proposals related to submission of proof of income.

C. Background Checks

Currently, under § 410.1202(c), ORR requires background and criminal records checks as part of the sponsor suitability assessment, “which at minimum includes an investigation of public records sex offender registry conducted through the U.S. Department of Justice National Sex Offender public website for all sponsors and adult residents of the potential sponsor’s household,” and which “may include a public records background check or a

FBI National Criminal history check based on fingerprints for some potential sponsors and adult residents of the potential sponsor’s household.” Under the ORR Policy Guide, ORR requires a public records background check, national criminal history Federal Bureau of Investigation (FBI) fingerprint background check, and proof of identity for all household members and adult care givers.¹⁹

Given what it has learned in the internal and external investigations, ORR believes that waiving background check requirements exposes UAC to potential risk and abuse, even when the potential sponsor is a parent or legal guardian. ORR therefore proposes to amend § 410.1202(c) to add specific requirements regarding conducting background checks for all potential sponsors. Specifically, ORR proposes new paragraph (c)(4), which would require ORR to conduct background checks on all potential sponsors and all adult residents of the potential sponsor’s household as part of the suitability assessment. ORR considers an adult resident to be anyone 18 years or older. In addition, in alignment with Public Law 119–21, title VIII, subtitle H, section 87001(b)(1), ORR proposes that sponsor background checks would include the collection, review, or completion of:

(i) the name of the potential sponsor and of all adult residents of the potential sponsor’s household;

(ii) the Social Security number or taxpayer identification number of the potential sponsor and of all adult residents of the potential sponsor’s household;

(iii) the date of birth of the potential sponsor and of all adult residents of the potential sponsor’s household;

(iv) the validated location of the residence at which the UAC will be placed, which may include review of available records sufficient to confirm the residence and identify indicators of prior or multiple sponsorship activity associated with that location, where appropriate;

(v) an in-person or virtual interview with, and suitability study concerning, the potential sponsor and all adult residents of the potential sponsor’s household, including resolution of discrepancies relating to identity, relationship claims, residence, employment, or other information submitted in support of the sponsorship request;

(vi) contact information for the potential sponsor and for all adult residents of the potential sponsor’s household; and

(vii) the results of all background and criminal records checks for the potential sponsor and for all adult residents of the potential sponsor’s household, which shall include, at a minimum, an investigation of the public records sex offender registry, a public records background check, and a national criminal history check based on fingerprints, as well as any additional lawful records checks or verification steps ORR deems necessary to resolve fraud, public safety, or child welfare concerns.

ORR also proposes to add new paragraph (c)(5), which would allow ORR to waive or modify the requirement to collect Social Security or taxpayer identification numbers, as described at paragraph (c)(4)(ii) of this section, with respect to potential sponsors who are parents or legal guardians, or adult household members of potential sponsors, provided that ORR would be able to collect sufficient alternative identifying information to complete appropriate vetting and resolve identity, and therefore ensure expeditious and safe placement of UAC. For example, ORR envisions instances in which a potential parent or legal guardian sponsor and/or an adult resident in their household has a legitimate reason for not having a Social Security number or taxpayer identification number.²⁰

ORR notes that these proposed changes are in addition to a proposed minor restructuring of the section which would move provisions already included in § 410.1202(c) into paragraphs (c)(1), (2), and (3), respectively.

ORR requests comments on its updated background check requirements.

§ 410.1103 Considerations generally applicable to the placement of an unaccompanied alien child

In this NPRM, ORR proposes adding a new requirement to align with Public Law 119–21, title VIII, subtitle H, section 87001(b)(3), which provided funds for costs associated with

¹⁸ See Policy Guide, section 2.2.4. <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.2.4>.

¹⁹ ORR Policy Guide, section 2.5.1. <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.5.1>.

²⁰ ORR notes that Publication No. 05–10096, Social Security Numbers for Noncitizens, describes the process of applying for a Social Security number and the types of documentation that are accepted with such application, <https://www.ssa.gov/pubs/EN-05-10096.pdf>, and intends to consider, for the purpose of guidance on acceptable alternative documentation to a Social Security number or taxpayer identification number, the list of documents that the Social Security Administration considers for immigrant applicants for a Social Security number.

determining whether an “unaccompanied alien child poses a danger to self or others by conducting an examination of the unaccompanied alien child for gang-related tattoos and other gang-related markings and covering such tattoos or markings while the child is in the care of the Office of Refugee Resettlement.” In alignment with that language, ORR proposes to add new paragraph (h) to existing § 410.1103, to read as follows: “(h) In determining whether an unaccompanied alien child poses a danger to self or a danger to the community or others under paragraphs (b)(1) or (b)(2) of this section, ORR may examine the unaccompanied alien child for visible gang-related tattoos and other gang-related markings, and cover such tattoos or markings while the unaccompanied alien child is in the care of ORR.”

ORR requests comment on this proposal, specifically around which mechanisms ORR should use to determine whether a child may have been involuntarily tattooed or that a tattoo might be an indicator of potential exploitation, abuse, or trafficking of the child rather than an indication of the child’s complicity in criminal activity. ORR also requests specific feedback on mechanisms that it may use to ensure the proper coverage of tattoos and markings while the UAC is in ORR care per the requirements of Public Law 119–21. Finally, ORR is requesting feedback regarding the general definition of “gang-related tattoos” or “gang-related markings” as well as the methodology HHS should use to determine whether a tattoo or marking is “gang-related.”

§ 410.1001 Definitions

In the Foundational Rule, ORR finalized the definition of the term “unaccompanied child/children” to mean the same as the definition of “unaccompanied alien child” found in the HSA (6 U.S.C. 279(g)(2)), noting that ORR uses the terms synonymously. (89 FR 34385 and 34399). ORR now proposes to return to the terms used by the HSA, which defines “unaccompanied alien child,” as “a child who—(A) has no lawful immigration status in the United States; (B) has not attained 18 years of age; and (C) with respect to whom—(i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody.” To avoid confusion, and to clarify that the terms “unaccompanied alien child” and “unaccompanied child” may be used interchangeably, ORR proposes to revise the definition of “unaccompanied child/children” at

§ 410.1001 to also include “unaccompanied alien child/children”, such that each term would have the same definition as “unaccompanied alien child” at 6 U.S.C. 279(g)(2).

ORR requests comment on its proposal to amend this definition.

V. Rationale

As discussed above, ORR has an affirmative duty to ensure the safe placement of UAC. Notwithstanding ORR’s responsibility to “prompt[ly]” place UAC in the least restrictive setting, such placements must be in the UAC’s best interests under the TVPRA at 8 U.S.C. 1232(c)(2)(A). The TVPRA at 8 U.S.C. 1232(c)(1) also requires HHS to “establish policies and programs to ensure that unaccompanied alien children in the United States are protected from traffickers and other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.” Further, ORR has a responsibility under 8 U.S.C. 1232(c)(3)(A), before placing a UAC with a person or entity, to make “a determination that the proposed custodian is capable of providing for the child’s physical and mental well-being,” where such determination “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.”

Pursuant to these responsibilities, and in light of the serious concerns ORR and others have identified (see section III., “Background and Scope of Regulatory Action—Authority and Background” above), ORR believes it has a compelling interest to propose modifications to its requirements concerning acceptable forms of proof of identity and proof of income submitted by potential sponsors and specific information to be collected for background checks on all potential sponsors. With respect to proof of identity, among other things, ORR’s I&A Team, as discussed above, found multiple instances in which potential sponsors submitted altered photographs or documents to establish identity and relationship, in some instances to sponsor multiple UAC (as previously discussed under section III.A. above, ORR identified a case in which a woman and her partner submitted various fake documents in an attempt to sponsor 15 children over a five-year period, and in which at least seven of those attempts were successful, including three in which the woman claimed to be a parent or legal guardian

of the UAC). ORR’s field staff has also reported observing an increase in potential sponsor fraud, as well as age fraud perpetrated by individuals coming into ORR care, and recommended stricter document verification policies. Further, with respect to proof of income, ORR has found that verifying income can assist in identifying risks of labor trafficking and extortion by helping determine whether the existence of debt could be used against sponsors and other involved individuals. For example, the June 2024 U.S. Department of State *Trafficking in Persons Report* states that “[t]he ‘means’ element of forced labor includes a trafficker’s use of force, fraud, or coercion” and that “[t]he coercive scheme can include threats of force, debt manipulation, withholding of pay, confiscation of identity documents, psychological coercion, reputational harm, manipulation of the use of addictive substances, threats to other people, or other forms of coercion.”²¹ Income verification could also inform ORR’s decision whether to refer a case for a home study or post-release services. ORR understands the Office on Trafficking in Persons has found that even parents and family members can pose risks of trafficking or labor exploitation of UAC they seek to sponsor, and therefore understanding the potential sponsor’s income situation could support further investigation via a home study to assess the potential for trafficking or exploitation.

ORR also identified and weighed relevant factors in modifying these policies, including the potential that the proposed proof of identity and proof of income requirements could increase the time it takes to release UAC from ORR custody; the potential impact on reasonable reliance interests of UAC and sponsors; ORR’s competing policy interests that could be impacted by these proposals; the potential to disadvantage certain stakeholders due to the particular changes proposed; ORR’s statutory obligations to prevent fraud; ORR’s statutory obligations to ensure the safety of UAC and to ensure public safety; and ORR’s statutory obligations to act in the best interests of the UAC. ORR welcomes public comment on these considerations, discussed below.

Regarding time in ORR care, ORR contemplates that the proposals described in this proposed rule may increase the overall time a UAC spends in the custody and care of ORR. For example, the proposed changes mean

²¹ United States Department of State (2024). *Trafficking in Persons Report*. https://www.state.gov/wp-content/uploads/2025/02/TIP-Report-2024_Introduction_V10_508-accessible_2.13.2025.pdf.

that a UAC who previously could have been released to a sponsor who had only a foreign driver's license as a form of identification, except if issued by a Canadian government entity, would no longer be released to that sponsor until a more reliable and acceptable form of identification is secured by the potential sponsor. This could increase the amount of time it takes ORR to place a UAC with a sponsor, as a potential sponsor may need additional time to gather acceptable documentation. In fact, ORR has seen an increase in the average length of care for UAC since March 7, 2025, when it introduced updated proof of identity requirements similar to those described in this proposed rule. In February 2025, ORR calculated that the average length of care for UAC was 49 days. Since March 7, 2025, the average length of care for UAC who have been discharged as of December 2025 is 189 days, though other policy changes and external variables may have played a role in this trend.

Nevertheless, ORR concludes that, in light of the safety concerns it has identified, its proposed additional documentation requirements are necessary to effectuate its statutory duties to protect UAC from trafficking and exploitation, even if these proposed additional requirements would result in additional time needed to approve the release of UAC to sponsors. As discussed above, the ORR I&A Team in February 2025 found an alarming number of incidents of confirmed and potential fraud and extortion and ORR is concerned that such incidents have been under-reported. As a result, ORR believes that the risk of additional time until release would be outweighed by the risk to UAC safety without additional safeguards, including the proof of identity, proof of income, and background check requirements proposed here. Beyond the harms of trafficking and exploitation, it would also be disruptive and traumatic for a UAC to re-enter ORR care due to a later-discovered sponsor issue, which could result in changing schools and leaving familiar surroundings and friends. This would negate any child welfare benefit of an initial lower length of care in ORR custody. Additionally, UAC re-entering ORR care due to later-discovered sponsor issues could create operational inefficiencies that could have been prevented with better vetting on the front-end. With respect to reliance interests, changes to sponsor vetting as announced herein may have an impact on UAC and sponsors who relied on prior documentation policies, including UAC who entered the United States

before March 2025, and in particular, those who have not yet been placed with a sponsor and may not have chosen to enter the United States before March 2025 if they had known about these more stringent requirements for sponsor vetting. ORR does not, however, believe that documented safety and fraud concerns should be set aside in order to allow the use of less reliable documentation for UAC who may have relied upon older, less secure, and less safe standards for sponsor vetting. In addition, the updated documentation requirements described in this proposed rule would be similar to those ORR published in the ORR Policy Guide in March 2025 (with respect to proof of identity) and in April 2025 (with respect to proof of income), and therefore ORR believes that UAC and potential sponsors other than those who are part of the provisionally certified class in *Angelica S.* would not have developed any reliance interests on a different set of policies. By issuing this NPRM, ORR is providing notice of its intent to adopt these policies in rulemaking, and ORR will consider public comments submitted on its proposed policies during the public comment period. ORR believes that, based on the time that has elapsed since its policy updates in March and April of 2025, and based on the findings from the external and internal investigations discussed through this proposed rule, if any reliance interests on prior documentation policies remain, such interests would not outweigh ORR's obligations to ensure a UAC's safe release, to prevent fraud, and to ensure public safety.

ORR notes that it has supplemental protections in place for potential sponsors whose applications are denied if they are unable to meet either the proposed requirements or existing requirements for sponsorship. All potential sponsors who are parents, legal guardians, or close relatives have an opportunity to appeal denials of release to an independent arbiter within the HHS Departmental Appeals Board under § 410.1206. Further, an applicant has the opportunity to reapply for sponsorship without prejudice, should he or she have been unable to procure the requisite documents at the time of an initial sponsorship application. ORR acknowledges, however, that if potential sponsors' applications are denied due to these proposed requirements, there would be a concern about additional time that may be needed to approve a release.

ORR examined other interests that would weigh in favor of the updates proposed here. For example, UAC may

come to the United States with the expectation that they would be released to safe sponsors pursuant to ORR's sponsor vetting process. Such expectations would fully accord with ORR's statutory responsibilities but, as discussed above, ORR has discovered that there has been potential fraud in the ORR release process. Alternatively, to the extent any UAC or potential sponsors entered the United States cognizant of gaps in ORR's sponsor vetting processes and planned to exploit them, ORR believes it would be justified in introducing updated requirements to address those vulnerabilities. Given ORR's findings of potential fraud, extortion, and other issues that risk the safety of UAC who are released from ORR custody, as well as ORR's belief that it has likely not been made aware of all such issues, ORR believes that it must propose updated requirements in order to effectively carry out its statutory responsibilities to protect the welfare of UAC and ensure all UAC are placed with adequate and fully vetted sponsors upon arrival to the United States.

When developing these proposed updates ORR also considered whether proposing stricter requirements could potentially reduce the number of sponsors willing to come forward, which could impact ORR's ability to safely place UAC with sponsors without unnecessary delay. ORR has, for example, considered whether sponsors who might be able to provide a secure and safe home for a UAC but who have a general unwillingness to interact with government officials or law enforcement (regardless of immigration status), or to provide documentation could have a chilling effect on available sponsors and could increase the number of UAC in ORR custody and the amount of time UAC spend in ORR custody. ORR also considered whether it would generally be in a UAC's best interest to be released to an individual who may wish to sponsor a UAC but is deterred by ORR's proposed documentation requirements or the prospect of interacting with government officials to obtain required documentation. In particular, ORR considered the likelihood of whether such an individual would be able to provide a UAC with a suitable home. For example, a sponsor must be able to provide stability for a UAC and therefore necessarily must engage in ongoing interactions with government officials to act as a sponsor and represent the UAC's best interests. ORR also weighed the possibility that a sponsor may be unwilling, for whatever reason, to engage with government

officials even when such engagement is in the best interests of the UAC, whether to step forward as a sponsor, to assist the UAC with later interactions with ORR, or to interact with other government entities as part of the Sponsor Care Agreement (for example, to ensure UAC presence at proceedings before DHS, ICE, and Department of Justice/Executive Office for Immigration Review (DOJ/EOIR)).²² Thus, when developing this proposed rule, ORR considered the potential for a reduced number of sponsors to come forward, as well as the countervailing interest that an appropriate sponsor would likely need to be willing to work with government officials, per the Sponsor Care Agreement, and provide the proposed updated documentation in order to act in the best interests of a UAC.

ORR further considered any potential disadvantages to certain stakeholders due to these proposed policy changes. Regarding the proposed identity documentation requirements, ORR recognizes that proposing to limit acceptable forms of identification to those that are similar to documents listed on the Form I-9 Lists A and B may disadvantage potential sponsors who, for example, possess only foreign identification documents. For income verification, ORR acknowledges that proposing to require formal documentation may disadvantage sponsors who work in cash-based employment. However, ORR believes that these potential disadvantages would be outweighed by the critical need to verify sponsor identity and financial capacity to support a UAC, as well as to conduct background checks on all adult members of a potential sponsor's household, based on its findings that prior policies have failed to adequately prevent significant and potentially under-reported risks to child welfare.

ORR also weighed its statutory obligation to prevent fraud pursuant to 8 U.S.C. 1232(c)(1), (c)(3)(A) and 6 U.S.C. 279(b)(2)(A)(ii). ORR's approach to preventing fraud includes verification of documents, background checks, and interviews with potential sponsors, but ORR recognizes that its current requirements are not sufficient to address the gaps identified in its processes and believes the proposed amendments to its requirements would

thwart such attempts to perpetuate fraud and other behavior that would put UAC at risk. ORR recognizes that fraud risks may be identified through comparison across multiple sponsor applications and related records, including repeated use of the same addresses, telephone numbers, email addresses, employment information, or other identifiers. In the context of identity documentation, therefore, proposing the use of like documents to those listed on the Form I-9 would provide a standardized, verifiable set of identification documents that is also used by another government agency with specific expertise relevant to addressing the potential fraud concerns ORR has identified in its program. ORR understands that the identity documentation proposed to be required by this NPRM, like those in the Form I-9, are more difficult to falsify and may be more readily authenticated relative to documents ORR has accepted in the past, such as those with which ORR had to liaise with the Department of State, foreign consulates, and embassies to verify. ORR notes, with respect to foreign-issued documents, that it has historically had difficulty coordinating with foreign governments to authenticate documents and as further discussed below, not only do the practices of each government vary for authenticating documents, but so do foreign governments' responsiveness to ORR communications. Also, as discussed above, many of the forms of identification proposed here also contain additional security factors (*e.g.*, holograms) that make such documents more difficult to forge. Regarding income verification, ORR believes that proposing to require formal documentation such as tax returns, pay stubs, or employer verification letters would create a paper trail that could be verified, and would reduce the risk of potential sponsors misrepresenting their financial capacity.

ORR also considered its statutory obligation pursuant to 8 U.S.C. 1232(c)(1) to ensure that "unaccompanied alien children in the United States are protected from traffickers and other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity." The proposed identity documentation and background check requirements would help ensure that sponsors and their adult household members are who they claim to be and would reduce the risk of UAC being released to individuals using false identities, who have criminal backgrounds, and who may intend to

exploit UAC. ORR also believes that the proposed income verification requirements would further help ensure that potential sponsors could demonstrate that they have legitimate means of support and are not involved in, or subject to, trafficking networks, or planning to exploit UAC for labor.

In addition, ORR considered its need to act in the best interest of the UAC pursuant to 8 U.S.C. 1232(c)(2)(A). While ORR recognizes that these proposed requirements could increase the time it may take to release some UAC from ORR's care, ORR believes that the protection from potential exploitation, trafficking, and other harms, including such as harms associated with UAC having to re-enter ORR care, would outweigh any temporary extension of time in ORR custody. The proposed identity documentation, income verification, and updated background check requirements would help ensure that UAC are placed in stable, safe environments with sponsors who have been properly vetted and who have the means to support them.

Given ORR's statutory obligations, and after weighing factors such as delay, reliance interests, competing policy interests, disadvantage to certain stakeholders, obligations to prevent fraud and ensure safety, and its requirement to act in the best interest of the UAC, ORR believes that the amended requirements proposed in this NPRM are necessary and appropriate.

ORR also considered potential alternatives to these proposed requirements. With respect to proof of identity, ORR considered whether the use of forms described in the Form I-9 would be appropriate in the UAC placement context and what other set of documents would balance the competing interests of avoiding unnecessary delay in placing UAC with sponsors and protecting UACs, including by preventing fraud. The Form I-9 is used to verify the identity and employment authorization of individuals hired for employment in the United States, is well-established and standardized, although it contains additional options that ORR believes would not be sufficient for its purposes and did not, therefore, propose to include. Another potential alternative, rather than updating ORR's documentation requirements, would be for ORR to instead rely on improvements in its document authentication process. ORR expects, however, that this alternative would require significant resources and would impose administrative burdens—*e.g.*, related to extensive training of Federal

²² See 45 CFR 410.1203(c) (requiring that potential sponsors complete an application for release of UAC, which includes a commitment to fulfill obligations described in a Sponsor Care Agreement). <https://acf.gov/sites/default/files/documents/orr/sponsor-care-agreement-1-31-20.pdf>.

staff as well as grantee and contractor staff. Such efforts, while potentially worthwhile, would create additional delays in instituting urgently needed protections for UACs. In addition, such efforts would not resolve the ongoing slow and unreliable authentication process with foreign entities. As a result, ORR does not believe an alternative focused on improving existing practices would effectively mitigate the significant risks it has identified as to the safety of UACs in its custody. ORR concludes that proposing updates to its list of acceptable identity documents (which may contain security features or that are already readily authenticated), while allowing for well-justified deviations from the standards on a case-by-case basis, would more effectively address the risks to child welfare that it and outside entities have identified.

ORR notes that this proposed rule would reduce the number of foreign identity documents that it would accept for its sponsor suitability process. ORR proposed these changes on the basis that it is unable to reliably verify all forms of identification it previously accepted. For example, in practice, ORR attempts to authenticate foreign documents through communication with foreign governments, especially consulates. However, ORR has experienced high rates of delayed responses or, in many cases, non-responses to ORR requests to authenticate documents presented to ORR as proof of identity. In other cases, countries may respond but may themselves be unable to verify certain documents, or countries may communicate with ORR but only through certain messaging applications that ORR is not authorized to use. To ensure uniformity of practice, this proposed rule would permit fewer foreign identity documents as acceptable proof of identity, which would make ORR less reliant on foreign countries for authentication. As necessary, however, ORR expects that it may still seek authentication of certain foreign documents.

Finally, with respect to the proposed proof of income requirements, ORR considered the alternative of not requiring potential sponsors to submit proof of income. The TVPRA, however, requires ORR to determine whether a proposed sponsor is capable of providing for a UAC's physical and mental well-being (8 U.S.C. 1232(c)(3)(A)). ORR notes that, in addition, the Foundational Rule already provides, "As part of its suitability assessment, ORR may require such components as an investigation of the living conditions in which the

unaccompanied child would be placed and the standard of care the unaccompanied child would receive, verification of the employment, income, or other information provided by the potential sponsor as evidence of the ability to support the child. . ." 45 CFR 410.1202(c). Given the potential cases of fraud and exploitation uncovered in oversight and investigations, ORR believes that it best serves the interest of child safety to propose a return to its pre-2014 practice of requiring proof of income from potential sponsors. ORR notes that it has identified this as an area for possible further policy development and anticipates that it may provide additional discussion or describe additional potentially acceptable documents in sub-regulatory guidance.

VI. Public Participation

ORR encourages all interested parties to participate in this rulemaking by submitting written comments, views, and data on any or all aspects of this proposed rule. ORR also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. All comments received will be posted without change to <https://www.regulations.gov>, including any personal or commercial information commenters provide.

Comments that will provide the most assistance to ORR will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that supports such recommended change. If you submit comments, please indicate the specific section of this document to which each comment applies and provide a reason for each suggestion or recommendation. You may submit your comments and materials online or by email, but please use only one of these means. Comments submitted online via <https://www.regulations.gov> will be considered received when they are received at the Docket Management Facility.

Instructions: To submit your comments online, go to <https://www.regulations.gov> and insert "ACF-2026-0199" in the "Search" box. Click on the "Comment Now!" box and input your comment in the text box provided. Click the "Continue" box, and if you are satisfied with your comment, follow the prompts to submit it.

For additional information, please read the "Privacy and Security Notice" that is available via the link in the footer of <https://www.regulations.gov>.

ORR will consider all comments and materials received during the comment period and may change this rule based on your comments.

Docket: To view posted comments, as well as documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov> and insert "ACF-2026-0199" in the "Search" box. Click on the "Open Docket Folder," and you can click on "View Comment" or "View All" under the "Comments" section of the page. Individuals without internet access can make alternate arrangements for viewing comments and documents related to this rulemaking by contacting ORR through the **FOR FURTHER INFORMATION CONTACT** section above. You may sign up for email alerts on the online docket to be notified when comments are posted, or a final rule is published.

As stated above, please be aware that anyone can search the electronic form of comments received into any dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

VII. Regulatory Impact Analysis

ORR has examined the impacts of this proposed rule under Executive Order 12866, Executive Order 13132, Executive Order 13563, Executive Order 14192, the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Congressional Review Act/Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801, Pub. L. 104–121), the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4), the PRA, and the Treasury and General Government Appropriations Act of 1999.

Executive Orders 12866 and 13563 direct ORR to assess all benefits and costs of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits. This rule was determined to be significant under Section 3(f) of Executive Order 12866 and is subject to review by the Office of Management and Budget (OMB). Executive Order 14192 requires that any new incremental costs associated with significant new regulations "shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations." This proposed rule has a direct purpose of implementing a function performed by the U.S. Federal Government with respect to aliens, and thus is expressly exempt from the requirements of Executive Order 14192. Notwithstanding this, ORR believes that

any costs associated with this proposed rule would not rise to the level of significance, as the proposed refinement of identity documents accepted for sponsor verification, collection of proof of income, and extension of background check requirements should not significantly increase costs to ORR or to potential sponsors. It is possible that there would be additional time needed to approve the release of UAC to sponsors because potential sponsors are unable or unwilling to provide documentation responsive to these revised requirements, and as such there may be some increase in costs to the Federal Government, which as of November 2025 averaged \$557.00 per day per UAC.

The RFA generally requires Federal agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. ORR has discussed above its consideration of alternatives and determined that it would be more costly to require additional documentation than proposed or to conduct more extensive training; however, these additional costs would be relevant only to ORR. ORR notes that this proposed rule would update existing requirements related to sponsor suitability assessments, and these updates would not result in any incremental impact on small entities that is significant. Therefore, ORR certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

The UMRA generally requires that each agency conduct a cost-benefit analysis; identify and consider a reasonable number of regulatory alternatives; and select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule before promulgating any proposed or final rule that includes a Federal mandate that may result in expenditures of more than \$100 million (adjusted for inflation) in at least one year by State, local, and tribal governments, in the aggregate, or by the private sector. Each agency issuing a rule with relevant effects over that threshold must also seek input from State, local, and tribal governments. The current threshold after adjustment for inflation using the Implicit Price Deflator for the Gross Domestic Product is \$193 million, reported in 2025 dollars. This proposed rule would not result in an unfunded mandate in any year that meets or exceeds the UMRA threshold.

Under the PRA, HHS is required to provide notice in the **Federal Register** and solicit public comment before a

collection of information requirement is submitted to OMB for review and approval. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a control number assigned by OMB. ORR has amended certain information collections or is in the process of amending existing information collections in support of the requirements of this proposed rule. ORR collects information from sponsors as part of its vetting process under OMB control number #0970–0278, including background checks, proof of identity, and proof of income. Throughout 2025, ORR has proposed revisions to that information collection and solicited public comments, under the terms of the PRA, in order to make revisions to the information collection in support of the proposals here. Regarding the collection of information related to a UAC's gang affiliation or gang-related markings, such information would be collected under OMB control numbers #0970–0466, #0970–0554, #0970–0646, and #0970–0647. Revisions to the manner this information is collected are underway pursuant to the requirements of the PRA.

In accordance with section 6 of Executive Order 13132, ORR has determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This comports with the same determination made in the Foundational Rule at 89 FR 34583.

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a policy or regulation may affect family well-being. If the agency's determination is affirmative, then the agency must prepare an impact assessment addressing criteria specified in the law. This regulation would not have an impact on family well-being as defined in this legislation, which asks agencies to assess policies with respect to whether the policy: strengthens or erodes family stability and the authority and rights of parents in the education, nurture, and supervision of their children; helps the family perform its functions; and increases or decreases disposable income.

List of Subjects in 45 CFR Part 410

Administrative Practice and Procedure, Aliens, Child Welfare, Immigration, Unaccompanied alien children.

For the reasons set forth in the preamble, ORR proposes to amend 45 CFR part 410 to read as follows:

PART 410—CARE AND PLACEMENT OF UNACCOMPANIED CHILDREN

■ 1. The authority citation for part 410 continues to read as follows:

Authority: 6 U.S.C. 279, 8 U.S.C. 1232.2.

■ 2. Section 410.1001 is amended by revising the definition of *Unaccompanied child/children* to read as follows:

Unaccompanied alien child/children and *unaccompanied child/children* mean a child who:

(1) Has no lawful immigration status in the United States;

(2) Has not attained 18 years of age; and

(3) With respect to whom:

(i) There is no parent or legal guardian in the United States; or

(ii) No parent or legal guardian in the United States is available to provide care and physical custody.

■ 3. Section 410.1103 is amended by adding new paragraph (h) to read as follows:

§ 410.1103 Considerations generally applicable to the placement of an unaccompanied alien child.

* * * * *

(h) In determining whether an unaccompanied alien child poses a danger to self or a danger to the community or others under paragraphs (b)(1) or (b)(2) of this section, ORR may examine an unaccompanied alien child for visible gang-related tattoos and other gang-related markings, and cover such tattoos or markings while the unaccompanied alien child is in the care of ORR.

■ 4. Section 410.1202 is amended by revising paragraphs (b) and (c) to read as follows:

§ 410.1202 Sponsor suitability.

(b) * * *

(1) Proof of Identity. ORR will accept the following as proof of identity for potential sponsors as part of the suitability assessment:

(i) U.S. Passport or U.S. Passport Card;

(ii) Permanent Resident Card or Alien Registration Receipt Card (Form I–551);

(iii) Foreign passport that contains a temporary I–551 stamp or temporary I–551 printed notation on a machine-readable immigrant visa;

(iv) Employment Authorization Document that contains a photograph (Form I–766);

(v) Foreign passport with Form I–94 or Form I–94A with Arrival-Departure Record, bearing the same name as on the passport;

(vi) Passport from the Federated States of Micronesia (FSM), the

Republic of the Marshall Islands (RMI), or Republic of Palau with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM, RMI, or Republic of Palau;

(vii) Driver's license or ID card issued by a U.S. State or outlying possession of the United States provided it contains a photograph or information such as a name, date of birth, sex, height, eye color, and address;

(viii) ID card issued by U.S. Federal, State or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address;

(ix) U.S. Military card or draft record;

(x) U.S. Military dependent's ID card;

(xi) U.S. Coast Guard Merchant Mariner Card;

(xii) Native American tribal document; or

(xiii) Driver's license issued by a Canadian government authority.

(2) Any deviation from the standards in § 410.1202(b)(1) must be supported by clear justification and may be made on a case-by-case basis by HHS ORR headquarters.

(c) ORR's suitability assessment shall include taking all needed steps to determine that the potential sponsor is capable of providing for the unaccompanied alien child's physical and mental well-being. As part of the suitability assessment, ORR:

(1) May require such components as an investigation of the living conditions in which the unaccompanied alien child would be placed and the standard of care the unaccompanied alien child would receive, verification of the employment or other information provided by the potential sponsor as evidence of the ability to support the unaccompanied alien child, interviews with members of the household, and a home visit or home study as discussed at § 410.1204.

(2) Requires potential sponsors to submit proof of income.

(3) Shall take into consideration the wishes and concerns of the unaccompanied alien child.

(4) Conducts background checks on all potential sponsors, which shall include collection, review, or completion of:

(i) the name of the potential sponsor and of all adult residents of the potential sponsor's household;

(ii) the Social Security number or taxpayer identification number of the potential sponsor and of all adult residents of the potential sponsor's household;

(iii) the date of birth of the potential sponsor and of all adult residents of the potential sponsor's household;

(iv) the validated location of the residence at which the unaccompanied alien child will be placed, which may include review of available records sufficient to confirm the residence and identify indicators of prior and multiple sponsorship activity associated with that location, where appropriate;

(v) an in-person or virtual interview with, and suitability study concerning, the potential sponsor and all adult residents of the potential sponsor's household, including resolution of discrepancies relating to identity, relationship claims, residence, employment, or other information submitted in support of the sponsorship request;

(vi) contact information for the potential sponsor and for all adult residents of the potential sponsor's household; and

(vii) the results of all background and criminal records checks for the potential sponsor and for all adult residents of the potential sponsor's household, which shall include, at a minimum, an investigation of the public records sex offender registry, a public records background check, and a national criminal history check based on fingerprints, as well as any additional lawful records checks or verification steps ORR deems necessary to resolve fraud, public safety, or child welfare concerns.

(5) ORR may waive or modify the requirement to collect Social Security or taxpayer identification numbers, as described at paragraph (c)(4)(ii) of this section, with respect to potential sponsors who are parents or legal guardians, or adult household members of potential sponsors, provided that ORR would be able to collect sufficient alternative identifying information to complete appropriate vetting and resolve identity.

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Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026-12946 Filed 6-25-26; 8:45 am]

BILLING CODE 4184-45-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-2026-0728]

RIN 2127-AN00

Federal Motor Vehicle Safety Standards; Modernization of FMVSS No. 135 To Accommodate ADS-Equipped Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: NHTSA is proposing to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 135, "Light vehicle brake systems." The proposed modifications would distinguish how regulations apply to vehicles with and without manually operated driving controls. The proposed modifications would clarify definitions, telltale requirements, performance requirements, and test procedures in the standard and remove sections that are no longer relevant. The stopping distance performance requirements, which address the primary safety purpose of the standard, would still apply to all subject vehicles. This rulemaking would remove unnecessary regulatory burdens and costs without detriment to vehicle safety.

DATES: Comments should be submitted no later than July 27, 2026.

ADDRESSES: You may submit comments identified by the docket number in the heading of this document through any of the following methods:

- *Electronic Submissions:* Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Suite W58-213, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366-9826 or (202) 366-9317 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.