

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Affidavit of Relationship (AOR) for Minors Who are Nationals of El Salvador,
Guatemala, or Honduras

OMB Number 1405-0217

DS-7699

A. JUSTIFICATION

1. The Department of State's Bureau of Population, Refugees, and Migration (PRM) is responsible for coordinating and managing the U.S. Refugee Admissions Program (USRAP). PRM coordinates within the Department of State, as well as with the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS), in carrying out this responsibility. A critical part of the State Department's responsibility is determining which individuals, from among millions of refugees worldwide, will be eligible for United States resettlement consideration. Section 207(a)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1157(a)(3), states that admissions "shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation." Which individuals are "of special humanitarian concern" to the United States for the purpose of refugee resettlement consideration is determined through the USRAP priority system.

PRM and DHS are assisting with the establishment of an "in-country" program to provide a means for certain persons in the United States ("qualifying parents") to claim a relationship with children who are nationals of Honduras, El Salvador, or Guatemala and to assist the Department of State in determining whether these children are qualified to apply for access to the USRAP for family reunification purposes. The main purpose of the collection instrument (the DS-7699 AOR form) is for the qualifying parent to provide biographical information about children overseas who may subsequently seek access to the USRAP for verification by the U.S. Government. State Department-funded domestic resettlement agency representatives who are knowledgeable about program eligibility will assist persons with this form. This form also assists DHS to verify parent-child relationships during refugee case adjudication.

The first step to request access for a child to the USRAP for consideration is for a qualifying parent in the United States to file an Affidavit of Relationship (AOR), DS-7699, for qualifying family members. The qualifying parent may be any individual who is at least 18 years old and lawfully present in the United States in one of the following categories:

- Lawful Permanent Resident Status,
- Temporary Protected Status Grantee,
- Parolee,
- Deferred Action Recipient,
- Deferred Enforced Departure Recipient, or
- Withholding of Removal Grantee.

Qualifying parents may file an AOR on behalf of their unmarried children under 21 years of age in El Salvador, Honduras, or Guatemala. Additionally, if the second parent resides in the country of origin and is part of the same household and economic unit as the qualifying child and is legally married to the qualifying parent at the time the qualifying parent files the AOR, that in-country parent will be eligible to apply for refugee resettlement in connection with the child. Other eligible family members that may be included on the qualifying child's refugee application and may be qualified to apply for admission to the United States include: the biological, in-country parent; the primary caregiver; and the married and/or 21 or older brother and sister of the qualifying child. Unmarried children under 21 of the qualifying child may also be qualified to apply for admission to the United States as derivative beneficiaries. Information listed in the AOR is essential to determining qualification for access to the USRAP.

The AOR also informs the qualifying parent that DNA evidence of all claimed biological parent-child relationships, and of the qualifying child and a biological parent in-country, and with select caregivers, will be required as a condition of access to the program, and that the initial costs of DNA testing will be borne by the qualifying parent. Applicants whose claimed biological relationships are confirmed by DNA testing will be eligible for reimbursement of DNA test costs.

DHS is responsible for determining who is eligible for admission to the United States as a refugee. DHS uses the information listed in the AOR to confirm and verify information related to the family members in the specified countries seeking refugee resettlement as well as subsequent applications or petitions for other immigration benefits they may seek under United States law. Accordingly, the AOR serves as an important tool to combat fraud in such programs.

2. Working with a resettlement agency that partners with the Department of State, qualifying parents in the United States complete the AOR to: a) establish that they meet the requirements for being a qualifying parent, including having one of the aforementioned categories of lawful presence; b) provide a list of qualifying family members who may wish to apply for refugee resettlement to the United States from one of the qualifying countries; and c) establish that the family members are nationals of these qualifying countries. Once completed, the AOR is sent by the resettlement agency to the Refugee Processing Center (RPC) for case creation and processing. The information is used by the RPC for case management; by DHS to determine that the qualifying parent falls into one of the aforementioned categories; and by a Resettlement Support Center (RSC), which is an organization working overseas under a cooperative

agreement with the Department of State, to conduct case pre-screening and assist in the processing of refugee applicants.

After receiving the AOR from the RPC, the RSC will conduct an initial pre-screening interview. Once the RSC has conducted initial prescreening of the overseas case, it will contact the qualifying parent through the resettlement agency with instructions on arranging for DNA relationship testing to verify all claimed biological parent-child relationships between the qualifying parent and the qualifying child. The qualifying parent will select a lab in the United States approved by the American Association of Blood Banks (AABB) to conduct DNA relationship testing. DNA collection kits will be sent to the RSC and DNA samples will be collected from the overseas children through a buccal swab. The RSC will return the samples to the lab in the United States for DNA relationship testing. Results will be forwarded to the RPC, which will record in its system whether each claimed biological relationship was confirmed or not confirmed. The RPC will then redact the lab report so as not to retain any specific information about the matching of alleles between the qualifying parent and his or her children overseas. The Privacy Impact Assessment (PIA) for this collection is posted on the Department of State website at <http://www.state.gov/m/a/ips/c24223.htm>.

3. PRM maintains cooperative agreements with nine resettlement agencies. These resettlement agencies have a combined network of offices in nearly 200 locations throughout the United States. The collection of the information discussed above currently involves the limited use of electronic techniques. Qualifying parents in the United States will work closely with a resettlement agency during the completion of the AOR to ensure that the information is accurate. Qualifying parents may visit any resettlement agency to complete an AOR. Qualifying parents who have limited English proficiency will often benefit from having a face-to-face meeting with resettlement agency staff and should be provided with language assistance. The collection instrument (DS-7699) will be available electronically and responses will be completed electronically. Completed AORs will be printed out for ink signature by the respondents as well. The electronic copy is uploaded to the RPC's secure public-facing website for data entry into Worldwide Refugee Admissions Processing System (WRAPS), scanning and case processing. The signed paper copy remains with PRM's resettlement agency partner. PRM intends to update systems so that the information on the form can be ingested directly into WRAPS within the next three years.
4. There is no duplication of information. The information necessary for the processing of children is not available elsewhere.
5. This information collection does not impact small businesses or other small entities.
6. Without this information collection, the USCIS would lack the necessary data to verify family relationships between the qualifying parents and their children applying for the in-country program in the qualifying countries and accomplish its stated policy of permitting qualifying children who are eligible for refugee status to resettle in the United States

under this in-country program. The information is collected on an as-needed basis; there is no standardized schedule of collection.

7. There are no special circumstances for this collection.
8. A 60-day public notice was published in the Federal Register requesting comment on February 15, 2017 (82 FR 10850). One comment was received. The comment expressed disapproval of allowing immigrants to enter the United States altogether. The comment did not offer any recommended changes to the form; therefore, no changes were made to the DS-7699 to address this comment.
9. There are no payments or gifts to respondents.
10. Department of State records related to refugee processing are confidential per section 222(f) of the Immigration and Nationality Act, 8 U.S.C. § 1202(f). That section states that such records, because they “pertain[] to the issuance or refusal of . . . permits to enter the United States,” “shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of immigration, nationality, and other laws of the United States.” As some of the information collected might be subject to the Privacy Act, 5 U.S.C. § 552a, the AOR contains a Privacy Act Statement and explains to the respondent how the information may be used.
11. There are no questions of a sensitive nature on the AOR. However, to qualify for the program, applicants are required to establish a bona fide legal or biological relationship to the qualifying child. In order to prevent fraud, all biological relationships must be confirmed through DNA testing.
12. The estimated annual number of respondents is 5,000. The annual hour burden is estimated to be 10,000 hours, based on 2 hours per form x 5,000. This estimated time for completion was determined after consulting with the resettlement agencies, which have years of experience collecting this type of information. The hour cost burden for this collection is based on a weighted wage of \$29.81 x 5,000 respondents x 2 hour = \$298,100.
13. Relationship verification by DNA testing is a requirement for access to the program. The costs associated with the testing will need to be furnished by the applicant; however, applicants whose claimed biological relationships are confirmed by DNA testing will be eligible for reimbursement of the test costs. It is estimated that 0.8% of the program’s 5,000 annual applicants will not have the cost of performing DNA testing reimbursed due to the failure of DNA testing to confirm all of the claimed biological relationships. Forty individuals will incur an average cost of \$560, for a total cost burden to respondents of \$22,400.
14. The cost of reimbursing the applicants for DNA testing is based on the assumption that 99% of the 5,000 applicants will have their relationships confirmed by DNA. Assuming an average testing cost of \$560, 4,950 individuals will need reimbursement at a total cost

of \$2,772,000. The cost that the PRM contractor would have to pay for staff salary to provide reimbursements will be \$80,000 per year. RPC staff estimates devoting 50 minutes per AOR to process the information submitted by applicants. The total cost to the Federal Government of this processing, at a \$44.00 hourly rate, is \$181,333. Therefore, the total cost incurred by the government is: $181,333 + 2,772,000 + 80,000 = \$3,033,333$.

15. The program has been expanded to additional categories of family members of the qualifying children. These include: over 21 sons and daughters, when accompanied by a qualified child (all qualifying children and sons and daughters over 21 would be required to undergo DNA testing with the U.S.-based parent); biological parent of qualified child, when accompanied by a qualified child, provided the add-on parent and qualifying child verify their relationship with DNA testing and the U.S.-based parent requests the in-country parent on the AOR; and other caregivers of the qualified child related to the U.S.-based parent or qualified child. Also, processing will be expanded regionally, so that children who have already left their home countries but remain in the region could apply. This would include: cases where the AOR was filed when the child was still in-country, but the child subsequently flees to a third country; and cases where the AOR is filed after the child has already fled to a third country.

As such, in the previous Collection notice, PRM made considerable changes to the instructions of the form to reflect the changes in the criteria. A number of changes to the instructions in response to the Department of Justice Executive Office for Immigration Review (EOIR) and DHS Office of Chief Counsel recommendations for clarity and consistency were also made.

In the “body” of the form changes were made on Section II, pages 2(a-f), numbers 2-10: additional categories were added to the drop down box which previously only had options “B” and “C”. The additional nine options included in those drop down boxes are: D, D-2, D-3, E, E-2, E-3, F, F-2, F-3 which will be used to designate the individual relationship to the qualifying child. This form contains minor formatting edits, changes to relationship codes to match those used by our Refugee Processing Center, and clarification on the relationships that will require DNA testing.

Also note, from the previous submission, the hour cost burden (\$74,525) was mistakenly entered as the cost to respondent (\$350,000). That has been corrected in this submission and doubled to reflect what we consider to be the accurate time burden for respondents.

16. The Department will not publish the results of this collection.
17. The Department will display the expiration date for OMB approval of the information collection.
18. There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.