

- there are no other safety concerns present in the case, including relating to abuse or **neglect**.

A Category 2A or 2B sponsor who is simultaneously sponsoring multiple children related to them undergo the background check requirements of the child most closely related to them. For example, a sponsor who is the parent to one child and an uncle to another child, undergo the unification requirements as a Category 1 sponsor for both children.

All potential sponsors undergo a public records background check of criminal history and sex offender registry databases. Adult household members of potential sponsors in Category 2A, 2B, 3, and in some cases Category 1, must also undergo public records background check of criminal history and sex offender registry databases. Sponsors in Categories 2B and 3, as well as some Category 1 and 2A sponsors, adult household members, and adult caregivers identified in a sponsor care plan require fingerprint background checks that are processed through the U.S. Department of Justice's (DOJ) Federal Bureau of Investigation (FBI).

ORR transmits fingerprint submissions (if required) to the U.S. Department of Justice's (DOJ) Federal Bureau of Investigation (FBI) to perform criminal history checks.⁷ The FBI submits the results to the U.S. Department of Health and Human Services/Program Support Center (HHS/PSC). HHS/PSC provides the results and notifies ORR that the biometric and biographic checks conducted by the FBI are complete. HHS/PSC also provides copies of the results to ORR.

In some cases, ORR requires sponsors, adult household members, and adult caregivers to undergo a background check search of state child abuse and neglect (CA/N) registries maintained by individual states. In these cases, HHS/PSC works with the relevant state agency or directs the subject of the check to request results from the relevant state agency in compliance with state law and regulation.

Revised 07/09/2024

2.5.1 Background Check Requirements

To begin the background check process, the potential **sponsor** and adult household members must first complete the Authorization for Release of Information form (if applicable)⁸ and submit fingerprints and provide a copy of a valid government issued photo identification (if required). Adult caregivers identified in a sponsor care plan also require background checks, as outlined in the chart below. The type of background checks performed on a sponsor, adult household members, and adult caregivers is dependent in part on the sponsor's relationship, if any, with the child. See **Section 2.2.1 Identification**

of Qualified Sponsors for a description of sponsor categories.

The following table lists the types of background checks performed, and explains when they are performed, based on the potential sponsor’s relationship to the unaccompanied child and other release considerations. The table only indicates the minimum requirements for the background check process for sponsors and others. ORR may require additional checks, verifications, or procedures for sponsors and others in any category if there are any unresolved issues or questions related to the well-being of the child.

TYPE OF BACKGROUND CHECK	PURPOSE	PERSONS CHECKED	WHEN PERFORMED
Public Records Check	Identifies arrests or convictions of sponsors, adult household members, or others. If a check reveals a criminal record or safety issue, it is used to evaluate the sponsor’s ability to provide for a child’s physical and mental well-being.	Potential Sponsors in Categories 1-3. Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.	For all sponsors, regardless of category. In all cases for household members and adult caregivers identified in a sponsor care plan. for category 2A, 2B, and 3. For category 1 household members, only where there is a documented risk to the safety of the unaccompanied child, the child is especially vulnerable, and/or the case is being referred for a home study.
Sex Offender Registry Check, conducted through the U.S. Department of Justice National Sex Offender Public Website	Identifies sponsors and others that have been adjudicated as sex offenders through a national search and, if available, a local public registry search.	Potential Sponsors in Categories 1-3. Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.	In all cases

FBI National Criminal History Check, based on digital fingerprints or digitized paper prints

Determines whether a sponsor or adult household member (as applicable) has a criminal history, has a profile in DHS IDENT, has been convicted of a sex crime, or has been convicted of other crimes that compromise the sponsor's ability to care for a child.

Potential Sponsors in Category 1 and Category 2A.

Where a public records or sex offender check reveals possible disqualifying factors under **Section 2.7.4 Deny Release Request**; or where there is a documented risk to the safety of the unaccompanied child, the child is especially vulnerable, and/or the case is being referred for a home study.

Child Abuse and Neglect (CA/N) Check, obtained on a state by state basis as no national CA/N check repository exists

Checks all localities in which the sponsor or household member has resided in the past 5 years.

Potential Sponsors in Categories 2B and 3.

In all cases.

Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.

Where a public records or sex offender check reveals possible disqualifying factors under **Section 2.7.4**; or where there is a documented risk to the safety of the unaccompanied child, the child is especially vulnerable, and/or the case is being referred for a home study

Potential Sponsors in Categories 1-3

In cases that require a home study, and cases where a special concern is identified.

Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.

In any case where a sponsor is required to undergo a CA/N check.

<p>State Criminal History Repository Check and/or Local Police Check</p>	<p>Assists in locating police or arrest records, or other criminal offense details, as needed.</p>	<p>Potential Sponsors in Categories 1-3.</p> <p>Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.</p>	<p>Used on a case-by-case basis when there is an unresolved criminal arrest or issue that is still in process.</p>
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Fingerprint Exception for Category 2B Cases with Qualifying Category 1 or 2A Sponsors

Fingerprints for a Category 2B sponsor of a case related to a Category 1 or Category 2A case may not be required, provided that all of the following conditions apply:

1. The children are screened and determined to not be especially vulnerable;
2. The children are not otherwise subject to a mandatory TVPRA home study; and
3. There are no other red flags present in the case, including red flags relating to abuse or neglect.

If one (1) of the cases falls under one (1) of these categories and the other(s) does not, the case manager and case coordinator will make a recommendation to the FFS whether to separate the cases for purposes of processing. Case managers will document the exception in all children in the family units' Release Request documents.

Effective 02/13/2024

2.5.2 Results of Background Checks on Release Decisions

ORR uses the results from background checks to determine whether **release** to a potential **sponsor** is safe. A potential sponsor may be denied based on the results of a background check, and a release decision may remain undecided until ORR obtains the results of a potential sponsor's criminal history or child abuse and neglect reports.