

Release of Unaccompanied Alien Children from ORR Custody

**OMB Information Collection Request
0970 - NEW**

Supporting Statement Part A - Justification

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

SUPPORTING STATEMENT A – JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

The Homeland Security Act (HSA), 6 U.S.C. 279, transferred responsibilities for the care and placement of unaccompanied alien children (UAC) from the Commissioner of the former Immigration and Naturalization Service (INS) to the Director of the Office of Refugee Resettlement (ORR).

The *Flores v. Reno* Settlement Agreement, No. CV85-4544-RJK (C.D. Cal. 1996), establishes an order of priority for sponsors with whom UAC should be placed and sets minimum standards for the housing, services, transportation, and discharge of UAC. *Flores* also entitles Plaintiffs' counsel to visit ORR facilities.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), 8 U.S.C. 1232, creates additional requirements for the placement, services, and discharge of UAC in federal custody. The TVPRA also directs ORR to create policies to ensure UAC are protected from traffickers and others seeking to victimize them or otherwise engage them in criminal, harmful, or exploitative activity.

ORR's Interim Final Rule on the Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children, 45 CFR Part 411, sets forth such standards for ORR care provider facilities that house UAC in accordance with section 1101(c) of the Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4 (VAWA 2013).

ORR's UAC Program provides care and custody for UAC until they can be safely released to a sponsor, repatriated to their home country, or obtain legal status. ORR funds residential care provider facilities that provide temporary housing and other services to UAC in ORR custody. Care provider facilities are State-licensed, with the exception of temporary influx care facilities, and must meet ORR requirements to ensure a high-level quality of care. Services provided at care provider facilities include, but are not limited to, education, recreation, vocational training, acculturation, nutrition, medical, mental health, legal, and case management.

ORR is submitting several instruments directly related to the care of UAC for processing pursuant to the Paperwork Reduction Act. These instruments allow ORR to process the release of UAC from ORR custody and provide services after release. The proposed instruments are:

- Discharge Notification (Form R-2)
- Notice to Immigration and Customs Enforcement's (ICE) Chief Counsel – Release of Unaccompanied Alien Child to Sponsor and Request to Change Address (Form R-3)
- Release Request (Form R-4)
- Safety and Well-Being Follow-Up Call Report (Form R-6)

2. Purpose and Use of the Information Collection

- **Discharge Notification (Form R-2):** This instrument is used by care provider facilities to notify stakeholders of the transfer of a UAC to another care provider facility or the release of a UAC from ORR custody. This form is currently approved under OMB Number 0970-0498.
- **Notice to ICE Chief Counsel - Release of Unaccompanied Alien Child to Sponsor and Request to Change Address (Form R-3):** This instrument is used by care provider facilities to notify ICE Chief Counsel of the release of a UAC and request a change of address.
- **Release Request (Form R-4):** This instrument is used by care provider facilities, ORR contractor staff, and ORR Federal staff to process recommendations and decisions for release of a UAC from ORR custody. This form is currently approved under OMB Number 0970-0498.
- **Safety and Well-Being Follow-Up Call Report (Form R-6):** This instrument is used by care provider facilities to document the outcome of calls made to UAC and their sponsors after release to ensure the child is safe and refer the sponsor to additional resources as needed.

3. Use of Improved Information Technology and Burden Reduction

Three of the instruments described in this supporting statement are housed in ORR's case management system, the UAC Portal (see list below). Many of the data fields in the UAC Portal are auto-populated once the original data fields are completed (e.g., date of birth, alien number, UAC name). The UAC Portal is a secure limited access database that requires multifactor authentication. One instrument is an Excel spreadsheet.

ORR is in the process of developing a new case management system which will streamline information management by consolidating UAC information from disparate storage locations, reduce manual paperwork processing conducted outside of the system (e.g., spreadsheets, PDFs, Word documents), maximize the use of auto-population so that information is not entered more than once, enforce business rules through automated workflow management, and improve business intelligence capabilities by automating reporting and data analytics. All of the instruments in this collection will be incorporated into the new system in late 2020.

Instruments in UAC Portal

- Discharge Notification (Form R-2)
- Notice to ICE Chief Counsel – Release of Unaccompanied Alien Child to Sponsor and Request to Change Address (Form R-3)
- Release Request (Form R-4)

Instruments in Excel Format

- Safety and Well-Being Follow-Up Call Report (Form R-6)

4. Efforts to Identify Duplication and Use of Similar Information

The information being collected by these instruments are not obtainable from other sources.

5. Impact on Small Businesses or Other Small Entities

The proposed information collections will not burden or impact small businesses.

6. Consequences of Collecting the Information Less Frequently

Not collecting the information requests on these forms would impede ORR from performing its charged duty of releasing UAC from its custody as quickly and safely as possible. Furthermore, all grantees funded to provide services to these children are required in writing to comply with all of ORR's program policies, procedures, and other guidance, which includes collecting the information in these instruments.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

None of the characteristics outlined in 5 CFR 1320.5(d)(2) apply to the instruments in this collection.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice alerted the public to a request for emergency approval for six months of data collection and provided a sixty-day comment period related to the full request that will be submitted to continue data collection beyond six months. This notice was published on July 24, 2020, Volume 85, page 44895, and provides a sixty-day period for public comment. A full request will document any comments received and how ACF has considered the comments.

9. Explanation of Any Payment or Gift to Respondents

No payment or gift to the respondents will be provided.

10. Assurance of Confidentiality Provided to Respondents

ORR established a system of records to ensure the level of confidentiality pursuant to the Privacy Act, 5 U.S.C. 552a. ORR's system of records notice was published on July 18, 2016 at 81 FR 46682.

11. Justification for Sensitive Questions

Sensitive information may be collected in the *Release Request* in order for ORR to make an informed, timely, and safe release decision. ORR does not ask for any information of a sensitive nature beyond what is needed to make the release decision.

12. Estimates of Annualized Burden Hours and Costs

Estimates used to calculate burden are based on the following factors:

- The number of responses per respondent was calculated using FY2019 data on the actual number of UAC discharged from ORR custody and UAC transferred within the ORR care provider network.
- ORR funds approximately 195 care provider grantees and expects to continue the trend of increasing capacity each year.
- The cost to respondents was calculated using wage data, accessed in March 2020, for the Bureau of Labor Statistics (BLS) job code 21-1021 Child, Family, and School Social Workers in the industry of Other Residential Care Facilities. The rates were multiplied by two to account for fringe benefits and overhead – $\$19.21 \times 2 = \38.42

Information Collection Title	Annual Number of Respondents	Annual Number of Responses per Respondent	Average Burden Minutes per Response	Annual Total Burden Hours	Average Hourly Wage	Annual Total Cost
Discharge Notification (Form R-2)	206	416	7	9,998	\$38.42	\$384,123.16
Notice to ICE Chief Counsel - Release of Unaccompanied Alien Child to Sponsor and Request to Change Address (Form R-3)	206	377	3	3,883	\$38.42	\$149,184.86
Release Request (Form R-4)	206	356	45	55,002	\$38.42	\$2,113,176.84
Safety and Well-Being Follow Up Call Report (R-6)	206	354	30	36,462	\$38.42	\$1,400,870.04
		Estimated Annual Burden Hours Total:		105,345	Estimated Annual Cost Total:	\$4,047,354.90

13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

Respondents will not incur any direct monetary costs, other than their time, in the completion of these instruments.

14. Annualized Cost to the Federal Government

The annualized cost estimate for each of these instruments considers the time of a step 1 GS-12 in the Washington, DC locality to review information following submittal. No additional costs will be incurred by the Federal government for developing computer systems or storing the instruments as those systems are already in place. The hourly rate was multiplied by two to account for fringe benefits and overhead.

Information Collection Title	Annual Number of Respondents	Annual Number of Responses per Respondent	Average Federal Staff Burden Minutes per Response	Annual Total Federal Staff Burden Hours	Average Federal Staff Hourly Wage	Annual Total Federal Staff Cost
Discharge Notification (Form R-2)	45	1,904	2	2,856	\$82.74	\$236,305.44
Notice to ICE Chief Counsel - Release of Unaccompanied Alien Child to Sponsor and Request to Change Address (Form R-3)	45	1,726	2	2,589	\$82.74	\$214,213.86
Release Request (Form R-4)	45	1,628	20	24,420	\$82.74	\$2,020,510.80
Safety and Well-Being Follow Up Call Report (R-6)	45	1,619	7	8,500	\$82.74	\$703,290.00
		Estimated Annual Burden Hours Total:		38,365	Estimated Annual Cost Total:	\$3,174,320.10

15. Explanation for Program Changes or Adjustments

ORR is reorganizing the instruments currently approved under OMB 0970-0498 into separate collections based on the purpose of the information collected. This collection includes two instruments from OMB 0970-0498 that are related to release of UAC from ORR custody. This collection also includes two other instruments that fall under this information collection category that are subject to PRA and require approval by OMB.

16. Plans for Tabulation and Publication and Project Time Schedule

ORR does not plan to publish the information provided by the respondents.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

ORR plans to display the expiration date of clearance as set by OMB.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

No exceptions are necessary for this information collection.