

Office of Management and Budget
Paperwork Reduction Project
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Attn: ACF Reports Clearance Officer

November 16, 2020

RE: Proposed Information Collection Activity; Refugee Data Submission System for Formula Funds Allocations (ORR-5) Federal Register / Vol. 85, No. 214

The Colorado Department of Human Services (CDHS) submits this official response to the proposed changes to the ORR-5 data request. This response pertains to the *Federal Register* Notice (“Notice”) of the proposed additions to collection of information on the ORR-5 report as referenced in the Federal Register Notice published on November 4, 2020, Volume 85, Number 214, page 70179.

Background

The U.S. Department of Health and Human Services (HHS) specifically states in the notice that the ORR-5 is designed to satisfy the statutory requirements of the Immigration and Nationality Act (INA). Section 412(a)(3) of INA (8 U.S.C.1522(a)(3)) requires that the Director of ORR make a periodic assessment of the needs of refugees for assistance and services and the resources available to meet those needs. ORR proposes revisions to the current form for use after FY 2020. Revisions include collecting additional client-level data elements on the ORR-5 at multiple points in time, which ORR believes will allow the ORR Director to better understand client goals, services utilized, and the outcomes achieved by the population ORR serves. The data collected will inform evidence-based policy making and program design. These revisions also enable ORR to monitor implementation of the requirements put forth in Policy Letter 19-07. Finally, the ORR-5 instructions state that the purpose of the ORR-5 is to provide ORR with data that helps ORR establish resource allocation for the Refugee Support Services (RSS).

CDHS comments:

1. The current process for collecting data from States for formula funding allocation meets ORR needs and obligations, as defined under INA section 412(c)(1)(B).



States currently report data in the ORR Refugee Arrivals Data System (RADS) on only two cohorts of the population served: asylees and Cuban-Haitian entrants that present for services initially in Colorado; and secondary migrants. This constitutes approximately 10% of the total population served by the Colorado Refugee Services Program each year. The information about other arrivals is available to ORR from its federal partner the Department of State (DOS) (which also has responsibilities under INA section 412). The combination of data that is currently provided annually by States to ORR and to ORR from DOS satisfies the statutory need for ORR to ensure that formula funds be allocated based on the total number of refugees, taking into account secondary migration, and without placing undue burden on the State.

2. The additional fields in the proposed ORR-5 would not affect the number of people served, and thus have no utility in informing the formula funds allocation. It is unclear how these additional data elements will be used.

Per the Dear Colleague Letter 20-10, ORR explains how the funding allocation is determined in the present ORR-5 form: To arrive at the “population served¹” figures, ORR compiled the FY 2019 U.S. Department of State refugee arrival data, U.S. Department of Homeland Security federal data, Special Immigrant Visa (SIV) arrival data and Victims of Trafficking (VOT) data from the ORR Refugee Arrivals Data System (RADS). ORR then compared or matched data submitted by states through the ORR-5 report for the same time period for all other eligible populations and included those individuals in the population served totals. ORR then divided the total amount of available FY 2020 RSS funds by the adjusted “population served” figure to calculate each State’s base funding allocation”.

For Colorado, 1,118 people counted towards the “population served” on the FFY2019 ORR-5 submission. However, Colorado was required to submit individual data on 5,825 people. ORR has not provided Colorado with any information regarding the purpose of collecting information on everyone served, if everyone served does not count towards the funding formula and the report is not used for any other purpose. If ORR is not using the additional data already required on the present ORR-5 form, it is unclear for what purpose the additional proposed fields serve.

3. The proposed ORR-5 requests an unprecedented amount of personally identifiable information (PII) at a micro-level for outcomes and services.

¹ Populations served include the total number of refugees, Amerasians, SIVs, and VOT arrivals. Also included are state matched data for Cuban and Haitian entrants and asylees. All populations are adjusted for verified secondary migration.



The proposed information collection is not consistent with other federal programs in the level of PII being collected on an individual's outcomes. Colorado has great concerns about the Federal government or others, extrapolating what the data means about certain populations. Colorado is unclear how collecting data on case primary applicants, English ability, education level, and follow through on primary goals would allow the Director to better understand program outcomes.

4. The proposed collection of PII, especially specific to outcomes, is an overreach for a program that is State-administered.

State Refugee Coordinators (SRCs) have designated authority to allocate, oversee, and coordinate refugee services within their States. States keep ORR informed of all services provided, as well as changes, through an already established reporting system (e.g. ORR-6, Annual Service Plan, Annual Outcome Goal Plan, ORR-1 etc.). It is unclear how this new collection of data will inform policies and programming when the primary responsibility of the States is to ensure the needs of refugees are met through the available resources.

In addition, some of the data requested is not within ORR's purview, such as the data proposed under the "RSS FSSP Initial Referral Relevant to Initial Primary Goal 1" (examples include: Childcare program (non-ORR funded); elderly program (non-ORR funded); housing assistance program (non-ORR funded); Supplemental Security Income (SSI); Temporary Assistance for Needy Families Support Services (TANF) Program; Workforce Innovation and Opportunity Act (WIOA) Program; Other (non-ORR funded)). ORR is also requesting data on programs that while ORR funds, States may not control either the funding or the programming (examples include: Ethnic Community Self-Help Program, Matching Grant Program, Preferred Communities Program, Refugee Agricultural Partnership Project, Refugee Family Child Care Microenterprise Development Program, Refugee Individual Development Accounts Program, Refugee Microenterprise Development Program, Survivors of Torture Program, Other (ORR-funded)). RSS could fund the initial referral into such programming, though Colorado would not be able to report on any outcomes subsequent to the referral.

5. There are other Office of Management and Budget (OMB) approved reports that satisfy the Director's need for periodic assessment, based on refugee population and other relevant factors, of the relative needs of refugees for assistance and services and the resources available to meet those needs.

The ORR-6, not the Refugee Data Submission System of Formula Funds Allocations - ORR-5, collects information for the Director and ORR to understand needs, assistance,



services and resources. The ORR-6 (OMB Control No. 0970-0036) collects information including: major activities (accomplishments, activities and challenges); new program initiatives; performance measures; monitoring; quarterly community consultations; trends; Refugee Cash Assistance enrollees (aggregate numbers); medical screening outcomes (including the date range of screening from arrival); and high cost events on Refugee Medical Assistance.

Some data collection additions proposed for the ORR-5 could be provided to ORR through the ORR-6 in an aggregate form (e.g. wages from employment one year after RSS entry and employment status one year after RSS entry). This would allow ORR to utilize this information for overall program performance analysis whereas the current proposed collection method could be used to target specific communities or immigrant groups.

Other Considerations:

Other considerations include the following:

- There are basic clarity issues, and all fields currently proposed need greater basic definitions, such as: who is considered the primary applicant (PA), how will States report if the PA changes from one year to the next, how “case” is defined, what is the timeline on the “initial” FSSP goal, etc.

It is on these grounds that Colorado respectfully disagrees with the need for additional data for the Refugee Data Submission System of Formula Funds Allocations - ORR-5. Colorado would welcome the opportunity to work collaboratively, through State Coordinators of Refugee Resettlement (SCORR), with ORR to determine a better approach to meeting ORR’s needs while protecting the PII of our newcomer populations.

Sincerely,

Barry Pardus

Office of Economic Security Deputy Director

