



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Economic Services Administration
Office of Refugee and Immigrant Assistance
1700 East Cherry Street
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December 4, 2020

Administration for Children and Families, Office of Refugee Resettlement

Via: Office for Information and Regulatory Affairs ICR

Re: FR Doc No: 2020-24398 – Proposed Information Collection Activity; Refugee Data Submission System for Formula Funds Allocations (ORR-5) (OMB #0970-0043)

On behalf of the State of Washington, the Department of Social and Health Services' Office of Refugee and Immigrant Assistance (ORIA) submits this comment on the *Federal Register* notice (Notice) published on November 4, 2020, Volume 85, Number 214, page 70179. The Notice refers to a proposed revision of the Refugee Data Submission System for Formula Funds Allocations (ORR-5) by the Office of Refugee Resettlement (ORR) within the Administration for Children and Families (ACF), U.S. Health and Human Services.

Introduction

The Washington State Department of Social and Health Services' Office of Refugee and Immigrant Assistance is designated to administer services to newly arriving refugees and eligible humanitarian immigrants. ORIA invests more than \$25 million in federal and state funding annually to provide a comprehensive set of services that are culturally responsive and linguistically specific. These services fall into four key service areas: Refugee Health and Wellness; Employment and Training; Immigration Assistance and Naturalization Services; and Whole Family Services. Through client service contracts, ORIA partners with more than 70 different primary and secondary organizations that include refugee resettlement agencies, ethnic community-based organizations, community-based organizations, public health clinics, school districts, state agencies and others across the state. On an annual basis, ORIA's programs and services reach more than 10,000 refugees and immigrants through a network of local service providers.

Specifically, ORIA invests Refugee Support Services formula and set-aside funding into local, community-based providers to offer a variety of services to refugees and ORR eligible populations. As used herein, the term "refugee" or "refugees" shall refer to "refugees and other eligible persons" as outlined by ORR on their website.¹ The proposed ORR-5 expands the data requirements and timeline of reporting into two additional schedules. The new data points in the proposed tool would require Washington to divulge extensive information about ORIA clients and their household members. This information would involve collecting and sharing data on a personally identifiable level for persons who receive employment services from one of ORIA's contracted services providers and every member of their immediate household, including their English ability, education level, employment goals, total number of months employed in full- and part-time work, average hourly wage, and many other data

¹ Access on August 26, 2020: <https://www.acf.hhs.gov/orr/about/what-we-do>

elements. Revisions include collecting additional client level data elements at two distinct points in time (initial and 12-month), all of which add a complicated layer of client tracking and data reporting. The proposed ORR-5 added 15 new data elements for states to report to ORR.

Washington strongly contests that the federal Office of Refugee Resettlement (ORR) needs the additional data requested in the revised ORR-5 in order for the federal agency to make data driven decisions for the effectiveness of the national refugee resettlement program. We urge this proposal be withdrawn for the following reasons:

a. The proposed collection of information is not necessary for the proper performance of the functions of the agency, and the information is unlikely to have practical utility.

ORIA disputes that the collection of this additional and expanded information is necessary for the proper performance and function of the federal Office of Refugee Resettlement (ORR). Per 8 U.S.C. §1522(a)(3), the Director of ORR is required to periodically assess the needs of refugees for assistance and services. ORIA agrees that this is important to ensure relevant and effective services, but questions whether the proposed methods and data collection instrument are necessary for ORR to better understand client goals, services utilized, and outcomes achieved. Specifically, the collection of comprehensive data on a personally identifiable level for all of those served through the RSS Family Self-Sufficiency Plan (FSSP) lacks practical utility for a federal agency.

The aforementioned U.S.C. provision does not prescribe any particular method for achieving its goals of assessing the needs of refugees for assistance and services, yet ORR proposes to greatly expand the personally identifiable information collected on clients served. ORR is currently able to adhere to the U.S.C.'s requirement of avoiding duplicate services by identifying names and "Alien Numbers" currently collected in the current ORR-5. The current ORR-5 is also used to determine resource allocation for the Refugee Support Services grant including set-asides. However, the remainder of the Director's duty may be performed through the use of the various reports already provided to the ORR, such as the ORR-6 Performance Report, the Annual Outcome Goal Plan, and the Annual Service Plan. In 2018, ORR significantly expanded the use of the ORR-6 data collection tool to incorporate additional narratives and aggregate service data. Some of the additional information that this proposal requests is already collected in aggregate in these other reports, such as employment data in the ORR-6.

ORIA fails to see the practical utility in the proposed collection of information or how it would be translated into evidence-based policy and programming decisions. For example, the proposed Section II and Section III of the ORR-5 requires states to report specific goals for every adult and child within a family that is receiving RSS funded employment services, and whether the goals were achieved within the 12-month check-in. ORR created a set list of common goals to collect on an individual level. These preset goals disregard the holistic approach established in the FSSP and do not support the client's autonomy, or the client's most desired outcomes for themselves and their families. ORIA argues that reporting this information to ORR on an individual level for each adult and child reports only whether an activity has been completed and is not evidence of a successful outcome for the family. States could provide similar information in the aggregate on already existing reporting tools, such as the ORR-6.

In light of the fact that ORR may assess the needs of refugees in other, less intrusive ways, the proposed collection of expanded personal data seems particularly and unjustifiably invasive. Requiring respondents, such as the state of Washington, to report this additional client-level information will also likely interfere with ORIA and its contracted provider's ability to deliver benefits and services. Instead of utilizing the RSS Family Self-Sufficiency Plan as a tool to support refugee households in achieving their desired goals and removing barriers, ORIA must shift time and resources to ensure all contracted service providers are able to accurately capture and report this data. This would include taking the time to designate, track, and match the newly added category of principal applicant to the ORR-5 tool. The additional reporting requirements will also take time and funding away from ORIA and service providers, hindering our ability to address more immediate needs and engage in deeper data

analysis on local effective and efficient tools to assist and empower refugees. Therefore, ORIA argues that this proposed additional data collection completely fails to achieve the stated goal of ORR, which is to not only understand outcomes for refugee and immigrant clients but to improve them.

In addition, Washington has concerns that the collection and use of this data by ORR may fail to protect the privacy of refugee clients in disclosing their personal information, particularly since ORR has thus far refused to enter into a data sharing agreement with respondents. Legal assessments of informational rights to privacy include the importance of the information for the function of the program, as well as whether or not there is a reasonable expectation that the information will remain private.² Collecting personal information, such as educational level, English ability, and the city, county and zip code of residence may violate an individual's right to disclose personal data. As noted above, there are other, less invasive tools that ORR may use to inform policy-making and program design decisions. This client-level data is not needed for the function of the program as it exists currently, nor is it necessary for future advancements. Based on the above reasoning, ORIA disputes and opposes the collection of additional client level information as necessary for the proper performance of agency (ORR) functions.

b. The agency's estimate of the burden of the proposed collection of information is inaccurate.

ORIA believes that ORR has significantly underestimated the time burden for the proposed collection of additional information. Under the proposed data collection revisions, ORR is proposing 15 new data elements to capture and report. Many of these new data elements are not discrete information, such as Name or Alien Number, that can easily be captured and reported, but instead will take quite a bit of time, effort, and resources in order to document and report.

For Washington, current ORR-5 data collection reporting requires a minimum of 82 hours annually to complete 21 data elements for nearly 8,000 individual client submissions a year. The table below estimates our current response for the ORR-5 burden hours.

While the persons and hours listed in the matrix below will remain true, added to them will be the following:

- Planning for the coordination, capture, and documentation of four new data points in Section I: Basic Information;
- Planning for the coordination, capture, and documentation of four new data elements in Section II and seven new data elements in Section III ;
- Compiling data, un-duplicating client lists, adding assigned RADS numbers to clients, performing data cross checks, and data validation; and
- Reviewing and applying new data and report instructions.

It is important to note that ORIA's current system used for tracking the RSS funded employment services (ORIA eJAS) lacks specific mechanisms to capture many of the new data elements, such as the twelve month follow-up and the goals for specific family members. Some of the information is collected in the case management notes sections. This information would be inaccessible to pull on an individual reporting basis. ORIA would be required to modify the ORIA eJAS system, which could take up to two years to complete. In the interim, ORIA would be required to set up a manual process for providers to complete. A manual process adds time to our program and data management as well.

The information in the table below also reflects a significant increase in time as the ORR-5 is expanding to include two distinct groups of people that arrived and received services during different time periods. The original ORR-5 captures all refugee arrivals and the services that they received during their initial year in the United States. The

² *Michigan Dep't of State v. United States*, 166 F. Supp. 2d 1228 (W.D. Mich. 2001) at 1235.

expanded version includes individuals served during two different federal fiscal years. For example, per the ORR-5 revised instructions, the federal fiscal year 2024 submission will include Sections I and Sections II for individuals served in FY 2023 and Section III will include individuals served in FY 2022. If ORIA submits 7,000 individuals for FY 2023 and 7,000 individuals for FY 2022, the amount of unique data being pulled and cleaned is substantial. In addition, the data submitted in Section III requires pulling new information for individuals previously submitted, which increases the preparation time to conduct the data match.

The table below estimates the actual time required for Washington to submit the existing ORR-5 data collection instrument and the projected hours for the proposed ORR-5. The initial ORR-5, with data validation that occurs throughout the year, takes Washington state approximately 118 hours to produce, which is higher than the average estimate of 90 hours provided by ORR.

ACTUAL AND ESTIMATED BURDEN HOURS FOR ORR-5 COLLECTION INSTRUMENT			
POSITION	DUTIES	ACTUAL HOURS FOR CURRENT COLLECTION	PROJECTED HOURS FOR NEW DATA ELEMENTS
Data Management	Pulling reports from multiple internal databases, compiling results, de-duplicating client lists, performing cross checks, and validating data	40	150
ORIA ORR-5 Report Lead	Establishing and monitoring data gathering and report submission timeline, collecting client information from Program Managers, assisting with data validation, submission of ORR-5 report via the RADS website	20	30
ORIA Program Managers (six)	Providing client data for ORIA programming, assisting with data validation	ORIA has six different program managers that collect data from service providers to report on the ORR-5. Each of those program managers spend a minimum of four hours solely compiling the ORR-5 report. This equals 24 hours of time contributed.	4 hours x six program managers = 24 hours For the additional requirements, the program manager for the employment program will need to collect and clean data from employment providers on a monthly basis. This adds a minimum of one additional hour per month each year, adding

			12 hours to the calculation. 5 hours to compile info at the end of the year Total Hours = 46
ORIA Program Administrator	Support the Program Managers and the programs in collecting and analyzing the data	6 hours	12 hours
ORIA Chief	Supervision of ORR-5 process, final sign-off on completed report prior to submission	4	7
ORIA RSS Contracted Employment Service Providers	Capture 15 new data points in a manual process to report to ORIA on a monthly basis.	N/A	18 employment providers x 2 hours a month x 12 months = 432 hours
WA State Refugee Health Coordinator's Office	Data pull and organization, analysis, and submission to ORIA for inclusion in final report	24	24
TOTAL NUMBER OF ESTIMATED HOURS FOR CURRENT ORR-5		118	696

c. The quality, utility, and clarity of the information to be collected of new elements is questionable.

Standardized Definitions

Out of the 15 new data collection elements, several of the proposed additional data categories will be difficult to achieve standardized results across all respondents. For instance what “Well” or “Very Well” means in response to category 27, “RSS FSSP English Ability” in Washington State may be completely different than how this data point is defined in a different state. The information captured for the RSS Family Self-Sufficiency Plan is a general assessment, not a more robust assessment of actual English ability captured by ESL providers. Therefore, it may not accurately reflect English ability to be used for comparison across local regions and states. It will also be difficult to accurately assess and report the English ability for all individuals in a family.

Similarly, ORIA’s general intake tool captures category 28, “RSS FSSP Education Level,” in the general intake form by number of years of education. To report this information on the ORR-5 will require comparing definitions of education level and cross walking them over to complete the ORR-5 data. This level of translation of definitions of data elements will require additional time for analysis.

Additionally, some portions of the proposed changes, such as category 27 and 28 in Section II, as well as the 12-month follow-up portion (Section III) propose to utilize self-reporting mechanisms as one potential data collection method. Self-reporting will be nearly impossible to standardize or provide accurate data that would lead to any sort of useful analysis. Consistency and standardized results are necessary if ORR is indeed going to use this data for policy-making and program design decisions.

Initial Primary Goal and Initial Referrals

The revised ORR-5 requests that states report qualitative information on an individual level that will fail to provide useful information for ORR's ability to make policy and programmatic decisions on a national level. For example, category 25, "RSS FSSP Initial Primary Goal," captures the specific goal that each individual within the household may be working on. The process of working with diverse refugee households to narrow down their complex needs into a single primary goal is a subjective and meaningless measure. The benefit of the Family Self-Sufficiency Plan is to provide a tool for local service providers to consider the holistic needs of a household in a culturally responsive manner. In addition, this information may be captured in multiple areas of a data source, including the narrative section.

Without earlier guidance from ORR on the FSSP, ORIA had already developed a general intake form and employment services plan to capture the required information. While many elements are similar, definitions around the primary goals in particular are different. To comply with this data request on an individual client level would require ORIA to pull data from multiple sources of information and translate goals on an individual level into the goals identified by ORR. General goals and outcomes are easier to report from multiple sources on an aggregate level. Pulling and translating primary goals on an individual client level, from a data perspective, invites multiple opportunities for errors and leads to lower quality data.

Similarly, ORIA asks and supports contracted service providers to make referrals and connections to different services that best meets the needs of the client. Not all referrals are tracked in a database system that can be pulled and attached to an individual client. Tracking and reporting on individual client referrals fails to tell the full story of the client and their household. It would require substantial effort on the part of contracted service providers and ORIA to ensure the tracking and reporting of referrals, rather than ensuring the individual and family are actually connected with the resources they needed to support their efforts in achieving self-sufficiency. As with the primary goal data, the quality of the data around initial referrals captured on an individual level would be insufficient for ORR to make policy and programmatic decisions.

Confidentiality and privacy considerations around the added elements of City and Zip Code

ORR proposes to add the categories of "City," "County" and "Zip Code" to the personal information collected on each refugee served in Washington. The current ORR-5 form already collects each person's documented county of residence. Capturing and reporting each client's City, County and Zip Code will be problematic for ORIA and for our contracted service providers for several reasons. First is the time, effort, and resources it will take to capture and report this additional information, as addressed above. More importantly, however, is the fact that this data may be used to effectively target clients based on their geographical locations. While that is likely not as big of a concern for the hundreds of refugees in larger urban areas, those who have been resettled in smaller rural areas, or areas with a primarily native-born population may feel placed at risk. This is particularly true given the current federal climate for refugees and immigrants combined with the questionable need for and utility of this data in the first place.

d. Additional Concerns and Recommendations.

Data Analysis Support

ORIA welcomes the opportunity to partner with ORR on ways to establish reporting tools and data analysis that would protect client privacy while supporting data driven policy and programmatic decisions. Washington values the use of data to inform the development and continuous improvement of programs designed to help refugees achieve economic self-sufficiency. This information and lessons learned can be shared with ORR in an aggregate manner.

Data Sharing Agreements

45 C.F.R. § 400.28 requires states to submit statistical and programmatic information to ORR, and Washington state fully agrees and complies with submitting data necessary to inform ORR. ORIA would like to encourage ORR to consider entering into data sharing agreements with respondents, to ensure that this data will remain confidential and not disseminated beyond ORR.

Conclusion

ORIA is unclear as to how this new data will be used to inform policy-making and program design decisions in ways that could not be achieved by using aggregate, less invasive data that is less expensive and reduces the burden to collect and report. Combined with the questionable clarity and utility of the proposed additional client-level data, as well as the current negative policies enacted towards refugees and immigrants, this serves to create a high level of mistrust around this proposed data request. Even if the harm is not directly related to the data itself, diverting substantial ORIA and client service funds and time away from providing basic needs assistance to instead collect this additional data will have a serious negative impact on refugees and immigrants in Washington State.

For all of the above reasons, the Washington State Department of Social and Health Services, Office of Refugee and Immigrant Assistance (ORIA) reiterates our strong objection to ORR's proposed collection of additional client-level information in subsequent ORR-5 reports, and urges that this proposal be withdrawn.

Sincerely yours,



Sarah Peterson

Washington State Refugee Coordinator