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

The State Coordinators of Refugee Resettlement (SCORR) 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.

Background

SCORR is an affinity group for State Refugee Coordinators (SRCs) and, as such, supports collaborative partnerships between federal, state and local entities. SCORR's membership is broad and includes diverse experiences from states and replacement designees. For the purposes of this letter, SCORR's membership will be referenced as States. Comments expressed in this letter are based on the input from the majority of states after review of the revised ORR-5.

The Notice states 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 the federal Office of Refugee Resettlement 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 will allow the ORR Director to better understand client goals, services utilized, and the outcomes achieved by the population ORR serves.

Concerns and Questions

SCORR appreciates ORR's desire to see successful outcomes for refugees, but has concerns about the validity of data being requested to meet the intended, stated purpose of the ORR-5 and the requirements under the INA. In addition, SCORR believe that the burden of hours and the ability for states to implement these changes in a timely manner is significantly underestimated. The proposed data collection tool requires states to report personally identifiable information (PII) for refugees receiving services, and SCORR believe that this is unnecessary for ORR's intended purpose and presents concerns protecting the privacy for refugees in our communities.

Concern 1: The specific information requested is unnecessary for proper function of ORR and lacks quality, utility and clarity.

The proposed ORR-5 is a substantial shift in reporting requirements for ORR, requiring 15 new data elements to be reported on a personally identifiable level. For example, the proposed ORR-5 would require states to report the specific goals of every adult and child in a household that is receiving employment services along with the corresponding referral. While SCORR broadly supports assessing the holistic needs of individual refugees through the Family Self-Sufficiency Plan, reporting goals and referrals on an individual level and whether they were achieved

is not a meaningful tool to understand successful outcomes for refugee families. Collecting the individual goals and referrals and whether they were met lacks practical utility for a federal office.

The inclusion of certain information is significantly outside the scope of data collected by ORR previously, specifically on an individual level. For example, Section III, category 35 requires states to report on an individual level how the 12-month follow-up information was collected. This level of information is merely a mechanism for determining the completion of a service. It does not represent an outcome or provide any level of data for better understanding the outcomes of individuals and families. This will be a meaningless data element for a federal office to collect and analyze as evidence to support program and policy decisions. This type of service compliance for a policy could be better collected either in an aggregate report or during a program monitoring.

Concern 2: The significant amount of time required for states to comply with the revised collection of information.

ORR estimates an average of 140 hours per each of the three responses required for a total of 420 hours per state. SCORR believes that the actual amount of time required for States and RDs to collect this information is substantially higher. Many data collection systems are not designed to capture and report each of this specific information on an individual level, specifically individual goals and referrals. Because the proposed revisions to the ORR-5 is such a significant shift from ORR's historical data collection practices, States and RDs were unable to anticipate needing to report this information on an individual level. To collect and report this information to the federal government will require states to create or amend existing data collection tools and conduct training and support for client service staff. The time required to change data systems and reporting processes will be significant.

Concern 2 – States will have great difficulty in translating the information collected in states into the categories and responses on the proposed form.

Across the country, ORR partners with 52 different refugee programs. Each State program partners with multiple RSS funded employment providers. While much of the information being requested is collected, the definitions, categories, and meanings of each data element may be different. Therefore, it would be inconclusive for ORR to collect individual level information for data that may have different meanings. Because of the different definitions, States and RDs will be forced to arbitrarily choose how to report on items to meet proposed fields, and minimal insights will be gained from the proposed options (i.e., English assessment values and "primary" goals do not reflect the methods of collection currently being practiced). The data translation process also adds time to preparing the report.

Many of the data elements would be collected using self-reporting mechanisms. Therefore, standardization would be difficult to achieve and self- reporting and subjective measurements will not provide a consistent or clear reflection of what the information truly reveals. There is great concern about the ability of self-reporting to capture accurate and valuable information for the intended, stated purposes. SCORR strongly believes that this information should not be utilized, as stated, for evidence-based policy and programming decisions, it is important that there be consistent standardization.

Concern 3 – SCORR is concerned about the collection of PII at a micro-level for outcomes and services

SCORR recognizes ORR's need for individual-level information when monitoring States and allocating formula funding. However, SCORR would argue that it is not necessary for ORR to collect micro-level information for outcomes and services. SRCs have statutory authority to allocate, oversee, adjust, and monitor the work and services in their states. Each State can implement the Family Self-Sufficiency Plan in a way that best aligns with their programs and policies. For decades, States have kept ORR kept abreast of all services provided through a litany of federal reports and other communications. SRCs are unclear as to how this new collection of data will inform policies and programming and inform about "the needs of refugees for assistance and services and the

resources available to meet those needs.” SCORR has great concerns about the Federal Government extrapolating on data without sufficient understanding and justification as concerns certain populations, nationalities, or statuses and corresponding employment status, outcomes, and follow-through on goals.

Concern 4 – SCORR believes that this is an overreach given the collection of PII, especially specific to outcomes, for a state-administered program

The proposed information collection is not consistent with other federal programs in the level of PII being collected on an *individual’s* outcomes and performance in employment, English acquisition, etc.

SCORR suggests that the ORR-6 as a better mechanism for collecting this information to share aggregate data about RSS outcomes. Through partnership and reasonable transparency, SCORR can work with ORR to develop meaningful data points with cumulative data on FSSPs and FSSP outcomes. SCORR believes that the average number of months employed in a 12-month period, the top primary goals, and achievement of those goals are all valuable and reasonable requests. Further, full-time and part-time employment data is already collected on the ORR-6, however, to track these outcomes and achievements at an individual level for refugees being served by a myriad of State programs is an overreach.

Again, SCORR has great concerns about potential assumptions or talking points that could be formed about certain nationalities or groups from the PII and individual level outcomes proposed.

Recommendations

SCORR welcomes further discussion around proposed information collection, so States and the Federal Government can work collaboratively to determine what information should be collected to improve refugee program outcomes, consistent with our mandates, and the most effective and relevant collection of information. SCORR has spoken extensively with ORR about data collection concerns and challenges, as well as the intent and implementation of the FSSP. Little of the discussion and requests seem, however, to be reflected in the proposed approach. SCORR would like to re-propose a State and Federal workgroup with the goal of employing a collaborative process to elicit quality data and information that meets ORR needs. As stated, SCORR believes that aggregate information can be shared to achieve the same ends, with more relevant and informative data, while also protecting the identity and privacy of newcomer populations.

On behalf of the SCORR General Membership,



Sarah Peterson
President

Cc: Lauren Edwards, Carl Rubenstein