

May 23, 2022

Mary B. Jones
ACF/OPRE Certifying Officer
Administration for Children and Families
Office of Planning, Research and Evaluation (OPRE)
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Washington, D.C. 20201
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RE: Proposed Information Collection Activity; Family Reunification Packet for Sponsors of Unaccompanied Children (OMB #0970-0278); [87 FR 16194](#)

Dear Ms. Jones:

The undersigned organizations respectfully submit this comment in connection with the Proposed Information Collection Activity published on March 22, 2022 by the Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS). We appreciate the opportunity to provide this feedback.

Our comment responds to proposed changes to the “Authorization for Release of Information” (FRP-2 and FRP-2S), the “Family Reunification Application” (FRP-3 and FRP-3S), and the “Letter of Designation for Care of a Minor” (FRP-9 and FRP-9S). In summary, we support the changes made that reduce the administrative burden by omitting the questions and elicited information pertaining to the immigration status of children’s sponsors and certain unnecessary information related to housing. We additionally support the changes that update language and terminology in ORR forms and updated use of ORR Verification of Release (VOR) forms.

Interest in this Information Collection Notice

These comments are based upon the expertise and contributions of organizations that advocate for the rights and wellbeing of unaccompanied immigrant children (“children” or “unaccompanied children”), including legal services providers (LSP), child advocates, and child welfare organizations. The undersigned organizations have a vested interest in ensuring that ORR safeguards the full spectrum of rights as well as the best interests of unaccompanied children and their families and caregivers. In addition, our organizations include leading policy experts on the care of unaccompanied children in federal custody, the needs of immigrants and immigrant communities, and specific medical and psychosocial care as required by traumatized youth of any background.

Comments on the Proposed Rule

1) Omitting questions and information pertaining to the status of sponsors aligns with ORR's child welfare mission.

We applaud ORR for this small but important change. We expect the effects of this change to measurably improve agency performance by diminishing the well-documented “chilling effect” on potential sponsors, by reducing bureaucratic hurdles for ORR staff and for sponsors, and by improving the accuracy of the sponsor care plan. Further, we note that lessening the administrative burden on both potential sponsors and the agency conforms with the directives of Executive Order 14058.

Currently, case managers work very closely with sponsors to guide them through the sponsorship process and family reunification packages. Sponsors who are undocumented are often fearful that their mere desire to care for their child could lead to permanent separation and, in turn, leave the child languishing in governmental custody — a past outcome we witnessed under the 2018 Memorandum of Agreement (MOA) between the Department of Homeland Security (DHS) and ORR.¹ Moreover, social scientists have consistently demonstrated that chilling effects reduce the participation of and service-utilization of legal residents and citizens of Latino background² – as many ORR sponsors are. This administration recognized the chilling effect on sponsor reunifications and the adverse impact on children by striking harmful information-sharing agreements under a new Memorandum of Agreement in 2021.

Further, this proposed change will better align ORR with its mission and purpose to assess and act in children's best interest during its vetting process, rather than act as proxy for DHS. By increasing sponsor families' willingness to engage with ORR and increasing their trust, ORR will be better equipped and better able to conduct the proper vetting required under its mandate. In sum, eliminating the “past and present immigration status” line of questioning will either keep the time-to-release equivalent, or improve it.

Finally, this change aligns well with ORR's responsibility to keep children in its custody safe, as the immigration status of their potential sponsors has no bearing on the treatment or care children may receive upon their release. Before the 2018 MOA and after, ORR has routinely determined whether a sponsor care plan for a child may be required if the sponsor were to have to leave the country. The proposed form eliminates questions specific to immigration status but preserves

¹ American University Wash. College of Law, Nat'l Immigrant Justice Center, Women's Refugee Commission, *Children as Bait: Impacts of the ORR-DHS Information-Sharing Agreement* (March 2019), available at <https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2019-03/Children-as-Bait.pdf>.

² Vanessa Cruz Nichols, Alana M.W. Lebron, and Francisco Pedraza, “Spillover Effects: Immigrant Policing and Government Skepticism in Matters of Health for Latinos,” *Public Administration Review* 78(3): p. 432–443 (2018). http://www.franciscopedraza.com/wp-content/uploads/Nichols_et_al-2018-Public_Administration_Review.pdf.

questions applicable to all potential sponsors about other adults who will care for the child if the potential sponsor becomes unable. In context, the proposed form helps to advance child welfare by preparing and providing for a child's wellbeing in any cases in which the sponsor becomes unable, recognizing that there could be other and additional circumstances in which a sponsor may no longer be able to care for a child and removing disincentives to potential sponsors from giving a complete picture of future potential situations impacting the noncitizen child.

2) ORR proposes improving terminology concerning children in federal custody.

Among the changes proposed by ORR are modifications in each of the three forms to replace the term "minor" with "child." These changes promote consistency in the terminology used by ORR and play an important role in facilitating ORR's appropriate care and treatment of migrant and refugee children. By embracing humanizing language, these changes reemphasize ORR's commitment to treating children in its care with due regard for their particular needs and vulnerabilities and communicate a shift away from policies in recent years that used detached or legalistic terms in referencing children in pursuit of immigration or law enforcement ends, rather than child welfare. These changes also mirror language in the name of the division in which ORR is housed — the Administration for Children and Families.

3) ORR proposes welcome technical changes to address documentation.

ORR also proposes to remove language pertaining to proof of address that would require potential sponsors to submit documentation "dated within the last two months" for current leases or mortgage statements. This change will increase clarity and helpfully alleviate confusion about the documentation required of sponsors, as applicants may, for example, have leases that are signed and dated annually, rather than monthly, or may have recently moved between residences. It will also reduce the burden on potential applicants of needing to request specific supplementary documentation to comply with the date requirement or to continuously update the same or similar documents while their family reunification application is in process.

4) ORR proposes to add the VOR form to a list of forms demonstrating proof of identity.

Finally, ORR proposes to add the ORR Verification of Release (VoR) form to the list of documents that can be presented as proof of identity by potential sponsors and household members under the age of 21. The VoR already serves as a critical form of identification for unaccompanied children released from ORR care, who may have limited access to other forms of documentation due to barriers in applying for such documents, having had to flee their countries of origin without a parent or legal guardian, or backlogs or delays in receiving Employment Authorization Documents (EADs) or other documents issued by the federal government.

The inclusion of the ORR VoR form can help to reduce burdens on applicants and prevent delays in family reunification. Additionally, it can help to underscore the validity and importance of this form of identification for other federal, state, and local government agencies and authorities. This is especially critical, as unaccompanied children are frequently denied access to basic needs and services, such as medical care, banking, and housing and food assistance, due to the failure of authorities to recognize and accept the VoR, including when unaccompanied children apply for driver's licenses and other municipal and state ID cards.

In closing, we thank ORR for the changes proposed in this notice, which comport with the best interests of children, lessen administrative burdens, and remove unnecessary hurdles and confusion during the sponsor reunification process.

Sincerely,

Acacia Center for Justice

Church World Service

First Focus on Children

Kids in Need of Defense

National Immigrant Justice Center

Witness At The Border

Women's Refugee Commission

Young Center for Immigrant Children's Rights