



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Economic Services Administration
Office of Refugee and Immigrant Assistance

February 2, 2024

Administration for Children and Families, Office of Refugee Resettlement
Attn: ACF Reports Clearance Officer
Via email: infocollection@acf.hhs.gov

Re: FR Doc No: 2023-26552 – Proposed Information Collection Activity; Refugee Data Submission System for Formula Funds Allocations and Service Analysis (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 in response to the *Federal Register* Notice (Notice) published on December 4, 2023, Volume 88, Number 231 page 84145. The Notice refers to a proposed revision of the Refugee Data Submission System for Formula Funds Allocations and Service Analysis (ORR-5) by the Office of Refugee Resettlement (ORR) within the Administration for Children and Families (ACF), U.S. Health and Human Services.

The Washington State Department of Social and Health Services (DSHS), Office of Refugee and Immigrant Assistance (ORIA) is designated to administer services to newly arriving refugees and eligible humanitarian immigrants. ORIA invests federal and state funding in community organizations in local communities 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 80 different primary and secondary organizations that include refugee resettlement agencies; community-based organizations, including ethnically focused 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 25,000 refugees and immigrants through a network of local service providers.¹

The Notice proposes to amend the form ORR-5 (ORR-5) to include the collection and report of two new data points that would require Washington to disclose sensitive information about the clients that ORIA and ORIA's contracted providers serve. This would involve collecting and sharing data on a personally identifiable level the client's email address and telephone number. In the Notice, ORR requests an extension of approval for the ORR-5 with these changes for three years.

Washington strongly contests that the U.S. Office of Refugee Resettlement (ORR) needs the additional sensitive client data requested in the revised ORR-5 for evidence-based policymaking and program design and urges that this proposal be withdrawn. ORIA will respond to the questions requested in the Notice below.

¹ As used herein, the term "refugee" or "refugees" shall refer to "refugees and other eligible persons" as outlined by ORR at <https://www.acf.hhs.gov/orr/about/what-we-do>.

a. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility:

ORIA disputes that the collection of this additional information is necessary for the proper performance and function of the U.S. 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 assessment is important to ensure relevant and effective services but refutes that the collection of client email addresses and client telephone number adds any practical utility to the assessment or the operations of ORR.

The aforementioned U.S.C. provision clearly describes that the purpose of the periodic assessment by ORR is to assess the needs and services of refugees, the availability of resources to meet the needs identified, avoid duplication of services in allocating resources, and facilitate maximum coordination between agencies providing services to refugees. The Notice also claims that the changes to the current ORR-5 to include client email address and telephone number would enable “ORR to obtain updated contact information for refugees who received ORR-funded services” and that this information would enable the ORR Director to better understand client demographics, services utilized, and the outcomes achieved by clients enrolled in certain ORR-funded programs.” This statement implies that ORR intends to contact refugee clients directly. ORIA has concerns about ORR’s proposal to collect client contact information with the inconsistency across federal programs and the privacy of sensitive clients.

First, the collection and report of client contact information is not required by other federal agencies such as:

- the Administration for Children and Families (ACF) for clients who are receiving Temporary Assistance for Needy Families (TANF),
- the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) for clients who are enrolled in the Supplemental Nutrition Assistance Program (SNAP), or
- By the Centers for Medicare & Medicaid Services (CMS) for clients on Medicaid.

As this information is not collected for or reported to any other federal agency for clients who are on other federal benefits, ORIA believes that ORR’s proposal to collect this information is improper and inconsistent with other federal data collection practices. Especially because in most regards, the Refugee Cash Assistance (RCA) program is intended to mirror TANF and the Refugee Medical Assistance (RMA) program is intended to mirror Medicaid, it would be an inconsistent practice to report client contact information to a federal agency on clients who are enrolled in RCA and RMA while the same type of information would not be reported on clients who are enrolled in TANF or Medicaid.

In addition, the State of Washington places privacy protection at the highest level for refugees and immigrants and has consistently sought – through various Governor Executive Orders and state laws and regulations – to safeguard the release of sensitive client information for this population when the information is not absolutely necessary to be disclosed. The Department of Social and Health Services is also prohibited from disclosing the contents of any records of applicants and recipients of public benefits except for purposes directly connected with the administration of the programs. As such, ORIA has serious concerns that ORR’s proposal would contravene the significant steps that the State of Washington has taken to protect the rights of refugee and immigrant clients receiving services through DSHS or ORIA. In particular, ORIA is concerned that the collection and use of this data by ORR may fail to protect the privacy of refugee and immigrant clients and their ability to consent to the disclosure of their personal information. 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 and reporting personal information, such as email address and telephone numbers, may violate an individual's right to disclose personal matter matters.

ORIA maintains that this client-level data is not needed for the function of refugee resettlement programs as it exists currently, nor is it necessary for future advancements. Moreover, the requirement to disclose this information could chill participation if refugee and immigrant clients do not want to have such personal information reported to a federal agency, which could result in many clients who could benefit from refugee resettlement services electing not to engage in these much need services. Ultimately, ORIA believes that there are more material and less invasive tools that ORR may use to inform policy-making and program design decisions. Based on the above reasoning, ORIA opposes the collection and reporting of additional client contact information and challenges that it is necessary for the proper performance of ORR's functions.

b. The accuracy of the agency's estimate of the burden of the proposed collection of information:

ORR's claim that the proposed changes to the ORR-5 are "minor" and would not increase the response burden is wholly inaccurate and neglects to consider the burden not only on ORIA, but also ORIA's service providers. Currently, ORIA's service providers do not routinely collect client email address when enrolling clients in services. The capacity and ability of service providers to begin collecting this information varies significantly depending on several factors, including whether the service provider has a functional and well-designed database to track this information. For service providers who do possess a database, there would be added burden to transcribe the information. To highlight the impact on service providers contracted for even just one of ORIA's ORR-funded programs, the addition of an email address field to the ORR-5 would require providers at refugee medical screening clinics to spend additional time to write down the email address, transcribe it into the electronic medical record system, transcribe it onto a state form for reporting, and enter the information into the state database maintained by ORIA's state agency partner: the Department of Health. ORIA estimates that this process, when multiplied by the thousands of clients who receive refugee medical screening services each federal fiscal year, would add response burden of approximately 93 hours. For service providers who do not utilize a database, the added burden to collect and report client email address would be even more time-consuming, laborious, and costly, as it would require the procurement of a database or significant time spent on manual data collection and entry. ORIA estimates that it would require certain service providers who lack a database an additional two to five hours each month per provider to manually copy data onto the reports submitted to ORIA. ORR's proposal to collect client contact information would therefore considerably increase ongoing administrative time and cost for all of ORIA's service providers and be especially burdensome for service providers who do not have as many resources to dedicate to collecting and reporting this information.

Additionally, the introduction of client telephone number and email address fields to the ORR-5 would cause substantial response burden for ORIA and DSHS's data management team, which provides assistance and support in preparing the ORR-5. As part of the ORR-5 reporting process, ORIA collects data from service providers who have served refugee and immigrant clients under ORR-funded programs. As previously mentioned, service providers do not currently collect client email addresses. The addition of a requirement for providers to collect and report client contact information for the ORR-5 would require ORIA to amend its contract with each service provider, program intake forms, and Monthly Caseload Reports (MCR). Revising these documents and materials would require significant time and planning to ensure consistency across programs and that the formulas and macros on the MCR are correct and functional. ORIA estimates that this revision process would necessitate, at minimum, an additional five hours per program for a collective minimum of 65 hours.

The ORR-5 reporting process also involves aggregation of data and information on all clients served through over a dozen ORR-funded programs by pulling information from numerous systems, databases, and service provider

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

reports. Washington's aggregation techniques involve both data reconciliation through a computerized process overseen by the data management team at DSHS, as well as manual checks and data entry by ORIA in the event that the data for a client is not a perfect match across all systems or not all of the information initially collected matches the exact field values accepted by ORR. The introduction of two new fields, especially one that requires numbers that presumably will need to be submitted in a strict field value format accepted by ORR, would result in significant more hours required of DSHS's data management team and ORIA to compile and validate data, de-duplicate clients, and perform data cross checks. In particular, ORIA projects that the inclusion of email address and telephone number on the ORR-5 will require an estimated 50 additional hours from just ORIA staff to solely perform the data cross checks. This estimate is based upon the number of hours ORIA staff dedicated just to performing data cross checks for the ORR-5 submitted in Federal Fiscal Year 2023, which amounted to approximately 170 hours. However, this estimate could be even higher in the event that differing telephone numbers or email addresses appear across the different systems and reports, as ORIA would then be required to contact service providers to confirm which the correct telephone number is or email address. Moreover, this estimate does not include the added time burden to DSHS's data management team, and as such is likely an undercount of the true added time burden of the proposed changes to the ORR-5. Thus, ORIA maintains that ORR's conclusion that the changes to the ORR-5 would have no added response burden is unfounded and that the changes would in fact result in an added initial time burden in excess of 200 hours to implement the changes and in excess of 140 hours for each subsequent federal fiscal year.

c. The quality, utility, and clarity of the information to be collected:

ORIA denies that there is utility to the collection of client contact information and contends that it would not be possible to provide quality assurance for this information. There exists a significant digital divide between new arrivals and other households in the United States when it comes to the use and familiarity of technological tools such as emails and telephones. ORIA's COVID-19 digital literacy and technology access initiatives found that there are numerous digital barriers to newly arrived refugees and immigrants even creating and obtaining email addresses and telephone numbers. One of ORIA's providers found that many clients did not know the difference between a physical address and an email address. Acquiring email addresses or telephone numbers simply is not a top priority for all refugee and immigrant clients, which could pose challenges for when a client decides to enroll in an ORIA program. Historically, in instances when a telephone number or email address has been requested and a client has lacked such information, service providers have been compelled to use their own telephone number or email address in order to prevent any delay in enrollment in services. As such, the collection and report of client email address and telephone number would ultimately be of little to no use to ORR for the purposes of updating client contact information. Moreover, email addresses and telephone numbers may change over time after the initial intake or go unused by clients who prefer to communicate through other means, which further underscores that it would not be feasible to ensure that client contact information reported to ORR is current, reliable, and usable.

d. Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

As detailed above, the majority of the collection of client contact information would need to be a manual process. Automation is possible at significant cost and time to the state and to providers. ORIA's state agency partner, the Department of Health, which oversees refugee medical screenings, would also have to update its state database to collect client email address from clinics. Updates to both of these systems would not only be a protracted process, but a costly one as well.

Beyond the collection and maintenance of this information, the report of client email address and telephone number on a revised ORR-5 would also increase manual work required of ORIA, as well as ORIA's service

providers. ORIA explored the possibility of automating the manual cross data checks when validating data for the ORR-5 for Federal Fiscal Year 2023 but discovered that the limitations of information technology prevented the automation of this process. In addition, ORIA's service providers who lack databases would have to manually copy this information when reporting it to ORIA for inclusion in the ORR-5. As such, ORIA anticipates that the addition of client email address and telephone number to the ORR-5 would only increase the need to perform manual data collection and reporting, thereby significantly increasing the response burden on DSHS, ORIA, and ORIA's partners and service providers that could not be minimized or mitigated through automated collection techniques.

e. 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 important data to inform the development and continuous improvement of programs designed to help refugees and immigrants 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 urges ORR to consider entering into data sharing agreements with respondents to ensure that this data will remain confidential and not disseminated beyond ORR.

f. Conclusion

ORIA cannot identify any utility to the collection of client telephone number and email address nor how this information would be used to inform policy-making and program design decisions. ORIA is concerned that this proposal could cause complications for program design, delay enrollment in services, or even chill participation by sowing distrust between ORIA and the clients we are meant to serve due to the questionable stated purpose of the collection of the proposed additional client-level data and the reluctance that many refugee and immigrant individuals have to the disclosure of their sensitive information.

In addition, ORIA firmly disputes that the collection and report of this information is necessary to the function of ORR. The requirement to report client contact information to ORR would only lead to disparate treatment between refugee and immigrant clients enrolled in ORIA's programs, RCA, and/or RMA and other clients enrolled in other federal benefits. Thus, this proposal by ORR could have serious negative impacts 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 this proposal to be withdrawn.

Sincerely,



Sarah Peterson, MSW

Washington State Refugee Coordinator

Cc: Terry Redmon, Assistant Secretary, Economic Services Administration, DSHS
Babs Roberts, Director of the Community Services Division, DSHS/ESA