June 24, 2025

Submitted electronically via www.reginfo.gov/public/do/PRAMain

Administration for Children and Families
Office of Planning, Research, and Evaluation (OPRE)
330 C Street SW, Washington, DC 20201
Attn: Mary C. Jones, ACF/OPRE Certifying Officer

RE: ORR Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970-0278), 2025-07075 (90 FR 17438), and Unaccompanied Alien Children Bureau Assessments for Children and Sponsors (Office of Management and Budget #0970-NEW), 2025-09370 (90 FR 22296).

Dear Ms. Jones,

The Young Center for Immigrant Children's Rights (Young Center) submits this comment in response to the above-referenced information collection activities entitled "Unaccompanied Alien Children Sponsor Application Packet (OMB #0970-0278)" ("Sponsor Application Packet") and "Unaccompanied Alien Children Assessments for Children and Sponsors (OMB #0970-NEW)" ("Sponsor Assessment Forms").

The Young Center serves as the federally-appointed independent Child Advocate, akin to a best interests *guardian ad litem*, for trafficking victims and other vulnerable unaccompanied immigrant children in government custody, as authorized by the Trafficking Victims Protection Reauthorization Act, 8 U.S.C. § 1232(c)(6)(A) (hereafter TVPRA). The role of the Child Advocate is to advocate for the best interests of the child, including their expressed wishes, wellness, and right to family unity. Since 2004, the Young Center has been the only organization authorized by the Office of Refugee Resettlement (ORR) to serve in that capacity and has advocated for thousands of unaccompanied and similarly situated children.

The Young Center comments here on the harmful consequences that the proposed information collection and underlying policies pose for children's wellbeing and best interests. The proposed revisions to the Sponsor Application (Form SAP-3), Sponsor Assessment (Form S-5), and Authorization for Release of Information (Form SAP-2), which reflect ORR's new sponsor reunification policies, are unnecessary, inefficient, and in tension with ORR's child welfare mandate.

I. ORR has a legal and moral obligation to promptly and safely release children to sponsors without undue delay.

The TVPRA requires that immigrant children who are unaccompanied and apprehended by the Department of Homeland Security ("DHS") or separated from their parents while in DHS

custody, must be transferred to ORR custody until they can be safely reunified with sponsors.[1] Under federal regulations governing the care and custody of unaccompanied children, a 'sponsor' is any individual (or entity) to whom ORR releases an unaccompanied child out of ORR custody, in accordance with ORR's sponsor suitability assessment process and release procedures.[2] According to ORR's reports, most children (about 91% in fiscal year 2025) are released to their parents, legal guardians, or other adult relatives, with a preference for parents or the adult with the closest relationship to the child.[3] All potential sponsors must complete an application in order for a child to be released from ORR custody.[4]

On April 24, 2025, ORR published a notice of proposed changes to six forms used to assess the suitability of potential sponsors for unaccompanied children ("Sponsor Application Packet").[5] On May 27, 2025, ORR published another notice proposing revisions to seven forms and the addition of two new forms that would all be used by ORR staff to conduct statutorily mandated assessments of children in ORR custody and their sponsors.[6] The proposed revisions reflect policy changes that ORR made between February and April 2025 regarding sponsor assessments and family reunification.[7] The new policies condition children's release from ORR custody on their sponsors' legal status, proof of income, and consent to sharing information with immigration enforcement agencies.

The changes, which went into immediate effect, have already caused extreme delays and barriers to children's family reunification.[8] The legality of the changes is currently being challenged through litigation, and a federal court has already issued an order barring ORR from applying the

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[1] Trafficking Victims Protection Reauthorization Act, 8 U.S.C. § 1232(c)(4).
[2] 45 C.F.R. § 410.1001 (2024), https://www.ecfr.gov/current/title-45/section-410.1001.

[3] ORR Facts and Data, Released to Sponsors (monthly discharge by category in FY2025), https://acf.gov/orr/about/ucs/facts-and-data (current as of June 20, 2025); *see also* ORR Policy Guide Section 2.2.1, https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2. (revised Aug. 1, 2024).
[4] ORR Policy Guide Section 2.2.3, https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2. (revised Aug. 1, 2024).
[5] In the notice, ORR renamed the collection of forms (formerly called the "Family Reunification Application") as the "Sponsor Application Form." *See* Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970-0278), 90 Fed. Reg. 17,438.
[6] Unaccompanied Alien Children Bureau Assessments for Children and Sponsors (Office of Management and Budget #0970-NEW), 90 Fed. Reg. 22,296, 2025-09370, https://www.federalregister.gov/documents/2025/05/27/2025-09370/submission-for-office-of-management-and-budget-review-unaccompanied-alien-children-bureau.
[7] ORR Field Guidance #26, https://acf.gov/sites/default/files/documents/orr/ORR-FG-26-Revised-Fingerprint-Requirements-for-Sponsors-and-HHM--02-14-2025-.pdf (Feb. 14, 2025); ORR Field Guidance #27, (revised Mar. 15, 2025), https://acf.gov/sites/default/files/documents/orr/FG-27_-_DNA_Testing_Expansion.pdf; ORR Policy Guide Section 2.2.4 (revised Apr. 15, 2025), https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.2.4.
[8] Plaintiff's Motion for Preliminary Injunction, *Angelica S v. HHS*, Case No. 25-cv-01405 (UNA) (May 9, 2025).

new requirements to sponsorship applications for children who were placed in ORR custody on or before the full slate of policies went into effect and whose reunification with sponsors has been hindered by them.[9] The court questioned ORR's rationale behind the stricter documentation policies and whether they reasonably "balance the competing interests of avoiding unnecessary delay and effectively preventing fraud."[10] The court agreed with attorneys representing the unaccompanied child plaintiffs that it is "substantially likely that ORR acted arbitrarily and capriciously by not providing adequate justification for its new sponsor documentation requirements."[11]

We strongly object to the proposed form changes which would frustrate the sponsor reunification process with unreasonably burdensome requirements, thereby undermining ORR's mandate and causing profound harm to children.

II. Basing sponsor suitability on immigration status, which is immaterial to the sponsor relationship and has no bearing on children's safety, is inappropriate, discriminatory, and counterproductive to ORR's stated objectives.

ORR proposes to eliminate several forms of previously acceptable identity documents and narrow the ways that sponsors can prove their identity. The proposed revisions effectively disqualify sponsors based on their immigration status, in direct contravention of the Unaccompanied Child Program Foundational Rule.[12] By conditioning sponsorship on legal immigration status, the proposed changes frustrate ORR's performance of its mandated functions to identify and promptly reunify children with their caregivers.

Prior to the proposed changes, ORR successfully identified sponsors who lacked U.S.-issued documents by using valid foreign-issued documents, including foreign-issued passports, national identification cards, and drivers' licenses with photographs. ORR worked with foreign consulates to authenticate foreign-issued identity documents. The proposed changes narrow acceptable forms of identification based not on their authenticity or validity but on the sponsor's legal immigration status. ORR now restricts acceptable foreign passports to only those with a temporary I-551 stamp or notation (permanent residence for 1 year) or with an I-94/94-A (Arrival/Departure Record) and work authorization. The elimination of foreign-issued documents from the list of accepted forms of identification poses a significant and insurmountable barrier for sponsors without legal immigration status, especially those in states that bar the issuance of identification documents to undocumented immigrants.

ORR proposes to further narrow the list of acceptable U.S.-issued forms of identification based on immigration status. Prior to the proposed changes, ORR accepted U.S.-issued drivers licenses

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[9] Memorandum Opinion at 15, *Angelica S. v. HHS*, Case No. 25-cv-01405 (DLF) (June 9, 2025).
[10] *Id.*
[11] *Id.*
[12] 45 C.F.R. § 410.1201(b).

and identification cards, including cards past their expiry date. Under the new changes, ORR only accepts state-issued driver's licenses or IDs issued by federal, state, or local government agencies if they "contain [] a photograph or information such as a name, date or birth, sex, height, eye color, and address."

Along with restricting identification requirements, ORR proposes to narrow down the types of evidence it accepts as proof of sponsors' relationships to children, which will create unnecessary barriers to fulfilling ORR's objective of promptly identifying and reunifying children with their sponsors. Specifically, ORR proposes to eliminate hospital records and baptismal certificates, which it previously accepted, and instead include an option for sponsors to provide written affirmation from their Consulate of the sponsor-child relationship. This change creates an additional bureaucratic hurdle for sponsors considering that consulates often rely on hospital and baptismal records to establish children's relationships with non-parental caregivers, legal guardians, and godparents. Invalidating these same documents creates unnecessary delays that neither improve ORR's ability to verify a sponsor's identity, assist ORR in assessing the sponsor's relationship to the child, nor advance the objective of reunification. These restrictions only serve to discriminate against and disqualify willing sponsors who pose no safety threat to children and would be the best caregivers for them.

III. Conditioning children's release on their sponsors' proof of income discriminates against poor families and is contrary to child welfare best practices.

ORR proposes to add a new subsection to the Sponsor Application (Form SAP-3) and Sponsor Assessment (Form S-5) that requires sponsors to provide proof of income. The proposed change limits acceptable forms of proof to a tax return from the previous year, copies of paycheck stubs dated within the most recent 60 days, or an original letter from the sponsor's employer which is formatted on the employer's letterhead and verifying the sponsor's employment. The Sponsor Assessment (Form S-5) further requires sponsors to complete an Affidavit of Support and provide certification that the sponsor has the financial means to provide for the child's physical and mental well-being.

For decades, domestic child welfare systems have been moving away from income-based tests of care provider suitability, which disparately harm poor families.[13] In 2018, a bipartisan Congress enacted the Family First Prevention Services Act, which redirects funding traditionally used for congregate care to fund evidence-based support services for families at risk of child welfare system involvement.[14] Whereas child welfare best practices call for holistic and expansive support for families, ORR's proposed changes discount external support systems, like extended

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[13] *See, e.g.*, John Kelly, *Bipartisan Bill in House Would Eliminate Foster Care Income Test, Ease Move Toward Family First Act,* The Imprint, May 10, 2019, https://imprintnews.org/child-welfare-2/house-bill-eliminates-foster-care-income-test-eases-transition-to-family-first-act/34958.

[14] Family First Prevention Services Act, Bipartisan Budget Act of 2018, Public Law (P.L.) 115-123, HR 1892, 115th Cong. (2017-2018), https://www.congress.gov/bill/115th-congress/house-bill/1892.

family. The proposed proof of income requirements will also discriminate against families that rely on wages from informal labor and further restrict sponsor eligibility based on immigration status.

For instance, an independent food vendor may earn enough to support their family but lack tax statements or other formal documentation to prove their income. It is not ORR's responsibility to enforce tax regulations or police sponsors' immigration status. ORR's sole obligation is to verify the sponsor's relationship to the child with whom they seek to reunify and ensure that the family has access to the material supports necessary to adequately care for the child. Whether and how the sponsor's work is documented is immaterial to ORR's assessment of their capacity and willingness to care for the child.

IV. The proposed Authorization of Release form strips critical privacy protections codified in the Foundational Rule and Privacy Act.

The Unaccompanied Child Program Foundational Rule and Privacy Act of 1974 both safeguard children's privacy interests by limiting ORR's authority to share records with third parties.[15] ORR has acknowledged in the past that "sharing information with entities such as (the Department of Homeland Security) for immigration enforcement purposes is impermissible and "incompatible with ORR's program purpose."[16]

On March 25, 2025, ORR reversed its position on permissible information-sharing and promulgated an Interim Final Rule ("IFR") that would rescind prior prohibitions against assessing sponsor suitability based solely on immigration status and collecting or sharing sponsor immigration status information for enforcement purposes.[17] The Young Center submitted comment opposing the IFR, which went into immediate effect, as a violation of children's rights to privacy, safety, and best interests.[18] As we argued in our comment, sharing sponsor's immigration status information for immigration enforcement purposes causes vulnerable children to stay detained in federal immigration custody much longer than they otherwise would.

ORR now seeks to double-down on its IFR policy reversal in this proposed information collection. ORR proposes to delete the following language on the restricted use of shared information from the Authorization of Release Form: "I also understand that DHS cannot use my information for immigration enforcement actions, including placement in detention, removal, referral for a decision whether to initiate removal proceedings, or initiation of removal

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[15] 45 C.F.R. § 410.1201(b); *see also* Office of Refugee Resettlement, Privacy Act of 1974, System of Records, 89 Fed. Reg. 96250.
[16] Office of Refugee Resettlement, Privacy Act of 1974, System of Records, 89 Fed. Reg. 96250.
[17] Unaccompanied Program Foundational Rule; Update to Accord with Statutory Requirements, 90 Fed. Reg. 13554 (Mar. 25, 2025).
[18] Young Center Comment on the Interim Final Rule "Unaccompanied Children Program Foundational Rule; Update to Accord with Statutory Requirements," RIN 0970-AD16, May 27, 2025, https://www.regulations.gov/comment/ACF-2025-0004-0384.

proceedings, unless I have been convicted of a serious felony, am pending charges for a serious felony, or I have been directly involved in or associated with any organization involved in human trafficking." As a result, any information that ORR collects from sponsors and purports to be related to sponsor suitability could be shared with federal enforcement agencies and stored in databases without their full and informed consent. As we have already seen, family members and other trusted adults are understandably reluctant to come forward to sponsor a child if they believe that doing so will bring ICE to their doorstep.

V. The proposed changes have already created confusion, extreme delays and set burdensome requirements on sponsors that ultimately harm children.

The changes ORR has made to the sponsorship process, as reflected in the Sponsor Application (Form SAP-3) and Sponsor Assessment (Form S-5), have already posed significant confusion, unnecessary delays and proven burdensome to sponsors and ORR care providers tasked with guiding them through the sponsor application process. Rather than mitigate against confusion and delay, ORR's proposed revisions obfuscate the sponsorship process by eliminating a section with responses to Frequently Asked Questions (FAQ) and other important explanatory language from the Sponsor Application (Form SAP-3). The FAQ section addressed questions related to sponsor's rights and responsibilities, including: the eligibility of sponsors with undocumented immigration status and the costs associated with sponsorship.

Notably, the first of the list of frequently asked questions that ORR proposes to delete is "Can I sponsor my child if I am undocumented?" ORR proposes to remove this question and the original response to it, which read: "Yes. ORR prefers to release a child to a parent or legal guardian, regardless of your immigration status. ORR is not an immigration enforcement agency." Two other important questions on the now-deleted list served to protect sponsors from potential fraud by affirming that, with a case-by-case exception of their child's reunification travel costs, there would be no fees charged to the sponsor for completing the reunification process. Deleting these important explainers creates confusion for sponsors and ORR staff, and delays in the application process, especially for sponsors with limited funds or without documented immigration status who may otherwise fear stepping forward to care for children in ORR custody. To avoid such risks, is critical that ORR use accessible language to clarify that sponsorship is not cost-restricted and distinguish its role from that of immigration and law enforcement authorities.

Prior to the proposed changes, ORR processed and released children at a faster rate to their sponsors, with the average child discharged after approximately one month in custody, on average (30 days in FY 2024). As of April 2025, the average length of custody for children pending release to sponsors was 217 days, a 7-fold increase with dangerous consequences for

children.[19] For example, 16-year-old Jacob[20] who entered the U.S. in the fall of 2024 to live with his aunt and complete his high school education alongside his U.S. citizen cousins, has been stuck in ORR custody and missed an entire school year due to the delays caused by the changing sponsorship application process. In the nine months that Jacob has been separated from his family and left in limbo as to the date of his release, he and his aunt have struggled to understand the changing application process with each new requirement relayed by his Case Managers. With every change, Jacob's hopes of reunifying with his family and living a normal life have dissipated and his clinician has reported a serious decline in his mental health.

VI. Unless rescinded, the proposed information collection will continue to cause unnecessary delays and unjustified harm to children.

ORR has a legal and moral duty to ensure that children are safely and promptly released to willing caregivers. Like the Court found in *Angelica S. v. HHS*, we believe that ORR lacks adequate justification for the proposed changes, which subordinate its child welfare objectives to immigration enforcement. We strongly believe that any value that ORR purports will come from these new requirements will continue to be outweighed by the burdensome delays and harm to children. We therefore urge ORR to reverse the proposed changes and return to its mission of reunifying families and promoting children's best interests. Thank you for your consideration.

Respectfully,

Young Center for Immigrant Children's Rights

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[19] ORR Facts and Data, Average Monthly Data, https://acf.gov/orr/about/ucs/facts-and-data (current as of June 20, 2025).
[20] Alias used to protect child's privacy.