



June 24, 2025

Office of Refugee Resettlement
Administration for Children and Families
U.S. Department of Health and Human Services
Washington, DC

Submitted by email to infocollection@acf.hhs.gov

Re: **Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970–0278) (90 Fed. Reg. 17438, Apr. 25, 2025)**

To Whom It May Concern:

Kids in Need of Defense (KIND) respectfully submits the following comments in response to the request for public comment on the Proposed Information Collection Activity titled “Unaccompanied Alien Children Sponsor Application Packet,” published on April 25, 2025 (“Notice”).

KIND is the leading national organization working to ensure that no child faces immigration court alone. KIND has provided legal representation in immigration matters to more than 17,000 children in U.S. immigration proceedings, provided legal rights education to more than 78,000 children in the United States, and formed pro bono partnerships with nearly 900 corporations, law firms, law schools, and bar associations to provide children with pro bono representation. KIND’s social services program facilitates support for unaccompanied children, including case management, educational support, access to housing and medical care, community referrals, and other services. KIND also works to address the root causes of child migration and to promote the safety and well-being of children at every phase of migration.

The proposed information collection provides for significant changes to the forms through which parents, family members, and other potential sponsors apply to care for unaccompanied children. It formalizes new requirements for sponsors’ proof of identity, address, relationship, and income, and policies related to use of immigration status information that impede ORR’s ability to safely and timely release children from ORR care. In doing so, the proposed changes run contrary to critical legal protections created by Congress through the Homeland Security Act of 2002 (HSA) and the Trafficking Victims Protection Reauthorization Act of 2008 (TVPR); and key child welfare protections in the *Flores* Settlement Agreement and the ORR Unaccompanied Children Program Foundational Rule.

KIND is deeply concerned that the proposed information collection, together with other recent ORR policy measures, would undermine, rather than advance, children’s wellbeing and frustrate ORR’s mission. By imposing new requirements that are out of reach of most potential sponsors and that prioritize immigration enforcement against children’s families, including parents, the information collection frustrates ORR’s ability to place children in the “least restrictive setting” in their best interests and to provide for children’s release “without unnecessary delay.”¹ It also dramatically increases the likelihood that children will remain in government care indefinitely, that they may be released to less suitable sponsors if the new changes unnecessarily disqualify a parent or other preferred sponsor, or that they will face immigration proceedings while in detention. These outcomes only heighten children’s vulnerability and risk the very harms that the TVPRA and related protections were crafted to prevent.

In March 2025, ORR began implementing many of these changes immediately following updates to its Policy Manual and the issuance of an interim final rule eliminating restrictions on the sharing, collection, and use of sponsors’ immigration status information for immigration and law enforcement purposes and disqualification of potential sponsors, without prior public comment and despite never having proposed changes to the Family Reunification Application for public comment as required by the Paperwork Reduction Act (PRA). Consequently, potential sponsors have been directed to complete the current Family Reunification Application, but ultimately have been evaluated on the basis of standards and proof requirements that differ significantly from those stated in the application form. Many sponsors have already faced delays in approval or denials of their sponsorship applications as a result of these changes, and many children remain in care with no prospect of release owing to these mounting barriers to reunification.² The length of care in ORR custody underwent a nearly four-fold increase in recent months, rising from 49 days in February 2025 to 217 days in April 2025, with a slight decrease to 191 days in May,³ only underscoring the negative effects of these changes. The proposed form changes would further entrench these harmful impacts.

On June 9, 2025, in a lawsuit challenging ORR’s implementation of new sponsor policies, a federal district court found that ORR had applied the new sponsor income and documentation requirements without notice and reasoned explanation to preexisting sponsor applications. The court preliminarily enjoined ORR from applying those new requirements to a class of children in or transferred to ORR care before April 22, 2025, and directed ORR to notify potential sponsors of class members whose applications were disqualified or denied that they may continue with their applications, and to adjudicate the applications of impacted sponsors without consideration of the new requirements.⁴ Thus, ORR is currently barred from applying certain requirements articulated in this information collection to certain sponsors of unaccompanied children as litigation proceeds. Notwithstanding this critical ruling, KIND remains concerned that the information collection continues to pose harmful impacts for children currently in care or who may be transferred to ORR in the future.

¹ See *Flores v. Reno*, Case No. CV 85-4544-RJK(Px), Stipulated Settlement Agreement (C.D. Cal. 1997) ¶ 14 [hereinafter “FSA”]; 45 C.F.R. § 410.1201(a); 45 C.F.R. § 410.1103(a); 8 U.S.C. § 1232(c)(2)(A); and FSA ¶ 11.

² See *generally* *Angelica S. v. HHS*, No. 1:25-cv-01405, Plaintiffs’ Motion for Preliminary Injunction (D.D.C. 2025), https://storage.courtlistener.com/recap/gov.uscourts.dcd.280423/gov.uscourts.dcd.280423.10.0_1.pdf.

³ ORR, Fact Sheet and Data (Length of Care (for those discharged)), <https://acf.gov/orr/about/ucs/facts-and-data> (current as of June 20, 2025).

⁴ *Angelica S. v. HHS*, No. 25-cv-1405 (DLF), Order (D.D.C. 2025), <https://storage.courtlistener.com/recap/gov.uscourts.dcd.280423/gov.uscourts.dcd.280423.34.0.pdf>.

This comment provides detailed feedback on the proposed information collection. It further urges ORR to rescind the proposed modifications and to maintain the Family Reunification Application and related forms in their currently approved versions to best protect children’s wellbeing and to ensure ORR’s compliance with statutory and other legal obligations.

General

Paperwork Reduction Act. The information collection requests comments on proposed changes to the Family Reunification Packet, which includes the Sponsor Application, Authorization for Release of Information, Fingerprinting Instructions, and Letter of Designation. Among other changes, the collection narrows the use of foreign documents to prove identity; requests information to establish proof of income; and eliminates content and clarifications explaining that lawful immigration status is not required for sponsorship and that sponsors’ information will not be shared for immigration enforcement purposes. ORR began implementing these new requirements, which depart significantly from past ORR practice, in advance of publishing the proposed changes for public comment and OMB review under the Paperwork Reduction Act (PRA). In practice, this means that sponsors have been asked to complete applications that do not accurately reflect, and even mislead them, about the criteria upon which their applications actually will be evaluated—depriving sponsors of notice of these requirements, consistency in ORR’s administration of them, and procedural fairness. It also means that the public, including experts in child welfare and development, were not permitted an opportunity to provide feedback on measures with significant impacts for vulnerable children’s safety and wellbeing—a matter at the core of the public interest.

Among other aims, the PRA was intended to reduce paperwork burdens; advance uniform policies and practices for information resources management “as a means to improve the productivity, efficiency, and effectiveness of Government programs”; “improve the quality and use of Federal information to strengthen decision making, accountability, and openness in Government and society”; ensure consistency with laws related to privacy and confidentiality, information security, and access to information; and “improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public.”⁵ ORR’s implementation of policies prior to OMB’s review and approval and the public’s opportunity to consider them undermines transparency and accountability, frustrates the effectiveness and mission of ORR’s Unaccompanied Children Program, and contravenes the PRA’s express directives.⁶

⁵ 44 U.S.C. § 3501

⁶ See 44 U.S.C. § 3507(a) (“An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

(1) the agency has—

(A) conducted the review established under section 3506(c)(1);

(B) evaluated the public comments received under section 3506(c)(2);

(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

(D) published a notice in the Federal Register—

(i) stating that the agency has made such submission; and

(ii) setting forth—

On May 28, 2025, while the comment period for this information collection was underway, ORR took down the link to the currently approved Family Reunification Application Packet from its website, renamed the webpage the Sponsor Application Packet (SAP), and added text directing potential sponsors to create an online account to access the form and complete the process.⁷ In relevant part, the webpage now states:

The SAP is accessed through a web-based application that provides an easy and secure guided submission process for sponsor applicants to complete their application and upload supporting documentation. The app is compatible with both desktop and mobile platforms. Sponsor applicants may access their application in the app at <https://orr-uc-apps.acf.hhs.gov/sponsor/s/>. Sponsors will not be able to log in until their unification specialist opens an application for them in the app.⁸

These changes appear similar to those recommended in a February 2025 memorandum publicly filed by ORR in response to a lawsuit challenging sponsor policy changes, in which ORR recommended to “[r]emove sponsor processes, application packets, and internal ORR policies and procedures from public-facing platforms to reduce the risk of system exploitation by bad actors.”⁹ The memorandum does not provide further background regarding its finding that publicly posting the application and ORR policies increases risk of exploitation, or about whether ORR considered potential impacts for transparency and the ability of potential sponsors to make an informed decision about whether to apply. It also does not indicate whether ORR considered additional barriers this change might create for potential sponsors who do not have internet access to create an online account or who do not speak English. These are matters that would have benefited from public comment, as the website update itself requires potential sponsors to submit information in order to access another information collection. Further, they were not included in the Federal Register Notice for this information collection, and as such, ORR did not accurately factor them into the burden estimate for potential sponsors that would be completing this form.

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- (I) a title for the collection of information;
 - (II) a summary of the collection of information;
 - (III) a brief description of the need for the information and the proposed use of the information;
 - (IV) a description of the likely respondents and proposed frequency of response to the collection of information;
 - (V) an estimate of the burden that shall result from the collection of information; and
 - (VI) notice that comments may be submitted to the agency and Director;

(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.”).

⁷ See ORR, Sponsor Application Packet, <https://acf.gov/orr/programs/uac/family-reunification-packet> (current as of May 28, 2025).

⁸ *Id.*

⁹ *Angelica S. v. HHS*, No. 25-cv-1405-DLF (D.D.C. 2025), Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for a Preliminary Injunction, Exhibit B (Memorandum from Office of the Director, Office of Refugee Resettlement Mellisa B. Harper Re Recommendations to Combat Sponsor and UAC Fraud) [hereinafter “Harper Memo”], at 9.

Further, on June 9, 2025, in litigation related to ORR’s new sponsor requirements, a federal court found it “substantially likely that ORR acted arbitrarily and capriciously by not providing adequate justification for its new sponsor documentation requirements”¹⁰ and by applying them retroactively.¹¹ The court preliminarily enjoined ORR from applying the new requirements to a certified class of children in ORR custody.¹² In light of this decision, we urge that this information collection be withdrawn and the process for notice, comment, and review of any changes be restarted under the PRA.

Recommendation: The implementation of new requirements in the proposed Sponsor Application prior to the receipt of public comment and OMB approval, and the creation of additional procedures to access the collection without accounting for these in the burden estimate, violate the Paperwork Reduction Act (PRA). KIND urges ORR to rescind the proposed changes and to ensure that any future proposals are communicated collectively and consistent with PRA requirements. We similarly request that ORR ensure that any potential sponsors who have been impacted by denials or delays in sponsorship resulting from these violations timely be provided an opportunity to have their applications considered consistent with requirements in place prior to these updates. Any new requirements that are approved should be implemented prospectively to avert disruptions, delays, and lack of notice to potential sponsors whose applications are already underway or in process.

Title of information collection. The Notice proposes to change the information collection from the “Family Reunification Application for Sponsors of Unaccompanied Alien Children” to “Unaccompanied Alien Children Sponsor Application Packet,” noting that it “has been retitled at the direction of ORR leadership . . . to better reflect the purpose of the information collection.”¹³ While seemingly semantic this modification hints at potentially broader changes to the way ORR perceives and conducts its legal responsibilities.

Pursuant to the ORR Foundational Rule, “ORR or the care provider providing care for the unaccompanied child shall make and record the prompt and continuous efforts on its part towards family unification and the release of the unaccompanied child” pursuant to the provisions of 45 C.F.R. § 410.1203.¹⁴ The Foundational Rule further outlines an order of preference for potential sponsors to whom a child may be released, beginning with a parent and turning next to a legal guardian, an adult relative, an adult individual or entity designated by the parent or legal guardian as capable and willing to provide, a licensed program, or in ORR’s discretion, an adult individual or entity seeking custody if “there is no alternative to long-term detention and family reunification does not appear to be a reasonable possibility.”¹⁵ These provisions reflect ORR’s legal obligations under the FSA¹⁶ as well as ORR’s “strong belief that, generally, placement with a vetted and approved family member or other vetted and

¹⁰ *Angelica S. v. HHS*, No. 25-cv-1405 (DLF) (D.D.C. 2025), Memorandum Opinion, at 24, <https://storage.courtlistener.com/recap/gov.uscourts.dcd.280423/gov.uscourts.dcd.280423.35.0.pdf>.

¹¹ *Id.* at 13.

¹² See *Angelica S. v. HHS*, No. 25-cv-1405 (DLF) (D. D.C. 2025), Order, <https://storage.courtlistener.com/recap/gov.uscourts.dcd.280423/gov.uscourts.dcd.280423.34.0.pdf>.

¹³ 90 Fed. Reg. 17438, <https://www.govinfo.gov/content/pkg/FR-2025-04-25/pdf/2025-07075.pdf>.

¹⁴ 45 C.F.R. § 1203; ORR, Unaccompanied Children Program Foundational Rule, 89 Fed. Reg. 34384, 34592 (Apr. 30, 2024), <https://www.govinfo.gov/content/pkg/FR-2024-04-30/pdf/2024-08329.pdf>. This provision derives from the *Flores* Settlement Agreement (FSA). FSA ¶ 14, 18.

¹⁵ 45 C.F.R. § 410.1201.

¹⁶ FSA ¶ 14.

approved sponsor, as opposed to placement in an ORR care provider facility, whenever feasible, is in the best interests of unaccompanied children.”¹⁷ Legislative history similarly states that the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) “requires, whenever possible, family reunification or other appropriate placement in the best interest of the unaccompanied alien children.”¹⁸ These safeguards reflect widespread consensus pointing to the role that safe and supportive family relationships can play in facilitating children’s physical and psychosocial development.¹⁹

Accordingly, whether a child has a safe and suitable family member with whom they may be reunified in the United States is an important consideration²⁰ as ORR begins its evaluation of potential sponsors for a child. The elimination of references to family reunification in the proposed information collection’s title, together with ORR’s recent implementation of policies that disqualify most children’s family members from sponsorship, improperly minimize this consideration, to the detriment of children in the government’s care.

Some children do not have family members in the United States or any other known sponsor. In such cases, ORR must continually work to identify appropriate placements, and must place the child in the “least restrictive setting” in their best interest, often a transitional or long-term foster care placement, while these efforts remain in process.²¹ Long-term foster care and Unaccompanied Refugee Minors (URM) placements have experienced significant waitlists, and placements of this kind are decidedly limited. They remain critical for children without reunification options and for other especially

¹⁷ 90 Fed. Reg. at 34439.

¹⁸ Statement of Sen. Dianne Feinstein, William Wilberforce Trafficking Victims Protection Reauthorization Act, 154 Cong. Rec. 185 (Dec. 10, 2008)

¹⁹ International law and practice similarly recognizes the important role of family for both society and individuals and the right to family life. *See, e.g.*, UN General Assembly, Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3, at Art. 9; Art. 10 (“In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.”). The United States has signed, but not yet ratified the treaty. *See also* Kate Jastram and Kathleen Newland, *Family Unity and Refugee Protection* (2003). *Refugee Protection in International Law: UNHCR’s Global Consultations on International Protection*, E. Feller, V. Türk, and F. Nicholson, eds., pp. 555-603, Cambridge University Press, 2003, generally and at p. 556 (“The family is universally recognized as the fundamental group unit of society and as entitled to protection and assistance from society and the State. The right to family life is recognized in universal and regional as well as in many national legal instruments. The right to family unity is inherent in the right to family life. This right applies to all human beings, regardless of their status.”), available at <https://ssrn.com/abstract=1559469>.

²⁰ *See, e.g.*, Lucas R., et al. v. Xavier Becerra, et al., CV 18-5741-DMG (PLAx), In Chambers-Order Re Cross-Motions for Summary Judgment [263, 271] (C.D. Cal. Mar. 2022), at 20, <https://youthlaw.org/sites/default/files/2022-03/Doc%20376.pdf> (“Minors also have a right to familial association with their parents and other family members, rooted in the First and Fourteenth Amendments [*citing* Moore v. City of E. Cleveland, 431 U.S. 494, 504 (1977)]. . . . In the immigration context, the right to familial association has been recognized to encompass a detained minor’s other close relatives who seek to sponsor them, including siblings, aunts or uncles, grandparents, or first cousins,”) *citing* J.E.C.M. v. Lloyd, 352 F. Supp. 3d 559, 585 (E.D. Va. 2018).

²¹ *See* FSA ¶ 18 (“Upon taking a minor into custody, the INS, or the licensed program in which the minor is placed, shall make and record the prompt and continuous efforts on its part toward family reunification and the release of the minor pursuant to Paragraph 14 above. Such efforts at family reunification shall continue so long as the minor is in INS custody.”); 45 C.F.R. § 410.1203(a).

vulnerable children. Yet the information collection and new sponsor requirements only compound current constraints by deterring, disqualifying, and denying loved ones and other potential caregivers of unaccompanied children who may be safe, suitable, and available to sponsor the child. Through the incorporation of narrow documentation requirements and the removal of restrictions on information sharing for immigration enforcement, the information collection could prioritize immigration enforcement above child welfare considerations and family reunification. In doing so, it could dramatically increase need for long-term foster care placements that are already too few in number. By blocking the release of many children to safe and caring family members, the policies also risk deterring potential foster families, who may decline to participate in a process that, as modified, increases the likelihood of prolonged family separation, rather than family reunification. Without options to reunify, children may remain in government custody or could ultimately be released to unfamiliar or less suitable sponsors, at potentially heightened risk of trafficking or other harm.

Far from advancing the purpose of ORR's sponsorship process, these changes only undermine ORR's mission.

Recommendation: KIND urges ORR to maintain "family reunification" in the title of the information collection to help center ORR's continued commitment to this consideration as part of individualized sponsor assessments and to humanize a process rooted in children's best interests.

SPONSOR APPLICATION

Elimination of introductory instructions. The information collection proposes to eliminate a section of the application titled "How to complete this application" that includes a step-by-step overview of the application process. This section provides potential sponsors with useful information, such as informing applicants that if they are unable to complete the application within 7 days, they can tell the case manager, who may be able to assist them with it. It also advises applicants to sign the Authorization of Release of Information; to provide a copy of their government-issued photo ID; information about the scheduling of any required fingerprints; instructions to read the sponsor handbook, sponsor care agreement, and privacy notice for important information; and instructions to gather required supporting documents and to submit the application.

The revised information collection also eliminates a Frequently Asked Questions (FAQ) page that includes questions intended to address common concerns or questions, including how and whether immigration status information is used by ORR. For example, the FAQ includes a question asking if an individual can serve as a child's sponsor if they are undocumented. The response states: "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." Other questions removed from the collection inquire about the cost to sponsor a child, whether an attorney is necessary to complete the requirements, why a sponsor may have to submit fingerprints, what information must be provided in the application, and when documents must be given to the Case Manager.²²

²² See Family Reunification Application, OMB # 0970-0278 (valid through Aug. 31, 2025), available at https://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=202402-0970-002 (View Information Collection (IC) List).

ORR provides no justification for its proposal to remove this content and omits mention of it in the summary of changes provided in the related Federal Register Notice.²³ The eliminated instructions support potential sponsors' engagement with ORR by providing clarity about the agency's role, as distinct from that of DHS, and by helping applicants to more easily understand the process and related requirements. This information was added to the forms to help relieve a widespread chilling effect on sponsorship that followed ORR's participation in a broad information sharing agreement with DHS,²⁴ sharing of information to support immigration enforcement against sponsors and household members, and the Zero Tolerance Policy during the first Trump Administration. The proposed removal of it—and the resumption of policies that in practice require lawful immigration status and permit the sharing of sponsors' information for immigration enforcement purposes—hamper ORR's child welfare mission and ability to evaluate the safety and suitability of potential sponsors and to safely and timely place and release children in its custody as required by the TVPRA and the Foundational Rule.

Recommendation: KIND recommends that this explanatory information be retained as part of the application packet to communicate and uphold ORR's distinct legal obligations, clarify ORR's independence from DHS' immigration enforcement functions, enable potential sponsors' engagement with the agency during the sponsor assessment process, and prevent prolonged delays in release that pose significant costs for children's wellbeing and the federal government.

Requirement of original or legible full color photocopies of child's birth certificate to prove the child's identity. The proposed information collection modifies requirements that the potential sponsor or the child's parent must provide the child's original birth certificate or a copy to state that any such copies must be a "legible full color photocopy."²⁵ Although ORR does not provide an explanation in the Federal Register notice for this change, in its reply brief and supporting declarations in litigation challenging recent changes to sponsor policies, ORR referenced the prior work of its Integrity & Accountability team as well as an internal memorandum directing immediate changes to the sponsor vetting process to address gaps, trafficking, and fraud.²⁶ ORR stated that its Integrity and Accountability Team "identified several instances of fraudulent sponsorship applications, document falsifications, and patterns of human trafficking and exploitation. For instance, the Team identified instances of children and sponsors using altered birth certificates or unaltered birth certificates belonging to another person. The Team found that the fraud often involved collusion with others, such as a family member in the country of origin."²⁷

²³ See 90 Fed. Reg. at 17438-39. A Supporting Statement is not publicly available on [reginfo.gov](https://www.reginfo.gov) for the current information collection.

²⁴ See generally National Immigrant Justice Center, Women's Refugee Commission, American University Washington College of Law Clinical Program, *Children as Bait: Impacts of the ORR-DHS Information-Sharing Agreement* (Mar. 2019), <https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2019-03/Children-as-Bait.pdf>.

²⁵ The proposed information collection also requires originals or full color copies of documents provided as proof of relationship.

²⁶ See *Angelica S. v. HHS*, Case No. 1:25-cv-1405 (D.D.C. 2025), Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction [hereinafter "Defendants' Memorandum"], at 9, <https://storage.courtlistener.com/recap/gov.uscourts.dcd.280423/gov.uscourts.dcd.280423.21.0.pdf>; see also generally *Id.* at Attachment #1, Declaration of Toby Biswas, <https://storage.courtlistener.com/recap/gov.uscourts.dcd.280423/gov.uscourts.dcd.280423.21.1.pdf>.

²⁷ Defendants' Memorandum, *supra* note 26, at 9.

Recently, ORR updated provisions in Section 2.2.4 of the ORR Policy Guide related to proof of the child's identity to incorporate the new requirement that any copies of the child's birth certificate be a legible, full color copy and to state that "Federal staff must exhaust all available avenues to verify the authenticity of birth certificates. All efforts and results should be documented in ORR's case management system."²⁸ The Policy Guide does not provide detail about what these avenues include or any time parameters for these efforts. Additionally, it is unclear whether ORR considers case-by-case exceptions in cases in which parents or other family members are unable to provide a color copy. No such exceptions are stated in the proposed Sponsor Application.

KIND recognizes ORR's critical role in robustly assessing potential sponsors to ensure the caregiver's ability to provide for the child's physical and mental wellbeing and to ensure they do not pose a risk to the child.²⁹ These efforts, including identifying potential situations of trafficking and other harm, are of vital importance in ensuring the safety of unaccompanied children, many of whom have fled to the United States in search of protection from persecution, extreme violence, abuse, abandonment, or neglect. The policies ORR creates for potential sponsors also have important implications for ORR's ability to place a child "in the least restrictive setting in the child's best interests"³⁰ and to safely release and reunify the child "without unnecessary delay."³¹

As they journey to find safety, children may lack access to their own identity documents, or these documents may be misplaced or taken from them. While many potential sponsors (including parents or legal guardians) may have the child's original birth certificate, in other cases they may have only a black and white copy or need assistance to obtain these records from the child's country of origin. Requirements that copies be in full color could erect additional barriers and delays in the reunification process. This could include, for example, instances in which the original birth certificate does not have any color, or where a child or potential sponsor possesses an authentic and legible, black and white copy of the child's birth certificate, but may be hesitant to engage with the government of the child's country to request an additional color copy for safety reasons, including if they have fled persecution and are seeking asylum in the United States. Challenges could also occur where the relevant government office in a child's country of origin does not maintain a color copy machine with which to copy official records.³² If unable to meet this requirement, the potential sponsor could be disqualified from sponsorship, and the child may face prolonged custody by ORR without the ability to reunify with and be cared for by parents and other loved ones. ORR does not explain how and whether it considered this potential harm when assessing the burdens of this change or how it balanced these risks with any benefits it hopes to achieve from the new requirements.

Notably, the proposed section of the Sponsor Application addressing proof of identity for sponsors and other adult household members includes new language permitting "[o]riginal versions or legible photocopies, digital scans, or high-resolution digital photos of government-issued documents," while eliminating birth certificates as well as several other options for proving identity. By comparison,

²⁸ ORR Policy Guide 2.2.4 (Effective 4/15/2025), <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2>.

²⁹ 8 U.S.C. § 1232(c)(3)(A).

³⁰ See 45 C.F.R. § 410.1103(a); 8 U.S.C. § 1232(c)(2)(A); see also FSA ¶ 11.

³¹ See, e.g., FSA ¶ 14; 45 C.F.R. § 410.1201(a).

³² In filings responding to related litigation ORR has acknowledged delays and potential challenges that accompany verification of foreign-issued documents. See Defendants' Memorandum, *supra* note 26, at 12.

proposed language related to proof of the child's identity includes no option for the use of digital scans or photos and permits only copies in full color. ORR does not explain in the Federal Register notice why language related to copies or acceptable images of originals differs between sections of the information collection, or why birth certificates are acceptable in some cases to prove identity, but not others. For example, birth certificates are required to prove the child's identity, are listed as one of several acceptable options for proving the relationship between the sponsor and the child (with an original or full color copy), but have been eliminated as an option altogether for proving the identity of potential sponsors and other household members.

Recommendation: Given these variations, it is difficult to meaningfully evaluate this new requirement or the precise concerns that ORR seeks to address through a full color copy as compared to other options. We recommend that ORR provide such analysis to enable the public to meaningfully consider these proposals. To prevent potential harms from the proposed changes, KIND recommends that the information collection include language permitting legible copies of the child's birth certificate (to include black and white copies), while ORR retains discretion to accept or request additional documentation in cases where veracity or authenticity is in question.

Elimination of documents to prove relationship to the child. The information collection also proposes changes that narrow options by which a potential sponsor may prove their relationship to the child. These changes require the sponsor to submit original or full color copies of at least one of a list of documents and remove previous language indicating that expired documents are acceptable. The proposed changes also remove several documents from the list of acceptable options, while adding the option to submit a written affirmation of relationship from the consulate.

As discussed above, requiring full color copies of birth certificates and other documents may pose a range of barriers and delays for potential sponsors. This includes where a country of origin is unable to provide such copies or the potential sponsor is unable to make contact with the country, as may be the case for individuals who have fled harm or persecution. ORR does not explain in the Federal Register Notice why full color copies are requested or whether and how it has considered the potential impacts of this requirement on sponsors and children in its care. Further, ORR does not explain why requiring color copies is necessary in the case of documents that may themselves originate in only black and white (e.g. in the case of many court records).

In the course of the sponsor assessment process, it is beneficial for ORR to have discretion to accept other documents as necessary.³³ Such flexibility acknowledges the potential for case-specific circumstances and the potential availability of valid documents not contemplated in the list but that may nevertheless be helpful in verifying the sponsor-child relationship. Neither the proposed application nor the ORR Policy Guide mention any exceptions to the specific documentation requirements or explain if ORR considered other alternatives. For example, ORR could permit parents or other relatives

³³ Footnote 5 of ORR Policy Guide 2.2.4 states "[v]erification of the potential sponsor's relationship to the child is a minimum step required by the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) [] to determine a potential sponsor's suitability and capability of providing for the child's physical and mental well-being. See 8 U.S.C. § 1232. As a result, as stated above, ORR may in its discretion require the submission of multiple forms of evidence." <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#foot5>

the option to request a DNA test to prove their relationship, if they are unable to provide any of the listed documents.

Recently, ORR issued field guidance expanding the use of DNA testing and requiring it where a potential sponsor claims a biological relationship to the child.³⁴ This requires such testing in addition to the proof of relationship documentation requirements. ORR does not explain in the Federal Register Notice whether it considered the interaction of the new DNA policy with the proposed information collection, including the potential harms of denying sponsorship on the basis of inability to provide documents in cases where a potential sponsor could or did prove the relationship by consenting to DNA testing.

ORR also does not explain why it has eliminated acceptance of expired documents to prove relationship (or to prove the identity of sponsors or other adult household members) and whether it considered the potential impacts of this change for potential sponsors, including asylum seekers or others who may not be able to return to their country of origin to obtain or renew passports and other documents. For example, many people who have fled harm, war, and persecution and who are seeking asylum in the United States would face particular difficulties in obtaining or renewing identity documents from their country of origin, as they are no longer in contact with the government or are unable to safely make such contact. Renewal of expired identity documents may also be untenable where violence, war, natural disasters, or other situations have shuttered or impacted government offices. Disqualification of potential sponsorship on these grounds could lead to the indefinite detention of many children and to some children's abandoning their legal claims for protection notwithstanding grave protection needs, despite the availability of suitable caregivers, including parents and other family.

Recommendation: For all of these reasons, we recommend that ORR rescind the proposed changes and accept documents consistent with the current version of the application, including accepting expired documents where necessary. We recommend that ORR retain discretion to accept and request additional documents as needed and that ORR permit potential sponsors the option to consent to DNA testing to prove a biological relationship if they do not have any of the necessary documents.

Elimination of certain documents to prove sponsor and household member identity. The proposed information collection modifies questions related to proof of identity for sponsors and adult household members to eliminate several forms of documentation that are deemed acceptable in the currently approved version of the Family Reunification Application. As with the changes for proof of the child's identity, the Federal Register Notice lacks reasoned explanation for these changes, which reflect in large part updates made recently to ORR Policy Guide Section 2.2.4.

Specifically, the information collection proposes to consolidate two columns of acceptable forms of government-issued ID, from which the applicant is to provide one selection from list A or two or more selections from List B, into a single list with fewer options, of which the potential sponsor or household member must provide at least one. The proposed language also revises language stating that "[e]xpired documents are acceptable" to read "[e]xpired documents will not be accepted." Moreover, while the currently approved version directs that applicants provide "a copy" of the relevant ID, the proposed

³⁴ ORR, Field Guidance #27 – DNA Testing Expansion (Revised May 15, 2025) (First Issued Mar. 14, 2025), <https://acf.gov/sites/default/files/documents/orr/FG-27 - DNA Testing Expansion.pdf>.

changes reference “[o]riginal versions or legible photocopies, digital scans, or high-resolution digital photos of government-issued identification documents.”

Far from cursory changes, the proposed modifications dramatically narrow eligibility for sponsorship, including by preserving and adding to the list of acceptable documents those that are principally available only to U.S. citizens, people with lawful immigration status, or people affiliated with the U.S. military. The changes would no longer generally permit foreign passports with a photo as proof of identity, but would allow for only those foreign passports with “a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa” or “with Form I-94 or Form I-94A with Arrival-Departure Record, and containing an endorsement to work.” These documents are generally limited only to individuals with lawful permanent residence or legal visitors with work authorization. The changes also add further criteria for U.S. driver’s licenses to be accepted and eliminate a wide range of other documents, including a U.S. naturalization certificate, birth certificate, marriage certificate, foreign national ID card, foreign driver’s license with photograph, refugee travel documents containing a photograph, and government documents such as the ORR Verification of Release form with a photograph for individuals under 21 (a document provided to unaccompanied children previously released from ORR care). The proposed list retains U.S. military ID cards as an option and proposes to add several other forms of U.S. military documentation as well as Native American tribal documents and driver’s licenses issued by a Canadian government authority.

Historically, a large percentage of potential sponsors of unaccompanied children have been undocumented. As such, the significant narrowing of options for proof of sponsor identity, and specifically of documents issued by foreign governments, poses far-reaching and detrimental consequences for ORR’s ability to “make prompt and continuous efforts toward” family reunification of unaccompanied children in its care, to place children in the “least restrictive setting in their best interests,” and to release and reunify children “without unnecessary delay.”³⁵ ORR provides no explanation in the Federal Register notice for these changes or analysis of the impact of them on the Unaccompanied Children Program’s capacity and functions, children’s safe and timely release, or compliance with legal obligations.

In late May 2025, in a memorandum and declarations responding to litigation challenging these and other policy changes, ORR stated:

ORR made these updates to align the acceptable identity documents for identity verification purposes with the standards used for I-9 verifications as a safer framework than reliance on foreign-issued identity documents. ORR has encountered difficulties authenticating foreign-issued documents, especially in a timely manner. ORR is aware of widespread fraud involving the use of such documents and has had to rely on foreign consulates and embassies, often liaising with the Department of State, to authenticate documents issued outside the United States. This process is complicated by international relations (including whether the United

³⁵ See FSA ¶ 18; 45 C.F.R. § 410.1203(a); ; 45 C.F.R. § 410.1103(a); 8 U.S.C. § 1232(c)(2)(A); FSA ¶ 11; FSA ¶ 14; & 45 C.F.R. § 410.1201(a).

States maintains diplomatic relations with certain countries) and the stability of certain foreign states.³⁶

This filing was submitted publicly several weeks after this information collection was published for public comment. In an additional memorandum submitted as an exhibit, ORR stated that it “will also focus efforts to ensure that those reviewing identity documents have an easy way to view them, as well as the pictures on the documents, to determine that the individual submitting the identity document is in fact the *holder* of the identity document.”³⁷

In a ruling in the related lawsuit, the court stated that it “questions certain policy choices ORR made” and that ORR “does not explain how the I-9 documents—which are used for employment eligibility—are a rational choice to balance the competing interests of avoiding unnecessary delay and effectively preventing fraud.”³⁸ Indeed, as many family members and sponsors of unaccompanied children are undocumented, a list of documents largely limited to people with citizenship, lawful immigration status, or work authorization would seem tailored to disqualify potential sponsors, rather than to meaningfully confirm their identity. Further, while ORR Policy Guide 2.2.4 suggests that exceptions to the new requirement may be available in limited circumstances for Category 1 sponsors,³⁹ in practice, the requirements have already barred many parents and other potential sponsors from sponsorship.⁴⁰

Although ORR seeks to justify the changes through reference to delays posed by verification of foreign-issued documents and its awareness “of widespread fraud,” it fails to meaningfully account for the very delays that it creates—for children, who may face indefinite custody rather than release to suitable family members, and for parents and other sponsors, who must navigate ever-shifting and insurmountable requirements to be able to care for their loved ones. It also fails to account for other recent policy changes implemented by ORR to evaluate how these policies interact and whether they may render the additional burdens posed here unnecessary. These considerations are key to ensuring that the proposed information collection minimizes burdens and seeks information that is both necessary and beneficial for the public interest and agency’s work. Citing select cases of past fraud to exclude from consideration most forms of documentation commonly available to potential sponsors, however, risks frustrating ORR’s ability to assess sponsor suitability on an individualized basis and to advance its mission.

³⁶ Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for a Preliminary Injunction, at 12. <https://storage.courtlistener.com/recap/gov.uscourts.dcd.280423/gov.uscourts.dcd.280423.21.0.pdf>.

³⁷ *Id.* at Exh. C, Memorandum from Toby Biswas, Director of Policy, Unaccompanied Alien Children (UAC) Bureau to Angie M. Salazar, Acting Director, Office of Refugee Resettlement (ORR), on DECISION – Revisions to ORR UACB Policy Guide Sections 2.2.4, 2.7.4, and 5.8.2, and accompanying procedures, – Improving the Sponsor Vetting Process in Order to Mitigate Fraud and Enhance UAC Protections, dated Mar. 7, 2025, at 3.

³⁸ *Angelica S. v. HHS*, No. 1:25-cv-1405 (D.L.F.) (D.D.C. 2025), Memorandum Opinion, at 14-15, <https://storage.courtlistener.com/recap/gov.uscourts.dcd.280423/gov.uscourts.dcd.280423.35.0.pdf>.

³⁹ See ORR Policy Guide 2.2.4, <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2> (stating “*For Category 1 Sponsors Only*: Any deviation from this requirement must be supported by clear justification and exceptions may be made on a case-by case basis by HHS ORR Headquarters.”).

⁴⁰ See *Angelica S. v. HHS*, No. 1:25-cv-1405 (D.D.C. 2025), Plaintiff’s Memorandum of Points and Authorities in Support of Plaintiffs’ Motion for Class Certification and Appointment of Counsel, at 5-7, <https://storage.courtlistener.com/recap/gov.uscourts.dcd.280423/gov.uscourts.dcd.280423.9.1.pdf>.

Recommendation: For these reasons, we recommend that ORR rescind any proposed modifications restricting or eliminating the use of documents deemed acceptable on the currently approved sponsor application and add any additional documentation options that ORR determines are acceptable but that are not yet included. As noted in the above discussion regarding birth certificates, ORR maintains discretion to take additional steps to verify documents as needed on a case-by-case basis.

Restrictive proof of income requirements that exclude potential sponsors on the basis of lawful immigration status. The proposed information collection incorporates a new subsection on proof of income within the required supporting documentation for sponsors. These requirements supplement an existing question (#13) that requests “Financial Information” about how the sponsor will financially support the child and directing sponsors to include all amounts and sources and any financial support from others.

The proposed additions, which substantively reflect recent additions made to Policy Guide 2.2.4 on April 15, 2025, require that sponsors submit at least one form of documentation verifying their income. Only three available options are provided: a U.S. tax return from the prior year; copies of pay stubs for the last 60 days continuously; or an original letter from the potential sponsor’s employer verifying employment and salary information, signed within the past 60 days. The last option must include a letter on company letterhead, contain verifiable contact information for the potential sponsor’s employer and supervisor, and an “ORR representative must speak with the supervisor or company human resources division to verify the information in the letter.”

Importantly, each of these options assesses income based in the United States and in practice necessitates that the potential sponsor have work authorization—a benefit generally limited to people with lawful immigration status or certain people who are applying for humanitarian protection. As such, many undocumented sponsors may be unable to meet these requirements. In an ORR memorandum supporting changes to the ORR Policy Guide and sponsor application processes that ORR filed in response to recent litigation, ORR acknowledges this potential concern, anticipating that “advocates are likely to argue that ORR’s identity document requirements are particularly burdensome on the ability of undocumented or out of status aliens to sponsor children,”⁴¹ but ORR does not further address these concerns. Another memorandum evaluating pros and cons of the change notes as a con that “[p]otential sponsors may not have appropriate documents and may not be able to complete their sponsorship application or may go to more extreme lengths to fake documents in order to sponsor children.”⁴² Again, however, ORR does not further address these concerns.

⁴¹ Angelica S. v. HHS, No. 1:25-cv-1405 (D.D.C. 2025), Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for a Preliminary Injunction, Exh. C, Memorandum from Toby Biswas, Director of Policy, Unaccompanied Alien Children (UAC) Bureau to Angie M. Salazar, Acting Director, Office of Refugee Resettlement (ORR), on DECISION – Revisions to ORR UACB Policy Guide Sections 2.2.4, 2.7.4, and 5.8.2, and accompanying procedures, – Improving the Sponsor Vetting Process in Order to Mitigate Fraud and Enhance UAC Protections, dated Mar. 7, 2025, at 5.

⁴² Angelica S. v. HHS, No. 1:25-cv-1405 (D.D.C. 2025), Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for a Preliminary Injunction, Exh. D, Memorandum from Angie Salazar, Acting Director, Office of Refugee Resettlement, to Andrew Gradison, Acting Assistant Secretary for Children and Families on DECISION – Sub-Regulatory Guidance; Revisions to the Unaccompanied Children Bureau Policy Guide and Manual of Procedures Revisions to Require Sponsors to Provide Proof of Income, dated Apr. 1, 2025, at 4-5 [hereinafter “Salazar Memorandum”].

In support of the changes, the memorandum asserts that “[r]equiring proof of income documentation will support decisions made by ORR staff to release children to vetted sponsors” and that providing for a defined set of documents by which to verify income will create “a streamlined standard across all cases, minimizing discretion and variability.”⁴³ ORR further explains that “[p]roof of income is a standard practice in domestic child welfare for assessing if an individual is able to care for the physical well-being of a child.”⁴⁴ The Federal Register Notice and ORR memorandum also mention ORR’s preparation of an Affidavit of Support that will be required of sponsors, and for which ORR will seek public comment and OMB clearance in the future.⁴⁵

In articulating the value of consistency and minimizing discretion regarding verification of sponsor income, ORR neglects to consider the consequences of too narrowly defining which documents may be acceptable. It offers no analysis specific to the options chosen as compared to other potential documentation of income and ability to support the child that a sponsor may be able to submit. This could include, for example, other assets and bank accounts. In a memorandum filed by ORR in litigation, ORR recommended revisions to its Manual of Procedures (MAP) directing that “in a Recommendation to Deny Release, the [Federal Field Specialist] must complete the section summarizing the findings and cite the sponsor’s proof of income as an example.”⁴⁶ This suggests that even if a potential sponsor indicates other resources in the Financial Information section of the Sponsor Application that are sufficient to support the child, they could nevertheless be denied sponsorship if unable to provide one of the three documents proposed for inclusion under the new Supporting Documentation section and which relate to recent U.S.-based income. ORR does not provide a rationale for disqualifying sponsors who can provide for the child or consider implications for ORR’s ability to uphold statutory and regulatory requirements, including related to placement of children in the “least restrictive setting in their best interests” and continuous efforts toward family reunification.⁴⁷

Further, in another memorandum, ORR states that “denying a Category 1 sponsor (parent/legal guardian) solely based on financial hardship could pose a litigation risk for ORR and does not align with standard child welfare practices in the United States. This procedural distinction (with a carve out for parents/legal guardians) ensures a balanced approach, protecting parental rights while maintaining child safety protections against trafficking and labor exploitation.”⁴⁸ However, neither the proposed Sponsor Application nor the updated Policy Guide section reference any carveout for parents or legal guardians or suggest that exceptions on this basis may be available. Consequently, ORR may be operating out of compliance not only with express federal directives but also more generally with basic child welfare principles that the agency itself has recognized.

Recommendation: For these reasons, we urge ORR to rescind the additional proof of income documentation section, while retaining the Financial Information section of the application that permits applicants to describe in narrative form how they will provide for the child. ORR can indicate that

⁴³ *Id.* at 4.

⁴⁴ *Id.*

⁴⁵ 90 Fed. Reg. at 17438; *supra* note 42, at 5.

⁴⁶ Salazar Memorandum, *supra* note 42, at 3.

⁴⁷ 45 C.F.R. § 410.1103(a); 8 U.S.C. § 1232(c)(2)(A); FSA ¶ 11; 45 C.F.R. § 410.1203(a); & FSA ¶ 18.

⁴⁸ Salazar Memorandum, *supra* note 42, at 2.

potential sponsors are permitted to provide additional supporting documentation, with inclusive rather than exclusive examples of documents.

Narrowed options for proving address. The proposed information collection would eliminate or narrow various options by which the potential sponsor can prove their address. For example, potential sponsors would no longer be able to provide a notarized letter from their landlord or “other similar documents” dated within the last two months that reliably indicate their current address. Paycheck stubs from an employer would be accepted only if in the last month, rather than within the last two months. The option to provide mail addressed to the current address and dated within the last two months (with a utility bill and insurance statement as preferred examples) is modified to only permit submission of a utility bill dated within the last two months. A notation advising that individuals unable to provide this documentation can contact their case manager has been eliminated.

In practice, these modifications could exclude and create additional burdens for sponsors, even in cases in which ORR may have visited the potential sponsor’s home as part of a home study and where other documentation adequately demonstrates the potential sponsor’s current address.

Recommendation: KIND recommends that the Sponsor Application retain the approved options as well as the notation that the potential sponsor can contact the case manager if unable to submit these forms of documentation. This will enable ORR to consider other valid documents that may not have been contemplated in the list but that may nevertheless reliably prove where the sponsor currently resides. Additionally, potential sponsors could be permitted the option to consent to a home study conducted by a child welfare professional if they are unable to access the requested documentation.

AUTHORIZATION FOR RELEASE OF INFORMATION (ARI)

Removal of language acknowledging that DHS cannot use sponsors’ immigration status information for immigration enforcement. The proposed information collection modifies the acknowledgement that potential sponsors and others must sign regarding the potential use of their information to eliminate restrictions on DHS’s use of this information for immigration enforcement. In relevant part, the information collection eliminates the following critical sentence from a statement that the sponsor’s information may be shared with law enforcement agencies at all levels of government and used consistent with their authorities:

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 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.

The quoted language cites to a directive in federal appropriations law⁴⁹ that restricted DHS’s use of sponsors’ immigration status information for immigration enforcement, except in very limited circumstances, as a response to harmful consequences that resulted from a 2018 information sharing

⁴⁹ See current Authorization for Release of Information (OMB #0970-0278, valid through 8/31/2025), available at https://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=202402-0970-002 (View Information Collection (IC) List) (stating at footnote 1: “See Consolidated Appropriations Act, 2023, Pub. L. 117-328, Division F, Title II, § 217. Please note that DHS is restricted from using this information through September 31, 2023.”).

agreement between DHS and ORR, and related immigration enforcement against sponsors and household members. Those actions led to a broad chilling effect on sponsorship and delays in children's release. The elimination of these references in the information collection follow other efforts by ORR to permit more expansive use and sharing of sponsors' immigration status information, including for DHS's immigration enforcement purposes, as in ORR's recent interim final rule dated March 25, 2025.⁵⁰ ORR offers no explanation for the removal of the language in this Federal Register Notice and information collection. ORR also does not explain how the proposed change interacts with an ORR Privacy Notice issued in December 2024, in which ORR stated that because it "is not an immigration enforcement agency—but rather is responsible for placing unaccompanied children with vetted and approved sponsors, providing care and services to unaccompanied children who are in Federal custody by reason of their immigration status, and identifying and assessing the suitability of a potential sponsor for each child—it is incompatible with ORR's program purposes to share information in a system of records, particularly confidential mental health or behavioral information in children's case files, for immigration enforcement purposes."⁵¹

Although ORR describes the ARI in the Federal Register Notice as collecting written consent for background investigations that "allow[] ORR to determine whether an unaccompanied alien child will be safe in the custody of a potential sponsor, adult household members, and alternate adult caregivers,"⁵² the proposed changes in practice could sideline ORR's child welfare efforts. By eliminating clarity and notice to potential sponsors and children that DHS may not generally conduct immigration enforcement actions based on sponsors' immigration status information, the proposed information collection could lead to reduced engagement with ORR and increased fear that applying for sponsorship could lead to immigration enforcement actions. As seen when prior information sharing policies were in effect in 2018, these policies and potential immigration enforcement specifically targeting undocumented sponsors could lead not only to children spending longer time in custody⁵³ and experiencing significant distress—without the care of their parents or other loved ones—but also to increased costs for the government, as ORR's occupancy increases as releases and sponsorships fall away. Without parents and other family members to come forward to care for them, children could be released instead to more distant or unfamiliar sponsors, which may increase the risk of trafficking, exploitation, and harm after release. Children experiencing distress and detention fatigue may also abandon their claims for legal protection and request return to their country of origin, despite grave dangers and protection needs. In the Federal Register Notice for this information collection, ORR appears to acknowledge the likely impacts of removing the restrictions and of the proposed sponsor changes, noting that the modifications "[r]evis[e] the burden estimate to account for a decrease in the number of sponsors applying to sponsor a

⁵⁰ ORR, Interim final rule with comment period (IFR): Unaccompanied Children Program Foundational Rule; Update To Accord With Statutory Requirements, RIN 0970–AD16, 90 Fed. Reg. 13554, Mar. 25, 2025. *See, e.g.*, Ximena Bustillo, *ICE officers granted access to unaccompanied minors database*, NPR, Feb. 14, 2025, <https://www.npr.org/2025/02/14/g-s1-48979/ice-unaccompanied-minors-database>.

⁵¹ ORR, Privacy Act of 1974; System of Records, 89 Fed. Reg. 100500, (Dec. 12, 2024).

⁵² 90 Fed. Reg. at 17438.

⁵³ *See, e.g.*, U.S. Dep't of Homeland Security Office of Inspector General, *ICE Cannot Effectively Monitor the Location and Status of All Unaccompanied Alien Children After Federal Custody* (Mar. 25, 2025), at 2-3, <https://www.oig.dhs.gov/sites/default/files/assets/2025-03/OIG-25-21-Mar25.pdf>.

("An ICE official said the 2018 MOA negatively affected the sponsorship applications submitted to HHS and increased UACs' overall length of stay in ORR custody. In FY 2023, the average length of time a UAC was in HHS ORR custody was 27 days, down from 61 days in FY 2019.").

child, an increase in the number of individuals required to undergo fingerprint checks, and an increase in the number of care provider facilities.”⁵⁴

The proposed changes, then, do not increase the proper performance of ORR’s functions or minimize the burdens on respondents to the form, but instead undercut ORR’s own mission to care for, place, and reunify unaccompanied children consistent with specific legal protections in the HSA, TVPRA, *Flores* Settlement Agreement, and ORR UC Program Foundational Rule.

Recommendation: To prevent these harmful impacts and noncompliance with critical safeguards for unaccompanied children, KIND urges ORR to restore its independence from DHS’ immigration enforcement functions and to create policies that enable it to better center its own child welfare mission by refraining from collecting immigration status information from sponsors as part of the reunification process. ORR can then provide notice in this information collection to potential sponsors informing them that ORR is not an immigration enforcement agency and does not collect immigration status information for immigration enforcement purposes.

Conclusion

The forms utilized as part of ORR’s family reunification process have broad implications for ORR’s ability to safely and timely reunite children with family members and other suitable caregivers, and for children’s wellbeing and long-term safety. KIND is concerned that several changes in the proposed information collection and recently advanced through the ORR Policy Guide and related rulemaking would undermine ORR’s ability to identify placements in children’s best interests and heighten children’s vulnerability to re-traumatization, trafficking, and other exploitation. We ask that ORR rescind these proposed modifications and maintain use of the current Family Reunification Application consistent with the TVPRA, FSA, and Foundational Rule to ensure the safety and wellbeing of unaccompanied children. Please feel free to contact KIND with any questions or if we can be of assistance in these efforts.

Sincerely,

/s/

Jennifer Podkul

Chief, Global Policy and Advocacy

⁵⁴ See ORR, Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970–0278), 90 Fed. Reg. 17438 (Apr. 25, 2025).