



**New Jersey Consortium
for Immigrant Children**

Building a just and equitable NJ where young immigrants
can flourish and lead full, fearless lives.

Office of Refugee Resettlement
Administration for Children and Families
U.S. Department of Health and Human Services
Washington, DC, 20201

Submitted via email at infocollection@acf.hhs.gov

June 24, 2025

Re: New Jersey Consortium for Immigrant Children Comment on Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970–0278)

To Whom It May Concern,

The New Jersey Consortium for Immigrant Children (NJCIC) submits the following public comment in response to the request for comments on Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970–0278), as published in the Federal Register on April 25, 2025.

NJCIC is a state-wide legal services and policy advocacy organization in New Jersey dedicated to empowering young immigrants. Our organization works towards a just and equitable New Jersey where young immigrants can flourish and lead full, fearless lives. We provide holistic, youth-centered legal representation to unaccompanied children (UC) and similarly situated youth; drive systemic change to advance young immigrants' rights to access to justice, education equity, and healthcare equity; and build community through collaboration and education.

The Office of Refugee Resettlement (ORR) has proposed several revisions to forms that the Unaccompanied Alien Children Bureau (UACB) uses to assess the suitability of potential sponsors for UC, and has requested public comments regarding whether the proposed collection of information is necessary for the proper performance of the functions of the agency. NJCIC is gravely concerned about the impact of these proposed changes on the children and families we serve.

In particular, we are concerned that these proposed changes will undermine ORR's mission to promote the health, well-being, and stability of UC, and compromise its ability to prioritize the best interests of UC in matters related to their placement and care. As such, we oppose these proposed changes to the sponsor application forms and request that they be rescinded.

1. Highlighting the Proposed Revisions to the UC sponsor application packet of primary concern to NJCIC.

NJCIC's primary concerns with this proposed information collection activity relate to the proposed changes to the list of acceptable proof of identity documents and the incorporation of a proof of income documentation requirement in the Sponsor Application Form (Form SAP-3). We note that these changes align with two recent revisions to section 2.2.4 of the UACB Policy Guide, made in March and April 2025. We will address our concerns about both of these policy changes in our comment.

On March 7, 2025, ORR revised section 2.2.4 (Required documents for Submission with the Application for Release) of the UACB Policy Guide in order to limit the list of documents that could be used to verify a potential sponsor's identity. This included removing several foreign identification documents, such as a driver's license, voter registration cards, and national identification cards. Other forms of documentation, such as marriage certificates and a U.S. certificate of naturalization, have been removed as well. The UACB Policy Guide was also revised to clarify that only "unexpired" versions of identity documents were acceptable.¹ On April 15, 2025, ORR further revised the policy guide to note that "proof of sponsor income is a mandatory part of the Sponsor Application process" and provide a list of the applicable documents potential sponsors can use to verify their income.²

On April 25, 2025, ORR promulgated this proposed information collection activity—which was in line with the revisions to the UACB Policy Guide—to revise several forms that are used to assess the suitability of potential sponsors. The proposal seeks to limit the number of acceptable proof of identity documents listed in the Sponsor Application Form and to incorporate a provision stating that "Expired documents will not be accepted." The proposal also notes that ORR will be creating an Affidavit of Support that sponsors will need to complete to show that they have "the financial means to provide for the child's physical and mental well-being."³ Additionally, it updates the Sponsor Application Form to incorporate a new Proof of Income section, which calls for applicants to submit the Affidavit of Support, alongside proof of income documentation in the form of: 1) the previous year's U.S. tax return; 2) copies of paystubs for the past 60 days; or 3) an original letter from the sponsor's employer verifying their employment and salary information.

2. These proposed revisions will compromise ORR's ability to fulfill its mission and legal obligations.

¹ Office of Refugee Resettlement, *ORR Unaccompanied Alien Children Bureau Policy Guide: Record of Posting and Revision Dates* (last updated Jun. 2, 2025), <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-record-posting-and-revision-dates>.

² *Id.*

³ Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970-0278), 90 FR 17438, 17438 (Apr. 25, 2025).

NJCIC is deeply concerned about the impact of the proposed changes to the Sponsor Application Form on UC and potential sponsors. It is our position that these changes will lead to fewer individuals being willing and able to sponsor UC, forcing UC to remain in ORR custody long-term, and compromising ORR's ability to fulfill its mission and legal obligations. Therefore, we recommend that these changes are rescinded.

a. ORR functions as a child welfare agency for UC and is required to consider the best interests of the child in matters related to their care and custody.

ORR's mission is to "promote the health, well-being, and stability of refugees, unaccompanied alien children, and other eligible individuals and families, through culturally responsive, trauma-informed, and strengths-based services."⁴ Within ORR, the Unaccompanied Alien Children Bureau (UACB), is responsible for providing placement, care, and services to UC who have been referred to ORR and support their release to a qualified and vetted sponsor.⁵

As set out in the Homeland Security Act of 2002 (HSA), ORR has a legal obligation to ensure "that the interests of the child are considered" in decisions related to their care and custody.⁶ The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) also calls for UC to be "promptly placed in the least restrictive setting that is in the best interest of the child," and emphasizes the importance of family unification for UC.⁷ Similarly, the Unaccompanied Children Program Foundational Rule (Foundational Rule) calls for UC to be treated with "dignity, respect, and special concern for their particular vulnerability," in matters related to their placement, and to "place each unaccompanied child in the least restrictive setting that is in the best interests of the child."⁸ ORR has emphasized that it has a "strong belief that, generally, placement with a vetted and approved family member or other vetted and approved sponsor, as opposed to placement in an ORR care provider facility [...] is in the best interests of unaccompanied children."⁹

Before releasing a UC to a potential sponsor, the TVPRA sets out that HHS must make a determination that the sponsor is capable of providing for the UC's physical and mental well-being, and including by verifying the sponsor's identity.¹⁰ The Foundational Rule further stipulates that ORR may take additional steps to assess the capability of a potential sponsor to provide for the UC's physical and mental well-being, including through the "verification of the employment, income, or other information provided by the potential sponsor as evidence of the ability to support

⁴ Administration for Children and Families, *Office of Refugee Resettlement* (last visited Jun. 2, 2025), <https://acf.gov/orr>.

⁵ Administration for Children and Families, *Unaccompanied Alien Children Bureau Fact Sheet* (last visited Jun. 3, 2025), <https://acf.gov/orr/fact-sheet/programs/uc/fact-sheet>.

⁶ Homeland Security Act of 2002, Pub. L. No. 107-296, § 462, 116 Stat. 2135, 2202-03 (2002).

⁷ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, §235(c)(2), 122 Stat. 5077-78.

⁸ Unaccompanied Children Program Foundational Rule, 89 FR 34384, 34588 (Apr. 30, 2024) (45 C.F.R. 410).

⁹ *Id.* at 34439.

¹⁰ 8 U.S.C. § 1232(3)(A).

the child.”¹¹ ORR has noted that this a “permissible consideration,” that may allow them to better assess the ability of a sponsor to provide care for a UC, and that, while “this information may be relevant, it would not automatically deny an otherwise qualified sponsor solely on the basis of low income or employment status (either formal or informal).”¹²

As such, ORR’s primary function is as a child welfare agency responsible for caring for UC and supporting their release to a qualified sponsor. ORR has a duty to protect the best interests of UC in matters related to their placement and care, including by promptly placing them in the least restrictive setting possible and by prioritizing efforts to place them with qualified family members or other vetted sponsors. In conducting suitability assessments of potential sponsors, ORR is required to verify the identity of potential sponsors and is permitted to take further measures to assess the sponsor’s ability to support the child. As detailed below, NJCIC is gravely concerned that the proposed revisions to the Sponsor Application Form will compromise ORR’s ability to fulfill its function as a child welfare agency and its legal obligations.

b. These changes to the Sponsor Application Form will impose an undue burden on potential sponsors.

It is NJCIC’s position that these proposed changes to the sponsor application package, specifically limiting the acceptable forms of proof of identification documentation and the introduction of proof of income documentation requirements, will impose an undue burden on potential sponsors. This is particularly true for sponsors who are, themselves, members of the immigrant community. While it is impossible to find precise public data regarding the immigration status of potential sponsors, based on our experience providing direct legal services to UC and their families, NJCIC has observed that the majority of sponsors for UC are immigrants.¹³

As set out above, ORR is required to verify the identity of potential sponsors when conducting its sponsor suitability assessment. Previously, ORR has allowed a wide range of documents to be used to verify a sponsor’s identity, including expired documents and those that come “from a multitude of countries.”¹⁴ The proposed changes to the list of acceptable forms of identification removes several forms of identification that would be most accessible to documented and undocumented immigrants, such as foreign identification documents, expired identification documentation, and a U.S. certificate of naturalization. As such, these changes will make it much more challenging for many sponsors, particularly immigrants, to complete the sponsor application package.

¹¹ 45 C.F.R. § 410.1202(c)

¹² Unaccompanied Children Program Foundational Rule, 89 FR 34384, 34444 (Apr. 30, 2024) (45 C.F.R. 410).

¹³ See Testimony of Matthew Albence, Executive Associate Director of Immigration and Customs Enforcement, U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, The Implications of the Reinterpretation of the Flores Settlement Agreement for Border Security and Illegal Immigration Incentives, 115th Cong., 2nd sess., September 18, 2018. <https://www.congress.gov/115/chrg/CHRG-115shrg34944/CHRG-115shrg34944.pdf> (Claiming that “close to 80 percent of the people that are sponsors or household members within these residences are illegally here in the country.”)

¹⁴ Unaccompanied Children Program Foundational Rule, 89 FR 34384, 34450 (Apr. 30, 2024) (45 C.F.R. 410).

This proposal also requires sponsors to submit one of three documents to establish their proof of income: the previous year's U.S. tax return; copies of paystubs for the past 60 days; or an original letter from the sponsor's employer verifying their employment and salary information.¹⁵ NJCIC notes that these documents would be impossible for many immigrants to obtain. Many immigrants in the US, regardless of their immigration status, work in the informal economy,¹⁶ and work for employers who may resist providing them with paystubs or formal documentation of their employment status, thus making it nearly impossible to access the forms of identification documentation outlined above. Even individuals who have formal employment may have difficulties accessing the prescribed documents, such as immigrants who have been in the U.S. for a limited amount of time.

The approach advanced by this proposal also contravenes provisions set out in the Foundational Rule, which permits ORR to request information regarding a potential sponsor's employment or income, "or other information provided by the potential sponsor as evidence of the ability to support the child."¹⁷ This indicates that potential sponsors should be provided with the opportunity to demonstrate their ability to support a UC, even if they cannot provide information regarding their employment or income. By requiring sponsors to submit the proof of identification documents detailed above, ORR will exclude potential sponsors who have the means to support a UC outside of formal employment, which stands in stark contrast to ORR's previous statement that it "would not automatically deny an otherwise qualified sponsor solely on the basis of low income or employment status (either formal or informal)."¹⁸

c. These revisions, especially when considered alongside other recent policy changes, will compromise ORR's ability to fulfill its core functions as a child welfare agency and its legal obligation to prioritize the best interests of UC in matters related to their placement and care.

NJCIC is deeply concerned that the proposed changes to the Sponsor Application Form and the UACB Policy Guide will lead to fewer individuals being willing and able to complete an application to sponsor a UC. NJCIC believes that, especially when one considers these changes in conjunction with several other recently adopted policies, such as ORR expanding its fingerprinting requirements for potential sponsors and members of their household,¹⁹ the publication of an interim final rule removing a bar on ORR sharing information about potential sponsors' immigration status with immigration enforcement agencies,²⁰ and federal government

¹⁵ UACB Policy Guide, *supra* note 3.

¹⁶ Gary Painter, *The Scale of Informal Labor and Its Impact on the Economy*, PBS (Feb. 13, 2019), <https://www.pbssocal.org/shows/city-rising/the-scale-of-informal-labor-and-its-impact-on-the-economy..>

¹⁷ 45 C.F.R. § 410.1202(c)

¹⁸ Unaccompanied Children Program Foundational Rule, 89 FR 34384, 34444 (Apr. 30, 2024) (45 C.F.R. 410).

¹⁹ AILA, *ORR Issues Field Guidance on Fingerprint Background Checks for Family Reunification Applications* (Feb. 14, 2025), <https://www.aila.org/library/orr-issues-field-guidance-on-fingerprint-background-checks-for-family-reunification-applications>.

²⁰ Unaccompanied Children Program Foundational Rule; Update To Accord With Statutory Requirements, 90 FR 13554 (Mar. 25, 2025) (to be codified at 45 CFR 410).

officials performing wellness checks on UC,²¹ it is reasonable to conclude that these policies will lead to a significant increase in the amount of time UC remain in ORR custody, and compromise ORR's ability to safeguard the best interests of UC in matters related to their care and custody.

NJCIC notes that there has been a substantial increase in recent months in the average length of time that UC remain in ORR custody before being released to a sponsor, rising from 37 days in January 2025 to 191 days in May. This has corresponded with a decrease in the number of UC released to sponsors from 5,151 in January to a mere 118 in May.²² As the revisions to the UACB policy guide were made in March and April, it is difficult to assess the extent to which the proof of income and proof of identification documentation requirements were key drivers in these shifts. However, it seems reasonable to assume that these revisions will make it more difficult for potential sponsors to complete the application process and will likely contribute to further delays in releasing UC to a qualified and vetted sponsor. The proposed collection of information appears to support this conclusion, as it explicitly proposes to amend its burden estimate to account for a "decrease in the number of sponsors applying to sponsor a child and an increase in the number [of] care provider facilities."²³

ORR has previously stated that it has a "strong belief" it is generally in the best interest of UC to be released to a sponsor rather than to remain in ORR custody.²⁴ This belief is supported by findings that the long-term separation of a child from their primary caregiver can have devastating impacts on that child,²⁵ and reports that indicate remaining in immigration custody long-term can have severe mental and developmental impacts on UC.²⁶ One report from the Department of Health and Human Services (HHS) found that children who remained in ORR custody for longer

²¹ Priscilla Alvarez, *Trump administration takes hundreds of migrant children out of their homes, into government custody*, CNN (Jun. 4, 2025), <https://edition.cnn.com/2025/06/04/politics/migrant-children-families-government-custody>.

²² Office of Refugee Resettlement, *Unaccompanied Alien Children: Fact Sheets and Data* (last updated Jun. 9, 2025), <https://acf.gov/orr/about/ucs/facts-and-data>.

²³ Proposed Information Collection Activity: Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970-0278), 90 FR 17438, 17439 (Apr. 25, 2025).

²⁴ Unaccompanied Children Program Foundational Rule, 89 FR 34384, 34439 (Apr. 30, 2024).

²⁵ Colleen Kraft, AAP Statement Opposing Separation of Children and Parents at the Border, *Amer. Academy of Pediatrics* (May 8, 2018) <https://docs.house.gov/meetings/IF/IF14/20180719/108572/HHRG-115-IF14-20180719-SD004.pdf>.

²⁶ The Young Center for Immigrant Children's Rights & National Immigrant Justice Center, *Punishing Trauma: Incident Reporting and Immigrant Children in Government Custody*, 3 (Sep. 2022); National Center for Youth Law, *Child Welfare & Unaccompanied Children in Federal Immigration Custody: A Data and Research Based Guide for Federal Policy Makers* (Dec. 2019), <https://youthlaw.org/sites/default/files/attachments/2022-02/Briefing-Child-Welfare-Unaccompanied-Children-in-Federal-Immigration-Custody-A-Data-Research-Based-Guide-for-Federal-Policy-Makers.pdf>; Harvard University François-Xavier Bagnoud (FXB) Center for Health and Human Rights et. al., *Child Migrants in Family Immigration Detention in the US: An Examination of Current Pediatric Care Standards and Practices* (2024), <https://globalhealth.harvard.edu/wp-content/uploads/2024/01/Child-Migrants-in-Family-Immigration-Detention-in-the-US.pdf>; Stanford Early Life Stress and Resilience Program et. al., *Guidance for Mental Health Professionals Service Unaccompanied Children Released from Government Custody*, 28 (Nov. 2021), https://youthlaw.org/sites/default/files/attachments/2022-03/2021_Guidance-for-Mental-Health-Professionals-Serving-Unaccompanied-Children-Released-from-Government-Custody.pdf.

periods, “experienced more stress, anxiety, and behavioral issues.”²⁷ A recent news article highlighted comments from agency officials claiming that UC in ORR custody are “depressed,” as new policies increase the length of time before they can be released sponsors.²⁸ NJCIC’s lawyers, who routinely represent clients who have been released from ORR custody, also have observed that children who remain in ORR custody long-term often have worse outcomes than those who are promptly released to a sponsor, which include traumatization, greater difficulties integrating into their community, and challenges in their academic performance.

NJCIC is also concerned that this policy may increase the risk of UC becoming victims of human trafficking. Currently, most sponsors of UC are their parents or other close relatives,²⁹ who are best suited to provide them with a safe and loving environment. However, given the effect of these policies, it is less likely family members will be willing and able to sponsor a UC. Instead, there is reason for concern that many families may turn to distant connections, who are able to obtain necessary identification and proof of income documentation to apply to sponsor a UC, placing them at an increased risk of exploitation, trafficking, and abuse.

It is NJCIC’s position that a policy that serves to increase the amount of time UC spend in ORR custody instead of releasing them to a qualified, vetted sponsor, is not in the best interests of the child, and will undermine the proper performance of the functions of ORR as a child welfare agency with a legal obligation to consider the best interests of the child in matters related to their placement and care. As such, we urge your agency to rescind these changes and prioritize the best interests of UC in matters related to their care and custody.

3. Conclusion

NJCIC firmly opposes the changes to the proof of identification and proof of income documentation requirements set out in this proposed information collection activity. We are gravely concerned about the impacts of these changes on members of the immigrant community we serve, including both UC and sponsors. It is our position that the proposed changes will impose an undue burden on potential sponsors, which will lead to fewer individuals being willing to come forward to sponsor UC and significantly increase the amount of time UC remain in ORR custody. We maintain that this will compromise ORR’s ability to fulfill its mandate and legal obligation to protect the best interests of UC in matters related to their care and custody. As such, we recommend that the proposed information collection activity be rescinded.

Thank you for your consideration of our comment.

²⁷ U.S. Dep’t of Health and Human Services Office of the Inspector General, *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, 12 (Sep. 2019), <https://oig.hhs.gov/documents/evaluation/3153/OEI-09-18-00431-Complete%20Report.pdf>.

²⁸ Priscilla Alvarez, *Trump administration takes hundreds of migrant children out of their homes, into government custody*, CNN (Jun. 4, 2025), <https://edition.cnn.com/2025/06/04/politics/migrant-children-families-government-custody>.

²⁹ Office of Refugee Resettlement, *Unaccompanied Alien Children Bureau Fact Sheet* (last visited Jun. 4, 2025), <https://acf.gov/orr/fact-sheet/programs/uc/fact-sheet>.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Monico Marín". The signature is fluid and cursive, with the first name "Priscilla" being the most prominent part.

Priscilla Monico Marín, Esq.
Executive Director
New Jersey Consortium for Immigrant Children

A handwritten signature in black ink, appearing to read "Alyssa Oravec". The signature is cursive and elegant, with the first name "Alyssa" being the most prominent part.

Alyssa Oravec
Policy Analyst
New Jersey Consortium for Immigrant Children