



June 24, 2025

Submitted via email to [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov).

Toby Biswas  
Director of Policy,  
Division of Unaccompanied Children Policy  
Unaccompanied Children Bureau  
Office of Refugee Resettlement  
Administration for Children and Families  
Department of Health and Human Services  
Washington, DC

**Re: Proposed Information Collection Activity: Unaccompanied Alien Children  
Sponsor Application Packet (Office of Management and Budget #0970-0278)**

Dear Mr. Biswas,

Immigrant Defenders Law Center (“ImmDef”) submits the following comment in response to the Office of Refugee Resettlement, Administration for Children and Families, and the U.S. Department of Health and Human Services request for comment on the revision to an approved information collection. The request consists of several forms the Unaccompanied Alien<sup>1</sup> Children Bureau uses to assess potential sponsors for unaccompanied children.<sup>2</sup> See Office of Refugee Resettlement, Administration for Children and Families, and the U.S. Department of Health and Human Services; Unaccompanied Alien Children Sponsor Application Packet (Office of Management and Budget #0970-0278), available at <https://www.federalregister.gov/documents/2025/04/25/2025-07075/proposed-information-collection-activity-unaccompanied-alien-children-sponsor-application-packet#addresses>.

ImmDef is a nonprofit organization based in Los Angeles, California, with additional offices in Riverside, Santa Ana, and San Diego. We are Southern California’s largest removal defense non-profit, providing *pro bono* legal services to thousands of indigent clients in removal proceedings each year. Since its founding in 2015, ImmDef has developed a wealth of relevant

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<sup>1</sup> ImmDef disagrees with ORR’s decision to re-insert the word “alien” into the phrase “unaccompanied children.” The term is generally understood to be antiquated and pejorative. ImmDef uses it here solely to mirror the terminology used by ORR to avoid confusion.

<sup>2</sup> Note this information collected was previously titled Family Reunification Application for Sponsors of Unaccompanied Alien Children and has been retitled at the direction of ORR leadership to Sponsor Application Packet.

experience representing both children in the care of the Office of Refugee Resettlement (“ORR”) and those who have been released to sponsors in the community. In total, ImmDef has provided direct legal services to over 27,000 unaccompanied children. ImmDef also engages in policy advocacy and strategic litigation to further the rights of unaccompanied children and other immigrant communities. ImmDef is thus highly familiar with detained children attempting to reunify with sponsors and the challenges they face.

ImmDef has carefully reviewed the proposed revisions to Unaccompanied Alien Children Sponsor Application Packet and has serious concerns that many of the proposed changes will harm children by making family reunification with appropriate sponsors a practical impossibility in many cases, leading children to face prolonged or indefinite separation from their families. The elimination of certain introductory and instructive content, along with unreasonably burdensome requirements of proof create unnecessary confusion and barriers to appropriate family reunification. Additionally, the various proposed changes prolong children’s time in custody and prevent prompt placement in the least restrictive setting as mandated by the Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”).

Prolonging a child’s release from detention not only contravenes the TVPRA but is also detrimental to the detained child’s health. Such effects are evident when providing direct legal services, and as supported by research and investigation. Studies have found that negative physical and emotional symptoms among detained children, many of which do not always vanish at the time of release.<sup>3</sup> Reports also found “high rates of posttraumatic stress disorder, anxiety, depression, suicidal ideation, and other behavioral problems.” Additionally, experts have concluded that even brief detention can cause psychological trauma and induce long-term mental health risks for children.<sup>4</sup> As a result, detained children may experience developmental delays and poor psychological adjustment.<sup>5</sup>

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<sup>3</sup> Julie M. Linton, et al., Detention of Immigrant Children, 139 Pediatrics no. 5 (2017), <https://doi.org/10.1542/peds.2017-0483>.

<sup>4</sup> Society for Community Research and Action Division 27 of the American Psychological Association. Policy statement on the incarceration of undocumented migrant families. Am J Community Psychol. 2016;57(1–2):255–263[PubMed] PubMed.

<sup>5</sup> Julie M. Linton, et al., Detention of Immigrant Children, 139 Pediatrics no. 5 (2017), <https://doi.org/10.1542/peds.2017-0483>.

ImmDef requests ORR, Administration for Children and Families, and the U.S. Department of Health and Human Services to reconsider the changes discussed more fully below.

**The Proposed Changes to Form SAP-3 Sponsor Application Create Undue Burdens to Applicant Sponsors that Unreasonably Prolong Unaccompanied Children's time in Custody**

ORR should consider restoring the eliminated introductory page on “How to complete this application.” That page is critical to ensure applicant sponsors are aware that case managers may assist them in completing the application, can assist in scheduling fingerprint appointments, and can answer any questions related to sponsoring the child. It is not clear whether ORR eliminated this information from the form because it is no longer true, or for some other reason. A case manager’s support is often instrumental to sponsors as many sponsors are not fluent in English, have limited access to technology, or may face other barriers in completing the packet. Per the ORR Policy Guide, “the care provider is available to help the potential sponsor complete the application.” *See* Office of Refugee Resettlement, Unaccompanied Alien Children Bureau Policy Guide (“Policy Guide”) § 2.2.3. Given that the Policy Guide provides for a case manager to support potential sponsors, the form should proactively inform potential sponsors that this assistance is available to them to avoid unnecessarily prolonging children’s detention.

Additionally, the Frequently Asked Questions (FAQ) page, which was also eliminated, provided key additional information to sponsors. This page answered questions like “Can I sponsor my child if I am undocumented?,” “Is there a cost to sponsor a child?,” “Do I need an attorney to sponsor a child?,” “Why do I have to submit my fingerprints?,” “What information do I have to provide?,” and “When do I need to give these documents to my Case Manager?” Eliminating the FAQ page increases confusion related to the sponsorship application process, thus potentially prolonging a child’s time in custody. Without the answers to these crucial questions, potential sponsors may be left with doubt, fear, and confusion about the sponsorship process which could deter viable potential sponsors from coming forward. Clarity on these issues in the past has proved essential in ensuring the child’s welfare and family unity is prioritized. Lastly, the elimination of information about any costs for sponsorship may leave sponsors concerned about potential economic burden and vulnerable to fraud. It is not clear whether the

FAQs were removed because the answers to these questions have changed, however, nothing in the ORR Policy Guide indicates a change. *See Generally* Office of Refugee Resettlement, Unaccompanied Alien Children Bureau Policy Guide (“Policy Guide”) § 2.

In addition to the changes discussed above, ORR should remove the proposed changes made to the Supporting Documents section. Under the “Proof of Child’s Identity” section, modifying the language from requiring a “copy of the child’s birth certificate” to an “original or legible full color photocopy” with no exceptions will create challenges for children whose original birth certificate may have been lost in the journey to the United States, is in their home country, or has been retained by immigration officials. Further, the phrase, “full color photocopy” is unclear and creates confusion not only to potential sponsors but also ORR staff attempting to confirm the sufficiency of the evidence presented. It creates several questions as to what will suffice. Is it enough for a sponsor to have a high-quality picture? Does it need to be scanned? What if the original is only available in black and white? ImmDef understands the importance of requiring fully legible documents to ensure that the information in the document truly does pertain to the child and has no objection to including an original birth certificate (rather than a copy) as an *option* to satisfy the requirement. Therefore, ImmDef recommends that ORR revise the form to require an “original or legible photograph or copy.”

Under the “Proof of Identity for you and, as applicable, any household members” section, the proposed changes create a narrower list of acceptable identity documents and qualifies that expired documents will not be accepted. Many of the forms of identification on the proposed list are only available to individuals with lawful immigration status in the United States. Before the proposed changes, potential sponsors could provide a foreign passport as singular proof of identity. With the proposed changes, only those foreign passports with a temporary I-551 stamp/notation or with an I-94/94A and an endorsement to work are acceptable. Furthermore, those changes only allow for identification cards if issued by a U.S. state or the federal government. Less than half of the 50 U.S. states have laws allowing undocumented immigrants to access driver’s licenses and even fewer allow access to identification cards.<sup>6</sup> The changes

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<sup>6</sup> See e.g. “States Offering Drivers’ Licenses to Undocumented Immigrants” National Conference of State Legislatures, available at <https://www.ncsl.org/immigration/states-offering-drivers-licenses-to-immigrants>

specifically omit “Foreign driver’s license that contains a photograph.” Under these proposed requirements, applicant sponsors will be forced to obtain a new form of identification if they qualify to apply for one, even when there is no doubt about their identity. This sometimes-long process delays the reunification between the detained unaccompanied child and the applicant sponsor. It might also prevent an otherwise suitable sponsor from being able to receive a child if they live in a jurisdiction that does not issue the required identity documents, again *even when there is no doubt about their identity*. This change is also in contravention of the regulations and ORR policy (including as stated in these forms themselves) that undocumented people are not disqualified from sponsorship. *See* Policy Guide § 2.2.1. Furthermore, a District Court recently held that the changes to the identity documents are likely “arbitrary and capricious” and preliminarily enjoined ORR from applying them to certain children.<sup>7</sup>

These changes pose an undue burden on applicant sponsors, thus unnecessarily prolonging a child’s detention in ORR custody. Therefore, ImmDef recommends that ORR retain the existing list of acceptable identity documents, or at minimum remove the requirement that a foreign passport include DHS authorization stamps.

The proposed changes under the “Proof of address” section, narrows the acceptable forms of proof an applicant sponsor can provide. Previously, an applicant sponsor could provide a notarized letter from their landlord confirming their address as long as the letter also contained the applicant sponsor’s name, the date they moved in, the number of bedrooms, and the date their lease is set to expire. The new changes also eliminate the instruction to applicant sponsors that they should contact the child’s case manager should they be unable to provide this documentation. Directing sponsors to contact case managers when they are unable to provide proof of address would be extremely helpful in their ability to comply. Additionally, although sponsors are still able to provide paystubs as proof of address, the new proposed changes provide that the paystubs should be dated within the last month rather than within the last two months. Lastly, the new proposed change narrows the mail an applicant sponsor can provide as proof of address to include only utility bills. This creates an obstacle to applicant sponsors who live in multigenerational homes or with roommates and have the household utility bills under another

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<sup>7</sup> *See, e.g., Angelica S. v. HHS*, \_\_\_ F.Supp.3d \_\_\_, 2025 WL 1635369, at \*7 (D.D.C. June 9, 2025)

household member's name. If applicant sponsors are forced to change their utility bills to reflect their names, it could cause long delays in their ability to complete the sponsor application packet, if it is even possible. Previously, any correspondence received by a potential sponsor within the last two months was enough to show proof of address. None of these new restrictions improve an unaccompanied minor's safety and only result in longer length of detention for minors in ORR custody. It is important to remember that many sponsors are members of communities who may live in multigenerational homes, rent rooms under informal arrangements, and may work in the informal economy or are self-employed. None of these factors make them less suitable as sponsors, but do mean that suitable sponsors will be unduly prevented from complying with the proposed changes to the address documentation.

As an alternative to assure address information is correct, ORR could allow sponsors to meet the requirement by providing any official correspondence received at their address along with a notarized letter from a landlord or additional attestation reflecting that the sponsor does reside at the address indicated

The proposed forms add a new subsection titled "Proof of income."<sup>8</sup> This change will disproportionately affect applicant sponsors who are self-employed and are unable to prove their source of income. Typically, pay stubs and bank statements are only available to people who are legally authorized to work, which hinders undocumented potential sponsors from completing the sponsorship requirements. Furthermore, child welfare principles typically do not favor separating children from a loving parent or caregiver simply because the caregiver is low income. For example, California Welfare and Institutions Code states that children will not be declared dependent of the court solely based on "[h]omelessness or the lack of an emergency shelter for the family" or "Indigence or other conditions of financial difficulty, including, but not limited to, poverty, the inability to provide or obtain clothing, home or property repair, or childcare." *See* California Code, Welfare and Institutions Code § 300(b)(2). These child welfare principles

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<sup>8</sup> ORR has indicated their plan to prepare an Affidavit of Support that will be completed by the applicant sponsor to provide certification that the applicant sponsor has the financial means to provide for the child. Immdef has concerns about the implementation of this requirement. Typically, Affidavits of Support are used as a legally binding contract that a person with lawful U.S. status signs to demonstrate financial support for an immigrant they are sponsoring to come to the United States. If an applicant sponsor is unable or unwilling to sign such document, the child's time in ORR custody would be extended

underscore that poverty should not be a basis to interrupt family unity, and that other social services support can ensure that a child has his or her basic needs met without removing a child from a loving, fit caregiver. The proof of income requirements imposed by ORR flies in the face of child welfare principles and will result in children being permanently separated from loving caregivers. ImmDef recommends that ORR remove this requirement altogether, but at a minimum should allow sponsors to demonstrate proof of income in multiple ways, including via a declaration, a letter from an employer, or other methods more readily available to self-employed or undocumented potential sponsors.

Under the “Proof of Relationship” section, the proposed forms modify language of the previous forms to require an original or full color photocopy and eliminate language stating that expired documents are acceptable. Again, the phrase, “full color photocopy” is unclear and creates confusion not only to potential sponsors but also ORR staff attempting to confirm what is acceptable as evidence. In many instances, applicant sponsors do not have access to original documents and may encounter various hurdles obtaining a document that proves their relationship with the child. Even if they do have access to such proof, it may be expired. Given that the new forms do not expressly state that expired documents are acceptable, sponsors may be deterred from sponsoring a child which would unreasonably prolong a child’s detention in ORR custody especially when ORR Policy Guide is silent on whether the proof of relationship documents need to be unexpired. The forms also eliminate hospital records and baptismal certificates as acceptable evidence. The removal of these forms of proof does not improve child safety as they do not aim at connecting a child with a more suitable sponsor and only eliminate sponsors who are willing and able to care for the child. While the proposed form does add the option of obtaining “written affirmation of relationship from your Consulate,” this option can require a lengthy process and depending on the child’s country of origin and the applicant sponsor’s state of residence, be inaccessible to the sponsor if consulate locations are limited or if the child is from a country, such as Afghanistan or Venezuela, that lacks consular presence in the United States.



**The Proposed Changes to Form SAP-2 Authorization for Release of Information  
Create Undue Burdens to Applicant Sponsors that Unnecessarily Prolong  
Unaccompanied Children's time in Custody**

ORR should consider restoring the eliminated language pertaining to the understanding that DHS cannot use a sponsor's information for immigration enforcement actions. ImmDef strongly opposes the sharing of sponsor information with ICE for enforcement purposes. This practice creates fear for potential sponsors that do not have lawful immigration status, and potentially even for those that do, given the aggressive enforcement tactics, including against U.S. citizens and those with lawful status, that have been employed across Southern California and other jurisdictions in recent weeks. If sponsors decline to sponsor children due to fear of immigration enforcement, more children will be redetermined to being a Category 4 (no sponsor identified), leading to prolonged or indefinite detention in ORR custody. The sharing of information with ICE will not ensure children's safety. On the contrary, it places them at risk of prolonged or indefinite detention. *See Generally* Office of Refugee Resettlement, Unaccompanied Alien Children Bureau Policy Guide ("Policy Guide") § 2.

Lastly, ImmDef rejects the ORR's reversion to the term "unaccompanied alien child" over "unaccompanied child" in these forms and throughout ORR documents and guidance. While the word "alien" exists in the statute, it is broadly considered a dehumanizing slur. The prior administration's decision to remove the term from many ORR documents supported child welfare by using appropriate, humanizing language to describe the children in their care. The addition of the word "alien" does nothing to increase clarity, is not legally required, and merely serves to diminish the humanity of the children ORR is tasked with protecting.

**Conclusion**

In conclusion, ImmDef cares deeply that children are safely reunified with appropriate sponsors who will appropriately provide for their wellbeing. The proposed changes in the instant information collection do not further this goal but rather place barriers to family reunification that have no logical relation to child welfare. Instead, they will leave children trapped in government custody and separated from their families, in direct contravention of child welfare



principles and the TVPRA's mandate that children be placed in the least restrictive environment. TVPRA, 8 U.S.C. § 1232(c)(2)(A). Therefore, ImmDef urges that ORR reconsider the proposed changes to the Sponsorship Application forms and that it makes certain modifications to the proposed changes to ensure children are not improperly prevented from reunifying with appropriate caregivers. We also urge OMB to withhold approval for such changes.

Sincerely,

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