

**Fingerprinting Appointment and Processing Times for
Potential Sponsors of Children in ORR Custody**

This report provides a summary of recent data concerning the processing times for potential sponsors of Unaccompanied Children (“UCs”) provided by the Office of Refugee Resettlement (“ORR”) pursuant to the parties’ [settlement agreement](#) in *Duchitanga v. Lloyd*, 18-cv-10332, (S.D.N.Y. 2022).

In 2018, the plaintiffs—a class of immigrant children in government custody—brought a challenge to the ORR’s then-operative fingerprint background check requirements for the plaintiffs’ potential guardians and their household members. The challenged fingerprint policy, implemented by the Trump Administration, caused an unprecedented backlog and a series of delays that kept children detained for long periods away from their families. Critically, sponsors were already subject to various public records and background checks. There was no evidence that the Trump Administration’s additional fingerprint requirements uncovered any child welfare concerns that those other checks did not already surface. Accordingly, the Trump Administration’s expanded fingerprint policy kept children in custody for weeks or months of unnecessary time, without any appreciable benefit to child safety.

After the Trump Administration rescinded virtually all of the fingerprinting policies challenged in the case, the parties reached a settlement in which ORR agreed:

1. it would offer fingerprinting appointments within seven business days of receipt of a sponsor’s application; and
2. it would make reasonable efforts to process digital fingerprints within ten business days of a fingerprint appointment.¹

Pursuant to ORR’s current policy, all category 2B sponsors (immediate relatives not previously a primary caregiver) and all category 3 sponsors (distant relatives and unrelated adult individuals) must be fingerprinted. In addition, certain Category 1 and 2A sponsors (parents and siblings, grandparents, or other immediate relatives) are fingerprinted only if public record checks reveal potentially disqualifying information. Similarly, certain adult household members of potential sponsors and adult caregivers identified in a sponsor care plan may be fingerprinted based on the results of public records checks or the presence of documented risks to the child, or if the child is especially vulnerable.

¹ The deadlines listed in items 2 and 3 may be extended where there are circumstances beyond the government’s control. No such circumstance has not claimed for the time period relevant to this report.

The government also agreed to provide the plaintiffs with monthly fingerprint tracking reports including the following information:

1. the time it takes each person for whom fingerprinting is required to be offered a fingerprinting appointment after the receipt of the proposed sponsor's application²;
2. the time it takes each potential sponsor or household member to complete a digital fingerprinting appointment; and
3. the length of time between the appointment and the date results are received by ORR.

Below, we provide a summary of this aggregate and anonymized data for the period of December 2022 to August 2023. This data reveals that ORR is largely complying with the settlement terms and that most people are able to obtain fingerprint appointments and results in a timely fashion. However, delays persisted for a nontrivial subset of sponsors and in particular for parents and other close-relative sponsors. These delays improved over the course of the reported months.

Summary of Key Findings

- Nearly 100 percent of people received their fingerprint results within 10 days of their appointment. The average wait time for results was 1.2 days.
- Approximately eight percent of people for whom fingerprinting was required were offered a fingerprinting appointment more than seven days after the receipt of their application as required by the settlement. The average wait time for a fingerprinting appointment was 3.4 days.
- Category 1 and Category 2A sponsors had to wait longer for fingerprinting appointments than Category 2B or Category 3 sponsors, though Category 2B and Category 3 sponsors far outnumbered Category 1 and Category 2A sponsors.³

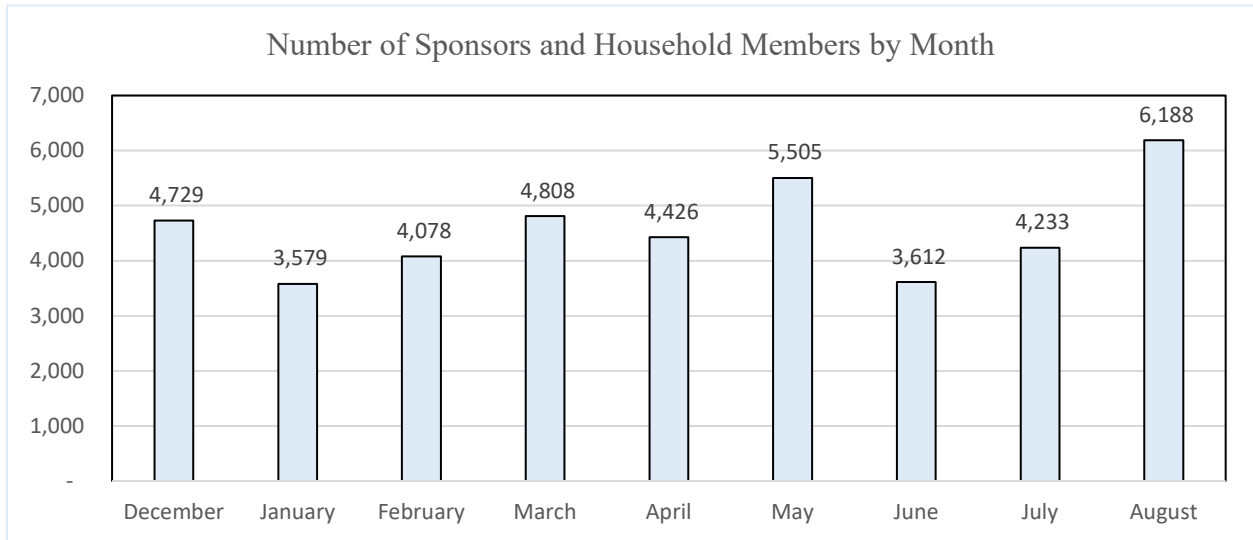
Findings

The dataset includes information from 41,158 potential sponsors seeking custody of an unaccompanied minor and their household members. In the nine months from December 2022 to August 2023, the number of people each month for whom fingerprints were required ranged

² A sponsor's application includes the completion of an Authorization of Release of Information application and Family Reunification Application.

³ ORR has represented that some apparent delays in the data may result from: (1) cases where a category 1 or 2A sponsor, who generally need not be fingerprinted, are nonetheless issued fingerprinting paperwork and at a later point, during processing of the case, fingerprinting becomes necessary; and (2) cases where a sponsor does not appear for their appointment or opts for a later appointment. However, ORR has not provided information sufficient to determine the number of cases in which such delays occurred.

between roughly 3,600 and 6,100. The chart below provides the number of sponsor applications included in the dataset over time:

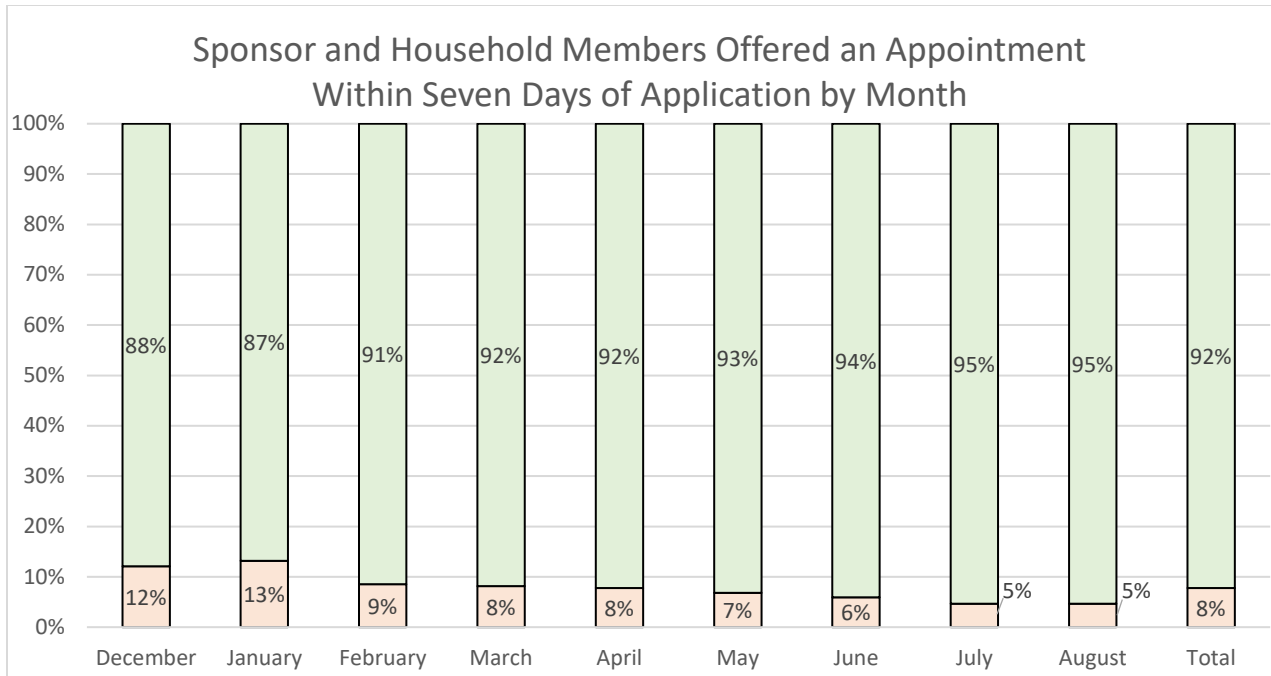


Though the government is largely in compliance with the settlement’s requirements for fingerprint processing time, it is recurrently violating the requirement to offer a fingerprinting appointment within seven days of the receipt of an application. **Of the 40,395 applications with information about the wait times for fingerprint appointments, 3,146 (8 percent) indicated that a person was not offered an appointment within 7 days.**⁴

The proportion of applicants not offered an appointment within 7 days has improved over time, declining from 12 percent in December 2022 to 5 percent in August 2023.

| | <i>Dec</i> | <i>Jan</i> | <i>Feb</i> | <i>Mar</i> | <i>Apr</i> | <i>May</i> | <i>June</i> | <i>July</i> | <i>Aug</i> | <i>Total</i> |
|----------------------|------------|------------|------------|------------|------------|------------|-------------|-------------|------------|---------------------|
| Within seven days | 88% | 87% | 91% | 92% | 92% | 93% | 94% | 95% | 95% | 92% |
| More than seven days | 12% | 13% | 9% | 8% | 8% | 7% | 6% | 5% | 5% | 8% |
| Total number | 4,612 | 3,520 | 3,997 | 4,686 | 4,338 | 5,423 | 3,564 | 4,160 | 6,095 | 40,395 |

⁴ 763 cases did not have information sufficient to determine whether an appointment was offered to a sponsor within seven days of the receipt of a sponsor’s application.



The average wait time between receipt of the application and an appointment being offered was 3.4 days.⁵ The below table shows the time periods people waited for fingerprinting appointments:

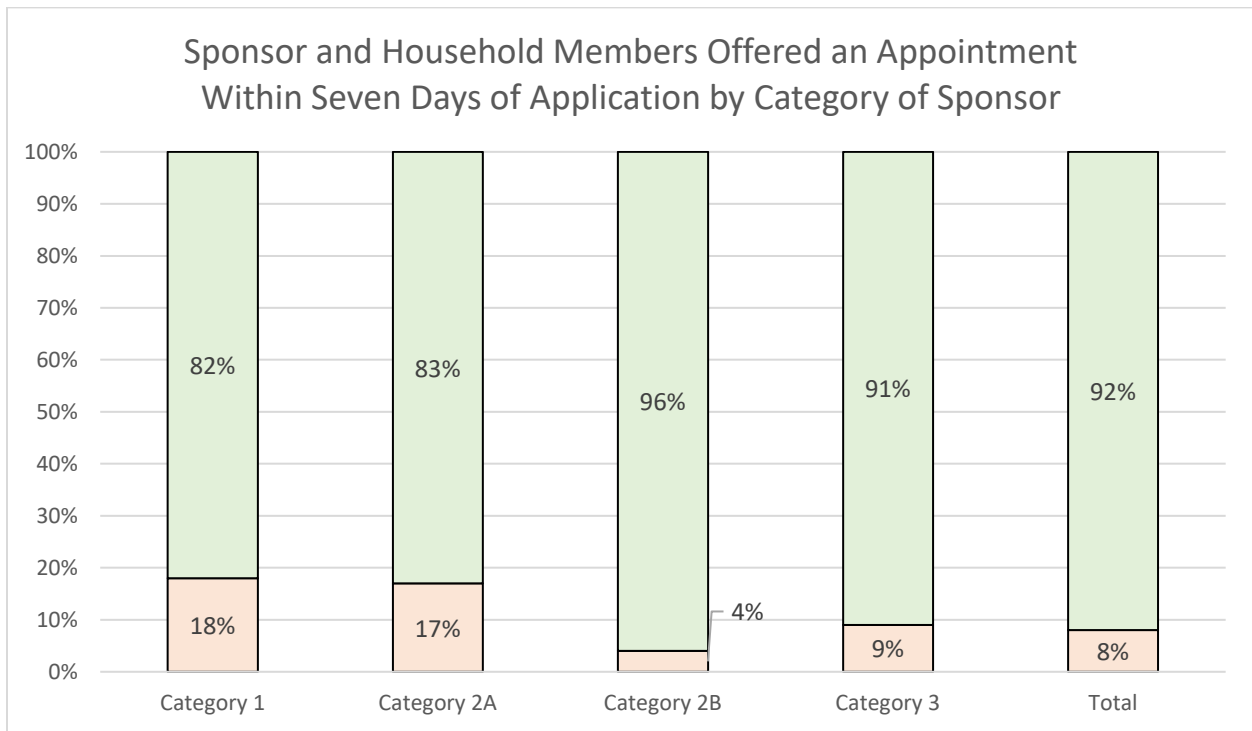
| <i>Wait time between receipt of application and authorization of release and appointment offered</i> | <i>Number</i> | <i>Percent</i> |
|--|---------------|----------------|
| <i>Offered before application submission</i> | <i>3,163</i> | <i>7.8%</i> |
| <i>0-7 days</i> | <i>34,086</i> | <i>84.4%</i> |
| <i>8-10 days</i> | <i>1,544</i> | <i>3.8%</i> |
| <i>11-15 days</i> | <i>939</i> | <i>2.3%</i> |
| <i>16-20 days</i> | <i>335</i> | <i>0.8%</i> |
| <i>21-25 days</i> | <i>152</i> | <i>0.4%</i> |
| <i>26-30 days</i> | <i>75</i> | <i>0.2%</i> |
| <i>31+ days</i> | <i>101</i> | <i>0.3%</i> |
| <i>Total</i> | <i>40,395</i> | |

The amount of time a sponsor or household member had to wait for a fingerprinting appointment varied based on the type of sponsor that was applying. Approximately one in six Category 1 and Category 2A sponsors waited for more than seven days for fingerprinting appointments. Category 3 sponsors waited for more than seven days in roughly 1 in 10 appointments, and Category 2B sponsors waited for more than seven days in roughly 1 in 25 appointments. For reference, about 52 percent of the sponsors in the dataset were Category 2B sponsors, 32 percent

⁵ The average wait time excludes cases where an appointment was offered before the completion of applications, which occurred 3,163 times in the dataset.

were Category 3 sponsors, 9 percent were Category 1 sponsors, and 7 percent were Category 2A sponsors. See table and chart below for more details:

| <i>Wait time between receipt of application and authorization of release and appointment offered</i> | <i>Category 1</i> | <i>Category 2A</i> | <i>Category 2B</i> | <i>Category 3</i> | <i>Total</i> |
|--|-------------------|--------------------|--------------------|-------------------|--------------|
| <i>Within seven days</i> | 82% | 83% | 96% | 91% | 92% |
| <i>More than seven days</i> | 18% | 17% | 4% | 9% | 8% |
| <i>Total number</i> | 3,568 | 2,615 | 21,141 | 13,071 | 40,395 |



Below is a table shows the time that sponsors waited for fingerprinting appointments by sponsor type:

| <i>Wait time between receipt of application and authorization of release and appointment offered</i> | <i>Category 1</i> | <i>Category 2A</i> | <i>Category 2B</i> | <i>Category 3</i> | <i>Total</i> |
|--|-------------------|--------------------|--------------------|-------------------|--------------|
| <i>Offered before application submission</i> | 152 | 136 | 1766 | 1109 | 3163 |
| <i>0-7 days</i> | 2785 | 2028 | 18482 | 10791 | 34086 |
| <i>8-10 days</i> | 299 | 201 | 517 | 527 | 1544 |
| <i>11-15 days</i> | 186 | 133 | 248 | 372 | 939 |
| <i>16-20 days</i> | 82 | 58 | 62 | 133 | 335 |
| <i>21-25 days</i> | 29 | 27 | 32 | 64 | 152 |
| <i>26-30 days</i> | 12 | 11 | 12 | 40 | 75 |
| <i>31+ days</i> | 23 | 21 | 22 | 35 | 101 |
| <i>Total</i> | 3568 | 2615 | 21141 | 130471 | 40395 |

ORR provided results of fingerprint analysis in one to two days (1.2 days) after the completion of a fingerprint appointment, on average. From December 2022 through August 2023, only 56 of 35,720 (0.2 percent) of cases that included information about fingerprint processing time indicated that results took more than ten days.⁶

Please reach out to the undersigned counsel for the plaintiffs with any questions or concerns.

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⁶ 5,438 cases did not have information sufficient to determine whether fingerprints were processed within 10 days so were excluded from the calculations.

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