

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANGELICA S., *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

No. 1:25-cv-1405-DLF

**PLAINTIFFS' RESPONSE TO DEFENDANTS' FILING
REGARDING PAPERWORK REDUCTION ACT COMPLIANCE**

Plaintiffs respectfully submit this response to Defendants' April 1, 2026, filing responding to the Court's March 25, 2026, minute order. *See* ECF 91. Defendants' recent filing confirms that the sponsor application forms currently in use by the Office of Refugee Resettlement ("ORR") and filed with the Court at ECF 85 are not the same versions that received Office of Management and Budget ("OMB") approval. ECF 91 at 2-3. ORR's currently operative forms and Policy Guide Section 2.2.4 remain inconsistent with the OMB-approved forms. Thus, ORR is actively violating the Paperwork Reduction Act ("PRA"). Furthermore, ORR has yet to give potential sponsors who were subjected to unauthorized information collections over the past year the opportunity to meet the proof of identity and proof of income documentation requirements "in any other reasonable manner." *Saco River Cellular, Inc. v. FCC*, 133 F.3d 25, 33 (D.C. Cir. 1998) (citing 5 C.F.R. § 1320.6(c)). Thus, Plaintiffs' PRA claim is not moot.

I. ORR's Current Forms and Policy are not Consistent with the OMB Approved Forms and ORR Thus Continues to Violate the PRA

As Defendants acknowledge, the Sponsor Application Form filed with the Court on March 19, 2026, and currently provided to sponsors is not the same form approved by OMB. ECF 91 at

2-3. The Sponsor Application form filed with the Court at ECF 85-4 is listed as Version 18 and purports to bear an OMB Control Number (OMB 0970-0278) with an expiration date of February 28, 2029, but it differs in material respects from the form OMB actually approved (Version 19). *Compare* ECF 85-4, *with* ECF 91-1.¹

Specifically, as Defendants concede, the OMB-approved form provides a “more expansive” list of proof of income documentation options than the form currently in use by ORR. ECF 91 at 2-3. For example, the OMB-approved form allows sponsors to establish proof of income through a recent bank statement, an Affidavit of Financial Support, or documentation of income from assets, public assistance, or other sources. *See* ECF 91-1 at 9-10; *see also* ECF 91-2 (comparison of current proof of income documentation options and OMB-approved options); Affidavit of Financial Support, Ex. 1-B to Declaration of Diane de Gramont, April 2, 2026 (“de Gramont Decl.”). The form currently in use by ORR, which mirrors ORR’s current Policy Guide Section 2.2.4, does not permit sponsors to use these types of documents to establish proof of income. ECF 85-4 at 7; ORR Policy Guide § 2.2.4, *archived at* <https://perma.cc/KU5L-RPHA> (April 1, 2026).

These inconsistencies in proof of income documentation requirements are central to Plaintiffs’ claim in this litigation and the purposes of the PRA. As Plaintiffs alleged, ORR’s Policy Guide Section 2.2.4 as revised on March 7, 2025, and April 15, 2025, requires sponsors to provide particular types of documentation that differ from the options provided in the OMB-approved

¹ The version of the Sponsor Application in effect when this litigation was filed was Version 15, suggesting that ORR has made multiple unauthorized revisions to the application over the course of this litigation. *See* Ex. 1-A to Declaration of Diane de Gramont, May 9, 2025, ECF 10-5; 44 U.S.C. § 3507(a) (requiring PRA approval for “revision of the collection of information”); *see also* ECF 88 (noting that “ORR has issued several versions of the forms at issue in this litigation”).

Sponsor Application. *See* Amended Complaint ¶¶ 69-72, 167, ECF 48; *see also* Memo in Support of Plaintiffs’ Motion for Summary Judgment at 12, 38-39, ECF 58-1 (“Pls. MSJ”). This makes it substantially more difficult and burdensome for Plaintiffs’ sponsors to successfully complete the sponsorship application, leading Plaintiffs to remain in custody longer. Pls. MSJ at 12, 38-39. ORR cannot lawfully demand specific documentation of financial stability without OMB approval and certainly cannot limit sponsor’s options to establish financial stability in a way directly contrary to OMB’s approved form. *See Saco River Cellular, Inc.*, 133 F.3d at 33 (holding that agency violated PRA when it refused to accept a letter of credit as sufficient proof of firm financial commitment without an OMB-approved information collection).

Defendants’ contention that ORR has complied with the PRA when its current form makes it substantially more difficult for sponsors to prove their income than the OMB-approved form, fundamentally misunderstands the PRA. The purpose of requiring agencies to solicit public comments and obtain OMB approval before conducting information collections is to “minimize the paperwork burden for individuals” and other respondents. *Id.* at 32 (quoting 44 U.S.C. § 3501(1)); *see also* 44 U.S.C. §§ 3506(c)(2), 3507(a) (repeatedly referring to burdens of information collection). It is not, as Defendants assert without support, merely to approve a “universe of information” from which an agency can later eliminate options. ECF 91 at 4.

Indeed, the expanded list of proof of income documentation in the OMB-approved application form was the direct result of ORR’s evaluation of public comments that highlighted the burden that the more restrictive list placed on sponsors. *See* Attachment A – Summary of Public Comments and ORR Responses at 6, July 2025, Ex. 1-C to de Gramont Decl. (“ORR appreciates the commenter’s recommendation, and we expanded the list of acceptable proof of income documentation to include other alternatives. This includes the creation of a new form, the Affidavit

of Financial Support (Form SAP-8), that sponsors may use as proof that they receive financial support from another individual.”); *see also* Attachment B – Summary of Public Comments and ORR Responses at 4-5, January 2026, Ex. 1-D to de Gramont Decl. (explaining changes to improve clarity of Affidavit of Financial Support in response to public comments).

Allowing sponsors to establish their financial stability through bank statements or an affidavit makes it easier to complete the sponsor application form, thereby reducing its burden, and is directly relevant to OMB’s consideration of the burden imposed by the information collection. *See* 44 U.S.C. § 3507(a)(1)(D)(V). Having represented to OMB that it would provide sponsors additional options to establish proof of income in response to public comments, and having obtained OMB approval only of the expanded list of options, ORR cannot now unilaterally narrow those options. *See id.* § 3507(h)(3) (prohibiting agencies from making substantive or material modifications to a collection of information after OMB approval without obtaining approval of the modification).

II. Plaintiffs’ PRA Claim Is Not Moot

Until ORR implements the OMB-approved forms and updates its Policy Guide Section 2.2.4 to be consistent with the OMB-approved forms, Defendants remain in active violation of the PRA. Although Defendants indicate that “ORR plans to fully revise its information collection forms to make them consistent with OMB’s February 27, 2026 approval in a future version,” ORR has not yet done so. Nor have Defendants indicated when ORR will do so. ECF 91 at 3. As a result, sponsors continue to be subjected to unlawfully burdensome requirements to establish proof of income. Plaintiffs’ PRA claim is therefore not moot and the Court can still grant Plaintiffs

meaningful relief by vacating the current version of Policy Guide Section 2.2.4 as contrary to law. 5 U.S.C. § 706(2)(A).²

Moreover, even if ORR eventually updates its Policy Guide and sponsor application to reflect the OMB-approved requirements, injunctive relief would remain appropriate to address the continuing effects of ORR's prior PRA violations. The D.C. Circuit has made clear that "an agency may not, having belatedly gotten OMB approval of an information collection requirement, punish a respondent for its faulty compliance while the collection was still unauthorized." *Saco River Cellular*, 133 F.3d at 32; *see also id.* ("[T]he PRA must protect a member of the public when the agency imposes the paperwork burden upon it, not merely when the agency relies upon the paperwork in making a decision, which (as this case illustrates) can be years later."). Injunctive relief is necessary to ensure ORR informs sponsors who were subjected to the unauthorized information collection requirements that they can instead fulfill the proof of identity and proof of income documentation requirements "in any other reasonable manner." *See* Pls. MSJ at 38-39, 41-44 (quoting *Saco River Cellular*, 133 F.3d at 32); Proposed Order, ECF 58-5; *see also* Amended Complaint ¶¶ 67-72, 167; Plaintiffs' Response to Defendants' Separate Concise Statement of Genuine Issues ¶¶ 128-29, 159-60, ECF 74-2 (Rosa M. and Ximena L. were unable to provide specific proof of income newly required by ORR); *id.* at ¶¶ 109, 122, 136, 146, 156-57, 172-74, 180-81 (all plaintiffs affected by unauthorized proof of identification requirements).

² Contrary to Defendants' characterization, ECF 91 at 4, Plaintiffs did not bring their PRA claim as a procedural claim. Plaintiffs alleged that ORR acted contrary to law by imposing unauthorized information collection requirements in violation of the PRA. *See* Amended Complaint ¶¶ 159, 167, ECF 48. Even if, *arguendo*, Plaintiffs brought a procedural claim under the PRA, Defendants have *not* "corrected the alleged procedural error," which is the *use* of an unapproved information collection, not the lack of *any* approved form. ECF 91 at 3.

For these reasons, Plaintiffs have not “obtained all the relief that [they] sought” and their claims are not moot. *Schmidt v. United States*, 749 F.3d 1064, 1068 (D.C. Cir. 2014) (quoting *Conservation Force, Inc. v. Jewell*, 733 F.3d 1200, 1204 (D.C. Cir. 2013)).

April 2, 2026

Respectfully submitted,

/s/ Diane de Gramont

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ANGELICA S., <i>et al.</i>	)	
	)	
Plaintiffs,	)	
	)	No. 1:25-cv-01405
v.	)	
	)	
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i>	)	
	)	
Defendants.	)	

DECLARATION OF DIANE DE GRAMONT

I, Diane de Gramont, declare as follows:

1. I am counsel for Plaintiffs admitted *pro hac vice* in the above-captioned case and a member in good standing of the California State Bar.
2. This declaration is based on my personal knowledge and the following facts are true to the best of my understanding and recollection.
3. When a proposed information collection is submitted for review under the Paperwork Reduction Act, the relevant documents are posted on [reginfo.gov](https://www.reginfo.gov), a website of the Office of Management and Budget (“OMB”).
4. On March 19, 2026, I visited the web page for the “Unaccompanied Alien Children Sponsor Application Packet” submission to OMB at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202508-0970-005.
 - a. Attached as **Exhibit 1-A** is a true and correct copy of the OMB Notice of Action (NOA) available for download on this web page. The Notice of Action dated 2/27/2026 indicates that OMB approved eight forms, including the Family Reunification Application and Affidavit of Financial Support.

5. On March 25, 2026, I emailed Defendants' counsel to request copies of the OMB-approved forms. On March 26, 2026, Defendants' counsel directed me to the documents listed at https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202508-0970-005.
 - a. Attached as **Exhibit 1-B** is a true and correct copy of the Affidavit of Financial Support available through this website and titled "SAP-8 (ENG) Affidavit of Financial Support_SAP v19_English_2026 01 12 FINAL."
6. On the reginfo.gov page for the Sponsor Application Submission, I clicked on the link for "View Supporting Statement and Other Documents", which brought me to the following web page: https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202508-0970-005. On March 26, 2026, I downloaded the following documents from that web page:
 - a. Attached as **Exhibit 1-C** is a true and correct copy of Attachment A- Summary of Comments and ORR Responses dated July 2025 (uploaded 08/13/2025) and converted from Word to PDF format.
 - b. Attached as **Exhibit 1-D** is a true and correct copy of Attachment B – Summary of 30-day comments and ORR responses dated January 2026 (uploaded 02/27/2026) and converted from Word to PDF format.

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 2, 2026, in Santa Barbara, California

/s/ Diane de Gramont

Diane de Gramont

EXHIBIT 1-A

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 02/27/2026

Department of Health and Human Services
Administration for Children and Families

FOR CERTIFYING OFFICIAL: David Hong
FOR CLEARANCE OFFICER: Catherine Howard

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received
08/14/2025

ACTION REQUESTED: Revision of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 202508-0970-005
AGENCY ICR TRACKING NUMBER: ORR-UACB
TITLE: Unaccompanied Alien Children Sponsor Application Packet
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved with change

OMB CONTROL NUMBER: 0970-0278

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 02/28/2029

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	654,315	439,455	0
New	697,301	608,319	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	42,986	168,864	0
Change due to Agency Adjustment	0	0	0
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE: Approval is consistent with the understanding that ORR will ensure compliance with the Privacy Act, 5 U.S.C. 552a, and work with OMB to update its system of records notice (SORN), titled 09-80-0321 ORR Unaccompanied Children Bureau Administrative Program Records, which was previously published on December 12, 2024 at 89 FR 100500, to ensure it accurately reflects the changes outlined in this revision

OMB Authorizing Official: Dominic J. Mancini
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
Family Reunification Application (Form SAP-3)	SAP-3, SAP-3, SAP-3	Family Reunification Application , Family Reunification Application - Spanish, Family Reunification Application - Sponsor Experience App	
Authorization for Release of Information (Form SAP-2)	SAP-2, SAP-2	Authorization for Release of Information - Spanish, Authorization for Release of Information	
Fingerprinting Instructions (Form SAP-5) - Initial Fingerprinting	SAP-5 (Spanish), SAP-5	Fingerprinting Instructions - Spanish, Fingerprinting Instructions	
Letter of Designation for Care of Child (Form SAP-6)	SAP-6 (Spanish), Form SAP-6	Letter of Designation for Care of Child (Spanish), Letter of Designation for Care of Child	
Fingerprinting Instructions (Form SAP-5) - Mobile Fingerprinting	SAP-5 (Spanish), SAP-5	Fingerprinting Instructions - Spanish, Fingerprinting Instructions	
Affidavit of Financial Support (SAP-8)	SAP-8, SAP-8 (Spanish)	Affidavit of Financial Support , Affidavit of Financial Support - Spanish	
Sponsor Application for Ms. L Separation Cases (Form SAP-9)	SAP-9 (Spanish), SAP- 9	Sponsor Application for Ms. L Separation Cases - Spanish, Sponsor Application for Ms. L Separation Cases	
DNA Testing Instructions (Form SAP-10)			

EXHIBIT 1-B



Administration for Children & Families Office of Refugee Resettlement

Affidavit of Financial Support

About this Form

This form may be used to meet the proof of income requirement in the *Sponsor Application*, which requires potential sponsors to provide documentation demonstrating that there are sufficient financial resources to provide for a released child's physical and mental well-being as required under 8 U.S.C. 1232(c)(3)(A) and 45 C.F.R. 410.1202(c). Potential sponsors can submit multiple affidavits of support. A sponsor may submit an affidavit of support for their own income, as well as multiple affidavits of support for any financial supporters.

Important Warnings

It is important to complete all sections accurately and truthfully. Sponsors and/or sponsor's financial supporters must declare and affirm under penalty of perjury that the information contained in this form, is true and accurate to the best of their knowledge and that it is free of error and fraud. Any fraud will be referred to Federal law enforcement and may lead to denial of the sponsor's application.

Incomplete or inaccurate information may delay processing. Failure to meet the proof of income requirement may result in a denial or delay in processing of your *Sponsor Application*.

In certain instances, a Federal Field Specialist or interpreter may assist you in completing this form to expedite the *Sponsor Application*. For an individual with limited English proficiency, ORR recommends the use of a qualified interpreter¹ and/or qualified translator² to help you complete this form, if needed. Using an unqualified interpreter may put you at risk of fraud or misuse of your sensitive information.

¹ For a limited English proficient individual, an interpreter who, via a remote interpreting service or an on-site appearance: Has demonstrated proficiency in speaking and understanding both spoken English and at least one other spoken language; and Is able to interpret effectively, accurately, and impartially to and from such language(s) and English, using any necessary specialized vocabulary or terms without changes, omissions, or additions, and while preserving the tone, sentiment, and emotional level of the original oral statement. Adheres to generally accepted interpreter ethics principles, including client confidentiality.

² A translator who: Has demonstrated proficiency in writing and understanding both written English and at least one other written non-English language; Is able to translate effectively, accurately, and impartially to and from such language(s) and English, using any necessary specialized vocabulary or terms without changes, omissions, or additions, and while preserving the tone, sentiment, and emotional level of the original written statement; and Adheres to generally accepted translator ethics principles, including client confidentiality.

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13) Public reporting burden for this collection of information is estimated to average 1.0 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Please see the accompanying privacy notice / Privacy Act statement for a discussion of (1) the authority for solicitation of information, and whether disclosure is mandatory or voluntary, (2) the principal purposes for which the information is intended to be used, (3) other routine uses which may be made of the information, and (4) the effects, if any, of not providing all or any part of the requested information. If you have any comments on this collection of information please contact UACPolicy@acf.hhs.gov.

Affidavit of Financial Support

Office of Refugee Resettlement

Section 1: Your Financial Information

In this section you will provide the names of the individuals involved in the sponsorship process and details about your financial status and ability to support the child and/or sponsor.

1) Your Role

Select the appropriate option.

☐ Sponsor ☐ Sponsor's Financial Supporter

2) Your Name

Enter your full legal name.

3) Sponsor's Name

Enter the name of the person applying to be the child's sponsor or enter "self" if you are the sponsor.

4) Child(ren)'s Name(s)

Enter the name(s) of the unaccompanied alien child(ren) listed in the *Sponsor Application*. Check in with the sponsor or Federal Field Specialist for the child(ren)'s full legal name(s) if you are unsure.

5) The number of dependents

Enter the number of individuals who rely on your income to provide for the majority of their basic needs (e.g., housing, food, healthcare). This could include children, a non-working spouse or partner, elderly parents or other relatives who can't support themselves.

EMPLOYMENT

6) Employment Status

Enter one of the following: Employed, Self-employed, Unemployed (seeking work), Retired, Not in the labor force (not seeking work)

7) Employer and Occupation

If you are employed, enter the name of your employer(s) and your occupation. If you are self-employed, enter "self" for employer name.

Employer Name	Occupation	Annual Income

Need Help? Contact your Federal Field Specialist.

Affidavit of Financial Support

Office of Refugee Resettlement

INCOME

Complete the applicable subsections.

Employment Income

8) Total estimated annual employment income

Enter the total annual income received from the employers/occupations you listed above in U.S. dollars. Enter the amount received before any deductions such as taxes or insurance.

Other Income

9) Identify other sources of income that you have.

This could include unemployment benefits, strike pay, gifts, annuities, alimony, proceeds from a settlement, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), cash assistance, etc.

10) Total estimated annual income from other sources

Enter the total annual income received from sources other than employment in U.S. dollars. Enter the amount received before any deductions such as taxes or insurance.

Total Estimated Annual Income

11) Total estimated annual income

Enter your total estimated annual income in U.S. dollars (add your total estimated employment income and income from other sources). This may be compared to the [HHS Poverty Guidelines](#) to assess financial support available to the sponsor.

ASSETS

Complete if applicable.

12) Identify the type of asset(s) that you have

This could include savings, investments, real estate, vehicles, valuable personal property, etc.

Need Help? Contact your Federal Field Specialist.

Affidavit of Financial Support
Office of Refugee Resettlement

13) Identify the total value of your assets

Enter the total estimated value of assets you listed above.

FINANCIAL SUPPORT COMMITMENT

Only complete if you are not the sponsor.

14) Total amount that you will provide to the sponsor each month

Specify the monthly financial assistance you will provide to the sponsor.

COMMENTS

15) Related comments

Use this section to provide any additional information about your financial support, employment, or income sources.

Need Help? Contact your Federal Field Specialist.

Affidavit of Financial Support

Office of Refugee Resettlement

Section 2: Signatures

This section confirms that the information provided is accurate. By signing this form, you acknowledge that providing false information may result in administrative, civil, or criminal penalties.

I declare and affirm under penalty of perjury that the information contained in this application is true and accurate to the best of my knowledge.

I understand that knowingly and willfully falsifying, concealing, or covering up a material fact, or making any materially false, fictitious, or fraudulent statement or representation, or making or using any false writing or document knowing it contains any materially false, fictitious, or fraudulent statement or entry, is a violation of 18 U.S.C. § 1001 and may subject me to fines, imprisonment, or both.

I authorize release of information in this affidavit in order to support the child and/or the applying sponsor.

Your Signature

Your Name

Date

STAFF USE ONLY - The Federal Field Specialist must complete this section if they assisted the sponsor applicant with entering information into this form.

I attest under penalty of perjury that to the best of my knowledge:

- Any information I entered into this form on behalf of the sponsor applicant is an accurate and complete representation of information provided to me by the sponsor applicant; and
- I have not altered or otherwise misrepresented the information provided by the sponsor applicant.

Federal Field Specialist Signature

Federal Field Specialist Name

Date

Need Help? Contact your Federal Field Specialist.

EXHIBIT 1-C

Unaccompanied Alien Children Sponsor Application Packet

**OMB Information Collection Request
0970 - 0278**

Attachment A - Summary of Public Comments and ORR Responses

July 2025

Submitted By:
Office of Refugee Resettlement
Administration for Children and Families
U.S. Department of Health and Human Services

ORR received four comment letters from advocacy groups and one comment letter from class counsel in *Angelica S. v HHS*. ORR expresses its appreciation to the public for the thoughtful and detailed comments in response to this information collection request. In addition to comments specific to the information collection, a few of the comments received relate to underlying policy and are thus outside the scope of the purpose for which comments on the information collection were solicited. As specified in 5 C.F.R.s. 1320.8(d), these purposes are to: evaluate whether the form and the information it collects are necessary for what the agency is trying to accomplish through the form and whether the information collected will have practical utility; to evaluate the paperwork burden of filling out the form and whether the agency's estimate of the burden was correct; enhance the usefulness of the information being collected on the form; and minimizing the form completion burden. Although some of the comments summarized below are outside of the scope for this specific information collection, ORR extends its thanks to the public and will consider these comments in our future work.

General

1. The commenter noted that ORR changing the information collection title from "Family Reunification Application for Sponsors of Unaccompanied Alien Children" to "Unaccompanied Alien Children Sponsor Application Packet" had suggested broader changes in ORR's approach to its legal responsibilities. They argued that the ORR Foundational Rule had emphasized family unification and the release of unaccompanied children to vetted sponsors, prioritizing family members. They also referenced the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), saying it had supported family reunification whenever possible. The commenter believed these changes undermined ORR's mission to prioritize child welfare and family reunification. The commenter recommended that ORR 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.

ORR Response: ORR thanks the commenter for their recommendation. ORR's primary purpose is to ensure the safety and well-being of these children by placing them in the least restrictive setting and releasing them into the care of family members or other suitable sponsors. ORR respectfully declined the recommendation to maintain "family reunification" language. ORR feels that sponsorship language is all-encompassing of the various categories within the sponsorship process since not all releases are reunifications. Therefore, "sponsorship" is more accurate than "reunification."

2. The commenter noted that the term "alien" is widely regarded as a dehumanizing slur and praised the previous administration's decision to remove it from many ORR documents. They argued that the addition of "alien" does not enhance clarity, is not legally required, and diminishes the humanity of the children under ORR's care. The commenter recommended that ORR revert to using "unaccompanied child" instead of "unaccompanied alien child" in their forms and documents.

ORR Response: ORR appreciates the commenter's recommendation. The terminology adopted by each administration does not alter ORR's unwavering commitment to guaranteeing the safety and well-being of the children in our care. This language also aligns with the terminology used in the statute, see 6 U.S.C. 279(g)(2). Consequently, ORR has declined to adopt the recommendation.

Sponsor Application (Form SAP-3)

General

3. Three commenters expressed concern that the proposed changes to the Sponsor Application form would discourage individuals from becoming sponsors, resulting in more unaccompanied alien children remaining in ORR custody for longer periods. Commenters proposed this situation could hinder ORR's ability to meet its mission and legal obligations. The commenters recommended that the proposed changes to the Sponsor Application Form be rescinded.

ORR Response: ORR thanks the commenters for their recommendations to rescind the proposed changes to the Sponsor Application form. As ORR seeks to protect children in the sponsorship process, we insist these changes are necessary and declined to rescind them. Our priority is to ensure the safety and well-being of the children in our care, which begins with ensuring the sponsorship process is free from fraud.

4. The commenter noted that the proposed elimination of the "How to complete this application" section and the FAQ page would reduce transparency and clarity for potential sponsors. The commenter stated that these sections provided crucial guidance on the application process and the removal of these sections could deter sponsorship, especially given ORR's past information sharing with DHS and policies requiring lawful immigration status. The commenter believes these changes undermine ORR's child welfare mission and its ability to evaluate and place children safely and promptly. The commenter recommended that this explanatory information be retained to uphold ORR's legal obligations, clarify its independence from DHS, enable potential sponsors' engagement, and prevent prolonged delays in release.

ORR Response: ORR thanks the commenter for their recommendation. ORR agrees that the "How to Complete This Application" and "FAQ" sections provide valuable clarity for potential sponsors. ORR clarifies that these sections have not been removed from the application packet, rather, they have been moved from this form to the Sponsor Packet Introduction Letter (formerly titled "Cover Letter"), which will be provided to all potential sponsor applicants.

Proof of Identity Documents

5. Four commenters claimed the information collection narrowed the options for proving a sponsor's relationship to the child, requiring original or full-color copies of documents and removing the acceptance of expired documents. They argued that this change could create barriers and delays for potential sponsors, especially those from countries unable to provide such copies or those who have fled persecution. They also raised the concern that the proposed changes eliminate flexibility in accepting other valid documents and did not address the interaction with new DNA testing requirements. The commenters recommended the following:
 - ORR reconsider the requirement for full-color copies, provide clear guidelines and exceptions to avoid unnecessary barriers and delays, allow flexibility in accepting other valid documents, and consider the interaction with DNA testing requirements.
 - ORR rescind the proposed changes and accept documents consistent with the current version of the application, including accepting expired documents where necessary.
 - ORR retain discretion to accept and request additional documents as needed and permit potential sponsors the option to consent to DNA testing to prove a biological relationship if they did not have the necessary documents.
 - ORR retain the existing list of acceptable identity documents, or at minimum remove the requirement that a foreign passport include DHS authorization stamps.

ORR Response: ORR thanks the commenters for their input. We are focused on implementing new standards to protect our children from potential fraud and trafficking. ORR continues to evaluate sponsorship on a case-by-case basis, which includes possible exceptions to supporting document requirements based on the relationship of the potential sponsor and the child. ORR declined to revise the list of identity documentation requirements, including the DHS authorization stamp requirement, as we believe the stamp can help prevent passport forgery or tampering. Additionally, ORR has decided to maintain the requirement for "legible full color photocopies" of birth certificates to prevent fraud. ORR added a new instrument titled "DNA Testing Instructions" to provide potential sponsors with information about the DNA testing requirement.

6. The commenter criticized the new list of acceptable proof of identity documents as unsuitable and causing delays in family reunification. The commenter believed that the proposed changes narrowed the options for proving a sponsor's identity, affecting undocumented individuals by limiting acceptable documents to those typically available to U.S. citizens, lawful residents, or those with work authorization. The commenter stated that this approach creates significant delays and barriers for potential sponsors,

leading to prolonged custody for children. The commenter recommended that ORR rescind any proposed modifications restricting acceptable documents and develop a tailored list that is aligned with ORR's needs while maintaining flexibility to verify documents on a case-by-case basis.

ORR Response: ORR appreciates the commenter's recommendation. Our updated standards aim to protect vulnerable children from potential fraud and trafficking. While ORR has exceptions for proof of identity documents based on sponsor category, we have decided not to rescind any proposed modifications restricting acceptable documents. Sponsorship applications are reviewed on a case-by-case basis once all required information and documentation are submitted.

7. The commenter stated that using USCIS Form I-9 requirements for ORR's sponsor application form was inappropriate because they served different purposes. The commenter explained that Form I-9 was designed to verify work authorization, while ORR's form was meant to establish identity and sponsor suitability. The commenter further stated that USCIS documents are not accessible to many potential sponsors, who are often undocumented, and that this mismatch leads to unnecessary delays in releasing children from ORR custody, violating legal obligations to place children in the least restrictive setting promptly. The commenter recommended reconsidering changes to the list of acceptable identity documents and proof of sponsor-child relationships.

ORR Response: ORR thanks the commenter for their recommendation. Our primary goal is to release children promptly to safe sponsors. Potential sponsors may request exceptions for identity documents, depending on their category or relationship to the child. Sponsorship applications are reviewed on a case-by-case basis once all required information and documentation are submitted. ORR respectfully declined to reconsider the proposed changes to the identity and proof of sponsor-child relationship documents.

Income Requirements

8. Three commenters were concerned about the new proof of income documentation requirement in the Sponsor Application (Form SAP-3). They recommend revising the list of acceptable proof of identity documents and the new income documentation requirement, arguing that these changes are restrictive and not justified by child welfare concerns. The commenters urged ORR to reconsider the narrow definition of acceptable income documentation and to provide flexibility for other forms of financial proof. They believed the current requirements disproportionately affect self-employed, low-income, and undocumented sponsors. The commenters suggested rescinding the additional proof of income documentation section while retaining the Financial Information section, allowing applicants to describe how they will provide for the child and to submit additional supporting documentation.

ORR Response: ORR thanks the commenters for their input. ORR declined the recommendation to rescind the proof of income requirements. However, we expanded the list of acceptable proof of income documentation. This includes the creation of a new form, the Affidavit of Financial Support (Form SAP-8), that sponsors may use as proof that they receive financial support from another individual.

9. The commenter contends that the proposed list of proof of income documents is overly restrictive and not justified by child welfare concerns. The commenter explained that many potential sponsors, especially those without work authorization or stable employment, may not have access to the specified documents. The commenter further stated that while ORR's regulations allow for income verification, the proposed list excludes alternative reliable information and this rigidity could prevent children from being placed with the most suitable sponsors, even if they can provide for the child's best interests. The commenter recommends that ORR adopt a more flexible approach to proof of income documentation, considering alternatives such as bank statements or attestations from others willing to support the child. The commenter noted that this would align with standard child welfare practices and ensure children are placed with the most suitable sponsors, prioritizing their best interests.

ORR Response: ORR appreciates the commenter's recommendation, and we expanded the list of acceptable proof of income documentation to include other alternatives. This includes the creation of a new form, the Affidavit of Financial Support (Form SAP-8), that sponsors may use as proof that they receive financial support from another individual. Sponsorship applications will continue to be reviewed on a case-by-case basis once all required information and documentation are submitted.

Proof of Address

10. The commenter recommends that the Sponsor Application retain the existing list of options as well as the notation that the potential sponsor can contact the case manager if unable to submit these forms of documentation. The commenter believes 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. The commenter also suggested that 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.

ORR Response: ORR appreciates the recommendations but declines to rescind changes to the list of acceptable documents. The notation to contact the case manager/sponsor specialist has been added back to the top of the Supporting Documents section. Sponsorship applications will be reviewed on a case-by-case basis once all necessary information is provided. If a category 1 sponsor cannot provide required documentation

and seeks a waiver, an ORR-mandated home study is now required. Effective 7/14/25, new guidance outlines conditions for denying release and adds subcategories to ORR-mandated home studies. Home studies are required if the potential sponsor claims a biological relationship but refuses a DNA test, the potential category 1 sponsor cannot provide documentation and seeks a waiver, the potential category 1 or 2 sponsor is not biologically related, or the potential sponsor is a category 3 sponsor.

Authorization for Release of Information (Form SAP-2)

11. Three commenters stated that they opposed the proposed changes allowing the sharing of sponsor immigration status information for enforcement purposes, recommending the maintenance of existing protections to ensure children's privacy and safety. They noted that the Unaccompanied Child Program Foundational Rule and the Privacy Act of 1974 limit ORR's authority to share records with third parties. Commenters argued this change violates children's rights to privacy, safety, and best interests.

The commenters also claimed changes in the information collection would further remove restrictions on sharing information with federal enforcement agencies, potentially deterring family members from sponsoring children due to fear of immigration enforcement. The commenters stated that sharing sponsor information with Immigration and Customs Enforcement (ICE) for enforcement purposes creates fear among potential sponsors, especially those without lawful immigration status, and that this fear can extend to those with lawful status due to recent aggressive enforcement tactics.

The commenters stated that sharing of information with ICE does not ensure children's safety, rather, it places them at risk for prolonged or indefinite detention. The commenters recommend that ORR restore the language clarifying that the Department of Homeland Security (DHS) cannot use sponsor information for immigration enforcement. They urge ORR to maintain its independence from DHS's enforcement functions and align policies with its child welfare mission. The commenters also advise against proceeding with the proposed changes, emphasizing the need to maintain existing protections to ensure children's privacy and safety, and to encourage family members and trusted adults to come forward as sponsors without fear of immigration enforcement.

ORR Response: ORR appreciates the commenters' recommendations. ORR issued an [Interim Final Rule \(IFR\)](#), effective March 25, 2025, to update the Unaccompanied Children Program Foundational Rule. This change eliminated the provision that prohibited ORR from sharing immigration status information with law enforcement in order to comply with existing Immigration and Nationality Act's information sharing requirements. Policy Guide Sections 5.10 and 5.10.7 have been updated to clarify that

ORR will share information with agencies like DHS and DOJ upon receiving proper authorization or legal orders.

In addition, ORR notes that the removed language was a reference to statutory restrictions placed on DHS. These restrictions will remain in place until such time as Congress decides to modify or remove them, regardless of whether they are cited in ORR documents. Further, all potential sponsors are provided information in writing about which non-HHS parties ORR may disclose information to and why, in accordance with the Privacy Act of 1974 and ORR's Systems of Record Notice (SORN).

ORR declined to restore the previous language to ensure alignment with regulations and ORR's SORN.

Procedural/PRA Concerns

12. Multiple commenters noted that ORR implemented changes before public comment and OMB review, causing inconsistencies and procedural unfairness. They argued that ORR's premature implementation undermines the goals of the Paperwork Reduction Act (PRA) and the effectiveness of its Unaccompanied Children Program. The commenters stated:

- ORR removed the Family Reunification Application Packet from its website, renamed it to Sponsor Application Packet (SAP), and required potential sponsors to create an online account to access the form. This change aligns with a February 2025 memorandum aimed at reducing exploitation risks by removing sponsor processes from public platforms. However, the memorandum did not detail the exploitation risks or consider impacts on transparency and potential sponsors' ability to make informed decisions. It also failed to address barriers for sponsors without internet access or English proficiency. These changes were not included in the Federal Register Notice, and ORR did not accurately factor them into the burden estimate for potential sponsors.
- ORR narrowed the use of foreign documents to prove identity, required proof of income, and removed clarifications that lawful immigration status is not required for sponsorship and that sponsors' information will not be shared for immigration enforcement purposes. This prevented public feedback on measures affecting vulnerable children's safety and wellbeing.

The commenters urge ORR to rescind these changes and ensure future proposals comply with PRA requirements. They also request that ORR provide an opportunity for potential sponsors affected by denials or delays due to these violations to have their applications reconsidered under the previous requirements. Any new approved requirements should be implemented prospectively to avoid disruptions and lack of notice to potential sponsors with ongoing applications.

ORR Response: ORR thanks the commenters for their recommendations. As ORR seeks to protect children in the sponsorship process, we insist these changes are necessary and have declined to rescind them. We have recalculated the burden estimates to reflect the digital application process. Electronic data is essential for ensuring accuracy, efficiency, and integration across various applications.

ORR clarifies that potential sponsors are always assigned an ORR sponsor specialist to walk them through the application process and answer all questions. In addition, ORR staff are able to assist sponsors who may have trouble using the app by inputting the information provided by the sponsor into the app. The sponsor may then either 1) review and electronically sign or 2) request PDF copies be emailed or mailed to them to review, sign, and send back to ORR. As a last resort, we still maintain PDF copies for handwritten applications.

EXHIBIT 1-D

Unaccompanied Alien Children Sponsor Application Packet

**OMB Information Collection Request
0970 - 0278**

Attachment B - Summary of Public Comments and ORR Responses

January 2026

Submitted By:
Office of Refugee Resettlement (ORR)
Administration for Children and Families
U.S. Department of Health and Human Services

ORR received two comment letters from advocacy groups and one comment letter from class counsel in *Angelica S. v HHS*. ORR expresses its appreciation to the public for the thoughtful and detailed comments in response to this information collection request.

Sponsor Application Packet General Comments

1. All commenters noted that ORR's new practice of sharing sponsor immigration status with the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) has created fear among potential sponsors—particularly parents and close relatives who may be undocumented. The commenters further stated that this practice discourages sponsorship applications, resulting in unaccompanied children remaining in ORR custody far longer than necessary and potentially causing permanent family separation. All three commenters recommended rescinding the proposed changes to the Sponsorship Application.

ORR Response: ORR appreciates the commenters' recommendations. On March 25, 2025, ORR issued an Interim Final Rule (IFR) updating the Unaccompanied Children Program Foundational Rule. This update removed the provision that previously prohibited ORR from sharing immigration status information with law enforcement, in order to comply with the information-sharing requirements of the Immigration and Nationality Act. Policy Guide Sections 5.10 and 5.10.7 have been revised to clarify that ORR may share information with agencies such as DHS and the Department of Justice (DOJ) when proper authorization or legal orders are provided.

Additionally, ORR notes that the removed language referenced statutory restrictions placed on DHS. These restrictions remain in effect unless and until Congress modifies or repeals them, regardless of whether they are cited in ORR documentation. All potential sponsors are provided with written information about which non-HHS entities ORR may share information with and the reasons for such disclosures, in accordance with the Privacy Act of 1974 and ORR's System of Records Notice (SORN).

While we thank the commenters for their recommendations to rescind the proposed changes to the Sponsor Application form, ORR maintains that these changes are necessary to protect children in the sponsorship process. Our priority is to ensure the safety and well-being of the children in our care, beginning with a sponsorship process that is secure and free from fraud.

2. Commenters urged ORR to prioritize child safety, protect against trafficking, and ensure timely placement with safe sponsors. They expressed concern that heightened documentation and restrictive policies delay release, disproportionately affecting parents and close relatives. The commenters further stated that automatically disqualifying sponsors based on documentation alone leads to unnecessary family separations and undermines ORR's child welfare mission and legal obligations. They noted that Federal court (*Angelica S. v. HHS*, D.D.C. 2025) found the rules likely unlawful. They also asserted that blanket documentation rules prevent case-by-case

“best interest” determinations required by 8 U.S.C. § 1232. They called for immediate policy revision to support children's well-being and prompt reunification.

ORR Response: ORR appreciates the recommendations but maintains that the proposed Sponsor Application changes are necessary to ensure a secure, fraud-free process and protect children's safety and well-being.

3. One commenter asserted that ORR violates due process by failing to provide written denials, appeal rights, and timely reunification reviews. They argued that the Sponsor Application Packet and FAQs do not adequately inform sponsors—particularly those with limited English proficiency—about their rights, the risks of information sharing with enforcement agencies, or the appeals process. The commenter believes these changes impose excessive burdens, prolong child detention, deter potential sponsors, and conflict with ORR's child welfare mission and legal obligations. The commenter urges immediate policy revision to communicate their rights more clearly.

ORR Response: ORR appreciates the commenter's recommendation. ORR clarifies that potential sponsors are always assigned an ORR Division of Sponsor Administration Federal Field Specialist to walk them through the application process and answer all questions. In addition, the forms are currently available in English and Spanish and ORR staff is working to translate the package documents into multiple languages. All potential sponsors are provided with written information about which non-HHS entities ORR may share information with and the reasons for such disclosures, in accordance with the Privacy Act of 1974 and ORR's System of Records Notice (SORN).

ORR's goal is to release UACs to suitable sponsors where consistent with its statutory mandate to ensure that placement does not result in danger to UACs, to the community, or risk of flight by any UAC. *See, e.g.,* 6 U.S.C. § 279(b)(1), (b)(2)(A)(ii); 8 U.S.C. § 1232(c)(1), (c)(3)(A). The TVPRA prohibits HHS from releasing a child to a proposed custodian unless HHS first “makes a determination that the proposed custodian is capable of providing for the child's physical and mental well-being,” which “shall, at a minimum, include verification of the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child.” 8 U.S.C. § 1232(c)(3)(A).

Additionally, ORR considers all releases in line with the UC Program Foundational Rule, particularly 45 C.F.R. 410.1205 and 45 C.F.R. 410.1206.

Authorization for Release of Information (Form SAP-2)

4. Commenters emphasized that ORR's statutory mandate is child welfare—not immigration enforcement. They stated that policies like the Authorization for Release of Information (Form SAP-2) effectively serve enforcement purposes by penalizing sponsors based on immigration status, which exceeds ORR's authority. The commenters contended that these practices undermine proper sponsor vetting focused on child safety. Additionally, the commenters noted that the restricted list of acceptable ID

documents excludes common forms like foreign passports and expired IDs, disproportionately harming immigrant communities.

ORR Response: ORR thanks the commenters for their recommendations to rescind the proposed changes to the Sponsor Application form. As ORR seeks to protect children in the sponsorship process, we insist these changes are necessary and decline to rescind them. Our priority is to ensure the safety and well-being of the children in our care, which begins with ensuring the sponsorship process is free from fraud.

5. All commenters noted that ORR's use of USCIS Form I-9 Lists A and B to verify sponsor identity is inappropriate, as ORR's mission is to assess sponsor suitability—not immigration or work authorization status. They stated that this practice leads to the wrongful disqualification of safe and qualified sponsors based on irrelevant criteria. Commenters also argued that background checks such as fingerprinting and DNA testing already provide sufficient identity verification, making the restrictive documentation requirements unnecessary and arbitrary.

ORR Response: ORR thanks the commenters for their input. We are focused on implementing new standards to protect our children from potential fraud and trafficking. ORR respectfully declines to reconsider the proposed changes to the identity and proof of sponsor-child relationship documents. ORR continues to evaluate sponsorship on a case-by-case basis once all required information and documentation are submitted, which includes possible exceptions to supporting document requirements based on the relationship of the potential sponsor and the child.

Affidavit of Financial Support (Form SAP-8)

6. Two of the commenters stated that the recently introduced Affidavit Form (SAP-8) is confusing and inconsistently worded, increasing the risk of inaccurate or incomplete submissions. They noted that the form contains unclear instructions and conflicting definitions of "dependents," "income," and "assets," which make it difficult to complete accurately. The commenters expressed concern that these inconsistencies, combined with vague terminology, could lead to errors that may result in application denials or legal penalties for perjury.

ORR Response: ORR appreciates the commenter's recommendations and has updated the Affidavit of Financial Support (Form SAP-8) as follows:

- We changed the layout of the form so that it is only completed by one respondent (as opposed to both the sponsor and their financial supporter entering information). This will make the form easier to complete, simplify instructions, and eliminate any logistical challenges that could occur by requiring two separate parties to enter information into and sign the same form.
- We updated the form's instructions to clarify the purpose of the form and make clear that it is an optional form.

- We separated income and assets into separate sections and clarified what the respondent should include for employment income, other income, and assets.
- We clarified that *dependents* refers specifically to individuals who rely on the respondent's income to provide for the majority of their basic needs, such as housing, food, and healthcare.

Sponsorship applications will continue to be reviewed on a case-by-case basis once all required information and documentation have been submitted. Potential sponsors are always assigned an UACB Division of Sponsor Administration Federal Field Specialist to answer any questions or provide more clarity when needed.

7. Two commenters also expressed concern that the form's complexity and warnings regarding interpreter use disproportionately burden applicants with limited English proficiency.

ORR Response: ORR thanks the commenter for their concern. Potential sponsors are always assigned a UACB Division of Sponsor Administration Federal Field Specialist to answer any questions or provide more clarity when needed. Sponsorship applications will continue to be reviewed on a case-by-case basis once all required information and documentation have been submitted. In addition, ORR translated the form into Spanish and plans to translate the form into other languages commonly spoken by sponsors in the future.