



ADMINISTRATION FOR **CHILDREN & FAMILIES**

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/orr

FIELD GUIDANCE – March 22, 2021

RE: ORR Field Guidance #10, Expedited Release for Eligible Category 1 Cases

GUIDANCE

The Office of Refugee Resettlement (ORR) prioritizes the placement of unaccompanied children (UC) with parents and legal guardians available to provide custody in the United States. To that end, ORR is instituting a revised policy of Expedited Release for Eligible Category 1 Cases. Under this revised policy, certain children will be released to their parents or legal guardians using specialized procedures that modify standard release requirements under ORR Policy Guide, section 2 and accompanying instruments. Due to the novel nature of this policy, and in recognition of operational flexibilities that may require additional follow up, these instructions may be further modified by ORR.

Expedited Release

As a preliminary step, a child may only be released to their parental or legal guardian sponsor under processes for Expedited Release for Eligible Category 1 Cases if the following three conditions for Expedited Release for Eligible Category 1 Cases are met:

- If the child is screened and determined to not be especially vulnerable;
- If the child is not be otherwise subject to a mandatory TVPRA home study; and
- If there are no other red flags present in the case, including red flags relating to abuse or neglect.

In the event any of these conditions apply, the case will follow standard sponsor assessment and release procedures, including completion of the Initial Medical Exam (IME).

Once the basic conditions listed above are met, care providers can release a Category 1 case provided the following steps are taken (further details on these processes are provided in the “INSTRUCTIONS” section below):

- (1) Completion of a Modified *UC Assessment* for Expedited Release Cases
- (2) Completion of Interviews with the Child and the Parent
- (3) Completion of a Modified *Family Reunification Application*
- (4) Establishment of Proof of Relationship and Identity

(5) Completion of Sponsor Background Check (no household member checks) with a valid *Authorization for Release of Information*.

(6) Completion of a Modified *Sponsor Assessment*

After completion of these requirements the Case Manager makes a release recommendation that is transmitted directly to the ORR Federal Field Specialist. No third-party Case Coordinator review of the case is required for Expedited Release for Eligible Category 1 Cases.

Transfer of Custody

After completion of the requirements above, and so long as no concerns relating to abuse or neglect exist, the child may be released directly to the sponsor's care.

In cases where Expedited Release for Eligible Category 1 Cases is appropriate, ORR authorizes care providers to pay for the sponsor's travel to the ORR care provider facility to pick up their child and complete paperwork at the facility (if allowed). ORR also authorizes care providers to pay other transport fees for return travel or allow for the child's transport to the sponsor's location following traditional transfer of physical custody policies under ORR Policy Guide 2.8.2, including ORR paying for such travel (including for escorts). Travel arrangements should be made as soon as it appears that the child's release is viable.

INSTRUCTIONS

The following section provides the care providers with instructions regarding the steps listed above that must be followed any time the Expedited Release for Eligible Category 1 Cases process is used.

In all Expedited Release for Eligible Category 1 Cases, the care provider is responsible for the following:

(1) Completion of a Modified *UC Assessment* for Expedited Release Cases

(a) Care provider staff completes a modified *UC Assessment* for Category 1 cases. If the case is later determined to require completion of a standard release, the care provider will make efforts to update the standard *UC Assessment* for the child.

(b) The Case Manager will upload the modified *UC Assessment* into the ORR database.

(2) Completion of Interviews with the Child and the Parent

The Case Manager interviews the child and parent separately to determine if there are any concerns related to trafficking or abuse. See ORR Policy Guide 2.2.1 and UC MAP 2.2.1.

(3) Completion of a Modified *Family Reunification Application*

(a) ORR plans to create a modified *Family Reunification Application* in the near future. Until a new form is created Case Managers working on the sponsors behalf will fill out the

standard *Family Reunification Application* (FRP-3 or FRP-3S), questions 1-11, and 15. The responses to the application questions are made during the sponsor interview.

- (b) The Case Manager will read the contents of the *Sponsor Care Agreement* to the sponsor and ensure the sponsor agrees to those conditions of release.
 - (c) The Case Manager will read the attestation regarding perjury to the sponsor on page 7 of the *Family Reunification Application*. Additionally, the Case Manager will attest in the Release Request that they had the interview with the sponsor and obtained the sponsor's attestation.
 - (d) The Case Manager will upload the application into the ORR database.
 - (e) The Case Manager will then mail the *Family Reunification Packet* documents to the sponsor after the child's release, including the partially completed *Family Reunification Application* completed on the sponsor's behalf. Any discrepancies can be reconciled after the release. See ORR Policy Guide 2.2.3
 - (f) Importantly, Know Your Rights (KYRs) are not a requirement for release, but if a child has not received a KYR, release information may be shared with a Legal Service Provider (LSP) to facilitate legal services after the child's release.
- (4) Establishment of Proof of Relationship and Identity
- (a) The care provider will establish proof of the child's identity.
 - (b) The care provider will establish proof of the sponsor's identity and relationship to the child. This will be accomplished using supporting documentation such as birth certificates for the child and the sponsor, or other documents used to verify the sponsor's identity and prove the parent-child relationship (or legal adoption). Copies or photos of documents are allowed, including those taken on phones and texted or emailed to the care provider.
 - (c) **ALTERNATE PROCESS:** *DNA Collection and Results*

Alternatively, and where available, sponsors and children can prove biological parentage through DNA. Use of DNA is only used for purposes of establishing biological relationships for purposes of sponsorship and is not submitted to law enforcement personnel or run against law enforcement databases.

Submission of DNA by the parent is voluntary. Competent unaccompanied children aged 14 or over must voluntarily consent to DNA submissions. ORR will presume consent for children under the age of 14 for purposes of DNA submissions to establish relationship. In any event, ORR will provide advanced notice to a child's attorney of record that a DNA test will be conducted.

ORR will ensure that DNA results are destroyed within 15 business days following confirmation of the results by ORR or ORR contractors or grantees. Following confirmation of results, ORR will share results with the potential sponsor and may share results with the child after making a determination that sharing the results is in the child's best interest.

References to results of DNA tests are maintained in the ORR database but are considered confidential information and may only be disclosed as required by law.

DNA may be collected at a care provider site using rapid test results or through the use of an external laboratory.

(5) Completion of Sponsor Background Check using *Authorization for Release of Information*.

(a) The Case Manager will conduct a sponsor background check according to the following requirements:

- (i) A parental sponsor undergoes a public records check following standard procedures. Please mail or have the sponsor fill out and submit any authorization forms (*Authorization for Release of Information*) required by the public records check vendor. The care provider may accept a photograph of a signed form for purposes of the public records check. Additionally, for purposes of Expedited Release for Eligible Category 1 Cases, no other background checks are required for other household members (alternate care givers need not be identified).
- (ii) If the results of the sponsor's public records check come back with derogatory information that may lead to a denial of release under ORR Policy Guide 2.7.4, the case is no longer eligible for Expedited Release for Eligible Category 1 Cases and instead follows standard procedures. Please note only case review results that may lead to denial under section 2.7.4 are cases that are no longer eligible for release (e.g. DUIs are not an example of criminal history that would lead to a denial of sponsorship to a parent).

(6) Completion of a Modified *Sponsor Assessment*

The Case Manager completes a modified *Sponsor Assessment* and uploads the results to the ORR Database.

Recommendation and Decision Making

In all cases involving Expedited Release for Eligible Category 1 Cases, the Case Manager makes a release recommendation using only the information described in the preceding sections following procedures for straight release, without sending the case for a third party review by a Case Coordinator. The recommendation is then sent directly to the ORR Federal Field Specialist who makes a final release decision.