9. **Within 10 business days of acceptance**, the HS/PRS provider uses the *Home Study Assessment Report* template to report findings of the home study and upload the template into the UAC Portal including a recommendation to the case manager.

10. The HS/PRS provider must submit any requests to extend the home study due date **beyond 10 business days** or to cancel a home study to the FFS for approval via email. Possible criteria for extension can include:
    - Additional household members moved in after the referral.
    - Concerns about additional household members who were not present at the home visit.
    - Inability for the provider to schedule a home visit due to the sponsor's schedule.

11. If the case manager learns new information after the home study provider has submitted their final report, the FFS has the authority to request a home study addendum to the original home study provider to gather more information for an informed release decision. Care providers must go through their FFS to request a home study addendum. The FFS may request an addendum any time after the final home study report has been submitted, but in some circumstances, it may be necessary to request a new home study if the sponsor's circumstances have significantly changed or if the home study was completed over a year prior to the current date.

    Upon request by the FFS, the home study provider has **10 business days** to submit the addendum to the UAC Portal. The provider may only request one addendum per home study without FFS supervisor approval.

    NOTE: Home studies are only **valid for one year**.

2.4.3 Additional Questions and Answers on This Topic

See Section 2.4.3 of the UAC Policy Guide

2.5 Sponsorship Assessment Background Check Investigations

See Section 2.5 of the UAC Policy Guide

OVERVIEW

ORR requires background checks for all potential sponsors, adult members of the household, and adult caregivers identified in sponsor care plans (adult caregivers). This section describes the required background checks based on sponsor category and other factors, the responsible parties for completing and reporting the results, and notifications and other follow up steps to ensure safety. All potential sponsors, adult household members, and adult caregivers must undergo a public records background check of criminal history and sex offender registry databases. Sponsors in Categories 2B and 3, as well as some Category 1 and 2A sponsors, adult household members, and adult caregivers require fingerprint background checks that are processed through Federal partners.

Key Players	**Responsibilities**
FFS	Reviews all fingerprint checks and provides guidance as to whether to continue assessment of a particular sponsor in light of check results.
Case coordinator	Makes recommendations regarding safety planning and child welfare recommendations.
Case manager	Conducts Public Records Checks (an Internet Criminal Public Records Check and Sex Offender Registry Check) for all potential sponsors, adult household members, and adult caregivers (individuals identified by undocumented sponsors who will take over the care of the UAC if the sponsor is deported or leaves the United States). Conducts State Criminal History Repository Checks and/or Local Police Checks, as needed.
HHS Program Support Center, Division of Children's Services (PSC/DCS)	Conducts all Non-Public Records Checks – FBI National Criminal History Check (Fingerprint Check), FBI Biometric Services Unit (FBI/BSU) Civil Name Check, and Child Abuse and Neglect (CA/N) Check – on behalf of ORR.

Related Forms/Instruments	**Used By**
Authorization for Release of Information	Case manager, lead case manager, PSC/DCS
Sponsor Check Coversheet	Case manager, lead case manager, PSC/DCS
CA/N Check Coversheet	Case manager, lead case manager, PSC/DCS
CA/N Check State Instructions	Case manager, lead case manager, PSC/DCS
CA/N Check State Forms	Case manager, lead case manager, PSC/DCS

2.5.1 Background Check Requirements

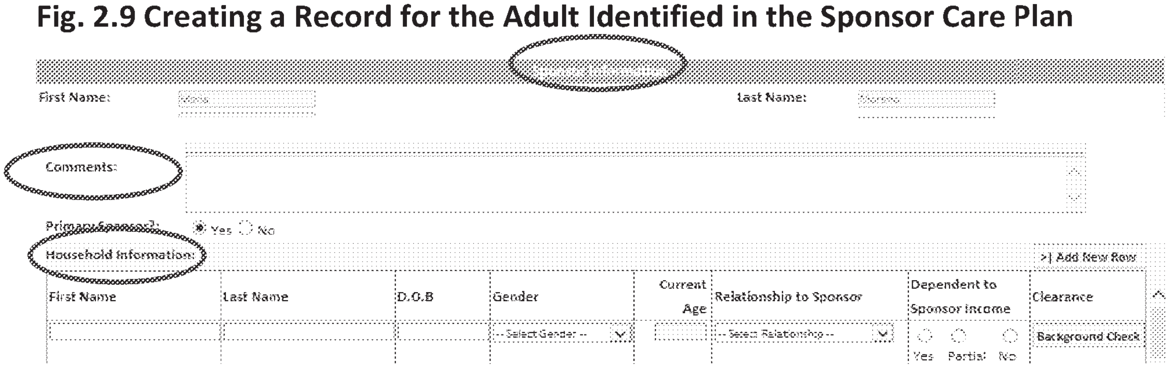
📖 **See Section 2.5.1 of the UAC Policy Guide**

PROCEDURES

1. The case manager notifies all potential sponsors that an Internet Criminal Public Records Check and Sex Offender Registry Check will be performed for all sponsors, adult household members, and adult caregivers. The case manager also notifies the potential sponsor of any additional background checks that are required by ORR (see **Quick Glance: Overview of Background Checks Requirements**). The case manager advises adults to be truthful about criminal backgrounds before results are obtained as a lack of information or explanation from the potential sponsor may affect the release decision. ☎/✉ 📖

   NOTE: Adult caregivers must be entered in the Sponsor Information section of the UAC Portal. The adult caregiver should be entered under Household Information because the UAC Portal does not have a separate area to enter adult caregivers. The case manager goes to the Sponsor Information section and 1) adds a note in the Comments box indicating the category and noting whether the individual is also a household member and 2) records the name under the Household Information section. See **Fig. 2.9 Creating a Record for the Adult Identified in the Sponsor Care Plan**.

Fig. 2.9 Creating a Record for the Adult Identified in the Sponsor Care Plan



Quick Glance: Overview of Background Check Requirements

Type of Background Check	Purpose	Persons Checked	When Performed
Public Records Check	Identifies arrests or convictions of sponsors, adult household members, or others. If a check reveals a criminal record or safety issue, it will be used to evaluate the sponsor's ability to provide for a child's physical and mental well-being.	Potential Sponsors in Categories 1-3. Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.	In all cases.
Sex Offender Registry Check, conducted through the U.S. Department of Justice National Sex Offender Public Website	Identifies sponsors and others that have been adjudicated as sex offenders through a national search and, if available, a local public registry search.	Potential Sponsors in Categories 1-3. Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.	In all cases.
FBI National Criminal History Check, based on digital fingerprints or digitized paper prints	Determines whether a sponsor or adult household member (as applicable) has a criminal history, has a profile in DHS IDENT, has been convicted of a sex crime, or has been convicted of other crimes that compromise the sponsor's ability to care for a child.	Potential Sponsors in Category 1 and 2A.	Where a public records check reveals possible disqualifying factors under 2.7.4; or where there is a documented risk to the safety of the unaccompanied alien child, the child is especially vulnerable, and/or the case is being referred for a home study.

		Potential Sponsors in Categories 2B and3.	In all cases.
		Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.	Where a public records check reveals possible disqualifying factors under 2.7.4; or where there is a documented risk to the safety of the unaccompanied alien child, the child is especially vulnerable, and/or the case is being referred for a home study.
Child Abuse and Neglect (CA/N) Check, obtained on a state by state basis as no national CA/N check repository exists	Checks all localities in which the sponsor or household member has resided in the past 5 years.	Potential Sponsors in Categories 1-3.	In cases that require a home study, and cases where a special concern is identified.
		Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.	In any case where a sponsor is required to undergo a CA/N check.
State Criminal History Repository Check and/or Local Police Check	Assists in locating police or arrest records, or other criminal offense details, as needed.	Potential Sponsors in Categories 1-3. Non-sponsor adult household members and adult caregivers identified in a	Used on a case-by-case basis when there is an unresolved criminal arrest or issue that is still in process.

		sponsor care plan.	

2. The potential sponsor should advise the case manager immediately if he or she has any record of criminal charges, sexual offenses, or child abuse/neglect charges and if they are aware of any record of criminal charges, sexual offenses, or child abuse/neglect charges for their adult household members and/or adult caregiver. ☎/✉

3. Based on the information provided, the case manager determines what types of background checks are required for the potential sponsor, adult household members, and adult caregiver (See **Quick Glance: Overview of Background Checks Requirements**). The case manager should include the case coordinator and FFS in cases that involve criminal history self-disclosures. 🕮✉

   NOTE: If a potential sponsor, adult household member, or adult caregiver refuses to complete a required background check, the case manager elevates the case to the FFS who will staff the case with the FFS supervisor to determine whether to deny the release based on current ORR policy and any other relevant factors. FFS notifies the case manager of the final decision. ✉

Public Records Checks (Internet Criminal Public Records Check and Sex Offender Registry Check)

1. The case manager conducts an **Internet Criminal Public Records Check** for all potential sponsors, adult household members, and adult caregivers.

2. The case manager conducts a **national and local/state Sex Offender Registry Check** through the U.S. Department of Justice NSOPW and local/state Public Registry Sites for all potential sponsors, adult household members, and adult caregiver.

   The check must include the following:

   - Name checks (potential sponsor, adult household members, adult caregiver)
   - Address searches (using the current address that has been verified) within a one mile radius for all names – potential sponsor, household members and adult caregiver). This address search is completed to determine if there are sex offenders at the address or in close proximity to the address (**NOTE:** Some state Sex Offender Registries do not include an address check. In these cases, document that the attempt was made and what check was accomplished.) The case manager should take the

results into consideration in assessing the safety plan and safety of the release.

Local/state Sex Offender Registry Checks for all states in which the potential sponsor, adult household members, and adult caregiver resided over their entire adult lifetime.

3. The case manager uploads the results of the public records checks (screenshots, descriptions, dates, etc.) in the UAC Documents section in the UAC Portal and completes the case manager section of the Background Check Table. The case manager staffs the case with the case coordinator in the event there is a "hit" in the search. (See **Quick Glance: How to Document Background Checks in UAC Portal**).

NOTE: Public records check results are valid for 90 days from the date results are received, as documented in the Date Results Received column of the Background Check Table in the UAC Portal. If the UAC has not been approved for release before the public records check results expire, the case manager must reprocess the checks, update the Background Check Table in the UAC Portal, and upload the results into the UAC Documents section of the UAC Portal.

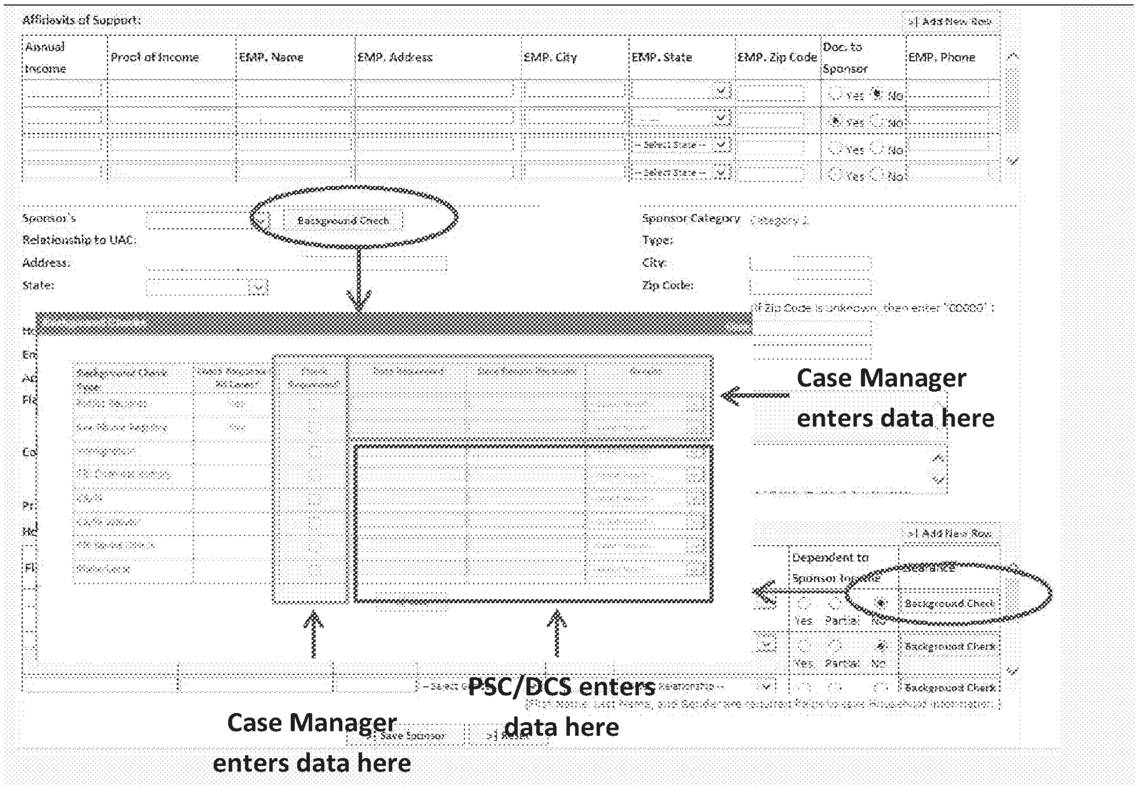
NOTE: ORR does not require a signed *Authorization for Release of Information* from an individual unless they are submitting fingerprints. However, many public records vendors have terms of use agreements that do require an authorization. In those instances, an *Authorization for Release of Information* should be obtained from the adult household member or adult caregiver.

Quick Glance: How to Document Background Checks in UAC Portal

Go to the Background Check table in the Sponsor Information section of the UAC Portal; for both the sponsor and the household member(s) check off which background checks were requested.

For non-public records checks, do not enter data into the Date Requested, Results Received, and Results columns – PSC/DCS enters this information.

NOTE: If you do not check off which background checks were requested under the Check Requested column for non-public records checks, PSC/DCS will be unable to record the results of those checks.



Non-Public Records Checks (Performed by PSC/DCS)

NOTE: PSC/DCS conducts regular in depth trainings related to non-public records checks and fingerprinting instructions. ORR headquarters staff work with CFS, FFS, and POs to notify programs about upcoming trainings. To request training from PSC/DCS, contact the operations specialist listed on the PSC/DCS Contact List.

FBI NATIONAL CRIMINAL HISTORY CHECK (FINGERPRINT CHECK)

1. The case manager obtains an *Authorization for Release of Information (ARI)* and a copy of a government issued photo ID (front and back) for all relevant parties (see **Quick Glance: List of Acceptable Proof of Identity Documents**).

   NOTE: If needed, some ORR digital fingerprint sites offer in-person assistance completing the *FRP* and/or *ARI* (see **Appendix 2.14 Fingerprinting Requirements**).

2. The case manager assists the potential sponsor, adult household member, and/or adult caregiver in scheduling a fingerprint appointment at an ORR digital fingerprint site to

occur **within 3 business days of receiving the signed *ARI* and government issued photo ID** (see **Appendix 2.14 Fingerprinting Requirements**).

3. The case manager completes the Check Requested field in the Background Check table in the Sponsor Information section of the UAC Portal (see **Quick Glance: How to Document Background Checks in UAC Portal**).

4. The case manager fully completes the *Sponsor Check Coversheet*. If any of the following conditions apply the case manager documents the condition in the comments section of the *Sponsor Check Coversheet*:
   - If the case manager is requesting the fingerprint check be expedited, the reason must be noted (see **Quick Glance: Expediting Fingerprint Check Results** for full requirements).
   - If the case manager believes the individual previously completed a fingerprint check, that must be noted and the approximate date should be included.
   - If the individual is the sponsor or household member for more than one UAC, the name and A# of those UAC must be included.

Appendix 2.7 is the *Sponsor Check Coversheet*.

Quick Glance: Expediting Fingerprint Check Results

Case managers may request expedited processing for Fingerprint Checks under the following circumstances:

- Imminent age out (UAC aging out in 60 days or less)
- Legal issue
- UAC medical issue
- Cat 1 or 2A cases that require fingerprint check results before the UAC may be released (see **Quick Glance: Release of UAC Prior to Receiving Fingerprint Check Results**)

To request expedited processing and allow PSC/DCS to appropriately prioritize expedited cases, the case manager must include "AGE OUT [age out date]:" on the subject line of the email for any age out cases and "RESULTS REQUIRED:" for any cases that require results before the UAC can be released. For all other cases, the case manager must include "REQUEST TO EXPEDITE:" on the subject line of the email (see **Email Template: Fingerprint Check Requests**). The case manager must notate the following in the Comments section of the *Sponsor Check Coversheet*:

- Basis for the request
- Date by which results are needed

- If there are other items pending (e.g., home study) that would not allow for immediate release of the UAC once fingerprint check results have been received

PSC/DCS will prioritize all cases for which expedited processing is requested that fall under the circumstances listed above, but cannot guarantee results will be available by the requested date.

If the case manager requests expedited processing for any circumstance not listed above, PSC/DCS will elevate the request to ORR HQ for approval.

5. The case manager reviews the *Sponsor Check Coversheet*, *ARI*, government issued photo ID, and paper fingerprint cards (if applicable) for accuracy, completeness, and legibility (see **Appendix 2.9 Background Check Submission Requirements**).

6. If paper fingerprint cards are used, the case manager uses an express mail service (e.g., UPS, FedEx) to send the following to PSC/DCS for **next morning** delivery:
    - Two original fingerprint cards (ORR does not collect Social Security Numbers and this field should be blacked out – see **Appendix 2.13 Fingerprint Card**)
    - Copy of the *Sponsor Check Coversheet*
    - Copy of the *Authorization for Release of Information* (pages 1-5)
    - Copy of the subject's government issued photo ID

7. The case manager formally requests the Fingerprint Check using the email template below.

Email Template: Fingerprint Check Requests

From: Case Manager
To: SponsorCheck.os@hhs.gov
Subject: Fingerprint Check Request for [sponsor's initials]
- If requesting expedited results for an age out, add "AGE OUT [age out date]:"
- If the case requires results before the UAC may be released, add "RESULTS REQUIRED:"
- If requesting expedited results for any other reason, add "REQUEST TO EXPEDITE:"

Attachments:
- *Sponsor Check Coversheet*
- *Authorization for Release of Information* (pages 1-5)

- Copy of government issued photo ID (If individual is claiming U.S. citizenship, a U.S. Birth Certificate, Certificate of Naturalization or Certificate of Citizenship, or U.S. Passport is preferable)

NOTE: All of the documents listed above as attachments must be submitted to PSC/DCS together. The documents must be merged into one PDF.

Case managers must password protect any Personally Identifiable Information (PII) that is sent to PSC/DCS. The *Sponsor Check Cover Sheet, ARI*, and photo ID must be password protected. The body of the email includes the message that the password for the attached documents will be sent separately. A second email should include the universal UAC Password which should be used by all care providers and ORR staff and contractors. Do not include PII in follow up emails.

8. The case manager determines if the UAC is eligible for release prior to receipt of background check results (see **Quick Glance: Release of UAC Prior to Receiving Fingerprint Check Results**).

   NOTE: The Case Manager should staff eligible cases with the FFS, or notify the FFS of an eligible case via email, as soon as possible. The Case Manager and FFS document in the *Release Request* that the case is being processed without waiting for fingerprint results because the case falls under the "December 2018 Operational Directive."

Quick Glance: Release of UAC Prior to Receiving Fingerprint Check Results

A UAC may be recommended and approved for release without obtaining the Fingerprint Check results if:

- The sponsor is 2B
- A public records check did not reveal possible disqualifying factors under Section 2.7.4;
- There is no documented risk to the safety of the unaccompanied alien child and the child is not considered especially vulnerable;
- The case is not being referred for a home study;
- All family reunification application, assessments, documentation, and other required background check results (with the exception of CA/N Check results – see **Quick Glance: Release of UAC Prior to Receiving CA/N Check Results**) needed to approve a safe release have been received and reviewed by the case manager;
- The Fingerprint Check was requested from PSC/DCS following ORR procedures, including submission of the *Sponsor Check Coversheet*, *Authorization for Release of Information*, photo ID, and fingerprints (digital or paper); and
- Receipt of the Fingerprint Check results is the only step preventing a release recommendation.

Derogatory Information Received After Release
In any instance where a UAC is released and possible derogatory information is later discovered after Fingerprint Check results are received, the FFS makes a case-by-case determination on what follow up is required, if any. State CPS or law enforcement may be notified if there is determined to be any immediate danger to a child's welfare. The FFS may also attempt to refer the case for post-release services.

Unclassifiable Fingerprints
In any case where a UAC is released and the fingerprints results are unclassifiable, the case manager must make every attempt to have the individual submit a new set of fingerprints, either at an ORR digital fingerprint site or via paper fingerprint cards. The case manager must inform PSC/DCS **within two weeks of receiving the fingerprint results** whether the individual will submit new fingerprints. If the case manager informs PSC/DCS that an individual refuses to submit new fingerprints or for any case in which PSC/DCS has not received new fingerprints **within 30 days of sending fingerprint results**, PSC/DCS will rerun the original set of fingerprints. If the original set of fingerprints remain unclassifiable (this is the most probable outcome), PSC/DCS will run an FBI/BSU Civil Name Check.

Incomplete Fingerprint Cards
In any case where a UAC is released and an incomplete set of paper fingerprint cards was sent to PSC/DCS, the case manager must provide the missing information **within one week of receiving the request** from PSC/DCS. Fingerprint Checks cannot be run using incomplete fingerprint cards. If PSC/DCS does not receive the missing information **within 30 days of their initial request**, PSC/DCS will cancel the entire Fingerprint Check request and inform the case manage and assigned FFS via email.

9. PSC/DCS reviews incoming Fingerprint Check requests for accuracy, completeness, and legibility. If any required documents are missing or the request does not comply with the requirements noted in **Appendix 2.9 Background Check Submission Requirements**, PSC/DCS rejects the submission and informs the case manager that the request must be resubmitted. PSC/DCS processes background checks in the order in which they are received and any requests that need to be resubmitted fall to the bottom of the queue.

10. PSC/DCS completes the Date Requested, Date Results Received, and Results fields in the Background Check table in the Sponsor Information section of the UAC Portal when the Fingerprint Check is complete and, if applicable, uploads criminal history reports to ORR Connect (SharePoint website).

11. PSC/DCS emails a spreadsheet containing Fingerprint Check results to the designated ORR staff once a day. The spreadsheet includes the following:

- FBI National Criminal Check result (i.e., whether the individual **appears clear,** the case was **referred to the assigned FFS**, or the individual had **unclassifiable fingerprints**)
- Confirmation results were entered into the UAC Portal
- Whether criminal history record was uploaded into ORR Connect

NOTE: For expedited cases, PSC/DCS emails results directly to the case manager and copies the FFS instead of including the results in the spreadsheet (See **Quick Glance: Expediting Fingerprint Check Results**). ✉

12. The designated ORR staff emails the Fingerprint Check results received from PSC/DCS individually to each care provider facility and copies the assigned FFS. ✉

13. The care provider distributes Fingerprint Check results received from the designed ORR staff to the assigned case managers. ✉

NOTES:

- If the prints are unclassifiable, the case manager assists the individual in scheduling a fingerprint appointment at an ORR digital fingerprint site so that a second set of prints may be obtained, even if the UAC has already been released. If the individual is unable to travel to an ORR digital fingerprint site, then paper fingerprint cards may be used (see **Appendix 2.14 Fingerprinting Requirements**).

- ORR federal staff and PSC/DCS do not release criminal history records produced by FBI National Criminal History Checks to ORR grantees, ORR contractors, third party reviewers, outside organizations, or individuals. ORR does not confirm or deny the existence of the records and does not share the content of a record verbally or in writing.

- Fingerprint Check results are valid for 270 days from the date results are received, which is documented in the Date Results Received column of the Background Check Table in the UAC Portal. If the UAC is not approved for release before fingerprint check results expire, the sponsor, adult household member, and/or adult caregiver must be re-fingerprinted and a new fingerprint check must be requested from PSC/DCS. Please see **Appendix 2.9 Background Check Submission Requirements** for additional information on requesting background checks for individuals who have previously completed a background check.

Quick Glance: Requesting Status Updates for Background Check Results

FINGERPRINT CHECKS

Case managers may email PSC/DCS at **SponsorCheck.os@hhs.gov** to request a status update on their Fingerprint Check request. However, unless the case has been expedited, the case manager must wait at least seven business days from the time they emailed a complete Fingerprint Check request to PSC/DCS (or from the time when PSC/DCS received paper fingerprint cards if digital fingerprints were not taken) before asking for a status update.

During periods of influx or other circumstances where there is a delay in processing Fingerprint Checks, PSC/DCS may direct case managers to wait for a longer period of time before requesting a status update. In order to avoid exacerbating situations in which there are processing delays, case managers must follow any such guidance provided by PSC/DCS.

To request a status update, case manager must enter "Status Update Request for [sponsor/household member's initials]" in the subject line of the email and include the following information in a separate password-protected document:

- For All Requests: sponsor/household member name and date of birth, UAC name and A#
- For Digital Fingerprints: ORR digital fingerprint site name, date fingerprinted
- For Paper Fingerprints: courier name and tracking number, shipping date

CA/N CHECKS
Lead case managers (or designated care provider staff member) may email PSC/DCS at **CANchecks.os@hhs.gov** to request a status update on CA/N Check results after they receive notification the CA/N check request was accepted by PSC/DCS. However, the lead case manager must wait until after the state's processing time before asking for a status update (e.g., if the state's processing time is 45 days, the lead case manager must wait 45 days before requesting a status update). State processing times are found in the *CA/N Check State Form Instructions*.

To request a status update, the lead case manager (or designated care provider staff member) must enter "Status Update Request for [sponsor/household member's initials]" in the subject line of the email and include the following information in a separate password-protected document:

- Sponsor/household member name and date of birth
- UAC name and A#
- State name(s) for which the update is being requested

FBI/BSU CIVIL NAME CHECK

PSC/DCS automatically runs an FBI/BSU Civil Name Check if fingerprints remain unclassifiable after a second attempt.

1. PSC/DCS completes the Date Requested, Date Results Received, and Results fields in the Background Check table in the Sponsor Information section of the UAC Portal when the

Fingerprint Check is complete and, if applicable, uploads criminal history reports to ORR Connect (SharePoint website).

2. PSC/DCS enters FBI/BSU Civil Name Check results in the Fingerprint Check results spreadsheet that is emailed to the designated ORR staff once a day. PSC/DCS indicates in the notes column of the spreadsheet that an FBI/BSU Civil Name Check was run because fingerprints were unclassifiable after a second attempt.

   NOTE: For expedited cases, PSC/DCS sends results directly to the case manager and copies the FFS instead of including the results in the spreadsheet (See **Quick Glance: Expediting Fingerprint Check Results**). PSC/DCS indicates in the body of the email that an FBI/BSU Civil Name Check was run because fingerprints were unclassifiable after a second attempt.

3. The designated ORR staff emails the FBI/BSU Civil Name Check results received from PSC/DCS individually to each care provider facility and copies the assigned FFS.

4. The care provider distributes FBI/BSU Civil Name Check results received from the designed ORR staff to the relevant case managers.

5. For cases in which the individual appears clear, the assigned FFS elevates the case to the FFS supervisor for approval to use FBI/BSU Civil Name Check results in lieu of fingerprint check results.

6. If criminal history records are uploaded to ORR Connect, the assigned FFS follows procedures in the section below **Case Referrals to FFS: Case Manager and FFS Roles and Responsibilities**.

   NOTE: FBI/BSU Civil Name Check results are valid for 270 days from the date results are received, which is documented in the Date Results Received column of the Background Check Table in the UAC Portal. If the UAC is not been approved for release before fingerprint check results expire, the sponsor, adult household member, and/or adult caregiver must be re-fingerprinted and a new fingerprint check must be requested from PSC/DCS. Please see **Appendix 2.9 Background Check Submission Requirements** for additional information on requesting background checks for individuals who have previously completed a background check.

CHILD ABUSE AND NEGLECT (CA/N) CHECK

PSC/DCS conducts CA/N checks in coordination with individual state and/or local child abuse and neglect central registries. The length of time it takes to receive results varies by state.

Whenever possible, the CA/N check request must be submitted to PSC/DCS concurrently with the request for the FBI National Criminal History Check.

1. Immediately upon knowing that a CA/N check is required, the case manager completes the Check Requested field in the Background Check table in the Sponsor Information section of the UAC Portal (see **Quick Glance: How to Document Background Checks in UAC Portal**).

2. The case manager completes the *CA/N Check Coversheet*. The following must be noted in the comments section:

   - If the case manager believes the individual previously completed a CA/N Check, that must be noted and the approximate date should be included.
   - If the individual is the sponsor or household member for more than one UAC, the name and A# of those UAC must be included.

   Appendix 2.8 is the *CA/N Check Coversheet*.

3. The case manager assists the sponsor, adult household members, and adult caregiver (if applicable) in completing the CA/N Check state form(s) for each state in which the individual has resided in the past five years (see **Quick Glance: CA/N Check State Forms**).

Quick Glance: CA/N Check State Forms

DO NOT SUBMIT ANY STATE FORMS DIRECTLY TO A STATE OR LOCAL ENTITY. All CA/N checks must be requested through PSC/DCS.

The case manager must ensure that they use the current version(s) of the relevant state form(s) and adhere to the instructions provided in the current version of the *CA/N Check State Instructions* document (found on the UAC Portal homepage). Note that some states:

- Only provide results directly to the subject of the check. In this case, the case manager, assists the potential sponsor, household member, and/or adult caregiver in requesting the CA/N check and obtains results directly from the subject of the request and emails them to PSC/DCS.
- Do not provide results at all. In these cases, the CA/N check must be requested from PSC/DCS.
- Require the state form to be completed online. When PSC/DCS observes these states listed in the five year address history section of the *ARI*, they will automatically start the process and contact the case manager with further instructions.

Do not change any fields in the form(s) that PSC has already completed.

Photographs of state forms are not acceptable. Any forms emailed to PSC must be scanned (mobile scanning apps that upload forms into pdf are acceptable). If the sponsor and/or household member does not have access to a scanner they may mail the form to their case manager.

4. The case manager reviews the *CA/N Check Coversheet*, *ARI*, government issued photo ID, and state form(s) for accuracy, completeness, and legibility (see **Appendix 2.9 Background Check Submission Requirements** and **Quick Glance: CA/N Check State Forms**).

5. The case manager submits the *CA/N Check Coversheet*, *ARI*, government issued photo ID, and state form(s) to the lead case manager (or designated care provider staff member) for a secondary quality control check.

6. The lead case manager (or designated care provider staff member) reviews each CA/N check request to ensure that the request:
   - Contains all of the following documents:
     - *CA/N Check Coversheet*
     - *Authorization for Release of Information*
     - Copy of government issued photo ID
     - State form(s) for each state in which the individual resided in the past five years
   - Complies with the requirements in **Appendix 2.9 Background Check Submission Requirements** and **Quick Glance: CA/N Check State Forms**.

7. No more than once a day, the lead case manager (or designated care provider staff member) formally requests CA/N checks for all cases they have reviewed using the email template below. ✉ 🗐

✉ Email Template: CA/N Check Requests

From: Lead Case Manager (or designated care provider staff member)
To: CANchecks.os@hhs.gov
Cc: Case Manager(s)
Subject: CA/N Check Requests for [date] from [care provider name]

Body:
- Additional information required by the state(s), if applicable
- If original document(s) were mailed to PSC, include:
  - Date mailed
  - Courier name (e.g., UPS, FedEx)

- Tracking number

Attachments: For each request:

- *CA/N Check Coversheet*
- *Authorization for Release of Information*
- Copy of government issued photo ID
- State form(s) for each state in which the individual resided in the past five years (includes copies any forms for which the original mailed to PSC)
- Additional documents required by the state(s), if applicable

NOTE: All of the documents listed as attachments above must be submitted to PSC/DCS together. The documents must be merged into a single PDF by individual subject. Documents may be further consolidated if desired (i.e., one PDF may contain documents for more than one individual).

Lead case managers (or designated care provider staff members) must password protect any Personally Identifiable Information (PII) that is sent to PSC/DCS. The *CA/N Check Cover Sheet, ARI*, photo ID, and CA/N check state form(s) must be password protected. The body of the email includes the message that the password for the attached documents will be sent separately. A second email should include the universal UAC Password which should be used by all care providers and ORR staff and contractors. Do not include PII in follow up emails.

8. Once the CA/N check request is submitted to PSC/DCS by the lead case manager (or designated care provider staff member), the CA/N check is considered initiated and the case manager may proceed with the release request process (see **Quick Glance: Release of UAC Prior to Receiving CA/N Check Results**).

9. PSC/DCS reviews incoming CA/N check requests for accuracy, completeness, and legibility and notifies the lead case manager (or designated care provider staff members) whether their request has been accepted or rejected. Rejected requests must be resubmitted following PSC/DCS instructions.

10. PSC/DCS submits the CA/N check requests to the applicable states.

    NOTE: If any required documents are missing or the request does not comply with the requirements noted in **Appendix 2.9 Background Check Submission Requirements** and **Quick Glance: CA/N Check State Forms**, PSC/DCS will reject the submission and inform the lead case manager that the request must be resubmitted. PSC/DCS processes background checks in the order in which they are received and any requests that need to be resubmitted will fall to the bottom of the queue.

11. PSC/DCS notifies the lead case manager (or designated care provider staff member) when the CA/N check is complete and enters the notification date and results in the Background Check table in the Sponsor Information section of the UAC Portal. The email notification to the lead case manager (or designated care provider staff member) includes one of the following statements:
    - No record — The individual does not have a history of child abuse and neglect
    - Unsubstantiated allegations — The individual has been involved with CPS, but the allegations were not necessarily confirmed (the investigation history is not always saved in States Central Registries)
    - Record/substantiated allegations — The sponsor has a history of child abuse or neglect (if a record is available to PSC/DCS, it will be provided)

12. The lead case manager (or designated care provider staff member) forwards the CA/N Check results to the case manager.

Quick Glance: Release of UAC Prior to Receiving CA/N Check Results

Release of a UAC may be recommended and approved without obtaining the CA/N Check results if:

- All family reunification application, assessments, documentation, other required background check results, and home study results (if applicable) needed to approve a safe release have been received and reviewed by the case manager;
- Receipt of the CA/N Check results is the only item delaying release; and
- The CA/N Check was NOT requested because a special concern was identified.

If the CA/N Check was requested due to a special concern, the UAC must not be released until the CA/N Check results are received.

Note that even if the case manager anticipates that CA/N check results will not be received until after the UAC is released, they must still request the CA/N check from PSC/DCS prior to submission of the *Release Request*. This includes submission of all required paperwork (*CA/N Check Coversheet, Authorization for Release of Information,* Photo ID, and state form(s). Sending an email without paperwork is not sufficient.

PROCESSING SUBSTANTIATED CA/N CHECK RESULTS AFTER A UAC HAS BEEN RELEASED

If a UAC is released prior to receipt of the CA/N check results and substantiated allegations are found, the case manager **immediately** emails the FFS who approved the *Release Request* based on the email template below. ✉

✉ Email Template: Substantiated CA/N Check Results After UAC Release

From: Case Manager
To: FFS who approved *Release Request* for UAC
Cc: PRS Provider, if applicable
Subject: Released UAC with CA/N Findings [last four digits of the A#]

Attachments: In a separate password protected document(s):

- UAC name and A#
- UAC discharge date
- City/state where UAC resides
- Care provider name UAC released from
- Sponsor category
- Word document of the original PSC/DCS CA/N check result email

The FFS who approved the *Release Request* for the UAC reviews the finding and consults with his/her FFS supervisor to determine next steps and notifications, including those to law enforcement or to CPS. 🕮☎

Cases that Appear Clear (Not Referred to the FFS)

1. If a subject of a background check by PSC/DCS has disclosed a criminal history that is a safety concern for the UAC, but PSC/DCS did not refer the case to the FFS, the case manager elevates the case to the FFS for further guidance and review.✉

2. The case manager uploads the email and/or Fingerprint Check results spreadsheet from PSC/DCS into the portal as documentation. ✉🖱

Case Referrals to FFS: Case Manager and FFS Roles and Responsibilities

1. If the FBI Check column of the Fingerprint Check results spreadsheet indicates that the case was referred to the assigned FFS, **within 72 hours**, the case manager emails the FFS and copies the case coordinator using the below template:

✉ Email Template: Case Referrals to FFS

From: Case Manager
To: FFS
Cc: Case Coordinator
Subject: Case Referred to FFS [sponsor's initials and last four digits of UAC A#]

Attachments: In a separate password protected document(s):

- Sponsor and UAC name
- Sponsor category and the relationship between the sponsor and the UAC
- Any criminal history self-disclosed by the sponsor and the supporting documents, if obtained
- Any criminal history found through the Internet Criminal Public Records Check or the Sex Offender Registry Check
- Word document of the original Fingerprint Check results email and/or the Fingerprint Check results Excel spreadsheet

NOTE: When emailing in situations where an FFS is providing temporary coverage, the case manager forwards the email to the covering FFS and copies the assigned FFS and case coordinator.

2. The FFS evaluates the Fingerprint Check results in conjunction with any other criminal history records, self-disclosed criminal history, and supporting documents provided by the case manager to determine how the sponsor's criminal history impacts the sponsor's ability to care for the UAC's mental and physical well-being, the overall potential risk to the UAC, and if any of the Criteria for Release Denial apply to the case (see **Section 2.7.4 UAC Policy Guide**).

3. Based on his/her evaluation, the FFS responds to the case manager's email as follows:

   - Instructs the case manager to proceed with the safe and timely release process with any clarifying conditions, such as additional information from the sponsor.
   - If the case meets requirements for a TVPRA mandatory home study category (See **Section 2.4.2 UAC Policy Guide**), the FFS instructs the case manager to submit the *Release Request* with a recommendation to perform a home study. **NOTE:** The FFS must not provide any information about the existence or contents of any FBI background check result to the case manager.
   - If any of the "will deny" criteria match the Criteria for Release Denial (see **Section 2.7.4 UAC Policy Guide**) or the FFS determines that a release must be denied based on the "may deny" criteria, the FFS instructs the case manager to submit the *Release Request* with a recommendation to deny release, citing the specific criteria, and to cancel any other ongoing background checks.
   - If there is insufficient information to make a recommendation to deny or to move forward with the release process, the FFS requests additional information and advises the case manager to conduct concurrent planning.
     - The FFS may not contact the potential sponsor directly for additional information.

  - The FFS may not state that the request is based on an FBI background check or mention specific charges/convictions or type of charge/conviction.
  - The FFS may cite a specific location (city, state) and date (e.g., ask the sponsor if he/she failed to mention something that happened in Houston, Texas in June 2014.)
- If the FFS, after consultation with the FFS supervisor, decides to postpone a decision as to whether to continue the process with a particular sponsor when the sponsor or adult household member has been charged with, but not convicted, of a crime until disposition has been reached on the criminal charges, then the FFS instructs the case manager to conduct concurrent planning. 🕮🖂

4. If the case involved an FBI/BSU Civil Name Check, the FFS determines if:
   - The sponsor has submitted their fingerprints;
   - The sponsor assessment process is complete;
   - There are no concerns about the sponsor and the potential sponsor does not require a home study; and
   - Results remain unclassifiable after a second submission/attempt.

   The FFS then informs the case manager whether they have FFS approval to use the results of the FBI/BSU Civil Name Check in lieu of the FBI National Criminal History Check results. 🖂

2.5.2 Results of Background Checks on Release Decisions

🕮 See Section 2.5.2 of the UAC Policy Guide

2.5.3 Commonly Asked Questions on the ORR Background Check Process

🕮 See Section 2.5.3 of the UAC Policy Guide

2.6 Sponsor Immigration Status and Release of UAC

🕮 See Section 2.6 of the UAC Policy Guide

2.7 Recommendations and Decisions on Release

See Section 2.7 of the UAC Policy Guide

OVERVIEW

This section covers procedures for all release options for a UAC. These include 1) approve release to a sponsor 2) approve release with post-release services 3) conduct a home study before a final decision can be made 4) deny release request or 5) remand release request (decision pending).

This section also includes procedures for notifying a potential sponsor of a denial and procedures for a Category 1 sponsor to appeal the denial of release.

NOTE: A UAC who prevails in a *Flores* bond hearing cannot be denied release based upon the basis that the UAC is danger to the self or others. The fact that the UAC prevailed in the hearing must be included in the *Release Request*.

Key Players	Responsibilities
Case Manager	Works with the Case Coordinator to make release recommendations, including recommendations for home study/post release services, as applicable.
Case Coordinator	Works with Case Manager to make release recommendations, including recommendations for home study/post release services as applicable.
FFS	Provides guidance on release recommendations for complex cases and reviews Case Manager and Case Coordinator recommendations and makes a final release decision.

Related Forms/Instruments	Used By
Release Request	Case Manager, Case Coordinator, FFS
Release Review Completion Guidance	Case Manager, Case Coordinator, FFS
Discharge Notification Form	Case Manager, FFS, DHS

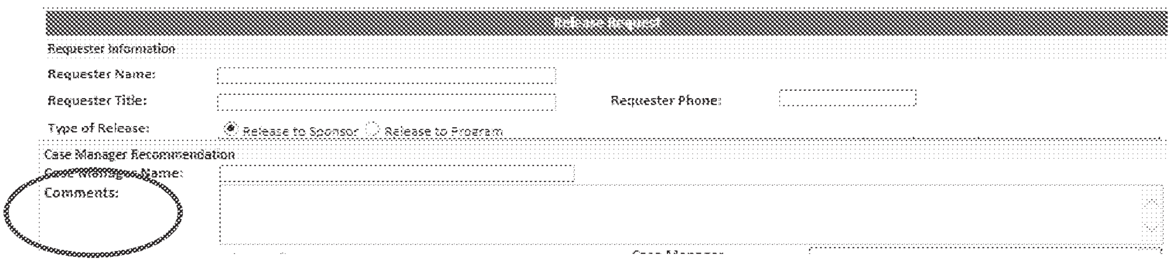
PROCEDURES

1. **Within 1 calendar day** of the completion of the FRP documentation, the Case Manager uses the *Release Request Completion Guidance* to complete the requester information, sponsor information, and Case Manager recommendation in the *Release Request*. The Case Manager creates a Word version of the *Release Review Completion Guidance* and copies and pastes it into a *Release Request*. The *Release*

Request is generated in the Discharge tab of the UAC Portal. See **Fig. 2.10 Partial Snapshot of *Release Request***. The Case Manager emails the Case Coordinator that the *Release Request* is ready for review.

NOTE: Case Coordinators do not complete the *Release Request* for cases in which the Case Manager is recommending release to the Unaccompanied Refugee Minor (URM) Program. If the Case Manager is recommending release to the URM Program, the Case Manager bypasses the Case Coordinator and emails the FFS directly.

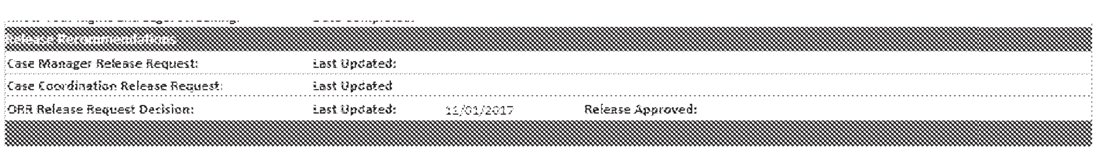
Fig. 2.10 Partial Snapshot of *Release Request*


Release Request
Requester Information
Requester Name:
Requester Title:
Requester Phone:
Type of Release: Release to Sponsor Release to Program
Case Manager Recommendation
Case Manager Name:
Comments:

Appendix 2.10 is the Release Request Completion Guidance.

The UAC Case Status page includes a section on the "Release Request" which automatically posts a date when the *Release Request* is updated. See **Fig. 2.11**.

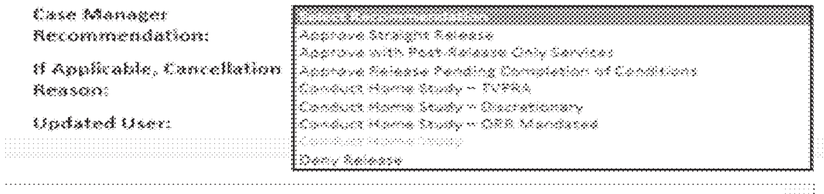
Fig. 2.11 UAC Case Status Page: Release Recommendation


Release Recommendations

Case Manager Release Request:	Last Updated:			
Case Coordination Release Request:	Last Updated			
ORR Release Request Decision:	Last Updated:	11/01/2017	Release Approved:	

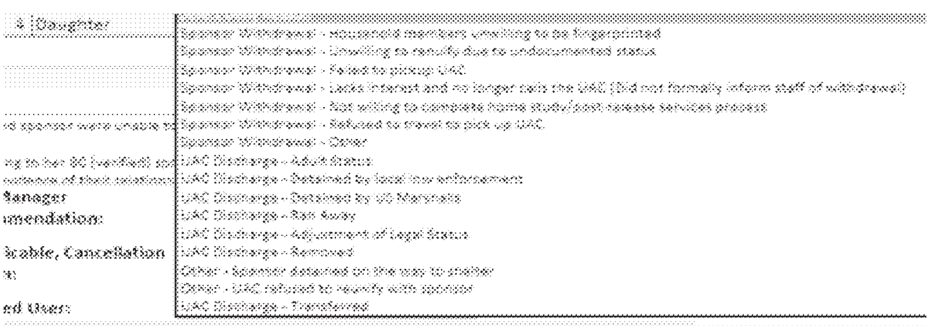
If applicable, the Case Manager updates the *UAC Case* Review with any safety planning recommendations and any additional information obtained from a home study. **Fig. 2.12** shows the Case Manager options for release recommendations.

Fig. 2.12 Case Manager Release Recommendations Options in the *Release Request*



NOTE: If the Case Manager needs to cancel a *Release Request* because an individual wants to withdraw his/her application or under other circumstances that occurred after the *Release Request* has been submitted, the Case Manager should click on the cancellation button on the *Release Request*. **Fig. 2.13** indicates the options for the Case Manager under the cancellation reason button. (In order for a case to move to another sponsor once the *Release Request* is withdrawn, the FFS must select the "denial" option and enter 'sponsor withdrawal' in the comments section. FFS should **NOT** "dis-assign" a sponsor because ORR wants to keep a historical record of individuals who have attempted to sponsor UAC. The "dis-assign" option (located on the Sponsor Information tab) is only for instances when an error occurred -- a sponsor was incorrectly assigned to a UAC—and is **only** used by ORR headquarters staff.)

Fig. 2.13 Case Manager Options for Cancelling a Release Request

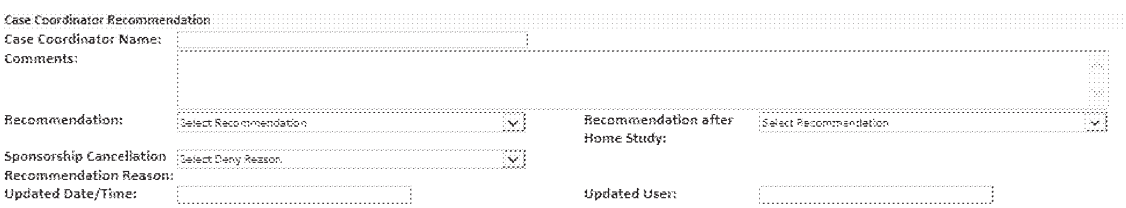


The Case Manager may only move forward with the *Release Request* without obtaining the CA/N check results if:

- The *Family Reunification Application*, assessments, documentation, other background checks and home study results have been received and the Case Manager has reviewed them.
- The CA/N check result is the only outstanding item.
- The case did not involve a CA/N check as a result of a special concern.

2. The Case Coordinator reviews the recommendation **within 1 business day** and updates the *Release Request* with his/her recommendation. The Case Coordinator emails the Case Manager and the FFS that the *Release Request* has been completed and uploads it into the UAC Portal. **Fig. 2.14** shows the Case Coordinator section of the *Release Request* which contains the same options as the Case Manager (including the option to cancel the *Release Request*).

Fig. 2.14 Case Coordinator Release Recommendations in the Release Request


Case Coordinator Recommendation
Case Coordinator Name:
Comments:
Recommendation: Select Recommendation
Recommendation after Home Study: Select Recommendation
Sponsorship Cancellation Recommendation Reason: Select Deny Reason
Updated Date/Time:
Updated User:

3. **Within 1 business day** of receipt of the Case Coordinator's release recommendation (**2 business days for home study cases**), the FFS reviews and makes a final release decision in the UAC Portal. **Fig. 2.15** is the Release Options for the FFS in the *Release Request*.

   NOTE: The ORR Director must review any release decision denying sponsorship to a Category 1 sponsor. The FFS must first submit a recommendation through the Case Consultation process before completing the *Release Request*. **The process is contained in the ORR internal SharePoint page (ORR Connect). Care provider staff and Case Coordinators do not have access to ORR Connect and are not directly involved in the Case Consultation process. See 2.7.4 Deny Release Request.**

   For all other cases, the FFS emails notification of the final release decision based on the template email below. **NOTE:** When the FFS approves the release decision, the UAC Portal generates a "trigger report," *ORR Notification to ICE Chief Counsel Release of Unaccompanied Alien Child to Sponsor and Request to Change Address.* See **2.8 Release from ORR Custody** for procedures on this form.

✉ Email Template: FFS Notification of Final Release Decision

From: FFS
To: CFS, Case Manager
Cc: Case Coordinator
Subject: ORR Release Decision [include last four digits of UAC A#]

Body: Password will be sent shortly.

Attachments: Clearly written release decision

NOTE: Case managers must password protect Personally Identifiable Information (PII). Attached documents must be password protected. The body of the email includes the message that the password for the attached documents will be sent separately. A second email should include the universal UAC Password which should be used by all care providers and ORR staff and contractors. Do not include PII in follow up emails.

4. For cases involving review by the ORR Director, the FFS completes the FFS section of the *Release Request* **after ORR Headquarters notifies the FFS of the final decision.** The FFS then completes the email template above: FFS Notification of Final Release Decision.

Fig. 2.15 FFS Options for Release in the Release Request

<u>Release of UAC Who Age Out</u>

Some UAC in ORR reach the age of 18 before release. ORR does not release UAC from its care on their own recognizance (ROR). Case Managers send a memo to DHS **24 hours before the**

youth turns 18. The Case Manager should include a copy of the UAC's birth certificate, if available, and copy the FFS on the email.

The Case Manager should follow the process for cancelling a *Release Request* and choose the "UAC Discharge—Adult Status" option.

Release to URM Program

The release request process for UAC recommended for release to the URM Program may not begin until ORR issues a URM Approval Letter. The case manager must ensure that the URM program receives any significant updates regarding the UAC, including *SIR*s, following receipt of the URM Approval Letter and prior to release.

The case manager must provide the URM program with a comprehensive copy of the UAC's case file before or at the time of the UAC's release. The following documents, which are critical to the UAC's continuity of care, must be provided to the URM program as soon as possible:

- UAC birth certificate
- Medical and immunization records
- Immigration documents
- Psychological assessments
- Education records
- Family member contact information
- Original trafficking eligibility letter, if applicable

All parties must follow the procedures for a "straight release," with the exception that the Case Coordinator does not complete the *Release Request* for cases referred to the URM Program.

The Case Manager selects "Reunified (Program/Facility)" in the Type of Discharge field of the *Discharge Notification* in the UAC Portal. The care provider is responsible for escorting the UAC to the URM program.

If gaps in the minor's case file are discovered after the UAC is released to the URM program, the URM program works with the sending care provider records liaison to obtain the missing information (see **Quick Glance: Requesting Records from Other Care Provider Programs** in Section 2.2.2).

2.7.1 Approve Release Decisions

See Section 2.7.1 of the UAC Policy Guide

PROCEDURES

All parties follow the procedures described in **2.7 Recommendations and Decisions on Release** on the Release Recommendation process and the procedures described below.

1. **At the same time that the Case Manager submits the *Release Request*** to the Case Coordinator for review, the Case Manager:
   - Emails separate notices of pending release to 1) ICE Field Office Juvenile Coordinator (FOJC) and 2) the legal services provider or attorney of record based on the email template below.

   - Generates the *Discharge Notification Form* in the UAC Portal by clicking on “add new” on the Discharge Notification section which is located under the “Discharge Tab.” (**Fig. 2.17** shows the discharge section under the Discharge Tab and the *Discharge Notification Form*). The *Discharge Notification Form* is continually updated throughout the release process.

Email Template: Notice of Pending Release

ICE FOJC Email

From: Case Manager
To: DHS/FOJC
Cc: Case Coordinator, PRS Provider, if applicable
Subject: [WARNING: MESSAGE ENCRYPTED] Pending Release Decision [include last four digits of UAC A#]

Body: [Name of facility] is pending release decision for the minor mentioned above. See encrypted attachment with minor’s information.

Password will be sent shortly.

Attachments: Word document that includes:
- UAC Full Name
- A#
- DOB
- COO
- Facility
- Release Request submitted date

Legal Service Provider or Attorney of Record Email

From: Case Manager
To: Legal Service Provider or Attorney of Record, Child Advocate, if applicable
Subject: [WARNING: MESSAGE ENCRYPTED] Pending Release Decision [include last four digits of UAC A#]

Body:

[Name of facility] is pending release decision for the minor mentioned above. See encrypted attachment with minor's information.

Password will be sent shortly.

Attachments: Word document that includes:

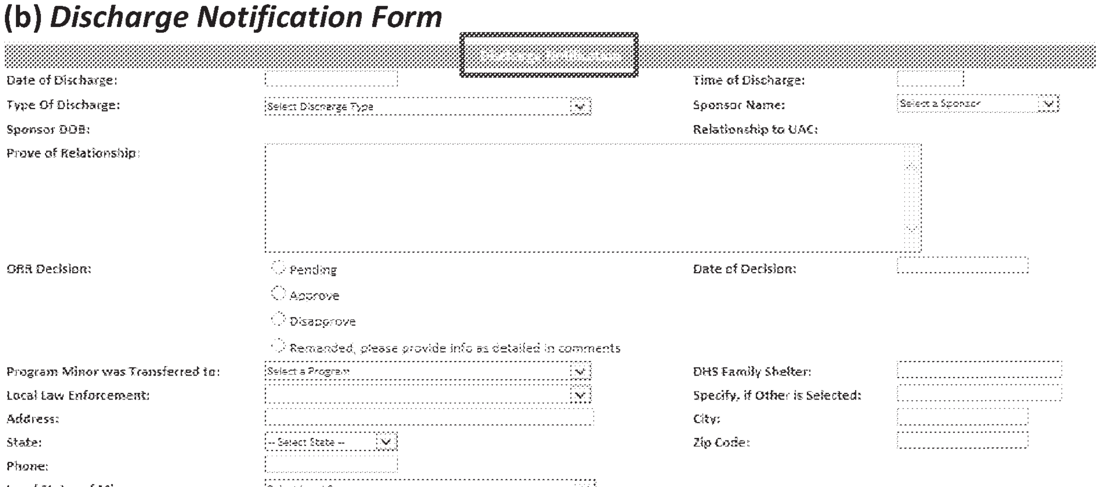
- UAC Full Name
- A#
- DOB
- COO
- Facility
- Release Request submitted date

NOTE: Case managers must password protect Personally Identifiable Information (PII). Attached documents must be password protected. The body of the email includes the message that the password for the attached documents will be sent separately. A second email should include the universal UAC Password which should be used by all care providers and ORR staff and contractors. Do not include PII in follow up emails.

Fig. 2.17 Discharge Section and Form

(a) Discharge Notification Section

(b) *Discharge Notification Form*



2. The care provider collaborates with the sponsor to ensure the UAC is released as quickly as possible (preferably **within 3 calendar days** after ORR approves the release).

3. The Case Manager ensures that documents and items that will accompany the UAC at time of release are secure. (See **2.8 Release from ORR Custody** for how the Case Manager "exits" the UAC from the program.)

2.7.2 Approve Release with Post-Release Services

See Section 2.7.2 of the UAC Policy Guide

PROCEDURES

1. **Within 1 business day** of the FFS approval of the *Release Request* in the UAC Portal, the Case Manager makes a referral for PRS using the same referral process as described under home studies and ensures that all documents in the UAC Portal are updated.
   NOTE: The UAC may be released from ORR custody before the PRS referral is accepted by a PRS Provider.

2. Once a PRS Provider accepts a referral in the UAC Portal and reviews the case information, the provider makes contact with the sponsor/UAC within **2 business days**.

3. The Case Manager ensures that documents and items that will accompany the UAC at time of release are secure.

2.7.3 Conduct a Home Study before a Final Decision Can be Made

See Section 2.7.3 of the UAC Policy Guide

PROCEDURES

All parties follow procedures for requesting a home study that are described **2.4.2 Home Study Requirement**. If the FFS approves the release following the home study report, all parties complete the release process described above for a Release with Post Release Services (see **2.7.2 Approve Release with Post-Release Services**).

2.7.4 Deny Release Request

See Section 2.7.4 of the UAC Policy Guide

PROCEDURES

The process for denying release to a sponsor varies on the sponsor category.

See **2.7.7 Notification of Denial** for additional procedures.

Denial to Category 1 Sponsors

1. The FFS follows the procedures outlined in the "Case Consultation" tab in ORR Connect and completes the form *Recommendation to Deny Release* which includes a section summarizing the findings, such as home study results, police report results, if applicable, and other information. The FFS includes supporting documentation, such as the home study summary, police reports, court orders, if applicable, and other information. The FFS also drafts a denial letter from the ORR Director to the Category 1 sponsor outlining the reason for the denial based on the template in ORR Connect Case Consultation tab.

2. Once the FFS enters *the Recommendation to Deny Release* form into the ORR Connect, the request is reviewed in sequence by the FFS supervisor, the Senior Advisor for Child Well-being and Safety, the DUCO Division Director, the Deputy Director for Children's Programs, and the ORR Director. During the review step by the Senior Advisor for Child Well-being and Safety, the Senior Advisor staffs a Case Review Committee, comprised of ORR staff in headquarters, to provide additional input to the decision

3. Upon notification by ORR Headquarters that the review was complete, the FFS completes the *Release Request* and sends the email based on the Email Template: Notification of Final Release Decision.

4. Assigned ORR headquarters staff complete the procedures in **2.7.7 Notification of Denial** to notify the Category 1 sponsor.

Denial for Category 2A/B or 3 Sponsors

1. The FFS determines that the case should be denied and updates the *Release Request* (documenting the justification for the denial) and notifies the Case Manager and the Case Coordinator based on the email template: Notification of Final Release Decision.

2. The Case Manager then notifies via email the other parties, including the legal service provider or attorney of record, and if applicable, the child advocate and home study provider.

2.7.5 Remand Release Request—Decision Pending

See Section 2.7.5 of the UAC Policy Guide

PROCEDURES

If the FFS determines that outstanding issues require a remand release decision, the FFS documents the date of the remand in the *Release Request* with an explanation and which party is responsible for addressing the outstanding issue.

2.7.6 Issues Related to Recommendations and Decisions

See Section 2.7.6 of the UAC Policy Guide

2.7.7 Notification of Denial

See Section 2.7.7 of the UAC Policy Guide

PROCEDURES

When ORR denies release to a potential sponsor, the procedures for notification vary depending on the sponsor category.

Notification of Denial to a Potential Category 1 Sponsor

1. **Within 30 business days** of the potential sponsor's submission of a completed application and supporting documents, the sponsor receives a formal denial decision letter from the ORR Director. The denial letter includes the following:
    - Reason for the denial
    - Instructions on how to obtain the UAC's case file
    - Supporting materials/information that formed the basis for the decision
    - Explanation of how to appeal the decision.

    The process for notifying the sponsor is described in the steps below.

2. **As soon as the ORR Director signs the formal denial decision letter**, the designated staff in the ORR Director's office sends the formal letter with any supporting materials to the sponsor (either through an email or through expedited mail). The designated staff also notifies the FFS who submitted the case for review through the Case Consultation process based on the email template below. /

Email Template: ORR Headquarters Category 1 Denial Notification to FFS

From: Designated staff in the ORR Director's Office
To: FFS
Subject: Category 1 Denial [include sponsor's initials]

Body: The ORR Director has denied sponsorship for the category 1 sponsor applicant identified in the attached password protected file. The sponsor applicant will receive the formal decision letter, any supporting documentation and an explanation of how to appeal the decision from the ORR Director.

Please notify the care provider of this decision.
Password will be sent shortly.

Attachments: Word document that includes:
- Sponsor Full Name
- UAC Full Name
- A#

NOTE: Case managers must password protect Personally Identifiable Information (PII). Attached documents must be password protected. The body of the email includes the message that the password for the attached documents will be sent separately. A second email should include the universal UAC Password which should be used by all care providers and ORR staff and contractors. Do not include PII in follow up emails.

3. **Within 5 days of receiving notification of the formal denial decision,** the Case Manager notifies the UAC of a denial decision and schedules additional counseling sessions as necessary.

4. If the reason for denial is based on concerns related to the UAC (i.e., the UAC was determined to be a danger to self or others), the Case Manager provides the UAC with a copy of the ORR Director's denial letter. The Case Manager schedules an appointment with the Clinician to discuss the letter with the UAC.

Notification of Denial to a Potential Category 2A/B or 3 Sponsor

1. **Within two business days of the FFS denial decision**, the Case Manager notifies the potential Category 2A/B or 3 sponsor verbally that they have been denied sponsorship.

2. The Case Manager notifies the UAC of the denial after notifying the potential sponsor by phone (documenting the conversations in case management notes in the UAC case file). The Case Manager may also notify the UAC's parents.

3. If the reason for denial is because the UAC was determined to be a danger to self or others), the Case Manager provides the UAC with a letter from the ORR Director. See **2.7.4 Deny Release Request**, which includes information about the UAC's ability to appeal and access to a *Flores* bond hearing. The Case Manager schedules an appointment for the clinician to discuss the letter with the UAC.

Additional Q&As on Denial Notification

Q1: UAC Policy Guide Section 2.4.2 requires the potential sponsor to receive a copy of the home study report if the release request is denied. Does the care provider or ORR send the home study report?
A1: ORR will send the home study report.

Q2: Is the home study report sent to all denied sponsors, or only Category 1 denied sponsors?
A2: ORR sends the report only to potential Category 1 sponsors.

Q3: The home study report may include third party information and assessments not generated by ORR. Will this information be included when sending the home study report to the denied sponsor?
A3: The home study report is ORR property. ORR will redact PII and other private information, as applicable. ORR may include third party information or assessments in the home study report.

Q4: Is ORR required to secure Authorizations of Release of Information *or consent from the UAC if the home study report contains information concerning adult household members or UAC 14 years old or older?*

A4: Adult household members will have already signed an *Authorization for Release of Information* as part of the background check process. ORR may release information related to their case as necessary, in accordance with applicable law. ORR will protect PII and other private information, as applicable.

2.7.8 Appeal of Release Denial

See Section 2.7.8 of the UAC Policy Guide

PROCEDURES

1. A parent, attorney, or child who wants to file an appeal of a release denial must request an appeal **within 30 business days of receipt of the ORR Director's denial letter** using the Appeals Request Form that is included in the Director's letter or by writing their own appeal, which must include the information requested on the form. The Appeals Request includes: the basis for the request; additional evidence, if any; and the choice of a hearing by phone, videoconferencing, or no hearing.

2. The Assistant Secretary sends an acknowledgement letter to the requester **within 5 business days of receipt of the appeal request**. The letter includes: date stamped appeal request, confirmation of a hearing or no hearing, an explanation of the appeals process, and a notice that the requester will be contacted by the Assistant Secretary's office to schedule and arrange a hearing (if requested). Whenever possible, the Assistant Secretary completes the appeals process **within 30 days**.

3. The Assistant Secretary requests information from ORR, which it must provide **in 5 business days**, determines if ORR submitted new information that the requester doesn't have and shares that with the requester to allow for a response. The Assistant Secretary then shares the file which includes what information will be considered and protocol for presentation of arguments, testimony and evidence with all parties concerned, and sets a hearing date, if requested.

4. If no hearing is requested, the Assistant Secretary reviews the case (using *de novo* review standard) and provides a final decision to either uphold or reverse the Director's decision. The Assistant Secretary sends the written decision to the requester and to ORR **within 30 business days of the appeal request whenever possible**.

5. If a hearing is requested, the Assistant Secretary reviews the case (using a *de novo* review standard) as well as the arguments, testimony, and evidence presented at the hearing and any follow up questions asked by the Assistant Secretary after the hearing and provides a final decision to either uphold or reverse the Director's decision. The Assistant Secretary sends the decision to the requester and to **ORR within 30 business days of the appeal request whenever possible**.

   NOTE: The Assistant Secretary's decision is the final administrative decision of the agency.

Additional Q&A on Appeal of Release Denial

Q1: According to UAC Policy Guide section 2.7.7, UACs who have been denied release solely because they are determined to be a danger to themselves or the community may appeal their release denial. Does this apply to all UAC release denials, or only to Category 1 denials?

A1: This policy applies to all UAC regardless of category.

2.8 Release from ORR Custody

See Section 2.8 of the UAC Policy Guide

OVERVIEW

Prior to physical release, the care provider explains to the UAC and the sponsor the responsibilities, rights, and resources associated with release from care. The care provider prepares for the physical release and for exiting the UAC from the program.

Key Players	Responsibilities
Case manager	Explains to the UAC and the sponsor their rights and responsibilities. Ensures that UAC's belongings are given to the UAC and sponsor at time of release along with documents, and informs stakeholders of the discharge date.
Sponsor	Agrees to provisions outlined in the Sponsor Care Agreement

Related Forms/Instruments	Used By
Discharge Notification Form	Case manager
ORR Notification to ICE Chief Counsel Release of Unaccompanied Alien Child to Sponsor and Request to Change Address	Case manager
Verification of Release	Case manager, UAC and sponsor

Sponsor Care Agreement	Sponsor
EOIR Change of Venue Motion and *EOIR Alien's Change of Address Form/Immigration Court (EOIR - 33/IC)*	Case manager, attorney of record, and sponsor
SWB Call Follow Up Report	Care provider, CFS

PROCEDURES

1. The case manager ensures that all the UAC's belongings and documents are collected and ready to provide to the UAC and sponsor at time of release (see **Quick Glance: Items That Accompany UAC at Release**).

Quick Glance: Items That Accompany UAC at Release

- UAC personal belongings, including clothing, money, valuables, and items obtained during the UAC's stay at the referring care provider
- Immigration case related documents: Form I-862 Notice to Appear, other notifications, and, if applicable, original trafficking eligibility letter, I-360 approval notice, asylum letter
- Verification of Release (original copy is given to the UAC and sponsor)
- 30-day medication supply
- All health (medical, mental, and dental) records, including lab test results. immunization records, medication lists, office/ER visit notes, and Sponsor Letters (if applicable)
- Name and contact information of medical, mental health, and dental care providers so sponsor and UAC may request additional records, if needed
- Notice of any follow up medical appointments, as needed
- Original documents (birth certificates)
- Original notarized Letter of Designation for Care of a Minor, if applicable
- Educational assessments and records
- Post release safety plan as needed
- Any change of venue and change of address documents

2. **Immediately before the UAC physically leaves the program,** the case manager:
   - "Exits" the UAC from the program in the UAC Portal which generates a "trigger report," the *Verification of Release*. The case manager prints out a copy for the UAC and sponsor upon release.

- The care provider updates the discharge date and time on the *Discharge Notification Form*.

NOTE: To exit the program, the case manager goes to the Discharge section of the UAC Portal and clicks on "add new" to the Program Exit form. The date of discharge will be auto-populated on the current date and the type of discharge will be populated based on the selections made in the *Discharge Notification* Form. Click "save" to discharge the UAC from the program.

3. The Case Manager coordinates with the legal service provider or attorney of record to ensure completion of the *EOIR Change of Venue Motion* and *EOIR Alien's Change of Address Form/Immigration Court (EOIR - 33/IC)*, and to provide the sponsor and UAC with instructions for filing Change of Venue Motions and Change of Address forms if the sponsor subsequently moves.

   Blank copies of each immigration court's Change of Address Form may be accessed here:

   https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing

4. **Within 24 hours after the UAC's physical release from the care provider**, the case manager sends the *Discharge Notification Form* to DHS and other stakeholders based on the template below.

5. The case manager notifies the ICE Office of Chief Counsel and EOIR Immigration Court Administrator using the trigger report, *ORR Notification to ICE Chief Counsel Release of Unaccompanied Alien Child to Sponsor and Request to Change Address*, which is stored in the UAC's file in the Portal. **Fig. 2.18** is a partial snapshot of the form. There are regional variations regarding how this notice is sent, some programs send via email and mail. Other programs mail the notice. Case manager should work with their FFS if there are any questions regarding this procedure. **/**

✉ Email Template: To Stakeholders Following Release

From:	Case Manager
To:	ICE/FOJC ICE Office of Chief Counsel (OCC) EOIR Immigration Court Administrator UAC's Legal Service Provider or Attorney of Record VOLAG, if applicable Child Advocate, if applicable
Subject:	[WARNING: MESSAGE ENCRYPTED] Discharge Notification for [include last four digits of UAC A#]

Body: Password will be sent shortly.

Attachments: *Discharge Notification Form*

NOTE: Case managers must password protect Personally Identifiable Information (PII). Attached documents must be password protected. The body of the email includes the message that the password for the attached documents will be sent separately. A second email should include the universal UAC Password which should be used by all care providers and ORR staff and contractors. Do not include PII in follow up emails.

Fig. 2.18 Partial Snapshot of the *ORR Notification to ICE Chief Counsel Release of Unaccompanied Alien Child to Sponsor and Request to Change Address*

ORR Release Notification

ORR NOTIFICATION TO ICE CHIEF COUNSEL RELEASE OF UNACCOMPANIED ALIEN CHILD TO SPONSOR AND REQUEST TO CHANGE ADDRESS

ORR has determined that the below Juvenile Respondent should be released to a sponsor. The Director of the Office of Refugee Resetlement, Department of Health and Human Services requests that the Chief Counsel, Immigration and Customs Enforcement, Department of Homeland Security notify the Executive Office of Immigration Review of the change of address.

Date of Request:	Name of Requestor	Title	Telephone Number
08/03/2017			

Juvenile Respondent's Alien Number, complete name and aliases, date of birth and claimed country of origin:

2.8.1 After Care Planning

See Section 2.8.1 of the UAC Policy Guide

2.8.2 Transfer of Physical Custody

See Section 2.8.2 of the UAC Policy Guide

PROCEDURES

In the event that a sponsor is not able to pay fees associated with commercial airfare, and a child's physical release would be otherwise delayed by 72 hours or more, care providers are authorized to use program funds to purchase airline tickets. This includes the cost of an escort when required by the airline or ORR policy.