

## **Supporting Statement for Paperwork Reduction Act Submission OMB Number-xxxx , DS-7656**

### **A. Justification**

1. The Department of State, Bureau of Population, Refugee and Migration (PRM) is responsible for coordinating and managing the U.S. Refugee Admissions Program (USRAP). PRM coordinates within the Department of State, as well as with the Department of Homeland Security's U.S. Citizenship and Immigration Services (DHS/USCIS), in carrying out this responsibility. A critical part of the State Department's responsibility is determining which individuals, from among millions of refugees worldwide, will have access to U.S. resettlement consideration. Section 207(a)(3) of the Immigration and Nationality Act states that admissions "shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation." Which individuals are "of special humanitarian concern" to the United States for the purpose of refugee resettlement consideration is determined through the USRAP priority system. As set forth in the annual **Proposed Refugee Admissions for Fiscal Year 2010: Report to the Congress**, submitted by the Secretary of State on behalf of the President, there are currently three priorities or categories of cases that have access to USRAP. Priority 3 (P-3) is for individual cases from designated nationalities granted access for purposes of reunification with anchor family members already in the United States. The Priority 3 category has, however, been suspended since 2008 while PRM and DHS/USCIS have examined how additional procedures may be incorporated into P-3 processing to address indications of a high incidence of fraud in the program.

PRM and DHS/USCIS are now preparing to resume the program. One of the criteria for access will be for an applicant to have an Affidavit of Relationship (AOR), DS-7656, filed on his or her behalf by an eligible "anchor" relative in the United States. Qualifying anchors are persons who were admitted to the United States as refugees or were granted asylum, including persons who are lawful permanent residents or U.S. citizens who initially were admitted to the United States as refugees or were granted asylum. Anchors must be at least 18 years of age and have been admitted to the United States as a refugee or granted asylum in the United States no more than five years prior to filing the AOR. Anchors may file an AOR on behalf of their spouse, unmarried children under 21, and/or parents. Information listed in the Affidavit of Relationship (AOR) is essential to determining qualification for access to the USRAP through Priority 3. The AOR also informs the anchor relative that DNA evidence of all claimed parent-child relationships between the anchor relative and parents and/or unmarried children under 21 will be required as a condition of access to P-3 processing and that the costs will be borne by the anchor relative or their family members who may apply for access to refugee processing, or their derivative beneficiaries, as the case may be. Successful applicants may be eligible for reimbursement of DNA test costs.

The Department of Homeland Security is responsible for determining who is eligible for admission to the United States as a refugee. Section 207(c)(1) of the INA authorizes the Secretary of the Department of Homeland Security to admit any refugee who is

determined to be of special humanitarian concern to the United States, meets the U.S. definition of refugee as outlined under INA Section 101(a)(42), is not firmly resettled in any foreign country, and is admissible as an immigrant. The Department of Homeland Security uses the information listed in the AOR to confirm and verify information related to the family members overseas seeking refugee resettlement as well as subsequent applications or petitions for other immigration benefits they may seek under U.S. law. Accordingly, the AOR serves as an important tool to combat fraud in such adjudications and programs.

2. Working with a resettlement agency that partners with the Department of State, anchor relatives in the United States complete the AOR to: a) establish that they meet the requirements for being an anchor relative by having been previously admitted to the United States as a refugee or having been granted asylum; b) provide a list of qualifying family members (spouse, unmarried children under 21, and parents) who may wish to apply for refugee resettlement to the United States; c) establish that the family members are nationals of qualifying countries under the P-3 program; and d) provide a comprehensive listing of all relatives to create a family tree that assists DHS/USCIS officers to make determinations of bona fide familial relationships during the refugee adjudication process. Once completed, the AOR is sent by the resettlement agency to the Refugee Processing Center (RPC) for case creation and processing. The information is used by the RPC for case management; by the Refugee Access Verification Unit (RAVU) of USCIS to determine that the refugee applicant overseas is eligible for continued processing; and by an Overseas Processing Entity (OPE), which is an organization working under a cooperative agreement with the Department of State to assist in the processing of refugee applicants and conduct case pre-screening.

Once the OPE has conducted initial prescreening of the overseas case, it will contact the anchor relative with instructions on arranging for DNA relationship testing to verify all claimed biological parent-child relationships between the anchor and his/her parents and/or his/her unmarried children under 21. The anchor will select a U.S. lab approved by the American Association of Blood Banks (AABB) to conduct DNA relationship testing. DNA collection kits will be sent to the U.S. Embassy in the country where the relevant OPE is located, and DNA samples will be collected through a buccal swab by a designated panel physician. The panel physician will return the samples to the U.S. lab for DNA relationship testing. Results will be forwarded to the RPC, which will record in its system whether each claimed biological relationship was confirmed or not confirmed. The RPC will then redact the lab report so as not to retain any specific information about the matching of alleles between the anchor relative and his/her parents and/or children overseas.

The U.S. lab that was selected to conduct the testing will retain the DNA sample according to its own policies (usually for six months) and will also retain a copy of the test result in the event that results are contested. The Department of State will not retain the DNA sample. If all claimed biological relationships are confirmed by DNA testing, PRM will present the case to DHS/USCIS for adjudication.

The Privacy Impact Assessment (PIA) for this collection will be posted on the Department of State website.

3. The collection of this information currently involves the limited use of, electronic techniques. Anchor relatives (respondents) in the United States will work closely with a resettlement agency during the completion of the AOR to ensure that the information is accurate. The resettlement agency is often the same organization that helped resettle the refugee (respondent) in the United States and is therefore personally familiar with the particulars of the case. Individuals who were granted asylum in the United States may visit any resettlement agency to complete an AOR. Sometimes anchors (respondents) do not have strong English-language skills and benefit from having a face-to-face meeting with resettlement agency staff. The collection instrument (DS-7656) will be available electronically and responses will be completed electronically. Completed AORs will be printed out for ink signature by the respondents as well. The electronic copy will be submitted electronically to the RPC for downloading into the Worldwide Refugee Admission Processing System (WRAPS), with the signed paper copy following by mail. Within the next three years, however, it is anticipated that AORs will be submitted electronically only, with electronic signatures, by the resettlement agency to the RPC.
4. There is no duplication of information. The information necessary for the processing of family members under the P-3 program is not available elsewhere.
5. This information collection does not impact small businesses or other small entities.
6. Without this information collection, the United States would lack the necessary data to verify family relationships between the anchor relatives and refugee applicants overseas and accomplish its stated policy of permitting qualifying family members of refugees and asylees to resettle in the United States under the P-3 program. The information is collected on an as-needed basis; there is no standardized schedule of collection.
7. There are no special circumstances associated with this collection.
8. A *Federal Register* notice will be published to solicit public comment.
9. There are no payments or gifts to respondents.
10. Department records related to refugee processing are confidential per Section 222(f) of the Immigration and Nationality Act (8 U.S.C. §1202(f)). That section requires that such records “shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of immigration, nationality, and other laws of the United States.”

As some of the information collected might be subject to the Privacy Act, 5 U.S.C. § 552a, the AOR contains a Privacy Act Statement and explains to the respondent how the information may be used.

11. There are no questions of a sensitive nature on the AOR.
12. The estimated annual number of respondents is 3,500.  
. The annual hour burden is estimated to be 2,625 hours, based on 45 minutes per form x 3,500.  
The annual hour burden was determined after consultation with the resettlement agencies, which have years of experience collecting this information.
13. There are no costs to respondents associated with the collection of this information.
14. RPC staff estimates devoting 50 minutes each to processing information submitted by applicants. The total cost to the Federal Government of this processing at a \$44.00 hourly rate is \$128,333.
15. The program changes indicated are associated with this submission as a new collection.
16. The Department does not plan to publish the results of this collection.
17. The Department will display the expiration date for OMB approval of the information collection
18. There are no exceptions to the certification statement.

#### **B. Collections of Information Employing Statistical Methods**

This collection does not employ statistical methods.