Division of Policy and Procedures
FAQ: December 2018, Fingerprint Modifications Pursuant to ORR Operational Directive

Q: Do all sponsors require fingerprinting or only non-parents?

A: All sponsors, including parents, require fingerprint background checks. See ORR Policy Guide, Section 2.5.1.

Q: Do adult household members require fingerprinting?

A: Adult household members do not require fingerprinting, unless: (1) A public records check reveals possible disqualifying factors identified in Section 2.7.4 of the ORR Policy Guide; (2) There is a documented risk to the safety of the child; (3) The child is especially vulnerable; or (4) The case is being referred for a home study.

Q: Do adult care givers identified in a sponsor care plan (the "back up" sponsor) require fingerprinting?

A: Adult care givers only require fingerprinting in the same circumstances that an adult household member requires fingerprinting. Therefore, adult care givers do not require fingerprinting, unless: (1) A public records check reveals possible disqualifying factors under ORR Policy Guide, Section 2.7.4; (2) There is a documented risk to the safety of the child; (3) The child is especially vulnerable; or (4) The case is being referred for a home study.

Q: Do adult household members and adult care givers require any background checks at all?

A: Yes. In all cases where there are adult household members in the sponsor's home, or in cases where an adult care giver is required, those individuals must all submit to a public records check and sex offender registry check. See ORR Policy Guide, Section 2.5.1.

Q: Does a Case Manager have to wait for fingerprint results in order to process a case for release?

A: It depends. ORR has discretion to release a child to a Category 1 or Category 2 sponsor, provided the sponsor has submitted to a fingerprint check (as verified by the Case Manager), the application and sponsor assessment are complete; and there are no red flags associated with the case.

Red flags include: any potentially disqualifying "hits" found on a public records check; cases with a documented risk to the safety of the child; cases where the child is especially vulnerable; or home study cases. For this category of cases, fingerprint results must be obtained prior to releasing the child.

Q: How does a Case Manager determine whether a case may be processed for release without waiting for fingerprint results?

A: The Case Manager should staff eligible cases with their ORR/FFS, or notify the ORR/FFS via email, as soon as possible. The Case Manager and ORR/FFS documents in the *Release Request* on the UAC Portal that the case is being processed without waiting for fingerprint results because the case falls under the "December 2018 Operational Directive."

Q: What happens if fingerprint checks come back with "hits" but the child has already been released to a sponsor?

A: In any instance where a case is released and possible derogatory information is later discovered after fingerprint results are received, ORR will make a case by case determination on what follow up is required, if any. ORR may notify state CPS or law enforcement if there is any immediate danger to a child's welfare. ORR may attempt to refer the case for post-release services.

Q: What happens if an eligible case under the operational directive is released to a sponsor who submitted prints, but the submission of fingerprints is "unclassifiable"?

A: The Case Manager working with ORR will ask the sponsor to resubmit fingerprints.

Q: How do we document that we received the results if an eligible case has already been released?

A: HHS/PSC will continue to document the results of all fingerprint submissions in the relevant portion of the UAC Portal. The email notification sent to Case Managers from HHS/PSC is printed and entered into the UAC's case file maintained by the care provider.

Q: Do Category 3 sponsors require fingerprint results prior to release?

A: Yes. Category 3 sponsors are required to have fingerprint results completed and received by ORR prior to release. Category 3 cases must not be released until sponsor fingerprints are received.

Q: Are fingerprint submissions still going to the Department of Homeland Security?

A: Yes. The FBI and DHS process fingerprint submissions through their respective databases just as they have since June 2018. HHS/PSC receives the results of those fingerprint checks.

Fingerprint processing through DHS provides two unique features that are not available through FBI results. First, the vast majority of potential sponsors are immigrants (whether with status, without status, or out of status). They are much more likely to interact with DHS for immigration registration checks and submitted biometric information for this purpose and not fingerprinted as part of a criminal arrest. Such information is not available through an FBI check. Civil immigration checks are a useful way to confirm the identity of an individual. Confirming that a sponsor is who they say they are through biometrics therefore enhances ORR's child welfare mission. Secondly, immigration status confirmation is critical to determine whether a Sponsor Care Plan is required for the case. This allows the child to have a "back up plan" approved in advance of any concerns with the sponsor's ability to continue to care for the child in the event they leave the United States. See ORR Policy Guide, section 2.6. This latter reason also serves ORR's chief child welfare mission to enhance the safety of all releases.

Q: What about pending cases? How should I proceed with release?

A: ORR has notified HHS/PSC to cancel all adult household member fingerprint check requests that are pending submission to the FBI and DHS for processing.

If your case still requires adult household member fingerprint checks, you must fill out the spreadsheet sent to your program on Wednesday, December 19, 2018, with the proper fields completed and submit the adult household members' identity documents and completed *Authorization for Release of Information* (ORR – UAC/FRP-2 or 2s). Once submitted, HHS/PSC will begin re-processing these requests.

Q: Will HHS/PSC be prioritizing any cases?

A: Yes. HHS/PSC will prioritize processing fingerprint background checks for Category 1 cases that require fingerprint results prior to release. In other words, HHS/PSC will prioritize Category 1 cases in which the (1) A public records check reveals possible disqualifying factors under ORR Policy Guide, section 2.7.4; (2) The case has a documented risk to the safety of the child; (3) The child is especially vulnerable; or (4) The case is being referred for a home study.

Q: Do Category 3 adult household members require fingerprinting? Do they still require a Child Abuse and Neglect Check (CA/N check)?

A: Category 3 adult household members only require fingerprinting in the enumerated cases: where (1) A public records check reveals possible disqualifying factors under ORR Policy Guide, section 2.7.4; (2) The case has a documented risk to the safety of the child; (3) The child is especially vulnerable; or (4) The case is being referred for a home study.

Category 3 adult household members must still undergo a CA/N check until further notice.

Q: Should Case Managers work to cancel fingerprinting appointments for cases that fall under the operational directive?

A: Yes. However, we strongly advise Case Managers to prioritize their time to complete case recommendations for Category 1 and 2 cases in which a sponsor has submitted fingerprints but do not require results prior to release.

Q: Are adult household members and alternate care givers who do not need fingerprints still required to submit an Authorization for Release of Information (ORR UAC/FRP-2/2s)?

A: It depends. ORR does not require a signed *Authorization for Release of Information* from an individual unless they are submitting fingerprints. However, many care providers have terms of use agreements with vendors of public records sites that do require an authorization. In those instances, care providers would need a signed authorization from the household member or alternate care giver.