



Migration and Refugee Services  
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*Filed Electronically*

October 4, 2021

Ms. Cindy Huang  
Director  
Office of Refugee Resettlement

**Subject: Federal Licensing of Office of Refugee Resettlement Facilities Request for Information, ACF-2021-0001, 86 Fed. Reg. 49549 (Sept. 3, 2021)**

Dear Director Huang:

The following organizations submit their collective responses to the Federal Licensing of Office of Refugee Resettlement Facilities Request for Information Docket No. ACF-2021-0001:

- Catholic Charities – Dallas (St. Mary’s Center for Children, Fort Worth)
- Catholic Charities – San Antonio (St. PJ’s Children’s Home & Seton Home)
- Catholic Charities – Galveston/Houston (St. Michael’s Home for Children)
- Catholic Charities USA
- US Conference of Catholic Bishops

The listed organizations respectfully emphasize that State licensing is the preferred oversight structure for the programs serving Unaccompanied Children (“UC”). This is particularly true since many Catholic Charities are already subject to state licensing for other child welfare programs, and have held such licenses for many years, so a separate licensing scheme only for UC programs would be an anomaly and impose additional administrative burdens. If a State does not provide licensing to UC programs, then the preferred approach would be Federal recognition of an organization’s accreditation(s) by an independent accreditation body, such as the Council on Accreditation or Praesidium. Dual Federal and State licensure is not appropriate because such a structure would (1) create duplicative—or even conflicting—requirements that would unduly burden UC programs, (2) subject the programs to major policy changes between administrations and (3) pose a threat to our organizations’ religious mission and ministries that are focused on serving the best interest of each child.

Our organizations are driven by faith and called to serve vulnerable children with care and compassion. Our ability to serve depends on our freedom to operate in an environment that respects our religious liberty to provide services in accordance with our sincerely held religious beliefs and our status as ministries of the Catholic Church. This freedom is protected by Federal law; therefore, any Federal oversight must accommodate our organizations’ ministries to these youth.

In particular, in the past there have been conflicts, and major shifts in Federal policy, with regard to the provision of abortion and family planning services to those in our care. Federal licensing would have to take into account Constitutional provisions and Federal laws which protect our ministries in this regard. Policy changes in this area that jeopardize or undermine those protections create uncertainty and put our ministries at risk.

We offer below our responses to select questions from the Request for Information.

Thanks for your consideration,



Anthony R. Picarello, Jr.



Michael Moses  
Office of General Counsel  
USCCB



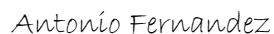
Brian R. Corbin  
Executive Vice President, Member Services  
CCUSA



David Woodyard  
CEO  
CC Dallas



Cynthia Colbert  
President/CEO  
CC Galveston Houston



Antonio Fernandez  
President/CEO  
CC San Antonio

## Responses to Select Questions from the Request for Information

2. Private accreditation entities can provide many of the services currently provided by State licensing entities. HHS/ORR could continue to provide operational guidance to UC programs. HHS would still need to develop an abuse/neglect investigation system for UC programs in States that do not provide State licensing.
3. A bifurcated structure would be unnecessarily complex and burdensome. HHS/ORR could simply require each organization to demonstrate that the organization has one or more of the Federally recognized accreditations. A separate HHS department (not ORR) should perform inspections and investigations to assure objectivity.
5. Dual Federal and State licensure would unduly burden the organizations and their programs. Many of our programs already have or had State licenses and are familiar with State requirements and practices through many years of licensure. Federal licensure would add additional requirements that would burden the organizations and might even conflict with State requirements. Many organizations already seek and obtain private accreditation to ensure the quality of their programs. Recognition of private accreditation would be less burdensome. A Federally recognized private accreditation should be acceptable in lieu of a State license.
8. Any Federal standards that are adopted should a) prioritize the best interest of children, b) be equivalent to the State licensing standards and/or private accreditations, and c) include a variance process that would provide accommodations for religious liberty issues, especially relating to family planning services, including contraception and abortion.
12. Federal licensure would create several challenges, including:
  - Potential religious liberty issues for national and local faith-based organizations
  - Inability to prioritize the best interest of the children in the UC programs because of changing Federal requirements
  - Conflicts and confusion with State licensing requirements
  - Instability and uncertainty caused by Federal administration changes
14. If the State entities responsible for investigations are not available to the UC programs in a particular State, then the investigations and inspections could be performed by (1) a separate HHS department, independent of ORR or (2) a third-party consultant hired by the organization.
15. We recommend that HHS/ORR recognize an organization's private accreditation(s).
20. If State licensure is not available, we recommend that HHS/ORR recognize an organization's private accreditation(s).