



NATIONAL EMERGENCY REPATRIATION FRAMEWORK

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
OFFICE OF HUMAN SERVICES EMERGENCY PREPAREDNESS AND RESPONSE

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National Emergency Repatriation Framework

The National Emergency Repatriation Framework is a living document. The Administration for Children and Families' Office of Human Services Emergency Preparedness and Response will regularly review and evaluate this guidance to ensure consistency and alignment with existing and best practices in emergency preparedness and response.

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Introduction

The U.S. Repatriation Program (Program) was established in 1935 under Section 1113 of the Social Security Act (42 U.S.C. § 1313) to provide temporary assistance to U.S. citizens and their dependents who have been identified by the Department of State (DOS) as having returned, or been brought from a foreign country, to the United States because of destitution, illness, war, threat of war, or a similar crisis, and because they are without resources immediately accessible to meet their needs. The Program was expanded in 1958, in response to legislation enacted by Congress to support the needs of persons with mental illness who are returned to the United States from foreign countries (24 U.S.C. §§ 321-329).

Section 801 of Executive Order 12656 (53 C.F.R 47491) as amended, designated the U.S. Department of Health and Human Services (HHS) as the federal lead responsible to “develop plans and procedures, in coordination with the heads of Federal departments and agencies, for assistance to United States (U.S.) citizens or others evacuated from overseas areas.” The HHS Secretary delegated the authority to administer this Program to the Administration for Children and Families (ACF) in 1991.

In 2018, ACF transitioned the Program to the Office of Human Services Emergency Preparedness and Response (OHSEPR), to lead federal planning, coordination, and execution of domestic repatriation plans and operations. Each day, ACF/OHSEPR and its agent utilize routine repatriation procedures to support U.S. citizens that are returned to the United States by DOS. ACF/OHSEPR coordinates with DOS to ensure that eligible repatriates receive temporary assistance in the state or territory of their final destination.

ACF utilizes the concepts detailed in the National Emergency Repatriation Framework (NERF) to enhance coordination and ensure unity of effort across all partners when conditions overseas necessitate mass evacuations or departures coordinated by DOS.

Purpose

The National Emergency Repatriation Framework (NERF) provides foundational doctrine for planning and operations conducted as part of the Program under the direction and stewardship of ACF within HHS.

The NERF applies emergency management principles and concepts identified in the National Incident Management System (NIMS) to enhance unity of effort, ensure that operations are scalable, flexible, and adaptable based on the complexity of the incident, and align key roles and responsibilities across all partners.

The NERF replaces the 2016 National Emergency Repatriation Plan and the 2016 National Emergency Repatriation Plan Operational Guide. The NERF will guide and inform the development of operational plans and procedures for repatriation operations conducted as part of the Program.

Scope

The NERF applies to federal emergency repatriation operations following DOS-coordinated evacuations of private U.S. citizens, their dependents, and other DOS-authorized persons from overseas to the continental United States due to war, threat of war, invasion, civil unrest, or similar crisis.

The NERF does not apply to presidential disaster declarations declared under the Robert T. Stafford Act.

Emergency repatriation operations are conducted in accordance and consistent with all pertinent statutes and policies, particularly those involving privacy and civil and human rights, such as the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, and the Civil Rights Act of 1964.

Any repatriate who believes that they have been discriminated against on the basis of race, color, national origin, age, disability, sex (including gender identity, sexual orientation, and pregnancy), or exercise of conscience or religion, can file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at: U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 509F, HHH Building, Washington, DC 20201, 1-800-868-1019, 800-537-7697 (TDD). Complaint forms are available at:

www.hhs.gov/ocr/office/file/index.html.

Authorities and Agreements

Health and Human Services / Administration for Children and Families

- 42 U.S.C. §1313 – Assistance for United States Citizens Returned from Foreign Countries
- 24 U.S.C. §§ 321-329 – Hospitalization of Mentally Ill Nationals Returned from Foreign Countries
- 45 C.F.R. Part 212 – Assistance for United States Citizens Returned from Foreign Countries
- 45 C.F.R. Part 211 – Hospitalization of Mentally Ill Nationals Returned from Foreign Countries
- Executive Order 12656, as amended
- HHS/ACF U.S. Repatriation Program memoranda of understanding with states and U.S. territories
- ACF U.S. Repatriation Program interagency agreements with federal and non-federal agencies

Department of State

- Executive Order 12656 – Assignment of Emergency Preparedness Responsibilities, as amended
- Memorandum of Agreement Between Departments of State and Defense on the Protection and Evacuation of U.S. Citizens and Nationals and Designated Aliens from Threatened Areas Overseas
- 22 U.S.C. § 4802 – Responsibility of Secretary of State
- 22 U.S.C. § 2671 – Emergency expenditures
- 31 U.S.C. § 1535 – Agency agreements

Evacuees and Eligible Repatriates

DOS may evacuate or return U.S. government employees and their dependents, private U.S. citizens, or third-country nationals when their lives are endangered by war, civil unrest, or natural disaster. Only individuals that ACF/OHSEPR determines to be eligible repatriates may receive temporary assistance via the U.S. Repatriation Program.

In accordance with 45 CFR § 212.3(a) (U.S citizenship or dependency on a U.S. citizen) and 45 CFR § 212.3(b) (referral by the DOS), evacuees must satisfy the below criteria in order to be eligible for temporary assistance:

- **Identification by DOS:** Individuals must arrive on DOS-chartered and/or coordinated transportation modes. DOS provides written notification of the scope of the evacuation; and
- **U.S. citizenship:** Department of Homeland Security’s (DHS)/ Customs and Border Protection (CBP) verifies citizenship during its routine clearance process; or
- **Dependents of U.S. citizens:** A dependent of a U.S. citizen refers to the spouse or minor children of a U.S. citizen, or to another family member who is financially dependent on an adult U.S. citizen either temporarily or permanently. A dependent family member refers to a person who lives with the adult U.S. citizen and is related through blood, marriage, adoption, or other legal family relationship.

Additionally, evacuees must be **without available resources** upon arrival in the United States. ACF considers resources as immediately accessible only when they are in the possession of and under the control of the evacuee, and they can draw upon them to meet their immediate or temporary needs.

| Evacuee Type | Description | Eligibility for Temporary Assistance |
|---|--|---|
| <i>Private U.S. Citizens and their Dependents</i> | Individuals working, studying, visiting, residing in a foreign country. | Eligible for temporary assistance. |
| <i>U.S. Nationals</i> | Individuals who were born in American Samoa or in the Commonwealth of the Northern Mariana Islands. | Eligible for temporary assistance. |
| <i>U.S. Tribal Members</i> | Evacuees that are members of federally-recognized Tribes. | Eligible for temporary assistance. |
| <i>Lawful Permanent Residents</i> | Include any person who is not a U.S. citizen but resides in the United States under legally recognized and lawfully recorded permanent residence as an immigrant. | Not eligible unless determined to be a dependent of a U.S. citizen. |
| <i>Refugees and Asylees</i> | Evacuees that meet the definition of refugee or asylee as determined by Department of Homeland Security’s U.S. Citizenship and Immigration Services. They may separately qualify for refugee assistance, in which case, the state of final destination may provide assistance according to its approved state refugee assistance plan. | Not eligible unless determined to be a dependent of a U.S. citizen. |
| <i>Third Country Nationals</i> | Citizens of other countries evacuated along with U.S. citizens. | Not eligible unless determined to be a dependent of a U.S. citizen. |

Table 1 Evacuee Eligibility for Temporary Assistance

Case Management and Temporary Assistance

After determining Program eligibility, ACF/OHSEPR or its agent’s case managers:

- Conduct remote intake assessments of evacuees to identify immediate unmet needs that may be supported by nongovernmental partners;
- Facilitate onward travel to the repatriate’s final destination in the United States; and

- Identify needs that require temporary assistance via the Program.

Temporary Assistance is defined in Section 1113 of the Social Security Act as cash, medical care, temporary shelter, transportation, and other goods and services necessary for the health or welfare of individuals, including guidance, counseling, and other welfare services. Temporary assistance is provided as a loan which is payable to the U.S. government upon closure of a repatriate's case.

Temporary assistance is available for up to 90 days from the repatriate's date of arrival to the United States. Temporary assistance may be extended if ACF determines that the circumstances involved necessitate or justify the furnishing of such assistance to repatriates and their dependents beyond the 90-day limit (42 United States Code [U.S.C.] 1313). All temporary assistance is provided in accordance to 45 C.F.R 211 and 212.

In accordance with 45 CFR § 212.7 (a), repatriates may apply to ACF to have their debt waived or deferred if:

1. The cost is not readily allocable to the repatriate;
2. The probable recovery would be uneconomical or otherwise impractical;
3. The repatriate does not have, and is not expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs; or
4. Recovery would be against equity and good conscience.

ACF evaluates each repatriate's case to assess their available resources, including benefits and services.

Operational Coordination

Supporting the return of U.S. citizens and their dependents to the United States requires coordination across inter- and nongovernmental partners. This coordination begins overseas with evacuation and continues until an eligible repatriate reaches their final destination in the United States.

Lead Agency for Overseas Evacuation

Department of State serves as the lead federal agency in the evacuation and repatriation of official U.S. personnel and their dependents who are under Chief of Mission security responsibility and private U.S. citizens and their dependents overseas. This lead role includes overseas evacuations and repatriations from environments with potential high-risk exposure to certain infectious diseases. DOS determines who is evacuated from overseas and ensures that these individuals possess the right to legally enter the United States--providing relevant documentation when necessary and feasible.

Washington Liaison Group (WLG) is led by DOS to promote collaboration, coordination, synchronize policy, and advise principals on issues aimed at improving and guiding the U.S. government's overseas emergency evacuation decisions, including recommendations for the development of necessary plans, policies, implementation of plans, coordination of repatriation activities, and recovery from crises abroad.

Primary Agency for Legal Entry into the United States

Department of Homeland Security (DHS)/Customs and Border Protection (CBP) ensures and processes proper legal entrance into the United States; coordinates application of domestic immigration policy; coordinates the implementation of DHS senior leadership guidance into repatriation planning of the DHS

components; and coordinates DHS/Office of Civil Rights and Civil Liberties actions with the Department of Justice, DOS, and other agencies' engagement with diaspora communities within the United States.

Lead Agency for Domestic Repatriation

Administration for Children Families serves as the lead agency for federal emergency repatriation planning and operations within the United States. Within HHS, ACF/OHSEPR is the lead for planning, coordination, and operations of reception, temporary care, and onward movement of private U.S. citizens and their dependents evacuated from overseas. ACF/OHSEPR manages and oversees all repatriation operations of the Program, including emergency repatriation planning activities performed by states.

States

States coordinate with ACF/OHSEPR or its agent to provide eligible repatriates with temporary assistance up to 90 days at their final destination. During routine repatriation operations, upon referral by ACF/OHSEPR or its agent, receiving states coordinate assistance to address a repatriate's unmet needs, often by enrolling them in state-administered human services programs. States also support emergency repatriation operations when activated by ACF/OHSEPR.

Non-Governmental Organization – American Red Cross

During emergency repatriation operations, the American Red Cross may assist the U.S. government or states in providing emergency services based on requests from the state, established plans with the state or requests from ACF/OHSEPR. The scope and nature of American Red Cross services will be determined by the Red Cross considering available resources and other factors and may include: sheltering; feeding; basic first aid, after the state/federal entities have conducted initial medical screenings; disaster mental health services; emergency communication to friends and family; assistance with understanding the resources available to evacuees; and other services as agreed to at the time of the incident, such as coordinating childcare, if deemed necessary and resources are available to support. If requested by ACF/OHSEPR, emergency financial assistance may be made available in accordance with American Red Cross Disaster Cycle Services program guidance.

Emergency Repatriation Functions

Emergency Repatriation Functions (ERFs) provide the structure for coordinating Federal interagency emergency repatriation responses. ACF/OHSEPR activates ERFs to facilitate interagency coordination for emergency repatriation responses. Depending on the overseas incident that triggers an emergency repatriation operation, some ERFs may not be activated.

Federal Interagency Emergency Repatriation Work Group

The Federal Interagency Emergency Repatriation (FIER) Work Group provides unified command and direction to activated Emergency Repatriation Functions. ACF/OHSEPR coordinates incident management activities and leads the FIER Work Group to respond to emergency repatriation incidents.

ERF 1 – Evacuation and Reentry

Coordinating Agency – Department of State

Determines and advises ACF/OHSEPR of evacuations of private U.S. citizens and their dependents from overseas; identifies Safe Havens; coordinates with interagency partners to arrange flights, entry, and arrival at selected ports of entry; identifies individuals eligible for evacuation; develops manifests; and supports ACF/OHSEPR in obtaining eligibility criteria.

Members: Department of Defense, Department of Homeland Security (DHS)/Customs and Border Protection, DHS/Citizenship and Immigration Services, Department of Transportation (DOT), DOT Federal Aviation Administration, HHS/Centers for Disease Control and Prevention

ERF 2 – Human Services, Case Management, and Temporary Assistance

Coordinating Agency – HHS/Administration for Children and Families

Coordinates the intake assessment, triaging and case management of evacuees to determine eligibility for temporary assistance via the U.S. Repatriation Program and the resolution of immediate unmet needs through partner agencies.

Members: American Red Cross, HHS/Office of the Assistant Secretary for Health, HHS/Substance Abuse and Mental Health Services Administration, U.S. States

ERF 3 – Public Health, Health, and Medical Support

Coordinating Agency – HHS/Office of the Assistant Secretary for Preparedness and Response

Coordinates the mechanisms for assistance in response to an actual or potential public health and medical disaster or incident. Functions include but are not limited to the following: Public health; Medical evacuation support, and medical, and public health services.

Members: HHS/Centers for Disease Control and Prevention, DHS/Office of Health Affairs

ERF 4 – Legislation, Policy, Anti-Discrimination, and Inclusion

Primary Agency – HHS/Office of General Counsel

Ensures compliance with all laws, regulations, and authorities.

Members: HHS/Office for Civil Rights, HHS/Immediate Office of the Secretary/Office of National Security, Department of Justice

ERF – 5 Budget and Finance

Primary Agency – HHS/ACF Office of Legislation and Budget

Responsible for budgetary assistance in the procurement and administration of funds for emergency repatriation operations; provides advice and guidance to the Secretary on all aspects of budget, financial management, grants, and acquisition management; and provides for the direction and implementation of these activities across the Department of Health and Human Services.

Members: HHS/Office of the Assistant Secretary for Financial Resources, HHS/Office of the Assistant Secretary for Legislation, HHS/Assistant Secretary for Administration/Program Support Center

ERF 6 – Intergovernmental and External Affairs

Primary Agency – HHS/Office of Intergovernmental and External Affairs

Coordinates the release of accurate, coordinated, timely, and accessible public information to affected audiences, including the government, media, NGOs, and the private sector.

Members: DHS/Federal Emergency Management Agency, HHS/Office of Global Affairs, HHS/Office of the Assistant Secretary for Public Affairs

Operational Planning

In accordance with the National Response Framework, the NERF applies the concept of tiered response to ensure that repatriation operations are managed and resourced based on the scale and magnitude of the incident.

Incident Complexity

Repatriation incident complexity reflects a combination of involved factors that affect how severe, widespread, and difficult it is to control an incident. Many factors determine a repatriation operation's complexity including geographic area, level of threat to life and health, political sensitivity, organizational complexity, jurisdictional boundaries, weather, strategy and tactics, and agency policy.

The 2021 NIMS Incident Complexity Guide provides a helpful tool for assessing the factors of an incident that trigger an evacuation and repatriation in order to determine the appropriate management structure, inform ERF activation, and determine the level of state engagement needed. Routine repatriations of individuals or single-family units abroad due to personal crises, that may include mental health needs, are generally ranked among the least complex repatriation incidents, requiring coordination between DOS, ACF/OHSEPR and its agent, and human services department within the state of final destination. In such cases, it is not necessary for ACF/OHSEPR to activate ERFs or activate states.

OHSPEPR-led repatriation planning is based on an assessment of the incident's complexity and the anticipated engagement required from federal and state partners.

Unified Planning Cell

Led by ACF/OHSEPR, the Unified Planning Cell supports and facilitates multiagency planning and coordination for operations involving incidents requiring federal coordination. Functions include but are not limited to the following:

- Deliberate and crisis action planning; and
- Information collection, analysis, visualization and dissemination.

Port of Entry Assessment and Analysis

The port of entry (POE) is the initial legal entry point for evacuees in the United States, where evacuees disembark from DOS-chartered or coordinated transport. ACF/OHSEPR selects a POE for each specific incident upon receiving notice from DOS of an impending emergency repatriation.

ACF/OHSEPR considers the following criteria when selecting state(s) as POEs:

- Number of evacuees
- Population demographics
- Travel distance from departing location overseas to the United States and the range of the relevant conveyance
- Nature of overseas incident

Three types of facilities may be utilized at POEs during an emergency repatriation operation:

1. **Commercial Facilities:** Evacuations by DOS-chartered commercial aircraft and potentially military aircraft.

2. **Military Installation:** Depending on the incident, DOS and ACF/OHSEPR may coordinate with the Department of Defense (DoD) to select a military installation as a POE for military aircraft or DOS or DoD-chartered commercial aircraft.
3. **Federally Designated Site:** An alternate, federally designated site may serve as a hub to process repatriates (i.e. during a biohazard or infectious disease incident).

Utilization of both military installations and commercial airports: Depending on the complexity and needs of an incident, military installations and commercial airports may be operated simultaneously in the same state.

Emergency Repatriation Centers

Depending on the complexity of the incident, ACF/OHSEPR may determine that an emergency repatriation center (ERC) needs to be established by the state(s) at the POEs selected for arrival. The main purpose of an ERC is to serve as a place where repatriates are processed, informed of services, and provided with temporary services for immediate unmet needs in a timely manner.

In support of ACF/OHSEPR, the state is responsible for the establishment of an ERC and necessary coordination for the reception, temporary care, and onward movement of eligible repatriates.

Reimbursement

ACF determines which costs incurred to support repatriation operations are reasonable, allowable, and allocable and reimburses repatriation partners contingent upon the availability of funds.

Federal agencies that support repatriation planning operations do so in accordance with their existing statutory authorities. In cases where ACF requires operational support of federal, state, or tribal partners, ACF will reimburse federal agencies for functions performed contingent upon the availability of funds and in accordance with the Economy Act, 31 USC 1535.

States and supporting agencies activated by ACF/OHSEPR during an emergency repatriation operation are responsible for tracking their own costs incurred during response operations. ACF may reimburse federal agency costs covered by an applicable interagency agreement if funding is available.

Appendix I: Acronyms

| | |
|--------|--|
| ACF | Administration for Children and Families |
| CBP | Customs and Border Protection |
| DHS | Department of Homeland Security |
| DoD | Department of Defense |
| DOS | Department of State |
| DOT | Department of Transportation |
| ERC | Emergency Repatriation Center |
| FIER | Federal Interagency Emergency Repatriation |
| HHS | Department of Health and Human Services |
| OHSEPR | Office of Human Services Emergency Preparedness and Response |
| POE | Port of Entry |
| WLG | Washington Liaison Group |