ADMINISTRATION FOR CHILDREN & FAMILIES
Office of Human Services Emergency Preparedness & Response
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U.S. Repatriation Program – Routine Repatriation Information Memorandum

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DATE: January 7, 2022

TO: U.S. Repatriation Program Grantee and Federal, State, and Local Partners

FROM: Natalie N. Grant, Director, Office of Human Services Emergency Preparedness and Response

SUBJECT: U.S. Repatriation Program – Routine Repatriation Guidance

1 Purpose

This memorandum defines eligibility and temporary assistance for the U.S. Repatriation Program (hereinafter referred to as "Program") and provides guidance about the case management and reimbursement processes. This memorandum is intended to be a readily available tool for our audience that outlines the parameters of the Program in a simple and clear format.

2 Audience

Federal agencies, states, territories, local service providers, and grantees

3 Background

The Program was established in 1935 under Section 1113 of the Social Security Act to support eligible U.S. citizens and their dependents returned from a foreign country by the Department of State (DOS). The Program provides them with temporary assistance upon their arrival in the United States. This assistance is in the form of a service loan, repayable to the U.S. government.

The Office of Human Services Emergency Preparedness and Response (OHSEPR) within the Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) administers the Program. OHSEPR generally coordinates with DOS, Department of Justice, Department of Defense, state and territorial governments (hereinafter referred to as "state"), and local service providers to provide temporary assistance to eligible repatriates in coordination with the Program grantee (hereinafter referred to as "grantee").

4 Roles

4.1 Department of State

DOS coordinates the return of U.S. citizens and their dependents to the United States and refers the individuals to OHSEPR.

4.2 U.S. Department of Health and Human Services

4.2.1 Office of Human Services Emergency Preparedness and Response

OHSEPR manages and administers the Program, coordinates with other federal agencies, and develops and implements Program policies and procedures.

4.2.2 Program Support Center

The Program Support Center (PSC) provides debt management and collection services to OHSEPR for the repatriates' debts incurred as a result of receiving temporary assistance from the Program.

4.3 Grantee

The grantee oversees case management for repatriates, refers cases to states, and coordinates across relevant repatriation partners.

4.4 States / Local Service Providers

State and local service providers assess repatriates' needs and provide temporary assistance.

5 Legal Authority

5.1 Assistance for United States Citizens Returned from Foreign Countries

The statutory authority for the repatriation of U.S. citizens is located at 42 U.S.C. 1313. The regulations for the repatriation of U.S. citizens are located at 45 CFR Part 212.

5.2 Hospitalization of Mentally Ill Nationals Returned from Foreign Countries

The statutory authority for the repatriation of mentally ill nationals is located at 24 U.S.C. 321- 329. The regulations for the repatriation of mentally ill nationals are located at 45 CFR Part 211.

5.3 HHS Grant Award Regulations

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards are located at 45 CFR Part 75.

6 Eligibility

6.1 Definition of Repatriate

For purposes of the Program, a repatriate is an individual who OHSEPR determines eligible for temporary assistance per 42 U.S.C. 1313 or 24 U.S.C. 321(d) and the implementing regulations, particularly 45 CFR § 212.3 (eligible person).

6.2 Assistance to U.S. Citizens without Resources

The Program provides services to U.S. citizens and their dependents who lack resources and are returned to the United States. The eligibility requirements, found at 42 U.S.C. 1313 and 45 CFR §212.3, are as follows:

1. The person must be a U.S. citizen or a dependent of a U.S. citizen;
2. The person must be identified by the DOS as returning to the United States from a foreign country because of destitution, illness, war, threat of war, invasion, or similar crisis; and
3. The person must be without resources immediately accessible to meet their needs.

6.2.1 U.S. Citizen or Dependent

To be eligible for the Program, an individual must either be a U.S. citizen or a dependent of a U.S. citizen. For purposes of demonstrating that an individual is a U.S. citizen (as defined in 8 U.S.C. 1401), legal documents such as a United States passport or birth certificate serve as proof of citizenship.

A dependent of a U.S. citizen generally refers to the citizen's spouse or minor children, or to another family member who is financially dependent on an adult U.S. citizen either temporarily or permanently. A dependent family member ordinarily refers to a person who lives with the adult U.S. citizen and is related through blood, marriage, adoption, or other legal family relationship. The dependent is not required to be a U.S. citizen to receive assistance.

6.2.2 Returned by Department of State

DOS provides written notification to OHSEPR regarding person(s) who will be returned or brought back to the United States. Such statement shall, if possible, incorporate or have attached all available pertinent information concerning the individual(s). Repatriation may be voluntary or involuntary. For example, DOS may refer individuals being deported from a country due to a criminal case or conviction, or costly hospitalizations for mental or medical illnesses.

6.2.3 United States

The definition of "state" in 45 CFR §212.1 also includes later-incorporated U.S. territories.

6.2.4 Without Available Resources

The repatriate must be without resources immediately accessible to meet his or her needs. Resources are considered immediately accessible when in the possession of and under the control of the individual.

6.3 Assistance to Mentally Ill Nationals

The Program also provides services to U.S. nationals who are determined to be mentally ill in a foreign country. Under 24 U.S.C. 321(d) and 45 CFR §211.3, a person is eligible for assistance under the Program if:

1. The person is certified as a national of the United States by the Secretary of State and
2. The person has either of the following:

a. A certificate obtained or transmitted by the Secretary of State stating that the person has been legally adjudicated insane in a named foreign country; or

b. A certificate of an appropriate authority stating at the time of the certification, the person was in need of care and treatment in a mental hospital in a named foreign country.

6.3.1 Certificate as to Nationality

The certificate or document must be issued by an authorized official of DOS.

6.3.2 National of the United States

Section 101(a)(22) of the Immigration and Nationality Act provides that the term "national of the United States" includes all U.S. citizens as well as persons who, though not citizens of the United States, owe permanent allegiance to the United States (non-citizen nationals).

6.3.3 Certificate as to Mental Condition

6.3.3.1 Legally Adjudicated Insane

An authorized official of DOS must obtain or transmit the certificate stating the individual has been judged legally insane in the foreign country.

6.3.3.2 Issuance of the Certificate

The appropriate authority may be a medical officer of the U.S. Public Health Service or another agency of the United States or a medical practitioner legally authorized to provide care or treatment of mentally ill persons in the foreign country. If a medical officer or practitioner is unavailable, an authorized official of DOS may serve in the role. The individual must identify themselves in the execution of the certificate and as serving as such person due to the unavailability of a suitable medical officer or practitioner.

7 Temporary Assistance

Temporary assistance is defined in 42 U.S.C. 1313(c) as money payments, medical care, temporary lodging, transportation, and other goods and services necessary for the health or welfare of individuals, including guidance, counseling, and other welfare services furnished to them within the United States upon their arrival in the United States.

7.1 Case Management

7.1.1 Repatriate's Final Destination

The repatriate may choose their final destination in the United States (e.g., state and/or local jurisdiction) where they will reside and may receive assistance under the Program. If the repatriate is subject to quarantine, isolation, or some other form of public health order, they may travel to their final destination once they receive formal written notification that such order is lifted. DOS determines the final destination when a person is mentally or physically incapable of making that decision. Additionally, in some situations, foreign countries, courts, or Child Protective Services (CPS) determine the individual's final destination.

7.1.2 Evaluation and Case Management Plan

The grantee and the state evaluate the repatriate's needs to determine what temporary assistance to offer the repatriate. The grantee will work with the receiving state to establish a case management plan for the repatriate.

7.1.3 Right of Refusal

The repatriate has the right to refuse services (Form RR-06: Refusal of Temporary Assistance). Repatriates accept services through the Program on a voluntary basis.

7.1.4 Connect to State and Federal Benefits

State and local service providers shall facilitate the repatriate's connection to state and federal benefits, covering basic needs for which they are eligible (e.g., Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Medicaid/Medicare, Supplemental Security Income (SSI), Supplemental Security Disability Insurance (SSDI), Veteran's Benefits Administration (VA), housing (shelter and permanent housing), job training, etc.).

7.1.5 Cost of Assistance

Temporary assistance provided to a repatriate must be cost-effective, reasonable, allocable, and appropriate for the repatriate. Please see 45 CFR Part 75, Subpart E.

The grantee must notify OHSEPR of any case where the total cost of temporary assistance exceeds $2,000 for individual repatriates and $3,000 for families. OHSEPR must pre-approve costs exceeding these amounts.

7.2 Types of Temporary Assistance

7.2.1 Money Payments

Prior to providing cash assistance, states must perform an assessment to determine the specific needs of the repatriate and the amount that will be disbursed to the repatriate. Cash payments shall not exceed the TANF cash assistance rate within the locality where repatriate is receiving assistance. States may deduct from the disbursal amount costs associated with other expenses (e.g., transportation, temporary shelter, clothes). Under the TANF authorizing legislation, Title IV-A of the Social Security Act, States have the authority to set cash assistance rates.

7.2.2 Medical Care

The Program is the payor of last resort for medical expenses.

7.2.2.1 Repatriates with Medical Insurance

If the repatriate has medical coverage (e.g., private insurance, Medicaid, or Medicare), the repatriate's medical insurance must be used to cover the medical expenses. If the repatriate's medical plan does not cover 100 percent of the bill, the Program will not pay for the remaining expenses.

7.2.2.2 Repatriates without Medical Insurance

If the repatriate does not have medical coverage (e.g., private insurance, Medicaid, or Medicare), the Program will provide reimbursement based on the Centers for Medicare & Medicaid Services (CMS) rates and guidelines.

7.2.2.3 Medical Transport

Medical transportation coordinated on behalf of the repatriate must follow CMS rates and guidelines in the locality. The transportation shall convey the repatriate to the nearest appropriate medical facility.

7.2.3 Temporary Lodging

Temporary lodging for repatriates must be safe, appropriate, and cost-effective. Examples of accommodations may include, but are not limited to, shelters, hostels, temporary housing, motels, and hotels.

Costs must be reasonable and not exceed the per diem rates set by the General Services Administration (GSA) for the locality.

7.2.4 Transportation

7.2.4.1 Port of Entry to Final Destination

Domestic transportation includes transportation from the repatriate's initial entry point in the United States (port of entry) to their final destination.

OHSEPR must pre-approve any domestic airfare costs from the port of entry to the final destination exceeding $1,000 per individual.

7.2.4.2 Local Transportation

For necessary local travel, the mode of transportation must be cost-effective, safe, and appropriate for the repatriate. This may include, but is not limited to, public transportation (including buses and subways), taxi service, rideshare, and mobility service.

7.2.5 Escort Services

There may be circumstances where escort services are necessary to ensure the health and safety of the repatriate. Escorts may be necessary for the following populations: unaccompanied U.S. citizen minors; physically or mentally ill nationals; and other U.S. citizens in need of an escort (such as a fragile or elderly repatriate).

7.2.5.1 Department of State Allowable Expenses

DOS arranges escort services from the foreign country to the port of entry. Generally, if the repatriate's final destination is the port of entry, escort expenses are not allowed. In limited circumstances, DOS arranges escorts to accompany a repatriate to the final destination.

Allowable escort expenses include domestic travel costs and GSA-rate per diem (meals, incidentals, and expenses (M&IE) and lodging) from the port of entry to the repatriate's final destination where they will be received by the state, local service provider, or family members.

7.2.5.2 Grantee Allowable Expenses

The grantee arranges domestic escort services from the port of entry to the final destination on a case-by-case basis. Allowable escort expenses include domestic travel costs, GSA-rate per diem (M&IE and lodging), and escort service fees.

7.2.5.3 Pre-Approval

Escort service costs do not require pre-approval, except in the following instances:

1. More than one night of lodging in the United States; or
2. Domestic escort costs exceeding $1,500.

7.2.6 Other Goods and Services Necessary for Health and Welfare

Other social services that support the repatriate's health and welfare may be provided to the repatriate. This may include, but is not limited to, food, clothes, health and hygiene products, assistance with obtaining identification (e.g., driver's license application), personal assistance services, child care, job training, and translation services.

7.3 Duration of Assistance

7.3.1 Ninety-Day Eligibility

Eligible repatriates may receive temporary assistance for up to 90 days from the date of their arrival in the United States, or until the repatriate has resources immediately accessible to meet his or her needs, whichever comes first. OHSEPR will provide additional guidance (during an evolving future crisis or situation) if circumstances warrant. The repatriate may not receive temporary assistance retroactively.

7.3.2 Extensions

While temporary assistance is intended to be short-term, repatriates who are unable to attain self-support or self-care due to age, disability, or lack of vocational preparation may request an extension by completing Form RR-07: Temporary Assistance and Extension Request Form.

Requests for extensions must be submitted no later than 30 days prior to the end of the current eligibility period. Temporary assistance may be extended in incremental periods for up to 90 days for 9 additional months, for a total of 12 months of temporary assistance. OHSEPR reviews requests for extensions and determines whether the individual continues to be eligible for temporary assistance.

7.4 Ongoing Review of Eligibility

During the period in which temporary assistance is provided, changes in the repatriate's income and resources shall be taken into account by the state and local agency to adjust the level of temporary assistance. If a repatriate qualifies for other types of benefits, obtains an income, or has access to other resources, then he or she may no longer be eligible for services under the Program.

7.5 Special Populations

Some cases may require additional coordination and specialized services, including those involving repatriates who are mentally ill, repatriates with severe medical issues, unaccompanied minors, deportees, and repatriates accused of or involved in criminal activity.

7.5.1 Mentally Ill Repatriates

Services for individuals eligible under 24 U.S.C. 321-329 must be provided in accordance with the statute and implementing federal regulations at 45 CFR Part 211.

7.5.1.1 Arrival in the United States

DOS will arrange for an escort for the repatriate if one is necessary. Repatriates are greeted at their port of entry or final destination in the United States by a local contact in the state where the repatriate will be staying and transported for a psychiatric evaluation. If the repatriate is unable to consent to care and treatment in a hospital, either because of his or her mental condition or because he or she is a minor,

OHSEPR, through partner agencies, will seek to obtain a guardian for the repatriate in accordance with the applicable state law.

7.5.1.2 Treatment and Hospitalization

The local contact will arrange for temporary care, treatment, and assistance that is reasonably required for the health and welfare of the repatriate. Following an examination, the repatriate may be discharged or remain hospitalized. If the repatriate requires hospitalization, he or she must be reexamined at least once every 6 months. The repatriate or the repatriate's legal guardian, spouse, or next of kin may request release from a hospital. OHSEPR must approve this request.

7.5.2 Repatriates with Severe Medical Issues

7.5.2.1 Coordination

Repatriates requiring immediate medical care may need additional coordination prior to and upon arrival in the United States. DOS or the foreign country may coordinate medical escorts to accompany the repatriate to the port of entry or final destination; alternatively, DOS may coordinate with the grantee to arrange escort services to the final destination. Additionally, the repatriate may require medical transport from the port of entry or the final destination to the nearest hospital.

7.5.2.2 Medical Records

States and local service providers may receive information regarding diagnosis, prognosis, and treatment prior to the repatriate's arrival for planning purposes. States and local service providers requesting medical records prior to the repatriate's arrival shall coordinate these requests through the grantee (e.g., the repatriate will be hospitalized upon arrival and the records are requested by the receiving medical facility prior to the repatriate's arrival).

7.5.2.3 Medical Assistance Upon Arrival

Assistance for emergency medical conditions is provided at the port of entry. For medical conditions that do not impede the repatriate from traveling to his or her final destination, medical care is provided at the final destination.

7.5.3 Unaccompanied Minors

Unaccompanied minors are children under eighteen years of age without parents, guardians, or other persons available to provide care and physical custody. Examples include a minor who is abandoned or ran away, or whose parent(s) is arrested or incapacitated, and DOS provides a written statement that the minor will be or has been returned to the United States. OHSEPR determines that the minor meets the eligibility criteria for repatriation.

7.5.3.1 Coordination Prior to Return

The grantee coordinates with OHSEPR, the receiving state, and DOS to facilitate the minor's return to the United States. The grantee works with the receiving state on placement (e.g., foster care or a suitable family member) and connects the unaccompanied minor with the receiving state and its available services, including CPS. A home study may be required prior to placement to ensure the safety and well-being of the child.

7.5.3.2 Child Welfare

If no parent, relative, or other appropriate placement is available, the minor may be placed in foster care in the receiving state upon arriving in the United States. In these cases, the grantee and states shall observe recognized child welfare practices.

7.5.4 Deportees

7.5.4.1 Deportees or Repatriates Convicted of Crimes in a Foreign Country (Deportation)

Repatriates convicted of a crime in a foreign country may be eligible for temporary assistance under the Program upon arrival to the United States. The host country often deports the individual with limited notice to DOS.

7.5.5 Repatriates Accused of or Involved in Criminal Activity

7.5.5.1 Repatriates Returning with an Outstanding Warrant in the United States

If the repatriate has an outstanding warrant and is taken into custody upon arrival at the port of entry or final destination, the repatriate is not eligible for temporary assistance while in custody of local or federal law enforcement. If the repatriate is released within 90 days of arrival in the United States, the repatriate may be eligible for assistance upon their release.

7.5.5.2 Repatriates Accused of Crimes in the United States

If the state becomes aware of a repatriate's criminal activity and/or outstanding warrant while providing services to the repatriate, the state must contact the appropriate authorities immediately per the state agency's established protocol. In addition, the state shall notify the grantee.

8 Case Closure

Closing a case indicates case management and the provision of temporary assistance has concluded. Cases must be closed when one or more of the following occur:

1. The repatriate's eligibility period has terminated.
2. The (minor) repatriate enters foster care upon arrival in the United States.
3. The repatriate refuses services and has signed Form RR-06: Refusal of Temporary Assistance.
4. The repatriate is connected to available benefits and services, such as food, housing, clothing, medical, and disability (e.g., SNAP, TANF, Medicaid/Medicare, SSI/SSDI).
5. The repatriate has access to other sources of income.
6. The repatriate enters a nursing home, long-term care facility, or mental hospital.
7. The repatriate cannot be contacted after multiple attempts within the 90-day period.
8. The repatriate dies upon arrival in the United States or while receiving services.
9. The repatriate has moved to a foreign country.

9 Reimbursement

Costs determined to be reasonable, allowable, and allocable will be reimbursed, contingent on the availability of Program funds.

9.1 Temporary Assistance

Federal departments and agencies, states, and local service providers may be reimbursed for the cost of temporary assistance provided to eligible repatriates pursuant to the Program.

9.2 Administrative Costs

The Program reimburses state and local service provider staff expenses necessarily and reasonably related to planning for and providing temporary assistance to eligible repatriates. Please refer to 45 CFR Part 75, particularly § 75.430 (compensation – personal services). Gratuity is not reimbursable.

9.3 Submitting Reimbursement Requests

Reimbursement requests may be submitted on an ongoing basis (e.g., monthly), but must be submitted no later than 30 days following case closure. Requests submitted after one year following the date of case closure will not be reimbursed.

9.3.1 States and Local Service Providers

Reimbursement requests must include Form RR-04: Non-Emergency Monthly Financial Statement Form and supporting documentation (e.g., bills, receipts, case workers' notes).

9.3.2 Department of State

Reimbursement requests from DOS must be reasonable, allowable, and allocable and include supporting documentation (e.g., proof the repatriate boarded the flight, escort hotel receipts, etc.). If a repatriate does not board the flight booked by DOS, the Program will not reimburse DOS for the domestic portion of the airfare costs.

10 Loans

10.1 Financial Obligation

Temporary assistance is provided to repatriates in the form of a service loan repayable to the U.S. government.

10.1.1 Repayment Agreement

All individuals requesting temporary assistance under the Program must sign Form RR-05: Privacy and Repayment Agreement Form upon arrival in the United States.

10.1.1.1 Unaccompanied Minors

The requirement to repay the U.S. government for temporary assistance is set forth in 42 U.S.C. 1313(a)(2). Unaccompanied minors are not required to sign the repatriation agreement in order to receive temporary assistance. However, if a family member who takes custody of the minor(s) plans to receive assistance for the minor, the family member must sign the repayment agreement.

10.1.1.2 Mentally Ill Repatriates

In certain circumstances, repatriates who are mentally ill may not be required to sign the repatriation agreement in order to receive services. Mentally ill repatriates capable of making decisions must sign the agreement upon their arrival in the United States.

10.2 Requesting Debt Information

Repatriates are entitled to know the amount they owe whenever they ask.

10.3 Debt Collection

On behalf of OHSEPR, PSC provides debt management and collection services, including notifying the repatriate of the amount to be repaid and how to make payments.

10.4 Waiver and Deferral Requests

The repatriate, or an appropriate party, may request an extension of time to make payments (deferral) or a waiver of payment.

10.4.1 Request and Supporting Documentation

The repatriate or an appropriate party must submit Form RR-03: Repatriation Loan Waiver and Deferral Request Form and the appropriate supporting documentation.

The form may be completed by the repatriate, an adult on behalf of the repatriate and their dependents, an adult representative of a minor child (parent, guardian, or legal representative), or an adult representative of a mentally or physically impaired repatriate.

If the Program requests additional supporting documentation to substantiate the repatriate's waiver/deferral request, the repatriate must provide the documentation within the designated timeframe.

10.4.2 Criteria for Waivers and Deferrals

10.4.2.1 Waiver

In accordance with 45 CFR §212.7, a repatriate who received temporary assistance must repay, in accordance with his ability, any or all of the cost of such assistance, except in the following circumstances:

1. The cost is not readily allocable to the repatriate;
2. The probable recovery would be uneconomical or otherwise impractical;
3. The individual 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.

10.4.2.2 Deferral

OHSEPR will consider deferring repayment in cases where:

1. The repatriate possesses assets or resources that are not immediately available to the repatriate. For example, the assets are not currently under the control of the repatriate but will become available to the repatriate at a later date.
2. The repatriate is expected to acquire, or to experience an increase of, income or assets at a future date. For example, a repatriate may be temporarily unemployed, but has accepted a new job that has not yet started; or the repatriate is expected to receive resources from a claim, trust or estate, partnership, corporation, or government.

10.4.3 Determinations

OHSEPR reviews requests and makes determinations on a case-by-case basis based on the criteria identified above.

10.4.3.1 Approval

Waiver/deferral approvals will indicate the amount of debt and the effective date. Waiver/deferral approvals do not apply to subsequent Program loans.

10.4.3.2 Denials

Repatriates must repay debts if the waiver/deferral request is denied.

11 Nondiscrimination

No eligible person shall, on the basis of race, color, national origin, age, disability, sex, or exercise of conscience or religion, be excluded from participation in the Program, be denied any benefits, or otherwise be subjected to discrimination of any nature or form in the provision of benefits as described in 42 U.S.C. 1313 and 24 U.S.C. 321-329.

12 Privacy

12.1 Disclosure of Information

No disclosure of information of a personal and private nature of an individual obtained at any time by any person, organization, or institution in the course of discharging duties under 24 U.S.C. 321-329 or under Section 1113 of the Social Security Act shall be made except as specified in federal regulations at 45 CFR §211.14 and §212.9, and to the extent that such disclosures are consistent with restrictions imposed by the Privacy Act, the Health Insurance Portability and Accountability Act, and any other applicable federal and state laws or requirements.

Revision History

Version	Changes	Date
1.0		01/07/2022