



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/orr

Replacement Designees: Authorization, Role, Responsibilities, and Status Changes

Policy Letter 21-03

April 19, 2021

The Office of Refugee Resettlement (ORR) is issuing this policy letter (PL) to describe the role of a replacement designee (RD), outline the process of transitioning from a refugee resettlement program (RRP) administered by a state government to one administered by an RD, explain the responsibilities of an RD, and delineate conditions and procedures for a change in status of an existing RD. This PL supersedes ORR PL18-03, *Replacement Designees*.

I. Role of an RD

An RD is an entity that ORR has authorized to administer all or part of the RRP within a state, after the state government has withdrawn from administering all or part of the program.¹ ORR regulations at 45 CFR § 400.301(c) allow the Director of ORR to authorize one or more RDs to administer the RRP in such circumstances.

II. Transition from administration of the RRP by a state government and authorization of an RD

When a state government officially notifies ORR of its intention to withdraw from administering all or part of the RRP, ORR will work with the state government to guide it through the process of withdrawal. ORR will draft a roles and responsibilities document (R&R) formalizing the agreement between the state government and ORR on when and how to transition various aspects of the program. The agreement will address the parameters of a partial or full withdrawal, the timeline for the withdrawal,² and the exchange of information critical to the ongoing administration of the program.

While conducting these discussions with the state government, ORR will solicit interest from qualified resettlement provider(s) about assuming the role of RD.³ Interested provider(s) will

¹ Under 45 CFR § 400.301(b), state governments are expected to operate all components of the refugee program; however, a state government may request and the ORR Director may allow a state government to administer only certain parts of the refugee program.

² Under 45 CFR § 400.301(a), a state government must provide 120 days advance notice to the ORR Director before withdrawing from the program.

³ ORR uses the term “qualified resettlement provider” to mean a local resettlement agency in the state and/or the national resettlement agency with which the local resettlement agency is affiliated. A national



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submit an application to ORR, including a proposed budget, budget justification, and written narrative outlining the agency's plan for administration of the RRP according to applicable regulations and policy. ORR will review application(s) with the following considerations: an applicant's strength of ties to the communities served, length of time serving ORR populations, and operational capacity and infrastructure to administer the RRP. In certain circumstances, ORR may determine it is in the best interest of the federal government to select multiple RDs to administer the RRP within a state.

Once ORR selects an applicant(s) as the RD(s), ORR will draft an R&R to delineate tasks that the RD(s) and ORR will undertake during and immediately after the transition period. In addition, ORR will serve as a liaison between the state government and the RD(s) to ensure a smooth transition. ORR requests that all parties fully cooperate to ensure that clients continue to receive critical benefits and services in a timely fashion.

III. Responsibilities of an RD

An RD must adhere to the same regulations and policies that apply to state governments that administer the RRP, and must submit the same budget and data collection forms unless otherwise directed by ORR. Section 400.301(c) of 45 CFR provides exceptions to certain regulations that do not apply to an RD.

In addition to complying with applicable ORR regulations and policies, an RD must develop and adhere to a written policy for resolving disputes between the RD organization and its sub-grantees, and between the RD organization, its sub-grantees, and their clients in a transparent and equitable manner. An RD must also create and adhere to a written code of conduct to ensure that administrative decisions do not result in a conflict of interest that unduly benefits the RD.

IV. Conditions that may result in a change of status for an existing RD

The following conditions may arise under which ORR would change the status of an existing RD:

1. ORR decides that it would be in the best interest of the federal government to transfer administration of the RRP from one or more RD(s) to another RD(s).

resettlement agency is defined as a domestic resettlement agency that has an agreement with the U.S. Department of State to provide reception and placement services to refugees. Additionally, if there is not a viable local resettlement agency operating in the state where the state government intends to withdraw, ORR may solicit interest from a local resettlement agency and its associated national resettlement agency that operate in a surrounding state.



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2. ORR decides that it would be in the best interest of the federal government to transfer administration of the RRP from one or more RD(s) back to a state government.

When either of these two conditions arise in relation to an RD administering the RRP under a 5-year grant, ORR will wait until 1 year before the conclusion of the grant period of performance before considering the transfer of the grant. If ORR does decide to transfer the RRP, the transfer will become effective as of the end of the period of performance, unless an earlier date is mutually agreed upon with the existing RD. Any action that ORR takes to transfer administration of the RRP will ensure continuity of assistance and services to ORR-eligible populations within the state.

3. An RD notifies ORR that it intends to withdraw from administering the RRP.

V. Procedure for ORR to transfer administration from one or more RD(s) to another RD

ORR may decide that it would be in the best interest of the federal government to transfer administration from one or more RD(s) to another RD. Reasons for such a decision may include, but are not limited to the following: an effort to streamline ORR operations; a determination that the number of RDs in a given state are no longer required to meet the needs of the program; or a determination, following an announced competitive application and review process, that a new entity would more effectively or efficiently administer the RRP and serve ORR-eligible populations.

If ORR makes the decision to transfer administration of an RRP in a state from one or more RD(s) to another RD(s), ORR would provide no less than 120 days advance notice⁴ to the existing RD(s). As stated above, for RDs administering the RRP under a 5-year grant, ORR will complete the transfer of the grant at the end of the period of performance unless ORR and the grantee mutually agree to an earlier transfer. ORR would also facilitate the administrative transfer of the RRP to the new entity or entities that ORR will authorize as the RD(s), potentially using one or more R&Rs to delineate tasks and timelines.

VI. Procedure for ORR to transfer administration from one or more RDs to a state government

ORR may also decide that it would be in the best interest of the federal government to transfer administration of the RRP from one or more RD(s) back to a state government. Reasons

⁴ ORR will provide no less than 120 days advance notice to the existing RD, except when exigent circumstances that would result in ORR-eligible populations not receiving services and benefits require a shorter notice period.



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initiating consideration of such a decision may include, but are not limited to, an existing RD decides to withdraw from the RRP, an effort to streamline ORR operations, or a formal request to ORR from a state government that had previously withdrawn from the RRP to resume administration of the program. If ORR is funding the RD/RDs through a 5-year grant, ORR will consider a state government's request to resume administration of the RRP no earlier than 1 year before the conclusion of the RD's period of performance. If ORR decided to transfer the administration of the RRP back to a state government, ORR would only complete the transfer of the RRP at the end of the period of performance, unless the existing RD has notified ORR of its intent to withdraw from the program before the conclusion of the grant period of performance.

For ORR to consider a state government's request to resume administration of the RRP, the state government must submit a written and detailed justification describing the following:

1. How benefits and services to ORR-eligible populations will continue uninterrupted, be coordinated with all the resettlement agencies present within the state, and be of the same or higher quality than those currently offered by existing RD(s);
2. How the change is in the best interest of ORR-eligible populations; and
3. How the change is cost-effective.

Once a state government submits the required justification, ORR will determine whether it is in the best interest of the federal government to return the administration of some or all of the program to the state government. If ORR determines that returning some or all elements of the RRP to a state government is in the best interest, ORR would provide no less than 120 days advance notice⁵ to the existing RD(s). ORR would then work with the state government, the existing RD(s), and other stakeholders to transfer the administration of some or all of the RRP to the state government, potentially using one or more R&Rs to delineate tasks and timelines.

VII. Procedure to replace an RD that wants to withdraw from administering the RRP

An RD that wants to withdraw from administering the RRP must provide 120 days advance notice to the Director of ORR. Upon such notification, ORR may contact relevant entities and the state government to determine if they have an interest in administering the RRP.

If the state government wishes to re-assume administration of the RRP, it must provide formal notification to ORR; if ORR deems that circumstances permit, ORR may then request that the state government submit a justification as described in Section VI of this PL.

⁵ See footnote 4.



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If an alternative resettlement agency desires to assume the administration of the RRP, ORR will request the agency follow the application process explained in Section II, paragraph 2 of this PL.

If multiple entities express interest in assuming the administration of the RRP, ORR will determine which entity(ies) it will consider for the role. Upon reviewing all relevant submission(s), ORR will select one or more entities to administer the RRP and work with those entities to ensure a seamless transition and uninterrupted services, potentially using one or more R&Rs to delineate tasks and timelines.

In addition to the considerations mentioned in Section II, ORR's highest priority in this process will be to select a provider that will provide high-quality assistance and services to ORR-eligible populations in a timely and cost effective manner.

VIII. Governing principle

In all such transitions, ORR strongly encourages collaboration and coordination between all parties, to achieve the mutual goal of a stable and continuous RRP that efficiently and effectively serves the needs of ORR-eligible populations.

If you have questions about the information in this PL, please contact ORR's Refugee Policy Unit at RefugeePolicy@acf.hhs.gov.

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