



ADMINISTRATION FOR
CHILDREN & FAMILIES

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

Continued Assistance for ORR Populations Affected by COVID-19

Policy Letter 21-01

January 20, 2021

In response to the spread of COVID-19 and its impact on ORR eligible populations, ORR issued Policy Letters (PL) [20-03](#), [20-04](#), and [20-06](#), providing states¹ and Replacement Designees with the ability to request waivers to enhance cash and medical assistance and assist ORR eligible populations affected by COVID-19. In this PL, due to the continued impact of COVID-19, ORR is extending waivers to specific ORR regulations.

ORR continues to encourage states to connect ORR populations impacted by COVID-19 with federal, state, and local assistance. Additionally, pursuant to 45 C.F.R. § 400.300, states may request and, as a last resort and after other options have been exhausted, implement the waivers listed below to provide necessary assistance and/or services. All waivers will remain in effect through April 30, 2021, unless otherwise specified.

These waivers are consistent with refugee policy objectives and will allow ORR eligible populations affected by COVID-19 to receive critical assistance and services. ORR will continue to assess the ongoing impact of COVID-19 on ORR eligible populations.

I. Eligibility Determinations for ORR Benefits and Services

States must continue to ensure that ORR eligible populations have the opportunity to apply and that eligibility determinations for cash assistance are made pursuant to 45 C.F.R. § 400.50 and medical assistance pursuant to 45 C.F.R. § 400.93.

The current policy at 45 C.F.R. § 400.43 and [PL 16-01](#) requires states to ask the applicant for a written declaration of immigration status and to review documentation of immigration status in making an eligibility determination. Due to COVID-19, upon request, ORR will waive these requirements as described below.

States should find a safe and secure means of confirming the applicant's eligibility. If state offices or nongovernmental agencies are closed due to the COVID-19 response, the applicant's eligibility can be confirmed virtually through a database or other electronic means without first having to check documentation to confirm the applicant's status. Further, eligibility determinations may be conducted over the phone. Eligibility workers may ask the applicant for a written declaration, under penalty of perjury, containing name, date of birth, alien registration

¹ "States" throughout this policy letter refers to states and replacement designees.

number, immigration status, date of entry, most recent address, and an acknowledgement that the individual has been impacted by COVID-19. If a written declaration is not possible given the circumstances, a verbal declaration must be supported with a subsequent written declaration as soon as possible. If the declaration indicates that the applicant is within an immigration status that confers eligibility for ORR benefits and services, and the individual has been impacted by COVID-19, the eligibility worker may conclude that the applicant is eligible for ORR benefits and services.

II. Refugee Cash Assistance and Conditions for Receipt of RCA

Due to the impact of COVID-19 on Refugee Cash Assistance (RCA) clients, predominantly single individuals and families without children, ORR would like to remind states of their authority to issue an RCA initial payment on an emergency basis pursuant to 45 C.F.R. § 400.52.

In regards to income eligibility for RCA, upon request, ORR will waive 45 C.F.R. § 400.59 and § 400.66 to the extent described herein. ORR eligible populations impacted by COVID-19 may receive various forms of emergency cash assistance from federal, state, and local governments, and non-profit organizations. When conducting an income/asset analysis for an applicant impacted by COVID-19, states should disregard certain forms of COVID-19 emergency assistance.² States should not disregard unemployment insurance or COVID-19 pandemic unemployment assistance.

In regards to eligibility determinations, upon request, ORR will waive 45 C.F.R. § 400.51(a) and § 400.53(a) that require states to determine an individual is ineligible for Temporary Aid for Needy Families (TANF) prior to providing RCA, as described herein. To the extent that social security applications (a pre-requisite for TANF) or TANF applications are pending or delayed due to Social Security Administration (SSA) or TANF office closures and/or restrictions (e.g., the online SSA system will not process certain social security applications and in person appointments are limited), ORR will allow states to issue interim RCA payments where an agency can document that a client has not been able to successfully apply for a social security number or TANF. Prior to issuing an interim RCA payment, states should ensure that a client acknowledges that if he or she is subsequently approved for TANF, and receives a retroactive TANF payment, that the state must recoup RCA payments issued to a client to ensure that there is no dual receipt of federal assistance.

In regards to the eligibility period for RCA, ORR will extend the RCA eligibility period for clients who are about to terminate from the program or who have exited the program and then subsequently: lost employment, sustained a reduction in hours, are unable to maintain current employment, or are unable to gain employment, and are unable to access unemployment insurance or other COVID-19 pandemic unemployment assistance. Specifically, upon request, ORR will waive 45 C.F.R. § 400.211, the normal process for shifting the eligibility period, and

² The certain forms of assistance that states can disregard include 2020 Economic Impact Payments, RSS payments for housing and utilities, and assistance funded by the Consolidated Appropriations Act, 2021 as follows: financial assistance to meet disaster-related funeral expenses incurred through December 31, 2020; relief from child care copayments, tuition payments, or assistance; Additional 2020 Recovery Rebates; emergency financial aid grants; emergency rental assistance; and emergency broadband Internet benefits. For questions regarding these or other forms of COVID-19 emergency assistance that may qualify for the disregard, please contact ORR's Division of Policy and Procedures, Refugee Policy Unit at RefugeePolicy@acf.hhs.gov.

will extend the eligibility period for clients who became eligible for RCA on or after April 1, 2019, with the additional months not extending beyond April 30, 2021. For clients who became eligible for RCA on or after September 1, 2020, the eligibility period will remain eight months. ORR will continue to assess the longer-term impact and need for an additional extension of the eligibility period.

ORR would like to ensure that all RCA recipients are enrolled in and referred for employment services. During this time, if available and accessible, states should utilize virtual (e.g., web-based, telephonic) services to conduct employment training with RCA recipients. However, if these resources are not accessible, in order to protect public health, upon request, ORR will waive 45 C.F.R. § 400.75, conditions for receipt of RCA, based on local public health guidance and closures.

III. Refugee Medical Assistance Eligibility Period

To aid clients affected by COVID-19, upon request, ORR will waive 45 C.F.R. § 400.211, the normal process for shifting the eligibility period, and will extend the Refugee Medical Assistance (RMA) eligibility period for clients who became eligible for RMA on or after April 1, 2019, with the additional months not extending beyond April 30, 2021. For clients who became eligible for RMA on or after September 1, 2020, the eligibility period will remain at 8 months. ORR will continue to assess the longer-term impact and need for an additional extension of the eligibility period.

With regards to eligibility determinations for RMA, upon request, ORR will waive 45 C.F.R. § 400.94 and § 400.100(a)(1) that require states to determine that an individual is ineligible for Medicaid and Children's Health Insurance Program (CHIP) before providing RMA as described herein. If applications for social security numbers are pending due to Social Security Administration office closures and/or restrictions (e.g., the online SSA system will not process certain social security applications and in person appointments are limited), ORR will allow states to enroll clients into RMA where an agency can document that a client has not been able to successfully apply for a social security number. States should ensure that RMA is discontinued if a client is subsequently approved for Medicaid prior to the expiration of RMA eligibility.

IV. Refugee Medical Screenings

To protect public health, states should continue to coordinate refugee medical screenings as local circumstances allow, prioritizing newly arrived refugees with medical needs, while balancing feasibility and safety. ORR encourages states to consider creative solutions to meet the goals of medical screening, including utilizing telehealth resources and online health education. Recognizing the impact of COVID-19 on the healthcare system, upon request, ORR will waive the 90 day requirement of 45 C.F.R. § 400.107 to allow the provision of medical screening without prior determination of eligibility for Medicaid, CHIP, or RMA beyond the first 90 days after a refugee's initial date of entry.

With regards to vaccinations, pursuant to [State Letter 99-17](#), RMA pays for vaccinations during the refugee's first year in the United States, so long as the refugee's medical screening is completed within the refugee's first 8 months in the United States. Upon request, ORR will waive relevant elements of State Letter 99-17 to allow RMA funds to provide vaccinations for ORR eligible clients who became eligible for benefits, including medical screening services, on or after April 1, 2019, with the additional months after their one-year mark not extending beyond

April 30, 2021. Within these parameters, RMA funds may be utilized for vaccinations regardless of when the clients received their refugee medical screening, as long as the vaccines are not covered by another federally funded program (e.g., Medicaid).

In addition, if vaccinations for COVID-19 become available, states may use RMA to cover this cost, if it is not covered by another federally funded program.

V. Refugee Support Services Funding for Emergency and Other Assistance

ORR will waive upon request 45 C.F.R. § 400.146 and permit states to use Refugee Support Services (RSS) base funding, including any COVID-19 supplemental allocation (e.g., FY 20 Quarter 3B allocation) for additional, immediate, and emergency services, such as transitional housing assistance and emergency payments to cover essential services such as utilities and housing, due to income loss from job disruption or job loss related to COVID-19. For additional guidance on the use of RSS funding for transitional housing assistance under 45 C.F.R. § 400.155(h), please see [PL 16-07](#).

ORR authorizes the use of RSS funding for equipment and supplies needed to support a client's virtual or remote learning or training. Additionally, ORR authorizes the use of RSS funding for supplying and distributing personal protective equipment (PPE) and other supplies that mitigate the spread of COVID-19.

States should utilize RSS funding strategically. ORR recommends states first determine that the individual seeking assistance has already received all available emergency assistance before providing RSS emergency assistance, in order to maximize funding and services.

VI. Refugee Support Services Set-Asides

RSS set-asides include the Refugee School Impact (RSI), Youth Mentoring, Services to Older Refugees (SOR), and Refugee Health Promotion. These RSS set-asides are respectively governed by [PLs 19-01](#), [19-02](#), [19-03](#), and [20-05](#). States are to administer RSS set-asides in accordance with the respective PL and utilize appropriated set-aside funds for the eligible population as defined by the PL.

Given these parameters, ORR supports flexibility within each RSS set-aside program to address the impacts of the pandemic. RSS set-aside funds may be used to support services such as virtual case management, distance learning, access to technology, and digital literacy. For example, a state may use RSI funds to ensure ORR eligible youth ages 5-18 have the access to technology and digital literacy to participate in on-line school. Or a state may use SOR funds to conduct virtual case management and combat social isolation among ORR eligible refugees ages 60 and above. ORR recognizes the model of service delivery must be adapted during this pandemic, and supports the development of these new modalities.

Additionally, ORR also authorizes the use of RSS set-aside funds for equipment and supplies to support these efforts. ORR also authorizes the use of RSS set-aside funding for supplying and distributing PPE and other supplies that mitigate the spread of COVID-19.

ORR encourages states to continue to be strategic and coordinate with other mainstream stakeholders (e.g., local school districts for RSI) so that set-aside funds do not duplicate efforts, but instead are maximized to fill in the gaps.

VII. Refugee Support Services Extended Eligibility Period

ORR will waive upon request the 60-month eligibility period for RSS under 45 C.F.R. § 400.152(b) on the provision of support services for those in extreme circumstances (e.g., a client who risks eviction, a client who is unable to pay for heating during frigid winter months). This waiver includes the RSS set-aside programs and applies to all ORR eligible populations.

VIII. Fiscal Years 2018 and 2019 Refugee Support Services Grant Obligation and Liquidation Deadlines

ORR will waive upon request, 45 C.F.R. § 400.210(b) for FY 2018 and FY 2019 RSS grants to the extent described herein. ORR will extend the obligation deadline of September 30, 2020, for RSS FY 2019, for up to 1 year. ORR will extend the liquidation deadlines of September 30, 2020, for RSS FY 2018, and September 30, 2021, for RSS FY 2019, for up to 1 year. ORR encourages states to use FY 2019 RSS funding prior to using FY 2020 or subsequent funds.

IX. Provision of ORR Funded Services

States and provider agencies should make all efforts to continue services to the highest degree possible utilizing on-line resources, online education, and virtual contacts, or other means that are consistent with the guidance of local public health entities.

X. ORR Discretionary Grants

ORR discretionary grant programs (e.g., Matching Grant, Preferred Communities, and Survivors of Torture) can implement some flexibilities to guidelines and eligibility requirements when authorized by the ORR Director. As additional guidance related to COVID-19 flexibilities within the ORR discretionary refugee programs is cleared, it will be shared with discretionary grantees.

XI. Stakeholder Consultations

Where technology is available, states may hold virtual quarterly consultations as an acceptable alternative to in-person consultations.

XII. Subrecipient Monitoring

Pursuant to 45 C.F.R. § 400.22 and § 75.352, states are still required to have a systematic planned examination and evaluation of operations in local offices. Additionally, states must ensure that subrecipients use federal funding in accordance with federal statutes, regulations, and the terms and conditions of the award. In light of the pandemic, states may use virtual tools to conduct the examination and evaluation, and may adjust monitoring timelines depending on program oversight priorities in response to the pandemic and local public health guidance.

XIII. Requesting a Waiver

A state can request one or more of the waivers listed herein by sending one email entitled “Stage 3 COVID-19 waiver requests” to the relevant points of contact listed below in Section XIV, specifying the waivers it requests to utilize. All waiver requests consistent with the

allowances herein will be automatically granted. All waiver requests will be reviewed for applicability and states will be notified if the request is not accepted.

XIV. Points of Contact

Please direct your waiver requests to the following ORR staff:

- **Eligibility Determinations, Refugee Cash Assistance and Refugee Support Services:** Your Regional Representative/Analyst and Carl Rubenstein, Director of the Division of Refugee Assistance, at Carl.Rubenstein@acf.hhs.gov.
- **Refugee Medical Assistance and Refugee Medical Screening:** Curi Kim, Director of the Division of Refugee Health, at Curi.Kim@acf.hhs.gov.

Please send questions on the following topics to:

- **ORR-Health Related Discretionary Grants:** Curi Kim, Director of the Division of Refugee Health, at Curi.Kim@acf.hhs.gov.
- **All Other ORR Discretionary Grants:** Anastasia Brown, Director of the Division of Refugee Services, at Anastasia.Brown@acf.hhs.gov.
- **Eligibility for Benefits or Services:** The Refugee Policy Unit at RefugeeEligibility@acf.hhs.gov.

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

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