



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201  
[www.acf.hhs.gov/programs/orr](http://www.acf.hhs.gov/programs/orr)

## COVID-19 Assistance for Unaccompanied Refugee Minor Youth

Policy Letter 21-02

April 13, 2021

In response to the spread and impact of the coronavirus disease 2019 (COVID-19) and resulting congressional action, the Office of Refugee Resettlement (ORR) is issuing this policy letter (PL) to provide states<sup>1</sup> with the ability to assist older unaccompanied refugee minors (URM youth) affected by COVID-19. Forms of assistance may include additional resources, extended eligibility periods for resources and/or foster care, and program flexibilities that will help URM youth continue their education or training.

Congress authorized these forms of assistance for older domestic foster care youth through passage of Public Law 116-260, the Consolidated Appropriations Act of 2021, on December 27, 2020. The Administration for Children and Families' Children's Bureau issued [Information Memoranda 21-05](#) on January 13, 2021, and Program Instruction [ACYF-CB-PI-21-04](#) on March 9, 2021, to provide title IV-B and IV-E agencies with basic information and guidance regarding the new law.

ORR affirms that states should mirror their title IV-B and title IV-E agencies' implementation of the new law with respect to services provided to URM youth. In accordance with [45 CFR § 400.116\(a\)](#), ORR regulations mandate that a state "provide unaccompanied minors with the same range of child welfare benefits and services available in foster care cases to other children

Given the unique composition of the URM program, some URM youth in public custody can access services and benefits from their respective state. Except for the waivers and flexibilities stated herein, states must continue to adhere to section 3.10 of the ORR's Guide to Eligibility, Placement, and Services for URM ([URM Program Policy Guide](#)). States should continue to fund Chafee services and education and training vouchers for URM youth who are able to access these services and/or benefits through their state's Chafee program. ORR will continue to fund Chafee-comparable services and education and training vouchers for URM youth who cannot access these services and/or benefits through their state's Chafee program.

---

<sup>1</sup> "States" throughout this PL refers to states, URM replacement designees, and private agencies that operate a URM program in lieu of a state.

States may request all relevant waivers and assistance listed below. All waivers and assistance will remain in effect through the COVID-19 public health emergency period,<sup>2</sup> unless otherwise specified.

The assistance outlined in this PL is consistent with refugee policy objectives and will allow URM youth affected by COVID-19 to receive critical assistance and services. ORR will continue to assess the impact of COVID-19 on URM youth.

## **I. Supporting Foster Youth and Families Through the Pandemic Act (Consolidated Appropriations Act, 2021 (CAA), Division X)**

### **A. Continued Safe Operation of Child Welfare Programs and Support for Older Foster Youth (CAA, Division X, Section 3)**

If a state's title IV-B and title IV-E agencies choose to provide the following assistance to domestic foster youth, ORR will authorize a state to provide the following benefits and/or services to URM youth upon request.

1. Maximum Education and Training Voucher (ETV) Award Amount (private custody states only)

For the period from October 1, 2020, through September 30, 2022, eligible URM youth may receive an increased ETV award up to \$12,000 per fiscal year.

2. Maximum Age Limitation on Eligibility for Assistance

For fiscal years 2020 and 2021, eligible URM youth may receive Chafee (or Chafee-comparable) and ETV services and benefits until they turn 27 years old.

Additionally, if a state's title IV-B and title IV-E agencies choose to extend the following program flexibilities to domestic foster youth, ORR will authorize a state to provide the following flexibilities, benefits, and/or services to URM youth, upon request.

3. Program Flexibilities

- a. Waiver of ETV requirements – A state may waive a requirement that a URM youth must be enrolled in post-secondary education or a training program and making satisfactory progress towards completing that program, if a URM youth is unable to do so given the COVID-19 pandemic.
- b. ETVs – A private custody state can use ORR-funded ETVs to help support URM youth to remain enrolled in post-secondary education or a training program. This may include expenses that are not part of the cost of attendance, but would assist the youth to remain enrolled.

---

<sup>2</sup> Division X of the Consolidated Appropriations Act, 2021, titled the "Supporting Foster Youth and Families through the Pandemic Act," defines the COVID-19 public health emergency period as beginning on April 1, 2020, and ending on September 30, 2021.

- c. Driving and transportation assistance – A state can provide up to \$4,000 per year of driving and transportation assistance to eligible URM youth ages 15-26 years old.

## **B. Preventing Aging Out of Foster Care During the Pandemic (CAA, Division X, Section 4)**

In section 4 of the Supporting Foster Youth and Families through the Pandemic Act, Congress mandated a state's title IV-B and title IV-E agencies to provide the following assistance to domestic foster youth. In light of this congressional action, ORR requires states to provide the same assistance to URM youth.

### 1. Addressing Aging Out of Foster Care During the Pandemic

A state may not find a URM youth who is aging out of foster care ineligible for placement, services, and assistance, solely due to age or failure to meet education or employment conditions through September 30, 2021.

### 2. Re-Entry to Foster Care for Youth Who Age Out During the Pandemic

- a. A state must permit a URM youth who left URM care during the COVID-19 public health emergency period to voluntarily re-enter care and remain in care until September 30, 2021.
- b. A state must notify URM youth who were discharged during the COVID-19 public health emergency period of the option to return to URM care.
- c. A state must facilitate the voluntary return of any URM youth to URM care.
- d. ORR-3 Reporting - If a state allows a URM youth to re-enter the URM program, as outlined in item I.B.2.a., a state must ensure that an ORR-3 report indicating a "change of status" is submitted to ORR through the Refugee Arrivals Data System application within 60 days of re-entry. For more information on how to submit an ORR-3 report, refer to the [ORR-3 instructions](#).

### 3. Protections for URM Youth in Foster Care

In accordance with the URM Program Policy Guide, section 3, a state must continue to ensure the safety, permanency, and well-being of older URM youth who remain in foster care. Additionally, per section 3.10 of the URM Program Policy Guide, Services and Benefits to Support a Successful Transition to Adulthood, a state must continue to help youth over 18 years old prepare for adulthood.

## **II. Other COVID-19 Guidance for States and Assistance for URM Youth**

### **A. Cash and Medical Assistance Funding for Emergency and Other Assistance**

States should strategically use Cash and Medical Assistance (CMA) funding. ORR recommends states first determine that URM youth have already received all available federal, state, and local emergency assistance before providing ORR emergency assistance, in order to maximize funding and services. As a last resort, and after other options have been exhausted, a state may request the following waiver to provide necessary assistance and services.

Upon request, ORR will waive [45 CFR § 400.116\(b\)](#) requiring prior approval of the ORR director for additional assistance and services, and allow a state to use CMA funding to provide additional assistance and services to URM youth impacted by COVID-19, if the assistance or services are reasonable and necessary for a particular URM child or youth. States that are approved by ORR to use this case specific waiver must clearly track and justify the reasonableness and necessity of the funds used under this waiver.

## **B. Provision of URM Services**

During the COVID-19 public health emergency period, states should make all efforts to continue services to the highest degree possible using virtual home visits, online resources, online education, or other means consistent with the guidance of local child welfare and public health entities.

## **C. Sub-recipient Monitoring**

Pursuant to [45 CFR §§ 400.22](#) and [75.352](#), and the [1987 Unaccompanied Refugee Minor Statement of Goals, Priorities, Standards, and Guidelines](#), states are still required to effectively monitor services to URM children and youth and to have a systematic planned examination and evaluation of operations in local offices. In addition, states must ensure that sub-recipients 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 monitoring.

## **D. Requesting Waivers and Assistance**

A state can request authorization to provide assistance listed herein or the relevant waiver(s) by sending one email entitled “COVID-19 assistance” to its URM program analyst. In the email, a state should include the specific assistance it is requesting (e.g., I.A.1. Maximum ETV Award Amount - up to \$12,000 per youth, and I.A.2. Maximum Age Limitation on Eligibility for Assistance - until 27 years old) and at what level. In the email, a state should also include an assurance that it has communicated with or taken efforts to understand what its respective title IV-B or title IV-E agency plans on doing to assist domestic foster youth in response to the new law.

ORR understands that this may be an iterative process as states work to understand what their title IV-B and IV-E agencies choose to implement. To ensure that URM youth receive needed services and assistance as quickly as possible, states should not delay requesting waivers and assistance. URM program analysts will review all waivers and requests for assistance, and states will be notified promptly if any request is not accepted.

Finally, within 2 weeks of ORR's issuance of this PL, since the provisions of this PL will impact ORR's budget, states must submit a revised ORR-1 estimate via the On-Line Data Collection system reflecting the additional costs states expect to incur in light of the mandatory and elected provisions of this PL. States must provide written justification related to the increase in URM COVID-19 relief costs categorized into the following three main areas: section I.A., Support for Older Foster Youth; section I.B., Preventing Aging Out of Foster Care During the Pandemic; and section II.A., Cash and Medical Assistance Funding for Emergency and Other Assistance.

If you need additional time to provide a more accurate estimate, please contact your URM program analyst. Cost estimates that are initially submitted can be revised. If you do not anticipate a need to revise your fiscal year 2021 ORR-1 estimate, please notify your URM program analyst.

If you have questions about the information contained in this PL, please contact your URM program analyst.

Cindy Huang  
Director  
Office of Refugee Resettlement