



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
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ORR Funds and Flexibilities During Emergencies and Disasters

Policy Letter 22-05

October 25, 2021

ORR is issuing this policy letter (PL) to enhance and clarify the ability of states¹ to use ORR-provided flexibilities and Refugee Support Services (RSS) funds for emergency or disaster assistance. The ORR Director has determined that the use of the waivers and flexibilities described below, and the expenditure of RSS funds for critical assistance and services for ORR-eligible populations affected by an emergency or disaster, will advance the purposes of the refugee resettlement program and is consistent with refugee policy objectives.

In the event federal, state, or local emergency management authorities declare an emergency or disaster, or an ORR state recipient identifies an emergency or disaster (e.g., an apartment complex burned down that houses a significant number of newly arrived refugees), states should immediately connect impacted ORR populations with available federal, state, and local emergency assistance.

Additionally, states may exercise the flexibilities described below, and/or, pursuant to 45 CFR § 400.300, submit an application to ORR for specific waiver(s) as listed within this PL, to provide necessary assistance and/or services during times of emergency or disaster.

States may submit such an application any time, in order to have the authority to act immediately on behalf of clients when an emergency or disaster occurs. An approved waiver will remain in effect until September 30 of the fiscal year within which it is requested. States may also submit, in August or September, an application for specific waivers for the following fiscal year; if approved, that/those waiver(s) would remain in effect until September 30 of the following fiscal year.

I. Waivers

a. Eligibility Determinations for ORR Benefits and Services

States must continue to ensure that ORR-eligible populations have the opportunity to apply for ORR benefits and services.

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

Section 400.43 of 45 CFR requires applicants to provide the state with proof of documentation for an eligible immigration status or category. Additionally in [ORR PL 16-01](#), ORR asks states to ask the applicant for a written declaration of immigration status and to review documentation of immigration status or category in making an eligibility determination. Upon request, ORR will waive these requirements of 45 CFR § 400.43 and ORR PL 16-01 during a specific emergency or disaster, 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 emergency or disaster, 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 or category. Further, an eligibility worker may conduct an eligibility determination over the phone, asking the applicant for a written declaration, under penalty of perjury, containing name, date of birth, alien registration number, immigration status or category, date of entry, most recent address, and an acknowledgement that the individual has been impacted by the emergency or disaster. If a written declaration is not possible given the circumstances, the applicant must support their verbal declaration with a subsequent written declaration within 6 months. If the declaration indicates that the applicant is within an immigration status or category that confers eligibility for ORR benefits and services, and the individual has been impacted by the emergency or disaster, the eligibility worker may conclude that the applicant is eligible for ORR benefits and services.

b. Refugee Support Services Extended Eligibility Period

Upon request, ORR will waive the 60-month eligibility period for RSS base and set-aside funds under 45 CFR § 400.152(b) and authorize the provision of extended or additional support services and/or emergency assistance for ORR-eligible individuals in extreme circumstances (e.g., an individual requires case management after a tragedy, a family needs housing assistance after their apartment was destroyed by a tornado). Before doing so, the state must first determine that the individual has already applied for all other support services and emergency assistance available to them at the time. Within 5 business days of using RSS funds for this purpose, the state must notify their Regional Representative/Analyst or, in the case of the use of RSS Refugee Health Promotion (RHP) set-aside funds, their contact within ORR's Division of Refugee Health. This detailed notification must include a description of the extreme circumstances, the impact to the ORR-eligible individual(s), the state's use or intended use and projected amount of RSS funds in response, and the state's anticipated end date for using RSS funds for this purpose.

II. Flexibilities

a. Refugee Support Services Base Funds for Emergency Assistance

While states should use RSS funds strategically to maximize employability services leading to economic self-sufficiency and integration, states may use RSS base funds in response to an emergency or disaster, as a last resort when an RSS-eligible individual or population is unable to receive sufficient assistance to help in their recovery and/or if the receipt of available mainstream emergency assistance is delayed.

Within 5 business days of using RSS base funds as described in II.a.i. and II.a.ii., states must notify their Regional Representative/Analyst. This detailed notification must include a description of the

emergency or disaster, the impact to the ORR-eligible individual or population(s), the state's use or intended use and projected amount of RSS base funds in response, and the state's anticipated end date for using RSS funds for this purpose.

- i. Pursuant to 45 CFR § 400.155(h), the ORR Director authorizes states to use RSS base funds for additional, immediate, and emergency assistance and services, necessary due to income loss from job disruption, job loss related to the emergency or disaster, or the inability to secure employment due to the emergency or disaster. RSS funds may be used for this purpose after it has first been determined that the recipients have already applied for all other emergency assistance and services available to them at the time. Forms of additional, immediate, and emergency assistance may include transitional housing assistance, emergency vendor payments for essential services such as utilities and housing, and gift cards for necessary supplies. For additional guidance on the use of RSS funds for transitional housing assistance, see [ORR PL 16-07](#).
- ii. Pursuant to 45 CFR § 400.155(h), the ORR Director also authorizes the use of RSS base funds for supplying and distributing personal protective equipment (PPE) and other supplies that mitigate the effects of contaminants or the spread of an illness causing or related to the emergency or disaster.

b. Refugee Support Services Set-Aside Funds for Emergency Assistance

RSS set-asides include Refugee School Impact (RSI), Services to Older Refugees (SOR), Youth Mentoring (YM), and Refugee Health Promotion (RHP). Requirements for these RSS set-asides are outlined in ORR PLs [22-07](#), [22-08](#), [22-09](#), and both [20-05](#) and [22-06](#), respectively. States are to administer RSS set-asides to achieve the goals of the relevant PL and use appropriated set-aside funds for set-aside participants from the eligible population as defined by that PL.

Within these parameters, ORR supports flexibility within each RSS set-aside program to address the impacts of an emergency or disaster.

Within 5 business days of using RSS set-aside funds as described in II.b.i. and II.b.ii., states must notify their Regional Representative/Analyst for the use of RSI, YM, and/or SOR funds or their contact within ORR's Division of Refugee Health for the use of RHP funds. This detailed notification must include a description of the emergency or disaster, the impact to the participants of the RSS set-aside(s) in question, the state's use or intended use and projected amount of RSS set-aside funds in response, and the state's anticipated end date for using RSS funds for this purpose.

- i. Pursuant to 45 CFR § 400.155(h), the ORR Director authorizes the use of RSS set-aside funds for equipment and supplies to address the impacts of an emergency or disaster on the set-aside program and/or its participants.
- ii. Pursuant to 45 CFR § 400.155(h), the ORR Director authorizes the use of RSS set-aside funds for supplying and distributing PPE and other supplies that mitigate the effects of contaminants or the spread of an illness caused or related to the emergency or disaster, to the set-aside program's participants.

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

III. Oversight

In addition to notifying ORR regarding the use of RSS base and/or set-aside funds on an emergency basis, as addressed within sections I.b., 2.a., and 2.b., the state shall include in its ORR-6 Schedule A narrative the follow-up activities it undertook to ensure that the funds were used in accordance with ORR guidance. ORR shall consult with the state on the management and coordination of the incident's progress and shall review and monitor the use of these funds.

IV. Applying for a Waiver(s)

A state can apply for one or both of the waivers listed herein by sending an email entitled "application for emergency waiver(s)" to the relevant points of contact listed below in Section IV, specifying the relevant waiver(s) and applicable federal fiscal year. ORR will review the application for a waiver(s) and notify the state whether the application has been approved or disapproved. If disapproved, ORR will provide notice of the reasons for denial.

V. Points of Contact

Direct an application for a waiver regarding eligibility determinations, as described in I.a., or an extension of the eligibility period for the use of RSS base funds, or RSS RSI, SOR, and/or YM set-aside funds, as described in I.b., to your Regional Representative/Analyst via email with copy to Carl Rubenstein, Director of the Division of Refugee Assistance, at Carl.Rubenstein@acf.hhs.gov.

Direct an application for a waiver regarding an extension of the eligibility period for the use of RSS RHP set-aside funds, as described in I.b., to your contact within ORR's Division of Refugee Health via email with copy to Curi Kim, Director of the Division of Refugee Health, at Curi.Kim@acf.hhs.gov.

Send questions on eligibility for benefits or services to ORR's Refugee Policy Unit at RefugeeEligibility@acf.hhs.gov.

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

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