



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
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Assistance for ORR Populations Affected by COVID-19

Policy Letter 20-04

Date: April 24, 2020

In response to the spread of COVID-19 and its impact on ORR eligible populations, ORR issued **Policy Letter (PL) 20-03**, providing states¹ and Replacement Designees with the ability to request waivers to enhance cash and medical assistance to ORR eligible populations.

In this policy letter, ORR wants to remind states of their existing authority and to provide waivers to specific ORR regulations, giving states the added flexibility to assist ORR eligible populations affected by COVID-19. ORR encourages 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, as a last resort and after other options have been exhausted, request and implement the waivers listed below to provide necessary assistance and/or services. All waivers will remain in effect through September 30, 2020, 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 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 are making eligibility determinations for cash assistance 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, ORR will waive upon request 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 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

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

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 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, ORR will waive upon request 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 COVID-19 emergency assistance payments (e.g. 2020 Economic Impact Payments, RSS payments for utilities). States should not disregard unemployment insurance or COVID-19 pandemic unemployment assistance.

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

III. 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 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](#).

States should provide 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.

ORR also authorizes the use of RSS funding for equipment and supplies needed to support a client's virtual or remote learning or training.

IV. 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. This waiver applies to all ORR eligible populations.

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

ORR will waive upon request, 45 C.F.R. § 400.210(b)(2) for FY 2018 and FY 2019 RSS grants. 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 one year. ORR encourages states to use FY 2018 RSS funding prior to using FY 2019 or subsequent funds.

VI. Provision of ORR Funded Services

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

VII. 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, ORR will waive upon request, the 90 day requirement of 45 C.F.R. § 400.107 for providing medical screening without determining eligibility for Medicaid, SCHIP or Refugee Medical Assistance.

VIII. ORR Discretionary Grants

ORR discretionary grant programs (e.g. Matching Grant, Refugee Health Promotion) can implement some flexibilities to guidelines and eligibility requirements when authorized by ORR. When guidance related to COVID-19 flexibilities within the ORR discretionary refugee programs is cleared, it will be shared with discretionary grantees.

IX. Stakeholder Consultations

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

X. Requesting a Waiver

A state can request one or more of the waivers listed herein by sending one email entitled "COVID-19 waiver requests" to the relevant points of contact below in section XI, specifying the waivers it requests to utilize. All waiver requests consistent with the allowances herein will be automatically granted.

XI. Points of Contact

Please direct your waiver requests and/or questions to the following ORR staff:

- **Eligibility:** For questions regarding eligibility of an individual for benefits or services, contact Thomas Pabst, Refugee Services Program Specialist at Thomas.Pabst@acf.hhs.gov.

- **Eligibility Determinations, Refugee Cash Assistance and Refugee Support Services:** For waiver requests or questions, contact your Regional Representative/Analyst and Carl Rubenstein, Director of the Division of Refugee Assistance at Carl.Rubenstein@acf.hhs.gov.
- **ORR Discretionary Grants:** For questions regarding discretionary grants, contact Anastasia Brown, Director of the Division of Refugee Services at Anastasia.Brown@acf.hhs.gov. For questions regarding health related discretionary grants, contact Curi Kim, Director of the Division of Refugee Health at Curi.Kim@acf.hhs.gov.
- **Refugee Medical Screening:** For waiver requests or questions, contact Curi Kim, Director of the Division of Refugee Health at Curi.Kim@acf.hhs.gov.

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

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