



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)

## **Approval of Use of Refugee Support Services Funds for English Language Training**

Policy Letter 20-01

Date: November 20, 2019

This Policy Letter announces that ORR grantees may use Refugee Support Services (RSS) funds to provide English language training to Non-Employable Refugees. This use of funds advances the purposes of the refugee resettlement program, and is appropriate and consistent with federal refugee policy objectives.

### **Authority to Approve English Language Training under 45 CFR 400.155(h)**

Pursuant to 45 CFR 400.155(h), the Director of ORR may approve support services not otherwise listed in the regulations that are aimed at strengthening and supporting the ability of a refugee individual, family or refugee community to achieve and maintain economic self-sufficiency, family stability, or community integration, that have been demonstrated as effective and that are not available from any other funding source. The Director has determined that English language training is important and effective for achieving community integration. For Non-Employable Refugees, these services are not available from another funding source.

### **Support Services and Employability**

Support Services are divided into two categories of services, employability services, provided pursuant to 45 CFR 400.154 and other services, provided pursuant to 45 CFR 400.155. The English language instruction is offered as part of employability services at 45 CFR 154(d), but as part of the employability services, this section only applies to refugees who are authorized and able to find employment. For refugees not authorized and able to find employment, their support services are limited to those other services described in 45 CFR § 400.155. These other services can now include English language training.

### **Categories of Non-Employable Refugees**

Non-Employable refugees include Non-Employable Entrants and persons who are exempt from employment requirements but who are otherwise eligible for ORR benefits. In [Policy Letter 19-06](#), ORR defined Non-Employable Entrants as Cuban and Haitian Entrants pending removal proceedings who are not authorized to work in the United States because they cannot apply for or be granted work authorization. As stated in Policy Letter 19-06, ORR-eligible Non-Employable Entrants cannot receive ORR employability services because such persons cannot engage in job search or be represented to prospective employers as employable. Non-Employable Refugees

also include those eligible for ORR benefits whom states or replacement designees determine, under state or replacement designee established criteria, to exempt from the employment related requirements.

Sincerely,

Jonathan H. Hayes, Director  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services