



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)

## Guidance for Public-Private RCA Programs

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### Introduction

This document provides guidance for agencies administering Public-Private Refugee Cash Assistance (RCA) programs, also known as Public-Private Partnerships (PPPs), and Replacement Designee-administered RCA programs, which are governed by ORR's PPP regulations. All such programs are referred to as PPPs throughout the remainder of this document. This guidance is effective October 1, 2019; an agency administering a PPP has six months after the approval of its initially-submitted Fiscal Year (FY) 2020 State Plan to revise that plan and implement its PPP in accordance with the requirements outlined in this document.<sup>1</sup>

ORR-funded PPPs are described in and subject to 45 CFR §§400.56-63; this document is a complement to those regulations with regard to the selected topics below.

### I. PPP RCA Procedures

An agency administering a PPP must adhere to ORR regulations 45 CFR §§400.56 through 400.63, in addition to the following guidance regarding the provision of RCA payments to its clients (and RCA differential payments, where applicable, as addressed in Section 2).

RCA is financial assistance, funded through ORR's Cash and Medical Assistance (CMA) program, provided to eligible clients.<sup>2</sup> Most RCA assistance is expected to be provided in the form of cash payments to clients, but it may also include income disregards (i.e. income which is not counted in determining payment levels and financial eligibility for cash assistance) and incentive bonuses for early employment and job retention.

The objective of RCA is to provide adequate financial assistance for up to eight months after the clients' date of eligibility for ORR benefits and services to support their path towards economic self-sufficiency through employment. Economic self-sufficiency means earning a total family income at a level that enables a family unit to support itself without receipt of a cash assistance grant.<sup>3</sup> Cases and individuals receiving Supplemental Nutrition Assistance

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<sup>1</sup> This guidance will be part of the terms and conditions of the CMA grant and will be binding on grantees.

<sup>2</sup> For a description of immigration requirements for eligibility for ORR benefits, please see [Policy Letter 16-01](#) and 45 CFR § 400.43.

<sup>3</sup> 45 CFR § 400.2.

Program (SNAP), Medicaid and other public assistance programs, without cash payments are considered self-sufficient. ORR considers a refugee employed when that refugee was determined and reported to be employable in the family self-sufficiency plan and is subsequently employed in the United States.

### **A. Initial Client Eligibility**

Within a PPP, eligibility for RCA is determined by program site staff based on 45 CFR §§400.59 and 400.62.

Clients that are eligible for Supplemental Security Income (SSI) may only receive RCA and RCA differential payments until cash assistance under the SSI program is provided, at which point the client is ineligible for RCA.

Married spouses joining family members in the U.S. should not be treated as single: the income and resources of the spouse who first arrived to the U.S should be considered when determining eligibility of the later arriving spouse. An adult child of 18 years or older is treated as a separate case.<sup>4</sup>

### **B. Income Eligibility Standard**

The RCA income eligibility standard is to be proposed by the PPP-administering agency in accordance with 45 CFR §400.59(a) and is subject to ORR approval. The PPP-administering agency must provide justification for the income eligibility standard; specifically, how the standard meets the RCA program objective of economic self-sufficiency (*described above, Section I. PPP RCA Procedures*), and complies with applicable regulations 45 CFR §§400.56 through 400.63. Additionally, the PPP-administering agency should address whether the income eligibility standard will disqualify ORR eligible-populations for other means-tested benefit programs (e.g. SNAP, Medicaid). Income disregards and other bonuses or incentives

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<sup>4</sup> *Splitting Cases:* A refugee household that has arrived together through the Reception and Placement program administered by the U.S. Department of State's Bureau of Population, Refugees, and Migration and has been designated one case number can be split prior to enrollment into an agency's RCA program, provided that the household composition is in accordance with the regulations of the state. Splitting prior to enrollment would primarily be done if:

- a) The case includes parent/s with dependent children over 18,
- b) Particular members of the case are ineligible for RCA (e.g. a family member on SSI),
- c) The members of the case would be living in separate households, or
- d) Members of the household would be served under different programs.

If an office splits a case, case file documentation must reflect the separation with an explanation of the rationale for the split; outcome data must reflect the split as well. In instances where a refugee case is split for RCA purposes, each RCA case must have a separate section in the case file.

must encourage early employment prior to the expiration of the RCA time eligibility period (currently at 8 months) and are subject to ORR approval.

### **C. Monthly Re-determination/Compliance**

All PPP-administering agencies must have a process for determining continued eligibility for cash assistance on a monthly basis. Agencies must link continued eligibility for the receipt of cash assistance to adherence to the Family Self-Sufficiency Plan<sup>5</sup> (FSSP) (including an individual employability plan<sup>6</sup>) developed jointly by the client and agency staff, and case files must contain documentation showing compliance with that FSSP. The FSSP is to be monitored by the case manager or another assigned staff member.

### **D. Monthly Re-determination/Income from Employment**

Eligibility must also be linked to income from employment. RCA payments must be reduced on the basis of income from employment after factoring in applicable disregards. Case files must contain clear documentation for each RCA payment including monthly redetermination calculations and acknowledgement of receipt of RCA provided by an adult member of the RCA recipient's family. Case files must also contain a copy of paychecks to substantiate eligibility for employment-based incentive payments. Also, agencies must maintain procedures for ensuring recovery of overpayments and the correction of underpayments in accordance with 45 CFR §400.49.

### **E. Refugee Cash Assistance Payment Levels**

RCA payment levels must be proposed by the PPP-administering agency in accordance with 45 CFR §400.60 and are subject to ORR approval.

### **F. Incentives and Bonuses**

The PPP-administering agency may propose income disregards and other incentives, in accordance with 45 CFR §400.60(c) and subject to ORR approval, to support the client's early entry into employment. Incentives may include but are not limited to: a bonus for becoming employed, a bonus for job retention of 90 days, or an income disregard. An incentive is not an entitlement, but may be used by a program to encourage early employment.

Under 45 CFR §400.60(c), the total combined payments to a refugee cannot exceed the ORR monthly ceiling multiplied by the allowable number of months of RCA eligibility. The PPP-administering agency must ensure that sufficient RCA funds are available to cover a

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<sup>5</sup> 45 CFR §400.156(g) and [PL 19-07](#).

<sup>6</sup> 45 CFR §400.79(a).

refugee's cash assistance needs in the latter months of a refugee's eligibility period, if needed.

## **II. RCA Differential Payments to Eligible Clients Receiving Temporary Aid for Needy Families (TANF)**

An RCA differential payment is a payment through a PPP RCA program to an eligible TANF recipient in those states where the TANF payment rate is lower than the payment rate listed under 45 C.F.R. §400.60. The provision of RCA differential payments is designed to enable all newly arrived refugees in a state with a PPP RCA program to receive the same payment level for up to eight months after their date of eligibility for ORR benefits and services. A PPP-administering agency is eligible to apply to ORR for approval to administer the provision of RCA differential payments provided that the following criteria are met.

### **A. Requirements for Approval of RCA Differential Payment**

The following criteria must be met for ORR to consider a PPP-administering agency's request to provide RCA funds to refugees receiving TANF:

- 1) The state TANF rate is lower than the ORR rate listed at 45 CFR §400.60, and
- 2) The agency provides a copy of an agreement with the subdivision of the state TANF agency that is tasked with the operation of its TANF program (or "State TANF office") assuring the following:
  - a. The state will provide the full amount of TANF funding to the refugee or to the agency to be used on behalf of the refugee,
  - b. The state will disregard the RCA differential payment for the purpose of determining financial eligibility for state TANF and Medicaid (agencies could consider offering the RCA differential payment in the form of a direct vendor payment to ensure that this assistance will not negatively impact the client's financial eligibility for state/federal means tested programs), and
  - c. The state TANF agency will coordinate with the PPP-administering agency to ensure that TANF-type refugees have access to employment and other social services that are culturally and linguistically appropriate.

### **B. Application Process**

To apply, a PPP-administering agency must submit a written request to the Director of ORR, with copy to the Director of the Division of Refugee Assistance and to their Regional Representative and/or State Analyst, delineating how they meet the criteria listed above, providing a copy of the agreement with the State TANF office, describing the way(s) in which providing RCA differential payments would benefit the refugee recipients, and requesting a waiver of 45 CFR §400.53(a) (2).

If the agency's request meets with ORR's preliminary approval, the agency will be instructed to incorporate the RCA differential into its State Plan and ORR-1 Cash and Medical Assistance (CMA) budget estimate and to submit both to ORR for review. ORR will provide additional instructions if it approves the agency's request.

### **III. PPP RCA Program Administration**

As noted above, this guidance is a complement to 45 CFR §§400.56-63; it does not supersede those regulations or other ORR guidance regarding administration of a PPP program. However, ORR encourages PPP-administering agencies to remain cognizant of the following.

#### **A. Oversight**

The RCA-administering agency within the state is responsible for the oversight of the distribution of RCA and RCA differential payments.

#### **B. Allowable Administrative Tasks**

Administrative tasks<sup>7</sup> related to providing RCA and/or RCA differential payments to clients may include the following: intake and assessment of RCA eligibility; benefits authorization and processing of the RCA application; associated interpretation and translation of all required documentation; preparation and distribution of cash benefits; quality assurance, data entry, and reporting tasks related to the provision of RCA; and noncompliance documentation, conciliation, and sanctioning of RCA clients. Please refer to ORR State Letters [#12-13](#) and [#13-03](#) for further clarification of tasks that fall under these categories.

#### **C. Reporting**

As with the administration of other elements of the RRP, an agency administering the provision of RCA and/or RCA differential payments within the state is required to submit performance progress and financial reports periodically throughout the program year. Performance and expenditure report forms can be found on the ORR website at: [www.acf.hhs.gov/programs/orr/resource/report-forms](http://www.acf.hhs.gov/programs/orr/resource/report-forms).

If you have questions about the information in this guidance, please contact Colleen Mahar-Piersma at [Colleen.Mahar-Piersma@acf.hhs.gov](mailto:Colleen.Mahar-Piersma@acf.hhs.gov).

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<sup>7</sup> Federal Funding for administrative costs are provided for at 45 CFR 400.207