ADMINISTRATION FOR CHILDREN & FAMILIES
Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/orr

Guidance for Public-Private Refugee Cash Assistance Programs

Policy Letter 21-04 April 19, 2021

Introduction

This policy letter (PL) provides guidance for state and replacement designee (RD) agencies administering Public-Private Refugee Cash Assistance (RCA) programs, also known as Public-Private Partnerships (PPPs). All such programs are referred to as PPPs through the remainder of this document. This PL supersedes the Guidance for Public-Private RCA Programs that became effective October 1, 2019.

PPPs are described in and subject to 45 CFR §§ 400.56 - 400.63; this PL 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 the Office of Refugee Resettlement (ORR) regulations 45 CFR §§ 400.56 - 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 II.).

RCA is financial assistance, funded through ORR's Cash and Medical Assistance (CMA) program, provided to eligible clients.[1] Most RCA 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 8 months after a client's 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.[2] Clients receiving Supplemental Nutrition Assistance Program (SNAP), Medicaid, and other public assistance without cash payments are considered self-sufficient. ORR considers a

[1] For a description of immigration statuses or categories that are eligible for ORR benefits, see **ORR Policy Letter 16-01** and 45 CFR Part 400, Subpart D.
[2] 45 CFR § 400.2.

client employed when that client is determined and reported to be employable in the Family Self-Sufficiency Plan (FSSP)[3] and is subsequently employed in the United States.

A. Client Eligibility

Before enrolling a client, the PPP-administering agency must determine the client's income eligibility for the PPP RCA program based on 45 CFR § 400.59 and the client's eligibility on the basis of immigration status or category per 45 CFR §§ 400.43 and 400.62.[4]

A married individual joining a spouse 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 age 18 years or older should be treated as a separate case.[5]

A client that is 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. A client may not receive federal cash assistance from two programs (e.g., RCA and SSI) for the same time period.

B. Income Eligibility Standard

The PPP-administering agency should propose the RCA income eligibility standard in accordance with 45 CFR § 400.59(a). The proposed income eligibility standard 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 in Section I.), and complies with applicable regulations 45 CFR §§ 400.56 - 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 must encourage early employment prior to the expiration of the RCA time eligibility period (regularly at 8 months) and are subject to ORR approval.

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[3] 45 CFR §§ 400.71, 400.156(g) and **ORR PL 21-06.**

[4] For a description of the documentation required for each eligible immigration status or category, see **ORR Policy Letter 16-01** and 45 CFR Part 400, Subpart D.

[5] *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 18 or over,
b) Particular members of the case are ineligible for RCA (e.g., a family member receives SSI),
c) The members of the case live in separate households, or
d) Members of the household will be served under different programs.

If an agency 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 family's case is split for RCA purposes, each RCA case must have a separate section in the case file.

C. Eligibility Re-determinations Based on Compliance, Income, Etc.

On a monthly basis, the PPP-administering agency must determine continued eligibility for RCA on the basis of a client's adherence to the FSSP (including an individual employability plan[6]). For additional guidance regarding the FSSP, see ORR **PL 19-07**.

On a monthly basis, the PPP-administering agency must also determine continued eligibility for RCA on the basis of income. RCA payments must be reduced on the basis of income from employment and other sources after factoring in applicable disregards. The PPP-administering agency must clearly document each RCA payment, including the monthly redetermination calculation and receipt of RCA provided to the RCA recipient. Case files must also contain documentation to substantiate eligibility for employment-based incentive payments. Also, the PPP-administering agency must maintain procedures for ensuring recovery of overpayments and the correction of underpayments in accordance with 45 CFR § 400.49.

For a client in ongoing immigration proceedings, the PPP must verify eligibility on the basis of immigration status or category after each hearing date.

D. RCA Payment Levels

The PPP-administering agency must propose RCA payment levels in accordance with 45 CFR § 400.60. RCA payment levels are subject to ORR approval.

E. 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 a client's early entry into employment. Incentives may include but are not limited to the following: a bonus for becoming employed, a bonus for job retention of 90 days, or an income disregard. An incentive is not an entitlement, but the agency may use it to encourage early employment.

Under 45 CFR § 400.60(c), the total combined payments to a client 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 client's cash assistance needs in the latter months of the client's eligibility period, if needed.

II. RCA Differential Payments to Eligible Clients Receiving Temporary Assistance 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 CFR § 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 level of cash

[6] 45 CFR § 400.79(a).

assistance for up to 8 months after their date of eligibility for ORR benefits and services. The PPP-administering agency is eligible to apply to ORR for approval to administer the provision of RCA differential payments.

A. Requirements for ORR to Consider a Request to Administer RCA Differential Payments

The following criteria must be met for ORR to consider a PPP-administering agency's request to provide RCA differential payments to ORR-eligible clients 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 ORR-eligible client or to the agency to be used on behalf of the client,
    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 clients 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 its ORR Regional Representative and/or Regional Analyst. This letter must delineate how the agency meets the criteria listed above, provide a copy of the agreement with the state TANF office, describe the way(s) in which providing RCA differential payments would benefit ORR-eligible recipients, and request a waiver of 45 CFR § 400.53(a)(2).

If the agency's request meets with ORR's preliminary approval, ORR will instruct the agency to incorporate the RCA differential into its state plan and ORR-1 CMA budget estimate and to submit both for review. ORR will provide additional instructions if it approves the agency's request.

III. PPP RCA Program Administration

As noted above, 45 CFR §§ 400.56 - 400.63 addresses program administration for PPP RCA programs. Additionally, ORR encourages PPP-administering agencies to remain cognizant of the following.

A. Oversight

The PPP-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[7] 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 assistance; quality assurance, data entry, and reporting tasks related to the provision of RCA; and noncompliance documentation, conciliation, and sanctioning of RCA clients. For more information, see ORR State Letters **#12-13** and **#13-03** for further clarification of administrative tasks that fall under these categories.

C. Reporting

As with the administration of other elements of the refugee resettlement program, the 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 **https://www.acf.hhs.gov/orr/form/report-forms**.

If you have questions about the information in this PL, please contact the Refugee Policy Unit at **RefugeePolicy@acf.hhs.gov**.

[7] Based on available federal funding, ORR will reimburse allowable administrative costs pursuant to 45 CFR § 400.207.