ADMINISTRATION FOR CHILDREN & FAMILIES
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Immigration-Related Legal Assistance Allowable Under ORR ASA Funding

Policy Letter 22-11

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Revised May 6, 2022[1]
Revised March 28, 2023[2]
Revised June 13, 2023[3]
Revised September 19, 2023[4]
Revised September 2, 2025[5]

In the Afghanistan Supplemental Appropriations Act, 2022 and the Additional Afghanistan Supplemental Appropriations Act, 2022 (ASA), Congress authorized the Office of Refugee Resettlement's (ORR) parent agency, the Administration for Children and Families (ACF), to obligate ASA funding until September 30, 2023, for the provision of immigration-related legal assistance to eligible Afghan populations. ORR is issuing this Policy Letter (PL) to clarify the ability of states[6] and grantees to provide such assistance using ASA funding allocated through ORR grants, including but not limited to Refugee Support Services (RSS) and Preferred Communities (PC). Note, however, that ORR limits the use of ASA-funded Cash and Medical Assistance (CMA) for immigration-related legal assistance to Unaccompanied Refugee Minor (URM) programs only. All other programs must support any immigration-related legal assistance through non-CMA funding streams that ORR has explicitly authorized to use for this purpose.

I. Eligible Populations

ORR delineates eligible populations for ASA services, including immigration-related legal assistance, and the timeframe for those populations' ASA eligibility, in **ORR PL 22-01** and **ORR PL 22-02**.[7]

II. Allowable Immigration-Related Legal Assistance Activities Under ASA-Funded Grants

[1] May 6, 2022 revisions are footnoted.
[2] March 28, 2023 revisions are footnoted.
[3] June 13, 2023 revisions are footnoted.
[4] September 19, 2023 revisions are footnoted.
[5] September 2, 2025 revisions are footnoted.
[6] Throughout this PL, "states" refer to states and replacement designees.
[7] March 23, 2023, ORR PL 22-10 removed and ORR PL 22-02 added

ORR authorizes states and grantees to provide immigration-related legal assistance, as delineated herein.

A. General Description of Immigration-Related Legal Assistance

ORR authorizes the following types of immigration-related legal assistance:

1. Providing eligible populations with basic legal orientation on immigration statuses and immigration protections under the law
2. Conducting seminars, trainings, or workshops on relevant immigration-related legal assistance topics to eligible clients and/or eligible pro se applicants[8]
3. Consulting with a client to determine immigration-related legal assistance needs
4. Interviewing the client to obtain relevant information
5. Assisting in the replacement of lost or damaged immigration documents and/or assisting with the correction of incorrect immigration documents
6. Providing interpretation services to engage the client's support in filling out relevant immigration forms
7. Translating relevant documents into a client's preferred language to provide the client with a greater understanding of the forms and the U.S. immigration system
8. Explaining relevant forms to the client
9. Physically filling out relevant forms
10. Retrieving and/or preparing supporting documentation for relevant forms
11. Providing guidance on fee waivers
12. Assisting in the logistics of securing fee waivers for forms
13. Representing the client in an affirmative[9] asylum interview or other mandatory in-person immigration-related legal assistance appointment
14. Responding to immigration-related inquiries from the U.S. Department of State Bureau of Population, Refugees, and Migration
15. Responding to U.S. Citizenship and Immigration Services (USCIS) inquiries, including requests for evidence or notices of intent to deny

B. Immigration-Related Forms

In addition to the allowable activities defined in section II.A, ORR authorizes the use of ASA funds for the drafting and filing of the following immigration-related forms:

[8] May 6, 2022, added: Other ORR-eligible individuals may attend these seminars, trainings, or workshops, as long as states and grantees can meet the following two conditions: (1) ensure that the primary audience are ASA-eligible individuals, and (2) reasonably allocate the costs of their participation to another funding stream (e.g., non-ASA RSS funding). For more information regarding cost allocations, see 45 C.F.R. § 75.405(d).

[9] The affirmative asylum process is reserved for asylum seekers who are not in removal proceedings with the Executive Office of Immigration Review (EOIR). Asylum seekers who are in removal proceedings under EOIR may only seek asylum through the defensive asylum process.

1. Form I-589, *Application for Asylum and for Withholding of Removal* for affirmative asylum applications
2. Form I-821, *Application for Temporary Protected Status (TPS)*[10]
3. Form I-130, *Petition for Alien Relative*[11] – (If filing for a spouse, the marriage must have occurred on or before July 30, 2021)
4. Form DS-260, Immigrant Visa and Alien Registration Application[12] – (If filing for a spouse, the marriage must have occurred on or before July 30, 2021)
5. Form I-730, *Refugee/Asylee Relative Petition*[13]
6. Form I-824, *Application for Action on an Approved Application or Petition*[14]
7. Form DS-4317, *Family Reunification Assistance for Afghan Parolees who are in the United States*[15]
8. Form I-485, *Application to Register Permanent Residence or Adjust Status*
9. Form I-751, *Petition to Remove Conditions on Residence*
10. Special Immigrant Visa applications (e.g., Form I-360, *Petition for Amerasian, Widow(er), or Special Immigrant*)[16]
11. Form I-131, *Application for Travel Document*
    a. Humanitarian parole applications for immediate family members of ASA-eligible populations[17] remaining in Afghanistan or other countries outside of the United States
    b. Re-parole applications
12. Advance parole travel documents for ASA-eligible populations needing to travel prior to obtaining status
13. Appeals with the USCIS Administrative Appeals Office (e.g., Form I-290B, *Notice of Appeal or Motion*)
14. Form G-28, *Notice of Entry of Appearance as Attorney or Accredited Representative*
15. Form I-765, *Application for Employment Authorization*
16. Affidavit of Relationship[18]

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[10] May 6, 2022, added: If an ASA-eligible individual applies for and obtains TPS, the individual will remain eligible for ASA and ORR benefits and services until March 31, 2023 or the end of the individual's parole term, whichever is later, due to their underlying ASA-eligible immigration category or status as outlined in **ORR PL 22-02**. Note, however, that Afghans with only TPS and no underlying ORR-eligible immigration category or status as outlined in ORR PL 22-02 are not eligible for ASA or ORR benefits and services.

[11] May 6, 2022, added: Only U.S. citizens (USCs) or legal permanent residents (LPRs) may file a Form I-130. Therefore, ASA funds for immigration-related legal assistance should only be used to assist ASA-eligible individuals who are LPRs (e.g., SIVs, and refugees, asylees, SI CPRs and SI/SQ parolees who become LPRs) and are applying for a spouse or an unmarried child under 21 years of age. For more details regarding who is eligible, see **ORR PL 22-01**.

[12] March 28, 2023, form added

[13] May 6, 2022, form added

[14] March 28, 2023, form added: Some Afghan lawful permanent residents who adjusted as Afghan special immigrants (SIV holders) through OAW may seek follow-to-join immigration benefits for their spouses and children outside the United States. This application is used to request further action on a previously approved Special Immigrant Visa.

[15] March 28, 2023, form added: Some Afghan Parolees may file this form to seek family reunification, including those subsequently granted Temporary Protected Status.

[16] May 6, 2022, added: ORR authorizes the use of ASA funds to cover the Form I-360 and the underlying predicate order, including representation in the related hearings, needed to petition for a Special Immigrant Juvenile classification for unaccompanied Afghan minors (UAMs) who are in the URM Program or UAMs who have been released into the community.

[17] May 6, 2022, revised from "ORR-eligible" to "ASA-eligible"

[18] May 6, 2022, form added

C. URM-Specific Immigration-Related Legal Assistance

In addition to the allowable activities defined in sections II.A and II.B., ORR authorizes the drafting and filing of the following immigration-related documents and representation in the related hearings for URM children and youth:

1. Special Immigrant Juvenile predicate orders
2. Form I-360, *Petition for Amerasian, Widow(er) or Special Immigrant*

III. Other Allowable Activities to Facilitate Client Access to Immigration-Related Legal Assistance Under ASA-Funded Grants

A. Transportation/Lodging

ORR authorizes states and grantees to provide transportation and/or lodging, in support of immigration-related legal assistance, when necessary to ensure that a client can attend their affirmative asylum interview or other mandatory appointment with USCIS. States and grantees should first see if a virtual appointment can be secured for the client. States and grantees must also consider the totality of the circumstances before spending ASA funding on transportation and/or lodging, ensuring that all other local, state, and federal financial resources are used, and that employment income from a client is considered.

B. Immigration Fees

ORR authorizes states and grantees to pay an eligible client's fees for any or all forms listed in II.B as applicable, if the state or grantee documents the following four items, which may be reviewed during ORR monitoring:

1. Within the case file, evidence that a fee waiver request, as applicable[19], was submitted to USCIS and subsequently denied,
2. Within the case file, justification of the expense on the basis of the client's demonstrated inability to pay,
3. A plan showing the manner that the state or grantee equitably assesses client need for coverage of fees for the forms listed in II.B, *and*
4. An explanation of how the state or grantee's use of funding in this manner will further the approved goals of the program (e.g., ASA RSS, ASA PC, etc.).

C. Immigration-Related Medical Exam[20]

[19] Revised on September 2, 2025
[20] March 28, 2023, section added

ORR authorizes the use of ASA RSS funds and ASA PC funds, respectively, as of October 1, 2022, to pay for the administration of, and associated fees for, the I-693 Report of Medical Exam and Vaccination Record required for an application for Legal Permanent Residency for ASA-eligible individuals.

This option for states and grantees applies only in the following conditions:

1. The plan for providing this assistance does not substantially result in an absence of funding to provide other crucial services related to the goals of the program.
2. The use of funding in this manner directly improves the likelihood of client employment and self-sufficiency or success as described within the goals of the program.
3. This funding does not supplant other available funding that could be used for the same purpose and states/grantees coordinate with each other to ensure non-duplication
4. The funds are dispensed according to stringent criteria related to need and time frame for assistance.

A state that proposes to expend ASA RSS funds for this purpose must report on its use of these funds (including how the state assessed client need and ensured equitable selection of recipients, coordinated delivery of the service, etc.) within the ORR-6 Performance Report, Schedule A. A grantee that proposes to expend ASA PC funds for this purpose must include the expense within the budget of legal services for Afghans and also report on its use of these funds within the approved PC reporting mechanisms.

D. Other Authorized Uses

If there are additional needs not included within section II or III of this PL, contact ORR's Refugee Policy Unit at **RefugeePolicy@acf.hhs.gov**.

IV. Unallowable Immigration-Related Legal Assistance Activities Under ASA-Funded ORR Grants

Examples of immigration-related legal assistance activities that states and grantees cannot use ASA-funded ORR grants to provide include, but are not limited to:

1. Duplicative immigration assistance that USCIS provides[21] in a given state/locality
2. Duplicative immigration-related legal assistance provided to an individual by another federally funded program or any other entity

V. Coordination

[21] May 6, 2022, added: If USCIS provides immigration-related legal assistance in a state/locality, but the assistance is insufficient to meet the need, ORR ASA-funded grantees can provide immigration-related legal assistance to meet the outstanding need.

States should work with all ORR ASA-funded grantees and other immigration legal assistance providers in their state to coordinate immigration-related legal assistance so that all ASA-eligible clients are served and to ensure efforts are not being duplicated. For example, if the Preferred Communities (PC) program in a given city has funding to provide immigration-related legal assistance to ASA-eligible clients, this funding should be closely coordinated with ASA-funded RSS immigration legal assistance provider(s) and vice versa.[22] States should identify a point of contact to help disseminate updates and information to legal assistance providers from ORR and other government agencies.

VI. Reporting

States and grantees should provide a list of ASA-funded legal assistance contractors to ORR, collect data from those contractors on the number of individuals provided legal assistance, and, to the extent possible, collect data on case outcomes. States and grantees will submit this information within the OMB-approved report form(s) for the program(s) that provide ASA funding for this purpose.

VII. Procurement

As part of Operation Allies Welcome (OAW), a significant number of Afghan arrivals are being resettled, including humanitarian parolees who need immediate immigration-related legal assistance. States and grantees should use ASA funds as a last resort when no other funding is available. To provide immigration-related legal assistance as quickly as possible, states should bypass standard procurement guidelines regarding competition through September 30, 2024[23], given the emergent nature of OAW and client need for immigration-related legal assistance (see also 45 CFR § 75.329(f)(2)).

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

Robin Dunn Marcos
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[22] May 6, 2022, example added
[23] September 19, 2023: added "through September 30, 2024"