ADMINISTRATION FOR CHILDREN & FAMILIES
Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
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ORR-Authorized Legal Assistance Using AUSAA Funds

Policy Letter 23-05

June 23, 2023
Revised September 13, 2023[1]
Revised September 19, 2023[2]
Revised September 2, 2025[3]

The Office of Refugee Resettlement (ORR) is authorizing recipients of Additional Ukraine Supplemental Appropriations Act, 2022 (AUSAA)[4] Refugee Support Services (RSS)[5] funding and AUSAA Preferred Communities (PC) funding to provide immigration-related legal assistance to eligible AUSAA populations. This Policy Letter (PL) is based upon the authority within the AUSAA and provides guidance to states[6] and PC recipients regarding ORR-funded legal assistance for eligible populations. Use of RSS and PC funds for these purposes is authorized as of the effective date of this PL. Programs may also seek to reimburse costs for legal assistance incurred between October 1, 2022 – September 12, 2023[7] if a program can show that an individual or sponsor provided funding for the legal assistance provided.[8]

I. Eligible Populations

ORR delineates populations eligible for AUSAA services, including immigration-related legal assistance, and the timeframe for those populations' AUSAA eligibility, in ORR PL 22-13.

II. Allowable Immigration-Related Legal Assistance Activities Under AUSAA RSS and AUSAA PC[9] funding

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

A. Parameters

[1] September 13, 2023 revisions are footnoted.
[2] September 19, 2023 revisions are footnoted.
[3] September 02, 2025 revisions are footnoted.
[4] September 13, 2023: Comma removed to clarify AUSAA RSS funds; RSS funds that are not funded through AUSAA are not included.
[5] "RSS" throughout this PL refers to RSS base funding and programming only, rather than to RSS set-aside funding and programming.
[6] "States" throughout this PL refers to states and Replacement Designees.
[7] The effective date of this PL.
[8] September 13, 2023: Added to clarify effective date and parameters.
[9] September 13, 2023: AUSAA added before each relevant incidence of PC throughout this PL, to indicate that the letter relates only to AUSAA PC funding, rather than PC funding in general.

1. States must first determine that all priority RSS services outlined in ORR PL 22-15 are provided; PC recipients must first determine that all priority PC services are provided. Only then may states and PC recipients use existing AUSAA RSS or AUSAA PC funding, respectively, for legal assistance. ORR will not award additional AUSAA RSS and AUSAA PC funds to recipients to specifically support legal assistance.

2. Legal service providers involved will determine which activities outlined herein are appropriate for the relevant individuals or clients.

B. General Description of Immigration-Related Legal Assistance

ORR authorizes states and PC grant recipients to use AUSAA RSS and AUSAA PC funds for the following immigration-related legal assistance services, as appropriate:

1. Providing eligible populations with basic legal orientation on immigration status and immigration protections under the laws
2. Conducting seminars, training, or workshops on relevant immigration-related legal assistance topics to eligible clients and/or eligible pro se applicants
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 systems
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[10] asylum interview or other mandatory in-person immigration-related legal assistance appointment
14. Respond to U.S. Citizenship and Immigration Services (USCIS) inquiries, including requests for evidence or notices of intent to deny[11]

C. Immigration-Related Forms

A state or PC grant recipient may use AUSAA RSS or AUSAA PC funds to assist with the drafting and filing of the following immigration-related forms, as appropriate:

[10] 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.
[11] September 13, 2023: typographic error corrected.

1. Form I-912, *Request for Fee Waiver*
2. Form I-589, *Application for Asylum and for Withholding of Removal*[12]
3. Form I-821, *Application for Temporary Protected Status* (TPS)
4. Form I-130, *Petition for Alien Relative* – (If filing for a spouse, the marriage must have occurred on or before February 24, 2022)
5. Form I-730, *Refugee/Asylee Relative Petition*
6. Form I-485, *Application to Register Permanent Residence or Adjust Status*
7. Form I-751, *Petition to Remove Conditions on Residence*
8. Form I-131, *Application for Travel Document*, or any other re-parole form approved by the U.S. Department of Homeland Security
9. Appeals with the USCIS Administrative Appeals Office (e.g., Form I-290B, *Notice of Appeal or Motion*)
10. Form G-28, *Notice of Entry of Appearance as Attorney or Accredited Representative*[13]
11. Form I-765, *Application for Employment Authorization*
12. Form I-914, *Application for T Nonimmigrant Status*
13. Form I-918, *Petition for U Nonimmigrant Status*

D. URM-Specific Immigration-Related Legal Assistance

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

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 AUSAA RSS and PC Funds

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 a 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 AUSAA RSS or AUSAA PC funds 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.

[12] September 13, 2023: Text italicized; removed "for affirmative asylum applications" for inclusion elsewhere within this PL.
[13] September 13, 2023: Moved to separate line; text italicized.

B. Immigration Fees

ORR authorizes states and grantees to pay an eligible client's fees for any or all forms listed in II.C. 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,[14] 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 funds in this manner will further the approved goals of the program.

C. Immigration-Related Medical Exam

ORR authorizes the use of AUSAA RSS funds and AUSAA PC funds to pay for the administration of, and associated fees for, the Form I-693, *Report of Medical Exam and Vaccination Record* required for an application for Legal Permanent Residency for AUSAA-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 funds to provide other crucial services related to the goals of the program.
2. The use of funds in this manner directly improves the likelihood of client employment and self-sufficiency or success as described within the goals of the program.
3. These funds do not supplant other available funds 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.

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 AUSAA-Funded ORR Grants

[14] Revised September 2, 2025

Examples of immigration-related legal assistance activities for which states and grantees cannot use AUSAA RSS and AUSAA PC funds include, but are not limited to:

1. Duplicative immigration assistance that USCIS provides[15] 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

States should work with all ORR AUSAA-funded RSS or PC grantees and other immigration legal assistance providers in their state to coordinate immigration-related legal assistance so that all AUSAA-eligible clients are served and to ensure efforts are not being duplicated. For example, if the PC program in a given city has funding to provide immigration-related legal assistance to AUSAA-eligible clients, this funding should be closely coordinated with AUSAA-funded RSS immigration legal assistance provider(s) and vice versa. 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

A state that proposes to expend AUSAA 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 recipient that proposes to expend AUSAA PC funds for this purpose must include the expense within the budget of legal assistance for AUSAA-eligible individuals and also report on its use of these funds within the approved PC reporting mechanisms.

States and recipients must report all subrecipients funded for AUSAA-funded legal assistance, the number of individuals served, and, to the extent possible, data on case outcomes as required within ORR's OMB-approved reporting instruments[16] for the RSS and PC programs.

VII. Procurement

A significant number of Ukrainians and other non-Ukrainian individuals displaced from Ukraine need immediate immigration-related legal assistance. ORR therefore encourages states to bypass standard procurement guidelines regarding competition through September 30, 2024[17], to facilitate the provision of immigration-related legal assistance as quickly as possible (see also 45 CFR § 75.329(f)(2)).

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[15] If USCIS provides immigration-related legal assistance in a state/locality, but the assistance is insufficient to meet the need, ORR AUSAA-funded RSS and PC grantees can provide immigration-related legal assistance to meet the outstanding need.
[16] September 13, 2023: Revised from "report forms" to "reporting instruments" to accommodate reporting within the RADS database.
[17] September 19, 2023: September 30, 2023 replaced by September 30, 2024.

VIII. Effective Date, Justification, and Reimbursement Requests[18]

The AUSAA RSS and AUSAA PC funding authorized for providing immigration-related legal assistance is authorized for use as of October 1, 2022. Reimbursements for legal assistance paid between October 1, 2021 and September 13, 2023 must be requested prior to reimbursement.[19]

Separately, each program seeking to use AUSAA RSS or AUSAA PC funding for legal assistance on or after June 23, 2023 must submit a justification. Below are the requirements for reimbursement requests and for justifications.

A. Reimbursement Requests for Immigration-Related Legal Assistance Provided Between October 1, 2021 – September 13, 2023[20]

AUSAA RSS and AUSAA PC funds may be used to reimburse legal services fees paid between October 1, 2022 and September 13, 2023 if an individual or sponsor provided the funding for legal assistance in that time period. Legal assistance expenses incurred between October 1, 2022 and September 13, 2023 paid through other federal, state, or local government sources are not eligible for reimbursement.

A state must send reimbursement requests regarding AUSAA RSS funds for legal assistance via email entitled "Reimbursement request to use AUSAA RSS funds for legal assistance" to its ORR Regional Representative/Analyst, with a copy to DRA Refugee Programs at draprograms@acf.hhs.gov.

A grantee must send reimbursement requests regarding AUSAA PC funds for legal assistance via email entitled "Reimbursement request to use AUSAA PC funds for legal assistance" to the ORR PC project officer.

B. Justification Requirements[21] for the use of AUSAA RSS Funds for Immigration-Related Legal Assistance

Before using funds for immigration related legal assistance, a state must review its AUSAA RSS funds to determine whether it has sufficient AUSAA RSS funds for legal assistance after providing the priority services outlined in PL 22-15. If a state has sufficient AUSAA RSS funds to first provide priority services and seeks to provide AUSAA RSS funds for legal assistance, it must send an email entitled "Justification to use AUSAA RSS funds for legal assistance" to its ORR Regional Representative/Analyst, with a copy to DRA Refugee Program at draprograms@acf.hhs.gov.

In its justification, the state must:

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[18] September 13, 2023: Title changed.
[19] September 13, 2023: Paragraph regarding effective date of funding and reimbursement requests added.
[20] September 13, 2023: Section added.
[21] September 13, 2023: Title changed.

1. Confirm and justify that its AUSAA RSS funds are sufficient to first address priority services identified in PL 22-15 before providing legal assistance to AUSAA-eligible individuals;
2. Specify the type(s) of legal assistance to be provided; and
3. Confirm that the assistance is not duplicative of other legal assistance available to AUSAA-eligible individuals, whether locally or virtually.

B. Justification Requirements[22] for the use of PC Funds for UHP Immigration-Related Legal Assistance

If a PC recipient has sufficient AUSAA PC funds to first provide priority services and seeks to use AUSAA PC funds for legal assistance as outlined in this PL, it must contact its ORR Project Officer to adjust the scope of services and budgets to include such assistance.

The PC recipient must:

- Confirm and justify that its AUSAA PC[23] funds are sufficient to first address priority services identified in the supplemental before providing legal assistance to AUSAA-eligible individuals;
- Specify the type(s) of legal assistance to be provided; and
- Consult with relevant State Refugee Coordinators and confirm that the assistance is not duplicative of other legal assistance available to AUSAA eligible individuals, whether locally or virtually.

If you have any questions about this Policy Letter, please contact the Refugee Policy Unit at RefugeePolicy@acf.hhs.gov.

Sincerely,

Ken Tota
Director, Refugee Programs
Office of Refugee Resettlement

[22] September 13, 2023: Title of section changed.
[23] September 13, 2023: Corrected from “RSS” to “PC.”