

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Office of Refugee Resettlement****45 CFR Part 400****Refugee Resettlement Program: Requirements for Employability Services, Job Search, and Employment; Refugee Medical Assistance; Refugee Social Services; Targeted Assistance Services; and Federal Funding for Administrative Costs**

AGENCY: Administration for Children and Families (ACF), Office of Refugee Resettlement, HHS.

ACTION: Final rule.

SUMMARY: This rule amends or clarifies current requirements governing employability services, job search, employment, refugee medical assistance, social services, and Federal funding for State administrative costs and would establish requirements for the targeted assistance program.

A proposed rule was published in the **Federal Register** on August 12, 1994 (59 FR 41417). Some changes have been made and clarifications provided in this final regulation after consideration of the written comments received.

EFFECTIVE DATE: October 1, 1995.

ADDRESSES: Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade S.W., 6th Floor, Washington, D.C. 20447.

FOR FURTHER INFORMATION CONTACT: Toyo A. Biddle, (202) 401-9253.

SUPPLEMENTARY INFORMATION:**Background**

The Refugee Act of 1980 amended the Immigration and Nationality Act (INA) to create a domestic refugee resettlement program to provide assistance and services to refugees resettling in the United States. With the enactment of this legislation, the Office of Refugee Resettlement (ORR) issued a series of regulations, at 45 CFR Part 400, to establish comprehensive requirements for a State-administered Refugee Resettlement Program (RRP), beginning with the publication on September 9, 1980 (45 FR 59318) of a regulation governing State plan and reporting requirements. Subsequent regulations covered cash and medical assistance and Federal funding, published March 12, 1982 (47 FR 10841); grants to States, child welfare services (including services to unaccompanied minors), and Federal funding for State expenditures,

published January 30, 1986 (51 FR 3904); and cash and medical assistance, requirements for employability services, job search, and employment, and refugee social services published February 3, 1989 (54 FR 5463).

Discussion of Changes

The changes made in this final regulation, as compared with the proposed rule published on August 12, 1994, are as follows:

1. The proposal to limit the definition of case management to the referral and tracking of refugee participation in employment-related services only has been withdrawn.

2. Section 400.104 has been revised to allow a refugee medical assistance (RMA) recipient who becomes employed to continue to receive RMA for the full time-eligibility period, regardless of whether the recipient obtains private medical coverage, as long as the RMA payment is reduced by the amount of the third party payment.

3. Section 400.145 has been revised to more clearly state that refugee women must have the same opportunities as men to participate in all services funded under the refugee program, including job placement services.

4. The eligibility period for social services has been changed from the proposed 36 months to 60 months, consistent with the eligibility period for targeted assistance. In addition, referral and interpreter services are exempted from the time-limitation in both social services and targeted assistance.

5. The proposed revision to § 400.155(f) has been withdrawn; translation and interpreter services will continue to be allowable regardless of whether such services are available from another source.

6. Section 400.156(d) has been revised to require the provision of refugee-specific services designed to meet refugee needs in lieu of requiring a separate refugee-specific service system in which refugees are the only client group served.

7. We have added a provision under § 400.156 which requires the development of a family self-sufficiency plan for any refugee who participates in refugee program-funded employment-related services.

8. We have added language to § 400.301 which establishes that a replacement designee must adhere to the same regulations that apply to a State-administered program, with the exception of certain specified provisions.

Description of the Regulation

This rule clarifies some current policies, amends others, and sets forth regulatory requirements for the targeted assistance program (TAP).

In recent years, annual refugee admissions have been high, resulting in an expanding pool of refugees in need of services. As of September 30, 1993, 1.6 million refugees had been resettled in the U.S. since 1975. All of these refugees, with the exception of those who have become U.S. citizens, are eligible to receive refugee program services. At the same time, the level of funds appropriated for services has remained essentially unchanged, making it difficult to serve all refugees in need of services with available resources. It is not uncommon, for example, for English language training classes, funded by the refugee program, to have waiting lists so that refugees who arrive in the country are not able to access English language training without a delay. Nine major States have indicated that there are currently waiting lists for refugee services, especially for English language training, in their States.

We believe the increased demand for services makes it necessary to sharpen the program's priorities. Resources in the refugee program are no longer sufficient to provide the level of services needed to assist refugees for an open-ended period of time to become self-sufficient. We have learned from experience in the refugee program that the greatest impact that services can have on a refugee's social adjustment and economic well-being occurs during a refugee's initial years in the United States. These initial services often define a refugee's future experience.

Findings from several studies indicate that comprehensive services, provided soon after a refugee's arrival in the U.S., increase the likelihood of early employment. Under commission from ORR in 1992, Dr. Robert L. Bach, in an examination of data from the Oregon Refugee Early Employment Project (REEP), found that refugees who received job services or pre-employment training in the first 90 days reduced the time to their initial job by almost two months. Dr. Bach's analysis indicated that each job service provided in the first 90 days increased the probability of employment by three percent. A study of the Oregon REEP, conducted by the Refugee Policy Group (RPG) and published in 1989, found that REEP set up client/caseworker ratios that permitted a staff-intensive approach early in the resettlement experience, an element which in large part, according