

provision, cautioned that ORR, in monitoring this requirement, should not assume that equal opportunity necessarily results in equal participation. The commenter felt that ORR tends to equate unequal participation with unequal access. Another commenter suggested that in light of the proposed time-limitation for service eligibility, the regulation should clearly state that pregnant women who wish to participate in employment services should have access to them, even though they may be exempt from participation under § 400.76(a)(9). One commenter suggested that services to women should be provided within the context of a family self-sufficiency plan.

Response: We agree that refugee women should have equal opportunity to participate in all services, including employment placements. In the proposed rule, we used the phrase "to participate in training and instruction" to be consistent with the language in the INA. However, to more clearly convey our intent to provide women equal opportunity for all services, we have revised § 400.145 in the final rule to read: "A State must insure that women have the same opportunities as men to participate in all services funded under this part, including job placement services."

We concur that services to women should be provided within the context of a family self-sufficiency plan, as should services to refugee men and other employable members of a family. As part of that self-sufficiency plan, we would expect States to make sure that service providers make every effort to arrange transportation and child care for those women who are not able to participate in services without such assistance. We agree with the commenter that without these supportive services equal access to services would be unattainable for many women.

We also agree with the comment that equal access does not necessarily result in equal participation. The emphasis, in our mind, is on providing to refugee women the same opportunity to participate in services as refugee men have. We understand that providing access to services does not guarantee that refugee women will necessarily choose to participate in services or employment placement due to certain cultural constraints. On the other hand, since ORR regulations require that all employable refugee women, with the exception of those who meet the exemption requirements of § 400.76, must participate in employment services, we would not expect to see a

great disparity in participation between refugee men and women.

Given the time-limitations for service eligibility that will go into effect with this final regulation, we agree with the comment that pregnant women who wish to participate in employment services may access these services, even though they may be exempt. Section 400.75(b) already requires that a State must permit anyone in any of the exempted categories under § 400.76 to register for employment services if he/she so chooses.

§ 400.146: *Comment:* Eight commenters concurred with the elimination of the 85/15 rule that required any State with a refugee welfare dependency rate of 55% or more to use 85% of its social service funds for employability services and no more than 15% of its social service funds for non-employment-related services.

Three commenters wrote in support of the requirement that employment services must be designed to enable refugees to obtain jobs with less than one year's participation in services. Another commenter disagreed with the prohibition against vocational training that lasts for more than a year or education programs that are not intended to lead to employment within a year, stating that many refugees receiving AFDC will not be able to become self-sufficient in one year due to limited English language ability and job skills. The commenter requested a later effective date if this provision were made final. One commenter requested clarification on whether ESL is considered an educational program and if the one year starts at the beginning of the educational program or at the end of the educational program. Another commenter recommended that a percentage of funds be allowed for the purchase of selected long-term training for qualified refugees as long as the training leads to employment soon after training is completed.

Response: This rule does not require refugees to become self-sufficient with less than one year's participation in services. Section 400.146 requires that services be designed to help a refugee to become employed, not necessarily self-sufficient, with less than one year's participation in services. We recognize that a refugee's first job may not provide sufficient wages to enable self-support; nonetheless, we believe that that first job is an essential step towards self-sufficiency and should occur as soon as possible. Section 400.146 permits the continued provision of services to a refugee for more than one year, as needed, to move a refugee and his or her family to full self-support. We believe

the prohibition against training programs that last for more than a year or educational programs that are not intended to lead to employment within a year is reasonable, given limited resources, and is in keeping with the refugee program's statutory requirement that refugees be placed in employment as soon as possible after arrival in the U.S.

We consider ESL to be an educational program that may be provided for more than a year as long as other services designed to lead to employment within one year are being provided concurrently to a refugee as part of an overall self-sufficiency plan. Under the requirements of § 400.146, it would be unacceptable to provide only ESL to a refugee, without the provision of other employment-related services that are intended to lead to employment within one year, since ESL alone is unlikely to enable a refugee to obtain employment with less than one year's participation in ESL. The one year starts at the beginning of the educational program, not at the end.

§ 400.147: *Comment:* Four commenters supported the proposed client priorities. Two commenters agreed that new arrivals should be given first priority. One commenter recommended limiting first priority to all newly arriving refugees on cash assistance during their first year in the U.S. The commenter noted that while § 400.147 places refugees on cash assistance on a lower priority than newly arrived refugees, § 400.75 requires that RCA recipients who are not exempt must participate in employment services within 30 days of receipt of aid. The commenter expressed concern that some counties might not have sufficient funds to serve the top two priority groups. Another commenter asked why RCA clients couldn't be given the same priority status as the first priority group since RCA recipients are within their first year of residence in the U.S. Another commenter recommended that second priority be given to serving employed refugees in need of services to maintain employment so that these refugees would not be tempted to lose their jobs in order to become a higher priority for services. Another commenter noted that according to the proposed client priorities, a newly arrived refugee in priority group #1 who is employed and making \$25,000 a year and who wants to upgrade his job, would receive services before a client in priority group #3 who is time-expired, unemployed, and living on the streets but anxious to work. Another commenter wrote that he interprets the priority order to mean that (1) refugees