



U.S. REPATRIATION PROGRAM

GENERAL AGREEMENT

Between

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Office of Refugee Resettlement**

And

Name of State _____

Name of Agency (Non-emergency arrivals) _____

Name of Agency (Emergency & Group) _____

I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to enhance the working relationship between Federal and State partners and to better coordinate the provision of temporary services to groups and individuals through the Repatriation Program. This MOU is between the State of _____ and the Office of Refugee Resettlement of the U.S. Department of Health and Human Services' Administration for Children and Families (ACF), hereinafter referred to as the "ORR". It explains the roles and collaborative efforts of the State of _____ and ORR in assisting U.S. citizens and/or their dependents evacuated from foreign countries during emergency situations. Coordinated planning and joint efforts by the State of _____ and its agencies with ORR are essential for the delivery of services in such situations.

II. BACKGROUND

The U.S. Repatriation Program (Program), administered by ORR, was established in 1935 under Section 1113 of the Social Security Act (Assistance for U.S. Citizens Returned from Foreign Countries). ORR, on behalf of the Secretary of Health and Human Services, "is authorized to develop plans and make arrangements for provision of temporary assistance within the United States" to aid repatriates who meet the criteria prescribed by section 1113. (42 U.S.C. 1313(b)). In implementing such plans and

arrangements, the Program provides temporary assistance¹ to U.S. citizens and their dependents who have been identified by the Department of State (DOS) as having returned, or been brought from a foreign country, to the U.S. because of destitution, illness, war, threat of war, or a similar crisis and who are without available resources. The Program was later expanded in response to legislation enacted by Congress to address the particular needs of persons with mental illness. Further refinements occurred in response to Executive Order 12656.

The Program addresses issues presented by repatriates falling within four general categories: (1) ongoing and routine arrivals of individual repatriates, (2) arrivals of mentally ill repatriates, (3) group repatriations and (4) emergency repatriations. The ongoing routine arrivals of individual repatriates and the repatriations of mentally ill persons together constitute the Program non-emergency case load. Group repatriations are evacuations of 50-500 eligible individuals and emergency repatriations are evacuations of 500 or more eligible individuals. Operationally, these activities involve different kinds of preparation, resources and implementation. However, the core Program policies and administrative procedures are essentially the same. Overseas, DOS conducts an initial assessment and determination of eligibility, and ensures transportation of eligible individuals into the U.S. ORR and/or its designee are the sole point of DoS contact regarding repatriation cases. Upon the repatriated citizens' and/or their dependents' arrivals, a second assessment for appropriate services is conducted by ORR through its MOUs with States or through agreements with designated grantees or other partners. During emergency repatriations, other agencies, such as the American Red Cross, may join the effort; such agencies may determine the type and length of temporary services they may provide in accordance with established agreements with ORR and/or the State.

III. AUTHORITIES

Section 1113 of the Social Security Act, 42 U.S.C. 1313; 24 U.S.C. §§ 321 through 329; Executive Order 12656 as amended; and Program regulations in 45 C.F.R. Parts 211 and 212. Web links to applicable authorities are included in Attachment A.

IV. PARTIES

¹Temporary services/assistance is defined as money payments, medical care, temporary billeting, transportation, and other goods and services necessary for the health or welfare of individuals (including guidance, counseling, and other welfare services). This assistance is given in the form of a loan and generally must be repaid to the U.S. Government

A. Office of Refugee Resettlement of the U.S. Department of Health and Human Services' Administration for Children and Families (ORR);

B. State of _____:

Agency Name (Non-emergency Arrivals): _____

Agency Name (Emergency/Groups): _____

V. PROVISIONS

A. Agency Acknowledges that:

1. Program supports initial arrival costs covered by the Program appropriations. Individual and group repatriates are eligible by virtue of their U.S. citizenship and/or relationship to the U.S. citizen consistent with 42 U.S.C. 1313(a)(1) or 24 U.S.C. 321(d).
2. Repatriates, in consultation with DOS, select their State of Final Destination and communities in accord with the U.S. Supreme Court's decision in Shapiro v. Thompson, 394 U.S. 618 (1969) and other applicable laws.

B. Agency's signatory:

1. Listed signatory (ies) is authorized to sign on behalf of the Agency and to bind State to the MOU.
2. If Agency delegates or assigns responsibilities or activities described in this document to one or more additional State or local government agencies or organizations, contractors, or grantees, Agency will ensure that such entities abide by the provisions of this MOU.

C. Agency Agrees that:

1. The Secretary of Health and Human Services and the Comptroller General of the United States or any of their duly authorized representatives shall have access to and the right to examine and monitor any directly pertinent books, documents, papers, reports and records of the Agency covering transactions related to this MOU. The Agency agrees to maintain such records in the manner prescribed by Federal regulations at 45 C.F.R. §§74.53(a) through (e) and (g).

Non-Emergency Repatriation

In re: Services Under Section 1113 of the Social Security Act
Implementing Regulations: 45 C.F.R. Part 212

2. Upon receipt of notification by ORR or its contractor/grantee representative, of the possible return to the U.S. of one or more individuals who may be in need of temporary assistance, the Agency shall: (a) obtain information regarding such individuals as may be requested by ORR or its contractor/grantee representative; (b) ascertain whether such individuals are without available resources; and (c) if advised by ORR that any individual is otherwise eligible for temporary assistance under Section 1113 of the Social Security Act, shall provide assistance and services to that individual in accordance with 45 C.F.R. Part 212 and all manuals, policies and procedures issued by ORR based on applicable Federal requirements.

3. With respect to an individual who has returned from a foreign country and who has applied for temporary assistance without prior referral to the Agency from ORR, the Agency, before providing such assistance to such individual, shall contact ORR to ensure eligibility and proper referral. Services will be provided upon ORR referral and in accordance with Federal regulations at 45 C.F.R. Part 212 only if such individual is eligible to receive temporary assistance under Section 1113 of the Social Security Act.

4. Agency will coordinate with relevant Tribes or Tribal organizations with respect to Native American repatriates in need of assistance.

In re: Services Under 24 U.S.C §§ 321 through 329
Implementing Regulations: 45 C.F.R. Part 211

5. Upon receipt of notification by ORR or its contractor/grantee representative, of the possible return to the United States from a foreign country of a mentally ill person eligible to receive assistance or services authorized by 24 U.S.C.. §§321-- 329, the Agency shall: (a) obtain information regarding the mentally ill individual as may be requested by ORR or its contractor/grantee representative and (b) shall provide assistance and services to the mentally ill individual in accordance with 45 C.F.R. Part 211 and all manuals, policies and procedures issued by ORR based on applicable Federal regulations.

6. With respect to a mentally ill individual who has returned from a foreign country and who has applied for assistance and/or services without prior referral to the Agency from ORR, the Agency, before providing assistance or services to such individual, shall

contact ORR to ensure eligibility and proper referral. Services will be provided upon ORR referral and in accordance with Federal regulations at 45 C.F.R. Part 211 only if such mentally ill individual is eligible to receive such assistance under 24 U.S.C. §§ 321-329.

7. Mentally ill individuals who are found ineligible to receive assistance and/or services pursuant to 24 U.S.C. §§ 321-329 shall be treated as applicants for temporary assistance under Section 1113 of the Social Security Act in accordance with Article V, paragraphs C.2 , C.3 and C.4 of this MOU.

Emergency and Group Repatriations

In re: Services Under Executive Order 12656 and Section 1113

8. Upon receipt of notification by ORR of a possible Emergency or Group Repatriation where eligible U.S. citizens are brought back to the United States from a foreign country due to war, threat of war, invasion, or similar crisis and need to receive temporary services, the designated Agency would be responsible for carrying out operational responsibility for the reception, temporary care, and onward transportation for the non-combatant evacuee. This responsibility is detailed under the National Emergency Repatriation Plan, Operational Guide. The designated Agency shall provide or arrange for such services in accordance with all manuals, policies and procedures issued by ORR based on applicable Federal regulations.

9. Agency will develop and maintain a State Emergency Repatriation Plan.

D. ORR Agrees that:

ORR will reimburse the Agency or subcontractors², whenever applicable, contingent upon available funding for reasonable, allowable and allocable costs of providing the services or assistance under this MOU in accordance with the provisions of Federal regulations found at 45 C.F.R. Parts 212 and 211, all manuals, policies and procedures issued by ORR and the applicable Cost Principles

² Subcontractors refer to Article V section B.2

E. Both Agency and ORR agree/acknowledge that:

1. Each party to this MOU is a separate and independent organization. As such, each organization retains its own identity in providing services.
2. Each enters into the MOU voluntarily.
3. ORR and State Agency contact information is included in Attachment B. States should submit any changes in personnel to ORR and its contractor/grantee representative by replacing Attachment B as needed. Revised copies of Attachment B may be transmitted by email, facsimile, or regular mail to the contacts specified thereon. The MOU shall be reviewed at least annually to maintain accurate and current contact information.
4. ORR and the Agency agree to implement Program activities in accordance with applicable Federal and State regulations and other relevant authorities.
5. In the event of termination, ORR shall reimburse the Agency for allowable services, assistance, or costs subject to availability of funds, incurred before such date of termination, but will not reimburse costs incurred after the effective termination date.
6. No disclosure of information of a personal and private nature with respect to an individual obtained at any time by any person, organization, or institution in the course of discharging duties under 24 U.S.C. §§ 321-329 or under section 1113 of the Social Security Act shall be made except as specified in Federal regulations at 45 C.F.R. §§ 211.14, and 212.9, and to the extent that such disclosures are consistent with restrictions imposed by the Privacy Act, the Health Insurance Portability and Accountability Act, and any other applicable Federal State laws or requirements.
7. No eligible person shall, on the ground of race, color, or national origin, religion, be excluded from participation in any programs under this MOU, be denied any benefits, or otherwise be subjected to discrimination of any nature or form in the provision of benefits.
8. Applicable OMB audit/reporting requirements are in Attachment C.

VI. PERIOD OF PERFORMANCE

The services or assistance to be provided by the Agency under this MOU shall commence on the date of the execution of this MOU and shall continue indefinitely, unless terminated by either party upon ninety days (90 days) written notice. Email, facsimile, or regular mail shall be used to transmit official written notifications.

A termination notice from ORR shall be submitted to the Agency representative identified in the most recently updated copy of Attachment B.

A termination notice from Agency shall be submitted to the Director of ORR, and shall be signed by the authorized State Agency representative who signed the MOU or an official acting for or succeeding the MOU signatory.

This MOU is entered into as of the day of _____, 20____ by and between ORR and the State Agency _____, hereinafter called the "Agency."

VII. SIGNATURES:

1. UNITED STATES OF AMERICA BY:

Daniel Schneider

Date

Acting Assistant Secretary

Department of Health and Human Services

2. STATE OF _____ BY: ³

A. NON-EMERGENCY ARRIVALS:

Agency Authorized Signature

Date

Agency Authorized Name (print)

Agency Authorized Title and Department

B. EMERGENCY & GROUP REPATRIATION

Agency Authorized Signature

Date

Agency Authorized Name (print)

Agency Authorized Title and Department

³ The Governor may sign on behalf of both agencies.