**Determining McKinney-Vento Eligibility of Refugees**

**In Office of Refugee Resettlement (ORR) facilities.**

Based on conversations with ED staff, we have said that children and youth in Health and Human Services (HHS)/ORR facilities are not eligible for McKinney-Vento services because ORR has the legal obligation to ensure they are provided adequate housing. Once they leave those facilities, the local refugee agency is then responsible for them and receives federal funding to support them (including ensuring fixed, regular, and adequate housing) for a minimum of 90 days (many provide services much longer). The families shouldn't qualify for McKinney-Vento during those 90+ days of federal support, but the liaison could check to be sure the placement doesn't disrupt. Once the refugee agency discontinues services, if the family loses their housing, they should contact the liaison who will determine their eligibility based on whether their current primary nighttime residence meets the McKinney-Vento definition of *homeless*.

**With Special Immigrant Visas and Parolee Visas**

"Individuals who are outside of the United States may request parole into the United States based on urgent humanitarian or significant public benefit reasons to come to the U.S... U.S. Customs and Immigration Service requires evidence of a sponsor who agrees to provide financial support to the parolee while in the United States. There may be multiple sponsors, the beneficiary may self-sponsor, and an organization may support the parolee..." (<https://www.uscis.gov/archive/information-for-afghan-nationals-on-parole-into-the-united-states>).

 "Iraqi and Afghan special immigrants are eligible for the same resettlement assistance, entitlement programs, and other benefits as refugees admitted under the U.S. Refugee Admissions Program, for up to eight (8) months after being admitted to the United States." (<https://travel.state.gov/content/travel/en/us-visas/immigrate/siv-iraqi-afghan-translators-interpreters.html>).

Based on conversations with ED staff, we have said that children and youth in Health and Human Services (HHS)/ORR facilities are not eligible for McKinney-Vento services because ORR has the legal obligation to ensure they are provided adequate housing. Once they leave those facilities, the sponsor then becomes responsible.

Given the sponsor’sresponsibility to support the parolees, parolee families with children likely would not qualify for McKinney-Vento services. The liaison may wish to check with the ORR or sponsor to get more information about the details of the support provided to the family. Ultimately, the case-by-case determination should be based on whether the parolee family's primary nighttime residence meets the McKinney-Vento definition of *homeless*.

**Unaccompanied Alien Children**

Based on conversations with ED staff, we have said that children and youth in Health and Human Services (HHS)/Office of Refugee Resettlement (ORR) facilities are not eligible for McKinney-Vento services because ORR has the legal obligation to ensure they are provided adequate housing.

The following information is on the ORR website at [https://www.acf.hhs.gov/orr/policy-guidance/children-entering-united-states-unaccompanied-section-1#1.1](https://www.acf.hhs.gov/orr/policy-guidance/children-entering-united-states-unaccompanied-section-1%231.1%20%20)   
“The majority of unaccompanied alien children come into ORR custody because they were apprehended by border patrol officers with the Department of Homeland Security (DHS) while trying to enter the United States without legal authorization…

ORR has procedures in place to obtain background information on the unaccompanied alien child from the referring Federal agency to assess whether the unaccompanied alien child is a danger to self or others, whether there are any known medical and/or mental health issues, and whether other special concerns or needs are known, and then to designate an available care provider. ORR uses this information to determine an appropriate placement in the least restrictive setting for the unaccompanied alien child.

ORR policies for placing children and youth in its custody into care provider facilities are based on legal requirements as well as child welfare best practices in order to provide a safe environment and place the child in the least restrictive setting appropriate for the child’s needs. ORR may place a child in a [**shelter facility**](https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms#Shelter%20Care)**, foster care or**[**group home**](https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms#Group%20Home)**(which may be**[**therapeutic**](https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms#Therapeutic%20Foster%20Care)**),**[**staff-secure**](https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms#Staff%20Secure%20Care)or [**secure care facility**](https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms#Secure%20Care)**,**[**residential treatment center**](https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms#Residential%20Treatment%20Center)**,**or other special needs care facility.”

There’s an extensive process for approving a sponsor ([https://www.acf.hhs.gov/orr/policy-guidance/children-entering-united-states-unaccompanied-section-2#2.2.1](https://www.acf.hhs.gov/orr/policy-guidance/children-entering-united-states-unaccompanied-section-2%232.2.1)) and the sponsor is assessed partly on their “plan to provide adequate care, supervision, access to community resources, and housing”. Therefore, it is unlikely that the original placement with a sponsor would be a MV eligible situation. The liaison may want to check with the ORR or sponsor to get more details about the family support provided and ask the family to notify the liaison if their living situation changes. As with all other determinations of McKinney-Vento eligibility, these situations should be considered case-by-case based on the nature of the student’s primary nighttime residence.