

18.10 REFUGEE ASSISTANCE PROGRAM

A. INTRODUCTION

The Refugee Assistance Program provides cash (RCA) and medical (RMA) assistance to all eligible refugees regardless of nationality.

B. ELIGIBILITY SCREENING

In order to be eligible for assistance for RCA and RMA the refugee must meet the following requirements:

1. Legally admitted

- a. All newly arrived refugees or entrants will have in their possession an INS identification card. In order to determine that a refugee or entrant has entered the country legally, the Worker must request to see the INS identification card. (This could be either an I-94 or an I-551.)

The card should be reviewed for the following information:

(1) Classification

- (a) All persons possessing an I-94 and who are eligible for RCA or RMA will have either the classification "refugee" or "entrant" on their I-94 or I-551.
- (b) Amerasian (Vietnamese with American fathers) and their immediate relatives (spouse, children, mothers, siblings and sometimes step-fathers). The Amerasian teen and mother have AM codes (such as

AM-1 or AM-3) on the I-94. Some relatives have "refugee" on the I-94 or I-551 and some also have AM codes.

(c) There are two classifications that could have questionable status. They are as follows:

- Classification of "parolee" could be used, but most parolees are short term admissions.
- Individuals entering under "Private Sector Initiative" may have a refugee class, but the coding "Private Sector" normally prevents them from receiving RCA and RMA.

In these instances, the Worker should contact the State Refugee Coordinator.

(2) Date of Entry

Programs for RCA and RMA are only offered for eight months from the date the person enters the country. Therefore, it is used to determine the periods of eligibility and federal reimbursement. The date of entry must be noted in the system or case record.

- b. Make sure the necessary information is on the ES-2 Household Composition Section. This includes the Alien Registration Number which is included on the I-94 or I-551.

c. Submit copies of the INS identification card, front and back and copy of the Citizen/Alien Declaration to the SAVE Coordinator, Special Projects Unit for INS verification of alien status. Once alien status is verified, the original verification and the information provided for verification, along with the copies of INS alien identification card must be filed in the case record.

2. Permanent Resident

Refugees having permanent resident status are eligible to participate in the Refugee Programs (RCA and RMA) as long as they have been in the United States less than eight months.

C. ELIGIBILITY DETERMINATION FOR AFDC/MEDICAID

1. If the applicant meets all requirements for regular AFDC/U or Medicaid, the application should be made for those programs. However, participation is limited to five (5) years from entry into the United States for AFDC (WV Works) and seven (7) years for Medicaid. If the applicant does not meet the requirements for one of these programs, then a determination should be made for Refugee Cash and/or Medical Assistance (RCA or RMA).

2. Amount of Payment

The basic payment plan will be used in determining the amount of the assistance payment.

3. Identification of Refugees in RAPIDS

Individuals who are receiving assistance as refugees must be coded appropriately in RAPIDS.

It is extremely important that all refugees be coded appropriately.

4. Registering for Employment Services

It is a condition of eligibility that all employable refugees who apply for the AFDC/U or the Refugee Assistance Program must register for work. All refugees applying for AFDC/U must register with Family Support unless they are exempt from registration according to Item 6 below,

5. Procedures for Registering for Employment

Follow the same procedures that are found in Item E. of this section,

6. Work Registration Exemptions

a. The following individuals are exempt from registering for Employment Services:

- (1) A child under 16 years of age.
- (2) A child 16-18 and in school full time.
- (3) A person who is ill, disabled or over 65 years of age. The determination of illness or disability must be verified by a doctor's statement.
- (4) A person whose presence in the home is required because of illness or disability of another member of the household. This must be verified by a doctor's statement.
- (5) A caretaker who is caring for a child under the age of 3. Only one parent or other relative in a case may be exempt.

(6) Any member of the benefit group who is enrolled and participating in a training program. The training program must be part of an employability plan which has been approved by the Department and/or Migration and Refugee Services and intended to have a definite short-term (less than one year) employment objective.

(7) Spouse of a registrant

NOTE: Inability to communicate in English is not considered an exemption from registering.

b. The following changes apply to the work registration exemption for the JOBS Program:

(1) The age of the child in number 5 above is changed to age 3.

(2) A caretaker under the age of 20 without a high school diploma is mandatory regardless of the age of the child.

(3) The spouse of a registrant is not exempt.

7. Refusal to Register for Employment Service

It is a condition of eligibility for AFDC/U that the refugee register with Work and Training unless exempt. If a refugee who is a mandatory registrant refuses to register, the refugee is to be sanctioned.

8. Income

- a. At the time of application and each re-determination, the sponsor should be contacted to determine the amount of income, if any, he voluntarily contributes to the refugee. Also the name and address of the sponsor should be recorded in the case record.
- b. If the refugee has excessive income for AFDC/U or RCA, the ESS/FSS will evaluate the client for the Medicaid or RMA programs.

9. Assets

Assets will be treated in the same manner as any other applicant. If an asset is located in the refugee's homeland and is not available to the refugee, then these assets would not be treated as assets available to meet the needs of the client.

D. ELIGIBILITY FOR REFUGEE CASH ASSISTANCE AND REFUGEE MEDICAL ASSISTANCE

A determination is made for RCA or RMA following the same guidelines as for AFDC/U and Medicaid. The difference in the Refugee Program is that certain eligibility requirements are waived.

1. The following eligibility requirements are waived for individuals:
  - a. Living with a specified relative - a child does not have to be living with a specified relative in order to be eligible for this program.
  - b. Having an eligible child in the home - Individuals are not required to have an eligible child in the home in order to be eligible for an assistance payment.

**EXAMPLE:** If a husband and wife do not have any eligible children in the home, and they meet all other eligibility requirements, the case can be approved for this program.

- c. Deprivation of parental support and care - Families do not have to meet the eligibility requirement of being deprived of support in order to be eligible for this program.

**EXAMPLE:** A household could consist of a husband and wife and three children. Even if the husband is employed full-time (working over 100 hours per month), the household will still be eligible for assistance through the program as long as they meet all other eligibility factors.

- d. Assignment of Support Rights - The eligibility requirement of assignment of support rights is waived for this program. If the applicant has child support as income, it will be treated as a resource against the assistance check.

The \$30 and 1/3 disregard is NOT allowed.

2. SSI-Related Medicaid

The specific eligibility requirements of disability and blindness are waived. Therefore, if an individual under 65 applies for Medicaid and meets all other eligibility requirements for this program, the refugee will not need to meet the definition of blindness or disability in order to be eligible.

3. Full-time Students in Institutions of Higher Education

Refugee Cash Assistance shall not be made available to refugees who are full time students in institutions of higher education, unless it is appropriate English-language and job related training, approved under an individual employability plan and has a definite short term (less than one year) employment objective.

4. Income

- a. Income will be treated as it is treated for any other applicant, but, only the income available to the refugee will be treated as income. Any income producing property which is in his homeland will not be considered available to meet the needs of the refugee.
- b. The \$30 and 1/3 disregard for income is not allowed in refugee or entrant programs.
- c. Whenever a refugee applies for cash or medical assistance, the Worker must notify the VOLUNTARY PLACEMENT AGENCY (VOLAG), or local affiliate, which provided for the initial resettlement of the refugee, of the fact that the refugee has applied. The Worker needs to determine (a) what assistance the VOLAG is providing to the refugee and (b) whether the refugee has refused an offer of employment or has voluntarily quit a job without good cause. The name and address of the VOLAG can be obtained from the refugee. This notification can be completed by telephone but a recording must be included in the record for audit purposes. The VOLAG should also be made aware of any adverse action taken on a case.

**NOTE:** If for some reason the refugee does not know the name of the VOLAG, contact the

State Refugee Coordinator in Office of Family Support.

- d. At the time of application and each redetermination, the sponsor should be contacted to determine the amount of income, if any, he voluntarily contributes to the refugee. Also, the name and address of the sponsor should be recorded in the case record.

If the refugee has excessive income for AFDC/U or RCA, the ESS/FSS will evaluate the client for the Medicaid or RMA programs.

5. Assets

Assets will be treated in the same manner as any other applicant with one exception. If an asset is located in the refugee's homeland and is not available to the refugee, then these assets would not be treated as assets available to meet the needs of the client.

6. Assignment of Relationship/ Deprivation Codes

Since the specific eligibility requirements are waived, the chart below will be used by the ESS/FSS in determining household relationship.

Household Make up	Deprivation Factor
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Husband, wife and children. Husband is unemployed.	Unemployment
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Husband, wife and children Husband is employed full time.	Unemployment
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Mother and children in home, father is absent for any reason.	Absence
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Child is living in a household with someone other than his parents (specified relative)	Absence
A couple with no children and the husband is either employed or unemployed.	Unemployment
A couple with no children and the husband is incapacitated.	Incapacity
A single employable male either employed or unemployed.	Unemployment
A single female either employed or unemployed.	Incapacity
Single male or female incapacitated.	Incapacity

7. Identification of Refugees in RAPIDS and case record.

- a. Individuals who are receiving assistance as refugees must be identified for Federal reporting purposes. Data must be coded appropriately in RAPIDS.
- b. Refugees receiving RCA or RMA because the eligibility requirements were waived are to have appropriate controls established to terminate benefits at the end of the eighth month after the refugee's arrival into the United States.

E. REGISTERING FOR EMPLOYMENT

1. Refugees for RCA are not eligible for Family Support services, therefore, they must register with Bureau of Employment Programs.

- a. A referral must be made to Migration and Refugee Services. The same sanctions and time limits apply when a refugee fails to register with Employment Programs as with failure to comply with Family Support. However, with RCA cases, the ESS/FSS must notify the OFFICE OF MIGRATION AND REFUGEE SERVICES, 1033 QUARRIER STREET EAST, SUITE 105, CHARLESTON, WEST VIRGINIA 25301 (Telephone 343-1036) by memorandum of the refugee's failure to register.
  - b. Within three working days of the receipt of the memorandum, a worker from the Office of Migration and Refugee Services will counsel with the refugee to explain the implication of his refusal and the sanctions that will be implemented as a result of his failure to register.
  - c. If the refugee agrees to register, he and his family will remain eligible for the program. If he still refuses to register, the Office of Migration and Refugee Services will notify the appropriate ESS/FSS Worker by memorandum and the sanctions will apply as same as for all other applicants.
2. Refusal to Cooperate with Bureau of Employment Programs
    - a. In order to be eligible to receive assistance through the Refugee Cash Assistance Program, the refugee must cooperate with Employment Programs.

The following situations constitute failure to cooperate:

- The refugee refuses to answer a "call in" to the Employment Office.
  - The refugee fails to supply the Employment Office with supplemental information regarding employment status.
  - The refugee fails to report to an employer to whom he has been referred by the Employment Office.
  - The refugee fails to accept a bona fide offer of suitable employment to which he has been referred by the Employment Office.
  - The refugee fails to continue suitable employment.
  - The refugee refuses to participate in an available and appropriate social service or training program or English language program (ESL).
- b. If the refugee refuses to cooperate with Employment Services, they will send a notice to the ESS/FSS and the Refugee Social Service Agency. The following steps will be taken:
- The FSS will send a memorandum to the service provider (the Office of Migration and Refugee Services) explaining the refugee's refusal to cooperate with Employment Services.
  - The Office of Migration and Refugee Services will then determine if the refugee had good cause for not cooperating. The reasons for good cause can be found below.

- If the service provider determines that the recipient has good cause, then the Worker will send a memorandum to the FSS stating that fact and no negative action will be taken.

If the Office of Migration and Refugee Services determines that the refugee did not have good cause, then the Sanctions will apply as applied to other applicants.

### 3. Criteria for Determining Suitable Work

The following criteria should be taken into consideration when determining what is suitable work:

- The wage should not be less than the state minimum wage. If the job is exempt from the wage laws, the wage shall correspond with normal wages for similar work, but never less than three-fourths of the state minimum wage.
- Daily and weekly hours of work shall not exceed those customary to the occupation.
- No individual shall be required to accept employment if:
  - a. The position offered is vacant due to a strike, lockout, or other bona fide labor dispute.
  - b. The individual shall be required to work for an employer contrary to his existing membership in the union governing the occupation. However, employment not governed by the rules of a union in which he has membership may be deemed appropriate.

- Assignments shall not be made which are discriminating in terms of age, sex, race, color, national origin, handicap, religion, or political belief.
- The job or training assignment must be related to the physical and mental capability of the individual to perform the task on a regular basis.
- Total daily commuting time round trip shall not normally exceed two hours, not including the transportation of a child to and from a child care facility, unless a longer commuting time and distance is normally accepted in the community.
- The work or training site must not be in violation of applicable federal, State and local health and safety standards.

4. English Language Training

- a. If the refugee is employed less than 100 hours per month, he must accept part-time English language training to be eligible for refugee assistance. The Office of Migration and Refugee Services will see to the availability of this training.
- b. It will be the responsibility of the Office of Migration and Refugee Services (the service provider) to keep in touch with the refugee to determine if he is still participating in training:
  - (1) If the refugee has quit his English training, the service provider will then counsel the refugee to explain to him why it is important for the refugee to continue the training.

- (2) After counseling, the service provider will determine if the refugee has good cause for not accepting the training. If the service provider determines that he has good cause, no penalty will be applied.
- (3) But if it is determined that good cause did not exist, the service provider will send a memorandum to the Economic Service Worker and the Encomic Service Worker will apply the appropriate action detailed in Chapter 3 of the Manual.

F. Specific Eligibility Requirements for Refugee Medical Assistance Program Only

1. Except for the provisions stated in this Chapter, the eligibility requirements for the Refugee Medical Assistance Program are the same as for regular Medicaid.
2. Continued coverage of recipients who receive increased earnings from employment.

If a refugee who is receiving refugee medical assistance receives increased earnings from employment, the increased earnings shall not affect the refugee's continued medical assistance eligibility. The refugee shall continue to receive refugee medical assistance until he/she reaches the end of his or her time-eligibility period for refugee medical assistance, in accordance with CFR 400.100(b). In cases where a refugee obtains private medical coverage, any payment of RMA for that individual must be reduced by the amount of the third party payment.

G. FOOD STAMP ELIGIBILITY

All refugees who apply for the Food Stamp Program are considered as aliens lawfully admitted for permanent residence and are to be treated as any other food stamp applicant. However, participation is limited to five (5) years from entry into the United States.

H. REFERRALS FOR SERVICE

1. The Economic Service Worker will complete an Initial Refugee Referral Form for all refugees (approved or denied for any program) and submit it to the Coordinator, Refugee Resettlement Program, Office of Family Support. The State Coordinator will then be responsible for all initial referrals to the Office of Migration and Refugee Services.
2. The Department of Health and Human Resources has a purchase of services contract with the OFFICE OF MIGRATION AND REFUGEE SERVICES, 1033 QUARRIER STREET EAST, SUITE 1051, CHARLESTON, WEST VIRGINIA 25301 (Telephone 343-1036). The purpose of this agreement is to provide necessary services to enable the refugee to become self sufficient as soon as possible. Emphasis is placed on employment services, job placement, ESL (English as a second language) training, counseling, translation by the bilingual staff and cultural adjustment.
3. After the initial referral to the State Coordinator, all referrals pertaining to service needs or to the refugee's refusal to cooperate with Employment Service (by refusing to participate in any available and appropriate training or employment program or in ESL classes), will be made directly to the Office of Migration and Refugee Services at the above address. This may be done by a brief memorandum. The Office o

Migration and Refugee Services will respond to the local worker after counseling the refugee or providing the service requested.

4. The local Social Service Coordinator or Supervisor is to be notified simultaneously with the Office of Migration and Refugee Services whenever a serious problem such as child abuse/neglect or the need for foster care exists. While these and other emergency situations will require the expertise of the Department's Social Service staff, they may also require the involvement of the Office of Migration and Refugee Services. Most refugees have a very limited understanding of the English language and our culture and may need someone to translate for them.
5. The ESS/FSS should contact the Office of Migration and Refugee Services in Charleston, directly, whenever assistance is needed in translating the language for the purpose of an application, redetermination or in obtaining the necessary information. The telephone number is 343-1036.

I. REFERRALS TO SSI

- N All refugees who appear to meet eligibility requirements for SSI at the time of their arrival in this country are referred to the Social Security Administration.
- N Economic Service Workers will explore the refugee's potentiality of being eligible for SSI and if the Worker determines that the refugee may be eligible, then the client should be referred to the Social Security Office to apply for SSI.

J. TIME LIMITS FOR PARTICIPATION

The "Date of Entry" to the United States is very important and must be recorded in the case record.

1. The refugee cash and medical assistance programs (RCA and RMA) are limited to eight months from the day the refugee enters the United States. The State can claim reimbursement for 100% of the cost of RCA and RMA for eight months. The State has no provisions for this program past the eight month period. However, the refugee is not eligible for cash benefits their first month in the United States as they receive a resettlement allowance for their first month of arrival.
2. Refugees eligible for AFDC/U and Medicaid may receive these benefits as long as they meet all eligible guidelines. The State must track all refugees.