

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. Newly Arrived Refugees and Entrants

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

- 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.
- 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.
- 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 8 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. Household Composition

Make sure the file contains the correct Household Composition information. This includes the Alien Registration Number which is included on the I-94 or I-551.

c. Documentation of Alien Identification

Submit copies of the identification card, front and back and copy of the Citizen/Alien Declaration to the SAVE Coordinator, for verification of alien status. Once alien status is verified, the original verification and the information provided for verification, along with the copies of 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 8 months.

C. ELIGIBILITY DETERMINATION FOR AFDC/MEDICAID

1. Parents/Caretaker Relatives or AFDC-Related Medicaid

If the applicant meets all requirements for regular Parents/Caretaker Relatives or AFDC-Related Medicaid, the application should be made for those programs. However, participation is limited to 5 years from entry into the United States for WV WORKS and 7 years for Medicaid. If the applicant does not meet the requirements for one of these programs, then a determination should be made for 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-Related Medicaid or the Refugee Assistance Program must register for work. All refugees applying for AFDC-Related Medicaid must register with the WorkForce West Virginia 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

The following individuals are exempt from registering for Employment Services:

- A child under 16 years of age.
- A child 16-18 and in school full time.
- 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.
- 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.
- 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.
- Any member of the AG who is enrolled and participating in a training program. The training program must be part of an employability plan which has been approved by DFA and/or Migration and Refugee Services and intended to have a definite short-term (less than one year) employment objective.
- Spouse of a registrant

NOTE: Inability to communicate in English does not exempt the client from registering.

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

- The age of the child in number 5 above is changed to age 3.
- A caretaker under the age of 20 without a high school diploma is mandatory regardless of the age of the child.
- The spouse of a registrant is not exempt.

7. Refusal To Register For Employment Service

It is a condition of eligibility for AFDC-Related Medicaid that the refugee register with WorkForce West Virginia unless exempt. If a refugee who is a mandatory registrant refuses to register, the refugee is to be sanctioned.

8. Income

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.

If the refugee has excessive income for AFDC-Related Medicaid or RCA, the Worker 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

The state must determine Medicaid and SCHIP eligibility under its Medicaid and SCHIP state plans for each individual member of a family unit that applies for medical assistance.

A state that provides Medicaid to medically needy individuals in the state under its state plan must determine a refugee applicant's eligibility for Medicaid as medically needy.

A state must provide medical assistance under the Medicaid and SCHIP programs to all refugees eligible under its state plan.

If the appropriate state agency determines that the refugee applicant is not eligible for Medicaid or SCHIP under its state plans, the state must determine the applicant's eligibility for refugee medical assistance.

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

1. Eligibility Requirements

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.

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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. 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 of less than 1 year employment objective.

3. Income

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

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producing property which is in his homeland will not be considered available to meet the needs of the refugee.

The \$30 and 1/3 disregard for income is not allowed in refugee or entrant programs.

Whenever a refugee applies for cash or medical assistance, the Worker must notify the Voluntary Placement Agency (VOLAG), or the Office of Migration and Refugee Services (OMRS) which provided for the initial resettlement of the refugee, of the fact that the refugee has applied.

The Worker needs to determine the following:

- Assistance the VOLAG is providing to the refugee
- Whether the refugee has refused an offer of employment or has voluntarily quit a job without good cause.
- Name and address of the VOLAG, may be obtained from the refugee.

Office of Migration and Refugee Services
1116 Kanawha Boulevard, East
Charleston, West Virginia 25301
Phone: (304) 343-1036

This notification can be completed by telephone but a recording must be included in case comments for audit purposes. The VOLAG should also be notified 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 the Division of Family Assistance.

If the refugee has excessive income for WV WORKS or RCA, the Worker will evaluate the client for the Medicaid or RMA programs.

4. 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.

5. Assignment Of Relationship/ Deprivation Codes

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

Household Composition	Deprivation Factor
Husband, wife and children - husband is unemployed.	Unemployment
Husband, wife and children - husband is employed full time.	Unemployment
Mother and children in home - father is absent for any reason.	Absence
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.	Unemployment
Single male or female incapacitated.	Incapacity

6. Identification Of Refugees In RAPIDS And Case Record

Individuals who are receiving assistance as refugees must be identified for Federal reporting purposes. Data must be coded appropriately in RAPIDS.

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 8th month after the refugee's arrival into the United States.

E. REGISTERING FOR EMPLOYMENT

1. WorkForce West Virginia

Recipients of RDA are not eligible for WV WORKS, therefore, they must register with WorkForce West Virginia.

A referral must be made to the Office of Migration and Refugee Services (OMRS). The same sanctions and time limits apply when a refugee fails to register with WorkForce West Virginia as with failure to comply with SNAP. However, with RCA cases, the Worker must notify OMRS by memorandum of the refugee's failure to register at the address below.

Office of Migration and Refugee Services
1116 Kanawha Boulevard, East
Charleston, West Virginia 25301
Phone: (304) 343-1036

Within 3 working days of the receipt of the memorandum, a Worker from OMRS 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.

If the refugee agrees to register, he and his family will remain eligible for the program. If he still refuses to register, OMRS will notify the appropriate Worker by memorandum and the sanctions will apply the same as for all other applicants.

2. Refusal To Cooperate With WorkForce West Virginia

In order to be eligible to receive assistance through the Refugee Cash Assistance Program, the refugee must cooperate with WorkForce West Virginia.

The following situations constitute failure to cooperate:

- The refugee refuses to answer a "call in" to WorkForce West Virginia or OMRS.
- The refugee fails to supply WorkForce West Virginia and OMRS with supplemental information regarding employment status.
- The refugee fails to report to an employer to whom he has been referred by WorkForce West Virginia or OMRS.

The refugee fails to accept a bona fide offer of suitable employment to which he has been referred by WorkForce West Virginia or OMRS.

- The refugee fails to continue suitable employment.
- The refugee refuses to participate in an available and appropriate social service or training program or English as a Second Language program (ESL).

If the refugee refuses to cooperate with BEP, they will send a notice to the Worker and the Refugee Social Service Agency. The following steps will be taken:

- The Supervisor will send a memorandum to the service provider, OMRS, explaining the refugee's refusal to cooperate with WorkForce West Virginia.
- OMRS 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 Supervisor stating that fact and no negative action will be taken.

If OMRS 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 for the refugee:

- 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 the position offered is vacant due to a strike, lockout, or other bona fide labor dispute.
- 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.

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- 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 2 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 As A Second Language Training

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 OMRS will see to the availability of this training.

It will be the responsibility of the service provider, OMRS, to keep in touch with the refugee to determine if he is still participating in training:

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.

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.

If it is determined that good cause did not exist, the service provider will send a memorandum to the Worker and the Worker will apply the appropriate action detailed in Chapter 3 of the Manual.

F. SPECIFIC ELIGIBILITY REQUIREMENTS FOR REFUGEE MEDICAL ASSISTANCE PROGRAM ONLY

Except for the provisions stated in this Chapter, the eligibility requirements for the Refugee Medical Assistance Program are the same as for regular Medicaid.

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 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. SNAP ELIGIBILITY

All refugees who apply for SNAP are considered as aliens lawfully admitted for permanent residence and are to be treated as any other SNAP applicant. However, participation is limited to 5 years from entry into the United States.

H. REFERRALS FOR SERVICE

The Worker will contact OMRS for all refugees, approved or denied for any program, and submit it to the SAVE Coordinator and the Refugee Resettlement Program.

The Department of Health and Human Resources has a purchase of services contract with OMRS. 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 training, counseling, translation by the bilingual staff and cultural adjustment.

After the initial referral to the SAVE Coordinator, all referrals pertaining to service needs or to the refugee's refusal to cooperate with WorkForce West Virginia by refusing to participate in any available and appropriate training or employment program or in ESL classes, will be made directly to the OMRS at the address below. This may be done by a brief memorandum or phone call. The OMRS will respond to the local worker after counseling the refugee or providing the service requested.

Office of Migration and Refugee Services
1116 Kanawha Boulevard, East
Charleston, West Virginia 25301
Phone: (304) 343-1036

The local Social Service Coordinator or Supervisor is to be notified simultaneously with the OMRS 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 Division of Children and Adult Services staff, they may also require the involvement of the OMRS. Most refugees have a very limited understanding of the English language and our culture, and may need someone to translate for them.

The Supervisor should contact the OMRS 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 (304) 343-1036.

I. REFERRALS TO SSI

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.

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.

The refugee cash and medical assistance programs (RCA and RMA) are limited to 8 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 8 months. The State has no provisions for this program past the eight month period. However, the refugee is not eligible for cash benefits their 1st month in the United States as they receive a resettlement allowance for their 1st month of arrival.

Refugees eligible for WV WORKS may receive these benefits as long as they meet all eligibility guidelines. The State must track all refugees.

K. SPECIAL STATUS FOR AFGANIS AND IRAQIS**1. SNAP, Medicaid, And WV WORKS Benefits**

The Consolidated Appropriations Act (CAA) of 2008 grants Afghanis and Iraqi aliens special immigrant status.

a) Iraqis

The CAA of 2008 grants certain Iraqi aliens special immigrant status under Section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits the same as refugees admitted under section 207 of the INA. Family members of Iraqi special immigrants must show their own documentation of special immigrant status under Section 207.

b) Afghanis

Afghanis also fall under the CAA of 2008 and are granted special immigrant status under Section 101(a)(27) of the INA. Individuals and family members granted this special immigrant status are eligible for resettlement assistance entitlement programs and other benefits the same as refugees admitted under Section 207 of the INA. Family members of Afghanistan special immigrants must also show their own documentation of special immigrant status under Section 207. See Section 18.10,F.

NOTE: Afghanis and Iraqis no longer have a time limit to receive benefits. Benefits are the same as Refugees. See Section 18.10.

2. Date Of Entry

The following documents confirm both status and date of entry for Afghan and Iraqi special immigrants.

Applicant	Documentation
Principal Applicant of the Special Immigrant	Passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI1 or SQ1 and DHS stamp or notation on passport or I-94 showing date of entry.
Spouse of Principal Applicant of the Special Immigrant	Passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SI2 or SQ2 and DHS stamp or notation on passport or I-94 showing date of entry.
Unmarried Child Under 21 Years of Age of the Special Immigrant	Passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SI3 or SQ3 and DHS stamp or notation on passport or I-94 showing date of entry.
Principal Applicant of the Special Immigrant Principal Adjusting Status in the U.S.	DHS Form I-551 "green card" showing the nationality with an IV Code for this category S16 or SQ6.
Spouse of Principal Applicant of the Special Immigrant Principal Applicant Adjusting Status in the U.S.	DHS Form I-551 "green card" showing the nationality with an IV Code for this category S17 or SQ7.
Unmarried Child Under 21 years of Age of the Special Immigrant Principal Applicant Adjusting Status in the U.S.	DHS Form I-551 "green card" showing the nationality with an IV Code for this category S19 or SQ9.

L. Cuban And Haitian Entrants

Cuban and Haitian entrants are eligible for ORR-funded benefits and services such as refugee cash, medical assistance, and social services. They are also eligible for Federal Public Assistance for Needy Families to the same extent as refugees. See Section 18.10,C.

To determine if someone is a Cuban or Haitian Entrant use the Refugee Education Assistance Act of 1980. The following documentation is acceptable for proof of status.

A national of Cuba or Haiti who was granted parole status as a Cuban/Haitian entrant, status pending, on or after April 21, 1980 or has been paroled into the US on or after October 10, 1980, regardless of the status of the individual at the time assistance or services are provided.

Chart 1	
Documents/Codes	Comments
An I-94 Arrival/Departure Card with a stamp showing parole into the US on or after April 21, 1980	I-94 may refer to §212(d)(5). I-94 may refer to humanitarian or public interest parole. I-94 may be expired.
An I-94 Arrival/Departure Card with a stamp showing parole at any time as a "Cuban/Haitian Entrant (Status Pending)".	I-94 may refer to §212(d)(5). I-94 may be expired.
CH6 adjustment code on the I-551.	Even after a Cuban/Haitian Entrant (Status Pending) becomes a permanent resident, he/she technically retains the status Cuban/Haitian Entrant (Status Pending). I-551 may be expired.
A Cuban or Haitian passport with a §212(d)(5) stamp dated after October 10, 1980	Passport may be expired.

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A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings under the Immigration and Nationality Act (INA) and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation, or exclusion has not been entered.

Chart 2	
Documents/Codes	Comments
Department of Homeland Security DHS Form I-221	Order to Show Cause and Notice of Hearing
DHS Form I-862	Notice to Appear
DHS Form I-220A	Order of Release on Recognizance
DHS Form I-122	Notice to Applicant Detained for a Hearing before an Immigration Judge
DHS Form I-221S	Order to Show Cause, Notice of Hearing and Warrant for Arrest
Copy of DHS Form I-589 date stamped by the Executive Office for Immigration Review (EOIR)	Application for Asylum and Withholding of Removal; Individual is subject of removal, deportation, or exclusion proceedings.
Copy of DHS Form I-485 date stamped by EOIR	Application to Register Permanent Residence or to Adjust Status; Individual is subject of removal, exclusion, or deportation proceedings.
EOIR-26	Notice of Appeal, date stamped by the Office of the Immigration Judge
I-766 Employment Authorization Document with the code C10	Application for suspension of deportation/cancellation of removal submitted
I-688B Employment Authorization Document with the provision of law 274a.12(c)(10)	
Other applications for relief that have been date stamped by EOIR	
Other documentation pertaining to an applicant's removal, exclusion, or deportation proceedings	Example would be a notice of a hearing date before an Immigration Judge

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A national of Cuba or Haiti who has an application for asylum pending with the DHS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

Chart 3	
Documents/Codes	Comments
DHS receipt for filing Form I-589	Application for Asylum and Withholding of Removal
I-766 Employment Authorization document with the code C08	
I-688B Employment Authorization Document with the provision of law 274a.12(c)(8).	This is an older version of the employment authorization document.