

218-RICR-20-00-6

TITLE 218 – DEPARTMENT OF HUMAN SERVICES

CHAPTER 20 – INDIVIDUAL AND FAMILY SUPPORT PROGRAMS

SUBCHAPTER 00 - N/A

PART 6 – REFUGEE ASSISTANCE PROGRAM

6.1 Authority

- A. This part is promulgated in order to implement the Refugee Assistance Program and comply with the requirements of U.S. Immigration and Naturalization Act and the Refugee Act of 1980 (8 U.S.C. § 1101 et seq.) and 45 CFR, Part 400, Refugee Resettlement Program.

6.2 Purpose

- A. The regulation facilitates the issuance of Refugee Assistance Services described in the state plan. It implements Chapter 2 of Title IV of the Immigration and Nationality Act (8 U.S.C. § 1101 et seq.), added by § 311(a)(2) of the Refugee Act of 1980 (Public Law 96-212) and amended by the Refugee Assistance Amendments of 1982 (Public Law 97-363) and the Refugee Assistance Extension Act of 1986 (Public Law 99-605).
- B. This regulation sets forth:
 - 1. Requirements for eligibility for refugee social services and targeted assistance, with the exception of referral and interpreter services, to refugees who have been in the U.S. for 5 years or less;
 - 2. The identification of social service programs available to refugees.

6.3 Definitions

- A. For the purposes of this administrative rule, the following definitions apply unless otherwise noted:
 - 1. “Agency” means the Department of Human Services (DHS), including any board, commission or officer of the department.
 - 2. “Asylees” means individuals who, on their own, travel to the United States, apply for and receive a grant of asylum. These individuals do not enter the United States as refugees. They may enter as students, tourists, business people, or without papers. Once they are in the United States, or at a land border or port of entry, they apply for asylum, a status that will acknowledge that they meet the

definition of a refugee and allow them to remain in the United States. Asylees are eligible for state assistance and services once USCIS has granted asylum. Applicants for asylum are not eligible.

3. "Certain Amerasians (from Vietnam)" means aliens born in Vietnam after January 1, 1962, and before January 1, 1976, if the alien was fathered by a U.S. citizen. Immigrant visas are issued to Amerasians under §101€ Public Law 100-202 (Act of 12/22/87), as well as to their spouses, children, parents or guardians if they accompany the Amerasian to the United States. Specifically referred to herein are certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to § 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 as amended by 8 U.S.C. § 1101.
4. "Cuban and Haitian Entrants" means
 - a. Any individual granted parole status as a Cuban or Haitian Entrant (Status Pending), or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the current status of the individual at the time of application for Refugee Medical Assistance; and
 - b. Any other national of Cuba or Haiti who:
 - (1) was paroled into the United States and has not acquired any other status under the INA;
 - (2) is the subject of exclusion or deportation proceedings under the INA; or
 - (3) has an application for asylum pending; and
 - (4) With respect to whom a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered.
6. "Department of Human Services (DHS)" means the state agency that provides a full continuum of services for families, adults, children, elders, individuals with disabilities and veterans.
7. "Executive Office of Health and Human Services (EOHHS)" means the state agency that is designated under Title XIX of the U.S. Social Security Act (42 U.S.C. 1396a § 1902), to be legally responsible for the programmatic oversight, fiscal management, and administration of the Medicaid program.
8. "General Public Assistance (GPA)" means a state program for adults age eighteen (18) and over who have very limited income and resources and have an illness or medical condition that keeps them from working.

9. “Lawful Permanent Residents (LPR)” means green card holders. This applies to RAP-Social Service recipients, who would be in the country past eight (8) months from the date of arrival.
10. “Medical Assistance Program also known as Medicaid (MA)” means a federal and state funded program that pays for medical and health related services for eligible applicants/recipients.
11. “Refugees” means any person who is outside his/her country of such person’s nationality; or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.
12. “Refugee Cash Assistance (RCA)” means cash assistance provided to refugees who are ineligible for the regular category programs and who have resided in the United States for less than eight (8) months from their initial entry into the United States. All categorical relatedness is waived for the RCA program. However, applicants must meet all other eligibility requirements including, but not limited to, financial and residency requirements and, in addition, the RCA employment and social services requirements.
13. “Rhode Island Works Program (RIW) means the agency program offers temporary cash assistance, child care assistance and assistance in finding employment or job training to needy families.
14. “Special Immigrant Visa (SIV) Holders from Iraq and Afghanistan” means
 - a. Afghani and Iraqi aliens who are granted Special Immigrant Status under § 101(a) (27) of the Immigration and Nationality Act (INA) (8 U.S.C. 1101). Individuals and family members granted this SI Status are eligible for entitlement programs, including Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA), and refugee social services the same as refugees admitted under § 207 of the INA.
 - b. For Iraqi/Afghan immigrants who acquire SI Status while already in the US, the date of eligibility for RCA/RMA (their “entry” date) is the date of grant of SI Status. Until an Iraqi/Afghan in parole or some other non-immigrant status becomes an SI with documentation of this status, he/she is not eligible for RCA/RMA.
15. “Supplemental Security Income (SSI)” means a Federal income program designed to help aged, blind and disabled individuals who have little or no income and few resources. The program provides cash to meet basic needs for food, clothing and shelter.

6.4 Eligibility

6.4.1 Eligibility for Categorical Programs

- A. When a refugee applies for cash and/or medical coverage, eligibility must first be determined for the appropriate categorical program(s): Supplemental Security Income (SSI), Rhode Island Works (RIW), General Public Assistance (GPA), and/or Medicaid.
1. a family eligible only due to refugee status are accepted on RIW as Refugee Cash Assistance (RCA/RIW) recipients.
 2. an individual or childless couple who have a disability severe enough to temporarily prohibit their employment will be considered for GPA.
 3. an individual who is 65 years of age or older, or who is blind or disabled, will be referred to the Social Security Administration to apply for SSI.
 - (a) an individual with an application pending for SSI is eligible to received Refugee Cash Assistance/GPA until SSI benefits are available.
- B. Continued eligibility for SSI, RIW, GPA or Medicaid is dependent upon the applicant meeting the requirements of the specific program.

6.4.2 Ineligibility for Categorical Programs

- A. If eligibility for one of the categorical programs does not exist, eligibility is then determined under the characteristic of “refugee” provided the applicant has resided in the United States for eight (8) months or less. In such cases:
1. all categorical relatedness is waived.
 2. applicants must meet all other eligibility requirements including, but not limited to, financial and residency requirements.
 3. recipients must meet the Refugee Cash Assistance employment and social service requirements for continuation of benefits.
 4. Single individuals and childless couples receive cash assistance through Refugee Cash Assistance.

6.4.3 Eligible Groups

- A. Refugee Assistance is available to those who are:
1. paroled as a refugee or asylee under section 212(d)(5) of the Refugee Act (8 U.S.C. § 1101 et seq.)
 2. admitted as a refugee under section 207 of the Refugee Act (8 U.S.C. § 1101 et seq.)
 3. granted asylum under section 208 of the Refugee Act (8 U.S.C. § 1101 et seq.)
 4. Cuban and Haitian entrants, in accordance with requirements in 45 CFR part 401.
 5. Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Operations, Export Financing, and Related Programs Appropriations Acts, 1989, 8 U.S.C. § 1101.
 6. Special Immigrant Visa (SIV) Holders from Iraq and Afghanistan
 7. admitted for permanent residence, provided the individual previously held one of the statuses identified above

6.4.4 Ineligible Groups

- A. Refugee Assistance is not available to those who:
1. are full-time students in post-secondary education, unless specifically eligible under the provision listed in §6.6(D) of this Part.

6.4.5 General Eligibility

- A. As a requirement for eligibility, all applicants for Refugee Cash Assistance must:
1. provide the name of the resettlement agency or sponsor who was responsible for their resettlement.
 2. provide the type of assistance, if any, the resettlement agency or sponsor is providing to the applicant
 - (a) If financial assistance is provided by the resettlement agency or sponsor, it is treated in accordance with the policy of the appropriate program, when determining eligibility for and the amount of assistance.

3. not have voluntarily quit employment or refused an offer for employment without good cause within thirty (30) days immediately prior to the application date.
- B. Medicaid eligibility is evaluated first using the MAGI methodology set forth in 210-RICR-30-00-1 and the SSI standards for Community Medicaid in Section 210-RICR-40-00-1.

6.4.6 Duration of Eligibility

- A. The duration eligibility for Refugee Cash Assistance (RCA) follows the directive of the Director of the Federal Office of Refugee Settlement. Under the authority of P.L. 97-363 (1982 Amendments to the Refugee Act of 1980, 8 U.S.C. § 1101 et seq.), P.L. 99-177 (Balanced Budget and Emergency Deficit Control Act of 1985, 2 U.S.C. § 621), and P.L. 100-202 (the Continuing Resolution for FY 1988), the Department of Health and Human Services limits the duration of (RCA) through the end of the eighth month from the date of arrival in the United States.
- B. Each refugee's eligibility is based on the month and year of entry into the United States. Since each individual in a case may have entered the country at a different time, an individual may be discontinued from the payment as ineligible while the case remains active (unless the eligibility factor for the case is dependent upon the ineligible individual).
- C. Any recipient discontinued from RCA, or whose eligibility is discontinued due to the first eight (8) month limitation, must be informed of the right to apply for the appropriate category program if potential eligibility for such program exists.

6.5 Verification

- A. Every effort must be made to obtain verification necessary for eligibility under one of the categorical programs. Refugees who had to leave their homelands under emergency situations may not have the documentation verifying births, marriages, divorces, etc., and may not be able to obtain it. In lieu of such documentation, the following supporting evidence is acceptable:
1. Forms from the USCIS, American Council for Voluntary Agencies for Foreign Services (ACVAFS), or the American Council for Voluntary International Action (ACVIA) can be used as verification of age.
 2. Any documents the refugees brought with them from their homelands that reflect relationship of family members is acceptable evidence of relationship, for example, a letter to/from a relative addressed to and/or referring to, "mother", "son", "wife", or other specified relative.
 3. For children, school and/or medical records showing the address and the relative responsible for the child may be used as verification.

4. Information from the refugee's sponsor/resettlement agency supporting the refugee's statement.
 5. Information recorded in the refugee's assistance case record.
- B. In the absence of written records, the refugee's statement may be accepted with supervisory approval.

6.6 Application and Standards

- A. The following general requirements apply to all refugees regardless of their duration of residence in the United States.
1. The sponsor's income and resources may not be considered accessible to an applicant for or recipient of assistance solely because the person is serving as a sponsor.
 2. Resources not readily accessible to the refugee, such as resources remaining in the applicant's country of origin, may not be considered available to an applicant for or a recipient of assistance.
- B. Requirements for RCA
1. All applicants for RCA must provide the name of the resettlement agency or sponsor who was responsible for their resettlement.
 2. Refugee Cash Assistance benefit levels are based upon RIW standards and payment levels as follows:
 - a. Treatment of Unearned Income
 - (1). RIW regulations govern the treatment of unearned income to the recipients of RCA-RIW (see Part 2 of this Subchapter). However, only cash and/or in-kind assistance actually available to the refugee from the sponsoring agency is counted as unearned income.
 - b. Treatment of Earned Income
 - (1). In general, earned income disregards are applied to the recipients of RCA-RIW (see Part 2 of this Subchapter).
 - c. Treatment of Resources
 - (1). The RIW regulations regarding resources govern the treatment of resources for applicants and recipients of RCA-RIW (see Part 2 of this Subchapter). For special RCA considerations, see § 6.6(B) of this Part.

C. Continuation of RCA

1. The goal of the Office of Refugee Resettlement program is to promote self-sufficiency within the shortest possible time after a refugee's entrance into the United States, which is consistent with the Federal Refugee Resettlement Program Goals (P.L. 97-363, 412(a)(6)(B), 8 U.S.C. 1101). The following are requirements for continuation of RCA:
 - (a). RCA recipients must meet RIW requirements pertaining to employment and training program participation, work/employment training standards, and exemption from employment registration.
 - (b). Recipients of Refugee Cash Assistance are required to attend job interviews which are arranged by the Office of Refugee Resettlement, its designee or if applicable, the sponsoring agency. Refusal to attend a job interview is cause for sanctioning from RCA.
 - (c). As a recipient of Refugee Cash Assistance, a refugee cannot refuse to apply for or accept an appropriate offer of employment or employment training which meets the applicable minimum wage requirement, as determined by the Department of Employment and Training. Such recipient is required to accept an appropriate job offer without regard to whether such job would interrupt a program of services planned or in progress, unless:
 - (1) such refugee is currently participating in a program in progress of on-the-job-training or vocational training which is part of the refugee's employability plan and which is intended to lead to full-time employment; or
 - (2) the refugee is enrolled full-time in a professional recertification program which meets the requirements in § 6.6 (D) of this Part.

D. Refugee RIW recipients must participate in and cooperate with RIW employment requirements.

1. Participation in the Office of Refugee Resettlement program employment training activities meets all requirements for RIW participation. All refugee RIW recipients are required to participate in either the RIW or the DHS/ORR program employment training activities, unless specifically exempt.

E. A refugee who is a recipient of GPA must participate in the DHS/ORR program employment training activities, unless specifically exempt.

F. RIW Recipients

1. Refugee recipients of RIW who fail to participate in DHS/ORR employment or DHS RIW employment activities are subject to the RIW employment sanction procedures.

6.7 Requirements for Medicaid

- A. Medicaid eligibility is evaluated first using the MAGI methodology set forth in 210-RICR-30-00-1 and the SSI standards for Community Medicaid in Section 210-RICR-40-00-1.

6.8 Fraud Unit Referrals

- A. Fraud referrals are processed through RI Bridges and sent to the Department of Administration (DOA), Fraud Unit who will assign an investigator.

6.9 Appeals and Hearing Process (EOHHS Regulation)

- A. The appeals and hearing process is handled as indicated in the rules of the General Provisions of the Executive Office of Health and Human Services (EOHHS) (210-RICR-10-05-2).