NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
40 NORTH PEARL STREET, ALBANY, NEW YORK 12243
Barbara B. Blum
Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 81 ADM-32
[Services]

TO: Commissioners of Social Services

SUBJECT: 1. Refugee Social Services Assistance Program Eligibility
2. Refugee and Cuban/Haitian Entrant Reporting

DATE: July 13, 1981

SUGGESTED DISTRIBUTION: Public Assistance Staff
Medical Assistance Staff
Food Stamp Staff
Services Staff
Accounting Staff

CONTACT PERSON: Questions concerning Public Assistance should be directed to Bruce Bushart, Division of Income Maintenance at (800) 342-3715, extension 4-9326, Medical Assistance questions should be referred to your Medical Assistance County Representative at extension 3-7581. Services questions should be referred to Joseph Ryu, Division of Services, extension 4-9629 and Claiming questions should be directed to Upstate - Mr. Irid Gordon, extension 4-7567 and Metropolitan - Anthony Funigiello at (212) 488-4516.

I. PURPOSE

On February 24, 1981, Commissioner Blum issued a letter to all Commissioners concerning the Refugee Act of 1980. The purpose of this administrative directive is to further advise local social services districts of revised policies and procedures governing the provision of public assistance, medical assistance and services in conformance with the Refugee Act of 1980. This Act authorizes the provision of assistance and services to refugees without regard to their national origin.

II. BACKGROUND

A. Citizen and Alien Status

Generally, any person residing in the United States is either a

FILING REFERENCES

Previous ADMs/INFs	Previous ADMs con't.	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
81 ADM-6 80 ADM-61 80 ADM-37 80 ADM-18 79 ADM-54 77 ADM-26 77 ADM-26a 77 ADM-26b	77 ADM-64 75 ADM-7 74 ADM-116 Releases Cancelled 77 ADM-89	349.3 369.3 351.1 358 385 388	131.K 366	134 182 195 203 Chapter 1068 of Book 10	42 CFR 435.402 42 CFR 436.402 Refugee Act of 1980 SRS AT 80-6 Dear Commissioner Letter of 2/24/81 Source Book Section XXIII-C

DSS-296 (Rev.

citizen or an alien. Aliens may be grouped as follows:

1. Immigrants - aliens who have been admitted for permanent residence. Immigrants can remain indefinitely, own property, work, and move about without restriction so long as they comply with the laws relating to alien registration, changes of address and annual reports. All are required to have alien Registration Receipt Cards.

2. Non-Immigrants - aliens admitted temporarily for specific purposes and periods of time - visitors for business or pleasure, alien crewmen, students. They are generally required to carry a form I-94 endorsed to show their status. Note: These aliens are not generally eligible for Public Assistance/Medical Assistance because of the temporary nature of their admission status.

3. Parolees - aliens not otherwise admissible who are sometimes paroled into the United States at the discretion of the government. They are required to carry a form I-94.

   Sub-categories of parolee include asylee, conditional entrant (designated refugee after 4/1/80) and refugee.

   Asylees - Under Section 208 of the Immigration and Nationality Act, asylees are aliens who are granted asylum at the discretion of the Attorney General if the Attorney General determines that such alien is a refugee as prescribed above.

   Conditional Entrant - An alien who, before April 1, 1980, establishes a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under Section 203(a)(7) of the Immigration and Nationality Act shall be deemed to be entitled to a refugee status under Section 207 of such Act and shall be accorded the date of registration previously established to that alien.

   Refugee - A refugee is an alien and is (a) any person who is outside any 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 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, or (b) in such unforeseen emergency situations as the President after appropriate consultation may specify.

Refugees may apply to adjust their immigration status to permanent resident alien status after one year of residing in the United States.

4. Illegal Aliens - aliens unlawfully residing in the United States and those aliens unable to furnish evidence that they are lawfully residing in the United States are designated Illegal Aliens. Such Illegal Aliens shall be immediately referred to the United States Immigration and Naturalization Service, or the nearest consulate of the country of the applicant for such service and action as may be appropriate.

B. Refugee Act of 1980

Historically, the provision of public assistance, medical assistance and services to refugees developed through three separate programs, created in response to particular refugee situations and established by distinct legislative acts:

1. The Cuban Refugee Program, which began in 1961 and for which a phasedown in funding was initiated in 1978.

2. The Indochinese Refugee Assistance Program (IRAP) which began in 1975.

3. A program of matching grants to national voluntary refugee resettlement agencies which began in 1979, for assistance and services to Soviet and other non-Cuban non-Indochinese refugees.

Enacted March 17, 1980, the Refugee Act essentially joined these separate programs into a single statutory authority for assistance and services to all bona fide refugees without regard to a refugee's national origin.

Further, the Act extends to all refugees the policies (with certain modifications set forth in the ADM) which are currently being applied in the Indochinese Refugee Assistance Program (IRAP). An exception is made in the Act, and is reflected in this ADM, with

regard to certain aspects of assistance for Cuban Refugees who arrived in the United States and received assistance prior to October 1, 1978.

Also, the Act modifies existing Federal policy in the following a eas:

a. Definition and identification of refugees.

b. Registration of refugee cash assistance recipients for employment.

c. Identification of refugees with a medical problem and follow-up.

d. Identification and tracking of refugees from the date of entry into the United States for 36 months for Federal funding.

Henceforth, the program will be known as the Refugee Assistance Program, replacing the nationality identified programs (except for the reference to "Cuban Program Phasedown").

The intent and goal of the Refugee Act is to assist refugees to become economically self-sufficient as soon as possible. This goal is reflected in the policies and procedures contained in this Administrative Directive.

III. PROGRAM IMPLICATIONS

A. Overview

The Refugee Act of 1980 (PL 96-212) enacted to be effective from April 1, 1980 removes national origin as a consideration in the eligibility of refugees in the United States for assistance and services, and extends to all refugees the policies (with certain modifications set forth in this administrative directive) which are currently being applied in the Indochinese Refugee Assistance Program (IRAP) and are summarized below.

Prior to the enactment of the Refugee Act of 1980, there was no specific immigration status which served to identify refugees. The Act sets forth new procedures for the admission of refugees and places

with the Immigration and Naturalization Service the jurisdiction over whether a given person is admitted to the US as a refugee or in some other non-refugee status. Although these changes will result in standardized, readily recognizable identifying documents for refugees, variations in documentation among refugees who were admitted prior to implementation of the 1980 Act will continue to appear for the next few years. In most cases, the refugee must present an INS Form of documentation called I-94. In other cases, INS Form I-151 or I-551 which identifies the person as a resident alien is acceptable provided that he/she also has sufficient documentation to substantiate that he/she held some kind of refugee status prior to the adjustment of his/her status to that of resident alien. A photocopy of his/her I-94 is sufficient documentation.

B. Important Aspects of the Refugee Assistance Program

As a result of the Federal Refugee Act of 1980, effective April 1, 1980, the following shall apply to all refugees, excluding Cuban/Haitian Entrants (see 80 ADM-61 for Cuban/Haitian Entrant Status).

1. Waiver of Categorical Eligibility

Public Assistance/Medical Assistance eligibility shall be determined without regard to family household composition.

2. 100-Hour Limitation on Employment

Refugees are eligible for cash assistance, based on existing State need standards, regardless of the number of hours worked. The 100-hour limit on employment in the ADC-U program does not apply under the Refugee Assistance Program.

3. $30 and 1/3 Disregard

The $30 and 1/3 disregard and other disregards which apply in the AFDC cash program shall apply in the same manner in the Refugee Cash Assistance Program, but without regard to the composition of the assistance unit.

4. Reimbursement

Local districts shall claim 100 percent reimbursement of the non-federal share of ADC/ADC-U, and EAF for the cost of Public Assistance/Medical Assistance associated with

eligible refugees for a period of 36 months from the date of entry into the United States. 100% reimbursement should be claimed for the non-federally related financially eligible refugees during the 36 month period only. There is no impact on state dollars, as this program is 100% federally funded.

Reimbursement for Unaccompanied Refugee Minors under the Foster Care and Services Programs is not restricted to 36 months. (See 79 ADM-54)

5. Employment Factors

As a condition of receipt of cash assistance, all refugees within the assistance unit shall, unless exempt, register for and accept employment from an appropriate agency providing employment services; this includes registration and participation in WIN, districts for those categorically eligible for ADC/ADC-U.

6. Three Year Limit

Effective April 1, 1981, assistance under RAP cash and medical assistance is available to refugees only during the first 36 months from their date of entry (not date Visa issued) into the United States. Therefore, the above stated aspects numbered 1-5 will not apply after the end of the 36 month period.

IV. REQUIRED ACTION

A. Documentation of Refugees

Local social services districts must document the refugee status of each PA or MA applicant/recipient claiming such status.

1. If otherwise eligible, current recipients with the following statuses are eligible for assistance and services under the refugee assistance program:

National Origin	Documentation
a - A person from Cambodia, Laos or Vietnam who is currently receiving assistance or services under IRAP. NOTE: These Indochinese refugees are defined by law as "aliens who (1) because of persecution or fear of persecution on account of race, religion or political opinion fled from Cambodia, Vietnam or Laos; (2) cannot return there because of fear of persecution on account of race, religion or political opinion."	- An individual of this group who has parole status as indicated by an INS Form I-94. - An individual of this group who has voluntary departure status as indicated on I-94. - An individual of this group who has conditional entry status as indicated on Form I-94. - An individual of this group who has permanent status as an adjustment of status under P.L. 95-145 as indicated by Form I-151 or I-551. This individual may also present a photo copy of his/her I-94 or other INS approved documentation to establish former status under the Refugee Assistance Program.

NOTE: Excluded from this definition of refugees are those persons who are dependents of repatriated U.S. citizens and would be included under the Repatriate program. Such a dependent of a U.S. citizen may also possess a Form I-94. Local social service districts must inquire whether the person entered the U.S. as a dependent of a U.S. citizen and as such if that person would be included under the Repatriate program rather than the Refugee Assistance Program.

National Origin	Documentation
b - A person from Cuba who is currently receiving assistance or services under Cuban Program Phasedown (CPP) and who entered the U.S. on or after October 1, 1978.	- A registration card issued by the U.S. Cuban Refugee Center on or after October 1, 1978 and INS documentation sufficient to establish entry into U.S. on or after October 1, 1978, or verification with the U.S. Cuban Refugee Center as to the date of Entry. Cuban Refugee Center (Eligibility and Referral Section) P.O. Box 340188 Coral Gables, Florida 33134 (305) 350-5837

NOTE: Local social service districts must remove from the assistance and services rolls any cases which were determined eligible for CPP funds on the basis of a registration card issued by the U.S. Cuban Refugee Center between April 21 - May 1, 1980, unless such person could be determined to have refugee status based on INS documentation.

2. Applicants Not Current Recipients

Effective with the issuance of this release, persons who are not current recipients of assistance and/or services under IRAP or CPP are eligible for assistance and/or services under the Refugee Assistance Program if they have one of the following statuses and they are otherwise eligible:

NOTE: As indicated in the following listing, an asylee -- that is a person who has been granted asylum -- is eligible under the Refugee Assistance Program. However, in no instance is an "applicant for asylum" -- that is a person who has applied for but not been granted asylum eligible. The eligibility for Cuban/Haitian Entrants is addressed in other Federal legislation and in 80 ADM-61.

National Origin	Documentation
c - A person from Cambodia, Laos or Vietnam who has parole status provided the person's documentation, if issued on or after June 1, 1980, clearly indicates that the person has been paroled as a refugee or asylee.	- Form I-94 indicating that the person has been paroled under Section 212(d)(5) of the Immigration and Naturalization Act (INA). If the I-94 was issued on or after June 1, 1980, it must clearly indicate that the person has been paroled as a refugee or asylee.
d - A person from Cuba who has been paroled as a refugee or asylee and who entered the U.S. on or after October 1, 1978.	- Form I-94 indicating that the person has been paroled under Section 212(d)(5) of the INA. If the I-94 was issued on or after April 21, 1980, it must clearly indicate that the person has been paroled as a refugee or asylee.
e - A person from any country other than Cambodia, Laos, Vietnam or Cuba who has parole status as a refugee or asylee.	- Form I-94 indicating that the person has been paroled under Section 212(d)(5) of the INA as a refugee or asylee.
f - A person from any country admitted as a conditional entrant under Section 203 (a)(7) of the INA.	- Form I-94 indicating that the person has been admitted as a conditional entrant under Section 203(a)(7) of the INA. All persons with this status are defined as refugees.
g - A person from any country admitted as a refugee under Section 207 of the INA.	- Form I-94 indicating that the person has been admitted as a refugee under Section 207 of the INA.
h - A person from any country who has been granted asylum under Section 208 of the INA.	- Form I-94 indicating that the person has been granted asylum under Section 208 of the INA.

National Origin	Documentation
i - A person from any country who previously held one of the statuses a - h whose status has subsequently been adjusted to that of permanent resident alien.	- Form I-151 or I-551 which identifies the person as a resident alien and sufficient documentation such as a photo copy of a previously held I-94 to substantiate that he/she held one of the statuses indicated above prior to the adjustment of his/her status to that of permanent resident alien.

B. Reporting Requirement

Each social services district, at application and recertification where no DSS-3367 was previously prepared on any case member must document the status of all types of aliens indicated on DSS-3367 (Refugee, Unaccompanied Refugee Minor, Cuban Refugee Phasedown Benefit Recipient, Cubans (100% MA SSI), Cuban Entrants, Cuban/ Haitian Unaccompanied Minor, Haitian Entrant). Please submit DSS-3367 (see attachment #1) by August 15, 1981 and quarterly thereafter (10/15, 1/15, 4/15, 7/15). Distribution should be completed as indicated on back of DSS-3367.

Local social services districts should immediately discontinue Cuban/Haitian reporting as required in 80 ADM-61.

Please note that this is an interim reporting system until such time as the required data can be collected in and reported from the WMS system.

1. Date of Entry

Effective April 1, 1981 Cash and Medical Assistance under the Refugee Assistance Program (known hereafter as "RAP cash and Medical Assistance") will be available to refugees only during the first 36 months from their date of entry into the U.S. In order to implement this 36 month limit, the worker must verify the date of entry into the United States and record this information as indicated in this release.

2. National Origin

For each applicant/recipient of RAP, record the country of citizenship in the case record and on Form DSS-3367.

3. National Voluntary Resettlement Agency

For each applicant/recipient of RAP record the name of the resettlement agency that has been assisting the refugee in the United States. This information must be recorded in both the case record and on Form DSS-3367.

C. Eligibility for Social Services Assistance Programs

NOTE: When the refugee reaches his/her 36th month of RAP cash and/or medical assistance eligibility the local social services district must determine his/her eligibility under established social services assistance program(s).

1. Public Assistance

a. Identification of ADC/ADC-U Applicants/Recipients

Effective immediately, all applicants/recipients for public assistance identified as refugees, as indicated in Section IV. A. of this release, must first have their eligibility determined for ADC and ADC-U. This determination is required by the Refugee Act of 1980 in that this group is funded with 50% ADC and 50% Refugee assistance monies. Such eligibility must be so noted on DSS-3367.

1) 100-hour Limitation on Employment

The 100-hour limit on employment in the ADC-U program does not apply under the refugee assistance program.

b. Non-ADC or ADC-U Eligible Applicant-Waiver of Categorical Relatedness

All refugees who are applicants/recipients of public assistance and who are not eligible for ADC or ADC-U shall have their eligibility determined on the basis of need only. The presence or absence of children, any deprivation factors, or any other such categorical factors are waived. This determination is required by the Refugee Act of 1980 in that this group is funded with 100% Refugee Assistance Program monies.

c. Determination of Financial Need

Financial assistance to all types of refugee cases, regardless of family composition, will be based on ADC needs standards with income and resources taken into consideration as in the ADC program. Payments will be made in accordance with the ADC program.

When there is an urgent need for assistance, the agency should make emergency provisions to speed up the application process and issuance of the initial grant. (Also see Section IV (C) (e) (1) and (3).)

No financial resources which are in fact not available to the refugee, including resources remaining in the former country of residency, shall be considered in determining eligibility for financial assistance.

The income and resources of sponsors shall not be considered in determining eligibility for financial assistance.

Refugees are eligible for cash assistance, based on the ADC needs standard alone, thus the 100 hour limit on employment in the ADC-U program does not apply.

d. Employment Factors

1. Registration

As a condition of receipt or continued receipt of cash assistance all refugees within the assistance unit shall, unless exempt, register for and accept employment services.

a. All Refugees in Non-WIN Social Services Districts and Non-ADC Categorically Eligible Refugees in WIN-Districts

Applicant/recipient refugees of cash assistance must, unless exempt, register with and accept employment services from a Department approved agency providing employment services funded under the Refugee Assistance Program. Should a Refugee Assistance Program funded agency not be available the New York State Employment Service shall be used to provide registration and employment services.

Exempt refugees are defined by Section 385.1 of Department Regulations.

b. ADC Categorically Eligible A/R Refugees in WIN Districts

ADC categorically eligible applicant/recipient refugees of cash assistance, unless exempt, must register and participate in WIN. Should the WIN sponsor approve, WIN participation may consist of employment registration and participation in employment services provided by an appropriate Department approved agency funded under the Refugee Assistance Program.

Exempt refugees are defined by Section 388.2 of Department Regulations.

2. 60 Day Registration Postponement

The requirement to register for employment services does not apply during the first 60 days after a refugee's date of entry into the United States.

3. 100 Hour Part Time Training Requirement

As a condition of continued receipt of refugee cash assistance, if the refugee is employed less than 100 hours per month, he or she must accept part-time training such as English-language or skill training, if available and determined to be appropriate by standards set forth in Sections 385 and 388 of Department Regulations.

4. Semester Completion

A full-time student who is 21 years of age or older and who is currently receiving cash assistance at the time of the effective date of this transmittal shall be allowed to finish the current semester. Employment registration shall not be required until this current semester is complete.

5. Counseling and Sanction

a. All Refugees in Non-WIN Districts and Non-AFDC Categorically Eligible A/R Refugees in WIN Districts

1. Counseling

If a non-exempt (employable) recipient of refugee cash assistance fails or refuses without good cause to accept training or employment, the local social services department must provide either directly or through an arrangement with the appropriate service provider agency or the voluntary resettlement agency counseling within seven (7) days of the failure or refusal. Such counseling must:

- provide the refugee with an understanding of the implications of refusal to accept training or employment

- encourage acceptance of such opportunity

The local social services district may provide additional counseling at its discretion. The determination of good cause in refusal to accept manpower services and certification shall be developed as directed in Section 385.7 of Department Regulations.

2. Sanctions

The application of sanctions shall be determined as directed in Section 385.8 of Department Regulations. Notice of reduction or discontinuance of refugee assistance shall be as directed by Department Regulation 358.9. A copy of this notice must be sent to the refugee's sponsor or the voluntary resettlement agency.

b. ADC Categorically Eligibles in WIN Districts

1. Counseling

If a non-exempt (employable) recipient of refugee cash assistance fails or refuses without good cause to accept training or employment, the local social services department must provide either directly or through an arrangement with the appropriate service provider agency or the voluntary resettlement agency counseling within seven (7) days of the failure or refusal. Such counseling must:

- provide the refugee with an understanding of the implications of refusal to accept training or employment

- encourage acceptance of such opportunity

The local social services district may provide additional counseling at its discretion. The determination of good cause in refusal to accept manpower services and certification shall be developed as directed in Section 385.7 of Department Regulations.

2. Sanctions

When a non-exempt person refuses, without good cause to register, to appear for joint appraisal or to participate in the WIN program, sanctions shall apply as directed in Section 388.11 of Department Regulations. Good cause is determined by the WIN sponsor, the New York State Department of Labor in most instances.

Notice of reduction or discontinuance of refugee assistance shall be as directed by Department Regulation 358.9. A copy of this notice must be sent to the refugee's sponsor or the voluntary resettlement agency.

e. Eligibility for Other Social Services Assistance Programs

1. Emergency Assistance to Families (EAF)

Those verified as refugees must be processed for EAF under current Department procedures as appropriate. Those found eligible must be so identified on DSS-3367 to facilitate 100% funding of the non-federal share of EAF as refugee assistance.

2. Supplemental Security Income (SSI)

All verified refugee applicants/recipients who are 65 years of age or older or appear to be blind or disabled must be referred to the Social Security Administration to apply for SSI benefits. Such refugee, if otherwise eligible as indicated in this release, must be provided public assistance, and services until SSI benefits are begun. Refugee applicants/ recipients of medical assistance who refuse to apply for SSI benefits shall not be denied medicaid providing they are otherwise eligible.

3. Emergency Assistance to Adults (EAA)

Those verified as refugees must be processed for EAA under current department procedures as appropriate. Those found eligible must be identified on DSS-3367 to facilitate 100% funding of EAA as part of state supplementation of SSI for the 36 month period previously described.

4. Food Stamp Eligibility

Determination of eligibility for Food Stamps should be made in compliance with existing regulations concerning aliens, as reflected in Section IV, (B) and X, (G) of the New York State Food Stamp Manual.

5. Cuban Program Phasedown

For those refugees who entered the United States prior to October 1, 1978 and registered prior to that date with the Cuban Refugee Center, Federal reimbursement for the non-Federal cost of providing cash and medical assistance is available as follows:

- federal fiscal year 1980 - 75%
- federal fiscal year 1981 - 60%
- federal fiscal year 1982 - 45%
- federal fiscal year 1983 - 25%

These phasedown funding percentages do not apply to the cost of medical assistance for those Cuban refugees who were receiving payments under the program of Supplemental Security Income as of September 30, 1978. Funding for the non-Federal share of medical assistance costs for this specific group of Cuban refugees will be provided on the same basis as other costs permissible under the Refugee Assistance Program.

If a Cuban refugee entered the United States prior to October 1, 1978, and did not register with the United States Cuban Refugee Center prior to that date, he/she shall be eligible to apply for assistance or services under the Refugee Assistance Program rather than the Cuban Program Phasedown.

Eligibility for social services assistance programs for Cuban Program Phasedown funded refugees shall be determined in a standard manner without regard to the waivers and special circumstances provided in the Refugee Assistance Program. Employment participation, including WIN participation, will be required as appropriate within specific social services assistance program.

2. Medical Assistance

a. Identification of Federally Participating/Federally Non-Participating Applicant/Recipient

For medical assistance claiming purposes it is necessary that local social services districts separately identify those individuals who are eligible to receive medical assistance as federally participating persons (i.e., under 21, 65 or over, disabled, blind, or ADC related) and those who cannot be related to a federal category (i.e., 21-64, non-SSI or ADC related). Those individuals identified as federally participating shall be funded at 50% Title XIX and 50% Refugee Assistance monies. Those individuals identified as federally non-participating shall be funded at 100% Refugee Assistance monies. This information relating to categorical determination shall be so noted on DSS-3367.

b. Categorical

1. Requirements of categorical relatedness for medical assistance to refugees are waived. This means that eligibility will be determined without regard to family composition or the presence of children.

2. Actual receipt of, or application for financial assistance for living expenses may not be required as a condition of eligibility for medical assistance.

c. Financial

1. Medical assistance eligibility for refugees shall be determined using the MA Only Income/Resources Exemption Levels or the PA Standard of Need (whichever is higher).

2. Income/resources shall be evaluated as to their availability. Income/resources which are not in fact available to the refugee, shall not be considered in the determination of Medicaid eligibility.

3. The income and/or resources of sponsors, and the in-kind services and shelter provided to refugees by their sponsors, shall not be considered in determining eligibility for medical assistance. However, when any goods or services are provided by the sponsor as part of compensation for services rendered, the value of the maintenance shall be computed in accordance with 360.5(c)(3) of Department Regulations.

d. Work Requirements for MA-FNP A/R

1. Those individuals who are MA HR related (prior to categorical waiver) must meet work requirements as specified in 80 ADM-18.

3. Services

The Department will provide certain social services as specified by agreement under the Refugee Assistance Program (RAP) through community agencies utilizing the State purchase of services contract and according to eligibility standards set forth in Manual Bulletin 203. This decision was based on the fact that these community agencies have had experience working with the refugee population in the past. Questions regarding available community agency resources should be directed to Joseph Ryu as indicated on page one of this release.

In addition to the specific social services provided by community agencies by contract under the Refugee Assistance Program, existing Title XX social services are also available to refugees provided that they are otherwise eligible in accordance with Manual Bulletin 195. No RAP funding is available for these existing Title XX social services.

4. Matching Grants from Voluntary Agencies

As indicated in the Background section of this ADM, non-Cuban, non-Indochinese refugees may currently be included under a matching grant program with national voluntary resettlement agencies. Under these grants, the voluntary agency is required to provide an equal matching of funds for each Federal dollar awarded.

These matching grants cover generally the same range of cash and medical assistance, training, and services which has been available under the Indochinese Refugee Assistance Program (IRAP). However, these grants should not be confused with the one-time per capita grant paid to refugees by the resettlement agencies for the reception and initial placement of newly arrived refugees. Some examples of voluntary agencies which are currently participating in the matching grant program are: The Council of Jewish Federation in association with the Hebrew Immigrant Aid Society (HIAS) and the RAV TOV, Inc. (both covering Soviet Jewish refugees). Matching grants covering various other relatively small groups of refugees are in effect with the American Fund for Czechoslovakian Refugees, International Rescue Committee, Tolstoy Foundation, and the United States Catholic Conference.

A Soviet refugee or other non-Cuban, non-Indochinese refugee may or may not be receiving cash or medical assistance and/or services under a matching grant. The receipt of assistance, especially cash assistance under this Program is more likely to occur within the first year after a refugee's entry into the United States.

If a refugee who might be covered by a matching grant applies for cash or medical assistance the local social services district shall:

- not assume that the refugee is being assisted under the matching grant; and

- obtain verification (telephone contact acceptable) from the refugee's sponsor or resettlement agency as to whether the refugee is receiving such assistance and the amount, if any. Monies available to refugees under the matching grant program

will be provided in installments rather than one lump sum payment. For purposes of eligibility for cash and medical assistance eligibility, any monies received by a refugee under the matching grant are considered as income used to reduce the need for assistance and care. However, as with other applicants/recipients of assistance and care, only that income which is actually available to the refugee, shall be applied in the determination of eligibility.

5. Local Social Services District Verification with Sponsor or Resettlement Agency

As part of the regular process of determining eligibility for medical assistance or for cash assistance, the local social services agency shall contact the sponsor and/or the resettlement agency and inquire what assistance the sponsor and/or resettlement agency has been providing to the refugee. The information obtained from the sponsor and/or the resettlement agency should be entered in the case record, which should include the name and address of the sponsor and/or the name of the resettlement agency. A telephone contact with the sponsor and/or the resettlement agency by the local social services agency is sufficient to fulfill the verification requirement; a written statement by the sponsor and/or the resettlement agency is not required but is acceptable and should be made part of the case record if provided. Where there is an emergent need for cash or medical assistance, in instances in which it is not possible to reach the sponsor and/or the resettlement agency the requirement of verification with the sponsor and/or the resettlement agency should be temporarily waived in order to meet the emergency.

Local social services districts must obtain written or verbal verification of funds made available to the refugee. However, pending the receipt of this verification eligibility shall not be delayed or denied if the refugee is otherwise eligible.

Should local districts identify refugees in a community who are applying for cash assistance a few days after arrival or that a substantial portion of resettlement refugees are applying for cash assistance, the Department's Director of Refugee Assistance Programs should be contacted. The information will provide the basis for future resettlement planning.

V. ADDITIONAL INFORMATION

A. Hearings and Appeals

In accordance with Department Regulations Part 358 the same hearings and appeals as apply to the ADC, Medical Assistance, and Services Programs shall apply in the Refugee Assistance Program.

B. Recertification

Recertification shall be performed as required under the ADC, EAF, HR (RAP), EAA, Medical Assistance and Services programs.

C. WMS/MMIS

Upstate Districts

In all districts using WMS forms, new State/Federal Charge Codes 30-36 have been added to WMS and should be used. Temporary Replacement Page (TRP) 12-B-90-1 has been issued with instructions that code 36 is active in WMS and should be used. (NOTE: Code 34 has been changed to "Cuban Entrants" only.) State/Federal Charge Codes 01 and 02 should no longer be used for Refugee cases; any case on WMS with the 01, 02 codes should be changed at the next undercare maintenance transaction or at recertification to reflect the new 30-36 State/Federal Charge Codes.

At this time, ABEL is not programmed to calculate the 30 and 1/3 disregard for those non-categorically eligible applicants/recipients of refugee cash assistance. Benefits may be calculated using a "scratch pad" budget until this capability is added to ABEL.

New York City

In New York City the new State Chargeback codes (see claiming codes indicated on back of attachment #1) have not as yet been added to the MEF file. Therefore, staff should use the current code "9" for "Indochinese Refugee" when coding <u>all</u> refugees eligible under this program (including Cubans) until such time as these codes are available. Once these codes are available in the MEF file, the appropriate indicator should be placed in the recipient file.

D. Forms

See Attachment #1 DSS-3367, Refugee and Cuban/Haitian Entrant Reporting.

E. Claiming

The claiming instructions for the Cuban Phasedown Program, the Refugee Assistance Program and the Cuban/Haitian Entrant Program are addressed in a separate release - Chapter 1068 of Book Ten. Chapter 1068 is being revised to include details for claiming of assistance payments, administration costs, and services expenditures as well as procedures for completing and filing retroactive claims. Retroactive claiming instructions for 100% Federal funds are contained in the revision to Chapter 1068 of Book Ten.

F. Questions and Answers

See Attachment #3.

VI. EFFECTIVE DATE

Effective April 1, 1980 financially eligible refugees regardless of national origin are eligible for cash/MA assistance and services under the RAP program.

The 36 month period requirement for receipt of RAP cash/medical assistance from date of entry into the United States is effective April 1, 1981.

Philip Gartenberg

Philip Gartenberg
Executive Deputy Commissioner

DSS 336: fugee and Cuban/Haitian Entrant Reporting

Completed for Quarter: October - December ( )
January - March ( )
April - June ( )
July - September ( )

INSTRUCTIONS: Complete at case opening and recertification for refugees and those specified in claiming codes 31 - 36. (See reverse for instructions)

County/District	Unit/Center	Worker
Case Names Last	First	M.I.
Case Address Apt.	Street	
City		Zip Code

A. Case Members	B. Recipient ID	C. Alien Number	D. Date of Entry Into US Mo/Yr	E. ADC Cash Elig.	Non-ADC Cash Elig.	MA FP	MA FNP	F. Claiming Codes	G. Nationality	H. National Voluntary Resettlement Agency
1.										
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

Use Additional Sheets for Households in Excess of 10

ATTACHMENT #1

INSTRUCTIONS FOR COMPLETION OF DSS 3367

A. Case Members - Enter name (Last, First, MI) of all refugee members of the household.

B. Recipient ID - Enter appropriate county/district identifying member (e.g., CIN #, case number) as determined by local district procedures. For WMS districts, the CIN # is a computer assigned # which uniquely identifies this individual.

C. Alien Number - Enter alien registration number from Immigration and Naturalization Service form I-94, I-151 or I-551 for each refugee in the household.

D. Date of Entry Into United States - Enter month and year of entry of each refugee in the United States from INS I-94 or I-151. NOTE: Do not use date of issuance of Visa as it is prior to date of entry into United States.

E. Indicate the appropriate category, prior to waiver, by placing an X in the indicated column.

NOTE:

FP - includes; over 65, under 21, ADC related, SSI related.

FNP - includes single persons and childless couples, those between 21 and 64 and not disabled or blind.

F. Claiming Codes (effective 4/1/81)

30 Refugees (RAP)
31 Unaccompanied Refugee Minor
32 Cuban Refugee Phasedown Benefit Recipient
33 Cubans (100% MA SSI)*
34 Cuban Entrants
35 Cuban/Haitian Unaccompanied Entrant Minor
36 Haitian Entrants

G. Nationality - Enter country of citizenship from INS Form I-94.

H. National Voluntary Resettlement Agency - Enter one of the following codes indicating which resettlement agency has been assisting the refugee family settle in the United States.

01. American Council for Nationalities Service (ACNS)
02. American Fund for Czechoslovak Refugee Program
03. Church World Service (CWS)
04. Hebrew Immigration Aid Society, Inc. (HIAS)
05. International Rescue Committee, Inc. (IRC)
06. Lutheran Immigration and Refugee Service (LIRS)
07. Tolstoy Foundation
08. United States Catholic Conference (USCC)
09. World Relief Refugee Services
Other (specify on other side)

DISTRIBUTION (Please submit quarterly: Due 10/15, 1/15, 4/15, 7/15 for prior quarter)

- Office of Refugee Assistance Program
  New York State Department of Social Services
  40 North Pearl Street
  9th Floor, Section B
  Albany, New York 12243

- Local District Accounting Section, as appropriate

- Local District Applicant/Recipient File

* Not applicable with regard to MA portion after April 1, 1981. Claiming for MA portion after April 1, 1981 for such Cuban refugees is to be in accordance with the Refugee Assistance Program relative to the 36-month limitation provision (note page 17, paragraph 1).

ATTACHMENT #2

Claiming Code Definitions

30. Refugees (RAP) - see IV.A, Documentation of Refugees

31. Unaccompanied Refugee Minor - An Unaccompanied Refugee Minor is a person who has not yet attained his or her 18th birthday, who has no known immediate adult relatives in the U.S. who has custody of the minor and who possesses an INS I-94 form indicating that the person has refugee status and otherwise meets the eligibility criteria for child welfare services.

32. Cuban Refugee Phasedown Benefit Recipient - A refugee who has been determined eligible or is receiving cash and/or medical assistance who entered the United States prior to 10/1/78 and is registered prior to that date with the Cuban Refugee Center. (See also IV, C, I, e, 5 Cuban Program Phasedown).

33. Cubans (100% MA SSI) - Cuban refugees who received SSI payments as of 9/30/78 and are eligible for 100% of the non-Federal costs of MA.

34. Cuban Entrants - Those Cubans possessing form I-94 stated "Cuban/Haitian Entrant (Status Pending) Reviewable January 15, 1981" and meeting all other social services assistance program requirements.

35. Cuban/Haitian Unaccompanied Entrant Minor - A Cuban/Haitian Unaccompanied Entrant Minor is a person who has not yet attained his or her 18th birthday and who possesses an I-94 stamped Cuban/Haitian Entrant (status pending), or whose I-94 indicates a date of arrival after 10/10/80 and possesses an INS stamp such as applicant for asylum/authorized to work; and who otherwise meets the eligibility criteria for child welfare services.

36. Haitian Entrants - Haitians meeting those requirements in code #34.

ATTACHMENT #3

Questions and Answers on 36-Month Limitation*

Period to Which a Payment Applies

1. If a refugee applies for cash assistance at such time that the first payment would be for the refugee's 36th month but the payment is not made until the 37th month, can FFP under the RAP be claimed for that payment?

   Answer: Yes. In addition, administrative costs associated with the provision of such assistance may also be claimed.

Medical Assistance Coverage

2. In the case cited in item 1, above, if the refugee is also found eligible for 3 months of retroactive coverage for medical assistance, can FFP under the RAP be claimed for medical assistance costs for services which occurred prior to the expiration of the refugee's 36-month limitation?

   Answer: Yes

3. If a recipient of refugee cash assistance is terminated because he or she reaches the 36-month limit, can refugee medical assistance be continued to that individual for an additional 4-month period and FFP be claimed under the RAP?

   Answer: No. The Refugee Act does not permit FFP for medical assistance provided after an individual has reached the 36-month limit.

4. If a refugee who is receiving ADC has reached the 36-month limit, can FFP be claimed under the RAP for that person's Medicaid coverage for an additional 4-month period?

   Answer: No. While the individual's eligibility for ADC and Medicaid would not be affected by the 36-month limit, no claim can be made for FFP under the RAP for assistance provided after that limit has been reached.

*The terms "refugee cash assistance" and "refugee medical assistance" refer to assistance, for which FFP is claimed under the RAP.

Assistance Cases with Members Who Entered U.S. at Different Times

5. In a refugee ADC assistance unit, if one or more (but not all) of the persons in the assistance unit have reached the 36-month limit, must the local social services district continue to regard all members as a single assistance unit?

   Answer: Yes. The 36-month limit does not affect the amount of assistance to the case or its status as an ADC assistance unit. However, FFP under the RAP may not be claimed for any portion of the assistance payment which is based on the needs of any individual in the unit who has reached the 36-month limit.

6. A refugee cash assistance unit includes a husband and wife who entered the U.S. at different times. After one spouse has reached the 36-month limit, and is excluded from receiving refugee cash assistance, must the countable income and resources of that spouse continue to be taken into consideration in determining refugee cash assistance for the spouse who is still within the 36-month limit?

   Answer: Yes

Assistance Cases Containing U.S.-Born Children

7. A refugee cash assistance unit consists of a mother and father who arrived in the U.S. at different times and of a child born in the U.S. When does the refugee assistance eligibility period for the child expire?

   Answer: The eligibility period for the child expires when both parents have reached the 36-month limit or when the child has reached 36 months of age, whichever occurs first.

Administrative Costs

8. Does the 36-month limitation have to be taken into account in the allocation and claiming of administrative costs?

   Answer: Yes. FFP under the RAP may not be claimed for administrative costs related to the provision of cash assistance, medical assistance, and child welfare services (except services to unaccompanied minors) to refugees who have reached the 36-month limit.

Social Services

9. How does the 36-month limitation apply to social services under the RAP?

   Answer: The 36-month limitation does not apply to social services, which may continue to be provided, in accordance with existing guidelines, to refugees who have been in the U.S. longer than 36 months. In addition, the 36-month limitation does not apply to unaccompanied refugee/minors.