



Mike Huckabee
Governor

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January 31, 2003

Nguyen Van Hanh, Ph.D.
Director
Office of Refugee Resettlement
Administration for Children and Families
Office of Family Assistance
370 L'Enfant Promenade
Washington, D.C. 20447

Dear Dr. Van Hanh:

Enclosed for approval is Arkansas' revised State Plan for the Refugee Resettlement Program.

The Plan reflects the discontinuance of the State's participation in the Social Services portion of the program. It is the intent of the State of Arkansas to continue serving eligible refugees with cash assistance and medical assistance as required by the Final Rule, Federal Register Vol. 65, number 56, published March 22, 2000.

With the State of Arkansas' withdrawal from the service portion of the program, the responsible staff will need instruction regarding which of the previous reports will still be required. Your assistance in this will be greatly appreciated.

If you have any questions, please contact Lorie Williams at (501) 682-8256.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kurt Knickrehm".

Kurt Knickrehm
Director

KK:JJ:lw

Enclosure

cc: Carl Rubenstein, Refugee Program Specialist
file

ARKANSAS

**STATE PLAN
REFUGEE RESETTLEMENT
PROGRAM**

2002

**Arkansas Department of Human Services
Division of County Operations
P.O. Box 1437
Little Rock, AR 72203**

CERTIFICATION

STATE OF ARKANSAS

The Department of Human Services has the authority to prepare the State Plan for the Refugee Resettlement Program and is the sole State Agency responsible for administering the Refugee Resettlement Program within the State.

I hereby certify that I am authorized by the Governor of Arkansas to submit the State Plan for the Refugee Resettlement program.

I hereby approve the State Plan for the Refugee Resettlement Program, which has been prepared in accordance with the guidelines established for Refugee State Plan Amendment submissions.

January 31, 2003

Date



Kurt Knickrehm, Director
Department of Human Services

INTRODUCTION

Ref. 45 CFR 400.4 (a): This document, known as ARKANSAS STATE PLAN for the REFUGEE RESETTLEMENT PROGRAM, serves to consolidate and update all previous State Plan submissions into one document. Upon approval, this revised State Plan will replace all previously submitted State Plan Documents.

Ref. 45 CFR 400.4 (b): Upon approval, the State Plan for the Refugee Resettlement Program will become effective October 1, 2002. The plan will remain in effect until the State expressly amends or revokes the plan, or the Office of Refugee Resettlement notifies the State that the plan no longer meets requirements of the Title IV of the Immigration and Nationality Act.

PROGRAM AUTHORIZATION

The Refugee Act of 1980 and Public Law 96-212 provide for special refugee cash and medical assistance, and refugee social services in order to increase refugee self-sufficiency.

PROGRAM GOALS

The Refugee Act of 1980 has established that the state, in order to receive Federal funds under the Refugee Resettlement program, submit a plan that describes how the State delivers cash assistance, medical assistance and social services to the refugees to encourage effective refugee resettlement, and to promote economic self-sufficiency.

The Arkansas Department of Human Services, through the Division of County Operations, sets the following goal for the Arkansas Refugee Resettlement Program:

To promote economic self-sufficiency for refugees within the shortest possible time after entrance into the State of Arkansas. This is promoted through cash and medical assistance as may be required. Economic self-sufficiency is defined as gainful employment in non-subsidized jobs with at least a 90-day retention and receipt of a wage adequate for the basic economic needs of the person and family without reliance on public assistance. The State will comply with all other applicable Federal Statutes and regulations in effect during the time that it is receiving grant funding. (§400.5 (1) (3)).

Arkansas will provide statewide access to the medical and cash assistance portion of the program for all refugees, including asylees and Cuban Haitian entrants as required by Office of Refugee State Letter # 94-22, dated September 9, 1994 and State Letter # 00/12 dated June 15, 2000. (See Attachment I & II).

PROGRAM PRIORITIES

The provision of cash and medical assistance to refugees in the State of Arkansas is linked with their willingness to accept employment, or training designed to lead to employment. Every attempt is made to place capable and non-exempt refugees to work within 30 days of their resettlement. Those refugees who refuse to register or accept appropriate employment, including entry-level and minimum wage jobs are sanctioned. The State will use the same mediation/conciliation procedures as those for the State's TANF program. The State will use the hearing standards and procedures as set forth in §400.83 (b).

ASSURANCE OF COMPLIANCE WITH TITLE IV OF THE IMMIGRATION AND NATIONALITY ACT

The plan has been developed in accordance with the Refugee act of 1980 and 45 CFR, Chapter IV, parts 400 and 401. The plan encompasses cash and medical assistance to refugees during the first eight months of residence in the United States.

400.5 (a): The single state agency, in Arkansas, which is responsible for the development and administration of this plan, is the Arkansas Department of Human Services. The position of State Refugee Coordinator will be maintained within the Division of County Operations, Office of Program Planning and Development. The State Refugee Coordinator is given the responsibility and authority to ensure coordination of public and private resources in refugee resettlement within the State. The state coordinator maintains responsibility for the projection of estimated expenditures, accountability for Federal funds, coordination of the administration and provision of services and maintaining a working relationship between the department of Human Services and the Governor's Office.

400.22 (a): The Arkansas Department of Human Services assures that it will not delegate, to other than its own officials, responsibility for administering or supervising the administration of this plan.

400.5 (b): All policy changes will be communicated to staff and any appropriate public agencies by memos circulated from the State Coordinator's office.

400.5 (I): The State assures that it will comply with Title IV, Chapter 2, of the Immigration and Nationality Act, with official issuance of the Director of the Office of Refugee Resettlement, and with all other applicable Federal statutes and regulations. The department further assures that it will amend this State Plan to meet the requirements of this part as needed to comply with standards, goals, and priorities established by the Director of the Office of Refugee Resettlement.

400.5 (g) The State assures that assistance and services funded under the plan will be provided without regard to race, religion, sex, political opinion, national origin, or sexual orientation. The state will use the same procedures for mediation/conciliation policies as those used in its TANF program in its publicly administered program.

400.83 (h): The State will use the hearing standards and procedures as set forth in 400.83 (b). The State will provide an applicant for, or recipient of, Refugee Cash Assistance an opportunity for a hearing, using the

procedures and standards set forth in 45 CFR 400.54 of the ORR regulations, to contest a determination concerning employability, or failure or refusal to carry out a job search or to accept an appropriate offer of employability, services or employment, resulting in termination of assistance.

400.25: The State assures that no requirements as to the duration of residence will be imposed as a condition of participation in services or receipt of assistance.

400.27: The State recognizes that information about, or obtained from, an individual and in possession of an agency providing assistance or services to such individuals under the plan, will not be disclosed in a form identifiable with the individual without the individual's consent, or in the case of a minor, the consent of his or her parent or guardian.

400.28: The State will assure that operational records are maintained which fully and accurately reflect and account for all of the transactions of the program. The State Refugee Coordinator shall be responsible for reporting on all the activities of the program as needed, or at regularly required intervals, and for submitting needed plan amendments.

Responsibility for certification of eligibility for cash and medical assistance will be handled by the same State apparatus and personnel that deals with Title XIX and Title IV-A, TANF programs. All special Federal provisions pertaining to the refugee-related activities have been incorporated.

This plan is based on the State's experience with refugees since 1975, and is sufficiently flexible to accommodate minor fluctuations in refugee population. Major influx or eligibility changes could require plan amendment.

I. PROGRAM ORGANIZATION

Arkansas continues a publicly administered program. The Department of Human Services continues to be the single State agency, designated by the governor, for the administration and development of the Refugee Resettlement program Plan. (See attachment III.)

- A. The Refugee Resettlement Program is organizationally placed within the Division of County Operations (DCO). (See attachment IV (a), IV (b).)
- B. The Division of County Operations is divided into five offices: Office of Program Planning and Development, Office of Field Operations, Office of Administrative Support, Office of Program Support, and Office of Community Services.

- C. The Division of County Operations is responsible for setting all policy for the Refugee Resettlement Program in Arkansas, and providing and supervising all services to refugees.
1. The chief administrative officer is the DCO Director, who is responsible to the DHS Director. This person has general direction and supervision of the Refugee Resettlement Program (RRP).
 2. RRP program responsibilities of the office are:
 - (a) Provide income support to refugees, as needed, through the Refugee Cash Assistance (RCA). This support will be available to refugees at all local DHS offices.
 - (b) Provide medical assistance to refugees, as needed, through the Refugee Medical Assistance (RMA). This support will be available to refugees at all local DHS offices.
 3. The State agency will not delegate to other than its official's responsibility for administering, or supervising the administering of the State Plan.

C. DESIGNATED STATE AGENCY OFFICIAL

The Governor's office has named the Director of the Department of Human Services as the Designated State Agency Official. This individual will be responsible for the coordination of all publicly administered services for refugees.

II. RELATIONSHIP TO AND USE OF OTHER AGENCIES

- A. There will be maximum utilization of and coordination with all public and voluntary agencies providing similar or related services.
- B. Relationships with other programs within the Department include licensing responsibilities for childcare agencies: foster care: providing social services to families and children.
- C. DHS/DCO may use, in addition to regular agency staff, professional and voluntary sources, who are multilingual.
- D. The DHS/Division of County Operations may purchase services from public or private agencies as needed.

III. METHOD OF PROVIDING INFORMATION TO THE STATE STAFF

The State agency has a manual policy system covering all Income Maintenance Programs. One of these programs is the Refugee Resettlement Program. This is a formalized system and all policy is distributed to the field staff and to the county offices.

IV. PURCHASE OF SERVICE REQUIREMENT

The State provides services directly to the refugee community through the Department of Human Services County offices, throughout the State. It may purchase services from public or private providers when necessary. The State must determine, prior to entering into a purchase of service agreement, that its total funding authorization is sufficient for that purpose.

V. UNACCOMPANIED MINORS

The State will administer services and benefits as provided in Subpart H-Child Welfare Services. As defined by the Refugee Act of 1980, a refugee unaccompanied minor is:

A. DEFINITION

- a person who has not yet attained his or her 18th birthday, or the age of majority in the state in which he is residing; and
- who has no known immediate adult relatives in the United States; and
- who has been lawfully admitted to the United States in parole status; and
- who meets the general definition of a refugee.

B. Unaccompanied minors are not generally eligible for adoption because the goal for unaccompanied refugee children is reunification.

C. SCOPE OF SERVICES

1. Child welfare benefits and services available in foster care cases to other children in the state apply to lawfully admitted unaccompanied refugee minors.
2. Application policy includes preparation of a case plan for each child, implementation of the plan, payment of benefits, and periodic case review and reporting.

3. The state agency's child welfare standard practices and procedures should prevail in providing services to these children.
4. Scope of services provided is to include specialized services that are provided in a culturally and linguistically appropriate manner.

D. PROCEDURE

Voluntary resettlement agencies under contract with the State Department will facilitate the admission and placement of these children.

1. There shall be arrangements made whereby the State Agency establishes legal responsibility through a sponsor for the care and maintenance of the unaccompanied minor. The purpose of establishing legal responsibility is to ensure that the unaccompanied children receive the full range of assistance, care and services to which any child in the state is entitled, and to designate a legal authority to act in place of the child's unavailable parent(s). This action will follow the process normally required by state law to establish protective legal responsibility for a minor child. (However, in determining legal responsibility, it is inappropriate to initiate contact with the child's natural parents overseas because of potential danger to the parents.)
2. The State Agency will develop and implement a plan for the care and services appropriate to the needs of an unaccompanied minor in the legal custody of a sponsor.

VI. REPORTING

DHS/DCO shall submit the following reports as indicated to the Director of ORR.

1. Refugee and Entrant Unaccompanied Minor Placement Report (Form ORR-3)
2. Refugee and Entrant Unaccompanied Minor Progress Report (Form ORR-4)
3. Quarterly Reports (ORR-6)
4. Annual Services Plan (FSA-110)
5. State Estimate Report (ORR-I)
6. Annual Outcome Goals Report
7. State of Origin Report (ORR-11)

VII. PLAN FOR PROMOTION OF ECONOMIC SELF-SUFFICIENCY OF THE REFUGEE

A. CASH ASSISTANCE

In order for a person to be eligible for Refugee Cash Assistance, he/she must:

- Have one of the recognized statuses as defined in 45 CFR §400.43 or is the dependent child of, and part of the same family unit as individuals who meet identification requirements; and are within 8 months of date of entry into the United States.
- Be in financial/medical need according to the public assistance standard of TANF, known as Transitional Employment Assistance (TEA) in the State of Arkansas.
- Unable to meet the categorical eligibility requirements for TANF, SSI, OAA, AB, APTD, and AABD.
- Not be a full-time student in an institution of higher education.
- Not, for the purpose of receiving assistance, have voluntarily quit, or refused to apply for or accept, any appropriate offer of employment or employment-related training.

The State of Arkansas has opted for a publicly administered RCA program. The State will notify promptly the local resettlement agency when a refugee applies for RCA and will contact the applicant's sponsor or local resettlement agency at the time of application for RCA concerning offers of employment. RCA policies/procedures will be consistent with the provisions of Arkansas' TANF program in regard to: (1) The determination of initial and on-going eligibility (treatment of income and resources, budgeting methods, needs standard); (2) the determination of benefit amounts (payment levels based on size of the assistance unit, income disregards) and (3) proration of shelter, utilities, and similar needs. TANF work requirements will not apply to RCA applicants or recipients. The following will not be counted as income or resources for RCA eligibility:

1. A refugee's resources remaining in his or her country of origin.
2. A sponsor's income and resources are not considered accessible to a refugee solely because the person is serving as a sponsor.
3. Any cash grant received by the applicant under the Department of State or Department of Justice Reception and Placement programs.

Other provisions for RCA include:

- Income available to the refugee on the date of application will be the basis for determining eligibility. Assistance will begin the month in which the refugee applies for cash assistance, so long as the person is within eight months of arrival into the country in the application month. The State will adhere to Federal regulations applicable to publicly administered programs as contained in 45CFR Part 400-Refugee Resettlement Program.
- The county DHS enrolls refugees in whatever mainstream cash assistance program is deemed appropriate for the applicant/unit. This includes TANF, for families with dependent children, and RCA. The blind, elderly, and disabled may be referred to Social Security to apply for SSI.
- Refugees receiving cash assistance will have a family self-sufficiency plan developed for the purpose of enabling the family to become self-supporting through employment of one or more family members. The DHS staff person will develop the plan in collaboration with the refugee.
- Within thirty days, non-exempt refugees who are aide recipients, are enrolled in an employment services program. The work registration referral is made to the local Employment Security Department. Arkansas chooses not to change the employment exemptions allowed previously, in 45 CFR.400.76. The State adheres to 45 CFR.400.81 criteria for appropriate employability services and employment. For example, no refugee is placed in a work site, which is in violation of applicable Federal, State, or local health and safety standards.
- Failure or refusal to accept employability services or employment will result in termination of cash assistance or sanctioning in accordance with 45 CFR 400.82. A conciliation period and fair hearings are provided refugees as outlined in 45 CFR 400.83.

B. MEDICAL ASSISTANCE

As with cash assistance, medical assistance applications will be taken and maintained through the county DHS offices. Arkansas provides the same services in the same manner and to the same extent as under the State's Title XIX Medicaid program as delineated in 42 CFR Part 400.

1. Each individual member of the assistance unit is assessed separately for eligibility for medical assistance.
2. If qualified for the State's Medicaid or CHIP program, a refugee is enrolled in these instead of RMA.

3. Maximum eligibility for RMA is eight months, beginning the month of arrival in the United States.
4. All other provisions of 45 CFR Subpart G-Refugee Medical Assistance will be followed regarding continued coverage of recipients who receive increased earnings from employment.
 - a. Increased earnings from employment will not affect a refugee's continued medical assistance eligibility for RMA throughout the remainder of the eight-month eligibility period.
 - b. Where a refugee on Family and Children's Medicaid loses eligibility during the first eight months of residency, due to increased earnings, the case will be transferred to RMA for the remaining months of eligibility.
 - c. A refugee who obtains private medical coverage may remain on RMA as supplement to the insurance. RMA may be used to pay that which is not covered by the third party payment.

Medical Screening

In the absence of a contracted provider, the local VOLAG representatives assist new arrivals in obtaining health screenings. There is no charge for elementary health screening at the Department of Health. Health Department facilities are encouraged to work with the resettlement agencies to coordinate transportation and interpreter services necessary for the health assessment screening and any required follow-up. Refugee Health Assessment will include:

Screening and treatment for health conditions of public health concern; health status evaluation and diagnosis of problems; follow-up for conditions identified prior to entry in U.S.; referral for any follow-up care needed; and education regarding the availability of health services.

VIII. PLAN FOR IDENTIFYING REFUGEES IN NEED OF MEDICAL TREATMENT

The American Council of Voluntary Agencies for Foreign Services, Inc. (ACFA) provides identifying information about all new arrivals to the State. Refugees are contacted, by the service provider or by personnel from the State Department of Health, for screening in accordance with 45 CFR 400.107(a)(1).

Local Health Departments in Arkansas serve, to the extent possible, the health needs of newly arriving refugees. As part of the RMA program, application for RMA and assistance for follow-up treatment and health monitoring is provided through the providers as prescribed in 45 CFR 400.5(f) and 400.107(a)(1). Screenings are performed as soon after arrival as possible, within 30-90 days.

A refugee will be assessed for RMA eligibility only after being determined ineligible for Medicaid and or SCHIP.

IX. NONDISCRIMINATION PRACTICES

Assistance and services funded under this plan will be provided to refugees without regard to race, religion, nationality, sex, or political opinion.

X. POLICIES AND REGULATIONS COMPLIANCE

The State of Arkansas will comply with the provisions of Title IV of the Act, official issuances of the Director, and all applicable regulations, and will amend the plan as needed to comply with standards, goals and priorities established by the Director.

The State has complied with the new rules regarding the eligibility of refugees for ORR funded program services that took effect April 1, 2000. The State will base RMA on the applicant's income and resources on the date of application. (§400.102(d)). The State will use the 200% of poverty option as the eligibility standard for RMA as prescribed in (§400.101(a)(2) and (§400.101(b)(2)).

The State will not count R&P, MG, or RCA assistance on the date of application. Refugees, who lose eligibility for Medicaid due to employment during the first eight months, will be transferred to RMA for the duration of the eight-month eligibility period without an eligibility determination. (§400.104(b)).

Whether a refugee has been denied or terminated from RCA will not be used as criterion for determining that an applicant is ineligible for RMA. (400.100(a)). A refugee may continue to receive refugee medical assistance (RMA) for the full eight-month eligibility period, regardless of income, or whether the recipient obtains private medical coverage, as long as the RMA payment is reduced by the amount of the third party payment.

The State of Arkansas is in compliance with the rule that limits eligibility for Refugee Social Services and targeted assistance services to refugees who have been in the U. S. for five years or less.

X. POLICIES ON SERVING LEP REFUGEES

In accordance with the Office of Civil Rights policy guidelines and following the four "Keys to Compliance," (FR, vol. 65, no. 169) the Arkansas State Refugee Office will monitor programs to ensure linguistic and culturally accessible services are being provided to refugees. The State Refugee Office will maintain up-to-date information on the demographics of the refugee population within the state and include this information in the ongoing development of a comprehensive written policy on language access. All Grantees and contractors receiving funds through the Arkansas Refugee Office will be advised of the need for adequate language accessibility services. Language accessibility will include oral language interpreters, the translation of written materials in regularly encountered languages within their service areas and an effective method of providing notices advising Limited English Proficient persons of their right to language assistance. The Refugee Office will also sponsor ongoing staff development training to ensure that employees working with Limited English Proficient persons are both knowledgeable and aware of LEP policies and procedures. Written information concerning the RCA program, including eligibility standards, duration and amount of cash assistance payments, the requirements for participation in services, the penalties for non-compliance and client rights and responsibilities are will be provided, in appropriate languages, as required by numbers of any group (as per ORR 400.55).

At this time the program consists of groups numbering less than twenty-five persons and written materials will not be feasible financially. To comply with Title VI, the following (not limited to) method will be used to convey to the LEP population their right to language assistance:

1. Signs in appropriate public places (right to free translation/interpretation) as deemed necessary by numbers of persons accessing assistance.
2. Messages in the monthly newsletter, published in four languages, sent to the refugee community by the service provider.
3. Verbal notification through staff at the service provider center, Social Services Offices and the general refugee population.

XI. STATE PLAN FOR CUBAN /HAITIAN ENTRANT PROGRAM

Under title V of the Refugee Education Assistance Act of 1980 (P. L. 96-422) and supporting regulations of the Office of Refugee resettlement (ORR) at 45 CFR part 401, Cuban and Haitian entrants (as defined in ORR State Letter #94-22, published September 9, 1994) will be eligible for services on the same basis as refugees.

In accordance with title V of the Refugee Education Assistance Act of 1980 (P.L. 96-422), the President "shall exercise authorities with respect to Cuban and

Haitian entrants which are identical to the authorities which are exercised under Chapter 2 of title IV of the Immigration and Nationality Act”

Section 412(a)(6) of chapter 2 of title IV of the Immigration and Nationality Act provides that, as a condition for receiving assistance under that chapter, a State must submit to the Director of the Office of Refugee Resettlement, Department of Health and Human Services, a plan which satisfies listed requirements, see 8 U.S.C 1522-(a)(6)(A) and 45 CFR 400, Subpart B Fed. Reg. 59323 (September 9, 1980). Similarly, as a condition for receiving assistance under section 501 (a) of the Refugee Education Assistance Act of 1980, States must submit plans for their Cuban/Haitian Entrant Program.


Therefore, the State of Arkansas hereby submits its plan for a program to provide assistance to Cuban and Haitian Entrants under the following terms and conditions.

- (a) The State agency responsible for administering or supervising the administration of the Refugee Resettlement plan under title IV of the Immigration and Nationality Act will be responsible for administering or supervising the administration of the Cuban/Haitian Entrant Program.
- (b) The State will encourage the effective resettlement of Cuban and Haitian Entrants and promote economic self-sufficiency as quickly as possible through the effective use of cash assistance and medical assistance through the methods described in the State Plan for Refugee Resettlement.
- (c) The State Coordinator (as defined in 45 CFR 400.2, 45 Fed. Reg. 59323, September 9, 1980) who is responsible for ensuring coordination of public and private resources in refugee resettlement, will be responsible for insuring coordination of public and private resources in Cuban and Haitian Entrant resettlement.
- (d) The State will provide for the care and supervision of, and insure that legal responsibility is arranged for, unaccompanied Cuban and Haitian Entrant children in the State. The State will also be required to submit a statement subsequent to the issuance of an Action Transmittal regarding unaccompanied Cuban/Haitian Entrant minors indicating the procedures to be observed in arranging for the legal responsibility of unaccompanied Cuban and Haitian Entrant children as well as describing programs and services to be undertaken in behalf of these children pursuant to the requirements of the Refugee Act of 1980. This statement shall conform to Federal policies, regulations, Action Transmittals and other issuances pertaining to the responsibility of States under the Refugee Act of 1980.

- (e) The State will use those procedures described in its State Plan for Refugee Resettlement for the identification of Cuban and Haitian Entrants who, at the time of resettlement in the State, are determined to have medical conditions requiring, or medical histories indicating a need for, treatment or observation and for the monitoring of any necessary treatment or observation.
- (f) The State will provide assistance and services to the eligible Cuban and Haitian Entrants without regard to race, religion, nationality, sex, or political opinion.
- (g) The State will comply with: (1) the provisions of Title IV, chapter 2, of the Immigration and Nationality Act, as applicable to the provision of assistance to Cuban and Haitian Entrants under section 501(a) of the Refugee Education Assistance Act of 1980; (2) all applicable regulations; and (4) the provisions of this State Plan. The State will amend this plan as required to comply with standards, goals, and priorities established by the Director.
- (h) The State will administer its Cuban/Haitian Entrant Program in accordance with the regulatory requirements regarding plan amendments, submittal of plans for Governor's review, maintenance of records and reports, and confidentiality of records applicable to the Refugee Resettlement Program under 45 CFR 400.6, 400.7, 400.10 and 400.11, Federal Register 59324, September 9, 1980.
- (i) The State acknowledges and agrees that all Federal reimbursements for assistance provided Cuban and Haitian Entrants after November 1, 1980, is conditioned upon submission of this plan, duly signed with all of its provisions.

January 31, 2003

Date



Governor, or Designated State
Agency Official, or State
Coordinator

6000 REFUGEE RESETTLEMENT PROGRAM

INTRODUCTION

The Refugee Resettlement Program (RRP) is a federally funded program to provide cash assistance, medical assistance and social services to refugees. It is authorized by 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).

The Division of County Operations of the Department of Human Services (DHS) has the responsibility for administering the Refugee Resettlement Program.

6100 PURPOSE

The purpose of RRP is to provide Refugee Cash Assistance (RCA), Refugee Medical Assistance (RMA), and Social Services to eligible refugees.

This policy will correlate RRP regulations as closely as possible to existing DHS programs. Similarities and differences will be noted accordingly.

6200 DEFINITION

A refugee is defined by law as "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 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. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion".

6201 ELIGIBLES

Individuals admitted to the United States under the criteria listed in FA 6501 meet the definition of a refugee. Each refugee will have his/her refugee status determined individually. It is possible that not all members of a family will have entered the United States with refugee status. Some family members may have been admitted as immigrants or parolees. Only those individuals with a documented refugee status are eligible. Programs available to eligible individuals include cash and medical assistance, and social services under the Refugee Resettlement Program.

6202 IDENTIFICATION NUMBER

This number appears on the INS Forms I-94 and I-551. It will be used in every instance to identify each refugee. The number will have the prefix A (e.g., A24-478-475).

Amerasians will have a unique identifier. A-numbers (beginning with 4) will appear in block 20 on the back of the I-94. Block 26 (Comment Section) will contain a stamp showing the word "Admitted" and the code AM1, AM2, or AM3 next to the word "Class" on the stamp. Above "Class" will be an abbreviation for the port of entry and the handwritten date of arrival.

If an Amerasian presents an I-551, the codes AM6, AM7, or AM8 will appear.

6300 DETERMINATION OF ELIGIBILITY UNDER OTHER PROGRAMS

Any refugee or refugee family group potentially eligible for AFDC or SSI must be referred for a determination of eligibility in those programs.

If it is determined that the refugee applicant is not eligible under the AFDC or SSI program, eligibility for refugee cash assistance must be determined.

If a refugee requests only medical assistance, then eligibility for Medicaid will be explored. If the refugee client is not eligible for Medicaid, then eligibility will be determined for Refugee Medical Assistance (RMA).

6400 INITIAL APPLICATION PROCESS

6401 PERSONS TO BE INCLUDED IN RRP ASSISTANCE APPLICATIONS

Each individual refugee age 18 or over will have his application processed as an individual unless he has a spouse or is the parent of minor children. One application will be processed for parents and minor children. A married couple with no children will be processed as one application. A minor child who was born to a refugee parent or parents after the parent or parents entered the U.S. can be included in the refugee assistance group of the parent although the child is actually a citizen of the United States. One application will be processed for a group of minor siblings.

For example, a refugee household group consisting of a man and his wife, two minor sons, their 18 year old daughter, two minor nephews, and the man's elderly parents, would involve four refugee assistance applications. One application for the 18 year old daughter and one for his elderly parents is required. One family application for the man, his wife, and two minor sons. A separate application is needed for the two minor nephews with the payee on this application being whichever of the adults in the home is assuming the responsibility for the care of these children. Each of the budget groups would be subject to the maximum grant for the number of individuals in the budget group. This means that the maximum grant for the family application of a man, his wife, and two minor sons would be the maximum grant for four. The maximum grant for the 18 year old daughter would be the maximum grant for one, and the same principle would apply to other budget groups of RRP refugees.

6402 ACCEPTING AND REGISTERING RRP ASSISTANCE APPLICATIONS

When a refugee requests financial assistance for himself or for a group of minor children for whom he is responsible, accept and process the application in the usual way. Seek social security numbers through the local Social Security Office when needed. (See FA 2280).

Application and Certification Procedure for RRP:

1. Determine whether the client wants cash assistance or medical assistance only.

2. If cash assistance is requested, evaluate for AFDC eligibility. If eligible, proceed according to FA 2201. If there are aged, blind or disabled adults or disabled children in the family group, refer them to the local Social Security Office for SSI determination at the time of application.
3. When it has been determined that the RCA category is to be used, proceed with the application process as outlined in FA 2130.1-2150.2.
4. Contact the applicant's sponsor/resettlement agency to determine the following:
 - a. The amount of financial assistance which may have been provided to the applicant;
 - b. Verify offers of employment and inquire if the applicant has voluntarily quit employment or has refused to accept an offer of employment within 30 consecutive days immediately prior to the date of application.

Resettlement in Arkansas is primarily handled by one voluntary agency. The address is:

United States Catholic Charities
Mr. Dutch Dortch
2500 North Tyler Street
Little Rock, AR 72207
Telephone 664-0340

6500

ELIGIBILITY REQUIREMENTS

Eligibility for Refugee Cash Assistance (RCA) is limited to those who -----

1. Are ineligible for cash assistance under the AFDC/SSI programs;
2. Meet immigration status requirement;
3. Meet AFDC need standards in FA 2300;
4. Provide the name of the sponsor/resettlement agency;
5. Meet Social Security Enumeration;
6. Meet relationship requirement;
7. Meet age requirement;
8. Meet residence requirements;
9. Are not full-time students in institutions of higher education unless such attendance is part of an individual employability plan;
10. Meet requirements for Employment Services
- * 11. Have resided in the United States 8 months or less. The 8 month period begins the month the refugee enters the U.S.

6501

IMMIGRATION STATUS

An applicant for assistance must provide proof, in the form of documentation issued by INS, of one of the following statuses, as a condition of eligibility:

1. Paroled as a refugee or asylee under section 212(d)(5); (this does not include paroled immigrants)
2. Admitted as a conditional entrant under section 203(a)(7);
3. Admitted as a refugee under section 207;
4. Granted asylum under section 208;
5. Admitted for permanent residence, provided the individual previously held one of the statuses identified above;

6. A child born to refugee parents, after their entrance into the United States, who were in a status as described above;
7. Amerasians admitted through the Orderly Departure Program as indicated on form I-94 or I-551;
8. Cuban/Haitian Entrants as specified below:
 - a. has an I-94 stamped "Cuban/Haitian Entrant" or "paroled or granted voluntary departure".
 - b. has an I-551 with date of entry identified as date parole status granted or date I-94 was issued.

Restrictions: An applicant for asylum is not eligible for assistance under these guidelines. Public Interest Parolees (PIP) and Humanitarian Parolees are not eligible for assistance under these guidelines. An individual who entered the United States as an Immigrant is not eligible for assistance under these guidelines. A refugee who marries an American citizen permanently loses refugee status.

6502 NEED STANDARDS

All income and resources available to the refugee family group must be considered and measured against the standards for financial need which are applicable to the AFDC program.

NOTE: EXCEPTION

Do not apply the earned income disregard of \$30 plus one-third of the remainder of the earnings or the disregard of \$30.

Do not consider any resources remaining in the applicant's country of origin to be accessible to an applicant or recipient. Do not consider a sponsor's income and resources to be accessible to a refugee solely because the person is serving as a sponsor.

Inkind support and services are not considered in figuring income.

6503 SOCIAL SECURITY ENUMERATION

See FA 2280.

6504 RELATIONSHIP

See FA 2250.

6505 AGE

(See FA 2210-2211). The agency will accept whatever evidence the Immigration and Naturalization Service used when the refugee was admitted into the United States. Dates of birth should be contained in the INS papers the refugee client presents during eligibility determination. When a refugee is married, divorced, etc. in the United States, the appropriate legal documents will be used (See FA 2211).

Refugee Resettlement Program

6506

RESIDENCE

See FA 2230.

6507

EMPLOYMENT SERVICES

Participation in employment services is an eligibility requirement for cash assistance in the RRP category. All RCA applicants and recipients must be referred to the local Employment Security Division office at the time of initial application. Referral for employment services is a mandatory condition of eligibility unless good cause can be established.

Those individuals who are exempt from participation, but wish to volunteer, may do so and shall receive the same services as a mandatory participant.

EXCEPTION: For RCA recipients who live in Sebastian or Crawford Counties written referrals for employment and other services will be made to the RRP services provider located at the Fort Smith Adult Education Center. For RCA recipients who live in Pulaski North/South and Saline Counties written referrals for employment and other services will be made to the RRP Unit located at the Pulaski South DHS office.

NOTE: Inability to communicate in English does not exempt a refugee from a referral for employment services. English-as-a-Second-Language Training is available through both providers.

6507.1

EXEMPTIONS

The agency must consider an applicant for or recipient of RCA to be employable and require him or her to register for employment and follow through with the requirements of ESD or the Services providers unless the applicant or recipient is:

1. Under age 16
2. Under age 18 and a full time student as defined in FA 2273.1#7
3. Ill or injured serious enough to temporarily prevent entry into employment or training. Medical evidence or other sound evidence must be presented. (For example, an applicant with a cast on his leg with a doctor's statement regarding estimated date cast will be removed).
4. Incapacitated by physical or mental impairment, by itself or in conjunction with age, that is determined by a physician or licensed or certified psychologist and verified by the agency to prevent the individual from engaging in employment or training.
5. 65 years of age or older
6. Caring for another member of the household who has a physical or mental impairment which requires, as determined by a physician or licensed or certified psychologist and verified by the agency, care in the home on a substantially continuous basis, and no other appropriate member of the household is available.
7. A parent or other caregiver relative of a child under age six (6) who personally provides full time care of the child with only very brief and infrequent absences from the child.

8. Working at least 30 hours per week in unsubsidized employment expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full time employment expected to last no longer than 10 working days.
9. Medically verified pregnancy in at least the sixth month.

6507.2 VOLUNTARY TERMINATION OF EMPLOYMENT

As a condition of eligibility for RCA, an employable applicant may not, without good cause, within 30 consecutive calendar days immediately prior to the application for assistance, have voluntarily quit employment or have refused to accept an offer of employment.

As a condition of continued receipt of RCA, an employable recipient may not, without good cause, voluntarily quit employment or refuse or fail to follow through with job referrals, interviews, etc., as required by ESD or the RRP Social Services provider.

6507.3 FAILURE/REFUSAL TO PARTICIPATE IN EMPLOYMENT SERVICES

In those counties where RRP services providers are located, the case manager will contact the county office and advise of the participant's refusal to participate without good cause in the employment services or other services such as English as a Second Language Training when such services are part of the employability plan.

Voluntary Participant - When a voluntary participant has failed or refused to participate in employment services as made available through ESD or the Services providers, the information shall be noted in the case record. The individual's cash assistance will not be affected.

Mandatory Participant - When, without good cause, a mandatory participant has failed or refused to meet the requirements of ESD, the Services providers or has voluntarily quit a job, sanctions will occur. (Refer to FA 6508.1).

6507.4 GOOD CAUSE FOR FAILURE TO PARTICIPATE IN EMPLOYMENT SERVICES

Good cause for failure to participate in employment services will be determined to exist if the following criteria are met:

1. The position is vacant due to a strike, lockout, or other bona fide labor dispute; or
2. The client would be required to work for an employer contrary to the conditions of existing union rules governing that occupation. The client may or may not be a member of the union for this to apply.

6508 ADMINISTRATIVE HEARING - REFUSAL TO PARTICIPATE

See Fa 2274.2.

6508.1 SANCTIONS

Once it has been verified that a mandatory participant has refused to participate, without good cause, the Service Representative will apply the sanctions as follows:

1. A 10 day notice will be sent to the client advising that benefits will be reduced or terminated (whichever is appropriate) unless he/she cooperates with employment services. If the client responds, he/she will be re-referred to either ESD or to the local services provider.
2. If the client fails to respond and the sanctioned individual is the only member of the filing unit, the assistance shall be terminated. This sanction shall remain in effect for three (3) payment months for the first such failure and 6 payment months for any subsequent such failure.
3. If the filing unit includes other members, the sanctioned individual's needs will not be included in determining the filing unit's need for assistance.

6509 8 MONTH REQUIREMENT

A refugee may be eligible for RCA during the 8 month period beginning with the first month the refugee entered the United States. For example, a refugee client provides INS documentation showing a date of entry into the United States of October 1991. His first month of RCA eligibility is October 1991 and ends May 31, 1992. This is provided he remains eligible regarding all other eligibility criteria.

6600 DETERMINING RCA GRANT AMOUNT

See FA 2385-2410.

6700 DISPOSITION OF APPLICATION

See FA 2510-2542.

6701 EXTENDED MEDICAL BENEFITS WHEN AN RCA CASE IS CLOSED SOLELY
DUE TO EARNINGS FROM EMPLOYMENT

If a refugee client who is receiving RCA becomes ineligible solely by reason of increased earnings from employment, the client's medical assistance eligibility shall be extended. The extension period will begin with the first month following the last month of RCA eligibility and continue until the refugee reaches the end of his or her 8 month time eligibility period.

6701.1 AUTHORIZATION PROCEDURE

When it is determined that the family is ineligible for RCA, but eligible for the extended medical benefits, (RMA) the Service Representative will authorize the extended coverage period by submitting the EMS-56. Transaction type "C" with the appropriate action reason will be entered on the EMS-56. An "N" will be entered in the client notice field so that a system notice will not be sent. An entry will be made in the Medicaid End Date field, showing the last month of medical eligibility. This will apply to any size household as long as all currently eligible household members entered the United States in the same month. If individual household members have different entry dates, the entries must be made in the Medicaid End Date fields on WASM indicating the appropriate end dates for each person.

The Services Representative will manually issue an EMS-1 to the client indicating who in the household will be eligible for the extended coverage and the last month of eligibility.

Example 1: Do Thi Long entered the United States as a refugee in October 1991. He applied and was approved for RCA in November 1991. His 8 month time eligibility period begins October 1, 1991 and ends May 31, 1992. He begins and reports employment in December 1991 with earnings that make him ineligible for continued RCA beginning in January 1992. This is the sole reason for his ineligibility. The extended coverage will be effective January 1, 1992 and run through April 30, 1992. The end of the four months of extended eligibility comes before the end of his 8 month period of time eligibility.

Example 2: Tran Van Son and family entered the United States as refugees in October 1991. They applied and were approved for RCA in October 1991. Their 8 month period of time eligibility begins October 1, 1991 and ends May 31, 1992. Mr. Tran begins and reports employment in March 1992 with earnings that make the family ineligible for continued RCA beginning in April 1992. The extended coverage will begin April 1, 1992 and end May 31, 1992. In this case the family's time eligibility period ends before the entire four months of extended coverage could be granted, therefore only two months of extended coverage were authorized.

Under no circumstances can medical eligibility in an RCA category extend past the end of the 8 month time eligibility period that begins with a refugee's month of entry into the United States.

6800

RRP SOCIAL SERVICES

The Refugee Resettlement Program currently funds the provision of social services in the Sebastian/Crawford County area and in the Pulaski County area for refugees who live in those areas.

Social services and targeted assistance services are limited to eligible refugees who have been in the U.S. for 5 years or less. Referral and interpreter services will be provided with no time limits imposed.

The following services are provided to all eligible refugees:

Employment Services

This is defined as services which support job placement and/or continuation of employment. Activities may include:

- a. Assessment services from the standpoint of employability and includes identification of familiar or environmental obstacles to employment.
- b. Manpower employment services, which include career counseling, development of an individual employability plan, job orientation, job development, job placement and follow-up. These services are available at both locations.

Education/Training

These are defined as services which provide knowledge and skills to prepare the individual to enter the mainstream of society. Services may be provided through classroom instruction, vocational education, or on the job training.

- a. English as a Second Language (ESL) is emphasized, particularly survival English as it relates to obtaining and retaining a job. This service is limited to persons 16 years of age and older and not full time students in elementary or secondary school. The target population is heads of households receiving cash assistance. This is available through both providers.

b. Vocational training, includes driver education and training when provided as part of an individual employability plan. This is available only at the Fort Smith location.

c. Skills recertification, including short term preparation for the General Education Diploma (GED) when the diploma is required by an employer for employment or for advancement or by a State Licensing board for registration for a licensing examination. This is available only at the Fort Smith location.

Clients who reside in the Little Rock area may obtain their GED through the local Adult Education Center.

Social Adjustment Services

This is defined as services which provide advice and/or direction to help the refugee become self-sufficient.

Activities may include:

- a. Information and referral such as advice or direction or making arrangements for necessary services.
- b. Home management instructions to individuals or families in home maintenance, nutrition, housing standards, tenant's rights, and other topics of consumer education.
- c. Emergency services as follows: assessment and short term counseling to persons in a perceived crisis, referral to appropriate resources, and the making of arrangements for necessary services.
- d. Services which assist the new arrival to become socially adjusted. The new arrival refers to the refugee who has been in the United States for six months or less. Services are usually more intensive in the areas of social adjustment and health related services. Some transportation services are included when deemed necessary to reach a refugee's goal of self-sufficiency. These services are available at both locations.

Health Related Services

These are defined as services to assist individuals and families to attain and maintain a favorable condition of health, secure and utilize necessary medical treatment as well as preventive and health maintenance and includes arranging for emergency medical care. These services are available at both locations.

Interpreter Services

This is defined as services which enable the refugee to communicate with others for the purpose of meeting basic needs and are usually provided in conjunction with another service (employment, education/training). This is a supportive service and linked to another service. This service is available in both locations.