

Operations Memorandum - Miscellaneous
OPS001003

10/06/00

SUBJECT: Refugee Resettlement Program Regulation Change

TO: Executive Directors

FROM: Sherri Z. Heller, Deputy Secretary for Income Maintenance

Purpose

To inform County Assistance Offices (CAOs) of revisions to the Refugee Resettlement Program (RRP) requirements for Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) as a result of new Federal regulations contained in 45 CFR, Chapter IV, Part 400.

To provide CAOs with procedures to implement the revised RCA and RMA.

Background

The Federal RRP, under Title IV of the Immigration and Nationality Act, administered by the Office of Refugee Resettlement (ORR), provides assistance and services to refugees resettling in the United States (U.S.). Under the RRP, RCA and RMA were established to assist refugees who did not meet the eligibility requirements for the former Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), and/or Medicaid Programs.

Because much of the program's structure and benefits were based on the former AFDC Program, and with the establishment of the Temporary Assistance for Needy Families (TANF) and the Children's Health Insurance Program (CHIP), revisions to the RRP became necessary.

Additionally, ORR concluded that there was a need for regulatory amendments to broaden the RMA program, making it accessible to certain groups of refugees who are currently without medical coverage. Specifically, ORR determined that newly-arrived refugees who become employed within the first few weeks of arrival should now be eligible for RMA. ORR wanted to ensure that the most newly-arriving refugees, many of whom arrive with medical problems resulting from war-related trauma, have medical coverage during their first eight months in the U.S.

To meet these objectives, the ORR issued the final rule, published in the Federal Register on March 22, 2000, which amends current requirements governing RCA and RMA.

Discussion

Pennsylvania will implement the revised RCA and RMA regulations effective September 21, 2000.

Revised RCA provisions include:

- Eligibility for RCA will be determined using TANF income and resource criteria.
- Assistance provided by the voluntary resettlement agency (VOLAG) including cash payments, will not be counted when determining income eligibility or the amount of RCA.
- The date of application will be used as the date of RCA authorization, if eligible, regardless of the date that eligibility was determined.

Revised RMA provisions include:

- Eligibility must first be determined for each individual refugee for Medicaid and CHIP prior to RMA.
- RMA benefits will be authorized without an eligibility determination during the eight-month eligibility period if RCA, TANF, or Medicaid is discontinued.
- Income limits are increased to 185 percent of the Federal Poverty Income Guidelines (FPIGs).
- Cash assistance payments (i.e.; cash assistance payments made under the RCA program, the Department of State's Replacement program, and the Matching Grant program) are excluded and not counted when determining income eligibility.
- Applicants for RMA who exceed the income limit of 185 percent of the FPIGs can spend down to the limit using incurred medical expenses as a deduction from income.

Revised Immigration and Identification Requirements applicable to both RCA and RMA:

The refugee must meet the following refugee immigration status and identification requirements or be the dependent children of, and be part of the same assistance unit as, individuals who meet the requirements.

To be eligible, an applicant for assistance must provide proof, in the form of documentation issued by the Immigration and Naturalization Service (INS), of one of the following statuses:

1. A refugee or asylee paroled into the U.S. under section 212(d)(5) of the Act;
2. A refugee admitted under section 207 of the Act;
3. An asylee granted asylum under section 208 of the Act;
4. Cuban and Haitian entrants, in accordance with the requirements in 45 CFR

Part 401;

5. Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as contained in §101(e) of Public Law 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended); or
6. Admitted for permanent residence, provided the individual previously held one of the statuses identified above.

CAOs are to implement the following procedures:

RCA Procedures

1. Promptly notify the agency that provided for the local resettlement of a refugee whenever the refugee applies for RCA.
2. Determine eligibility for TANF and SSI. If ineligible, determine eligibility for RCA. If ineligible, determine eligibility for General Assistance.
3. Determine eligibility for RCA using TANF income and resource requirements including the 50 percent earned income disregard. See Cash Assistance Handbook for TANF program requirements and procedures. Agreement of Mutual Responsibility (AMR) requirements apply to RCA and will serve as the refugee's Employment Development Plan.

NOTE: The entire AMR has been translated into both Russian and Vietnamese. Also translated are the following pages of the Common Application Form (PA 600): the first two pages of instructions, the client's copy of the Rights and Responsibilities, Affidavit, Prohibitions and Penalties pages. These translations may be used as a tool by the worker, but are not legally-approved documents. Continue to use the English or Spanish versions for completion and signature.

4. Exclude any resources remaining in the applicant's country of origin when determining income eligibility.
5. Exclude the income and resources of a person who is serving as a sponsor to a refugee.
6. Exclude any cash payments received by the applicant from the VOLAG.

7. Use the date of application as the date RCA begins.

NOTE: Eligibility for RCA is time-limited to eight months beginning with the recipient's date of entry into the U.S. as a refugee.

8. Determine eligibility as promptly as possible, but no more than 30 days from the date the application is received by the CAO.
9. Inform each RCA applicant or recipient about eligibility regulations and the rights and responsibilities of applicants and recipients under RCA.
10. Provide eligibility notices that clearly explain the reasons for ineligibility for TANF, as well as notification of eligibility for RCA, to refugees who apply for cash assistance and are found ineligible for TANF, but are found eligible for RCA.
11. Follow employment requirements in Supplemental Handbook Section 730.42 and in Operations Memorandum [OPS981106](#).

NOTE: An asylee's date of entry will be the date the individual is granted asylum in the U.S. The eight months of eligibility for RCA for the asylee will begin on the date they are granted asylum.

RMA Procedures

1. Promptly notify the agency that provided the local resettlement of a refugee whenever the refugee applies for RMA.
2. Determine eligibility for Medicaid (this includes TANF-related Medicaid, SSI-related Medicaid, Healthy Beginnings and Healthy Horizons). If ineligible for Medicaid, but the refugee children are potentially eligible for CHIP, forward a copy of the application to the CHIP contractor as provided in Operations Memorandum [OPS990206](#), "Any Form is a Good Form" Health Care Benefits Application Process, and [OPS000703](#), PA 600CH, Application for Health Care. Determine eligibility for RMA for the adults.

NOTE: In situations with families, the children may qualify for CHIP while the remaining family members may qualify for RMA.

NOTE: Individuals who do not meet the categorical requirements for any TANF-related Medicaid, SSI-Related Medicaid or CHIP, qualify for RMA if:

- the refugee meets immigration status and identification requirements applicable to RMA; and
- meets the income and resource requirements for RMA

3. Determine resource eligibility for RMA using MNO resource limits.

NOTE: Resources are excluded for individuals living in a household with a child under age 21

4. Determine income eligibility for RMA applying the TANF-related MNO income disregards and use the income limit of 185 percent of the FPIGs.

NOTE: The income deductions identified in Medical Assistance Eligibility Handbook (MAEH) Chapter 361, MNO Deductions, apply. For individuals who meet the categorical requirements for aged, blind or disabled, apply the SSI-related MNO deductions. For all other individuals, apply TANF-related MNO work and personal deductions, which include actual expenses (minimum \$90 deduction) and the 30 plus 1/3 earned income incentive deduction, if qualified.

5. Exclude in-kind services and shelter provided to an applicant by a sponsor or VOLAG in determining eligibility for and receipt of RMA.
6. Exclude any cash assistance payments provided to an applicant in determining eligibility for RMA.

7. Determine eligibility for RMA based on the applicant's income and resources on the date of application.

NOTE: The effective date of eligibility (application date) for RMA is:

- The date on which a signed application form is received date-stamped in the CAO; or
- The earliest date the application is signed by the applicant if submitted by a Medicaid provider or any site designated by Department

8. Transfer a recipient to RMA if the refugee who is residing in the U.S. for less than eight months loses eligibility for Medicaid (including TANF and SSI) because of earnings from employment. Continue benefits for RMA until the recipient reaches the end of the time-eligibility period (eight months from date of arrival). A new eligibility determination is not required.
9. Disregard the earnings and continue benefits for RMA for refugees who are receiving RMA and receive earnings from employment until the recipient reaches the end of the time-eligibility period (eight months from date of arrival).
10. Do not deny RMA benefits on the basis of the refugee being denied or terminated from RCA.
11. Allow applicants for RMA who do not meet the financial eligibility standards (185 percent of the FPIGs), to spend down to such a standard using deductions incurred for medical expenses.
12. Authorize RMA, if found eligible, using category PD, program status 02.

NOTE: Category TD, program status 02 must no longer be used for RMA. All individuals who qualify for RMA are to be identified as category PD, program status 02.

NOTE: An asylee's date of entry will be the date the individual is granted asylum in the U.S. The eight months of eligibility for RMA for the asylee will begin on the date they are granted asylum.

Next Steps

1. Please share this memorandum with appropriate staff.
2. Effective September 21, 2000, implement the revised RCA and RMA regulations.
3. Contact your Area Manager to request Russian and Vietnamese translations of the AMR and PA 600 pages.
4. Cite Federal regulations 45 CFR, Chapter IV, Part 400 when preparing PA 162 Notices.
5. Contact your Area Manager with any questions.
6. This Operations Memorandum will become obsolete upon release of the revised Handbook pages.