

**5101:1-2-40 Refugee resettlement program: refugee cash assistance (RCA).**

***Effective Date: July 1, 2005***

***Most current prior effective date:*** November 1, 2002

(A) Components of the refugee resettlement program:

There are three components of the refugee resettlement program:

(1) Refugee cash assistance provides cash payment to eligible refugees. Ohio operates a publicly-administered RCA program modeled after Ohio's temporary assistance for needy families (TANF) cash assistance program called Ohio works first (OWF). This rule contains the requirements for an eligibility determination of the refugee cash assistance (RCA) program.

(2) Refugee medical assistance (RMA) provides medical assistance to eligible refugees. RMA requirements are delineated in rule 5101:1-2-40.1 of the Administrative Code.

(3) Refugee social services program (RSSP) provides employability, job, citizenship and naturalization services. RSSP requirements are delineated in rules 5101:1-2-40.2 to 5101:1-2-40.5 of the Administrative Code.

(B) Documentation of refugee status

As a condition of eligibility for RCA, an individual must provide proof, in the form of documentation issued by the United States citizenship and immigration services (U.S.CIS), of one of the following statuses under the immigration and nationality act (INA) of (1952):

(1) Paroled as a refugee or asylee under section 212 (d)(5) of the INA (8 U.S.C. 1182 of 2004);

(2) Admitted as a refugee under section 207 of the INA (8 U.S.C 1157 of 2004);

(3) Granted asylum under section 208 of the INA (8 U.S.C. 1158 of 2004);

(4) Cuban and Haitian entrants in accordance with section 501 (a), Public Law 96-42294 Stat.1810 (U.S.C. 1522 note) executive Order 12341 (January 21, 1982):

(a) An individual granted parole status as a Cuban/Haitian entrant (status pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided;

(b) A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a

final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered;

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

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

(5) Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to 584 of the Foreign Operations, Export Financing, and Related programs Appropriations Act, 1988 (as 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);

(6) Lawful permanent resident, provided the individual previously held one of the statuses identified above (note: this does not refer to Amerasians who are admitted as lawful permanent residents) as described in paragraph (B)(5) of this rule.

(C) Determination of eligibility under other programs

Eligibility for RCA is limited to those refugees who are ineligible for OWF and supplemental security income (SSI).

(1) In establishing eligibility for assistance to a refugee, the county department of job and family services (CDJFS) shall determine whether the refugee is eligible for Ohio works first (OWF). If the refugee meets all of the requirements for OWF, the individual becomes a regular OWF participant. When the CDJFS determines that a refugee does not meet the requirements of OWF, the individual has potential eligibility for RCA.

(2) If a refugee does not meet the requirements of OWF or RCA, he or she has potential eligibility for disability financial assistance (DFA).

(3) The CDJFS shall promptly notify the local resettlement agency which provided for the initial settlement of a refugee whenever a refugee applies for cash assistance.

(4) All refugees who are blind, disabled, or at least sixty-five years of age must be referred immediately to the social security administration (SSA) to apply for SSI. Such refugees may receive RCA until SSI benefits are initiated provided the conditions of eligibility for RCA continue to be met. When an SSI payment is

made in the same month an RCA benefit is issued, the CDJFS shall initiate overpayment activity.

(D) General administration

The following requirements are applicable in administering the RCA program:

(1) Rule 5101:1-2-40.2 of the Administrative Code (2005) provides for the confidentiality, safeguarding and sharing of information relating to applicants, recipients, or former recipients of RCA.

(2) Recovery of overpayments and corrections of underpayments are set forth in rules 5101:1-23-70(1996) and 5101:23-60 (2003) of the Administrative Code.

(3) An RCA applicant/recipient has all the hearing and notice requirement rights set forth in division level designation 5101:6 (2003) of the Administrative Code. In a case in which there is a state hearing request, aid may continue past the time-limited eligibility period until the issuance of the state hearing decision. Except for when a state hearing decision is pending, RCA must be terminated effective the end of the last month of the time-limited eligibility period.

(4) The application process and procedures are set forth in rule 5101:1-2-01 of the Administrative Code (2005).

(5) The verification and reporting procedures are set forth in rule 5101:1-2-20 (2002) of the Administrative Code.

(6) The reapplication requirements are set forth in rule 5101:1-2-10 of the Administrative Code (2005). When the CDJFS is alerted that RCA program eligibility is to end, the CDJFS shall require a reapplication to determine potential eligibility for OWF or DFA due to changed circumstances.

(7) The criteria for destruction of RCA assistance group records is subject to the procedures outlined in rule 5101:1-9-21 of the Administrative Code (1996).

(E) General eligibility requirements

(1) To receive assistance under RCA, each applicant must provide a written declaration, under penalty of perjury, that he or she has an immigration status that makes him or her eligible for RCA.

(a) The written declaration requirement is met when a required adult assistance group member or authorized representative has signed and dated the JFS 07200, "request for cash, food stamp and medical assistance" (rev. 5/05). The declaration of citizenship/alien status shall be considered met for all members of the assistance group with this signature.

(b) Declarations on behalf of newborn children must be approved no later than at the next scheduled reapplication. The declaration requirement is met by the assistance group member's signature on the printed copy of information (PCI) signed at the reapplication.

(2) Eligibility for RCA is limited to individuals who:

(a) Are new arrivals who have resided in the United States less than eight months. RCA is available during the first eight months after the refugee enters the country. At the end of the first eight months, the individual loses eligibility for RCA forever.

(i) If the refugee is from Cuba or Haiti, the time-limited eligibility for assistance begins with the first month in which the refugee was first issued documentation by the citizenship and immigration service.

(a) The date on which a Cuban or Haitian was first issued CIS documentation appears on the CIS form I-94.

(b) The CIS documentation date of a child born in the United States of Cuban or Haitian refugees is the date CIS documentation was first issued to the parents, or the date of the child's birthday, whichever occurs first. If the parents CIS documentation was issued on different dates, the later CIS documentation date of the parents is compared to the child's birthday.

(ii) If the refugee is from any country other than Cuba or Haiti, or meets the criteria set forth in paragraph (E)(2)(iii) of this rule, the time-limited eligibility for assistance begins with the first month that the individual enters the United States.

(a) A non-Cuban or non-Haitian refugee's date of entry appears on the CIS form I-94, I-151, or I-551.

(b) The date of entry of a child born in the United States of non-Cuban or non-Haitian refugees is the date of entry of the parents or the child's birthday, whichever occurs first. If the parents arrived in the United States on different dates, the later date of entry is compared to the child's birthday.

(iii) The date of entry for an asylee will be the date that the individual is granted asylum in the United States. Potential eligibility for RCA begins the date asylum is granted and continues for a period of eight months.

(b) Are ineligible for OWF and SSI in accordance with paragraph (C) of this rule.

(c) Meet immigration status and identification requirements in paragraph (B) of this rule or are the dependent children of, and part of the same assistance group as, individuals who meet the requirements in paragraph (B) of this rule,

subject to the limitation in paragraph (E)(2)(c)(ii) of this rule with respect to nonrefugee children.

(i) For purposes of this rule, "assistance group" means the following individuals who are not eligible for OWF who live in the same household:

- (a) An individual adult; or,
- (b) Married individuals without children; or,
- (c) Parents or custodial relatives with minor children.

(ii) Federal funding is available for expenditures for assistance and services to an assistance group which includes a refugee parent or two refugee parents and one or more of their children who are non-refugees, including children who are United States citizens. Federal funding is not available for expenditures for assistance and services provided to a non-refugee adult member of an assistance group or to a non-refugee child or children in an assistance group if one parent in the family unit is a non-refugee.

**(d)** Are not full-time students in an institution of higher education, except where such enrollment is approved as part of the individual's employability plan.

(3) Disclosure of a social security number is not required for RCA. An applicant may voluntarily disclose his/her social security number, but must be informed of its use.

(4) Work requirements are not applicable to RCA applicants or recipients. As a condition of receipt of assistance, RCA applicants/recipients must participate in employability services and refugee social services designed to meet the needs of newly arrived refugees within thirty days of receipt of aid as delineated in paragraph (G)(2) and (L) of this rule.

(F) RCA eligibility and payment levels

(1) There is no resource limit in the RCA program. Resources remaining in the individual's country of origin are excluded in determining eligibility for RCA.

(2) Resources and income of a sponsor may not be considered to be accessible to a refugee solely because the person is serving as a sponsor.

(a) Resettlement allowances are payments to a sponsor on behalf of the refugee. The resettlement allowance is not considered in determining eligibility if it is for a specific purpose. However, if the allowance is solely under the control of the refugee, the allowance is considered available.

(b) Voluntary resettlement agencies may provide assistance to refugees from

a matching grant program. Under such grants, the voluntary agency provides an equal match for each federal dollar awarded. The matching grants generally cover the same range of cash, medical assistance, training, and services which are available under refugee resettlement. These grants are separate and distinct from the one-time resettlement allowance given by the department of state or department of justice. The CDJFS shall count as income the entire amount of the matching grant received in determining eligibility and grant amount.

(3) The CDJFS may not consider any cash grant received by an applicant under the department of state or department of justice reception and placement programs in determining eligibility for RCA.

(4) Income eligibility, budgeting requirements and payment levels set forth in rule 5101:1-23-20 (2002) of the Administrative Code shall be applied in the determination of initial eligibility, continued eligibility, and the amount of cash assistance for RCA.

(a) When the parent of a child in the refugee cash assistance group does not meet the status requirement as specified in paragraph (B) of this rule, the alien parent is excluded from the refugee cash assistance group. The income of the ineligible alien parent is counted as unearned income, following application of the income allocation methodology as set forth in paragraphs (G)(6)(a) to (G)(6)(d) of rule 5101:1-23-20 (2002) of the Administrative Code.

(b) Because a couple's eligibility is determined as an economic unit, the income of a spouse who is no longer RCA eligible due to the time limitation must be used in determining RCA eligibility for the spouse who is still within the time limit. The budgeting method set forth in paragraph (D)(1)(a)(ii) of rule 5101:1-23-20 (2002) of the Administrative Code is applicable in determining eligibility for the spouse who is still within the time limit.

(c) When a required member of the RCA assistance group is ineligible for RCA because the member fails to meet the immigration status requirements as specified in paragraph (B) of this rule or because any of the conditions set forth in paragraph (J) of this rule are met, the income of the ineligible member is included in the determination of eligibility and payment level for the remaining member(s) of the RCA assistance group, as set forth in paragraphs (B), (D)(1)(a)(i) and (D)(2) of rule 5101:1-23-20 of the Administrative Code (2002).

(5) For individuals eligible for RCA, the CDJFS must process a partial payment for the month of initial eligibility whenever the date of initial eligibility begins too late in the month to authorize assistance with that effective date.

(6) For a refugee who applies for RCA so that the only assistance payment would be for the refugee's last month of eligibility, the assistance payment could be made for that month, even if the payment is not issued until after the end of the last month of time-limited eligibility.

(7) RCA warrants are identical to OWF warrants and are mailed from ODJFS with OWF warrants.

(G) Requirements for employability services and employment

(1) The following definitions are applicable to the RCA program:

(a) "Appropriate agency providing employment services" means an agency providing services specified in rule 5101:1-2-40.3(2005) of the Administrative Code which are specifically designed to assist refugees in becoming employed, which must include an established program of job referral to, and job placement with, private employers, and which must be determined acceptable by the Ohio department of job and family services (ODJFS) or by the local CDJFS.

(b) "Employability plan" is an individualized written plan for a refugee registered for employment services that sets forth a program of services intended to result in the earliest possible employment of the refugee.

(c) "Family self-sufficiency plan" is a plan that addresses the employment-related service needs of the employable members in a refugee assistance group (AG) for the purpose of enabling the refugee AG to become self-supporting through the employment of one or more AG members.

(2) As a condition for receipt of RCA, all employable assistance group members except for good cause shown, are required to:

(a) Register with an appropriate agency providing employment services at time of initial application, and within thirty days of receipt of aid participate in the employment services provided by such agency in accordance with rule 5101:1-2-40.3 (2005) of the Administrative Code. For the purpose of RCA, work registration is considered met when the JFS 07349 "refugee employment and case management employment referral" (rev.3/02)\_"sections I and II" are completed for each employable assistance group member. The JFS 07349 is then forwarded to CDJFS social services for appropriate refugee employability services.

(b) Go to a job interview which is arranged by the appropriate agency providing employment services or the refugee resettlement agency responsible for the initial resettlement of the refugee.

(c) Accept at any time, from any source, an offer of employment, as determined to be appropriate by the appropriate agency providing employment services;

(d) Participate in any employability service program which provides job or language training in the area in which the refugee resides and which is

determined to be available and appropriate for that refugee; or if such program is not available or appropriate in the area in which the refugee resides, any other available and appropriate program in such area;

(i) An individual employability plan must be developed as part of a family self-sufficiency plan where applicable for each RCA recipient who is not exempt. The plan may be developed by the resettlement agency or the appropriate agency providing employment services. The plan may be modified to reflect changed services or employment conditions.

(ii) The employability plan must be designed to have a definite employment goal leading to the earliest possible employment, attainable in the shortest time period consistent with employability of the refugee in relation to job openings in the area, and in no way discouraging employment or job-seeking.

(e) Participate in any social service targeted assistance program in the area in which the refugee resides as determined to be available and appropriate for that refugee.

(f) Inability to communicate in English does not exempt a refugee from registration or participation in employment services, or acceptance of appropriate offers of employment.

(g) The CDJFS must permit, but may not require, the voluntary registration for employment services of an applicant or recipient who is exempt from registration as set forth in paragraph (I) of this rule.

(H) For continued receipt of refugee cash assistance, an employable recipient may not, without good cause, voluntarily quit employment or fail or refuse to meet the requirements of paragraph (G)(2) of this rule.

#### (I) Exemptions

A refugee is considered employable unless the refugee meets one of the exemption criteria outlined below:

(1) An individual under the age of eighteen;

(2) An individual under the age of nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

(3) Sixty-five years of age or older.

(4) Is pregnant and the pregnancy has been medically verified that the child is expected to be born in the month that registration would be required or within the next six months.

#### (J) Sanctions

Sanctions are applied when an employable refugee quits a job, or fails or refuses to comply with paragraphs (G)(2) and (H) of this rule. The dependent family of such an ineligible refugee may, however, apply for and receive cash assistance.

(1) An employable RCA applicant shall not have during the thirty consecutive calendar days immediately prior to the receipt of aid, without good cause, either voluntarily quit employment for the purpose of receiving assistance, or refused to apply for or accept an appropriate offer of employment as determined by the appropriate agency providing employment services.

(2) The CDJFS shall inform mandatory registrants in writing that failure without good cause to participate or to report as requested by the appropriate agency providing employment services may affect the assistance payment.

(3) The CDJFS must contact the applicant's sponsor or local resettlement agency concerning offers of employment and inquire whether the applicant has voluntarily quit employment or has refused to accept an offer of employment within thirty consecutive days immediately prior to the date of application.

(a) If a mandatory registrant, without good cause, has failed or refused to meet the requirements of paragraph (J) of this rule or has voluntarily quit a job, the CDJFS shall take the appropriate following action in accordance with hearing rights as provided in division level designation 5101:6 of the Administrative Code (2003).

(i) If the sanctioned individual is the only member of the RCA assistance group, the assistance will be terminated. If there are other assistance group members, the CDJFS shall not take into account the sanctioned individual's needs in determining the remaining assistance group's need for assistance.

(ii) The sanction applied shall remain in effect for three payment months for the first such failure and six payment months for the second and any subsequent failure.

(iii) The refugee's sponsor, or the voluntary resettlement agency when there is no sponsor, must be notified of any action which involves the termination, the removal of one person from the assistance group or the change in delivery of benefits.

(b) A voluntary registrant who has failed or refused to participate in appropriate employability services, to carry out job search, or to accept appropriate employment or training, is to be deregistered for ninety days from the date of determination that such failure occurred. Cash assistance is not affected.

(K) In order for an appropriate agency providing employment services to receive referrals from the CDJFS, the agency must agree to advise the CDJFS whenever such refugee fails or refuses to participate in the required services or to accept an offer of employment.

(L) As a condition of receiving RCA all employed and employable refugee cash assistance group members must participate in any available and appropriate refugee social services providing employment services, job, or language training in the county in which the refugee resides. The exemptions listed in paragraph (I) of this rule apply to this requirement.

(1) The CDJFS determines the availability and appropriateness of the RSSP, except in counties where the RSSP is not available. "Available" means that there are special refugee social services provided in the county in which the refugee resides. "Appropriate" means that the refugee's job and language skills, do not exceed the English as a second language (ESL) and job training services provided through the RSSP and that the refugee will benefit from participation in the RSSP.

(2) If refugee social services are not available in the refugee assistance group's county of residence, the CDJFS does not complete the procedure for determination of mandatory RSSP participation. The CDJFS documents in the assistance group record that there are no available and appropriate refugee social services in the refugee's county of residence.

(3) For counties with an available RSSP, use the following procedures in determining mandatory refugee social service participation status.

(a) The CDJFS reviews the assistance group record to determine those persons exempt from refugee social service participation. This determination must be consistent with employment registration exemption status recorded in the assistance group record.

(b) The CDJFS completes the JFS 07349 for all voluntary and mandatory RCA group members.

(c) The CDJFS complete "sections I and II" on the JFS 07349 for all voluntary and mandatory refugee cash assistance group members.

(d) The CDJFS completes "section III" on the JFS 07349 if the requirement for mandatory participation in the RSSP is met.

(e) The CDJFS completes "section IV" on the JFS 07349 if the RSSP assistance group does not meet the requirements of this rule and is subject to the sanction procedure in paragraph (J) of this rule.

(f) The CDJFS informs mandatory RSSP participants in writing that failure without good cause to participate or to report as requested by the RSSP provider may affect the assistance payment. The JFS 07349 may be used to meet this requirement.

(g) The CDJFS completes "section V" on the JFS 07349 within three working days of approval of an application if a determination of eligibility has been made and an applicant, previously registered, is now a recipient of RCA.

(h) The CDJFS completes "section VII" on the JFS 07349 within three days of denial of an application.

(i) The CDJFS appoints an individual to ensure that any required referral is completed during the month a child reaches eighteen years of age. The individual appointed to perform this function shall use any information available to identify those individuals who should be referred for the RSSP\_program.

(4) Information regarding change in the RSSP\_status may come from the recipient, social services, or the RSSP\_provider. The assistance group shall be advised to report any change in exemption status within five working days. A review of RSSP\_participation status is required when a change in the case occurs. Use the following procedure in determining the RSSP participation status:

(a) The CDJFS completes "section VII" on the JFS 07349 when there is a change affecting mandatory RSSP participation.

(i) The refugee becomes employed and such employment renders the RCA case ineligible. Mandatory RSSP participation will not be required at the point the financial assistance stops. If there is a question about whether or not the refugee has employment and has not reported it to the CDJFS, the CDJFS shall complete a reapplication.

(ii) The refugee meets one of the exemption criteria.

(iii) The refugee is sanctioned.

(b) The CDJFS completes "sections I and II" on the JFS 07349 to deregister a refugee when:

(i) The refugee no longer meets one of the exemption requirements.

(ii) The exempt refugee volunteers for registration.

(iii) Any applicable sanctions are completed.

(c) The CDJFS documents on the JFS 07349 if necessary, any change in circumstances. The CDJFS completes "section IV" on the JFS 07349 when a mandatory RSSP participant fails without good cause to meet his refugee social service participation responsibilities, or refuses without good cause to accept an opportunity for employment or training. The CDJFS completes "section VI" on the JFS 07349 when the sanction is applied.

Effective Date: July 1, 2005

R.C. 119.032 review dates: 04/11/2005

Certification: Certified Electronically

Promulgated Under: 111.15

Statutory Authority: 5101.02, 5101.49

Rule Amplifies: 5101.02, 5101.49

Prior Effective Dates: 7-1-76, 12-31-77, 11-22-81, 10-21-82, 11-1-82, 2-9-84 (temp.), 5-1-84, 7-1-84, 7-2-84, 10-1-84 (emer.),

12-27-84, 1-1-85 (emer.), 4-1-85, 8-1-86 (emer.), 10-3-86, 7-1-88, 1-1-89 (emer.), 4-1-89, 11-1-89, 1-1-90 (emer.), 4-1-90, 10-1-91 (emer.), 12-20-91, 4-1-92, 10-1-92 (emer.), 12-21-92, 9-1-94, 10-1-95, 1-1-96, 5-1-97, 7-1-98, 7-1-00, 10-1-00, 3-1-02, 11-1-02