



Office of Temporary and Disability Assistance

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Informational Letter

Section 1

Transmittal:	20-INF-09
To:	Upstate and New York City Social Services District Commissioners
Issuing Division/Office:	Housing, Refugee Services, and Disability Determinations
Date:	June 15, 2020
Subject:	COVID-19 and Refugee Cash Assistance Eligibility Period Extension
Suggested Distribution:	Deputy Commissioners, TA Directors
Contact Person(s):	Bureau of Refugee Services, bria.contact@otda.ny.gov Phillip Plessas, (518) 474-5764 or Tom Keenan (518) 474-7209
Attachments:	Attachment 1 - ORR PL 20-03: COVID-19 Extended Assistance for ORR Populations Attachment 2 - ORR PL 20-04: Assistance for ORR Populations Affected by COVID-19

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
96-ADM-07 97-ADM-20 97-ADM-21 97-ADM-23 03-ADM-01 04-ADM-04 05-ADM-01 16-ADM-02 19-INF-07		Part 349, 350, 351, 352, 355, 356, 357, 358, 359, 369, 370, 372, 373, 381, Subpart 373-1.1-1.8	Welfare Reform Act of 1997, SSL 20; 34; 65; 117; 131; 131-a; 157; 158; 349; 350; 45 CFR Part 400	83 MB-20	Fiscal Reference Manual, Volume 2, Chapter 3

Section 2

I. Purpose

The purpose of this Informational Letter (INF) is to inform social services districts (districts) that the Office of Temporary and Disability Assistance (OTDA), Bureau of Refugee Services (BRS) has been granted the following waivers from the Federal Office of Refugee Resettlement (ORR) within the United States Department of Health and Human Services (DHHS) pertaining to Refugee Cash Assistance (RCA).

1. Refugee Cash Assistance Eligibility Period Extension
2. Eligibility Determinations for ORR Benefits and Services
3. Refugee Cash Assistance and Conditions for Receipt of RCA

II. Background

The Federal ORR established the RCA program in order to ensure the availability of short-term cash assistance to new refugee arrivals. Eligibility for RCA is limited to those persons as outlined in OTDA 16-ADM-02, Section VII, E (1), a-g.

III. Program Implications

In response to the spread of COVID-19 and its impact on ORR eligible populations, ORR granted New York State the following waivers pursuant to 45 C.F.R. § 400.300, to enhance assistance to ORR eligible populations.

1. Refugee Cash Assistance Eligibility Period

Pursuant to its authority under 45 C.F.R. § 400.300, ORR is extending the RCA eligibility period from eight months to up to eighteen months for recipients who are about to terminate from the program or who have successfully exited the program and then subsequently either lost employment or sustained a reduction in hours that would requalify them for RCA. A new application for assistance, if warranted, and eligibility determination should be performed prior to extending the RCA period beyond the original eight month period. Specifically, ORR waived 45 C.F.R. § 400.211, and districts should extend the eligibility period to up to eighteen months for recipients who became eligible for RCA after April 1, 2019, however the additional months must not extend beyond September 30, 2020. For RCA recipients who became eligible for RCA on or after February 1, 2020, the eligibility period will remain at eight months. ORR will continue to assess the longer-term impact and need for an additional extension of the eligibility period.

2. Eligibility Determinations for ORR Benefits and Services

Districts must continue to provide ORR eligible populations with the opportunity to apply and make eligibility determinations for cash assistance pursuant to 45 C.F.R. § 400.50.

The current policy at 45 C.F.R. § 400.43 and PL 16-01 requires districts to ask the applicant for a written declaration of immigration status and to review documentation of immigration status in making an eligibility determination. Due to COVID-19, ORR waived these requirements for applicants/recipients who are eligible for RCA only and not able to appear at a district office due to COVID-19 as described below.

Districts should find a safe and secure means of confirming the applicant's eligible immigration status. If an applicant is not able to appear at a district office and provide immigration documents due to COVID-19, the applicant's immigration status can be confirmed virtually through a database or other electronic means without first having to check documentation to confirm the applicant's status. Further, eligibility interviews may be conducted over the phone. Eligibility workers may accept a written declaration, under penalty of perjury, from the applicant attesting to satisfactory immigration status, and containing name, date of birth, alien registration number, immigration status, date of entry, most recent address, an acknowledgement that the individual has been impacted by COVID-19, signature, and date of signature. The written declaration must also include the following statement: "I acknowledge that I have been affected by COVID-19 and am temporarily unable to provide my immigration documentation. I hereby certify, under penalty of perjury, that I, and/or the person(s) for whom I am signing, am a non-citizen with satisfactory immigration status. I understand that signing this Certification may result in information about me and applying members of my household being submitted to the United

States Citizenship and Immigration Services for verification of non-citizen status, if applicable.” Districts should include the written declaration in the case record.

If a written declaration is not possible given the circumstances, a verbal declaration can be accepted and must be supported with a subsequent written declaration as soon as possible. If a verbal declaration is used, the district must document the same information in the case record that is required on the written declaration. The worker must obtain the verbal declaration and signature by reading the following statement to the applicant: “You acknowledge and understand that by verbally signing this Certification you are verbally agreeing that you: 1) have been impacted by COVID-19 and are temporarily unable to provide your immigration documentation; 2) certifying, under penalty of perjury, that you, and/or the person(s) for whom you are signing, are a non-citizen with satisfactory immigration status; 3) understand that information about you and applying members of your household may be submitted to the United States Citizenship and Immigration Services (USCIS) for verification of non-citizen status, if applicable. Please indicate your verbal agreement and signature by stating “I so sign”.”

If the written or verbal declaration indicates that the applicant is within an immigration status that confers eligibility for ORR benefits and services, and the individual has been impacted by COVID-19, the eligibility worker may conclude that the applicant is eligible for ORR benefits and services, if otherwise eligible.

3. Refugee Cash Assistance and Conditions for Receipt of RCA

Due to the impact of COVID-19 on RCA applicants and recipients, predominantly single individuals and families without children, districts are reminded that they may issue an RCA initial payment on an emergency basis pursuant to 45 C.F.R. § 400.52.

ORR eligible populations impacted by COVID-19 may receive various forms of emergency cash assistance from federal, state and local governments and non-profit organizations. Regarding income eligibility for RCA, ORR waived 45 C.F.R. § 400.66 as follows. When conducting an income/asset analysis for an applicant impacted by COVID-19, districts must disregard certain COVID-19 emergency assistance payments (e.g. 2020 Economic Impact Payments under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and Refugee Supportive Services (RSS) payments for rent or utilities). **Districts should not disregard unemployment insurance or COVID-19 pandemic unemployment assistance.**

ORR would like to ensure that all RCA recipients are enrolled and referred for employment services. During this time, if available and accessible, districts should utilize web-based services to conduct employment training with RCA recipients. However, if these resources are not accessible and in order to protect public health, ORR waived 45 C.F.R. § 400.75, pertaining to participation in employability services.

IV. System Implications

Districts should adhere to the same system edits, coding, and screen entries as described in 16-ADM-02. However, the associated date with the Anticipated Future Action (AFA) code 351 (SN/FP-MA-8 Months) must be set near the end of the 18-month period, reminding workers to reassess eligibility to determine eligibility for continued assistance.

V. Claiming

Districts should adhere to the same claiming instructions as described in 16-ADM-02.

VI. Effective Date

Districts should implement the provisions of the waivers listed above immediately to provide necessary assistance and/or services. All waivers will remain in effect through September 30, 2020, unless otherwise specified.

These waivers are consistent with refugee policy objectives and will allow ORR eligible populations affected by COVID-19 to receive critical assistance and services. ORR will continue to assess the impact of COVID-19 on ORR eligible populations and additional guidance for districts may be forthcoming.

Issued By:

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