



# Office of Temporary and Disability Assistance

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## Administrative Directive Memorandum

### Section 1

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| <b>Transmittal:</b>             | 22-ADM-03   |
| <b>To:</b>                      | District Commissioners  |
| <b>Issuing Division/Office:</b> | Housing, Refugee Services and Disability Determinations (HRDD)/Bureau of Refugee Services (BRS)   |
| <b>Date:</b>                    | March 28, 2022  |
| <b>Subject:</b>                 | Refugee Cash and Medical Assistance Programs (RCA and RMA)  |
| <b>Suggested Distribution:</b>  | Temporary Assistance Directors<br>Employment Coordinators<br>WMS Coordinators<br>SNAP Directors<br>Medical Assistance Directors   |
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| <b>Attachments:</b>             | none  |

### Filing References

| Previous ADMs/INFs  | Releases Cancelled                  | Dept. Regs.   | Soc. Serv. Law & Other Legal Ref.   | Manual Ref.                 | Misc. Ref.                                   |
|---|-------------------------------------|---|---|-----------------------------|--|
| 96-ADM-07<br>97-ADM-20<br>97-ADM-21<br>97-ADM-23<br>03-ADM-01<br>04-ADM-04<br>05-ADM-01<br>16-ADM-02<br>07-INF-15 | 96-ADM-07<br>05-ADM-01<br>16-ADM-02 | Part 349,<br>350, 351,<br>352, 355,<br>356, 357,<br>358, 359,<br>369, 370,<br>372, 373,<br>381, Subpart<br>360-4, 373-<br>2.1-2.6, 386,<br>415,<br>Subpart 373-<br>1.1 -1.8,<br>373-2 | Welfare Reform Act of 1997, SSL 20; 34; 65; 117; 131; 131-a; 157; 158; 349; 350 | 83 MB-20<br>45 CFR Part 400 | Fiscal Reference Manual, Volume 2, Chapter 3 |

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## Section 2

### I. Summary

This Administrative Directive (ADM) informs all districts of the federally funded Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) programs.

This ADM supersedes the previous 16-ADM-02, issued April 13, 2016.

### II. Purpose

The purpose of this Administrative Directive is to inform districts of any changes to the federally funded RCA and RMA programs.

### III. Background

The Federal Office of Refugee Resettlement (ORR) within the United States (U.S.) Department of Health and Human Services (DHHS) established the RCA and RMA programs to assure the availability of short-term cash and medical assistance to new refugee arrivals. At the time of program initiation, many states did not have benefit programs for singles or childless couples, so the RCA and RMA programs were necessary for new arrivals to receive benefits.

In 1996, State regulations at 18 NYCRR Part 373, implemented the RCA and RMA programs for singles and childless couples that are refugees or are in another specified immigration status to assist them to achieve self-sufficiency as soon as possible.

In March of 2000, Federal regulations at 45 CFR Part 400 amended the provisions of the RCA and RMA programs.

In October of 2000, the enactment of the “Trafficking Victims Protection Act” (TVPA) made adult victims of severe forms of trafficking in persons that are certified by the ORR and children under 18, given eligibility letters by the ORR, eligible for benefits and services to the same extent as refugees.

In August of 2002, 18 NYCRR Part 373 was amended to incorporate several changes in 45 CFR Part 400.

Effective December 19, 2009, the Department of Defense Appropriations Act of 2010 (Public Law 111-118), § 8120(a) (Iraqi) and § 8120(b) (Afghan) allowed Afghan and Iraqi special immigrants to receive refugee and other federal public benefits like any other refugee admitted under Section 207 of the U.S. Immigration and Nationality Act (INA).

Effective September 30, 2021, the federal government is providing evacuees from Afghanistan who enter the U.S. on humanitarian parole access to federal benefits and services through the Afghanistan Supplemental Appropriations Act, 2022. Citizens or nationals of Afghanistan, or individuals with no nationality who last resided in Afghanistan, may be eligible for benefits if they have completed DHS’s background checks, their parole has not been terminated by DHS, and if they were: (1) paroled into the U.S. between July 31, 2021 and September 30, 2022, or (2) paroled into the U.S. after September 30, 2022, and are: (a) the spouse or child of an evacuee from Afghanistan paroled between July 31, 2021 and September 30, 2022, or (b) the parent or legal guardian of an unaccompanied child paroled between July 31, 2021 and September 30, 2022. The Afghanistan Supplemental Appropriations Act, 2022, allows these individuals to receive benefits for a limited period of time, either through March 31, 2023, or until the end of their parole term, whichever is later.

## IV. Program Implications

Districts shall determine the eligibility of refugees, asylees, Cuban/Haitian entrants, certain Amerasians, certified victims of severe forms of trafficking in persons (adults) and those determined eligible by the ORR (children under age 18), Afghan and Iraqi special immigrant visa holders, Afghan special immigrant SQ/SI parolees, Afghan humanitarian parolees, and Afghan Special Immigrant Conditional Permanent Residents who apply for assistance to one of the following programs: Family Assistance (FA), Safety Net Assistance (SNA), or RCA. This directive addresses procedures that are unique to RCA and RMA. Other cash assistance programs supervised by the Office of Temporary and Disability Assistance (OTDA) are addressed separately in other directives (See the list of cash assistance directives under filing references).

## V. Definitions

For this directive's purpose, the following definitions apply:

1. "Afghan Humanitarian Parolees" are citizens or nationals of Afghanistan paroled into the U.S. under section 212(d)(5) of the Immigration and Nationality Act between July 31, 2021, and September 30, 2022.
2. "Afghan Special Immigrant Conditional Permanent Residents" are citizens or nationals of Afghanistan admitted to the U.S pursuant to Section 602(b)(8) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101).
3. "Afghan Special Immigrant Parolees" are citizens or nationals of Afghanistan who may qualify for special immigrant visas (SIV), but due to the extenuating circumstances surrounding the evacuation of Afghanistan were not able to complete the SIV process prior to their evacuation.
4. "Asylee" is an individual who is granted asylum status under Section 208 of the INA.
5. "Authorized Service Provider" is a public or private community agency that contracts with the OTDA to provide employment services to recipients of RCA.
6. "Bureau of Refugee Services" (BRS) is housed within OTDA's Division of Housing, Refugee Services and Disability Determinations (HRDD). Its mission is to direct resources to authorized service providers that assist recent arrivals and their families in achieving early economic and social self-sufficiency, to aid other legal immigrants in their transition to life in the U.S., to help repatriated U.S. citizens arrive home safely, and to assure the foster care of unaccompanied refugee minors.
7. "Certain Amerasian Immigrants" are Amerasians from Vietnam who are admitted to the U.S. as immigrants under Section 402 (a) 2 (A) (I) (V) of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (8 U.S.C. 1612 (a) 2 (A)).
8. "Cuban/Haitian Entrant" or "Entrant" is (a) any 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; and (b) any other national of Cuba or Haiti (1) who:
  - i) Was paroled into the U.S. and has not acquired any other status under the INA;
  - ii) Is the subject of exclusion or deportation proceedings under the INA; or
  - iii) Has an application for asylum pending with the United States Citizenship and Immigration Services (USCIS); and (2) with respect to whom a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered.

9. "Employability Services" are services designed to enable an individual to obtain employment and to improve the employability or work skills of the individual.
10. "Employable" means not exempt from registration for employability services.
11. "Family Self Sufficiency Plan" is a plan that addresses the employability service needs of the employable members of a family for the purpose of enabling the family to become self-supporting through the employment of one or more family members.
12. "Employability Plan" means an individualized written plan, as part of the family self-sufficiency plan for a refugee, asylee, or entrant registered for employment services that sets forth a program of services intended to result in the earliest possible employment of the refugee or entrant. Note that employability plans are prepared by the authorized service provider referenced in the definitions.
13. "Resettlement Agency" is a local affiliate or subcontractor of a national agency that entered into a grant, contract, or cooperative agreement with the U.S. Department of State or other appropriate federal agency to provide for the reception and initial placement of refugees in the U.S.
14. "Matching Grant" is an alternative program to public assistance whose goal is to help employable refugees, asylees, Amerasians, Cuban/Haitian entrants, certified trafficking victim, and Iraqi and/or Afghan Special Immigrants attain economic self-sufficiency through the provision of comprehensive case management and services leading to employment within 120 to 240 days after the date of eligibility for the program without accessing public cash assistance. Matching Grant is a direct agreement between the Federal Government and the resettlement agency.
15. "Refugee" means an individual who meets the definition of a refugee under Section 101 (a) (42) of the Immigration Reform and Control Act of 1986, Public law 99-603, as amended.
16. "Refugee Cash Assistance" (RCA) means a federal program that provides cash assistance provided under Section 412 (e) of the Immigration and Nationality Act (INA) to eligible persons who are ineligible for Temporary Assistance for Needy Families (TANF), Old Age Assistance (OAA), Assistance to the Blind (AB), Aid to the Permanently and Totally Disabled (APTD), Aid to Aged, Blind, and Disabled (AABD) or Supplemental Security Income (SSI). The RCA program provides cash assistance to refugees, Cuban/Haitian entrants, and asylees in New York under 18 NYCRR Part 373, to assist them to achieve self-sufficiency as soon as possible. RCA is a publicly administered program through the district in which refugees, entrants and asylees reside.
17. "Refugee Medical Assistance" (RMA) means a federal program that provides medical assistance under Section 412 (e) of the Immigration Reform and Control Act of 1986 to eligible refugees, asylees, and Cuban and Haitian entrants who are ineligible for the Medicaid program to assist them to achieve self-sufficiency as soon as possible.
18. "Special Immigrant" is an individual that is a national of Iraq or Afghanistan and was granted Special Immigrant status under Section 101 (a) (27) of the INA.
19. "Support Services" means services provided or contracted for by an authorized service provider which are designed to meet the additional needs of refugees, asylees, entrants, certain Amerasian immigrants, trafficking victims, Iraqi and/or Afghan Special Immigrants, and other ORR eligible populations for which funding is available under Title IV, Refugee Assistance, of the INA. Types of services include, but are not limited to, translation and interpreter services,

outreach, social adjustment, transportation, health services and English as a New Language (ENL) which are supplemental to the benefits provided through RCA.

20. "Trafficking Victim" is a person who meets the definition of severe forms of trafficking in persons under Section 103 (8) of the Trafficking Victims Protection Act (TVPA) and was certified (adults) or determined eligible (children under age 18) by the ORR. Severe forms of trafficking in persons is defined by the Act as any of the following activities:
  - a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
  - b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
21. "United States Citizenship and Immigration Services" (USCIS) is the federal agency that oversees lawful immigration to the U.S. On March 1, 2003, USCIS officially assumed responsibility for the immigration service functions of the federal government. The Homeland Security Act of 2002 (Pub. L. No. 107–296, 116 Stat. 2135) dismantled the former Immigration and Naturalization Service (INS) and separated the former agency into three components within the Department of Homeland Security (DHS). This component, USCIS, was formed to enhance the security and improve the efficiency of national immigration services by exclusively focusing on the administration of immigration status petitions.

Note: Hereafter, the term "refugee" will refer to the following groups: Refugees, Asylees, Entrants, Certain Amerasian Immigrants, Trafficking Victims, certain family members of Trafficking Victims who have been awarded a T-Visa, and Iraqi or Afghan Special Immigrants, Afghan Special Immigrant Parolees, Afghan Special Immigrant Conditional Permanent Residents, and Afghan Humanitarian Parolees except where specific exceptions apply.

## **VI. Program Overview**

### **A. Goal of Refugee Services**

The goal of services to refugees is to provide for the effective resettlement of these populations and to assist them in achieving economic self-sufficiency as quickly as possible.

### **B. Refugee Assistance Programs**

#### **1. Reception and Placement Services**

Resettlement agencies provide Reception and Placement (R&P) Services to newly arriving refugees, including basic needs support, employment orientation, and referrals. Refugees, entrants and certain Amerasian immigrants are eligible for services during the first 30 days after entry into the U.S. Asylees are eligible during the first 30 days after asylum status is granted. Trafficking victims are eligible during the first 30 days after the date of certification (adults) or date specified on the ORR eligibility letter (children under age 18). Special immigrant visa holders are eligible during the first 30 days after entry into the U.S. Afghan parolees are provided similar services through the new Afghan Placement and Assistance (APA) program. The purpose of the APA program is to provide newly arrived Afghans with initial relocation services as they begin to rebuild their lives in the U.S. Similar in scope to R&P, these services are also provided through resettlement agencies.

## 2. Matching Grant Services

Certain resettlement agencies also have a Matching Grant Program under direct agreement with the ORR in which employable clients receive a cash grant and employment services for 120 to 240 days. Each immigration status becomes eligible for benefits at certain times.

- Refugees and Amerasians are eligible for the first 120 to 240 days after entry into the U.S. if they enroll by day 31 after entry;
- Entrants are eligible for the first 120 to 240 days from the date they are (1) granted parole, (2) are placed in removal proceedings, or (3) has a pending application for asylum (whichever is first);
- Asylees are eligible for the first 120 to 240 days after asylum status is granted if they enroll by day 31 after asylum status is granted;
- Trafficking Victims are eligible for the first 120 to 240 days after the date of certification or eligibility date if they enroll by day 31 after the certification or eligibility date;
- Special Immigrant Visa holders are eligible for the first 120 to 240 days after entry into the U.S., or the date of adjustment of status to Special Immigrant Status within the U.S. if they enroll by day 31 after entry or date of status granted;
- Afghan Humanitarian Parolees are eligible for the first 120 days to 240 days after entry into the U.S. if they enroll by day 31 after entry;
- Afghan Special Immigrant SQ/SI Parolees are eligible for the first 120 to 240 days after entry into the U.S. if they enroll by day 31 after entry; and
- Afghan Special Immigrant Conditional Permanent Residents are eligible for the first 120 to 240 days after entry into the U.S. if they enroll by day 31 after entry.

## 3. Refugee Employment Services

OTDA/BRS provides employment and support services through refugee service providers who have culturally and linguistically appropriate services to assist refugees in finding jobs and in achieving economic self-sufficiency as quickly as possible.

## VII. Required Action

### A. General Requirements

#### 1. Safeguarding and Sharing Information

- a. The district must ensure that no information about, or obtained from, an individual and in the possession of any agency providing assistance or services to such individual under this directive, will be disclosed in a form identifiable with the individual without the individual's consent, or if the individual is a minor, the consent of his or her parent or guardian pursuant to Section 136 of the Social Service Law and 18 NYCRR, Part 357.
- b. The provision of information by a district to a resettlement agency as to whether an individual has applied for or is receiving cash/medical assistance and the individual's telephone number is to be for a purpose directly connected with, and necessary to, the administration of the program during the RCA period.

#### 2. Maintenance of Records and Reports

- a. The district must provide for the maintenance of records as are necessary for federal monitoring of the RCA and RMA programs.

- b. Record keeping must include:
  - i. Documentation of services and assistance provided, including identification of individuals receiving services and/or assistance.
  - ii. Statistical or programmatic information that the OTDA determines to be required.
  - iii. Documentation issued by the USCIS or ORR that verifies the individual's immigration status for RCA and RMA eligibility.
- c. The district must submit expenditure claims for reimbursement each quarter to OTDA as described in Section IX of this directive.

## B. Application for RCA and RMA

To effectively and efficiently assist refugees to achieve economic self-sufficiency, the district is required to properly determine benefit eligibility.

The district must do the following in determining eligibility for RCA and/or RMA.

1. Offer the opportunity for refugees to apply for assistance without delay.
  - a. The application for RCA and/or RMA shall be submitted on the OTDA's form LDSS-2921 or NYC: APPLICATION FOR: Public Assistance – Medical Assistance – Supplemental Nutrition Assistance Program – Services and include all required and necessary information requested in the form.
  - b. The application shall be filed by the applicant, an authorized representative, or someone acting responsibly for the applicant, and be dated and signed by the applicant or the authorized representative.
2. Inform applicants about the eligibility requirements and the rights and responsibilities of applicants and recipients under the RCA and RMA programs.
3. Determine the eligibility of each cash assistance applicant within 30 days from the date the application is filed.
4. Determine the eligibility for federal cash assistance programs in the order described. If not eligible for FA or RCA, then determine eligibility for SNA.
5. Determine from the applicant or authorized service provider whether the applicant has refused to accept an offer of employment within 30 consecutive days immediately prior to the date of application, in accordance with Section VII, Subdivision K and Paragraph 3 of this directive.
6. Provide manual notice to the applicant or the applicant's authorized representative that assistance has been authorized, clearly indicating that it is for RCA and/or RMA, and that RCA and/or RMA are limited to the time eligibility period determined by ORR defined in Section VII, Subdivision I, of this directive.
7. Promptly notify the resettlement agency, which provided for the initial resettlement of a refugee, whenever the refugee applies for RCA.

## C. Determination of Immigration Status

1. The district must establish that the applicant for RCA or RMA has an eligible USCIS or appropriate immigration status by reviewing documentation issued by the USCIS or ORR. The district should request from these individuals the appropriate common documentation that is described in [LDSS-4579, Non-Citizen Eligibility Desk Aid](#).
  - a. USCIS documentation for refugees, asylees, entrants, trafficking victims, certain family members of trafficking victims who have been awarded a T-Visa, Special Immigrant visa holders, and Afghan parolees will indicate the following:
    - Admitted as a refugee under Section 207 of the INA;
    - Granted asylum under Section 208 of the INA;
    - Paroled as a refugee or asylee under Section 212(d)(5) of the INA, hereafter referred to as the Act (Note: this only pertains to Cuban-Haitian Entrants);
    - Admitted as a conditional entrant under Section 203(a)(7) of the INA;
    - Any national of Cuba or Haiti granted parole status as a Cuban/Haitian Entrant (status pending) or granted any other special status subsequently established under the immigration law for nationals of Cuba or Haiti, regardless of the status provided; and any other national of Cuba or Haiti who:
      - i. Was paroled into the U.S .and has not acquired any other status under the Act; or
      - ii. Is the subject of exclusion or deportation proceedings under the Act; or
      - iii. Has an application for asylum pending with the USCIS; or
      - iv. Has a final, non-appealable, and legally enforceable order of deportation or exclusion that has not been entered.
    - Documentation may also indicate lawful permanent resident status if the applicant previously held one of the above-referenced statuses.
    - Certain Amerasian immigrants 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 Section 101 (e) of Public Law 100-202 and amended by the 9th provision 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).
    - Family members of trafficking victims who hold a derivative T-Visa issued in the U.S. must submit to the district, the I-797, Notice of Action or I-94 coded T1, T2, T3, T4, or T5 stating admission under Section 212 (d) (5) of the INA if status granted for at least one year. The district will make a copy of either document for the file and the original will be returned to the applicant or authorized representative.
    - Iraqi and Afghan Special Immigrants admitted to the U.S. or Iraqi and Afghan Special Immigrants already in the U.S. pursuant to Section 8120 of Public Law



111-118, Department of Defense Appropriations Act 2010, admitted under Section 101 (a) (27) of the INA or; a passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SI-1, SI-2 or SI-3, or SQ-1, SQ-2 or SQ-3 or; USCIS Form I-551(“green card”) with an IV category of SQ-6, SQ-7 or SQ-9, or SI-6, SI-7 or SI-9. (See GIS 08 TA/DC008).

- Afghan Special Immigrant Parolees; form I-94 noting SI or SQ Parole (per section 602(B)(1) AAPA/Sec 1059(a) NDAA 2006); form I-94 stamped/coded SQ4 or SQ5.
  - Citizens or nationals of Afghanistan paroled into the U.S. under section 212(d)(5) of the Immigration and Nationality Act between July 31, 2021 and September 30, 2022; form I-94 noting Humanitarian Parole (per INA section 212(d)(5)(A) or Foreign passport with DHS/CBP admission stamp noting Operation Allies Refuge or “OAR” or Foreign passport with DHS/CBP admission stamp noting Operation Allies Welcome or “OAW” or Foreign passport with DHS/CBP admission stamp noting “DT”.
  - A spouse or child of any Afghan humanitarian parolee described above, who is paroled into the U.S. after September 30, 2022.
  - Citizens or nationals of Afghanistan admitted to the U.S. as Special Immigrant Conditional Permanent Residents pursuant to Section 602(b)(8) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101); foreign passport with DHS/CBP admission stamp noting that the individual has been classified under IV (immigrant visa) Category CQ1, CQ2 or CQ3 or DHS Form I-551 (“green card”) with an IV (immigrant visa) code for category CQ1, CQ2 or CQ3 or DHS/CBP temporary Form I-551 Alien Documentation Identification and Telecommunication (ADIT) stamp or DHS/USCIS temporary Form I-551 Alien Documentation Identification and Telecommunication (ADIT) stamp.
- b. ORR or Office on Trafficking in Persons (OTIP) documentation for trafficking victims, as described in 03-ADM-01 will indicate the following:

- Adult victims of trafficking must submit the original certification letter to the district (see 03-ADM-01 for sample eligibility letter issued from ORR). This letter is used in lieu of USCIS issued documentation. The district will make a copy of this letter for the file and the original will be returned to the applicant or authorized representative.
- A child under the age of 18, who has been determined eligible by ORR or OTIP, will be issued an eligibility letter from ORR or OTIP. The original eligibility letter must be submitted to the district. This letter is used in lieu of USCIS issued documentation. The district will make a copy of this letter for the file and the original will be returned to the applicant or authorized representative.

Note: The district must call the trafficking verification line at 1-866-401-5510 to confirm the validity of the certification letter, I-797 Notice of Action, I-94, or eligibility letter and to notify OTIP of the benefits and services for which the individual has applied.

2. The district must:

- Verify the date of arrival in the U.S. for refugees, entrants, certain Amerasians, and Iraqi or Afghan Special Immigrant Visa holders; or

- Verify the date that asylum status was granted for asylees; or
- Verify the date that Afghan Special Immigrant parolees and Afghan Humanitarian parolees entered the U.S.; or
- Verify the date that an Afghan Special Immigrant Conditional Permanent Resident entered the U.S.; or
- Verify the certification or eligibility date for trafficking victims; or
- Verify the eligibility date for family member(s) of trafficking victims.

#### D. Determination of Eligibility under Other Programs

##### 1. Family Assistance (FA)

- a. The district must determine a refugee's eligibility under the FA program first.
- b. The district must provide cash assistance under the FA program to all refugees who apply for and are eligible under that program.

##### 2. Supplemental Security Income (SSI)

- a. The district must promptly refer refugees who are 65 years of age or older, or who are blind or disabled to the local Social Security Administration offices, to apply for assistance under the SSI Program.

Note: SSI is limited to the first seven years of residence in the U.S. for disabled and elderly refugees who arrived in the U.S. after 8/22/96. Unless they become U.S. citizens during this seven-year window, their SSI benefits will be terminated after seven years.

- b. If the district determines that a refugee who is 65 years of age or older, or blind or disabled, is eligible for RCA, it must furnish such assistance until eligibility for cash assistance under the SSI program is determined, provided that the conditions of eligibility for RCA continue to be met.

##### 3. Refugee Cash Assistance (RCA)

If the district determines that the refugee is not eligible for cash assistance under the FA program or verifies that the refugee is not eligible for SSI, it must then determine eligibility for RCA in accordance with Subdivisions E through K of this directive, below.

##### 4. Emergency Cash Assistance

If a refugee has an emergency or immediate need the district will address such emergency or immediate need consistent with the regulations for Emergency Assistance to Families (EAF) and Emergency Safety Net Assistance (ESNA).

##### 5. Safety Net Assistance (SNA)

If the district determines that the refugee is not eligible for any of the federal programs listed above or Emergency Cash Assistance, it will determine eligibility for SNA.

## 6. Medical Assistance

The district must first determine eligibility under the Medical Assistance program in accordance with Subdivision E, Paragraph 2 of this directive.

- a. The district must provide medical assistance under the state Medicaid program to all eligible refugees.
- b. If the district determines that the refugee is not eligible for medical assistance under the state Medicaid program, it must then determine eligibility for RMA.
- c. In cases where a refugee obtains private medical coverage, any payment of RMA for that individual must be reduced by the amount of the third-party payment.

## E. Conditions of Eligibility for RCA and RMA

### 1. RCA

Eligibility for RCA is limited to those persons who:

- a. Are new arrivals that have resided in the U.S. less than the RCA eight-month eligibility period;
- b. Meet the employability and employment requirements contained in 18 NYCRR, Subpart 373-1.8;
- c. Are ineligible for cash assistance under FA and SSI programs but meet the standard of assistance established under 18 NYCRR, Part 352;
- d. Meet immigration status and identification requirements set forth in Section VII, Subdivision C of this directive or are the dependent children of and part of the same filing unit as individuals who meet the requirements in Subdivision C;
- e. Provide the name of the resettlement agency which resettled them, if appropriate;
- f. Are not receiving Matching Grant funds from a resettlement agency during the RCA eligibility period; and
- g. Are not full-time students in institutions of higher education, except where such enrollment is approved as part of an individual employability plan.

**Note: For ORR-funded assistance and services, including employment services, disclosure of a Social Security Number (SSN) is not required. Eligible populations cannot be denied ORR-funded assistance and services because they have not yet received or fail to provide social security numbers. While a SSN is not required for ORR funded assistance and services, they are an eligibility requirement for SNA, SNAP and MA. In order for refugees to maintain benefit eligibility after the eight-month RCA period a SSN would be required.**

### 2. RMA

Eligibility for RMA is limited to those persons ages 21 through 64 who are not living with a dependent child, are not pregnant, or certified blind/disabled and who:

- a. are eligible for or receiving SNA; or

- b. are eligible for medical assistance under the single/childless couples' group (S/CC); or
- c. have net available income or resources above the SNA or S/CC levels, but whose net available income or resources are at or below the State's medically needy levels as determined using the requirements of 18 NYCRR, Subpart 360-4; and
- d. meet immigration status and identification requirements in 18 NYCRR, Subpart 373-1.3; and
- e. meet eligibility requirements and conditions set forth in 18 NYCRR, Subpart 373-2; and
- f. provide the name of the resettlement agency which resettled them, if appropriate; and
- g. are not full-time students in institutions of higher education except where such enrollment is approved as part of an individual employability plan.

Persons who do not meet the financial eligibility standards of the medically needy program must be allowed to spend down to such standard pursuant to 18 NYCRR, Subpart 360-4.8(c).

Eligibility for RMA is limited to an eight-month time period from the date of entry into the U.S. or date of status granted, unless otherwise specified by the ORR.

The district may not require that a refugee actually apply for or receive FA or SNA as a condition of eligibility for RMA.

**Note: For ORR-funded assistance and services, including employment services, disclosure of a Social Security Number (SSN) is not required. Eligible populations cannot be denied ORR-funded assistance and services because they have not yet received or fail to provide social security numbers. While a SSN is not required for ORR funded assistance and services, they are an eligibility requirement for SNA, SNAP and MA. In order for refugees to maintain benefit eligibility after the eight-month RMA period a SSN would be required.**

#### F. Documentation of Financial Need

To prove that the applicant and others in the household are eligible for assistance, districts will follow the same procedures for eligibility as used for FA and SNA.

#### G. Consideration of Income and Resources for RCA and RMA

1. In determining the income and resources of applicants for and recipients of RCA and RMA, the district may not consider the following:
  - a. any resources remaining in the applicant's country of origin;
  - b. a sponsor's income and resources; and
  - c. any cash grant received by the applicant from the U.S. Department of State or Department of Justice Reception and Placement Programs.
2. The district must base eligibility for RMA on the applicant's income and resources on the date of application. It may not use the practice of averaging income prospectively over the application processing period in determining income eligibility for RMA.

#### H. Continued RMA Coverage of Recipients Who Receive Increased Earnings from Employment

1. If a refugee who is receiving RMA receives earnings from employment, the earnings shall not affect his or her continued RMA eligibility.
2. If a refugee who is receiving FA or Medicaid has been residing in the U.S. for less than the time-eligibility period for RMA, and becomes ineligible for either program because of earnings from employment, the individual must be transferred to RMA without a RMA eligibility re-determination.
3. The provisions of paragraphs (1) and (2) of this section apply to a recipient of RMA until the recipient reaches the end of his or her time eligibility period for RMA as described in 18 NYCRR, Subpart 373-2.3(c).
4. In cases where a refugee is covered by employer-provided health insurance, any payment of RMA for that individual must be reduced by the amount of the third-party payment.

#### I. Time Limitation of Eligibility for RCA and RMA

The ORR determines the length of the eligibility period for RCA and RMA.

1. For refugees, entrants, certain Amerasians, and Iraqi or Afghan special immigrant visa holders, RCA and RMA benefits are currently limited to the first eight months from the date of arrival into the U.S.
2. For asylees, RCA and RMA benefits are currently limited to the first eight months from the date asylum status is granted.
3. For Afghan Special Immigrant Parolees and Afghan Humanitarian Parolees RCA and RMA benefits are currently limited to the first eight months from the date of arrival into the U.S.
4. For Afghan Special Immigrant Conditional Permanent Residents RCA and RMA benefits are currently limited to the first eight months from the date of arrival into the U.S.
5. For trafficking victims RCA and RMA benefits are currently limited to the first eight months from the date stipulated on the ORR certification letter (adults) or eligibility letter (children under the age of 18).

#### J. Transition to Other Programs

At least 30 days before the end of the RCA/RMA eligibility period, the district must determine a refugee's eligibility for benefits beyond the eight-month RCA/RMA period. There should not be a break in benefits. If the client is no longer eligible for cash assistance, the case must be closed, and a separate determination must be made for Medicaid. The client and/or authorized representative must be notified of discontinuance of the cash assistance and the right to a fair hearing, as provided in 18 NYCRR, Part 358. If the client is still eligible for cash assistance, the case must be reclassified, and benefits continued under the correct category of assistance, SNA or FA.

#### K. Requirements for Employability Services and Employment

FA and SNA work requirements as outlined in 18NYCRR, Part 385 do not apply to RCA applicants or recipients. Recipients of RCA must comply with the RCA work requirements as detailed in 18 NYCRR, 373-1.8.

To effectively and efficiently assist refugees to achieve economic self-sufficiency, the district is required to refer refugees for employability services to the authorized service provider in their area.

This subdivision sets forth requirements for applicants and recipients of RCA concerning registration for RCA employment services, participation in employment activities, and acceptance of appropriate offers of employment. The employable refugee that is an applicant or recipient of RCA must comply with the requirements described below.

**Note:** In those instances where an RCA recipient is also receiving SNAP benefits, the district must evaluate each individual's employability status according to SNAP work requirements (see Section 385.3 of the Temporary Assistance and SNAP Employment Policy Manual) and assign the appropriate SNAP employability and ABAWD indicator code as described in 16-ADM-01. Refugees that document their participation of at least half-time in a refugee training program approved, funded or operated by the ORR, are exempt from SNAP work requirements during such participation because they are considered students participating in a federally recognized training program and should be assigned a SNAP employability code of "72" - A student enrolled in a recognized school, job skills training or institution of higher education at least half-time (meets student eligibility requirements in 18 NYCRR 387.1) - Exempt, and an ABAWD indicator code of "N", non-ABAWD.

1. Registration for Employment-Related Services, Participation in Employability Services and Targeted Assistance Programs, Participation in Job Search and Interviews, and Acceptance of Appropriate Offers of Employment
  - a. As a condition for receipt of RCA, a recipient who is not exempt from complying with employment requirements must, except for good cause:
    - i. register with the authorized service provider providing employability services;
    - ii. within 30 days of receipt of RCA, participate in the assigned employability services;
    - iii. carry out job search;
    - iv. go to all job interviews arranged by the authorized service provider;
    - v. accept an offer of employment which is determined to be appropriate by the authorized service provider;
    - vi. accept an offer of employment which is determined to be appropriate by the resettlement agency which was responsible for the initial resettlement of the refugee.
  - b. The district must permit, but may not require, the voluntary registration for RCA employability services of an applicant or recipient who is exempt under 18 NYCRR, Subpart 373-1.8 (b).
2. Criteria for Exemption from Registration for Employability Services, Participation in Job Search and Interviews, and Acceptance of Appropriate Offers of Employment
  - a. An applicant for or recipient of RCA is employable unless the applicant or recipient is:
    - i. under age 16;

- ii. under age 18 and a full-time student in secondary school or in the equivalent level of vocational or technical training and reasonably expected to complete the program before reaching age 19;
- iii. ill, when determined by the district on the basis of medical evidence or on another sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training;
- iv. incapacitated, when determined by a physician or licensed or certified psychologist and verified by the district, that a physical or mental impairment, by itself or in conjunction with age, prevents the individual from engaging in employment or training;
- v. 65 years of age or older;
- vi. 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 district, care in the home on a substantially continuous basis, and no other appropriate member of the household is available
- vii. a parent or other caretaker relative of a child under the age of three who personally provides full-time care of the child with only very brief and infrequent absences from the child. Only one parent or other relative may be exempt under this subparagraph;
- viii. working at least 30 hours a 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; or
- ix. pregnant, if it has been medically verified that the child is expected to be born in the month in which such registration would otherwise be required or within the next six months.

**b. Inability to communicate in English or Limited English Proficiency (LEP) does not exempt an applicant or recipient from registration for employment services, participation in employability services, and acceptance of appropriate offers of employment.**

**3. Effect of Quitting Employment or Failing or Refusing to Participate in Required Services**

- a. 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:
  - i. voluntarily quit employment; or
  - ii. have refused to accept an offer of employment determined to be appropriate by the authorized service provider using criteria set forth in 18 NYCRR, Subpart 373-1.8 (c).
- b. As a condition of continued receipt of RCA, an employable recipient may not, without good cause:
  - i. voluntarily quit employment; or

- ii. fail or refuse to meet the requirements of Paragraph 1 of this Subdivision.

#### 4. Development of an Employability Plan

- a. An individualized employability plan must be developed, as part of a family self-sufficiency plan where applicable, by the district or authorized service provider for each recipient of RCA in a family unit which is not exempt as detailed in Paragraph 2 of this Subdivision.
- b. If such a plan has been developed by the resettlement agency which sponsored the refugee or its designee, a district may accept this plan if it determines that the plan is appropriate for the refugee and meets the requirements below.
- c. The employability plan must:
  - i. Be designed to lead to the earliest possible employment and not be structured in such a way as to delay employment or job seeking; and
  - ii. Contain a definite employment goal, attainable in the shortest time period consistent with the employability of the refugee in relation to job openings in the area.

#### 5. Criteria for Appropriate Employability Services and Employment

- a. Employability services and employment must meet the following criteria:
  - i. All assignments must be within the scope of the recipient's employability plan. The plan may be modified to reflect changed services or employment conditions;
  - ii. The services or employment must be related to the capability of the recipient to perform the task on a regular basis. Any claim of adverse effect on physical or mental health must be based on adequate testimony from a physician or a licensed or certified psychologist indicating that participation would impair the recipient's physical or mental health;
  - iii. The total daily commuting time to and from home to the service or employment site must not normally exceed two hours, not including the transportation of a child to and from a childcare facility, unless a longer commuting distance or time is generally accepted in the community, in which case the round-trip commuting time must not exceed the generally accepted community standards;
  - iv. When childcare is required, the care must meet the standards in 18 NYCRR, Part 415 for work and training programs for FA recipients;
  - v. The service or work site to which the recipient is assigned must not be in violation of applicable Federal, State and local health and safety standards;
  - vi. Assignments must not be made which are discriminatory in terms of age, sex, race, creed, color, sexual orientation or national origin;
  - vii. Appropriate work may be temporary, permanent, full-time, part-time, or seasonal work if such work meets the other standards of this subparagraph;



- viii. The wage must meet or exceed the Federal or State minimum wage law, whichever is applicable, or if such laws are not applicable, the wage must not be substantially less favorable than the wage normally paid for similar work in that labor market;
  - ix. The daily hours of work and the weekly hours of work must not exceed those customary to the occupation;
  - x. No individual may be required to accept employment, if:
    - a. The position offered is vacant due to a strike, lockout, or other bona fide labor dispute; or
    - b. The recipient would be required to work for an employer contrary to the conditions of their existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which the recipient has membership may be deemed appropriate; and
  - xi. The quality of training, if offered, must meet local employers' requirements so that the recipient will be in a competitive position within the local labor market. The training also must be likely to lead to employment which will meet the appropriate work criteria.
- b. A job offered, if determined appropriate under the requirements of this subdivision, is required to be accepted by the recipient without regard to whether such job would interrupt a program of services planned or in progress unless:
- i. the recipient is currently participating in a program in progress of on-the-job training or vocational training which meets the requirements of this subdivision, and which is being carried out as part of an approved employability plan; or
  - ii. the recipient is enrolled full-time in a professional re-certification program which meets the requirements of this subdivision.

## 6. Failure or Refusal to Accept Employment Services or Employment

- a. Timely and Adequate Notice of Intent to Terminate or Reduce Cash Assistance
  - All of the requirements of 18 NYCRR, Part 358 concerning notice requirements and fair hearings will apply to the RCA program. For the purposes of 18 NYCRR, Part 358, RCA will be considered public assistance.
  - When, without good cause, an employable recipient of RCA who is not exempt from registration as described in Paragraph 2 of this subdivision, has failed or refused to meet the requirements of Paragraph 1 of this subdivision or has voluntarily quit a job, the recipient will be subjected to sanction as set forth below in this subdivision and the authorized service provider must notify the appropriate district so that the district can take the following actions:
- b. Notice of intended termination
  - i. In case of proposed action to terminate, discontinue, suspend, or reduce assistance, the district must give timely and adequate notice as defined in 18 NYCRR, Part 358-2.
  - ii. The written notice must include:

- a. an explanation of the reason for the action and the consequences of such failure or refusal; and
  - b. notice of the recipient's right to a fair hearing under 18 NYCRR, Part 358.
- c. Sanctions
- i. If the sanctioned recipient is the only member of the filing unit, the district must terminate the assistance. If the filing unit includes other members, the district must not take into account the sanctioned recipient's needs in determining the filing unit's need for assistance.
  - ii. The sanction applied will remain in effect for three payment months for the first such failure and six payment months for any subsequent such failure.

## 7. Conciliation

### a. Establishment of conciliation procedure

- i. Each district must establish a conciliation procedure through which recipients of RCA must be afforded an opportunity for conciliation to dispute a determination that the recipient has failed or refused to participate in appropriate employment services, to carry out a job search, to accept an appropriate offer of employment or any action taken by a district.
- ii. The conciliation procedure must provide for at least one contact between the recipient, appropriate district staff and the mediator. The process may last no longer than 30 days unless mutually agreed to by the district and the recipient.
- iii. The district must enter into an agreement with an independent entity or must employ trained district staff who has no direct responsibility for the recipient's case to act as mediators for such disputes.
- iv. Notwithstanding the provisions above, the district may designate other staff that is not specifically trained to mediate disputes if no independent entity or trained staff is available. Such staff must have no direct responsibility for the recipient's case and such designation must be submitted to the local commissioner in writing.

### b. Conciliation Procedure

- i. A district must issue a notice to each recipient of RCA who refuses or fails to comply with the requirements of this subpart. Such notice must be issued as soon as possible, but no later than ten days following the date of failure or refusal to participate. The notice must advise the recipient of his or her refusal or failure to comply and that he or she has seven days to request conciliation with the district regarding any dispute related to such refusal or failure to comply.
- ii. If the recipient requests conciliation, it will be the recipient's responsibility to provide reasons for such refusal or failure to comply.
- iii. If the district and the recipient cannot, with the assistance of the mediator, resolve the issues related to the recipient's refusal or failure to comply, a written document summarizing the conciliation and notifying the recipient that he or she has the right to a fair hearing pursuant to 18 NYCRR, Part 358 must be given or sent to the recipient

by the district within ten days of the termination of conciliation. The district must incorporate such document into the recipient's case record and, in the event of a fair hearing present it as required in accordance with 18 NYCRR, Part 358-4.3. If the district determined that the refusal or failure to comply was willful and without good cause, then the district must sanction the recipient pursuant to 18 NYCRR, Subpart 373-1.8 (f).

- iv. If the dispute is resolved to the satisfaction of the recipient and the district through the conciliation process, a written document memorializing such resolution must be sent to the district and the recipient within 10 days of such resolution. Such resolution is binding on the district and the recipient.
- v. If the recipient does not respond to the seven-day conciliation letter issued by the district pursuant to paragraph (i) of this subdivision, or if the district determines that the recipient's refusal or failure to comply was willful and without good cause, then the district must issue an adequate notice to deny RCA or a timely and adequate notice of intent to discontinue or reduce RCA pursuant to 18 NYCRR, Subpart 373-1.8(f).
- vi. No sanction related to the recipient's refusal or failure to comply may be imposed during the conciliation period.

## **VIII. Systems Implications**

### **New York City**

Cases eligible to receive RCA are categorized as Safety Net Cash Assistance (SNCA) with State/Federal Charge Code 30. The State/Federal Charge Code date is the Date of Entry for Refugees, Iraqi or Afghan Special Immigrant Visa holders, Afghan Humanitarian Parolees, and Afghan Conditional Permanent Residents or the date of status granted for asylees, Cuban/Haitian Entrants and Human Trafficking Victims and is limited to eight months. The existing WMS edits will also require entries in the Date of Entry and Date of Status fields as well as the alien registration number on the NCEM15 Eligibility Screen.

Refugees are coded with the appropriate PA and SNAP employability codes. Individuals eligible for RCA are not subject to the 45-day wait period for benefits as this State SNA requirement is not applicable to the federal RCA program. All benefits due during the first 45 days of eligibility must be issued via Single Issuances. At the end of the 45-day period, the worker can issue recurring benefits for the balance of the 8-month eligibility period. Workers must reassess eligibility near the end of the 8-month eligibility period for other cash and medical assistance benefits described in this directive.

### **Rest of State**

Districts outside of New York City must code eligible RCA recipients as Case Type 16 – “Safety Net Cash Assistance (SN-CSH)”, enter an “R” – “Refugee Cash Assistance (RCA) in the Special Program code on WMS entry screen 1 and enter the State/Federal Charge code of 30 – (Refugee Assistance Program (RCA/RMA)” on WMS entry screen 3. All RCA cases require the additional data entry of the following information:

1. Citizenship/Alien/Indicator Code
2. Alien Identification Number
3. Date of Entry (Refugees, Iraqi or Afghan Special Immigrants, Certain Amerasian Immigrants, Afghan Humanitarian Parolees, Afghan Conditional Permanent Residents)
4. Date of Status (Asylees, Cuban/Haitian Entrants)
5. Date of Eligibility (Trafficking Victim)

Refugees are coded with the appropriate PA and SNAP employability codes. State/Federal Charge code of 30 requires entry of Anticipated Future Action (AFA) code 351 (SN/FP-MA-8 Months) and an associated date for the appropriate individual(s), reminding workers to reassess eligibility near the end of the 8-month eligibility period.

## **IX. Claiming**

RCA and RMA programs are entitled to 100% federal reimbursement. Reimbursement for the RCA and RMA programs is obtained on the LDSS-1047 “RF-6 Monthly Claim for Reimbursement Assistance to Resettled Refugees”. RF-6 claiming instructions appear in the Fiscal Reference Manual, Volume 2, Chapter 3, <http://otda.ny.gov/resources/fiscal-reference/FRM-2.pdf>. Guidance on claiming of associated administrative costs can be found in the Fiscal Reference Manual, Volume 3, Chapter 25, <http://otda.ny.gov/resources/fiscal-reference/FRM-3.pdf>.

Please forward claiming questions to the following OTDA contacts:

- Bureau of Financial Services
  - Rest of State: Lauren Horn at (518) 473-9164 or [lauren.horn@otda.ny.gov](mailto:lauren.horn@otda.ny.gov)
  - New York City: Michael Simon at (212) 961-8250 or [michael.simon@otda.ny.gov](mailto:michael.simon@otda.ny.gov)

## **X. Effective Date**

This Administrative Directive is effective immediately.

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## **Issued By:**

**Name:** Linda Glassman

**Title:** Deputy Commissioner

**Division/Office:** Housing, Refugee Services, and Disability Determinations (HRDD)