



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

General Information System (GIS) Message

Section 1

Transmittal:	20 TA/DC104 Upstate and New York City
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To:	Subscribers
Suggested Distribution:	Upstate and New York City Social Services District Commissioners, Deputy Commissioners, TA Directors
From:	Linda Glassman, Deputy Commissioner Housing, Refugee Services, and Disability Determinations
Subject:	Extended Assistance for Office of Refugee Resettlement (ORR) Populations Affected by COVID-19
Effective Date:	Immediately
Contact Information:	Bureau of Refugee Services, bria.contact@otda.ny.gov , Phillip Plessas, (518) 474-5764 or Tom Keenan (518) 474-7209
Attachments:	Attachment 1 - Extended Assistance for ORR Populations Affected by COVID-19 Attachment 2 - 20-INF-09: COVID-19 and Refugee Cash Assistance Eligibility Period Extension

Section 2

I. Purpose

The purpose of this General Information System (GIS) message is to inform social services districts (districts) that the Office of Temporary and Disability Assistance (OTDA), Bureau of Refugee Services (BRS) has been granted an extension of 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). This GIS also provides information about treatment of Supplemental Lost Wages for purposes of RCA.

The waivers previously described in Informational Letter, [20-INF-09](#), released on June 15, 2020 pertaining to the Refugee Cash Assistance Eligibility Period Extension, Eligibility Determinations for ORR Benefits and Services, and Refugee Cash Assistance and Conditions for Receipt of RCA are now extended through January 31, 2021, unless otherwise specified.

Refugee Cash Assistance Eligibility Period Extension

In regard to the eligibility period for RCA, ORR is extending the RCA eligibility period for recipients who are about to terminate from the program or who have successfully exited the

program and then subsequently lost employment, sustained a reduction in hours that would requalify them for RCA, are unable to maintain current employment, or are unable to gain employment AND who are unable to access other assistance such as unemployment insurance or COVID-19 pandemic unemployment assistance. 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; districts should extend the eligibility period for recipients who became eligible for RCA after April 1, 2019 with the additional months not extending beyond January 31, 2021. For RCA recipients who became eligible for RCA on or after June 1, 2020, the eligibility period will remain eight months. ORR will continue to assess the longer-term impact and need for an additional extension of the RCA eligibility period.

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 the COVID-19 pandemic, 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 (USCIS) 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 (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.

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. § 400.59 and § 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.**

However, Supplemental Lost Wages (SLW) payments are funded by the Federal Emergency Management Agency (FEMA) under the authority of Section 408(e)(2) of the Robert T. Stafford Disaster Relief and Emergency Act (42 USC 5174(e)(2)) and Title 44 of the Code of Federal Regulations **and must not be counted as income or a resource when determining eligibility for the federally funded RCA program.** Under Section 312(d) of the Robert T. Stafford Disaster Relief and Emergency Act, Federal Disaster Assistance is not considered as income or a resource when determining eligibility or benefit levels under federally funded income assistance or resource-tested benefit programs. These payments are funded and treated differently than the previously authorized pandemic unemployment assistance payments described above and in [20-INF-09](#).