

Manual of Policies and Procedures

SPECIALIZED PROGRAMS



**STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES**

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REFUGEE PROGRAMS
REFUGEE RESETTLEMENT PROGRAM

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REFUGEE PROGRAMS		
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69-200	REFUGEE RESETTLEMENT PROGRAM	69-200
69-201	GENERAL STATEMENT	69-201

- .1 These regulations implement the Federal Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (P.L. 96-212), federal regulations 45 CFR Part 400, and additional instructions issued by the Federal Office of Refugee Resettlement (ORR), in order to provide financial assistance, medical assistance and social services to all refugees in the United States regardless of national origin.
- .2 The California Department of Social Services (CDSS) is the designated state agency responsible for development of the State Plan for Refugee/Entrant Assistance and for the administration of the plan in accordance with 45 CFR Section 400.5.
- .3 County Welfare Departments (CWDs) shall determine the eligibility of refugees in the Refugee Resettlement Program (RRP) for CalWORKs or Refugee Cash Assistance (RCA). Eligibility for SSI/SSP shall be determined by the Social Security Administration. The CWD shall administer these programs according to federal policy under the supervision of CDSS for financial assistance and social services, and the State Department of Health Care Services (DHCS) for medical services. Eligibility for benefits and services of noncitizen victims of a severe form of human trafficking who do not qualify under Sections 69-202.15 and .16, and noncitizen victims of domestic violence or other serious crimes shall be determined pursuant to Chapter 70-100, the Trafficking and Crime Victims Assistance Program (TCVAP).
- .4 CalWORKs program regulations relating to financial eligibility and payments apply (except for Diversion Services payments [See MPP Section 81-215.31]) unless specifically superseded by RCA regulations contained herein.

The following regulations shall be followed in implementing the program for financial assistance.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Senate Bill (SB) 1569 (Chapter 672, Statutes of 2006). Reference: Sections 13283 and 18945, Welfare and Institutions Code; 45 CFR 400 and 400.5.

69-202 UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES 69-202
(USCIS) STATUS REQUIREMENT

- .1 For purposes of determining eligibility for cash assistance and social services under RRP, a person must provide proof, in the form of documentation issued by the USCIS, of one of the following statuses:
 - .11 Paroled as a refugee or asylee under Section 212(d)(5) of the INA.
 - .12 Cuban and Haitian entrants, in accordance with requirements in Section 69-302.
 - .13 Admitted as a refugee under Section 207 of the INA.
 - .14 Granted asylum under Section 208 of the INA.
 - .15 Certified as a victim of a severe form of trafficking by the federal Office of Refugee Resettlement (ORR). (For a noncertified, noncitizen victim of a severe form of human trafficking or noncitizen victim of domestic violence or other serious crimes, see Chapter 70-100.)
 - .16 Eligible family members of a victim of a severe form of trafficking certified by ORR who have a T-2, T-3, T-4, or T-5 Visa. (For family members of a noncertified, noncitizen victims of a severe form of human trafficking or noncitizen victim of domestic violence or other serious crimes, see Chapter 70-100.)
 - .17 Certain Amerasians from Vietnam who are admitted to the United States 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 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)).
 - .18 Admitted for permanent residence provided the individual previously held one of the statuses identified above.
- .2 For purposes of determining eligibility for assistance and social services under RRP, the term "refugee" does not include:
 - .21 Any person with an USCIS status of 1) applicant for asylum (as distinguished from a person who has been granted asylum) or 2) Cuban/ Haitian Entrant, or 3) Humanitarian/Public Interest Parolee.

HANDBOOK BEGINS HERE

- .211 Cubans and Haitians are assisted under the Cuban/Haitian Entrant Program (CHEP) and receive cash assistance under the Entrant Cash Assistance (ECA) Program.

HANDBOOK ENDS HERE

69-202 UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES 69-202
(USCIS) STATUS REQUIREMENT (Continued)

.22 Those persons who are 1) actually dependent upon a repatriated United States citizen, except as provided in Section 69-202.221, and 2) who meet one of the following categories of relationship with such citizen: spouse, parents, grandparents, unmarried minor (under 18 years), children including adopted children and stepchildren, unmarried adult children who are dependent because they are handicapped, including adopted children and stepchildren, spouse's parents, spouse's grandparents and minor siblings of the repatriate and spouse. Repatriated United States citizens and their dependents as defined above are included in the Repatriate program. (See [MPP] Division 68.)

.221 Following the first 90 days after date of entry in the United States, those dependents of repatriated United States citizens who qualify as refugees are eligible to apply under the RRP.

.23 Any person determined eligible pursuant to Chapter 70-100 (TCVAP).

.3 Children

.31 In a number of cases, children have been born in the United States to refugee parents, or have been born to a refugee and a United States citizen. These children are considered to be United States citizens by birth. However, under the following circumstances, such children are eligible for assistance (CalWORKs, SSI/SSP, RCA, and medical assistance) and social services funded under RRP:

.311 Children born in the United States of refugee parents are eligible for cash and medical assistance and social services through RRP. Such children are to be included in the parent's case.

.312 Children who are born of a refugee and a United States citizen, who are living with the aided refugee parent only, can be aided through RRP. Such children are to be included in the refugee parent's case.

.32 United States citizen children born of a refugee and a United States citizen are not eligible for assistance or services funded by RRP if the household unit includes the United States citizen parent. In these situations, the refugee parent if eligible may receive RRP funded assistance (CalWORKs, SSI/SSP, RCA and/or medical assistance) and social services; and the United States citizen parent and the children if eligible may be aided under the regular (non-RRP funded) CalWORKs, SSI/SSP, medical assistance and/or social services programs.

69-203	RESETTLEMENT AGENCY, SPONSOR AND COUNTY RESPONSIBILITIES (Continued)	69-203
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- .25 When a VOLAG or sponsor requests the address and telephone number for a time-eligible refugee, the CWD shall provide this information to the VOLAG or sponsor.

 - .26 If the refugee refuses to provide information regarding his/her sponsor or VOLAG, the CWD shall deny or discontinue aid.

 - .27 Where there is an emergency need for financial assistance, or the VOLAG fails to respond in a timely manner, the requirements in .21 and .22 above shall be temporarily waived in order to meet the emergency or case approval needs.

 - .28 Some applications for cash assistance may be made when the sponsor is unable or unwilling to meet the total needs of the refugee(s) for whom he/she has accepted responsibility. When this occurs, aid is to be granted in an amount sufficient to meet the unmet needs as determined by the CalWORKs standard.

 - .29 If, following the loss of contact with a sponsor and subsequent to the granting of aid to the refugee, the resettlement agency secures a new sponsor for the refugee who accepts the responsibilities of sponsorship, and meets the needs of the refugee(s) in full, in accordance with the CalWORKs standard of assistance, cash assistance shall be terminated. Only if the subsequent sponsor fails to meet the full needs of the refugee will the county again grant cash assistance to the refugee.
- .3 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554; Welfare and Institutions Code, and 45 CFR 400.66.

69-205 **ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA) (Continued)** **69-205**

.2 Eligibility Determination

CalWORKs program forms shall be used for eligibility determination, unless alternate forms are approved by CDSS for use by the CWD.

.21 The eligibility of each RCA applicant shall be determined as promptly as possible within no more than 30 days from the date of application.

.211 The date of application is the date to use for the beginning date of RCA.

.212 For victims of a severe form of human trafficking who are receiving state TCVAP cash aid and who have obtained ORR certification and are now eligible for RCA, a new eligibility period will commence pursuant to Section 69-202.411 and the beginning date of aid is determined as follows:

(a) If the original application for assistance is still current, the beginning date of aid is the date of ORR certification (see Section 70-105.13).

(b) If the original application is no longer current, the regular beginning date of aid rule at Section 69-205.211 applies.

(c) There shall be no break in service and the recipient shall be notified of the new eligibility period.

.213 Claiming for cases being converted from TCVAP to RCA shall be changed from state-only to federal effective the beginning date of RCA.

.22 Counties shall not deny RCA applicants cash assistance based on the applicant's refusal to disclose his/her social security number.

.221 Counties may request that an RCA applicant voluntarily provide his/her social security number. If a county selects to make this request, it must:

(a) Inform the applicant the disclosure is voluntary; and

(b) Tell the applicant how the county will use the number.

69-205 ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA) (Continued) 69-205

- (a) A refugee who is within the number of months required in Section 69-202.41 following date of entry in the United States is referred to as a RCA time-eligible refugee for purposes of RCA.
- (b) A refugee who has lived in the United States for more than the number of months required in Section 69-202.41 is referred to as a RCA time-expired refugee.
- (c) Children born in the United State of refugee parents (Section 69-202.3) shall be considered time-expired based on the most recently arrived parent's expiration date or at the end of the number of months required in Section 69-202.41 from the child's birth date, whichever occurs sooner.
- (d) The month of arrival, as indicated on the USCIS Form I-94, or the month of birth is counted as the first month in determining time-eligibility.
- (e) RCA time-expired refugees shall be aided under other federal, state and/or county-funded programs, if otherwise eligible.

.3 Assistance Units, RCA Only

.31 Assistance Units shall be established as follows:

- .311 Parents and their children under 18 years of age shall be in the same assistance unit.
- .312 Single adult refugees and minor refugees emancipated pursuant to state law shall each be established in their own assistance unit.
- .313 Married couples without children shall be in the same assistance unit.
- .314 Unemancipated minor refugees shall not be established in their own assistance unit.

69-205	ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA) (Continued)	69-205
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.412 An "institution of higher education" is a:

- (a) Public or private nonprofit educational institution which provides:
 - (1) An educational program for which it awards an associate, baccalaureate, graduate, or professional degree; or
 - (2) At least a two-year program which is acceptable for full credit toward a baccalaureate degree; or
 - (3) At least a one-year training program which leads to a certificate or degree and prepares students for gainful employment in a recognized occupation; or
- (b) Proprietary institution of higher education which provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation; or
- (c) Post secondary vocational institution which is a public or private nonprofit educational institution and provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation.

.42 Refugees who are enrolled and participating in training programs offered at an institution of higher education on a full-time basis as part of an employability plan developed by the CWD or its designee, when such training is less than one year, shall not be denied or discontinued from RCA.

.43 Refugees who are enrolled and participating in training programs offered at an institution of higher education on less than a full-time basis as part of an employability plan developed by the CWD or its designee, when such training is less than one year in duration, shall not be denied or discontinued from RCA when attendance in classes in a college program offered at the institution results in full-time status.

.44 If an employed RCA recipient is a professional in need of professional refresher training and other services in order to qualify to practice his/her licensed profession in the United States, the training may consist of full-time attendance in a college or professional training program, provided that such training:

69-205 ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA) (Continued) 69-205

- .441 Is approved as part of the individual's employability plan as developed by the CWD or its designee;
- .442 Does not exceed one year's duration (including any time enrolled in such program in the United States prior to the refugee's application for assistance. If there is no documentation available the CWD shall accept client declaration as an acceptable method for determining if the refugee has received higher education in the United States prior to application for aid); and
- .443 Is specifically intended to assist the individual in becoming relicensed in his/her profession; and, if completed, can realistically be expected to result in such relicensing.

NOTE: Authority cited: Section 10554, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006). Reference: Sections 10553, 13283, and 18945, Welfare and Institutions Code; 45 CFR 400.55; 45 CFR 400.66; and 45 CFR 400.81(b); The Trafficking Victims Protection Act of 2000 (P.L. 106 - 386), Sections 107(b)(1)(A), (B), and (C); and the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

69-206 INCOME AND RESOURCES 69-206

.1 Income

Income shall be considered on the same basis as in the CalWORKs program for determining need and computing the assistance payment, except that the sponsored alien provisions as it applies in the CalWORKs program shall not be applied to RCA cases.

- .11 Any reception and placement cash received by a refugee after their arrival into the U.S. shall not be considered in determining income eligibility.

.2 Resources

Real and personal property limitations shall be those prescribed in CalWORKs program regulations, except that the sponsored alien provisions in the CalWORKs program shall not be applied to RCA cases.

- .21 Any resources remaining in the applicant's country of origin shall not be considered in determining income eligibility.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10553, Welfare and Institutions Code.

69-207	REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING REQUIREMENTS	69-207
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.1 General Requirements

- .11 As an applicant for RCA, a refugee shall not, without good cause, within 30 consecutive calendar days immediately prior to the application for assistance, have voluntarily quit employment or have refused to accept an offer of employment or employment-directed education/training, or refused to participate in a CWD-approved or referred employment-directed education/training program.

- .12 As a condition for receipt of cash assistance, an applicant/recipient, who is not exempt under Section 69-207.3 shall, except for good cause shown:
 - .121 Register with an appropriate agency and, within 30 days of receipt of RCA, participate in CDSS-funded, CDSS-approved or other CWD-approved employment services; or

 - .122 Participate in any refugee-funded 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 a program is not available or appropriate in the area in which the refugee resides any other available and appropriate program in such area.

 - .123 Accept a bona fide offer of employment-directed education/training, which is CWD-sponsored, approved or referred; and participate in the education/training program in accordance with the criteria set by the program.

 - .124 Participate in a social service or targeted assistance program which the resettlement agency responsible for the initial resettlement of the refugee deems to be available or appropriate.

 - .125 Report to the CDSS-funded, CDSS-approved or CWD-approved employment-directed program when requested to by the program.

69-207	REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING REQUIREMENTS (Continued)	69-207
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- .126 Accept referrals to employment interviews arranged by the CDSS-funded, CDSS-approved or CWD-approved employment-directed program.

- .127 Accept a job offered without regard to whether such job would interrupt a program of services planned or in progress, unless the refugee is participating in a program in progress of on-the-job training or vocational training which is being carried out as part of an approved employability plan.

- .13 Prior to approval of the application or receipt of aid the applicant/recipient must provide written verification to the CWD of his/her registration with the employment-directed education/training program or EDD.

- .14 Unless the order of priority is waived by CDSS, CWDs shall, when referring RCA applicants/recipients to education/training programs, give priority first to CDSS-funded or CDSS-approved programs and second to other CWD-approved programs. If no available education/training program can accept the applicant/recipient, the CWD shall refer the refugee to EDD for registration. Once the applicant/recipient has completed all available education/training programs, the CWD shall refer the refugee to EDD for registration.

- .15 The CWD shall refer all nonexempt (see Section 69-207.3 for exempt criteria) RCA applicants and recipients to the local CDSS-funded or CWD-approved project(s) providing employment-directed education/training for refugees. Such training must meet local employers' requirements so as to be likely to lead to employment within the local labor market. CWD referrals shall be accomplished in accordance with instructions and directives issued by CDSS.

- .16 As a condition of continued receipt of RCA, a nonexempt recipient who is employed 32 hours a week or less shall accept part-time employment-directed services, provided that such services do not interfere with the recipient's job.

- .17 As a condition of continued receipt of RCA, a nonexempt recipient shall not without good cause, voluntarily quit employment.

- .18 The CWD must document in the financial assistance eligibility case file that the employment services activity began within 30 days from receipt of RCA.

69-207	REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING REQUIREMENTS (Continued)	69-207
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- .222 Report to EDD when requested to by EDD.
 - .223 Accept referrals to employment interviews arranged by EDD.
 - .224 Accept a bona fide offer of employment-directed education/ training to which referred to by EDD, and participate in the education/training program in accordance with the criteria set by the program.
 - .225 Accept a bona fide offer of employment.
- .3 Refugees Exempt from Registration, Employment and Employment-directed Education/Training Requirements:
- a. A person under 16 years of age.
 - b. A person age 60 or older.
 - c. A person 16 or 17 years of age who is a full-time student as defined by the age chapter of the CalWORKs regulations.
 - d. A person 18 years of age who is a full-time student in a secondary school (12th grade or below) or in equivalent level of vocational or technical training as defined by the age chapter of the CalWORKs regulations, if the person is expected to complete 12th grade or the training program prior to his/her 19th birthday.
 - e. A person who is at least 16 but not yet 18 years and participating full time in vocational or technical school or training which is considered appropriate by the CWD.
 - f. A person who is ill or injured, when his/her illness or injury is verified by a physician's written statement that the illness or injury is serious enough to temporarily prevent his/her entry into employment or an employment-directed education/training program.
 - g. A person who is incapacitated, when it is determined that the physical or mental impairment, by itself or in conjunction with age, prevents the individual from engaging in employment or participating in an employment-directed education/training program. The criteria for determination of incapacity as outlined in MPP Section 41-430.2 shall be applied.

69-208	CAUSE DETERMINATIONS (Continued)	69-208
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- .22 Failed or refused to register or to maintain registration with EDD as required; or
- .23 Failed or refused to meet the requirements contained in Section 69-207.11; or
- .24 Failed or refused to comply with the requirements contained in Sections 69-207.12, 69-207.16 and 69-207.17; or
- .25 Failed or refused to comply with the requirements contained in Section 69-207.22.

.3 Factors That Must Be Considered in Cause Determinations

The CWD must include the following determinations, as appropriate, in considering whether good cause exists for failure or refusal to meet or comply with requirements regarding registration, employment, and employment-directed education/training.

- .31 There must be a determination that a bona fide offer of employment or employment-directed education/training was made to the individual. A bona fide offer of employment or employment-directed education/ training may originate from any source, approved or referred by the CWD (including CDSS-funded program) or the responsible agency for the initial resettlement of the refugee and may be temporary, permanent, full-time, part-time, or seasonal work.
- .32 There must be a determination that the individual:
 - .321 Failed or refused to register or participate with a CWD approved or referred employment-directed program or the initial responsible resettlement agency, or
 - .322 Failed or refused to accept the bona fide offer of employment or employment-directed education/training as planned, or
 - .323 The individual quit or was discharged from employment or employment-directed education/training.
- .33 There must be a determination that EDD either arranged an employer interview for the refugee or requested the refugee to report to EDD.

69-208	CAUSE DETERMINATIONS (Continued)	69-208
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- f. The daily hours of work and the weekly hours of work exceed those customary to the occupation; or
- g. The individual had a definite offer of full-time employment (100 hours or more per month); or
- h. The individual was prevented from participating or reporting due to physical or mental incapacity; or
- i. The individual was ill or was required to care for an ill member of the assistance unit because no other care arrangements were feasible; or
- j. The total daily commuting time to the employment or educational/ training site and return, would normally exceed two hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards; or
- k. The employment or training violated laws and regulations pertaining to discrimination based on age, sex, race, religion, color, national origin, marital status, political affiliation, or handicap; or
- l. The individual had other substantial and compelling reasons for failure to meet or comply with the requirements of Section 69-207.

.5 Additional Cause Determination Interview Requirements

- .51 In each case in which information from Refugee Cash Assistance (RCA) service providers or the Central Intake Unit (CIU) appears to indicate that good cause does not exist for an RCA recipient's refusal or failure to participate in an assigned RCA educational or training component, or to accept a job offer or referral, or to conduct job search, the county welfare department (CWD) shall conduct a face-to-face interview with the individual prior to making a good cause determination.
- .52 If the RCA recipient contacts the CWD worker prior to the scheduled cause determination interview to request a rescheduling, the individual shall be permitted one rescheduling of the interview. This rescheduled interview shall take place within ten working days following the date that the CWD becomes aware of a recipient's failure to cooperate/participate, or within thirty days of the date that the recipient failed to cooperate/participate, whichever occurs first.

69-209	PENALTIES FOR FAILURE OR REFUSAL TO ACCEPT EMPLOYABILITY SERVICES OR EMPLOYMENT	69-209
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- .1 The individual who is no longer exempt in an RCA assistance unit shall be ineligible for RCA benefits until he/she has registered with the employment/training programs or EDD and participates in the employment services within 30 days of receipt of aid. Other nonexempt individuals in the assistance unit who fail or refuse to register shall be ineligible for RCA benefits.
- .2 When, without good cause, an employable nonexempt RCA recipient has refused or failed to meet or comply with the requirements of Sections 69-207.1 and .2, and Sections 69-208.7, .71, and .8, the CWD shall deny or terminate assistance.
- .3 Except as provided in Section 69-207.11, a noncomplying recipient shall be ineligible for RCA benefits for three payment months for the first occurrence and six payment months for subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the assistance unit if the members are otherwise eligible.
 - .31 The noncomplying refugee may request restoration of assistance at any time after the termination of assistance because of refusal or failure to comply. The effective date of restoration, however, shall be no earlier than the day after the completion of the penalty period.
 - .32 If the noncomplying refugee is a caretaker relative, assistance in the form of protective payments will be provided to the remaining members of the assistance unit in accordance with CalWORKs regulations, MPP Sections 42-721.46 and .461.
- .4 Notice of Intended Termination
 - .41 In cases of proposed action to reduce, suspend, or terminate assistance, the CWD shall give timely and adequate notice in accordance with Section 69-210.
 - .42 The CWD shall provide written procedures in English and in appropriate languages, in accordance with requirements in Section 69-205.23, for the determination of good cause, the sanctioning of refugees who do not comply with the requirements of the program, and for the filing of appeals by refugees.
 - .43 In addition to the requirements in Section 69-210, the written notice shall include:
 - .431 An explanation of the reason for the action and the proposed adverse consequences; and
 - .432 Notice of the recipient's right to a hearing.
 - .44 The CWD shall send or provide a written notice in English and a written translated notice, or a verbal translation of the notice, in accordance with Section 69-210.1, (Notices), to a refugee at least 10 days before the date upon which the action is to become effective.

NOTE: Authority cited: Section 10554, Welfare and Institutions Code. Reference: 45 CFR 400.54; 45 CFR 400.55; 45 CFR 400.82; 45 CFR 400.83(a)(2); 45 CFR 400.211; and Federal Register dated September 1, 1983, 68 FR 46089.

69-210 **NOTICES AND HEARINGS** **69-210**

.1 Notices

Notices shall be sent or provided to a recipient at least 10 days before the date upon which RCA will be reduced, suspended, or terminated.

.11 In providing notice to an applicant or recipient to indicate that assistance has been granted, denied, reduced, suspended, or terminated, the written notice shall clearly state the action that will be taken, the reasons for the action, and the right to request a hearing.

.12 In providing notice to an applicant or recipient to indicate that assistance has been granted, denied, reduced, suspended, or terminated, the CWD shall specify the program(s) to which the notice applied, clearly distinguishing between RCA and other assistance programs.

.13 When a recipient is notified of termination because of reaching the time limit on RCA, the CWD shall review the case file to determine possible eligibility for CalWORKs or General Assistance due to changed circumstances. The notice to the recipient must indicate the result of that determination as well as the termination of RCA.

.2 Hearings

All applicants for and recipients of RCA shall be provided an opportunity for a hearing to: defend by confronting any adverse witnesses; present his/her own argument and evidence orally; and to contest adverse determinations.

.21 The written notice of any hearing determination shall adequately explain the basis for the decision and the refugee's right to request any further administrative or judicial review.

.22 RCA benefits may not be terminated prior to completion of final administrative action, but are subject to recovery by the CWD if the action is sustained.

.23 A hearing need not be granted when:

.231 Federal law requires automatic grant adjustments for classes of recipients unless the reason for an individual appeal is an incorrect grant computation.

.232 Assistance is terminated because the eligibility time period imposed by law has been reached, unless there is a disputed issue of fact.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR Sections 400.54(a) and (b).

69-211 AID PAYMENTS 69-211

Aid payments for RCA cases shall be based on CalWORKs regulations.

- .1 Refugees are eligible for recurring special needs allowances in accordance with CalWORKs regulations. Eligibility for nonrecurring special needs allowances exists but may be paid only for loss that has occurred subsequent to their arrival in California. Assistance for nonrecurring special needs is not to replace items of property that were left in the refugee's country of origin.
- .2 Where there is an urgent need for assistance, the CWD shall in accordance with CalWORKs regulations make such provisions as are necessary to cope with the emergency by speeding up the application process and by issuing the initial grant to the refugee on an immediate need basis where apparent eligibility and immediate need exists.
- .3 If the CWD is unable to confirm refugee status after checking the individual's documentation, which suggests eligibility, the CWD shall provide cash assistance to the individual verifying refugee status. The CWD shall follow Systematic Alien Verification for Entitlements (SAVE) system procedures for any refugee who presents questionable documentation for eligibility purposes, unless the refugee him/herself chooses to secure the appropriate documentation by contacting USCIS directly. If the CWD is not connected to the SAVE system, a G-845 form (Verification Request - Non-SAVE agencies) shall be submitted by the CWD to the local USCIS office.
- .4 Eligibility for pregnancy special needs shall be determined in accordance with CalWORKs regulations.
- .5 Payments for unaccompanied refugee minors shall be paid at the foster care rate calculations as determined in MPP, Chapter 45-300 (AFDC-FC Payee, Payment and Delivery).
- .6 Notwithstanding other eligibility requirements, refugee children who have been legally adopted by United States citizens are not eligible for assistance under RCA.
- .7 Repealed by CDSS Manual Letter No. SP-02-01, effective 2/1/02.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR 400.52; and 45 CFR 400.66; The Trafficking Victims Protection Act of 2000 (P.L.106-386), Sections 107 (b)(1)(A), (B), and (C); and the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

69-212	OVERPAYMENT/UNDERPAYMENT ADJUSTMENTS AND FRAUD REFERRALS	69-212
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The methods outlined in CalWORKs regulations concerning the recoupment of overpayments, the correction of underpayments and the procedures concerning fraud shall be followed in RCA.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR Section 400.49.

69-213	UNACCOMPANIED REFUGEE MINORS	69-213
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- .1 An unaccompanied refugee minor is a refugee who:
 - .11 Meets the age requirements of MPP Section 42-101.1.
 - .12 Is eligible to receive services under the RRP in accordance with MPP Section 69-202.1.
 - .121 Minors who are granted asylum must be reclassified as an unaccompanied refugee minor by the federal Office of Refugee Resettlement (ORR).
 - .122 Minors who are victims of trafficking and any minor family members (children or siblings) do not need to be reclassified but must have a letter from the federal ORR stating they are victims of Trafficking.
 - .13 Entered the United States unaccompanied by and not destined to:
 - .131 A parent or;
 - .132 A close nonparental adult relative who is willing and able to care for the child, or;
 - .133 An adult with a clear and court-verifiable claim to custody of the minor who has no parent(s) in the United States.
 - .14 Has no parent(s) in the United States.
- .2 An unaccompanied minor continues to meet the criteria for unaccompanied minor and is eligible for child welfare services and foster care payments until the minor:
 - .21 Is reunited with a parent; or
 - .22 Is united with a nonparental adult, either relative or nonrelative, willing and able to care for the child to whom legal custody and/or guardianship is granted under state law; or
 - .23 No longer meets the age requirements of MPP Section 42-101.1.

69-213	UNACCOMPANIED REFUGEE MINORS (Continued)	69-213
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- (d) A final ORR-3 within 60 days of the date that the minor:
 - (1) Is reunited with a parent; or
 - (2) Is united with a non-parental adult (relative or non-relative) to whom legal custody, guardianship, or adoption is granted under state law and who is willing and able to care for the minor; or

.7 After the initial placement of an unaccompanied minor, the procedures for interstate movement, MPP Section 30-366, that govern the movement of non-refugee foster care cases to other states also apply to the movement of unaccompanied minors to other states.

.8 Unaccompanied refugee minor cases shall be claimed under RCA. The time limit applicable to RCA cases required in Section 69-202.41 does not apply.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10553, and 10554, Welfare and Institutions Code; Section 1500, California Probate Code; ORR State Letter 01-13 dated May 3, 2001; ORR State Letter 02-07 dated March 6, 2002; and 45 CFR Sections 400.110 - 400.120 - Child Welfare Services.

69-214	TERMINATION OF AID	69-214
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Aid payments to refugees under the RCA program shall be discontinued in accordance with CalWORKs regulations and under the following circumstances except that the number of hours worked shall not be a basis for termination:

- .1 A sponsor is meeting the full needs of the refugee or refugee family, in accordance with CalWORKs standards of assistance.
- .2 A refugee marries a United States citizen or other non-refugee, including a time-expired refugee, who is able to meet the refugee's needs. In these circumstances, aid shall be discontinued for the refugee parent. Aid for the minor child(ren) in the assistance unit shall be continued unless the United States citizen or other nonrefugee stepparent is able to meet all needs of the child(ren) in accordance with CalWORKs standards of assistance.
- .3 A refugee becomes time-expired (per Section 69-205.21), or otherwise loses refugee status.
- .4 A refugee fails to meet, without good cause, the registration, employment and educational/training requirements (see Section 69-207).

69-216	CASE RECORDS (Continued)	69-216
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- .23 The information obtained from the sponsor or voluntary resettlement agency as part of the eligibility determination process (per Section 69-203.21).
- .24 A copy of the I-94 and any other USCIS documentation that identifies refugee status and date of entry for each refugee in the assistance unit.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

69-217	CLAIMING AND REIMBURSEMENT	69-217
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.1 Cash Assistance

The federal legislation provides for reimbursement for aid payments and administrative costs as long as funds are available. Claims are to be submitted in accordance with instructions issued by CDSS.

.2 Case Numbers - General

.21 All RCA cases, including those for unaccompanied refugee minors, shall be designated with the aid code 01.

.22 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

69-221	FAIR HEARINGS	69-221
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Repealed by CDSS Manual Letter No. SP-02-01, effective 2/1/02.