



CDSS

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

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EDMUND G. BROWN JR.
GOVERNOR

June 30, 2015

ALL COUNTY INFORMATION NOTICE NO. I-41-15

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY REPATRIATION COORDINATORS
ALL COUNTY ADULT PROTECTIVE SERVICES PROGRAM MANAGERS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY REFUGEE COORDINATORS
ALL COUNTY CALFRESH PROGRAM COORDINATORS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) PROGRAM SPECIALISTS
ALL COUNTY CIVIL RIGHTS COORDINATORS
ALL COUNTY FISCAL OFFICERS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
ALL COUNTY CASH ASSISTANCE PROGRAM FOR IMMIGRANTS PROGRAM MANAGERS
ALL COUNTY IN-HOME SUPPORTIVE SERVICES PROGRAM MANAGERS

SUBJECT: SOCIAL SERVICES AVAILABLE UNDER THE UNITED STATES (U.S.) REPATRIATION PROGRAM

REFERENCE: TITLE XI, SECTION 1113, SOCIAL SECURITY ACT; CODE OF FEDERAL REGULATIONS 45, PARTS 211-212; MANUAL OF POLICIES AND PROCEDURES SECTION 68-100; ALL COUNTY INFORMATION NOTICE NO. I-43-09 DATED JUNE 3, 2009; ALL COUNTY INFORMATION NOTICE I-27-10 DATED APRIL 8, 2010, and ALL COUNTY LETTER NO. 00-65, DATED SEPTEMBER 21, 2000

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

This All County Information Notice (ACIN) is to remind counties of the services available to eligible repatriates and to clarify the responsibilities and roles of federal, state and

county agencies under the U.S. Repatriation Program (Program). The Program is administered by the U.S. Department of Health and Human Services (DHHS), Office of Refugee Resettlement (ORR). This Program was established by Title XI, Section 1113 of the Social Security Act.

Background

The U.S. Department of State (DOS) and the ORR are responsible for determining eligibility for the Program and for providing up to 90 days of temporary assistance to eligible U.S. citizens and their dependents who become destitute or ill in a foreign country and who require assistance to return to and resettle in the U.S. Although administered by the ORR, the program does not serve refugees; it only assists U.S. citizens who return to the U.S. from abroad.

The U.S. Repatriation Program differs from the Group Repatriation Program, which **evacuates** 50 to 500 U.S. citizens and dependents and the Emergency Repatriation Program, which evacuates 500 or more from overseas to the U.S. due to war, threat of war and other overseas crises, such as natural disasters. The ORR may ask the state with the port of entry to assist in providing services to evacuated individuals. The state may or may not be asked to activate its state emergency repatriation plan during group and emergency repatriations, which may or may not involve a role for counties.

Rights of Repatriated Citizens

A repatriated U.S. citizen is guaranteed the right of freedom to travel under the U.S. Constitution. This was affirmed in the U.S. Supreme Court case of *Shapiro vs. Thompson*, 394 U.S. 618 (1969) in which several states had waiting periods to receive federal public benefits for individuals who came from other states. The court found that these policies were unconstitutional because they inhibited the migration of needy U.S. citizens.

The DOS designates the final destination of the repatriate based on his/her request and other factors, such as the proximity of relatives and/or friends. States and counties **do not** have authority to designate or deny where the DOS relocates repatriates.

Repatriation Program Eligibility Determination

The initial eligibility for the Program is conducted by the DOS through an embassy or consulate office overseas. Applicants to the Program must prove to the DOS that they

are U.S. citizens, that they are destitute or ill, and in need of assistance in order to return to the U.S.

Applicants must meet the following requirements described in 45 CFR, Parts 211 and 212:

- (a) U.S. citizens or dependents of U.S. citizens. Dependents include: spouse; parents; spouse's parents; grandparents; unmarried minor children, including adopted children and stepchildren; unmarried adult children, adopted children or stepchildren who are dependent because of disabilities and minor siblings of the U.S. citizen or his/her spouse;
- (b) Brought by the DOS from a foreign country to the U.S. because of destitution, illness (including mental illness), war, threat of war, invasion or a similar crisis; and
- (c) Are without available resources immediately accessible to meet their needs.

The following certificates provided by the DOS establish that an individual is eligible for the Program:

- Certificate of Nationality - a certificate issued by an authorized official of the DOS stating that the individual is a citizen of the U.S.
- Certificate of Mental Condition - either a certificate obtained or transmitted by an authorized official of the DOS that the individual has been determined to have a mental illness in a foreign country; or a certificate from an appropriate authority or person stating that at the time of certification, the individual was in a foreign country and was in need of care and treatment in a mental hospital.

Repatriation Program Referral Process

Once the DOS has determined a repatriate is eligible for the Program based on the requirements above, the DOS arranges transportation to the U.S. and refers the case to the ORR. The International Social Services (ISS), a nonprofit agency, has a cooperative agreement with the ORR to assist with the coordination of repatriation activities, which includes management of repatriation cases before referring the case to the state and the County Welfare Department (CWD). When the ISS is notified about the arrival of a repatriate to the state, pre-arrival planning begins with the Refugee Programs Bureau (RPB) and county staff to assist the repatriate upon arrival. ISS will email the county to

ask for a pre-arrival plan and the name and contact numbers for the county staff that will be handling the case.

Through email, the ISS notifies the RPB and the assigned CWD staff of the repatriate's arrival date and other relevant background information. This includes information from the DOS on the status of the repatriate's physical and mental condition and suggestions about the type of help that the repatriate may need upon arrival. The ISS also provides a "U.S. Repatriation Program Welcome Package" to the assigned county staff which includes detailed program information and sample documents. (See item 5 in the Additional Repatriation Program Information section on page 6). The ISS coordinates with the RPB and county staff to ensure the repatriate is met at the arrival point and provided transportation to a final destination, as needed, and to ensure the delivery of services. Every effort is made for the repatriate to arrive during business hours, but occasionally, a repatriate may arrive after hours. County staff **must** be available to meet the repatriate in this situation.

The RPB tracks the referral of individual repatriation cases from the ISS to appropriate county staff and resolves repatriation issues between the ORR, the ISS and counties, if necessary. After the repatriate's arrival, ISS closely communicates with the designated CWD staff about the benefits and services provided and any concerns about the case. Based on this information, when ISS determines that the repatriate is self-sufficient, ISS will notify him/her, the RPB and the designated CWD staff that the case has been closed.

The repatriate's case can be closed at any point during the 90-day period, unless an extension has been granted by the DHHS. The CWD may request an extension of assistance prior to the expiration of the 90-day eligibility period. The DHHS will consider an extension if a repatriate has not attained self-support or self-care due to age, disability or lack of vocational preparation.

Allowable Repatriation Program Social Services

The 90-day period of social services assistance begins on the date of the repatriate's arrival in the U.S. Temporary services and benefits to be provided by CWDs include, but are not limited to, the following:

- Cash payments;
- Domestic travel assistance to the repatriate's final destination;
- Food, lodging, and incidentals;
- Medical/psychiatric care, including counseling;
- Assistance to unaccompanied minors who are U.S. citizens; and

- Other services and benefits necessary for the health and well-being of the repatriate, if approved by the ISS.

This temporary assistance is not an entitlement; it is provided to the repatriate in the form of a loan from the DHHS and he/she is required to sign a repayment agreement with the U.S. government. The initial 90-day period provides the repatriate an opportunity to utilize other sources of support as soon as possible. If the repatriate is unable to secure a source of support during that time, he/she may apply for other programs such as CalWORKs, CalFresh or General Assistance from the county.

Repatriation Program Reimbursements

The Program reimburses counties for reasonable and allowable direct services and administrative costs related to the provision of repatriation services (i.e., staff time, administration, lodging, food and medical assistance, etc.) that are incurred during the first 90 days after a repatriate arrives. Temporary assistance provided under the Program is 100 percent federally-funded. Reimbursement claims are to be submitted directly to ISS for processing and payment. Counties no longer submit claims to the California Department of Social Services. Counties must submit reimbursement requests within 30 days after the end of the federal fiscal year, no later than October 30th, for repatriation services provided during that year. Requests after that 30-day period timeframe may not be paid.

Detailed information on allowable county Program costs and instructions on submitting a claim to the ISS for reimbursement can be found at: <http://www.iss-usa.org/uploads/File/Reimbursement%20Package%202014.pdf> and [http://www.iss-usa.org/uploads/File/17a2-Repatriation-Reimbursement-Presentation-Updates-2013-\(ORR%20revised\)-2.pdf](http://www.iss-usa.org/uploads/File/17a2-Repatriation-Reimbursement-Presentation-Updates-2013-(ORR%20revised)-2.pdf). Questions about the reimbursement claims can be answered directly by ISS staff at (443) 451-1200.

Statewide County Repatriation Coordinators Contact Information

Although the number of repatriates returning to California each year is small, each CWD must have a designated Repatriation Coordinator, a backup contact and be prepared for the potential of a repatriate arriving in the county. The DOS, the ISS and the RPB must have the most up-to-date county contact information.

The RPB assists with the repatriation of a U.S. citizen to one of California's counties. Repatriates may arrive after-hours due to travel limitations. As a result, the RPB must have access to after-hours or emergency contact information at the county level.

Additional Repatriation Program Information

1. Repatriation information can be found on ISS' website: www.iss-usa.org.
2. The ISS Repatriation Manual containing Program information can be found on ORR's website: <http://www.acf.hhs.gov/programs/orr/programs/repatriation>.
3. A factsheet with information on the Program in California can be found on RPB's website:
http://www.cdss.ca.gov/refugeeprogram/res/pdf/Factsheets/2014/Repatriation_Fact_Sheet_10.21.13.pdf
4. Federal Repatriation Program regulations can be found at:
http://www.ecfr.gov/cgi-bin/text-idx?SID=9f08f5e8cf87780bcd27fe9b25af29a8&tpl=/ecfrbrowse/Title45/45cfr211main_02.tpl, and <http://www.ecfr.gov/cgi-bin/text-idx?SID=c8da4cc8ba1c0bf2794d475679dfc730&node=pt45.2.212&rgn=div5>
5. ISS' "U.S. Repatriation Program Welcome Package" <http://www.iss-usa.org/uploads/File/4-Welcome-Package-Coordinators-Revised-5-23-2013.pdf> -
6. ISS' "U.S. Repatriation Program Welcome Package for Repatriate" - <http://www.iss-usa.org/uploads/File/Repatriates'%20Welcome%20Package%202014.pdf>
7. State of California Repatriation Program regulations can be found at:
<http://www.dss.cahwnet.gov/ord/entres/getinfo/pdf/SPMAN.pdf>.

Any questions regarding this ACIN can be directed to Deborah Cramer, Policy Analyst, Refugee Programs Bureau, at (916) 654-1246 or Deborah.Cramer@dss.ca.gov.

Sincerely,

Original Document Signed By:

KIM JOHNSON, Chief
Child Care and Refugee Programs Branch