



JOHN A. WAGNER
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



ARNOLD SCHWARZENEGGER
GOVERNOR

June 3, 2009

ALL COUNTY INFORMATION NOTICE NO. I-43-09

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY REPATRIATION COORDINATORS
ALL COUNTY ADULT PROTECTIVE SERVICES PROGRAM MANAGERS
ALL CHILD WELFARE 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; 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 notice is to reiterate what services are available for eligible recipients and clarify the responsibilities and roles of federal, state, and county governments under the U.S. Repatriation Program (Program), as administered by the U.S. Department of Health and Human Services, Office of Refugee Resettlement (ORR). The Program was established by Title XI, Section 1113 of the Social Security Act.

Background

The U.S. Department of State (DOS) and ORR are responsible for providing temporary assistance to U.S. citizens and their dependents who become destitute or ill in a foreign country and require assistance to return to, and resettle in, the U.S. When the repatriates are outside the U.S., the DOS Office of American Citizens Services and Crisis Management determines eligibility for the Program and arranges travel to the U.S. for eligible citizens. Once repatriates return to the U.S., ORR determines eligibility for repatriation social services and benefits and works with states and counties to ensure the delivery of such services.

The final destinations of repatriates are determined by the DOS based on the expressed wishes of the repatriates, if possible, and available facts such as the proximity of relatives

and/or friends. Although administered by ORR, the Program does not serve refugees; it only assists U.S. citizens returning from abroad.

Repatriation Program Eligibility Determination

Because repatriates are overseas, the initial eligibility for the Program is conducted by DOS through one of its embassies or consulate offices. Applicants to the Program must prove to DOS that they are U.S. citizens, destitute, and in need of assistance to return to the U.S. Once eligibility for the DOS-administered portion of the Program has been established, DOS arranges transportation to the U.S. for the repatriates and refers their cases to ORR.

The ORR and/or its grantee, International Social Services (ISS), must determine the eligibility of the repatriates for the ORR-administered portion of the Program before referring repatriation cases to the state or county. States and counties are not responsible for determining eligibility for the Program. The ISS, a nonprofit agency, has a cooperative agreement with ORR to assist with the coordination of non-emergency repatriation activities, which includes determination of eligibility and management of repatriation cases.

Before repatriates can receive ORR administered services and benefits, they must meet the following qualifications:

1. Are referred by DOS to ORR as eligible for the Program.
2. Are certified and referred by ORR/ISS to the state as eligible for repatriation assistance.
3. Meet the requirements described in 45 CFR Parts 211 and 212:
 - (a) Are 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) Are brought by 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.

Repatriation Program Services

After receiving notification from DOS about repatriation cases, ISS notifies the California Department of Social Services (CDSS), Refugee Programs Bureau (RPB) and the affected counties of the repatriates' arrival dates. The ISS also coordinates with RPB and county

staff to ensure that repatriates are met at their arrival points and provided transportation to their destinations, as needed.

The RPB coordinates and tracks the referral of individual repatriation cases from ISS to appropriate county staff, processes reimbursements to counties for repatriation services, and resolves repatriation issues between ORR, ISS, and the counties.

Counties administer repatriation services and assistance. Services and benefits to be provided include, but are not limited to, the following:

- Cash assistance (at the California Work Opportunity and Responsibility to Kids program grant levels)
- Food, lodging and incidentals
- Domestic travel assistance to final repatriation destination
- Medical/psychiatric care
- Assistance to unaccompanied minors
- Other services and benefits necessary for the health and well-being of the person (i.e., counseling, translation services, employment training and assistance, etc.)

Rights of Repatriated Citizens

As U.S. citizens, repatriates are guaranteed the right of freedom of travel, under the U.S. Constitution. Given that right, DOS designates the final destinations of repatriates based on their wishes and available facts. States and counties do not have authority to designate or provide input on where DOS relocates repatriates.

The right of freedom of travel was affirmed in the U.S. Supreme Court case of *Shapiro v. Thompson*, 394 U.S. 618 (1969), in which several states had waiting periods for the receipt of federal public benefits for individuals who came from another state. The Court found that such policies, which would inhibit migration by needy persons, were unconstitutional.

Repatriation Program Reimbursements

The Program reimburses allowable 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. Services and cash assistance are 100 percent federally-funded. However, assistance provided under this Program is in the form of a loan to the repatriate, who is required to sign a repayment agreement with the U.S. government. Counties should inform the repatriate of the anticipated costs of services and/or assistance that are provided.

To ensure reimbursement for repatriation services provided, counties must submit reimbursement requests to CDSS within 30 days after the end of the federal fiscal year, no later than October 30th, for repatriation services that were provided during that year. Reimbursement requests that are submitted beyond this 30-day timeframe may not be paid.

The CDSS may assist the county by facilitating expedited eligibility determinations for other benefits, such as Supplemental Security Income, to mitigate county expenditures. The Department may also work with ISS and ORR to expedite processing of allowable federal reimbursements. The CDSS and ORR have the authority to reimburse counties for medical care provided at the third-party payer rate that is paid by Medicaid. If counties exceed the third-party payer rate, medical costs exceeding the rate will not be reimbursed by the Program.

Additional Repatriation Program Information

- All repatriation forms and information relating to the Program may be downloaded or printed at the ISS website: www.iss-usa.org
- The ISS Repatriation Manual containing detailed and additional Program information may be downloaded or printed at the ORR webpage: <http://www.acf.hhs.gov/programs/orr/programs/RepManual.pdf>
- A factsheet containing information on the Program in California may be downloaded or printed at the RPB webpage: <http://www.cdss.ca.gov/refugeeprogram>

Any questions regarding this notice should be directed to Jacqueline Hom, Policy Analyst, Refugee Programs Bureau, at (916) 654-5964 or Jacqueline.Hom@dss.ca.gov

Sincerely,

Original Document Signed By:

VENUS GARTH, Chief
Child Care and Refugee Programs Branch