

Manual of Policies and Procedures

SPECIALIZED PROGRAMS



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

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**REPATRIATED AMERICANS
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CHAPTER 68-100 REPATRIATE PROGRAM**68-101 STATUTORY BASE****68-101**

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- .1 The Repatriate Program of assistance to U.S. citizens and their dependents who have returned or been brought from a foreign country to the United States because of destitution of the U.S. citizen, illness of such a citizen or any of his or her dependents, or because of war, threat of war, invasion or similar crisis, and who are without available resources was established by Public Law 87-64, which added Section 1113 to Title XI of the Social Security Act. The federal rules governing this program are set forth in Title 45, Chapter II, Part 212 of the Code of Federal Regulations (CFR).
- .2 The Repatriate Program of assistance to mentally ill U.S. citizens/nationals returned from foreign countries was established by Public Law 86-571. The federal rules governing this program are set forth in Title 45, Chapter II, Part 211 of the CFR.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA Section 1313; 24 USCA Section 321 et seq.; and 45 CFR 211 and 212.

68-102 PROGRAM OBJECTIVES**68-102**

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- .1 The purpose of the Repatriate Program specified in 45 CFR 212 is to help needy citizens and their dependents, who are certified as eligible by the Department of State at the point of their return and for a temporary period thereafter, and to enable them to utilize other resources for maintenance as soon as possible. Aid is provided in order to facilitate and expedite resettlement to the extent that repatriates are able to provide for themselves or, if necessary, apply for other forms of categorical assistance.
- .2 The purpose of the Repatriate Program specified in 45 CFR 211 is to help mentally ill U.S. citizen/nationals, who are certified as eligible by the Department of State at the point of their return to the U.S., and thereafter with necessary assistance, care, and treatment for a temporary period and to make arrangements for the transfer of responsibility for such persons for continued care and treatment.

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- .3 Eligibility benefits, aid payments, and duration of assistance under the Repatriate Program specified in 45 CFR 212 shall be determined in accordance with specified requirements contained within the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries" (May 1984) which is herein incorporated by reference.
- .4 Eligibility, assistance, care, and treatment for mentally ill repatriates specified in 45 CFR 211 shall be determined in accordance with specified requirements contained within the federal "Manual of Policies and Procedures for Administration of Services in the Care and Treatment of Mentally Ill U.S. Citizens/Nationals Returned from Foreign Countries" (October 1, 1985) which is herein incorporated by reference.
- .5 The federal manuals referenced in .3 and .4 above shall be made available upon request through:

State of California
Department of Social Services
Disaster Response Services Bureau
744 "P" Street, MS 19-43
Sacramento, CA 95814

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- .51 Manual updates will be provided to those agencies which request manuals.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA Section 1313(a)(1); 24 USCA Section 322(a); and 45 CFR 211.3, .6, .7, .8, and .10 and 212.3, .4, and .5.

**68-103 ELIGIBILITY REQUIREMENTS FOR THE NEEDY REPATRIATE
SPECIFIED IN 45 CFR 212****68-103**

- .1 Eligibility for assistance under the Repatriate Program shall be in accordance with the criteria specified under Division III, Part A. (Eligibility Requirements) of the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries" (May 1984).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA Section 1313(a)(1); and 45 CFR 212.3.

68-104 ASSISTANCE UNDER THE REPATRIATE PROGRAM FOR THE NEEDY SPECIFIED IN 45 CFR 212 68-104

.1 Repatriate assistance shall be as specified under Division III, Part B. (Assistance) of the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries" (May 1984).

.11 Repatriate assistance includes money payments, medical care, temporary billeting or lodging, transportation, and other goods and services necessary for the health or welfare of individuals. This also includes counseling and referral for employment, retraining, vocational rehabilitation, and medical services.

.2 Aid payments, resettlement expenses and the duration of assistance shall be as specified under Division III, Part B. (Assistance) of the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries."

.3 Extension of Eligibility

The county agency shall request an extension of assistance prior to the expiration of the initial 90-day period of eligibility if the repatriate is not eligible for assistance through categorical assistance programs and is prevented from attaining self-support due to age, disability, or lack of vocational training.

The federal authorities may permit extensions up to nine more months.

.31 Requests for extension of assistance shall contain the information specified under Division III, Part B., Section 2.c. (Extension of eligibility period) of the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries.

.32 Requests for extension must be submitted to:

State of California
Department of Social Services
Disaster Response Services Bureau
744 "P" Street, MS 19-43
Sacramento, CA 95814

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Upon receipt of the request, SDSS shall present the matter to federal authorities for action prior to the end of the 90-day eligibility period of Repatriate Program assistance. The Associate Commissioner for the Office of Family Assistance (OFA) will review the request, decide if assistance shall be extended, and advise the State Department of Social Services (SDSS) to notify the county agency.

This process could be delayed, depending upon the facts and circumstances of the case; therefore, the county agency should initiate the request for extension immediately upon determining that an extension will be necessary because aid cannot be continued beyond the initial 90-day eligibility period without prior authorization.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA Section 1313(c); and 45 CFR 212.4 and .5.

68-105	ELIGIBILITY REQUIREMENTS FOR THE MENTALLY ILL REPATRIATE SPECIFIED IN 45 CFR 211	68-105
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- .1 Eligibility for care, treatment, and assistance under the Repatriate Program for the mentally ill shall be in accordance with the criteria specified under Division III, Part A. (Eligibility Requirements) of the federal "Manual of Policies and Procedures for Administration of Services in the Care and Treatment of Mentally Ill U.S. Citizens/Nationals Returned from Foreign Countries" (October 1, 1985).

NOTE: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 24 USCA Section 321(d); and 45 CFR 211.3.

68-106	ASSISTANCE, CARE AND TREATMENT FOR THE MENTALLY ILL REPATRIATE SPECIFIED IN 45 CFR 211	68-106
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- .1 Assistance payments, expenses, and services shall be provided as permitted under Division III, Parts B. (Assistance) and C. (Care and Treatment) of the federal "Manual of Policies and Procedures for Administration of Services in the Care and Treatment of Mentally Ill U.S. Citizens/Nationals Returned from Foreign Countries" (October 1, 1985).

NOTE: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 24 USCA Section 322(a); and 45 CFR 211.6, .7, .8, and .10.

68-107	GENERAL PROCEDURES FOR THE REPATRIATE PROGRAMS FOR THE NEEDY AND FOR THE MENTALLY ILL	68-107
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- .1 Repatriation of both needy repatriates and/or mentally ill repatriates includes the following sequence of activities:
 - .11 Overseas U.S. Department of State staff arranges for the return of the repatriate to the U.S. and refers the repatriate case to the Office of Family Assistance (OFA) Central Office in Washington, D.C. This procedure establishes the repatriate's eligibility for assistance.
 - .12 The OFA Central Office transmits the particulars of the repatriate case to the regional OFA in which the port of entry is located.
 - .13 The regional OFA refers the repatriate case to SDSS and provides guidance in developing and implementing the plan to assist the repatriate.
 - .14 SDSS transmits detailed information to the county agency where the port of entry is located regarding the identity, time, and mode of arrival of the repatriate; whether the repatriate will require resettlement assistance or the provision of onward transportation to another county or state; the diagnosis, prognosis, any special problem and other pertinent information, such as the necessity for an escort or ambulance service in the case of the physically or mentally ill repatriate.
 - .15 The county agency representative meets with the repatriate and provides the reception and onward transportation assistance to the repatriate.
 - .16 The county agency submits reports to OFA through SDSS to secure reimbursement for repatriation expenditures.

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68-107 GENERAL PROCEDURES FOR THE REPATRIATE PROGRAMS FOR THE NEEDY AND FOR THE MENTALLY ILL **68-107**
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- .2 County agency participation in Repatriate Program activities shall begin upon notification from SDSS of the expected arrival of the repatriate, or upon confirmation of repatriate status in cases of direct requests for assistance.
- .21 The eligibility of persons requesting repatriation assistance directly from the county agency shall be established prior to rendering services by one of the following methods:
- .211 The appropriate county agency shall examine the repatriate's loan document provided by the Consular Office of the Department of State or
- .212 The appropriate county agency shall request SDSS to clear the person's eligibility through the OFA Regional Office.
- .3 County agency activities as performed by a county representative shall include the following:
- .31 Meet the repatriate;
- .32 Explain the purpose and requirements of the program;
- .33 Provide a copy of the pamphlet "Temporary Assistance for Repatriates" (1988 Reprint);

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- .331 Pamphlets are available to counties upon request. Requests should be addressed to:

State of California
Department of Social Services
Disaster Response Services Bureau
744 "P" Street, MS 19-43
Sacramento, CA 95814

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- .34 Determine the specific need for assistance, based upon income and resource availability (see Section 68-103);
- .35 Provide necessary assistance to the needy repatriate (see Section 68-104) or to the mentally ill repatriate (see Section 68-106);
- .36 Secure from the repatriate a signed repayment agreement in accordance with Division IV, Part C. (Repayment by Repatriate of Cost of Assistance) of the federal "Manual of Policies and Procedures for Administration of Services in the Care and Treatment of Mentally Ill U.S. Citizens/Nationals Returned from Foreign Countries" (October 1, 1985) and Division IV, Part C. (Repayment by Repatriate of Cost of Assistance) of the federal "Manual of Policies and Procedures for Administration, Temporary Assistance for U.S. Citizens Returned from Foreign Countries" (May 1984) (see Section 68-108.11).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA Section 1313(a)(3); 24 USCA Section 322(a); and 45 CFR 211.6, .7, .8, and .10 and 212.4 and .5.

68-108	REPATRIATE PROGRAM ADMINISTRATIVE REQUIREMENTS	68-108
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The following federal forms shall be completed by the county agency for the Repatriate Program for the Needy specified under 45 CFR 212 and for the Repatriate Program for the Mentally Ill specified under 45 CFR 211: Form SSA-2061 (rev. 7/81), "Assistance for U.S. Citizens Returned from Foreign Countries - Report on Referral and Form SSA-3955 (rev. 7/81), "Expenditure Statement and Claim for Reimbursement".

- .1 Form SSA-2061, "Assistance for U.S. Citizens Returned from Foreign Countries - Report on Referral"
 - .11 A complete set of the SSA-2061 shall include the original and four copies of the SSA-2061, and one copy of the repayment agreement (see Section 68-107.36).
 - .111 The county agency shall give one copy of the repayment agreement to the repatriate and retain one copy.
 - .112 In cases where the repatriate is unable to sign the repayment agreement, the county shall submit a statement attached to the repayment agreement indicating the circumstances surrounding the repatriate's inability to sign.

68-108	REPATRIATE PROGRAM ADMINISTRATIVE REQUIREMENTS (Continued)	68-108
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- .12 Within five days of the first contact with a repatriate, the county agency shall forward the completed set of the SSA-2061 to SDSS.

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- .13 Counties shall disregard processing instructions reflected on the SSA-2061 form itself and follow processing guidelines herein.

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- .14 The county agency shall note on the SSA-2061 its assessment of the repatriate's financial ability to make repayment, the plan for repayment, or a recommendation for waiver of repayment responsibility.

- .141 A repatriate shall be deemed able to repay when income and/or resources in excess of continuing needs can be expected to become readily available within a year after self-support is attained.

- (a) Income and/or resources are to be considered readily available when under the control of the recipient and sufficient to be drawn upon for repayment.

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It is not intended that repayment deplete income and/or resources needed to become independent or to maintain independence.

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- .142 The county agency shall recommend waiver of repayment responsibilities when there is evidence that:

- (a) costs incurred are not readily allocable to the individual;
- (b) recovery would be uneconomical or otherwise impractical;
- (c) the repatriate does not have, and is not expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs;

68-108 REPATRIATE PROGRAM ADMINISTRATIVE REQUIREMENTS 68-108
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- (d) recovery would be against equity and good conscience as determined by the county;
 - (e) the repatriate is a recipient of the Supplemental Security Income/State Supplementary Payment (SSI/SSP) Program, Aid to Families with Dependent Children (AFDC) Program, or a county General Assistance/General Relief (GA/GR) Program;
 - (f) assistance amounted to less than \$50 when such assistance provided was for small, incidental expenses, such as overnight accommodations and meals incurred in the course of reception, if no other assistance was furnished; or,
 - (g) the repatriate has died, unless there is evidence of an estate.
- .143 Waiver of repayment responsibilities for mentally ill repatriates specified under 45 CFR 211 shall be recommended when there is evidence that:
- (a) the probable recovery will not warrant the expense of collection;
 - (b) the repatriate is a recipient of SSI, AFDC, or a county GA/GR Program;
 - (c) assistance amounted to less than \$50 when such assistance provided was for small, incidental expenses, such as overnight accommodations and meals incurred in the course of reception, if no other assistance was furnished; or,
 - (d) the repatriate has died, unless there is evidence of an estate.
- .144 The county shall instruct recipients to make repayments directly to federal authorities.

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The U.S. Department of Health and Human Services (DHHS), Public Health Services is responsible for the collection of repayments for the Repatriate Program. Repayments shall be made by check or money order to the U.S. DHHS and should note that the payment is for the Repatriate Program. Payments shall be mailed to U.S. DHSS, Public Health Services, 5600 Fishers Lane, Room 16A09, Attn: Collection Officer, Rockville, MD 20857.

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.2 Form SSA-3955, "Expenditure Statement and Claim for Reimbursement"

- .21 For each repatriate case reported on Form SSA-2061, the county agency shall submit a Form SSA-3955 within five days after the close of the month. This monthly expenditure report shall be submitted in quadruplicate if funds have been expended for which the county is claiming reimbursement. A copy of a receipt or bill shall be attached to the SSA-3955 for unusual expenses such as medical bills. County agency records shall contain information and documentation necessary to support the validity of each claim.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 24 USCA Section 328, 42 USCA, Section 1313(a)(2) and (3); and 45 CFR 211.12 and .13 and 212.4 and .8.

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68-109	RECORDING REQUIREMENTS FOR THE REPATRIATE PROGRAM	68-109
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A separate fiscal record shall be established and maintained for each person for whom any expenditures are made under this program.

- .1 Records shall include sufficient and accurate information as to who was aided, the type of assistance provided, and substantiation of the need for such assistance.
- .2 Records shall be retained for three years following the date the case is closed or until resolution of any litigation, claim, negotiation, audit or other action involving records.
- .3 The Department of Health and Human Services, the Comptroller General or any of their authorized representatives shall have the right of access to all records pertaining to the Repatriate Program.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 211 and 212.

68-110	SAFEGUARDING INFORMATION FOR THE REPATRIATE PROGRAM FOR THE NEEDY, AND FOR THE MENTALLY ILL	68-110
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Information concerning applicants and recipients of aid and services under these programs shall be maintained in accordance with standards contained within the federal manuals specified under Sections 68-103 and 68-105.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 211.14 and 212.9.

68-111	NONDISCRIMINATION	68-111
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Eligible applicants for assistance under the Repatriate Programs shall not be denied benefits or otherwise subjected to discrimination on the grounds of race, color, creed, or national origin.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 211.15 and 212.10.

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CUBAN REFUGEE PROGRAM**

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Repealed by Manual Letter 83-24 (4/1/83)

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REFUGEE PROGRAMS		
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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.

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

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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**

.23 CWDs shall make available to RCA applicants the written policies of the RCA program, including agency policies regarding eligibility standards, the duration and amount of cash assistance payments, the requirements for participation in services, the penalties for non-cooperation, and client rights and responsibilities to ensure that refugees understand what they are eligible for, what is expected of them, and what protections are available to them. The CWD shall ensure that agency policy materials and all notices required are made available in written form in English and in appropriate languages where a significant number or proportion of the recipient population needs information in a particular language. For refugee groups that make up only a small number of the recipient population, CWDs, at a minimum, shall use an alternative method, such as verbal translation in the refugee's native language, to ensure that the content of the policies is effectively communicated to each refugee.

.24 Time-Eligibility

.241 Eligibility for RCA is limited to the number of months required in Section 69-202.41 following the refugee's date of entry in the United States. The month of entry, as indicated on the USCIS Form I-94, is counted as the first month. Time-eligibility exceptions to this provision include asylees who are eligible for RCA beginning on the date they are granted asylum, victims of a severe form of trafficking who are eligible for RCA beginning on the date they are certified by the ORR; eligible family members of certified trafficking victims who are eligible for RCA from the date of entry into the U.S. or the date of the Derivative T Visa is issued if already present in the U.S.; and unaccompanied refugee minors (Section 69-213) who are not subject to the time-eligibility limitation. Noncitizen victims of a severe form of human trafficking who are not eligible under Sections 69-202.15 and .16 and victims of domestic violence or other serious crimes, are not subject to the time-eligibility limitation under Section 70-105.121.

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- (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:

69-207	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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- .34 There must be a determination that the refugee: a) failed or refused to register or maintain registration with EDD; b) failed or refused to accept a referral to or appear for an employment interview arranged by EDD; or c) failed or refused to report to EDD when requested.

 - .35 The individual must be given an opportunity to explain why: a) the offer was not accepted; b) the employment or employment-directed education/training was discontinued; or c) he/she failed or refused to comply with the EDD registration requirements or the requirements of the education/training program.

 - .36 There must be a determination that the individual was informed of the effect the failure or refusal to accept or continue employment or employment-directed education/ training, or failure or refusal to comply with the EDD registration requirements, without good cause, will have on his/her receipt of RCA.
- 4 Good Cause for Failure or Refusal to Meet or Comply with the Registration, Employment and Employment-Directed Education/Training Requirements.

Good cause exists when:

- a. The employment-directed education/training or employment was available due directly to a bona fide strike or lockout; or

- b. The individual would be required to work for an employer contrary to the conditions of his/her existing membership in the union governing that occupation (employment not governed by the rules of a union in which the individual has membership may be deemed appropriate by the CWD); or

- c. The employment or training site violated applicable health and safety laws and regulations; or

- d. The employment or employment-directed education/training was in excess of the individual's mental or physical capacity. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health; or

- e. The wage does not meet or exceed the federal or state minimum wage law, whichever is applicable; or if such laws are not applicable, the wage is less favorable than the wage normally paid for similar work in that labor market, or, in any event, is less than three-fourths of the minimum wage rate; or

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69-208 CAUSE DETERMINATIONS (Continued) 69-208

- 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.

**CUBAN/HAITIAN
ENTRANT PROGRAM**

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69-300 CUBAN/HAITIAN ENTRANT PROGRAM 69-300

69-301 GENERAL STATEMENT 69-301

In accordance with Title V (Fascell-Stone Amendment) of the Refugee Education Assistance Act of 1980 (Public Law 96-422, October 10, 1980 as interpreted in 45 CFR Part 401), there is hereby established a Cuban/Haitian Entrant Program (CHEP) to provide eligible Cubans and Haitians with cash assistance and social services.

CHEP is separate and apart from the Refugee Resettlement Program (RRP), however, the objectives, administration, the level of Federal Financial Participation, program eligibility criteria and case maintenance policies are identical to those of the RRP. There is a special cash assistance program within CHEP for Cuban and Haitian Entrants known as Entrant Cash Assistance (ECA). Eligibility criteria for ECA benefits shall be the same as those outlined in RRP regulations, MPP Chapter 69-200, except that the definition of a refugee is not applicable to CHEP or ECA. All current CalWORKs Program regulations relating to financial eligibility and payments apply unless superseded by the Entrant Cash Assistance Program regulations contained herein, or the RRP regulations in Chapter 69-200.

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

69-302 CUBAN/HAITIAN ENTRANTS STATUS REQUIREMENTS 69-302

Cuban and Haitian entrants with the following statuses are eligible for RRP benefits.

- .1 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.
- .2 A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.
- .3 A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered; or
- .4 A national of Cuba or Haiti who has an application for asylum pending with the USCIS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

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(a).

69-303	TIME-ELIGIBILITY	69-303
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Time eligibility for Cuban Haitian Entrant's, including entrant children born in United States resettlement camps, begins with their date of parole (release from USCIS custody).

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

69-304	TERMINOLOGY	69-304
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The term ECA refers to the federally-funded program of cash assistance which is available to Cuban or Haitian Entrants who do not meet the categorical requirements of other state/federal cash assistance programs (CalWORKs or SSI/SSP).

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

69-305	UNACCOMPANIED CUBAN/HAITIAN ENTRANT MINORS	69-305
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- .1 An unaccompanied entrant minor is a Cuban/Haitian entrant who:
 - .11 Meets the age requirements of MPP Section 42-101.1; and
 - .12 Entered the United States unaccompanied by a parent or one of the following immediate adult relatives: grandparent, aunt, uncle, sibling, or any adult who arrived having documentable legal evidence of custody of the minor; and
 - .13 Has no parent(s) in the United States.
- .2 Unaccompanied entrant minors reunited with nonparental adult relatives or under the care of legally responsible adults shall be considered as unaccompanied minors if they were unaccompanied at the time of their entry into the United States.
- .3 Provisions in Sections 69-213.2 through .8, unaccompanied refugee minors, shall apply to unaccompanied entrant minors.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10553 and 10554, Welfare and Institutions Code.

69-306	CASE RECORDS	69-306
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- .1 Case Numbers - General

All ECA cases, including those for unaccompanied minors, shall be designated with the aid code 08.

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TRAFFICKING AND CRIME VICTIMS ASSISTANCE PROGRAM

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CHAPTER 70-100 TRAFFICKING AND CRIME VICTIMS ASSISTANCE PROGRAM (TCVAP)

70-101 GENERAL STATEMENT

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- .1 These regulations implement Senate Bill (SB) 1569 (Chapter 672, Statutes of 2006), which established the state TCVAP in order to provide public social services and health care services to noncitizen victims of a severe form of human trafficking who are not eligible under Sections 69-202.15 and .16 and to noncitizen victims of domestic violence or other serious crimes. Applicants qualified under these provisions will be eligible for benefits and services to the same extent as individuals who are admitted to the United States as refugees under Sections 69-201 et seq.
- .2 County Welfare Departments (CWDs) shall determine the eligibility of applicants for TCVAP. The CWD shall administer these programs according to state policy under the supervision of CDSS for public social services, and the State Department of Health Care Services for medical services.
 - .21 Sections 70-102 and 70-103 shall be applied when determining the status and eligibility of trafficking victims.
 - .22 Section 70-104 shall be applied when determining the eligibility of domestic violence and other serious crime victims.

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

70-102 DETERMINATION OF TRAFFICKING VICTIM STATUS 70-102

.1 The CWD shall determine the trafficking status of non-federally eligible individuals applying for state benefits and services as victims of a severe form of human trafficking.

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.11 Severe forms of human trafficking are defined in the U.S. Code, Title 22, Section 7102(8) as: 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 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.

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.2 For purposes of determining eligibility as a victim of a severe form of human trafficking for TCVAP, a sworn statement by the victim, or a representative if the victim is not able to competently make a sworn statement, is sufficient to verify trafficking status, if at least one item of additional evidence is provided, including, but not limited to:

.21 Police, government agency, or court records or files;

.22 News articles;

.23 Documentation from a social services, trafficking, or domestic violence program, or a legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with the crime;

.24 A statement from any other individual with knowledge of the circumstances that provided the basis for the claim;

.25 Physical evidence;

.26 A copy of a completed visa application;

.27 Written notice from USCIS of receipt of the visa application.

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70-102 DETERMINATION OF TRAFFICKING VICTIM STATUS (Continued) 70-102

.3 If the victim cannot provide additional evidence, the sworn statement shall be sufficient if the county makes a determination documented in the case file that the applicant is credible.

.31 The CWD may use a generic "under the penalty of perjury" form for the sworn statement that contains the applicant's declaration that s/he is a victim of a severe form of human trafficking.

NOTE: Authority cited: Section 10553, Welfare and Institutions Code; Senate Bill 1569 (Chapter 672, Statutes of 2006). Reference: Sections 13283 and 18945, Welfare and Institutions Code.

70-103 DETERMINATION OF TRAFFICKING VICTIMS' ELIGIBILITY FOR TCVAP BENEFITS AND SERVICES**70-103**

- .1 Once it has been determined that the applicant meets the definition of a victim of a severe form of human trafficking, in order to determine the applicant's eligibility for TCVAP, the CWD must verify that the applicant:
 - .11 Has filed an I-914 application for T Nonimmigrant status (T Visa) with USCIS and the application has not been denied; or
 - .12 Is preparing to file an application for a T Visa; or
 - .13 Is otherwise taking steps to meet the eligibility conditions for federal benefits; or
 - .14 Is a person for whom "continued presence" in the U.S. has been requested by federal law enforcement because s/he is assisting or willing to assist in the investigation or prosecution of human traffickers.
- .2 The following documentation may be useful in determining whether an applicant has filed for a T Visa:
 - .21 A confirmation receipt or letter from USCIS verifying an application has been filed; or
 - .22 A copy of the application for a T Visa (form I-914).
- .3 If an applicant has not yet filed for a T Visa, the applicant's statement that s/he intends to file or is taking steps to become federally eligible (e.g. working with a community-based organization to prepare to qualify for federal benefits, working with law enforcement, etc.), will be acceptable.
 - .31 Documentation could include statements from persons in official capacities, (e.g., law enforcement officials or victims advocates) who are assisting the victim with the T Visa application or steps to becoming eligible.
- .4 "Continued Presence" is a status that allows victims assisting law enforcement to remain in the country during the course of a criminal investigation.

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70-103 DETERMINATION OF TRAFFICKING VICTIMS' ELIGIBILITY 70-103
FOR TCVAP BENEFITS AND SERVICES (Continued)

.5 Eligibility for state-funded services shall be terminated if:

.51 The recipient's application for a T Visa has been finally administratively denied; or,

.511 An application for a visa has been "finally administratively denied" when an appeal of the visa denial has been unsuccessful or the time to appeal the denial has passed without an appeal having been filed, whichever comes first.

.52 The recipient has not applied for a T Visa within one year of the date of application for public social services; or,

.53 A request on behalf of the recipient for continued presence has not been made within one year of date of application for public social services; or

.54 The recipient has been issued a T Visa.

NOTE: Authority Cited: Section 10553, Welfare and Institutions Code; Senate Bill 1569 (Chapter 672, Statutes of 2006). Reference: Sections 13283 and 18945, Welfare and Institutions Code.

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**DETERMINATION OF SERIOUS CRIME VICTIMS
ELIGIBILITY FOR TCVAP BENEFITS AND SERVICES**

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- .1 In determining eligibility for TCVAP the CWD must verify that the applicant has filed a formal application for a U Visa (Form I-918 and required supplements) with USCIS under Section 1101(a)(15)(U)(i) or (ii) of Title 8 of the U.S. Code. This section also applies to individuals who requested U Visa Interim Relief only if requested prior to October 17, 2007.

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- .11 Federal law defines noncitizen victims of serious crimes as aliens who:
- .111 Have suffered substantial physical or mental abuse as a result of having been victims of criminal activity involving or similar to, the following violations: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy or solicitation to commit any of the above mentioned crimes; and,
 - .112 Possess information concerning criminal activity (or in the case of an alien child under the age of 16, the parent, guardian, or adult representing the child); and
 - .113 Have been helpful, are being helpful, or are likely to be helpful to a federal, state, or local law enforcement official, prosecutor, or judge or to other federal, state, or local authorities investigating or prosecuting criminal activities described above (or in the case of an alien child under the age of 16, the parent, guardian, or adult representative of the alien is helpful).

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- .12 Acceptable documentation for verifying that an application for a U Visa has been filed or that U Visa Interim Relief was requested (U Visa Interim Relief is acceptable only if a request for U Visa Interim Relief was filed before October 17th, 2007) includes, but is not limited to:
- .121 A confirmation receipt or letter from USCIS verifying that a request has been filed; or
 - .122 The Notice of Action (form I-797) approving a U Visa or request for U Visa Interim Relief (U Visa Interim Relief is acceptable only if a request for U Visa Interim Relief was requested before October 17, 2007); or
 - .123 A form I-797 which serves as a fee receipt for an employment authorization request based on a U Visa application; or
 - .124 A copy of the Petition for U Nonimmigrant status (Form I-918); or

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70-104 DETERMINATION OF SERIOUS CRIME VICTIMS 70-104
ELIGIBILITY FOR TCVAP BENEFITS AND SERVICES (Continued)

- .125 An Employment Authorization Document (EAD) issued under Category “A19” or “A20” for an approved U Visa petitioner.

- .2 Eligibility for state-funded services for victims of serious crimes will be terminated when the recipient's application for a U Visa has been finally administratively denied, as defined in Section 70-103.511, or when the program time limitation has been reached, whichever comes first.

NOTE: Authority cited: Section 10553, Welfare and Institutions Code, Senate Bill 1569 (Chapter 672, Statutes of 2006). Reference: Sections 13283 and 18945, Welfare and Institutions Code.

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70-105 TCVAP BENEFITS AND SERVICES 70-105

.1 Eligibility Procedures for TCVAP Benefits and Services Equivalent to Refugee Case Assistance (RCA).

Individuals determined eligible pursuant to Sections 70-102 through 70-104 are entitled to benefits and services to the same extent as refugees as defined at Sections 69-202.1 and .2, and are subject to the same requirements (outside of legal status) as RCA recipients as described in Sections 69-204 through 69-216, with the following exceptions that include, but are not limited to:

.11 Eligibility for Other Programs (cross-reference Section 69-204)

.111 Noncitizen victims of a severe form of human trafficking and noncitizen victims of domestic violence or other serious crimes applying for benefits under these provisions shall not be required to apply for SSI/SSP, as it would be inappropriate to impose a requirement for which it is known there is no eligibility.

.112 Noncitizen victims of a severe form of human trafficking and noncitizen victims of domestic violence or other serious crimes who qualify for assistance under CAPI shall be aided under CAPI.

.113 Noncitizen victims of a severe form of human trafficking and noncitizen victims of domestic violence or other serious crimes who qualify for assistance under the state CalWORKs program shall be aided under the state CalWORKs program.

.12 Eligibility for TCVAP Cash Aid (cross-reference Section 69-205)

.121 Neither time-eligibility nor refugee status criteria in TCVAP cases.

.122 Eligibility for TCVAP cash aid is limited to the number of months required in Section 69-202.41 following the date of application.

.123 TCVAP trafficking recipients are permitted one year to apply for a T Visa, and are limited to a maximum of 8 months of TCVAP cash aid during this period.

(a) If 8 months of TCVAP is paid prior to the year elapsing and TCVAP cash aid is discontinued, services for which recipients are eligible may continue until the twelve-month period elapses.

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- (b) If the TCVAP recipient files an application for a T Visa during this year, there is still an 8 month maximum limit on TCVAP cash aid, but services for which they are eligible continue.
- (c) If the recipient does not file an application for a T Visa within one year of the date of application, the case shall be discontinued.
- (d) If ORR certification is obtained, the case is converted to RCA, pursuant to Section 70-105.13.
- (e) If the request for a T Visa is finally administratively denied, as defined in Section 70-103.511, the case is discontinued.

.124 TCVAP crime victim recipients must have filed a request for a U Visa in order to be eligible for TCVAP benefits and services. Once eligible, they are limited to a maximum of 8 months of TCVAP cash aid and continuing services for which they are eligible.

- (a) If/when the U Visa request is finally administratively denied, as defined in Section 70-103.511, the TCVAP case shall be discontinued.

.13 Conversion to RCA

When a TCVAP trafficking recipient obtains ORR certification, a determination shall be made of RCA eligibility (see Section 69-205). If all eligibility factors for RCA are met, the TCVAP case shall be discontinued and a new eligibility period for RCA shall be granted pursuant to Section 69-202.411, for the maximum period allowable under that section.

.14 Employment/Training Requirements and Exemptions (cross-reference Section 69-207)

.141 Compliance with certain Registration, Employment and Employment-Directed Education/Training Requirements shall not be required if the recipient does not have work authorization from USCIS.

- (a) TCVAP recipients might not possess a social security number or be authorized to work. Employment-directed education and training must be appropriate to the situation, therefore, if a recipient is technically or legally unable to participate s/he cannot be required to do so. If a recipient is unable to work or participate in a CWD approved employment-directed program due to lack of work authorization, s/he would not be required to participate in job search activities, or be referred to the Employment Development Department. Activities should be identified that will assist the recipient to prepare for future employment, such as English language training, job skills development, job- specific training, etc.

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70-105 TCVAP BENEFITS AND SERVICES (Continued)

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.142 In addition to the exemptions from appropriate applicable work registration, employment and training requirements found at Section 69-207.3, an exemption shall be available to TCVAP recipients if physical or psychological trauma related to or arising from the victimization impedes their ability to comply, when verified by a physician's written statement that the illness or injury is serious enough to temporarily prevent his/her entry into an appropriate education/training program.

.15 Case Records (cross-reference Section 69-216)

A TCVAP applicant/recipient might not possess a passport, Alien Registration number, or any USCIS documentation. The case record shall include the following information in addition to that required by CalWORKs program regulations:

.151 Documentation gathered to verify trafficking status, as described in Section 70-102.2.

.152 The applicant's sworn statement.

(a) The county's written determination of the applicant's credibility if the sworn statement is the only evidence available.

.153 Documentation gathered for verifying that the applicant has filed or intends to file for a T Visa (see Sections 70-103.1 through .4).

.154 Documentation gathered for verifying that the applicant has filed for a U Visa (see Section 70-104.1).

NOTE: Authority cited: Section 10553, Welfare and Institutions Code; Senate Bill 1569 (Chapter 672, Statutes of 2006). Reference: Sections 13283 and 18945, Welfare and Institutions Code.

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