

**COUNTY REFUGEE PROGRAM GUIDELINES
FOR
REFUGEE SOCIAL SERVICES
(Formerly Refugee Employment Social Services
TARGETED ASSISTANCE
AND DISCRETIONARY FUNDS**

I. INTRODUCTION

The Refugee Act of 1980 created the Refugee Resettlement Program (RRP) to provide for the effective resettlement of refugees in the United States (U.S.) and to assist them in achieving economic self-sufficiency as quickly as possible. Since 1980, the resettlement program has been administered by the Office of Refugee Resettlement (ORR), which is part of the Administration for Children and Families within the U.S. Department of Health and Human Services (DHHS). Services for refugees through California's RRP are 100 percent federally-funded through grants from ORR. Funding includes Formula Refugee Social Services (RSS), Formula Targeted Assistance (TA), and Discretionary funding.

The California Department of Social Services (CDSS) has been designated by the Governor of the State of California to be the state agency responsible for the RRP. The Director of the CDSS has been designated as the State Refugee Coordinator and has the authority to ensure coordination of public and private resources for refugee resettlement in California.

The CDSS' Refugee Programs Bureau (RPB) has responsibility for managing and coordinating the delivery of benefits and services to the refugee and entrant populations. The RPB's mission is to provide state-level leadership and coordination of refugee programs and services to achieve successful refugee resettlement and self-sufficiency. The RPB administers the RRP and the Cuban/Haitian Entrant Program within the pertinent federal guidelines and funding constraints and the California State Plan for Refugee/Entrant Assistance and Services. The State Plan is a written description of the State's RRP and is submitted to and approved by ORR.

A. Authority and Purpose for the Guidelines

State Law [Welfare and Institutions (W&I) Code Section 13277] requires counties that administer RSS and/or TA funds to designate an agency which will be responsible for operating an employment services program for refugees. The county will administer the refugee employment services program according to a County Refugee Services Plan developed by the county and certified by the CDSS.

The County Refugee Services Plan is to be developed in accordance with guidelines which are issued by the CDSS and reflect the full intent of the

Legislature that the funding for, and provision of, services shall lead to the earliest possible self-sufficiency for all refugee recipients of aid.

To develop the plan, each county board of supervisors must ensure that the county planning process is conducted in a way that facilitates the ability for the public, including refugees, to participate. The plan is to be completed with significant participation by, and input from, refugee community organizations, voluntary resettlement agencies (VOLAGs), and other local public and private entities that are involved in the refugee resettlement process.

B. Refugee Employment Services

Refugee employment services are comprised of two formula funded programs: RSS and TA. Counties must provide any individual wishing to do so an opportunity to apply for services and must determine the eligibility of each applicant. Counties must also ensure that women have the same opportunities as men to participate in all refugee employment services, including job placement services. For both programs, counties may provide services to eligible participants who are 16 years of age or older and who are not full-time students in elementary or secondary school. However, a student may be provided with employment services and employability assessment services in order to obtain part-time or temporary employment, such as a summer job while a student, or full-time permanent employment upon completion of schooling.

C. Who Can Be Served

In order to qualify for RSS or TA services, an applicant for assistance must provide proof, in the form of documentation issued by the U.S. Department of Homeland Security, that he or she falls into one of the designated immigration statuses described below. Only the immigration documentation identified and described in Office of Refugee Resettlement, State Letter # 00-17 dated September 14, 2000 and in 45 CFR 400.43 and 45 CFR Part 401, if presented by the applicant, are acceptable proof that the applicant is in a status that qualifies him or her for receipt of benefits described in these Guidelines.

When the term "refugee" is used in this document, it is intended to include all eligible populations as described below.

The following groups are eligible for refugee employment services:

Refugees - Individuals who are unable to return to their countries because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. In addition, individuals who have been forced to terminate a pregnancy or to

undergo involuntary sterilization, or who have been persecuted for failure or refusal to undergo such a procedure, or for other resistance to a coercive population control program may be refugees.

Refugees are eligible for employment services for 60 months from the date upon entering the country.

Asylees¹ - Individuals, who, on their own, travel to the U.S., apply for, and receive a grant of asylum. These individuals do not enter the U.S. as refugees. They may enter as students, tourists, for business or without papers. Once they are in the U.S., or at a land border or port of entry, they apply to the U.S. Citizenship and Immigration Services (USCIS) Bureau for asylum, a status that will acknowledge that they are victims of persecution and that will allow them to remain in the U.S. Individuals who are granted asylum are eligible for ORR assistance and services beginning with the date that they are granted asylum. (Note that asylum applicants are not eligible for ORR assistance and services. The only exception is for certain Cuban and Haitian entrants. If a national of Cuba or Haiti has applied for asylum, he or she may be eligible to receive ORR assistance and services as a Cuban/Haitian Entrant).

Cuban and Haitian Entrants² -

1. Individuals granted parole status as a Cuban/Haitian Entrant (including status pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti;

or

2. Any other national of Cuba or Haiti who has not entered into a final, nonappealable, and legally enforceable order of deportation or exclusion and who:
 - a. was paroled into the U.S. and has not acquired any other status under the Immigration and Nationality Act (INA);
 - b. is the subject of exclusion or deportation proceedings under the INA; or
 - c. has an application for asylum pending.

1 Refer to All County Letter (ACL) 00-46 (July 12, 2000) for more asylee information.

2 Refer to All County Information Notice (ACIN) I-36-04 (June 4, 2004) for more information on Cuban and Haitian entrants.

Certain Amerasians³ – Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988. Amerasians and eligible family members admitted to the U.S. as refugees may receive RRP services beginning on the date of entry stamped on their passport, the I-94 Arrival Record, or on Form I-551 Permanent Resident Card.

Human Trafficking Victims - Human trafficking is a form of modern-day slavery. Victims of severe forms of human trafficking include young children, teenagers, men, and women who are subjected to force, fraud, or coercion, for the purpose of sexual exploitation or forced labor.

The Trafficking Victims Protection Act of 2000 (TVPA) makes adult victims of severe forms of trafficking, who have been certified by ORR, eligible for benefits and services to the same extent as refugees⁴. Certified victims of human trafficking can apply for immigration status to legally remain in the U.S. by a T-Visa. Certified victims of human trafficking may be eligible for 60 months of refugee program services beginning with the date the individual is certified by ORR.

The TVPA was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003. As a result, effective December 19, 2003, certain family members of victims of a severe form of trafficking are also eligible for federally funded or administered benefits and services to the same extent as refugees. Eligible family members obtain legal immigration status in the U.S. through the Derivative T-Visa⁵.

Certain family members of trafficking victims who are already in the U.S. may be eligible for RRP services beginning on the Notice Date on the I-797, Notice of Action approving their Derivative T-Visa. Certain family members who enter the U.S. on the basis of a Derivative T-Visa may be eligible for RRP services beginning on the date stamped on their passport or the I-94 Arrival Record.

Victims of severe forms of trafficking who are under 18 years of age are eligible for benefits to the same extent as refugees, but do not need to be certified. They receive a letter of eligibility from ORR. Family members of a trafficking victim that is a minor are also eligible for services.

³ Refer to ACL 88-79 (July 14, 1988) for more information on Amerasians.

⁴ Refer to ACL 01-58 (August 30, 2001), ACIN I-24-02 (March 21, 2002) and ACL 02-28 (March 18, 2002) for more information on human trafficking victims.

⁵ Refer to ACL 04-38 (September 23, 2004) and ACL 05-08 (April 1, 2005) for more information on relatives of human trafficking victims.

D. Documentation Requirements

An applicant for assistance under the RRP must provide proof of eligible status. Documentation of immigration status, e.g., refugee or asylee status, issued by the USCIS is required as a condition of eligibility except for victims of human trafficking. Adult victims of human trafficking are required to have a certification letter from ORR. Victims of human trafficking who are under 18 years of age must have an eligibility letter issued by ORR.

II. FUNDING

A. RSS

RSS must be used primarily for employability services designed to enable refugees to obtain jobs within one year of becoming enrolled in services in order to achieve economic self-sufficiency as soon as possible. RSS may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job.

RSS may not be used for long-term training programs such as vocational training that lasts for more than a year or educational programs that are not intended to lead to employment within a year.

Priority in Provision of Services - Counties must plan their social services program and allocate their RSS funds in such a manner that services are provided to refugees in the following order of priority:

1. All newly arriving refugees during their first year in the U.S. who apply for services.
2. Refugees who are receiving cash assistance.
3. Unemployed refugees who are not receiving cash assistance.
4. Employed refugees in need of services to retain employment or to attain economic independence.

When available, RSS allocations may contain set-aside funds designated by the ORR for a specific purpose or caseload, (i.e. elderly services, outreach, training, etc.).

Counties may not provide RSS services except for citizenship and naturalization preparation services and referral and interpreter services to otherwise eligible individuals who have been in the U.S. for more than 60 months. Counties are to calculate the time-eligibility of a refugee on the basis of calendar months. For example, in the case of refugees, the month of arrival in the U.S. counts as the first month of eligibility.