

Office of Refugee Services  
***MAN3180 Refugee Support Services***

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# General Information

## Authorizing Legislation

The Refugee Act of 1980 authorized The Office of Refugee Services (ORS) (P.L. 96-212) to provide cash assistance, medical assistance, and support services to refugees. The Fascell Stone Amendment to the Refugee Education Assistance Act of 1980 (P.L. 96-422) extended to Cuban and Haitian entrants the same benefits and services available to refugees. The law was amended by the Refugee Assistance Amendments of 1982 (P.L. 97-363). In the Continuing Resolution of 1983 (P.L. 97-377) the Cuban/Haitian Entrant Program was combined with the ORS so that both refugees and entrants were served by the same program. The law was further amended by the Refugee Assistance Extension Act of 1986 (P.L. 99-605). In 1988 the Amerasian Homecoming Act (P.L. 100-202) admitted Amerasians and their families as immigrants but made them eligible for refugee benefits. The Trafficking Victims Protection Act of 2000 (P.L. 106-386) admitted victims of severe forms of human trafficking and made them eligible for refugee benefits. Asylees are also eligible for refugee benefits as added by the Refugee Act of 1980.

In 2021, H.R. 5305 Extending Government Funding and Delivering Emergency Assistance Act extended to Afghan Humanitarian Parolees the same benefits and services available to refugees.

Under section 8120 of Pub. L. No. 111-118, Department of Defense Appropriation Act, 2010, Afghan and Iraqi Special Immigrants are eligible for ORR benefits and services to the same extent and for the same time period as Refugees (ORR State letters #08-04, #08-06, #09-17 partially superseded).

In short, refugees, asylees, Cuban/Haitian entrants, Amerasians, victims of Human Trafficking and Special Immigrants from Afghanistan and Iraq are all eligible for the benefits and services available under the Office of Refugee Services.

May 21, 2022, Congress passed the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117-128). Section 401 of this legislation provides that Ukrainian humanitarian parolees<sup>[1]</sup> are now eligible to receive federal benefits, including TANF, from the date of enactment. Specifically, the following individuals are eligible to apply for TANF until the end of their parole term as determined by the Department of Homeland Security, and in the same way a refugee is eligible to apply for TANF.

## Overview of the Office of Refugee Services Participation in Refugee Resettlement Assistance

The Office of Refugee Services (ORS), including cash assistance, medical assistance, support services, and employment services, is 100% federally funded. The funds are channeled through the Georgia Department of Human Services.

The Department of Public Health's Refugee Health Program administers the Refugee Health Screening Program. The Refugee Health Program coordinates with the Centers for Disease Control and Prevention concerning the mandatory health screening which was done overseas on all refugees scheduled to be resettled. Health screening, some immunizations, follow-up medical treatment, and medical referral are provided by the Refugee Health Program to refugees during their first one to

three months after arriving in the U.S. It is funded primarily by the ORS through a Memorandum of Agreement with the Department of Public Health.

The Multi-County Refugee Resettlement Unit (Multi-County Unit) has the responsibility of certifying refugees for Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) for refugees living in the state of Georgia. The Multi-County Unit also establishes eligibility for refugees for Temporary Assistance to Needy Families (TANF), Medicaid, and Food Stamps (FS) for their first year in the U.S. At the end of the first year any active TANF or Medicaid cases are transferred to the county of residence. Normally the refugee will be referred to the Multi-County Unit by a refugee resettlement agency. If any further assistance is needed, contact the local DFCS County office. Applications may be submitted online via [www.Gateway.ga.gov](http://www.Gateway.ga.gov).

The following rules should be followed:

- A. Refugees with an entry date or eligibility date on or after October 1<sup>st</sup>, 2021, may be eligible for RCA and RMA only during their first 12 months in the United States. Refugees with an entry date prior to October 1<sup>st</sup>, 2021, may be eligible for RCA and RMA only during their first 8 months in the United States. The month of arrival is the first month of the eligibility period.
- B. To be eligible for RCA, the refugee must be ineligible for TANF.
- C. To be eligible for RMA, the refugee must be ineligible for all other categories of Medicaid.

Note that there are some significant differences between the eligibility criteria for TANF and RCA. The same is true for Medicaid and RMA.

Refugees may be eligible for TANF, Medicaid, Food Stamps, and other benefits. See the Citizenship/Alienage sections of the TANF, Medicaid, or Food Stamp policy manuals for more information.

There are several private agencies, some of which operate under contract with the Department of Human Services, that provide a variety of services designed specifically for refugees. They are listed in Section 165.

## Other Considerations

The term “refugee” will be used throughout this manual when referring to refugees, asylees, Cuban Parolees/Haitian entrants, Amerasians, victims of human trafficking, Afghan Humanitarian Parolees, Ukrainian Humanitarian Parolees, and Special Immigrant from Afghanistan and Iraq at the same time. The terms “asylee”, “entrant”, “Amerasian”, “victim of human trafficking”, “Afghan Humanitarian Parolee”, “Ukrainian Humanitarian Parolee”, “Special Immigrant from Afghanistan or Iraq” will be used when the manual refers specifically to one of these groups.

Computer records of refugee assistance are maintained on Gateway.

## Confidentiality of Records

Except for purposes directly connected with the administration of the program, no information about or obtained from an individual and in possession of any agency providing assistance or services to such individual will be disclosed in a form identifiable with the individual without the individual’s consent, or if the individual is a minor, the consent of his or her parent or guardian.

In accordance with the Privacy Act, records containing personal information about persons who are refugees may be made available to persons within the Department of Public Health and Human Services on a “need to know” basis in the performance of their official duties.

These records may also be made available to other persons and organizations without the written consent of the client when used solely for purposes connected with the administration of the program, including:

- Departments of State, Labor, Justice, Defense.
- State and local governments for support services activities.
- State employment services.
- Resettlement agencies.
- State and local governments acting in the capacity of the Resettlement Agencies.
- Bureau of the Census.
- Controller General or his/her authorized representative in the course of the performance of the duties of the General Accounting Office.
- National Archives as a record which has sufficient historic or other value to warrant its continued preservation.
- Another agency or an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law.
- Either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, and any joint committee of Congress or subcommittee of any such joint committee.
- To a congressional office from the record of an individual in response to an inquiry from the congressional office.
- Pursuant to the order of a court of competent jurisdiction.
- Contract agencies (See Section 165).
- In such manner and only as allowed and required under the Freedom of Information Act.

If a congressional inquiry is made on behalf of a person other than the person whose record is requested, the congressional office should be advised that the written consent of the person whose record is requested must be obtained before the requested information can be disclosed.

If personal information (a name or number which could be used to identify and distinguish him or her from other individuals) about an individual is disclosed to persons and organizations indicated above, an account is to be made of the date, nature and purpose of each disclosure of personal information, and the name and address of the person and organization to whom the disclosure is made.

[1] [www.acf.hhs.gov/ofa/policy-guidance/tanf-acf-pi-2022-05#\\_ftn1](http://www.acf.hhs.gov/ofa/policy-guidance/tanf-acf-pi-2022-05#_ftn1)

# Glossary of Terms and Abbreviations

## **Afghan Humanitarian Parolee (AHP)**

A person from Afghanistan who has been granted temporary permission from the United States government to enter and physically stay in the country for a period of time, usually two years.

## **Afghan or Iraqi Special Immigrant**

A person from Afghanistan or Iraq arriving in the United States after employment with the United States Military or United States based agency in Afghanistan or Iraq.

## **Alien**

A person who is not a citizen of the United States.

## **Amerasian**

An alien who was born in Vietnam after January 1, 1962, and before January 1, 1976, and was fathered by a citizen of the United States. (See Section 110)

## **Asylee**

An alien who has been granted asylum in the United States; however, an applicant for asylum (that is, a person who has applied for but has not been granted asylum) is ineligible for assistance, except possibly in the case of a Cuban/Haitian entrant.

## **USCIS**

United States Citizenship and Immigration Services (formerly Immigration and Naturalization Services (INS)). This Bureau is within the Department of Homeland Security (DHS).

## **CHEP**

Cuban/Haitian Entrant Program. This has been combined with the Office of Refugee Services in the continuing Resolution of 1983 (P.L. 97-377).

## **Cuban Parolee/Haitian Entrant**

A person from Cuba/Haiti arriving in the United States without having undergone normal departure proceedings, whose future has not been determined by the USCIS. (See Section 110).

## **CHP**

Cuban Humanitarian Parolee

## **HHP**

Haitian Humanitarian Parolee

## **DFCS**

Division of Family and Children Services

## **DHS**

Department of Homeland Security. USCIS (formerly INS) is within this department.



**DOS**

Department of State – funds the Reception and Placement Program.

**DT**

The visa waiver class of admission into the United States. The DT status may also be utilized for Parolees. Parolees with DT status for Haiti, Cuba, Afghan and Ukraine are the only group eligible for public benefits.

**ESL**

Classes teaching English as a Second Language. (Sometimes called ELT, for English Language Training, or ELI, for English Language Instruction.)

**Exclusion Order**

A judge's order referring any alien found to be inadmissible to an Immigration Inspector for further examination.

**Family**

One or more adults (and children, if any) related by blood or law, and residing in the same household. Where adults other than spouses reside together, each may be considered a separate family by the State.

**Form I-94**

Serves as a control document, entry-departure record, identification card, and proof of alien registration. The I-94 is issued by the USCIS.

**Full-Time Student**

A student enrolled in an institution of higher education (other than correspondence school) who is carrying a full-time academic workload as determined by the school.

**“Green Card” – Form I-551**

Alien Registration Receipt Card, sometimes called “Resident Alien Card.” (It is not green.) The I-551 is issued by the USCIS. (See Section 160 for more information.)

**Individual Employment Plan**

A written, individualized plan for helping an employable recipient of RCA attain the earliest possible employment. (See Section 120.)

**INS**

Immigration and Naturalization Service. INS is now the United States Citizenship and Immigration Services (USCIS) within DHS.

**Institutions of Higher Education**

Public or private non-profit and proprietary institutions as well as post secondary vocational institutions that provide educational programs.

**Post-secondary vocational institution**

A public or private nonprofit educational institution that provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation.

**Proprietary institution of higher education**

An educational institution which provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation.

**Public or private nonprofit institution of higher education**

An educational institution which provides an educational program for which it awards an associate, baccalaureate, graduate, or professional degree; or at least a two-year program which is acceptable for full credit toward a baccalaureate degree; or at least one-year training program which leads to a certificate or degree and prepares students for gainful employment in a recognized occupation.

**LPR – Lawful Permanent Resident**

An alien who has an I-551, Alien Registration Receipt Card, who is permanently residing in the U.S.

**ORR – Office of Refugee Resettlement**

Federal office within the Department of Health and Human Services (DHHS) which provides funds to States, public and private, and non-profit agencies to assist refugees and asylees in resettling in the United States and in attaining self-sufficiency.

**ORS**

Office of Refugee Services.

**Parolee**

An alien not otherwise admissible who is allowed to enter into the United States at the discretion of the government. Normally parolees are not treated as refugees, except possibly in the case of a Cuban/Haitian parolee.

**RCA**

Refugee Cash Assistance. (See Section 115.)

**Reception and Placement**

Basic services provided to refugees during their first 90 days in the U.S. Services are provided by refugee resettlement agencies and funded by the U.S. Department of State. Services include airport reception and basic needs support for at least 30 days; including housing, furnishings, food, clothing, and other basic necessities. Services also include home visits, case management, counseling, orientation, and referrals to health services, employment services, etc. Services are designed to support refugees in achieving economic self-sufficiency.

**RES**

Refugee Employment Services.

**RMA**

Refugee Medical Assistance.

**Refugee**

- a. any person outside his or her country of nationality or residence who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on

account of race, religion or political opinion or

- b. any person within his or her country of nationality or residence who is persecuted or has a well-founded fear of persecution on account of race, religion or political opinion.

### **Refugee Resettlement Program Contract Agencies**

Private, non-profit agencies, which administer a full range of services to refugees. This includes the Resettlement Agencies.

### **Sponsor**

An individual, church, civic organization, or other local group or organization that undertakes certain responsibilities as a moral commitment to resettle a refugee or entrant in the U.S.

### **Ukrainian Humanitarian Parolee (UHP)**

- A. Citizens or nationals of Ukraine who the Department of Homeland Security (DHS) has paroled into the United States between February 24, 2022, and September 30, 2023, due to urgent humanitarian reasons or for significant public benefit, known as Ukrainian Humanitarian Parolees (UHPs).
- B. Non-Ukrainian individuals who last habitually resided in Ukraine, who DHS has paroled into the United States between February 24, 2022, and September 30, 2023, due to urgent humanitarian reasons or for significant public benefit.
- C. A spouse or child<sup>2</sup> of an individual described in section I.A. or I.B. who is paroled into the United States after September 30, 2023.
- D. A parent, legal guardian, or primary caregiver of an unaccompanied refugee minor<sup>3</sup> or an unaccompanied child<sup>4</sup> described in section I.A. or I.B. who is paroled into the United States after September 30, 2023.

### **U4U**

United for Ukraine

### **Victims of Trafficking**

- A. An act of human trafficking in which the victim is induced by force, fraud, or coercion, or
- B. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, using force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

# General Eligibility Requirements



See [Status and Documentation Requirements for the Office of Refugee Services](#) for a complete chart of documentation requirements.

## Definition of a Refugee for the Office of Refugee Services (ORS)

A refugee is any person:

- A. outside his or her country of nationality or residence who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, or political opinion.
- B. within his or her country of nationality or residence who is persecuted or has a well-founded fear of persecution on account of race, religion, or political opinion.

## Documentation of Refugee Status

Individuals with the following status are eligible for assistance or services under the Office of Refugee Services (ORS) provided that other eligibility requirements are met:

- A. A person from any country admitted as a refugee. Documentation required: A Form I 94 indicating that the person has been admitted as a refugee under Section 207 of the INA (as amended by the Refugee Act of 1980).
- B. A person from any country who has been granted asylum. Documentation required: A Form I-94 indicating that the person has been admitted as an asylee under Section 208 of the INA (as amended by the Refugee Act of 1980).



An *asylee* (a person who has been granted asylum) is eligible under ORS. However, an ***applicant for asylum*** (a person who has applied for but not been granted asylum) is ineligible except possibly in the case of a Cuban/Haitian entrant.

- C. A person from Cambodia, Laos, or Vietnam who has parole status. Documentation required: A Form I-94 indicating that the person has been paroled under Section 212(d)(5) of the Immigration and Nationality Act (INA). If the I-94 was issued on or after June 1, 1980, it must clearly indicate that the person has been paroled as a refugee or asylee.
- D. A person from Cuba/Haiti who has been paroled as a refugee, asylee or entrant, and who entered the U.S. on or after October 1, 1978. Documentation required: A Form I 94 indicating that the person has been paroled under Section 212(d)(5) of the Immigration and Nationality Act (INA). If the I-94 was issued on or after April 21, 1980, it must clearly indicate that the person has been paroled as a refugee or asylee.
- E. A person from any country other than Cambodia, Laos, Vietnam, or Cuba, who has been paroled as a refugee or asylee. Documentation required: A Form I-94 indicating that the person has been paroled under Section 212(d)(5) of the INA as a refugee or asylee.
- F. A person admitted from any country as a conditional entrant. Documentation required: A Form

I-94 indicating that the person has been admitted as a conditional entrant under Section 203(a)(7) of the INA. (All persons with this status are defined as refugees).



Conditional entry status under Section 203(a)(7) is not related to the status that USCIS has granted to certain “Cuban/Haitian Entrants” who are eligible under ORS.

- G. A person from any country who previously held one of the statuses identified above whose status has subsequently been adjusted to that of a lawful permanent resident (LPR) alien. Documentation required: A Form I-151 (older version of I-551 without an expiration date) or I-551 that identifies the person as a resident alien and indicates that he/she was previously a refugee. The person must have sufficient documentation to substantiate that he/she held one of the statuses indicated above prior to the adjustment of his/her status to that of resident alien. An alternate form of documentation would be a photocopy of an I-94 previously held by that person which meets one of the above requirements. A list of admission codes indicated on Forms I 151 and I-551 for aliens who previously were refugees is noted in Section 110.
- H. A person from Afghanistan who has been paroled (DT OAW-operation allies welcome). Documentation required: I-94 noting SQ or SI Parole (per section 602(B)(1) AAPA/Sec 1059(a) NDAA 2006).
- I. A person from Ukraine who has been paroled. Documentation required: I-94, and passport with DT U4U parole stamp.

## Definition of a Cuban Parolee/Haitian Entrant for the ORS

The definition for an entrant differs from that of a refugee. Refugees are processed, screened and admitted to the United States from outside its borders under annual quota limitations. An entrant, however, is an individual from only Cuba or Haiti who arrived in the United States without having undergone normal refugee-type departure proceedings and whose legal status has yet to be determined by the USCIS.



Not all Cubans and Haitians are necessarily entrants. Some Cubans may be immigrants or refugees, rather than entrants. Haitians are rarely refugees but may be immigrants. Care should be taken when reviewing their documentation.

Individuals with entrant statuses are eligible for assistance and service under the ORS – provided that all other eligibility requirements are met.

An entrant is:

- A. 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.
- B. Any other national of Cuba or Haiti.
  - 1. who was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act.
  - 2. who is the subject of exclusion or deportation proceedings under the Immigration and

Nationality Act.

3. who has an application for asylum pending with the USCIS; and
4. with respect to whom a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered.

## Documentation of Cuban Parolee/Haitian Entrant Status

- a. Cubans and Haitians – A person who possesses a Form I-94 which is stamped “Cuban/Haitian Entrant (Status Pending).”
- b. Cubans – A person who possesses an I-94 that meets all of the following requirements:
  - it states that the person is a citizen of Cuba who has been paroled or admitted under the Cuban Family Reunification Parole Program (CFRP).
  - Class of admission CHP or DT.
  - It indicates that the person either entered the United States after, or was paroled after April 20, 1980, and
  - does not contain the words “Outstanding Order of Exclusion.”
- c. Haitians – A person who possesses an I-94 that states the person is a citizen of Haiti who has been either “Paroled” or granted “Voluntary Departure”; it states that the person is a citizen of Haiti who has been paroled or admitted under the Haitian Family Reunification Parole Program (HFRP). Class of admission HHP or DT.



Persons in the above categories are eligible even if the expiration date on their parole or voluntary departure status has passed, provided they do not exceed the time limitation of 12 months.

## Definition of an Amerasian for the ORS

Certain Vietnamese Amerasians, and those who are authorized to accompany them, who enter the United States with immigrant or citizenship status are eligible for refugee cash assistance, medical assistance, and support services under the ORS. An Amerasian is an alien who was born in Vietnam after January 1, 1962, and before January 1, 1976, and who was fathered by a citizen of the United States. The Amerasian Homecoming Act (P.L. 100-202) provides that Amerasians and their close family members departing Vietnam may be admitted to the U.S. as immigrants but will be eligible to receive refugee benefits. Amendment 84 of the Foreign Federal Fiscal Year 1989 permits Amerasians to be admitted as U.S. citizens if paternity has been established. They are also eligible for refugee benefits.

## Documentation of Amerasian Status

Amerasians and those who are authorized to accompany them possess passports or I-94 documents initially. For those who are being admitted as immigrants, the passport or I-94 is stamped with the words “Processed for I-551. Temporary Evidence of Lawful Admission for Permanent Residence.”

The class code is AM-1, AM-2, or AM-3. The alien number begins with A4. Approximately one month after arrival Amerasians and those who accompany them receive I 551 documents. The class code is the same as on the passport. The class and alien number codes – AM-6, AM-7, and AM-8 – are used for individuals who have their status changed to “Amerasian Immigrant” after arrival in the United States.

## **Definition of a Victim of Human Trafficking for the ORS**

The Trafficking Victims Protection Act of 2000 states that the term “severe forms of trafficking in persons” means:

- i. 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
- ii. 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.

Office of Refugee Resettlement (ORR) State Letter #01-13 dated May 2001 states “An alien who is a victim of a severe form of trafficking in persons shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any [Federal agency] to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.”

## **Documentation of the Status of Victims of Human Trafficking**

The eligibility case manager must see a letter issued by ORR verifying that the person is a victim of human trafficking with a tracking number. The date of the certification letter is the first month of eligibility for RCA/RMA (rather than the date of entry which is normally used as the first month of eligibility for refugees.) The first certification letters that were issued had expiration dates, but these human trafficking victims should have received new certification without expiration dates (expiration dates are no longer being used), as explained in ORR State Letter #02-01 dated January 2002. If an individual presents an expired certification letter when applying for benefits or an agency attempts to do a benefits program re-determination and finds that a certification letter has expired, the agency should call the ORR trafficking verification line at (202) 401-5510 for assistance. The case should not be denied before contacting ORR, as ORR may only need the client’s current address to send out a recertification letter.

## **Definition of an Asylee for the ORS**

An alien who has been granted asylum in the United States; however, an applicant for asylum (that is, a person who has applied for but has not been granted asylum) is ineligible for assistance.

## Documentation of the Status of an Asylee

- a. A Form I-94 annotated with Section 208 of the INA.
- b. A Form I-688B annotated with 274a.12(a)(5).
- c. Other USCIS documents with the codes AS1, AS2, AS3, AS6, AS7, AS8.
- d. An Asylum granted letter from the immigration judge.

## Definition of a Special Immigrant from Afghanistan or Iraq for the ORS

A person from Afghanistan or Iraq arriving in the United States after employment with the United States Military or United States based agency in Afghanistan or Iraq. ORR State Letter # 08-04, # 08-06, # 09-02, and # 1917 partially superseded, stated: Afghan and Iraqi Special immigrants are now eligible for ORR benefits and services to the same extent and for the same time period as a Refugee.

## Documentation of the Status of Special Immigrant for Afghan or Iraqi.

An Afghan or Iraqi national who possesses an Afghan or Iraqi Passport which is stamped “SQ1-8” or “SI1-3, 6-8” and a self-adhesive Visa sticker with annotation Section 212(g)(2)(A) and identifying visa issuing United States Embassy post. Or an I-551 that identifies the person as a resident alien and indicates that he/she was admitted as a Special Immigrant from Afghanistan or Iraq with Category codes beginning with SQ or SI (the sequence of the number correspond to the relationship of the individual in the family).

## Case Record Requirements for Documenting Refugee/Asylee/Cuban Parolee/Haitian Entrant/Amerasian/Victim of Human Trafficking Status

Photocopies of the passport, USCIS Form I-94, I-551, I-151, Asylum Certification Letter, Cuban/Haitians entrants and immigration documents or ORR Certification Letter for victims of trafficking must be retained in the case record. If copies cannot be made of these forms, the following information from the forms should be noted in the case record:

- a. date of entry for the refugees,
- b. date of parole for the entrants,
- c. date asylum granted for the asylees,
- d. alien registration number,
- e. national origin,
- f. immigration status,



g. resettlement agency.

## USCIS Codes for Forms I-151 and I-551

The following is a list of most of the USCIS codes that indicate an alien formerly had refugee or entrant status. See Section 150 for a more complete list. These codes appear on the I-151 or I-551 carried by permanent resident aliens. The groups as well as the governing legislation are as follows:

| Codes | Notes  |
|-------|--|
| RE    | Refugee  |
| REF   | Refugee  |
| RE1   | Refugees admitted under the Refugee Act of 1980 (P.L. 96-212) RE2 Spouse of RE1  |
| RE3   | Child/ren of RE1   |
| RE6   | Refugees admitted on or after April 1, 1980  |
| RE7   | Spouse of RE6  |
| RE8   | Child/ren of RE6   |
| RE9   | Other family members of RE6  |
| AS    | Asylee Applicant with work authorization.  |
| AS1   | Asylee Principal: admitted under the Refugee Act of 1980 (P.L. 96-212)   |
| AS2   | Spouse of Asylee   |
| AS3   | Child/ren of Asylee  |
| AS6   | Asylee Principal   |
| AS7   | Spouse of Asylee   |
| AS8   | Child/ren of Asylee  |
| GA6   | Adjusted Iraqi asylee: Iraqi National whose application for asylum was processed in Guam between September 1, 1996 and April 30, 1997, adjusting to lawful permanent residence in the U.S. |
| GA7   | Spouse of GA6  |
| GA8   | Child of GA6   |
| R86   | Refugees and Parolees who arrived before April 1, 1980, under (P.L. 95-412)  |
| IC6   | Indochinese admitted (P.L. 95-145)   |
| IC7   | Spouse or child of an Indochinese refugee not qualified as a refugee on his or her own.  |
| P71   | 7 <sup>th</sup> preference refugees  |
| P76   | (conditional entry)  |
| CH6   | Cuban/Haitian entrants Adjusting status under Section 202 of IRCA (P.L. 99-603)  |
| CU6   | Cuban refugees (various laws)  |

| Codes | Notes  |
|-------|--|
| CU7   | Non-Cuban spouse or child of an alien classified as a CU6.                           |
| CU8   |  |
| CU9   |  |
| CN0   |  |
| CUP   |  |
| CNP   |  |
| M83   | Refugee-escapees (Act of 7/14/60)  |
| SI1   | Special Immigrants Visa from Iraq or Afghanistan                                     |
| SI2   | Spouses of an SI1.   |
| SI3   | Child/ren of an SI1.   |
| SI6   | Nationals of Iraq or Afghanistan serving as interpreters with the U.S. Armed Forces. |
| SI7   | Spouses of an SI6.   |
| SI8   | Children of an SI6.  |
| SQ1   |  |
| SQ2   |  |
| SQ3   |  |
| SQ4   |  |
| SQ5   |  |
| SQ6   |  |
| SQ7   |  |
| SQ8   |  |
| M93   | Hungarian parolees (Act of 7/25/58)  |
| Y64   | Refugee Relief Act of 1953, Section 6  |

## USCIS Codes for Amerasians

| Codes      | Notes   |
|------------|---|
| AM1<br>AM6 | Amerasian born in Vietnam between 1/1/62 and 1/1/76   |
| AM2<br>AM7 | Spouse or child of Amerasian  |
| AM3<br>AM8 | Mother of unmarried Amerasian and spouse or child of such mother; or person who has acted as parent of Amerasian and such person's spouse or child. |

## Verification of Age and Relationship

In view of the unique documentation difficulties encountered in establishing eligibility for RCA and RMA for refugee, asylee, Cuban parolee/Haitian entrant, Amerasian, and trafficking victim cases, the following guidelines are recommended:

- a. Form I-94 should be accepted as verification of age in the absence of a more persuasive document in the applicant's possession.
- b. The relationships of family members may be established through any document the applicants brought with them from their homeland or a refugee camp overseas, including a Reception and Placement Program Assurance Form, or a passport. School records of children enrolled in school as well as medical records established since arrival in the United States may be used as methods of verification. The applicant's sponsor may also be a source of information regarding relationships.
- c. For those individuals who have no written records of any kind to verify age or relationship, the refugee or entrant's statement would be acceptable unless, in a given instance, such statement appears unreasonable.

## Residence

In RCA and RMA "residence" refers to the residence of the applicant or recipient. The applicant/recipient for RCA or RMA at the time of application or redetermination of eligibility must live in the state voluntarily with the intention of making his/her home theirs and not for a temporary purpose. He/she cannot be a current recipient of assistance from another state. Georgia residence is terminated when the applicant/recipient no longer lives in the state. The applicant's statement is acceptable evidence of residence unless there is reason to question it. If verification is required, acceptable resources include: the eligibility case manager's observation during a home visit, rent or utility company receipts, the sponsor or resettlement agency, or the written sworn statement of a responsible reference.

## Social Security Number (SSN)

Each refugee who applies for a SSN may be issued a Form SSA-5028 showing the individual's name and the date of application. If the individual does not have an SSN, the state or local agency shall accept Form SSA-5028 as proof that the individual has applied for the SSN. Assistance or services to an otherwise eligible refugee or entrant shall not be denied, delayed, or discontinued pending issuance or verification of the individual's SSN by SSA.

## Verification with Resettlement Agencies or Sponsors

As part of the regular process of determining or redetermining a refugee's eligibility for cash or medical assistance, the eligibility case manager must contact the resettlement agency. If there is a sponsor, that person also must be contacted. Department of Family and Children Services (DFCS) Form 160 is sent to the appropriate sponsor and resettlement agency at the time of initial applications and redeterminations. The form indicates the following:

- A. Any assistance the sponsor or resettlement agency has been providing during the past six months and will continue to provide.
- B. Other available sources of income such as cash or in-kind contributions.
- C. Whether the refugee has refused an appropriate offer of employment or has voluntarily quit a job without good cause. (See Section 1349 - Work Requirement)

This inquiry should enable the county department to obtain sufficient information to determine the individual's eligibility for cash or medical assistance. The information obtained from the sponsor or resettlement agency should be filed in the case record. A telephone contact with the sponsor and resettlement agency by the eligibility case manager, in the absence of Form 160 or a personal contact, is sufficient to fulfill the verification requirement. The questions asked should be the same as those on Form 160. This must be documented in the case record. Where there is an emergency need for financial or medical assistance in instances in which it is not possible to reach the sponsor and resettlement agency, the requirement of verification with the sponsor and resettlement agency may be temporarily waived in order to meet the emergency.

## **Recipients Under the Matching Grant Program**

Newly arrived refugees may be receiving cash assistance under a matching grant program with a resettlement agency. The matching grants cover generally the same range of cash and medical assistance available under ORS. These grants are separate and distinct from the one-time per capita grants that the Department of State (DOS) makes to resettlement agency for the receptions and initial placement of newly arriving refugees. If a refugee who might be covered by a matching grant applies to DFCS for RCA or RMA the eligibility case manager shall verify with the refugee's sponsor or resettlement agency whether the refugee is receiving such assistance. If assistance is being provided, the application for RCA shall be denied and the entire amount shall be counted as unearned income and used in determining eligibility for SNAP, Low Income Medicaid (LIM) or RMA.

## **Waiver of Categorical Relatedness**

Requirements of categorical relatedness for financial assistance, medical assistance, and support services are waived for RCA and RMA. This enables assistance and services to be provided on the basis of need, without regard to family composition or the presence of children. Single adults, two parent families and childless couples are thus eligible with the application of the waiver.

## **U.S. Citizen Children in Refugee Families**

Some refugee families may include one or more children who are U.S. citizens by virtue of having been born in this country. These children may be eligible for Refugee Cash Assistance, Refugee Medical Assistance and Refugee Support Services (RSS) only if both parents in the home are refugees or the parent in a single parent home is a refugee within the 12-month eligibility period.

## **Duration of Assistance**

Refugees, Asylees, Cuban parolees/Haitian entrants, Amerasians, Afghan and Iraqi Special Immigrant, Afghan Humanitarian Parolee, Ukrainian Humanitarian Parolee, and victims of human trafficking with an entry date prior to October 1st, 2021, are eligible for RCA and RMA for eight (8) months only. Refugees, Asylees, Cuban parolees/Haitian entrants, Amerasians, Afghan and Iraqi Special Immigrant; and victims of human trafficking with an entry date on or after October 1<sup>st</sup>, 2021, are eligible for RCA and RMA for twelve (12) months only. For refugees, Amerasians, Afghan and Iraqi Special Immigrants, Afghan Humanitarian Parolee, Ukrainian Humanitarian Parolee, the eight or twelve-month eligibility period begins with the month they entered the United States. For

entrants the eight or twelve-month period begins with the month they were paroled into the United States as shown on Form I-94. For asylees, the date asylum is granted is the first month of eligibility. The date of certification is the first month of eligibility for victims of human trafficking. The entire month is counted as the first month of eligibility. Certain children who were born in the United States of refugee parents that are currently eligible for RCA and RMA even though they are United States citizens (See section 110). If eligible the children can qualify for up to 12 months of eligibility from their date of birth.

## **Prohibition Against Quitting Work to Receive Assistance**

As a condition of eligibility for both RCA and RMA, an employable applicant 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 apply for or accept an offer of appropriate employment. The dependent family of such an ineligible applicant may, however, apply for and receive RCA and/or RMA.

## **Ineligibility for Assistance While Under Sanction**

A refugee is not eligible for RCA or RMA if he or she is under a period of sanction for having failed or refused to participate in the employability requirements of employment, training, and ESL requirements for employable RCA recipients. However, the dependent family members of an ineligible individual may apply for and receive RCA and/or RMA.

## **Full-Time Students in Higher Education**

A refugee who is a full-time student pursuing academic studies in an institution of higher education is not eligible for RCA or RMA. (See Section B1 for definition of Institution of Higher Education.) However, a refugee may attend an institution of higher education and receive RCA if the course of study is appropriate job-related training approved under an individual employability plan. Full-time is defined as:

- A. Twelve (12) semester hours or 12 quarter hours per academic term in those institutions using standard semester, trimester, or quarter hour systems;
- B. Twenty-four (24) semester hours or thirty-six (36) quarter hours per academic year for institutions using credit hours to measure progress but not using semester, trimester, or quarter systems, or the prorated equivalent for programs less than one academic year;
- C. 24 clock hours per week for institutions using clock hours;
- D. In those institutions using both credit and clock hours, the number of credit hours per term divided by 12 plus the number of clock hours per week divided by 24 must be equal to or greater than one;
- E. A series of courses or seminars which equals 12 semester hours or 12 quarter hours in a maximum of eighteen weeks (18); or,
- F. The work portion of a cooperative education program in which the amount of work performed

is equivalent to the academic workload of full-time student.

# Refugee Cash Assistance (RCA)

## Introduction

When a refugee applies for RCA, the eligibility case manager shall first determine if the applicant would be eligible for TANF. If it is determined that the applicant would not be eligible for TANF, then eligibility shall be determined according to the requirements of this section.

All employable refugees who apply for RCA must meet the employment requirements of Section 1349 - Work Requirement. This condition of eligibility applies only to RCA. It does not apply to the other programs available to refugees.

RCA is available to refugees only during their first eight months (if the date of entry is prior to October 1<sup>st</sup>, 2021) and twelve months (if the date of entry is on or after October 1<sup>st</sup>, 2021) in the United States.

## Need

Financial assistance to refugees through RCA, regardless of family composition, will be based upon the State's TANF Standard of Need with income and resources taken into consideration on the same basis as the TANF program and payments made in accordance with the State's TANF payment levels. The Standard Filing Unit (See the TANF Manual), which is used in the TANF program, is also applied to the RCA/RMA program. When determining need and the amount of assistance for the large extended family group, it may be necessary and more practical to set up more than one budget unit. The term family means one or more adults and children, if any, related by blood or law, and residing in the same household. When adults other than spouses reside together, each may be considered a separate family.

The standard for an assistance unit of one person in TANF may be used for single individuals and the two-person standard for a husband and wife.

## Relationship to SSI

All refugee recipients who are sixty-five (65) years of age or older or who are blind or disabled must be referred to the Social Security Administration to apply for SSI benefits. They will be included in the assistance benefit if they meet TANF Standard of Need, until SSI benefits have begun.

## Resources and Income

All income and/or resources available to the refugee must be considered in determining need. They must meet the same income and/or resource standards for TANF persons with the following exceptions:

- A. Financial resources that are in fact not available to the refugee, including resources remaining in his/her homeland and owned by the refugee or a responsible relative, shall not be considered

in determining eligibility for financial and medical assistance.

- B. The income and resources of the sponsor and the in-kind services and shelter provided to refugees by the sponsors shall not be considered in determining eligibility for financial and medical assistance.
- C. Reception and Placement monies awarded to resettlement agencies for families is excluded. Cash awarded directly to clients is included.

## **Calculation of Benefits**

The budgetary standards and other disregards for the TANF program shall apply in the same manner to the RCA program. See the TANF policy manual. The Standard of Promptness for the eligibility case manager to complete an RCA/RMA application is forty-five (45) days from the date of application. The procedures for the application process follow the same procedures outlined in the TANF policy manual.

## **Redetermination of Need**

Need, as well as other eligibility factors, Redetermination takes place at the end of their 12 month eligibility period. The eligibility period starts the month of their arrival into the United States (or the month they became eligible for refugee benefits. i.e., asylee and human trafficking victims). If the circumstances of a recipient of RCA should change at any time, he/she is responsible to the extent of his or her ability for reporting such changes to the county department. The county department must review the case when apprised of such a change and make any adjustments.

Those mandatory special redeterminations that are required between regularly scheduled semi-annual redeterminations of eligibility in certain classes of TANF cases also apply to RCA and RMA.

## **TANF Employment Services (ES)**

Recipients of RCA are not eligible for TANF ES. Employable recipients of RCA, however, must register for employment services according to requirements of Section 1349 - Work Requirement. Refugees who are recipients of TANF are eligible for TANF ES.

## **Expedited RCA/RMA**

When there is an urgent need for assistance, the agency should make such provisions as are necessary to speed up the application process and accelerate issuance of the initial grant to the recipient.



# Employment, Training and ESL Requirements for Employable RCA Recipients

## Introduction

In order to receive RCA any refugee who is employable is required:

- A. to register for employment assistance, to conduct a job search and accept appropriate job offers, to participate in appropriate job training; and,
- B. to register for and participate in appropriate English language training.

Note that certain provisions of this part are the responsibility of the agencies that have contracts with the ORS to provide employment services to refugees (refugee employment service (RES) agencies or other employment service program). The responsibilities of the RES agencies or other employment service program are included in the manual because of the close working relationship that is necessary between these agencies and the county department.

Since refugees are eligible for RCA only during the first 12 months they are in the United States, it should be kept in mind that the provisions for employment, training and ESL will not be required of them after that time. The services of the RES agencies or other employment service program are nevertheless available to all refugees, whether employable recipients of RCA or not. Those who might benefit from these services should be encouraged to use them. Refugees not referred by a resettlement agency that have applied for RCA, must be referred to an employability service with an agency contracted through DHS or employment service program.

## Prohibition Against Quitting Work to Receive Assistance

As a condition of eligibility for both RCA and RMA, an employable applicant shall not, have voluntarily quit employment or have refused to apply for or accept an offer of appropriate employment within thirty (30) consecutive calendar days. The dependent family of an ineligible applicant may, however, apply for and receive RCA and/or RMA. Exceptions may be granted if the eligibility case manager determines good cause.

## Definition of Employable

A refugee is considered to be employable unless he/she falls within one of the following categories, as determined by the eligibility case manager:

- A. Under age sixteen (16); or under age eighteen (18) but a full-time student.
- B. Temporary illness, when determined by the eligibility case manager, on the basis of medical evidence or another sound basis that the injury or illness is serious enough to temporarily prevent entry into employment or training;

- C. Incapacitated, when determined by a physician or licensed or certified psychologist and verified by the eligibility case manager, that a physical or mental impairment, by itself or in conjunction with age, prevents the individual from engaging in employment or training;
- D. Age sixty-five (65) or older;
- E. A person whose presence is required in the home to care for another member of the household who is incapacitated (as described and verified in C. above);
- F. A parent or other caretaker relative of a child under age six who is caring for the child full-time;
- G. Working at least thirty (30) hours a week at minimum wage in unsubsidized employment expected to last at least 30 days. This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten workdays; or,
- H. A woman who is in her third trimester of pregnancy. A medical statement verifying the pregnancy and the expected date of delivery must be filed in the case record.



The inability to communicate in English does not, by itself, exempt a refugee from being defined as employable.

## Registration for Employment Services

As a condition of receipt of RCA an employable refugee must register with one of the agencies providing RES or other employment service program before the application is approved. These contract agencies providing RES or other employment service program are listed in Section 165. The eligibility case manager will use Forms 198 (198 is Manpower form) to register the individual and communicate with the RES agencies or other employment service program. See instructions on Form 198 for referral and registration procedures.

In those counties that are not served by a RES contract agency or other employment, it is suggested that the eligibility case manager – or other county office personnel designated by the director – be utilized to administer this work requirement.

If the employable applicant fails to register, he or she will be excluded from the grant. If this applicant is the only one in the grant group, the application will be denied. If there are other people in the grant group, assistance may be approved for those individuals. The income of the ineligible employable applicant will be applied first to his or her needs and the remainder of the income will be applied to the eligible members of the grant group. Exceptions may apply to those in rural areas without employability service programs or those without accessible transportation.

## Individual Employability Plan

Recipients of RCA are required to participate in the employment services provided by the RES agency or other employment service program, to carry out a job search, go to job interviews arranged by the agency, and to accept appropriate offers of employment.

The RES agency or other employment service program in consultation with the refugee will develop an individual employability plan for the refugee. This written plan must:

- A. Be designed to lead to the earliest possible employment and not be structured in such a way as

to discourage or delay employment or job seeking.

- B. Contain a definite employment goal, attainable in the shortest time-period consistent with the employability of the refugee in relation to job openings in the area; and
- C. Enable the individual to meet the job search requirements of this section.

When it will help the recipient to gain employment, the individual employability plan may include short-term training. While engaged in such training, the recipient is not required to accept offers of employment or to participate in a job search. However, the recipient does remain registered with the RES or other employment service program and upon completion of the training course must resume his/her job search and must accept appropriate job offers.

Training must meet the following criteria:

- A. The training must be part of an individual employability plan and appropriate to the employment objectives of the plan. The training course may not exceed one year's duration, including any time the refugee was enrolled in the program in the United States prior to applying for assistance. High school attendance may be an exception to this rule.
- B. The training must be likely to lead to employment that meets the standard of appropriate employment in this section.
- C. The training must be a short-term program with specific employment objectives.
- D. The quality of training must meet the requirements of local employers so that the individual will be able to find employment locally.
- E. The training must be limited to one of the following:
  - a. Refresher training or recertification that will enable a professional to practice his or her profession in the United States.
  - b. On-the-job training at a job site which will lead to permanent, full time, unsubsidized employment with the employer who is providing the training.
  - c. Short-term vocational or technical training.
  - d. High school may be considered training only if the recipient can reasonably expect to graduate within one year.
  - e. Work or training assignments must not be made which are discriminatory in terms of age, sex, race, creed, color, or national origin.

## **Job Search Requirements**

Each individual employability plan will include a systematic job search program that will be conducted under the supervision of the RES agency or other employment service program.

The job search program must begin no later than six months after the refugee enters the United States, or as soon as the refugee is certified for RCA if this takes place after the first six months in the United States.

The job search must be carried out for eight consecutive weeks unless the recipient becomes employed in less time.

The individual employability plan should specify the number of hours per week the recipient will spend in activity that is a reasonable part of searching for employment. The number of hours will not necessarily be the same for each individual.

## English Language Requirements

Employable recipients of RCA are required to participate in English language training unless they are employed full time or proficient in English determined by ESL provider. However, an employable recipient who is enrolled in English as a Second Language (ESL) instruction is not exempt from the job search requirement and must accept appropriate employment when it is offered.

As a condition of receipt of RCA an employable applicant must register for ESL classes.

DFCS Form 161 is given to all employable applicants. This form defines required attendance and exemptions from ESL. It is the eligibility case manager's responsibility to ensure that the refugee understands the information on the form.

DFCS Form 162 shall be sent to the ESL provider for each employable refugee who applies for or receives RCA. The eligibility case manager will be notified by the provider on Form 162 as to the ESL status of the refugee.

Attendance requirements:

- A. A recipient must attend 75% of available ESL course hours in their county of residence if they are not employed or in full-time training.
- B. A recipient who is employed or in training part-time (less than 100 hours per month) must attend the difference between the total monthly hours of employment or training or 75% of the available ESL monthly hours; whichever is less, in their county of residence.

In most counties where refugees reside there is a program of ESL funded by the ORS. In those counties the available monthly hours are calculated based on the number of hours offered either in the daytime or the evening, whichever is greater. See the list of these contract agencies and the services they provide on [Refugee Program Contract Agencies and Services](#).

In other counties the calculation of available monthly hours is based on the number of ESL hours offered by the county's adult education program. If there is no such program, then the calculation is based on the number of hours offered by the program that the refugee can attend.

The eligibility case manager should refer employable applicants to the ESL program in their county of residence. Refugees may choose to attend ESL classes in another county, but their attendance requirements will be based on the number of hours available in their county of residence.

Each month the contract ESL providers will send the county DFCS a copy of their monthly report. The report includes the number of hours of instruction available at each site, the names of refugees and the number of hours each one attended during the month. The eligibility case manager will review the monthly ESL reports every three months to determine the recipient's ESL status and continued eligibility for assistance. If the information is not available on the monthly attendance list, the eligibility case manager should send Form 162 to the ESL provider.

This form may also be used to obtain information from noncontract ESL providers.

The attendance check shall not begin with the month of enrollment in an ESL class unless the individual enrolled and began class on the first school day of the month. In that instance the eligibility case manager will consider the entire first month when determining ESL attendance.

Failure to attend the required number of monthly hours in ESL without good cause may result in a reduction of benefits or closure of the case.

Recipients of RCA who are not required to attend ESL classes as a condition of receiving assistance should nevertheless be encouraged by the eligibility case manager to get ESL instruction. Those employed full time may be able to attend weekend or evening classes. Those who are not “employable” may be able to attend one of the daytime classes or receive instruction from a volunteer providing ESL course hours.

## Appropriate Work

For work to be appropriate it must be within the scope of the individual’s employment plan and must meet the following standards.

- A. Appropriate work may be temporary, permanent, full-time, part-time, or seasonal work if such work meets the other work standards of this instruction.
- B. The wage shall meet or exceed the federal or state minimum wage law, whichever is applicable. If such laws are not applicable, the wage shall not be less favorable than the wage normally paid for similar work in the local labor market. In no event shall it be less than three-fourths of the minimum wage rate.
- C. The daily hours of work and weekly hours of work shall not exceed those customary to the occupation.
- D. When childcare is necessary; the care must meet the standards required by the TANF Employment Services program.
- E. No individual shall be required to accept employment if:
  - a. the position offered is vacant due to a strike, lockout, or other bona fide labor dispute; or
  - b. the individual would be required to work for an employer contrary to the conditions of his or her existing membership in the union covering that occupation. However, employment not governed by rules of a union in which he or she has membership may be deemed appropriate.

## Additional Standards

The following additional standards must be met before an employable RCA recipient can be required to accept a work or training assignment:

- A. The job or training assignment must be in keeping with the physical and mental capability of the individual to perform the task on a regular basis. Any claim of adverse effect on physical or mental health shall be based on an adequate medical report from a physician or licensed or certified psychologist indicating that participation would impair the individual’s physical or men-

tal health.

- B. The total daily commuting time to and from home to the work or training site to which the individual is assigned shall not normally exceed 2 hours, not including the transporting of a child to and from a childcare facility. If a longer commuting distance and time is generally accepted in the community the round-trip commuting time shall not exceed the generally accepted community standards.
- C. The work or training site to which the individual is assigned must not be in violation of applicable federal, state, and local health and safety standards.

## **Criteria for Determining Refusal or Failure to Participate**

The RES agency or other employment service program may determine that an employable RCA recipient has refused to participate in the employability requirements if one or more of the following circumstances occur:

- A. An individual, after two requests to appear, refuses or fails without good cause to appear for registration and appraisal.
- B. An individual fails, without good cause, to appear for a job interview when the referral was made as part of an individual employability plan and the job meets appropriate work criteria.
- C. An individual repeatedly fails to show up for work and/or RES or other employment service program interviews, appointments, ESL classes, etc., without an acceptable excuse.
- D. An individual seriously disrupts a RES or other employment service program activity or his/her behavior constitutes a threat or hazard to other participants.
- E. An individual possesses the required education, experience or aptitude to achieve in the assigned activity, but consistently, and without good cause, fails and or falls below the typical range of achievement of other participants.
- F. An individual quits his/her job without good cause or is fired for cause during the initial thirty (30) days of employment.
- G. An individual refuses to accept suitable childcare arrangements without good cause.
- H. An individual refuses to accept other services necessary to the assigned training or employment without good cause.
- I. An individual refuses or fails to participate in a job search without good cause.

## **Sanctions**

When it has been determined that an employable recipient has refused to participate, as specified in the criteria above, the eligibility case manager will initiate sanction procedures.

The eligibility case manager will normally learn of the employable recipient's refusal to participate in employment services when this fact is reported by the RES agency or other employment service program.

The eligibility case manager will normally learn of the employable recipient's refusal to participate in ESL during the regular three (3) month reviews of the ESL contract provider's attendance report.

*Notification to the recipient:*

- A. A ten (10) day advance notice of intent to terminate assistance will be sent to the recipient. This notice must specify the instances of refusal to participate upon which the notice is based, the consequences of continued refusal, and the recipient's right to a fair hearing. Since refugees receiving RCA may not understand English well, it is the eligibility case manager's responsibility to ensure that the recipient understands the notice.
- B. The eligibility case manager will initiate (either directly or, when it is appropriate, through the RES agency, other employment service program, the resettlement agency, or the recipient's sponsor) counseling within seven days. The counseling should provide the client with an understanding of the consequences of refusing to participate and should be designed to encourage participation. The matter will be considered resolved when the eligibility case manager is satisfied that the client has resumed participation. This effort at conciliation may continue until it is clear that the matter cannot be resolved by conciliation; but in no case may it continue more than thirty days.

If the recipient requests it, a fair hearing will be held according to the procedures outlined in the TANF policy manual.

*Application of Sanctions:*

If the procedures outlined above fail to bring compliance with the employment, training and/or ESL requirements, the eligibility case manager will apply sanctions as follows:

- A. The sanctioned individual shall not be eligible for RCA during the following periods:
  - a. for three payment-months after the first occurrence.
  - b. for six payment-months after the second and subsequent occurrences.
- B. If the person sanctioned is the only individual in the assistance unit, the RCA grant shall be terminated.
- C. If the assistance unit includes other individuals, they will remain covered by the RCA grant. The needs of the sanctioned individual will be removed from the grant.
- D. If the recipient is a caretaker relative, assistance in the form of protective or vendor payments will be made to the remaining members of the assistance unit provided that a suitable protective payee can be found. If the eligibility case manager is unable to identify a suitable protective payee and prolonging the search may prove detrimental to other people in the assistance unit, the RCA check may be payable to the sanctioned individual provided that his or her needs have been removed from the RCA grant. The eligibility case manager's efforts must be clearly documented in the case record and the waiver of protective payee assignment must be approved by the supervisor who will sign the documented case record entry.
- E. The refugee will be notified of the termination or reduction of the grant.
- F. After the sanction period, an employable refugee may reapply for RCA.

# Refugee Medical Assistance (RMA)

## Introduction

Refugee Medical Assistance (RMA) is a federally funded program for refugees, asylees, Afghan Humanitarian Parolees, Ukrainian Humanitarian Parolees, Cuban/Haitian parolees or entrants, victims of human trafficking, Afghan/Iraqi Special Immigrants, and Certain Amerasians only. It is not the same as Medicaid (Title XIX).

Refugees who do not receive RCA may be eligible for RMA only, provided they are not eligible for any other category of Medicaid.

RMA is available to refugees only during their first twelve months in the United States.

A refugee is not eligible for RMA if he or she is under a period of sanction for having failed or refused to participate in the employability requirements of Section 1349 - Work Requirement. However, the dependent family of such an ineligible applicant may apply for and receive RMA.

## Applicability of the Medicaid Program

When a refugee applies for Refugee Medical Assistance only, the eligibility case manager shall first determine if the applicant would be eligible for Medicaid. If the applicant is found not to be eligible for Medicaid, the eligibility shall be determined according to the requirements of this section.

## Eligibility Standards

If a Refugee is eligible for RMA, the three months prior eligibility applies to RMA just as it does to Medicaid. Eligibility for each prior month will be determined separately.

Eligibility standards for the Medicaid Program are applicable to RMA eligibility with the exception that requirements for categorical relatedness for medical assistance may not be imposed. Actual receipt of, or application for, financial assistance for living expenses may not be required as a condition of eligibility for RMA. The Federal Poverty Limit (FPL) used as the RMA financial standard is 200%.

The Standard of Promptness for the eligibility case manager to complete a RMA application is 45 days from the date of application. The procedures for the application process follow the same procedures outlined in the Medicaid policy manual.

## Transitional RMA Coverage of Recipients Who Receive Increased Earnings from Employment

If an individual who is receiving RCA and RMA becomes ineligible solely by reason of increased earnings from employment, he or she shall remain eligible for RMA (transitional RMA) until the end of his or her time-eligibility period (the first twelve months in the United States). This transitional coverage applies no matter how long the person has been receiving RCA or RMA.



## **Scope of Services**

RMA medical services will be provided in the same manner and to the same extent as under Georgia's Medicaid program.

### **Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program**

EPSDT is a comprehensive health program that provides screening and diagnostic services, as well as follow-up treatment if abnormalities are detected. All medical assistance recipients under age twenty-one (21) are eligible to participate in this program.

# Policies and Procedures

## Determination of Eligibility (Policies)

The procedure for determination of eligibility begins when the application is submitted to the County DFCS (via paper application or online). The methods by which applications are received and processed are the same as those described in the TANF, Medicaid, and SNAP manuals. Policies regarding contact with the applicants, the setting, purpose and content, are also described in these manuals.

## Timely and Adequate Notice

“Adequate” means a written notice that describes the action the Department intends to take, the reason for the intended action, and the specific regulation(s) supporting such action. The notification form must also carry an explanation of the individual’s right to request a fair hearing and the circumstance under which assistance is continued if a hearing is requested.

“Timely” means that the notice is mailed at least fourteen days before the date of action, that is, the date upon which the recipient would normally receive his or her assistance check, or in the case of a medical assistance recipient, fourteen days before the change would be effective. No action shall be taken to reduce or terminate assistance during the fourteen-day timely notice period.

## Initial Certification

If, after careful investigation, the applicant is found eligible for assistance, the county department shall authorize assistance on Gateway.

## Hearings and Appeals

The procedures and provisions for hearings and appeals provided in the TANF/Medicaid program also apply to RCA and RMA.

## Child Support Recovery Program

The Child Support Recovery Program does not apply to the refugee receiving RCA benefits. It is not a condition of eligibility.

## The Case Record

One assistance payment case record shall be maintained for each grant group. Case records and permanent documents will be electronically maintained in Georgia Gateway System under the client ID and case number. Case records represent the basis on which county department decisions are made.

Each case record must contain all necessary forms, correspondence, documents and other evidence

used in making a decision.

## **Recoupment of RCA Overpayments**

RCA cases generally follow the same policies and procedures as TANF for overpayments and recoupments. See the TANF manual for policies and procedures.

Counties must track overpayments and repayments through documentation in Gateway.

## **Corrective Payments Procedures**

For purposes of determining continued eligibility and amount of assistance, corrective payments shall not be considered as income or a resource in the month paid or the following month.

For any recipient who is found eligible for an increased award, a corrective payment must be authorized if necessary to cover the month following the month in which the change is reported.

## **Redetermination of Eligibility**

A semi-annual redetermination of eligibility must be made on every case to reestablish all points of eligibility that are subject to change.

At the time of each redetermination of eligibility, forms normally used for TANF are also applicable to RCA and RMA cases with the exception of Employment Services (ES) and Office of Child Support Recovery (OCSR) forms.

## **Notification**

The client should receive a Gateway notification upon approval/denial of application, change in status, or termination of payment.

## **Special Reviews**

If there is reason to believe that a change will take place in a recipient's circumstances at a given time in the future, an alert should be made in Gateway as a reminder that factors affecting eligibility or the amount of payment must be checked at a specified time. An example is that ESL school attendance must be verified every three months for mandatory registrants.

# Gateway Procedures for Refugee Cash and Medical Assistance

## Refugee Cash Assistance (RCA)

Standard deduction for TANF applied for Refugee Cash Assistance. The earned income deduction for TANF must be applied to recipients of Refugee Cash Assistance.

### Gateway Procedure

Enter Earned Income budget by computing monthly gross. Enter the gross amount into Earned Income screen. EDBC process will run and apply appropriate Standard Deduction. Document on Case note how you arrived at this gross income amount.

In addition to RCA, if the person receives or applies for SNAP, the above income source must be reflected in the SNAP budget. Gateway will budget the RCA and the FS cases correctly.

## Reception and Placement Cash Payments (RCA)

Any cash grant received by an applicant or recipient under the Department of State or Department of Justice Reception and Placement programs cannot be considered in determining eligibility for RCA. This income, however, must be counted in the related SNAP budget.

### Gateway Procedure

Add Reception and Placement Cash Payment to SNAP budget.

## Proration of RCA Benefits

RCA benefits must be prorated from the date of application, provided all program requirements were met on that date. If not, RCA benefits must be prorated from the date the EDBC process complete.

### Gateway Procedure

Enter Date of Application and Gateway system will determine the Proration of benefits.

## Refugee Medical Assistance (RMA)

Refugee Medical Assistance (RMA) is available only to refugees who are not eligible for regular Medicaid or Peach Care for Kids. Medicaid eligibility must be determined in the correct order, beginning with Low Income Medicaid (LIM).

## **Gateway Procedure**

An applicant eligible for any kind of class of Medical assistance will be determined by EDBC process and will be placed in appropriate Class of Medical Assistance category.

## **Income and Resource Eligibility for RMA**

Eligibility for RMA will be determined on the basis of a refugee applicants' income and resources on the date of application.

### **Gateway Procedure**

No unique Gateway procedures required.

## **Earned Income while on RMA**

If a refugee who is receiving RMA receives earnings from employment, the earnings shall not affect the refugee's continued RMA eligibility (RMA will change to Transitional RMA for the remainder of the 12 month eligibility).

### **Gateway Procedure**

If a refugee is receiving Refuge Cash and Medical Assistance the case will automatically trickle to Refugee Transitional Medical Assistance when earnings are entered that make the assistance unit ineligible. All adults (except pregnant women) should be cascaded to Refugee Transitional Medical Assistance, and pregnant women and children should be put on RSM, if eligible.

## **Earned Income while on Low Income Medicaid (LIM)**

Refugees who lose their eligibility for Low Income Medicaid because of earnings from employment will be cascaded to Transitional Medical Assistance via the EDBC process.

### **Gateway Procedure**

If a refugee family is receiving LIM, the case will automatically cascade to Transitional Medical Assistance (TMA) or (F07) for up to 12 months if requirements are met. If earnings higher than the LIM limits are entered and the family has received LIM in 3 of the 6 months preceding the first month of LIM eligibility, the EDBC will determine appropriate class of Medical Assistance for all HH members.

## **Income Ceiling Limit for RMA**

The Federal Poverty Limit (FPL) used as the RMA financial standard is 200%.

### **Gateway Procedure**

Enter gross income and Gateway system will determine eligibility.

# **Treatment of Reception and Placement/Match Grant Payments**

Cash assistance payments made under the Department of State's Reception and Placement program, or the Matching Grant program will not be considered in the determination of eligibility for RMA. This income, however, must be counted in the related Food Stamp budget.

## **Gateway Procedure**

Add Reception and Placement Cash Payment to SNAP budget.

## **RCA Denial or Termination in regard to RMA**

Denial or termination from RCA will not cause denial of RMA benefits.

## **Gateway Procedure**

No information input required. Gateway system will cascade Case to correct Class of Assistance.

# Systematic Alien Verification Entitlement (SAVE) Procedures

Verify USCIS refugee status for each refugee AU member. Use USCIS documents to determine refugee status and potential eligibility for benefits. SAVE procedures are completed for potentially eligible refugees.

Verify eligible refugee status at the following times:

- at application
- when an individual is added to the Assistance Unit
- when the agency becomes aware of a discrepancy

Document the following:

- AU's statement of refugee status
- source of verification
- SAVE verification

SAVE procedures establish the legitimacy of a refugee's document.

Complete SAVE procedures in the following situations:

- to verify refugee status when the refugee's document is not on the chart (refer to the Documentation Requirements chart).
- to establish the legitimacy of a refugee's document
- to determine if USCIS has assigned a new alien status, especially if the document has expired
- to verify the status of a refugee if the refugee has lost his/her document.

SAVE is accessed via the WEB-1 Access Method which is designed to assist government agencies with eligibility determinations for federal, state and/or local public benefits. WEB-1 establishes the legitimacy of immigrant documentation and provides verification of the status under which an immigrant has been admitted to the U.S. WEB-1 access is available at: [save.uscis.gov/Web/](https://save.uscis.gov/Web/). A tutorial for the system is available from the main screen once the login is completed. SAVE can be accessed and verified via Gateway Interface.

# Status and Documentation Requirements for the Office of Refugee Services

ORR State Letter # 00-17

Date: August 17, 2000

TO: STATE REFUGEE COORDINATORS  
NATIONAL VOLUNTARY RESETTLEMENT  
AGENCIES OTHER INTERESTED PARTIES

FROM: Lavinia Limón, Director Office of Refugee Resettlement

SUBJECT: Status and Documentation Requirements for The Federal Refugee Resettlement Program

## Purpose of this Letter

This State Letter outlines: (1) the statuses that confer eligibility for Refugee Resettlement Program benefits; (2) the documentation that is needed to prove an individual has one of those statuses; and (3) a suggested process for making eligibility determinations. Along with confirming status, eligibility determinations must include confirmation of identity, the date that an individual initially became eligible for benefits ("entry" date) and, in cases involving Cuban and Haitian entrants, nationality. More than one piece of documentation may be needed to make all of these determinations. **However, this State Letter will not discuss documentation that confirms identity, nationality, or "entry" dates. This State Letter only discusses status documentation.**

## Process

ORR asks agencies to use the following process when determining eligibility for Refugee Resettlement Program benefits.

1. Eligibility workers should ask the applicant for a **written declaration**, under penalty of perjury, that he or she has an immigration status that makes him or her eligible for Refugee Resettlement Program benefits.
2. Eligibility workers should review **documentation** of immigration status as outlined in charts included with this Guide.
3. If status is supported by documents, eligibility workers may conclude that the applicant has a qualified status and continue with **other eligibility verifications**, such as verification of entry date and specific program requirements.
4. If unable to confirm status after checking documentation, which suggests eligibility, agencies should provide benefits while using **other methods to verify status**. Agencies, if connected with the U.S. Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) system should follow standard SAVE procedures. If not connected to the SAVE system, agencies may verify an applicant's status by mailing a U.S. Citizenship and Immigration Services (USCIS) Form G-845, Document Verification Request, with photocopies (front and back) of the applicant's immigration document(s) to a designated Status Verification Operations



Office. In either case, the agency must have executed a Memorandum of Agreement with the SAVE Program. To learn more about SAVE or register for the program, agencies can visit [www.uscis.gov/SAVE](http://www.uscis.gov/SAVE). In some cases, which are mentioned below, agencies may call the U.S. Department of Justice's Executive Office for Immigration Review (EOIR) Automated Case Information Hotline at 800.898.7180. <sup>5</sup> If an agency follows the above procedures but remains uncertain about an applicant's status, please contact the Refugee Policy Unit, at [RefugeeEligibility@acf.hhs.gov](mailto:RefugeeEligibility@acf.hhs.gov).

## Limitations

ORR has attempted to gather a comprehensive list of documents that shows statuses conferring eligibility for ORR programs. However, DHS produces a variety of documents, some of which may be useful in a status determination but which, for a number of reasons, may not have been included in this Guide. Moreover, due to the complexity of certain categorical definitions, documentation alone may not definitively confirm eligibility in some cases. Noting these difficulties, ORR asks agencies to follow the process suggested above. If an agency has concerns or questions at any point during the process, please contact the Refugee Policy Unit, at [RefugeeEligibility@acf.hhs.gov](mailto:RefugeeEligibility@acf.hhs.gov).

## Proposed Rule

In August 1998, the Attorney General published a proposed rule, *Verification of Eligibility for Public Benefits*, 63 FR 41662, ("Proposed Rule"), with a 60-day comment period. The Proposed Rule is not in force. However, the Attorney General is expected to issue a final rule concerning verification issues. At that time, ORR will reevaluate the guidance in this letter to ensure that ORR procedures are consistent with the final verification rules. Agencies should follow the guidance in this State Letter until a final rule is issued by the Attorney General.

## Status Requirements

Individuals with the following statuses are eligible for Refugee Resettlement Program benefits (See 45 CFR § 400.43(a) (1)-(6) or statutory provisions cited below):

1. Individuals paroled as **refugees or asylees** under § 212(d)(5) of the Immigration and Nationality Act (INA)
2. Refugees admitted under § 207 of the INA
3. Asylees whose status was granted under § 208 of the INA
4. Cuban and Haitian entrants, in accordance with the requirements in 45 CFR § 401.2<sup>[1]</sup>
  - a. 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
  - b. 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, non-appealable, and legally enforceable order of removal, deportation or exclusion has not been entered
  - c. A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceed-

ings under the INA and with respect to whom a final, non-appealable, and legally enforceable order of removal, deportation or exclusion has not been entered

- d. A national of Cuba or Haiti who has an application for asylum pending with DHS/USCIS or Department of Justice (DOJ)/EOIR and with respect to whom a final, non-appealable, and legally enforceable order of removal, deportation or exclusion has not been entered
5. Lawful permanent residents provided the individuals previously held one of the statuses identified above (Note that this does not refer to Amerasians who are admitted as lawful permanent residents, or to Iraqi and Afghan Special Immigrants. See #6 and #7 below.)
6. Certain Amerasians from Vietnam who are admitted to the United States as immigrants pursuant to § 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in § 101(e) of Public Law 100-202), as amended (8 U.S.C. § 1101 note).
7. Iraqi and Afghan Special Immigrants per section 1244(g) of Div. A of Pub. L. 110-181, as amended (8 U.S.C. § 1157 note) and section 602(b)(8) of Div. F of Pub. L. 111-8, as amended (8 U.S.C. § 1101 note).
8. Victims of a severe form of trafficking in persons per the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, as amended, 22 U.S.C. § 7105(b)(1)(A) and (C).

## Documentation Requirements

In order to access Office of Refugee Services benefits, individuals must provide acceptable documentation of one of the statuses listed on [Status and Documentation Requirements for the Office of Refugee Services](#). The following lists include documents that provide proof of these statuses. These documents may or may not provide proof of identity, nationality or "entry" date.

### Chart #1

1. Acceptable documents for individuals paroled as refugees or asylees under §212(d)(5) of the INA (see [Note](#) below table):

| Documents/Codes  | Comments  |
|--|---|
| I-94 Arrival/departure card noting that the individual has been paroled as a <b>refugee or asylee</b> under §212(d)(5) | To be eligible under this provision, the I-94 must note that the individual is a <b>refugee or asylee</b> .             |
| I-766 Employment Authorization Document with the code A04  |   |
| I-688B Employment Authorization Document with the provision of law 274a.12(a)(4)                                       | This is an older version of the employment authorization document but it is still in use.                               |
| I-94 noting SQ or SI Parole (per section 602(B)(1) AAPA/Sec 1059(a) NDAA 2006)   | Iraqi or Afghan Special Immigrant (Principal Applicant, Spouse of Principal Applicant, or Child of Principle Applicant) |




This status rarely has been granted since 1980. **It is unlikely that eligibility workers will encounter this type of documentation.** Eligibility workers may encounter other individuals, not refugees or asylees, who have been paroled under §212(d)(5). The documentation of other parolees under §212(d)(5) may include language, such as "humanitarian" or "public interest parole." An example of a population with this documentation would be parolees who receive

benefits under the "Lautenberg Amendment," a special provision that allows nationals from the former Soviet Union, Vietnam, Laos or Cambodia to adjust their status after having resided in the United States for one year. These types of parolees under §212(d)(5) are NOT eligible for ORR benefits. Only individuals who are listed as refugees or asylees are eligible under this provision. However, if the individual is a national of Cuba or Haiti, he or she may be eligible under the provisions concerning Cuban and Haitian entrants. (See documentation lists below for information on Cuban and Haitian entrants.)

## Chart #2

### 2. Acceptable documents for refugees admitted under §207 of the INA:

| Documents/Codes  | Comments  |
|--|---|
| I-94 Arrival/departure card noting that the individual has been admitted under §207 of the INA | Notations may include references to employment authorization, indefinite status, and the requirement to obtain permission before leaving the United States. |
| RE-1 admission code on the I-94  | Principal Refugee   |
| RE-2 admission code on the I-94  | Spouse of principal refugee   |
| RE-3 admission code on the I-94  | Child of principal refugee  |
| RE-4 admission code on the I-94  | Collateral relatives of principal refugee   |
| RE-5 admission code on the I-94  | Certain Haitian refugees  |
| I-766 Employment Authorization Document with the code A03                                      |   |
| I-688B Employment Authorization Document with the provision of law 274a.12(a)(3)               | This is an older version of the employment authorization document but it is still in use.   |
| INS Form I-571   | United States Refugee Travel Document (see <a href="#">Note</a> below table)  |
| Visa 93 (or V-93) on the I-94 Arrival/departure card   | May be accompanied by the words "section 207"; Individual is the spouse or minor child of a previously admitted refugee.                                    |
| I-730 Approval Letter  | The I-730 Approval Letter may be used as proof of refugee status for derivatives  |

 The INS Form I-571, which is a United States Refugee Travel Document, does not distinguish between refugees and asylees. An individual with a United States Refugee Travel Document may be a refugee or an asylee.

## Chart #3

### 3. Acceptable documents for asylees whose status was granted under §208 of the INA:

| Documents/Codes   | Comments  |
|---|---|
| I-94 Arrival/departure card referencing §208 of the INA | Notations may include references to employment authorization, indefinite status, and the requirement to obtain permission before leaving the United States. |
| AS-1 admission code on the I-94                         | Approved asylee principal   |
| AS-2 admission code on the I-94                         | Approved spouse of an asylee principal  |

| Documents/Codes  | Comments   |
|--|--|
| AS-3 admission code on the I-94  | Approved child of an asylee principal  |
| INS Form I-571   | United States Refugee Travel Document (See <a href="#">Note 1</a> below table)   |
| I-766 Employment Authorization Document with the code A05                        |  |
| I-688B Employment Authorization Document with the provision of law 274a.12(a)(5) | This is an older version of the employment authorization document but it is still in use.  |
| Order of an Immigration Judge Granting Asylum under §208 of the INA              | An Order of an Immigration Judge will serve as proof of asylee status if the INS has waived the right to appeal the case. See <a href="#">Note 2</a> below for information about cases where the INS reserves the right to appeal. |
| Asylum Approval Letter from an INS Asylum Office                                 | Letter will note that the individual has been granted asylum pursuant to §208 of the INA and may include information concerning refugee and asylee relative petition, work authorization and the refugee travel document.          |
| Written decision from the Board of Immigration Appeals (BIA)                     |  |
| I-730 Approval Letter  | The I-730 Approval Letter may be used as proof of asylee status for derivatives.   |
| Visa 92 (or V-92) on the I 94 Arrival/departure card                             | May be accompanied by the words "section 208"; Individual is the spouse or minor child of a previously granted asylee.   |

*Note 1*



The INS Form I-571, which is a United States Refugee Travel Document, does not distinguish between refugees and asylees. An individual with a United States Refugee Travel Document may be a refugee or an asylee.

*Note 2*



If the INS has reserved its right to appeal, an Immigration Judge Order will not serve, on its own, as proof of asylee status. If an asylee brings an Immigration Judge Order that shows the INS has reserved its right to appeal, eligibility workers must wait 30 days from the date on the Immigration Judge Order. On or after the 31<sup>st</sup> day, the eligibility worker will need to call the Executive Office for Immigration Review (EOIR) case status line at (800) 898- 7180 to find out whether the INS has appealed the case. (The EOIR reports that it may take up to 5 days after the appeal deadline for the information to be relayed to the case status line.) If the INS has appealed the case, the individual is not yet an asylee and is not eligible for benefits. If the INS has not appealed the case and 30 days have passed since the date on the Immigration Judge Order, the individual is an asylee and is eligible for ORR assistance and services.

**Chart #4a**

4. Acceptable documents for Cuban and Haitian entrants, in accordance with the requirements in 45 CFR §401.2:
  - a. Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status (see [Note](#) below table) 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

| Documents/Codes  | Comments  |
|--|---|
| An I-94 Arrival/departure card with a stamp showing parole at any time as a "Cuban/Haitian Entrant (Status Pending)" | I-94 may refer to §212(d)(5).   |
| CH6 adjustment code on the I-551   | Even after a Cuban/Haitian Entrant (Status Pending) becomes a permanent resident, he/she technically retains the status Cuban/Haitian Entrant (Status Pending). |
| An I-94 Arrival/departure card with a stamp showing parole into the U.S. on or after April 21, 1980                  | I-94 may refer to §212(d)(5).   |
| A Cuban or Haitian passport with a §212(d)(5) stamp dated after October 10, 1980.                                    |   |

ORR is not interpreting the phrase, "any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti" to refer to lawful permanent residence obtained under the Nicaraguan Adjustment and Central American Relief Act (NACARA) or the Haitian Refugee Immigration Fairness Act (HRIFA). Although NACARA and HRIFA offer a special opportunity for nationals of Cuba and Haiti, the **status** conferred by these laws, **lawful permanent residence**, is not a "special status." Thus, if the person did not qualify as a Cuban and Haitian entrant, adjustment of status, regardless of the legal basis for the adjustment, does not make the person a Cuban and Haitian entrant.

## Chart #4b

- b. 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 (see [Note 1](#) below table) has not been entered

| Documents/Codes  | Comments   |
|--|--|
| An I-94 Arrival/departure card showing parole into the United States   | I-94 may refer to §212(d)(5), humanitarian or public interest parole. (see <a href="#">Note 2</a> below table) |
| I-766 Employment Authorization Document with the code A04  |  |
| I-766 Employment Authorization Document with the code C11  |  |
| I-688B Employment Authorization Document with the provision of law 274a.12(a)(4) (see <a href="#">Note 3</a> below table)  | This is an older version of the employment authorization document but it is still in use.                      |
| I-688B Employment Authorization Document with the provision of law 274a.12(c)(11) (see <a href="#">Note 3</a> below table) | This is an older version of the employment authorization document but it is still in use.                      |

### Note 1

The question of whether there is a final, non-appealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if

participating, accessing the INS SAVE system. Note that these methods may not be definitive. If an applicant appears eligible from the available information, the agency should provide benefits while conducting further investigation. If, after reviewing documents and attempting to determine whether there is a final, non-appealable, legally enforceable order of removal, deportation or exclusion, an eligibility worker remains uncertain about an applicant's eligibility, please call Anna Marie Bena at (202) 260-5186.

*Note 2*

As treatment of Cuban and Haitian entrants has developed, INS officials, on occasion, may have used notations on the I-94s of Cuban and Haitian entrants that are not listed above. Eligibility workers may see various notations that convey parole. For example, eligibility workers, in the past, may have seen the notation, "EWI," which technically stands for "Entered Without Inspection" but was being used for individuals who were paroled. Please call Anna Marie Bena at (202) 260-5186 if you encounter unusual notations or if you are uncertain of the relevance of a particular notation.

*Note 3*

If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

## Chart #4c

- c. A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings (see [Note 1](#) below table) under the INA and with respect to whom a final, non-appealable, and legally enforceable order of removal, deportation or exclusion (see [Note 2](#) below table) has not been entered

| Documents/Codes  | Comments   |
|--|--|
| INS Form I-221   | Order to Show Cause and Notice of Hearing  |
| INS Form I-862   | Notice to Appear   |
| INS Form I-220A  | Order of Release on Recognizance   |
| INS Form I-122   | Notice to Applicant Detained for a Hearing Before an Immigration Judge   |
| INS Form I-221S  | Order to Show Cause, Notice of Hearing and Warrant for Arrest  |
| Copy of INS Form I-589 date stamped by the Executive Office for Immigration Review (EOIR)                                  | Application for Asylum and Withholding of Removal; Individual is subject of removal, deportation or exclusion proceedings.               |
| Copy of INS Form I-485 date stamped by EOIR  | Application to Register Permanent Residence or to Adjust Status; Individual is subject of removal, exclusion or deportation proceedings. |
| EOIR-26  | Notice of Appeal, date stamped by the Office of the Immigration Judge  |
| I-766 Employment Authorization Document with the code C10  | Application for suspension of deportation/cancellation of removal submitted  |
| I-688B Employment Authorization Document with the provision of law 274a.12(c)(10) (see <a href="#">Note 3</a> below table) | Application for suspension of deportation/cancellation of removal submitted  |

| Documents/Codes  | Comments  |
|--|---|
| Other applications for relief that have been date stamped by EOIR                              |   |
| Other documentation pertaining to an applicant's removal, exclusion or deportation proceedings | Example: a notice of a hearing date before an Immigration Judge |

*Note 1*



Although the above documents show that proceedings have been initiated in a case, they cannot confirm that proceedings are continuing. In order to confirm that proceedings are continuing, eligibility workers will need to use other methods, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office or, if participating, accessing the INS SAVE system. If an eligibility worker cannot determine whether proceedings are ongoing, please call Anna Marie Bena at (202) 260-5186.

*Note 2*



The question of whether there is a final, non-appealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive. If an applicant appears eligible from the available information, the agency should provide benefits while conducting further investigation. If, after reviewing documents and attempting to determine whether there is a final, non-appealable, legally enforceable order of removal, deportation or exclusion, an eligibility worker remains uncertain about an applicant's eligibility, please call Anna Marie Bena at (202) 260-5186.

*Note 3*



If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

## Chart #4d

- d. A national of Cuba or Haiti who has an application for asylum pending with the Immigration and Naturalization Service and with respect to whom a final, non-appealable, and legally enforceable order of removal, deportation or exclusion (see [Note 1](#) below table) has not been entered

| Documents/Codes   | Comments  |
|---|---|
| INS receipt for filing Form I-589                         | Application for Asylum and Withholding of Removal |
| I-766 Employment Authorization document with the code C08 |   |

| Documents/Codes   | Comments  |
|---|---|
| I-688B Employment Authorization Document with the provision of law 274a.12(c)(8) (see <a href="#">Note 2</a> below table) | This is an older version of the employment authorization document but it is still in use. |

*Note 1*

The question of whether there is a final, non-appealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive. If an applicant appears eligible from the available information, the agency should provide benefits while conducting further investigation. If, after reviewing documents and attempting to determine whether there is a final, non-appealable, legally enforceable order of removal, deportation or exclusion, an eligibility worker remains uncertain about an applicant's eligibility, please call Anna Marie Bena at (202) 260-5186.



*Note 2*

If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.



## Chart #5

5. Acceptable documents for certain Amerasians (see definition above):

| Documents/Codes   | Comments  |
|---|---|
| AM-1 admission code on the I-94   | Amerasian born in Vietnam after Jan. 1, 1962 and before Jan. 1, 1976 who was fathered by a U.S. citizen |
| AM-2 admission code on the I-94   | Spouse or child of Amerasian  |
| AM-3 admission code on the I-94   | Mother, guardian or next-of-kin of Amerasian  |
| AM-6 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card) | Amerasian (see above)   |
| AM-7 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card) | Spouse or child of Amerasian  |
| AM-8 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card) | Mother, guardian or next-of-kin of Amerasian  |
| Vietnamese Exit Visa with codes AM-1, AM-2 or AM-3                                  | "Laissez Passer"; may have temporary I-551 stamp  |
| Vietnamese passport with codes AM-1, AM-2 or AM-3                                   | May have temporary I-551 stamp  |
| United States passport with codes AM-1, AM-2 or AM-3                                |   |

## Chart #6

6. Acceptable documents for lawful permanent residents who previously held one of the



**above identified statuses** (Note that this does not refer to Amerasians who are admitted as lawful permanent residents. See [Chart #5](#) for all documents pertaining to Amerasians):

| <b>Form I-551 Permanent Resident Card (or Resident Alien Card) with the following codes:</b> | <b>Comments</b>  |
|--|--|
| RE6  | Adjusted Principal Refugee   |
| RE7  | Spouse of RE6  |
| RE8  | Child of RE6   |
| RE9  | Collateral Relatives of RE6  |
| AS6  | Adjusted Principal Asylee  |
| AS7  | Spouse of AS6  |
| AS8  | Child of AS6   |
| CH6  | Adjusted Cuban/Haitian Entrant (Status Pending)                                  |
| HA6  | Adjusted Cuban and Haitian Entrant (Haitian national who had applied for asylum) |
| HB6  | Adjusted Cuban and Haitian Entrant (Haitian national who had been paroled)       |
| GA6  | Adjusted Iraqi asylee  |
| GA7  | Spouse of GA6  |
| GA8  | Child GA6  |
| ST6  | Victim of a Severe Form of Trafficking   |
| ST7  | Spouse of a ST6  |
| ST8  | Child of a victim of a ST6   |
| ST0  | Parent of a Victim of a ST6  |
| ST9  | Sibling of a Victim of a ST6   |

| <b>Foreign Passport with unexpired, temporary I-551 stamp and the following codes:</b> | <b>Comments</b>                           |
|--|---|
| RE6  | Adjusted Principal Refugee                |
| RE7  | Spouse of Principal Refugee               |
| RE8  | Child of Principal Refugee                |
| RE9  | Collateral Relatives of Principal Refugee |
| AS6  | Adjusted Principal Asylee                 |
| AS7  | Spouse of Principal Asylee                |
| AS8  | Child of Principal Asylee                 |

| <b>Employment Authorization Documents</b>   | <b>Comments</b>                       |
|---|---------------------------------------|
| Form I-766 Employment Authorization Document with the code A10<br><br>(This code only confirms eligibility for Cuban or Haitian nationals.) | Withholding of Deportation or Removal |

| <b>Employment Authorization Documents</b>   | <b>Comments</b>                       |
|---|---------------------------------------|
| Form I-688B Employment Authorization Document with the provision of law 274a.12(a)(10)<br><br>(This code only confirms eligibility for Cuban or Haitian nationals.) | Withholding of Deportation or Removal |

| <b>Acceptable documents for Iraqi and Afghan Special immigrants:</b>   | <b>Comments</b>  |
|--|--|
| Principal Applicant Iraqi or Afghan Special Immigrant  | Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been classified under IV (Immigrant Visa) Category SI1 or SQ1 |
| Spouse of Principal Applicant Iraqi or Afghan Special Immigrant  | Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been classified under IV (Immigrant Visa) Category SI2 or SQ2 |
| Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant   | Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been classified under IV (Immigrant Visa) Category SI3 or SQ3 |
| Principal Applicant Iraqi or Afghan Special Immigrant<br><br>Principal Adjusting Status in the United States                     | DHS Form I-551 (“green card”) with an IV (immigrant visa) code for category SI6 or SQ6   |
| Spouse of Principal Applicant Iraqi or Afghan Special Immigrant<br><br>Principal Applicant Adjusting Status in the United States | DHS Form I-551 (“green card”) with an IV (immigrant visa) code for category SI7 or SQ7   |
| Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant   | DHS Form I-551 (“green card”) with an IV (“immigrant visa”) code for category SI8 or SQ8   |



## ORR State Letter

# 10-02

Date: March 23, 2010

**TO:** STATE REFUGEE COORDINATORS  
NATIONAL VOLUNTARY AGENCIES  
ANTI-TRAFFICKING COALITIONS AND TASK FORCES  
OTHER INTERESTED PARTIES

**FROM:** Eskinder Negash  
Director  
Office of Refugee Resettlement *Eskinder Negash*

**SUBJECT:** Afghan and Iraqi Special Immigrants Are Now Eligible for ORR Benefits and Services to the Same Extent and for the Same Time Periods of Time as Refugees

**Purpose of this ORR State Letter:** Afghan and Iraqi Special Immigrants are now Eligible for ORR Benefits and Services to the Same Extent and for the Same Time Period as Refugees (ORR State Letters # 08-04, # 08-06, # 09-02, and # 09-17 partially superseded)

The purpose of this ORR State Letter is to provide guidance to Refugee Service Providers on Section 8120 of Pub. L. No. 111-118, Department of Defense Appropriations Act, 2010 (Dec. 19, 2009; 123 Stat. 3409) as it affects the duration of eligibility for ORR benefits and services of Afghan and Iraqi Special Immigrants.<sup>1</sup>

Under Section 8120 of Pub. L. No. 111-118, Department of Defense Appropriations Act, 2010, Afghan and Iraqi Special Immigrants are now eligible for ORR benefits and services for the same time period as refugees, beginning on their date of entry to the U.S. or date of adjustment of status if applying from within the U.S. for Special Immigrant Status.

This change applies to both Afghan Special Immigrants admitted to the U.S. under Section 602 of Pub. L. No. 111-08 and those admitted under Section 1059 of the NDAA as amended.

**Section 8120 of Public Law Number 111-118 and ORR Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA)**

Please note that ORR cash and medical benefits (ORR RCA and ORR RMA) are already limited to eight (8) months for all eligible categories, so Section 8120 of Pub. L. No. 111-118 has no impact on the eligibility of Afghan and Iraqi Special Immigrants eligibility for ORR RCA and RMA. The effect of Section 8120 is to make Afghan and Iraqi Special Immigrants eligible

<sup>1</sup> Important: For background, please review ORR State Letter # 08-04, ORR State Letter #08-06, ORR State Letter # 09-02, and ORR State Letter # 09-17.

beyond the eight month mark (up to 5 years) for ORR Refugee Social Services (RSS), and for services under ORR discretionary grants as available.

**Section 8120 of Pub. L. No. 111-118, December 19, 2009**

SEC. 8120. (a) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFUGEES.—Section 1244(g) of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 398) is amended by striking “for a period not to exceed eight months” and inserting “to the same extent, and for the same periods of time, as such refugees”.

(b) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN AFGHAN ALLIES.—Section 602(b)(8) of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 123 Stat. 809) is amended by striking “for a period not to exceed 8 months” and inserting “to the same extent, and for the same periods of time, as such refugees”.

**Iraqi and Afghan Special Immigrants Admitted to the U.S. after the Effective date of the Law AND Afghan/Iraqi Special Immigrants Already in the U.S. on Such Date are Eligible for ORR Benefits and Services for the Same Time Period as Refugees, Subject to Laws in Effect for Each Time Period**

Iraqi and Afghan Special Immigrants Admitted to the U.S. on or after the new law’s effective date of December 19, 2009 are eligible for ORR benefits and services for the same time period as a refugee.

Iraqi and Afghan Special Immigrants who were already in the U.S. in Special Immigrant status on the effective date of the law, December 19, 2009 are eligible for ORR benefits and services for the same time period as a refugee. Note that in Section 8120 there is no provision for retroactive eligibility for ORR Social Services for such Special Immigrants for that time period *after* they reached eight months in the U.S., but *before* December 19, 2009. After December 19, 2009, Afghan/Iraqi Special Immigrant eligibility for ORR Social Services is calculated as illustrated in the following examples.

Example I: Iraqi Special Immigrant who was admitted to the U.S. on December 18, 2009. His eligibility for ORR benefits and services began on December 18, 2009. His eligibility for ORR Refugee Cash Assistance (RCA) and for Refugee Medical Assistance (RMA) ends August 17, 2010 (or July 31, 2010 if using whole month counting method), eight months from date of entry to U.S. as an Iraqi Special Immigrant. The Iraqi Special Immigrant is eligible for Refugee Social Services (RSS) for up to five years from date of admission to the U.S. as an Iraqi Special Immigrant, until December 17, 2014.

Example II: Iraqi Special Immigrant who was admitted to the U.S. on February 20, 2008. His eligibility for ORR benefits and services including ORR RSS ended on October 19, 2008, eight months from date of entry to U.S. as an Iraqi Special Immigrant. For the period October 20, 2008 to December 18, 2009, he was not eligible for ORR benefits and services because for that period he had already passed his eight month mark in the U.S. in Iraqi Special Immigrant status *AND during that time period there was no law in effect to make him eligible for ORR benefits and services beyond eight months.*

On December 19, 2009, the effective date of the new law, this Iraqi Special Immigrant becomes eligible once again for ORR RSS, now for the same time period as a refugee: up to February 19, 2013, five years from his date of admission to the U.S. On this date, the Iraqi Special Immigrant has been in the U.S. for one year and ten months, *all of which count toward his first five years in the U.S.* As noted above, he was not eligible for ORR RSS from October 20, 2008, to December 19, 2009. This period of ineligibility *does count* toward the five year eligibility limit on ORR RSS.

**Impact of Section 8120 of Pub. L. No. 111-118 on Afghan and Iraqi Special Immigrants' Eligibility for Non-ORR Federal Public Benefits**

Under the language in Section 8120 of Pub. L. No. 111-118 and previous applicable legislation described in the four earlier ORR State Letters on Afghan and Iraqi Special Immigrants, in addition to resettlement assistance, Iraqi Special Immigrants are eligible for "entitlement programs, and other benefits available to refugees admitted under section 207 of such Act...." As noted in earlier ORR State Letters on Afghan and Iraqi Special Immigrants, these programs and benefits would appear to include federal public benefits such as Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program (formerly Food Stamps), Medicaid, Children's Health Insurance Program (CHIP), and Supplemental Security Income (SSI). In order to receive such benefits, Afghan and Iraqi Special Immigrants, like any applicant, would also need to meet the income, resource, and other eligibility requirements. These benefit programs are not administered by the Office of Refugee Resettlement, and questions about them should be directed to the appropriate office or agency.

This policy change is effective immediately.

If you have questions regarding any of the information contained in this State Letter, please contact Thomas Pabst at (202) 401-5398 or by email at [thomas.pabst@acf.hhs.gov](mailto:thomas.pabst@acf.hhs.gov).

# Descriptions and Examples of Cards, Forms, and Letters Verifying Immigrant Status

1. **I-94 Arrival/Departure Card** - notes that the individual has entered the U.S. as a refugee, asylee, Cuban/Haitian Entrant, or Amerasian. The card may have an admission code, for example RE, AS, AM, etc. The card will have the date of entry, name, date of birth, nationality, and alien registration number (usually on the back of the card). See ORR State Letter #00-17 for examples of the stamps and notes verifying that the individual has a status making him or her eligible for refugee program benefits.
2. **Alien Registration Receipt Card (Resident Alien) Form I-551, also called Permanent Resident Alien Card, Resident Alien Card or Green Card (it is no longer green)** - The card is given to lawful permanent resident aliens. The current version of the card has all of the information on the front. This includes the date of entry and the code, for example RE, AS, AM, SQ1, etc. Older versions have no expiration date, the date of entry on the back, and may have the code on the front or back. Eligibility case manager will mostly see newer versions of this card. The latest version of the card is valid for ten (10) years only.
3. **Alien Registration Receipt Card (Conditional Resident Alien), Form I-551** - Issued by USCIS to conditional permanent residents, such as alien spouses of United States citizens or lawful residents. Although it is the same form as that issued to permanent resident aliens, this card is valid for a limited period of time and has an expiration date stated on the front.
4. **Diversity Visa (DV1, DV2, etc.)** - Aliens who enter the U.S. under a diversity visa are not eligible for any refugee benefits or program services. These individuals or families come from countries where the U.S. permits a certain number of immigrants into the U.S. each year. These immigrants make an agreement with the U.S. government that they will not receive public assistance. The Diversity Visa is sometimes called Lottery Visa. An individual with a DV1 code is the head of household. DV2 is a spouse. DV3, DV4, etc. are children or relatives. Eligibility case manager should see all the alien's documents because sometimes an individual incorrectly thinks he or she has entered under a Diversity Visa. Eligibility case manager should be especially careful in the cases of Cuban/Haitian immigrants because they may be eligible for refugee benefits if they did not come under a Diversity Visa. Diversity Visa recipients are not eligible to receive public benefits for the first 5 years in the United States.
5. **Employment Authorization Document, Form I-766, or Form I-688B** - This document verifies that an alien is authorized to work in the U.S. It does not verify the individual's immigration status. It does not verify that an individual is eligible for refugee benefits. The eligibility case manager must see other documents to verify immigration status.
6. **Asylum Approval Letter** - An individual who is granted political asylum will have a letter of Asylum Approval from a USCIS Asylum Officer or an order from an Immigration Court. These individuals are eligible for all benefits to the same extent as a refugee. If the individual only has a letter stating that the application for asylum is pending, he or she will be ineligible for benefits until the application is approved. The letter must state that asylum is approved, the date asylum was granted, the individual's name, and alien number. See page 160-4 for an example of an Asylum Approval Letter. The letter may look different from different states, but must have the information stated above to verify the individual's eligibility.
7. **Victim of Human Trafficking Certification Letter** - A letter from the Department of Health

and Human Services (HHS), Office of Refugee Resettlement (ORR) stating that an individual is certified as a Victim of a Human Trafficking under section 107(b) of the Trafficking Victims Protection Act of 2000. This certification does not confer immigration status, but it does make an individual eligible for benefits and services under any Federal or State program funded or administered by any Federal agency to the same extent as a refugee. The letter will have the individuals name, date of certification, and Department of Health and Human Services (HHS) Tracking Number. The first letters that were issued had expiration dates. These clients should have received re-certification letters from ORR. The expiration dates are no longer used. If the client has only a letter with an expiration date, the worker should call the trafficking verification line at (202) 401-5510 for assistance. See page 160-3 for an example of the Certification Letter.

#### 8. Example of an ORR Certification Letter for a Victim of Human Trafficking -



**ADMINISTRATION FOR CHILDREN AND FAMILIES**  
**370 L'Enfant Promenade, S.W.**  
**Washington, D.C. 20447**

**HHS Tracking Number**  
**0000000000**

Date  
Name  
Address  
City, State, Zip Code

#### **CERTIFICATION LETTER**

Dear Name:

This letter confirms that you have been certified by the Department of Health and Human Services (HHS) pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000. Your certification date is \_\_\_\_\_. The expiration date of this certification is eight months from the date of eligibility.

With this certification, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. This certification does not confer immigration status. You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,  
**Signature**  
Printed Name

Title  
Office of Refugee Resettlement

## 9. Example of an Asylum Approval Letter -

U.S. Department of Justice  
Immigration and Naturalization Service

Miami Asylum Office  
77 SE 5th Street, Third Floor  
Miami, FL 33131

Date:

Case Number (Client Name)

Name  
Address  
City, State, Zip Code

### **Asylum Approval**

Dear Name:

This letter refers to your request for asylum in the United States filed on Form I-589.

It has been determined that you are eligible for asylum in the United States. Attached please find a completed Form I-94, Arrival Departure Record, indicating that you have been granted asylum status in the United States pursuant to § 208(a) of the Immigration and Nationality Act (INA) as of March 13, 2002. This grant of asylum includes your dependents listed above who are present in the United States, were included in your asylum application, and for whom you have established a qualifying relationship by a preponderance of evidence.

You have been granted asylum in the United States for an indefinite period; however, asylum status does not give you the right to remain permanently in the United States. Asylum status may be terminated if you no longer have a well-founded fear of persecution because of a fundamental change in circumstances, you have obtained protection from another country, or you have committed certain crimes or engaged in other activity that makes you ineligible to retain asylum status in the United States. See INA § 208(c)(2).

Now that you are an asylee, you may apply for certain benefits, which are listed below. You are also responsible for complying with certain laws and regulations, if such laws and regulations apply to you. These responsibilities are also explained in this letter. We recommend that you retain the original of this letter as proof of your status and that you submit copies of this letter when applying for any of the benefits or services listed below. You may obtain any of the INS forms mentioned in this letter by visiting an INS district office or calling the INS forms request line at 1-800-870-3676. You may also download any INS form from the public Internet by signing on the INS website at [www.ins.usdoj.gov](http://www.ins.usdoj.gov).

Sincerely,



Typed Name

Title

Enclosure(s): I-94 Card(s)

# Asylum Benefits

## Employment Authorization

You are authorized to work in the United States for as long as you remain in asylum status. Your dependents listed above are also authorized to work in the United States so long as they retain derivative asylum status. To obtain a photo-identity document from the INS evidencing your employment authorization, you and your dependents listed above must each apply for an Employment Authorization Document (EAD). You are not required to pay a fee with your initial request for an EAD. However, when you submit an application to renew your EAD, you must pay a fee or request a fee waiver under 8 C.F.R. 103.7(c). To apply for an EAD, submit a separate Form I-765, Application for Employment Authorization, for each qualifying family member to the Nebraska Service Center, P.O. Box 87765, Lincoln, NE 68501-7765.

## Social Security Cards

You may immediately apply for an unrestricted Social Security card at any Social Security office. To get an Application for a Social Security Card (Form SS-5) or to get more information about applying for a Social Security card use [www.ssa.gov](http://www.ssa.gov) on the Internet, call the toll free number 1-800-772-1213, or visit a local Social Security office. When you go to a Social Security office to apply for a Social Security card, you must take your I-94 card showing you have been granted asylum status. If available, you should also take some kind of identity document, such as an EAD or your passport. For directions to the Social Security office nearest you, call the SSA toll-free number or visit the website listed above.

## Employment Assistance

You are eligible to receive a variety of services under Title I or the Workforce Investment Act of 1998. Such services include job search assistance, career counseling, and occupational skills training. These and other services are available at local One-Stop Career Centers. To obtain information about the Center nearest you, please call 1-877-US2-JOBS. The information is also available online through America's Service Locator at [www.servicelocator.org](http://www.servicelocator.org).

## Derivative Asylum Status

You may request derivative asylum status for any spouse or child (unmarried and under 21 years of age) who is not included in this decision and with whom you have a qualifying relationship. To request derivative asylum status, you must submit a Form I-730, Refugee and Asylum Relative Petition, to the Nebraska Service Center, P.O. Box 87730, Lincoln, NE 68501-7730. The Form I-730 must be filed for each qualifying family member within 2 years of the date you were granted asylum status, unless the INS determines that this time period should be extended for humanitarian reasons.

## Adjustment of Status

You may apply for lawful permanent resident status under section 209(b) of the Immigration and

Nationality Act after you have been physically present in the United States for a period of one year after the date you were granted asylum status. To apply for lawful permanent residence status, you must submit a separate Form I-485, Application to Register Permanent Residence or Adjust Status, for yourself and each qualifying family member to the Nebraska Service Center, P.O. Box 87485, Lincoln, Nebraska, 68501-7485. If you have a child who turns 21 years old prior to the completion of the adjustment process, you should contact the asylum office with jurisdiction over your case for additional instructions regarding the adjustment process.

## **Assistance and Services through the Office of Refugee Resettlement (ORR)**

You may be eligible to receive assistance and services through the Office of Refugee Resettlement (ORR). ORR funds and administers various programs, which are run by state and private, non-profit agencies throughout the U.S. The programs include cash and medical assistance, employment preparation and job placement, and English Language training. Many of these programs have time limited eligibility periods that begin from the date of your grant of asylum. Therefore, if you wish to seek assistance, it is important that you do so as soon as possible after receipt of this letter. To find out what programs are available and where to go for assistance and services in your state, you may sign on to the ORR website at [Programs | The Administration for Children and Families \(hhs.gov\)](#).

# Asylum Responsibilities

## Departing from the United States

If you, and/or your qualifying family members, plan to depart the United States, you must each obtain permission to return to the United States before you leave this country by obtaining a refugee travel document(s). A refugee travel document may be used for temporary travel abroad and is required for re-admission to the United States as an asylee. If you and/or your qualifying family members do not obtain a refugee travel document in advance of your departure, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an immigration judge. You and each qualifying family member may apply for a Refugee Travel Document by each submitting a Form I-131, Application for Travel Document, with the required fee or request for fee waiver under 8 C.F.R. 103.7(c) to the Nebraska Service Center, P.O. Box 87131, Lincoln, Nebraska 68501-7131.

## Changes of Address

You must notify the INS of any change of address within ten days of any such change. You may obtain a Form AR-11, Alien's Change of Address Card at your nearest post office or INS office to comply with this requirement.

## Selective Service Registration

All male asylees between the ages of 18 and 26 must register for the Selective Service. To obtain information about the Selective Service and how to register, you may sign on to the Selective Service website at [www.sss.gov](http://www.sss.gov) or obtain a Selective Service "mail-back" registration form at your nearest post office.



Please write your full name, date of birth, and A number on any correspondence you have with the INS.

# Refugee Program Contract Agencies and Services

## Refugee Support Services

### *Refugee Support Services*

| Agency Name                                | DV                       | ELI                      | ES                       | IS                       | I&R                      | SA                       | RYMP | RSIG                     | YP                       | SOR                      |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|------|--------------------------|--------------------------|--------------------------|
| Catholic Charities                         |                          |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |      | <input type="checkbox"/> |                          |                          |
| GA Piedmont Tech                           |                          | <input type="checkbox"/> |                          |                          |                          |                          |      |                          |                          |                          |
| Global Village Project                     |                          |                          |                          |                          |                          |                          |      | <input type="checkbox"/> |                          |                          |
| International Rescue Committee             |                          |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |      | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| Inspiritus                                 |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |      | <input type="checkbox"/> |                          |                          |
| New American Pathways                      |                          |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |      | <input type="checkbox"/> |                          |                          |
| Refugee Women's Network                    |                          |                          | <input type="checkbox"/> |                          | <input type="checkbox"/> | <input type="checkbox"/> |      |                          |                          | <input type="checkbox"/> |
| Tapestri                                   | <input type="checkbox"/> |                          |                          |                          |                          |                          |      |                          |                          |                          |
| U.S. Committee for Refugees and Immigrants |                          |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |      |                          |                          |                          |

## Afghan Support Services

### *Afghan Support Services*

| Agency Name                    | HS                       | DV                       | ELI                      | ES                       | IS                       | I&R                      | SA                       | RYMP                     | RSIG                     | LE                       | VS |
|--------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|----|
| Catholic Charities             | <input type="checkbox"/> |                          |                          |                          |                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |                          |    |
| GA Piedmont Tech               |                          |                          | <input type="checkbox"/> |                          |                          |                          |                          |                          |                          |                          |    |
| Global Village Project         |                          |                          |                          |                          |                          |                          |                          | <input type="checkbox"/> |                          |                          |    |
| International Rescue Committee | <input type="checkbox"/> |                          |                          |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |    |
| Inspiritus                     | <input type="checkbox"/> |                          | <input type="checkbox"/> |                          |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |    |
| New American Pathways          | <input type="checkbox"/> |                          |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          | <input type="checkbox"/> |    |
| Refugee Women's Network        | <input type="checkbox"/> |                          |                          |                          |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |    |
| Tapestri                       |                          | <input type="checkbox"/> |                          |                          |                          |                          |                          |                          |                          |                          |    |

| Agency Name                                | HS | DV | ELI | ES | IS | I&R | SA | RYMP | RSIG | LE | VS |
|--|----|----|-----|----|----|-----|----|------|------|----|----|
| U.S. Committee for Refugees and Immigrants | ☐  |    |     |    | ☐  |     | ☐  | ☐    |      | ☐  |    |
| Islamic Circle of North America            | ☐  |    |     |    | ☐  | ☐   | ☐  |      |      | ☐  | ☐  |

## Ukraine Support Services

### *Ukraine Support Services*

| Agency Name                                | IS | I&R | SA | RSIG | RYMP | ES |
|--|----|-----|----|------|------|----|
| Islamic Circle of North America            | ☐  | ☐   | ☐  |      |      |    |
| New American Pathways                      | ☐  | ☐   | ☐  |      |      | ☐  |
| U.S. Committee for Refugees and Immigrants |    | ☐   | ☐  |      | ☐    |    |

## Service Code Legend

### *Service Code Legend*

| Code | Service                         |
|------|---------------------------------|
| DV   | Domestic Violence               |
| ELI  | English Language Instruction    |
| ES   | Employability Services          |
| I&R  | Information and Referral        |
| IS   | Immigration Services            |
| HS   | Housing Services                |
| LE   | Legal Services                  |
| RSIG | Refugee School Impact           |
| RYMP | Refugee Youth Mentoring Program |
| SA   | Social Adjustment               |
| SOR  | Services to Older Refugees      |
| VS   | Virtual Services                |
| YP   | Youth Programs (RSS)            |