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POLICY TRANSMITTAL NO. 09-44	DATE: OCTOBER 6, 2009
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:60-1-3 and 60-1-6.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:60-1-3 is revised to update legal cites for aliens in special immigrant status.

OAC 340:60-1-6 Instructions to Staff are amended to remove the exception for Afghans in special immigrant status as they may now receive up to eight months of eligibility.

Original signed on 9-2-09

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Mary Stalnaker, Director  
Family Support Services Division

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Sandra Harrison, Coordinator  
Office of Legislative Relations and Policy

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WF # 09-13 (NAP)

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## **INSTRUCTIONS FOR FILING MANUAL MATERIAL**

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

### **REMOVE**

340:60-1-3

340:60-1-6

### **INSERT**

340:60-1-3, pages 1-3, revised 11-1-09

340:60-1-6, pages 1-2, revised 11-1-09

**340:60-1-3. Refugee Resettlement Program (RRP)**Revised 11-1-09

(a) **The Refugee Act of 1980.** The Oklahoma Department of Human Services (OKDHS) RRP uses the international definition of refugee adopted under the Refugee Act of 1980. ■ 1

(b) **Refugee documentation.** ■ 2 An applicant for assistance under the RRP must provide documentation issued by the United States Citizenship and Immigration Services (USCIS). Acceptable documentation includes, but is not limited to:

- (1) Form I-94, Departure Record;
- (2) Form I-551, Legal Permanent Resident Card; ■ 3
- (3) a passport stamped with the classification status;
- (4) a T-Visa; or
- (5) a letter or order from the USCIS or court granting asylum.

(c) **Refugee status.** Documentation from USCIS provided by the applicant must show the applicant's status is:

- (1) paroled as a refugee or asylee under Section 212(d)(5) of the Immigration and Nationality Act (INA);
- (2) admitted as a refugee under Section 207 of the INA;
- (3) granted asylum under Section 208 of the INA;
- (4) admitted as an Amerasian immigrant from Vietnam under Section 584 of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1989, as amended;
- (5) admitted for permanent residence, provided the person previously held one of the statuses identified in this Section;
- (6) a Cuban or Haitian entrant;
- (7) an alien and his or her eligible relatives who are victims of a severe form of

trafficking pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000 which was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003;

(8) an Iraqi admitted in special immigrant status as defined in Section 101(a)(27) of the INA [8 U.S.C. 1101(a)(27)], and per Section 1059, P.L. 109-163, the National Defense Authorization Act for Fiscal Year 2006, and Section 1244 of P.L. 110-181, the National Defense Authorization Act for Fiscal Year 2008 pursuant to Section 525 of Division G of P.L. 110-161, the Consolidated Appropriations Act of 2008, and Section 1244 of P.L. 110-181, the National Defense Authorization Act for Fiscal Year 2008; or

(9) an Afghan admitted in special immigrant status as defined in Section 101(a)(27) of the INA [8 U.S.C. 1101 (a)(27)] and per Section 1059, P.L. 109-163, the National Defense Authorization Act for Fiscal Year 2006, and Section 602, Division F, P.L. 111-08, the Omnibus Appropriations Act, 2009, pursuant to Section 525 of Division G of P.L. 110-161 of the Consolidated Appropriations Act, 2009.

(d) **Verification of alien status.** A declaration of alien status is required at application for all persons applying for RRP.

(1) Under penalty of perjury, the applicant declares the alien status of all persons applying for RRP benefits on the application form and signs the application. After certification, this declaration is made on Form 08MP022E, Declaration of Citizenship Status, before additional persons are added to the benefit.

(2) The Systematic Alien Verification for Entitlement (SAVE) process is used to verify alien status per OAC 340:65-3-4(5). ■ 4

(e) **Exclusions from RRP.** Persons excluded from participation in RRP are:

(1) resident aliens who did not previously have the status of refugee or asylee; or

(2) any applicant for asylum who has not been granted asylum status.

## **INSTRUCTIONS TO STAFF 340:60-1-3**

**Revised 11-1-09**

### **1. The international definition of refugee is:**

**(1) a person outside his or her country of origin who is unable or unwilling**

to return to that country due to persecution or a well-founded fear of persecution after such return; and

(2) in specifically designated countries, those persons who are still within their countries of origin who have a well-founded fear of persecution if they remain.

2. The Comprehensive Alien Chart can be accessed on the Family Support Services/Temporary Assistance for Needy Families (FSSD/TANF) Web site on the InfoNet.
3. Form I-151, Resident Alien Card, is no longer valid to prove immigration status. Persons who present Form I-151 must be referred to the United States Citizenship and Immigration Services (USCIS) for a replacement Form I-551, Permanent Resident Card.
4. Refugees who inquire about changing their alien status to legal permanent resident (LPR) contact USCIS, 4400 SW 44 St, Suite A, Oklahoma City, Oklahoma, 73119.



**340:60-1-6. Program eligibility and procedures**

Revised 6-1-06

(a) **Social services.** Social services are provided by Oklahoma Department of Human Services (OKDHS) contracted providers in accordance with Section 400.147 through 155 Title 45 of the Code of Federal Regulations.

(b) **Cash assistance.** Refugees must be afforded an opportunity to apply for cash assistance. Eligibility is determined according to Temporary Assistance for Needy Families (TANF) or State Supplement Payment (SSP) program rules. The worker refers refugees who are age 65 or over, blind, or disabled to the Social Security Administration to apply for Supplemental Security Income (SSI). If the eligibility requirements for TANF or SSP are not met, a referral is made to Catholic Charities for Refugee Cash Assistance (RCA).

(c) **Medical assistance.** Medicaid eligibility must be determined according to rules in OAC 317:35. If not eligible for Medicaid, eligibility for Refugee Medical Assistance (RMA) must be determined using Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XIV. All recipients of RCA are eligible for RMA if not eligible for Medicaid.

(d) **Refugee Medical Assistance.** ■ 1 A determination of categorical relationship is not required for the first eight months of eligibility for RMA from the date of entry into the United States. This date of entry is found on the documentation verifying the refugee's or asylee's status. After the first eight months, Medicaid rules at OAC 317:35 apply. For RMA, only income available on the date of application is considered. No consideration is given to:

- (1) in-kind services and shelter provided by a sponsor or a local resettlement agency;
- (2) cash assistance payments; and
- (3) employment earnings which start after approval for RMA.

(e) **Application processing time limit.** An application must be disposed of by a date which brings the effective date of action within 30 days following the date of application. When disposition is not possible within this time limit, the applicant is notified in writing at the end of the 30 days of the reason for the delay and the right to request a fair hearing if he or she chooses to do so [OAC 340:2-5].

(f) **Food benefits.** The appropriate food benefit application and certification procedures are followed. ■ 2

#### **INSTRUCTIONS TO STAFF 340:60-1-6**

Revised 11-1-09

1. **When determined eligible for Refugee Medical Assistance (RMA), the Family Assistance/Client Services (FACS) fields completed are:**
  - (1) **Citizen/Alien, with an entry of Qualified Alien-Asylee or Qualified Alien-Refugee (Household tab);**
  - (2) **Alien Registration Number (Household tab);**
  - (3) **Alien Entry Date (Household tab); and**
  - (4) **Categorical Relationship with an entry of Refugee with Benefit Types of ABCD or M (CNR) (Medical Gen tab).**
  
2. **See OAC 340:50 for food benefit rules. OAC 340:50-5-67 Instructions to Staff 1 through 4 specifically addresses alien status rules for food benefits.**