
POLICY TRANSMITTAL NO. 06-06	DATE: MAY 30, 2006
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:60-1, Table of Contents; and 340:60-1-1 through 60-1-7.

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

340:60-1-1, 340:60-1-2, and 340:60-1-6 are revised to amend language to reflect current usage and clarify existing rules.

340:60-1-3 revisions amend language to clarify rules for the computation of self-employment income.

340:60-1-4 and 340:60-1-7 are revoked.

340:60-1-5 revisions amend language to reflect current usage.

Original signed on 3-16-06

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WF # 05-20 (NAP)

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 a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS 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, DHS 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, DHS: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) 521-3611.

REMOVE

INSERT

340:60-1 Table of Contents

340:60-1 Table of Contents, 1 page only, revised 6-1-06

340:60-1-1

340:60-1-1, 1 page only, revised 6-1-06

340:60-1-2

340:60-1-2, 1 page only, revised 6-1-06

340:60-1-3

340:60-1-3, pages 1-3, revised 6-1-06

340:60-1-4

340:60-1-5

340:60-1-5, 1 page only, revised 6-1-06

340:60-1-6

340:60-1-6, pages 1-2, revised 6-1-06

340:60-1-7

CHAPTER 60. REFUGEE RESETTLEMENT PROGRAM

Section

- 340:60-1-1. Purpose
- 340:60-1-2. Legal base and availability of funds
- 340:60-1-3. Refugee Resettlement Program (RRP)
- 340:60-1-4. Exclusions **[REVOKED]**
- 340:60-1-5. Sponsorship
- 340:60-1-6. Program eligibility and procedures
- 340:60-1-7. Procedures **[REVOKED]**

340:60-1-1. Purpose

The purpose of this Chapter is to describe the rules governing the Oklahoma Department of Human Services (OKDHS) Refugee Resettlement Program (RRP).

340:60-1-2. Legal base and availability of funds

The Refugee Act of 1980 [Public Law 96-212] provides for assistance to refugees, regardless of national origin, to be administered by the states, with up to 100% reimbursement to be claimed from federal funds. Provision of the Refugee Resettlement Program (RRP) benefits described in this Chapter is based on the availability of federal funds. Should federal administrative or congressional action occur which reduces or terminates federal funding of RRP, benefits provided by the Oklahoma Department of Human Services (OKDHS) are reduced or terminated accordingly.

340:60-1-3. Refugee Resettlement Program (RRP)

(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 RFP 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 (Act);
- (2) admitted as a refugee under Section 207 of the Act;
- (3) granted asylum under Section 208 of the Act;
- (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 individual previously held one of the statuses identified in this Section;
- (6) a Cuban or Haitian entrant; or
- (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.

(d) **Verification of alien status.** Form PS-4, Declaration of Citizenship Status, is a required part of the application process.

(1) Under penalty of perjury, Form PS-4 must be signed attesting to citizenship or lawful alien status by:

(A) each adult included in the case; and

(B) an adult included in the case for all individuals under 18 years of age. In the absence of an adult in the case, the applicant, payee, or responsible adult acting in behalf of minor individuals signs Form PS-4.

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

(f) **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

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. Individuals 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.

340:60-1-5. Sponsorship

Most refugees who reach a community have been resettled by one of the national voluntary agencies or a state or local government working with the federal government and some also have a local sponsor. The sponsor may be an individual, a church, a civic organization, a state or local government, or other local group or organization. As part of the process for determining eligibility the worker must contact the sponsor or the resettlement agency to verify if they are providing cash benefits or other services to the refugee. ■ 1

INSTRUCTIONS TO STAFF

- 1. A telephone contact in the absence of a personal contact is sufficient to fulfill the verification requirement. The contact is documented in Family Assistance Client Services (FACS) case notes.**

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

(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

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 340:50-5-67 Instructions to Staff 1 through 7.**