

5101:1-2-40.1 **Refugee cash assistance.**

Refugee cash assistance (RCA) provides time-limited cash assistance to refugees ~~who are not eligible for Ohio works first (OWF) or supplemental security income (SSI) and~~ who meet the other eligibility requirements of this rule.

(A) The following definitions are applicable to this rule:

(1) "Assistance group" means the following individuals who live in the same household:

- (a) Individual adults;
- (b) Married individuals without children; or
- (c) Parents, custodial relatives or legal guardians with minor children.

(2) "Employable" means any refugee who has not documented that the refugee is:

- (a) Under the age of sixteen;
- (b) Over the age of sixty-four;
- (c) Under the age of nineteen and a full-time student in a secondary school or in the equivalent level of vocational or technical training;
- (d) The sole caregiver for a child under one year of age or other fully dependent person; or
- (e) Unable to work due to physical or mental health reasons.

(3) "Entry date" is the date the individual entered the U.S. in an eligible status, or the date an eligible status was granted in the U.S.

- (a) The entry date for an asylee is the date asylum status was granted in the U.S.
- (b) The entry date for individuals from Cuba or Haiti is the date documentation of status was issued by the United States citizenship and immigration services (USCIS).
- (c) The entry date for an adult victim of a severe form of trafficking is the certification date from the department of health and human services, office of refugee resettlement (ORR).
- (d) The entry date for a minor victim of a severe form of trafficking is the eligibility date from the letter issued by the ORR.

- (e) The entry date for a child with an interim assistance letter is the eligibility date from the letter issued by the ORR.
  - (f) The entry date for Iraqi and Afghan individuals holding special immigrant visa status is the date the individual entered the U.S. or the date special immigrant status was granted in the U.S.
- (4) "Mandatory participant" is any employable refugee receiving RCA who is required to participate in a refugee support services (RSS) program.
- (5) "Matching grant program" is an alternative to public assistance. The program is provided by a resettlement agency and is designed to enable refugees to become self-sufficient within four to six months from their entry date. The ORR enters into agreements with resettlement agencies to provide case management, employment services, maintenance assistance and cash allowances to refugees who volunteer to participate in the program. As a condition of participation in the matching grant program, a refugee agrees not to access public cash assistance. The matching grant program begins the thirty first day after the entry date and typically ends three months later.
- (6) "Reception and placement grants" are one-time cash grants from the U.S. department of state or department of justice to the resettlement agency on behalf of the refugee. This money is used to provide for the refugee family's immediate needs upon arrival to the U.S. and is not considered as income.
- (7) "Refugee" means an individual with original documentation issued by the USCIS or the ORR, of one of the following statuses under the Immigration and Nationality Act of 1952 (INA):
- (a) Paroled as a refugee or asylee under section 212 (d)(5) of the INA, 8 U.S.C. 1182 (3/2013);
  - (b) Admitted as a refugee under section 207 of the INA, 8 U.S.C. 1157 (05/2005);
  - (c) Granted asylum under section 208 of the INA, 8 U.S.C. 1158 (12/2008);
  - (d) An alien who is a Cuban or Haitian entrant as defined in 45 C.F.R., part 401 (03/2000);
  - (e) An Amerasian admitted pursuant to section 584 of Public Law (Pub. L. No.) 100-202 (12/1987), as amended by Pub. L. No. 100-461 (10/1988);

- (f) A victim of a severe form of human trafficking, as defined in the Victims of Trafficking and Violence Protection Act of 2000, 114 Stat. 1464, 22 U.S.C. 7102, who has a letter documenting eligibility as such from the ORR;
  - (g) A family member of a victim of a severe form of human trafficking, as defined by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193;
  - (h) An alien child issued an interim assistance letter from the ORR pursuant to the William Wilberforce Victims Protection Reauthorization Act of 2008, 22 U.S.C. 7105;
  - (i) An Afghan or Iraqi alien admitted in accordance with Pub. L. No 110-161 of the Consolidated Appropriations Act of 2008 and Pub. L. No 110-181 of the National Defense Authorization Act for Fiscal Year 2008, who was granted a special immigrant visa under section 101(a)(27) of the INA; or
  - (j) A lawful permanent resident, provided the individual previously held one of the statuses identified in paragraphs (B)(10)(a) to (B)(10)(i) of this rule. The beginning date for eligibility for benefits is based on the entry date in the previous status.
- (8) "Refugee Support Services" (RSS) is a program designed to assist refugee in becoming self-sufficient. RSS providers have entered into grant agreements with the Ohio department of job and family services.
- (9) "Resettlement agency" is a local affiliate or subcontractor of a national voluntary agency that has entered into a grant, contract, or cooperative agreement with the United States department of state or other appropriate federal agency to provide for the reception and initial placement of refugees in the U.S.
- (10) "Sponsor" means an individual, church, civic organization, state or local government, or other group or organization which has agreed to help in the reception and initial placement of refugees in the U.S. and other public and private non-profit agencies.

~~(A)~~(B) Who is eligible for RCA?

A refugee as described in paragraph (A)(7) of this rule:

- (1) Who is not eligible for Ohio Works First (OWF) or Supplemental Security Income (SSI);

- (2) Whose entry date is within eight months of the application date; and
- (3) Who is not participating in a matching grant program through a resettlement agency;
- (4) Who is not a full-time student in an institution of higher education;
- ~~(3)~~(5) Who meets the application and income requirements of this rule;:and
- (6) Who has not quit a job or refused a valid offer of employment within the immediate thirty calendar days preceding the refugee's application for cash assistance.

~~(B) Who is not eligible for RCA?~~

~~A refugee:~~

- ~~(1) Participating in a matching grant program through a resettlement agency.~~
- ~~(2) Who is eligible for OWF or SSI.~~
- ~~(3) Who is a full-time student in an institution of higher education.~~
- ~~(4) Who has quit a job or refused a valid offer of employment within the immediate thirty calendar days preceding the refugee's application for cash assistance.~~

(C) How long may a refugee receive RCA?

- (1) A refugee can receive RCA for eight months from their date of entry. The eligibility period for RCA begins with the refugee's entry date and ends the last day of the eighth month after the entry date. ~~When the first eight months since the entry date have passed, the refugee is no longer eligible for RCA.~~
- (2) The eligibility period for a refugee child with an interim assistance letter from the department of health and human services, office of refugee resettlement (ORR) ends ninety days after the refugee child's entry date.

(D) What are the eligibility criteria for RCA?

- (1) The application process and procedures are described in rule 5101:1-2-01 of the Administrative Code.
- ~~(2) The reapplication process is described in rule 5101:1-2-10 of the Administrative Code.~~

~~(3)~~(2) Income eligibility, budgeting requirements and payment levels described in rule 5101:1-23-20 of the Administrative Code must be applied in the determination of initial eligibility, continued eligibility, and the amount of cash assistance for RCA.

(a) The following are not included in the eligibility determination:

(i) Resources remaining in the individual's country of origin;

(ii) Any assistance a refugee receives from a resettlement agency as part of the reception and placement grant; or

(iii) Resources and income of a sponsor.

~~(b) When the parent of a child in the RCA assistance group does not meet the status requirement as specified in paragraph (B)(10) of rule 5101:1-2-40 of the Administrative Code, the parent is excluded from the RCA assistance group. The income of the ineligible parent is counted as unearned income, following application of the income allocation methodology as described in rule 5101:1-23-20.2 of the Administrative Code.~~

~~(c) Because a couple's eligibility is determined as an economic unit, the income of a spouse who is no longer RCA eligible due to the time limitation must be used in determining RCA eligibility for the spouse who is still within the time limit. The budgeting method described in paragraph (A)(2)(d) of rule 5101:1-23-20 of the Administrative Code is applicable in determining eligibility for the spouse who is still within the time limit.~~

~~(d)~~(b) When a required member of the RCA assistance group is ineligible for RCA because the member fails to meet the immigration status requirements as specified in paragraph (BA)(407) of this rule, because they exceed the time limitation as specified in paragraph (B)(2) of this rule, 5101:1-2-40 of the Administrative Code or because any of the conditions described in the individual failed to meet the conditions set forth in paragraph (I) of this rule are met, the income of the ineligible member is included in the determination of eligibility and payment level for the remaining member(s) of the RCA assistance group, as described in paragraphs~~paragraph~~ (A)(2)(c); ~~(C) and (H)(2)~~ of rule 5101:1-23-20 of the Administrative Code.

~~(4)~~(3) The county agency shall prorate a payment when an assistance group has eligibility for less than a month's benefit as described in paragraph (G) of rule 5101:1-23-40 of the Administrative Code.

~~(5)~~(4) When a refugee applies for RCA and the only assistance payment would be for the refugee's last month of eligibility, the assistance payment must be made for that month, even if the payment is not issued until after the end of the last month of time-limited eligibility.

~~(6)~~(5) All refugees who allege blindness or a disability, or who are at least sixty-five years of age, shall be immediately referred to the social security administration to apply for SSI.

(a) When a refugee has applied for SSI, the refugee may receive RCA until SSI benefits are approved for as long as the conditions of eligibility for RCA are met.

(b) When an SSI payment is made in the same month an RCA benefit is issued, the county agency must initiate overpayment activity in accordance with rule 5101:1-23-70 of the Administrative Code.

(E) What are the county agency's administrative responsibilities?

(1) Verification and reporting procedures are described in rule 5101:1-2-20 of the Administrative Code.

(2) Verification of the authenticity of documents provided by the individual through the automated systematic alien verification for entitlements (SAVE) system, as described in rule 5101:1-1-50 of the Administrative Code, applies to applicants for RCA.

(3) When a refugee receiving reception and placement services from a resettlement agency applies for cash assistance, the county must:

(a) Promptly notify the local resettlement agency that the refugee applied for cash assistance,

(b) Confirm with the resettlement agency that the refugee has not voluntarily quit or refused a valid offer of employment in the thirty days prior to applying for cash assistance

~~(c) The county agency must notify~~Notify the resettlement agency of any action which involves: the termination of benefits, the removal of one or more people from an assistance group, or a change in the delivery of benefits.

- (4) Rule 5101:1-1-03 of the Administrative Code applies to the confidentiality, safeguarding and sharing of information related to applicants, recipients or former recipients of RCA.
- (5) Rules 5101:1-23-70 and 5101:1-23-60 of the Administrative Code regarding recovery of overpayment and corrections of underpayments apply to former and current recipients of RCA.
- (6) An RCA applicant or recipient has all the hearing and notice requirement rights set forth in division 5101:6 of the Administrative Code.
- (7) The criteria for destruction of RCA assistance group records is subject to the procedures described in rule 5101:9-9-21 of the Administrative Code.

(F) What are the work activity requirements for recipients of RCA?

- (1) Employable RCA recipients must participate in ~~employment and employability services; a RSS program, if services are provided in their county. Services may be provided by:~~
  - (a) ~~A refugee social services program (RSSP) provider who serves the county in which the recipient resides. The provider will complete the individual employability plan with the refugee and provide employment and employability services.~~
  - (b) ~~County agencies that receive a targeted assistance program (TAP) allocation, as described in rule 5101:1-2-40.5 of the Administrative Code. The refugee must abide by the agreed upon services in the individual employability plan as described in paragraph (E) of rule 5101:1-2-40.5 of the Administrative Code.~~
- (2) There is no minimum number of hours of participation in employment or employability services to receive RCA.
- (3) OWF work activity requirements do not apply to recipients of RCA.

(G) What are the responsibilities of a county agency ~~responsibilities for employable RCA recipients~~ when there is an RSS provider in that county?

County agencies shall:

- (1) Refer all employable RCA recipients to receive employment services through a provider of ~~RSS~~PRSS services or ~~TAP~~ within thirty days of receipt of assistance.

- (2) Inform a refugee receiving RCA in writing that failure without good cause to participate in employment services and employability services may affect the assistance payment.
  - (3) Monitor changes in exemption status and refer refugees who are not exempt from participation to RSS providers~~providers of employment and employability services~~.
  - (4) Refer refugees who is not required to participate, to a RSS provider, if the individual volunteers to participate in the program~~Permit, but not require, the voluntary registration for employment services of an RCA recipient who is exempt from participation as set forth in paragraph (B)(2) of rule 5101:1-2-40 of the Administrative Code~~. The cash benefit cannot be impacted by failure or refusal to participate.
- (H) What are the responsibilities of county agencies without a provider or ~~RSS~~PRSS services?
- (1) Agencies may refer RCA recipients to employment services and English language training in their area.
  - (2) RCA benefits cannot be impacted by a refugee's failure to voluntarily participate in services.
- (I) What are the refugee's responsibilities?
- (1) The refugee must provide documentation of refugee status, as described in paragraph ~~(B)(10)~~ (7) of this rule 5101:1-2-40 ~~of the Administrative Code~~.
  - (2) The refugee must provide the name of the resettlement agency that helped with resettlement in the United States. Not all individuals described in paragraph (A) (7) of this rule Refugees with status documentation described in paragraphs (B) (10)(a) and (B)(10)(c) to (B)(10)(j) of rule 5101:1-2-40 of the Administrative Code, may not have worked with a resettlement agency and are therefore exempt from this requirement.
  - (3) As a condition of receipt of RCA, all employable assistance group members are required to:
    - (a) Participate in ~~employment and employability services~~ a RSS program, with a provider if the program is available in the county in which they reside or TAP within thirty days of receipt of assistance;



- (b) Comply with the provisions of the individual employability plan as written by a RSS ~~RSSP or TAP~~ provider;
  - (c) Go to job interviews arranged by the county agency, provider or resettlement agency which was responsible for the initial resettlement of the refugee; and
  - (d) Accept at any time, from any source, an offer of employment that has been determined appropriate by the RSS provider.
- (4) No individual may 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 existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which the refugee is a member may be deemed appropriate.
- (5) A refugee is not required to accept an offer of employment if such a job would interrupt a program of services planned or in progress if:
- (a) The refugee is currently participating in on-the-job training provided at the employment site and is expected to result in full-time, permanent, unsubsidized employment with the employer who is providing the training; or
  - (b) The refugee is participating in vocational training that;
    - (i) Does not exceed one year;
    - (ii) Is appropriate to the local labor market needs and is of sufficient quality to meet the requirements of local employers; and
    - (iii) Is provided to the fullest extent possible outside normal working hours to avoid interference with employment; or
  - (c) The refugee is participating in skills recertification services to help the refugee qualify to practice their profession in the United States. The training may consist of full-time attendance in a college or professional training program provided that;
    - (i) The refugee is employed;

- (ii) The training is part of the refugee's individual employability plan;
  - (iii) The training does not exceed one year in duration, including any time enrolled in such a program in the United States prior to the refugee's application for assistance;
  - (iv) The training is specifically intended to assist refugees in becoming certified in their professions; and
  - (v) If the training is completed, it can realistically be expected to result in such certification.
- (6) The inability to communicate in English does not exempt a refugee from participation in employment services or acceptance of appropriate offers of employment.
- (7) The refugee has ten calendar days to report a change in employment status or any other factor that may affect eligibility to the county agency or the provider.
- (J) What if the refugee fails or refuses to cooperate with the individual employability plan, voluntarily quits a job or refuses a job offer?
- (1) The county agency must determine whether good cause exists as described in rule 5101:1-3-13 of the Administrative Code.
  - (2) When an employable refugee quits a job or fails or refuses, without good cause, to comply with paragraph (I)(3) of this rule, sanctions are applied.
    - (a) The sanction period is three payment months for the first failure. RCA is terminated for any subsequent failure.
    - (b) If the sanctioned individual is the only member of the RCA assistance group, the assistance must be terminated for the sanction period.
    - (c) If there are other assistance group members, the county agency must not take into account the sanctioned individual's needs in determining the remaining assistance group's need for assistance.
  - ~~(3) Refugees in receipt of RCA who are not considered employable in accordance with paragraph (B)(2) of rule 5101:1-2-40 of the Administrative Code, and who voluntarily participate in employability services and employment services must be deregistered from services for ninety days if they fail to comply with paragraph (I)(3) of this rule without good cause. The cash benefit shall not be impacted.~~

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