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**IDAPA 16
TITLE 03
Chapter 06**

16.03.06 - RULES GOVERNING REFUGEE RESETTLEMENT ASSISTANCE

000. LEGAL AUTHORITY.

This program is authorized by 45 CFR Part 400, by Section 412E, Title IV, Pub. L. 96-212 also known as the Refugee Act of 1980, 94 Stat. 114 (8 USC 1521) and Action Transmittal ORR-AT-80-6, and by provisions of Sections 56-202 and 56-203, Idaho Code, which authorize the Department of Health and Welfare to assist needy people of the State with financial assistance and to enter into contracts with the federal government to provide assistance. (6-1-87)

001. TITLE AND SCOPE.

The rules contained in this Chapter govern the administration of the refugee assistance program in the State of Idaho and are to be cited as Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 06 "Rules Governing Refugee Resettlement Assistance." (6-1-81)

002. DEFINITION OF TERMS AND ABBREVIATIONS.

For the purposes of the rules contained in IDAPA 16, Title 03, Chapter 06, the following terms and abbreviations are used, as defined herein: (6-1-81)

01. Caretaker. A person related by blood or marriage who holds legal responsibility for the care and support of a minor child or otherwise dependent individual and who is needed in the home to care for such dependent. (5-22-78)
02. Department. The Department of Health and Welfare. (6-1-81)
03. DOE. Department of Employment. (5-22-78)
04. Eligible Amerasian. A citizen of Vietnam born between January 1, 1962, and January 1, 1976, who has one (1) American parent. (7-1-88)
05. Employability Plan. An individualized written plan prepared by the Idaho Refugee Services Program or DOE in areas not serviced by the Idaho Refugee Services Program for a refugee registered for employment services that sets forth a program of services intended to result in the earliest possible employment of the refugee. (7-1-89)
06. Entrant. A person from Cuba or Haiti who has been granted special immigration status by INS. (4-1-82)
07. Full-time Student. A student enrolled in an institution of higher education (other than a correspondence school) who is carrying a full-time academic workload as determined by the school under standards applicable to all students enrolled in that particular program. (5-1-84)
08. HHS. Department of Health and Human Services. (6-1-81)
09. INA. Immigration and Naturalization Act. (6-1-81)
10. INS. United States Immigration and Naturalization Service. (5-1-77)
11. IRSP. Idaho Refugee Service Program. (7-1-89)
12. I-94. A white three by five (3x5) alien identification card issued to refugees prior to their release to a sponsor. This card gives the refugee's name, U.S. address, and other identifying data. The refugee status will be printed in the lower right hand corner. If a refugee does not have this card, he should be referred to INS to obtain one. The dependent of a repatriated U.S. citizen may also have an I-94 card. (6-1-81)
13. Institution of Higher Education. An educational institution which provides: (5-1-84)

- a. An educational program for which it awards an associate, baccalaureate, graduate or professional degree; or (5-1-84)
 - b. At least a two (2) year program which is acceptable for full credit toward a baccalaureate degree; or (5-1-84)
 - c. At least a one (1) year training program which leads to a certificate or degree and prepares students for gainful employment in a recognized occupation; or (5-1-84)
 - d. At least a six (6) month program of training to prepare students for gainful employment in a recognized occupation. (5-1-84)
14. Refugee. An alien who (1) because of persecution or fear of persecution on account of race, religion, or political opinion fled from his homeland; (2) cannot return there because of fear of persecution on account of race, religion or political opinion. (6-1-81)

15. Repatriate. Excluded from the definition of "refugee" are those persons who are U.S. citizens returning to the United States from a foreign country, or dependents of repatriated U.S. citizens. (5-1-77)

003. -- 009. (RESERVED).

010. CONFIDENTIALITY.

A refugee's rights to confidentiality are contained in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 01, "Rules Governing Protection and Disclosure of Department Records." (7-1-89)

011. -- 099. (RESERVED).

100. IDENTIFICATION OF REFUGEES.

01. Refugee Immigration Status. A person has refugee status for purposes of assistance under the Refugee Resettlement Program if he is one (1) of the following: (7-1-89)

- a. A person from Cambodia, Laos, or Vietnam who has a Form I-94 indicating that the person has been paroled under Section 212(d)(5) of the Immigration and Naturalization Act (INA). The I-94 must clearly indicate that the person has been paroled as a refugee or asylee. (10-1-82)
- b. A person from Cuba who entered the U.S. on or after October 1, 1978 and who has an I-94 indicating that the person has been paroled under Section 212(d)(5) of the INA. The I-94 must clearly indicate that the person has been paroled as a refugee or asylee. (10-1-82)
- c. A person from any country who has Form I-94 indicating that the person has been:
 - i. Paroled under Section 212(d)(5) of the INA as a refugee or asylee; or (6-1-81)
 - ii. Admitted as a conditional entrant under Section 203(a)(7) of the INA; or (6-1-81)
 - iii. Admitted as a refugee under Section 207 of INA; or (6-1-81)
 - iv. Granted asylum under Section 208 of INA; or (6-1-81)
- d. A person who entered the United States and has Form I-151 or I-551 showing that his status has been subsequently adjusted from one (1) of the statuses in Subsection 100.02.c. to that of permanent resident alien provided he can document his previous status. (12-31-91)
- e. A child born in the United States to eligible refugee parent(s) with whom he lives. (10-1-82)

f. An Amerasian together with close family members who entered the United States beginning March 20, 1988, in immigrant status through the Orderly Departure Program. Close family members who are eligible refugees under this provision are limited to: (7-1-88)

i. The Amerasian's spouse and child(ren); (7-1-88)

ii. The mother of an unmarried Amerasian and such mother's spouse and child(ren); and (7-1-88)

iii. A person who has acted as the parent of an unmarried Amerasian and that person's spouse and child(ren). (7-1-88)

02. Other Factors in Determining Eligibility for the Refugee Resettlement Program. (6-1-81)

a. An applicant for asylum is not eligible. This is a person who has applied for but has not been granted asylum. (6-1-81)

b. A person who entered the U.S. as a resident alien (i.e., immigrant) is not eligible. (10-1-82)

c. A Form I-94 which shows a person has been paroled into the U.S. under Section 212(d)(5) of the INA must clearly indicate that the person has been paroled as a "Refugee" or "Asylee" if such form was issued: (6-1-81)

i. To a person from Cambodia, Laos, or Vietnam on or after June 1, 1980; or (6-1-81)

ii. To a person from Cuba on or after April 21, 1980; or (6-1-81)

iii. To a person from any other country at any time. (6-1-81)

d. A person whose status is Cuban/Haitian Entrant must have his eligibility for benefits under the Refugee Resettlement Program determined pursuant to Sections 125 and 135. (12-31-91)

e. Repatriated U.S. citizens and their dependents arriving in the U.S. are not eligible for benefits under the Refugee Resettlement Program but may be eligible for benefits under the Repatriate Program. Following the first ninety (90) days after their arrival in the U.S., those alien dependents of U.S. citizens who qualify as refugees would be eligible to apply under the Refugee Assistance Program. (6-1-81)

f. An Amerasian or close family member admitted as an immigrant but eligible for refugee cash/medical assistance as though he were a refugee must have either of the following documents verifying his status: (7-1-88)

i. A temporary identification document, Form I-94 stamped "Processed for I-551. Temporary evidence of lawful admission for permanent residence. Valid until (expiration date). Employment authorized." The back of Form I-94 contains the stamped word "Admitted" and is coded AM1, AM2, or AM3; or (7-1-88)

ii. A permanent identification document, Form I-551 coded AM6, AM7, or AM8. (7-1-88)

101. -- 124. (RESERVED).

125. IDENTIFICATION OF ENTRANTS.

01. Entrant Immigration Status. A person is an entrant for purposes of the Refugee Resettlement Program if he is one (1) of the following: (7-1-89)

a. A Cuban or Haitian who possesses an INS form I-94 which is stamped "Cuban/Haitian Entrant" (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti. (4-1-82)

- b. A Cuban who possesses an I-94 which states that the person is a citizen of Cuba and which contains the initials "OOE." A Temporary Restraining Order makes Exclusion Orders against this person legally unenforceable. If the Temporary Restraining Order is removed in the future, the person will become ineligible. (4-1-82)
- c. A Cuban who possesses an I-94 which meets all of the following requirements: (4-1-82)
- i. States that the person is a citizen of Cuba; (4-1-82)
 - ii. States that the person has been "Paroled," after April 20, 1980; and (4-1-82)
 - iii. Does not contain the words "Outstanding Order of Exclusion." (4-1-82)
- d. A Haitian who possesses an I-94 which states that he is a citizen of Haiti who has been either "Paroled" or granted "Voluntary Departure." (4-1-82)
- e. A Cuban or Haitian who has an application for asylum pending with INS. (4-1-82)
- f. A Cuban or Haitian who is the subject of exclusion or deportation proceedings under the INA, but about whom no decision has been reached. (4-1-82)
- g. The persons listed in Subsections 125.01.a. through 125.01.f. are eligible even if the expiration date of their parole or voluntary departure has passed. (12-31-91)

02. Ineligible Entrants. A person is not eligible for assistance under the Refugee Resettlement Program if he is one (1) of the following: (7-1-89)

- a. A Cuban or Haitian who has a final, nonappealable, and legally enforceable order of deportation or exclusion. (4-1-82)
- b. A Cuban whose I-94 contains the words "Outstanding Order of Exclusion." (4-1-82)
- c. A Cuban or Haitian who has never been encountered by INS. (4-1-82)
- d. A Cuban or Haitian who possesses a regular immigration or nonimmigration visa. (4-1-82)

126. -- 134. (RESERVED).

135. ASSISTANCE TO CUBAN/HAITIAN ENTRANTS.

01. Eligibility and Benefits. For purposes of determining the eligibility and benefit amount of Cuban and Haitian entrants no distinction is made between refugee and entrant immigration status. (10-1-84)

02. Period of Eligibility. The number of months during which an entrant may be eligible for cash and medical assistance under the Cuban/Haitian Entrant Program must be counted starting with the first month in which an individual entrant was first issued documentation by the INS indicating: (4-1-82)

- a. The entrant has been granted parole; or (4-1-82)
- b. The entrant is in voluntary departure status; or (4-1-82)
- c. The entrant's residence in the United States is known by INS. (4-1-82)

136. -- 149. (RESERVED).

150. SPONSORSHIP.

01. Providing Name of Resettlement Agency. A refugee must provide the name of his resettlement agency as a condition of eligibility for cash and medical assistance under the Refugee Resettlement Program. (7-1-89)

02. Resettlement Agency and Sponsor Notification. Whenever a refugee applies for cash or medical assistance for which total or partial reimbursement is provided by the Office of Refugee Resettlement, the Department must promptly notify the resettlement agency (or its local affiliate), which provided for the initial resettlement of the refugee, that the refugee has so applied. (10-1-84)

03. Contact. In determining or redetermining a refugee's eligibility for cash or medical assistance, the Field Office must contact the refugee's sponsor or resettlement agency and obtain sufficient information to make a correct eligibility determination including: (10-1-84)

a. Verification of the amount of financial assistance the sponsor or resettlement agency is providing to the refugee; and (7-1-89)

b. Whether the refugee has refused an offer of employment or has voluntarily quit a job within thirty (30) consecutive days immediately prior to the date of application without good cause as provided in Subsection 300.01. (12-31-91)

04. Notification Waiver. When there is an emergency need for financial assistance and the sponsor cannot be reached, the notification requirement may be temporarily waived. (10-1-84)

151. -- 199. (RESERVED).

200. REFUGEE CASH ASSISTANCE.

01. Time Limitation. Effective October 1, 1991, refugee cash assistance under the Refugee Resettlement Program, also known as refugee financial assistance, will be limited to eight (8) consecutive months beginning with the month the refugee enters the United States. The eligibility period for refugee cash assistance for a child born in the United States to refugee parents who are not eligible for AFDC, AABD or SSI expires when both of his parents with whom he is living have been in the United States for eight (8) months or when the child has reached eight (8) months of age, whichever occurs first. (10-28-93)

a. Effective October 1, 1991, the refugee cash assistance eligibility period is reduced to eight (8) months for persons who were not receiving refugee cash assistance as of September 30, 1991. (10-28-93)

b. Effective November 30, 1991, refugee cash assistance must be terminated for any recipient who, as of that date, has reached or passed the end of the eight (8) month period beginning with the refugee's month of entry into the U.S. (10-28-93)

02. Categorical Relatedness Waived. The requirements of categorical relatedness are waived. This means that refugees must meet the financial eligibility criteria only. It is not required that adults be disabled, blind, or elderly, or that children in families be deprived of parental support in order to be eligible for refugee cash assistance. (10-1-84)

03. Assistance Based on AFDC Standards. Cash assistance to all types of refugee cases, regardless of family composition and age will be based on the AFDC need standard. The AFDC need standard must also apply to those refugee cases which would normally be considered AABD-related. The standard for an assistance unit of one (1) in AFDC may be used for single individuals and the AFDC two (2) person standard for husband and wife. (7-1-89)

04. Consideration of Income and Resources. Income and resources are considered on the same basis as in the AFDC program, except that the Department must not apply an earned income disregard of thirty dollars (\$30) plus one-third (1/3) of the remainder of the earnings. (6-1-87)

05. Availability of Income and Resources. No income or resources which are not in fact available to the

refugee including resources remaining in his homeland or the income and resources of sponsors, will be considered in determining eligibility for cash assistance. (7-1-89)

a. Money paid directly to a refugee by a sponsor or resettlement agency is income in the month received and a resource to the extent retained in subsequent months. (6-23-88)

b. In-kind services and shelter provided by a sponsor or resettlement agency will not be counted as income. A shelter allowance will not be provided for any in-kind shelter provided. (6-23-88)

06. Extended Medicaid. An assistance unit which becomes ineligible for refugee cash assistance (RCA) or refugee medical assistance (RMA) because of increased earnings from employment of a member of the unit or which becomes ineligible for RCA or RMA wholly or partly because of collection or an increased collection of child or spousal support, is entitled to an extension, up to four (4) months, of nonspend down refugee medical assistance. Refugee medical assistance must not be extended beyond a refugee's eighth (8) month in the United States. (10-28-93)

07. Nuclear Family. Each nuclear family of parent(s) and children under eighteen (18) years of age or under nineteen (19) years of age if they are expected to complete a secondary level of school by the month of their nineteenth birthday is a separate assistance unit. (7-1-89)

08. Extended Family. Within the extended family, each adult child over eighteen (18) years of age, or over nineteen (19) years of age if he is expected to complete a secondary level of school by the month of his nineteenth (19th) birthday, and each adult relative (including, but not limited to grandparents, cousins) is a separate assistance unit. (7-1-89)

09. Minor Children. Minor children related to the caretaker but who have no parent in the household are eligible for AFDC rather than refugee cash assistance. (7-1-89)

201. -- 299. (RESERVED).

300. EMPLOYMENT AND TRAINING REQUIREMENTS FOR REFUGEES APPLYING FOR OR RECEIVING REFUGEE CASH ASSISTANCE.

The employment and training requirements for applicants for and recipients of refugee cash assistance are set forth in Section 300. These requirements do not apply to refugees who are A/Rs for AFDC. (12-31-91)

01. Employable Refugee. An employable refugee is an A/R for refugee cash assistance who is not exempt from registration for employment services. (7-1-89)

a. The exemption criteria are in Subsection 300.04. (12-31-91)

b. Inability to communicate in English does not exempt a refugee from registration for employment services, participation in employability services, or carrying out job search or acceptance of appropriate offers of employment. (7-1-89)

02. Requirements. As a condition of eligibility for refugee cash assistance, an employable refugee must: (7-1-89)

a. Register for employment services and participate in employment services provided by the Idaho Refugee Service Program (IRSP) or by the Department of Employment in areas of the state not serviced by IRSP; (7-1-89)

b. Carry out job search; (7-1-89)

c. Go to a job interview which is arranged by the IRSP or by the Department of Employment in areas not served by IRSP; (7-1-89)

d. Participate in any employability service program which provides job or language training in the

area in which the refugee resides and which the IRSP determines is available and appropriate for that refugee; (7-1-89)

e. Accept an offer of employment and not terminate employment which is determined to be appropriate by the resettlement agency which was responsible for the initial resettlement of the refugee or by the IRSP or by the Department of Employment in areas not served by the IRSP. (7-1-89)

f. Not be enrolled as a full-time student in an institution of higher education except where his enrollment is approved by the IRSP, or its designee, as part of an individual employability plan. (1-29-92)

03. Good Cause. Good cause for refusal to register for employment and refusal to participate in employment services exists when those services do not meet the criteria specified in Subsections 300.07. (12-31-91)

04. Exemption Criteria. An individual is considered employable unless one (1) of the following exemptions applies: (7-1-89)

a. An individual who is under age sixteen (16); or who is over the age of fifteen (15), is a full-time student in a secondary school or equivalent level of technical or vocational training, and is reasonably expected to complete the curriculum no later than the month of his nineteenth birthday; or who is enrolled full-time in training approved by the Department's Idaho Refugee Service Program as part of an approved employability plan; (5-1-84)

b. A person who is ill where medical evidence or another sound criterion indicates the illness or injury is serious enough to temporarily prevent entry into employment or training; (7-1-89)

c. A person who is incapacitated, when determined by a physician or licensed or certified psychologist and verified by the Field Office that a physical or mental impairment, by itself or in conjunction with age, prevents the person from engaging in employment or training; (7-1-89)

d. A person who is sixty-five (65) or older; (7-1-89)

e. A person who is caring for another member of the household who has a physical or mental impairment which requires, as determined by a physician or licensed or certified psychologist and verified by the Field Office, care in the home on a substantially continuous basis, and no other appropriate member of the household is available; (7-1-89)

f. A parent or other caretaker of a child under the age of six (6) who is caring for the child; (7-1-89)

g. A person who is working at least thirty (30) hours a week in unsubsidized employment expected to last a minimum of thirty (30) days. This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten (10) workdays; or (7-1-89)

h. A person who is pregnant if it has been medically verified that the child is expected to be born in the month in which such registration would be required or within the next three (3) months. (7-1-89)

05. Voluntary Registration. A refugee who meets the exemption criteria in Subsection 300.04 may voluntarily register for and participate in employment services. (12-31-91)

06. Voluntary Quit. As a condition of eligibility for refugee cash assistance, an employable refugee must not, without good cause, within the thirty (30) consecutive calendar days prior to the application for refugee cash assistance have voluntarily quit employment or have refused to accept an offer of employment determined appropriate by the IRSP or by the Department of Employment in areas not served by the IRSP using the appropriateness criteria in Subsection 300.07. (12-31-91)

07. Criteria for Determining Appropriateness of Employability Services and Employment. The determination of "appropriateness" must be made by the IRSP. (7-1-89)

a. In making the "appropriateness" determination the IRSP will assure the following criteria are met:

(7-1-89)

i. All assignments must be within the scope of the individual's employability plan. The plan may be modified to reflect changed services or employment conditions; (7-1-89)

ii. The services or employment must be related to the capability of the individual to perform the task on a regular basis. Any claim of adverse effect on physical or mental health must be based on adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health; (7-1-89)

iii. The total daily commuting time to and from home to the service or employment site must not normally exceed two (2) hours, including the transporting of a child to and from a child care facility, unless a longer commuting distance or time is generally accepted in the community, in which case, the round trip commuting time must not exceed the generally accepted community standards; (7-1-89)

iv. When child care is required, the care must meet the standards normally required by the Department in the work and training programs for AFDC recipients; (7-1-89)

v. The service or work site to which the individual is assigned must not be in violation of applicable federal, state or local health standards; (7-1-89)

vi. Assignments must not be made which are discriminatory in terms of age, sex, race, creed, color or national origin; (7-1-89)

vii. Appropriate work may be temporary, permanent, full-time, part-time, or seasonal work if such work meets the other standards of appropriateness contained in this section; (7-1-89)

viii. The wage must meet or exceed the federal or state minimum wage law, whichever is applicable, or if such laws are not applicable, the wage must not be substantially less favorable than the wage normally paid for similar work in the labor market; (7-1-89)

ix. The daily hours of work and the weekly hours of work must not exceed those customary to the occupation; (7-1-89)

x. No individual is required to accept employment if: (7-1-89)

(a) The position offered is vacant due to a strike, lockout or other bona fide labor dispute; or (7-1-89)

(b) The individual would be required to work for an employer contrary to the conditions of his existing membership in the union governing that occupation. Employment not governed by the rules of a union in which he has membership may, however, be deemed appropriate; and (7-1-89)

xi. The quality of training must meet local employers' requirements so that the individual will be in a competitive position within the labor market. The training must also be likely to lead to employment which meets the appropriateness criteria. (7-1-89)

b. If a refugee is a professional in need of professional refresher training and other recertification services in order to qualify to practice his profession in the United States, the training may consist of full-time attendance in a college or a professional training program, provided that such training is: (7-1-89)

i. Approved as part of the individual's employability plan; (7-1-89)

ii. Does not exceed one (1) year's duration, including any time enrolled in such program in the United States prior to the individual's application for refugee cash assistance; (7-1-89)

iii. Is specifically intended to assist the professional in becoming relicensed in his profession; and (7-1-89)

- iv. If completed, can realistically be expected to result in his being relicensed. (7-1-89)
- c. The offer of a job meeting the appropriateness criteria must be accepted without regard to whether it would interrupt a program of services planned or in progress unless: (7-1-89)
 - i. The refugee is currently participating in a program in progress of on-the-job training which meets the appropriateness criteria and is being carried out as part of his employability plan; or (7-1-89)
 - ii. The refugee is enrolled full-time in a professional recertification program which meets the requirements of Subsection 300.07.b. (12-31-91)
- 08. Job Search. As a condition of continued eligibility for refugee cash assistance, an employable recipient must carry out a job search program according to the requirements of his employability plan. (7-1-89)
 - a. The refugee must begin job search no later than six (6) months after he entered the United States or at the time he is determined eligible for refugee cash assistance if the refugee has completed at least six (6) months in the United States at the time of such determination. (7-1-89)
 - b. The refugee must continue job search for at least eight (8) consecutive weeks. (7-1-89)
 - c. The refugee must make at least three (3) employer contacts each week of the eight (8) consecutive weeks. (7-1-89)
 - d. The refugee's compliance with job search requirements is determined by IRSP or the Department of Employment in areas not served by the IRSP. (7-1-89)
- 09. Sanctions. The following sanctions are to be applied to an individual who has failed or refused to carry out job search or to accept employability services or employment: (7-1-89)
 - a. Voluntary Registrant. When a voluntary registrant has failed or refused to participate in appropriate employability services, to carry out job search or to accept an appropriate offer of employment, the IRSP or the Department of Employment in areas not served by the IRSP, may deregister the individual for up to ninety (90) days from the date of determination that such failure or refusal has occurred, but the individual's eligibility or the amount of his refugee cash assistance must not be affected. (7-1-89)
 - b. Mandatory Registrant. When a mandatory registrant has, without good cause, failed or refused to register for employment services, participate in employability services, accept appropriate offers of employment, continue appropriate employment or carry out job search, his refugee cash assistance must be terminated following proper notice in accordance with the provisions of Subsection 300.09.c. (12-31-91)
 - c. Sanctions. Sanctions are to be applied according to the following: (7-1-89)
 - i. If the sanctioned individual is the only member of the assistance unit, assistance must be terminated for three (3) payment months for the first failure and six (6) payment months for any subsequent failure. (7-1-89)
 - ii. If the assistance unit includes members other than the sanctioned individual, the sanctioned individual's needs must not be taken into account in determining eligibility for or the amount of refugee cash assistance for the assistance unit for three (3) payment months for the first failure and six (6) payment months for each subsequent failure. (7-1-89)
 - iii. IRSP or the Department of Employment in areas not served by the IRSP must provide a conciliation period prior to the imposition of any sanctions in accordance with the following: (7-1-89)
 - (a) The conciliation effort must begin as soon as possible, but no later than ten (10) days following the date of the failure or refusal to participate and can continue for a period not to exceed thirty (30) days. (7-1-89)

(b) The conciliation period can be terminated sooner by the IRSP or the individual when either believes the dispute cannot be resolved by conciliation. (7-1-89)

10. Thirty Dollars (\$30) and One-third (1/3) Disregard. The thirty dollars (\$30) and one-third (1/3) disregard and thirty dollars (\$30) disregard must not be allowed in determining refugee cash assistance eligibility or grant amount. Other disregards which apply in the AFDC program shall apply in the same manner in the refugee assistance program. (12-31-91)

301. -- 399. (RESERVED).

400. MEDICAL ASSISTANCE PROGRAM - REFUGEES.

01. Time Limitation. Effective October 1, 1991, medical assistance under the Refugee Resettlement Program will be limited to eight (8) consecutive months beginning with the month the refugee enters the United States. The eligibility period for a child born in the United States to refugee parents who are not eligible for AFDC, AABD, or SSI, expires when both of his parents with whom he is living have been in the United States for eight (8) months or when the child has reached eight (8) months of age, whichever occurs first. (10-28-93)

a. Effective October 1, 1991, the refugee medical assistance eligibility period is reduced to eight (8) months for persons who were not receiving refugee medical assistance as of September 30, 1991. (10-28-93)

b. Effective November 30, 1991, refugee medical assistance must be terminated for any recipient who, as of that date, has reached or passed the end of the eight (8) month period beginning with the refugee's month of entry into the U.S. (10-28-93)

02. Medical Only. A refugee is not required to apply for or receive Refugee Cash Assistance as a condition of eligibility for Refugee Medical Assistance. (1-29-92)

03. Automatic Eligibility. Refugees whose countable income does not exceed the AFDC payment standard are automatically eligible for medical assistance. (10-1-82)

04. Medical Assistance with "Spend Down". Refugees whose countable income exceeds the AFDC payment standard may also be eligible for medical assistance under certain conditions. A special provision, for refugees only, will allow those refugees whose income exceeds the AFDC payment standard to apply their income above the payment standard to their medical costs and thus "spend down" to the AFDC eligibility level. This "spend down" will be computed on a quarterly basis; the quarter begins with the month of application. Compute the amount by which the refugee's income exceeds the AFDC payment standard on a monthly basis using the best estimate of income to be received during the quarter and multiply the monthly excess by three (3) to determine the quarterly "spend down." (10-1-82)

05. Counting Income and Resources for Refugee Medical Assistance with a "Spend Down." (7-1-93)

a. AFDC policy determines which income must be counted, excluded, or deducted, except that a refugee is not entitled to the thirty dollars (\$30) and one-third (1/3) disregard or the thirty dollar (\$30) disregard must not be allowed. (12-31-91)

b. The AFDC payment standard applicable for the size of family unit determines the amount to which an individual or family must "spend down" to be eligible for refugee medical assistance. (7-1-89)

c. AFDC policy determines which resources must be counted or excluded for a refugee unit which must meet a medical "spend down." (10-1-82)

d. Total countable resources of the assistance unit must not exceed one thousand dollars (\$1,000). (7-1-89)

e. No financial resources which are not available to the refugee, including resources remaining in his homeland, are to be considered in determining eligibility for medical assistance. (6-1-81)

f. The income and resources of sponsors, and the in-kind services and shelter provided to refugees by their sponsors, will not be considered in determining eligibility for medical assistance. A shelter allowance must not be given for any in-kind shelter provided. (6-1-81)

06. Financially Responsible Relatives. (6-1-81)

a. The Department must consider the income and resources of nonrefugee spouses or parents as available to the refugee whether or not they are actually contributed, if they live in the same household. (6-1-81)

b. If the nonrefugee spouse or parent does not live with the individual, the Department must consider income and resources that are actually contributed by the spouse or parent as available to the refugee. (6-1-81)

07. Deduction of Incurred Medical Expenses. If countable income exceeds the AFDC income standard, the Department must deduct from income, in the following order, incurred medical expenses that are not subject to payment by a third party: (6-1-81)

a. Medicare and other health insurance premiums, deductibles, or coinsurance charges, incurred by the individual or family or financially responsible relatives. (10-1-82)

b. Expenses incurred by the individual or family or financially responsible relatives for necessary medical and remedial services that are recognized under State law but not covered under the scope of the Medical Assistance Program. (6-1-81)

c. Expenses incurred by the individual or family or financially responsible relatives for necessary medical and remedial services covered in the scope of the Medical Assistance Program. (6-1-81)

d. The Department may set reasonable limits on expenses to be deducted from income under Subsections 400.07.a. and 400.07.b. (12-31-91)

08. Determining Eligibility for Medical Assistance for Refugees Who Must Meet a "Spend Down." The refugee recipient must provide verification of expenses incurred pursuant to Subsection 400.07. If the recipient has medical coverage from a third party, he must verify that charges will not be paid by this third party by providing an Explanation of Benefits or other written statement from the third party. (12-31-91)

a. As the recipient submits medical expenses, the charges should be added in the order listed in Subsection 400.07 and then under Subsection 400.07.c. in chronological order by the date of service. (12-31-91)

b. When the charges equal or exceed the amount of the "spend down," the recipient becomes eligible for Medical Assistance. (6-1-81)

c. The date of eligibility is the date of service on the last bill which is covered under the scope of the Medical Assistance Program. (6-1-81)

d. It is the responsibility of the Eligibility Examiner to determine when the "spend down" has been met. (6-1-81)

09. Issuing a Medical Card to a Refugee Who Must Meet a "Spend Down." A Medical Card will not be issued until the recipient has met the "spend down." The dates on the Medical Card under "Valid Only During" will be the date the recipient becomes eligible for Medicaid benefits "to" the last day of the last month in the quarter for which the "spend down" has been determined. (10-1-82)

10. Extended Medicaid. An assistance unit which becomes ineligible for refugee medical assistance because of increased earnings from employment of a member of the unit, is entitled to an extension, up to four (4) months, of non-spend down refugee medical assistance. Extended refugee medical assistance must not be extended beyond a refugee's eighth (8th) month in the U.S. (10-28-93)

401. -- 499. (RESERVED).

500. FOOD STAMP ELIGIBILITY.

Refugees must meet all of the food stamp eligibility criteria in order to be eligible for food stamps as no special exceptions have been made for them. (6-1-81)

501. -- 599. (RESERVED).

600. RELATIONSHIP TO SSI.

All refugee recipients who are sixty-five (65) or older, or aged, blind, or disabled, must be immediately referred to the Social Security Administration to apply for SSI benefits. Such refugees will continue to receive assistance under the Refugee Resettlement Program until SSI benefits are begun. When the Department learns that SSI has made a payment to a refugee the same month as the Refugee Resettlement Program, an attempt to recover the amount of the financial assistance payment should be made through the overpayment collection procedures. (4-1-83)

601. -- 699. (RESERVED).

700. PRECEDENCE OF CATEGORICAL ASSISTANCE PROGRAMS.

Eligibility for refugee cash and/or medical assistance is limited to refugees who have been determined ineligible for AFDC, AABD, or Medicaid but who meet refugee cash and/or medical assistance eligibility requirements. (7-1-89)

01. New Applicants. (7-1-93)

a. An applicant for refugee cash and/or medical assistance must first have his eligibility determined for AFDC, AABD and/or Medicaid. To be eligible for AFDC, AABD and/or Medicaid, the refugee must meet all the eligibility criteria for the applicable category of assistance including deprivation. (7-1-89)

b. If the applicant is determined ineligible for AFDC, AABD and/or Medicaid, his eligibility is then determined under the Refugee Resettlement Program. (7-1-89)

02. Transfer of Cases. (7-1-89)

a. All recipients of refugee assistance who become eligible for AFDC, AABD and/or Medicaid will be transferred to the appropriate category. Refugees transferred to AFDC, AABD, or Medicaid must meet the criteria of need, resources, age, residence, deprivation and any other tests applicable to the pertinent category of assistance. (7-1-89)

b. When a refugee has been in the United States for eight (8) months, it should be determined if he is eligible for AFDC, AABD, and/or Medicaid; if so, he should be transferred to the appropriate program. If not, his benefits must be terminated. (1-29-92)

701. -- 724. (RESERVED).

725. REPORTING CHANGES.

Applicants for and recipients of refugee cash and/or medical assistance must inform the Field Office in person or in writing as soon as possible but in no event later than ten (10) calendar days of any changes in income, including receipt of new income, of commencement of employment, of changes in resources or of any other changes in circumstances which affect the refugee's eligibility for refugee cash and/or medical assistance or the amount of his refugee cash assistance. (10-28-93)

726. -- 729. (RESERVED).

730. OVERPAYMENTS AND UNDERPAYMENTS.

Policy governing recovery of overpayments and restoration of underpayments of refugee cash and medical assistance is contained in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 01, "Rules Governing Eligibility for Aid To Families With Dependent Children (AFDC)." (12-31-91)

731. -- 749. (RESERVED).

750. REDETERMINATIONS.

Redetermination must be required for refugee assistance recipients at least as frequently as for AFDC recipients. (4-1-83)

751. -- 799. (RESERVED).

800. CASE RECORD INFORMATION.

The following information must be recorded in case records of refugees in addition to documentation required by AFDC regulations: (6-1-81)

01. Registration Number. Record the passport or alien registration number from INA Form I-94. (6-1-81)
02. Date of Entry. Record the month and year of entry into the United States. The receipt of benefits under the Refugee Resettlement Program will be limited to eight (8) months from the date of entry into the United States effective October 1, 1991. (1-29-92)
03. Nationality. Record the country in which the refugee was living and fled because of persecution or fear or persecution. (6-1-81)
04. Resettlement Agency. Record the name of the resettlement agency. (10-1-82)
05. Sponsor. Record the name and address of the sponsor. (6-1-81)
06. Initial Settlement. If a refugee initially settled in another state or states prior to moving to Idaho, record the name(s) of the state(s) from which he moved and in which he initially settled. (10-1-84)

801. -- 994. (RESERVED).

995. PROVISIONS CONTINGENT UPON FEDERAL FUNDING.

The provisions in Sections 000 through 996 inclusive, are contingent upon availability and receipt of funds appropriated through federal legislation. When federal funds are not available to the state of Idaho, these provisions or any part therein shall be considered dormant and advance notice of termination or reduction of benefits may be disposed. When funding is not available to the State, affected persons shall be notified immediately in accordance with the adequate notice provisions discussed in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 01, Subsection 552.01.b., "Rules Governing Aid to Families with Dependent Children." (12-31-91)

996. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, Sections 300, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (12-31-91)

998. INCLUSIVE GENDER.

For the purposes of these rules, words used in the masculine gender include the feminine, and vice versa, where appropriate. (5-22-78)

999. SEVERABILITY.

Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 06, are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (5-22-78)