

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department of Human Resources

Rule No. 660-2-3

Rule Title: Aid to Refugees

 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? yes

Is there another, less restrictive method of regulation available that could adequately protect the public? no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? no

Does the proposed rule have an economic impact? no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer *Randy A. Guibord*

Date 6-1-18

(DATE FILED)
(STAMP)

Department of Human Resources
Family Assistance Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: Chapter 660-2-3 Aid to Refugees

INTENDED ACTION: Proposed repealer

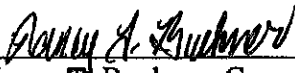
SUBSTANCE OF PROPOSED ACTION: Repeal obsolete rules

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views, or arguments respecting the proposed rule by mail, by telephone or in person through the close of business on August 3, 2018. Persons wishing to submit data, views, or arguments orally should contact the Department's Administrative Procedure Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330, or set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2018

CONTACT PERSON AT AGENCY:

Ms. Gail Grobe, AP Secretary
State Department of Human Resources
Gordon Persons Building
50 Ripley Street, Room 2122
Montgomery, Alabama 36130-4000



Nancy T. Buckner, Commissioner
Department of Human Resources

ALABAMA DEPARTMENT OF HUMAN RESOURCES
ECONOMIC ASSISTANCE DIVISION
ADMINISTRATIVE CODE

CHAPTER 660-2-3 (REPEALED)
AID TO REFUGEES

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660-2-3-.01 Purpose And Duration Of Assistance.

(1) The purpose of the Aid to Refugee (AR) Program is to provide for the effective resettlement of refugees and to assist them to achieve economic self-sufficiency as quickly as possible. All eligibility criteria and requirements of Title IVA of the Social Security Act as outlined in 660-2-2 apply unless otherwise specified in this chapter. All eligibility criteria and references to "refugees" contained herein will also apply to "entrants" unless otherwise stated.

(2) The AR Program provides assistance for eligible refugees for a period of 12 months beginning with the first month

in which the refugee or entrant entered the United States. NOTE: For Cuban/Haitian Entrants, the 12 months begins with the month of parole status.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 7-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980); 45 C.F.R. Parts 400 and 401; Federal Register Vol. 47, No. 49, Friday, March 12, 1982, page 10841 et seq.

History: Effective June 28, 1983. Emergency amendment effective October 1, 1988. Succedent permanent amendment effective January 26, 1989; Repealed: June 21, 2018.

660-2-3-.02 Definitions. The following administrative definitions apply:

(a) Cuban and Haitian Entrant - 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 nations of Cuba and Haiti, regardless of the status of the individual at the time assistance or services are provided, and

1. Who was paroled into the U.S. and has not acquired any other status under the Immigration and Nationality Act; is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or has an application for asylum pending with the Immigration and Naturalization Service; and
2. With respect to whom a final, nonappealable and legally enforceable order of deportation or exclusion has not been entered.

(b) Refugee -

1. Any person who is outside any country of such person's nationality or in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a wellfounded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or in such special circumstances as the President after appropriate consultation [as defined in § 207(e) of Public Law 414] may specify; and
2. Any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a wellfounded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

(c) Repatriated American National Program - P.L. 86-

571 and P.L. 67-64.

(d) ORR - The Office of Refugee Resettlement.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983; Repealed: June 21, 2018.

660-2-3-.03 Administration And Statutory Authority. The Department of Health and Human Services is responsible for coordination of the services authorized by the Federal government to be provided refugees. Funds for this program are 100 percent federal. The legal base for the Refugee Assistance Program is Public Law 414 (The Immigration and Nationality Act of 1952), P.L. 87-510 (The Migration and Refugee Assistance Act of 1962), and P.L. 96-212 (The Refugee Act of 1980).

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 2, 1983; Repealed: June 21, 2018.

660-2-3-.04 Rights And Responsibilities.

(1) Any person has the right to apply for assistance, have his/her eligibility determined, and if found eligible, to receive an established monthly amount. There are no restrictions on the use of direct payments. The recipient of public assistance funds must assume the responsibility of furnishing all necessary facts and documentation to establish or reestablish eligibility, advise the Department of any changes in his/her circumstances within 10 days which might affect eligibility and/or the amount of the assistance grant, and to provide the Department with any channel of information concerning his/her affairs that may be determined necessary. Recipients must also make monthly reports unless excluded by waiver from Department of Health and Human Services. An applicant/recipient who refuses to cooperate with the Department by not providing required information, verification, or documentation shall be denied/terminated as eligibility cannot be established.

(2) The individual has the right of confidentiality, to receive prompt action, equitable treatment, notification of any case action taken, and to receive a fair hearing due to an appeal of case action.

(3) Departmental forms explain these rights and responsibilities. These forms (see 660-2-2-.03) are explained and given to each adult individual receiving or applying for assistance, who is requested to sign an acknowledgement of explanations made. Copies of these forms may be obtained from the Department.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983; Repealed: June 21, 2018.

660-2-3-.05 Application And Initial Determination Of Eligibility. Refer to 660-2-2-.04.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983; Repealed: June 21, 2018.

660-2-3-.06 Definitions: Application Process. Refer to 660-2-2-.05.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983; Repealed: June 21, 2018.

660-2-3-.07 Standard Of Promptness. Refer to 660-2-2-.06.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983; Repealed: June 21, 2018.

660-2-3-.08 Accrual Rights. Refer to 660-2-2-.07.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983; Repealed: June 21, 2018.

660-2-3-.09 Redetermination Of Eligibility. Refer to 660-2-2-08.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983. Repealed: June 21, 2018

660-2-3-.10 Definitions: Redetermination Process. Refer to 660-2-2-.09.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance

Act of 1962); P.L. 96-212 (The Refugee Act of 1980).
History: Effective June 28, 1983.Repealed: June 21, 2018.

660-2-3-.11 Amount Of Assistance. Refer to 660-2-2-.10.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed: June 21, 2018

660-2-3-.12 Payee. Refer to 660-2-4-.11.

660-2-3

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed: June 21, 2018

660-2-3-.13 Duplicate Grants. Refer to 660-2-2-.12.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed: June 21, 2018

660-2-3-.14 Erroneous Payments. Refer to 660-2-2-.13.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed: June 21, 2018

660-2-3-.15 Advance Notice. Refer to 660-2-2-.14.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed: June 21, 2018

660-2-3-.16 Eligibility Requirements Other Than Need.

(1) The individual and/or the family must meet the definition of a refugee as specified in Rule 660-2-3-.02 and have refugee status as stipulated in ORR-AT-80-6, August 29, 1980.

(2) The individual and/or the family must meet ADC residence requirements as specified in Rule 660-2-2-.16.

(3) Requirements for categorical relatedness of deprivation, school attendance and degree of relationship to grantee are waived in the AR category. WIN policies do not apply as refugees are not eligible for WIN participation, unless they

receive assistance under ADC.

(4) All employable refugees who apply for or receive a check from the Department of Human Resources, and all employable members of the budget group of which they are a part, must register for employment with an appropriate agency providing employment services, and/or with an appropriate agency providing English-language training services, that are funded under the Refugee Resettlement Program. If no employment program is available, they must register with the State Employment Service and must accept an employment or training opportunity, from any source, which is determined appropriate for that refugee by the Department. An individual is considered employable unless specifically exempt. Inability to communicate in English does not make the refugee "unemployable." The following are exempt from work registration:

- (a) An individual who is under age 16; or who is age 16 but under age 18 and is a full-time student; or who is enrolled full-time in training approved by the Department of Human Resources as part of an approved employability plan;
- (b) A person who is ill, incapacitated, or 65 or older;
- (c) A person whose presence in the home is required because of illness or incapacity of another member of the household;
- (d) A mother or other caretaker of a child under the age of six who is needed in the home to care for the child; or
- (e) A mother or other caretaker of a child, when the non-exempt father or other non-exempt adult relative in the home is registered and has not refused to accept employment without good cause.

(5) As a condition for continued receipt of assistance for a refugee who is employed part-time (less than 100 hours per month), the Department will require part-time training such as English language or skill training, if available and determined appropriate. Part-time training such as English language or skill training will be encouraged, but not required, for any refugee employed full-time (defined as 100 hours or more per month). Full-time college or university students 18 or over are not eligible for Aid to Refugee assistance.

(6) Refusal of an employable adult recipient to register with the Employment Service or to accept or continue an employment or training opportunity without good cause will result in the following actions:

- (a) Immediately upon notification from Employment Service and/or the contract program, the eligibility worker will mail to the refugee recipient a termination notice, at least 11 days before the effective date of action;
- (b) The eligibility worker will provide counseling within 7 days of mailing date of the notice, to provide the

refugee with an understanding of the implications of his refusal to accept employment or training and to encourage the refugee's acceptance of such opportunity; and

(c) If the employable refugee recipient continues to refuse an offer of employment or training, assistance will be terminated effective the end of the month of his original refusal. The refugee will be given at least 10 days written notice of the termination of assistance and the reason for the termination. This penalty will be applied in the following manner:

1. If there are other persons in the budget, only the needs of the person(s) refusing will be removed. If the employable refugee is a caretaker relative, assistance in the form of protective or vendor payments will be provided to the remaining members of the budget group; or
2. If such individual is the only individual in the budget, his check will be terminated; or
3. An employable refugee shall be ineligible for assistance after the termination of assistance because of refusal to participate in an available and appropriate social service program or to accept an appropriate offer of employment or because of termination of employment for a period of three months for the first such occurrence and for a period of six months for each subsequent occurrence.

Author:

Statutory Authority: The Refugee Assistance Amendments of 1982, P.L. 97-363; ORR-AT-82-3 (October 26, 1982); ORR-AT-82-2 (May 20, 1982); SRS-AT-76-160 (October 22, 1976); SRS-AT-75-27 (June 9, 1975); ORR-AT-83-6 (December 27, 1983); ORR-AT-83-6A (January 10, 1984).

History: Effective June 28, 1983. Emergency amendment effective June 28, 1983. Permanent amendment effective September 12, 1983. Succeedent emergency amendment effective April 1, 1984. Succeedent permanent amendment effective June 11, 1984. Succeedent emergency amendment effective March 29, 1985. Succeedent permanent amendment effective July 9, 1985. Repealed: June 21, 2018

660-2-3-.17 Need Requirement - General. The refugee(s) must meet need requirements as stated in 660-2-2-.27. Also, any assistance provided by the sponsor or resettlement agency is considered in determining need. The budget grouping to determine need will be as follows (using the appropriate ADC standard for family size):

- (a) Parent(s) or other responsible caretaker(s), and dependent children under age 18 in his care, whom the grantee wishes to include in the application;
- (b) Married couples with no children in their care;
- (c) Single adults age 18 or older and not living with a legally responsible adult caretaker refugee. A single adult

living in an extended family situation, such as a mother living with her son, is not necessarily considered to be living with a "responsible adult caretaker refugee" and might be eligible in his/her own right.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed: June 21, 2018

660-2-3-.18 Resources. Refer to 660-2-2-.28.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed : June 21, 2018.

660-2-3-.19 Homestead. Refer to 660-2-2-.29.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L.87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed: June 21, 2018

660-2-3-.20 Income. ADC Rule 660-2-2-.30 is applicable except the disregard of \$30 and 1/3 of certain earnings and related provisions.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed: June 21, 2018

660-2-3-.21 Standard Of Need. Refer to 660-2-2-.31.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed: June 21, 2018

660-2-3-.22 Computation Of Grant Amount Based On Income.

Refer to 660-2-2-.32.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983.Repealed: June 21, 2018

660-2-3-.23 Medicaid. Individual(s) who receive AR are

automatically eligible for Alabama Medicaid benefits. See Chapter 660-2-5.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983. Repealed: June 21, 2018

660-2-3-.24 Referral To Social Services. At any time the worker suspects abuse or neglect of any child or adult, he must immediately refer the case to the appropriate service unit. All persons receiving AR are referred to the Service Unit when problems or needs of individuals are evidenced or services are desired.

Author:

Statutory Authority: P.L. 414 (The Immigration and Nationality Act of 1952); P.L. 87-510 (The Migration and Refugee Assistance Act of 1962); P.L. 96-212 (The Refugee Act of 1980).

History: Effective June 28, 1983. Repealed: June 21, 2018