

HCR

411

COMMITTEE REPORT

(7)

HOUSE

FURTHER: FINANCE

1/18/80

Date: 1-24-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had HCR 4i

"Relating to a study of the feasibility of resettling Indo-Chinese refugees in Alaska."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HCR 41 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

W. W. [Signature]

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MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
CHAIRMAN

3700--INTRODUCTION

The Indochinese Refugee Assistance Program, IRAP, was designed by Congress several years ago to provide cash and medical assistance to needy Indochinese Refugees (Vietnamese, Cambodians, Laotians, "boat people", etc.) who do not qualify for regular AFDC, SSI, APA, and Medicaid coverage but who are needy as defined by the standards and policies of the states' AFDC programs.

IRAP provides 100% federal funding for cash and Medicaid benefits and for administrative costs, instead of the 50% federal, 50% state funding for regular AFDC and Medicaid cases. Even though over 300 Indochinese refugees have been settled in Alaska since refugee resettlement started, only three cases have been given assistance to date. Now, many individuals and community groups in the State are actively seeking to sponsor and bring in new refugee families. The EW is increasingly more likely to encounter refugees seeking assistance.

Many refugees have undergone prolonged stress and frequent extreme life changes. In addition to being unfamiliar with American customs and perhaps even being afraid of government officials, they may be unable to read, speak, or understand our language. For all these reasons, the EW should depend wherever necessary upon the family's sponsor. Sponsors can serve as primary verification sources, authorized representatives, translators, etc.

3701--DEFINITION OF INDOCHINESE REFUGEES

- (a) For the purpose of IRAP, a refugee is defined as a Cambodian, Vietnamese, or Laotian national who has fled from and cannot return to his country due to persecution or fear of persecution because of race, religion, or political opinion. Under this definition, the following individuals shall be eligible to apply for assistance under the refugee assistance program:
- (1) An individual who has parole status as indicated by an INS (Immigration and Naturalization Service) Form I-94.
 - (2) An individual who has voluntary departure status as indicated by Form I-94.
 - (3) An individual who has conditional entry status as indicated by Form I-94.
 - (4) An individual who was admitted to the United States with permanent resident status on or after April 8, 1975 (the date on which the President designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by Form I-151 or I-551.

3701--DEFINITION OF INDOCHINESE REFUGEES - Continued

- (5) An individual who has permanent resident status as a result of adjustment of status under P.L. 95-145 as indicated by Form I-151 or I-551.
- (b) A family may be composed of refugees and non-refugees:
- (1) The entire family can be IRAP-eligible even if one or more of the dependent children were born in the U.S., as long as the parents are both refugees.
- (2) Refugees and their children who have an I-94, I-151, or I-155 are IRAP eligible even when they are married to (or they are natural children or stepchildren of) a U.S. citizen, but the IRAP family unit cannot include the needs of a U.S. citizen.

3702--PRIOR PROGRAM RESOURCES

The IRAP program is intended to cover refugees who are not eligible for AFDC, Medicaid, APA, and SSI. Intake process steps on refugee cases are as follows:

- (a) Determining if eligibility exists for AFDC and Medicaid. (Examination of the citizenship status will identify the family as Indochinese Refugees if they are not already known to be.) If regular AFDC eligibility exists, treat the case as a normal AFDC-Medicaid case. Do not apply any special factors of the IRAP program except for case reporting to Central Office (Sec. 3707.8).

If AFDC-Medicaid eligibility exists for only some of the family members, the ineligible family members should be treated as potentially eligible for IRAP. A second application is not needed to determine IRAP eligibility for the remaining family members.

- (b) If no Medicaid and AFDC eligibility exists, examine the situation for APA and SSI eligibility. If the applicant appears to be aged, blind, or disabled, take an AFDC application and an APA application. Refer the applicant to SSI to make application.

Do not apply the APA procedures of taking an AB-3 or AD-2 form and opening the APA case. Instead, determine the IRAP case if it meets IRAP eligibility requirements. Provide IRAP assistance until SSI eligibility is determined. If SSI denies, continue the IRAP assistance. If SSI approves, end the IRAP case and use the APA application to open a normal APA case.

3702--PRIOR PROGRAM RESOURCES - Continued

If not all the family members are aged, blind, or disabled, the other family members, if they are IRAP-eligible, are included in the IRAP case while the SSI application is pending. If the SSI case is approved, they remain in the IRAP case and the APA-SSI eligible person(s) is removed.

- (c) The Food Stamp Program is not a prior resource, but a separate program. As with any normal case, IRAP applicants should be referred to FSP. If they choose to make application, follow the normal requirements of the Food Stamp Program in determining eligibility.
- (d) IRAP is a prior resource to General Relief. Since AFDC income standards are higher than GR income standards, either the refugee family will be AFDC or IRAP eligible or it will be ineligible for AFDC, IRAP, and GR. GRM coverage is provided to IRAP-Medicaid eligibles just as is done for regular Medicaid eligibles.
- (e) Any refugee who is eligible for AFDC and loses AFDC coverage because of his failure to comply with any AFDC program requirement will not be eligible for IRAP. This same restriction applies to APA-SSI eligible refugees.

3703--ELIGIBILITY FACTORS

The IRAP program follows most of the eligibility factors of the AFDC program. However, there are certain significant differences on certain factors. This section lists those differences. The EW will apply all AFDC requirements not discussed as exceptions in this section to all IRAP cases.

3703.1--CITIZENSHIP OR PERMANENT ALIEN STATUS

The difference between IRAP and AFDC are listed in Sec. 3701. There are no other differences.

3703.2--RESIDENCY

All the requirements of AFDC residency apply to the IRAP program.

3703.3--AGE

None of the AFDC age requirements apply. IRAP eligibility does not depend on the presence of children under 18 in the home. IRAP eligibility can exist if there are no children at all in the household. Neither age nor deprivation are factors of IRAP eligibility.

3703.4--LIVING WITH A SPECIFIED RELATIVE

- (a) None of the specified relative requirements of the AFDC program apply to the IRAP program.
- (b) The IRAP assistance unit must be made up of all eligible refugees who reside together under one roof. Temporary absence policies of regular AFDC apply.
- (c) If an IRAP unit lives with a regular AFDC unit, and/or an APA/SSI unit, income and resources are separated as is done in AFDC-SSI households. Questions involving complex household and program mixes should be referred to Central Office if prudent judgement isn't sufficient.

3703.5 -SOCIAL SECURITY ENUMERATION

Enumeration must be completed for IRAP eligibility to exist. All of the regular AFDC enumeration requirements apply, except that IRAP Medicaid will be denied for a failure to enumerate.

3703.6--CHILD SUPPORT ASSIGNMENT AND COOPERATION

These two AFDC requirements apply only to cases in which there is at least one child under 18 and the child(ren) have at least one parent who is absent from the home but who is living in the United States.

3703.7--WIN/WORK REGISTRATION

The WIN program requirements do not apply to any IRAP case. However, IRAP has its own work registration requirements which are somewhat similar to those of the WIN program. These work registration requirements are discussed in Sec. 3704, below.

3703.8--RESOURCES

All the regular requirements for AFDC resources apply to the IRAP program, except that any resources, including cash, personal property, and real property that any applicant claims remains in Vietnam, Laos, or Cambodia will be considered unavailable. No such resource will be counted against the AFDC resource limits.

3703.9--INCOME

All the regular requirements for AFDC income apply to the IRAP program. All items or services that are provided in-kind by sponsoring persons, groups, or agencies are not counted as available income. Any other contributions are counted as available income.

3704--WORK REGISTRATION

Each employable member of the IRAP assistance unit must register for employment and must accept an employment or training opportunity in order for IRAP eligibility to exist.

3704.1--EXEMPTIONS FROM REGISTRATION

Those who must register do not include the following:

- (a) A person under 16, or under 21 and attending school full-time, or 21 and over and attending school or training as approved by the EW;
- (b) A person who is ill, incapacitated, or over 65;
- (c) A person whose presence in the home is required because of illness or incapacity of another household member;
- (d) A mother or other caretaker who is caring for a child under 6; and
- (e) A mother or other caretaker of a child when the non-work-exempt father or other non-exempt adult relative in the home is registered for work and has not refused to accept employment without good cause.

Note that an inability to communicate in English does not exempt an IRAP applicant from registering for work.

3704.2--REGISTRATION PROCEDURES

- (a) Each IRAP applicant or other member of the potential assistance unit who is not exempt must fill out an ES-511 form at initial application and at each 6 month review. The 511 is completed and submitted exactly as is done for Food Stamp applicants. (See Work Registration sections of the Food Stamp Manual.)
- (b) If all IRAP mandatory registrants have also applied for Food Stamps and registered under the FSP, those registrations are accepted as meeting the IRAP requirement. (Note, however, that the Food Stamp and IRAP programs do not exempt the same classes of people.)
- (c) If and when the Department of Labor finds that an applicant or recipient has failed to accept or pursue work, it will notify the DPA office just as is done in the Food Stamp work registration process.

3704.3--ADDITIONAL WORK REQUIREMENTS

In addition to the requirement to register for work and accept appropriate work, the following special requirements apply:

(a) Applicants

An employable (non-exempt) refugee cannot have voluntarily quit in order to qualify for IRAP assistance, nor can he have refused to apply for or accept an appropriate offer of employment. This requirement applies only for the 30 consecutive calendar days prior to the first effective date assistance was or would have been granted.

(b) Recipients

No non-exempt IRAP recipient can voluntarily quit in order to continue to receive assistance, nor can he refuse to apply for or accept an appropriate offer of employment or employment-related training.

3704.4--SANCTIONS

(a) Applicants

- (1) Applicants who are not exempt and who fail to register will be denied assistance. If the person who fails to register is the only caretaker relative or adult in the household, but other members are IRAP-eligible, the needs of the adult are removed from the grant. A protective payee is established as is done for CSEA and WIN cases in the regular AFDC program. When the person registers, the case is returned to normal status.
- (2) If the applicant refuses to register and he or she is the only person in the grant, the application is denied until the client registers and reapplies.
- (3) In the case of applicants who fail to meet the requirements of 3704.2(a), above, the application is denied if it is a single person application or the grant is reduced and a payee established if other persons in the household are eligible. The denial or penalty payee is applied for 30 days or until the person meets the requirements of 3704.2 (a), whichever is later.

(b) Recipients

Recipients who fail to meet the requirements of 3704.3 above, or who fail to register or reregister for work are treated as follows:

3704.4--SANCTIONS - Continued

- (1) Within 7 days of receiving notice of a failure to comply, the client must be informed of the consequences of non-compliance. This should be done in person, if possible.
- (2) If the employable refugee recipient continues to refuse an offer of employment or training, assistance will be terminated 30 days after the date of his original refusal. The refugee is given at least 10 days written notice of the termination of assistance and the reason for it. This sanction shall be applied in the following manner:
 - I. If the assistance unit includes other individuals, then the grant shall be reduced by the amount included on behalf of that refugee. If the employable refugee is a caretaker relative, assistance will be provided to the remaining members of the assistance unit through a protective payee.
 - II. If the individual is the only individual in the assistance unit, the grant shall be terminated.
 - III. The refugee's sponsor, or the voluntary resettlement agency where there is not a sponsor, will be notified of the action taken.
 - IV. A decision by the refugee to accept employment or training, made at any time within the 30 day period after the date of the original refusal, shall result in the continuation of assistance without interruption if the refugee continues to meet the income requirements for continued assistance.
 - V. An employable refugee may reapply for assistance 30 days after the termination of assistance because of refusal to accept or continue employment or training.

3704.5--"APPROPRIATE WORK" AND TRAINING" STANDARDS

- (a) The EW will not impose sanctions if the recipient refused a job or quit a job which had one or more of the following features:
 - (1) The wages were less than Alaska's minimum wage;
 - (2) The hours of work exceeded those customary to the occupation;
 - (3) The job was vacant due to strike, lockout, or other labor dispute;

3704.5--"APPROPRIATE WORK AND TRAINING" STANDARDS - Continued

- (4) The client was or would have been required to work for an employer contrary to the conditions of his existing membership in the union governing that occupation.
- (b) The following exceptions are added to the four points above for work, and they also apply to training assignments:
- (1) The job or training assignment is not related to the physical or mental capability of the client to perform the task on a regular basis; (Medicaid will cover the cost of getting any medical or psychological evidence necessary to decide if this exception is approvable);
 - (2) The daily commuting time to and from home and work or training site (and child care center, if necessary) normally exceeds 2 hours;
 - (3) The work or training site is in violation of applicable federal, state, or local health or safety standards; or
 - (4) Assignments are made which discriminate on grounds of age, sex, race, creed, color, handicap, or national origin.
- (c) The following training or schooling activities are considered "appropriate". IRAP clients will continue to meet the requirements of 3704 a. be eligible for assistance while engaged in these activities:
- (1) The client is 21 or over and attending college full time, and will finish his or her degree in one year or less; or
 - (2) The client of any age is participating in a full-time training program which is, in the EW's judgement, designed to make the client employable within one year or less.

3704.6--SPECIAL TRAINING REQUIREMENT

IRAP recipients who are employed less than 100 hours per month have an additional work/training requirement they must meet in order to continue to be IRAP-eligible: they must also be participating in part-time training, such as English language or skill training. This requirement applies only if:

- (a) such training is available at no cost; and
- (b) the training is appropriate (as defined by 3704.5).

3704.7--WORK REGISTRATION HEARINGS

Unlike the WIN work registration process in the regular AFDC program, in IRAP work registration, all decisions that affect the client's grant or eligibility status are made by the Eligibility Worker. Therefore, all these decisions are covered by the DPA fair hearing process.

The IRAP caseload is very small, the work registration requirements are complex, and there is considerable room for the EW to exercise prudent judgement. For these reasons, the Worker is encouraged to consult his supervisor and the CO IRAP Program Officer before applying sanctions to any recipient.

3705--NEED STANDARDS AND MAXIMUM PAYMENTS

(a) For the following types of IRAP units, the maximum payments and the need standards are the same. "Adult" means any person 18 and over, and "child" means any person under 18.

(1) Adults Only: \$200 for each of the first two adults, \$50 for each additional adult.

(2) Children Only: The AFDC-ANI standards and maximums apply.

(3) Adults and Children: The AFDC-ANI standards and maximums apply, except that \$200 is added for the second adult and \$50 for each additional adult.

(b) All related persons living in the same household who are IRAP-eligible should be placed in one case. Because of the unique features of the IRAP program and the differences in payment levels from AFDC levels which are introduced by covering additional adults, the EW should use his prudent judgement in order to provide IRAP cash and Medicaid assistance to all needy eligible refugees. Unusual household compositions may be encountered; consult Central Office before establishing the case.

3706--CASE EXAMPLES:

(1) A mother and 3 children under 18 apply. All 4 claim to be Chinese, but their INS forms show they are Cambodian Nationals. (Many eligible refugees may so identify themselves.) No income and resources.

This is a regular AFDC case, not an IRAP. The payment is \$450 a month.

3706--CASE EXAMPLES - Continued

- (2) A father, mother, her father, and 5 children, ages 9, 11, 14, 18, and 20 apply, with no income or resources. All are refugees from Laos.

This is an IRAP case with 3 children and 5 adults:

1 Adult + 3 children	=	\$450
2nd Adult at \$200	=	\$200
3 Additional Adults (\$50 each)	=	<u>\$150</u>
Standard and Maximum	=	\$800

- (3) If, in example (2), above, the family has a baby after resettling in Alaska. Even though the baby was born in the U.S., it can be added to the case:

1 Adult + 4 Children	=	\$500
2nd Adult at \$200	=	\$200
3 Additional Adults	=	<u>\$150</u>
		\$850

- (4) In example (2), above, assume the father is a U.S. citizen. He cannot be included in the IRAP case, but his wife and his ~~step~~ children are still IRAP-eligible. The case is budgeted this way:

Mother + 3 children	=	\$450
2nd Adult	=	\$200
2 Additional Adults	=	<u>\$100</u>
		\$750

- (5) Assume in example (2), above, that the grandfather is 67 years old. He is referred to SSI and fills out an APA application. Nevertheless, the case is established exactly as it was in example (2). When he notifies DPA that he's become eligible, his APA case is opened and he is removed from the IRAP case. The IRAP case is then rebudgeted for 4 adults and 3 children:

PROGRAM
AFDC-IRAP

SUBJECT
CASE EXAMPLES

SECTION
3706 - 3708

3706--CASE EXAMPLES - Continued

1 Adult and 3 Children	=	\$450
2nd Adult	=	\$200
3rd and 4th Adults	=	<u>\$100</u>
		\$750

3707--ESTABLISHING THE CASE

- (a) Both IRAP-AFDC and IRAP-only cases are established exactly as if it was an AFDC case. It is coded on the BAF as a regular AFDC and Medicaid case (Code 15 for Medicaid). However, there is one additional step that must be taken in all IRAP cases, including those that are AFDC cases in which one or more recipients are Indochinese refugees:

At the time of opening, an extra copy of the BAF (xerox or pink) must be sent to Central Office, marked to the attention of the IRAP Program Officer. This copy is essential to provide CO with the information it needs to claim the 100% federal funding given to each "IRAP-only case" and the additional 50% for AFDC-IRAP cases.

The opening BAF, and the initial field warrant, if any, show "IRAP-only case" or "IRAP-AFDC case" in the remarks area.

Unless the case file is clearly marked as an IRAP case, Workers who later encounter the case file may believe it to be a regular--and incorrect--AFDC case. New cases should be marked IRAP or IRAP-AFDC on the file tab, by a special 3"x5" index card stapled to the outside of the file, or any other marking as determined by the RAPM or office supervisor.

3708--CASE MAINTENANCE

All AFDC case maintenance activities and requirements apply to all IRAP cases except as specified in Sec. 3703. However, in each case maintenance activity that produces a BAF change--of any type--CO must be sent an extra BAF copy, marked "ATTN: IRAP Program Officer".

All BAFs have "IRAP-only case" or "IRAP-AFDC case" entered in the remarks section.

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TO: REP. MILLER/SALONI/O'CONNELL/SEN. TILLION
FR: RICHARD FRASER

BOX 12:

KAS1105, AK 99610

RE: HCR-41 AND HD-566. THE INFUSION OF MORE TRAMP LABOR AND INSTABILITY INTO THE STATE ECONOMY BY THESE PROPOSALS WILL CREATE AGGRESSIVE COUNTERCONTRAILS BY THESE PERSONS OMITTED AND DISCRIMINATED AGAINST BY SUCH ACTIONS. U. S. VETS EFFORTS TO HELP THEM IN THEIR OWN LAND WAS REJECTED BY THEIR OWN LACK OF PARTICIPATION. THIS LAND ALASKA CONTAINS CITIZENS WORTHY OF SUCH GRANT ASSISTANCE.