

18.11 ASYLEE ELIGIBILITY FOR REFUGEE CASH AND MEDICAL ASSISTANCE PROGRAM

A. INTRODUCTION

Asylees are eligible to access refugee cash and medical assistance, RCA and RMA, for 8 months beginning on the date that they are granted asylum if they do not meet all eligibility requirements for WV WORKS or Medicaid. For example, if an individual were granted asylum on September 1, 2000 and applied on October 30, 2000, he or she would be eligible for RCA and RMA from the date of application through April, 2001.

B. ELIGIBILITY SCREENING

All immigrants that have been granted asylum status will have in their possession INS documentation which shows proof of asylum status and date asylum was granted.

1. Asylee Status Of Applicant

a. Documentation

In order to determine an asylee's eligibility in accordance with Office of Refugee Resettlement regulations the worker must confirm the individual's status and date of entry through appropriate INS documentation. The following documents will confirm both status and date of entry for asylees:

- INS Form I-94 Arrival/Departure Card noting that the individual has been admitted under Section 208 of INA
- INS Form I-94 Arrival/Departure Card with the admission codes AS-1, AS-2 or AS-3
- INS Form I-94 Arrival/Departure Card with Visa 92 (or V-92)
- Order of an Immigration Judge granting asylum under Section 208 of the INA will serve as proof of asylee status if the Immigration and Naturalization Service (INS) has waived the right to appeal the case. The date on the Immigration Judge Order will serve as the date the individual was granted asylum.

NOTE: If the Immigration Judge order shows the INS has reserved its right to appeal, there is a 30 day waiting period from the date of the order before an approval consideration can be made. The Worker must submit copies of the Immigration Judge Order to the SAVE Coordinator. The SAVE Coordinator will complete an inquiry on or after the 31st day from the date on the Immigration Judge Order to find out whether the INS has appealed the case and then notify the Worker of the eligibility status of the individual.

- Asylum Approval Letter from an INS Asylum Office
 - I-730 Approval Letter
 - Written Decisions from the Board of Immigration Appeals (BIA)
- b. Recommended Asylum Approval Letter

Recommended Asylum Approvals are not proof of asylee status. This letter is a notification from INS advising the applicant that his or her application has been recommended for approval and that an investigation of his or her identity and background will be conducted before final approval is issued.

2. Asylee Status Of Family Members

a. Family Members Included in Principal Asylee's Application

If the asylee includes his or her spouse and children on the asylum application the family members have the same asylum grant date as the principal asylee.

Family members will be included on the principal asylee's asylum documents

b. Family Members Outside of the United States

The family members should receive INS I-94 Arrival/Departure Cards noting the "entry" date

The date that the family enters the United States will be the date to consider computing the benefit eligibility period.

- c. Family Members in the United States - not included on principal asylee's application

The family will receive and I-730 approval letter with the date the application is approved. The approval date is the date to consider as the date asylum was granted.

INS should issue form I-94 reflecting the approval date as "entry" date and status as asylee.

3. SAVE Verification

Copies of INS documentation should be submitted to the State Refugee/SAVE Coordinator for INS verification of alien status. However, processing of applicants application is to be completed without waiting for SAVE verification. When the worker receives the SAVE verification, all copies should be filed in the case record.

C. ELIGIBILITY DETERMINATION FOR WV WORKS/MEDICAID

- If the applicant meets all requirements for WV WORKS and/or Medicaid, the application should be made for those programs. However, participation is limited to 5 years from date granted asylum for WV WORKS and 7 years for Medicaid.
- Amount of payment follows the basic payment plan of the assistance payment.
- Individuals receiving this assistance must be coded appropriately as Asylees in RAPIDS.
- All other conditions of eligibility for these programs must be followed with the exception of counting assets.
- Assets will be treated in the same manner as any other applicant. However, if an asset is located in the asylee's homeland and is not available to the asylee, then these assets would not be treated as assets available to meet the needs of the applicant.

D. ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA) AND REFUGEE MEDICAL ASSISTANCE (RMA)

Refer to Section 18.10, D

E. REGISTERING FOR EMPLOYMENT

Refer to Section 18.10,E

NOTE: Inability to communicate in English is not considered an exemption from work registration/participation.

F. SPECIFIC ELIGIBILITY REQUIREMENTS FOR REFUGEE MEDICAL ASSISTANCE PROGRAM ONLY

Refer to Section 18.10,F

G. SNAP ELIGIBILITY

Refer to Section 18.10,G, and Section 18.4,A,(b),

The 40 quarter requirement is waived for the first seven years from granting of asylum status.

H. REFERRALS FOR SERVICE

Refer to Section 18.10,H

I. REFERRALS TO SSI

Refer to Section 18.10,I