

CHAPTER IV—OFFICE OF REFUGEE  
RESETTLEMENT, ADMINISTRATION FOR  
CHILDREN AND FAMILIES, DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

---

<i>Part</i>		<i>Page</i>
400	Refugee Resettlement Program .....	343
401	Cuban/Haitian Entrant Program .....	377
402	State Legalization Impact Assistance Grants .....	378
403-499	[Reserved]	



## **PART 400—REFUGEE RESETTLEMENT PROGRAM**

### **Subpart A—Introduction**

Sec.

- 400.1 Basis and purpose of the program.
- 400.2 Definitions.
- 400.3 [Reserved]

### **Subpart B—Grants to States for Refugee Resettlement**

#### THE STATE PLAN

- 400.4 Purpose of the plan.
- 400.5 Content of the plan.
- 400.6 [Reserved]
- 400.7 Submittal of the State plan and plan amendments for Governor's review.
- 400.8 Approval of State plans and plan amendments.
- 400.9 Administrative review of decisions on approval of State plans and plan amendments.
- 400.10 [Reserved]

#### AWARD OF GRANTS TO STATES

- 400.11 Award of Grants to States.
- 400.12 Adverse determinations concerning State grants.
- 400.13 Cost allocation.

### **Subpart C—General Administration**

- 400.20–400.21 [Reserved]
- 400.22 Responsibility of the State agency.
- 400.23 Hearings.
- 400.24 [Reserved]
- 400.25 Residency requirements.
- 400.26 [Reserved]
- 400.27 Safeguarding and sharing of information.
- 400.28 Maintenance of records and reports.

### **Subpart D—Immigration Status and Identification of Refugees**

- 400.40 Scope.
- 400.41 Definitions.

#### DOCUMENTATION OF REFUGEE STATUS

- 400.43 Requirements for documentation of refugee status.
- 400.44 Restriction.

### **Subpart E—Refugee Cash Assistance**

- 400.45 Requirements for the operation of an AFDC-type RCA program.
- 400.48 Basis and scope.
- 400.49 Recovery of overpayments and correction of underpayments.
- 400.50 Opportunity to apply for cash assistance.
- 400.51 Determination of eligibility under other programs.

- 400.52 Emergency cash assistance to refugees.
- 400.53 General eligibility requirements.
- 400.54 Notice and Hearings.
- 400.55 Availability of agency policies.

#### PUBLIC/PRIVATE RCA PROGRAM

- 400.56 Structure.
- 400.57 Planning and consultation process.
- 400.58 Content and submission of public/private RCA plan.
- 400.59 Eligibility for the public/private RCA program.
- 400.60 Payment levels.
- 400.61 Services to public/private RCA recipients.
- 400.62 Treatment of eligible secondary migrants, asylees, and Cuban/Haitian entrants.
- 400.63 Preparation of local resettlement agencies.

#### PUBLICLY-ADMINISTERED RCA PROGRAMS

- 400.65 Continuation of a public-administered RCA program.
- 400.66 Eligibility and payment levels in a publicly-administered RCA program.
- 400.67 Non-applicable TANF requirements.
- 400.68 Notification to local resettlement agency.
- 400.69 Alternative RCA programs.

#### APPLICATIONS, DETERMINATIONS OF ELIGIBILITY, AND FURNISHING ASSISTANCE

- 400.55 Opportunity to apply for cash assistance.
- 400.56 Determination of eligibility under other programs.
- 400.57 Emergency cash assistance to refugees.

#### CONDITIONS OF ELIGIBILITY FOR REFUGEE CASH ASSISTANCE

- 400.60 General eligibility requirements.
- 400.61 Consideration of income and resources.
- 400.62 Need standards and payment levels.
- 400.63 Proration of shelter, utilities, and similar needs.
- 400.64 Other AFDC requirements applicable to refugee cash assistance.

### **Subpart F—Requirements for Employability Services and Employment**

- 400.70 Basis and scope.
- 400.71 Definitions.
- 400.72 Arrangements for employability services.

#### GENERAL REQUIREMENTS

- 400.75 Registration for employment services, participation in employability service programs and targeted assistance programs, going to job interviews, and

**Pt. 400**

**45 CFR Ch. IV (10–1–06 Edition)**

acceptance of appropriate offers of employment.

- 400.76 Criteria for exemption from registration for employment services, participation in employability service programs, and acceptance of appropriate offers of employment.
- 400.77 Effect of quitting employment or failing or refusing to participate in required services.
- 400.79 Development of an employability plan.

**CRITERIA FOR APPROPRIATE EMPLOYABILITY SERVICES AND EMPLOYMENT**

- 400.81 Criteria for appropriate employability services and employment.

**FAILURE OR REFUSAL TO ACCEPT EMPLOYABILITY SERVICES OR EMPLOYMENT**

- 400.82 Failure or refusal to accept employability services or employment.
- 400.83 Mediation and fair hearings.

**Subpart G—Refugee Medical Assistance**

- 400.90 Basis and scope.
- 400.91 Definitions.

**APPLICATIONS, DETERMINATIONS OF ELIGIBILITY, AND FURNISHING ASSISTANCE**

- 400.93 Opportunity to apply for medical assistance.
- 400.94 Determination of eligibility for Medicaid.

**CONDITIONS OF ELIGIBILITY FOR REFUGEE MEDICAL ASSISTANCE**

- 400.100 General eligibility requirements.
- 400.101 Financial eligibility standards.
- 400.102 Consideration of income and resources.
- 400.103 Coverage of refugees who spend down to State financial eligibility standards.
- 400.104 Continued coverage of recipients who receive increased earnings from employment.

**SCOPE OF MEDICAL SERVICES**

- 400.105 Mandatory services.
- 400.106 Additional services.
- 400.107 Medical screening.

**Subpart H—Child Welfare Services**

- 400.110 Basis and scope.
- 400.111 Definitions.
- 400.112 Child welfare services for refugee children.
- 400.113 Duration of eligibility.
- 400.114 [Reserved]
- 400.115 Establishing legal responsibility.
- 400.116 Service for unaccompanied minors.
- 400.117 Provision of care and services.
- 400.118 Case planning.
- 400.119 Interstate movement.

- 400.120 Reporting requirements.

**Subpart I—Refugee Social Services**

- 400.140 Basis and scope.
- 400.141 Definitions.

**APPLICATIONS, DETERMINATIONS OF ELIGIBILITY, AND PROVISION OF SERVICES**

- 400.145 Opportunity to apply for services.

**FUNDING AND SERVICE PRIORITIES**

- 400.146 Use of funds.
- 400.147 Priority in provision of services.

**PURCHASE OF SERVICES**

- 400.148 Purchase of services.

**CONDITIONS OF ELIGIBILITY FOR REFUGEE SOCIAL SERVICES**

- 400.150 General eligibility requirements.
- 400.152 Limitations on eligibility for services.

**SCOPE OF REFUGEE SOCIAL SERVICES**

- 400.154 Employability services.
- 400.155 Other services.
- 400.156 Service requirements.

**Subpart J—Federal Funding**

- 400.200 Scope.

**FEDERAL FUNDING FOR EXPENDITURES FOR DETERMINING ELIGIBILITY AND PROVIDING ASSISTANCE AND SERVICES**

- 400.202 Extent of Federal funding.
- 400.203 Federal funding for cash assistance.
- 400.204 Federal funding for medical assistance.
- 400.205 Federal funding for assistance and services for unaccompanied minors.
- 400.206 Federal funding for social services and targeted assistance services.
- 400.207 Federal funding for administrative costs.
- 400.208 Claims involving family units which include both refugees and nonrefugees.
- 400.209 Claims involving family units which include refugees who have been in the United States more than 36 months.
- 400.210 Time limits for obligating and expending funds and for filling State claims.
- 400.211 Methodology to be used to determine time-eligibility of refugees.
- 400.212 Restrictions in the use of funds.
- 400.220 Counting time-eligibility of refugees.

**Subpart K—Waivers and Withdrawals.**

- 400.300 Waivers.
- 400.301 Withdrawal from the refugee program.

**Subpart L—Targeted Assistance**

- 400.310 Basis and scope.
- 400.311 Definitions.
- 400.312 Opportunity to apply for services.

FUNDING AND SERVICE PRIORITIES

- 400.313 Use of funds.
- 400.314 Priority in provision of services.
- 400.315 General eligibility requirements.
- 400.316 Scope of targeted assistance services.
- 400.317 Service requirements.
- 400.318 Eligible grantees.
- 400.319 Allocation of funds.

AUTHORITY: Section 412(a)(9), Immigration and Nationality Act (8 U.S.C. 1522(a)(9)).

SOURCE: 45 FR 59323, Sept. 9, 1980, unless otherwise noted.

**Subpart A—Introduction**

**§ 400.1 Basis and purpose of the program.**

(a) This part prescribes requirements concerning grants to States and other public and private non-profit agencies, wherever applicable under title IV of the Immigration and Nationality Act.

(b) It is the purpose of this program to provide for the effective resettlement of refugees and to assist them to achieve economic self-sufficiency as quickly as possible.

(c) Under the authority in section 412(a)(6)(B) of the Immigration and Nationality Act, the Director has established the provision of employment services and English language training as a priority in accomplishing the purpose of this program.

[51 FR 3912, Jan. 30, 1986, as amended at 60 FR 33601, June 28, 1995]

**§ 400.2 Definitions.**

The following definitions are applicable for purposes of this part:

*AABD* means aid to the aged, blind, and disabled under title XVI of the Social Security Act.

*AB* means aid to the blind under title X of the Social Security Act.

*Act* means the Immigration and Nationality Act.

*APTD* means aid to the permanently and totally disabled under title XIV of the Social Security Act.

*Case management services* means the determination of which service(s) to refer a refugee to, referral to such serv-

ice(s), and tracking of the refugee's participation in such service(s).

*Cash assistance* means financial assistance to refugees, including TANF, SSI, refugee cash assistance, and general assistance, as defined herein, under title IV of the Act.

*Designee*, when referring to the State agency's designee, means an agency designated by the State agency for the purpose of carrying out the requirements of this part.

*Director* means the Director, Office of Refugee Resettlement.

*Economic self-sufficiency* means earning a total family income at a level that enables a family unit to support itself without receipt of a cash assistance grant.

*Family* unit means an individual adult, married individuals without children, or parents, or custodial relatives, with minor children who are not eligible for TANF, who live in the same household.

*Federal Funding* or 'FF' means Federal funding for a State's expenditures under the refugee resettlement program.

*General assistance program* means a financial and/or medical assistance program existing in a State or local jurisdiction which: (a) Is funded entirely by State and/or local funds; (b) is generally available to needy persons residing in the State or locality who meet specified income and resource requirements; and (c) consists of one-time emergency, or ongoing assistance intended to meet basic needs of recipients, such as food, clothing, shelter, medical care, or other essentials of living.

*HHS* means the Department of Health and Human Services.

*Local resettlement agency* means 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 United States.

*Medical assistance* means medical services to refugees, including Medicaid, refugee medical assistance, and general assistance, as defined herein, under title IV of the Act.