

**CHAPTER 2060. ELIGIBILITY FOR REFUGEE AND CUBAN/
HAITIAN SOCIAL SERVICES**

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Authority

The provisions of this Chapter 2060 issued under Articles II and IV of the Public Welfare Code (62 P. S. Articles II and IV), unless otherwise noted.

Source

The provisions of this Chapter 2060 adopted January 7, 1983, effective January 8, 1983, 13 Pa.B. 156, unless otherwise noted.

§ 2060.1. Applicability.

This chapter applies to adult social services funded through the Refugee State Plan and the Cuban/Haitian State Plan for State Fiscal Year 1982-83.

§ 2060.2. Legal base.

The legal base for this chapter is:

- (1) Articles II and IV of the Public Welfare Code (62 P. S. Articles II and IV).
- (2) Section 311(a)(2) of the act of March 17, 1980, 94 Stat. 111 (8 U.S.C. §§ 1521—1525).

§ 2060.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Common law relationship—The relationship between a man and a woman who are legally free to marry, who agree to live together as husband and wife without benefit of a license, and who both publicly and privately consider themselves married.

Cuban/Haitian Entrant—Status Pending—A Cuban/Haitian Entrant-status. A person who possesses an INS Form I-94 with one of the following:

- (i) Stamped “Cuban/Haitian Entrant (status pending).”
- (ii) Stating that the person is a citizen of Cuba and containing the initials “OOE” (note that the phrase “Outstanding Order of Exclusion” is not equivalent to “OOE”).
- (iii) Stating that the person is a citizen of Haiti who has been either “paroled” or granted “voluntary departure.”

Emancipated minor—A person under 21 years of age, irrespective of whether the person is receiving services designed for adults or children, who meet one of the following subparagraphs:

- (i) Is married, whether the person lives within or away from his parent’s household.
- (ii) Has left the parental household or has established himself as a separate entity within the parental household:
 - (A) Is acting for himself independent of control by his parents or persons acting in loco parentis.
 - (B) Is financially independent of his parents, although he may be receiving financial assistance or benefits to which he is entitled in his own right.
- (iii) Is an unmarried minor who, after living outside the parental household, returns to live with his parents or someone acting in loco parentis but remains independent of control by his parents or someone acting in loco parentis and is financially independent of them, although he may be receiving financial assistance or benefits in his own right.

Family—Adults or emancipated minors and unemancipated minors who are related by blood or law or who stand in a step relationship and who reside in the same household. A person may choose to count as a family member any other person residing in the same household who is claimed by that person as a tax dependent.

Refugee—

- (i) Person having an Immigration and Naturalization Service (INS) Form I-94 indicating that the person meets one of the following:
 - (A) Has been paroled under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. § 1182(d)(5)).
 - (I) For Cambodians, Laotians, and Vietnamese, if the Form I-94 was issued on or after July 1, 1980, it shall clearly indicate that the person has been paroled as a refugee or asylee.
 - (II) For Cubans, if the Form I-94 was issued on or after April 1, 1980, it shall clearly indicate that the person has been paroled as a refugee or asylee. Note that very few Cubans will be classified as refugees; most are classified as Cuban/Haitian Entrants.

(B) Has been admitted as a Conditional Entrant under section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. § 1153(a)(7)). Note that this status is unrelated to Cuban/Haitian Entrant Status.

(C) Has been admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. § 1157).

(D) Has been granted asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. § 1158). Note that applicants for asylum are not refugees.

(ii) A permanent resident alien identified by INS Form I-151/551 is a refugee if the individual has documentation of having previously had refugee status as defined in subparagraph (i).

(iii) The term includes Cuban/Haitian Entrants—Status Pending.

§ 2060.4. Nondiscrimination.

Refugees applying for or receiving services may not be discriminated against because of race, color, religious creed, sexual or affectional orientation, ancestry, national origin, age, sex, handicap or disability.

§ 2060.5. Grandfathering provision.

A refugee who was eligible for and receiving refugee social services on or before September 30, 1982, remains eligible until the next regularly scheduled eligibility redetermination. At that time, continued eligibility depends upon the refugee meeting the eligibility requirements in this chapter.

§ 2060.6. Eligibility—general.

(a) To be eligible, a refugee shall be all of the following:

(1) Sixteen years of age or older except for translation/interpretation service.

(2) Not attending an elementary or secondary school except for translation/interpretation service.

(3) Been in the United States for 36 months or less as determined by the date of entry on the Form I-94 or Form I-151/551 and previous I-94 equivalent.

(4) Meet the financial eligibility requirements in § 2060.7 (relating to eligibility—financial).

(b) Service providers may not impose eligibility conditions, including priorities, categories of need or fees, other than those specified by the Department. Service providers may not impose acceptance of a particular service or combination of services as a condition of eligibility for receiving refugee services.

(c) Unrelated adults living together and functioning as a family may apply as a family or as separate family units.

§ 2060.7. Eligibility—financial.

Refugees financially eligible are one of the following:

- (1) Current recipients of Aid to Families with Dependent Children (AFDC).
- (2) Current recipients of refugee cash or medical assistance.
- (3) Current recipients of Supplemental Security Income (SSI).
- (4) Current recipients of State Funded General Assistance (GA).
- (5) Current recipients of Medical Assistance (MA).
- (6) Those whose family monthly gross income does not exceed 50% of the Bureau of Labor Statistics Intermediate Standard, adjusted according to family size.

Cross References

This section cited in 55 Pa. Code § 2060.6 (relating to eligibility—general); and 55 Pa. Code § 2060.9 (relating to waiver of financial eligibility).

§ 2060.8. Income levels.

Income levels for 1982-83 are as follows:

<i>Number of persons in family</i>	<i>Monthly income level (50%)</i>
1	\$ 502
2	656
3	810
4	964
5	1,119
6	1,273
7	1,302
8	1,331
9	1,360
10	1,388
For each extra person add:	\$ 29

§ 2060.9. Waiver of financial eligibility.

The financial eligibility requirements found at § 2060.7 (relating to eligibility—financial) will be waived for refugees only for English-as-a-Second-Language if all of the following requirements are met:

- (1) The refugee is employed.
- (2) The refugee certifies that he will not be able to retain his job unless he receives English language training.

§ 2060.10. Determining and redetermining general eligibility.

If an individual requests any service, the service provider agency shall determine and redetermine eligibility in compliance with the procedures set forth in Chapter 2050 (relating to eligibility for social services funded through the Adult Services Block Grant). The eligibility form provided by the Department must be completed to establish client eligibility.

§ 2060.11. Request for service from more than one household member.

One eligibility form may be used for all eligible refugees living in the same household if financial eligibility for each refugee is established by MAID card. If financial eligibility is established by determining the total family monthly gross income, a single form may be used only for those refugees included in the family when total family monthly gross income is determined.

§ 2060.12. Notification requirements.

Each service provider agency shall notify each refugee of the decision on eligibility, on the service request, and on proposed action, in compliance with Chapter 2050 (relating to eligibility for social services funded through the Adult Services Block Grant). Service providers shall use the written notice form approved by the Department when written notices are required.

§ 2060.13. Requirements for provision of service at an appropriate later date.

Service provider agencies shall establish waiting lists when any requested refugee service is not immediately available in compliance with Chapter 2050 (relating to eligibility for social services funded through the Adult Services Block Grant).

§ 2060.14. Departmental appeal and hearing request.

Chapters 105 and 275 (relating to safeguarding information; and appeal and fair hearing and administrative disqualification hearings) apply to the provision of refugee social services. Each service provider agency shall comply with the policies and procedures regarding Departmental appeal and hearing requests specified in Chapter 2050 (relating to eligibility for social services funded through the Adult Services Block Grant).

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