

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
NOTICE OF PUBLIC HEARING

January 9, 2023  
10:00 a.m. Central Time  
Nebraska State Office Building – Lower Level A  
301 Centennial Mall South, Lincoln, Nebraska  
Phone call information: 888-820-1398; Participant code: 3213662#

The purpose of this hearing is to receive comments on proposed changes to Title 470, Chapter 2 of the Nebraska Administrative Code (NAC) – *Eligibility Requirements*. The proposed changes expand the Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) eligibility period from 8 months to 12 months of assistance for participants whose date of eligibility is on or after October 1, 2021.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

Interested persons may provide written comments by mail, fax, or email, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or [dhhs.regulations@nebraska.gov](mailto:dhhs.regulations@nebraska.gov), respectively.

In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide oral comments. Interested persons may provide verbal comments by participating via phone conference line by calling 888-820-1398; Participant code: 3213662#.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals who are deaf or hard of hearing may call DHHS via the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

## FISCAL IMPACT STATEMENT

Agency: Department of Health and Human Services	
Title: 470	Prepared by: Sara Bockelman
Chapter: 2	Date prepared: 11/8/2022
Subject: Refugee Resettlement Program – Eligibility Requirements	Telephone: 402-480-8394

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> )
Increased Costs	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Decreased Costs	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Increased Revenue	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Decreased Revenue	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Indeterminable	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )

Provide an Estimated Cost & Description of Impact:

State Agency: [N/A](#)

Political Subdivision: [N/A](#)

Regulated Public: [N/A](#)

If indeterminable, explain why:

TITLE 470 REFUGEE RESETTLEMENT PROGRAM AND  
THE REFUGEE MEDICAL ASSISTANCE PROGRAM

CHAPTER 2 ELIGIBILITY REQUIREMENTS

001. APPLICATION. An individual wishing to apply for assistance must complete and submit an application. A relative or other person acting for the client may complete the application.

001.01 INTERVIEW. An interview is required at initial application.

- (A) Applicants can request a face-to-face interview or the Department can request a face-to-face interview if determined necessary; and
- (B) For medical benefits only, an application may be signed by and an interview held with a relative or another individual acting on the applicant's behalf.

001.02 ELIGIBLE INDIVIDUALS. The following categories of individuals are eligible for assistance and services if they meet the other eligibility requirements of the program:

- (A) Refugees admitted under Section 207 of the immigration and Nationality Act and Amerasians from Vietnam admitted with a visa with Section 204 indicated;
- (B) Asylees under Section 208 of the Immigration and Nationality Act;
- (C) Individuals whose alien status has been adjusted. An individual from any country is eligible if their status has been adjusted to a permanent resident alien from one of the previously listed statuses;
- (D) Asylees or parolees as refugees;
- (E) Cuban and Haitian Entrants or Parolees in accordance with the requirements in 45 CFR 400.43(a)(4) and 401.2;
- (F) Individuals admitted as conditional entrants under Section 203(a)(7) of the Immigration and Nationality Act; and
- (G) Victims of severe forms of trafficking, as determined by the Office of Refugee Resettlement.

001.03 INDIVIDUALS INCLUDED IN THE UNIT. When an individual in the unit reaches their time limit for assistance, their needs are removed from the grant. Income and resources of a responsible adult who is no longer eligible are counted for the rest of the unit.

002. TIME LIMIT ON CASH AND MEDICAL ASSISTANCE. Effective June 1, 2022, if the refugee's date of eligibility for Office of Refugee Resettlement benefits is before October 1, 2021, the refugee may receive a maximum of eight months of refugee cash and medical assistance. Refugees whose date of eligibility for Office of Refugee Resettlement benefits is on or after October 1, 2021, A-refugee may receive a maximum of ~~eight~~ twelve months of refugee cash and medical assistance. The number of months is determined by the Office of Refugee Resettlement and is subject to change. Eligibility begins with the date of arrival in the United States, if the

refugee meets all eligibility requirements. For asylees, victims of severe forms of trafficking, and Cuban and Haitian Parolees ~~the eight months of~~ eligibility begins with the date of granted status. The time limit is applied to each refugee separately, not to the unit as a whole. If the refugee applies after the date of arrival in the United States, they may receive assistance for the remaining months of ~~the eight month~~ their eligibility period. If an asylee applies after the date of arrival in the United States, they may receive assistance for the remaining ~~months of the eight month~~ eligibility eligibility period, after they are granted asylum.

003. RESIDENCE. To be eligible for assistance, individuals must be a Nebraska resident. A resident is defined as an individual who is living in the state voluntarily with the intent of making Nebraska their home and who is not receiving Refugee Resettlement Program services from another state. Residence starts with the month the refugee moves into the state, even if the refugee received categorical assistance in another state. An individual cannot be denied assistance if they have not resided in the state for a specified period within their ~~eight month time limit~~ cash and medical assistance time limit.

003.01 ABSENCE FROM THE STATE. An individual cannot be denied assistance due to being temporarily absent from the state.

003.02 LOSS OF STATE RESIDENCE. Eligibility for assistance ends if the individual or family unit leaves Nebraska with the intent of establishing a home in another state.

003.03 DISQUALIFICATION FOR MISREPRESENTING RESIDENCE. Any individual convicted in federal or state court of having fraudulently misrepresented their residence in order to obtain refugee assistance in two or more states is ineligible for refugee assistance.

004. REQUIREMENT OF SOCIAL SECURITY NUMBER. All eligible individuals of the Refugee Resettlement Program unit must apply for a social security number. The social security number, in conjunction with other information, provides evidence of identify of the individual.

004.01 INDIVIDUALS WHO HAVE NOT BEEN ISSUED A SOCIAL SECURITY NUMBER. Individuals who have not been issued a Social Security Number must apply for a Social Security Number within 30 days of being notified of the requirement.

004.02 INDIVIDUALS WHO DO NOT PROVIDE A SOCIAL SECURITY NUMBER. When a financially responsible individual does not provide a Social Security Number, the entire Refugee Resettlement Program case is closed.

005. INELIGIBILITY FOR OTHER CATEGORICAL ASSISTANCE. The Refugee Resettlement Program is available only if the individual or family is ineligible for another categorical assistance program. Exception: An 18-year-old who is not in school may apply as a separate grant case if their time limit for eligibility has not expired and they meet other eligibility requirements.

006. RESOURCES. For purposes of determining resources and resource eligibility for the Cash and Medical Assistance Refugee Resettlement Program under Chapter 3 of this Title, the Department applies the rules and regulations from the Aid to Dependent Children Program, Title 468 Nebraska Administrative Code (NAC).

007. INCOME. For purposes of determining income eligibility for Refugee Resettlement Cash and Medical Assistance benefits of Chapter 3, the Department applies the rules and regulations from the Aid to Dependent Children Program, Title 468 NAC and the following:

007.01 RESETTLEMENT ASSISTANCE. Supportive services may be provided by an individual, a family, or a group of people representing a church or another organization who have agreed to sponsor a refugee family or individual. Assistance may include, but is not limited to clothing, food, and housing. The assistance is disregarded as income.

007.02 RESETTLEMENT CASH ASSISTANCE. Voluntary resettlement agencies may provide cash assistance for the initial resettlement of the refugee family or individual. Resettlement assistance from a voluntary resettlement agency is disregarded as income.

008. MEDICAL ASSISTANCE ONLY CASES. For individuals applying only for Medical Assistance Program benefits under Chapter 4 of this Title, the income and resource guidelines of Title 477 NAC, Medicaid program apply.

009. COMPLIANCE WITH EMPLOYMENT AND TRAINING REQUIREMENTS. Unless determined exempt by the Department, a refugee is required to register for employment services within 30 days from the date of application with one of the state's Refugee Social Service Employment Providers and accept appropriate employment or training opportunities.

009.01 APPROPRIATE WORK AND TRAINING CRITERIA. The following outlines appropriate work and training:

- (A) May be temporary, permanent, full-time, part-time, or seasonal if this work meets the other work standards outlined in this section;
- (B) The wage must meet or exceed the minimum wage established by law; and
- (C) The daily and weekly hours of work must be those customary to the occupation.

009.02 SITUATIONS WHEN AN INDIVIDUAL CAN NOT BE REQUIRED TO ACCEPT EMPLOYMENT. An individual cannot be required to accept employment in the following circumstances:

- (A) The individual would be required to work for an employer contrary to the conditions of their existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which they have membership may be determined appropriate;
- (B) The individual is not able to perform the task required by the work or training assignment on a regular basis. Any claim of adverse effect on an individual's physical or mental health must be substantiated by adequate medical statements; or
- (C) The commuting time to and from home to the work or training site should not normally exceed two hours. This does not include the time it takes to transport a child to and from a child care facility.

009.03 ENGLISH CLASSES. Enrollment in English classes does not qualify as a training program and therefore does not exempt the refugee from the employability requirement. English classes may be part of the employability plan.

009.04 NONCOOPERATION WITH EMPLOYMENT REQUIREMENTS. If an employable individual refuses to comply, accept, or participate in employment services without good cause, the individual is ineligible. The individual is allowed one mediation period of up to seven days. If the employable individual continues to refuse refugee services, the case is closed.

009.04(A) APPLICANT. If an applicant refuses to register with a Refugee Social Service Provider and seek employment, they are ineligible. If the applicant begins to cooperate while the application is still pending, the applicant is eligible to receive services effective with the date of application if all other eligibility factors are met. If the applicant begins to cooperate after the application has been approved, their refugee resettlement program benefits resume effective the first day of the month during which the individual successfully participates.

009.04(B) RECIPIENT. If the individual refuses to actively seek employment:

- (i) The refugee is allowed one mediation period of seven days. The individual is not removed from the unit during the mediation period unless the mediation period is terminated because the recipient is uncooperative or refuses the mediation; and
- (ii) If the individual refuses to actively seek employment, the case is closed.

009.05 TRAINING REQUIREMENTS FOR EMPLOYED REFUGEE CLIENTS. In the instance of a refugee who is employed and receiving supplementary assistance and working less than 100 hours per month, the individual must participate in part-time training such as English-language or skill training, if available and determined appropriate.

009.06 GOOD CAUSE. An individual may be allowed good cause for refusing employment or training, or not cooperating with the service agency if approved by the Department.

010. ELIGIBILITY FOR MEDICAL ASSISTANCE FOLLOWING INELIGIBILITY FOR A GRANT. The following individuals remain eligible without a Share of Cost after losing cash assistance if the individual is still within their time limit for eligibility:

- (A) Individuals sanctioned for not cooperating with employment services; and
- (B) Individuals who become ineligible for cash assistance because of increased earnings or increased hours of employment.

011. OTHER RELATED ELIGIBILITY REQUIREMENTS. Other eligibility requirements are described in this section.

011.01 RECEIPT OF OTHER ASSISTANCE. An individual whose needs are included in the refugee resettlement program payment must not at the same time receive a payment of another type of categorical assistance that is administered by the Department. Assistance from a source other than the Department may be used to supplement, but not to duplicate, an assistance payment made for a particular case.

011.02 INELIGIBILITY OF FLEEING FELON. An individual is ineligible for refugee resettlement program cash and medical assistance during any period in which the individual is:

- (A) Fleeing to avoid prosecution or custody or confinement after conviction for a crime in the United States or attempt to commit a crime that is a felony under the law of the place from which the individual is fleeing; or
- (B) Violating a condition of United States federal or state probation or parole.

011.03 INELIGIBILITY FOR DRUG RELATED FELONIES. An individual who has committed and been convicted under federal or state law after August 22, 1996, of any offense which is classified as a felony and which has an element the possession, use, or distribution of a controlled substance, is permanently ineligible for refugee resettlement cash assistance. Other family members may continue to receive benefits.