

CHAPTER 61
REFUGEE SERVICES PROGRAM

[Prior to 9/24/86 IAC Supp., see Refugee Service Center 715—Chapters 1 to 8]
[Prior to 2/11/87, Human Services[498]]

PREAMBLE

The department of human services manages and coordinates refugee program activities in the state of Iowa. In this capacity, the department develops, implements, and oversees activities which reflect refugee policy priorities of the United States Department of State and the United States Department of Health and Human Services and which address sound practices on behalf of the state of Iowa as outlined in the Iowa state refugee program plan. Serving in the role of Iowa state refugee program coordinator, the director coordinates with resettlement agency administrators active in the resettlement of refugees within the state of Iowa. Although the department manages many activities and programs in the administration of the state of Iowa's refugee program, the central focus is to promote as expeditiously as possible economic self-sufficiency and social self-reliance for refugees.

These rules define and structure the department's refugee services program. Eligibility criteria, application procedures, reasons for adverse actions, and appeal procedures for clients and sponsors are outlined.

441—61.1(217) Definitions.

"Bureau" means the bureau of refugee services within the department.

"Bureau chief" shall mean the chief of the bureau of refugee services.

"Client" means refugees or others determined eligible for services funded under the refugee program.

"Department" means the Iowa department of human services.

"Director" means the director of the department of human services or a designee.

"Family self-sufficiency plan" means a plan that addresses the employment-related service needs of the employable members in a family for the purpose of enabling the family to become self-supporting through the employment of one or more family members. A family self-sufficiency plan shall be developed for anyone who receives employment-related services from the bureau.

"Iowa state refugee program coordinator" means the director, serving as the refugee program administrator, as appointed by the governor to administer programs funded and required by the Office of Refugee Resettlement within the United States Department of Health and Human Services.

"Iowa state refugee program plan" means the report that describes the state of Iowa's refugee program plan to meet the standards, goals, and priorities required under the Immigration and Nationality Act and developed by the bureau on the basis of a consultative process for the successful resettlement of refugees. The bureau chief must certify no later than 30 days after the beginning of each federal fiscal year that the approved plan is current and continues in effect. If the bureau wishes to change its plan, the bureau must submit a proposed amendment to the plan to be reviewed and approved or disapproved by the office of refugee resettlement.

"Legal proceeding" means any action before any court, or any legal action preparatory to appearing before any court, whether civil or criminal in nature.

"Office of refugee resettlement" means a federal agency within the United States Department of Health and Human Services with the legislative authority to be responsible for ensuring the coordination of federal resources in refugee resettlement.

“Portal-to-portal” means the span of time when interpreters leave their domicile or office to interpret at a scheduled interpreting assignment to interpret, and return to the domicile or office or arrive at their next interpreting assignment.

“Presiding judicial officer” means a judge of the United States, state, county, or municipal court, a magistrate, or judge in bankruptcy.

“Refugee” means a person whose immigration status is one of the following statuses as issued by the United States Immigration and Naturalization Service:

1. Granted asylum under Section 208 of the Immigration and Nationality Act.
2. Admitted as a conditional entrant under Section 203(a)(7) of the Act.
3. Admitted as a refugee under Section 207 of the Act.
4. Admitted with an immigration status that entitled the person to refugee assistance prior to enactment of the Refugee Act of 1980.
5. Admitted for permanent residence, provided the person previously held one of the statuses identified in “1” to “4” above.
6. Admitted as an Amerasian to the United States from Vietnam in immigrant status or as a U.S. citizen, but who is statutorily eligible for the same benefits as refugees.
7. Paroled as a refugee or asylee under Section 212(d)(5) of the Act, provided that the person has been issued an I-94 immigration document that specifically states “paroled as a refugee” or “paroled as an asylee.” Individuals admitted or paroled under Section 212(d)(5) whose I-94 immigration document includes the words “humanitarian” or “public interest parolee” (PIP) are not eligible for refugee-specific services, refugee cash assistance, or refugee medical assistance.
8. Admitted as a spouse or minor child of an alien previously admitted to the United States as an asylee or as a Visa 92 beneficiary whose immigration documentation is inscribed with the words “Visa 92” and is also generally inscribed with the words “Section 208.”
9. Admitted as a spouse or minor child of an alien previously admitted to the United States as a refugee or a Visa 93 beneficiary whose immigration documentation is inscribed with the words “Visa 93” and is also generally inscribed with the words “Section 207.”

“Refugee unit” means either an individual refugee or two or more refugees representing an identifiable group, as determined by the bureau of refugee services.

“Resettlement agency” means any business, organization or group of related persons having a current contract with the U.S. Department of State’s Bureau for Refugee Programs for the resettlement of refugees within the United States of America.

“Unaccompanied refugee minor (URM)” means a person who has not yet attained 18 years of age who entered the United States unaccompanied by and not destined to (1) a parent, or (2) a close non-parental adult relative who is willing and able to care for the child, or (3) an adult with a clear and court-verifiable claim to custody of the minor, and who has no parents in the United States.

441—61.2(217) Authority. The department has been given authority to administer the refugee program by Executive Order Number 21, signed by the governor December 24, 1985. U.S. Department of State and U.S. Department of Health and Human Services rules govern various program operations.

441—61.3(217) Location. Rescinded IAB 3/13/96, effective 5/1/96.

441—61.4(217) Planning and coordinating the placement of refugees in advance of their arrival.

The director, or the director's designee, shall ensure that meetings are convened, no less often than quarterly, whereby representatives of local affiliates of voluntary resettlement agencies, local community service agencies, and other agencies that serve refugees meet with representatives of state and local governments to plan and coordinate the appropriate placement of refugees in advance of the refugees' arrival.

441—61.5(217) Services of the department available for refugees. The department's direct services include, but are not limited to, the areas of:

61.5(1) *Job development.* These services involve working with employers in job development, placement, training, retention, and upgrading.

61.5(2) *Social adjustment.* These services include assessment and short-term counseling to persons or families in a perceived crisis, referral to appropriate resources, the making of arrangements for necessary services, home management services, transportation, translation and interpretation services, and case management services.

61.5(3) *Health-related services.* These services include information, referral to appropriate resources, assistance in scheduling appointments and obtaining services, and counseling to individuals or families to help them understand and identify their physical and mental health needs and maintain or improve their physical and mental health.

61.5(4) *Resettlement services.* These services involve securing and training sponsors, arranging for refugees to resettle in Iowa and providing case management, employment services, and social adjustment services.

As required under the resettlement contract with the U.S. Department of State, the department provides case management, employment services, and social adjustment services to the refugees it resettles during their first 90 days in Iowa.

61.5(5) *Any additional service.* These services, upon submission to and approval of the director of the office of refugee resettlement, include any additional service aimed at strengthening and supporting the ability of a refugee individual, family, or refugee community to achieve and maintain economic self-sufficiency, family stability, or community integration which has been demonstrated as effective and is not available from any other funding source.

61.5(6) *Information and publication.* These services provide information to Iowans about Iowa's refugee program, the refugees in Iowa, and their cultures.

61.5(7) *Bilingual publication.* These services provide refugees with publications in English as well as their native languages which assist in their successful resettlement.

61.5(8) *Translation and interpretation services.* These services provide interpreter service from English into the refugee languages or vice versa and assistance in translating written materials.

61.5(9) *Immigration services.* These services provide information and assistance to refugees in securing permanent resident alien status and family reunification.

61.5(10) *Adjustment of status.* These services provide guidance in obtaining permanent alien status and citizenship.

61.5(11) *Employability services.* These services are specifically designed to assist refugees to obtain employment and to improve the employability of work skills of the individual and include job referral to, and job placement with, private employers. Specific employability services include, but are not limited to, the following:

a. Employment services which include such activities as the development of a family self-sufficiency plan, world-of-work and job orientation, job clubs, job workshops, job development, referral to job opportunities, job search, and job placement and follow-up.

- b. Employability assessment services which include such activities as aptitude and skills testing.
- c. English language instruction which includes referrals to programs which offer a curriculum which places an emphasis on English as it relates to obtaining and retaining a job and to programs which are provided in a concurrent, rather than sequential, time period with employment or with other employment-related services.
- d. On-the-job training which includes referrals to training that is provided at the employment site and is expected to result in full-time, permanent, unsubsidized employment with the employer who is providing the training.
- e. Vocational training which includes referrals to driver education and training when provided as part of a family self-sufficiency plan.
- f. Skills recertification which includes referrals to training that meets the criteria for appropriate training as provided for in paragraph "b."
- g. Day care which includes referrals to day care for children necessary for participation in an employability service or for the acceptance or retention of employment.
- h. Transportation when necessary for participation in an employability service or for the acceptance or retention of employment.
- i. Translation and interpretation services when necessary in connection with employment or participation in an employability service.
- j. Case management services for refugees who are considered employable and for recipients of public assistance who are considered employable, provided that the services are directed toward a refugee's attainment of employment as soon as possible after arrival in the United States.

61.5(12) Outreach services. These services include activities designed to familiarize refugees with available services, to explain the purpose of these services, and to facilitate access to these services.

61.5(13) Referral. These services enable referral of refugee clients to mainstream service systems.

441—61.6(217) Provision of services.

61.6(1) Priority of services. Services are provided to refugees in the following order of priority, except in certain individual extreme circumstances:

- a. All newly arriving refugees during their first year in the United States, who apply for services.
- b. Refugees who are receiving cash assistance.
- c. Unemployed refugees who are not receiving cash assistance.
- d. Employed refugees in need of services to retain employment or to attain economic independence.

61.6(2) Limitations on eligibility. Services, except referral and interpretation services, are limited to refugees who have been in the United States 60 months or less, except that refugees who are receiving employability services, as defined in 441—subrule 61.5(12), as part of an employability plan, as of September 30, 1995, may continue to receive those services through September 30, 1996, or until the services are completed, whichever occurs first, regardless of their length of residence in the United States.

61.6(3) Service requirements.

- a. Services provided shall be refugee-specific services which are designed specifically to meet refugee needs, except that vocational or job skills training, on-the-job training, or English language training need not be refugee specific.

b. Services shall be provided, to the maximum extent feasible, in a manner that is culturally and linguistically compatible with a refugee's language and cultural background.

c. Services shall be provided, to the maximum extent feasible, in a manner that includes the use of bilingual or bicultural women to ensure adequate service access by refugee women.

d. The department shall use its social service grants primarily for employability services designed to enable refugees to obtain jobs within one year of becoming enrolled in services in order to achieve economic self-sufficiency as soon as possible.

e. Social services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job.

f. Social service grant funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

g. In planning and providing services, the bureau shall take into account those services which a resettlement agency is required to provide for a refugee whom it sponsors in order to ensure the provision of seamless, coordinated services to refugees that are not duplicative.

441—61.7(217) Application for services. Any person wishing to do so shall have an opportunity to apply for services by contacting the bureau in Des Moines either by telephone or in writing, or contact any of the bureau staff members. The bureau shall determine the eligibility of each person for services. Applicants for refugee cash assistance shall automatically be considered as applicants for services. The bureau shall ensure that refugee women have the same opportunities as refugee men to participate in all services, including job placement services.

441—61.8(217) Adverse service actions.

61.8(1) Denial. Services shall be denied when it is determined by the department that any of the following reasons apply:

- a.* The client is not in need of the service.
- b.* The client is not legally eligible.
- c.* The service is not covered in the state refugee program plan.
- d.* There is another community resource available to provide the services or a similar service free of charge to the client that will meet the client's needs.
- e.* The service for which the client is eligible is currently not available. A list of these services will be posted in the bureau's offices.
- f.* Funding is not available to provide the service. A list of services not available due to lack of funding shall be posted in the bureau offices.
- g.* The client refuses to allow documentation of eligibility.
- h.* The services requested are those for which other resettlement agencies are contractually responsible.
- i.* The person requesting service has been in the United States more than 60 months and the services requested do not include referral or interpretation services.

61.8(2) Termination. A particular service may be terminated when the department determines that any of the following reasons apply:

- a.* The need to attain the goals to which the service was directed has been achieved.
- b.* After repeated assessment, it is evident that the family or individual is unable to achieve or maintain goals set forth in the individual employability plan.

- c. After repeated efforts, it is evident that the client is unwilling to accept further service.
- d. The service is no longer available in the Iowa state refugee program plan.
- e. There is another community resource available to provide the services or a similar service free of charge to the client that will meet the client's needs.
- f. Funding is not available to provide the service. A list of services not available due to lack of funding shall be posted in the bureau's offices.
- g. The person receiving service has been in the United States more than 60 months and the services the person is receiving do not include referral or interpretation services.

61.8(3) Reduction. A particular service may be reduced when the department determines that any of the following reasons apply:

- a. Continued provision of service at its current level is not necessary. The department shall determine the level to which the service may be reduced without jeopardizing the client's continued progress toward achieving or maintaining the goal.
- b. Another community resource is available to provide the same or similar service to the client, at no financial cost to the client, that will meet the client's need.
- c. Funding is not available to continue the service at the current level. The client shall be reassessed to determine the level of service to be provided.

61.8(4) Notice of adverse action. In case of an action to terminate, reduce, or deny services, the bureau shall give notice to the person or persons affected.

441—61.9(217) Client appeals. Decisions made by the department or its designee adversely affecting its clients may be appealed according to 441—Chapter 7.

441—61.10(217) Refugee sponsors. The department is required under its resettlement contract with the U.S. Department of State to secure a sponsor for each refugee unit it resettles. Applications for sponsorship through the department are open, but not limited to, Iowans representing: individuals; individuals representing a group, club, organization, or business; and churches or other religious organizations. Refugee sponsors must comply with a formal application process with the department and complete Form 402-0043, Sponsorship Application. The refugee sponsor must be able to provide certain types of nonfinancial assistance to the refugee unit as outlined by the department. The deputy chief of the bureau accepts or rejects each refugee sponsor application.

441—61.11(217) Adverse actions regarding sponsor applications. Applications shall be denied when it is determined by the department that any of the paragraphs or subparagraphs below apply:

- 61.11(1) The potential sponsor:**
- a. Seeks to benefit financially by sponsoring a refugee family.
 - b. Refuses to fill out and sign the Sponsorship Application.
 - c. Is not economically self-sufficient.
 - d. Seeks to engage a refugee family in political, economic, religious, or social activities which are intended to restrict the refugees' freedom of choice after they have arrived in Iowa. This includes but is not limited to instances where a potential sponsor seeks to impose the sponsor's beliefs, lifestyle, or efforts for economic gain on the refugee.
 - e. Refuses to take part in the department's orientation programs for sponsors.

f. Lacks the commitment of time and resources necessary to fulfill the responsibilities of sponsorship as defined in the Sponsorship Application.

g. Performed inadequately as a prior sponsor and failed to fulfill the responsibilities of sponsorship as defined in the Sponsorship Application, Form 402-0043.

h. Has been convicted of an aggravated or serious misdemeanor or felony and that conviction may directly or adversely impact the refugee family or would endanger the family.

61.11(2) The placement of a refugee family with a specific sponsor would cause undue physical or psychological hardship on the newly arrived refugee due to geographic isolation from support services or activities.

441—61.12(217) Administrative review of denial of sponsorship application. Sponsors may request an administrative review when their applications are denied. The request shall be in writing and must be received by the department no later than 30 days after the date of the notification of denial.

61.12(1) When a sponsor wishes a review of a denial, it will be referred to the chief of the bureau. The bureau chief will affirm or reverse the denial within 20 days of the request.

61.12(2) When the bureau chief affirms the denial, the sponsor may request further review by sending a letter requesting review and the bureau chief's denial to the administrator of the division of policy coordination within ten days of the date of the bureau chief's denial. When more information is needed, the administrator shall request the information within five days. The administrator shall review the denial and issue a decision within ten days of the request for the review or the receipt of additional information, whichever is later.

441—61.13(217) Refugee resettlement moneys. The department receives a certain amount of money from the U.S. Department of State for each refugee it resettles. A portion of that money is made available to the refugee sponsor for financial assistance in resettling the refugee unit. All of the moneys must be spent in accordance with financial requirements and approved expenditures of the department, U.S. Department of State, and the state of Iowa comptroller and must go toward the benefit of the refugee unit. The sponsor must sign Form 402-0025, Receipt Letter, to document the receipt of all refugee resettlement funds. The refugee sponsor must not financially benefit in any way from the refugee resettlement moneys.

441—61.14(217) Unaccompanied refugee minors program. The department administers the unaccompanied refugee minors program under rules covered in 441—Chapters 156, 202, 112, 113, 114, 115, and 116 and by federal guidelines provided by the U.S. Department of Health and Human Services. In consultation with other resettlement agencies, the director determines the number of unaccompanied minors to be resettled in Iowa. Resettlement agencies may not bring unaccompanied minors into Iowa without the authorization of the director.

441—61.15(217,622A) Interpreters and translators for legal proceedings. The languages offered by the bureau for interpretation and translation services shall be Serbo-Croatian, Nuer, Cambodian, Hmong, Laotian, Vietnamese, and Tai Dam. Documents to be translated shall be limited to those specified by the presiding judicial officer as those requiring translation and may be any written materials including offers of evidence, correspondence, briefs, memoranda, or other documents. A certification will be attached to each document that certifies that the translator is competent to translate and that the translation is accurate.

61.15(1) Requests for interpretation or translation services. A presiding judicial officer shall initiate the request for interpretation or translation services if the officer determines on the officer's own motion or on the motion of a party that the party (including a defendant in a criminal case) or a witness who may present testimony in the action speaks only or primarily a language other than the English language so as to inhibit the party's comprehension of the proceedings or communication with counsel or the presiding judicial officer or so as to inhibit a witness's comprehension of questions and the presentation of testimony.

61.15(2) Method of interpretation. The method of interpretation to be used by staff interpreters will be the consecutive mode, except when the presiding judicial officer authorizes, with the approval of all interested parties, that a summary interpretation will aid in the efficient administration of justice.

61.15(3) Qualifications and assignment of staff. Interpreters and translators must be capable of interpreting or translating precisely from a language other than English to English and from English to a language other than English. The bureau chief shall maintain a current master list of all staff interpreters and translators determined as qualified.

The bureau chief or designee shall assign interpreters or translators to each request for services, after consultation with the presiding judicial officer of the court.

61.15(4) Roles and responsibilities of interpreters and translators. Staff interpreters and translators shall provide interpretation and translation services during business hours Monday through Friday (8 a.m. to 4:30 p.m.) and occasionally beyond those hours of operation, if required. The interpreter or translator shall:

- a. Keep all assignment-related information strictly confidential.
- b. Not counsel, elaborate, advise or interject personal opinions.
- c. Function in a professional manner appropriate for the situation.
- d. Interpret in the method prescribed by the presiding judicial officer and limited to the methods described in this rule.
- e. Maintain a solid perspective on the role of the interpreter or translator (the main function is solely a linguistic one to facilitate communication).
- f. Not be responsible for what is said, only for conveying it accurately.
- g. Withdraw from assignments if the interpreter's or translator's own feelings or beliefs will interfere with rendering the message accurately.
- h. Withdraw from assignments where family members or close personal or professional relationships may affect impartiality.
- i. Swear or affirm to interpret or translate accurately.

61.15(5) Dismissal or disqualification of interpreter. If any interpreter is unable to communicate effectively with the presiding judicial officer, the attorney, a party (including a defendant in a criminal case), or a witness, the presiding judicial officer may dismiss the interpreter and obtain the services of another interpreter.

Any court or administrative agency may inquire into the qualifications and integrity of any interpreter and may disqualify any person from serving as an interpreter.

61.15(6) Fee schedule. The bureau shall not be compensated for costs related to interpretation or translation services in excess of the maximum allowable under the schedule of fees prescribed pursuant to this subrule. Any moneys collected under this rule shall be used to reimburse the appropriation obligated and disbursed in payment for services.

a. *Rate for services.* The fee schedule for interpretation services shall be based on a portal-to-portal basis multiplied by the appropriate rate. The standard rate shall be \$25 per hour, plus actual expenses not to exceed the state reimbursement rate for meals, lodging, parking, and ground or air transportation costs incurred in providing services.

When a single interpretation assignment exceeds six hours, a flat salary rate of \$150 per day, plus actual expenses, not to exceed the state reimbursement rate, shall be charged.

The fee for translating documents shall be \$25 per page for verbatim translations and \$10 per page for summary translations.

b. Minimum charges. A minimum charge of one hour shall be charged for providing requested interpretation services. A minimum of one hour shall be charged for cancellations less than 12 hours prior to a prescheduled appointment. A minimum one-hour charge, plus incidental costs, shall be charged for party no-shows.

For any legal action preparatory to appearing before any court which is facilitated through a telephone interpretation, a minimum charge of 15 minutes shall be charged. A charge for each additional 15-minute increment, after the first 15 minutes, shall be billed at a prorated share of the scheduled standard rate of \$25 per hour.

61.15(7) Payment. Payment for interpretation and translation services invoiced according to the fee schedule shall be issued to the bureau by the clerk of court, if the interpreter or translator is appointed by the presiding judicial officer, unless other state or federal statutory provisions preclude the payment. The presiding judicial officer may order that all or part of the salaries, fees, expenses and costs be apportioned between or among the parties or be taxed according to existing state or federal statutory provisions.

Invoices for interpretation and translation services shall be sent on the tenth of the month following the service date to the appropriate clerk of court. Information on this invoice form is considered confidential and shall include:

1. Name and address of party initiating the service request.
2. Date, time and location of assignment.
3. Description and rate.
4. Hours of service delivery.
5. Name of interpreter(s) and translator(s).
6. Detailed statement of related costs.

These rules are intended to implement Iowa Code section 217.6 and chapter 622A.

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CHAPTERS 62 and 63

Reserved

CHAPTER 64

RELIEF FOR NEEDY INDIANS

Rescinded IAB 9/1/93, effective 11/1/93.