

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]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

PREAMBLE

The department of human services sets the strategic vision for, 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. The Iowa state refugee program coordinator 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.

[ARC 6713C, IAB 11/30/22, effective 2/1/23]

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.

"Cash assistance" means financial assistance to refugees, including Temporary Assistance for Needy Families (TANF), supplemental security income (SSI), refugee cash assistance and general assistance as defined in 42 CFR 400.2 as amended to June 7, 2022.

"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.

"Individual employability plan" means a written plan outlining an individual's vocational goal and the services to be provided to reach the goal.

"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.

"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.

"Refugee" means any person who:

1. Is outside any country of the person's nationality or, in the case of a person having no nationality, is outside any country in which the person last habitually resided; and

2. Is unable or unwilling to return to that country and unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, as defined under the Immigration and Nationality Act, Title I, Section 101.

In special circumstances, the President of the United States may specify any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion as a refugee.

The term "refugee" does not include any person who ordered, incited, assisted or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group or political opinion.

"*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 United States Department of State's Bureau of Population, Refugees, and Migration 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.

[ARC 6713C, IAB 11/30/22, effective 2/1/23]

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. United States Department of State and United States Department of Health and Human Services rules govern various program operations.

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441—61.3(217) Eligibility for refugee services. Refugees eligible for services under this chapter include people who have one of the following statuses, as issued by the United States Citizenship and Immigration Service:

61.3(1) A person granted asylum under the Immigration and Nationality Act, Title II, Chapter 1, Section 208. Asylees are people who travel to the United States on their own and apply for and receive a grant of asylum.

61.3(2) A person admitted to the United States as a refugee under the Immigration and Nationality Act, Title II, Chapter 1, Section 207.

61.3(3) A person granted humanitarian parole as a refugee or asylee under the Immigration and Nationality Act, Title II, Chapter 2, Section 212. The United States Attorney General may, in the Attorney General's discretion, parole into the United States temporarily, under such conditions as the Attorney General may prescribe on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, any alien applying for admission to the United States.

61.3(4) A Cuban or Haitian entrant in accordance with requirements in 45 CFR Part 401, as amended to June 7, 2022. Cuban and Haitian entrants include:

a. Any person granted parole status as a "Cuban/Haitian Entrant (Status Pending)" or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the person's status at the time assistance or services are provided; and

b. Any other national of Cuba or Haiti who meets both of the following conditions:

(1) The person either:

1. Was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act; or

2. Is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act;

or

3. Has an application for asylum pending with the United States Citizenship and Immigration Service.
 (2) A final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered with respect to the person.

61.3(5) A child born in Vietnam between January 1, 1962, and January 1, 1976, of an American citizen father and a Vietnamese mother, together with the child's immediate relatives, who are admitted to the United States as immigrants pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1988, as contained in Section 101(e) of Public Law 100-202 and amended by the ninth proviso under Migration and Refugee Assistance in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461).

61.3(6) A person admitted to the United States for permanent residence, provided the person previously held one of the statuses identified in subrules 61.3(1) through 61.3(5).

61.3(7) An alien immigrant who is a victim of a severe form of trafficking in persons, as certified by the United States Department of Health and Human Services pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000, as contained in Public Law 106-386, Division A, 114 Stat. 1464 (2000). "Severe forms of trafficking in persons" means:

a. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform the act has not attained 18 years of age; or

b. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

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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. All services provided to the refugee and family have self-sufficiency as the goal. Direct and contracted services may include, but are not limited to, the following:

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 United States 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) and 61.5(7) Rescinded IAB 11/30/22, effective 2/1/23.

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, individual employability 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 an individual employability plan.

f. Skills recertification which includes referrals to training that meets the criteria for appropriate training. If an individual is a professional in need of professional refresher training and other recertification services in order to qualify to practice the individual's profession in the United States, the training may consist of full-time attendance in a college or professional training program, provided that such training:

(1) Is approved as part of the individual's employability plan by the state agency, or its designee;

(2) Does not exceed one year's duration (including any time enrolled in such program in the United States prior to the refugee's application for assistance);

(3) Is specifically intended to assist the professional in becoming relicensed in the professional's profession; and

(4) If completed, can realistically be expected to result in such relicensing. This training may only be made available to individuals who are employed.

g. Child care which includes referrals to child care 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.

k. Assistance in obtaining employment authorization documentations (EADs).

l. Referral to the Iowa department of workforce development for provision of any or all of the above services.

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.

[ARC 6713C, IAB 11/30/22, effective 2/1/23]

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

61.6(2) *Limitations on eligibility.* Services as described in rule 441—61.5(217) may be provided in the first 60 months of resettlement unless the Office of Refugee Resettlement grants an exception to the 60-month limit. Referral, interpretation, citizenship, and naturalization services may be provided to the extent feasible past 60 months of resettlement for refugees, except that refugees who are receiving employability services, as defined in 441—subrule 61.5(11), 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, pursuant to 45 CFR 400.315(b) as amended to June 7, 2022. In any case, services shall first be provided for those refugees who are in the first two years of resettlement and who are in need of assistance in securing self-sufficiency.

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 on service agency staffs 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.

h. In order to avoid interference with refugee employment, English language instruction and vocational training must be provided to the fullest extent feasible outside normal working hours.

i. English language instruction must be provided in a concurrent, rather than sequential, time period with employment or with other employment-related services.

[ARC 6713C, IAB 11/30/22, effective 2/1/23]

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 or any of its affiliated offices either in person, by telephone, by fax, in writing, or by contacting 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.
- f. Funding is not available to provide the service.
- 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, interpretation, citizenship, or naturalization 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 family self-sufficiency or 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.
- 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 department shall give timely or adequate notice to the person or persons affected pursuant to 441—Chapter 16.

[ARC 6713C, IAB 11/30/22, effective 2/1/23]

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. Rescinded ARC 6713C, IAB 11/30/22, effective 2/1/23.

441—61.11(217) Adverse actions regarding sponsor applications. Rescinded ARC 6713C, IAB 11/30/22, effective 2/1/23.

441—61.12(217) Administrative review of denial of sponsorship application. Rescinded ARC 6713C, IAB 11/30/22, effective 2/1/23.

441—61.13(217) Refugee resettlement moneys. The department receives a certain amount of money from the United States 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,

United States Department of State, and the state of Iowa comptroller and must go toward the benefit of the refugee unit.

[ARC 6713C, IAB 11/30/22, effective 2/1/23]

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 United States Department of Health and Human Services. In consultation with other resettlement agencies, the director of the Office of Refugee Resettlement determines the number of unaccompanied minors to be resettled in Iowa pursuant to 45 CFR 400.11(b)(1) as amended to June 7, 2022. Resettlement agencies may not bring unaccompanied minors into Iowa without the authorization of the director.

[ARC 6713C, IAB 11/30/22, effective 2/1/23]

441—61.15(217,622A) Interpreters and translators for legal proceedings. Rescinded ARC 6713C, IAB 11/30/22, effective 2/1/23.

441—61.16(217) Pilot recredentialing services. Rescinded ARC 6713C, IAB 11/30/22, effective 2/1/23.

441—61.17(217) Targeted assistance grants. “Targeted assistance grants” means United States Department of Health and Human Services formula allocation funding granted to the department for assistance to counties where, because of factors such as unusually large refugee populations (including secondary migration), high refugee concentrations, and high use of public assistance by refugees, there exists and can be demonstrated a specific need for supplementation of available resources for services to refugees.

61.17(1) Administration of targeted assistance grants. The department shall make 95 percent of the total award available to the designated county except when the designated county has agreed to let the department administer the targeted assistance grant in its stead.

61.17(2) Eligibility for services under targeted assistance grants. Services funded by targeted assistance grants are limited to refugees who reside in the designated county.

61.17(3) Services and limitations for services funded by targeted assistance grants. Rules of 441—Chapter 61 are applicable to services funded by targeted assistance grants, except for subrules 61.5(5) and 61.6(1).

61.17(4) Priority of services. Services funded by targeted assistance grants shall be provided in the following order of priority, except in certain individual extreme circumstances:

1. Cash assistance recipients, particularly long-term recipients.
2. Unemployed refugees who are not receiving cash assistance.
3. Employed refugees in need of services to retain employment or to attain economic independence.

[ARC 6713C, IAB 11/30/22, effective 2/1/23]

441—61.18(217) Iowa refugee services foundation. Rescinded ARC 6713C, IAB 11/30/22, effective 2/1/23.

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