

## Chapter 1 VIRGINIA REFUGEE RESETTLEMENT PROGRAM OVERVIEW

### A. Legal Base and Framework

1. Legal Base – The legislative basis for the Virginia Refugee Resettlement Program is the U.S. Immigration and Naturalization Act and the Refugee Act of 1980 (P.L. 96-212). The regulatory basis for the program is *45 CFR, Part 400, Refugee Resettlement Program*.
2. State Plan – The Virginia Refugee Resettlement Program is governed by the Virginia Refugee Resettlement Program State Plan as required by *45 CFR, Part 400.5(i)(4)*. The State Plan is a legally binding document between the Commonwealth of Virginia and the federal Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement. As Virginia has chosen to operate the Refugee Resettlement Program, the services outlined in this Program Manual are mandated in Virginia.
3. Program Funding -- The Refugee Resettlement Program is 100 percent federally funded. In Virginia, there are no state dollars allocated for refugee services. Funding authority is *45 CFR, Part 400 Subpart J, Federal Funding*.
4. Program Goals – The national refugee resettlement program is a humanitarian program. Its goals are (i) to assist in the successful social integration of refugee populations into the communities where they are resettled as soon as possible after their arrival in the U.S and (ii) to do this with an emphasis on attaining the earliest durable economic self-sufficiency for individuals and families.
5. Federal Service Delivery Flow
  - a. The U.S. Department of State contracts with national voluntary agencies to provide initial reception and placement services under the Refugee Reception and Placement Program. Funding for this program does not come through the VDSS Office of Newcomer Services. The program funding flow is directly between the national voluntary agencies and their affiliate offices in each state.
  - b. The U.S. Department of Health and Human Services, Office of Refugee Resettlement (ORR) provides funding and guidance on service delivery beyond the reception and placement period to both refugees and other eligible refugee populations.
    - i. ORR awards some grant funding directly to Virginia Department of Social Services (DSS) to provide employment services, English language training, time limited cash and medical assistance,

refugee medical screenings, and foster care services to unaccompanied refugee minors. The DSS Office of Newcomer Services administers these programs.

- ii. ORR awards some grant funding directly to national voluntary agencies (VoLag) with affiliate offices in Virginia to provide employment and cash assistance under a program called the Matching Grant Program (MGP). The VoLag affiliates administer the MGP.

## 6. Virginia Refugee Services Delivery

- a. The Virginia Department of Social Services, Division of Community and Volunteer Services, Office of Newcomer Services administers Virginia's Refugee Resettlement Program. The Director of the Office of Newcomer Services (ONS) is also the Virginia State Refugee Coordinator.
- b. The Virginia State Refugee Coordinator
  - i. Administers the federal refugee services grants.
  - ii. Monitors the expenditures of funds and delivery of services.
  - iii. Represents the refugee program on behalf of the state.
  - iv. Serves as the liaison between the federal Office of Refugee Resettlement and the local service providers to ensure coordination of public and private resources for the benefit of refugees.
  - v. Consults with the Department of State (DOS) on the capacity of Virginia's communities to resettle the DOS proposed number of arrivals each year.
- c. The federal grants administered by ONS are
  - i. The Refugee Social Services Program grant and the Targeted Assistance Program grant cover the costs for employment services, English language training, and employment support services.
  - ii. Refugee Cash and Medical Assistance Program grant covers the costs for the Refugee Cash Assistance Program, the Refugee Medical Assistance Program, refugee medical screenings, and the Unaccompanied Refugee Minors Program.
  - iii. Discretionary grants as approved and funded.

- d. Refugee service providers are:
  - i. Local departments of social services, which process Refugee Cash Assistance and Refugee Medical Assistance applications.
  - ii. Local health departments, which conduct refugee medical screenings.
  - iii. Local affiliates of national voluntary agencies, which provide comprehensive resettlement services which include both facilitating access to community services and direct employment services.
  - iv. A non-profit private agency, which provides foster care services to unaccompanied refugee minors.

## **B. Eligible Refugee Populations**

1. In order to be eligible to receive benefits and services under the Virginia Refugee Resettlement Program (VRRP), an individual must provide documentation that he or she has one of the legal immigration statuses listed below. *When used in this manual, unless noted otherwise, the term refugee refers to anyone who falls into any of these statuses.*
  - a. A *refugee* is a person outside his/her country of origin because of a well-founded fear of persecution due to race, religion, nationality, political opinion, or membership in a social group. Eligible participants hold the legal immigration status of a refugee, which is granted before their arrival in the United States.
  - b. An *asylee* is a person who, after arrival in the U.S., applies for asylum and demonstrates that he/she qualifies under the “refugee” definition. Once granted asylum, the asylee is eligible for all services and support offered by the VRRP.
  - c. *Cuban/Haitian entrant* is a person from Cuba or Haiti who has been admitted (or paroled) into the United States under P.L. 96-422 or obtains that immigration status after arrival.
  - d. *Amerasian* is a person of American and Asian descent, especially one whose mother is Asian and whose father is American. Certain Amerasians from Vietnam are admitted to the United States as immigrants under the provisions of specific federal laws. These individuals were born in Vietnam after January 1, 1962, and before January 1, 1976, and were fathered by U.S. citizens. Eligible spouses, children, and parents or guardians also qualify for the program.

- e. *Afghan or Iraqi with special immigrant visa (SIV) status* is person who was granted SIV status under Section 8120 of Pub. L. No. 111-118, Department of Defense Appropriations Act, 2010. An Afghan or Iraqi with SIV status is eligible for refugee and entitlement benefits and services for the same time period as refugees.
- f. *Victim of Trafficking* is a person who has been certified by the federal office of Refugee Resettlement as a victim of a severe form of human trafficking. [Public Law, No. 106-386, Div. A, 114 Stat.1464 (2000).] Victims of trafficking are eligible for benefits and services to the same extent as refugees. The Trafficking Victims Protection Act defines trafficking as:
  - i. a commercial sex act induced by force, fraud, or coercion, or such act induced on a person who has not attained 18 years of age; or
  - ii. 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.
- g. *Certain Lawful Permanent Residents* are persons who currently hold the immigration status of legal permanent resident and who previously held one of the statuses listed above are eligible to receive the VRRP services.
- h. An *Unaccompanied Refugee Minor* is a child under 18 who lawfully enters the country unaccompanied by a parent or an immediate adult relative, or who has no known immediate adult relative in the U.S. and has been classified by USCIS as a refugee unaccompanied minor.

Note: The federal Office of Refugee Resettlement may admit into the Unaccompanied Refugee Minor Program special immigrant juvenile or a child asylees.

- 2. Groups that are not eligible for refugee services include, but are not limited to:
  - a. Persons who formerly held refugee status and have become naturalized citizens of the U.S.
  - b. Persons who were admitted to the U.S. as immigrants, and do not have one of the U.S. immigration status listed above.
- 3. Immigration status is demonstrated through appropriate documentation.

### **C. Virginia's Model for Refugee Resettlement**

The Virginia Refugee Resettlement Model is the framework for refugee resettlement in Virginia. Virginia's Refugee Resettlement Model (VRRM) is based on the guiding principle that refugees are best served by a community based system of care that is comprehensive, coordinated, and responsive to the strengths and needs of refugees and their families. Comprehensive case management connects with service agencies, organizations, and volunteers in the communities in which the client lives and works. Virginia's model of refugee resettlement originates from the purpose of the refugee resettlement program at the federal level, namely: promoting effective resettlement through attainment of economic self-sufficiency at the earliest time possible. The VRRM is based on the following six key elements:

1. The Comprehensive Resettlement Plan (CRP) is the core of refugee service delivery.
2. Long term public assistance utilization is not a way of life in America, and is therefore not a resettlement option.
3. A refugee's early employment promotes his/her earliest economic self-sufficiency;
4. The physical and mental health needs of refugees must be addressed in a timely, coordinated and integrated way to promote and ensure the well-being and health of refugee families.
5. Community receptivity to refugees is a key factor in successful resettlement; therefore, refugee resettlement offices must take the lead in creating a welcoming environment for refugees through community dialogues involving key stakeholders to provide local awareness of and input into the resettlement process and to ensure adequate levels of local support for the resettlement effort.
6. Refugee resettlement involves many services that may be provided concurrently, progressively, or successively, but must always constitute a continuum of services, beginning at the time of the refugee's arrival into the U.S. and continuing through self-sufficiency leading up to citizenship, and should reflect the following.
  - a. Services must be sensitive to cultural and ethnic issues and must be implemented by a staff that, as closely as possible, mirrors the populations served,
  - b. Language access is critical to the resettlement process and must be fostered by all who work with refugees,
  - c. Refugees are best served by linking them to service providers that are conveniently located in the communities where they live,
  - d. Coalitions of service providers ensure strong public/private partnerships and work to maximize community resources and to create a seamless service delivery system and,
  - e. Ethnic organizations, also known as Mutual Assistance Associations (refugee self-help groups) bring unique strengths and cultural knowledge to the resettlement process and should be included in the service network.

## **D. Special Federal and State Requirements**

### **1. Access to Services by Persons With Limited English Proficiency**

All state, local, and community agencies receiving funding directly and indirectly through the Office of Newcomer Services are to comply with Title VI of the Civil Rights Act, which requires that persons with limited English proficiency (LEP) have access to benefits and services for which they may be eligible. As they apply to refugee service delivery, these requirements include:

- a. Having a procedure for identifying the language needs of the refugee.
- b. Providing proficient interpreters in a timely manner during hours of operation.
- c. Having written guidance regarding interpreter and translation services.
- d. Disseminating agency LEP guidance to staff.

### **2. Religion & Proselytism**

- a. Refugees may not be discriminated against because of their religious preference.
- b. No staff person or volunteer may apply pressure upon a refugee to convert to a specific religion.

### **3. Confidentiality**

Disclosure of certain information about a refugee between the local resettlement agency and the local department of social services is allowed when it is directly necessary for the administration of and delivery of refugee services and entitlement services (benefit programs).

- a. The individual's name, address, and phone number as well as whether or not he or she has applied for or is receiving cash assistance may be disclosed without written consent of the refugee.
- b. Other information may be shared with the written consent of the refugee, or in the case of a minor, the refugee's parent or guardian. See Appendix A for a form that can facilitate obtaining permission to release case information other than the information listed above in item a.

#### 4. Freedom of Information

- a. The Freedom of Information Act does not apply to case records.
- b. Case information, except medical records addressing mental health issues, can be released to the refugee or to a guardian, 'guardian ad litem', and authorized representative who has proper identification and a release of information document.

Exception: Mental records, including psychiatric and psychological examination reports, may not be personally reviewed by the refugee or his representative if the treating physician has made a written statement that a review of such records would be injurious to the refugee's physical or mental health or well-being.

#### 5. Privacy Protection

- a. *The Virginia Privacy Protection Act of 1976* (Title 2.1, Chapter 26, *Code of Virginia*) ensures that agencies maintaining records on individuals safeguard the privacy of that information.
- b. The *Principles for Disclosure* intended to safeguard individual privacy include:
  - i. Not keeping a secret the Virginia Department of Social Services data base systems that contain personal information in an automated case file.
  - ii. Not collecting case information that is not required or authorized by federal and state governmental agencies.
  - iii. Entering accurate and current information into case files and electronic records.
  - iv. Allowing an individual to correct, erase, or amend inaccurate, obsolete, or irrelevant information.
  - v. Using client data only for the purposes related to the delivery of refugee services.

#### 6. Reporting Suspected Abuse & Neglect

Any refugee service provider is required to immediately report to the local department of social services when the service provider has a suspicion that a child, an elderly person, or a disabled person they are serving is being abused or neglected.