

## **North Dakota Refugee Cash Assistance (RCA) Program Policies and Procedures**

The State of North Dakota, acting through the North Dakota Department of Human Services (from now on referred to as "STATE"), supports the resettlement of refugees and other Office of Refugee Resettlement (ORR) eligible populations into North Dakota as a vulnerable population in need of assistance to become self-sufficient within their new country, state, and community. Services to refugees and other eligible populations aim to assist and support individuals in becoming independent and integral members of their community as soon as possible after their arrival. Efforts toward economic self-sufficiency for refugees and other eligible populations are the primary focus of service delivery.

The ORR and the STATE encourage early self-sufficiency of refugees through efforts toward early employment, supplemented with temporary Refugee Cash Assistance (RCA), employment services, case management services, orientation, English Language Learning, medical care, and other support services that enhance early economic self-sufficiency. Funding for programs within RCA requires the documentation of goals, efforts made to meet those goals, and the outcomes. Financial self-sufficiency, early employment, and English language training are top priority areas for the STATE to ensure the successful resettlement of eligible populations in North Dakota.

RCA is a time-limited, income-based program federally funded by ORR. The STATE conducts eligibility determination and follows the provisions of the RCA program. The STATE oversees overall administration and ensures compliance with federal and state regulations, policies, and procedures governing RCA.

RCA services and statewide coordination efforts for ORR-eligible populations aim to maximize resources, minimize welfare dependency, and enhance the eligible populations' ability to become self-sufficient quickly. The program outlined here not only prioritizes short-term self-sufficiency goals but also emphasizes family self-sufficiency planning and integration to foster long-term, sustained success among clients.

The coordination goals will be met through the implementation of a cash assistance program that will:

- Meet the basic needs of refugees through monthly cash assistance payments based on Temporary Assistance for Needy Families (TANF) state rates.
- Maintain a strong connection between employment services and cash assistance payments by utilizing a clear list of directives. Clients must comply to maintain eligibility and receive RCA payments. This includes program agreement forms that clearly define compliance components and state the rights and responsibilities of clients receiving cash assistance. These forms provide clear and timely sanctioning procedures, ensuring that the client's action or inaction gets an immediate response, thereby encouraging cooperation.
- Require employable clients to actively participate in the employment service plan to maintain eligibility for monthly RCA.

- Support clients in self-sufficiency and integration through the Wellbeing and Employability Inventory (WEI). A unique plan must be created for each family, with goals and action steps identified for each family member. RSS staff (Case Managers and Career Navigators) will assist clients in following the steps toward achieving their goals by addressing barriers, particularly those related to employment.

### **Services to RCA Recipients**

RCA focuses on the self-sufficiency of new arrivals and other eligible individuals within four months of arrival in the United States. Federal refugee programs aim to help employable adults become economically self-sufficient and no longer require public assistance as quickly as possible after arrival. New arrivals and other eligible populations may access Refugee Cash Assistance for up to four months following their arrival; However, the four-month limit should only be considered an option for cases with particular circumstances, such as medical or behavioral health issues. Most employable adults should expect to be employed as soon as possible after arrival. Services to support the new arrivals and other eligible populations toward self-sufficiency and integration are a priority for funding by ORR and the state. Economic independence means earning a total family income at a level that enables a family unit to support itself without receiving a cash assistance grant. Cases and individuals receiving the Supplemental Nutrition Assistance Program (SNAP), Medicaid, and other public assistance programs without cash payments are considered self-sufficient. ORR believes a refugee is employed when that refugee was determined and reported to be employable in the family self-sufficiency plan and is subsequently employed in the United States. Refugee Support Services (RSS) assigned staff (Case Manager and Career Navigator) will assist clients in achieving their goals, especially those related to employment.

### **Definitions**

**Employable” or “employable refugee”** shall mean a client between 18 and 65, except for a refugee described in the Exemption Criteria in this policy and procedure document.

**“Payment unit”** shall mean:

- An unmarried refugee 18 or more years of age lives independently.
- An unmarried refugee 18 years of age who is not attending high school or vocational school full-time and lives within a larger family unit.
- A married couple without children.
- A married couple or single parent or guardian and all of their accompanying children under 18, and all of their children 18 years old or older who regularly attend high school or vocational training full-time.

**“Suitable work”** shall mean an employment situation that meets all of the following requirements:

- Pays at least the federally required minimum wage.

- Does not violate federal, state, or local health and safety standards.
- Is not vacant due to a strike, lockout, or other labor dispute.
- It does not exceed the refugee's physical or mental capabilities. The refugee is responsible for providing a signed statement from a licensed physician or psychiatrist to verify that this exception applies.
- Required childcare in an appropriate setting is available
- The daily and weekly work hours do not exceed those customary to the occupation.
- Transportation to and from the job site can reasonably be arranged.
- Does not require the refugee to perform contrary to the individual's union membership conditions.

**“Good Cause”** Actions or inactions which constitute grounds for sanctions shall be excused if there is “good cause.” Good cause shall mean:

- The employable client becomes physically unable to perform a job after commencing employment.
- The severe illness of an immediate family member requires the presence of the employable client in the home.
- Other circumstances beyond the control of the refugee prevent them from doing or not doing what is required.

### **Opportunity to apply for cash assistance**

The North Dakota Office of Refugee Services will provide any individual wishing to apply for cash assistance with an opportunity to do so. It will determine the eligibility of each applicant as promptly as possible, within 30 days from the date of application. The North Dakota Office of Refugee Services will inform applicants about the eligibility requirements and their rights and responsibilities under the program. In determining eligibility for cash assistance, the assigned case manager will promptly refer elderly or disabled refugees, as well as single-parent refugees with dependent children, to other cash assistance programs to apply for assistance.

RCA eligibility will commence upon enrollment in the program. The assigned case management staff will ensure registration for new arrivals within 10 business days after their arrival. The first month's amount will be prorated, unless the client is enrolled on the first of the month. For Asylees, the eligibility start date depends upon the date the Request for Services was submitted, and the date asylum was granted. Determination of Eligibility under other programs

For those ineligible for cash assistance under the TANF Temporary Assistance for Needy Families (TANF) program, the North Dakota Office of Refugee Services will determine eligibility for refugee cash assistance through North Dakota RCA Policies and Procedures—cash assistance to the aged, blind, and disabled. The RSS-assigned staff will promptly refer refugees who are 65

years of age or older or who are blind or disabled to the Social Security Administration to apply for cash assistance under the Social Security Income and Social Security Disability programs. If the North Dakota Office of Refugee Services determines that a refugee who is 65 years of age or older, or blind or disabled, is eligible for refugee cash assistance, it will furnish such service until eligibility for cash assistance under the SSI/SSD program is determined, provided the eligibility conditions for refugee cash assistance continue to be met.

### **General Eligibility**

Eligibility for RCA is limited to those who:

- The new arrivals who have resided in the U.S. for less than the RCA eligibility period of 4 months from the USDOA.
- Are ineligible for TANF, SSI, and SSD programs.
- Those who meet immigration status and identification requirements or are dependent children of any part of the same family unit as individuals who meet the requirements, subject to the limitation concerning non-refugee children.
- And are not full-time students in higher education institutions.

### **Eligibility Criteria**

The target population eligible for Refugee Cash Assistance is refugees who meet the following criteria, as outlined in 45 C.F.R. 400.43.

The client must be able to prove legal status under one of the following categories:

- Paroled as a refugee or asylee under section 212 (d) (5) of the Act
- Admitted as a refugee under Section 207 of the Immigration and Nationality Act
- Granted political asylum under section 208 of the INA. The date an asylee is granted asylum is the person's "entry" date. The "entry" date (the date asylum was granted) is equivalent to the arrival date for refugees. It is, therefore, used to compute the benefits eligibility period for ORR assistance and services.
- Admitted as a Cuban or Haitian entrant under section 501 of the Refugee Education Assistance Act of 1980.
- Certain Amerasians from Vietnam were admitted to the U.S. under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988.
- Victim of Severe Form of Trafficking as required by section 107 (b) (1)(A) of the Victims of Trafficking and Violence Protection Act of 2000.
- Iraqi/Afghan Special Immigrant Visa holder

## Additional Eligibility Requirements

The client must have been in the United States for less than four months.

The client must reside in the State of North Dakota and provide Proof of residency. Residency begins on the date the client enters the State.

The Resettlement Agency can initially resettle the client if they are an asylee, a secondary migrant to the State, or a qualifying ORR-eligible individual. Secondary migrants will be eligible for RCA for the remainder of the four months. For example, a secondary migrant arrives in North Dakota in the second month. They will only be eligible for two more months of RCA, dependent upon receiving closure of cash assistance benefits from the previous State and proof of residency in the State of North Dakota.

Only clients who meet RCA-type eligibility will receive cash assistance. TANF-type refugees will not be eligible for services through this program and will be referred to Human Service Zones for the TANF program. Clients eligible for Supplemental Security Income (SSI) may only receive RCA until cash assistance under the SSI program is approved.

Married spouses joining family members in the U.S. should not be treated as single; the income and resources of the spouse who first arrived in the U.S. should be considered when determining the eligibility of the later-arriving spouse. An adult child, aged 18 years or older, is treated as a separate case.

### Payment Levels

*Table 1.1 RCA payment levels*

Household Size	TANF Standard of Need Levels
1	\$523
2	\$739
3	\$962
4	\$1175
5	\$1393
6	\$1612
7	\$1830
8	\$2049
9	\$2267
10	\$2485
11	\$2702
12	\$2922
13	\$3140

## Categorical eligibility for RCA

*Table 1.2 RCA payments by the Family composition*

Examples	RCA Payments
Single Client	\$523
Married Couple living in the same household	\$739
Married Couple with one child (3 total)	\$962
Married Couple with an employable son/daughter	\$1262 (\$739+\$523)
Two employable siblings living in the same household	\$1046 (\$523+\$523)

## Splitting RCA Cases

Splitting Cases: A refugee household that has arrived together through the Reception and Placement program administered by the U.S. Department of State's Bureau of Population, Refugees, and Migration and has been designated one case number can be split before enrollment into an RCA program, provided that the household composition complies with the regulations of the state. Splitting cases before registration would primarily be done if:

- The case includes parent/s with dependent children over 18,
- Particular members of the case are ineligible for RCA (e.g., a family member on SSI),
- The members of the case would be living in separate households or
- Members of the household would be served under different programs.

## General Requirements for Receiving RCA

### Employment Services

- Along with ELL classes, clients will receive employment services focusing on career planning and early employment. All employment counseling sessions will focus on securing suitable full-time employment with benefits, based on the individual's past job skills and experience, while continuing to work toward their genuine career pursuit. ELL providers are contracted across the sites, while employment services are provided to eligible ORR populations through Career Navigator Services.
- An assessment of employability focusing on past work experience, employment skills, prior certifications and training, English language ability, employment interest, health concerns affecting employability, and other barriers to employment.
- Development of a Wellbeing and Employability Inventory (WEI)
- Development of a budget that shows the individual's/family's current income level and what it will take to become self-sufficient.
- A determination of barriers to employment and further assessment by the staff and the client, examining both short-term and long-term goals.

- Provide job placement assistance with the interview process and follow-up services after the placement. Clients are assisted with locating and securing suitable employment.

### **Employment Exemption Criteria**

To be exempted from registration for employment services, participation in employability service programs, and acceptance of reasonable offers of employment, at least one of the following conditions must be met:

- All children under 18 and all adults 65 or older.
- 18-21 years old and regularly attending high school or vocational training full-time. Regularly attending full-time means attending at least 80% of school days, except for absences excused by the school.
- Unable to work because a physical or mental impairment prevents the person from working. A licensed physician or psychologist must verify the condition. If it is not a permanent state, it must be reviewed and verified by a competent medical professional at least semiannually.
- Clients approved for Supplemental Security Income/Disability (SSI/SSD)
- A parent or other caretaker relative who personally provides full-time care for a child less than one year of age. Only one adult per family can claim to be a caregiver.
- A parent can be exempt if they meet all three criteria (i). A parent who personally provides full-time care of a child or children less than five years of age. (ii). The family does not qualify for discounted or subsidized childcare services, and (iii). If the family attains self-sufficiency via a single income from one of the parents, only one adult per family can claim to be a caregiver.
- Pregnant and expected to deliver within six months.
- Caring for another family member who has a physical or mental impairment that requires continuous care in the home. A licensed physician's statement may be requested to verify this exception. Only one adult per family can claim to be a caregiver.

All employable refugees who wish to receive RCA must abide by the terms and conditions outlined in the RCA Agreement and Client's Rights and Responsibilities forms. The refugee signs the RCA Agreement, specifying the responsibilities related to employment and other compliance areas for receiving RCA. Failure of the refugee to meet the Agreement's requirements or failure to sign will result in mediation and possible sanctions.

### **Wellbeing and Employability Inventory (WEI)**

A Wellbeing and Employability Inventory (WEI) plan must be developed for all individuals who receive Refugee Cash Assistance and Refugee Support Services. A WEI must assess the needs of employable refugees and their families and develop a strategy to achieve economic self-sufficiency and longer-term integration. To ensure effective resettlement, the needs of the whole family must be addressed. Experience has shown that parents cannot achieve or maintain economic self-sufficiency if the needs of household members, including their children, remain unmet. To ensure the effective resettlement of refugees and promote their financial independence, the needs of all employable refugee household members, including children, must be assessed and identified, and services must be provided to address those needs. The RSS-assigned staff will ensure that a client's WEI is completed within 30 days of enrollment. The WEI will include each family member (including children). If a client has limited English proficiency, the RSS-assigned staff will ensure that an interpreter is provided.

### **Required Elements of the WEI**

The RSS-assigned staff will ensure that the following elements are included in every WEI:

- A comprehensive initial assessment for each family member (including children) includes strengths/assets, stressors/barriers, and strategies for overcoming obstacles.
- The RSS-assigned staff will ensure that all adults in the family are interviewed, have a needs assessment, and are provided referrals to services as appropriate. Information about a child's needs may be obtained by interviewing the adults in the family.
- A family budget includes itemized expenses and sources of income and earnings that contribute to a family's ability to achieve economic self-sufficiency.
- An Individual Employability Plan (IEP) for employable adult(s).
- Self-reported English language ability and education level for individuals 16 years and older.
- Short-term and long-term goals, including at least one primary goal for each family member in the household. The case file will record additional barriers and goals identified during the assessment. If a plan for inclusion in the WEI is not determined after careful consultation with the client, the case file should indicate that no goal was identified. ORR defines the initial primary goal as addressing the most critical obstacle an individual must overcome by 12 months to work towards the family's longer-term self-sufficiency and integration.
- Referral(s) to ORR and non-ORR-funded services to pursue the goals identified. The initial primary referral relevant to the primary goal will be documented in the case file. Referrals to address other plans will also be recorded in the case file.
- A follow-up assessment of progress at six and twelve months

### **Requirements for Follow-Up Assessments of Client Progress**

RSS-assigned staff will regularly contact clients and complete follow-up assessments six and twelve months from enrollment. Follow-up assessments of client progress ensure that a family is actively engaged and working toward meeting their goals. It also enables the RSS staff and

state to monitor the impact of the referrals and services provided, as well as the family's progress toward self-sufficiency.

### **Monthly Redetermination/Compliance**

RCA-assigned staff will determine continued eligibility for cash assistance every month. The ND Office of Refugee Services will link continued eligibility for cash assistance to adherence to the WEI and Individual Employability Plan (IEP) developed jointly by the client and staff. Case files will contain documentation showing compliance with the WEI and IEP, which is to be monitored by the assigned staff member.

Eligibility will also be linked to income. RCA payments will be reduced based on income after factoring in applicable disregards. Case files will contain clear documentation for each RCA payment, including monthly redetermination calculations and acknowledgment of receipt of RCA provided by an adult RCA recipient's family member. Case files will also contain a copy of the paychecks for redetermination calculations.

### **Income Disregards**

Persons Eligible for SSI: Payment units containing one or more people eligible or believed to be eligible for SSI will be paid RCA calculated by including the SSI-qualified person in the number of persons in the payment unit until the first SSI check is received. After the first SSI check arrives, the payment unit will not include the person receiving SSI.

Income of Minor Dependents: Income earned by dependent children under 18 or 18 years of age and attending high school full-time will be disregarded in calculating "countable income."

### **Employment Income Disregard**

Income from employment: In calculating the amount to be paid as RCA, the amount of "countable income" will be determined as follows:

- A standard employment expense allowance of 27% or \$180.00, whichever is greater, of gross earnings
- That result will be subtracted from the gross monthly income of the payment unit, and the remainder will be the "countable income" of the payment unit.
- All employed TANF household members with countable earned income will receive disregards from the earned income beginning the first month earned income is used in the benefit calculation, as follows:

For months 1 through 4, 50%.

- That result will be subtracted from the gross monthly income of the payment unit, and the remainder will be the "countable income" of the payment unit.
- Any childcare expenses will be subtracted from the remaining countable income

- That result will be subtracted from the gross monthly income of the payment unit, and the remainder will be the “countable income” of the payment unit.
- The “countable income” is then subtracted from the payment unit’s monthly RCA amount, and the remainder, if any, will be paid to the payment unit for that month.

*Table 1.3 RCA Income Disregard Calculation Example*

<b>Payment Calculation for Clients with Earned Income</b>	
<b>Paycheck Date</b>	<b>Paycheck Amount</b>
9/2/2025	\$250.00
9/9/2025	\$250.00
9/16/2025	\$250.00
9/23/2025	\$250.00
Enter Gross Income Amount	\$1,000.00
Multiply by 27%	X 27%
Earned Income Disregard	\$270
Remaining Gross Income	\$730.00
Multiply by 50%	\$365.00
Subtract Earned Income Disregard	\$365.00
Equals Countable Earned Income	\$365.00
Childcare Expenses (if applicable)	\$100.00
Equals Countable Earned Income	\$265.00
Enter Case Size	5
Enter the RCA Standard of Need Amount	\$1393.00
Subtract Countable Earned Income	\$265.00
Total Benefit Amount	\$1128.00

## **Sanctions**

Failure or refusal to accept employability services or employment

### **(a) Termination of assistance.**

When, without good cause, an employable, non-exempt recipient of refugee cash assistance under the RCA program fails or refuses to meet the program's requirements or has voluntarily quit a job, the agency responsible for the provision of RCA must terminate assistance by paragraphs (b) and (c) of this section.

### **(b) Notice of intended termination**

(1) In cases of the proposed action to reduce, suspend, or terminate assistance, the ND Office of Refugee Services will give timely and adequate notice by adverse action procedures.

(2) The ND Office of Refugee Services will provide written procedures in English and appropriate languages for determining good cause, sanctioning refugees who do not comply with the program's requirements and filing appeals by refugees.

(3) In addition to the requirements, the written notice must include

(i) An explanation of the reason for the action and the proposed adverse consequences; and

(ii) Notice of the recipient's right to mediation and a hearing

(4) A written notice in English or a verbal translation of the notice must be sent or provided to a refugee at least ten days before the action becomes effective.

(c) Sanctions

(1) If the sanctioned individual is the only member of the filing unit, the assistance shall be terminated. If the filing unit includes other members, the ND Office of Refugee Services shall not consider the sanctioned individual's needs in determining the filing unit's need for assistance.

(2) The sanction applied in paragraph (b)(3)(i) of this section shall remain in effect for three payment months for the first such failure and six payment months for any subsequent such failure.

**Refugee Responsibilities and Sanctions**

All employable clients who wish to receive RCA must abide by the RCA Policies and Procedures and the RCA Program Agreement. This agreement is based on the Client's Rights and Responsibilities. The client signs the agreement, specifying their responsibilities regarding employment and other areas of compliance for receiving RCA. Failure of the client to meet the requirements of the Program Agreement, or failure to sign a reasonable Program Agreement, will result in mediation and possible sanctions as described below.

**Grounds for Sanctions**

Any one of the following actions or failures to act by an employable client, unless excused for "good cause," is grounds for imposing a sanction:

- Failure to follow the steps agreed upon in the WEI and IEP.
- Refusal to fill out applications or interview for a suitable job.
- Refusal to accept a suitable job when offered without a good cause.
- Failure to report to work after being hired without good cause.
- Failure to report earned and unearned income.
- Quitting suitable employment without good cause.
- Failure to comply with a plan agreed to in mediation.

- Fraud. Fraud occurs when an individual secures or attempts to secure assistance to which the individual is not entitled using willful misrepresentation or intentional concealment of an essential fact.
- Any other violation of the RCA Program Agreement.

The ND Office of Refugee Services will follow the mediation and fair hearing standards and procedures outlined below.

### **Mediation**

Mediation shall begin as soon as possible, but no later than ten days following the failure or refusal to participate, and may continue for a period not exceeding 30 days. The ND Office of Refugee Services or the recipient may terminate this period sooner when it believes mediation cannot resolve the dispute.

On the first occasion that the ND Office of Refugee Services determines that there may be grounds for sanctions against an employable client, the ND Office of Refugee Services will schedule a meeting to discuss the problem with the refugee. The meeting will occur within three days after the problem arises or becomes known, if reasonably possible. At the meeting, the ND Office of Refugee Services will inquire about the facts of the situation, explain the seriousness of the failure to fulfill their responsibilities, describe the sanctioning process, and explain the consequences of the sanction. If appropriate, the ND Office of Refugee Services will negotiate a 21-day plan with refugees, outlining specific activities and deadlines for addressing the problems. The plan will also state that failure to comply with the program may result in sanctions.

If the client refuses to meet, refuses to agree to a reasonable plan for correction (if applicable), or fails to comply with the correction program, the ND Office of Refugee Services will immediately initiate the sanctioning process. The ND Office of Refugee Services will also immediately begin the sanctioning process without mediation; on the second occasion, there appear to be grounds for sanctions for that employable adult.

### **Notice**

Timely and adequate notice.

- A written notice will be sent or provided to a recipient at least ten days before the date upon which refugee cash assistance will be reduced, suspended, or terminated.
- In providing notice to an applicant or recipient to indicate that assistance has been authorized, denied, reduced, suspended, or terminated, the written statement will clearly state the action taken, the reasons for the action, and the right to request a hearing.
- In providing notice to an applicant or recipient to indicate that assistance has been authorized, denied, reduced, suspended, or terminated, the ND Office of Refugee

Services will specify the program(s) to which the notice applies, clearly distinguishing between RCA and other assistance programs.

### **Hearings**

All applicants for and recipients of refugee cash assistance will be given the opportunity to contest adverse determinations through a hearing. The ND Office of Refugee Services will ensure hearings meet the due process standards in *Goldberg v. Kelly*, 397 U.S. 254 (1970).

The ND Office of Refugee Services RCA hearing procedures to be used in the RCA program will include:

- The ND Office of Refugee Services will provide an applicant for or recipient of refugee cash assistance with an opportunity for an oral hearing to contest adverse determinations. Hearings will be conducted by an impartial official or a designee of a state or local resettlement agency who has not been directly involved in the initial decision regarding the action.
- The ND Office of Refugee Services will ensure that procedures are established to provide the client a right of final appeal for an in-person hearing supplied by an impartial, independent entity outside of the local resettlement agency.
- Final administrative action will be taken within 30 days from the date of a request for a hearing.
- The written notice of any hearing determination will adequately explain the basis for the decision and the refugee's right to request further administrative or judicial review.
- A client's benefits may not be terminated before completion of final administrative action, but are subject to recovery by the agency if the action is sustained.
- A hearing need not be granted when Federal law requires automatic grant adjustments for classes of recipients unless the reason for a separate appeal is an incorrect grant computation.
- A hearing need not be granted when assistance is terminated because the eligibility period imposed by law has been reached unless there is an unresolved disputed issue of fact.

### **Notice of Adverse Action**

Adequate Notice: The ND Office of Refugee Services will give notice of any proposed action to deny, reduce, terminate, or suspend benefits to an employable adult. The notice is given ten days before any proposed change and will be:

- It must be in writing or interpreted in the primary language of the client affected and personally delivered or sent by first-class mail to the client's last known address.

- Describe the specific actions or inactions that are the grounds for sanctions, the circumstances that would constitute “good cause,” and the sanctions’ consequences.
- Notify the client of their right to request a hearing and include a form in the client’s language that, if signed and returned by the client, is adequate to request a hearing.
- State that the form will be postmarked or hand-delivered within five working days after receipt of the notice.
- Inform the individual of their right (a) to be represented (or assisted) at the hearing by legal counsel, a relative, friend, or spokesperson of their choosing, (b) to present documents and witnesses to support their case, and (c) to bring their interpreter.

### **Initial Hearing Process**

The ND Office of Refugee Services will provide an applicant for or recipient of refugee cash assistance with an opportunity for a hearing to contest a determination concerning employability, failure or refusal to carry out a job search, or acceptance of a reasonable offer of employability services or employment, resulting in denial or termination of assistance.

**Scheduling:** If a client requests a hearing, the ND Office of Refugee Services will promptly notify the client of the place, date, and time of the hearing, which shall be at most ten days after the ND Office of Refugee Services receives the request for a hearing.

### **Failure to Appear, Request for Rescheduling**

- Failure of the client to appear at the date, time, and place of the scheduled hearing, or any rescheduled hearing, shall constitute abandonment of the right to a hearing unless a postponement was requested not less than 24 hours before the time outlined in the notice of hearing or information of the rescheduled date. Such failure to appear shall be grounds for the immediate imposition of sanctions; in this case, a letter will be mailed to the refugee setting forth the relevant facts and the sanction imposed.
- If the client requests a postponement, they must agree to a date not more than five business days after the date initially scheduled for the hearing.
- The client shall be excused from attending the hearing due to the death or incapacity of the client or a member of their immediate family, a health or medical condition of an emergency nature, or other circumstances beyond the control of the client that would prevent a reasonable person from attending or rescheduling a hearing.

### **Conduct of the Initial Hearing**

- The initial hearing shall be conducted by the ND Office of Refugee Services staff or their designee (who shall not be the staff who initiated the action in the dispute or that person’s immediate supervisor).

- The ND Office of Refugee Services staff person who initiated the sanction action or another person personally familiar with the facts of the case will attend the hearing. The ND Office of Refugee Services will also have all relevant documents and records available at the hearing, including the case file. If the refugee requests, they may review those materials before the hearing.
- The ND Office of Refugee Services will provide an interpreter of its choice unless the client provides their own interpreter.
- The purpose of the initial hearing is to allow the client and the agency to present each side with the facts concerning the possible grounds for sanctions and to explain from their point of view the circumstances of the situation in question.
- The hearing will be informal. The staff will present their evidence, and the client and witnesses will testify. Both sides may provide any relevant testimony or documents regarding the proposed sanction action or the excellent excuse and may also ask questions of the other party's witnesses. Each party will be allowed to summarize its position at the end of the testimony. The person hearing the evidence may exclude testimony irrelevant to the questions presented in the case.
- After hearing the evidence, the person hearing the case will determine (a) whether there are grounds for sanctions and (b) whether there is a good cause that excuses those grounds for sanctions. If the person conducting the hearing finds grounds for sanctions and no good cause excuses those actions, sanctions shall be imposed. If the person conducting the hearing finds no grounds for sanctions or that good cause excuses those actions, no sanctions will be imposed.

#### **Notice of Decision**

- Within five business days after the hearing, the person who conducted the hearing shall mail or hand deliver to the client a written decision in that person's primary language, which shall summarize the facts and state whether they find that the actions or inactions which formed the basis for the sanction did occur, note whether good cause excuses the actions or inactions, and identify the amount, commencement date, and duration of any sanction.
- The decision shall include a statement explaining the client's right to appeal the initial decision by filing a request for an appeal within five working days after receipt. A form that the client can mail to request an appeal shall be included in the mailing with the decision.
- Failure of a client to appeal the initial decision promptly shall constitute abandonment of the right to seek further review of the initial decision. Sanctions may be imposed if the appeal period expires without a filed appeal.

Continuation of Benefits: **Benefits** will be continued until a client abandons the right to seek further review.

### **The Appeal of the Initial Decision**

- **Notice of Appeal:** Clients may appeal the ND Office of Refugee Services' initial decision regarding sanctions by sending or delivering a written request for a hearing to the North Dakota State Refugee Coordinator within three working days of receiving the initial decision.
- **Hearing Officer:** The North Dakota State Refugee Coordinator in program administration will hear the appeal.
- **Conduct of Hearing:** The North Dakota State Refugee Coordinator will conduct a hearing according to the ORR procedures.
- **Decision:** The North Dakota State Refugee Coordinator's decision will be final. The client will be notified of the decision in writing within five days in the refugee's primary language.

### **Amount and Duration of Sanctions**

Calculation of Amount: **If** the sanctioned individual is the only member of the payment unit, all RCA will be terminated for the period specified below. If the sanctioned individual is part of a larger payment unit, the amount of the RCA payment made to that payment unit during the sanction period will be based on reducing the size of the payment unit by one person. For example, if the payment unit consists of four persons and one of the employable adults in that payment unit is sanctioned, the RCA payment for the specified period will be the amount paid to a three-person payment unit, rather than a four-person payment unit.

- **First Sanction:** **The** first time an individual is sanctioned, the sanction period will be one month.
- **Second Sanction:** The second time an individual is sanctioned, the sanction period will be three months.

### **Recovery of Overpayment**

When the ND Office of Refugee Services believes the payment unit has received cash assistance to which they are not entitled due to an increase in income, a change in resources, or any other reason, the ND Office of Refugee Services will contact the appropriate persons to explain the situation and attempt to obtain repayment of the overpayment informally. If the informal process is unsuccessful, the ND Office of Refugee Services shall follow the notice, hearing, and appeal process required to impose sanctions and determine whether an overpayment has been made, as well as the amount of any overpayment. **Recovery:** After the final decision in the case, the ND Office of Refugee Services may pursue all legal remedies available to recover the overpayment, including deducting the amount overpaid from any future Refugee Cash Assistance payments.

**Recovery of Underpayment**

Restitution for underpayment will be provided in the following month.

**Documentation and Records**

Client records and files are stored electronically on a cloud-based server with HIPAA-compliant security measures in place. Clients can request copies of their records.

**Safeguarding and sharing of information**

The utmost priority for the RCA staff is safeguarding clients' information. The RCA staff will have the clients themselves sign a release of information, allowing them to disclose any information about refugee clients, including their monthly payment details. Except for purposes directly connected with and necessary to the administration of the program, the RCA staff will ensure that no information about, or obtained from, an individual and in possession of any agency providing assistance or services to such individual under the plan will be disclosed in a form identifiable with the individual without the individual's consent, or if the individual is a minor, the permission of their parent or guardian.