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**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**  
40 NORTH PEARL STREET  
ALBANY, NY 12243-0001

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Commissioner

## Administrative Directive

### Section 1

<b>Transmittal:</b>	06-ADM-11
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Office of Temporary and Disability Assistance Bureau of Refugee and Immigration Affairs
<b>Date:</b>	August 29, 2006
<b>Subject:</b>	United States Repatriation Program (USRP) ADM Local District Responsibilities (except NYC)
<b>Suggested Distribution:</b>	Regional Offices (OCFS) Temporary Assistance Directors Adult Services Director Children Services Director (Including Child Protective Unit) Medicaid Director Staff Development Coordinators Accounting Supervisors
<b>Contact Person(s):</b>	Program Contacts: Pablo Rivera, Repatriation Coordinator, BRIA (518) 473-9675 Thomas Hart, Assistant Bureau Director BRIA (518) 474-2975 Fiscal Contacts: Regions I-IV: Carolyn Oleyourryk 1-800-343-8859, extension 4-7549 or (518) 474-7549, E-mail - <a href="mailto:Carolyn.Oleyourryk@otda.state.ny.us">Carolyn.Oleyourryk@otda.state.ny.us</a> Region V: Michael Borenstein (631) 854-9704, E-mail - <a href="mailto:Michael.Borenstein@otda.state.ny.us">Michael.Borenstein@otda.state.ny.us</a> County Accounting Supervisors
<b>Attachments:</b>	Attachment 1: Sample Notification Letter to LDSS Commissioner
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			PL 86-571 PL 87-64 §1113 Title XI of the SSA	Fiscal Reference Manual Vol. 2 Ch3, Pages 149-152.	CFR Title 45, Chapter II, Part 212

## **Section 2**

### **I. Summary**

The United States Repatriation Program (USRP) is a loan program funded by the federal Department of Health and Human Services through the Office of Refugee Resettlement (ORR). The program is operated nationally through the International Social Services Agency (ISS-USA), under an agreement with ORR. The authority for USRP temporary assistance, care and treatment is found in Section 1-113 of the Social Security Act and in Public Law 86-571. This is the first ADM issued on this program.

The OTDA Bureau of Refugee and Immigration Affairs (BRIA) coordinates the USRP for New York State (except for New York City). Service in New York City is independently managed by a private agency under a separate agreement with ISS-USA. Therefore, this ADM does not apply to New York City, where Lutheran Social Services of Metropolitan New York provides the initial repatriation services under an agreement with ISS-USA. This agreement, however, does not supplant or substitute for any other services, assistance and benefits that for which any New York City resident is entitled to receive.

The typical USRP case is initiated by a letter sent by the Director of the OTDA Bureau of Refugee and Immigration Affairs to the commissioner of the local social service district. The BRIA repatriation coordinator may communicate with local district personnel regarding the case to expedite the case. Information exchange regarding USRP cases may be made by paper copy, fax, or preferably by e-mail.

Claims to OTDA for expenses incurred by the local social services district for repatriate services and benefits are submitted manually by regular mail on Claim Form RF-7, Expenditure Statement for Reimbursement – Assistance to US Citizens Returned from Foreign Countries (LDSS Form 931) to the Office of Budget, Finance, and Data Management (OBFDM). OTDA subsequently obtains reimbursement from International Social Services.

### **II. Purpose**

The purpose of this Administrative Directive (ADM) is to describe the responsibilities of the Office of Temporary and Disability Assistance (OTDA) and local districts (except for New York City, as noted earlier) under the United States Repatriation Program (USRP).

### **III. Background**

The USRP was established in 1935 to provide assistance to eligible US citizens to facilitate their repatriation to the United States from abroad. Section 1-113 of the Social Security Act authorizes the USRP to provide temporary assistance, care and treatment to citizens that the federal government has determined to be destitute or ill (including the mentally ill, under Public Law 86-571) and in need of assistance to return to the United States. Assistance may be provided for ninety days. Under special circumstances, an extension to this time period may be authorized upon consultation with ISS-USA and ORR.

The US Department of Health and Human Services (DHHS) Office of Refugee Resettlement (ORR) administers the program through a cooperative agreement with the International Social Services–United States Branch (ISS-USA). The US Department of State (DOS) receives requests for repatriation from embassies and consulates abroad, determines eligibility, and refers eligible repatriates to ISS-USA. For repatriates with a destination to a county in New York State outside of

New York City, ISS-USA works with the Repatriation Coordinator in the OTDA Bureau of Refugee and Immigration Affairs (BRIA).

Assistance may include cash, transportation (including ambulance if necessary), food, shelter, clothing and initial medical or psychiatric care. Assistance may be provided to repatriates arriving in the anticipated county of residence within New York State or to repatriates in transit from the port of entry in New York to the place of final destination. The local district may be asked to provide necessary transitional support and services to the repatriate who will either remain in the county or will be in transit to another state or county.

Resources made available to a repatriated citizen are in the form of a loan that requires repayment to ORR. The local district is not involved in the actual loan repayment collection activity but must report the last known address of the client. Nationally, an average of over three hundred repatriation cases occur annually. New York State (outside of New York City) has averaged about four cases per year.

For additional information on the repatriation program, please connect to the following link: [http://www.iss-usa.org/what/intercountry\\_repatriating.htm](http://www.iss-usa.org/what/intercountry_repatriating.htm). In addition, we will be posting an ISS publication or fact sheet on the nature of the program on the BRIA web page: [http://www.otda.state.ny.us/otda/bria/bria\\_prog\\_repat.htm](http://www.otda.state.ny.us/otda/bria/bria_prog_repat.htm).

**Any person can request assistance for a US Citizen in need of repatriation services by calling the US Department of State Bureau of Consular Affairs Office of Overseas Citizens Services Hotline at: (202) 647-5225.**

#### **A. Definitions**

- **Referral:** A referral originates from an overseas embassy or consular office. It is typically in the form of a telegram that is relayed to the International Social Services agency by the US Department of State Bureau of Consular Affairs. The federal Administration for Children and Families provided a guidance document that is generally used by the referring agency to put together a fax document to make the referral. This guidance document may be accessed at the BRIA website: [http://www.otda.state.ny.us/otda/bria/bria\\_prog\\_repat.htm](http://www.otda.state.ny.us/otda/bria/bria_prog_repat.htm). The content of the referral will typically identify the repatriate being referred and the services requested. A model referral cable form may be found at the [BRIA website](#) also. The referral also has some demographic information and a brief description of the history or the event that prompted the request. It also indicates that there may be other attachments included with the referral. A referral is sent to the local district with a cover letter from the BRIA director to the local district commissioner. (See Attachment 1: Sample Notification Letter to LDSS Commissioner).
- **Privacy Act Waiver (PAW)/Loan Repayment Agreement:** Federal Form ACF-120 combines a Privacy Act Statement and a Loan Repayment Agreement. This Privacy Act Statement addresses confidentiality concerns so that the local district may proceed with repatriation services without hindrance. The Loan Repayment Agreement commits the repatriate to reimburse the US Department of Health and Human Services/ORR for repatriation expenses incurred on his/her behalf. (This form may be obtained at the following web site: [http://www.otda.state.ny.us/otda/bria/bria\\_prog\\_repat.htm](http://www.otda.state.ny.us/otda/bria/bria_prog_repat.htm)).
- **Modified Privacy Act Statement:** Some repatriates sign a privacy act statement that allows confidential information to be released *only* to the entity or entities specifically listed in the document. The signed modified privacy act statement is usually attached

to the referral document. A blank form of this document may be found at the same [BRIA website](#).

- ***Certificate of Mental Incompetence:*** A Certificate of Mental Incompetence is a federal form signed by a physician and attached to the referral. A substitute document may be used to accomplish the same purpose. This document would identify the repatriate and establish an appropriate diagnosis of the mental condition, including the nature of the treatment that needs to be provided. This certification form may facilitate a district's efforts to obtain a mental health evaluation for the repatriate. If a person is mentally incompetent, a Certificate of Mental Incompetence is needed instead of a PAW. (A sample certification may be accessed at the [BRIA website](#).)
- ***Port of Entry:*** This is the location in which the repatriate first arrives from a foreign country. Port of Entry transit services may be provided to a repatriate on his/her way to another location. In many cases, this is also the final destination.
- ***Form RF-7: Expenditure Statement for Reimbursement - Assistance to US Citizens Returned from Foreign Countries.*** The RF-7 (LDSS 931) is submitted by local districts to the OTDA Office of Budget, Finance, and Data Management (OBFDM) for reimbursement of all allowable costs to assist the repatriate. The form appears in the OTDA Fiscal Reference Manual, Volume 2, Chapter 3. The Fiscal Reference Manuals are accessible to local districts and sister agencies at the following intranet site address: <http://otda.state.nyenet/bfdm/#>.

## **B. Eligibility**

The federal government determines the eligibility of the citizen as a repatriate prior to his/her arrival in the US. The referral from the ISS-USA is the indication that the person referred is a repatriate eligible for these services. Note that it is ISS-USA who reimburses the costs incurred in this program.

Local districts may claim expenses for repatriation assistance provided during the first 90 days after arrival. This period may be extended for up to nine additional months with the written approval of ISS-USA and ORR. Extension requests are rare and will be considered on a case by case basis. If an extension is desired, a statement to that effect must be made to the BRIA Repatriation Coordinator, who will then contact the person that makes the request to discuss the details, by phone or by e-mail. This will prompt BRIA to ask for the necessary case specific guidance from ISS-USA offices, or ORR, as needed, to address the need for the extension request. Extensions of the 90 day period have been rare nationally. There have been no extensions in New York.

## **IV. Program Implications**

### **A. Repatriation Process**

The repatriation process within the state begins when BRIA receives a referral from ISS-USA for arrival of a repatriate into a specific county. In determining the final county destination of the repatriate, ISS-USA gives first priority to the repatriate's wishes. Although the repatriate's most recent US residence or the place where the repatriate's family resides may be the first to be considered, they may not be the most appropriate. For example, the repatriate may need services which are not available in that locale; he/she may be fleeing his/her family due to domestic violence or other dangerous circumstances; family/friends may be available elsewhere; or the repatriate is adamant that s/he wants to go to another state. The rationale for the ISS-USA selection of the final destination is explained in the referral.

BRIA forwards the referral to the local district and contacts the Director of Temporary Assistance, or Adult Protective Services, or Children's Services as appropriate. The local district designates a contact person.

The district plans for the arrival of the repatriate and makes necessary arrangements for the assistance requested and for other assistance that may be needed. As information is needed, the BRIA repatriation coordinator and the local district contact person dialogue with ISS-USA.

Upon the repatriate's arrival, the district provides or arranges for assistance. Note that most cases require urgent and immediate action prior to the availability of comprehensive information on the repatriate. In these cases initial diagnostic and planning assessments may be the only information that is available for the district to use to provide or arrange for assistance. Examples of special circumstances which may prompt an immediate repatriation include an unaccompanied child, immediate health and safety issues, or a situation which may imminently damage the prestige of the US Government.

At the end of each 30 day period from the beginning of services, the district prepares and submits the original RF-7 claim to OBFDM. Concurrent with that submission, the district sends a copy of the RF-7 and, as appropriate, Federal Form ACF-120 accompanied by the monthly progress reports to BRIA.

By the end of the 90<sup>th</sup> day, all USRP services end.

## **B. Involuntary Repatriation**

Some repatriations are involuntary and may require additional actions. Some of the circumstances of involuntary repatriation are:

- US citizens hospitalized overseas for mental or physical illness who cannot pay their medical costs but do not wish to return to the US. If they do not have health care benefits/funds/supports in the country where they are residing, the foreign government may request repatriation.
- US citizens finishing a jail sentence and deported by the foreign government. These persons are referred to as "deportees" but are eligible for USRP services, and the costs for these services are therefore fully (100%) refundable.
  - Deportees may be transported to the US by way of a host country arrangement or the US government may fund their return on a non-loan basis. This means that the ACF-120 (re-payment agreement) is not signed by the repatriate, and therefore, there is no obligation to repay the expenses incurred by the district. Note that OTDA will still process the RF-7 for payment consistent with this ADM, so as to reimburse the districts for the cost of the repatriation benefits and services provided.
  - For criminal deportees, the local district will be given sufficient information to enable an assessment to decide what level and type of law enforcement support will be requested from local authorities. In some cases the criminal deportee may no longer be under the control of law enforcement and therefore cannot be forced to accept repatriation services.
  - If a person is mentally ill, the referral will have a final or preliminary diagnosis to that effect. This documentation can be used to compel the repatriate to undergo a mental health examination upon arrival in the US. Services would continue under the USRP as appropriate. However, as noted above, without some specific legal hearing or review, a person with mental illness can not be detained against his will in a hospital for more than 48 hours. If the mentally incompetent individual refuses to sign the PAW or refuses to accept the services being offered, the case may be closed, for purposes of the USRP, upon filing a final report and financial reimbursement request.

### C. Repatriating Unaccompanied Children

Unaccompanied children may be repatriated for a number of reasons, including, but not limited to the following: 1) the child is abandoned; 2) the parent died while traveling abroad with the child; 3) the parent is arrested or incapacitated; or 4) there are other circumstances that lead to a citizen child found alone and unaccompanied in a foreign country. Repatriation of these unaccompanied children requires a quick response because the child is most likely in very temporary caretaking arrangements in the other country. As with any repatriation case, the local district may not refuse to accept the citizen child from coming into the local district.

However, if the local district identifies a potential risk of harm to the child that is beyond the district's ability to prevent, then such finding must be communicated to the state USRP Program Coordinator to allow the State and the ISS-USA branch to consider alternative locations for the child. In these situations, time is of the essence in deciding the relocation of the child. Absent the risk of harm, the appropriate local district must take steps to receive the child and facilitate the relocation of the child in the appropriate nurturing environment. If the child enters as an abandoned or destitute child, the local district must take the emergency actions required.

The local district may elect to delegate the responsibility for services to an authorized agency (with notification to OTDA/BRIA in each case). However, the submission of reports and claims to OTDA may only be done by the local district.

The USRP does not require a formal home study to be submitted by the local district. The local district must notify OTDA of the decision to proceed with the arrangements to place a child and must provide the assurances to BRIA consistent with local district practices to ensure the best interest of the child.

Repatriation of unaccompanied minors follows the same procedures previously described *plus* some additional actions and information relevant to the repatriate status as a minor. Repatriated minor children do not need an ACF-120. The referral materials may include:

- Child's age (Date of Birth)
- Present location of the child
- Child's ability to speak English
- Child's condition and special needs and educational problems
- Circumstances under which the child is unaccompanied
- Child's medical evaluation
- Location of the parents
- Reasons why the parents are not able to care for the child
- Parents' custodial rights
- Identified relatives in the US

Unaccompanied children will, in most cases, be escorted until the escort delivers the child to the local district or to an approved relative. The local district worker should accompany the relative or other caretaker representative to where the transfer of the child takes place, typically at the airport terminal that is the port of entry. The escort should be notified in advance of the names of the persons who will be meeting them and/or whom to contact upon arrival. The escort may be hand-carrying medication and medical supplies, medical or educational records, birth certificate, social security number, and overseas social services history.

If the local district deems it appropriate and necessary to offer or to provide protective services to the child, it may make the proper referrals to the NYS Child Abuse and

Maltreatment Register (SCR) following established state and local district procedures. Note that general procedures may be found at a web site of the New York State Office of Children & Family Services, at this link: <http://www.ocfs.state.ny.us/main/cps/>.

**1. Repatriating a Child to a Relative in a New York State County**

In general, the DOS requests ISS-USA to repatriate a minor child into the county where there appears to be a capable relative willing to care for the child. The USRP will request that the local district, as part of its efforts to facilitate the repatriation of the child, verify the viability of the proposed home. ISS-USA will rely on the findings of the local district to effect the physical movement of the child from abroad to the local district.

This process is predicated on the basis of a voluntary desire of the relative to care for the child. The voluntary nature of the process should produce full cooperation on the part of the relative to complete the steps needed to relocate the child into the relative's home.

New York State Social Services Law (Section 422) does not give a district the authority to share Child Protective Services (CPS) information with the ISS-USA. Therefore, no communication should disclose this type of information. The need for confidentiality on CPS matters notwithstanding, the local district must facilitate the process of bringing or returning these children back to the United States in compliance with federal legislation.

**2. Repatriating a Child Who Has No Relative Available**

If the DOS does not find a suitable relative in the United States, the child is returned to the state of last residence with a request that the child be considered for foster care placement. The local district must investigate the available child's prior child welfare services history in New York, develop a services plan before the child's arrival, if possible, and make arrangements for interpretation services if the child does not speak English. Note that the USRP does not reimburse foster care costs. Foster care services must be funded through the regular foster care plan of the district. Other costs, such as a temporary shelter until the foster home is located, may be funded by the USRP. The length of the shelter stay should be kept to a minimum to ensure a stable environment for the child and not to contribute to, aggravate, or create trauma to the child resulting from the repatriation process.

The appropriate legal petition to be filed by the local district depends upon the circumstances of the case. A petition seeking legal custody of the child repatriated into the local district may be filed under Article 10 of the Family Court Act if there is jurisdiction over the parent(s) or guardian. A petition for custody and guardianship of the child repatriated into the local district may be filed under Section 384-b of the Social Services law (SSL) if the child may be considered an abandoned child under the SSL and both parents are deceased. The district should consult with its legal counsel to determine any court action to be taken.

**V. Required Action**

The repatriation process requires the following actions:

**A. OTDA (BRIA & OBFDM) Will:**

- Receive a referral from ISS-USA and obtain additional required information.

- Send the formal referral to the appropriate local district commissioner. Include all additional information received from ISS, which should be sufficient for the local district to commence services. The communication with the local district will be by phone, e-mail and/or fax and with a subsequent hardcopy letter. Additional information may include:
  1. Medical/other information about the citizen, including the Social Security Number and Date of Birth;
  2. The completed and signed Privacy Act Waiver (PAW) or a blank form to be completed and signed by the repatriate upon arrival whenever possible (A person diagnosed as mentally incompetent, or a child may not be required to sign the PAW).
- For unaccompanied minors, send the specified additional information about the child. Notify the district of the identity of any person that may be escorting the minor and obtain the local district contact person for the escort's information.
- Maintain contact with the local district for ninety (90) days, or the extent of time needed to conclude the services and claiming activity.
- Maintain contact with ISS-USA to report local district progress on the planned services identified in the referral, or to consult on other concerns raised by the local district.
- OBFDM will receive and process RF-7 claims for reimbursement. BRIA will process through ISS-USA any requests for an extension of time within which to continue providing USRP funded services to the repatriate.
- Upon BRIA approval, OBFDM will submit the claims to ISS-USA for reimbursement. Reimbursement will be provided to the local district upon receipt of reimbursement from ISS-USA.

**B. The Repatriate Will (in all cases where repatriation services were provided):**

- Maintain contact with the local district for up to ninety (90) days.
- Sign the ACF-120 Privacy Act Waiver and Loan Repayment Agreement.
- Apply for needed temporary assistance benefits other than repatriation assistance before the end of the 90 day USRP eligibility period. The application for additional benefits is subject to the usual eligibility rules that govern the benefits.
- File a request for an extension or waiver of loan payments, if desired, in accordance with the instructions on the ACF-120.
- Apply, if needed, for a social security card (or duplicate) at the Social Security Office.

**C. Local Districts Will:**

- Receive the referral from BRIA and designate local district personnel, or their agents, to provide services and to liaison and consult with BRIA for the duration of the case.
- Designate a contact person to interface with the repatriation coordinator and with ISS, as necessary.
- Determine necessary actions.
- Contact the repatriate's family in the US if necessary and appropriate.
- Provide assistance at the "port-of-entry" or intermediate location as necessary to newly arriving repatriates who are in transit to a final destination. Assistance may include



emergency medical services and food, lodging, and incidentals on a per capita basis (not to exceed the federal per diem allowance for that locality).

- Arrange to meet the repatriate upon his or her arrival at the airport or at another transportation terminal and transport the repatriate to the facility or residence where the repatriate will reside.
- Perform a home study on the suitability of a home to provide care for an unaccompanied repatriated child that has a relative that appears to be willing and capable of caring for the child, if this action is considered to be proper and in the child's best interest.
- Take appropriate actions to establish custody and provide foster care placement, if warranted, for minors not accompanied by a parent for whom no suitable relative to care for the child has been identified by DOS. (In considering this service, note that foster care is **not** reimbursed by the USRP).
- Obtain the signature of the repatriate on the ACF-120 as appropriate, if not already on file, then mail the original to the OTDA Bureau of Refugee and Immigration Affairs with a copy of the first reimbursement claim (RF-7). The PAW is submitted to the Office of Budget, Finance, and Data Management only with the first reimbursement request. We recognize that not all cases will have a signed ACF-120, but the district should provide to BRIA a brief explanation for the lack of a repatriate's signature on the repayment statement<sup>1</sup>.
- Provide allowable repatriation services for up to ninety (90) days. Assist the repatriate to relocate into the area and assist with other service needs.
- Provide USRP cash benefits to the repatriate. The repatriate may receive cash benefits through the USRP for up to 90 days. In special circumstances, cash benefits may be extended **only** with the written prior approval of ORR, in response to a written request submitted by the district to the OTDA OBFDM (copied to the BRIA Repatriation Coordinator).
  - For the first thirty days, there is a one-time payment of up to \$560 per repatriate (depending on need) for rent, security and utility deposits, clothing, household and personal items, etc.
  - For the subsequent two thirty-day periods, assistance would be in an amount equivalent to the current TANF rate for the family size.
  - USRP assistance is not provided retroactively. It is available only for the period of time remaining between the individual's request for assistance and the end of the ninety days following arrival in the country.
  - In the final month, the assistance amount is prorated for periods of less than thirty days to ensure that it does not exceed the ninety-day limit.

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<sup>1</sup> Some of these exceptions include a minor child under 18 years old, a person that is deemed to be mentally incompetent, and at times a person that is repatriated against their will may refuse to sign. There may be other exceptions, but each must be determined on a case by case basis. In certain cases ISS-USA may ask a relative to sign the Repayment Agreement. While we have not had a case like this, if someone other than the repatriate commits to repay the cost of the repatriation, that person should be made fully aware of the obligation, which will be enforced by a federal collection agent after the repatriation is complete. Regarding the exceptions listed above, the absence of a signed AC-120 alone, will not prevent the repatriation of the American citizen.

- Payment for the USRP Loan can be made only until other benefits for which the repatriate is eligible become available.
- Accept an application for Medicaid, food stamps, and/or any other benefits and determine eligibility as soon as possible after the client returns and 90 days from the date of arrival. Assist the repatriate in filling out these applications as necessary.
- Prepare the **Form RF-7: Expenditure Statement for Reimbursement: Assistance to US Citizens Returned from Foreign Countries** claim form and submit it directly to OBFDM, Attention: Claiming Section, Floor 14C, 40 N. Pearl Street, Albany, NY 12243 for reimbursement of all allowable costs incurred to assist the repatriate.
- Send a copy of the RF-7 and the Monthly USRP Service Summary to BRIA. The **Monthly USRP Service Summary** is required with or without a claim for payment. BRIA may not sign off on the processing of a claim without these reports. Federal funding of the USRP depends on the reported experiences during its implementation. Minimally, these reports must include the name of the repatriate(s), the date when the person(s) arrived at the county; the current postal and/or physical address of the repatriated citizen; his or her general physical well being; whether the client is still receiving USRP services or has been transitioned to non-USRP benefits and services, and any other information relevant to convey the condition of the repatriate(s). Clearly, the content of the report will vary depending on the particular circumstances of the repatriation case.

The report must also show who prepared it, the preparer's telephone number, including the area code, and the e-mail address if available. The format of these reports is left to the discretion of the county.

- If applicable, submit to BRIA a request for extension of the 90 day limit for USRP funded services. Clear and complete documentation presenting the rationale for the request must be included. Consultation with the BRIA Repatriation Coordinator is available and welcome.
- Provide referrals to other appropriate public and private agencies according to need.
- Maintain ongoing communication with OTDA/BRIA, the repatriate and other case principals.

#### **D. Billing and Reimbursement, and Extension of Service Period**

- To obtain reimbursement for expenses incurred (not otherwise reimbursed by the federal government or the state) for repatriation benefits and services, the district must submit a monthly claim (RF-7). Note that child foster care is not a category of costs that is reimbursed by the USRP although the services leading up to such foster care placement of the child is reimbursable via the RF-7 process. As noted in the background section, the RF-7 form and its instructions are found from the following intranet site: <http://otda.state.nyenet/bfdm/#>. (See the left side of the page and click on the legend that reads: FRM Vol. 1-4)
- ISS-USA pays medical expenses for up to \$5,000 in cases where the client requires hospitalization or a nursing home
  - (a) Only until Medicaid eligibility is established (in the first 30 days)
  - (b) The Medicaid program will be asked to reimburse ISS-USA (ORR/HHS) retroactively for expenses paid to the district for that uncovered period.

- As noted earlier, the first claim should be accompanied by a signed ACF-120, if applicable and available. Subsequent claims consist of a completed RF-7 *Expenditure Statements for Reimbursement – Assistance to US Citizens Returned from Foreign Countries* (Form LDSS-931). All claims should be submitted by the 20<sup>th</sup> day following the month when service was provided, to:

**OTDA Bureau of Financial Services  
Attention: Claiming Section  
40 North Pearl Street (Floor 14-c)  
Albany, NY 12243.**

A copy of the claim accompanied by a **Monthly USRP Service Summary** report must also be sent with any other relevant information to:

**Office of Temporary and Disability Assistance  
Bureau of Refugee and Immigration Affairs  
Attention: BRIA Repatriation Coordinator  
40 N. Pearl Street (Floor 10-C)  
Albany, NY 12243**

**Documentation for each individual expense must be kept at the local district for audit purposes and should not be included with the RF-7 Claim.** This documentation includes receipts, internal registers, copies of credit card statements, hospital bills, etc.

- Case management expenses may also be claimed and should be clearly indicated on the billing form as distinct from the financial assistance that is provided to the repatriate. A properly re-labeled “other” line in the RF-7 may be used for these expenses.

#### **E. Extensions and Payment Waivers**

The local district may request an extension of the ninety-day period for up to nine additional months or for the equivalent costs of nine months of repatriation assistance. Approval of extension requests rests ultimately with ORR. Acceptable reasons for an extension include:

- The Department of State did not have a social security number for the repatriate, which hindered obtaining federal benefits within the three month timeframe.
- The repatriate continues to be medically/mentally ill and needs an extension of services.

#### **F. Loan Recovery or Recoupment**

The repatriate’s signature of the ACF-120 obligates him/her to pay back to the federal government the costs of repatriation services received. The repatriate’s obligation to repay begins upon termination of the USRP services. Children and mentally incompetent persons are not obligated to repay. Medical incompetence must be certified by an appropriate medical authority. If this condition is assessed overseas by a medical authority that is not certified or licensed in the United States, it may be used to facilitate the evaluation process to make a finding in this regard at the local district level.

However, if the county determines that the repatriate should not be required to pay, they can request a waiver on behalf of the client. We have placed a sample response to a waiver request on the [BRIA website](#). The sample will give you an idea of the type of information that is looked at in consideration of a payment waiver request. The action that ORR takes on the waiver request does not have any effect on the reimbursement to the local district. This waiver does not affect payment on the RF-7 claim. The county should use the principles embodied in Title 45 Chapter II, Part 212, Section 7 of the Code of Federal Rules and Regulations as the basis for a waiver request.

For purposes of this ADM, the reference to temporary assistance as quoted in the regulation below does not refer to the Temporary Assistance for Needy Families (TANF) program. It is intended to refer to the temporary assistance authorized to be provided as part of the USRP, which is provided to repatriated American citizens only, and related costs thereof. The district should use this reference in determining whether or not to recommend a waiver to the client's obligation to repay:

*“Sec. 212.7 Repayment to the United States*

- (a) An individual who has received temporary assistance shall be required to repay, in accordance with his ability, any or all of the cost of such assistance to the United States, except insofar as it is determined that:*
  - (1) The cost is not readily allocable to such individual;*
  - (2) The probable recovery would be uneconomical or otherwise impractical;*
  - (3) He does not have, and is not expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs;*  
*or*
  - (4) Recovery would be against equity and good conscience.*
- (b) In determining an individual's resources, any claim which he has against any individual, trust or estate, partnership, corporation, or government shall be considered, and assignment to the United States of such claims shall be taken in appropriate cases.*
- (c) A determination that an individual is not required to repay the cost of temporary assistance shall be final and binding, unless such determination was procured by fraud or misrepresentation of the individual or some other person, or the individual voluntarily offers to repay.*
- (d) A determination that an individual is required to repay any or all of the cost of temporary assistance may be reconsidered at any time prior to repayment of the required amount. A further determination shall be made with respect to his liability to repay the balance of such amount on the basis of new evidence as to whether (1) he has, or is expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs, or (2) recovery would be against equity and good conscience.*

*The local district will not become involved in any other aspect of the recovery or recoupment of the loan funds expended on behalf of the client under the USR Program. Except for address updates and the possible submission of a request that the client be exempted from the repayment obligations as appropriate. Note that the local district will be fully reimbursed for the cost of approved services and benefits to the repatriate, without regard to the ability of the repatriate to repay. “*

## **VI. Systems Implications**

State/federal charge **code “03: American Repatriate”** should be entered in WMS Screen 3 for each repatriated individual in the Temporary Assistance case. Special Claiming **Code “V: Other FP”** should be entered for each payment line in WMS screen 6 to indicate repatriate charges. Benefits Issuance Control System (BICS) identifies these charges by this code and lists them separately for claiming purposes. In addition, **"Anticipated Future Action (AFA) Code "317-End of State/Federal Charge"** should be entered along with an **AFA Date** to remind workers when the FP code that indicates federal charges no longer applies.

**VII. Effective Date**

August 24, 2006

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**Issued By:**

**Name:** Susan Faulkner

**Title:** Deputy Director

**Division/Office:** Housing, Refugee & Immigration Affairs



**George E. Pataki**  
*Governor*

**NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY  
ASSISTANCE  
40 NORTH PEARL STREET  
ALBANY, NY 12243-0001**

**Robert Doar**  
*Commissioner*

*[Month Day, Year]*

*[Xxxx Xxxxxxxx]*, Commissioner  
*[District Name]* County Department of Social Services  
*[Street Address]*  
*[Name of City]*, New York Zip-Code

Dear Commissioner *LastName*:

On *[Month DD, YYYY]*, we emailed you a referral of a repatriate desiring to be resettled into *[District Name]* County. This referral is being made pursuant to the Repatriate Program established by Public Law 87-64, and Section 1113 of title XI of the Social Security Act. The regulations are in Title 45, Chapter II, Part 212 of the Code of Federal Regulations. Additional guidance for program implementation may be found in the Public Assistance Source Book XXII-14, 1, 2, 3, and 4.

The Bureau of Refugee and Immigration Affairs (BRIA) is the designated state agency to act as the agent between the International Social Service (ISS) agency and local districts for the purpose of repatriating citizens back to New York State. ISS acts under cooperative agreements with the Department of State and HHS-Office of Refugee and Immigration Affairs.

*[Name of BRIA Staff]*, Repatriation Coordinator, also sent the same referral by email to *[other local district individuals and Titles as appropriate]*. All continuing contact on this case may be made with and through *[Name of BRIAStaff]* (###) ###-####, or by email at [NameofBRIAStaff@otda.state.ny.us](mailto:NameofBRIAStaff@otda.state.ny.us).

The subject being referred to you is *[Name of Repatriate]* who last resided here about *[##]* years ago. The emailed referral goes into more detail on *[Name of Repatriate]* situation.

*[Name of Repatriate]* is not yet scheduled to arrive. When that information is known, it will be relayed to your staff named above. It is likely that he will come with an escort due to his physical/medical condition.

Thank you for your attention in this matter.

Sincerely,

Thomas A. Hart  
Acting State Refugee Coordinator  
Acting Director,  
Bureau of Refugee and Immigration Affairs

Cc: Assistant Bureau Director  
BRIA Repatriation Coordinator