

#### **10A NCAC 710 .0104 ELIGIBILITY**

(a) For purposes of this Subchapter, 8 U.S.C. 1522, 45 CFR 400.5, 45 CFR 400.154, 45 CFR 400.155, and 45 CFR 400.156 are hereby incorporated by reference including any subsequent amendments and editions, and may be accessed at [www.gpo.gov](http://www.gpo.gov) or [www.congress.gov](http://www.congress.gov) at no charge.

(b) For purposes of assistance and services as set forth in 8 U.S.C. 1522, the individual:

- (1) must be a Refugee, admitted under INA 207;
- (2) Asylees, granted asylum under INA 208;
- (3) Cuban and Haitian Entrants, as defined under federal regulations (45 CFR 401.2);
- (4) Certain Amerasians; Trafficking Victims who have been issued an Office of Refugee Resettlement certification letter;
- (5) Special Immigrant Visa holders from Iraq and Afghanistan; or
- (6) Legal Permanent Residents (LPR) who were admitted originally as one of the previous statuses.

(c) The State Division of Social Services, through its State Refugee Office, is the State agency responsible for funding and the development of a State Plan for refugee assistance and services, pursuant to 45 CFR 400.5

(d) Refugee service providers may be public or private, not-for-profit agencies that provide direct services pursuant to 45 CFR 400.154 through 45 CFR 400.156. Eligibility for refugee assistance and services may be determined by county departments of social services, the State Division of Social Services, or by provider agencies from which the Division is purchasing services under a purchase agreement or contract which specifies the provider agency's responsibility for eligibility determination. The agency that determines eligibility shall be responsible for case management for refugee assistance and services and for meeting program requirements for reporting and case documentation.

(e) Refugee service providers shall:

- (1) Provide assistance and services that are defined and designated to facilitate self-support and self-sufficiency;
- (2) Provide assistance and services that are linguistically and culturally appropriate;
- (3) Assist refugees in obtaining the skills to achieve economic self-sufficiency, including job readiness, skills training, vocational education, job placement employment follow-up, and other employment services;
- (4) Provide training in English language instruction;
- (5) Provide social adjustment services such as case management, cultural orientation, health management, and support services such as interpretation, translation, and transportation; and
- (6) Offer assessment services and development of an individual employability plan as a component of employment services which may be provided without regard to family income to any unemployed refugee who is 16 years of age or older and who is not a full-time student in elementary school or secondary school.

(f) For purposes of determining eligibility, "family" is defined as one or more adults and children, if any, related by blood, or law, and residing in the same household. Emancipated minors and children living under the care of individuals not legally responsible for that care are considered one person families. Where adults reside together, each may be considered a separate family, or all adults, living in the same household may be considered as a family unit, whichever is more beneficial to refugees in determining their eligibility on the basis of family size and income; provided that spouses must be considered a family unit.

*History Note: Authority G.S. 143B-153; 8 U.S.C. 1522; 45 CFR 400.5; 45 CFR 400.154; 45 CFR 400.155; 45 CFR 400.156;  
Eff. March 22, 1980;  
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