



For Mary-Anne Chalila, in memoriam

Thank you for all your years of service to low-income persons throughout the state and for all your insights and assistance in all matters of General Assistance. Your knowledge, candor, wit and humor have benefited us all. You will be sorely missed.

A General Assistance Guide for Immigrants/Refugees and Limited-English Proficiency (LEP) Persons



Introduction

Maine’s historically homogeneous population is slowly changing. “New Mainers” moving to Maine include “Primary Resettlement Refugees” formerly from foreign countries and consequently new to the United States. Other “New Mainers” include “Secondary Migrant Refugees” from cities across the United States, including Columbus, Atlanta, and San Diego. In many cases, families are relocating to Maine in hopes of finding ample housing, securing employment and, most of all, in hopes of providing a safe, healthy environment for their children.

As a result of this new migration or immigration, the possibility of a non-English speaking person entering your municipal building to request assistance (e.g., General Assistance) is no longer improbable. If you believe that because we are in Maine your municipality is too isolated to receive clients from other national, cultural and racial backgrounds, think again...

- More than 13.3 million immigrants arrived in the US during the 1990s.
- Immigrants comprise 11 percent of the country’s household population.
- Nearly 1/5 of America’s school age children speak a language other than English at home.
- And, that home is likely to be in states outside those traditionally settled in by immigrants.
- Census 2000 shows 36,689 immigrants in Maine, yet other estimates range from 45,000 to 65,000.

If you have any doubts that Maine is starting to receive “New Mainers,” just ask the Cities of Lewiston and Portland. In the last four years, Lewiston has seen the arrival of 443 families or

1,054 individual “New Mainers” and the City of Portland has seen the arrival of 1,255 individuals in the last four years or 336 families. Because “New Mainers” will begin to settle into communities surrounding Lewiston and Portland and further north into the state, municipalities need to be prepared to service these new populations.

Because the worst time to start to act is when you are first confronted with a non-English speaking client, this supplementary GA guide has been devised to assist municipalities in their preparations. For example, municipalities should not wait until a “New Mainer” walks in the door before setting up the free telephone language interpreter service known as the “Language Line[®].” In addition, there are a few other simple steps municipalities should currently be taking to prepare themselves for limited or non-English speaking clients. Moreover, municipal officials/officers must brief themselves on the legal requirements surrounding the servicing of these clients. The following information has been developed in order to assist municipalities in providing services to immigrant/refugee and/or Limited-English Proficiency (LEP) persons. We hope that you will find the material gathered on these pages helpful.

What Should Your Municipality be Doing?

According to the Office of Civil Rights, in order to comply with the general requirements of Civil Rights Laws (Title VI specifically and/or the Maine Human Rights Act), the following “minimally acceptable” procedures should be adopted by public agencies:

- Adoption and distribution of a clear written policy and procedure on servicing LEP clients (*See MMA’s website at www.memun.org for sample policies or contact the Cities of Lewiston or Portland*).
- Effectively using bilingual staff, in-house or contracted interpreters (*See Appendix B for guidance*).
- Having a back-up system, such as a telephone Language Line[®] (Note: this is what most municipalities in Maine should do to comply with interpreter requirements noted above.)
- Municipality should have a harassment policy in place, which includes protection from harassment motivated by race, ethnicity, religion, etc. (*See MMA’s website at www.memun.org for sample policies*).
- Ongoing needs assessment to include identification of LEP clients, beneficiaries, collection of race/ethnic/primary language data/analysis.
- Visible demonstration of commitment and welcome, via the use of signs, translation of key publications, forms, etc.
- Staff training in multicultural, diversity, etc.

Bare Minimums for Municipalities in Maine

- Assess the potential for contact with a LEP client and set up appropriate procedures.
- Have multilingual signs up. A downloadable sign can be accessed at: http://www.memun.org/resources/members/PDF_Data/GA/free_interpret.pdf or, call MMA for more information on obtaining signs.
- Sign up for the “Language Line[®]” telephone interpreter service.

- Have a written policy/memo explaining the use of a telephone interpretative service and disburse it throughout the municipal staff.
- Never turn people away because they look different, sound different or cannot speak English!

Most Important Pitfalls to Avoid

- Turning clients away because of language barriers.
- Telling clients to bring their own interpreters (e.g., family member, minor child).
- Using bilingual persons who do not have competency in the subject area.
- Using bilingual persons who are insensitive to risks posed by inadequate/inaccurate communication.
- Disregard for confidentiality.
- Disregard in obtaining necessary “informed consent”.
- Reactive, Ad Hoc, Crisis Driven Management – not being pro-active.
- Charging the client the cost of implementing or using any service (i.e., interpreters).

Language Line[®] Service

The Language Line[®] service provides interpreter services over the telephone for communicating with non-English speaking persons. There is no initial fee to opening a LLS account. As a result, all municipalities are encouraged to open an account. LLS is available 7 days a week, 24-hours a day. There are approximately 140 available languages. There is no need to reserve the service ahead of time and in most cases within moments an interpreter will be available.

Because opening an individual Language Line[®] service account is free, we encourage towns to be proactive and open their own account. Because it may take between 24 to 48 hours to open an account, it is best to be prepared with the service. With a LLS account, bills for interpretative services are at one-minute increments currently billed at approximately **\$1.95 per minute**¹. Without an established account, however, rates are as high as **\$7.50 per minute!** As a result, all municipalities are strongly encouraged to take advantage of discounted rates by signing up for LLS.

For more information on the actual service, visit: <http://www.languageline.com> or call 1-877-886-3885. You can also preview a sample-recorded demonstration by calling 1-800-821-0301.

Applying the GA Rules

Generally speaking, all GA rules that apply to Maine’s traditional residents will apply to “New Mainers”. It is very important to treat all applicants similarly and to apply the rules of the program consistently. That having been said, there are a few nuances when dealing with immigrants that are worth mentioning:

¹ Rates are subject to change.

- **All applicants** regardless of race, nationality, accents, etc. require identification (e.g., Social Security numbers). In the event an applicant does not have a Social Security number or does not bring it with them, providing first time applicants with sufficient GA assistance to meet an immediate GA need would be appropriate. However, such first time applicants are required to bring in their Social Security numbers by the next time they apply or at least show proof that they have applied. Individuals claiming they do not have a Social Security number because of immigration status may provide the municipality with valid immigration documents as an alternate form of identification. Please keep in mind that if an adult is found ineligible for GA, dependants may still be eligible.
- According to Social Security Act regulations, social security numbers should not be used to report immigrants to United States Customs and Immigration Services (USCIS). In addition, under immigration laws, municipalities are not mandated to report citizenship or immigration status issues to USCIS.
- Lack of a social security number or work authorization due to immigration status and the subsequent inability to obtain work, should not be treated as a failure to comply with the GA work requirement. Not being able to obtain work authorization is considered “just cause” for not being able to fulfill the work requirement, but the administrator may require that the applicant enroll in language classes, adult education and even perform workfare, etc.

Immigration & Nationality Issues

In 1996 the federal welfare reform law was passed—The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (AKA PRWORA). Generally, PRWORA had the effect of significantly limiting federal means tested benefits to legal immigrants who had not become U.S. citizens in addition to limiting their access to state and local government benefit programs. In a nutshell, PRWORA classified immigrants as either “qualified” or “unqualified” and used the “unqualified” classification to limit immigrant assistance from many non-federal programs. Under PRWORA, qualified immigrants include lawful permanent residents, refugees and other groups admitted for humanitarian reasons, and certain battered spouses and children. Unqualified immigrants include certain lawfully present immigrants in addition to illegal immigrants. PRWORA’s classifications turned many immigrants with permission to remain in the United States but without legal permanent resident status into “unqualified” immigrants.

As a result of certain PRWORA provisions and the lack of clear federal guidance on point, ambiguity exists as to the significance of “unqualified” immigrant status for purposes of GA programs. Maine’s GA statute actually provides that “**all**” individuals wishing to apply for GA may do so (22 M.R.S.A. § 4305). There are **no resident or immigration criteria** imposed on applicants. Additionally, our state law prohibits the imposition of durational residency criteria (22 M.R.S.A. § 4307 (3)). Due to this uneasy tension between federal and state law, until the time that clear federal regulations are passed and/or Maine’s statute is changed to impose the kinds of limitations proposed by the federal law, allowing all persons to apply for GA and **forgoing immigration status inquiries appears to be the most prudent course of action.** Furthermore, it is important to note that federal guidance makes it clear that **municipalities are not required to verify the citizenship, nationality, or immigration status of applicants seeking benefits.** Because of the complexity and liability surrounding immigration status questions, municipalities are well advised to contact their town’s attorney or MMA if they are considering taking on such inquiries.

Side Note: If a municipality decides to inquire into immigrant status, strict adherence to Department of Justice (DOJ) regulations and procedures will be required. Moreover, such municipalities will also have to pay close attention to various state and federal civil rights laws. The Department of Justice has issued proposed regulations on how to conduct such immigration status verification—"Verification of Eligibility for Public Benefits," 63 Fed. Reg. 41662 (Aug. 4, 1998). Also see, Systematic Alien Verification for Entitlements (SAVE) Program and <http://uscis.gov/graphics/services/save.htm#one>.

Important Immigration Terms

Refugees/Primary Resettlement

A refugee is a person who has been accepted while abroad to come to the United States because the U.S. government believes he or she has either already been persecuted or faces a well-founded fear of persecution in her/his own country due to race, religion, nationality, political opinion, or membership in a particular social group. Refugees are eligible to work in the U.S. upon arrival, and do not need to apply for a work permit, employment authorization document (EAD) from U.S. Citizenship and Immigration Services (USCIS). Refugees may apply to become permanent residents after one year in the U.S. and are eligible to apply for U.S. citizenship after five years. Refugees are eligible for most federal public assistance programs during their first seven years in the U.S., as well as, for special “refugee resettlement” assistance benefits during their initial year here.

Secondary Migrants Refugee / Unanticipated Arrivals

A person who entered the United States as a refugee was resettled in one state and decides to move to another state (for instance, Maine). Depending upon the arrival date in the U.S., some Secondary Migrant Refugees may still qualify for “refugee resettlement” services and/or funds, as well as for most federal public benefits. They are entitled to work in the U.S. and do not need to apply for an EAD from USCIS.

Asylees

An asylee is a non-citizen who, while already in the United States, convinces the U.S. government that she or he meets the definition of refugee described above, and is therefore granted asylum. Spouses and minor, unmarried children of asylees who are not in the U.S. can get permission to enter the U.S. as asylees to join the “principal” asylee, once the principal asylee has been granted asylum.

Once approved for asylum, asylees, like refugees, are able to work in the U.S. without restrictions and do not need an EAD. Asylees are also eligible for the same “refugee resettlement” benefits and federal public benefits as refugees, and are eligible to file for permanent residency after one year as asylees in the U.S. However, it currently takes years for asylees to actually be approved for their permanent residency since only 10,000 asylees may adjust to permanent resident status each year. An asylee applying for residency in 2004 will not actually gain permanent residency until approximately 2018 due to the annual limit, and would simply continue to be an asylee while waiting for residency. Asylum seekers, those with pending applications, are allowed to obtain an EAD in order to work if a decision has not been made in their asylum case more than 180 days after the application was filed.

Parolees

Parolees are persons who would not normally be admissible but are allowed to enter the U.S. for humanitarian, medical, and legal reasons. Parolees, in most cases, are eligible for the same federal public benefits programs as refugees and asylees, but are not eligible for “refugee resettlement” benefits. Most parolees will be able to eventually apply for permanent resident status, under various federal laws, but some may have to wait years to be eligible to apply. Most parolees are eligible to apply for an EAD in order to work legally, but each case needs to be considered independently.

Withholding of Removal/Deportation

A person granted withholding of removal or withholding of deportation has convinced an immigration judge, or the Board of Immigration Appeals, or a Federal Circuit Court of Appeals that she or he is likely to be persecuted based on her/his race, religion, nationality, political opinion or membership in a particular social group, if returned to her/his home country. Most people who have withholding of removal would have been granted asylum but were procedurally ineligible to apply for asylum, for example, because they missed the deadline to file for asylum within one year after arriving in the U.S. People granted “withholding” are entitled for the same federal public benefits as refugees and asylees, but are not eligible for “refugee resettlement” benefits. They are also entitled to an EAD once granted withholding, but in some cases may not be eligible for an EAD while their case is pending. Persons granted withholding are not entitled to apply for permanent residency, but may live here until the U.S. government believes conditions in their country have changed so dramatically that it would be safe for them to return.

Permanent Residents

Permanent residents are “green card” holders and have been admitted to the U.S. to live permanently and legally here. They are sometimes called “legal immigrants”. They are entitled to work in the U.S. and do not need to apply for an EAD from USCIS. There are dozens of discrete laws through which persons can gain permanent residency, but the majority immigrate to the U.S. on the basis of being a member of the immediate family of a U.S. citizen or permanent resident, or through refugee and asylee status, or through employment, usually skilled or professional employment. Whether or not a permanent resident is eligible for federal public benefits is very case specific and cannot be generalized.

Migrant Workers

Migrant workers move to different geographical regions on a seasonal basis according to job availability. Maine’s migrant and seasonal farm workers are primarily employed on a part-time basis in field work related to the planting, harvest and production of blueberries, apples, and broccoli, as well as work with pine trees, seafood processing, and wreath production. Migrant workers have many immigration statuses from permanent residency to temporary work visas specifically to do agricultural work to undocumented.

Temporary Statuses

There are many forms of temporary immigration statuses, ranging from persons on temporary “nonimmigrant” visas such as students, tourists, and temporary workers to those granted permission to remain on a year-to-year basis in the U.S. in “Temporary Protected Status” (TPS) due to natural catastrophes or civil strife that occurred or escalated in their home countries when they were already here in the U.S. Persons with temporary status may or may not be eligible for an EAD to work in the U.S. legally; this is very much case by case. Persons in temporary statuses are not eligible for most federal public benefits programs, with the exception of emergency benefits and programs such as WIC, school lunch programs, etc. Many persons with temporary statuses may eventually be able to become permanent residents, depending upon their facts.

Undocumented Immigrant

Sometimes referred to as an illegal alien, this is someone who enters or stays in the U.S. without official authorization. Undocumented immigrants cannot obtain an EAD from USCIS.

INFORMATION ABOUT REFUGEE & SECONDARY MIGRANTS IN MAINE

Refugees are forced to leave their country of origin because of threat of death, bodily harm, economic ruin, and/or social isolation.

- Most refugees would rather remain in their homeland.
- Most refugees have been exposed to extreme violence, starvation/malnutrition, torture and/or imprisonment.
- Most refugees have spent prolonged periods in refugee camps in a third country while awaiting resettlement.
- Refugees may be given a choice of resettlement in two or three countries, but may not be given their first choice, nor can they decide where to live within that country with the exception of family reunification cases which will be resettled where their relative live.

An Explanation of the United States Refugee Resettlement Program United States Refugee Resettlement Program

Reception and Placement, United States Department of State, Bureau of Population, Refugees and Migration (PRM)

The Primary Resettlement Agency for the State of Maine is Catholic Charities Maine. Catholic Charities Maine, located in Portland and Lewiston, is a Refugee Resettlement Program funded primarily by the U.S. Federal government. U.S. State Department funds go to United States Catholic Conference of Bishops who then contracts with Catholic Charities Maine Refugee and Immigration Services (RIS) to provide the initial Reception and Placement direct services for all Primary Resettlement Refugees.

- According to the State Department, for the initial “Reception and Placement” period of 30 days, the Department of State, Bureau of Population, Refugees, and Migration provides per capita amounts of \$760.00 per refugee. This actually results in each refugee receiving \$400.00 direct cash assistance. This money is intended to fund the basic needs such as housing and food for the first thirty days.

After the first thirty days, each refugee is entitled to **one** of the two following programs:

Note: Referrals to Catholic Charities Maine must be made within the first thirty days of the refugee’s arrival into the U.S. and/or the granting of asylum.

1. **Refugee Cash Assistance** (RCA) is available for the first eight months after arrival or granting of asylum; it is administered through the Maine Department of Health and Human Services. * If the refugee/asylee applies for RCA two months after arriving in the U.S. or after being granted asylum, the refugee/asylee is only eligible for RCA for a six-month period. RCA amounts are equivalent to TANF amounts and are also based on income eligibility. Each refugee/and or newly granted asylee is also eligible for Refugee Medical Assistance (RMA) and Food Stamps.

Note* If the refugee/or newly granted asylees is eligible for TANF, they will automatically be registered for TANF rather than RCA.

Note: Referrals to Catholic Charities Maine for the Match Grant program must be made within the first thirty days of the refugee's arrival into the U.S. and/or the granting of asylum.

2. **Match Grant.** If a refugee/or newly granted asylee is deemed employment ready and are within their first thirty days in the U.S., they may be eligible for a federal self-sufficiency program administered by Catholic Charities Maine. This program is called the Match Grant program and encourages self-sufficiency through financial and intensive case management services. To comply, the Match enrollee must be employed by the 120th day after arrival or granting of asylum. The amount of financial assistance is granted on an individual case basis. Generally, each adult will receive \$50.00 per week "spending" money and his or her rent will be paid through this funding for up to one month after employment is secured. Catholic Charities will also fund work related supplies such as boots, tools, etc.

Note: Regardless of which funding a refugee or newly granted asylee is receiving money from, their case will remain open for full case management services for up to five years with Catholic Charities Maine Refugee and Immigration Services.

Note: There may be instances whereby a client receiving RCA or Match monies may still meet General Assistance Guidelines (especially in cities with high rents).

Reception and Placement core services/case management services include:

- Meeting refugees at the airport
- Providing safe and sanitary housing with essential furnishings
- Providing adequate food or food vouchers
- Providing essential and appropriate clothing (boots, winter coats, hats, mittens, etc.)
- Registering children in school
- Registering adults in English classes
- Arranging medical and mental health services
- Employment assistance
- Orientation to health, human services, employment, housing, transportation, laws, etc.
- Reunification assistance with family reunification and paperwork

Note: Always ask your client if they are planning to or are already working on the reunification process with family members. If the answer is yes, immediately refer them to Catholic Charities, as this could be the difference between spending federal dollars versus municipal and state dollars.

To Contact Catholic Charities Maine (RIS) call:

**(207) 871-7437 or fax: 871-7465 in Portland or
(207) 344-6615, 344-6616 or fax: 344-6617 in Lewiston.**

Office of Refugee Resettlement, State of Maine, DHH, Secondary Migrant Refugee Services

There are two agencies in the State of Maine contracted to administer Social Services to Secondary Migrant Refugees and/or Asylees:

- Catholic Charities Maine Refugee & Immigration Services
- City of Portland Health & Human Services Department, Social Services Division

Secondary Migrant and Asylee Social Services

Both Catholic Charities Maine and the City of Portland, Health & Human Services Department, Social Services Division offer Social Service Case Management, Employment Counseling & Job Development Case Management and Cultural Skills Training/Orientation services to secondary migrants and asylees.

Note: Secondary Migrant: a refugee/immigrant that left the state in which he was originally resettled and moved on his own to another state. *Even if a newly arrived refugee has only been in the country for one week and left the state where he was resettled and came to Maine, he is still a secondary migrant. Unless a case is transferred on a national level through Catholic Charities Maine, the case is still considered secondary migration.

Training presented by Catholic Charities Maine and/or the City of Portland is offered both on an individual and group level includes Cultural Refugee Welcome Orientations, Life Skills Workshops and Community Education.

The Recipient Community Workshops are available upon request from any community, employer, organization or agency working with refugees. The Cultural Skills Trainer works with the agency to custom-design a workshop that will best meet the needs of the audience.

To request more information or schedule a workshop for your community contact:

**Catholic Charities Maine and/or City of Portland, Health & Human Services Department,
Social Services Division 775-7915, ext. 274**

**Catholic Charities Maine: (207) 871-7437, fax: 871-7465 in Portland or
(207) 344-6615, 344-6616, fax: 344-6617 in Lewiston.**

For current information about resources and agencies serving refugee and immigrant communities in Maine, contact:

**State of Maine, Department of Health and Human Services,
Office of Deaf and Multicultural Diversity
<http://www.maine.gov/bds/opd/multicultural/index.html>**

See also:

“Multicultural Resources: A Guide to Specialized Services for Those Serving People with Limited English Proficiency and Ethnic and Other Minorities”

DHHS RESOURCES

The Department of Health and Human Services (DHHS) administers a number of eligibility programs that immigrant/refugee General Assistance applicants may be eligible to receive. **All federally funded programs administered by DHHS require the applicant to declare in writing their citizenship or alien status.** Each person who is not a U.S. citizen will need to provide documentation, which proves his or her immigration status. If documentation is not presented at time of application, the applicant is given an opportunity to provide the documentation. Any General Assistance applicant who is required to apply for any of the programs administered by the Department should be encouraged to bring all documentation with them when they apply. The Eligibility Specialists at the Department will follow the individual guidelines of each program to determine eligibility.

Each applicant that applies for any of the programs administered by the Department is required to provide a Social Security number. If the applicant does not have a Social Security number they must apply for one in order to be eligible for assistance.

The following is a list of some of the programs administered by the Department for which immigrant/refugees might be eligible. The main eligibility requirements for the programs are the same as for anyone else except for the Refugee Cash Assistance program.

- **TANF (Temporary Assistance for Needy Families)**
- **PaS (Parents as Scholars)**
- **Alternative Aid Assistance**
- **Emergency Assistance**
- **Food Stamps**
- **MaineCare**

- **RCA (Refugee Cash Assistance)** provides assistance to all persons defined as “refugees” by the Bureau of Citizenship and Immigration Services. This group does not have to meet all the requirements of the TANF program. They may be eligible on the basis of financial need without regard to family composition or deprivation. Single adults, intact families, childless couples, and a child without parents may be eligible.

Eligibility is limited to a consecutive 8-month period beginning with the month of entry in the United States for refugees, Cuban and Haitian entrants and qualifying Amerasians from Vietnam. Eligibility for asylees begins with the date that asylum is granted. The time limit is applied to the individual not the entire unit. After the 8-month period, families with children can apply for TANF. They must meet all of the TANF eligibility requirements.

DHHS Regional Offices

Regional Office	Address1	Address2	Phone	800 Number	TDD/TTY
Portland Regional Office	161 Marginal Way	Portland, ME 04101	822-2071	1-800-482-7520	822-2293
Sanford District Office	890 Main Street, Suite #208	Sanford, ME 04073	490-5418	1-800-482-0790	490-5466
Biddeford District Office	208 Graham Street	Biddeford, ME 04005	286-2430	1-800-322-1919	286-2402
Lewiston Regional Office	200 Main Street	Lewiston, ME 04240	795-4394	1-800-482-7517	795-4595
South Paris District Office	243 Main Street, Suite 6	South Paris, ME 04281	744-1250	1-888-593-9775	744-8439
Farmington District Office	114 Corn Shop Lane	Farmington, ME 04938	778-8400	1-800-442-6382	778-8439
Augusta Regional Office	35 Anthony Avenue, 11SHS	Augusta, ME 04333	624-8090	1-800-452-1926	624-8004
Rockland District Office	360 County Road	Rockland, ME 04841	596-4217	1-800-432-7802	596-4201
Skowhegan District Office	98 North Avenue, Suite10	Skowhegan, ME 04976	474-4848	1-800-452-4602	474-4891
Bangor Regional Office	396 Griffin Road	Bangor, ME 04401	561-4333	1-800-432-7825	561-4403
Ellsworth District Office	17 Eastward Lane	Skowhegan, ME 04605	667-1656	1-800-432-7823	667-1639
Machias District Office	13 Prescott Drive	Machias, ME 04654	255-2027	1-800-432-7846	255-6866
Calais District Office	392 South Street	Calais, ME 04619	454-9020	1-800-622-1400	454-3415
Houlton Regional Office	11 High Street	Houlton, ME 04730	532-5085	1-800-432-7338	532-5001
Caribou District Office	14 Access Highway	Caribou, ME 04736	493-4050	1-800-432-7366	493-4034
Fort Kent District Office	137 Market Street	Fort Kent, ME 04743	834-7770	1-800-432-7340	834-7702

Other Resources

Check MMA’s web site at <http://www.memun.org/membersGA/need/need.htm> for various “Links to Programs for Persons in Need” including:

- Military Assistance
- Health/Dental Issues
- Child Care
- Women’s Health
- Housing Programs
- Food Pantries and Soup Kitchens
- Programs for the Mentally Ill
- Programs for Older Citizens
- Property Tax Programs
- Heating and Utility Assistance
- Transportation - Maine Transit Links (bus, rail, ferry)
- Burials, Cremations
- Legal Help/Resources

Also the publication “Migrant & Seasonal Farmworker Resources Directory” by Maine DOL (see: <http://www.state.me.us/labor/bls/MISdirectory01.pdf>) is an excellent overall guide to all resources available for this population and immigrants in general.

For social services in Cumberland County and Southern Maine, “Resource Link” found at <http://www.ingraham.info/resourcemain.asp> (Tel. # 874-1055) is a searchable database of community resources containing information on more than 1,500 resources. This is not a free resource but a free 30-day trial period is offered.

Questions & Answers

1. Why does my town have to serve people who aren't from Maine and, for that matter, are not U.S. citizens?

The answer to this question is based both on state and federal law. First, Maine GA statutes (22 M.R.S.A. § 4305) provide that “all individuals wishing to make application for relief shall have the opportunity to do so.”(emphasize added). One of the fundamental precepts of Maine’s GA program has been that *GA is available to anyone in the state at any particular time as long as he or she meets the eligibility criteria*. There exists no citizenship or residency criteria in order to be eligible for GA.

Second, the Civil Rights Act of 1964 (Title VI) states in part, “no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” These protections require that state and local government “programs or activities” receiving funds from the federal government, although financial assistance is not the only kind of assistance that applies, must provide services in a “non-discriminatory” manner. In the event no Federal monies/assistance are involved with the service or program being offered by the municipality (e.g., General Assistance) which is generally all State and municipally funded, **Title VI may not apply**

Note: The determination of whether Title VI applies is very fact specific and as a result, municipalities must be cautious when evaluating Title VI’s applicability. Consult your town’s attorney or call MMA for assistance.

However, even if Title VI does not apply, the **Maine Human Rights Act (MHRA) would apply**, and the MHRA contains similar **non-discrimination** requirements. The general requirements of both these laws, Title VI and MHRA, can be summarized as follows: Public entities cannot deny an individual services or benefits because of race, color, or national origin. As a result, all persons, including persons not from Maine and those who are not U.S. citizens must be provided the opportunity to apply and must be assisted if found eligible.

2. Other than allowing all persons the opportunity to apply for GA, is there something else we should be doing?

In addition to allowing all persons the opportunity to apply for GA, it is important to understand that the exclusion, denial or discrimination prohibited by the laws described in Question 1 can also occur when the delivery or application process for services (e.g., General Assistance (GA)) available to persons of foreign origin or to Limited-English Proficiency clients is discriminatory. Incidentally, the discrimination prohibited by Title VI does not have to be intentional. It can be unintentional (i.e., a neutral procedure or practice that has a disparate, or unequal impact on individuals). An example of a discriminatory application process would be one where non-English speaking clients cannot apply because of the language barrier. In such an instance, the municipality might have to obtain a translator or telephone Language Line[®] services in order to make the application process accessible to non-English speaking clients.

What your specific municipality should be doing in order to prepare for “New Mainers” will depend on local circumstances and more specifically the number of LEP clients the municipality can anticipate. Each municipality will have to assess its population and the potential for having to service a LEP individual. Not all municipalities will have to react like Portland and Lewiston. However, all municipalities should at the very least examine their circumstances and be prepared to follow the steps outlined in this guide.

3. I know the people who live in my town and I know where they come from. Why can't I just ask the people that I know are foreigners for proof they are here legally?

Verification of immigration status is a very complicated and liability prone practice. If a municipality decides to inquire into immigrant status in order to determine what applicants are “qualified” under the federal immigration laws, strict adherence to Department of Justice (DOJ) regulations and procedures will be required (see Systematic Alien Verification for Entitlements (SAVE) Program: <http://uscis.gov/graphics/services/save.htm#one>.) Remember though, that under Maine GA law, such inquiries into immigration status are not required and furthermore GA law allows anyone to apply.

Moreover, municipalities that choose to inquire into immigration status must pay close attention to various state and federal civil rights laws at issue. Misunderstanding the federal immigration reporting requirements can lead to violations of federal and state civil rights law. For example, under federal law, only individuals that are “known” to be illegally residing in the United States are considered illegal. An individual’s statement, to a case worker or GA administrator that the individual is an illegal immigrant, is not considered “knowing” that the individual is living in the country unlawfully. This information does not meet the federal definition of “known to be unlawfully present.” As a result, reporting the uncorroborated information to the USCIS (formerly INS)² could constitute a violation of Title VI’s national origin prohibition since a final deportation order or similar federal agency finding does not support such a finding.

It is quite beyond the scope of this writing to review SAVE regulations. Suffice it to say that any municipality embarking on such an endeavor will be taking on significant liability and administrative burden. Municipalities considering instituting any verification practice are strongly encouraged to call their municipal attorney or MMA prior to engaging in such a process.

4. How does the GA process work for the immigrant/refugee applicants?

The GA process works the same for immigrant/refugee populations as all other applicants. All of the GA rules that apply to Maine residents and individuals moving to Maine from other states would apply to immigrants and refugees. However, it is important to make sure that you are able to communicate with non-English speaking applicants and as a result, you may need to access the Language Line[®] service or have an interpreter available. You may also need to develop a new resource list of available resources and or requirements for future

² USCIS—United States Citizenship and Immigration Service formerly called the INS—Immigration and Naturalization Service.

eligibility. Possible resources include Adult Education Classes, English as a Second Language and or Cultural Skills Orientation through Catholic Charities Maine (Refer to the resource directory found below).

5. What do I do if I don't understand the applicant?

The easiest way to initially communicate with a limited or Non-English speaking person is to have the language poster and Language Line[®] in place prior to that first encounter. You may also use “touch cards” as found in Appendix D. The following statements should appear on language posters, which should, by the way, include various languages. “Point to your language. An interpreter will be provided at no cost.” Posters used should have instructions in the various languages and should also display the flags of the various countries because many clients are illiterate in their native language.

Example:



Once you have determined the person’s language you can either use an interpreter, if you have an in-house person who can speak that particular language, or you can access the telephone Language Line[®]. If you use the Language Line[®], determine what the person is requesting, if it is not an emergency, arrange for an interpreter and schedule an appointment with the person as soon as possible. If it is an emergency, continue to use the Language Line[®] until eligibility is determined and the immediate emergency is taken care of. You can then arrange for an interpreter for a follow-up appointment.

Just a reminder on confidentiality: Interpreters should be told of their legal obligation to keep all GA related information confidential. They may also be made to sign a statement reiterating this obligation. Any such statement should read something like the following:

All interpreters shall respect all confidences received in the course of interpretation. All information gained by the interpreter in the course of his or her professional duties shall remain strictly confidential. This information shall not be communicated, published or in any way divulged to any organization or person other than the municipality’s designated GA administrator or person engaging the services of the interpreter.

6. Is there an easy way to get an interpreter?

You can arrange for an interpreter through Catholic Charities or one of the many other services. Keep in mind that getting the services may take several days and as a result, the use of Language Line[®] may be necessary. (See Appendix C for a partial list of interpreters in Maine.)

7. Whose responsibility is it to get the interpreter?

It is the responsibility of the agency or municipality to provide an interpreter or interpreter service at no cost to the person. However, a limited or Non-English speaking person may bring his or her own interpreter. It is your responsibility to determine if this person is appropriate (i.e., not a child without the ability to understand and relay the information, etc.). If the person chooses to use the interpreter they came with, make sure you document this fact. It is best that the client(s) signs an interpretation request/release form. (See Appendix A for a sample). If available, and if the client agrees, you may use qualified in-house staff or an outside-qualified interpreter. It is important to keep in mind that there may be issues surrounding gender (i.e., a male interpreting personal matters for a female and vice versa).

Additionally, as previously mentioned, a very convenient approach is the use of the Language Line[®] service. (See page 4 for more information).

8. If an applicant who does not speak English has a child who does, is it acceptable to allow the child to interpret for the parent?

Unless absolutely necessary, a child should not be used as an interpreter for the family. Usually a parent does not want to have a child privy to the personal matters of the family, and this is especially true of the Somali population and other ethnic groups. A child could be used to interpret in a true emergency, but arrangements should then be made for an interpreter or use the Language Line[®] to follow-up.

9. I understand that we use the Language Line[®] to help us interpret the necessary information for the application process but how can I give a written decision to the applicants which they will be able to understand?

According to Title VI, as part of its overall language assistance program, a recipient of federal monies must develop and implement a plan to provide written materials in languages other than English where a **significant number or percentage** of the population eligible to be served or likely to be directly affected by the program, needs services or information in a language other than English to communicate effectively. The Cities of Portland and Lewiston have met this threshold but other small municipalities where few non-English speaking persons apply for GA, might not have to have all (or any) of their forms translated. The need for translation of forms will have to be addressed on a municipality-by-municipality basis. Generally fewer than 100 persons in a language group eligible to be served, does not create the need of written translated materials. However, communications in a language they understand (i.e., through the use of translators or Language Line[®] services) will be required.

10. Can immigrants be required to participate in the municipal workfare program?

Yes, an immigrant may be required to participate in most parts of the municipal workfare program. They may be required to do work for the municipality or non-profit organization, etc. As with all GA clients, the municipality should investigate the “appropriateness” of any workplace assignment. They may also be required to participate in English or other classes that will help them become employment ready. Once they obtain the necessary documentation or work authorization, they can be required to do a work search just like any other General Assistance recipient.

11. One applicant told me that he wouldn’t allow his wife to work because his culture doesn’t allow it. Does that mean that I can’t require her to perform workfare or seek employment?

No, all General Assistance program rules apply equally to all applicants. Immigrants should be treated in the same way as any other applicant. If you have a municipal workfare program, members of an immigrant household regardless of gender should be expected to meet their obligation in the same manner as any member of any other General Assistance household. Such assignment must be in compliance with § 4316-A of the State General Assistance Statute.

12. I know one of the eligibility requirements for GA is the work requirement. What if the applicant tells me they cannot work because of their immigration status? Should I deny them GA?

Lack of a “work authorization” or the lack of a social security number due to immigration status and the subsequent inability to obtain work should not be treated as a failure to comply with the GA work requirement. Not being able to obtain work authorization is considered “just cause” for not being able to fulfill the work requirement (see 22 M.R.S.A. § 4316-A (5)(I)). However, in such cases the GA administrator may require that the applicant enroll in language classes, adult education and even perform workfare, etc. In addition, all other GA eligibility rules would apply.

13. How can I find out if there are any monies available to the applicant from other refugee programs?

Contact Catholic Charities (CC) Maine at Tel. # 1-800-781-8550 or www.ccmaine.org.

Catholic Charities Maine is the statewide private nonprofit organization contracted by the State to provide Refugee Services. An individual may be eligible for some type of assistance if they have been in the country for five years or less based on their entry date into the U.S.

14. Is there still a program through DHHS (TANF) where refugee/immigrants can receive benefits?

Yes. Depending on a person’s length of stay, he or she may qualify for Refugee Cash Assistance, TANF and/or other monies through the national refugee resettlement program. As with all applicants, it is important to explore whether any other available resources exist to assist the applicant. GA is always a program of last resort. Contacting the Department of Health and Human Services (DHHS) directly to request whether other resources are available is always recommended.

15. Are there programs such as TANF, Food Stamps, and MaineCare that immigrants can apply for? What about Supplemental Security Income (SSI)?

The Department of Health and Human Services administers a number of eligibility programs that anyone can apply for. All of the programs require that the applicant declare in writing his or her citizenship or alien status. Non-U.S. citizens will need to provide documentation, which proves his or her immigration status. If documentation is not presented at the application, the applicant is given an opportunity to provide the necessary documentation. Eligibility specialists at the Department will follow the guidelines of each program to determine eligibility. Sometimes members of the same household may have different eligibility based on their individual status.

The Social Security Administration administers the Supplemental Security Income (SSI) Program. In order to receive SSI a person needs to be low-income and have a disability that prevents the person from working for at least a year. As with other programs, all applicants need to declare their citizenship or alien status in writing. If the applicant is not a U.S. citizen, documentation is needed to prove immigrant status. The Social Security administrator will determine eligibility based on their guidelines. The length of eligibility might be limited based on the status of the immigrant.

The best thing to do if you have an applicant who is an immigrant or any first time GA applicant for that matter is to require the applicant to contact the nearest Department of Health and Human Services office and apply for all programs for which the applicant might be eligible. If the applicant states that there is a disability that stops him or her from working, the applicant should be required to apply at the nearest Social Security Office for SSI. Also, remember to have the applicant complete an SSI Interim Assistance Reimbursement authorization form. This form assures that the municipality will be directly reimbursed for GA assistance provided to the applicant while he or she awaited SSI.

16. Our standard procedure for applicants seeking housing is to explain to them that they are responsible for locating a rent that falls within the maximums. Do I adhere to this policy for refugees/immigrants or am I required to locate a motel and exceed the maximums for them especially since their household unit is so large? What if there are no apartments available large enough?

Standard procedures for locating housing should be used for refugees/immigrants as used for all other applicants. However, as with other applicants, there are times when circumstances require innovative or exceptional procedures. If the timing of the application and the obvious immediate need for housing indicate an emergency presently exists which is threatening the health and safety of the applicant(s), it may be necessary to provide a motel accommodation on a very temporary basis with directions to the applicants that they locate permanent housing within a stated time limit. A very large family can be difficult to house in any circumstance. Most communities have few 3-bedroom apartments and seldom more than three. Some communities have found it necessary to authorize two adjoining apartments to accommodate a very large family.

Note: the housing maximum tables furnished by MMA provide figures for up to four bedrooms and you will need to check with MMA and or DHHS for the correct adjustment to be made for larger units.

When exceptions to standard procedures have to be made, the assistance granted should be for short time periods with ongoing effort required of the applicant to find housing that does meet the standards. The GA Administrator may want to assist in the process by furnishing classified advertisements, landlord listings, etc. in addition to requiring the applicant(s) apply for subsidized housing, etc.

Sample Interpretation Request & Release Form

City of Portland
Social Services Division

Date: _____

Consumer's Name: _____ Case #: _____

Did consumer accept or refuse the offer of the services for an Official Interpreter provided by the Social Services Division? _____ Accepted _____ Refused _____

If accepted, indicate the service with an "X" and record the appropriate information:

* RRP Interpret: _____ Interpreter's Name: _____

* AT&T Language Line: _____ AT&T Interpreter #: _____

* City of Portland Employee: _____ Name: _____

* Other (please describe): _____

* Appointment Date: _____ Time: _____

If refused, did the customer use an interpreter: Yes _____ No _____

Interpreter's Name: _____

Relation to Customer: _____ Age: _____

Forms Interpreted:

- City of Portland General Assistance Notice Yes No
- General Assistance Requirements Yes No
- Other Yes No

Issues: _____

Problems: _____

Outcome: _____

Applicant: _____ Date: _____

Interpreter: _____ Date: _____

Financial Eligibility Specialist: _____ Date: _____

All programs, benefits or services provided by _____ (insert municipality) shall be made available to all persons regardless of ability to speak and/or understand English. It is the policy of this municipality to provide interpreters at no cost to the persons applying for or participating in any of these programs.

GENERAL GUIDELINES FOR INTERPRETER SERVICES

These guidelines should help you maximize each session.

WHAT THE INTERPRETER WILL DO

- * The interpreter should interpret everything you and your client say as precisely as possible, neither adding nor editing.
- * Should the interpreter encounter difficulty in translating certain words or phrases, she or he should ask for clarification.
- * The interpreter should attempt to communicate the inflection or emotion of your client's speech.
- * The interpreter cannot advocate for you or your client. She or he should be an impartial facilitator in the process.
- * The interpreter should withdraw voluntarily from a case if she or he feels biased in any way.

WHAT YOU SHOULD DO

- * Have a list of questions you want to have answered ready. This is especially important to keep costs as low as possible, since interpreters charge per hour rates.
- * If possible, before you and the interpreter meet with the client, explain the nature of the appointment/conversation to the interpreter. Tell the interpreter what topics you will be discussing and in what sequence. Is there any important information you are trying to find out? What do you hope to accomplish overall?
- * Review technical or special vocabulary with the interpreter beforehand.
- * Speak slowly and clearly and pause frequently.
- * Remember there is not a word-for-word correspondence between languages. The interpreter might need to use three sentences to interpret what you have said in three words.
- * Give the interpreter time to present information in a culturally and linguistically appropriate manner.
- * Encourage the interpreter to ask for clarification if necessary.

List of Interpreter Services

(Note: This is only a partial list and none of these services are being endorsed over any other).

Catholic Charities Maine

P. O. Box 10660, Portland, ME 04104-6060, Phone: 871-7437

Acholi, Albanian, Amharic, Arabic, Bosnian/Croatian, Serbian, Bulgarian, Chinese (Mandarin), Farsi, French, German, Khmor (verbal interpreting only), Kikongo, Korean, Mongolian, Romanian, Russian, Somali, Spanish, Swahili, Tigrigna, Ukrainian, Vietnamese (verbal interpreting only)

Language Line[®] 1-800-874-9426

Hiddo Services Center-Interpretation and Translation Services

Somali, Swahili, Arabic, Amharic, Oromo (Ethiopian)

PO Box 122

Lewiston, ME 04240

Phone: 783-6666, Fax: 795-1111

Smart Interpreters

The Professional Building

12 Bates Street

Lewiston, ME 04240

Phone: 783-4744, Fax: 783-4644, Pager: 818-1525

FARSI

- Reza Jalali, P. O. Box 1005, Portland, ME 04104, Phone: 878-4618
- Rona O'Conner, 261 Commercial St., Portland, ME 04101, Phone: 772-4110 / 871-1655

JAPANESE

- Yaeko Collier, 97 Montrose Ave., Portland, ME 04103, Phone: 774-6481

SOMALI, SWAHILI

- Abdi Ahmed Musa, 48 Salem St., #605, Portland, ME 04102, Phone: 874-4063

SOMALI, SWAHILI, ARABIC

- Interpreter Services of the United Somali Women of Maine, P.O. Box 397, Lewiston, ME 04243, Office Phone: 344-6616, Cell Phone: 423-2890

SPANISH

- Leticia Foss, 104 Sand Pond Rd., Sanford, ME 04073, Phone: 490-3705
- Rosalinda Burch, 25 Sequoia Dr., Freeport, ME 04032, Phone: 865-4207
- Jenny Howitt, 230 Howitt Rd., Lyman, ME 04002, Phone: 324-3464
- Karen Taylor, 77 Torrington Ave., Peaks Is., ME 04108, Phone: 766-2811
- Rosito Roberge, Portland, ME, Phone: 787-6972

VIETNAMESE

- Ricky Ho, 52 Birchwood Dr., Portland, ME 04102, Phone: 772-8318, Pager: 821-5227
- Ty Ly, 149 Holm Ave., Portland, ME 04102, Phone: 774-4664
- Tuyen Nguyen, 63 Holm Ave., Portland, ME 04102, Phone: 780-0130

SIGN LANGUAGE

- Hands On, Inc. 317 State St., Bangor, ME 04401, Phone: 947-2341
- Certified Interpreting, P. O. Box 6808, Portland, ME 04101, 798-7995
- Professional Interpreting Services, 14 Torrey St., Portland, ME 04103, Phone: 774-3068
- Pine Tree Easter Seals, Nonesuch River Plaza, 51 US Rt. 1, Suite G, Scarborough, ME 04074, Phone 885-0536

Sample Language Touch Cards

POLICE PORTLAND		LANGUAGE TOUCH CARD		POLICE PORTLAND	
Shqip	Albanian	Suomi	Finnish		
Afrikaans	Afrikaans	Français	French		
አማርኛ	Amharic	Deutsch	German		
اللغة العربية	Arabic	ქართული ენა	Georgian		
Հայերեն	Armenian	עברית	Hebrew		
Азәрбајҹан дили	Azerbaijani	हिन्दी	Hindi		
বাংলা	Bengali	Magyar	Hungarian		
Български	Bulgarian	Bahasa Indonesia	Indonesian		
မြန်မာစကား	Burmese	Italiano	Italian		
Беларускі	Byelorussian	日本語	Japanese		
广东话	Cantonese	한국어	Korean		
中文	Chinese	ខ្មែរ	Khmer		
Kreyòl	Creole	ລາວ	Lao		
Čeština	Czech	Latviešu	Latvian		
Dansk	Danish	Lietuvių kalba	Lithuanian		
دري	Dari	Bahasa Malaysia	Malaysian		
Nederlands	Dutch	Монгол	Mongolian		
Eesti keel	Estonian	नेपाली	Nepali		

POLICE PORTLAND		LANGUAGE TOUCH CARD		POLICE PORTLAND	
Norsk	Norwegian	دري، افغانستان	Dari, Afghanistan		
فارسی	Persian	Didinga	Didinga		
Polски	Polish	فارسی ایران	Farsi, Iran		
Română	Romanian	Kirundi	Kirundi		
Русский	Russian	کوردی	Kurdish		
සිංහල	Sinhala	普通话	Mandarin		
Sloventina	Slovak	Muru	Muro		
Español	Spanish	Nuara	Nuer		
Kiswahili	Swahili	Kinyarwanda	Rwanda		
Svenska	Swedish	Srpsko-Hrvatski	Serbo-Croatian		
Tagalog	Tagalog (Philipino)	Somali	Somalian		
Тоҷикӣ	Tajiki				
ภาษาไทย	Thai				
Türkçe	Turkish				
Українська	Ukrainian				
اردو	Urdu				
Ўзбек	Uzbek				
Tiếng Việt Nam	Vietnamese				

