

**67:46:15:01. Qualifications for refugee assistance.** Pursuant to the Refugee Act of 1980, Pub. L. No. 96-212 (March 17, 1980), assistance may be provided to individuals who have been granted asylum or have been admitted as refugees. United States citizens and their dependents who have been repatriated are excluded under the refugee assistance program for the first 90 days they are in this country.

**Source:** 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL 28-1-50.

**Law Implemented:** SDCL ~~28-1-47~~ 28-6-1.

**Cross-References:**

Repatriate program, ch 67:12:13.

Refugee Act of 1980, Pub. L. No. 96-212 (March 17, 1980), 94 Stat. 105.

Immigration and Nationality Act of 1959, 66 Stat. 166.

Project grants and contracts for services for refugees, 8 U.S.C. 1522(c)(1)(A)(iii) July 1, 1997.

General eligibility requirements, 45 C.F.R. § 400.100(a)(2) (March 22, 2000).

Federal funding for medical assistance, 45 C.F.R. § 400.203 (March 22, 2000).

**67:46:15:02. Documentation required.** A refugee applying for assistance under this chapter must meet immigration status and identification requirements pursuant to 45 ~~CFR~~ C.F.R. 400.100(a)(2) (July 1, 2016 March 22, 2000).

**Source:** 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL 28-1-50.

**Law Implemented:** SDCL ~~28-1-47~~ 28-6-1.

**Cross-Reference:**

General eligibility requirements, 45 ~~CFR~~ C.F.R. 400.100(a)(2) (March 22, 2000).

Requirements for documentation of refugee status, 45 C.F.R. § 400.43 (March 22, 2000).

**67:46:15:03. Eligibility factors relating to refugees with children.** Assistance may be provided to any child or any other member of the household who would be eligible for assistance under chapters 67:12:01 to 67:12:02, 67:12:04 to 67:12:06, inclusive, but are not required to meet the requirements of §§ 67:12:01:14, 67:12:01:19, and 67:12:01:29 to 67:12:01:39, inclusive.

**Source:** 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL 28-1-50.

**Law Implemented:** SDCL ~~28-1-47~~ 28-6-1.

**Cross-References:**

Citizenship and alienage, § 67:12:01:14.

Age requirements for AFDC, § 67:12:01:19.

Deprivation of parental support or care, §§ 67:12:01:29 to 67:12:01:39, inclusive.

Eligibility of second parent in AFDC grant, § 67:12:01:55.

~~Qualifications for refugee assistance, § 67:12:11:01.~~

~~Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 115.~~

Assistance for refugee children, 8 U.S.C. § 1522 (d) (July 1, 1997).

Financial eligibility standards, 45 C.F.R. § 400.101 (March 22, 2000).

**67:46:15:04. Earned income exemption not applied.** When determining eligibility and computing the amount of assistance for a refugee under this chapter, the earned income exemption may not be applied.

**Source:** 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL 28-1-50.

**Law Implemented:** SDCL ~~28-1-47~~ 28-6-1.

**Cross-References:**

Earned income exemption for AFDC, § ~~7:12:05:14~~ 67:12:05:14.

~~47 Fed. Reg. 10,841 (March 12, 1982)~~

Consideration of income and resource, 45 C.F.R. § 400.102 (March 22, 2000).

**67:46:15:05. Eligibility factors relating to adult refugees.** Assistance may be provided to adult refugees without children who would be eligible under the income and resource limitations according to chapters 67:12:04 to 67:12:06, inclusive.

**Source:** 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL 28-1-50.

**Law Implemented:** SDCL ~~28-1-47~~ 28-6-1.

**Cross-References:**

Refugee Act of 1980, Pub. L. No. 96-212 (March 17, 1980), 94 Stat. 114.

Limitations on real property, ch 67:12:04.

Limitations on personal property, ch 67:12:05.

Budgeting, ch 67:12:06.

Financial eligibility standards, 45 C.F.R. § 400.101 (March 22, 2000).

**67:46:15:06. Children of refugees who are U.S. citizens.** A child of a refugee who is a United States citizen because the child was born in this country is considered a part of the refugee family for purposes of eligibility for medical care.

**Source:** 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL 28-1-50.

**Law Implemented:** SDCL ~~28-1-47~~ 28-6-1.

**Cross-Reference:**

Refugee Act of 1980, Pub. L. No. 96-212 (March 17, 1980), 94 Stat. 103.

Claims involving family units which include both refugees and nonrefugees, 45 C.F.R.

§ 400.208 (March 22, 2000).

**67:46:15:07. Exempted income and resources.** Resources or income of the sponsor and resources not currently available to the refugee, such as resources remaining in the refugee's homeland, shall be exempted in the determination of initial or continuing eligibility for the program.

**Source:** 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL 28-1-50.

**Law Implemented:** SDCL ~~28-1-47~~ 28-6-1.

**Cross-References:**

Refugee Act of 1980, Pub. L. No. 96-212 (March 17, 1980), 94 Stat. 102.

Limitations on real property, ch 67:12:04.

Limitations on personal property, ch 67:12:05.

Budgeting, ch 67:12:06.

Consideration of income and resource, 45 C.F.R. § 400.102 (March 22, 2000).

Continued coverage of recipients who receive increased earnings from employment, 45 C.F.R. § 400.104 (March 22, 2000).

**67:46:15:08. Medical services.** If a refugee is eligible for services under this chapter, medical assistance may be provided for a period of ~~eight~~ twelve months from the date the refugee entered the United States.

**Source:** 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL 28-1-50.

**Law Implemented:** SDCL ~~28-1-47~~ 28-6-1.

**Cross-References:**

Medical assistance for refugees, § 67:46:01:09.

Refugee Act of 1980, Pub. L. No. 96-212 (March 17, 1980), 94 Stat. 115.

Covered medical services, art 67:16.

~~53 Fed. Reg. 32,222 (August 24, 1988).~~

Methodology to be used to determine time-eligibility of refugees, 45 C.F.R. § 400.211 (March 22, 2000).

Extending Refugee Cash Assistance and Refugee Medical Assistance From 8 Months to 12 Months, 87 Fed. Reg. 17312 (March 28, 2022).



**67:46:15:09. Fair hearings.** An applicant or a recipient is entitled to a fair hearing in accordance with chapter 67:17:02.

**Source:** 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL 28-1-50.

**Law Implemented:** SDCL ~~28-1-47~~ 28-6-1.

**Cross-Reference:**

Hearings, 45 C.F.R. § 400.23 (March 22, 2000).