



## Ohio Administrative Code

### Rule 5101:1-2-30.2 Benefit eligibility: indefinite detainees or lifers.

Effective: September 1, 2022

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(A) Are indefinite detainees or lifers eligible for benefits?

Some indefinite detainees or lifers released from detention may have a status as refugees or may receive a status that makes them potentially eligible for refugee cash assistance (RCA) or Ohio works first (OWF).

(B) Who are indefinite detainees or lifers?

Indefinite detainees or lifers are non-citizens who, after having served time for a criminal conviction and are given a final order of removal by the department of homeland security (DHS) United States citizenship and immigration services (USCIS), remain indefinitely in the United States (U.S.) because their home country and no other country will accept them. An alien's detention is limited to a period reasonably necessary to bring about the alien's removal from the U.S. and does not permit indefinite detention.

(C) What shall an indefinite detainee or lifer provide when applying for benefits?

(1) An "Order of Supervision" (USCIS I-220B) in accordance with 8 C.F.R. 241.5 (8/2011). The order of supervision should include the individual's alien registration number and notation concerning exclusion, deportation or removal. The order shall specify the conditions of supervision including but not limited to a requirement that the alien:

- (a) Report to a specified officer periodically and provide relevant information under oath as directed;
- (b) Continue efforts to obtain a travel document and assist in obtaining a travel document;
- (c) Report as directed for a mental or physical examination or examinations as directed;



(d) Obtain advance approval of travel beyond previously specified times and distances; and

(e) Provide DHS with a written notice of any change of address.

(2) Posting of bond. An officer authorized to issue an order of suspension may require the posting of a bond in an amount determined by the officer to be sufficient to ensure compliance with the conditions of the order, including surrender for removal.

(3) Employment authorization. An officer authorized to issue an order of supervision may, in his or her discretion, grant employment authorization to an alien released under an order of supervision if the officer finds that:

(a) The alien cannot be removed in a timely manner; or

(b) The removal of the alien is impracticable or contrary to public interest.

(D) What are the responsibilities of the county agency?

The county agency shall:

(1) Collect as much of the following information from the applicant as possible;

(a) Name;

(b) Alien registration number ("A number");

(c) Date of birth;

(d) Social security number;

(e) Home country;

(f) Number on the I-94 "Arrival-Departure Record";



(g) Parent's name;

(h) Driver's license number; and

(i) Copies of any immigration documents.

(2) Call the office of refugee resettlement (ORR) to inform them about the need for an eligibility determination for an indefinite detainee.

(3) Send the collected information from the applicant and contact information for the eligibility determiner handling the case at the county agency to the ORR. The ORR will work with the USCIS to determine the applicant's original status, entry date and eligibility.

(4) After information has been received by the county agency, the ORR may contact the county agency for additional information. The ORR will notify the county agency of the applicant's status, entry date and eligibility.

(5) Based upon the information received from ORR, the county agency shall determine eligibility of the indefinite detainee or lifer for RCA benefits in accordance with rule 5101:1-2-40.1 of the Administrative Code or for OWF benefits in accordance with division 5101:1 of the Administrative Code.