

# Orientation for, and about, Refugees with Disabilities

## *Introduction:*

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## *Overseas Panelist:*

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## *Question and Answer period*

# Persons with Disabilities in Nepal

Presented by: IOM Cultural Orientation

my name is \_\_\_\_\_  
I. Deaf yes.



Monday  
Wednesday  
Friday











# Nepal

- UN: #157 of 187
- Decade long civil war
- Literacy rate: 40% adult / 20% women
- 80% farmers
- Average income \$90 / month; many \$1 / day



















# Attitudes towards Persons with Disabilities in Nepal



# Services Available in Nepal...

Certificate of Disability - \$6 / month

Medical treatment – ignorance, isolation, expense, quality

Inclusive Education – sort of!

Special facilities – rare / costly





# Situation of Bhutanese Refugees with Disabilities

- Attitudes the same as for Nepalis
- 3.2% disability rate in camps; half of these deaf
- Many services available through Caritas







**Inclusive Education**





**Sign language classes**





## Income Generation





**Vocational Training**



**Eye glasses, hearing aids, prostheses...**





**Palliative Care**



# Cultural Orientation





**Husband translates for deaf wife.**











# Living with Disabilities in the United States

Catherine McAvoy, MSW, LSW

Program Officer, US Committee for Refugees and Immigrants

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# Overview

- US Culture and Society
- Public Benefits and Programs
- Services and Opportunities

# US Culture and Society

- Disability Rights and US Laws
  - Getting Around and Accessibility
  - Attitudes and Acceptance
  - Quality of Life
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# Public Benefits

- Supplemental Security Income (SSI)
- Medicaid and Medical Insurance
- State Rehabilitation Centers

# Public Programs

- ESL
- Enrollment in school
- US Citizenship classes
- Independent Living Programs



# Services and Opportunities

- Work/Employment: Vocational Rehabilitation Centers
- Home Assistive Technology
- Rehabilitation Service Agencies

# Resources

- Centers for Independent Living
  - <http://www.ilru.org/html/publications/directory/index.html>
- Living With Disabilities
  - [http://www.uscirefugees.org/2010Website/5\\_Resources/5\\_3\\_For\\_Service\\_Providers/5\\_3\\_1\\_Working\\_with\\_Refugees%26Immigrants\\_with\\_Disabilities/livingWithADisability.pdf](http://www.uscirefugees.org/2010Website/5_Resources/5_3_For_Service_Providers/5_3_1_Working_with_Refugees%26Immigrants_with_Disabilities/livingWithADisability.pdf)
- Job Accommodation Network
  - <http://askjan.org/>



# **ADA, PPACA, and Medical Assistance for Immigrants, with Emphasis on Persons with Disabilities**

Rosalyn Correa-de-Araujo, MD, MSc, PhD

*U.S. Department of Health and Human Services*

*May 31, 2012*





# Americans with Disabilities Act (ADA)

## Brief Overview

- Employment (Title I)
- Public Services (Title II)
- Public Accommodations (Title III)
- Telecommunications (Title IV)
- Miscellaneous (Title V)

# Americans with Disabilities Act (ADA) Amendments Act of 2008

- Amendments to the Americans with Disabilities Act (ADA) signed into law on September 25, 2008, clarify and reiterate who is covered by the law's civil rights protections.

<http://www.access-board.gov/about/laws/ada-amendments.htm>



# Americans with Disabilities Act (ADA)

## 2010 ATM Standards

- July 26, 2010 – 20<sup>th</sup> Anniversary of ADA
- DOJ announced rules updating standards governing construction and alteration of facilities, including places of public accommodation, commercial facilities, state and local government facilities.
- Section 707 of the new standards adds specific technical requirements to ATMs for speech output, privacy, tactilely-discernible input controls, display screens, and Braille instructions to the general accessibility requirements set out in the 1991 standards.

# **Standards for Accessible Design 2010 Revised ADAs Titles II and III**

- Set minimum requirements for newly designed and constructed or altered State or local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by persons with disabilities.

<http://www.ada.gov/regs2010/ADAregs2010.htm>



# **2010 DoJ Guidance Access to Medical Care for Persons with Mobility Disabilities**

- On July 22, 2010, the Department of Justice's Civil Rights Division and the Department of Health and Human Services' Office for Civil Rights issued new technical assistance guidance for medical providers which will help people with mobility disabilities obtain accessible medical care.

<http://www.hhs.gov/ocr/civilrights/understanding/disability/adamobilityimpairmentsguidance.pdf>

# “Qualified” Immigrants

- Lawful permanent residents (LPRs)
- Refugees, asylees, persons granted withholding of deportation/removal, conditional entry (prior to Apr 1, 1980), or paroled into U.S. for at least one year
- Cuban/Haitian entrants
- Victims of trafficking and their derivative beneficiaries who have obtained T visa or whose application for that visa sets forth a *prima facie* case



# “Qualified” Immigrants

- Battered spouses/children w/ pending or approved:
  - self petition for immigration visa
  - Immigrant visa filed for a spouse or child by U.S> citizen or LPR
  - Application for cancellation of removal/suspension of deportation, whose needs for benefits has a substantial connection to the battery/cruelty

# Immigrant Eligibility for Key Federal Programs

Program	“Qualified,” in US prior to Aug 22, 1996	“Qualified,” in US after Aug 22, 1996	“Not Qualified” “Immigrants
Emergency Medicaid (includes labor and delivery)	eligible	eligible	eligible
Full-Scope Medicaid	eligible*	eligible*	eligible*
CHIP	eligible	eligible*	eligible*
Medicare “Premium Free” Part A (hospitalization)	eligible	eligible	eligible*
Premium “Buy-in” Medicare	eligible*	eligible*	<u>not</u> eligible
Title XX Block Grants	eligible	eligible	eligible*
SNAP	eligible*	eligible*	eligible*
SSI	eligible*	eligible*	eligible*
HUD Public Housing & Section 8 Programs	eligible**	eligible**	Eligible*



# Federal Means-Tested Benefits

- Supplemental Nutrition Assistance Program
- Temporary Assistance for Needy Families
- Medicaid
- Children's Health Insurance Program
- Supplemental Security Income

Under SNAP, TANF, Medicaid and CHIP, post-enactment qualified immigrants are generally banned from receiving federal means-tested benefits during their first five years in the United States.

# **Federal Funds – Medical Coverage to LPRs Children/Pregnant Women Independent of Entry Date in the United States**

- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Illinois
- Iowa
- Maine
- Maryland
- Massachusetts
- Montana
- Nebraska
- New Jersey
- New Mexico
- New York
- North Carolina
- Rhode Island
- Texas
- Vermont
- Virginia
- Wisconsin



# Federal CHIP Funds – Prenatal Care Independent of Immigration Status

- Arkansas
- California
- Illinois
- Louisiana
- Massachusetts
- Michigan
- Minnesota
- Rhode Island
- Tennessee
- Texas
- Washington
- Wisconsin

# Medical Assistance Provided w/ State Funds

- *Alaska* – chronic and acute medical assistance
- *Colorado* – long-term care
- *Connecticut* – nursing homes/home care
- *Florida* – pediatric care
- *Hawaii* – non-pregnant residents of Freely Associated States
- *Illinois* – children < 300% FPL; “qualified” abused adults



# Medical Assistance Provided w/ State Funds

- *Massachusetts* – pediatric care; qualified immigrants and PRUCOLs (seniors and disability up to 100% FPL, children of persons with disabilities – coverage excludes long-term care)
- *Minnesota* – those receiving services from the Center for Victims of Torture (Jan 1, 2012)
- *New Jersey* – children w/ family income exceeding 350% FPL; prenatal services to women up to 200% FPL; “qualified” immigrants and PRUCOLs

# Medical Assistance Provided w/ State Funds

- *New Mexico* – “qualified” battered immigrants; PRUCOLs who entered U.S. before Aug 22, 1996
- *Ohio* – lawfully residing in U.S. on Aug 22, 1996, some individuals under an order of supervision
- *Pennsylvania* – TANF-related and GA-Related available to “qualified” and PRUCOLs. Other services to “qualified” eligible children and pregnant women
- *Rhode Island* – lawfully residing who were in U.S. before Aug 22, 1996, and were residents of RI before Jul 1, 1997.

# Medical Assistance Provided w/ State Funds

- *Virginia* – “qualified immigrants and PRUCOLs who were receiving long-term care services on June 30, 1997
- *Washington* – seniors and persons who are blind or have disabilities and who are “qualified’ immigrants or PRUCOL may be eligible for limited time.



# Health Reform: The PPACA Patient Protection and Affordable Care Act of 2010

- Expressly exempts unauthorized aliens from the mandate to have health coverage and bars them from a health insurance exchange, and participation in the temporary high-risk pools.

# No Discrimination By Insurance Companies

- All new insurance plans and existing group health plans prohibited from denying coverage based on pre-existing conditions
- Temporary high-risk pool program
- No lifetime dollar limits on coverage. Waiting period limited to 90 days
- Prohibition from denying coverage or charging high premiums based on health status

# Quality Affordable Care & Insurance Security

- Purchase under health insurance exchanges (2014)
  - Incomes above 133% of poverty line but lacking employer-based or private health insurance
- New public and private health insurance options (2014)
- Continued access to their current private plan
- Premium and cost-sharing tax credits will be available
- MEDICAID to anyone < 65, incomes up to 133% of federal poverty level



# **Children's Health Insurance Program Extended/Coverage for Children Aging Out of Foster Care**

- Federal funding for CHIP increased from 2015 to 2019
- Coverage will continue for many children in refugee families
- Medicaid coverage to be extended up to age 26 for young adults who have aged out of the foster care system

# Key Messages (1)

- Eligibility rules and law enforcement initiatives that affect immigrant access to benefits is extraordinarily complex.
- Federally funded Medicaid and CHIP available to eligible “qualified” immigrants who entered U.S. before August 22, 1996, and those who have held qualified status for  $\geq 5$  years.
- Federally funded Medicaid and CHIP available to refugees/humanitarian immigrants, veterans, active duty military (includes spouse/children) and certain other immigrants with no 5-year waiting period.

# Key Messages (2)

- Under the PPACA the same Medicaid eligibility restrictions will apply to immigrants after the Medicaid expansion as apply today. Nonqualified immigrants generally remain ineligible for Medicaid/CHIP, and the 5 year ban remains for most qualified immigrants.
- Language and literacy serve as barriers that can affect access to public benefits for immigrants.
- Reliable resources are available to help immigrants and professionals working with immigrants.



# Resources

- National Immigration Law Center  
<http://www.nilc.org/>
- Urban Institute - <http://www.urban.org/>
- Department of Justice – [www.doj.gov](http://www.doj.gov)
- U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation -  
<http://aspe.hhs.gov/hsp/11/ImmigrantAccess/Eligibility/ib.shtml>

# Questions and Comments

Please submit questions and comments in the Questions box on the right-hand side of your screen.

Questions and comments for the Cultural Orientation program in Nepal cannot be addressed during this webinar, but will be sent to the program for their consideration.

Thank you for participating in today's session on Orientation for, and about, Refugees with Disabilities!

For further resources and information regarding refugee orientation and refugee groups, see the Cultural Orientation Resource Center website, at <http://www.culturalorientation.net>