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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 40-340
<b>Regulation title</b>	Protective Payments in the Refugee Other Assistance Program
<b>Action title</b>	Repeal obsolete protective payments regulation
<b>Document preparation date</b>	October 19, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

This action repeals 22 VAC 40-340, a regulation pertaining to a program that no longer exists under federal law.

### Legal basis

The Virginia Refugee Resettlement Program operates under (1) federal law created by Section 414 of the 1980 Immigration and Naturalization Act and subsequent amendments; (2) rules established by the Code of Federal Regulations, Part 400; and (3) a federally approved Refugee Resettlement State Plan. There are no separate state laws governing the Virginia Refugee Resettlement Program.

The Governor designated the Virginia Department of Social Services to administer the Virginia Refugee Resettlement Program. The State Board of Social Services is authorized by §63.2-217 of the Code of Virginia to promulgate the regulation.

### Substance

In 2004, the rules for protective payments were made part of a comprehensive TANF regulation, 22 VAC 40-295. At the same time, 22 VAC 40-340 was amended to remove references to Aid to Families with Dependent Children (AFDC) because the contents of this regulation were incorporated into the new TANF regulation. When references to AFDC were removed from 22 VAC 40-340, what remained was a rule regarding protective payments for participants in the Refugee Other Assistance Program. This program no longer exists. It was withdrawn from federal regulations in 1996.

### Alternatives

There are no alternatives to repealing this regulation. The regulation relates to a program no longer in existence.

### Family impact

There is no family impact. There are no clients served under the Refugee Other Assistance Program because the program no longer exists.