

Non-Citizen Eligibility to CalWORKs/CalFresh Desk Aid
Cuban/Haitian Entrants

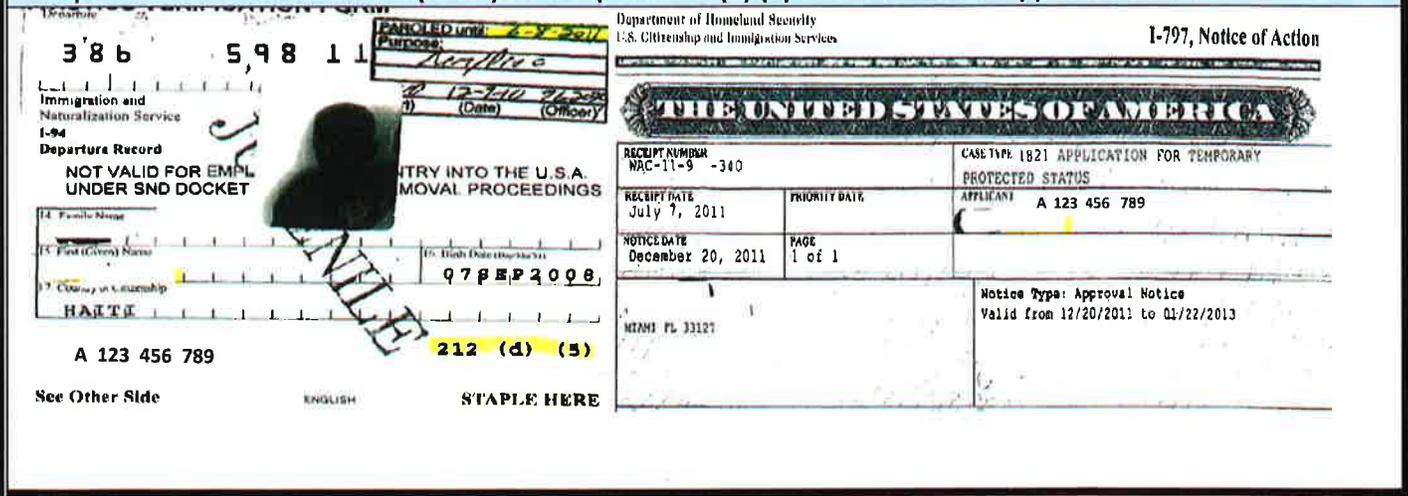
CalWORKs and CalFresh eligibility for Cuban/Haitian Entrants is outlined in CPG 42-400 E. Eligible Non-Citizen Status and CPG 63-154.2, respectively. These regulations outline that Cuban/Haitian Entrants who are paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) meet the non-citizen requirements for both CalWORKs and CalFresh.

County eligibility staff (HSSs) and Community Partners have reported the issuance of new admittance documents to Cuban/Haitian Entrants, in addition to the I-94 Arrival/Departure Record listing section 212(d)(5) of the INA.

Due to the variety of documents that are being issued by the Department of Homeland Security, U.S. Customs and Border Protection at each Port of Entry, Eligibility Operations has compiled the following listing of documents to aid staff in determining eligibility to the CalWORKs and CalFresh programs:

Example 1:	CalWORKs	CalFresh
I-94 listing section 212(d)(5) with expired status along with a (later dated) I-797 approval notice for Temporary Protected Status (TPS)	Per clarification from CDSS: Current TPS status and expired parole status are not relevant for determining eligibility to CalWORKs. Determining eligibility for CalWORKs is based upon the client's initial immigration status at the time they are admitted into the U.S.	Per clarification from CDSS: Although noncitizens granted TPS, "unless in some other qualifying status", are not eligible to receive CF benefits, CDSS has interpreted "unless in some other qualifying status," as once granted under 212 (d)(5) they remain eligible as in CalWORKs

Acceptable Documentation: I-94 (Front) with expired 212 (d) (5) status and I-797 Application for TPS



The image shows two documents from the Department of Homeland Security, U.S. Citizenship and Immigration Services. On the left is the front of an I-94 Arrival/Departure Record for a Haitian entrant. It includes fields for name, date of entry (07 SEP 2008), and country of citizenship (HAITI). A 'PAROLED until 12-31-2011' stamp is visible. On the right is an I-797 Notice of Action for Temporary Protected Status. It includes the receipt number (NAC-11-9 -340), receipt date (July 7, 2011), and notice date (December 20, 2011). The notice is valid from 12/20/2011 to 01/22/2013.

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Example 2:	CalWORKs	CalFresh
I-94 listing section 212(d)(5) and REM PROC (referring to "Removal Proceedings") stamped or written on the front of the I-94 along with, "This form does not convey authorization to receive any type of public benefit" typed on the back	Per clarification from CDSS: USCIS form I-94 endorsed to show that the bearer has been paroled in the US pursuant to section 212(d)(5) is sufficient documentation of eligible non-citizen status for CalWORKs.	According to ACIN I-65-11, a Cuban/Haitian Entrant who is the subject of removal proceedings under the Immigration and Nationality Act is a qualified alien and therefore eligible.

I-94 with "REM PROC" on Front and I-94 (Back) with additional message.

Important - Retain this permit in your possession; you must surrender it the U.S. Failure to do so may delay your entry into the U.S. in the future.

this permit when you leave the U.S.; or air, to the transportation line; the Canadian border, to a Canadian Off

Students planning to reenter the U.S. with ~~the permit~~ **see page 2 of Form I-20**

This form does not convey authorization to receive type of public benefit.

A 123 456 789

See Other Side

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Example 3:	CalWORKs	CalFresh
I-852 Notice to Appear stating, "In removal proceedings."	Although the documentation states that the applicant is in removal proceedings, it does not show a definite removal date; therefore the applicant is only "subject" to removal and is eligible to CalWORKs.	See Example 2 above.

I-852 Notice to Appear stating, "In removal proceedings."

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
At a place and time to be determined

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

Date: March 17, 2013

CARLITO CRUZ CUSTOMS & BORDER PROTECTION OFFICER
(Signature and Title of Issuing Officer)

SAN JOSE, CALIFORNIA
(City and State)

See reverse for important information

Form I-852 (Rev. 08/01/07)