

June 1st, 2011



Program Guide Letter #559

Subject	NONCITIZEN ELIGIBILITY - UPDATES TO THE CALFRESH PROGRAM GUIDE
Purpose	The purpose of this letter is to inform Human Services Specialists (HSS's) of the revisions and updates to the CalFresh Program Guide.
Effective Date	Upon receipt
References	All County Letters (ACLs) 10-27, 10-13 All County Information Notices (ACINs) I 102-10,I-71-08
Summary of Policy Change to the CalFresh Noncitizen Eligibility Reference Guide	<p>Background</p> <p>At the request of counties, a guide was developed via a Noncitizen workgroup. The county/state workgroup reviewed the Noncitizen Reference Guide and made changes related to Immigration and Nationality Act (INA) law and USCIS procedures for use in the CalFresh program. This guide is provided as a reference tool for noncitizen eligibility determinations for eligibility workers.</p> <p>The final version of the Noncitizen Guide was developed before the program name changed from "Food Stamp" to "CalFresh". The guide does not replace the Systematic Alien verification for Entitlements (SAVE) system requirements. The USCIS determines whether a noncitizen's documentation and/or status is valid.</p>
Summary of Policy Change on Elimination of the Eight-Month Time Limit for Afghan and Iraqi Special Immigrants	<p>Background</p> <p>Afghan and Iraqi Special Immigrants (individuals who provided translation services to the U.S. government) under the Department of Defense Appropriations Act of 2010, Section 8120, Public Law (P.L.) 111-118, enacted on December 19, 2009, are eligible for federal public benefits to the same extent and for the same time period as refugees.</p> <p>Policy Change</p> <p>Afghan and Iraqi individuals admitted to the United States (U.S.) with Special Immigration Visas (SIVs) are eligible for CalFresh benefits</p>

immediately and continuously. Eligibility cannot begin earlier than 12/26/07. Workers must apply the policy change and make the following determination.

Summary of Policy Change on Elimination of the Eight-Month Time Limit for Afghan and Iraqi Special Immigrants
(Continued)

For active cases
<ul style="list-style-type: none">• SIV recipients who are receiving California Food Assistance program (CFAP) benefits must be converted to federal CalFresh benefits.
For denied/discontinued cases
<ul style="list-style-type: none">• SIV applicants or recipient who were denied or discontinued, due to the expiration of their eligibility time period, on December 19, 2009 or thereafter must have their denial re-evaluated to the extend they were otherwise eligible.• SIV recipients whose six or eight month period of federal eligibility funding expired and who were not eligible for or transitioned to CFAP due to other reasons must reapply and their benefits are NOT retroactive.

Summary of Policy Change on Humanitarian Parole Policy for Certain Haitian Orphans

Background

On January 18, 2010, the Department of Homeland Security authorized the use of humanitarian parole status to certain Haitian orphans who have entered or who are entering the U.S. subsequent to the January 12, 2010 earthquake, and who are being adopted by U.S. citizens.

Policy Change

Haitian orphans entering the U.S. under the following circumstances are immediately eligible for CalFresh benefits, providing all other eligibility requirements are met:

- Entered the U.S. with a Form I-94 (Arrival-Departure Record) stating they have been paroled into the U.S. on or after January 12, 2010.
- Entered with a visa showing they have been lawfully admitted for permanent residence form I-551.

Note: Sponsor deeming does not apply to these orphans. The children are either living in the household with their adoptive parents, or are under age 18, and not subject to sponsor deeming requirements.

Summary of Policy Change on Parole for Cuban Medical Personnel in Third World Countries

Background

On August 11, 2006, the U.S. Department of Homeland Security announced the parole for Cuban medical personnel in third world Countries Program. This program allows certain Cuban medical personnel located outside of Cuba to apply for admission to the U.S.

Policy Change

Cuban medical professionals, their Cuban spouses and Cuban children who are paroled as Cuban/Haitian Entrants under Immigration

and Nationality Act (INA) Section 212 (d) (5) are immediately eligible for federal CalFresh as qualified noncitizens. Since these individuals are paroled as Cuban/Haitian Entrants, they meet the definition of Cuban/Haitian entrant under the Refugee Education Assistance Act.

Note: The spouse of the medical professional who is a non-Cuban and who is admitted as a parolee under Section 212(d)(5) of the INA may apply for Legal Permanent Resident (LPR) status after one year of residency evidenced by the Form I-551 (green card). There is a five year waiting period before the individual is eligible for federal CalFresh benefits unless a condition listed in CalFresh Section [63-154.3](#) is met. The individual is eligible for state funded benefits under CFAP.

Human Service Specialists Action

If it is a	Then...
Humanitarian Parole Policy for Certain Haitian Orphans	<ul style="list-style-type: none"> • Narrate the type of verification used to determine eligibility. • Select “Cuban Haitian Entrant” in the Status field on the Collect Non-citizen Detail window, and select “N” in the “Sponsored”.
Elimination of the Eight-Month Time Limit for Afghan and Iraqi Special Immigrants	<ul style="list-style-type: none"> • Enter in case comments changes in eligibility and funding for CalFresh. • Identify the noncitizen with the status of LPR SI’s and change to “Refugee” on the Collect Noncitizen Detail window in CalWIN. The Special Indicators, “Afghan-SIV” and “Iraqi–Iraqi-SIV” are no longer required.
Parole for Cuban Medical Personnel in a Third World Country	<ul style="list-style-type: none"> • Image both sides of the document. • Utilize the Noncitizen Eligibility Reference Guide, or • The USCIS Class of Admission Codes (COA) Tables; to assist in making the eligibility determination • Verify through the SAVE process for confirmation of noncitizen status. • Document the eligibility determination in CalWIN case comments

CalFresh Program Guide Updates

The CalFresh Program Guide has been updated as follows:

Section	Updates

63-117.3	<ul style="list-style-type: none"> Added “or increase” and “Please make sure to review good cause waiver first per 63-303.13 and 63-274.7” to Notice of Action row.
63-117.8	<p>Updated the following desk aids, guides and charts:</p> <ul style="list-style-type: none"> The CDSS Noncitizen Eligibility Reference Guide, or The USCIS Class of Admission Codes (COA) Tables; The Federal CalFresh Eligibility & Sponsor Deeming Determination Desk Aid; and The Federal CalFresh Eligibility Determination Chart <ul style="list-style-type: none"> Added information regarding an expired I-551 card. Updated note to read: Family Resource Center staff shall request a secondary SAVE when an immigration code does not appear in the reference Guide or COA table.
63-154	Added section 63-154.13 to Table of content
63-154.2	<ul style="list-style-type: none"> Added information on Haitian orphans, Afghan/Iraqi Special Immigrant Visa (SIV) holders, and Cuban medical professionals to the list of qualified noncitizens. Removed information on 8 months from the note section.
63-154.3	Removed definition of section 101(a) (27) from the note box of “Conditions of Eligibility for qualified noncitizens.
63-154.5 and 63-650	<p>Updated the following desk aids, guides and charts:</p> <ul style="list-style-type: none"> The CDSS Noncitizen Eligibility Reference Guide, or The USCIS Class of Admission Codes (COA) Tables; The Federal CalFresh Eligibility & Sponsor Deeming Determination; and The Federal CalFresh Eligibility Determination Chart <p>Added desk guides on:</p> <ul style="list-style-type: none"> CalFresh NonCitizen Evaluation Process Federal CalFresh Immigrant Eligibility & Sponsor Deeming Determination Desk Aid; Noncitizen Eligibility Decision Chart and Desk Guide to Victims of Human Trafficking and Other Serious Crimes.
63-154.13	Added a new block with detailed information on SIV such as a table of eligibility determination and verification.
63-157.10	Added the requirement of opting out early in the eligibility determination applies also to expedited services. If a sponsored noncitizen does not want to opt out early in the process and wishes to be aided, then the worker would use a collateral contact to verify

	and then estimate the amount that would be deemed to determine eligibility to Expedited Services. Verification must occur according to the regulations in sections 63-117.2 , 63-117.8 , 63-246.3
--	---

**Automation
Impact**

“CALFRESH CFAP FUNDING – MAY 2011” REPORT

As soon as administratively possible, the worker will review this report to change the funding from CFAP to Federal using the guideline below for Non Assistance CalFresh (NACF) and Public Assistance CalFresh (PACF) cases.

CalWIN Data Collection Entries: On the **Display Non-Citizen Summary** window, double click the row for the individual(s) and the **Collect Non-Citizen Detail** window will open.

Worker Action:

If the recipient's	Then
Passport/ I-551 card is identified under SIV Categories	Change the top group box as follow: <ul style="list-style-type: none"> • ‘Effective Begin Date’ to 12/19/2009 • Status type to Refugee • Verification to Received • Source to I-551 Change the bottom group box as follow: <ul style="list-style-type: none"> • Non-Citizen Document to Resident Alien Card • Verification = Received • Source to = INS Document • UEM - Food Stamps Use Effective Month to 01/2010 <ul style="list-style-type: none"> • Click save and close the window • Run EDBC • Re-evaluate the discrepancy and switch to Y from 12/2009 to the current month.

- After EDBC-is completed, the **Display Eligibility Summary** window will return. Click the **Individual Details** button, the recipient funding source should convert to Federal.
- The worker will:
 - follow the standard business practices to authorize

benefits.

- o elevate to help desk and automation if they encounter situations not covered by the above procedures.

**Forms / Client
Correspondence
Impact**

No Impact

**CalWORKs
Impact**

No Impact

Medi-Cal Impact

No Impact

ACCESS Impact

ACCESS agents will be informed of the changes and updates to the program guide to be able to provide correct information to customers and process verifications when possible according to protocol.

ERA staff will be informed of the changes and updates to the program guide to be able to process new applications under new non-citizen eligibility criteria.

**Operational
Impact**

No Impact

**Quality Control
(QC) and Quality
Assurance (QA)
Impact**

QC and QA staff will cite the appropriate error when the regulations in this material have not been followed.

**Manager
Approval**



SYLVIA MELENA, Assistant Deputy Director
Self-Sufficiency Programs
Strategic Planning & Operational Support

MB