

90-200.3. ALIEN STATUS

A. General This section provides information on the requirements for non-citizens in the GR Program.

B. Policy Non-U.S. citizens must be lawfully admitted for permanent residence in the U.S.

C. Documentation All aliens must present documentation of lawful entrance into the U.S. for permanent residence. When an applicant is unable to provide acceptable documentation, he/she should be referred to CIS to obtain documentation of alien status. Alien status must be documented prior to the issuance of aid.

D. Temporary Residence Temporary residence renders a person ineligible.

E. IRCA Immigration Reform and Control Act (IRCA) aliens who have CIS Form I-688 or I-688A have been determined by the Board of Supervisors to meet the residence requirement for aid in San Diego County. The table below shows the documents that are issued to IRCA aliens.

Form #	Description
I-688A	This card is issued to all aliens who have met initial eligibility requirements and have a properly filed application for amnesty (<u>Temporary Resident</u>) status under consideration. The duration of validity for the I-688A is six months, within which time the applicant will either be granted or denied Temporary Resident status, retroactive to the date the application was filed.
I-688	This card is issued to all aliens who are granted amnesty, or more specifically, " <u>Temporary Resident</u> " status. This same card is issued to both agricultural aliens as well as to those who qualify under the five-year rule. It will be supplanted by the standard Form I-551 in the case of those aliens who eventually qualify for, and are <u>granted</u> , Permanent Resident status.

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IRCA
(continued)

Form #	Description
I-689	This form is issued to aliens who have filed an application for amnesty. It verifies legal alien status and authorizes employment through a specified date.

F. Acceptable Verification

The table below shows the forms of acceptable verification of alien status.

Form #	Title	Description
I-551	Alien Registration Receipt Card	<ul style="list-style-type: none"> • Immigrants entering the U.S. for permanent residence are issued an immigrant visa by the Department of State at an office outside the U.S. It is a separate document, which is surrendered to the CIS at the port of entry. • Form I-551 is then issued to the alien as evidence of his/her lawful admission for permanent residence. • Form I-551 has replaced Form AR-3, AR-3a and I-151. All are acceptable proof of alien status if specifically endorsed to show legal right to reside permanently.
I-94	Arrival/Departure Record – Parole Edition	<ul style="list-style-type: none"> • Aliens not entering the country as immigrants or non-immigrants, are sometimes paroled into the U.S. at the discretion of the government. • Only I-94s printed “paroled pursuant to Section 212(d)(5) of the “I and N Act” for an indefinite period are acceptable verification. • Any I-94 stating a specific date to which an alien has been paroled results in ineligibility, as admittance is of a temporary nature. • “<u>Employment authorized</u>” must be stamped on the form if the applicant is to be considered for GR eligibility under the Employable Program. Otherwise, the client will only be evaluated for aid under Incapacitated Program requirements.

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Acceptable Verification (continued)

Form #	Title	Description
I-94	Arrival/Departure Record – Refugee	<ul style="list-style-type: none"> • An alien who has entered the U.S. as a nonimmigrant, or entered without inspection because of persecution or fear of persecution on account of race, religion, or political opinion, may be granted voluntary departure by the CIS as a refugee. • An I-94 will be issued designating refugee status and may be stamped “Admitted as a Refugee pursuant to section 207 of the I & N Act. If you depart the U.S., you will need prior permission from the CIS to return. “Employment authorized.” • Refugees may also be paroled into the U.S. and present Form I-94 as described above. Parole is granted only prior to or at entry into the U.S. • A period of 8 months must have elapsed from date of entry before aid may be issued under GR. Within the first 8 months, cash eligibility is to be determined under the Refugee Assistance Program.
I-94	Arrival/Departure Record – Processed for I-551	<ul style="list-style-type: none"> • While processing an alien’s record prior to the issuance of Form I-551, CIS may issue an I-94 in the interim stamped “Processed for I-551. Temporary evidence of lawful admission for permanent residence valid until _____. Employment authorized.” This is documentation of alien status, even if beyond the expiration date per CIS. • CIS may also issue an I-94 stating the form is to be used as a “Temporary I-551.” This form is used for the same purposes as the alien card, including authorization for employment, when the original has been lost or stolen. • The form contains a photo and fingerprints of the alien in addition to the name and other identifying information. • Besides the Temporary I-551 form, an alien may have a receipt for fees paid to replace the I-551. However, the receipt by itself is <u>not</u> sufficient evidence of an alien’s legal status.

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Acceptable Verification (continued)

Form #	Title	Description
	Foreign Passport	<ul style="list-style-type: none">• CIS may stamp an alien's foreign passport with the words, "temporary evidence of permanent alien status" as acceptable proof of legal entry pending issuance of an alien card. The CIS stamp may give a date "valid until _____," but the alien's card may not be processed by the expiration date. CIS confirms that the stamped foreign passport is considered proof of permanent resident alien status even after the expiration date since the determination of permanent status was completed prior to the passport being stamped.• Caution should be exercised as to the type of stamp that appears on a foreign passport since American Consulates grant visitors visas and other types of visas for temporary admission by stamping the foreign passport.
WR495	<u>Silas v. Levi</u>	<ul style="list-style-type: none">• A class action suit known as "<u>Silva v. Levi</u>" was filed against CIS on behalf of aliens from Western Hemisphere countries who had applied for visas and been assigned priority dates, but found their quota numbers had been allocated to Cuban refugees. In its decision, the Court enjoined the CIS from deporting such aliens if they have a priority date for issuance of an immigrant visa between July 1, 1968, and December 31, 1976, and had entered the U.S. before March 11, 1977.• Form WR495 is acceptable proof of eligible alien status pending the final decision in this court action.

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Acceptable Verification (continued)

Form #	Title	Description
	Correspondence from CIS	Other correspondence issued by the CIS documenting an alien as permanently residing in the U.S. under color of law as defined by the following categories: <ul style="list-style-type: none"> • A person granted an indefinite stay of deportation; • A person granted indefinite voluntary departure in lieu of deportation; • A parolee lawfully in the U.S. for an indefinite period; • A refugee lawfully in the U.S.; or • CIS Form 181 a or b, specifically stating an alien is being processed through the CIS as a permanent resident alien.
I-688		This card is issued to all aliens who are granted amnesty, or more specifically, " <u>Temporary Resident</u> " status. This same card is issued to both agricultural (SAWS) aliens as well as to those who qualify under the five-year rule. It will be supplanted by the standard Form I-551 in the case of those aliens who eventually qualify for, and are <u>granted</u> , Permanent Resident status.
I-688A		This card is issued to all aliens who have met initial eligibility requirements and have a properly filed application for amnesty (<u>Temporary Resident</u>) status under consideration. The duration of validity for the I-688A is six months, within which time the applicant will either be granted or denied Temporary Resident status retroactive to the date the application was filed.

G. Ineligible Alien Status

Alien applicants/recipients who refuse to cooperate with CalWORKs or the CIS, or are in the U.S. illegally, or for temporary residence only, are not eligible for GR. The following are examples of ineligible alien status:

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Ineligible Alien Status (continued)

- CIS Form I-94 issued to non-immigrant aliens admitted temporarily showing the date to which admitted and any extensions thereof. Generally, employment in the U.S. is not permitted unless the CIS has endorsed the form to so indicate. Any I-94 annotated with the letters (A) through (L) in the lower right-hand section, renders the alien ineligible. These letters are CIS codes indicating the specific purpose for which the alien was admitted.
 - Parolees admitted into the U.S. for a definite period of time. The specific date will be stamped on the alien I-94.
 - Non-immigrant Visa: There are several types and the visa may be a separate form, or stamped in the alien's foreign passport. These may include, but are not limited to visitors and student visas.
 - INS Form I-186: Nonresident Alien Mexican Border Crossing Card.
 - INS Form I-144: Mexican Border Visitor's Permit.
 - INS Form I-185: Nonresident Alien Canadian Border Crossing Card. Also, the Non-resident Alien Canadian Border Crossing Identification Card, which is a stamp placed in the alien's passport or travel document. (Note: Canadians and certain other residents of Canada may be admitted to the U.S. for periods up to six months for pleasure or business without the issuance of immigration documents. However, they usually will have in their possession evidence of Canadian citizenship or residence.
 - Aliens who have entered the U.S. illegally.
 - Aliens who have remained illegally beyond their departure date.
 - Aliens entering the country on work permits.
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H. CIS Referral Procedures

Referral to the CIS is not required when an applicant/recipient presents acceptable documentation of legal alien status.

When a client is unable to present verification of alien status or provides documentation not listed above or of questionable authenticity, he/she must be referred to the CIS to obtain documentation of their alien status.

Clients are required to report any changes in alien status and action taken as shown in the table below.

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CIS Referral Procedures (continued)

Step	Action							
1	Obtain a sworn statement detailing the new circumstances.							
2	<table border="1"> <thead> <tr> <th>If is determined that the change ...</th> <th>Then ...</th> </tr> </thead> <tbody> <tr> <td>does not appear to result in ineligibility,</td> <td>continue aid.</td> </tr> <tr> <td>would result in ineligibility (for example, an alien's parole status changes from indefinite to temporary),</td> <td>discontinue aid with timely notice.</td> </tr> </tbody> </table>		If is determined that the change ...	Then ...	does not appear to result in ineligibility,	continue aid.	would result in ineligibility (for example, an alien's parole status changes from indefinite to temporary),	discontinue aid with timely notice.
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does not appear to result in ineligibility,	continue aid.							
would result in ineligibility (for example, an alien's parole status changes from indefinite to temporary),	discontinue aid with timely notice.							

Questionable cases relating to citizenship or alien status are to be referred to the FRC Manager for a decision.

I. Systematic Alien Verification for Entitlements (SAVE)

This CIS program will verify the status of aliens granted CalFresh, Medi-Cal and CalWORKs.

SAVE transactions will not occur in GR cases because there is no federal funding involved.

The table below shows the companion case worker communication:

Step	Action
1	When the SAVE transaction shows the need for secondary verification of alien status, the CalFresh, Medi-Cal, or CalWORKs worker will send a G-845 to CIS.
2	CIS will respond and confirm legal or non-legal status.
3	The GR worker will receive a copy of this confirmation from the companion case worker.
4	Close the GR case with timely and adequate notice of action if the confirmation shown non-legal status. Aid paid in these cases is an overpayment.

GRPG Letter 65 (6/11)