CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:
   - ☐ Policy/Regulation Interpretation
   - ☐ QC
   - ☑ Fair Hearing
   - ☐ Other:

5. DATE OF REQUEST: 11/10/15

NEED RESPONSE BY: asap

6. COUNTY/ORGANIZATION: Imperial county

7. SUBJECT: Order of Supervision & PRUCOL Not Proof for CF

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): MPP 63-300.5, 63-403, 63-405, CFR 273.4(a)

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
NOTE: All requests must have a regulation cite(s) and/or a reference(s).

ACL 98-65, ACIN I-102-10, CDSS Manual Letter FS-03-03 October 20, 2003, SNAP Noncitizen Guidance June 2011

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

I just heard a case where a Cuban national was denied CalFresh based on not being a qualified non-citizen. The only document he has is a form I-220B (Alien subject to Order of Supervision). He lost his I-94 after he was incarcerated.
I am struggling with this case, as for MediCal, an I-220B would be considered evidence for PRUCOL status (see § 50301.3 (c)) – but cannot find any good guidance for CalFresh.
The county relied on the Office of Refugee Resettlement (ORR) website, which gives a comprehensive list of status requirements and acceptable documents, but I-220B is not such a document (as opposed to I-220A – 'Order of release on recognizance'). the county also relied on the deportation officer's statement that there is an enforceable order of removal but claimant cannot be forced out because of the relations between the USA and Cuba.

10. REQUESTOR'S PROPOSED ANSWER:

The county incorrectly denied CF as claimant qualifies as a Cuban entrant or at minimum receive CFAP benefits as an eligible non-citizen under 630-403 - accepting the I-220B as proof of status.

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

USCIS has the sole responsibility for determining the status of immigrants. PRUCOL status in-and-of-itself is not a qualifying status to receive CalFresh or CFAP benefits. SNAP and CFAP do not recognize PRUCOL status as an eligible status under 7 CFR 273.4 (a). The denial appears compliant with MPP 63-403 and 63-405 as an Order of Supervision is not proof of qualified/lawful permanent resident status. CFAP (MPP 63-403) requires qualified status pursuant to MPP 63-405.

Regulations from USCIS on the Order of Supervision, CFR 241.5 and provisions of Sec. 241.4:
http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-23555/0-0-0-23820.html
Per USCIS, "...the individual released pursuant to an order of supervision is a noncitizen and does not have legal permanent residency status. However, at the discretion of the officer authorized to issue an order of supervision, the (over)

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ: 11/17/15sc

CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO: ☐ Policy/Regulation Interpretation ☐ QC ☐ Fair Hearing ☐ Other:	5. DATE OF REQUEST:	NEED RESPONSE BY:
	6. COUNTY/ORGANIZATION:	
	7. SUBJECT:	
2. REQUESTOR NAME:	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**	
3. PHONE NO.:		
4. REGULATION CITE(S):		

person may be granted employment authorization."

Note: Even if an individual is subject to deportation withheld MPP 63-405.114, a court order signed by a judge with INA section 243(h) or 241(b)(3) shown is required and should be run through SAVE. The order showing deportation withheld or cancellation of removal may be issued by the USCIS, the Board of Immigration Appeals, or a federal court temporarily halting the execution of a deportation or removal.

Resources:
MPP 63-300.5, 63-405, 63-403, CFR 273.4(a), ACL 98-65, ACIN I-102-10, CDSS Manual Letter FS-03-03 October 20, 2003, SNAP Noncitizen Guidance June 2011