

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



February 25, 2002

ALL-COUNTY LETTER 02-22

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOOD STAMP COORDINATORS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: CALIFORNIA FOOD ASSISTANCE PROGRAM, EFFECTIVE OCTOBER 1, 2001

REFERENCE: ACIN I-67-01

The purpose of this notice is to transmit regulation changes that have been made to the California Food Assistance Program provisions.

On July 26, 2001, Assembly Bill (AB) 429, Chapter 111, Statutes of 2001, was signed into law. Section 52 amended 18930(b)(4) of the Welfare and Institutions Code by eliminating the sunset date of September 30, 2001 for the California Food Assistance Program for certain legal noncitizens that entered the U.S. on or after August 22, 1996. The proposed regulations eliminate the sunset date from the CDSS Manual of Policy and Procedures, Section 63-403.1. We previously advised counties of the elimination of the sunset date by ACIN I-67-01 dated August 10, 2001.

The new regulation streamlines eligibility determination by making certain legal noncitizens eligible for the California Food Assistance Program regardless of their entry date to the U.S. These regulations were effective October 1, 2001.

If you have any questions about the regulation changes, please call Bill Mullinax at (916) 657-3418.

Sincerely,

*Original document
signed by*

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachment

Amend Section 63-403 to read:

63-403 CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP)

63-403

.1 Noncitizen Eligibility

Certain legal noncitizens of the United States (U.S.) shall be eligible for CFAP if they were ~~legally present in the U.S. prior to August 22, 1996, and~~ are not eligible for federal Food Stamp (FS) benefits, based solely on their immigration status under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. ~~Legal noncitizens who are otherwise eligible, but who entered the U.S. on or after August 22, 1996 and do not meet the conditions as specified in Section 63-403.11, shall only be eligible for CFAP until September 30, 2000.~~ Legal presence can be verified through INS at application [i.e. Systematic Alien Verification for Entitlements (SAVE) System]. Legal Noncitizens who are not eligible whose time limit has expired for the federal program but would otherwise remain eligible for federal benefits are eligible for CFAP. ~~if they are one of the following:~~

- ~~.11—A legal noncitizen who entered the U.S. on or after August 22, 1996, if he or she is sponsored and is able to provide verification that: a) the sponsor has died; b) the sponsor is disabled as specified in Section 63-403.5; or c) the applicant, after entry into the U.S. is a victim of abuse as specified in Section 63-403.2, by the sponsor or the sponsor's spouse.~~
- ~~.12—A legal noncitizen who is an abused/battered noncitizen spouse or child or the parent or child of the abused/battered noncitizen as specified in Section 63-405.5.~~
- ~~.13—A legal noncitizen who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Assistance Act of 1980.~~
- ~~.14—A legal noncitizen whose immigration status meets the eligibility criteria of the federal Food Stamp Program (FSP) which were in effect on August 21, 1996. These criteria were:
 - ~~(a) Noncitizens lawfully admitted for permanent residence as immigrants as defined in Sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (INA), including those provided with an affidavit of support to overcome Section 212(a)(4) of the INA;~~
 - ~~(b) Noncitizens who entered the U.S. prior to January 1, 1972, or a later date as required by law, and have continuously maintained residency, and are eligible for citizenship, are considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to Section 249 of the INA;~~~~

- ~~(c) Noncitizens who entered the U.S. as refugees, pursuant to Section 207 of the INA;~~
 - ~~(d) Noncitizens who entered the U.S. as asylees, pursuant to Section 208 of the INA;~~
 - ~~(e) Noncitizens who were paroled into the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to Section 213(d)(5) of the INA;~~
 - ~~(f) Noncitizens for whom the Attorney General has withheld deportation pursuant to Section 243 of the INA;~~
 - ~~(g) Noncitizens classified as aged, blind, or disabled in accordance with Section 1614(a)(1) of the Social Security Act admitted for permanent or temporary residence pursuant to Section 245A(b)(1) and (h) of the INA.~~
 - ~~(h) Noncitizens who, on or after June 1, 1987, were special agricultural workers admitted for temporary residence in accordance with Section 210(a) of the INA;~~
 - ~~(i) Noncitizens granted temporary resident status pursuant to Section 245A of the INA at least five years prior to applying for food stamps,^k who subsequently attained permanent resident status; and~~
 - ~~(j) Noncitizens admitted for temporary residence as additional special agricultural workers in the period October 1, 1989 through September 30, 1993 in accordance with Section 210(a) of the INA.~~
- ~~.15 Noncitizens other than those described in Sections 63-403.14(a) through (j), such as, but not limited to, visitors, tourists, diplomats, and students who enter the U.S. temporarily with no intention of abandoning their residence in a foreign country, shall not be eligible to participate in CFAP.~~
- .2 Abuse means battering or subjecting a victim to extreme cruelty by assaultive or coercive behavior which includes, but is not limited to:
- .21 Physical abuse;
 - .22 Sexual abuse;
 - .23 Economic Control;
 - .24 Isolation;
 - .25 Threats or other types of coercive behavior;

- ~~.26 — Psychological abuse;~~
- ~~.27 — Neglect; or~~
- ~~.28 — Stalking.~~
- 3 A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided. Additional evidence may include, but is not limited to, the following:
 - ~~.31 — Police, government agency, or court records or files;~~
 - ~~.32 — Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse;~~
 - ~~.33 — A statement from any other individual with knowledge of the circumstances that provided the basis for the claim; or~~
 - ~~.34 — Physical evidence of abuse.~~
- 4 If the victim cannot provide additional evidence of abuse, then a confidential sworn statement shall be sufficient if the county makes a determination, documented in writing in the case file, that the applicant or recipient is credible.
- 5 For purposes of the CFAP, disabled means that the individual is disabled as verified by a doctor, that the disability is expected to last at least 30 days and that it significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities, provided that the individual is actively seeking appropriate medical treatment.
- .62 Application of Existing Regulations (Continued)
- .73 CFAP work requirements are provided in Section 63-411.
- .84 Combined Households (Continued)

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 11320.3, 11495.12 and 18930 through 18934, Welfare and Institutions Code; Sections 18930, 18930(b)(4) (as amended by AB 429, Chapter 111, Statutes of 2001), 18930.5 and 18932, Welfare and Institutions Code (as amended by AB 1111, Chapter 147, Statutes of 1999); 7 CFR 273.4; Federal Register, Vol. 61, No. 202 dated 10/17/96; Federal Register, Vol. 52, No. 103, dated May 29, 1987; and USDA, Food and Consumer Service, Administrative Notice 97-105, dated August 21, 1997.