



CDSS

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ARNOLD SCHWARZENEGGER  
GOVERNOR

April 8, 2010

ALL COUNTY INFORMATION NOTICE NO. I-26-10

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY REFUGEE COORDINATORS

SUBJECT: CUBAN/HAITIAN ENTRANT PROGRAM AND TEMPORARY  
PROTECTED STATUS FOR HAITIAN NATIONALS

REFERENCES: TITLE 45 CODE OF FEDERAL REGULATIONS, PART 401;  
MANUAL OF POLICIES AND PROCEDURES SECTION NO. 69-300;  
OFFICE OF REFUGEE RESETTLEMENT STATE LETTERS NO. 00-17 AND NO. 00-22;  
AND ALL COUNTY INFORMATION NOTICES NO. I-36-04 AND NO. I-71-08

This notice is to clarify to counties when federal Office of Refugee Resettlement (ORR) benefits and services may be provided to Haitians who are in the United States (U.S.) as a result of the January 12, 2010 earthquake in Haiti. The ORR issued State Letter #10-03, dated January 27, 2010, to remind states of which Haitians meet ORR program eligibility criteria. A copy of the ORR letter may be accessed at [www.acf.hhs.gov/programs/orr/policy/stltrs10.htm](http://www.acf.hhs.gov/programs/orr/policy/stltrs10.htm).

**Haitian Entrants**

In the Manual of Policies and Procedures (MPP) Section 69-302, only specified Haitians meeting the definition of a Haitian entrant may receive ORR-funded benefits and services, which include Entrant Cash Assistance, Entrant Medical Assistance, and Refugee Social Services and Targeted Assistance services. Haitian entrants are those individuals who possess the following immigration statuses:

- A Haitian granted parole status as a Haitian Entrant (Status Pending) on or after April 21, 1980 or has been paroled into the U.S. on or after October 10, 1980. An individual who is otherwise inadmissible to enter the U.S. may be paroled into the U.S. by the U.S. Department of Homeland Security (DHS). Parole is used for

emergency, humanitarian, and public interest reasons. The individual who is paroled into the U.S. is known as a parolee.

- Any Haitian who has been paroled into the U.S. and has not acquired any other status under the Immigration and Nationality Act.
- A Haitian who is subject to removal, deportation, or removal proceedings but does not have a final, non-appealable order of removal, deportation, or exclusion.
- A Haitian who has an application for asylum pending with the DHS, U.S. Citizenship and Immigration Services (USCIS) and does not have a final, non-appealable order of removal, deportation, or exclusion.

### **Haitians with Temporary Protected Status**

The DHS has determined that an 18-month designation of Temporary Protected Status (TPS) for Haitians is warranted due to the earthquake that occurred on January 12, 2010. TPS is available to eligible nationals of Haiti or persons without nationality who last habitually resided in Haiti and who have been in the U.S. continuously since January 12, 2010.

TPS allows individuals who were in the U.S. on or before January 12, 2010, and who are unable to return to Haiti due to the destruction and humanitarian crisis to remain in the U.S. Individuals may also obtain authorization to work, where appropriate. More information regarding TPS, including information on filing for TPS and obtaining a waiver of the filing fee, is available on the USCIS website at [www.uscis.gov](http://www.uscis.gov).

- **ORR Program Eligibility**

Haitians granted TPS do not meet the definition of a Haitian entrant and are not eligible for ORR-funded benefits and services.

- **Food Stamp Program Eligibility**

Haitians granted TPS are ineligible for state or federal food stamp benefits because of their temporary status in the U.S. These individuals do not qualify as Cuban/Haitian Entrants defined in 501(e) of the Refugee Education Assistance Act of 1980 per MPP Section 63-405.115 or as Haitian orphans who entered the U.S. under humanitarian parole. More information on Food Stamp Program eligibility for Haitians with TPS will be issued at a later date.

- California Work Opportunity and Responsibility to Kids (CalWORKs) Program Eligibility

Information regarding the eligibility of Haitians with TPS for CalWORKs will be issued at a later date.

If you have any questions regarding this letter, please contact Ms. Camille Ancona, Analyst, Refugee Programs Bureau, at (916) 653-7785 or [Camille.Ancona@dss.ca.gov](mailto:Camille.Ancona@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

VENUS GARTH, Chief  
Child Care and Refugee Programs Branch