

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814



September 29, 1977

ALL-COUNTY LETTER NO. 77-41 (WELFARE PROG. OPERATIONS)

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SILVA v. LEVI

REFERENCE: MPP 42-431.224 and MPP 63-2206.4

The U.S. District court for the Northern District of Illinois recently rendered a decision in the case of Silva v. Levi (76 C 4268). The case was filed 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 U.S. Immigration and Naturalization Service (INS) from deporting such aliens if they have a priority date for the issuance of an immigrant visa between July 1, 1968, and December 31, 1976, and had entered the U.S. before March 11, 1977.

Alien AFDC and "questionable" alien Food Stamp applicants who present a notice from INS informing them that as a result of this decision, they are permitted to remain in the United States until further notice are considered to have been granted an indefinite stay of deportation. While in that status, they qualify as aliens permanently residing in the U.S. under color of law pursuant to MPP 42-431.224 and MPP 63-2206.4. Alien AFDC and "questionable" alien Food Stamp applicants providing such documentation shall not be required to complete the certification section on Form CA 6 (formerly WR 6) and a CA 6 shall not be forwarded to INS unless the county believes the documentation submitted is of doubtful authenticity.

Attached is an example of the type of notice which may be sent to such aliens by INS. If you have any questions about the Silva case, please contact your AFDC Management Consultant at (916) 445-4458 or Mike Lipkin of the Food Stamp Policy Coordination Bureau at (916) 445-6907.


KYLE S. MCKINSEY
Deputy Director

Attachment

cc: CWDA