

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 454-1566



March 24, 1982

ALL-COUNTY LETTER NO. 82-25

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: CHANGES IN CUBAN/HAITIAN ENTRANT PROGRAM (CHEP) ELIGIBILITY POLICY

REFERENCE: ACL 81-39; ACL 81-45; ACL 81-67

This letter is being issued to inform counties of changes in federal policy governing eligibility for the Cuban/Haitian Entrant Program (CHEP). The following is effective immediately.

New Eligibility Criteria

Under the revised policy the following persons may qualify for the CHEP, if they meet all other program requirements:

1. Cubans and Haitians who possess an INS I-94 indicating "Cuban/Haitian Entrant (Status Pending)" continue to be eligible for CHEP.
2. Haitians who possess an INS Form I-94 which states that the person is a citizen of Haiti who has been either "Paroled" or granted "Voluntary Departure" status.
3. Cubans who possess an I-94 which states that the person is a citizen of Cuba and which contains the initials "OOE".
4. Cubans who possess an INS Form I-94 which meets all of the following requirements: (a) states that the person is a citizen of Cuba; (b) states that the person was "Paroled" on or after, April 21, 1980; and (c) does NOT contain the words "Outstanding Order of Exclusion".

NOTE: There is a distinction between the initials "OOE" and the words "Outstanding Order of Exclusion". Persons whose I-94's contain the initials "OOE" are eligible. Persons whose I-94's contain the words "Outstanding Order of Exclusion" are NOT eligible.

Expired Status

Persons in all four of the above categories are eligible even if the reviewable date or expiration date of their status has passed.

Permanent Resident Aliens

Cubans and Haitians who are now permanent resident aliens as indicated by an INS Form I-151 or I-551 (Resident Alien Forms), who previously held one of the statuses outlined above are eligible for assistance under CHEP. However, the applicant must provide sufficient documentation to substantiate that he/she held one of the above statuses prior to the adjustment of his/her status to that of resident alien. An example of such documentation would be a photocopy of an I-94 Form previously held which meets one of the status requirements, documentation available in county/state records or documentation provided by a voluntary resettlement agency.

Special Procedures for Persons Whose Form I-94 Contains the Initials "OOE"

The special "OOE" status is currently being assigned by INS to Cubans now being released from the Federal Correction Institute (FCI) in Atlanta, Georgia. Although these persons have not been designated as "Cuban/Haitian Entrant (Status Pending)" they have been paroled by INS.

These individuals were initially ordered excluded from the United States. However, a Federal District Judge issued a Temporary Restraining Order (TRO) making Exclusion Orders legally unenforceable for these persons. As long as this TRO is in effect, these Cubans are eligible to apply for CHEP benefits. It is possible, however, that the TRO may be removed in the future.

Therefore, although Cubans who possess an INS Form I-94 indicating "OOE" status are currently eligible for CHEP benefits, counties should be capable of readily identifying these individuals so that their benefits could be terminated, if necessary, upon future notice to the county by the Office of Refugee Services.

Persons Ineligible for CHEP Benefits

The following Cubans and Haitians are ineligible for CHEP benefits:

1. Individuals whose I-94's contain the words "Outstanding Order of Exclusion." These Cubans have Exclusion Orders against them but they are NOT covered by the TRO (mentioned above), and they are NOT eligible for CHEP as set forth in the above policy. If there are any such individuals in your county currently receiving CHEP benefits, they must be immediately terminated after being afforded adequate and timely notice in accordance with MPP Sections 22-021 and 22-022;

2. Individuals granted asylum under Section 208, paroled as refugees or admitted as refugees under Section 207 of the Immigration and Nationality Act (INA). These individuals may apply for Refugee Cash Assistance under the Refugee Resettlement Program (MPP Section 69-200);
3. Individuals who have never been processed through INS; and
4. Individuals who possess regular immigrant or nonimmigrant visas.

Counties may encounter Cubans and Haitians who do not fall into any of the eligible categories but who appear to have been processed through INS and do not possess regular immigrant or nonimmigrant visas. In these instances, the CWD should contact their Office of Refugee Services (ORS) Consultant for guidance on whether such persons are eligible.

Should you have any questions regarding this letter or wish to consult with staff regarding INS statuses, please contact your ORS Consultant at (916) 322-3141 or (ATSS) 492-3141.

Sincerely,



R. E. REICH
Chief Deputy Director

cc: CWDA
DHS
ORR - S.F.