
Per Public Law 107-171, federal benefits are to be restored to three categories of legal non-citizens in a three-step process.

Effective October 1, 2002, federal benefits including food stamps, were restored to legal non-citizens who are disabled, regardless of the date of entry into the United States. This was the first step.

The second step applies to legal non-citizens who have lawfully resided in the United States for five years beginning on the date of entry, and are effective April 1, 2003.

Attached to this ACL are questions and answers regarding the April 1, 2003 regulations and an advance copy of MPP §63-405.136 that provides for federal food stamp eligibility for a legal non-citizen who has resided in the United States beginning on the date of entry.

The questions and answers concern the five-year requirement and deeming of income for immigrants.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - April 22, 2003*

Item 03-04-02C

ACL 03-03 January 31, 2003 (Synopsis): *Craig v. Bonta* Application to Personal Care Services (PCS)

Reference: Senate Bill 87; All County Welfare Director's Letters 02-45 and 02-54; Welfare and

Institutions Code (W&IC) §14005.37

Pursuant to *Craig v. Bonta*, counties and DHS may not discontinue Medi-Cal benefits to recipients on or after June 30, 2002, if the sole basis for termination is the discontinuance of SSI/SSP eligibility. (*Craig* does not preclude DHS or counties from discontinuing Medi-Cal for persons who are no longer SSI/SSP eligible if the discontinuance of SSI/SSP was due to death or incarceration.)

Until further notice, if an In-Home Supportive Services (IHSS) recipient receives IHSS through PCS funding, counties may not terminate PCS solely because a recipient is terminated from SSI/SSP. Counties must continue to authorize PCS and \$0 share of cost Medi-Cal. As with other Medi-Cal benefits, counties may terminate PCS if the services are no longer needed based on an individual evaluation.

Because IHSS residual services are not a Medi-Cal benefit, counties may discontinue those services if the recipient is terminated from SSI/SSP. There will be another ACL on this subject after the court approves the DHS plan to comply with *Craig*.

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