

December 16, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 24-95

The purpose of this letter is to provide policy guidance on California Work Opportunity and Responsibility to Kids eligibility for Compacts of Free Association citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.



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GOVERNOR

December 16, 2024

ALL COUNTY LETTER NO. 24-95

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL CALFRESH PROGRAM SPECIALISTS
ALL COUNTY CASH ASSISTANCE PROGRAM FOR
IMMIGRANTS MANAGERS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY REFUGEE COORDINATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CALWORKS) ELIGIBILITY FOR COMPACTS OF FREE
ASSOCIATION (COFA) CITIZENS OF THE FEDERATED STATES
OF MICRONESIA, THE REPUBLIC OF THE MARSHALL
ISLANDS, AND THE REPUBLIC OF PALAU

REFERENCE: [CONSOLIDATED APPROPRIATIONS ACT, 2024, DIVISION G,
TITLE II, SECTION 209\(F\), 8 UNITED STATES CODE 1612,
1613\(b\)\(3\), 1641\(b\)\(8\), ACF-OFA-PI-24-02 \(CHANGES TO TANF
LAW IN TREATING CITIZENS OF COUNTRIES GOVERNED BY
THE COMPACTS OF FREE ASSOCIATION \(COFA\)\) | THE
ADMINISTRATION FOR CHILDREN AND FAMILIES \(HHS.GOV\),
ALL COUNTY LETTER \(ACL\) NO. 24-61, MANUAL OF POLICIES
AND PROCEDURES \(MPP\) 69-202, MPP 70-101 THROUGH MPP
70-104](#)

This All County Letter (ACL) provides guidance to County Health and Human Service Agencies (HHSAs) regarding CalWORKs eligibility for COFA citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. [ACL 24-61](#) issues related policy guidance under separate cover for CalFresh.

BACKGROUND

The Consolidated Appropriations Act (CAA) of 2024, [Public Law 118-42](#), was signed

on March 9, 2024 by President Joseph R. Biden. A provision titled “Compact Impact Fairness,” was included in the law. Under this provision, citizens of freely associated states (i.e., Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau) lawfully residing in the United States in accordance with the COFA are now considered “qualified immigrants” pursuant to 8 U.S.C. 1641[1] and are eligible for certain federal benefits, including Temporary Assistance for Needy Families (TANF). In addition, the law exempts COFA citizens from the restriction on receiving TANF-funded assistance until they have lived in the country for five years, which applies to many qualified immigrants. Under previous federal law, COFA citizens residing in the United States were not authorized to receive TANF.

CALWORKS ELIGIBILITY

Effective March 9, 2024, individuals who lawfully reside in the United States in accordance with [Section 141 of the Compacts of Free Association](#), are included in the definition of “qualified immigrants” and are eligible to receive TANF-funded assistance.

Under the change in law, COFA citizens may receive CalWORKs benefits if they reside in the United States and are not subject to a waiting period if they meet all other CalWORKs income and eligibility requirements.

COFA citizens who applied on or after March 9, 2024, and were incorrectly denied CalWORKs as non-qualified immigrants prior to the issuance of this letter may reapply for CalWORKs to be determined eligible under the provisions of the Public Law 118-42. In processing these reapplications, HHSA must check for earlier applications, and if located, use the earlier application date for the beginning date of aid if eligible. In addition, those individuals who applied on or after March 9, 2024, and were denied may request a fair hearing within 90 days of the date of denial, if applicable. If the HHSA determines the household was eligible for CalWORKs at the time of application, the HHSA must issue retroactive benefits from the date of application.

As a best practice, the California Department of Social Services encourages HHSA to reconnect with COFA citizens denied under previous TANF rules between March 9, 2024, and the date of this guidance, as these individuals may be newly eligible based on this updated policy.

In summary, when the date of denial is:

- Within 30 days, the HHSA must reopen the application and process according to this new policy.
- Over 30 days but within 90 days, the household may request a fair hearing.
- Over 90 days, the household must reapply.

The HHSA must verify the immigration status of COFA citizens through the Systematic Alien Verification for Entitlements (SAVE) program and the I-94 documentation with the admission stamp.

The admission stamp will reflect that the admission relates to the Compact. For Federated States of Micronesia (FSM) citizens, the admission stamp typically states “CFA/FSM” (Compact of Free Association/Federated States of Micronesia). For Republic of the Marshall Islands (RMI) citizens, the admission stamp typically states “CFA/MIS” (Compact of Free Association/Republic of Marshall Islands), though some older versions may be marked “CFA/RMI.” For citizens of Palau, the admission stamp will typically state, “CFA/PAL” (Compact of Free Association/Palau). As a note, the exact admission stamp notation may vary and is subject to change by USCIS.

For SAVE resources related to COFA citizens, please reference the U.S. Citizenship and Immigration Services (USCIS) webpage titled “[Federated States of Micronesia, Republic of the Marshall Islands, and Palau](#)” and the [USCIS “Guide to Understanding SAVE Verification Responses](#).”

**REFUGEE CASH ASSISTANCE (RCA), ENTRANT CASH ASSISTANCE (ECA),
TRAFFICKING AND CRIME VICTIMS ASSISTANCE PROGRAM (TCVAP)**

Public Law 118-42 has no direct impact on the RCA/ECA and TCVAP programs. As with all other applicants, a COFA citizen may be eligible for RCA if they satisfy the requirements listed in [MPP 69-202](#), and they may be eligible for TCVAP if they satisfy the requirements listed in [MPP 70-101](#) through [MPP 70-104](#).

For questions regarding CalWORKs Eligibility, please email CWEligibilityPolicy@dss.ca.gov. For questions regarding eligibility for RCA/ECA, please email RefugeePolicy@dss.ca.gov. For questions regarding eligibility for TCVAP, please email TCVAP@dss.ca.gov.

Sincerely,

Original Document Signed By

ALEXIS FERNÁNDEZ GARCIA
Deputy Director
Family Engagement and Empowerment Division