June 29, 2016

ALL COUNTY INFORMATION NOTICE NO. I-48-16

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY REFUGEE COORDINATORS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL CALFRESH PROGRAM COORDINATORS
ALL COUNTY CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) PROGRAM SPECIALISTS
ALL COUNTY CIVIL RIGHTS COORDINATORS
ALL COUNTY FISCAL OFFICERS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
ALL COUNTY CASH ASSISTANCE PROGRAM FOR IMMIGRANTS CONTACTS
ALL COUNTY IN-HOME SUPPORTIVE SERVICES PROGRAM MANAGERS

SUBJECT: ELIGIBILITY OF INDIVIDUALS PAROLED AS REFUGEES FOR BENEFITS AND SERVICES


The purpose of this notice is to provide additional information on the eligibility of individuals who are paroled as refugees under Section 212(d)(5) of the Immigration and Nationality Act (INA). Paroled as a Refugee is a category of parole; however, these individuals do not have refugee status and are not admitted to the United States (U.S.)
in refugee status, but rather as parolees. A sample I-94 document showing parolee status is enclosed. Benefits and services available to individuals paroled as a refugee are described below.

**REFUGEE RESETTLEMENT PROGRAM (RRP) ELIGIBILITY**

In accordance with MPP Section 69-202, individuals paroled as refugees may receive RRP benefits and services to the same extent as persons who are admitted to the U.S. as refugees. Specific RRP benefits and services include Refugee Cash Assistance (RCA), Refugee Social Services (RSS) and Targeted Assistance (TA) employment and training services, and ORR discretionary grant services. Eligibility of these individuals begins from the date of entry to the U.S.

The maximum length of time that individuals paroled as a refugee can receive RCA benefits is eight months from their date of entry to the U.S. RSS, TA, and ORR discretionary services may be provided up to 60 months from their date of entry to the U.S.

**CalWORKs PROGRAM ELIGIBILITY**

Individuals paroled as refugees pursuant to 45 CFR §233.50(b)(4) meet the CalWORKs noncitizen status requirement to be eligible to receive CalWORKs benefits.

Pursuant to 8 U.S.C. §1641(b)(4), these noncitizens have to be paroled in the U.S. for at least one year and are exempt from sponsor income deeming rules per MPP Section 43-119.123. These noncitizens who entered the U.S. on or after August 22, 1996, may be eligible for state-funded benefits provided that all other CalWORKs eligibility requirements are met (see ACL No. 98-65).

Required documentation for verification of CalWORKs eligible noncitizen status is United States Citizenship and Immigration Services (USCIS) Form I-94, which shall show that the bearer was paroled in the U.S. under Section 212(d)(5) of the INA (see MPP Section 42-433.313).

**CASH ASSISTANCE PROGRAM FOR IMMIGRANTS and STATE SUPPLEMENTARY PAYMENT ELIGIBILITY**

An individual is eligible for a State Supplementary Payment (SSP) if he/she receives federal Supplemental Security Income or, but for his/her income, is otherwise eligible to receive such benefits under Title XVI of the Federal Social Security Act. (WIC Section 12150 and MPP Section 46-110.)
SSI eligibility determinations are conducted by the Federal Social Security Administration (SSA) and ultimately whether or not an individual paroled as a refugee under Section 212(d)(5) of the INA may be eligible for SSI and/or SSP will be decided by the SSA.

A noncitizen immigrant is eligible for the Cash Assistance Program for Immigrants (CAPI) only if he or she is determined “ineligible for SSI/SSP solely due to his or her immigration status.” (MPP section 49-010.113.) Accordingly, if a paroled refugee is found eligible for SSI/SSP, he/she would not be eligible for CAPI. Similarly, if an individual is found ineligible for SSI/SSP on a basis other than (or in addition to) immigration status, he/she would not be eligible for CAPI. This reflects the purpose for which the CAPI program was created, i.e., to provide basic benefits to indigent aged, blind or disabled Californians who were or would have been eligible for SSI prior to the advent of federal welfare reform in 1996. (MPP section 49-020.111) Thus, an otherwise qualified paroled refugee may be eligible for CAPI if SSA finds the paroled refugee ineligible for SSI solely on the basis of his or her immigration status, but that immigration status would have satisfied the SSI standards in place on August 21, 1996. Those immigration standards include those who are qualified aliens or permanent residents under color of law (PRUCOL). (MPP Section 49-020.12) Individuals paroled as refugees under Section 212(d)(5) of the INA for a period of at least one year are qualified aliens and therefore meet these standards. (MPP Section 49-005(q)(1)(F), SSA Program Operations Manual System (POMS) Section SI 00502.100(2)(a)(3)) However, even those paroled as refugees under INA Section 212(d)(5) for a period of less than one year may receive CAPI because such individuals are PRUCOL (MPP Section 49-005(p)(3)(L), 20 CFR 416.1618(b)(2)).

Although an individual may not receive CAPI and CalWORKs simultaneously (MPP Section 82-832.1(d)), minor children who are members of a CalWORKs assistance unit are not excluded from CalWORKs benefits by the fact that one or both parents are paroled refugees who receive CAPI. Furthermore, parental income consisting of CAPI benefits is not counted as income or resources against the CalWORKs assistance unit grant. (MPP Sections 44-133.21 et seq.)

**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP) ELIGIBILITY**

Individuals paroled as a refugee are subject to a five-year waiting period for federal SNAP benefits. However, they may be qualify for the state-funded CFAP pursuant to Welfare and Institutions Code §18930, et. seq., and MPP Section 63-403.1, if specified eligibility criteria has been met.
WORK AUTHORIZATION ELIGIBILITY

Individuals paroled as refugees are eligible to apply for work authorization upon entering the U.S. using the Application for Employment Authorization I-765 Form to request an Employment Authorization Document.

This ACIN does not replace the Systematic Alien Verification for Entitlements (SAVE) system requirements. Counties should continue to verify the status of any noncitizen through the SAVE system. The USCIS determines whether a noncitizen’s documentation and/or status is valid. Verifying immigration status through USCIS using SAVE is mandatory according to the Agriculture Act of 2014.

Any questions regarding this notice may be directed to Lorraine Luna, manager of the Refugee Programs Bureau (RPB), Policy Unit, at (916) 654-1248 or the RPB at (916) 654-4356.

Sincerely,

Original Document Signed By:

KIM JOHNSON, Chief
Child Care and Refugee Programs Branch

Attachments
DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

Registro de salida

Número de admisión
050579962 28

Apellido
Nombre (de placa)
Fecha de admisión
_MULTIPLE

CHP Form I-94 Spanish (10/03)

Advertencia: La persona no inmigrante que acepta un permiso no autorizado podrá objeto de deportación. Importante: Mientras en su poder este permiso, deberá devolvérselo cuando salga de Estados Unidos. En caso de no hacerlo, su ingreso a Estados Unidos puede estar en trance de ser cancelado. Si está autorizado a permanecer en Estados Unidos sobresale hasta la fecha que indica el formulario. Seguir en el país después de esa fecha, sin permiso de las autoridades del Department of Homeland Security (Departamento de Seguridad Nacional), constituye una violación a la ley. Deberán este permiso al salir de Estados Unidos:
- Por mar o aire, a la agencia de transporte;
- Por la frontera con Canadá, al agente canadiense;
- Por la frontera con México, al agente estadounidense.
Los estudiantes que planeen regresar a Estados Unidos en un plazo no mayor de 30 días para volver a la misma escuela, consulten "Entrada-Salida" en la página 2 del formulario I-20 antes de devolver este permiso.

Record of Changes

A-2

Part: Departure Record
Date:
Carrier:
Flight No./Ship Name: