



WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

June 29, 2016

ALL COUNTY INFORMATION NOTICE NO. I-48-16

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

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 (CaIWORKs) 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

REFERENCE: ALL COUNTY LETTER NO. [98-65](#), ALL COUNTY INFORMATION NOTICE NOS. [I-47-95](#), [I-71-00](#), [I-23-03](#) AND [I-18-08](#), Manual of Policies and Procedures (MPP) Sections [42-431](#), [42-433](#), [43-119](#), [46-110](#), [49-005](#), [49-010](#), [49-020](#), [63-403.1](#), [63-405.117](#), and [69-202](#), 20 Code of Federal Regulations (CFR) [§416](#), [45 CFR §400.43\(a\)\(1\)](#), Office of Refugee Resettlement (ORR) State Letter [00-17](#) AND 15-03, [Agriculture Act of 2014](#), and Welfare and Institutions Code (WIC) [12150](#), [17001.6](#) and [18930](#).

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

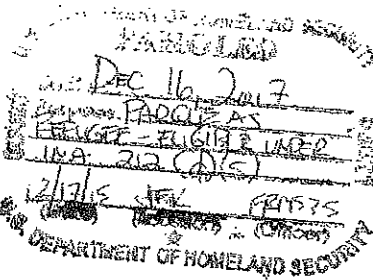
DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

OMB No. 1651-0111

Registro de salida

Número de admisión

050579962 28



18. Apellidos

19. Nombre (de pila)

20. Fecha de nacimiento (DD/MM/AA)

21. País de ciudadanía

CBP Form I-94 Spanish (05/08)

Advertencia: La persona no inmigrante que acepte un empleo no autorizado será objeto de deportación. **Importante** Mantenga en su poder este permiso; *deberá devolverlo cuando salga de Estados Unidos.* En caso de no hacerlo, su ingreso a Estados Unidos puede retrasarse en el futuro.

Usted está autorizado a permanecer en Estados Unidos solamente 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.

- Devuelva este permiso al salir de Estados Unidos:
- Por mar o aire, a la compañía de transporte;
 - Por la frontera con Canadá, al agente canadiense;
 - Por la frontera con México, al agente estadounidense.

Los estudiantes que piensen 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: [Redacted]

Port:

Departure Record

Date:

Carrier:

Flight No / Ship Name: