

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



September 11, 2000

ALL COUNTY INFORMATION NOTICE I-89-00

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS**REASON FOR THIS TRANSMITTAL**

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

SUBJECT: CaWORKs ELIGIBILITY FOR BATTERED NONCITIZENS WITH DEFERRED ACTION DECISIONS

REFERENCE: ACL 00-07

The purpose of this notice is to provide clarification to the counties on information provided in ACL 00-07 dated January 5, 2000, Battered Noncitizen Eligibility Under California Work Opportunity and Responsibility to Kids (CalWORKs) and Food Stamp Program. This ACIN provides information that will assist counties in determining CalWORKs eligibility for noncitizens that have an approved petition and a deferred action decision from the Immigration and Naturalization Service (INS).

In addition to receiving an approved self-petition, a battered noncitizen may also be granted deferred action. Deferred action means that INS has chosen not to initiate removal (deportation) proceedings against the battered noncitizen for the period specified on the INS document. The specified time period, usually fifteen months, is provided to allow the battered noncitizen adequate time to apply for an adjustment of status, an immigrant visa, and/or employment authorization. A battered noncitizen can request an extension of the deferred action period. In situations when deferred action has expired, the battered noncitizen continues to be eligible for CalWORKs. INS can revoke a grant of deferred action, for reasonable cause, at any time. This revocation takes place when deportation proceedings are to be initiated.

According to MPP section 40-105.14, recipients must report within five days any changes to their status. The counties are instructed to verify the validity of an approved petition at least once annually through the Vermont Service Center.

The Vermont Service Center is a section within INS whose function is to respond to inquiries and process self-petitions for battered noncitizens. Please refer to ACL 00-07 for instructions on how to contact the Vermont Service Center.

If you have any questions regarding this notice, please call Kevin Campbell of the CalWORKs Eligibility Bureau at (916) 654-2130.

Sincerely,

Original signed by

Charr Lee Metsker

on 9/11/00

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

c: CWDA
CSAC