

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814



July 23, 1975

ALL-COUNTY LETTER NO. 75-152

TO: ALL COUNTY WELFARE DIRECTORS

OBSOLETESuperseded by ACL #77-15Issued 3-7-77

SUBJECT: FOOD STAMP PROGRAM - VERIFICATION OF ALIEN STATUS, INCOME OF
INELIGIBLE ALIENS, AND INELIGIBLE ALIENS AS HOUSEHOLD HEAD,
REFERENCE: ELIGIBILITY OF VIETNAMESE

This letter is to clarify Food Stamp Manual Sections 63-2208 (Verification of Citizenship or Alien Status), 63-2331.2b (Ineligible Aliens as Part of the Economic Unit), 63-2331.3 (Ineligible Aliens as Household Head), and the eligibility of the Vietnamese.

Verification of Citizenship or Alien Status

The first paragraph of Food Stamp Manual Section 63-2208 quite specifically states that verification (requests by an EW that an applicant prove his statement by providing documentation) of citizenship or alien status is not required except in questionable cases. Paragraph Two goes on to state that Sections 63-2208.1 through 63-2208.7 are to be used as examples of acceptable documentary evidence in "questionable cases" and to assist the EW in determining how to classify certain aliens who may be uncertain of their own status. The purpose of this section is to make the use of the WR 6 unnecessary. The last sentence of 63-2208.8 (Absence of Documentation) states that WR 6 referrals are not to be a matter of general policy, but restricted to those cases where an EW has reason to doubt or disbelieve the status reported by the applicant or in the absence of acceptable documentation when a "questionable case" has warranted a request for verification.

It is important that an EW maintain an awareness that policies for the verification of alien status are not uniform for public assistance programs and the food stamp program. This is of extreme importance because when a "questionable case" exists per FNS regulations, no aid pending can be allowed. When a WR 6 is initiated by the food stamp worker (strictly food stamp purposes -- not related to the AFDC requirement) a denial action must be taken at the end of thirty (30) days, regardless of whether there has been any response from INS.

When an applicant indicates on the application that the members of the household are U.S. citizens or permanent aliens, the EW shall not require further verification unless one or more of the circumstances under the following definition of "questionable cases" is present.

GEN 654 (2/75)

Definition of "Questionable Cases"

In reference to aliens, a "questionable case" requiring documentation shall only be one of the following:

1. The existing welfare department records indicate that one of the individuals in the household is an illegal alien (who may or may not be under order of deportation). This information could be contained in records for Food Stamps, AFDC, Medi-Cal, General Relief, Social Services, etc.
2. Notification by another governmental agency that one of the individuals in the household is an illegal alien (who may or may not be under order of deportation). This information could be received from the Immigration and Naturalization Service, Border Patrol, FBI, District Attorney, etc.
3. It is clear that the information provided by the household on their application is internally inconsistent with oral information provided by them.
4. Notification by EDD that a member of the household is an illegal alien or legal alien only in the country temporarily (see 63-2207) and whom they cannot legally refer for employment.
5. An employed household member who fails to report a social security number on his application, whose pay verifications do not show his social security number and who refuses to allow an employer to be contacted for this information.

It should be understood that the mere fact that an applicant speaks no English or is of nonwhite descent shall not be considered sufficient evidence to label an applicant as "questionable" and require documentation.

Ineligible Aliens as Part of the Economic Unit

When an ineligible alien is an integral part of a household's economic unit, including those individuals furnished meals and lodging but not qualifying as boarders, the income of such households shall be determined in the following manner: The total gross income of an ineligible alien less the value of a one-person coupon allotment for himself and each of his ineligible dependents shall be counted as available to the household unless the household can demonstrate otherwise. The ineligible alien(s) will be treated as household member(s) for the purpose of determining all income exclusions and deductions; but shall not be included in the household size for determining the income eligibility standard for the household or its basis of issuance.

Example:

A household consists of a father, mother, and two sons. The father and mother are permanent legal aliens; the father earns \$300/month. One of the sons has

been admitted for a temporary period of time only for educational purposes and the other is an illegal entrant, and therefore, neither are eligible for program benefits. One of the sons earns \$150 per month from his job and his brother has no income but \$30 in medical expenses and is supported by the employed brother. Since the value of a one-person allotment is currently set at \$48, the deduction for food costs of the ineligible aliens would be \$96 (2 x \$48). The income from the ineligibles to be entered on Line B1 of the budget would be \$54 (\$150 -96). The \$54 would be added to the gross earnings, if any, of the father before computing the ten percent deduction for work related expenses. A deduction would also be allowed for all mandatory deductions taken from the son's wages. The remainder is then added to any unearned income and other deductible expenses as per Section 63-2264) are taken out to determine the adjusted monthly income. The income eligibility standard and basis of issuance would be that of a two-person household.

Budget Breakdown

B-1	Father's earnings - \$300, Son's income to household \$54	\$354.00
2	10 percent	<u>35.40</u>
3	Net earned income	\$318.60
4	Involuntary deductions (\$20 from earnings of son, \$60 from earnings of father)	<u>80.00</u>
		\$238.60
C-1	Medical deductions of the other son	<u>30.00</u>
C-8	Monthly net income	\$208.60
C-10	Total adjusted net income	\$ 71.18

Eligibility exists for this two-person household (mother and father). Purchase requirement is \$15 for \$90 in stamps.

C-9 (Shelter Cost Adjustment)

c)	Total shelter cost (for the house in which <u>all</u> persons live)	\$200.00
d)	30% of Line C-8	\$ 62.58
e)	Excess Shelter Deduction	\$137.42

Ineligible Aliens as Household Head

When the eligible members of a household are all unemancipated minors and the only adult is an ineligible alien, the ineligible alien may make application as head of the household on behalf of the eligible minors. Under no circumstances will the ineligible alien (authorized representative) be subject to a WR 6 referral to INS or questioned regarding this individual's "intent to permanently

reside in the county or state." Such a practice might seriously hinder the participation of eligible unemancipated minors, and has no basis in the regulations.

Eligibility of the Vietnamese

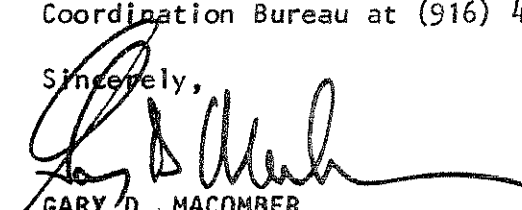
FNS policy is that the Vietnamese are to be considered aliens lawfully present for an indefinite period of time and are therefore eligible for program participation. It will not be necessary to require each Vietnamese to produce verification of status (Form I-94), since documentation of eligibility is (as with all individuals) required only for questionable cases.

It has also been noted that many Vietnamese students who have been studying in this country on student (and temporary) visas and who have been ineligible under 63-2207 are now applying for food stamps. If these students have been granted indefinite residence and they have had their previous document replaced by an I-94, then they are eligible for program participation.

Finally, it should be understood that the Vietnamese may be treated as separate households with respect to their sponsor families. No assumptions can automatically be made that the sponsor and family are one economic unit and are going to remain that way indefinitely. Since all persons, including those without resources, who are provided shelter and food by relatives or friends (characteristically they may be unemployed or ill) can be considered separate economic units, the same consideration must be given the Vietnamese refugees and sponsors. The eligibility worker is obligated to explain the household concept and to inform the applicant of his right to change his household status (even during the application process) and the effect this will have on his receipt or nonreceipt of food stamps. This responsibility is already mandated by Regulations Section 63-1009.11. Also, it should be remembered that the purpose of sponsorship of refugees is to speed up the process by which these individuals become self-sufficient in our society. Establishment of a separate economic unit by the refugee family (with all its attendant responsibilities) even while under the roof of the sponsor family can certainly be viewed as a step toward this economic self-sufficiency.

Your assistance in implementing the above interpretations will be appreciated. If you have any questions, please contact Frank Sanchez of the Food Stamp Policy Coordination Bureau at (916) 445-6907.

Sincerely,



GARY D. MACOMBER
Deputy Director

cc: FNS, USDA
CWDA