

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 23, 1988

ALL COUNTY LETTER NO. 88-25

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ELIGIBLE ALIEN STATUS REGULATIONS ORD #0987-44

The purpose of this letter is to provide County Welfare Departments (CWDs) with information and instructions concerning the implementation of food stamp regulation changes contained in the above referenced regulation package. Emergency regulations have been filed with and approved by the Office of Administrative Law (OAL). They will become effective for all new food stamp applications filed on or after March 1, 1988.

The Eligible Alien Status Regulations were promulgated as a result of Public Law 99-603, The Immigration Reform and Control Act of 1986 (IRCA); and federal regulation changes published in Federal Register, volume 52, No. 103, dated May 29, 1987. They specify the new categories of aliens who are currently eligible to participate in the Food Stamp Program, and those who will not become eligible to participate until specified dates in the future. Copies of the adopted regulations will be issued to all CWDs by the Regulations Development Bureau.

There are five categories of aliens who become eligible to participate in the Food Stamp Program as a result of IRCA provisions:

1. As of November 6, 1986, those who have resided continuously in the United States since before January 1, 1972, or some later date as required by law, and are otherwise eligible to be granted permanent resident status. The previous "continuous residency date" was June 30, 1948.
2. As of June 1, 1987, those who are admitted as special agricultural workers (SAWS) under Section 210(a) of the Immigration and Nationality Act (INA). SAWS aliens are those who can prove they have performed seasonal agricultural work for a specified period of time prior to May 1, 1986 in accordance with Immigration and Naturalization Service (INS) regulations.

3. As of November 7, 1988, those who have been granted lawful permanent resident status under Section 245A of the INA and are aged, blind, or disabled as defined in Section 1614(a)(1) of the Social Security Act. A substantial number of these individuals will already be in receipt of SSI/SSP benefits and therefore not eligible to receive food stamp benefits in California.
4. From October 1, 1989 through September 30, 1993, those who are admitted as additional special agricultural workers (ASAWS) or replenishment agricultural workers (RAWS) under Section 210(a) of the INA.
5. As of May 5, 1992, those who are granted lawful temporary resident status under Section 245A of the INA at least five years prior to applying for food stamps and who subsequently gained lawful permanent resident status. The effective date of this category reflects a provision in the IRCA which specifically prohibits participation in the Food Stamp Program and certain other types of public assistance programs even though the alien has gained temporary or permanent legal status.

RESTORATION OF BENEFITS

The Eligible Alien Status Regulations provide for restoration of benefits to otherwise entitled households which were denied benefits:

1. To November 6, 1986, or the date of application, whichever is later, for those who meet continuous residency requirements;

OR

2. To June 1, 1987, or the date of application, whichever is later, for special agricultural workers (SAWS).

When determining the amount of retroactive benefits to which a household is entitled, the coupon issuance tables effective October 1, 1986 should be used for the period November 6, 1986 through June 30, 1987. These tables were released in SDSS manual letter Nos. FS 86-06 dated December 19, 1986 and FS 86-07 dated December 23, 1986. The coupon issuance tables effective July 1, 1987 should be used for the period July 1, 1987 through September 30, 1987. These tables were released in SDSS manual letter No. 87-02 dated June 22, 1987. Additional instructions for restoring lost benefits are provided in Attachment 2.

Benefits should be restored to an otherwise entitled household if a review of its case is requested or the CWD becomes aware that a review is needed.

ATTACHMENTS

Attachments to this letter include:

- 1) Required Verification of Alien Status
- 2) General Instructions for Restoration of Benefits

If you have any questions regarding the implementation or restoration procedures in this letter, please contact Carole Geller, Food Stamp Policy Implementation Unit at (916) 322-5330.



ROBERT A. HOREL
Deputy Director

Attachments

cc: CWDA

REQUIRED VERIFICATION OF ALIEN STATUS

Food Stamp Program applicants who are not U.S. citizens are required to present documentation such as, but not limited to, a letter, notice of eligibility, or identification card which clearly identifies that the alien has been granted legal status in one of the eligible categories.

- o Acceptable verification for those aliens who meet continuous residency requirements and became eligible to participate as of November 6, 1986, includes:

1. An INS Form I-151 or I-551, "Alien Registration Receipt Card"

OR

2. A "Re-entry Permit," or passport booklet with the stamped annotation, "processed for I-551, Temporary Evidence of Lawful Admission for Permanent Admission".

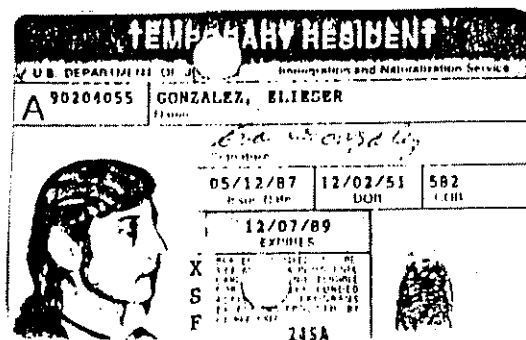
According to INS, Form I-181B is no longer stamped with this annotation and should no longer be used as acceptable verification for these individuals.

- o INS will provide an I-688, Temporary Resident Card, to both special agricultural workers (SAWS) who were eligible to participate in the Food Stamp Program as of June 1, 1987, and to newly legalized aliens who are not eligible until either November 7, 1988 or May 5, 1992. The CWD may determine the eligibility of these card holders, however, by observing the annotation on the card which reflects the section of the INA under which the alien was admitted.

1. An alien holding an I-688 card annotated with Section 210(a) of the INA is a SAW and is an eligible alien for food stamp purposes.
2. A newly legalized alien holding an I-688 card annotated with Section 245A of the INA is not eligible until either November 7, 1988 or May 5, 1992.

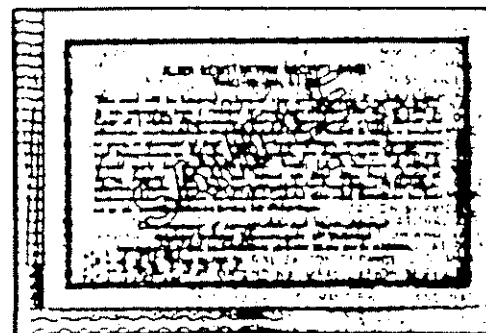
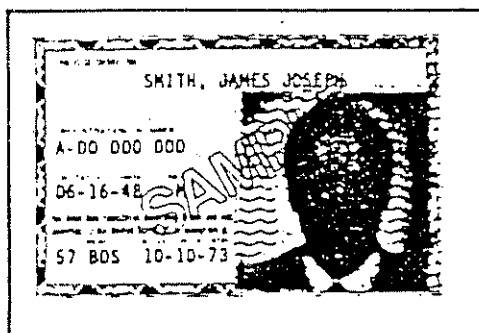
Please note, an I-688A, Employment Authorization Card is issued to applicant aliens while their application for legalized status is being processed. The I-688A is not, in itself, satisfactory evidence of eligible alien status since the applicant alien's final status has not yet been determined.

TEMPORARY RESIDENT CARD I-688



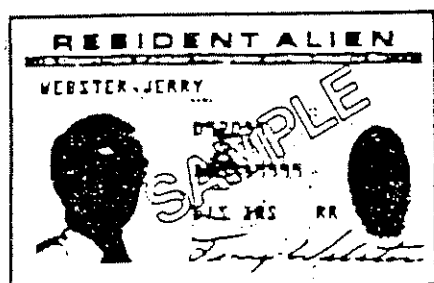
This card is issued to all aliens who are granted amnesty, or more specifically, "Temporary Resident" status. This card is issued to both agricultural (SAWS) aliens as well as to those who qualify under the five year rule. The card will be annotated with either section 210(a) or 245A as appropriate (see explanation of these annotations in Page 1 of this attachment). This card will be supplanted by the standard form I-551 in the case of those aliens who eventually qualify for, and are granted Permanent Resident status. Expired cards of any kind are not acceptable as proper identification and should be surrendered to INS as required by federal law.

ALIEN REGISTRATION RECEIPT CARD I-151



These cards were issued by INS prior to June 1978, to lawful permanent resident (lawful immigrant) aliens. There are numerous versions of this card because it was periodically revised. Although this card is no longer issued, it is valid indefinitely. This card is also commonly referred to as a "green card."

ALIEN REGISTRATION RECEIPT CARD (RESIDENT ALIEN CARD) I-551



This card is issued by INS to lawful permanent resident (lawful immigrant) aliens. Valid indefinitely, this card is commonly referred to as a "green card" and is a revised edition of Form I-151.

GENERAL INSTRUCTIONS FOR RESTORATION OF BENEFITS

Requesting Restoration

When a nonparticipating household claims entitlement to lost benefits, it is suggested that the CWD use the top portion of the DFA 285-A1, Application for Food Stamps Part-1, to document the request. A separate form should be used for each county in which the household was denied benefits and from which the household is requesting benefits.

If a request is received for a month in which the CWD neither paid nor denied benefits to the household and it appears that the benefits were lost in another county, the CWD shall forward the request to the appropriate CWD, if known. If the appropriate CWD is not known, the household shall be advised that the request must be processed by the CWD where benefits were lost. It is ultimately the responsibility of the household to request restoration of lost benefits from the appropriate CWD.

How to Establish Eligibility for Restoration of Benefits

The CWD shall determine eligibility by requesting that the household provide whatever information the CWD needs to determine eligibility and compute benefits.

If a complete application was not taken at the time of the denial, the CWD shall update the incomplete application or request a new application reflecting the circumstances for the original month of application.

For each month during the restoration period after the original month of application, the CWD shall request any required CA 7s or change reports, as appropriate.

The household must submit complete CA 7s and all required verification. In the event that documentation is no longer available for the restoration period, an affidavit may be accepted as the required verification for the application, CA 7 or change report.

Any questionable or inconsistent information identified in this process shall be handled in accordance with existing regulations 63-300.53 and 63-504.342 as appropriate for the situation.

Households Determined Ineligible for Restoration

The CWD shall deny the household's request for restored benefits in writing when found ineligible. The denial section of the DFA 377.1A, Notice of Denial or Pending Status, will be used for this purpose. Use of a written notice facilitates the household's ability to request a state hearing if it disagrees with the denial as provided in M.S. 63-802.41.

Other

Additional provisions concerning notice, issuance and accounting requirements when restoring benefits are contained in M.S. 63-802 and shall apply to these restorations.

The CWD should report the activities associated with these restorations on the DFA 296 Caseload Movement Status Report in the same manner that all other restorations are reported.