

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



August 31, 1990

ALL COUNTY LETTER NO. 90-84

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: CITIZENSHIP/ALIENAGE DECLARATION FOR AFDC AND FOOD
STAMPS -- DOCUMENTATION REQUIREMENTS -- QUALITY CONTROL
ERRORS

REFERENCE: ALL COUNTY LETTER NO. 88-131, DATED 9-29-88
ALL COUNTY INFORMATION NOTICE NO. I-15-87, DATED 3-2-87

Recent Federal and State Quality Control (QC) reviews have uncovered a potentially serious and costly problem regarding inadequate documentation of the required declaration of citizenship/alienage status for Food Stamp and federally eligible AFDC cases. Please note that the declaration is NOT required for State-only AFDC. The following discussion applies only to federally eligible cases.

The problem occurs most frequently in cases documented with versions of the CA 2, Statement of Facts, issued prior to the 1/87 version. These prior versions of the CA 2 do not provide valid declarations of citizenship/alienage status. Persons in such cases are considered ineligible under current Federal rules unless the case file also contains other documentation providing a valid declaration for each person in the assistance unit.

THE DECLARATION REQUIREMENT

The declaration requirement, which is contained in Federal law and which applies only to federally eligible cases, was set forth in All County Letter No. 88-131, Attachment 1, Page 1, dated September 29, 1988 as follows:

Section 121 of the Immigration Reform and Control Act (IRCA) requires as a condition of eligibility for AFDC and Food Stamps that the individual sign under penalty of perjury a declaration stating whether or not the individual is a citizen or national of the United States and if not, whether the individual is in a satisfactory immigration status (SIS). ... In the case of a child, the declaration must be signed by an adult on the child's behalf.

PRESENT STATUS OF THE DECLARATION REQUIREMENT

A valid declaration of citizenship/alienage status must be in the case record for EVERY current recipient of Food Stamps and/or Federal AFDC. Recipients who have no valid declaration on file are ineligible. Additional declarations need not be obtained at redetermination or recertification when there is already a valid declaration in the case file which reflects each recipient's current status.

QUALITY CONTROL IMPACT

The State of California is held harmless on this issue for QC reviews occurring before October 1, 1990. Beginning October 1, California will NOT be held harmless for cases failing to have a valid declaration.

HOW THE DECLARATION REQUIREMENT IS MET

In the most common AFDC and Public Assistance (PA) Food Stamp case situation, the declaration requirement is met in the normal course of completing an appropriate Statement of Facts form at the time of application. In these cases, a valid declaration is obtained automatically simply by selecting the appropriate Statement of Facts form and by completing it properly.

All of the following Statement of Facts forms provide valid declarations:

- o CA 2 (1/87) - Obsoleted for current use with implementation of the CA 2 (10/89) version.
- o CA 2 (10/89) - Obsoleted for current use with implementation of JA 2.
- o JA 2 (4/90) - For current use.
- o Temp SAWS 2 (3/90) - Currently used only in SAWS pilot counties.

NONE of the following Statement of Facts forms meet the declaration requirement:

- o CA 2 - All versions predating the (1/87) version.
- o CA 8 - Used for adding a person to the assistance unit.
- o CA 20 - Used for annual redeterminations.

The form CA 64, Statement of Citizenship/Alien Status, was specifically designed as a special purpose form to meet the declaration requirement. It must be used to meet the requirement whenever the declaration requirement is NOT being met by a Statement of Facts form [CA 2 (1/87), CA 2 (10/89), or JA 2].

ADDITIONAL CONSIDERATIONS FOR FOOD STAMPS

For Public Assistance Food Stamp (PAFS) households, the requirement is met in the same way as for AFDC outlined above [by use of the CA 2 (1/87), CA 2 (10/89), JA 2, or CA 64]. Additionally, since the Statement of Facts forms do not provide space for the declarations of more than two adults, it will be necessary to use a CA 64 for the additional adult(s) when there are more than two adults in the household.

For Nonassistance Food Stamp (NAFS) households, a CA 64 must be in the case file declaring the status of every member of the household when a DFA 285-A2 is used.

Note -- The Application for Food Stamps Part 2, DFA 285-A2 does NOT meet the requirement.

CORRECTIVE ACTION

Corrective action should be taken to make sure that there is a valid declaration in each case file for every member of the Food Stamp household and every federally eligible member of the assistance unit.

It is important that any corrective action the County considers necessary be taken in time to prevent applicants/recipients from being made ineligible after September 30, 1990.

Corrective actions could include the following:

- o Make sure that appropriate forms are used, as identified above, at intake and redetermination or recertification.
- o For each person found to be lacking a valid declaration, make sure that the declaration is obtained as soon as possible.
- o Watch for the following high risk situations when reviewing cases for potential errors:
 - o When the original Statement of Facts in the case file predates the 1/87 version of the CA 2:
 - Since the older versions of the CA 2 do not provide valid declarations, has a redetermination been done on a form that provides a valid declaration - or is there a CA 64 in the file?
 - o When a person was added to the case using a Form CA 8, Statement of Facts:
 - Since this form does not provide a valid declaration, has a redetermination been done on a form that provides a valid declaration - or is there a CA 64 in the file?

- o When all annual redeterminations have been done using the CA 20:
 - Since this form does not provide a valid declaration, does the original Statement of Facts provide a valid declaration - or is there a CA 64 in the file?

If you have questions related to the declaration requirement, please contact John Honeycutt at (916) 445-1131. If you have questions specific to forms and their usage, please contact LeAnne Torres at (916) 324-2016.

for Robert A. Horel
JOHN ROBERT A. HOREL
Deputy Director

cc: CWDA

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 12, 1991

AMENDMENT TO: ACL 90-84 DATED: August 31, 1990

AMENDMENT NUMBER: B

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ADDITIONAL ONE YEAR EXTENSION OF THE HOLD HARMLESS PERIOD FOR IRCA CITIZENSHIP/ALIENAGE DECLARATION IN AFDC... DOCUMENTATION REQUIREMENTS... QUALITY CONTROL ERRORS

FILE: ATTACH TO OR FILE IN FRONT OF ACL 90-84

The Department of Health and Human Services (DHHS) has recently granted an additional one-year extension through September 30, 1992 of the hold harmless period for quality control errors that occur as a result of the implementation of the Immigration Reform and Control Act (IRCA) declaration requirements for Federally eligible AFDC cases.

Section 121 of IRCA requires as a condition of eligibility for AFDC that all individuals provide a written declaration of citizenship or whether he or she is in satisfactory immigration status. All County Letter (ACL) 90-84, dated August 31, 1990, describes the action Counties need to take in order to comply with the documentation requirements for citizenship/alienage.

The Omnibus Reconciliation Act of 1989 provided for a one-year implementation period during which errors related to new regulations (IRCA) would not be included in calculating a State's AFDC quality control review error rate. This one-year hold harmless period for IRCA citizenship/alienage declaration was to originally expire on September 30, 1990, but was extended for one year through September 30, 1991. The most recent extension continues the hold harmless period through September 30, 1992.

Counties should continue to follow the case documentation requirements outlined in ACL 90-84. Any questions concerning the corrective action aspects of this letter should be directed to your accuracy improvement consultant at (916) 654-1093 or CALNET 464-1093. Quality control questions should be directed to your district manager, Review and Evaluation Branch.

A handwritten signature in cursive script, reading "Steve Hemmerling".

Steve Hemmerling, Acting Chief
AFDC & Food Stamp
Accuracy Improvement Bureau

cc: AFDC Accuracy Improvement Liaisons
Quality Control Coordinators