

# CalSAWS | Enhancement Request (CER)

**PPOCs:** Please send the completed request to CER@CalSAWS.org and cc your RM.

<b>Submission Date</b>	05/10/2023
<b>Title</b>	INS section code 09 for CalFresh

<b>Region #: 3</b>	<b>County: Lake</b>	
<b>Submitter:</b> Jonette Moffett	<b>Email:</b> Jonette.moffett@lakecountyca.gov	<b>Phone:</b> 707-995-4333

<b>Program(s) Impacted:</b>			
<input type="checkbox"/> Adoptive Services	<input type="checkbox"/> ARC	<input checked="" type="checkbox"/> CalFresh	<input type="checkbox"/> Cal-Learn
<input type="checkbox"/> CalWORKS / RCA	<input type="checkbox"/> CAPI	<input type="checkbox"/> Child Care	<input type="checkbox"/> CMSP
<input type="checkbox"/> Foster Care	<input type="checkbox"/> GA/GR	<input type="checkbox"/> GAIN/REP/WTW	<input type="checkbox"/> GROW
<input type="checkbox"/> Kin-GAP	<input type="checkbox"/> Medi-Cal / RMA	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other – specify			

<b>Area(s) Impacted:</b>			
<input type="checkbox"/> Call Center	<input type="checkbox"/> Case Assignment	<input type="checkbox"/> Central Print	<input type="checkbox"/> Client Correspondence
<input checked="" type="checkbox"/> Eligibility	<input type="checkbox"/> Fiscal / Collections	<input type="checkbox"/> Hearings	<input type="checkbox"/> Imaging
<input type="checkbox"/> Lobby Management	<input type="checkbox"/> Reports	<input type="checkbox"/> Resource Data Bank	<input type="checkbox"/> Schedule Appt
<input type="checkbox"/> Security	<input type="checkbox"/> Self Service Portal	<input type="checkbox"/> Special Investigation	<input type="checkbox"/> Task Mgmt
<input type="checkbox"/> Time Limits	<input type="checkbox"/> Training		
<input type="checkbox"/> Interface(s) - specify			
<input type="checkbox"/> Other – specify			

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**Justification / Request Summary: Request to make an individual who is pending asylum with INS section 09 ineligible to CalFresh. (ticket CS0111304 and INC0077512)**

Issue:  
 CalSAWS determines a non-citizen with Section Code = C09 as eligible to CalFresh. CalSAWS approves CalFresh for an individual who is pending asylum.

CalSAWS Response to CS0111304 and INC0077512:

Per current system design, the ineligible alien status reason will be set if the person is both

- not US Citizen

AND

the person is one of the following:

- is undocumented
- has an ineligible secondary save status
- wasn't battered AND has an ineligible INS document

INS section code 09 has the value of "Eligible" in our system. Hence does meet the ineligible non citizen status.

If this is incorrect please submit a CER so a potential SCR can be drafted.

CalSAWS also determines a non-citizen with Section Code C09 as eligible to RCA, CW, and CAPI as Eligible and they should be ineligible.

CalSAWS has both C9 and C09 Section Codes. For both codes the individual should be ineligible to RCA, CW, FS, and CAPI.

C09 is pending asylum – they submitted an app but it’s not approved / denied yet.

C9 is someone who was here legally and granted employment authorization and it expired or was terminated, they applied to adjust to LPR and they are awaiting a determination – again not eligible.

Currently in CalSAWS:

Citizenship Document Code	Citizenship Section Code	Citizenship Type	RCA	CW	MC	FS	CAPI
I-688B or I-766	274a.12(c) (9) or C9	EAD - Applicant for Adjustment to LPR	Ineligible	Ineligible	Restricted	Ineligible	Ineligible
I-688B or I-766	C09	Temporary - Employment Authorized	Eligible	Eligible	Restricted	Eligible	Eligible

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**Proposed Recommendation:**

An individual with INS section code C9 and also C09 who is pending adjustment of status for asylum should not be determined eligible to CalFresh, CalWORKs, Refugee Cash Assistance, Cash Assistance Program for Immigrants. ( FS, CW, RCA, CAPI) Should be:

Citizenship Document Code	Citizenship Section Code	Citizenship Type	RCA	CW	MC	FS	CAPI
I-688B or I-766	274a.12(c) (9) or C9	EAD - Applicant for Adjustment to LPR	Ineligible	Ineligible	Restricted	Ineligible	Ineligible
I-688B or I-766	C09	Temporary - Employment Authorized	Ineligible	Ineligible	Restricted	Ineligible	Ineligible

**CalFresh:**

ACIN I-102-10 page 13

Asylum must have been “Granted” for an individual to be eligible for federal FS benefits. Asylees are eligible from the date asylum was granted. An asylee will generally have a written decision from USCIS or a letter from an immigration judge stating that asylum has been granted. Asylees are not sponsored noncitizens; they are qualified noncitizens (for a definition of qualified noncitizen, refer to the “Qualified Noncitizen” definition).

“Applying” or “Recommended” for asylum is not the same as having been granted asylum. To be eligible for the FSP, asylum must be granted.

**CalWORKS:**

MPP 42-431

As suggested in Section 42-430, to be eligible for assistance an applicant or recipient must be a California resident who is either:

.2 A noncitizen who is:

.221 Aliens lawfully present in the U.S. as a result of the application of the following provisions of the Immigration and Nationality Act.

- a. Section 207(c), after March 31, 1980 - Aliens Admitted as Refugees.
- b. Section 208 - Aliens Granted Political Asylum by the Attorney General.

MPP 42-433

A citizen must prove his/her citizenship to be eligible, as provided in Section 42-433.2. A noncitizen must prove that he/she is in one of the eligible categories described in Section 42-431.2 above, by presenting the appropriate documentation described in Section 42-433.31 below.

.3 Documentation - Noncitizens

.31 Every noncitizen claiming eligible noncitizen status as defined in Section 42-431 shall be required to present documentation of that status, as follows:

.311 Noncitizens lawfully admitted for permanent residence (Section 42-431.21): USCIS Form I-551, or earlier forms I-151, AR-3 and AR-3a, if specifically endorsed to show legal right to reside permanently.

.312 Noncitizens granted asylum or refugee status (Section 42-431.221(a) and (b) and 42- 431.222): USCIS Form I-94, annotated with the term asylum or asylee, refugee or conditional entry or entrant.

# CalSAWS | Enhancement Request (CER)

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- .313 Parolees (Section 42-431.221(c)): USCIS Form I-94 (Arrival-Departure Record -- Parole Edition) endorsed to show bearer has been paroled in the U.S. pursuant to Section 212(d)(5) of the Immigration and Nationality Act.
- .314 Persons granted indefinite voluntary departure or an indefinite stay of deportation (Section 42-431.223 and .224): A court order or correspondence from USCIS stating that the individual has been granted this status.
- .315 Noncitizen victims of trafficking, domestic violence or other serious crimes must provide the respective documentation as set forth in Sections 42-431.4 through .6.
- .32 A noncitizen who declares or presents documentation that he/she is lawfully present for temporary residence (e.g., a visitor whose period of admission has not expired) is not eligible except as noted in Sections 42-431.221(c) and .23.

**RCA:**  
CDSS website: RCA is available for up to 12 months from date of admission to the U.S. in qualifying status, date of final grant of asylum or date of certification by the Office of Refugee Resettlement (ORR) as Victim of Trafficking.

MPP 69-205.241  
Eligibility for RCA is limited to the number of months required in Section 69-202.41 following the refugee's date of entry in the United States. The month of entry, as indicated on the USCIS Form I-94, is counted as the first month. Time-eligibility exceptions to this provision include asylees who are eligible for RCA beginning on the date they are granted asylum, victims of a severe form of trafficking who are eligible for RCA beginning on the date they are certified by the ORR; eligible family members of certified trafficking victims who are eligible for RCA from the date of entry into the U.S. or the date of the Derivative T Visa is issued if already present in the U.S.; and unaccompanied refugee minors (Section 69-213) who are not subject to the time eligibility limitation

**CAPI:**  
MPP 69-202.1 For purposes of determining eligibility for cash assistance and social services under RRP, a person must provide proof, in the form of documentation issued by the USCIS, of one of the following statuses:  
.14 Granted asylum under Section 208 of the INA.  
MPP 69-202.2 For purposes of determining eligibility for assistance and social services under RRP, the term "refugee" does not include:  
.21 Any person with an USCIS status of 1) applicant for asylum (as distinguished from a person who has been granted asylum) or 2) Cuban/ Haitian Entrant, or 3) Humanitarian/Public Interest Parolee.

Exception- MPP 69-302 Cuban and Haitian entrants with the following statuses are eligible for RRP benefits.  
.4 A national of Cuba or Haiti who has an application for asylum pending with the USCIS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

MPP 49-020  
General requirements  
.11 To be eligible for CAPI, a noncitizen must be one of the following:  
.111 A legal immigrant who meets the immigration status requirements in effect for SSI/SSP on August 21, 1996, or  
.112 A victim of human trafficking, domestic violence or other serious crimes as defined in Welfare and Institutions Code Section 18945. Applicants qualified under these provisions will be eligible for benefits and services to the same extent as individuals who are admitted to the United States as refugees.

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Here is SSI definition of qualified alien from 1996:

WHEN IS A NON-CITIZEN ELIGIBLE FOR SSI?

Beginning August 22, 1996, most non-citizens must meet two requirements to be eligible for SSI:

**the non-citizen must be in a qualified alien category,** and meet a condition that allows qualified aliens to get SSI benefits.

A non-citizen must also meet all of the other requirements for SSI eligibility, including the limits on income, resources, etc.

WHO IS A "QUALIFIED ALIEN"?

There are seven categories of non-citizens who are qualified aliens. You are a "qualified alien" if the Department of Homeland Security (DHS) says you are in one of these categories:

1. Lawfully admitted for Permanent Residence (LAPR) in the U.S., including "Amerasian immigrant" as defined in P.L. 100-202, with a class of admission AM-1 through AM-8;
2. Granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act (INA) as in effect before April 1, 1980;
3. Paroled into the U.S. under Section 212(d)(5) of the INA for a period of at least one year;
4. Refugee admitted to the U.S. under Section 207 of the INA;
5. **Granted asylum under Section 208 of the INA;**

Priority/Implementation Consideration(s):

CalSAWS Response:

CER Tracking #: (automatically generate by JIRA)

SCR #

Rejected By:

Date:

Rejection Reason(s) or other Comments: