CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:
   - ☐ Policy/Regulation Interpretation
   - ☐ QC
   - ☑ Fair Hearing
   - ☐ Other:

5. DATE OF REQUEST: June 1, 2015
   NEED RESPONSE BY: June 8, 2015

6. COUNTY/ORGANIZATION: County of San Bernardino

7. SUBJECT: Noncitizen Status - Eligibility to CalFresh

2. REQUESTOR NAME: Maria Contreras, Program Specialist II

3. PHONE NO.: 909-383-9704

4. REGULATION CITE(S): MPP 63-405.11 and 405.12

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
   NOTE: All requests must have a regulation cite(s) and/or a reference(s).
   MPP 63-405.11 and 405.12
   ACIN I-102-10

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Customer is a noncitizen from Mexico, she applied for benefits on 1/12/15. At application she provides an I-94 document with an entry date of 11/9/14 until 2/10/15 (under one year). The following section code is on the card: Section 212(d)(5) 8CFR Family Unit ER.
Per ACIN I-102-10, Page 28, parolees are individuals that are allowed to enter the U.S. temporarily and are federally eligible to SNAP benefits if their parole is expected to last for one year or more. On the same document, page 175, second to the last row, individuals with I-94 documents containing section code 212(d)(5) are Qualified Noncitizens - Meet a condition under MPP 63-405.11. Immediate and indefinite eligibility upon meeting a condition under MPP section 63-405.12.
Per the customer's verbal statement to the EW she left Mexico due to threats made against her.

10. REQUESTOR'S PROPOSED ANSWER:

1. No, the customer does not meet the criteria under 63-405.12, therefore she is not eligible to federal benefits.
2. Yes, due to the section code of 212(d)(5), she is eligible to state (SNAP) benefits.
3. Yes, individuals with the section code 212(d)(5) meet one of the criteria listed in MPP 63-405.11.
4. No, Per ACIN I-102-10, page 19, If immigration status changes and causes ineligibility, CalFresh benefits must be discontinued.

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

Please refer to page two for the County questions and CDSS response.

FOR CDSS USE

DATE RECEIVED: 6/1/2015

DATE RESPONDED TO COUNTY/ALJ: 6/5/2015

CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO: ☐ Policy/Regulation Interpretation ☐ QC ☐ Fair Hearing ☐ Other:	5. DATE OF REQUEST: / NEED RESPONSE BY: 6. COUNTY/ORGANIZATION: 7. SUBJECT:
2. REQUESTOR NAME: 3. PHONE NO.: 4. REGULATION CITE(S): MPP 63-403.1, MPP 63-405.117, MPP 63-405.12	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).** MPP 63-403.1, MPP 63-405.117, MPP 63-405.12, ACIN I-51-12, ACIN I-65-11, ACIN I-102-10

1. Is this individual eligible to federal SNAP (CalFresh) benefits?
2. If not, is she eligible to CFAP (state) benefits?
3. Is the county to assume that individuals under section code 212(d)(5) meet one of the criteria in MPP 63-405.11?
4. Does the customer remain eligible although her USCIS documentation has expired?

CDSS Response:
SAVE verification will provide answers to questions 1-4. ACIN I-51-12 provides instructions for data input for accurate responses from SAVE (passport #, A-number, etc.). Pages 38 and 71 of ACIN I-102-10 are helpful for SAVE primary and secondary requests and Section V of ACIN I-65-11 addresses verification of Immigration Status.

According to MPP 63-405.117 a parolee must be under 212(d)(5) of the INA for at least a year to be considered for state or federal benefits which is verified through SAVE. A secondary SAVE "Document Verification Request" is necessary for USCIS to verify the "expired" document and a primary request for verification of the immigration status since USCIS designated SAVE as the system to be used to verify each non-citizen's immigration status [ACIN I-102-10 pages 38 and 71 and ACIN I-51-12 (see Q&As in the attachment)]. SAVE can verify the validity of immigration documents (page 24 of ACIN I-65-11). If the individual does not meet criteria for a qualified and eligible status in 63-405.117 and 63-405.12, there is not eligibility. MPP 6i3-403.1 states, in part, "Certain legal noncitizens of the U.S. shall be eligible for CFAP if they are not eligible for federal benefits, based solely on their immigration status under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 as amended by the Food Stamp Reauthorization Act of 2002.

Sources: MPP 63-403.1, MPP 63-405.117, MPP 63-405.12, ACIN I-51-12, ACIN I-65-11, ACIN I-102-10