

## 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:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input checked="" type="checkbox"/> Other:		9/24/15	ASAP
2. REQUESTOR NAME: Audry Gonsalvez		6. COUNTY/ORGANIZATION: Contra Costa County	
3. PHONE NO.: (925) 313-1641		7. SUBJECT: Social Security Numbers for noncitizens	
4. REGULATION CITE(S): 63-300.5; 63-403.11, 63-405.118; 63-405.5		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).  ACIN 1-102-10, ACL 06-60	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):			

Applicant or recipient HH shall provide the SSN for each HH member or shall provide verification of application for a SSN prior to certification. But for individuals, who have met the criteria identifying them as victims of trafficking, domestic violence and other serious crimes, are not required to provide or apply for a SSN as a condition of eligibility for state funded CalFresh benefits as there may be barriers for them in obtaining documentation.

Are battered noncitizens and their derivative beneficiaries who have met the battered noncitizen requirements, required to provide or apply for a SSN prior to certification or are they also not required to provide a social security number as a condition of eligibility, or are they treated in the same way as the T or U visa participants

10. REQUESTOR'S PROPOSED ANSWER:

Yes, they will be required to provide the SSN or provide proof of application for a SSN.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Battered noncitizens are required to provide or apply for an SSN (MPP 63-300.5, 63-404). There are different INA codes, origins, and verification requirements for battered and trafficking in persons/serious crimes. Per ACL 00-07, in 1994 the Violence Against Women Act (VAWA) was passed by Congress to allow an abused noncitizen spouse or child of a U.S. citizen or lawful permanent resident (LPR) to apply directly (self-petition) to the USCIS on their own behalf for a lawful immigration status. The purpose of VAWA is to allow noncitizens that are in abusive situations, in which their immigration status may be used as a tool of control, to petition without the assistance of the abusive individual who could be the spouse or parent. USCIS makes the determination as to whether abuse has occurred. Prior to VAWA only a U.S. citizen or an LPR could petition to the USCIS for their noncitizen spouses or children to become LPRs.

See page two.

### FOR CDSS USE

DATE RECEIVED:

9/24/2015

DATE RESPONDED TO COUNTY/ALJ:

10/15/2015 (SV 916-654-1490)

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

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST:	NEED RESPONSE BY:
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION:	
3. PHONE NO.:	7. SUBJECT:	
4. REGULATION CITE(S):	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> <b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b>  06-60, 00-07, 07-45, MPP 63-503.492(e), MPP 63-403.11, MPP 63-405.5, SNAP Guidance on Non-Citizen Eligibility, dated 06/2011	

Continued from page one:

State and federal regulations for the CalFresh Program do not expressly provide for an social security number (SSN) exemption for battered non-citizens. FNS regulations for the CalFresh program specify households electing to participate or apply in the CalFresh program shall provide the SSN of each household member or apply for one before certification. [7 CFR 273.6(a); See also MPP section 63-404, "Applicant or recipient households shall provide the CWD with the SSN of each household member or shall provide verification of application for an SSN."] Additionally, MPP Section 63-404.31 provides "Whenever an individual indicates he/she does not have an SSN, or is otherwise unable to provide one, the household member shall complete the application for SSNs provided by the CWD, and apply directly to the Social Security Administration (SSA)."

Furthermore, MPP section 63-300.5 (e)(3) provides in relevant part "The identity of the person making the application shall be verified ... Identity may be verified through readily available documentary evidence..." Examples of acceptable documentary evidence include among other verification items "a Social Security card or other document containing the Social Security number." [MPP sections 63-300.5 (e)(3)(A); (e)(4)]

Senate Bill 1569 extended eligibility for public social services to qualified non-citizens victims of trafficking, domestic violence, and other serious crimes, as defined under Welfare and Institutions Code section 18945. MPP section 40-105.26 specifically exempts individuals identified in MPP section 42-431.23, who are state-funded, from the SSN requirement. Additionally, according to ACL 07-45, victims of trafficking and severe forms of criminal activity are exempt from providing SSNs.