

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 type="checkbox"/> Other:		August 26, 2014	August 29, 2014
2. REQUESTOR NAME: Maria Contreras, Program Specialist II		6. COUNTY/ORGANIZATION: County of San Bernardino	
3. PHONE NO.: 909-383-9704		7. SUBJECT: Sponsored Noncitizen	
4. REGULATION CITE(S): MPP 63-503.492(a), Title 7 CFR 273.4		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). MPP 63-503.492(a), ACIN I-102-10, Title 7 CFR 273.4, FNS Q&As Section 421 and 423, 71 FR 35732 [FR 23-06], ACIN I-65-11 (Federal Noncitizen Guide)	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):			

Customer is a sponsored noncitizen. On the Sponsor's Statement of Facts Income and Resources, SAR 22, provided by the customer, it states that the sponsor's income is Supplemental Security Income/State Supplemental Payment (SSI/SSP).

Per MPP 63-503.492(a), The following noncitizens are exempt from sponsored noncitizen provisions: A noncitizen who is participating in the Food Stamp Program as a member of his/her sponsor's household or a noncitizen whose sponsor is participating separate and apart from the noncitizen.

In California SSI/SSP customers are not eligible to CalFresh/SNAP due to receipt of the State Supplemental Payment. Is this customer exempt from the sponsored noncitizen provisions? Does the fact that the sponsor's income includes SSP exempt the sponsored noncitizen from the provisions?

10. REQUESTOR'S PROPOSED ANSWER:

Yes, the customer is exempt from the sponsored noncitizen provisions due to receipt of the SSP.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

No, the individual does not meet the criteria for an exemption. According to MPP Section 63-503.49, the income and resources of a sponsor and the sponsor's spouse (if he or she has executed an Affidavit of Support Form I-864 or I-864A, shall be deemed to be the unearned income and resources of an eligible sponsored noncitizen and shall be considered in determining the eligibility and/or benefit level of the household of which the sponsored noncitizen is a member.

The sponsored noncitizen is subject to the sponsorship provisions until the sponsored noncitizen (MPP 63-503.491):

- Achieves United States citizenship through naturalization; or
- Has 40 qualifying quarters; or
- The sponsored noncitizen dies or the sponsor passes away

(over please)

FOR CDSS USE

DATE RECEIVED:

08/26/2014

DATE RESPONDED TO COUNTY/ALJ:

sc 09/08/2014

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

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MPP Section 63-503.492(a) through (e) Lists Sponsor Deeming Exempt Noncitizens as follows:

- A noncitizen who is participating in the CalFresh Program as a member of his/her sponsor's household
- A noncitizen who is sponsored by an organization or group as opposed to an individual;
- A noncitizen that is not required to have a sponsor under the Immigration Act; (Refuge, Asylee, Cuban/Haitian, etc.)
- An indigent noncitizen as determined to have income that does not exceed 130 percent of the poverty guideline for the household size.
- Battered Noncitizen (63-503.492(e),63-405.5)

According to the FNS website document entitled " Section 421 - Federal Attribution of Sponsor's Income and Resources to Noncitizen and Section 423-- Requirements for Sponsor's Affidavit of support, " top of page 2 contains questions and answers.

Question:

"If a sponsor is receiving public assistance or SSI, should the assistance be counted as available to the sponsored noncitizen?"

Answer:

"Yes"

The noncitizen should not be exempt from sponsor deeming due to receipt of SSP.