

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:		10/09/2015	
2. REQUESTOR NAME: Carol Backus		6. COUNTY/ORGANIZATION: Tehama County	
3. PHONE NO.: (530) 528-4117		7. SUBJECT: I-94 with INA code section 212(d)(5)	
4. REGULATION CITE(S): MPP 63-405		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). MPPs: 63-300.5(e)(2), 63-403.1, 63-405.117, 63-405.12, ACIN I-51-12, ACIN I-65-11, ACIN I-45-11, ACIN I-102-10	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):			

In 63-405.1 the definition of a qualified Non-Citizen includes:
MPP 63-405.117 A parolee under Section 212(d)(5) of the INA for at least one year.

The County has been receiving I-92 verification with code section 212(d)(5). In the top right hand portion of the card which is stamped and identifies "Purpose", some have the word REMOVAL, which signifies they are under removal proceedings.

The County contacted a contact we have at the USCIS who stated that in her opinion, those with the word removal would not be eligible for CalFresh benefits.

Is an I-94 with section code 212(d)(5) stamped with REMOVAL purpose eligible to CalFresh benefits?

10. REQUESTOR'S PROPOSED ANSWER:
Regardless of the opinion of the USCIS contact the county's proposed answer is that they have eligibility to CalFresh benefits even if their immigration status

11. STATE POLICY RESPONSE (CFPB USE ONLY):
Counties verify the immigration status of non-citizens who apply for CalFresh. A primary and secondary USCIS SAVE request is needed for the status and document verification. In addition to the USCIS website, ACIN I-51-12 provides helpful points and instructions for data input.

See page 2 for resources.

FOR CDSS USE

DATE RECEIVED: 11/09/2015	DATE RESPONDED TO COUNTY/ALJ: 12/11/2015sc
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**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: 10/9/15 NEED RESPONSE BY:
2. REQUESTOR NAME: Carol Backus	6. COUNTY/ORGANIZATION: Tehama County
3. PHONE NO.: (530) 528-4117	7. SUBJECT: Parolee under INA code section 212(d)(5)
4. REGULATION CITE(S): MPP 63-300.5(e)(2), 63-403.1, 63-405.117, 63-405.12	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). MPPs: 63-300.5(e)(2), 63-403.1, 63-405.117, 63-405.12, ACIN I-51-12, ACIN I-65-11, ACIN I-45-11, ACIN I-102-10

Procedural Helpful Hyperlinks:

<http://www.cdss.ca.gov/ord/entres/getinfo/pdf/fsman03.pdf> (MPP 63-300.5(e)(2))
<http://www.uscis.gov/save/getting-started/save-verification-process>
http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acin/2012/I-51_12.pdf
http://www.fns.usda.gov/snap/government/pdf/Non-Citizen_Guidance_063011.pdf
(transmitted by ACIN I-65-11)

Educational:

http://www.fns.usda.gov/snap/government/pdf/Non-Citizen_Guidance_Presentation_Webinar_092711.pdf
http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acin/2011/I-65_11.pdf
http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acin/2010/I-102_10.pdf