14. Residency, Citizenship, and Immigrant Status

14.1 Residency

14.1.1 Requirements [63-401]

The household must reside in Santa Clara County.

- There are no durational requirements.
- Intention to reside permanently in the county is not required.
- A fixed residence is not required.

Migrant camp sites or time-limited residency at publicly supported shelters for the homeless satisfy the residency requirements, regardless of the number of meals served. Shelters include but are not limited to:

- The Salvation Army on North 4th Street.
- The Housing Consortium
- Brandon House
- El Zocalo
- The Women's Alliance (WOMA)
- Mid-Peninsula Support Network, Inc.
- The Commercial Street Shelter

14.1.2 Participation Limits [63-401.2, 63-503.46]

No individual may participate in more than one CalFresh household in any one month or, in more than one county in any one month.

Exception:

Eligible residents of shelters for battered women and children who were CalFresh participants in the dwelling of the abuser.

14.1.3 Vacations

Persons in a county solely for vacation purposes shall not be considered residents.
14.2 Citizenship

14.2.1 Regulation [63-405.1]

An individual who is a United States citizen is eligible for CalFresh, if otherwise eligible.

14.2.2 Definition

For the purpose of qualifying as a United States citizen, the United States shall be defined as:

- The 50 states
- District of Columbia
- Puerto Rico
- Guam
- Virgin Islands

Additionally, citizens of the following islands who reside in the United States shall be considered to have met the citizenship eligibility requirements.

- American Samoa
- Swain's Island
- Northern Mariana Islands

14.2.3 Verification [63-300.532]

Verification of citizenship shall not be required except in questionable cases which affect a household's eligibility or benefit level.

To be considered questionable, the information on the application must be inconsistent with statements made by the applicant, inconsistent with other information on the application or previous applications, or inconsistent with other information received by the EW.

Acceptable forms of verification include:

- Birth certificates
- Religious records
• Certificates of citizenship or naturalization provided by USCIS (U.S. Citizenship & Immigration Services)
• U.S. passport

14.2.4 Questionable Citizenship

A person(s) whose citizenship is questionable shall be ineligible and treated as an excluded noncitizen household member until proof of U.S. citizenship is obtained. [Refer to “Excluded and Non-household Members,” page 10-1], for information on the treatment of income for such a person.

14.2.5 Child Citizenship Act

The Child Citizenship Act of 2000, amends the Immigration and Nationality Act (INA) to permit children born outside the United States, including adopted children, to acquire citizenship automatically if they meet certain requirements. This Act became effective on February 27, 2001.

Requirements

Under this Act, a child born outside of the U.S. automatically becomes a citizen of the U.S. when ALL of the following conditions are met:

• At least one parent of the child is a citizen of the U.S., whether by birth or naturalization,
• The child is under the age of eighteen years,
• The child is residing in the U.S. in the legal and physical custody of the citizen parent and the child entered the U.S. lawfully for admission to permanent residence. (Admission in ANY immigrant category will satisfy the requirement that the applicant be admitted to the U.S. as a lawful permanent resident), and
• In the case of an adopted child, that child is under the age of sixteen and has resided in the legal and physical custody of the citizen parent(s) for at least two years. Sibling children adopted by the same parent(s) have until the age of 18.

Verification

The Child Citizenship Act of 2000 will eventually provide a Certificate of Citizenship to children who qualify for automatic citizenship under this Act.
Residency, Citizenship, and Immigrant Status

Until the Certificate of Citizenship is issued, the EW must determine if the child meets this citizenship status by verifying the following:

- The citizenship status of at least one custodial parent,
- The age of the child,
- The child entered the U.S. lawfully for admission to permanent residence. (Admission in any immigrant classification will satisfy the requirement that the applicant be admitted to the U.S. as a lawful permanent resident),
- The legal relationship of the child to the parent, and
- In the case of adopted children, that the child is under the age of sixteen and has resided in the legal and physical custody of the citizen parent(s) for at least two years. Sibling children adopted by the same parent(s) have until the age of 18.

Date of Acquired Citizenship

A child acquires citizenship at whichever of the following occurs LATER:

- The date the Act became effective (February 27, 2001) if he/she met ALL of the Child Citizenship Act requirements on that date, or
- The date, after February 27, 2001, on which the child meets ALL of the Child Citizenship Act requirements.

Example:
A family consisting of a husband, wife and their 2 children (ages 3 and 5) entered the U.S. as lawful permanent residents in 1991. The father became a naturalized U.S. citizen in 1998. On 02/27/01 (the date the Act became effective), their 13-year old daughter and 15-year old son automatically acquired U.S. citizenship.

Example:
A family consisting of a husband, wife and their 2 children (ages 3 and 5) entered the U.S. as lawful permanent residents in 1995. The father became a naturalized U.S. citizen on 12/11/01. Their 10-year old daughter and 12-year old son automatically acquired U.S. citizenship on the date (12/11/01) that their father became a U.S. citizen.
Children who turned 18 years of age before the act became effective (February 27, 2001) do NOT qualify for citizenship under this act, even if they meet all of the other criteria. If they choose to become United States citizen, they must apply for naturalization and meet eligibility requirements that currently exist for adult lawful permanent residents.

**Example:**
A family consisting of a husband, wife, 9-year old daughter and 10-year old son entered the U.S. as lawful permanent residents in 1991. The father became a naturalized U.S. citizen in 1998. Since both children turned 18 years of age before the Act took effective, they do NOT qualify to become U.S. citizens under this Act.

For non-citizen children who turned 18 years of age since February 27, 2001, EWs must explore if the child met the new citizenship rule anytime during the period of February 27, 2001 until the day prior to the child’s 18th birthday. A child who met the requirements, before turning 18, qualify for citizenship under this act.

**Example:**
On March 11, 2002, a family consisting of a husband, wife and their 18-year old son (DOB 07/23/83) apply for CalFresh. The family entered the U.S. as lawful permanent residents in 1995 and the father became a naturalized U.S. citizen on 06/30/01. The EW determines that the 18-year old child met the Child Citizenship Act requirements prior to his 18th birthday, and therefore has acquired citizenship under the Act.

Children who turn 18 years of age after February 27, 2001 but before meeting all of the other criteria, do not qualify for citizenship under this act. If they choose to become United States citizen, they must apply for naturalization and meet eligibility requirements that currently exist for adult lawful permanent residents.

**Example:**
A family consisting of a husband, wife, their daughter (DOB - 3/3/84) and their son (DOB - 4/16/83) entered the U.S. in 1991 as lawful permanent residents. The father became a naturalized U.S. citizen on 05/17/01. As of that date, their 17-year old daughter automatically acquired U.S. citizenship. However, their 18-year old son does NOT qualify for automatic U.S. citizenship because he turned 18 years of age BEFORE his father became a citizen.
### 14.3 Eligible Noncitizens

A noncitizen must meet a qualified noncitizen category *AND* meet one additional condition to be eligible for CalFresh, with exceptions. [Refer to “Exception to Noncitizen Regulations,” page 14-13]

#### 14.3.1 Non-Citizen Categories [63-405.1]

The chart below shows individuals in a qualified noncitizen category and the verification required to establish their status.

<table>
<thead>
<tr>
<th>QUALIFIED NONCITIZENS</th>
<th>INA* SECTION</th>
<th>VERIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent resident noncitizen (Lawfully admitted for permanent residence [LPR])</td>
<td>101(a)(15), or I-551, or 101(a)(20)</td>
<td>• I-151, or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• I-551, or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Re-entry permit, or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Stamp in passport, or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• I-94 stamped “temporary I-551”, or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Blank I-94 with G-639, or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Canadian-born North American Indians may use birth records, affidavits from Tribal officials, USCIS Form I-181, or other USCIS documentation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• “A” number and the SAVE verification.</td>
</tr>
<tr>
<td>Permanent resident noncitizen (Amerasian)</td>
<td>Public Law 100-202 (Section 584 of the Foreign Operations, Export Financing, &amp; Related Programs Appropriations Act of 1988).</td>
<td>• I-94 stamped AM1, AM2, or AM3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• I-551 stamped AM6, AM7, or AM8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Vietnamese Exit Visa or Passport stamped AM1, AM2 or AM3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• “A” number and the SAVE verification.</td>
</tr>
<tr>
<td>Refugee</td>
<td>207, or 208</td>
<td>• I-94</td>
</tr>
<tr>
<td>Granted asylum</td>
<td>208</td>
<td>• I-94, or</td>
</tr>
<tr>
<td>Deportation withheld by Atty. General</td>
<td>243(h) prior to 4/1/97 241(b)(3) on or after 4/1/97</td>
<td>• I-94, or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Decision of immigration judge, or USCIS letter</td>
</tr>
<tr>
<td>QUALIFIED NONCITIZENS</td>
<td>INA* SECTION</td>
<td>VERIFICATION</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Cuban/Haitian entrants</td>
<td>Public Law 105-33 (Balanced Budget Act of 1997) - Section 501(e) of the</td>
<td>• I-94 stamped &quot;Cuban/Haitian Entrant (Status Pending)&quot; or</td>
</tr>
<tr>
<td></td>
<td>Refugee Education Assistance Act of 1980</td>
<td>Section 212(d)(5) - &quot;Parole&quot; or &quot;Form I-589 Filed&quot;.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• I-551 stamped CH6, CU6, CU7, CU8, CU9, CUO, CUP, CU7P, CNP, or CUX.</td>
</tr>
<tr>
<td>Haitian Orphans</td>
<td>Refugee Education Assistant Act of 1980-Section 501(e)</td>
<td>• I-94 stamped “Parolee into the U.S. on or after 01-12-2010</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• I-551 stamped CH6, CU6, CU7, CU8, CU9, CUO, CUP, CU7P, CNP, or CUX.</td>
</tr>
<tr>
<td>Conditional Entrant</td>
<td>203(a)(7) in effect prior to 4/1/80</td>
<td>• I-94 annotated with Section 203(a)(7)</td>
</tr>
<tr>
<td>Paroled to U.S. by Atty. General (most</td>
<td>212(d)(5)</td>
<td>• I-94 annotated with Section 212(d)(5), or</td>
</tr>
<tr>
<td>Vietnamese and Cuban refugees were</td>
<td></td>
<td>• I-688B, or</td>
</tr>
<tr>
<td>admitted as parolees)</td>
<td></td>
<td>• Blank I-94 with G-639</td>
</tr>
<tr>
<td>Trafficking Victims</td>
<td>207</td>
<td>• Certification Letter from the Federal Office of Refugee Resettlement (ORR)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Eligibility letter from the Federal ORR for children.</td>
</tr>
<tr>
<td>A battered spouse, battered child, or</td>
<td>204(a)(1)(A) or 244(a)(3)</td>
<td>• Letter, notice of action, or identification card from USCIS</td>
</tr>
<tr>
<td>parent or child of a battered person with</td>
<td></td>
<td>• USCIS form annotated with Section 204(a)(1)(A) or 244(a)(3)</td>
</tr>
<tr>
<td>a petition pending with USCIS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Immigration and Naturalization Act
** Immigration Reform and Control Act
### Qualified Noncitizen Verification

Verification of noncitizen status is required in all cases. A noncitizen is INELIGIBLE until acceptable documentation is provided UNLESS:

- A copy of a document provided by the household has been submitted to USCIS for verification. Pending such verification, the individual's benefits cannot be delayed, denied, reduced or terminated on the basis of his/her immigration status; or

- The applicant or EW has submitted a request to a federal agency for verification of information that bears on the individual’s eligible noncitizen status (e.g., to Social Security for Qualifying Quarters information, to the VA office for veteran’s...}

<table>
<thead>
<tr>
<th>QUALIFIED NONCITIZENS</th>
<th>INA* SECTION</th>
<th>VERIFICATION</th>
</tr>
</thead>
</table>
| Lawfully admitted for permanent residence (LPR) who with less than 40 quarters of work credits. | 101(a)(15), or I-551, or 101(a)(20) | • I-151, or  
• I-551, or  
• Re-entry permit, or  
• Stamp in passport, or  
• I-94 stamped “temporary I-551”, or  
• Blank I-94 with G-639, or  
• Canadian-born North American Indians may use birth records, affidavits from Tribal officials, USCIS Form I-181, or other USCIS documentation.  
• “A” number and the SAVE verification. |
| Conditional Entrant | 203(a)(7) in effect prior to 4/1/80 | • I-94 annotated with Section 203(a)(7) |
| Paroled to U.S. by Atty. General (most Vietnamese and Cuban refugees were admitted as parolees) | 212(d)(5) | • I-94 annotated with Section 212(d)(5), or  
• I-688B, or  
• Blank I-94 with G-639 |
| A battered spouse, battered child, or parent or child of a battered person with a petition pending with USCIS | 204(a)(1)(A) or 244(a)(3) | • Letter, notice of action, or identification card from USCIS  
• USCIS form annotated with Section 204(a)(1)(A) or 244(a)(3) |

* Immigration and Naturalization Act  
** Immigration Reform and Control Act
status, to USCIS for Highland Laotian tribal status, etc.). The individual shall be
certified eligible for up to six months from the date of the original request for
verification.

Exception:
A household which qualifies for Expedited Services (ES) may have verification
postponed if it cannot be obtained within the ES time frames.

[Refer to Common-Place Handbook, “Immigration,” page 10-1, for examples of
USCIS forms and documentation.]

**Noncitizens Option to NOT Verify USCIS Status**

If a noncitizen applicant does NOT want the Social Services Agency to contact
USCIS to verify his/her immigration status, the household MUST be given the
option of withdrawing its application or participating without that member of the
household. The sponsor deeming rule does not apply to the household. If the
household chooses to exclude the individual, that individual is treated as an
ineligible noncitizen. [Refer to “Summary Chart,” page 10-1 for treatment of this
individual’s income.]

Opting out from a NACF household is only allowed at the initial or the recertification
process. Once approved for benefits, a member of a certified household cannot
“opt out” during the certification period.

**Example:**
The household consists of undocumented mother, Legal Permanent Resident
father, and their two citizen children. The father is in the process of applying for
citizenship and is afraid that receiving CalFresh will cause the USCIS to deny
his citizenship application. He just wants CalFresh for his children.

The household has the option to exclude the father in which case he would be
treated as an ineligible noncitizen. A prorated portion of his income would
count to the CalFresh household.

**14.3.2 Battered Noncitizens**

In order for a battered noncitizen to be considered a qualified battered noncitizen,
the county must determine that:

1. There is substantial connection between battery and cruelty and the need for
   benefits, AND
2. The Noncitizen has been approved by USCIS or has a petition pending that provides sufficient evidence to prove status as:

- a spouse or a child of a U.S. Citizen,
- a spouse or a child of a noncitizen lawfully admitted for permanent residence (LPR) in the U.S., or
- a victim of domestic violence who has filed a cancellation of removal or suspension of deportation.

Note:
In order to be exempt from sponsor deeming, the battered noncitizen must be possess paperwork from USCIS showing approval to legally reside in the U.S.

Determining Abuse/Battery

The following are examples of situations that demonstrate a substantial connections between the abuse or extreme cruelty and the need for public assistance:

- To enable the applicant and the applicant's child or parent to become self sufficient;
- To escape the abuser or community in which the abuser lives;
- To ensure the safety of the applicant;
- To mitigate a loss of dwelling or financial support because of separation from the abuser;
- To alleviate nutritional risk;
- To obtain medical attention or mental health counseling as a result of the abuse.

Note:
In order for a battered noncitizen to be eligible for Federal SNAP benefits, they must meet the other conditions for federal noncitizen eligibility, such as a five-year residency requirement or an LPR with 40 quarter of work, etc.

Exception:
Non-citizen victims of domestic violence (battered non-citizens) do not have to provide or apply for a Social Security Number (SSN).

Prima Facie

A prima facie case is one where the evidence is sufficient to raise a presumption of fact or to establish the fact in question. The prima facie case status is determined by the USCIS.
14.3.3 Additional Condition:

The following is a list of additional conditions required for certain Qualified Non-citizens. Only ONE condition must be met to be eligible for Federal benefits.

1. **5 years of residence** - Has lived in the U.S. as a qualified non-citizen for 5 years from the date of entry.

2. **Children under 18 years of age** - Any qualified non-citizen under 18 years of age who lawfully resides in the U.S. regardless of the date of entry.

3. **Blind or disabled.**

   To be considered blind/disabled:

   • The individual MUST be receiving blind or disability benefits, and
   • The benefit program MUST use the same disability criteria as the Supplemental Security Income (SSI) program, and
   • Verification of the receipt of the blind/disability benefit must be on file. A physician’s statement of disability is not acceptable verification of blindness/disability for noncitizen purposes.

**Note:**

Individuals receiving CAPI or Medi-Cal (SP-DDSD application approved) as a disabled person meet this criteria.

4. **65 years of age or older on 8/22/96** (i.e., was born on or before 8/22/31) AND was lawfully in the United States on 8/22/96.

5. **Military Connection** - Is a United States active duty military person or the spouse or unmarried child of an United States active duty military person.

6. **United States Veteran** - Including the spouse or unmarried dependent child of a United States veteran (including a surviving spouse, if not married of a deceased veteran).

   For purposes of this section, “veteran” means:

   • Has been honorably discharged for a reason other than alienage as documented by a DD Form 214 or other acceptable verification; and
Residency, Citizenship, and Immigrant Status

- Has met the minimum active duty service requirements of Section 5303A9d) of Title 38, United States Code (24 months or the period for which the person was called to active duty).

Note:
For purposes of this section, "surviving spouse of a deceased veteran or spouse of an active duty person means: "The spouse has not remarried and the marriage fulfilled these requirements (married for at least one year, or married before the end of a 15-year time span following the end of the period of military service in which the injury or disease was incurred or aggravated, or married for any period if a child was born of the marriage or was born before the marriage).

" For purposes of this section, An unmarried dependent child refers to an individual under the age of 18, or a full-time eligible student under the age of 22, or an unmarried disabled child age 18 or older if the child was disabled and dependent on the person prior to the child’s 18th birthday.

Exception:
Individuals who served before July 1, 1946 in the organized military forces of the Government of Commonwealth of the Philippines have been granted veteran status for CalFresh purposes.

7. **40 qualifying work quarters-** [Refer to “Determining Credits of Qualifying Employment [63.405.4],” page 14-14], [Refer to “Combining Credits with Spouse/Parent(s),” page 14-21] and [Refer to “Credits of Qualifying Employment,” page 14-18].

Reminder:
Qualified non citizens not meeting any of the above additional conditions, are eligible, if otherwise eligible, for CalFresh under CFAP rules.[Refer to “California Food Assistance Program (CFAP),” page 31-1

14.3.4 No Additional Condition Needed

The following qualified non-citizens are not subject to an additional condition

- Refugees admitted under SECTION 207 of the Immigration and Naturalization Act (INA),
- Asylees granted status under SECTION 208 of the INA,
- Amerasian immigrants admitted under Section 584 of the Public Law 202,as amended by Public Law 100-461,
Residency, Citizenship, and Immigrant Status

- Cuban/Haitian entrants granted status under Section 501(e) of the Refugee Education Assistance Act of 1980, and

- Noncitizens whose deportation has been withheld under SECTION 243(h) of the INA before 4/1/97, or under Section 241(b)(3) of the INA, on or after 4/1/97.

14.3.5 Exception to Noncitizen Regulations

The following individuals are NOT qualifying non-citizens, but are still eligible (if otherwise eligible) for SNAP. These individuals do not have to meet any other non-citizen requirements.

- Certain American Indians born abroad - Is a cross border Native American (American Indians born in Canada to which Section 289 of INA applies, and a member of an Indian tribe as defined in Section 4(e) of the Indian Self-Determination and Education Assistance Act. Covers Native Americans who are entitled to cross the United States border into Canada or Mexico).

Note:
   The tribes involved are the St. Regis Mohawk from New York, the Micmac from Maine, the Abanaki from Vermont, and the Kickapoo from Texas.

- Hmong or Highland Laotian Tribal Members - (or the spouse, widow and/or unmarried dependent child of a Hmong or Highland Laotian) who:

  - Was a member of a tribe who aided U.S. military personnel during the Vietnam war (8/5/64 through 5/7/75) as long as the person was a member of the tribe during the period in which the aid was provided, AND

  - Is legally residing in the U.S.

Note:
   For purposes of this section, an unmarried dependent child refers to an individual under the age of 18, or a full-time student under the age of 22; an unmarried child under the age of 18 or if a full-time student under the age of 22 of a deceased Hmong or Highland Laotian provided the child was dependent upon him/her at the time of his/her death; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the person prior to the child’s 18th birthday.

Note:
   A sworn statement under penalty of perjury (CSF 2- General Affidavit) is acceptable if the individual cannot provide verification from USCIS. The statement must state what aid was provided, the period in which the aid was
provided and that the individual was a member of the tribe during this period of time. In addition, for spouses, widows or unmarried dependent children of a Hmong or Laotian whose tribe aided the U.S. military, the statement must specify the relationship. Verification must be requested from USCIS using secondary SAVE for tribal members.

14.3.6 Determining Credits of Qualifying Employment [63.405.4]

Procedure

For “qualified” noncitizen who do not meet one of the other criteria, EWs must:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Have the applicant/recipient complete the SAWS 2 or DFA 285-A2 or interactive interview.</td>
</tr>
<tr>
<td>2.</td>
<td>Interview the applicant/recipient to determine how long the noncitizen and his/her parent(s) or spouse have lived and worked in the United States.</td>
</tr>
<tr>
<td>3.</td>
<td>Interview the applicant/recipient to determine whether the noncitizen and his/her parent(s) or spouse have ever:</td>
</tr>
<tr>
<td></td>
<td>• Commuted to work in the U.S. from another country before coming to live in the U.S., or</td>
</tr>
<tr>
<td></td>
<td>• Worked for a U.S. company overseas and paid U.S. income taxes or Social Security taxes.</td>
</tr>
<tr>
<td>4.</td>
<td>If the results of the interview indicate that the noncitizen meets, may meet, or believes that he/she meets the 40 credits of qualifying employment requirement, view the Display Work Quarters Summary window for each relevant person necessary in order to establish eligibility. A Release of Information form is NOT required.</td>
</tr>
</tbody>
</table>

(Chart page 1 of 2)
14.3.7 "Quarter of Coverage (QC) History" Report

The Social Security Administration (SSA) system will provide, a "Quarter of Coverage (QC) History" report for those individuals for whom it was requested as part of the IEVS/SAVE process. The report shows a star ** in any quarter credited (i.e., the individual met the earnings requirement). Also at the top of the report is a total of credits credited through 1996 and a total of credits credited after 1996.

Lag Quarters

Depending upon when the request is submitted, the "QC History" report will not contain the current and/or the preceding calendar year information due to the normal processing cycle of employer provided information. These current year quarters and preceding year quarters which do not show on the report are called Lag Quarters.

Non-covered Earnings

Non-covered earnings are earnings for which Social Security taxes were not withheld (e.g., earnings of certain public employees or earnings paid in cash). Therefore, the credits for these earnings do NOT appear on the “QC History” report.
If an applicant/recipient is claiming earnings from non-covered employment, the credits for those earnings can be counted, if satisfactory evidence is provided. Acceptable evidence includes:

- Taxpayer's actual copy of W2 or W-2c forms, or
- A copy of the applicant's federal or state income tax return (with photocopy of W-2 or W-2c attached), or
- Employer-prepared wage statements.

**Processing the Report**

When the “QC History” report is received, process according to this chart:

<table>
<thead>
<tr>
<th>If...</th>
<th>Then...</th>
</tr>
</thead>
<tbody>
<tr>
<td>The existing SSA records support the individual's claim of sufficient credits of qualifying employment,</td>
<td>The noncitizen and any other noncitizens whose eligibility is contingent on this individual having the 40 credits of qualifying employment meet the “exception criteria” and are federal SNAP eligible, if otherwise eligible.</td>
</tr>
<tr>
<td>The existing SSA records do NOT support the individual's claim of sufficient credits of qualifying employment, but the applicant/recipient believes the information provided by SSA is incomplete or inaccurate,</td>
<td>The noncitizen and any other noncitizens whose eligibility is contingent on this individual having the 40 credits of qualifying employment are not federal SNAP eligible. Explore eligibility for CFAP. Advise the client of the appeal procedure available through the Social Security Administration (SSA). SSA will assist the individual to determine if such credits can be established and provide them with proof that the number of credits of qualifying employment is under review.</td>
</tr>
</tbody>
</table>

(Chart page 1 of 3)
<table>
<thead>
<tr>
<th>If . . .</th>
<th>Then . . .</th>
</tr>
</thead>
</table>
| The existing SSA records do NOT support the individual’s claim of sufficient credits of qualifying employment, but the applicant/recipient believes the information provided by SSA is incomplete or inaccurate due to the missing Lag Quarters or non-covered earnings, | Have the noncitizen provide:  
- EMPLOYER-PREPARED wage statements,  
- W-2 or W-2c, or  
- Internal Revenue Service copy of the income tax return.  
[Refer to “Credits of Qualifying Employment,” page 14-18 for information on how to determine credits of qualifying employment based on reported earnings.]  
Add the number of credits determined countable from lag quarters or non-covered employment to the number of credits reported on the QC History report. |

If the noncitizen... | Then. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the required 40 credits,</td>
<td>The noncitizen and any other noncitizens whose eligibility is contingent on this individual having the 40 credits of qualifying employment are eligible for federal SNAP benefits, if otherwise eligible.</td>
</tr>
<tr>
<td>Does NOT have the required 40 credits of qualifying employment, or cannot provide verification of the Lag Quarters or non-covered earnings,</td>
<td>Advise the client of the appeal procedure available through the Social Security Administration (SSA). SSA will assist the individual to determine if such credits can be established and provide them with proof that the number of credits of qualifying employment is under review. Explore eligibility for CFAP benefits. See the following box if the client has filed an appeal through SSA.</td>
</tr>
</tbody>
</table>

The final determination from SSA indicates that the individual (in combination with his/her spouse and/or parent(s)) has the required 40 credits of qualifying employment, | The noncitizen and any other noncitizens whose federal eligibility is contingent on this individual having the 40 credits of qualifying employment are eligible for federal benefits, if otherwise eligible. Change the individual(s) from CFAP to federal SNAP eligible. |

(Chart page 2 of 3)
### 14.3.8 Credits of Qualifying Employment

#### Federal Means Tested Exclusion

Beginning with the first quarter of 1997, no credit of qualifying employment shall be countable if the individual who earned it received any FEDERAL means-tested public benefits during the quarter for which it was credited.

For our definition, federal means-tested public benefits include Federal CalWORKs, RCA, Medi-Cal, SSI and Federal food assistance program known as Supplemental Nutrition Assistance Program (SNAP). The California Food Assistance Program (CFAP) and State CalWORKs are NOT considered federal means-tested public benefits. However, since all individuals receiving state CalWORKs automatically receive Medi-Cal benefits, the quarters in which the individual received state CalWORKs CAN NOT be credited due to the receipt of Medi-Cal.

**Example:**

A noncitizen couple applied for themselves and their 3 citizen children in 06/00. They only had 30 QQs so were approved for CFAP for themselves and federal SNAP for their children. Due to unemployment deprivation, the family is set up on state CalWORKs. When the RV/RC is done in 06/03, the IEVS report shows 42 quarters of which 10 were earned after January 1997. The quarters they earned since 1997 are NOT countable because they received Medi-Cal along with state CalWORKs during these quarters. The parents remain ineligible for federal SNAP and will continue to receive CFAP benefits.

**Example:**

A noncitizen applied for CalFresh only in 06/00. At that time, he had 30 QQs and did not meet the federal SNAP noncitizen requirement. He was approved for CFAP. When the RC is done in 06/03, the IEVS report shows 43 quarters. The quarters since 1997 are countable since he only received CFAP during these quarters. He is now federally SNAP eligible.
Example:
Applicant earned $3000 in July 2000 and is credited by Social Security with 4 credits (quarters) of qualifying employment for the year. No other income is earned for the year. This individual receives Federal CalWORKs in September through December 2000. The credit for the third quarter (July thru September) and fourth quarter (October thru December) can NOT be counted due to the receipt of federal means tested public benefits during these quarters. However, the credit for the first quarter (January thru March) and second quarter (April thru June) can be counted since he/she received NO federal means tested public benefits during these quarters.

Credits of qualifying employment earned PRIOR to 1997 count regardless if the individual received any federal means-tested public benefits during the quarter for which they were credited or not.

Reminder:
At EVERY recertification, the EW must review to determine whether the individual meets the 40 qualifying quarters requirement.

Current Year - Computation of Credits of Qualifying Employment

A current year’s credit for a quarter which has ended may be used in the 40 credits of qualifying employment computation. The term “calendar quarter” means the 3 calendar month period ending with March 31st, June 30th, September 30th, and December 31st of any year. DO NOT COUNT CREDITS FOR CALENDAR QUARTERS THAT HAVE NOT ENDED, even if the individual has sufficient earnings to qualify for the credit. Use the current year amount as the divisor to determine the number of credits of qualifying employment available, always rounding down the result.

To determine the number of credits of qualifying employment to be counted for the current year, use the LESSER of:

• The number of quarters that have ended for the current year, OR
• The number of credits of qualifying employment available based on total earnings divided by amount need per credit.

Example:
An applicant applies in May 2004. He was laid off in April 2004 with year to date earnings of $4000. Based on earnings [$4000 divided by $900 (amount needed for each credit for 2004) = 4.44], he is entitled to 4 credits. Since only one quarter has ended (i.e. January through March 2004), only one of the credits can be counted for 2004.
Establishing Credits/Quarters - 1978 through current year

For 1978 and later, credits are based solely on the total yearly amount of earnings. All types of earnings follow this rule. The amount of earnings needed to earn a credit increases and is different for each year. [Refer to “Current Year - Computation of Credits of Qualifying Employment,” page 14-19 for additional information.]

For 1978 through 2005, the amount of earnings needed for each credit is:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>AMOUNT NEEDED FOR EACH CREDIT</th>
<th>YEAR</th>
<th>AMOUNT NEEDED FOR EACH CREDIT</th>
<th>YEAR</th>
<th>AMOUNT NEEDED FOR EACH CREDIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>$1000***</td>
<td>1997</td>
<td>$670***</td>
<td>1987</td>
<td>$460</td>
</tr>
<tr>
<td>2006</td>
<td>$970***</td>
<td>1996</td>
<td>$640</td>
<td>1986</td>
<td>$440</td>
</tr>
<tr>
<td>2005</td>
<td>$920***</td>
<td>1995</td>
<td>$630</td>
<td>1985</td>
<td>$410</td>
</tr>
<tr>
<td>2004</td>
<td>$900***</td>
<td>1994</td>
<td>$620</td>
<td>1984</td>
<td>$390</td>
</tr>
<tr>
<td>2003</td>
<td>$890***</td>
<td>1993</td>
<td>$590</td>
<td>1983</td>
<td>$370</td>
</tr>
<tr>
<td>2001</td>
<td>$830***</td>
<td>1991</td>
<td>$540</td>
<td>1981</td>
<td>$310</td>
</tr>
<tr>
<td>2000</td>
<td>$780***</td>
<td>1990</td>
<td>$520</td>
<td>1980</td>
<td>$290</td>
</tr>
<tr>
<td>1999</td>
<td>$740***</td>
<td>1989</td>
<td>$500</td>
<td>1979</td>
<td>$260</td>
</tr>
</tbody>
</table>

MAXIMUM OF 4 CREDITS PER CALENDAR YEAR

*** Beginning in 1997, any credit CANNOT be counted if the individual who earned it received any federal means tested public benefit during the quarter for which it was credited.

Establishing Credits - 1977 and earlier years

For 1977 and earlier years, an individual earned:

- One credit for each calendar quarter in which an individual was paid $50 or more in wages (including agricultural wages for 1951-1955),
- Four credits for each taxable year in which an individual’s net earnings from SELF-EMPLOYMENT were $400 or more, and/or
- One credit for each $100 (limited to a total of 4 yearly) of agricultural wages paid during the year for the years from 1955 through 1977.
Combining Credits with Spouse/Parent(s)

Social Security credits (formerly called “quarters of coverage”) are earned by working at a job or as a self-employed individual. Each individual can only be credited with four (4) credits of qualifying employment per year based on their OWN employment.

The individual, for CalFresh purposes, can use credits of qualifying employment earned by:

- His/her current spouse (including those individuals cohabiting and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors or tradespeople) DURING the spousal relationship. [Refer to “Spouse [63-102],” page 9-11 and “HH Decision,” page 9-14.]

**Note:**

Any qualifying quarters from the ex-spouse are no longer countable after the divorce is final. At every recertification, the EW must review to determine if the individual still meets the 40 qualifying quarters requirement.

- His/her former spouse if the marriage ended by death, but only for those quarters earned during the marriage.
- By his/her natural, adopted or step parent(s) while he/she was under 18 years of age.
  - An adopted child may use the quarters of his adopted parents after the adoption and those of his birth parents prior to the adoption.
  - A step-parent’s credits can be used by the step-child, provided that the step-parent relationship still exists. The death of the step-parent does not terminate the relationship. Upon divorce, the step-parent relationship ceases to exist.

**Example:**

Father (US citizen), mother (qualified noncitizen) and citizen child apply for CalFresh in January 2004. The father has lived and worked in the United States for the last 7 years earning $8,000 per year The mothers entered the
USA in December of 1999 and has worked part-time since then earning $3,000 per year. Computation of the credits earned by each individual is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Husband</th>
<th>Wife</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$8000 divided by $890 = 8.9 (4 credits maximum per year)</td>
<td>$2000 divided by $890 = 3.37 (Rounded down to 3 credits)</td>
</tr>
<tr>
<td>2002</td>
<td>$8000 divided by $870 = 9.2 (4 credits maximum per year)</td>
<td>$2000 divided by $870 = 3.45 (Rounded down to 3 credits)</td>
</tr>
<tr>
<td>2001</td>
<td>$8000 divided by $830 = 9.6 (4 credits maximum per year)</td>
<td>$2000 divided by $830 = 3.61 (Rounded down to 3 credits)</td>
</tr>
<tr>
<td>2000</td>
<td>$8000 divided by $780 = 10.2 (4 credits maximum per year)</td>
<td>$2000 divided by $780 = 3.84 (Rounded down to 3 credits)</td>
</tr>
<tr>
<td>1999</td>
<td>$8000 divided by $740 = 10.8 (4 credits maximum per year)</td>
<td>N/A</td>
</tr>
<tr>
<td>1998</td>
<td>$8000 divided by $702 = 11.4 (4 credits maximum per year)</td>
<td>N/A</td>
</tr>
<tr>
<td>1997</td>
<td>$8000 divided by $670 = 11.9 (4 credits maximum per year)</td>
<td>N/A</td>
</tr>
<tr>
<td>TOTAL</td>
<td>4 credits per year times 7 years = 28 credits total</td>
<td>3 credits per year times 4 years = 12 credits total</td>
</tr>
</tbody>
</table>

The noncitizen "qualified" mother has the required 40 credits (12 credits of her own plus her husband’s 28 credits = 40 credits). Therefore, the noncitizen “qualified” mother is potentially eligible for Federal SNAP with the citizen husband and child. If the mother did not have the required 40 credits, then only the husband and child have receive Federal SNAP, if otherwise eligible. The noncitizen mother would be eligible for the California Food Assistance Program (CFAP). [Refer to “CFAP Requirements [63-403],” page 31-1.]

14.3.9 Declaration of Citizenship/Noncitizenship Status

Regulation

A valid declaration of citizenship/noncitizenship status is required for all CalFresh recipients:

- At initial application, and
- At application, when there is a break in benefits of one day, or more.
The citizenship/non-citizenship status declaration requirement is met by completion of the forms listed below. A new form is not required when the status changes.

<table>
<thead>
<tr>
<th>FORM NUMBER</th>
<th>FORM NAME</th>
<th>ADDITIONAL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAWS 2A-QR</td>
<td>Statement of Facts For Cash Aid, CalFresh and Medi-Cal/ State-Run County Medical Services Program (CMSP)</td>
<td></td>
</tr>
<tr>
<td>DFA 285-A2</td>
<td>Statement of Facts</td>
<td></td>
</tr>
</tbody>
</table>

### 14.3.10 Sponsored Noncitizens

**Definition**

Sponsored noncitizens are admitted into the United States because another individual or group has completed an affidavit of support which attest that they have sufficient income and resources to meet the noncitizen’s needs. The process used to determine available income and resources is called deeming.

**Guidelines**

Sponsorship must be explored in the same way all other aspects of eligibility are explored. Carefully explore the circumstances under which the client entered the United States and whether they may or may not be sponsored. When all reported information and verification are consistent, then the client’s statement regarding sponsorship on the Statement of Facts is sufficient. An application cannot be approved until sponsorship is determined.

**Note:**

If it is determined that the noncitizen is sponsored, the EW must also explore sponsorship exceptions for the noncitizen.

**Affidavit of Support (I-864 or I-864A)**

The I-864 or I-864A is a legally binding contract which a sponsor has executed on behalf of a noncitizen as a condition of the noncitizen’s entry or admission into the United States. USCIS began using the I-864 and I-864A on December 19, 1997.
Regulation [63-503.49]

A portion of the income of the sponsor and the sponsor’s spouse, if he or she has executed the USCIS form I-864 or I-864A is deemed as unearned income for the 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.

Note:
Noncitizens whose sponsor signed an I-134 “Affidavit of Support” which was used prior to December 19, 1997 are no longer subject to sponsor deeming rules.

The sponsored noncitizen is subject to the sponsorship provisions until the sponsored noncitizen:

• Achieves United States citizenship through naturalization; or
• Has 40 qualifying quarters of work history; or
• Is no longer a noncitizen lawfully admitted for permanent residence and leaves the United States; or
• Dies.

Note:
The sponsor’s support obligation also terminates when the sponsor dies.

Use the following guidelines to help determine if the sponsorship regulations apply to the noncitizen:

<table>
<thead>
<tr>
<th>If the noncitizen...</th>
<th>Then the EW...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gives inconsistent or unclear information,</td>
<td>Must clarify the situation.</td>
</tr>
<tr>
<td>Continues to give conflicting information,</td>
<td>Requests secondary SAVE to obtain information regarding sponsorship if unable to clarify the situation with the client.</td>
</tr>
<tr>
<td>States they are not sponsored,</td>
<td>Assumes that they are not sponsored as long as information from the interview, circumstances surrounding the entry into the U.S, responses on the Statement of Facts and USCIS documents and codes do not indicate that the client is sponsored.</td>
</tr>
</tbody>
</table>

[Refer to “Noncitizen Categories,” page 11-1 and “USCIS Codes,” page 12-1 in the Common Place Handbook.]
CFAP

The California Food Assistance Program (CFAP) uses all of the federal sponsor deeming rules EXCEPT for the period of deeming which is limited to THREE years from the date (the date the affidavit of support is signed by the sponsor) of the execution of the I-864 or I-864A. [Refer to “Deeming of Sponsor’s Income and Resources,” page 31-2 for complete CFAP information.]

Example:
The I-864 was signed by the sponsor on 4/23/2003 and the sponsored noncitizen was granted legal status and entered the United States on 6/7/2005. The five year waiting period for federal eligibility is from 06/2005 to 06/2010 (five years from the date of entry). The three year deeming period for CFAP eligibility is from 4/2003 to 4/2006 (3 years from the date the I-864 was signed). The sponsored noncitizen is eligible to receive CFAP CalFresh benefits from 5/2006 to 6/2010 without being subject to sponsorship deeming rules.
CE Households

For Categorically Eligible (CE) households, the cash aid verifies sponsored noncitizen information at initial application. However, CE households must cooperate in providing the sponsor information needed to determine monthly benefit amounts.

Sponsored Noncitizen's Responsibility

The sponsored noncitizen is responsible to:

- Obtain the cooperation of the sponsor.
- Provide the names (or other identifying factors) of other noncitizens the sponsor has agreed to support.
- Report changes in circumstances of sponsor or sponsor's spouse, such as loss of employment or death.
- Report the number of dependents who are claimed or could be claimed as dependents by the sponsor or the sponsor's spouse.

QR 22 [63-405.7]

The "Sponsor's Statement of Facts Income and Resources" (QR 22) must be completed by the sponsor and the sponsor's spouse at initial application and at every recertification. Verification of the sponsor's income is required. If necessary, the EW must assist the noncitizen in obtaining verification.

Reminder:

The QR 22 is NOT required when the sponsored noncitizen meets the indigence exception or exempted from deeming.
The sponsored noncitizen(s) is ineligible until the QR 22 is received complete with verification. Allow 30 days for the sponsor to provide this. Use the following chart when a QR 22 and/or income verification have not been received after 30 days.

<table>
<thead>
<tr>
<th>IF THE HOUSEHOLD...</th>
<th>THEN...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fails (for example, the household is willing to provide the information, but is unable to obtain it from the sponsor and spouse), or REFUSES to provide a complete QR 22 with income verification,</td>
<td>The sponsored noncitizen shall be ineligible. In determining the eligibility and/or benefit level of the remaining household members, the income of the ineligible noncitizen (excluding the attributed income of the noncitizen’s sponsor and sponsor’s spouse) shall be treated using excluded ineligible noncitizen rules. If all of the household members are sponsored by the same sponsor, then all adults (18 yrs. and over) in the household are ineligible.</td>
</tr>
</tbody>
</table>

[Refer to “Budgeting Concepts,” page 22-1, when the QR 22 information and verification is received, for instructions to deem income from the sponsor and the sponsor’s spouse to the sponsored noncitizen(s).]

Sponsorship Exceptions [63-036, 63-403.6, 63-503.492]  

Certain noncitizens are exempt from provisions for sponsored noncitizens. Do not apply sponsorship regulations if:

• The non-citizen or citizen child is under 18 years of age.

Note:

If the child turns 18 years old during the certification period, the sponsor deeming rule does not apply until the next recertification.

• The noncitizen is participating in CalFresh as a member of his/her sponsor’s household or the sponsor’s household is participating in CalFresh separate and apart from the noncitizen.

• The sponsor was an organization, institution or group (e.g., VOLAG), rather than an individual.

• The noncitizen is not required to have a sponsor under the Immigration and Nationality Act (INA). This includes, but is not limited to a refugee, Cuban-Haitian entrant, parolee or an individual granted asylum in the U.S.
Example:
An applicant who is a Public Interest Parolee under Section 212(d)(5) of the INA is sponsored by his uncle who earns $4,000 per month. The sponsorship regulations do not apply to this individual and none of the uncle’s earnings would be deemed to the CalFresh household. Any payments from the uncle to the noncitizen are considered income and are subject to the standard regulations on income and budgeting.

Exception:
The income from a sponsoring agency to some Soviet Jewish refugees admitted during Federal fiscal year 1990 may be counted under certain circumstances. [ Refer to “Budgeting Concepts,” page 22-1. ]

• The noncitizen is determined to be a battered noncitizen. [ Refer to Common-Place Handbook, “Battered Noncitizens,” page 14-9 for definitions and verification requirements. ]

• The battered noncitizen is exempt from sponsorship requirements for 12 months after it has been determined that there is a substantial connection between the abuse/battery and the need for benefits and the battered individual does NOT live with the batterer.

• After 12 months, the batterer’s income will not be deemed if the battery is recognized by a court or the USCIS and has a substantial connection to the need for benefits and the noncitizen does NOT live with the batterer.

• Sponsored noncitizen adults wish to apply only for his/her children or other eligible household members (“opt out”),

• Households with income below 130 percent of FPL (indigence), or

• Domestic violence survivors.

Indigent Noncitizen Determination

• A sponsored noncitizen is determined indigent if the sum of the eligible sponsored noncitizen household’s own current income and any cash contribution or in-kind assistance received from the sponsor and others, does not exceed 130 percent of the Federal Poverty Level (FPL) for the household size.
The adult sponsored noncitizen is entitled to self-declare that s/he is indigent, in which case a determination of deemed income from the sponsor and verification of the sponsor’s income should not be required by the county, as it creates a barrier to program access.

The sponsored noncitizen may self-declare that s/he is not being supported by the sponsor. If self-declaration of non-support is made by the sponsored noncitizen, the county can only make the indigence determination based upon the sponsored noncitizen household’s actual income and any other income actually received from others.

If the indigent adult sponsored noncitizen declares receipt of income from a sponsor or any other source, only the amount of income actually received is considered to be the income of the sponsored noncitizen.

If the sponsored noncitizen is unable to obtain verification from the sponsor, the county must accept other verification, including a written statement from the sponsored noncitizen. Indigent households with noncitizen adults are not denied or terminated if the sponsor does not provide income verification if the noncitizen otherwise verifies receipt of the income (e.g., self-declaration).

For a 12-month period beginning on the date a noncitizen is determined to be indigent, the sponsor deeming rules are suspended and only the actual amount provided to the noncitizen by the sponsor shall be treated as income to the noncitizen.

Income-in-kind used in making the indigent determination is NOT used in the determination of eligibility or benefit level. If the sponsored noncitizen is unable to obtain verification from the sponsor, the county must accept a written statement from the sponsored noncitizen. Indigent households with noncitizen adults are not denied or terminated if the sponsor does not provide income verification.

Once a determination of indigence has been made, the noncitizen must be considered indigent for 12 months from the date of eligibility, regardless of any secondary information that may be obtained from the Systematic Alien Verification for Entitlements (SAVE) system on the sponsor during this time.

This provision begins from the date a sponsored noncitizen is determined to be indigent and ends the last day of the twelfth month after that date.

The 12-month period can be renewed yearly.
Example:
A sponsored noncitizen applies on 1/24/00. She meets the indigent definition at the time of application. The amount of the sponsor’s income that is to be counted is the ACTUAL amount provided to the sponsored noncitizen from 1/24/00 through 1/31/01. As part of the recertification process in 1/01, it must be determined whether the individual continues to meet the definition of indigent. If she does, then a new 12-month exception period must be established.

Valuation of In-Kind Assistance to Determine indigence

A value for in-kind assistance should be used solely for the purpose of making the indigent determination. Income-in-kind used in making the indigent determination is NOT used in the determination of eligibility or benefit level.

Regular and continual purchases completed for an individual or household are considered in-kind assistance.

Example:
If someone provides all of the clothing or food consistently for a person/household on an ongoing basis, then it is considered in-kind. Continued, regular, ongoing or customary is the key to determine if the purchases are considered in-kind assistance.

Temporary assistance, whether it is clothing, food, housing, money, or utilities is not counted as in-kind assistance for determining indigence.

Example:
If an individual or household receiving a hotel voucher, or temporarily staying in a shelter, or receiving gifts of clothing or food occasionally, these situations are temporary and “not customary,” therefore, not considered in-kind assistance for determining indigence.

When the individual declares in-kind assistance and the value must be considered in determining indigence, the following applies:

• If the individual does not know the actual amount, the CalWORKs Income In Kind Chart in the Chart Book is used.

• If the individual provides actual in-kind amount more than the chart, the actual value can be used to determine indigence, and no verification is needed other that a declaration that the in-kind assistance exists.
CalFresh Handbook

Residency, Citizenship, and Immigrant Status

If the individual chooses to provide the actual value that is lower than the chart, a ten-day notice must be sent to give the household time to provide the actual amount.

Note:
If the verification is not received within the ten-day period and the individual has not requested help in getting the verification, the county is not to deny the application, but to use the value from the CalWORKs Income In Kind Chart for the items considered to be in-kind assistance.

The valuation of in-kind assistance when determining indigence should NOT be used in the following situations:

• When determining eligibility or benefit levels for the noncitizen household, or
• Quid pro quo, an item or a service traded in return for something of value, or,
• When the individual declares that no in-kind assistance is provided.

Referral to United States Immigration Services (USCIS) - Indigent Noncitizen

Each indigent determination must be reported to USCIS by providing the name of the sponsor and the sponsored noncitizen.

If the sponsored noncitizen is applying for assistance rather than opting out, and is determined to meet the indigence exemption from sponsor deeming, the EW must send a complete SCD 2343 to the CalFresh Coordinator providing the following information:

• Sponsor’s name,
• Sponsored noncitizen’s name,
• Case name,
• Case number, and
• Date of indigence determination.

The CalFresh Coordinator will submit the required information to USCIS.

Office of Policy and Strategy
United States Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, D.C. 20529-2140
Victims of severe forms of trafficking, who have been certified by the Federal Office of Refugee Resettlement (ORR), are CalFresh eligible to the same extent as refugees. Certain family members of trafficking victims are also eligible for benefits and services to the same extent as refugees.

Severe forms of trafficking are defined as:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not reached 18 years of age; or

- The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

**Verification**

The ORR will make certification determinations and issue letters of certification for victims of severe forms of trafficking. Eligibility Workers (EWs) will not determine whether someone is a victim of a severe form of trafficking nor should they contact the United States Citizenship and Immigration Services (USCIS).

EWs must use the ORR certification date on the certification letter as the date of entry and the first date of eligibility. ORR recertification letters do not grant an additional period of eligibility. Recertification letters are simply re-issuance of the original letter with an expiration date.

**“T” VISA**

The Trafficking Victims Protection Act of 2000 created a new non-immigrant visa, the “T VISA,” for victims of severe forms of trafficking in persons, in order to allow these individuals to remain in the United States.

Trafficking victims apply for the “T” VISA by submitting an “Application for T Nonimmigrant Status” (form I-914). Continued presence in the United States is requested by law enforcement on behalf of the victim to assist with an investigation and/or prosecution. Continued presence, when granted, confers temporary status that delays/prevents deportation.
Note:
Children under 18 years of age and who have been subjected to a severe form of trafficking are eligible for benefits but do NOT need a certification letter. However a child will have a letter from the ORR verifying their status as a victim of trafficking.

Prior to ORR Certification

CFAP eligibility may be granted to Trafficking Victims prior to federal ORR certification while they await or prepare to request approval for federally funded benefits.

Once it has been determined that the applicant meets the definition of a trafficking victim, the Eligibility Worker must determine if the client:

• Has filed an application for a “T” VISA with USCIS,
• Is preparing to file an application for a “T” VISA, or
• Is otherwise taking steps to meet the eligibility conditions for federal benefits.

Verification

The following documentation can be used in determining whether an applicant has filed or is preparing to file for a “T” VISA:

• A confirmation receipt or letter from USCIS verifying an application for a “T” VISA has been filed,
• A copy of the I-194,
• Statements from persons in official capacity (e.g. law enforcement officials or victims advocates) who have assisted or are assisting the victim with the “T” VISA application, or
• If no documentation is available, the applicant’s statement that she or he has filed or intends to apply for a “T” VISA, or is taking steps to become federally eligible.

Note:
Victims of human trafficking who are eligible for CFAP benefits do not have to provide or apply for a SSN.

Termination of Eligibility

Eligibility for the state-funded (CFAP eligible) services will be terminated if:

• The recipient’s application for a visa has been finally administratively denied, or
Residency, Citizenship, and Immigrant Status

- The recipient has not applied for a “T” VISA within one year of applying for state benefits, or
- A request by law enforcement officers on behalf of the recipient for federal continued presence status has not been made within one year, or
- The recipient is certified by ORR, resulting in federal eligibility.

For more detailed information regarding Trafficking Victims please [Refer to “Trafficking Victims,” page 11-59] in the Common Place handbook.

Documentation

Information regarding verifications provided, dates of services, etc. must be documented in the Maintain Case Comments window in CalWIN.

14.3.12 Victims of Serious Crimes

Federal law defines non-citizen victims of serious crimes as non-citizen who:

- Have suffered substantial physical or mental abuse as a result of having been victims of criminal activity involving or similar to the following violations:
  - Rape
  - Torture
  - Trafficking
  - Incest
  - Domestic Violence
  - Sexual Assault
  - Prostitution
  - Sexual Exploitation
    - Abusive Sexual Contact
  - Conspiracy or solicitation to commit any of the above mentioned crimes,
  - Possess information concerning criminal activity (or in the case of a non-citizen child under the age of 16, the parent, guardian or adult representing the child), and
  - Have been helpful, are being helpful, or are likely to be helpful to a federal, state or local law enforcement official, prosecutor, or judge or to other federal, state, or local authorities investigating or prosecuting criminal activities described above.
“U” VISA

The Trafficking Victims Protection Act of 2000 created a new non-immigrant visa, the “U Visa,” for victims of criminal activity as defined by federal statute in order to allow these individuals to remain in the United States. The “U” non-immigrant status provides a stay of deportation and the ability to apply for work authorization.

Effective 10/17/07, the Final Rule regarding the “U Visa” was issued by the federal government. In order to be eligible for California Food Assistance Program (CFAP) benefits, applicants must present evidence that they have filed for a “U Visa” (or have obtained one) if they do not have verification of filing for a “U Visa Interim Relief” prior to 10/17/07. [Refer to “Verification for U Visa Interim Relief,” page 14-36.]

Verification of U Visa

The following documentation can be used in determining whether an applicant has filed a request for or has been granted a “U Visa:"

- A Form I-797 approving a “U Visa,” or
- A Form I-797 which serves as a fee receipt for an employment authorization request based on a “U Visa” application, or
- A completed copy of Form I-918, or

“U Visa Interim Relief”

Prior to 10/17/07, USCIS granted temporary legal status, called “U Visa Interim Relief,” and work authorization to those who are eligible. While there was no official application form for requesting “U Visa Interim Relief,” each request contained certain documentation.

Non-citizens allowed to remain in the United States under “U Visa Interim Relief” are not eligible for most federal benefits and services. Senate Bill 1569 was enacted to provide assistance to applicants for “U Visa Interim Relief” who are willing to cooperate with law enforcement officials. Individuals who filed a request for a U Visa Interim Relief prior to 10/17/07, are eligible for California Food Assistance Program (CFAP) CalFresh benefits, if a visa application has been filed (or a “U Visa” has been issued) or until a denial of interim has been issued.
Note:
After 10/17/07, USCIS will not consider initial requests for “U Visa Interim Relief.”

Verification for U Visa Interim Relief

The following documentation can be used in determining whether an applicant has filed a request with USCIS for “U Visa Interim Relief” or if “U Visa Interim Relief” or a “U Visa” has been granted:

• Statements from persons in official capacity (e.g. law enforcement officials or victims advocates) who have assisted or are assisting the victim with the application of “U Visa Interim Relief,” or
• A copy of the request for a “U Visa Interim Relief” application, or
• A Notice of Action approving “U Visa Interim Relief,” or
• A confirmation receipt or letter from USCIS verifying that a request for “U Visa Interim Relief” (or a “U Visa”) has been filed. A Notice of Action (Form I-797) approving U visa Interim Relief based on a request prior to 10/17/07, or
• A confirmation receipt or letter from USCIS verifying that a request for U Visa Interim Relief was filed prior to 10/17/07, or
• A Form I-797 which serves as a fee receipt for an employment authorization request based on a request for “U Visa Interim Relief” filed prior to 10/17/07, or
• A confirmation receipt or letter from USCIS verifying that a Petition for U Non-immigrant Status (Form I-918) has been filed.

Note:
Victims of other serious crimes who are eligible for CFAP benefits do not have to provide or apply for a SSN.

Termination of Eligibility

Eligibility for CFAP CalFresh benefits continue until and unless the recipient’s request for “U Visa Interim Relief” or application for a “U Visa” has been finally administratively denied.

Documentation

Information regarding verifications provided, dates of services, etc. must be documented in the Maintain Case Comments window in CalWIN.
14.4 Ineligible Noncitizens

14.4.1 Definition [63-403.15, 63-402.221]

The noncitizens listed below are NOT eligible for CalFresh.

- Visitors, tourists, diplomats and students who enter the U.S. temporarily with no intention of abandoning their residence in a foreign country. (Documentation: USCIS form I-94 annotated with any letter A through S. [Refer to Common-Place Handbook, “Non-Immigrants,” page 12-17.]

- In the U.S. due to voluntary departure in lieu of deportation or an indefinite stay of deportation. [Documentation: letter from USCIS or court order]

- Temporary Resident Status (TRS) noncitizens.

- Has no documentation or the USCIS annotation is not sufficient to determine eligible noncitizen status.

- PRUCOL noncitizen.

- Any sponsored noncitizen who fails to provide a complete QR 22 with income verification.

- Any noncitizen who does not meet the criteria to be an eligible noncitizen. [Refer to “Eligible Noncitizens,” page 14-6.]

Reminder:
California Food Assistance Program (CFAP) eligibility must be explored for all noncitizens who do not meet the federal CalFresh program criteria. [Refer to “CFAP Requirements [63-403],” page 31-1.]

14.4.2 Treatment of Ineligible Noncitizens [63-503.442]

A household containing individuals excluded as ineligible noncitizens shall have its eligibility and monthly allotments for any remaining household members determined as follows:
• All of the excluded noncitizen’s income, except the excluded person's prorated share, shall be counted in the CalFresh budget. [Refer to “Excluded and Non-household Members,” page 10-1, for examples and a complete discussion.]

• When a CalFresh household receives a combined undifferentiated payment (e.g. joint earnings) with an ineligible noncitizen excluded member, the combined payment must be prorated. [Refer to “Combined Payments,” page 10-7 for a chart showing the correct proration method for combined payments.]

14.4.3 Noncitizens Under Order of Deportation

Regulation [63-405.8]

Noncitizens under an order of deportation shall be reported to the U.S. Citizenship & Immigration Services (USCIS).

A referral to USCIS is required for any member of the CalFresh or applicant household who is ineligible to receive CalFresh because that member is in the U.S. under an order of deportation. “Household member” means a person:

• Whose name appears on the application or other documents, and
• Who would have been a CalFresh household member except for his/her noncitizen status.

EWs may discover that a noncitizen is under order of deportation by:

• The noncitizen's or other household member's admission, and/or
• Statements on CalFresh documents, and/or
• Presentation of USCIS documents showing that the noncitizen is under order of deportation.

Procedure

If the EW discovers an order of deportation prior to the withdrawal of an application:

• The household may withdraw the application.
• The EW must still refer the noncitizen to USCIS. The EW shall complete the following steps.

<table>
<thead>
<tr>
<th>STEP</th>
<th>ACTION</th>
</tr>
</thead>
</table>
| 1.   | Complete a memo with two copies for each noncitizen under order of deportation, including at least:  
• Name  
• Address  
• Date of birth  
• Evidence/circumstances which indicate that the noncitizen is under order of deportation. |
| 2.   | Send original and one copy of the memo to:  
CalFresh Coordinator  
5th Floor, 333 W. Julian Street |

This is the ONLY situation when an undocumented noncitizen is referred to USCIS without the approval of the noncitizen.

**Interviewing [63-300.4]**

Questions that are not relevant to the determination of CalFresh eligibility or benefit level are prohibited.

EWs shall only ask questions pertaining to proper documentation of noncitizen status for purposes of establishing eligibility for CalFresh benefits. Asking the applicant/recipient if a household member is “an illegal alien/immigrant” or “has an order of deportation” is not relevant to CalFresh eligibility or benefit level.

EWs shall not pursue further clarification or verification unless requested to do so by the recipient.

Noncitizens who refuse or fail to provide appropriate documentation shall NOT be referred to USCIS.

**Withdrawal**

If a noncitizen applicant does NOT want the Social Services Agency to contact USCIS to verify his/her immigration status, the household must be given the option of withdrawing its application or participating without that member of the household.
Residency, Citizenship, and Immigrant Status

If the household chooses to exclude the individual, that individual is treated as an ineligible noncitizen. [Refer to “Ineligible Noncitizen, Ineligible ABAWD and SSN Excluded Members,” page 10-14 for treatment of this individual’s income.]

14.4.4 Disclosure of Information to U.S. Consulate General Offices

The United States Consulate General Offices are mandated to refuse the visa application of any noncitizen who they believe is likely to become a public charge. In carrying out this function, they may ask if the visa applicant or visa applicant’s sponsor:

• Is a current or former recipient of CalFresh, or
• Owes a debt to the program.

The household MUST submit a WRITTEN authorization before any information may be disclosed to a U.S. Consulate General Office. A “Authorization for Release of Information” (CSF 13) form is recommended.

If a noncitizen makes a voluntary donation to FCS to repay legitimate CalFresh benefits, the Consulate General Office can ONLY be notified of the donated funds, if authorized IN WRITING to do so by the household.

14.4.5 Repayment of Legitimate CalFresh Benefits

Definition

Legitimate CalFresh benefits are benefits to which the individual was entitled and do not need to be repaid.

Repayment Policies

If an individual sends in a payment to repay legitimate CalFresh benefits, the following action must be taken:

• Have the payment returned to the sender.
• Send an FS 20 “You Do Not Owe Anything for Receiving CalFresh Benefits” to advise the individual that there is no debt.
• Send an FS 21 “Release Form”.

Revised: 06/24/13 Update #13-05
Voluntary Donations

The FS 21 form is used if the individual wishes to make a voluntary donation to the federal government to repay benefits previously received. The FS 21 indicates that the signer understands:

• There is no debt,
• He/she is relinquishing all rights to the donated funds,
• That the donation to FCS is not returnable, and
• That he/she agrees that the funds are donated with no expectation of something in return from any governmental entity.

Only after the FS 21 release form is signed by the payer, can a donation be accepted on behalf of Food and Consumer Service (FCS) when there is no outstanding claims. The check or money order MUST be made payable to Food and Consumer Services or FCS. Fiscal will forward the payment along with the original FS 21 to the appropriate FCS office.

Since the payment is a voluntary donation rather than repayment of a claim, the individual may pay all or part of the legitimate CalFresh benefits previously received by the household.

Note:
The voluntary donation procedure may be used by ANY individual (whether an noncitizen or not) who wishes to repay all or part of the legitimate CalFresh benefits previously received by the household.
14.5 Noncitizen’s Status Decision Chart

To determine whether a noncitizen meets the non-citizenship requirement for the FEDERAL food assistance program known as the Supplemental Nutrition Assistance Program (SNAP), refer to the following chart. [Refer to “CFAP Decision Chart,” page 31-6 to determine whether a noncitizen meets the non-citizenship requirement for CFAP.]

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 1.   | Is the individual a qualified noncitizen? [Refer to “Non-Citizen Categories [63-405.1]” page 14-6.]  
If YES, go to step #2.  
If NO, see the EXCEPTION at the end of the chart. |
| 2.   | Has this individual been granted legal status in the United States as a qualified noncitizen for 5 years or longer?  
If YES, this person is federally (SNAP) eligible, if otherwise eligible.  
Stop Here.  
If NO, go to step #3. |
| 3.   | Is the individual UNDER 18 years of age?  
If YES, this person is federally SNAP eligible, if otherwise eligible.  
Stop Here.  
If NO, go to step #4. |
| 4.   | Was the individual lawfully residing in the United States on 8/22/96 AND was he/she 65 years of age or older on 08/22/96 (i.e., born on or before 8/22/31)?  
If YES, this person is federally SNAP eligible, if otherwise eligible.  
Stop Here.  
If NO, go to step #5. |
| 5.   | Is this individual blind or disabled and receiving blind or disability payments or benefits through a program which uses the same disability criteria as the (SSI) program?  
If YES, this person is federally SNAP eligible, if otherwise eligible.  
Stop Here.  
If NO, go to step #6. |

(Chart page 1 of 2)
### Step 6

<table>
<thead>
<tr>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the individual a Refugee (207), Asylee (208), Amerasian (584), Cuban-Haitian (501), or Deportee (243h, 241b3) who was admitted or granted this status, within the past 7 years? [Refer to “Additional Condition:,” page 14-11.]</td>
</tr>
</tbody>
</table>

If YES, this person is federally SNAP eligible, if otherwise eligible. Stop Here.

If NO, go to step #7.

### Step 7

<table>
<thead>
<tr>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the individual a Hmong/Highland Laotian tribal member (or the spouse, widow, or unmarried dependent child of a Hmong/Highland Laotian tribal member) who aided U.S. military personnel during the Vietnam war and who is lawfully residing in the U.S.?</td>
</tr>
</tbody>
</table>

OR

<table>
<thead>
<tr>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the individual a Cross Border Native American?</td>
</tr>
</tbody>
</table>

If YES, this person is federally SNAP eligible, if otherwise eligible. Stop Here.

If NO, go to step #8.

### Step 8

<table>
<thead>
<tr>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this individual in the US military, an honorably discharged veteran, or the spouse or unmarried dependent child of a US military person or honorably discharged veteran? [Refer to “Additional Condition:,” page 14-11.]</td>
</tr>
</tbody>
</table>

If YES, this individual is federal SNAP eligible. Stop Here.

If NO, go to step #9.

### Step 9

<table>
<thead>
<tr>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does this individual have 40 credits of qualifying employment? [Refer to “Credits of Qualifying Employment,” page 14-18.]</td>
</tr>
</tbody>
</table>

If YES, this individual is federal SNAP eligible. Stop Here.

If NO, this individual in NOT federal SNAP eligible. Eligibility for CFAP must be explored. [Refer to “CFAP Decision Chart,” page 31-6 for help in making this determination.]

### EXCEPTION: The following noncitizens are eligible, if otherwise eligible, EVEN if they are NOT QUALIFIED noncitizens as specified under Section 431 of PRWORA (See above) f

- A Hmong or Highland Laotian (and their spouse/children) who was a member of a tribe who aided the U.S. military (as long as the individual was a member of the tribe during the period in which the aid was provided) and who is lawfully residing in the U.S. [Many are admitted as refugees.]

- American Indians born in Canada to which Section 289 of INA applies, and a member of an Indian tribe as defined in Section 4(e) of Indian Self-Determination and Education Assistance Act (Cross-border Indians)
14.6 Special Immigrant Visa

Iraqi and Afghan individuals who were employed by or assisted the United States (U.S.) Armed Forces with translations and interpreter services are being admitted to the U.S. with Special Immigration Visas (SIVs).

14.6.1 Federal Food Assistance Program Known As Supplemental Nutritional Assistance Program (SNAP)

Afghan and Iraqi individuals admitted to the U.S. with SIVs are eligible for federal SNAP benefits immediately and continuously.

**Note:**
Eligibility cannot begin earlier than 12/26/07.

14.6.2 Date of Entry

Iraqi and Afghan special immigrants may enter the U.S. as a Legal Permanent Resident with SIVs or may adjust to special immigrant status after entering the U.S. under another status such as asylee or parolee.

Therefore, the beginning date for eligibility for CalFresh may or may not coincide with the special immigrant's date of entry.

As a result, the beginning date of eligibility for CalFresh may or may not coincide with the special immigrant's date of entry. Use the table below to determine the beginning date of CalFresh eligibility.

<table>
<thead>
<tr>
<th>IF...</th>
<th>THEN...</th>
<th>HOWEVER...</th>
</tr>
</thead>
<tbody>
<tr>
<td>An individual is paroled for one year,</td>
<td>The individual is not eligible until he/she has resided in the U.S. for five years</td>
<td>If the individual adjusts to special immigrant status during that time, they become immediately eligible for CalFresh benefits as long as all other eligibility requirements are met.</td>
</tr>
<tr>
<td>The asylee adjusts to Special Immigrant Status, Note: Asylees are qualified noncitizens immediately eligible under current program rules.</td>
<td>The individual becomes immediately eligible for CalFresh benefits as long as all other eligibility requirements are met.</td>
<td></td>
</tr>
</tbody>
</table>
14.6.3 Verification

Iraqi and Afghan noncitizens who claim special immigrant status must provide verification they have been admitted under section 101 (a) (27) of the Immigration and Nationality Act (INA) to be determined eligible for CalFresh.
14.7 Federal Eligibility Guidelines

A person must be a U.S. citizen or an eligible noncitizen to qualify. Except as provided in the exception area in the chart below, a noncitizen must be both a qualified noncitizen and meet one additional condition to be eligible for federal benefits.

<table>
<thead>
<tr>
<th>Qualified Noncitizen (Section 431 PRWORA)</th>
<th>CalFresh Criteria (Section 402 PRWORA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Lawfully admitted for permanent residence (LPR)</td>
<td>Additional Condition</td>
</tr>
<tr>
<td>• Paroled under Section 212(d)(5) of INA for at least one year</td>
<td>Qualified Noncitizens in this category are considered to be meeting ONE of the additional conditions:</td>
</tr>
<tr>
<td>• Granted conditional entry under 203(a)(7) in effect prior to 4/1/80</td>
<td>• Lived in the U.S. as a qualified noncitizen for a period of five (5) years or longer</td>
</tr>
<tr>
<td>• Granted asylum under Section 208 of INA</td>
<td>• Receiving disability or blind payments/benefits through a program which uses the SSI disability criteria</td>
</tr>
<tr>
<td>• Refugee admitted under Section 207 of INA</td>
<td>• Under 18 years of age</td>
</tr>
<tr>
<td>• Deportation withheld under 243(h) or 241(b)(3) of INA</td>
<td>• Lawfully in U.S. on 8/22/96 and 65 years of age or older on 8/22/96</td>
</tr>
<tr>
<td>• Cuban or Haitian entrant as defined in 501(e) of Refugee Education Assistance Act of 1980/Haitian Orphans</td>
<td>• Cross border Native American</td>
</tr>
<tr>
<td>• A battered spouse, battered child or parent or child of a battered person with a petition pending under 204(a)(1)(A) or 244(a)(3) of INA</td>
<td>• Have a military connection (veteran, active duty, spouse and/or children of veteran or active duty military person)</td>
</tr>
</tbody>
</table>

No Additional Condition Needed

The following categories of qualified non-citizens are not required to meet any of the above additional conditions:

• Amerasian Immigrant under 584 of Foreign Operations, Export Financing and Related Program Appropriations Act
• Asylees granted asylum under 208 of INA
• Refugee admitted under 207 of INA
• Deportation withheld under 243(h) or 241(b)(3) of INA
• Cuban or Haitian under 501(e) of Refugee Education Assistance Act of 1980
Residency, Citizenship, and Immigrant Status

<table>
<thead>
<tr>
<th>Qualified Noncitizen (Section 431 PRWORA)</th>
<th>CalFresh Criteria (Section 402 PRWORA)</th>
</tr>
</thead>
</table>
| The following noncitizens are eligible, if otherwise eligible, EVEN if they are NOT qualified noncitizens as specified under Section 431 of PRWORA  
These individuals do not have to meet any other non-citizen requirements to be eligible for federal benefits |
|                                                                 |
| • A Hmong or Highland Laotian (and their spouse/children) who was a member of a tribe who aided the U.S. military (as long as the individual was a member of the tribe during the period in which the aid was provided) and who is lawfully residing in the U.S. [Many are admitted as refugees.] |
| • American Indians born in Canada to which Section 289 of INA applies, and a member of an Indian tribe as defined in Section 4(e) of Indian Self-Determination and Education Assistance Act (Cross-border Indians) |