

**County of Orange Social Services Agency
Family Self-Sufficiency Division**

Program/Area: CalWORKs

Title: Noncitizen Eligibility

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Approved:

PURPOSE The purpose of this policy is to provide the definition of “qualified noncitizen” and to provide instructions to determine whether an individual meets State or Federal funding eligibility.

POLICY The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 imposes a five-year Federal eligibility requirement on qualified noncitizens who enter the U.S. **on or after August 22, 1996**. Noncitizens who enter the U.S. **on or after August 22, 1996** must either obtain citizenship or be exempt from the five-year ban from Federal benefits to be eligible to Federally funded benefits during the first five years from the date they acquire status as a qualified noncitizen.

Assembly Bill (AB) 1542 California Work Opportunity and Responsibility to Kids (CalWORKs) allows immigrants meeting the definition of qualified noncitizen to receive benefits. Qualified noncitizens that are not Federally eligible may receive State-funded benefits for the first 5 years, provided they meet all other eligibility requirements. This necessitates a State-Only program for those qualified noncitizens not eligible for Federal funds effective January 1, 1998. However, at the time the State-aided individual has resided in the U.S. for five years, or acquired citizenship, whichever comes first, the case must be reassessed for Federal funded eligibility.

DEFINITION OF QUALIFIED NONCITIZEN The following Immigration and Nationality Act categories have been identified as qualified noncitizens by PRWORA:

- Lawfully Admitted for Permanent Residence
- Granted Asylum;
- Admitted as a Refugee;
- Special Immigrant Visa (SIV);
- Paroled into the U.S. for at least one year;
- Whose deportation is being withheld;
- Granted Conditional Entry;
- Cuban/Haitian Entrants;

- Human Trafficking, Domestic Violence or Other Serious Crimes Victims (TCVAP);
- Certain Battered Noncitizens: A noncitizen parent or child who is subjected to battery or cruelty. In order for a noncitizen to meet the Federal definition of a qualified noncitizen due to battery, the noncitizen must no longer live in the same household as the batterer. Contact Program for specific criteria.
- Non-immigrant noncitizens lawfully admitted for a temporary purpose or temporary residence and undocumented noncitizens are **not** eligible for State or Federally funded benefits.

Note: Sponsorship status must be explored on all Legal Permanent Residents (LPR) with the date of entry on or after December 19, 1997. Refer to *Sponsored Noncitizen Policy 100-C8*, [Legal Permanent Resident Alien Code Chart](#).

FIVE-YEAR BAN EXEMPTIONS

The following qualified noncitizens who entered **on or after August 22, 1996** are exempt from the five-year ban from Federal benefits. These individuals are eligible to Federally funded benefits beginning from the date of entry into the U.S. with status as a qualified noncitizen.

- Refugees
- Asylees
- Noncitizens granted a withholding of deportation
- Noncitizen with Veteran status:
 - a. A veteran with an honorable discharge and who fulfills the minimum active-duty service requirements
 - b. On active duty (does not include full-time National Guard duty) in the Armed Forces of the U.S.; or
 - c. The spouse or unmarried dependent child of an individual described in clause (a) or (b), or the un-remarried surviving spouse of an individual described in (a) or (b) who is deceased.
- Lawfully admitted permanent residents with 40 qualifying quarters of work
- Cuban-Haitian Entrants
- Human Trafficking Individuals that are certified by the Office of Refugee Resettlement (ORR) as a trafficking victim. (Must provide ORR trafficking certification letter).
- Amerasian Immigrants: Noncitizens designated by U.S. Citizenship and Immigration Service (USCIS) (formally Immigration Naturalization Service) as Amerasians can immigrate to the U.S. under several immigration classifications. Many enter as refugees or as lawfully admitted permanent

residents.

- A noncitizen admitted to the U.S. as an Amerasian immigrant is a person who meets the following conditions:
 - a. Born in Vietnam after January 1, 1962, or before January 1, 1976, and was fathered by a citizen of the U.S. (This person is referred to as the principal noncitizen); or
 - b. The spouse or child of the principal noncitizen, and is accompanying or following to join the principal noncitizen; or
 - c. Is the mother of the principal noncitizen, or the spouse or child of such mother, or has acted in effect as the principal noncitizen's mother, father or next of kin, (or is the spouse or child of such a noncitizen), and is accompanying, or following to join, the principal noncitizen.

**STATE
ELIGIBILITY**

Qualified noncitizens who enter the U.S. **on or after August 22, 1996** are eligible to State funded CalWORKs benefits for the first five years from the date of qualified noncitizen status, if they have not obtained U.S. citizenship or are not exempt from the five year ban. Once noncitizens obtain U.S. citizenship or have resided in the U.S. for five years, they must be reassessed for Federally funded CalWORKs benefits, whichever comes first.

**FEDERAL
ELIGIBILITY**

Qualified noncitizens who entered the U.S. **on or before August 21, 1996** are eligible to federally funded benefits.

For more information on USCIS documentation, refer to the following attachments:

- [List of Acceptable USCIS Documentation to Verify Qualified Noncitizen Status](#),

and

- [Examples of Acceptable USCIS Documentation to Verify Qualified Noncitizen Status](#)

**SPECIAL
IMMIGRANT
VISA HOLDERS**

Displaced persons from Iraq and Afghanistan are being admitted to the United States (U.S.) with Special Immigrant Visas (SIV). These Iraqis and Afghans were employed by or assisted the U.S. Armed Forces with translation and interpreter services.

Iraqis/Afghans who have been admitted to the U.S. with a SIV are eligible to receive CalWORKs benefits for families with minor children. These families will be required to meet all other eligibility criteria

including welfare to work requirements and reporting requirements.

These Iraqis/Afghans and their eligible family members are eligible for CalWORKs effective upon their **date of entry** to the U.S. with proper documentation from USCIS and are treated as qualified noncitizens. There are two types of proper documentation for the principal SIV applicant (Iraqi or Afghan); these types of documentation also apply to the principal SIV applicant's spouse and their unmarried child (under 21 years of age):

1. Iraqi or Afghan passport with an Immigrant Visa (IV) stamp noting that the individual has been admitted under any one of the following categories:
 - SI1 or SQ1 (Principal Applicant);
 - SI2 or SQ2 (Spouse of SI1 or SQ1);
 - SI3 or SQ3 (Unmarried Child, Under the Age of 21, of SI1 or SQ1);
 - SI6 or SQ6 (Principal Adjusting Status in the United States);
 - SI7 or SQ7 (Spouse of SI6 or SQ6);
 - SI-9 or SQ9 (Unmarried Child, Under the Age of 21, of SI6 or SQ6); and
 - A Department of Homeland Security (DHS) stamp or notation on passport or I-94 showing date of entry.
2. DHS Form I-551 ("green card") with an code of SI6 or SQ6, SI7 or SQ7, or SI9 or SQ9 which confirms both the status and the day of entry into the U.S. for the principal SIV applicant.

For Iraqi or Afghan Special Immigrants who acquire SIV status while in the U.S., the date of eligibility begins on the date the SIV status is granted.

All documentation must be verified through the Systematic Alien Verification for Entitlements (SAVE) process for confirmation of noncitizen status.

**NONCITIZENS
PERMANENTLY
RESIDING IN
THE U.S.
UNDER COLOR
OF LAW
(PRUCOL)**

Permanently Residing Under Color Of Law (PRUCOL) refers to noncitizens living in the U.S. with the knowledge and permission of the Department of Homeland Security and who the Department of Homeland Security does not plan to deport. In some cases the PRUCOL noncitizen may have filed an application for permanent residency. In other cases, the noncitizen may have been granted permission to remain in the U.S. under another immigration classification.

PRUCOL is not a separate classification (such as refugee, lawful

permanent resident etc.). It is a term applied to persons in order to determine eligibility for public benefits.

PRUCOL noncitizens may be eligible to Federal or State funded benefits depending on:

- The qualified alien status
- The five-year ban exemption and
- The date of entry.

Contact Program for specifics.

Note: Non-immigrant noncitizens, lawfully admitted for a temporary purpose or temporary residence, and undocumented noncitizens are **not** eligible for State or Federally funded benefits.

40 QUALIFYING QUARTERS

Lawfully admitted permanent residents who enter the country **on or after August 22, 1996** must have 40 qualifying work quarters to be eligible to Federally funded benefits.

IEVS Applicant Report

The Social Security Administration has an automated process for accessing earnings' records for qualified noncitizens, their spouses, and their parents. This process has been incorporated into the Income Eligibility Verification System (IEVS) applicant match. Data will be included on the IEVS Applicant Report.

The Social Security Administration Match will reflect the total number of qualifying quarters for an individual as well as the specific years for which those quarters were credited. Social Security Administration enters this data into their system on a flow basis for the proceeding calendar year beginning in March based upon information obtained from employer reports.

Lag Period

Data for the current year and in some cases the prior year are not available on the match. The earnings for this lag period must be verified if these quarters are needed to establish eligibility.

Lag Period Verification

The following types of verification are acceptable for lag period quarters:

- W-2 or W-2C forms
- Pay stubs
- Employer statements of wages indicating that Social Security

Administration taxes were withheld

40 Quarters Confirmed:

- Approve qualified noncitizen for Federally funded CalWORKs assistance if otherwise eligible.

40 Quarters Not Confirmed:

- Determine if additional work history claimed during lag period not included in Social Security Administration Match.
- Review verification if any for lag period.
- If sufficient quarters documented take action as above, or if less than 40 quarters is documented, approve noncitizen for State funded CalWORKs benefits, if otherwise eligible.

To request the Social Security Administration Quarters Match via CalWIN, refer to the [IEVS Applicant Reports Resource Guide](#).

CREDITED 40 QUARTERS

In addition to the applicants/recipients own work quarters, the quarters acquired by the following persons during the relationship are credited:

- Natural parents, stepparents, or adoptive parents while the individual was under the age of 18 and the relationship existed
- Current spouse, including someone held out to the community as spouse even if no legal marriage exists
- A former spouse if the marriage ended by death
- Beginning January 1, 1997, any quarter in which the noncitizen received any Federal means-tested public benefit is not counted as a qualifying quarter. For our purposes, Federal means tested public benefits include CalWORKs, RCA, Medi-Cal, SSI and Food Stamps.

To request the Social Security Administration Quarters Match via CalWIN, refer to the [IEVS Applicant Reports Resource Guide](#).

AID TYPES

CalWIN will determine the aid code for State or Federal eligibility based on the entries pertaining to the qualified noncitizen.

To verify that CalWIN has applied the correct aid code, refer to [Policy 100-C4, Assistance Unit \(AU\) Family Structures and Aid Types](#).

ATTACHMENTS

[List of Acceptable USCIS Documentation to Verify Qualified Noncitizen Status](#)
[Examples of Acceptable USCIS Documentation to Verify Qualified Noncitizen Status](#)

REFERENCES ACL No. 98-65, 00-07, 08-35, and 09-39; ACWD 98-55; EAS 42-431
[IEVS Applicant Reports Resource Guide](#)
[Policy 100-C8 Sponsored Noncitizens](#)
[Policy 100-C4, Assistance Unit \(AU\) Family Structures and Aid Types](#)

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