DHR

Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration
ACTION TRANSMITTAL

Control Number: 03-15	Effective Date: October 1, 2002
	Issuance Date: September 12, 2002

TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF

FROM: CHARLES E. HENRY, EXECUTIVE DIRECTOR

RE: FOOD STAMP ELIGIBILITY FOR LEGAL IMMIGRANTS WITH A DISABILITY

PROGRAM AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

SUMMARY:

On May 13, 2002, President Bush signed Public Law 107-171, which includes the Food Stamp Program reauthorization. A number of provisions in the law affect the Food Stamp Program. This action transmittal is one of several that you will receive about policy changes resulting from this federal legislation.

This action transmittal describes the restoration of food stamps to disabled immigrants. The new policy eliminates the requirement that the disabled immigrant had to be lawfully residing in the United States on or before 8/22/96.

ACTION REQUIRED:

♦ Determine eligible for food stamp benefits otherwise eligible immigrants who:

➢ Are qualified immigrants, and

➢ Receive benefits due to blindness or disability, **regardless of date of entry.**

Examples:

Example 1:
Mr. A is a legal permanent resident. He obtained this status in October 1996. He began receiving SSI in July 2002. Effective October 1, 2002, Mr. A can get food stamps, if otherwise eligible.

Reminder: SSI and Medical Assistance rules still have a 5-year residency requirement.

Example 2:
Ms. B is a legal permanent resident who obtained this status in July 1997. She applied for and was found eligible for TEMHA in January 2002. She was approved for disability-related medical assistance in August 2002 after an SRT disability determination and after meeting MA citizenship requirements, including living in the US for 5 years. Effective October 1, 2002, Ms. B can get food stamps, if otherwise eligible.

Reminders:

♦ A qualified immigrant is:

1. An immigrant lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)

2. An immigrant granted asylum under §208 of the INA

3. A refugee admitted under §207 of the INA

4. An immigrant who is paroled under §212(d)(5) of the INA for a period of at least 1 year

5. An immigrant whose deportation is being withheld under §243(h) or 241(b)(3) after April 1, 1997 of the INA

6. An immigrant who is granted conditional entry pursuant to §203(a)(7) of the INA

7. Certain battered immigrant spouses and children

8. Cuban and Haitian entrants

♦ For the purposes of this policy, a disabled immigrant is one of the following:

1. A person who receives Supplemental Security Income (SSI) under title XVI of the Social Security Act,

2. A person who receives federally or State administered supplemental assistance of the type described in section 1616(a) of the Social Security Act, interim assistance pending receipt of SSI, disability-related medical assistance, or disability-related general assistance under title XIX of the Social Security Act. **Immigrants who receive Public Assistance to Adults (PAA) and TEMHA recipients who receive Medical Assistance fall under this category.**

3. A person who receives disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act or receives disability retirement benefits from a governmental agency because the disability is considered permanent under section 221(i) of the Social Security Act

4. A person who receives an annuity under section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon criteria under title XVI of the Social Security Act.

5. A veteran who:

   (a) Has a service connected or non-service-connected disability that is rated total, or
   (b) Is considered in need of regular aid and attendance or permanently housebound as determined by the Veteran's Administration (VA).

6. A surviving spouse of a veteran and:

   (a) Is considered in need of regular aid and attendance or permanently housebound as determined by the VA, or
   (b) Is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent

7. A child of a veteran and:

   (a) Is considered permanently incapable of self-support as determined by the VA, or
   (b) Is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent.

PAYMENT ACCURACY:

Correct CARES coding is very important. The coding of the SPP (State Paid Program) field on the ALAS screen is frequently coded incorrectly. In some cases case managers enter an "N" in the SPP field when the customer is eligible for federal benefits or a "Y" for customers who are not eligible for any food stamps. The CARES codes for the SPP field are:
   Y= Eligible for state paid benefits
   E= Meets the exemption criteria, eligible for federal benefits
   N= Not eligible for benefits
You must code the SPP field as "E" for immigrants eligible under this policy.
If the immigrant is an ineligible immigrant coded as an "ND 202" there must be an "N" in the SPP field.

ACTION DUE:

This policy is effective with applications, recertification or interim changes on or after October 1, 2002.

INQUIRIES:

Please direct policy questions to inquiries Kay Finegan at 410-767-7939 or Marilyn Lorenzo at 410-767-7333. Questions concerning the CARES procedures can be directed to Scott Adams at 410-767-3964

cc: FIA Management Staff
        Constituent Services
        DHR Help Desk
        RESI

FEDERAL FOOD STAMP IMMIGRANT STATUS ELIGIBILITY

If the immigrant was admitted as…	and legal date of entry or status is…	then the immigrant is…
• A refugee under §207 of the INA. • An asylee under §208 of the INA • An alien whose deportation is being withheld under §243(h) or whose removal is being withheld under §241(b)(3) of the INA. • A Cuban/Haitian entrant paroled under section 501(e) of the Refugee Education Assistance Act of 1980 • An Amerasian LPR under 584 of the FOEFRPAA	on or before 8/22/96	eligible if the immigrant meets one of the following: • is currently under age 18, or • was age 65 or older on August 22, 1996.
	after 8/22/96	eligible if the immigrant meets the definition of disability (regardless of date of entry or when the disability began)
	more than 7 years ago	**not eligible, <u>unless</u>** the immigrant: • meets one of the criteria above, or • has adjusted status to a naturalized citizen, or • has adjusted to LPR status and meets those eligibility criteria. Note: If the immigrant's INS status has been adjusted to a LPR, the I-551 will be annotated with one of the following codes: RE6 through RE9 – Refugee AS6 through AS8 – Asylee CU6 or CU7 or CH6– Cuban Refugee
	less than 7 years ago	**eligible for 7 years after the entry date** (for refugees or Amerasians) or date of obtaining status (even if they have adjusted to LPR status). Note: After the 7 year eligibility period expires, these immigrants are not eligible again unless they lawfully resided in the U.S. on 8/22/96 and meet the eligibility criteria in the first box above or until they have adjusted their status to: • a naturalized citizen, or • a LPR and meet the alien eligibility requirement.

If the immigrant was admitted as…	then…

• a Parolee granted status under section 212(d)(5) of the INA for at least one year
 	
• a Conditional Entrant under section 203(a)(7) of the INA
	the immigrant is eligible:
	➢ if the immigrant was lawfully residing in the U.S. on 8/22/96 and the immigrant:
	  • is currently under age 18, or
	  • was age 65 or older on 8/22/96.
	or
	➢ if the immigrant meets the food stamp definition of disability (regardless of when the immigrant enters the U.S. or becomes disabled).
	Otherwise the immigrant **is not eligible** unless the immigrant:
	• is an honorably discharged veteran who met the active duty requirements for
	-24 months, or
	-the period for which the person was called to active duty.
	• is an active duty military personnel, or
	• is the spouse, unremarried surviving spouse or minor dependent child of an honorably discharged veteran or active duty personnel, or
	• has adjusted his or her status to LPR and meets the LPR exceptions.

• Legal Permanent Resident (LPR), other than Amerasian	the immigrant is eligible:
	➢ if the immigrant was lawfully residing in the U.S. on 8/22/96 and the immigrant:
	  • is currently under age 18, or
	  • was age 65 or older on 8/22/96.
	or
	➢ if the immigrant meets the food stamp definition of disability (regardless of when the immigrant enters the U.S. or becomes disabled).
	Otherwise the immigrant **is not eligible** unless the immigrant:
	• meets the" 40 qualifying quarters" requirement, or
	• is an honorably discharged veteran who met the active duty requirements for
	-24 months, or
	-the period for which the person was called to active duty.
	• is an active duty military personnel, or
	• is the spouse, unremarried surviving spouse or minor dependent child of an honorably discharged veteran or active duty personnel.
	Note: To qualify for food stamps as a surviving spouse of a deceased veteran or active duty military person, the surviving spouse must not have remarried.

a native American born in Canada or Mexico who is entitled by treaty to reside in the U.S.	the immigrant is eligible
a Hmong or Highland Lao tribe member when the tribe assisted the U.S. armed forces during the Vietnam War, their spouses, unmarried dependent children, and the unremarried widow.	the immigrant is eligible if the individual: • is from Laos, Vietnam, or Cambodia, and • claims to be a member of a Hmong or Highland Laotian tribe when the tribe assisted the U.S. armed forces during the Vietnam War, or is a spouse, a widow or widower who has not remarried, or an unmarried dependent child of an immigrant meeting this criteria. See AT 99-10 and Guidance for Non-citizen Verification.

NOTE: When a child is ineligible for the Federal Food Stamp Program, consider eligibility for the State-funded Food Stamp Program.

CARES PROCEDURES

The following is a review of CARES procedures for:
1. Generating an "ND 202" code when the immigrant is ineligible,
2. And for removing the "ND 202" code when the immigrant regains eligibility.

1. FOOD STAMP ONLY HOUSEHOLDS-How to code an ineligible immigrant.*
*If you use the following procedure, the ineligible immigrant will be coded as an "ND 202"on the STAT and ELIG screens.

APPLICATION:

♦ Pend a Food Stamp AU listing all household members on the **STAT** Screen with their respective relationship codes and financial responsibility as **"PN".**
♦ On the **DEM2** screen, in the citizenship field, enter:
  ➢ **"I"** for all ineligible recipients. (CARES will prorate any earned or unearned income of the ineligible individual),
  ➢ **"L"** for all recipients who are eligible for food stamps.
  ➢ **"C"** for all citizens.

♦ On the **ALAS** screen, enter the actual:
  ➢ INS Status Code and verification type.
        Note: For those immigrants who are eligible for 7 years after obtaining their status (i.e. refugees, asylees, parolees, Amerasians and immigrants whose deportation is withheld), if their status changes to legal permanent resident, **do not change the code until the 7 year period of eligibility ends.**
  ➢ **"Y"** or **"N"** for Sponsored Alien
  ➢ Country of Origin
  ➢ Entry date **(This date should reflect the date of entry for refugees and Amerasians. For all other qualified aliens it should reflect the date status was obtained.),**
  ➢ INS Number, Verification, and Verification Date and
  ➢ **In the SPP field enter**
    ➢ **"E"** –if the customer is eligible for federal food stamps,
    ➢ **"Y"** –for the child who is eligible for state food stamps (because they are ineligible for federal)
    ➢ **"N"** –for the immigrant who is not eligible for any food stamps.

♦ Enter assets and income on the appropriate household member's screens (income entered for all **"I"** coded legal immigrants will be prorated correctly by CARES).

♦ **Prorate the shelter costs that an ineligible member is responsible for paying off-line and enter in the appropriate field.**

♦ **Utility costs do not have to be prorated off-line.**

- ➢ Do not prorate the SUA or LUA if the ineligible member shares the expense with an eligible member. If the ineligible member shares the utility expense with an eligible member, the HH is entitled to the entire utility standard and the appropriate code should be entered in the "utility method:" area.
- ➢ If the ineligible member is solely responsible for paying the utilities, enter a "y" in the "Actual Expenses Claimed" field and enter the total amount of SUA or LUA and CARES will prorate the utility cost.
- ➢ **Include in the narration the actual utility and shelter costs and how the amounts were prorated.**

- ♦ Process (Option **"P"** from the **AMEN**) for each month, making sure to review the:
  - ➢ **ALAS** screens to ensure proper coding,
  - ➢ Assets and income to ensure accuracy,
  - ➢ **SHEL** screens to ensure the prorated shelter expense is entered only on the head of household's **SHEL** screen.

- ♦ Finalize (Option **"Q"** from the **AMEN**) the application for each month:
  - ➢ Review the **ELIG** screen to ensure the status of all ineligible adults and children is **"ND"** with a denial code of **"202"** (failed citizenship).
  - ➢ Enter **"Y"** to confirm eligibility.
  - ➢ Review the **FSFI** screen to ensure correct household size and benefit amount.
  - ➢ Enter **"Y"** to confirm the benefit amount.
  - ➢ Suppress the notice.

- ♦ After finalizing, select Option **"R"** and:
  - ➢ Change all legal immigrant **"I"** codes to **"L",**
  - ➢ Enter any other information now required,
  - ➢ Reconfirm the status of **ELIG** and **FSFI**, and
  - ➢ Allow the system-generated notice to go out.

- ♦ For associated cases:
  - ➢ Finalize the food stamps first
  - ➢ Complete the above procedure
  - ➢ Remember to change the "I" back to an "L"
  - ➢ Finalize the associated case and check the FSFI screen to ensure cash benefits are counted toward the food stamps.

NARRATE ALL CASE ACTIVITY

CURRENTLY ACTIVE FS AU:

Using Option **"R"** from the AMEN:

- ♦ On the **DEM2** screen, in the Citizenship field, enter:
  - ➢ **"I"** for all ineligible recipients– (CARES will prorate any earned or unearned income of the ineligible individual),
  - ➢ **"L"** for all recipients who are eligible for food stamps.

- ➢ **"C"** for all citizens.

- ♦ On the **ALAS** screen, enter the actual:
  - ➢ INS Status Code and verification type.

    > Note: For those immigrants who are eligible for 7 years after obtaining their status (i.e. refugees, asylees, parolees, Amerasians and immigrants whose deportation is withheld), if their status changes to legal permanent resident, **do not change the code until the 7 year period of eligibility ends.**

  - ➢ **"Y"** or **"N"** for Sponsored Alien
  - ➢ Country of Origin
  - ➢ Entry date **(This date should reflect the date of entry for refugees and Amerasians. For all other qualified aliens it should reflect the date status was obtained.),**
  - ➢ INS Number, verification, and Verification Date and
  - ➢ **In the SPP field enter**
    - ➢ **"E"** –if the customer is eligible for federal food stamps,
    - ➢ **"Y"** –for the child who is eligible for state food stamps (because they are ineligible for federal)
    - ➢ **"N"** –for the immigrant who is not eligible for any food stamps.

- ♦ **Prorate the shelter that an ineligible member is responsible for paying <u>off-line</u> and enter in the appropriate field.**

- ♦ **Utility costs do not have to be prorated off-line.**

  - ➢ Do not prorate the SUA or LUA if the ineligible member shares the expense with an eligible member. If the ineligible member shares the utility expense with an eligible member, the HH is entitled to the entire utility standard and the appropriate code should be entered in the "utility method:" area.
  - ➢ If the ineligible member is solely responsible for paying the utilities, enter a "y" in the "Actual Expenses Claimed" field and enter the total amount of SUA or LUA and CARES will prorate the utility cost.
  - ➢ **Include in the narration the actual utility and shelter costs and how the amounts were prorated.**

- ♦ Review the **ELIG** screen to ensure the status of all ineligible adults and children is **"ND"** with a denial code of **"202"** (failed citizenship).
  - ➢ Enter **"Y"** to confirm eligibility.

- ♦ After confirming, select Option **"R"** and:
  - ➢ Change all legal immigrant **"I"** codes to **"L",**
  - ➢ If the immigrant is illegal, leave the code as an **"I"**
  - ➢ Enter any other information now required,
  - ➢ Reconfirm the status of **ELIG** and **FSFI**, and

- Review the **FSFI** screen to ensure correct household size and benefit amount.
  - Enter **"Y"** to confirm benefit
  - Allow system-generated notice to be sent.

- For associated cases:
  - Temporarily, close the associated case.
  - Change the "L" to an "I"
  - Confirm
  - Check to make sure the ineligible member is an "ND 202" before changing the "I" back to an "L"
  - Reinstate the associated case the same day to avoid creating a BEG.

NARRATE ALL CASE ACTIVITY

2. CHANGING THE INELIGIBLE IMMIGRANT'S FINANCIAL RESPONSIBILITY CODE FROM "ND 202 TO "RE" WHEN ELIGIBILITY IS ESTABLISHED.

FS ONLY HOUSEHOLDS:

- Access Option **R** from **AMEN using the ongoing month first.**
- On the **STAT** screen, change the relationship of the ineligible member to **"OP",** and change the 202 reason code to 557.
- If the ineligible member was the HOH, change one of the other household member's relationship code to **"SE".**   (If the ineligible member is not the head of household this step can be eliminated.)
- A message will appear "HOH (SE) changed, review the HOH relationship code for all clients", press PF4 to override this notice.
- Complete any required screens (edits will appear on required screens), override notices on the financial screens, and commit the information on the DONE screen.

Repeat these procedures for all benefit months in which the customer is eligible from 10/01/2002.

- Access Option **K** from the **AMEN**, add the customer back to the AU, and enter the financial responsibility code of **"PN"** using the date that they became eligible as the application date. (The application date will be the month that the customer became eligible 10/01/2002 or after)
- **Do not change the head of household's relationship code back to "SE" at this time leave as "OP".**
- Process and finalize the add-a-person procedure, and appropriately code any under issuances generated on the **FSFI** screen
- Proceed to Option **R** on the **AMEN** screen for all the months that the changes were made **beginning with the ongoing month**, and change the relationship codes back to their original status. Fast path to done and commit the data. **This last step is extremely important.**

YOU MUST COMPLETE THIS ENTIRE PROCESS IN ONE DAY.

FS HOUSEHOLDS WITH AN ASSOCIATED TCA AU:

If the Food Stamp household has an associated TCA case, you must begin with the following instructions

➢ Access Option **R** from **AMEN**, and on the **STAT** screen, enter code **557** in the AU Status Reasons field for the associated case.
➢ Fast path to **DONE** and commit the data.
➢ Go into the Food Stamp AU and follow the above procedures for changing the HOH financial responsibility code from **"ND 202"** to **"RE"**
➢ Once the food stamp process is completed, re-instate the closed TCA case using Option **M** from the **AMEN.**
➢ Proceed to Option **R** from the **AMEN**; on the **STAT** screen remove the 557 codes from the **AU Status Reason** field, and the **RSN** field next to each customer.
➢ Commit the changes.

AGAIN, YOU MUST COMPLETE THIS ENTIRE PROCESS IN ONE DAY.