	Family Investment Administration
![DHR logo] **Department of Human Resources** **311 West Saratoga Street** **Baltimore MD 21201**	# ACTION TRANSMITTAL
Control Number: #04-10	**Effective Date: October 1, 2003**
	Issuance Date: October 1, 2003

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

FROM: **KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR**

RE: **FOOD STAMP ELIGIBILITY FOR QUALIFIED IMMIGRANT CHILDREN**

PROGRAM AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

<u>**SUMMARY:**</u>

The 2002 Farm Bill changed immigrant eligibility in three phases. The first two phases restored food stamp (FS) eligibility to disabled qualified immigrants and to immigrants who have been in a qualified immigrant status for five years or longer. This action transmittal describes the third phase, which restores federal food stamps to immigrant children.

Effective October 1, 2003, there will no longer be a State-funded Food Stamp Program for immigrant children.

<u>**NEW POLICY:**</u>

- Effective October 1, 2003 **qualified immigrant children, younger than 18 years old,** regardless of how long they have been in the United States are eligible for federal food stamps.

- Sponsor deeming requirements do not apply to sponsored children who are younger than 18 years old.

<u>**ACTION REQUIRED:**</u>

- When the immigrant child turns 18, unless he has lived in the US in a qualified immigrant status for 5 years or meets other eligibility criteria, the child is not eligible for food stamps.

- The case manager must:
  - ✓ Track the age of an immigrant child when the child will turn 18 during the certification period, and
  - ✓ Re-evaluate the immigrant child's FS eligibility before removing the person from the food stamp case.

Note: The child is eligible through the entire month in which the child turns 18.

Example 1:

John Smith moved to the United States with his parents and sister in June 2001. The children received State-funded FS until October 2003 and then received federal FS as qualified immigrant children even though the parents were not eligible. John turns 18 March 2004 and, effective April 1, is no longer eligible for FS because he has not been in the United States for at least five years.

Some children in the family may not be lawfully admitted or qualified immigrants. Children who are not legally in the country or who are not in a qualified immigrant status are not eligible for FS unless they are Hmong or Highland Laotians, Native American or victims of severe trafficking. In some instances eligible and ineligible children may live together in the same household.

There may be situations where an immigrant child receiving Temporary Cash Assistance (TCA) turns 18. Unless the child has been in the US for five years or meets another immigrant eligibility criterion the child is not eligible for FS even though he or she may still continue to receive TCA. CARES is not currently programmed to prorate the TCA. Although the procedure to calculate the countable TCA portion off-line is complex, we do not anticipate that these situations will occur often. We have developed an Excel spreadsheet to help calculate the amount to be entered on CARES. Case managers should call DHR for assistance in prorating the TCA when children are no longer eligible for food stamps or to get a copy of the Excel spreadsheet.

Example 2:

Mrs. Jones gets TCA for her 17-year old and 5-year old grandchildren. The children were admitted as legal permanent residents March 2002. Mrs. Jones has lived in the United States as a qualified immigrant since March 1997 and gets SSI. They were all found to be eligible for federal food stamps in October 2003 and certified for 6 months beginning in October. The TCA grant is $373. In January 2004, the older grandchild turns 18. The case manager sets up a 745 alert as a reminder to remove the child from the food stamp household. Effective February 2004, the older grandchild is no longer eligible for food stamps but still meets the TCA eligibility requirements. The case manager removes the 18 year old child with an "ND 202" code and contacts DHR for the proration of the TCA.

Calculating Income
- Do not count the income or resources of a sponsor as available to a sponsored child.

- If the child's parents are ineligible, count all the resources and prorate the income and deductions of the child's parents as available to the child.

Reminder: Do not count the sponsor's deemed income for any immigrant who is not eligible for FS.

Example 3: (See also example 1)

John's younger sister, Janice, is 15 and continues to be eligible for FS as a qualified immigrant child. Mr. and Mrs. Smith are not eligible, nor is John. Both parents are employed. Mrs. Smith earns $6.00 per hour for 20 hours per week. Mr. Smith earns $200 per week. The family does not have a sponsor.

Mrs. Smith's income is calculated as follows: 20 hours x $6.00 = $120 per week x 4 weeks = $480 per month.

Mr. Smith's income is $200 per week x 4 weeks = $800 per month

Total income = $480+ $800= $1280 per month gross income

$1280 divided by 4 = $320 (drop the cents) per person in the household.

The FS household is one person (Janice). The prorated income for food stamps is $320 per month.

CARES will prorate earnings if all ineligible members are coded with an "ND 202".

Example 4:

Same scenario as #3 above except the family members are sponsored immigrants.

The FS household is one person (Janice). Janice's parents and brother are ineligible immigrants. The sponsor's income is not deemed for FS purposes because Mr. and Mrs. Smith and John are ineligible for food stamps and Janice is a child younger than age 18.

Calculating Shelter and Utilities
- The new mandatory standard and limited utility allowances eliminate the requirement for prorating the SUA or LUA. We no longer prorate the utility allowances when an ineligible member pays them. A separate action transmittal will describe the changes in the policy for utilities.

- There is no change in the procedure for calculating the shelter costs, other than utilities. Case managers should continue to prorate the ineligible members portion of rent, mortgage, ground and lot rent, condo fees, property taxes and home owner's insurance.

State Funded Food Stamp Program
The State funded Food Stamp Program (FSP) for immigrant children ends on September 30, 2003. The change is a fiscal transaction and should be transparent to customers.

Reminder:
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

ACTION DUE:

This policy is effective with applications, recertification or interim changes on or after October 1, 2003.

INQUIRIES:

Please direct policy questions to inquiries Kay Finegan at 410-767-7939 or Marilyn Lorenzo at 410-767-7333. Questions on prorating the TCA toward the food stamps should be directed to Suzanne Diggs at 410-767-4369. Questions concerning the CARES procedures can be directed to Scott Adams at 410-767-3964

cc: FIA Management Staff
        Constituent Services
        DHR Help Desk

CARES PROCEDURES FOR HOW TO CODE INELIGIBLE IMMIGRANTS

Currently, the SPP field on the ALAS screen is a mandatory field. Until CARES is reprogrammed, enter an "E" for eligible immigrants or "N" for ineligible immigrants in the SPP field.

If you use the following procedures, the ineligible immigrant will be coded as an "ND 202"on the STAT and ELIG screens.

FOOD STAMPS ONLY HOUSEHOLDS AT 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, other than TCA, 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.
  ➢ **"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

♦ 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 off-line the shelter costs (other than utility costs) that an ineligible member is responsible for paying and enter in the appropriate field.**

♦ **Do not prorate the Utility Standards (SUA or LUA).**

♦ 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 <u>only </u>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",**
- ➢ Leave illegal immigrants coded as an **"I",**
- ➢ Enter any other information now required,
- ➢ Reconfirm the status of **ELIG** and **FSFI**, and
- ➢ Allow the system-generated notice to go out.

NARRATE ALL CASE ACTIVITY

FOOD STAMP HOUSEHOLDS WITH ASSOCIATED CASES AT APPLICATION:

- ➢ Finalize the food stamps first
- ➢ Complete the above procedure
- ➢ Remember to change the **"I"** back to an **"L"** if the immigrant is legally in the United States but ineligible for food stamps. (If the customer is an illegal immigrant **do not** 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.
- ➢ Contact DHR for the off-line proration of cash benefits.

NARRATE ALL CASE ACTIVITY

CURRENTLY ACTIVE FOOD STAMP ONLY HOUSEHOLDS:

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, other than TCA, 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.
    - ➢ **"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

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

- ♦ **Do not prorate Utility Standards.**

- ♦ 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.

NARRATE ALL CASE ACTIVITY

CURRENTLY ACTIVE FOOD STAMP CASES WITH AN ASSOCIATED AU

Following is a review of the procedures for removing an ineligible immigrant, including an 18-year-old who is no longer eligible for food stamps but remains eligible for TCA:

- ➢ Access **Option R** from **AMEN**, and on the **STAT** screen enter code **557** in the AU Status Reasons field for the TCA case
- ➢ Fast path to **DONE** and commit the data (A F98 MA AU will be created, therefore be certain to record the AU number).
- ➢ Return to the Food Stamp AU and proceed to the ineligible customer's **DEM2** screen.
- ➢ Change the Citizenship code to **"I"** for the ineligible immigrant.
- ➢ Confirm eligibility; make sure the ineligible member becomes a **ND 202** on the **ELIG** screen and commit the data.
- ➢ Re-enter the food stamp AU under **Option R** and change the **"I"** back to an **"L"** for all immigrants who are in the country legally. Leave the **"I"** code for all illegal immigrants.
- ➢ Return to **Option R** using the **F98** AU number, deny with a **557** code, and commit the data.
- ➢ Reinstate the TCA AU (**Option M** from the AMEN screen). This must be done the same day to avoid creating a BEG.
- ➢ Return to **Option R**, access the **STAT** screen of the TCA AU and remove the **557** closing code in the AU Status Reasons Field. Remove the **557** codes in the Client Reason Field of each client.
- ➢ Calculate eligibility, and commit the data.