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FIA ACTION TRANSMITTAL

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS**
Charles E. Henry for

FROM: KEVIN MAHON, EXECUTIVE DIRECTOR, FIA

RE: IMMIGRANTS

PROGRAM AFFECTED: FOOD STAMP PROGRAM

**ORIGINATING OFFICE: OPA/ DIVISION OF PROGRAM POLICY AND
REGULATION**

BACKGROUND

Provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), change the eligibility of immigrants for the Food Stamp Program.

CURRENT POLICY

To receive food stamp benefits, an individual must be one of the following:

- A citizen
- A lawful permanent resident
- A lawful temporary resident under the §210 farmworker (SAW) program
- A refugee
- An asylee
- An immigrant granted withholding of deportation

NEW POLICY

PRWORA introduced a new eligibility category of "qualified alien." A qualified alien is:

- ▶ An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)
- ▶ An alien granted asylum under section 208 of the INA
- ▶ A refugee admitted under section 207 of the INA
- ▶ An alien who is paroled under section 212(d)(5) of the INA for a period of at least 1 year

- ▶ An alien whose deportation is being withheld under section 243(h) of the INA
- ▶ An alien who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980
- ▶ Certain battered alien spouses and children

Legal immigrants are barred from receiving **federal** food stamps until they become citizens with a few exceptions. To be eligible for food stamps, an immigrant must be both a qualified alien **and** meet one of the criteria listed below.

- Eligible for five years after obtaining the designated status:
 - ▶ Refugees
 - ▶ Asylees
 - ▶ Immigrants whose deportation has been withheld

- Eligible for an unlimited period the following immigrants lawfully admitted for permanent residence:
 - ▶ Veterans who were honorably discharged for reasons other than immigrant status and their spouses or unmarried dependent children
 - ▶ Active military duty personnel (other than active duty for training) and their spouses or unmarried dependent children
 - ▶ Immigrants who have worked 40 qualifying quarters of coverage (reported to Social Security Administration). A qualifying quarter includes one worked by a parent of an immigrant while the immigrant was under age 18 and a quarter worked by a spouse during their marriage if the immigrant remains married to the spouse or the spouse is deceased.
Beginning January 1, 1997, any quarter in which the immigrant received any federal means-tested public benefit is not counted as a qualifying quarter.

- For applicants, the new policy was effective October 1, 1996.

- For noncitizens who were receiving food stamps on August 22, 1996 the new policy was not effective until the first recertification on or after April 1, 1997. (This also applied to noncitizens who moved to Maryland from another state and to noncitizens who became ineligible for a reason unrelated to alien status, such as increased income and subsequently reapplied for benefits prior to April 1, 1997).

- The new rules did not apply to cases recertified prior to April 1, 1997, but the certification period cannot extend beyond August 31, 1997. All cases with legal immigrants must be recertified by August 31, 1997. **In no case may a certification period extend beyond August 31, 1997, unless eligible immigrant status under the new policy is established.**

- Certification periods of households containing noncitizens may be extended, provided no certification period exceeds 12 months (or 24 months for households in which all adult members are elderly or disabled). **The extended certification periods must end no later than August 31, 1997.**

Example: A household consisting of legal immigrants was certified from December 1, 1996, through May 31, 1997. The certification period is extended through August, 1997.

Example: A household containing legal immigrants was certified from July 1, 1996, through June 30, 1997. Unless all adults are elderly or disabled, the certification period may not be extended beyond the scheduled end date. The new rules must be applied at recertification.

Example: A legal immigrant household was recertified effective October 1, 1996, through September 30, 1997. A recertification must be completed prior to August 22, 1997. Unless eligible under new policy, ineligible individuals must be removed.

- A State Food Stamp Program (SFSP) will be provided for children under age 18, or children in a TCA grant, who meet the definition of qualified alien and are not eligible under new federal food stamp policy.

Verification

Immigrant status will be verified using the documents currently available and the SAVE system. These documents should also verify the date of obtaining the status to determine the 5-year time limit on eligibility for a refugee, asylee or immigrant whose deportation has been withheld.

Further verification will be required to prove unlimited eligibility due to veteran status or quarters of coverage. Veteran status or active military duty should be verifiable through readily available documents from the Veteran's Administration or military.

The qualifying quarters of coverage will be more difficult. We anticipate a system of verification through the Social Security Administration. Until the system is in place, guidance was provided for certification pending verification of quarters of coverage.

Certification Pending Verification Procedures

The following procedures are for legal immigrants who believe that they have a work history that meets the 40 quarters exemption. The procedures need not be followed for legal immigrants who qualify for other exemptions in the law (refugees, asylees, deportees, or applicants with a claim to eligibility based on military service).

To determine eligibility based on social security coverage, establish the following:

1. How many years has the applicant, the applicant's spouse, or the applicant's parents (before the applicant turned 18) lived in this country.
2. In how many of the years reported in answer to question 1, did the applicant, applicant's spouse, or the applicant's parent earn money through work. (To determine whether the applicant's earnings were sufficient to establish "quarters of coverage" in those years, refer to the attached chart.)

If the answer to question 2 is 10 years or more, verify from Immigration and Naturalization Service documents, the date of entry into the country of the applicant, applicant's spouse and/or parent. If the dates are consistent with having 10 or more years of work, no further documentation is required at this time. Include the immigrant in the household pending verification from the Social Security Administration (SSA). Inform the household that a claim will be established for any benefits to which they were not entitled. Keep a record of each individual certified pending verification from SSA.

If the dates of entry are inconsistent with having 10 or more years of work, the immigrant is ineligible.

For purposes of future verification, the immigrant must also provide the full name, social security number, date of birth, and sex of each individual (self, parent or spouse) whose work history is relevant to the determination of eligibility. In addition, the applicant must provide a release form signed by each individual (copy attached) giving SSA permission to release information on that individual to the local department and/or the applicant. Retain the form in the case file to document the individual's consent.

NOTE: A supply of the SSA Consent for Release of Information will be sent to each local department under separate cover. **DO NOT send the customer directly to the SSA office for this information.**

If a husband and wife have both worked, their quarters of coverage are combined.

Countable income and deductions are verified as under current policy. The amounts to be counted will be determined in the same way as ineligible immigrants are under current policy by calculating a prorated share of income received by the ineligible member(s) and a prorated share of expenses paid by or billed to the ineligible member. The total value of any resources owned by the ineligible immigrant(s) is counted.

State Food Stamp Program

Food stamps will be provided for children who are:

- ▶ qualified aliens,
- ▶ under age 18 or who are included in a TCA grant, and
- ▶ not eligible for the federal FS Program (FSP).

The benefit amount for the State-paid FSP is the difference between a benefit for all household members eligible for federal or State benefits and the amount for the federal FSP. Until CARES programming is completed, the State-paid FS benefit will be a cash benefit.

The income and resources are treated the same as in the federal Food Stamp Program.

Case Processing

Households with immigrants have many household compositions which will determine ineligibility, eligibility for federal food stamps, eligibility for the State program or a combination. One case will be set up to include all members of a household who are eligible for the federal program. A second case will be set up to pay the State food stamp benefit.

Example #1: Household A includes a mother and father who are refugees who obtained their status on July 10, 1994, and two citizen children. The entire household is eligible for federal food stamps because the parents' refugee status is within the five year period. This case is processed using all income and deductions for the entire household. The household is eligible for the federal Food Stamp Program under the new rules.

Example #2: Household B applied March 3. The household includes a mother age 45 and her 20-year old son. Both are lawfully admitted for permanent residence. Neither individual has an exception which would permit eligibility for federal benefits. Since there are no children in the unit, the household is not eligible for state benefits.

Example #3: Household C applied April 30, 1997, and includes a mother and her two children under age 18. All are lawfully admitted for permanent residence but do not fall into one of the federal eligible categories. The entire household is ineligible for federal food stamp benefits. The children are eligible for State FS benefits. Open the case for the noncitizen children's State FS benefits. Use a 2/3 prorated portion of income and deductions to calculate the State FS benefit for the two children.

Example #4: Household D includes a mother and her two children who are lawfully admitted for permanent residence. Also in the household is her refugee husband who obtained his status 7 years ago and their citizen child. The citizen child is eligible for federal food stamp benefits and the legal permanent resident children are eligible for State food stamp benefits. Mrs. D has \$500 monthly unearned income. Mr. D has no income. The shelter costs total \$300.

Calculate the benefit for all members who are eligible for the State or federal benefit. The income for the three children, using 3/5 of the income is \$300 ($\$500 \div 5 = \$100 \times 3 = \300) income and 3/5 of the shelter is \$180 ($\$300 \div 5 = \$60 \times 3 = \180). The benefit amount for the 3 members eligible for federal and state benefits is \$294.

Federal FSP: The federal FS case for the citizen child is calculated using federal rules. A 1/5 prorated share of the income is \$100 ($\$500 \div 5$) and 1/5 of the shelter is \$60 ($\$300 \div 5$). The federal benefit is \$120.

State FSP: The State paid benefit amount is \$174 ($\$294 - \120).

Example #5: Household F includes Mrs. F and her child who are lawfully admitted for permanent residence. Mr. F is also in the household. He is a citizen and receives \$484 SSI. Mrs. F receives \$300 unearned income. The \$300 rent is paid by Mrs. F. Mr. F pays the gas and electric bill which includes heat. Mr. F is eligible for federal food stamp benefits and the child is eligible for state benefits.

Calculate the benefit for both Mr. F and the child eligible for the State-paid FSP. Use all the SSI benefit (\$484), and a 2/3 portion of Mrs. F's income ($\$300 \div 3 \times 2 = \200). To calculate the shelter cost, use a 2/3 prorated share of expenses paid by or billed to the ineligible immigrant ($\$300 \div 3 \times 2 = \200). The household is entitled to the full \$183 SUA since it is billed to Mr. F. The two-person household would be eligible for \$87.

Federal FSP: For the federal FSP for Mr. F, include all of the SSI income and a 1/3 prorated share of Mrs. F's income ($300 \div 3 = \$100$). The shelter expense is a 1/3 prorated share of expenses paid by or billed to the ineligible immigrant ($\$300 \div 3 = \100) and the \$183 SUA. Based on total income of \$584 and shelter cost of \$283, Mr. F. is eligible for a \$10 food stamp benefit.

State FSP: The State -paid food stamp benefit is \$77 ($\$87 - \10).

Coding - AIMS and AMF

When an immigrant household meets exemption criteria and is eligible for Federal FS benefits, code the case on AIMS and AMF as is done currently. However, indicate on the APND that the SPP (State Paid Program) status is 'E' (Exempt). (Since the APND does not have this field on it, the case manager must write "SPP = E.")

If any of the household members are non-exempt legal immigrant children, then the case manager must pend a State Food Stamp AU for all household members after June 1, 1997 as follows:

- Complete the APND for a Category 05 (Formerly GPA-E).
- Federal food stamp recipients and all adult non-exempt legal immigrants must be coded as 'K' status.
- Pend non-exempt legal immigrant children as usual.

- At the bottom of the APND, write "SPP=Y."

When all information/verification has been received to open the State Food Stamp case, complete the AIMS 2 (the State Food Stamps will be issued as a cash benefit) making sure the category is '05' and the correct grant amount for SFS is written.

If there is a mixed food stamp household where some members are eligible for Federal Food Stamps and others are eligible for State Food Stamps, then the case manager must complete the APND for the federal food stamp category (18) and an APND for the state food stamp category (05).

CLEARLY DOCUMENT ALL CASE ACTIVITIES.

Coding - CARES

If all household members meet the exemption criteria, the case manager would enter 'E' (Exempt) in the SPP (State Paid Program) field and process the federal food stamp case as usual.

If any of the household members are non-exempt legal immigrant children, then the case manager must pend a State Food Stamp AU for all household members by:

- Selecting 'L' (Add a Program) from the AMEN (Assistance Unit/Client Submenu)
- Selecting Public Assistance on the KIND (Kinds of Assistance Desired) screen
- Completing the INCH (Informed Choice) screen by entering:
 - 'Y' in the indicator field for the first blank line
 - 'RP' in the program field
 - 'R' in the type field.
- The original date of application for Federal Food Stamps is the application date for State Food Stamps.

During interview and processing, the ADDR, STAT, DEM1, DEM2, ALAS, WORK, and MISC are required screens for the 'RP' program.

The STAT, DEM1 and ALAS screens need to be completed as follows:

- On the STAT screen, change the Issuance Method from 'BEBT' to 'BCHK'.
- Federal FS recipients and all adult non-exempt legal immigrants must be coded as 'NM'.
- All non-exempt legal immigrant children must be coded 'PN'.
- On the DEM1 screen, the DOB V (Date of Birth Verification) field for ineligible immigrants is to be completed using valid value 'AC' (Alien Card).
- On the ALAS screen the case manager must enter 'Y' (Participating in State Paid Program) in the SPP (State Paid Program) field for non-exempt legal immigrant children and 'N' for all adult non-exempt legal immigrants.

During finalization of a mixed household deny the individual(s) ineligible for Federal Food Stamps with a worker entered reason code of '527' (Did Not Meet Citizenship Requirement) in the individual's Rsn field. If the entire household is ineligible for Federal Food Stamps, enter '527' in the AU Status Reason field.

While finalizing the State Food Stamp AU, the case manager must enter the benefit amount on the SPEC screen and then confirm the benefit.

CARES will automatically suppress the following system-generated notices:

- 04 Approval
- 07 Reinstatement
- 09 Denial
- 10 Deny an Individual
- 11 Change in Benefits
- 16 Closing
- 28 Redetermination.

The case manager must send the appropriate notice using the CARES letters option. The "Notice of Eligibility for State Food Stamps" and the "Notice of Change in Benefits for State Food Stamps" letters can be accessed from either option 'F' from the Welcome screen or 'PF15' from the customer's ADDR screen.

CARES will automatically send the following system-generated notices:

- 15 Underpayment
- 18 Overpayment
- 22 Application Delay
- 23 Redetermination Appointment
- 35 Case Reassignment/Transfer.

Since the 'RP' category does not currently issue recurring payments, the case manager must issue **three months** worth of State Food Stamps at a time. Create a 745 alert to the on-going case manager for the first working day of the fourth month with the following message: **"SPP children need benefits issued for the next three months."** Include the name of the head of household and the customer ID number.

The on-going case manager will need to ADD a new 'RP' State Food Stamp AU, process and finalize it for the next three month's benefits. Subsequent alerts will need to be generated to the on-going worker as long as the case remains active and CARES programming is not complete.

CLEARLY DOCUMENT/NARRATE THE CASE ACTIVITY.

ACTION DUE

The new policy is effective with new applications and recertifications on or after October 1, 1996, except for active cases which have had certification periods extended.

INQUIRIES

Please direct questions to Kay Finegan at (410) 767-7939.

cc: FIA Management Staff
Constituent Services
OIM Help Desk
CTF