



Department of Human Resources
311 W. Saratoga St.
Baltimore, MD. 21201-3521

FIA ACTION TRANSMITTAL

Issuance Date: November 1, 1997

Effective Date: Immediately

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

**FROM: ~~LINDA HEISNER, EXECUTIVE DIRECTOR, CCA~~
~~KEVIN MAHON, EXECUTIVE DIRECTOR, FIA~~**

RE: POC ELIGIBILITY FOR QUALIFIED ALIENS

PROGRAMS AFFECTED: PURCHASE OF CARE

ORIGINATING OFFICE: OPD / CHILD CARE ADMINISTRATION

BACKGROUND: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P. L. 104-193, restricts the access of certain categories of immigrants to specified Federal benefits, including some benefits administered by the Departments of Health and Human Services (HHS). Section 403 of PRWORA bars most qualified aliens who enter the U. S on or after enactment (August 22, 1996) from eligibility for "Federal means -tested public benefits" for five years beginning on the date the individual entered the United States with the qualified alien status. As defined in The Federal Register dated August 26, 1997, and effective immediately, HHS is interpreting "Federal means-tested public benefits" to include only those benefits provided under Federal means-tested, mandatory spending programs. The following HHS programs meet this definition: Medicaid (MA) and Temporary Assistance to Needy Families (TANF). Therefore no other HHS programs are "Federal means tested public benefits" for the purpose of PRWORA, and all qualified aliens regardless of when they entered the U.S. continue to be eligible to receive assistance and services under the Child Care and Development Fund, if they meet other program requirements.

PURPOSE:

The purpose of this action transmittal is to clarify the impact of the HHS ruling for the Purchase of Care Program. Local departments are advised that the Purchase of Care Program is not defined as a "Federal means tested public benefit" for the purposes of the PRWORA. Therefore, the policy clarification from HHS results in no change within the POC program for qualified (legal aliens).

POLICY CLARIFICATION

At this time POC regulation only requires that an applicant be a State resident to receive services if otherwise eligible. POC services may not be provided to unqualified aliens. There is no POC requirement that an applicant provide verification of qualified aliens status at this time unless the case manager has reason to believe the applicant is an unqualified alien. "Unqualified aliens" are ineligible for POC services under federal law, see attachments for information. Also, proof of Maryland residency may be required if the case manager has reason to question whether the residence of the applicant is in Maryland.

ACTION REQUIRED:

Local departments are to continue to assure that POC subsidies are provided to eligible residents of the State of Maryland. The case manager should arrange interpretation services upon request or assure that communication is not a barrier to accessing services. In instances in which the case manager has reason to believe that an applicant is an unqualified alien, the FIA procedures are to ~~be followed~~ for verification and documentation of the applicant's status.

EFFECTIVE DATE: Immediately.

Questions may be directed to Pamela Evans at (410) 767-7845 of the Child Care Administration.

cc: FIA Management Staff
Child Care Administration
Constituent Services

SUMMARY OF IMMIGRATION GROUP DEFINED AS QUALIFIED ALIENS:

I. Qualified aliens are:

- A. Permanent Resident Aliens (green card holders)
- B. Refugees
- C. Asylees (asylum granted)
- D. Aliens whose deportation is withheld (under Section 243(h) of the Immigration and Naturalization Act.
- E. Parolee (granted parole for at least 1 year under section 212(d)(5) of the Immigration and Naturalization Act.
- F. An Alien granted conditional entry (pursuant to section 203(a)(7) of the Immigration and Naturalization Act prior to 4/80 (ie. a refugee)
- G. Battered alien spouses, battered alien children, and the alien parents of battered children who fit certain criteria.

~~II. Qualified aliens are not:~~

- A. Undocumented
 - 1. Border-crossers
 - 2. Visa-over stayers
- B. Non-Immigrants
 - 1. Students
 - 2. Temporary Visitors (for work or for pleasure)
 - 3. Migrant workers
 - 4. Diplomats
- C. Others
 - 1. Parolees (with parole for less than 1 year)