



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

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

Charles Henry Fox
**FROM: KEVIN MAHON, EXECUTIVE DIRECTOR, FIA
JOSEPH MILLSTONE, DIRECTOR, MCPA/DHMH
JOSEPH DAVIS, DIRECTOR, PSOA/DHMH**

RE: LEGAL IMMIGRANTS - TEMPORARY CASH ASSISTANCE

**PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE
MEDICAL ASSISTANCE**

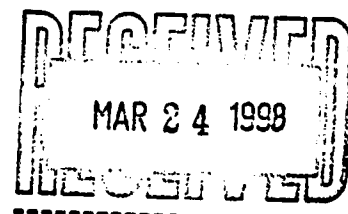
ORIGINATING OFFICE: OFFICE OF POLICY AND RESEARCH

SUMMARY: Before the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), all legal immigrants lawfully admitted into the United States met the citizenship requirement for technical eligibility in all of our programs. The PRWORA does not offer automatic technical eligibility status to legal immigrants.

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
- ▶ A refugee
- ▶ An alien who is paroled
- ▶ An alien whose deportation is being withheld
- ▶ An alien who is granted conditional entry prior to April 1, 1980
- ▶ Certain battered alien spouses and children
- ▶ Cuban and Haitian entrants



- **Federally eligible legal immigrants:** Legal immigrants who arrived in the United States before August 22, 1996, continue to be eligible for federally funded Temporary Cash Assistance and Medical Assistance benefits.
- **Five year bar on federal means-tested benefits:** Legal immigrants who arrived in the United States on or after August 22, 1996 are barred from receiving federal TCA and Medical Assistance for 5 years unless they are among the qualified aliens who have unlimited eligibility.
- **For an unlimited period the following immigrants lawfully admitted for permanent residence may receive federal cash assistance and medical assistance:**
 - ▶ Veterans who were honorably discharged for reasons other than immigrant status and their spouses and unmarried dependent children.
 - ▶ Active military duty personnel (other than active duty for training) and their spouses and unmarried dependent children.
 - ▶ Immigrants who have worked 40 qualifying quarters. A qualifying quarter includes one worked by a parent of an immigrant before the date on which the immigrant turned 18 and a quarter worked by a spouse during their marriage if the immigrant remains married to the spouse or the spouse is deceased. Earnings that have not been reported to the Social Security Administration should also be included in the 40 qualifying quarters calculation if they can be proven. An action transmittal on the Quarters of Coverage History System and the new State Verification Exchange System Users Manual will be in print shortly.

Beginning January 1, 1997, any quarter in which the immigrant received any federal means-tested public benefit is not counted as a qualifying quarter.

- **The following aliens may receive federal cash and medical assistance benefits for five years after obtaining the designated status:**
 - ▶ Refugees admitted under §207 of the Immigration and Nationality Act
 - ▶ Asylees admitted under §208 of the Immigration and Nationality Act
 - ▶ Immigrants whose deportation has been withheld under §§ 243 (h) or 241(b)(3) of the Immigration and Nationality Act
 - ▶ Cuban and Haitian entrants
 - ▶ Amerasians

At the end of the five year eligibility period, refugees, asylees, immigrants whose deportation has been withheld, Cuban and Haitian entrants, and Amerasians must have a status of immigrant lawfully admitted into the United States and be in one of the groups listed above (veterans, active military, or having worked 40 quarters) with proper documentation to receive federal cash benefits and full medical assistance.

STATE ASSISTANCE PROGRAMS:

Legal immigrants who arrived in the country on or after August 22, 1996, and are qualified aliens, (as listed on page 1 of this transmittal) may be eligible for state funded assistance:

- ▶ State eligibility and benefit calculations are the same as Federal.
- ▶ Pay State TCA to the entire family, if otherwise eligible.
- ▶ Pay State Food Stamp benefits to eligible children (under the age of 18 or a member of a TCA assistance unit). See Action Transmittal FIA/OPA 98-20.
- ▶ Give State MA to eligible children and pregnant women who are not eligible for federally funded MA benefits.

Exception:

A legal immigrant who arrived in the United States after August 22, 1996 and has resided in Maryland for less than 12 months after moving from another state, may not receive cash benefits unless the other state has a state-funded legal immigrant cash program.

VERIFICATION OF STATUS:

Verify immigrant status 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, immigrant whose deportation has been withheld, Cuban or Haitian entrant, or Amerasian. Do not confuse the date of entry with the date status was obtained.

Further verification will be required to prove unlimited eligibility due to veteran status or quarters of coverage. Verify veteran status or active military duty through readily available documents from the Veteran's Administration or military. Verify qualifying quarters of coverage through the Quarters of Coverage History System (QCHS).

EXAMPLES:

#1 A mother and her 2 children, all legal immigrants, have been here for 4 years (prior to August 22, 1996). The sponsor no longer needs to provide information of income. The family of 3 receives federal TCA and tag-along MA. At the next redetermination, the TCA and MA remain federal because legal immigrants who arrive in the United States before August 22, 1996 remain eligible for federal TCA.

#2 A mother and her 2 children are currently eligible for TCA and tag-along MA. The mother and one child are legal immigrants while the other child is a citizen. The mother has been here for 12 years and has verified 40 quarters of work history paid into the Social Security system. The entire family continues to be eligible for federal benefits. Even if the legal immigrant child arrived after August 22, 1996, he is eligible for federal benefits because the 40 quarters of work which makes the mother eligible also makes her spouse and children eligible.

#3 A family, consisting of a legal immigrant father, a citizen mother, a citizen child, and two legal immigrant children, enters the country after August 22, 1996. The family files for TCA and MA. The cash unit includes all five members, two receiving federally funded TCA benefits and three receiving state funds. The citizen members of the assistance unit receive federally funded MA and food stamps. The legal immigrant children receive State funded MA and food stamps. The legal immigrant adult is not eligible for MA or food stamps.

FINANCIAL CALCULATION

Regardless of the status of individual members, pay TCA to one assistance unit. When all members of the assistance unit are citizens or qualified aliens and who arrived in the United States before August 22, 1996, the cost is applied to federal funds. When all members of the assistance unit are qualified aliens who arrived in the United States on or after August 22, 1996 and who do not meet the exemption criteria, the cost is applied to state funds.

AIMS/AMF

Review the legal immigrant status and entry dates for each individual, then:

- ▶ Establish one assistance unit on the APND for TCA.
- ▶ In AMF, make sure the alien number is entered.
- ▶ Enter the appropriate income on the AAPB as you do now.
- ▶ When a household is eligible only for state cash benefits or a combination of both, on the bottom of the AAPB, write "SPP =" and write the number of legal immigrants receiving state TCA. (Any member of the household, who is an ineligible immigrant under federal policy but is eligible under the new state program, should be included in this count.)
- ▶ When the entire household is eligible for federal cash benefits, code the case as is done currently.

Medical Assistance Certification:

- Legal immigrants who entered the country on or before August 22, 1996 are technically eligible for federal medical assistance. No change in processing is required for these individuals.
- Legal immigrant adults entering the country after August 22, 1996 are not technically eligible for state MA unless pregnant. All legal immigrant children (under the age of 18 or a member of a TCA assistance unit) are technically eligible for state medical assistance.
- Pend and approve MA in category M6400 for all legal immigrant children and pregnant women who are active TCA, FAC, or PWC and entered the country after August 22, 1996.

For these individuals, code the 8000 TAD:

- ▶ With X01, Scope C for legal immigrant children who entered the country after August 22, 1996.
- ▶ With X01, Scope P for pregnant legal immigrant adults who entered the country after August 22, 1996.
- ▶ Follow the appropriate program policy when determining the certification period.

CARES

- ▶ Establish one assistance unit.
- ▶ Enter the appropriate income as you do now.
- ▶ On the ALAS screen, record the date of entry, the immigration number and status for all members who are not citizens.
- ▶ Enter "State Paid" in the School Name field on the ALAS screen for all legal immigrants receiving state cash benefits.
- ▶ The "SPP" (State Paid Program) field on the ALAS screen is for Food Stamp Use ONLY. Enter the appropriate code of "Y", "N", or "E" according to Action Transmittal 98-20 Revised if there is an associated food stamp case. Enter "N" if there is no associated food stamp case.

Medical Assistance Certification:

- Legal immigrants who entered the country on or before August 22, 1996 are technically eligible for federal medical assistance.
- Legal immigrant adults entering the country after August 22, 1996 are not technically eligible for state MA unless pregnant. All legal immigrant children (under the age of 18 or a member of a TCA assistance unit) are technically eligible for state medical assistance.
- CARES will not send any F-Track information to DHMH on any person with a citizenship code of 'L' AND an entry date after September 1, 1996.
- If a household has legal immigrants who are eligible for federal medical assistance and their entry date is September 1, 1996 or later:
 - ▶ Complete an 8000 form using:
 - ▶ Coverage Group F01(TCA): Scope 1, Category 02,
 - ▶ Coverage Group F05, (FAC categorically needy), F98 (FAC Medically Needy Non-Spend-down), or F99 (FAC Medically Needy Spend-down): Scope 1, and Category 30 (family), 39 (children) or 49 (adults).

- If a household has legal immigrant children or pregnant adults who are eligible for state medical assistance:
 - Complete an 8000 as follows:
 - Category X01, Scope C for legal immigrant children,
 - Category X01, Scope P for pregnant legal immigrant adults.
- If a legal immigrant is ineligible for both federal and state medical assistance, no further action is needed. (Ineligible legal immigrants will still appear as active recipients on the TCA STAT screen but their information will not be transmitted to DHMH.)

NOTE: Any changes or closures on legal immigrants with an entry date of September 1, 1996 or later will not be sent to MMIS II automatically. The case manager MUST complete an 8000.

ACTION DUE:

This action transmittal is effective upon receipt.

INQUIRIES:

Please call Yolanda Parker at (410) 767-7259 or Kay Finegan (410) 767-7939 with questions.

cc: DHR Executive Staff
DHMH Executive Staff
FIA Management Staff
Help Desk
Constituent Services
CARES Testing Facility