



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

Control Number: ~~FIA/OPR #98-39 REVISED~~
FIA/OPR#99-03

Effective Date: Upon Receipt
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TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS

FROM: *(Lynda G. Fox)*
LYNDA G. FOX, DEPUTY SECRETARY FOR PROGRAMS AND LOCAL
OPERATIONS
JOSEPH MILLSTONE, DIRECTOR, MCPA/DHMH
JOSEPH DAVIS, DIRECTOR, PSO/DHMH *1/14 Joe Davis*

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.

This action transmittal revises the CARES procedures for medical assistance and replaces action transmittal #98-39. A line in the margin notes the revisions.

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 meet the criteria outlined in the next two bullets in this section on New Policy.
- 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. Action Transmittal 98-34 addresses the procedures for determining quarters of coverage.

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.

CARES PROCEDURES

- 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 immigrant adults who are pregnant or legal immigrant dependent children with an entry date of August 22, 1996 or later should receive medical assistance in an X01 coverage group. Once the case manager has determined the customer is eligible for X01 coverage:

- Enter Option "L" from the AMEN and the TCA assistance unit number and add a medical assistance X01 assistance unit.
- During interview (Option "O" from the AMEN):
 - ▶ Pend all members eligible for X01 coverage as "PN" in the financial responsibility field.
 - ▶ Pend all other members as "NM" in the financial responsibility field.
- Process (Option "P") and finalize (Option "Q") the X01 assistance unit.
- DHMH will issue medical assistance cards to all individuals who are active recipients on the X01 STAT screen.

NOTE: Ineligible legal immigrants will still appear as active recipients on the TCA STAT screen, but no medical assistance card will be issued.

ACTION DUE:

This action transmittal is effective upon receipt.

INQUIRIES:

Please call Edna McAbier at (410) 767-8805 or Kay Finegan (410) 767-7939 with policy questions and Joyce Westbrook at (410) 767-8735 with CARES procedure questions.

cc: DHR Executive Staff
DHMH Executive Staff
FIA Management Staff

Help Desk
Constituent Services
CARES Testing Facility

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