

DSS ADMINISTRATIVE LETTER NO. ECONOMIC AND FAMILY SERVICES 4-2011

(Work First Family Assistance)

TO: County Directors of Social Services

ATTENTION: Work First Family Assistance Managers and Supervisors

DATE: May 24, 2011

SUBJECT: Eligibility of Qualified Immigrant Pregnant Women and Children Under Age 19

EFFECTIVE: **Immediately**

I. GENERAL INFORMATION

In reviewing recent clarification provided by the Administration for Children and Families regarding Qualified Immigrants, revision to Work First Manual Section 111.VII is required. The Deficit Reduction Act Of 2005 allowed for the extension of certain "Federal means-tested public benefits" to children under age 19 and pregnant women lawfully residing in the United States without a 5-year delay. **This does not apply to the Work First program.**

II. POLICY PROCEDURES

Qualified Immigrants who entered the United States on or after August 22, 1996 are subject to a 5 year exclusion (or "bar") on Work First Family Assistance (WFFA) benefits, even if otherwise eligible. As a general matter, the 5-year bar does not affect an individual who has entered the U.S. before August 22, 1996. The 5-year bar begins on the date the person acquired qualified immigrant status.

This exclusion does not apply to an Immigrant who:

- a. Is lawfully residing in the United States **and** is a veteran, spouse, unmarried child of a veteran who has been honorably discharged (not due to immigration status), or active duty (other than active duty for training) in the Armed Forces of the United States
- b. Was originally admitted as a refugee under Section 207 of the Immigration and Nationality Act.
- c. Was granted asylum under Section 208 of the Immigration and Nationality Act.
- d. Whose deportation is being withheld under Section 243(h) of the Immigration and Nationality Act.
- e. Was granted status as a Cuban entrant.
- f. Was granted status as a Haitian entrant.
- g. Was admitted as an Amerasian immigrant.
- h. Was admitted as a trafficking victim.

i. Entered the United States prior to August 22, 1996 in non-qualified status and can verify continuous presence in this country from date of entry until the date of obtaining qualified immigrant status.

k. Is an American Indian born in Canada.

l. Is an Iraqi or Afghan Special Immigrant.

The exclusion does not apply to any other non-citizen groups.

III. IMPLEMENTATION INSTRUCTIONS

This Administrative Letter replaces instructions included in Change Notice 02-11 concerning eligibility for qualified immigrant pregnant women and children under age 19 lawfully residing in the U.S.

This policy is effective immediately. Apply this policy to applications taken and reviews started on or after receipt of this letter and changes in situation.

For pending applications, determine if the family is eligible for any portion of the time covered by the month of application. If the family is eligible for a portion of the time, process the case as an open/shut. Approve assistance for only the specified period and evaluate family members for continuing Medicaid.

For ongoing cases, complete and mail the family a manual DSS-8110, Notice of Benefits Change, that states, *"You no longer meet eligibility requirements for Work First Family Assistance. However, you may qualify for Medicaid benefits."*

Review cases with Citizenship/Identity codes of 50, 51 and 99 to determine if there are cases affected by this change. A State Sanctioned report, Active AAF Cases with Qualified Immigrants, is available in Client Services Data Warehouse to assist in the identification of these cases.

If there are questions contact your Work First Program Consultant.

Sincerely,



Dean Simpson, Chief
Economic and Family Services

DS/sdm

cc: Sherry S. Bradsher
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