



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES



ARNOLD SCHWARZENEGGER
GOVERNOR

September 24, 2008

ALL COUNTY INFORMATION NOTICE NO. I-71-08

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY REFUGEE COORDINATORS
 ALL COUNTY FOOD STAMP COORDINATORS
 ALL COUNTY CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) PROGRAM SPECIALISTS
 MEMBERS OF THE STATE ADVISORY COUNCIL ON REFUGEE ASSISTANCE AND SERVICES

SUBJECT: PUBLIC SOCIAL SERVICES FOR CUBAN ENTRANTS/ PAROLEES

REFERENCE: ALL COUNTY INFORMATION NOTICE NO. I-36-04; CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS) MANUAL OF POLICIES AND PROCEDURES (MPP) SECTION 69-300 AND SECTION 63-405.117; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) FACT SHEET, SEPTEMBER 19, 2006; OFFICE OF REFUGEE RESETTLEMENT (ORR) STATE LETTER #07-14, OCTOBER 19, 2007; IMMIGRATION AND NATIONALITY ACT (INA) SECTION 212(d)(5) (8 USC SECTION 1182 (d)(5))

The purpose of this notice is to provide information regarding Cuban medical professionals who are living outside of Cuba, have been admitted to the United States (U.S.), and may request public assistance. Cuban medical professionals and their spouses and children have begun arriving in California and some are applying for Refugee Resettlement Program services and public assistance.

BACKGROUND

On August 11, 2006, the U.S. Department of Homeland Security announced the Parole for Cuban Medical Personnel in Third World Countries Program. This program allows certain Cuban medical personnel located outside of Cuba to apply for admission to the

U.S. To qualify under this program, applicants must provide evidence of their Cuban nationality or citizenship, must be working as a medical professional outside of Cuba under the direction of the Cuban government, and must be otherwise admissible to the U.S. Some examples of medical professionals would include: doctors, nurses, paramedics, physical therapists, lab technicians and sports trainees (please see USCIS Fact Sheet, September 19, 2006, at <http://www.uscis.gov/files/pressrelease/CubanMedPrf091906.pdf>).

Counties can verify documentation of noncitizens following Systematic Alien Verification for Entitlements (SAVE) procedures to confirm noncitizen status. If an Alien number is not provided on Form I-94, please reference All County Letter #88-131 and All County Information Notice #1-71-00 for Secondary Verification Procedures.

Program specific guidelines on eligibility for benefits and services include the following:

CUBAN/HAITIAN ENTRANT PROGRAM

Cuban medical professionals may be eligible for Entrant Cash Assistance, Refugee Social Services, Targeted Assistance, and ORR discretionary assistance. To be eligible for the Cuban/Haitian Entrant Program, applicants must meet the definition of a Cuban Entrant contained in MPP Section 69-302: Cuban/Haitian Entrants Status Requirements (please see <http://www.dss.cahwnet.gov/ord/entres/getinfo/pdf/spman.pdf>). Eligibility for ORR benefits and services begins on the date of parole located on the I-94 form per MPP Section 69-303.

Spouses and children who are non-Cuban and are nationals or citizens of a country other than Cuba do not meet the definition of a Cuban entrant and are not eligible for ORR Program benefits and services unless they have another status qualifying them for those benefits and services, such as asylee or other qualifying status. For the ORR State Letter #07-14, dated October 19, 2007, on the Cuban Parolee and non-Cuban Spouse or non-Cuban Child: Spouse and Child Not Eligible for ORR Benefits and Services, please see <http://www.acf.hhs.gov/programs/orr/policy/sl07-14.htm>.

CalWORKs

Cuban medical professionals, their Cuban spouses and Cuban children who are paroled as Cuban/Haitian Entrants under INA Section 212(d)(5) are immediately eligible to receive federally-funded CalWORKs benefits. Since these individuals are paroled as Cuban/Haitian Entrants, they meet the definition of Cuban/Haitian Entrant under the Refugee Education Assistance Act, Section 501(e) and would not be subject to the

five-year waiting period for federally-funded CalWORKs benefits. These families are required to meet all other eligibility criteria including welfare to work requirements and reporting requirements.

The documentation required for the Cuban medical professional and his or her Cuban spouse and Cuban children is the Arrival/Departure Record, Form I-94, with the parole stamp. The I-94 includes a notation after the word "Purpose" with "Cuban Parolee (CC); pending 240 hearing". The form may also refer to INA Code Section 212(d)(5). Counties are reminded that all documentation must be verified through the SAVE process for confirmation of noncitizen status. In order to identify these federally eligible families for the purposes of CalWORKs eligibility, the counties will use aid codes 30 or 35, as applicable.

The non-Cuban spouse and non-Cuban children of these medical professionals who are paroled into the U.S. under section 212(d)(5), are defined as "qualified aliens". Although they meet the definition of a "qualified alien", unless the non-Cuban spouse and non-Cuban children have another status qualifying them for benefits, they would have to wait five years before they are eligible for federally-funded benefits. However, they would be eligible for state-funded benefits and would be required to meet all other eligibility criteria including welfare to work requirements and reporting requirements. In order to identify these state only eligible families for the purposes of CalWORKs eligibility, the counties will use aid codes 3E, 3G, 3H, 3L, 3M, 3U, or 3W, as applicable.

FOOD STAMPS

The Cuban medical professionals, their Cuban spouses and Cuban children who are paroled under INA Section 212(d)(5) as Cuban/Haitian Entrants are immediately eligible for federal food stamp benefits as qualified noncitizens per MPP Section 63-405.117. Since these individuals are paroled as Cuban/Haitian Entrants, they meet the definition of Cuban/Haitian Entrant under the Refugee Education Assistance Act, Section 501(e). Documentation for the Cuban medical professional and their Cuban spouse and Cuban children may consist of an I-94 form with a stamp showing parole at anytime as a "Cuban/Haitian Entrant" or include a notation after the word "Purpose" with "Cuban Parolee (CC)". The form may also refer to Section 212(d)(5) of the INA. All documentation must be verified through the SAVE process for confirmation of noncitizen status.

The spouse of the medical professional who is a non-Cuban and who is admitted as a parolee under Section 212(d)(5) of the INA may apply for Legal Permanent Resident (LPR) status after one year of residency evidenced by the Form I-551 (green card). There is a five year waiting period before this individual is eligible for federal food stamp benefits unless a condition listed in MPP Section 63-405.12 is met. He or she is eligible

for state funded food stamp benefits under the California Food Assistance Program (CFAP). A child is immediately eligible for federal benefits under MPP Section 63-405.123. As stated in MPP Section 63-405.123, the child is eligible if lawfully admitted in the U.S. regardless of the date of entry and who is currently under the age of 18. The status of "Paroled as Cuban/Haitian Entrant" cannot be conferred upon either the spouse or the child of the Cuban professional who are non-Cuban. Their status as parolees is determined at the time of entry into the United States. For more information, refer to the ORR State Letter #07-14 at <http://www.acf.hhs.gov/programs/orr/policy/sl07-14.htm>.

CONTACTS

Please contact the following staff persons in your program area if you need more information or have any further questions:

CONTACT NAME

PHONE NO

E-MAIL ADDRESS

Refugee Programs

Jeanette Robbins

(916) 653-8980

jeanette.robbs@dss.ca.gov

CalWORKs

Please call your CalWORKs county consultant

Food Stamps

Sharon Campbell

(916) 654-0737

sharon.campbell@dss.ca.gov

Sincerely,

Original Document Signed By:

VENUS GARTH, Chief
Child Care and Refugee Programs Branch

c: CWDA