

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



February 3, 1995

ALL-COUNTY INFORMATION NOTICE I-07-95

TO: ALL COUNTY WELFARE DIRECTORS

<u>REASON FOR THIS TRANSMITTAL</u>	
<input type="checkbox"/>	State Law Change
<input type="checkbox"/>	Federal Law or Regulation Change
<input type="checkbox"/>	Court Order
<input checked="" type="checkbox"/>	Clarification Requested by One or More Counties
<input type="checkbox"/>	Initiated by CDSS

SUBJECT: AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) POLICY REGARDING PUBLIC INTEREST PAROLEE/ HUMANITARIAN INTEREST PAROLEE

REFERENCES: ACIN I-02-94, dated January 28, 1994
ACL 89-78, dated August 25, 1989
ACIN I-75-90, dated September 25, 1990
MPP 43-119.123 Sponsored Alien - Definition

The purpose of this letter is to provide clarification to counties regarding the California Department of Social Services' (CDSS) position on the issue of whether parolees are exempt from the sponsored alien regulations.

Recent legislation, Assembly Bill 836, incorporated various changes to the AFDC, Food Stamps and State Supplemental Income Programs. The particular change addressed in this letter is the sponsored alien component that amended current Welfare and Institutions Code (W&IC) Section 11008.13(e)(3). This W&IC subsection exempts, from the sponsored alien provisions, aliens paroled into the United States as refugees under 212(d)(5) of the Immigration and Nationality Act (INA). The amendment deleted the phrase "as a refugee", thereby raising questions about whether the exemption includes all aliens that are sponsored.

This amendment does not change the Department's position regarding aliens paroled under Section 212(d)(5) of the INA. Only those persons entering the United States under 212 (d)(5) of the INA under the "refugee" category are exempt from sponsorship. This is further supported by the federal regulations at 45 CFR 233.51(g) and the Social Security Act 415(f).
[42 USC 615(f)]

As discussed in ACIN I-02-94, the sponsorship provisions may not apply to all persons paroled under Section 212(d)(5) of the INA. This means each parolee should be handled on a case by case basis to determine sponsorship. To verify whether a parolee is sponsored, request a copy of the Affidavit of Support through the Systematic Alien Verification for Entitlements (SAVE) system. Inquiries should be submitted via the secondary procedure on a Document Verification Request (Form G-845). A specific request for a copy of an affidavit should be completed in the Section 8 area titled "Benefit", under the box checked "Other".

A response "NO I-134 in A-File" means an affidavit of support is not on file for this parolee indicating he/she is not sponsored.

If you have any questions regarding this policy clarification, please call Pam Kian of the AFDC Policy Implementation Bureau at (916) 654-1801 or CALNET 464-1801.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Genest", written in a cursive style.

MICHAEL C. GENEST
Deputy Director
Welfare Programs Division