

August 30, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY WELFARE DIRECTORS LETTER

This letter provides County Welfare Departments with information regarding the arrival and resettlement of Special Immigrant Visa holders and Special Immigrant parolees from Afghanistan and the addition of Special Immigrant parolees as an eligible category for the Refugee Resettlement Program, Refugee Cash Assistance, California Work Opportunity and Responsibility for Kids, CalFresh, and the Cash Assistance Program for Immigrants programs.



KIM JOHNSON
DIRECTOR

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DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

August 30, 2021

ALL COUNTY WELFARE DIRECTORS LETTER

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ELIGIBILITY OF SPECIAL IMMIGRANT PAROLEES IN SQ/SI CATEGORIES UNDER THE AFGHAN ALLIES PROTECTION ACT OF 2009 FOR BENEFITS AND SERVICES

REFERENCE: [SECTION 1059\(A\) PUBLIC LAW 109-163](#); NATIONAL DEFENSE AUTHORIZATION ACT OF 2006; [SECTION 207, UNITED STATES \(U.S.\) CODE IMMIGRATION AND NATURALIZATION ACTION \(INA\) 1157](#), [SECTION 602\(B\)\(8\) PUBLIC LAW 111-8](#), [AFGHAN ALLIES PROTECTION ACT OF 2009](#); [TITLE 45 CODE OF FEDERAL REGULATIONS \(CFR\) §§ 233.50\(b\)\(4\)](#), [CFR 400](#), [CFR 400.51](#), [CFR 400.51\(a\)](#), AND [CFR 400.53](#); [OFFICE OF REFUGEE RESETTLEMENT \(ORR\) POLICY LETTERS \(PL\) 16-01 AND PL 21-07](#); [ORR DEAR COLLEAGUE LETTERS \(DCL\) 21-15 AND DCL 21-16](#); AND [MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTIONS 42-431.221\(a\)](#), [MPP 4-133.21](#), [MPP 49-005\(p\)\(3\)\(L\)](#), [MPP 49-005\(q\)\(1\)\(F\)](#), [MPP 49-010.13](#), [MPP 63-300.5\(e\)\(2\)](#), [MPP 69-204.2](#), [MPP 69-205.22](#), [MPP 82-832.1\(d\)](#), AND [MPP 300.5\(g\)\(2\)](#); [ALL COUNTY INFORMATION NOTICE I-102-10](#) ALL COUNTY INFORMATION NOTICE I-102-10

This letter provides County Welfare Departments (CWDs) with guidance regarding the arrival and resettlement of [Special Immigrant Visa](#) (SIV) holders and special immigrant parolees in the SQ/SI categories from Afghanistan to California. These categories of arrivals will be designated as Special Immigrant Parolee (SIP) for the purposes of this letter.

Background

On July 30, 2021, due to the urgent need to relocate Afghan individuals who have assisted the United States (U.S.) government overseas, President Joseph Biden announced the first flight of [Operation Allies Refuge](#) into the U.S., carrying Afghans who are eligible for SIV status and their families. On August 3, 2021, the ORR issued [Dear Colleague Letter \(DCL\) 21-15 Afghan Arrivals Being Processed within the U.S.](#), announcing the ongoing arrival of Afghan individuals who have assisted the U.S. overseas. DCL 21-15 noted that, due to the urgent nature of their arrival, these individuals have received and/or will receive parole under the National Defense Authorization Act of 2006 (NDAA) and the Afghan Allies Protection Act of 2009 (AAPA) in the SI and SQ categories. DCL 21-15 clarified that while these individuals are SIPs, and not yet SIV holders, they are still eligible for ORR benefits and services.

On August 12, 2021, the U.S. Customs and Immigration Services (USCIS) issued a Systematic Alien Verification for Entitlements (SAVE) notice, via email, entitled *Afghan Special Immigrant Parolee and Lawful Permanent Resident Status*. In this email notice, USCIS informed SAVE users that special immigrants paroled under the [AAPA fall within Section 602\(b\)\(8\) of that Act](#), which states that “they shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under [Section 207 of INA \(8 U.S.C. 1157\)](#) to the same extent, and for the same period of time, as such refugees.”

In California, SIPs are eligible to receive benefits and services, which include Refugee Cash Assistance (RCA), Refugee Medical Assistance (RMA), Refugee Social Services (RSS), ORR funded programs, California Work Opportunity and Responsibility for Kids (CalWORKs), Cash Assistance Program for Immigrants (CAPI) if they are found to be ineligible for Supplemental Security Income/State Supplementary Payment (SSI/SSP), and CalFresh, subject to meeting income and other eligibility requirements.

The U.S. Department of State (DOS), in conjunction with national and local [Resettlement Agencies](#) and the ORR, assist with the resettlement and integration of SIPs and SIV holders from Iraq and Afghanistan into the U.S. The top resettlement counties for SIV holder arrivals to California are Alameda, Los Angeles, Sacramento, San Diego, and Santa Clara counties with larger recent influxes of arrivals from Afghanistan to Sacramento, San Diego and Stanislaus counties.

Special Immigrant Parolees (SIP)

Immigration Documentation for Special Immigrant Parolees

In addition to DCL 21-15, ORR simultaneously issued [PL 21-07 Amendment to ORR PL 16-01: Additional Forms of Documentation for Iraqi and Afghan Special Immigrants](#).

This letter amends [PL 16-01](#) *Documentation Requirements for the Refugee Resettlement Program (RRP)* and designates an additional form of documentation for eligibility for RRP benefits for certain Iraqi and Afghan SIPs. Per [PL 21-07](#), Iraqi or Afghan special immigrants with SQ or SI Class of Admission (COA) on their USCIS Form I-94 Arrival/Departure Record meet the immigration status requirement for public benefits and are eligible for the same RRP benefits and services and for the same time periods as SIV holders and refugees. CWDs may accept Form “I-94 noting SQ or SI Parole ([SECTION 602\(B\)\(1\) AAPA/Section 1059\(a\) NDAA 2015](#))” as documentation for eligibility for RRP benefits and services.

RRP Eligibility

In accordance with [45 CFR § 400](#), specific RRP benefits and services include RCA, RMA, RSS, and ORR funded set-aside grant services such as the Services for Older Refugees, Refugee School Impact, and Youth Mentoring programs. Eligibility for these services for qualifying individuals begins on the date of entry to the U.S. or attainment of eligibility status. It is important to note that applicants for ORR funded benefits and programs are exempt from the provision of Social Security Numbers (SSNs) pursuant to [MPP Section 69-205.22](#). CWDs must inform applicants that SSNs are not required to access RRP benefits.

On August 5, 2021, the ORR issued [DCL 21-16 Clarification Related to Afghan SQ/SI Parolees Eligibility for RCA/RMA](#) to highlight ORR regulations relevant to Afghan SQ/SI parolees' receipt of RCA and RMA. In accordance with [PL 21-07](#), SIPs and their spouses who are without children are eligible under [45 CFR § 400.53](#) for 8-months of RCA benefits in the same manner as refugees. Under [45 CFR § 400.51](#), SIPs with children who have been determined ineligible for Temporary Assistance for Needy Families (TANF)/CalWORKs, must be evaluated for RCA eligibility. See also [MPP Section 69-204.2](#).

CalWORKS Program Eligibility

The SIPs and their families are eligible for CalWORKs effective upon their date of entry to the U.S. As explained above, USCIS has stated that under the AAPA, Iraqi and Afghan SIPs have the same eligibility for benefits as refugees admitted under Section 207 of the INA. Pursuant to [MPP Section 42-431.221\(a\)](#), refugees admitted under Section 207 of the INA, and therefore Iraqi and Afghan SIPs as well, meet the CalWORKs eligibility requirement of permanently residing in the U.S. under the color of law (PRUCOL). For acceptable immigration documentation for SIPs, please refer to page two of this letter. For SIV from Afghanistan holders, please refer to the Section on Other Afghan Special Immigrant Arrivals on page five.

Verification/Tracking: Counties should track CalWORKs eligibility for these SIV holders and SIPs to ensure that these individuals receive the benefits they are entitled to under the law.

If you have any questions or need additional guidance regarding TANF or CalWORKs, contact the Early Engagement and Eligibility Bureau at (916) 654-1322.

CAPI and SSI/SSP Eligibility

In accordance with federal rules and regulations, individuals are eligible for SSI/SSP benefits if they are aged, blind, or disabled; meet income and resource limits; and are a U.S. citizen or a non-citizen who meets certain eligibility requirements. SIPs may be eligible to receive SSI/SSP (POMS SI 00502(b)(6); POMS SI 00502.100(A)(3)). SSI/SSP eligibility determinations are conducted by the Federal Social Security Administration (SSA), and whether SIPs will be eligible for SSI/SSP will be decided by the SSA.

CAPI is available to aged, blind or disabled non-citizens who are determined “ineligible for SSI/SSP solely due to their immigration status.” ([MPP Section 49-010.13](#)). If SIPs are found ineligible for SSI/SSP for this reason, they may be eligible for CAPI. For CAPI, SIPs admitted *for a period of at least one year* meet the definition of qualified alien pursuant to [MPP Section 49-005\(g\)\(1\)\(F\)](#), and those admitted for a period of *less than one year* meet the definition of PRUCOL pursuant to [MPP Section 49-005\(p\)\(3\)\(L\)](#).

Although an individual may not receive CAPI and CalWORKs simultaneously per [MPP Section 82-832.1\(d\)](#), minor children who are members of a CalWORKs assistance unit are *not* excluded from CalWORKs benefits by the fact that one or both parents are SIPs who receive CAPI. Furthermore, parental income consisting of CAPI benefits is not counted as income or resources against the CalWORKs assistance unit grant in accordance with [MPP Sections 44-133.21](#) *et seq.*

If you have any questions or need additional guidance regarding CAPI, contact the Benefit Programs Unit in the CDSS Adult Programs Division at (916) 653-3850 or CAPI@dss.ca.gov.

CalFresh Eligibility

As explained above, USCIS has stated that SIPs have the same eligibility for benefits as refugees admitted under Section 207 of the INA. Therefore, the SIPs are Qualified Noncitizens immediately eligible for CalFresh benefits, provided they meet all other conditions of eligibility. For more information regarding the eligibility of refugees admitted under Section 207 of the INA and Afghan special immigrants, see [ACIN I-102-10](#).

For acceptable immigrant documentation for SIPs, please refer to page two of this letter. For SIV holders, please refer to Other Afghan Special Immigrant Arrivals on page five.

If you have any questions or need additional guidance regarding CalFresh, contact CalFreshPolicy@dss.ca.gov.

Other Afghan Special Immigrant Arrivals

Distinct from the SIPs from Afghanistan discussed above, CWDs may see other Afghan special immigrants with different immigration documentation. These individuals may be SIV holders or SIV lawful permanent residents (LPRs) and are eligible for benefits to the same extent as refugees under AAPA Section 602(b)(8). They may have foreign passports with a Department of Homeland Security, Customs and Border Protection stamp admitting them with an SQ1, SQ2, or SQ3 COAs.

Some of the new Afghan special immigrant arrivals may not have a physical immigrant visa in their passport or a temporary Form I-551 stamp. The USCIS may also issue a Form I-551, Permanent Resident Card, to some special immigrants. CWDs are encouraged to reference the acceptable documents in the ORR [SIV Document Guide](#) for eligibility purposes.

SAVE Verification

Regardless of the documentation presented to the eligibility worker, CWDs are required to comply with all program verification requirements, including submitting cases via [SAVE](#). In cases involving unusual situations requiring additional verification or if additional verification is needed to determine if SIPs have pending applications to adjust their status to LPR, the CWDs may submit inquiries for these cases to SAVE.Help@uscis.dhs.gov.

If you have any questions or need additional guidance regarding the refugee program information in this letter, contact the Refugee Programs Bureau at (916) 654-4356 or RPB@dss.ca.gov.

Sincerely,

Original Document Signed By:

ELIANA KAIMOWITZ, Chief
Immigrant Integration Branch
Office of Equity