

September 3, 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 humanitarian parolees from Afghanistan and their eligibility for federal and state cash, food assistance, and other benefits and services.



KIM JOHNSON  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
GOVERNOR

September 3, 2021

ALL COUNTY WELFARE DIRECTORS LETTER

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ELIGIBILITY OF HUMANITARIAN PAROLEES FROM  
AFGHANISTAN

REFERENCE: [8 UNITED STATES CODE 1622 \(a\)](#), [OFFICE OF REFUGEE RESETTLEMENT \(ORR\) DEAR COLLEAGUE LETTER \(DCL\) 21-18](#) AND [MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTIONS 42-431.221\(c\)](#), [MPP 44-133.21](#), [MPP 49-005\(p\)\(3\)\(L\)](#), [MPP 49-005\(q\)\(1\)\(F\)](#), [MPP 49-010.13](#), [MPP Section 82-832.1\(d\)](#), AND ALL COUNTY WELFARE DIRECTORS LETTER DATED [AUGUST 30, 2021](#)

This letter provides County Welfare Departments (CWDs) with guidance regarding the arrival and resettlement of humanitarian parolees from Afghanistan to California, specifically Afghan citizens and nationals evacuated to the United States (U.S.) after July 31, 2021. These individuals receive [humanitarian parole](#) under Section 1182(d)(5) of Title 8 of the U.S. Code [also cited as Section 212(d)(5) of the Immigration and Nationality Act (INA)] and will be referred to as Humanitarian Parolees from Afghanistan (HPA) in this letter.

### Background

On August 14, 2021, the U.S. initiated mass evacuation of Afghan citizens and nationals who are at-risk due to the current political instability in Afghanistan. These relocated Afghan individuals may fall into three categories:

1. Special Immigrant Visa (SIV) Holders
2. Special Immigrant Parolees (SIP) with SQ/SI Class of Admission (COA)
3. Humanitarian Parolees from Afghanistan (HPA)

According to the U.S. Citizenship and Immigration Services (USCIS) [Information for Afghan Nationals on Parole into the U.S.](#) guidance, based on urgent humanitarian or other reasons, individuals may request parole into the U.S., which the USCIS has discretion to authorize on a case-by-case basis. The USCIS can authorize parole for a temporary period and will specify its duration. While parole allows for lawful presence in

the U.S., the parolee technically remains an applicant for admission. A Customs and Border Protection officer will issue an electronic Form I-94, Arrival/Departure Record, if parole is authorized. Parole does not confer immigration status and does not provide a path to permanent residency or the ability to obtain lawful immigration status. However, a parolee may be able to obtain lawful status in the U.S. through other means such as application for asylum or other humanitarian immigration statuses.

HPA applicants may have a valid and unexpired Afghan passport. Should the HPA applicant have an Afghan passport, it may have a USCIS Parole stamp including the purpose for parole, date of admission, and date of expiration for parole. If the HPA applicants do not have a valid Afghan passport, other identification documentation may be used, including a USCIS Form I-94. The USCIS Form I-94 verifies that the individual is an Afghan citizen or national who is paroled in the U.S. under Section 212(d)(5) of the INA. The date of entry and date of expiration of parole are also identified on this form.

Per [USCIS Policy Alert PA-2019-04](#) dated August 19, 2019, it is up to the discretion of USCIS to grant employment authorization to foreign nationals paroled into the U.S. HPAs may have applied for Employment Authorization Documents upon entry into the U.S. and may become work authorized.

Benefits eligibility and documentation requirements for SIV holders remain unchanged. For information about benefits and eligibility for SIPs, please refer to ACWDL dated [August 30, 2021](#).

### **Humanitarian Parolee from Afghanistan (HPA) Eligibility**

Although HPAs have already entered into the U.S., they will be resettled in the same manner as refugees arriving from overseas and receive similar Reception and Placement (R&P) services. HPAs may be eligible for the Afghan Parolee Services (APS) program under the U.S. Department of State, Bureau of Population, Refugees, and Migration. This program may offer R&P cash assistance, in-kind benefits, resettlement services, cultural orientation, and 90-days of case management. Like refugees arriving from outside the country, HPAs may be assigned to one of the [Resettlement Agencies \(RA\)](#) listed on the [California RA List](#) to enroll in the APS program. If HPA applicants are not assigned to a RA, then the CWDs should refer them to one of the RAs to enroll for these services.

The CWDs should continue to determine eligibility of the HPAs for California Work Opportunity and Responsibility for Kids (CalWORKs), CalFresh, California Food Assistance Program (CFAP), Cash Assistance Program for Immigrants (CAPI) and other local cash programs.

### **Refugee Resettlement Program Eligibility**

HPAs are not currently eligible for ORR benefits and services. On August 26, 2021, ORR issued [Dear Colleague Letter \(DCL\) 21-18 Eligibility Status of Certain Afghan Parolees](#) and provided further guidance on humanitarian parolees from Afghanistan. In accordance with DCL 21-18, HPA parolees who are paroled into the U.S. without SQ/SI COA are not eligible for ORR benefits. HPAs will not be eligible for ORR benefits and services until they are issued a status/classification delineated within ORR Policy Letter (PL) 16-01, Documentation Requirements for the Refugee Resettlement Program; the PL 16-01 Documentation Guide, Status and Documentation Requirements for the ORR Refugee Resettlement Program; or ORR PL 21-07, Amendment to ORR Policy Letter 16-01: Additional Form of Documentation for Iraqi and Afghan Special Immigrants.

### CalWORKS Program Eligibility

HPAs may be eligible for CalWORKs. Pursuant to MPP Section [42-431.221\(c\)](#), HPAs qualify as PRUCOL for CalWORKs and can receive state-funded CalWORKs benefits if otherwise eligible. Federal law allows states to provide benefits to paroled noncitizens if they have been in the country for less than a year, and upon reaching a year in the country they become “qualified aliens” per federal law and maintain eligibility for state-funded benefits [\[8 USC 1622\(a\)\]](#). Since CalWORKs rules allow immigrants who have been granted temporary parole status to be eligible for benefits, HPAs are eligible immediately if they meet other eligibility criteria.

Verification/Tracking: Counties should track CalWORKs eligibility for these Afghan parolees 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.

### Cash Assistance Program for Immigrants (CAPI) and SSI/SSP Eligibility

HPAs may be eligible for the state funded CAPI, which 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](#)). For CAPI, Afghan parolees admitted *for a period of at least one year* meet the definition of qualified alien pursuant to [MPP Section 49-005\(q\)\(1\)\(F\)](#), 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 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.](#)

HPAs are not currently eligible to receive federally funded SSI/SSP. Under federal eligibility rules, 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. HPAs do not meet the non-citizen eligibility requirements.

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](mailto:CAPI@dss.ca.gov).

### CalFresh Eligibility

HPAs are eligible for CalFresh only if they have both (1) been paroled into the U.S. for at least one year and (2) meet ONE of the additional conditions set forth below. Generally, a noncitizen must be a “qualified noncitizen” as defined in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 in order to be eligible for federal Supplemental Nutrition Assistance Program (SNAP) benefits, known in California as CalFresh. Noncitizens who are eligible based on their immigration status must also satisfy other SNAP eligibility requirements, such as income and resource limits to receive benefits.

Individuals paroled under Section 212(d)(5) of the INA for at least one year are considered qualified noncitizens. However, in order to be eligible for CalFresh qualified noncitizens must meet one additional condition as listed below.

To reiterate, parolees must meet two criteria to receive federal SNAP benefits as a qualified noncitizen:

1. Be lawfully admitted into the U.S. as a parolee under Section 212(d)(5) of the INA for at least one year; and
2. Meet ONE of the following additional conditions:
  - a. 5 years of residence – has lived in the U.S. as a qualified alien for 5 years from the date of entry.
  - b. 40 qualifying work quarters – a Lawful Permanent Resident with credit for 40 qualifying work quarters.
  - c. Children under 18 – any qualified alien under 18 years of age who lawfully resides in the U.S.
  - d. Blind or disabled – blind or disabled individual receiving benefits or assistance for their condition regardless of entry date.
  - e. Elderly born on or before 8-22-31 who lawfully resided in the U.S. on 8-22-96.
  - f. Military connection – an individual who is lawfully residing in a State and is on active duty in the military (excluding National Guard) or is an honorably

discharged veteran whose discharge is not because of immigration status (includes spouse, surviving spouse if not married, and unmarried dependent children). A discharge —Under Honorable ConditionsII, which is not the same as an honorable discharge, does not meet this requirement.

The five-year period begins on the date the immigrant obtains status as a qualified non-citizen through the USCIS. In cases where the USCIS grants qualified status retroactively, the CWD shall use the date the USCIS grants qualified status.

#### CFAP Eligibility

While HPAs accumulate the five years of residency to meet federal SNAP (CalFresh) eligibility requirements, if otherwise eligible, those HPAs paroled into the U.S. for one year or more qualify for state-funded CFAP benefits. HPAs paroled into the U.S. for less than one year are not currently eligible for CFAP.

If you have any questions or need additional guidance regarding CalFresh, contact [CalFreshPolicy@dss.ca.gov](mailto:CalFreshPolicy@dss.ca.gov).

#### **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, the CWDs may submit inquiries for these cases to [SAVE.Help@uscis.dhs.gov](mailto:SAVE.Help@uscis.dhs.gov).

Finally, the California Department of Health Care Services issued an All County Welfare Directors Letter on [September 3, 2021](#) regarding Medi-Cal eligibility for Afghan arrivals.

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](mailto:RPB@dss.ca.gov).

Sincerely,

#### ***Original Document Signed By:***

ELIANA KAIMOWITZ, Chief  
Immigrant Integration Branch  
Office of Equity

**Attachment A**

**Immigration Status and Eligibility Overview for Afghan Arrivals to California**

**Note: other eligibility criteria apply**

<b>Immigration Status</b>	<b>RCA/RSS</b>	<b>CalFresh/ CFAP</b>	<b>CalWORKs</b>	<b>CAPI</b>
Special Immigration Visa – from Iraq and Afghanistan	Yes	Yes CalFresh	Yes	Yes, only if SSA denies SSI app due to immigration status
Special Immigrant Parole with SI/SQ from Iraq and Afghanistan	Yes	Yes CalFresh	Yes	Yes, only if SSA denies SSI app due to immigration status
Humanitarian Parole under 212(d)(5) (less than 1 year)	No	No CalFresh No CFAP	Yes (state- funded)	Yes
Humanitarian Parole under 212(d)(5) (1 year or longer)	No	Possible CalFresh or CFAP (See explanation in body of letter)	Yes (state- funded)	Yes