

# Department Policy

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## Noncitizen Documentation

### Overview

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#### Introduction

This Department Policy (DP) provides information to assist staff in determining a customer's immigration status and provides a list of the most commonly found immigration documents. A complete listing of immigration documentation is located in the Non-Citizen Card Code Chart located on the Intranet under Charts and Tools.

Ensure the correct code is entered in C-IV on the Citizenship Status Detail page allowing C-IV to make an appropriate determination.

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## 1. Legal Permanent Residents (LPR)

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**Who is an LPR?**

An LPR is a non-U.S. citizen who has been given permission to make his or her permanent home in the United States.

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**Immigration status**

The type of documentation a noncitizen provides determines what benefits he or she is eligible to receive. Staff must review the documents and complete a Systematic Alien Verification for Entitlement (SAVE) request to determine each immigrant applicant's status.

Note: Complete instructions for completing a SAVE request is located on the Intranet, under User Guides, MEDS Manual.

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**Potential program eligibility**

LPRs and other qualified noncitizens are potentially eligible for CalWORKs (CW), Refugee Cash Assistance (RCA), CalFresh (CF), Foster Care (FC), or Kin-GAP Guardianship Assistance Payment (Kin-GAP) benefits.

When refugees apply for cash benefits for themselves and/or their family, review for CW eligibility first. Refugee Cash Assistance (RCA) benefits are only approved for refugees who are **not** eligible to CW.

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**Verifying noncitizen status**

Before CW or CF benefits are issued to an LPR or refugee, his or her immigration status must be:

- verified with an original document from the United States Citizenship and Immigration Services (USCIS), **or**
- supported by a SAVE.

When an Alien ("A") number has been provided, but an original USCIS document is not available, the SAVE report is sufficient to document immigration status in the absence of conflicting information.

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## 1. Legal Permanent Residents (LPR), continued

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### Exception for CalFresh only

Give the household the option of withdrawing the application or participating without a noncitizen who does not wish to contact the USCIS or give permission for Riverside County Department of Social Services (DPSS) to contact USCIS.

**CDSS 63-300.55(b) (6) Noncitizens who have chosen to be excluded** are not required to provide any information or fill out any forms regarding their immigration status. They are still required to provide information that affects the eligibility of the other household members. See CDSS 63-503.442 for treatment of income and resources of excluded members.

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### Verification requirements

Staff ensures that the **front and back** of all immigration documents are imaged into C-IV. Photocopies of original immigration documents must include the statement "original document viewed" before imaging. The C-IV Journal must contain the statement "**original document viewed**". Staff document the following information on the DPSS 169, *Evidence Review Summary*, when documents are difficult to read:

- individual's name
- USCIS class code or visa symbol
- document issue date, and
- document expiration date.

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## 1. Legal Permanent Residents (LPR), continued

### LPR documents

Use the following documents to establish LPR status. Refer to the Noncitizen Card Code Chart, located on the Intranet under Charts and Tools, for section codes and the types of benefits the customer may be eligible to receive.

Refer to DP 45-201E, Noncitizen Foster Children, or 45-500, Kinship Guardianship Assistance Payment Program, for information regarding Foster Care or Kin-GAP eligibility for noncitizens.

Ensure the correct code is entered in C-IV on the Citizenship Status Detail page allowing C-IV to make an appropriate determination.

Document Number	Document Name
I-151	<b>Resident Alien Card:</b> These cards are no longer considered proof of LPR status. Customers need to apply for the I-551 card and provide a receipt or other proof from USCIS that they have applied for LPR status.
I-181	<b>Memorandum of Creation of Record of Lawful Permanent Residence:</b> This document is issued at the time USCIS approves an application for an adjustment of status and proves that the individual has LPR status.
I-327	<b>Reentry Permit</b>
I-551	<b>Permanent Resident Card</b>
I-551	<b>Stamp in Foreign Passport:</b> A stamp in the immigrant's passport or I-94 Arrival/Departure Record form, which shows temporary proof of LPR status. The stamp is renewed until a permanent I-551 card is issued.
I-94	<b>Arrival/Departure Record:</b> with appropriate code stamp.

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## 2. Sponsored Noncitizens

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### **Affidavit of Support**

An individual that is accepting financial responsibility for another person, usually a relative, to come to the U.S. to live permanently signs the Form I-864, Affidavit of Support. An Affidavit of Support is legally enforceable and the sponsor's responsibility lasts until the noncitizen:

- becomes a U.S. citizen
  - is credited with 40 work quarters and did not received any federal means-tested public benefit in any quarter since December 31, 1996
  - leaves the country permanently, or
  - either the sponsor or noncitizen dies.
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### **Form I-864 requirements**

All immediate relatives of U.S. citizens, including parents, spouses, and unmarried children and orphans under the age of 21 are required by law to submit Form I-864, Affidavit of Support, completed by the petitioner to obtain a Visa or adjustment of status.

This includes relatives who qualify for immigration to the U.S. under one of the following categories:

- unmarried adult sons and daughters of U.S. citizens
  - spouses, unmarried children and unmarried grandchildren of permanent residents
  - married children of a U.S. citizen, their spouses and unmarried minor children
  - brothers and sisters of adult U.S. citizens, their spouses and unmarried minor children, or
  - employment based preference immigrants in cases where a U.S. citizen or permanent resident relative filed the immigrant visa petition, or such relative has a significant ownership interest, 5% or more, in the business that filed the petition.
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## 2. Sponsored Noncitizens, continued

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### Condition of eligibility

Sponsored noncitizens applying for benefits must:

- comply with all reporting requirements
- provide DPSS information and documentation regarding his or her sponsor to determine income and property eligibility, and
- when necessary, give DPSS permission to contact the sponsor directly to request information.

Note: If the noncitizen is unwilling to provide the necessary information regarding his or her sponsor, or when the information provided is not acceptable, the sponsored noncitizen is ineligible.

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### Death of a sponsor

When a sponsor dies, verification of death is only required when the information provided is questionable. In the absence of evidence, the sponsored noncitizen's statement under penalty of perjury is acceptable and the sponsored noncitizen rules no longer apply.

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### Deemed income

The combined income and resources of the sponsor and the sponsor's spouse are deemed to be the income and resources of the sponsored noncitizen unless the sponsor or his or her spouse is receiving:

- CW
- Social Security (SSI)
- General Relief (GR), or
- other public cash assistance payments.

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### Deeming exceptions

The following are exceptions to the deeming rules:

- If the sponsored noncitizen is unable to provide the necessary information regarding his or her sponsor AND DPSS cannot establish contact with the sponsor AND it is determined the sponsored noncitizen would go hungry and homeless without aid, the sponsored noncitizen is ruled indigent.
  - Noncitizen parents and/or children who have been battered or subjected to extreme cruelty can be exempt from deeming rules for 12 months when, in the opinion of DPSS, a substantial connection between battery or extreme cruelty and the need for aid exists.
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## 3. Miscellaneous Noncitizen Documents

### Noncitizen documents

In some instances, a customer in the U.S. legally has not yet established LPR status. The customer may still be eligible for certain benefits. The following list includes common noncitizen documents that pertain to immigration statuses **other** than LPR. Refer to the Noncitizen Card Code Chart, available on the Intranet, for the type of CW or CalFresh benefits the customer may be eligible to receive.

For Foster Care and Kinship information, refer to DP 45-201E, Noncitizen Foster Children, and DP 45-500, KinGAP Guardianship Assistance Payment Program, for information regarding Foster Care or Kin-GAP eligibility for noncitizens.

Ensure the correct code is entered in C-IV on the Citizenship Status Detail page allowing C-IV to make an appropriate determination.

Documents Relating To Other Immigration Statuses	
Document Number	Document Name
I-210	Voluntary Departure
I-512	Parole Authorization
I-571	Refugee Travel Document
I-688	Temporary Resident Card under the 1986 Amnesty Program
I-797	Notice of Action
B-1/B-2 Visa/BCC	Mexican or Canadian Nonimmigrant Visa/Border Crossing Card
Letter	Decision Granting Asylum
Letter	HHS Certification Letter: Certifies the individual is a victim of a severe form of trafficking for the purpose of qualifying for federal benefits and services.
I-90	Receipt for New Card
I-134	Affidavit of Support (traditional version)
I-864	Affidavit of Support (enforceable version)

### References

DP 45-201E, Noncitizen Foster Children  
DP 45-500, KinGAP Guardianship Assistance Payment Program  
DP 42-433C, 63-403C, 69-043C, Qualified Noncitizens  
Non Citizen Card Code Chart, located on the Intranet under Charts and Tools  
Manual of Policies and Procedures 43-119

JV/LE: le

### Riverside County Department of Public Social Services

Replaces DP 42-433B, 45-201J, 63-405B and 69-043B dated 10-11-2007

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