

**San Francisco Human Services Agency**

Family and Children’s Services Handbook

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**Immigration and Child Welfare Practices**

**Section 62-1**

**Permanent Residence Under Color of Law  
(PRUCOL)**

Reference: [ACL 07-20](#); [CFL 01/02-42](#)

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**HSA/FCS Policy Statement**

6/5/08

Date of Approval

Signature on file

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The safety, permanency and well-being of all children are outcomes that SF HSA FCS wants to achieve. PRUCOL (Permanent Residence Under Color of Law) is one way to ensure the continued well-being of undocumented, non-citizen children in the United States who are in foster care. PRUCOL allows undocumented non-US citizen minors under Court dependency to access full-scope Medi-Cal benefits; and relates to benefits, eligibility and funding purposes only.

**The Protective Services Worker must apply for PRUCOL, for every child in Court dependency that is or may be an undocumented non-US citizen, within 30 days of the undocumented child/youth coming into care.** State foster care funds can not be paid for undocumented children in Probate since a PRUCOL filing can not be done for Probate cases. One of the requirements for filing PRUCOL is that the child must be a Dependent Ward of the Dependency Court.

PRUCOL must be re-applied for each undocumented minor on an annual basis. Without an annual PRUCOL application, the county cannot utilize state funds to pay for foster care nor will the minors be eligible for full scope Medi-Cal benefits. [[CFL 01/02-42](#)] Consult with the Foster Care eligibility worker for eligibility-related matters.

The intent of PRUCOL is for undocumented people to be identified as in the United States “under color of law.” PRUCOL is **not** a tactic to identify and deport undocumented children or adults.

## Background

- PRUCOL, by definition, refers to a person who is residing in the U.S. under “color of law.” PRUCOL is a term defined by regulations and court decisions to describe categories of undocumented non-citizens who are potentially eligible for certain public benefits in California.
- PRUCOL is not a separate immigration classification; and does not protect a youth from deportation if ICE chooses to do so.
- In order to claim State funds for PRUCOL cases under State-only Foster Care, counties must submit form G845, Document Verification Request, to the USCIS. This should be done at the time of the initial eligibility determination and applies to the person whose basis for PRUCOL is “USCIS knows they are here and does not intend to deport them.” **The USCIS will contact the county if they plan to deport the person listed on the G845. Otherwise, counties should keep a copy of the G845 in the case file as verification that the form was sent to USCIS.**
- For a minor to be considered for PRUCOL, the United States Citizenship and Immigration Service (USCIS) must be aware of the child’s presence in the United States and USCIS must not be actively seeking the removal/ deportation of the minor from the United States.

Since PRUCOL determinations are provisional and must be re-determined by USCIS on a yearly basis, the assigned PSW must initiate the annual PRUCOL application. For a complete definition of PRUCOL, refer to [www.cdss.ca.gov/eas/manual/prucol.pdf](http://www.cdss.ca.gov/eas/manual/prucol.pdf)

<b>Protective Services Worker</b>	<b>New PRUCOL Application</b>
	<p>Once it is determined that a child may be an undocumented non-US citizen, the PRUCOL application should be completed as part of the foster care eligibility packet within the first 30 days of determination. The packet includes forms #1500, SAWS I, FC2, SOC-158, Court Findings, etc., and the G-845.</p> <p>The PSW completes one form for a new PRUCOL application: the <a href="#">G-845, Document Verification Request</a>, <b>and the Case Summary-Foster Care (attachment 2)</b>. The rest of the information is completed by the Eligibility Worker.</p> <p>For new cases, PRUCOL processing should begin when an attorney is appointed for the minor and once the detention occurs (if applicable).</p> <p>The PSW should always discuss potential PRUCOL eligibility with the child’s attorney (if appointed).</p> <ul style="list-style-type: none"> <li>• Secure necessary information from all available sources (minor, relatives, school records, parents, etc.)</li> <li>• Complete all questions on the form.</li> <li>• If after checking all sources, the information is not known or is not available, write that response in the appropriate box and note with an asterisk.</li> <li>• <b>No sections can be left blank.</b> A response of “Information Unknown” or “Information Not Available” should be entered rather than leaving the section blank.</li> <li>• Forward the completed G-845 to the Foster Care Eligibility Worker within 30 days of implementation.</li> </ul>
	<b>CWS/CMS</b>
	<p>There are no Special Project Codes to enter for PRUCOL-eligible youth.</p>

<b>Protective Services Worker (cont'd)</b>	<b>Yearly Re-Determination for PRUCOL</b>
	<p>For existing cases, the assigned PSW should determine if the minor continues to be eligible for PRUCOL. Prior to processing PRUCOL documents, the PSW should always discuss the subject with the child's attorney (if any). Refer to the <b>Foster Care Handbook on Citizenship-Section 61-1</b> for instructions on annual re-determination by FC Eligibility Worker.</p> <ol style="list-style-type: none"> <li>1. <b>Complete the <a href="#">G-845S (Supplement); Attachment 2.</a></b></li> <li>2. <b>Forward to the Eligibility Worker who will send original to USCIS</b> <ul style="list-style-type: none"> <li>• Initiate the application for one year re-determination when notified by the Eligibility Worker</li> <li>• This is a case summary; and unlike the G-845 is available on-line. There are several areas that need to be addressed as concisely as possible, that is: medical problems; no likelihood of family reunification with either parent; no one to return minor to in the country of origin; prospects for adoption are slim; or minor will remain a dependent until the age of majority. <b>This summary must be provided or the request for PRUCOL will not be processed.</b></li> <li>• Make copies of the G-845S (supplement); attachment 2 and all supporting documents and place in case file.</li> <li>• Send the originals of the G-845S along with all supporting documents, and a current Court Report to the Foster Care Eligibility with the completed application packet.</li> <li>• It should be noted that once this packet is approved by the Foster Care Unit the funding for the case is shifted from "All County Funds" to State Funding.</li> </ul> </li> </ol> <p>NOTE: If the PSW subsequently determines that the child is here legally and has appropriate documentation, the PSW should immediately notify the F/C Eligibility Worker who will take appropriate action.</p>
	<b>CWS/CMS</b>
<p>Prior to Juvenile Court intervention or if it is a Probate Court case: In the Client Management Section (Blue), Client Notebook, complete the Demographics Page which includes:</p> <ul style="list-style-type: none"> <li>• Place of birth;</li> <li>• country of origin;</li> <li>• citizenship or immigration status;</li> <li>• Education/health history.</li> </ul>	

<b>Protective Services Worker (cont'd)</b>	<p style="text-align: center;"><b>Criminal Charges Made Against an Undocumented Youth</b></p> <p>If either the Probation office or the District Attorney’s office plans to file criminal charges against an undocumented, dependent youth:</p> <p>The PSW will:</p> <ul style="list-style-type: none"> <li>• Ensure that the initial PRUCOL application or annual determination has been submitted, <b>or</b> the annual determination has been processed;</li> <li>• Notify the Program Director that an undocumented, dependent youth under PRUCOL status has been detained.</li> <li>• If law enforcement asks a PSW about the detained minor’s citizenship status, the PSW should indicate that PRUCOL has been filed for this youth.</li> </ul> <p>The Program Director will:</p> <ul style="list-style-type: none"> <li>• Immediately notify the City Attorney and Juvenile Probation that PRUCOL has been filed for the detained youth. Juvenile Probation makes the decision on notification to ICE.</li> </ul> <p>NOTE: Once ICE is notified by Juvenile Probation, ICE has twenty-four (24) hours from that notification to place the minor in custody. A PSW cannot pick up a dependent undocumented minor in ICE custody unless they are notified by ICE that deportation proceedings are not being pursued.</p>
<b>Foster Care Eligibility Worker</b>	<p>Refer to the <a href="#">Foster Care Handbook on Citizenship-Section 61-1</a>.</p>
<b>Relevant Law</b>	<p>When the Department of Homeland Security (DHS) receives a PRUCOL verification form (G-845), it checks the SAVE database (Systematic Alien Verification for Entitlements). SAVE is a verification system designed solely for immigrants to receive social benefits. Its purpose is to aid benefit granting agency workers in determining a non-citizen applicant’s immigration status, and thereby ensure that only entitled non-citizen applicants receive federal, state, or local public benefits and licenses. It is an information service for benefit issuing agencies, institutions, licensing bureaus, and other entities. The DHS is by law prohibited to use any SAVE information and related information for removal proceedings based on civil immigration violations. The information, however, can be used if there is a criminal violation.</p> <p>2 U.S.C. § 1320b-7(a)(4)(C) – (a)(5)(B)) specifically provides that, “[T]he use of such information shall be targeted to those uses which are most likely to be productive in identifying and preventing ineligibility and incorrect payments...and adequate safeguards are in effect so as to assure that the information exchanged by the State agencies is made available only to the extent necessary to assist in the valid administrative needs of the program receiving such information...(and) the information is adequately protected against unauthorized disclosure for other purposes.”</p>

**Relevant Law  
(cont'd)**

Pub. L. 99-603, § 121(c)(1) further provides that “such system shall not be used by the Immigration and Naturalization Service for administrative (non-criminal) immigration enforcement purposes and shall be implemented in a manner that provides for verification of immigration status without regard to the sex, color, race, religion, or nationality of the individual involved.”