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Field Operations Memo 2002-18 A
October 10, 2002

To: Transitional Assistance Office Staff

From:  Cescia Derderian, Assistant Commissioner for Field Operations

Re: Elimination of the Supplemental Transitional Aid to Families with Dependent Children (STAFDC) Program: Ongoing Noncitizens

Background

The FY 03 budget required the elimination of the STAFDC program. This program was eliminated for new applicants as of August 5, 2002.

Field Operations Memo 2002-18 gave initial procedures for processing AUs and assessed persons (APs) who were applicants (noncitizens) impacted by the elimination of this program.

This Field Operations Memo gives instructions for processing ongoing AUs and APs impacted by the elimination of the STAFDC program.

Special Notice

A special notice (Attachment A) will be sent to STAFDC noncitizens no later than October 15, telling them:

- that the STAFDC program has ended and which members of their AU may be ineligible;
 - to check the noncitizen status DTA has on file for them (listed on the notice);
 - to contact their AU Manager if there are any changes to this status; and
 - to tell their AU Manager if there are people living outside the household for whom they must pay support.
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**MIS Automatic
Eligibility
Recalculations**

On October 18, 2002, MIS will automatically:

- add the Reason Category: Program Rules and the Reason: Ineligible Noncitizen on the AU Composition Results window for all TAFDC noncitizens who are no longer eligible for STAFDC; and
- recalculate eligibility on the Assistance Unit.

This will result in EBC notices being generated and adverse actions occurring for the first benefit cycle of November:

- For AUs who are made up of only STAFDC noncitizens:
 - the entire AU will be closed for failure to meet the Citizenship requirement; and
 - the food stamps will be recalculated and switched to a NPA FS AU, if appropriate.
- For AUs who are made up of TAFDC and STAFDC noncitizens and the grantee has no income:
 - the STAFDC noncitizen(s) will be set to a Status of Ineligible with a Responsibility of Ineligible Noncitizen on the AU Member tab of the AU Composition Results window; and
 - the food stamps will be recalculated.

No additional AU Manager action is necessary at this time for these AUs.

**LOQC Review of
Ineligible
Noncitizens with
Income**

A limited number of AUs must be reviewed by LOQC. These AUs contain a grantee (with income) who is an ineligible noncitizen. These AUs may also contain some dependents who are ineligible noncitizens while the remaining dependents continue to be eligible to receive TAFDC.

These AUs are not part of the automatic processing because there may be information not in BEACON which is needed to perform the deeming process described in 106 CMR 204.235. LOQC will review these AUs and process deeming the income of the grantee to the AU.

However, if any of these STAFDC noncitizens come to the TAO to tell the AU Manager about people they support outside of the home and those people meet the requirements of 106 CMR 204.235(A), the AU Manager must go to the Deemor and Support Expenses windows on the Assessed Person Income and Expenses workflow and enter information appropriate to the deeming process described in 106 CMR 204.235.

**Important
Reminders**

AU Managers are reminded that:

- Noncitizens who are Legal Permanent Residents (LPRs) are eligible for TAFDC benefits:
 - ♦ if they have been LPRs for a minimum of five years; or
 - ♦ if before they became an LPR, regardless of the date they became an LPR, they had a prior status as a refugee, an asylee, an Amerasian, a Cuban/Haitian or deportation being withheld; or
 - ♦ the noncitizen was continuously present in the United States from the latest date of entry before 8/22/96, regardless of when they became an LPR.
- Noncitizens who are Parolees are eligible for TAFDC benefits:
 - ♦ if they have been a Parolee for a minimum of five years; or
 - ♦ they were continuously present in the United States from the latest date of entry before 8/22/96, regardless of when they became a Parolee.
- Noncitizens who are Conditional Entrants are eligible for TAFDC benefits:
 - ♦ if they have been a Conditional Entrants for a minimum of five years; or
 - ♦ they were continuously present in the United States from the latest date of entry before 8/22/96, regardless of when they became a Conditional Entrants.

Please see 106 CMR 203.675 for more details on requirements for those whose eligibility is based on being continuously present before 8/22/96.

- other groups of noncitizens can still get TAFDC. For a complete list of eligible noncitizens, see Attachment A of this memo and 106 CMR 203.675; and
- ineligible *legal and undocumented* noncitizen grantees who have a legal obligation to support dependents in their AU must have their income deemed to the AU.

Policy Revision

State Letter 1237 issued regulations stating that LPRs, Parolees and Conditional Entrants, regardless of the effective date of the status, had to have been *lawfully present* before 8/22/96 to be eligible.

State Letter 1239 is being issued clarifying that such individuals only had to be *present in the United States* before 8/22/96 and must meet the other requirements regarding being continuously present.

**Policy Revision
(continued)**

A noncitizen is considered “continuously present in the United States” as long as he or she had no more than one absence of 30 days or a total for all absences of no more than 90 days from the latest date of entry before 8/22/96.

Verification of “continuous presence” is provided by, but not limited to:

- rent or utility bills;
- hospital documents;
- school documents;
- employment documents;
- bank statements; or
- town, city or state government documents.

Verification that the noncitizen has been living in the United States for *every* month in this time period is not required. However, sufficient documentation must be provided to establish a consistency of residence.

**Reminder of
TAFDC Program
Rules**

AU Managers are reminded that grantees who:

- have a legal obligation to support dependents in the AU; and
- are ineligible *legal* noncitizens

continue to be subject to TAFDC Program Rules, including:

- Family Cap;
- Work Program; and
- Time-limited benefits.

If otherwise eligible, these grantees may receive TAFDC-related services such as ESP and Child Care, as appropriate.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at 617-348-8478.
