STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

GEORGE DEUKMEJIAN, *Governor*

**DEPARTMENT OF HEALTH SERVICES**
714/744 P STREET
SACRAMENTO, CA 95814

TO: All County Welfare Directors
All County Administrative Officers

May 4, 1989

Letter No.: 89-34

SUBJECT: RESTRICTING MEDI-CAL BENEFITS DUE TO LOSS OF IRCA ALIEN STATUS

This letter is to call your attention to the fact that you will need to restrict the benefits of certain Immigration Reform and Control Act of 1986 (IRCA) aliens who lose their status as amnesty aliens and have no other immigration status which entitles them to full benefits.

IRCA aliens at either the first or second stage of legalization (lawful temporary residents (LTRs) or lawful permanent residents (LPRs)) may lose their amnesty status and revert to being undocumented aliens subject to possible deportation if:

- They are convicted of a felony or three or more misdemeanors.
- INS has established that they obtained LTR or LPR status by making false statements or submitting fraudulent documents.
- They are denied adjustment to LPR status for medical reasons, such as testing positive to a human immunodeficiency virus (HIV) test, or for not having met some other qualifying condition for the adjustment.

These former IRCA aliens should not continue to receive full benefits. You must reduce the scope of their benefits and notify them of the change as soon as: they report the loss of amnesty status; you learn of it through the Immigration and Naturalization Service's response to a Systematic Alien Verification for Entitlements (SAVE) verification request; or you learn of it by some other means.

IRCA allows LTRs to apply for LPR status "during the one-year period beginning with the nineteenth month that begins after the date the alien was granted temporary resident status." Certain amnesty aliens have thus already applied for (and been granted) the second stage of legalization. All other LTRs will have to apply for the adjustment by the end of the 31st month after the legalization date recorded on the front of their INS I-688 Temporary Resident Cards. Aliens who do not apply for LPR status by the deadline become undocumented aliens, and may continue to receive restricted benefits if they remain otherwise eligible.

In July of 1988, to make it easier for you to learn about immigration status changes which necessitate a change in level of benefits, we revised the Medi-Cal Status Report (Quarterly) (MC176 SAQ, question 5) to require aliens to report changes in their immigration status. In addition, we are asking

you to use the SAVE system to verify the status of aliens at each redetermination, restoration or reapplication or whenever you have reason to believe an alien beneficiary may have lost satisfactory immigration status.

If you have questions about loss of IRCA status by aliens as it relates to eligibility for Medi-Cal, please call Tom Dickson at (916) 324-4961, ATSS 8-454-4961.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: May 4, 1990