

## DEPARTMENT OF HEALTH SERVICES

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July 22, 1993

TO: All County Welfare Directors  
All Administrative Officers  
All Medi-Cal Program Specialists/Liaisons

Letter No.: 93-49

## THE IMMIGRATION ACT OF 1990, FAMILY UNITY PROVISIONS

REF. ACWDL #93-14

The purpose of this letter is to provide clarification to counties regarding ACWDL #93-14.

**BACKGROUND**

The above referenced letter instructed counties that, for purposes of eligibility for programs such as Medi-Cal, "eligible immigrant" family members would be ineligible for public welfare assistance in the **same** manner and for the **same** period of time as the legalized alien. Counties have requested clarification regarding the disqualification period and the level of benefits to which these family members are entitled.

**PROCEDURE**

As previously set forth in ACWDL 93-14, the "eligible immigrant" family member serves the exact same period of disqualification as the legalized alien. For example, if at the time of application or redetermination, the legalized alien has six months of his/her five-year disqualification period remaining, the "eligible immigrant" family member must also serve the remaining six months--the same as the legalized alien. The only exceptions are those "eligible immigrant" family members who are aged, blind, disabled, or under 18 years of age, and who are also otherwise eligible for Medi-Cal. If the legalized alien is aged, blind or disabled and the "eligible immigrant" family members are otherwise eligible, no limitation on services applies.

The majority of the aliens who applied for amnesty under IRCA will have completed their five-year disqualification period as of May 4, 1993. There are two exceptions: (1) the seasonal agricultural workers (SAWs), the final date to apply for amnesty was extended until November 30, 1988, and (2) those aliens who fall under the Zambrano lawsuit, which extended the filing date for all aliens applying for amnesty under IRCA until December 29, 1989. These five-year disqualification periods will end November 30, 1993, and December 29, 1994, respectively.

**DOCUMENTATION**

The I-551s issued to IRCA aliens have a Temporary Resident Adjustment Date (TRAD) on the back of the card. IRCA aliens are the **only** immigrants issued I-551s with TRADs. The TRAD will always determine the individual IRCA alien's five-year moratorium period.

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Eligible immigrant family members approved for adjustment of status to that of lawful permanent resident under the family unity provisions are issued an I-551 by INS. The I-551s issued to these family members do not have a TRAD. Instead, the back of the I-551 indicates an adjustment date (see enclosure). As these "eligible immigrant" family members serve the same disqualification period as the connecting IRCA alien, the adjustment date will not be a factor in determining the family member's eligibility for Medi-Cal. However, prior to granting full scope benefits, it will be necessary to check the TRAD on the connecting IRCA alien's I-551 to determine if there is any remaining disqualification period to serve.

#### AID CODES

Counties have inquired which aid codes are to be used for "eligible immigrant" family members. For those IRCA aliens who have not completed the five-year moratorium, use the same IRCA code assigned to the IRCA alien i.e., either aid code 52 or 57, for tracking purposes and FFP, unless the family member is aged, blind, disabled or under the age of 18, in which case either aid code 51 or 56 would be used. For those IRCA aliens who have completed the five-year moratorium and continue to be otherwise eligible for benefits, assign the full-scope aid code used for citizen applicants.

IRCA aid codes were due to expire April 30, 1993 (51, 52), and November 30, 1993 (56, 57). However, these aid codes will be extended until December 29, 1994, to cover any IRCAs and "eligible immigrant" family members who may fall under the Zambrano lawsuit.

#### NOAs

We will review IRCA NOAs and make necessary changes to reflect family unity provisions and the addition of "eligible immigrant" family members to the Medi-Cal family budget unit.

Please direct questions regarding the family unity provisions to Marlene King of my staff at (916) 657-0134.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief  
Medi-Cal Eligibility Branch

MK:sgf

Enclosure

