

Policy Clarification

Cash Assistance – All – PCA-21118-122

Medical Assistance – All – PMA-21118-322

Food Stamps – All – PFS-21118-522

Submitted: October 18, 2022

Agency: CAOs

Subject: Guidance on Potential Eligibility for Cuban/Haitian Entrants for Temporary Assistance for Needy Families, Medical Assistance, and Supplemental Nutrition Assistance Program Individuals who Provide an I-220A Order of Release on Recognizance with a Notice to Appear

Question: If a Cuban/Haitian Entrant produces an I-220A document and the document has an expired date to appear for a hearing, is the I-220A document an acceptable document to determine eligibility for benefits?

Response By: Policy Clarification Unit

Date: 11/8/2022

Yes. The I-220A Order of Release on Recognizance is an acceptable document to determine eligibility for benefits whether expired or current. This document is provided to Cuban/Haitian Entrants by the United States Immigration and Customs Enforcement when a non-citizen is released from detention. If a Cuban/Haitian entrant has not received a final deportation notice with no further appeals, they are eligible for benefits under the Refugee Education and Assistance Act (REAA). The County Assistance Office will use the date on the form (upper right) as the Date of Entry to determine eligibility for benefits (see figure 1 below). The "DT" Class of Admission stamp is also acceptable when stamped on the I-94, Foreign passport, or written on a United States Citizenship and Immigration Services document.

To be eligible for benefits as a Cuban/Haitian Entrant, the documentation must verify the individual meets the definition of Cuban/Haitian Entrant:

- From Cuba or Haiti and
- Current or expired parole (of any kind per Office of Refugee Resettlement); or
- Pending application for asylum; or
- In pending removal proceedings

NOTE: Cuban/Haitian Entrants who have been granted parole are eligible for benefits including employment training services and special allowances regardless of the type or period of parole even if that parole is expired. Because Cuban/Haitian Entrants are eligible under the REAA, they are not subject to the five-year bar even when they adjust status to receive a Lawful Permanent Resident Card (Form I-551) commonly referred to as a "Green Card".

Cuban/Haitian Entrants who have not been granted parole at any time are eligible for benefits including special allowances but do not presently have a pathway to employment authorization. These Entrants cannot engage in employment services.

If unable to make a determination for a Cuban or Haitian national, please contact the Pennsylvania Refugee Resettlement Program via email at: RA-PWREFUGEEPROGRAM@pa.gov.

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE

File No.: _____

Name: _____

Date: _____

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive