

**County of San Diego, Health and Human Services Agency (HHS)**  
**County Medical Services (CMS) Program Guide**

**Non-Citizen Status**

**Number**

**05.04.01**

**Page**

1 of 2

**Revision Date:**

11/01/2022

**Background:**

**05.04.01 General**

This section contains County Medical Services (CMS) policy for eligible non-citizens and the specific immigration status and documentation required to receive CMS benefits.

**Purpose:**

To provide tables to which staff can refer that list the United States Citizenship and Immigration Service (USCIS) non-citizen status and documents required for the CMS program.

**Policy:**

**05.04.01A Scope of Services**

All non-citizens who meet the eligibility requirements for CMS receive the same scope of services as all other CMS beneficiaries.

**05.04.01B I-688B USCIS Document**

Document I-688B is issued for non-citizens who have been granted permission to work in the U.S. The I-688B by itself is NOT evidence of legal status and does NOT provide adequate verification for CMS eligibility. However, it does provide the provision of law that allows the non-citizen to work, which may indicate how the non-citizen entered the country. Some non-citizen categories listed in 05.04.03 show the provisions of law identified to be on the I-688B issued for a specific status.

**05.04.01C Ineligible Non-Citizens**

Non-citizens who do not have the specific USCIS status AND documents listed in 05.04.02 and 05.04.03 are NOT eligible to CMS. This includes non-citizens who have a change of status and no longer meet the eligible alien criteria for CMS and those with expired documents. CMS must never be certified beyond the expiration date of the document.

**Procedure:**

None.

**Program Impacts:**

None.

**References:**

County policy.

**Sunset Date:**

This policy will be reviewed for continuance by 11/30/2025.

County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide

Non-Citizen Status

Number

Page

05.04.01

2 of 2

Approval for Release:

Handwritten signature in blue ink, appearing to read "RW", followed by the date "11-10-22".

Rick Wanne, Director  
Self-Sufficiency Services

**County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide**

<b>Eligible Non-Citizen Categories</b>	<b>Number</b>	<b>Page</b>
	<b>05.04.02</b>	1 of 3

**Revision Date:**

11/01/2022

**Background:**

**05.04.02 General**

This section contains County Medical Services (CMS) policy for eligible non-citizens and the specific immigration status and documentation required to receive CMS benefits.

**Purpose:**

To provide tables to which staff can refer that list the United States Citizenship and Immigration Service (USCIS) non-citizen status and documents required for the CMS program.

**Policy:**

**05.04.02A Legal Permanent Resident Non-Citizen (LPR)**

Below are tables that list the USCIS non-citizen status and documents required for the CMS program.

**ALERT:** USCIS uses many of the forms for purposes other than what is listed in the tables below. The status or the terminology may appear similar on other forms. However, only the forms with the status, notation and codes exactly as described are acceptable verification for CMS.

**Definition:** Lawful Permanent Residents (LPR) are non-citizens who are lawfully admitted for permanent residence by USCIS. These non-citizens may also have entered the country with an immigrant visa or adjusted their status after entering as a nonimmigrant, refugee, or asylee.

**Rule:** Non-citizens with verified LPR status are eligible for CMS. Only the USCIS status, documents and codes listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued for This Period</b>
Legal Permanent Resident	I-551	There are numerous codes, all are valid  Older version of card has no expiration date and is acceptable as verification	10-years; must not be expired
	I-151	There are numerous codes, all are valid	Has no expiration date
	I-94	"Processed for I-551. Temporary evidence of lawful admission for permanent residence valid until _"	Varies; must not be expired
	Foreign Passport	Visa stamp that verifies temporary evidence of LPR status	
	I-327	Reentry permit is given to an LPR when traveling outside of the U.S. for an extended time	Good one year from issue date

**County of San Diego, Health and Human Services Agency (HHS)**  
**County Medical Services (CMS) Program Guide**

<b>Eligible Non-Citizen Categories</b>	<b>Number</b>	<b>Page</b>
	<b>05.04.02</b>	2 of 3

	AR-3/AR-3a	There are numerous codes, all are valid  Older version of I-551 issued between 1941 and 1949 is acceptable as verification	Has no expiration date
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**05.04.02B Conditional Permanent Resident (CPR)**

**Definition:** A non-citizen granted a two-year period of conditional permanent resident status based on a “qualifying” marriage to a U.S. citizen or national, or lawful permanent resident. The conditional status expires after two years. It is the responsibility of the CPR to obtain new immigration status from USCIS.

**Rule:** Non-citizens who have CPR status are eligible for CMS benefits until the expiration date. Expired CPR documents cannot be accepted as evidence of eligible non-citizen status for CMS. Only the USCIS status, documents and codes listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued For This Period</b>
Conditional Permanent Resident (CPR)  This status is identified by the two-year expiration date on the I-551	I-551	There are numerous codes, all are valid	2 years and must not be expired
	I-94	Notation that verifies temporary evidence of the CPR admitted status	Cannot exceed 1 year from issue date; must not be expired
	Foreign Passport	Stamp/notation that verifies temporary evidence of the CPR admitted status	

**NOTE: Review documents carefully and do not confuse with LPR status.**

**Amnesty Non-Citizen**

**Definition:** Unauthorized or illegal non-citizens who were given the opportunity to legalize their immigration status. The Immigration Reform and Control Act (IRCA) was enacted in 1986 to grant certain individuals amnesty. The IRCA Amnesty program has ended; However, there are still IRCA individuals whose USCIS status has not been resolved.

**Rule:** IRCA Amnesty non-citizens granted temporary resident status who meets the eligibility requirements are entitled to CMS. Only the USCIS status, documents and codes listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/Section/Notation</b>	<b>Issued for This Period</b>
Amnesty: Temporary Resident	I-688 that is current and valid and has unexpired extension dates	Section: 210, 210A, 245A	Varies; must not be expired
Amnesty: Legal Permanent	I-551	S16, S26, W16, W26, W36, Ch6, 01M, MP5	Varies; must not be

County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide

Eligible Non-Citizen Categories	Number	Page
	05.04.02	3 of 3

Resident			expired
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**Procedure:**

None.

**Program Impacts:**

None

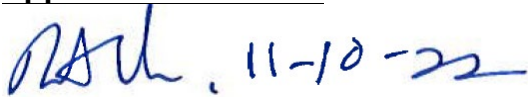
**References:**

County policy

**Sunset Date:**

This policy will be reviewed for continuance by 11/30/2025.

**Approval for Release:**



Rick Wanne, Director  
Self-Sufficiency Services

**County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide**

<b>Other Eligible Non-Citizen Categories</b>	<b>Number</b>	<b>Page</b>
	<b>05.04.03</b>	1 of 8

**Revision Date:**  
11/01/2022

**Background:**

05.04.02 General

This section contains County Medical Services (CMS) policy for eligible non-citizens and the specific immigration status and documentation required to receive CMS benefits.

**Purpose:**

To provide tables to which staff can refer that list the United States Citizenship and Immigration Service (USCIS) non-citizen status and documents required for the CMS program.

**Policy:**

05.04.03A Asylees

**Definition:** An individual who has been granted asylum under Section 208 of the INA. These individuals will have a letter with a written decision from USCIS or an immigration judge that states asylum has been granted. Not all letters are the same but must specifically state that asylum has been granted.

**Rule:** Individuals granted asylum are entitled to CMS, if otherwise eligible. Only the USCIS status and documents with the USCIS codes listed below are acceptable verification for CMS. If asylum has been applied for, but not yet granted, the individual is not eligible for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/Section/Notation</b>	<b>Issued for This Period</b>
Non-citizen Granted Asylum	I-94 annotated:	Asylum granted per Section 208 of the INA	Document must not be expired
	A letter from USCIS or an immigration judge	States asylum has been granted	
	I-766 annotated: AND additional USCIS verification/ documents as listed above	A5	
	I-688B annotated: AND additional USCIS verification/ documents as listed above	Provision of law: 274a.12(a)(5)	

**NOTE: Individuals granted asylum are eligible for Refugee Cash Assistance (RCA) eight months from date of entry into the U.S., they are not eligible for CMS during this period.**

05.04.03B Deportation Categories

**Definition:** Non-citizens who would otherwise be deported but are allowed to stay for any of the following reasons:

- Granted an “**Indefinite Stay of Deportation**” due to humanitarian reasons.
- Granted a “**Stay of Deportation**” for a specified period by Court order, statute, regulation, or by individual determination of USCIS in accordance with INA Section 106.
- Granted “**Suspension of Deportation**” in accordance with INA Section 244.

**County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide**

<b>Other Eligible Non-Citizen Categories</b>	<b>Number</b>	<b>Page</b>
	<b>05.04.03</b>	2 of 8

- **“Withholding of Deportation/Cancellation of Removal status”** is granted to non-citizens who can prove they would be prosecuted if returned to their country.

Rule: For CMS, all the Deportation categories listed above must be granted for a period of one year or more or an indefinite period. Persons granted less than one year are not eligible for CMS. Only the USCIS status and documents listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/Section/Notation</b>	<b>Issued for This Period</b>
Granted Indefinite Stay of Deportation Due to Humanitarian Reasons	<ul style="list-style-type: none"> <li>• I-94</li> <li>• Letter from USCIS or Order from an USCIS administrative law judge</li> </ul>	Must state “Indefinite Stay of Deportation”	Indefinite
Granted Stay of Deportation for a Specified Period	<ul style="list-style-type: none"> <li>• I-94</li> <li>• Letter from USCIS or Order from an USCIS administrative law judge</li> </ul>	INA Section 106. Must state, “Stay of Deportation”	Must specify a period of one year or more AND not be expired
Granted Suspension of Deportation in Accordance with Section 244	Court order from immigration judge	Must state granted “Suspension of Deportation” in accordance with Section 244	
Granted Withholding of Deportation  Cancellation of Removal	<ul style="list-style-type: none"> <li>• Court order from immigration judge</li> <li>• I-766 annotated as shown AND Court Order from immigration judge</li> <li>• I-688B annotated as shown AND additional USCIS verification/ documents as listed above</li> </ul>	Must show deportation withheld or cancellation of removal under Section 243(h) or 241(b)(3). A10  Provision of law: 274.12(a)(10)	

**NOTE: USCIS uses the above documents for other purposes and status than those listed above. Review and ensure they contain the information exactly as stated above.**

Definition: Non-citizens who would otherwise be deported but are allowed to stay for any of the following reasons:

- Granted an **“Indefinite Stay of Deportation”** due to humanitarian reasons.
- Granted a **“Stay of Deportation”** for a specified period by Court order, statute, regulation, or by individual determination of USCIS in accordance with INA Section 106.

**County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide**

<b>Other Eligible Non-Citizen Categories</b>	<b>Number</b>	<b>Page</b>
	<b>05.04.03</b>	3 of 8

- Granted **“Suspension of Deportation”** in accordance with INA Section 244.
- **“Withholding of Deportation/Cancellation of Removal status”** is granted to non-citizens who can prove they would be prosecuted if returned to their country.

Rule: For CMS, all the Deportation categories listed above must be granted for a period of one year or more or an indefinite period. Persons granted less than one year are not eligible for CMS. Only the USCIS status and documents listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/Section/Notation</b>	<b>Issued for This Period</b>
Granted Indefinite Stay of Deportation Due to Humanitarian Reasons	<ul style="list-style-type: none"> <li>• I-94</li> <li>• Letter from USCIS or Order from an USCIS administrative law judge</li> </ul>	Must state “Indefinite Stay of Deportation”	Indefinite
Granted Stay of Deportation for a Specified Period	<ul style="list-style-type: none"> <li>• I-94</li> <li>• Letter from USCIS or Order from an USCIS administrative law judge</li> </ul>	INA Section 106. Must state, “Stay of Deportation”	Must specify a period of one year or more AND not be expired
Granted Suspension of Deportation in Accordance with Section 244	Court order from immigration judge	Must state granted “Suspension of Deportation” in accordance with Section 244	
Granted Withholding of Deportation  Cancellation of Removal	<ul style="list-style-type: none"> <li>• Court order from immigration judge</li> <li>• I-766 annotated as shown AND Court Order from immigration judge</li> <li>• I-688B annotated as shown AND additional USCIS verification/ documents as listed above</li> </ul>	Must show deportation withheld or cancellation of removal under Section 243(h) or 241(b)(3). A10  Provision of law: 274.12(a)(10)	

**NOTE: USCIS uses the above documents for other purposes and status than those listed above. Review and ensure they contain the information exactly as stated above.**

05.04.03C Memorandum of Creation of Record of Lawful Permanent Residence

Definition: A notification letter from USCIS issued when a non-citizen has applied for or has been granted permanent LPR status. Document I-181a is issued when a non-citizen’s request for adjustment to LPR status is received. Document I-181b is issued when LPR status is granted. This is



**County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide**

<b>Other Eligible Non-Citizen Categories</b>	<b>Number</b>	<b>Page</b>
	<b>05.04.03</b>	4 of 8

a temporary identification document. The individual should receive a permanent I-551 within one year.

Rule: Only those non-citizens who have an I-181b that specifically states LPR has been granted are entitled to CMS. Only the USCIS status and documents listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued for This Period</b>
Lawful Permanent Residence	I-181b	Specifically states LPR status has been granted	Document is good for one year from issue date unless there is a USCIS extension annotated

**NOTE: If document is over one year old, applicant must write an explanation why I-551 has not been received and provide additional USCIS verification that status is still valid.**

05.04.03D Order of Supervision (INA Section 242)

Definition: Non-citizens found deportable who are not likely to be expelled because of their age, physical condition, humanitarian concerns, or the availability of a country that will accept them.

Rule: Only the USCIS status and documents listed below are acceptable verification for CMS.

**Note: When certifying CMS, do NOT certify beyond the next reporting date, which is considered the expiration date of the document.**

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued for This Period</b>
<b>ORDER OF SUPERVISION</b>  I-220B is only issued for this purpose	I-220B <b>AND</b> the handwritten attachment with entries made by USCIS officers that show individual has been meeting reporting requirements	INA Section 242  If code does not appear on I-220B form, it is still a valid verification	**Handwritten attachment's last entry will always show the next reporting date and will be initialed by an USCIS officer followed with S-(3 numbers) or other USCIS ID code
	I-688B annotated <b>AND</b> additional USCIS verification/documents as listed above <b>AND</b> Additional USCIS verification/documentation as listed above	Provision of law: 274a.12(c)18	Must not be expired

05.04.03E Parolee

Definition: Parolees are persons who normally would not be admissible to the U.S. but are allowed to enter temporarily for humanitarian, medical, and legal reasons usually under emergency circumstances. Non-citizens entering the U.S. as Parolees are given the immigration status of:

**County of San Diego, Health and Human Services Agency (HHS)**  
**County Medical Services (CMS) Program Guide**

<b>Other Eligible Non-Citizen Categories</b>	<b>Number</b>	<b>Page</b>
	<b>05.04.03</b>	5 of 8

- Paroled as a Refugee or Cuban/Haitian Entrant.
- Humanitarian Parolee (HP).
- Public Interest Parolee (PIP).

Rule: Parolees are allowed in the U.S. either indefinitely or for a specific period. Those allowed in the U.S. for a specific period are NOT eligible for CMS. Only the I-94s issued for an indefinite period with the USCIS status and codes listed below are acceptable verification for CMS.

Parolees, as defined in this section, who have previously received CMS benefits and provided CMS with documentation of Parolee status for an indefinite period may have turned in the documentation to USCIS when adjusting their status to LPR. They will remain eligible for CMS if they provide verification of their current pending LPR status and are otherwise eligible. A copy of the I-94 that verifies Parolee status was granted for an indefinite period must be in the case file before CMS benefits are approved.

USCIS Status	USCIS Documents	USCIS Codes/ Section/Notation	Issued for This Period
Humanitarian (HP)	I-94	Section 212 (d)(5)  Notification that verifies status	Must state indefinite
Public Interest Parolee (PIP)	I-688B annotated AND additional USCIS verification/documents as listed above	Provision of law: 274a.12(c)11	Must not be expired
Cuban/Haitian Entrant whose status has not been adjusted in accordance with Section 202 of the INA are included in the category	I-94	Section 212(d)(5)  Notation that verifies status	Must state indefinite

**05.04.03F Refugees**

Definition: Refugees are persons who entered the U.S. as a nonimmigrant or entered without inspections because of persecution or fear of persecution on account race, religion, or political opinion. Refugees may convert to LPR status after one year of residence in the U.S.

Rule: Only the USCIS status and documents with the USCIS codes listed below are acceptable verification for CMS.

USCIS Status	USCIS Documents	USCIS Codes/ Section/Notation	Issued for This Period
<b>REFUGEE</b> Lawfully admitted to the	1-94 annotated:	Admitted as a	If no expiration date is

**County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide**

<b>Other Eligible Non-Citizen Categories</b>	<b>Number</b>	<b>Page</b>
	<b>05.04.03</b>	6 of 8

U.S. as a refugee since April 1, 1980  <b>REFUGEE CONDITIONAL ENTRANT</b> Lawfully admitted to the U.S. as a conditional entrant before April 1, 1980	USCIS form I-571 Refugee Travel Document	refugee pursuant to Section 207 of the INA, OR Admitted as a Refugee Conditional Entrant before April 1, 1980 INA Section 203 (a)(7)	annotated, it is good for 7 years from date of entry OR up to the expiration date that is annotated on the document
	1-688B annotated: AND other USCIS verification/ documentation as listed above	Provision of law: 274a.12(a)4 274a.12(a)3	Must not be expired

**Note: Eligible for RCA/Refugee Medical Assistance (RMA) eight months from date of entry. Not eligible to CMS during this period as they are entitled to Medi-Cal.**

05.04.03G Registry Non-Citizen Status

Definition: Non-citizens who claim to have entered and continuously resided in the U.S. before January 1, 1972.

Rule: Must be evidenced by a fee receipt and an interview appointment letter from USCIS, which specifically states that an application has been submitted for adjustments of status from illegal non-citizen to lawful admission for permanent resident in accordance with INA Section 249. Only the USCIS status documents listed below are acceptable verification for CMS.

USCIS Status	USCIS Documents	USCIS Codes/ Section/Notation	Issued For This Period
Registry Non-Citizen	USCIS Form G-7-11 (Individual Fee Register Receipt) AND USCIS Form I-468 (Interview Appointment Letter)	USCIS Interview Appointment Letter must specifically state adjustment of status to lawful admission to permanent residence in accordance with INA Section 249	Good for 1 year from issue date. If more than one year old, must very adjustment of status is currently valid
	1-688B annotated: <b>AND</b> additional USCIS verification/ documentation as listed above	Provision of law: 274a.12(c) (16)	Must not be expired

**NOTE: USCIS uses the above documents for other purposes and status than those listed above. Review and ensure they contain the information exactly as stated above.**

05.04.03H Voluntary Departure

Definition: Voluntary Departure is a status that entitles a non-citizen to stay in the U.S. for either a specific period or indefinitely. Non-citizens granted Voluntary Departure for any of the reasons listed below may be eligible to CMS.

- Non-citizens granted **Voluntary Departure** by USCIS before deportation proceedings have begun or by an Immigration Judge during deportation proceedings.

**County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide**

<b>Other Eligible Non-Citizen Categories</b>	<b>Number</b>	<b>Page</b>
	<b>05.04.03</b>	7 of 8

- Non-citizens waiting issuance of a Visa in accordance with INA Section 212(b) who have been granted **Voluntary Departure** (permission to leave at a later time) until the Visa is ready.
- Non-citizens on whose behalf an USCIS Form I-130 (Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa) has been filed (with their families covered by the petition) **AND** have been granted **Voluntary Departure**.
- Non-citizens under the Family Unity Program: Voluntary Departure provides protection from deportation to the spouses and children of amnesty non-citizens, legalized under IRCA Section 301, who have been granted a temporary **Stay of Deportation**.
- Non-citizens granted Indefinite Voluntary Departure in lieu of deportation.
- Non-citizens granted Extended Voluntary Departure for a specified time due to conditions in their home countries.

Rule: For CMS, all the “Voluntary Departure” and “Stay of Deportations” categories listed above must be granted for a period of one year or more. Persons granted less than one year are not eligible for CMS. Only the USCIS status and documents listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued For This Period</b>
Granted Voluntary Departure	I-94 I-210 I-688B annotated AND additional USCIS verification/ documents as listed above	INA Section 242(b)  Must specifically state the USCIS status as Voluntary Departure	Must specify a period of one year or more AND not be expired
Granted Indefinite Voluntary Departure	I-94 Letter from USCIS or Order from a USCIS Administrative Law Judge. I-688B annotated AND additional USCIS verification/ documents as listed above	Must specifically state the USCIS status as Indefinite Voluntary Departure  274a.12(c)12	Indefinite period
Granted Extended Voluntary Departure	I-94 I-210  I-688B annotated AND additional USCIS verification/ documents as listed above	Must specifically state the USCIS status as Extended Voluntary Departure  274a.12(a)11	Must specify a period of one year or more AND not be expired Must not be expired
Granted Voluntary Departure or Stay of Deportation under the Family Unity Program	I-94	Must specifically state the USCIS status as voluntary Departure OR Stay of Deportation OR Section 301 Family	Must specify a period of one year or more AND not be expired

**County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide**

<b>Other Eligible Non-Citizen Categories</b>	<b>Number</b>	<b>Page</b>
	<b>05.04.03</b>	8 of 8

	<p>I-797 Must be issued for Family Unity purposes only</p> <p>I-688B annotated AND Additional USCIS verification/documents as listed above</p>	<p>Unity</p> <p>Must specifically state: Application/Petition I-817 "Application for Voluntary Departure Under the Family Unity Program: Valid from _____ to _____"</p> <p>247a.12(a)13</p>	<p>Must not be expired</p>
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**NOTE: USCIS uses the above documents for other purposes and status than those listed above. Review and ensure they contain the information exactly as stated.**

05.04.03I Additional Eligible Non-Citizen Categories

As of September 2007, the following additional non-citizen categories have been determined by County Counsel to meet the requirements as an eligible non-citizen qualified to receive CMS.

USCIS Status	USCIS Documents	USCIS Codes/ Section/Notation	Issued For This Period
<p>Deferred Action status</p> <p>This includes Deferred Action for Childhood Arrivals (DACA)</p>	<p>I-797 Notice of Action reflecting establishment of Prima Facie case under the self-petitioning provisions of the Violence Against Women Act (VAWA) or DACA</p>	<p>Self-Petitioning Spouse of U.S.C. or L.P.R. under VAWA or DACA</p>	<p><b>180 days from notice date. Expiration date is used on the NOA. Must not be expired</b></p>

**Procedure:**

None.

**Program Impacts:**

None

**References:**

County policy

**Sunset Date:**

This policy will be reviewed for continuance by 11/30/2025.

**Approval for Release:**

*RW, 11-10-22*

Rick Wanne, Director  
Self-Sufficiency Services

**County of San Diego, Health and Human Services Agency (HHS)**  
**County Medical Services (CMS) Program Guide**

**Non-Citizen Status Verification**

**Number**

**05.04.04**

**Page**

1 of 2

**Revision Date:**

11/01/2022

**Background:**

The customer must present their United States Citizenship and Immigration Service (USCIS) documents at every initial application, recertification, or reapplication. This section is updated for sunset review. No program rules have changed.

**Purpose:**

To provide instructions for verifying a non-citizen's Satisfactory Immigration Status (SIS).

**Policy:**

The USCIS document is viewed and scanned into the CMS IT System at initial application. At recertification or reapplication, if a copy of the same USCIS document is already in the case record, view the document, narrate in the case record what was viewed and the expiration date of the USCIS document.

**A. Non-Citizen Documentation with Expiration Dates**

Non-citizens with Legal Permanent Resident status who have lost or have an expired I-551 card may **not** be certified for CMS.

An expiration date is printed or stamped on many USCIS documents. There is a possibility that USCIS may have revoked the non-citizen status granted on the expired document.

<b>If the...</b>	<b>Then...</b>
expiration date has passed	the document is not valid and cannot be accepted as proof of alien status
Non-citizen does not provide a valid USCIS document	CMS eligibility is denied
document is due to expire within the normal certification period	end the certification period the month the document expires

In lieu of documents listed in 05.04.02 and 05.04.03, the customer may submit a current (dated within 30 days before the application date) statement from USCIS that verifies eligible non-citizen status as defined in 05.04.02 and 05.04.03.

**Note:** USCIS has a Fee Waiver program for individuals who meet certain criteria and/or can demonstrate inability to pay the replacement or renewal fees.

**B. Systematic Alien Verification for Entitlements (SAVE)**

SAVE enables USCIS to verify a non-citizen's documentation of SIS through an automated system.

CMS does not have access to the Primary Verification System through CalWIN; therefore, the SAVE Secondary Verification System is used.

**County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services (CMS) Program Guide**

**Non-Citizen Status Verification**

**Number**

**05.04.04**

**Page**

2 of 2

SAVE Secondary Verification System

The SAVE Secondary Verification System is an automated process completed by USCIS and must be used when there are doubts about the identity, immigration status of the non-citizen, or when there are discrepancies.

The CMS case remains in a “pending” status until a response regarding the immigration status of the applicant is received.

**Procedure:**

Photocopy the documentation (front and back) provided by the customer and follow Eligibility Operations Processing Guide (EOPG), “Systematic Alien Verification for Entitlements (SAVE) Secondary Verification” procedures.

**Program Impacts:**

None

**References:**

MEDIL I 17-14

**Sunset Date:**

This policy will be reviewed for continuance by 11/30/2025.

**Approval for Release:**



Rick Wanne, Director  
Self-Sufficiency Services