

23. Ineligible Noncitizen Parents

23.1 General Information [EAS 44-133.7]

23.1.1 Ineligible Noncitizen Parent

Regulations concerning income budgeted to the AU from an Ineligible Noncitizen Parent apply **ONLY** WHEN the Ineligible Noncitizen Parent:

- Is the natural or adoptive parent and resides in the home with his or her aided child(ren), and
- Is **NOT** eligible for assistance because he/she is not a citizen or eligible noncitizen.

23.1.2 IRCA Parent

Use the stepparent deeming provisions when the Ineligible Noncitizen Parent meets both of the following criteria:

- Is the natural or adoptive parent of an aided child, and
- Is being naturalized under the Immigration Reform and Control Act (IRCA) but does not yet have appropriate noncitizen status to be included in the AU.



Note:

There will be very few, if any, noncitizens to whom this is applicable.

23.1.3 Unmarried Parents

When the Ineligible Noncitizen parents are unmarried and both unmarried parents are in the home with their CalWORKs eligible child(ren), create one Ineligible Parent Unit (IPU) and include the needs of the other appropriate persons in the home.

23.1.4 Caretaker Relative

The caretaker relative parent cannot choose to be excluded from the AU and then be in the IPU. The caretaker relative must be in the AU unless excluded by law or for cause.

**Note:**

If the caretaker relative is excluded for cause, then the needs of that individual are not included as either part of the IPU or the AU.

23.2 Ineligible Noncitizen Parent Unit [EAS 44-133.71]

23.2.1 Definition

The Ineligible Noncitizen Parent Unit (IPU) may include, in addition to the Ineligible Noncitizen Parent any of the following individuals related to the Ineligible Noncitizen Parent unless that individual is required to be in the AU:

- The spouse of the Ineligible Noncitizen Parent.
- Any separate children of the Ineligible Noncitizen Parent.
- Any children the Ineligible Noncitizen Parent has in common with the spouse.
- Any other persons residing in the home who may be claimed by the Ineligible Noncitizen Parent as dependents for federal income tax purposes.

The members of the IPU are considered non-AU members in the budgeting process.

An individual may NOT be included in the IPU if that individual is:

- Included in an AU, or
- Excluded from the AU for cause (e.g. sanctioned or refused to meet a condition of eligibility).

23.2.2 Unmet Needs Of Ineligible Noncitizen Child

The needs of the ineligible noncitizen child are met by counting that child in the IPU, when appropriate.

23.3 Computation of Income to the AU [EAS 44-133.63]

23.3.1 Income Computation

This chart is used to compute the income budgeted from the Ineligible Noncitizen Parent and any non-AU members:

	Total Disability-based income of both the non-AU and AU members.
Minus	Current Income Disregard.
Equals	Net Disability Based Income
	Total gross earned income of both the non-AU and AU members
Minus	Any portion of the remaining Income Disregard.
Equals	Net Earned Income
Minus	50% (Earned Income Disregard) from the remainder.
Equals	Net Nonexempt Earned Income
Plus	Any remaining Disability-based income after the Income Disregard was deducted.
Plus	Nonexempt Unearned Income.
Equals	Total Nonexempt Income of both the AU and non-AU members.
	MAP (plus Special Needs) for the AU and non-AU members.
Minus	Total Nonexempt Income from above.
Equals	Potential grant #1.
	MAP (plus Special Needs) for the AU.
	Compare Potential Grant #1 to MAP (plus Special Needs) for the AU. Issue the lesser of the two amounts.

23.3.2 Documentation

The EW must document on the **Maintain Case Comments** window of CalWIN, the composition of the AU, the IPU (non-AU members) and the "family" (the total of the above).

23.4 Ineligible Noncitizen Parent Examples

23.4.1 Situation #1



Important:

Current Income Disregard and MAP values must be used in calculations. Income Disregard and MAP values in the example below may **not** reflect current values.

Married couple, father has legal noncitizen status. Mother is an undocumented noncitizen. They have three children, two are citizens and the other child is an undocumented noncitizen. The father has no income. The mother is employed and earns \$675 per month. None of the children have income. This is an "Employable" AU of 3, a non-AU of 2, and a "family" of 5. The budget computation shows:

Gross Earned Income of ineligible alien parent	\$ 675.00
Less \$225 Income Disregard	- <u>225.00</u>
Equals Net Earned Income	\$ 450.00
Less 50% Earned Income Disregard	\$ <u>225.00</u>
Net Nonexempt Earned Income	\$ 225.00
MAP for 5	\$ 980.00
Less Total Nonexempt Income	- <u>225.00</u>
Potential Grant	\$ 755.00
MAP for 3 (AU MAP)	\$ 723.00
Grant Amount (Lesser of Potential Grant and MAP for 3)	\$ 723.00

23.4.2 Situation #2

Married couple, mother has legal noncitizen status. Father is an undocumented noncitizen. They have two children, both are citizens. One of the citizen children has a verified diabetic special need and receives a special need allowance of \$15 monthly. The father is employed and earns \$475 monthly. The mother and children have no income other than CalWORKs. This is an "Employable" AU of 3, a non-AU of 1 and a "family" of 4. The budget computation shows:

Gross Earned Income of ineligible alien parent	\$ 475.00
Less \$225 Income Disregard	- <u>225.00</u>

Equals Net Earned Income	\$ 250.00
Less 50% Earned Income Disregard	\$ <u>125.00</u>
Net Nonexempt Earned Income	\$ 125.00
MAP for 4 PLUS Special Needs	877.00
Less Total Nonexempt Income	- <u>125.00</u>
Potential Grant	\$ 752.00
MAP for 3 PLUS Special Needs (AU MAP)	\$ 738.00
Grant Amount (Lesser of Potential Grant and MAP for 3)	\$ 738.00

23.4.3 Situation #3

Married couple, mother and father are both undocumented noncitizens. The mother has one separate child who is in the AU. They have two other children; one is an undocumented noncitizen and the other has no basis of deprivation. The mother is pregnant and in her last trimester. The mother is employed and earns \$450 monthly. The father is employed full-time and earns \$800 monthly. This is an Employable AU of 1, a non-AU of 4 and a "family" of 5. The budget computation shows:

Gross Earned Income of ineligible alien parents	\$ 1250.00
Less \$225 Income Disregard	- <u>225.00</u>
Equals Net Earned Income	\$ 1025.00
Less 50% Earned Income Disregard	\$ <u>512.50</u>
Net Nonexempt Earned Income	\$ 512.00
MAP for 5 plus Special Needs	\$ 1027.00
Less Total Nonexempt Income	- <u>512.00</u>
Potential Grant	\$ 515.00
MAP for 1 (AU MAP)	\$ 359.00
Grant Amount (Lesser of Potential Grant and MAP for 1)	\$ 359.00

23.4.4 Situation #4

Married couple, mother and father are both undocumented noncitizens. They have three citizen children. The father is employed and earns \$450 monthly. The mother is employed and earns \$400 per

month. This is an "Employable" AU of 3, a non-AU of 2 and a "family" of 5. The budget computation shows:

Gross Earned Income of ineligible alien parents	\$ 850.00
Less \$225 Income Disregard	- <u>225.00</u>
Equals Net Earned Income	\$ 625.00
Less 50% Earned Income Disregard	\$ <u>312.50</u>
Net Nonexempt Earned Income	\$ 312.50

MAP for 5	\$ 980.00
Less Total Nonexempt Income	- <u>312.00</u>
Potential Grant	\$ 668.00

MAP for 3 (AU MAP)	\$ 723.00
Grant Amount (Lesser of Potential Grant and MAP for 3)	\$ 668.00

23.4.5 Situation #5

Married couple, mother is an undocumented noncitizen and father is a citizen. They have three children, one is a citizen and two are undocumented noncitizens. The mother is employed and earns \$400 monthly. The father is disabled and receives State Disability Insurance of \$625 monthly. This is an "Employable" AU of 2, a non-AU of 3 and a "family" of 5. The budget computation shows:

Disability-based Income	\$ 625.00
Less \$225 Income Disregard	- <u>225.00</u>
Net Disability-based Income	\$ 400.00
Gross Earned Income of ineligible alien parent	\$ 400.00
Less any remaining \$225 Income Disregard	- <u>00.00</u>
Equals Net Earned Income	\$ 400.00
Less 50% Earned Income Disregard	\$ <u>200.00</u>
Net Nonexempt Earned Income	\$ 200.00
Plus any remaining Disability-based income	+ <u>400.00</u>
Total Nonexempt Income	\$ 600.00

MAP for 5	\$ 980.00
Less Total Nonexempt Income	- <u>600.00</u>

	Potential Grant	\$ 380.00
	MAP for 2 (AU MAP)	\$ 584.00
	Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 380.00

23.4.6 Situation #6

Married couple, father is an undocumented noncitizen, mother is a legal noncitizen. They have two citizen children, and two undocumented noncitizen children. The father receives DIB of \$400 monthly. The mother is unemployed and receives \$400 per month from UIB. The children have no income. This is an "Employable" AU of 3, a non-AU of 3 and a "family" of 6. The budget computation shows:.

Disability-based income	\$ 400.00
Less \$225 Income Disregard	- <u>225.00</u>
Net Disability-based Income	\$ 175.00
Plus any Unearned Income	+ <u>400.00</u>
Total Nonexempt Income	\$ 575.00

	MAP for 6	\$ 1101.00
	Less Total Nonexempt Income	- <u>575.00</u>
	Potential Grant	\$ 526.00
	MAP for 3 (AU MAP)	\$ 723.00
	Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 526.00

23.4.7 Situation #7

Unmarried couple, father and mother are both undocumented noncitizens. They have two citizen children. The mother receives UIB of \$400 monthly. The father is employed part time and receives \$525 per month. This is an "Employable" AU of 2, a non-AU of 2 and a "family" of 4. The budget shows:.

Gross Earned Income of ineligible alien parent	\$ 525.00
Less the \$225 Income Disregard	- <u>225.00</u>
Equals Net Earned Income	\$ 300.00
Less 50% Earned Income Disregard	\$ <u>150.00</u>
Net Nonexempt Earned Income	\$ 150.00

Plus Unearned Income	+ <u>400.00</u>
Total Nonexempt Income	\$ 550.00
MAP for 4	\$ 862.00
Less Total Nonexempt Income	- <u>550.00</u>
Potential Grant	\$ 312.00
MAP for 2 (AU MAP)	\$ 584.00
Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 312.00

23.4.8 Situation #8

Unmarried couple, undocumented noncitizen father and mother. They have three citizen children. The father has earnings of \$775 monthly. The family receives free rent and utilities. This is an "Employable" AU of 3, a non-AU of 2 and a "family" of 5. The budget computation shows.

Gross Earned Income of ineligible alien parent	\$775.00
Less the \$225 Income Disregard	- <u>225.00</u>
Equals Net Earned Income	\$550.00
Less 50% Earned Income Disregard	<u>\$275.00</u>
Net Nonexempt Earned Income	\$275.00
Plus any Unearned Income (In-kind rent \$337 and utilities \$58 for 5)	+ <u>395.00</u>
Total Nonexempt Income	\$670.00
MAP for 5	\$980.00
Less Total Nonexempt Income	- <u>670.00</u>
Potential Grant	\$310.00
MAP for 3 (AU MAP)	\$723.00
Grant Amount (Lesser of Potential Grant and AU MAP)	\$310.00

23.5 Case Situations of Ineligible Noncitizen Child(ren) Living in the Home

23.5.1 Situation #1

| Absent father case, mother has eligible resident noncitizen status, two citizen children and one undocumented child. Mother earns \$625 monthly. This is an "Employable" AU of 3, non-AU of 1 and a "family" of 4. The budget computation shows:

Gross Earned Income of parent	\$ 625.00
Less the \$225 Income Disregard	- <u>225.00</u>
Equals Net Earned Income	\$400.00
Less 50% Earned Income Disregard	\$ <u>200.00</u>
Net Nonexempt Earned Income	\$ 200.00

MAP for 4	\$ 862.00
Less Total Nonexempt Income	- <u>200.00</u>

| Potential Grant \$ 662.00

| MAP for 3 (AU MAP) \$ 723.00

| Grant Amount (Lesser of Potential Grant and AU MAP) \$ 662.00

23.5.2 Situation #2

| Single parent case, father has legal resident noncitizen status, one child is undocumented and two siblings are citizens. The father receives \$400 monthly from UIB. The undocumented child receives \$95 monthly from Social Security. The two citizen children have no income. This is an "Employable" AU of 3, non-AU of 1 and "family" of 4. The budget computation shows:

Gross Earned Income	\$ 000.00
Net Earned Income	\$ 000.00
Plus any Unearned Income	+ <u>495.00</u>
Total Nonexempt Income	\$ 495.00

| MAP for 4 \$ 862.00

Less Total Nonexempt Income	- <u>495.00</u>
Potential Grant	\$ 367.00
MAP for 3 (AU MAP)	\$ 723.00
Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 367.00

23.5.3 Situation #3

Married couple, mother is an eligible noncitizen, father has undocumented noncitizen status. They have one child who is undocumented and two other children who are legal noncitizens. The mother works and earns \$925 per month. The father has no income, nor do the children. This is an "Employable" AU of 3, a non-AU of 2 and a "family" of 5. The budget computation shows:

Gross Earned Income	\$ 925.00
Less the \$225 Income Disregard	- <u>225.00</u>
Equals Net Earned Income	\$ 700.00
Less 50% Earned Income Disregard	\$ <u>350.00</u>
Net Nonexempt Earned Income	\$ 350.00
Total Nonexempt Income	\$ 350.00

MAP for 5	\$ 980.00
Less Total Nonexempt Income	- <u>350.00</u>
Potential Grant	\$ 630.00

MAP for 3 (AU MAP)	\$ 723.00
Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 630.00

23.5.4 Situation #4

Married couple, mother is an eligible noncitizen, father has undocumented noncitizen status. They have one child who is an undocumented noncitizen and one child who is a citizen. Neither the mother nor the father have any income. This is an "Employable" AU of 2, non-AU of 2 and a "family" of 4. The budget computation shows:

Gross Earned Income	\$ 000.00
Net Earned Income	\$ 000.00
Total Nonexempt Income	\$ 000.00

	MAP for 4	\$ 862.00
	Less Nonexempt Income	- <u>000.00</u>
	Potential Grant	\$ 862.00
	MAP for 2 (AU MAP)	\$ 584.00
	Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 584.00

23.5.5 Situation #5

Single parent, mother is an eligible noncitizen. She has a 13 year old child who is a citizen, and three undocumented noncitizen children, a 15 and a 17 year old in school full time, and a 19 year old. The mother works part time and earns \$ 575 per month. The 17 year old works after school and earns \$150 per month.

The 19 year old is employed part time and earns \$275 per month. The 13 year old and 15 year old children have no income. This is an "Employable" AU of 2, non-AU of 2 and a "family" of 4.

The needs of the 19 year old are not considered. The income of the 19 year old is not used, unless income is actually given to the mother for the family's use. The earnings of the 17 year old are exempt, due to the student exemption. The budget computation shows:

Gross Earned Income of parent	\$ 575.00
Less the \$225 Income Disregard	- <u>225.00</u>
Equals Net Earned Income	\$ 350.00
Less 50% Earned Income Disregard	\$ <u>175.00</u>
Net Nonexempt Earned Income	\$ 175.00

	MAP for 4	\$ 862.00
	Less Total Nonexempt Income	- <u>175.00</u>
	Potential Grant	\$ 687.00
	MAP for 2 (AU MAP)	\$ 584.00
	Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 584.00

23.5.6 Situation #6

Married couple; Mother receives aid for herself and one child. The mother has \$600 monthly in earnings and the ineligible noncitizen spouse has \$375 in earnings. Also in the home is the mother's ineligible noncitizen child who receives \$150 child support from the absent parent; a common child who has no basis of deprivation; and an ineligible noncitizen separate child of the spouse. This is an "Employable" AU of 2, non-AU of 4 and a "family" of 6. The budget computation shows:

Gross Earned Income	\$ 975.00
Less the \$225 Income Disregard	- <u>225.00</u>
Equals Net Earned Income	\$ 750.00
Less 50% Earned Income Disregard	\$ <u>375.00</u>
Net Nonexempt Earned Income	\$ 375.00
Plus Nonexempt Unearned Income	\$ <u>150.00</u>
Total Nonexempt Income	\$ 525.00
MAP for 6	\$ 1101.00
Less Nonexempt Income	- <u>525.00</u>
Potential Grant	\$ 576.00
MAP for 2 (AU MAP)	\$ 584.00
Grant Amount (Lesser of Potential Grant and AU MAP)	\$ 576.00