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SUBJECT: General Assistance Rule 22 - Eligible Non-citizens
TO: Municipalities providing General Assistance
DATE: June 19, 2019

Dear Municipal Officer:

This memorandum is intended to provide guidance regarding the Department of Health and Human Services' new policy which expands the definition of "pursuit of a lawful process" to increase access to General Assistance eligibility for certain non-citizens.

Previous policy required that an applicant who was not "lawfully present" have verification of a filed application for asylum to be eligible for General Assistance. This new policy redefines pursuit of a lawful process to include applicants who have not yet completed an application for immigration relief but intend to do so.

"Pursuing a lawful process to apply for immigration relief"

Individuals that are taking all reasonable, good faith steps to apply for immigration relief with the U.S. Citizenship and Immigration Services or before an immigration judge are pursuing a lawful process to apply for immigration relief when that individual (10-144 C.M.R. Chapter 323, Section 2):

- A. Provides documentation of a completed application for asylum.
- B. When unable to complete the application for asylum, has proof of
 1. A notice to appear in court, issued subsequent to a request for asylum, from a U.S. Government official; and
 2. A copy of a completed change of address form (EOIR-33/IC) if applicable; and
 3. A confirmed date for a "master hearing" if scheduled; and
 4. An affidavit attesting to the pursuit of asylum.
- C. When notice to appear in court has not yet been established, the applicant provides
 1. An alien number; and
 2. An affidavit attesting to the pursuit of asylum.

All participants qualified under "pursuing a lawful process" are subject to a benefit limit of 24 months beginning July 1, 2015. The municipality must track and provide to the Department upon request, documentation of the number of assistance months received by any individual who is either lawfully present or pursuing a lawful process to apply for immigration relief in that municipality (10-144 C.M.R. Chapter 323, Section 2). The 24-month limit applies only to those eligible individuals who are pursuing a lawful process to apply for immigration relief and not

those who are “lawfully present.” Please note, when a participant has been granted legal status, s/he will then become “lawfully present” and the time clock will stop accruing. The individual must provide the municipality with the appropriate documentation showing the date when s/he was granted status.

If you have questions concerning the eligibility of an applicant, please do not hesitate to contact the General Assistance Hotline at 1-800-442-6003.

Thank you,

Sara Russell 7/19/19

Sara Russell, General Assistance Program Manager
Maine Department of Health and Human Services