

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
OFFICE OF THE DIRECTOR**

NOTICE OF PROPOSED RULEMAKING

TITLE 8, CALIFORNIA CODE OF REGULATIONS SECTIONS 15740, ET SEQ.

NOTICE IS HEREBY GIVEN that the Director of the Department of Industrial Relations, pursuant to the authority vested in him by Labor Code Sections 54, 55, 59, 3702.10, 3716, 3716.2, and 4751 proposes to adopt regulations to be contained in Subchapter 2.2 of Chapter 8, Title 8, California Code of Regulations, commencing with Section 15740.

The regulations concern limitations on Uninsured Employers Fund and Subsequent Injuries Fund benefits for certain categories of aliens in order to comply with the federal Personal Work Opportunity Reconciliation Act of 1996. In addition, the regulations address procedures required by the Department in order to ascertain and verify the citizenship or immigration status of applicants for benefits.

PUBLIC HEARING

Public hearings have been scheduled to permit all interested persons the opportunity to present statements or arguments, oral or in writing, with respect to the above noted subject on the following dates:

Date: November 14, 1997

Time: 8:00 am to 5:00 PM or conclusion of business.

**Place: Public Utilities Commission
Auditorium
505 Van Ness Avenue
San Francisco, California 94102**

Date: November 12, 1997

Time: 8:00 am to 5:00 PM or conclusion of business.

**Place: 107 S. Broadway, Room 1138
Los Angeles, California 90012**

Please note that public comment will begin promptly at 9:00 a.m. and will conclude when the last speaker has finished his or her presentation. If public comment concludes before the noon recess, no afternoon session will be held.

The Director requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their comments.

AUTHORITY AND REFERENCE

The Director of the Department of Industrial Relations, is undertaking this regulatory action pursuant to the authority vested in him by Labor Code Sections 54, 55, 59, 3702.10, 3716, 3716.1, 3716.2, and 4751, to modify existing regulations.

INFORMATIVE DIGEST AND PLAIN ENGLISH OVERVIEW

The Director of Industrial Relations proposes to adopt regulations to eliminate Uninsured Employers Fund (UEF) and Subsequent Injuries Fund (SIF) benefits to certain categories of aliens in order to comply with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The regulations also concern the process and manner by which the UEF and SIF will obtain and verify the citizenship or immigration status of applicants for benefits.

1. Proposed Section 15740: Limitations on Uninsured Employers Fund and Subsequent Injuries Fund Benefits for Aliens.

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), (8 U. S. C. § 1621) mandates that state and local governments eliminate public benefits to aliens who do not possess a legal immigration status under various provisions of the Immigration and Nationality Act (INA), (8 U. S. C. §1101 et seq.). Since benefits provided by the Uninsured Employers Fund (UEF) and Subsequent Injuries Fund (SIF) are considered public benefits, the Director of Industrial Relations proposes to adopt regulations to assure the Department's compliance with applicable provisions of the PRWORA.

The proposed Section 15740 will firstly provide that all eligibility requirements for UEF/SIF benefits shall be applied without regard to an applicant's race, creed, color, gender, religion, or national origin. Secondly, the regulation provides that only "qualified aliens" may receive UEF/ SIF benefits. The term "qualified alien" is defined in subsection (c) as an alien whose immigration status falls within various categories contained in the Immigration and Nationality Act. Examples of qualified aliens are those

aliens who have been admitted to the United States for permanent residence, aliens who have been granted asylum or are legally admitted refugees, aliens who are paroled into the U. S. under INA § 212(d)(5) for a period of at least one year, aliens who are granted conditional entry pursuant to INA § 203(a)(7) (as in effect prior to 4/1/80), and aliens who have been battered or subjected to extreme cruelty, under specific circumstances.

The proposed Section 15740 also provides for procedures to be followed by all applicants for UEF/SIF benefits in order to ensure the Department's compliance with the PRWORA. All applicants will be required to declare their citizenship or immigration status on the prescribed "Statement of Citizenship, Alienage, and Immigration Status for State Public Benefits" (Form UEF-1). Furthermore, all applicants must furnish documents of a type acceptable to the Immigration and Naturalization Service (INS) to support the status they declare on the Form UEF-1.

The proposed regulation makes provisions for necessary procedures to efficiently verify the validity of immigration documents presented by applicants. Alien applicants who present immigration documents that contain INS alien registration or alien admission numbers, will have their status submitted to the INS for verification by means of the Systematic Alien Verification for Entitlements (SAVE) system. In certain situations, copies of original immigration documents will be submitted directly to the INS for verification by means of the secondary SAVE system. Should the UEF or SIF reasonably conclude that an alien is unlawfully in the state based on the alien's failure to furnish reasonable evidence of his or her declared status after a reasonable period, the UEF/SIF will then report the alien to the INS.

Lastly, Section 15740 provides that where an applicant who was made eligible for UEF/SIF benefits later experiences a termination, suspension, or reduction because he or she is determined to be an unqualified alien, or because of noncompliance with Form UEF-1 application procedures, the applicant may request reconsideration of the decision from the Manager of the Uninsured Employers Fund.

2. Proposed Section 15741: Statement of Citizenship, Alienage, and Immigration Status For Sate Public Benefits, Form UEF-1.

Under provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), (8 U. S. C. § 1621), public benefits may no longer be provided by state and local government agencies to certain categories of aliens. Since UEF and SIF benefits are considered public benefits for purposes of the PRWORA, the Department must implement procedures to foster compliance with this federal law. By promulgating the "Statement of Citizenship, Alienage, and Immigration Status for State Public Benefits",

(Form UEF-1), the Department will put into place a consistent and efficient procedure for ascertaining and verifying each applicant's declared citizenship or immigration status. The proposed form is a standardized form which has been, or will be, adopted and utilized by other state agencies charged with providing public benefits.

STATE REIMBURSABLE MANDATE

The Director of the Department of Industrial Relations has determined that the proposed regulations will not impose any new mandated programs on any local agency or school district.

COST OR SAVINGS TO LOCAL AGENCIES OR SCHOOL DISTRICTS

It is not expected that the proposed regulations will impose a cost on local government agencies and school districts. Under the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act, local government agencies are also required to eliminate access by certain aliens to their public benefits programs in such areas as medical care and welfare assistance. Hence, it is not anticipated that local governments will experience an inflow of applicants for benefits who have previously been denied benefits by the UEF or SIF.

COST OR SAVINGS TO STATE AGENCIES

Proof of U. S. citizenship or legal immigration status has not previously been a requirement for receipt of benefits from the Uninsured Employers Fund or the Subsequent Injuries Fund. Accordingly, there exists no reliable caseload data on which savings estimates can be premised. It is anticipated, however, that even after considering the additional administrative costs of screening applicants and verifying immigration documents, there will be a net savings to the UEF/SIF since fewer injured workers will be eligible to receive benefits.

COST OR SAVINGS IN FEDERAL FUNDING TO STATE

Since there is currently no federal funding of UEF/SIF programs, the proposed regulation will have no impact.

SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The Director has determined that the proposed regulations will not have a significant adverse impact on businesses, including the ability of California businesses to compete with businesses in other states.

ECONOMIC IMPACT ON PRIVATE PERSONS OR BUSINESSES

It is anticipated that the proposed regulations will not economically impact businesses, but may have an adverse economic impact on private persons who are aliens, and who sustain work injuries while in the employ of uninsured employers, or who suffer subsequent injuries. These persons will no longer have access to benefits from the UEF or SIF and may have to seek assistance from private charitable or social service organizations. It is also likely that alien applicants who are denied UEF benefits may resort in larger numbers to pursuing tort actions in the civil courts against negligent uninsured employers pursuant to Labor Code § 3706.

ECONOMIC IMPACT ON SMALL BUSINESSES

The Director has determined that the proposed regulations will not have an impact on small businesses.

ASSESSMENT OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Director has determined that the proposed regulations will not have any effect on the creation or elimination of jobs or existing businesses within California, or affect the expansion of businesses currently doing business within California.

PLAIN ENGLISH REQUIREMENTS CONCERNING SMALL BUSINESSES

The Director has determined that the proposed regulations will not have an impact on small businesses. Additionally, due to the subject matter and the technical nature of the regulations proposed, the Director has determined that it is not feasible to draft the regulations in plain English. However, a non-controlling plain English summary of the regulations is available from the agency contact person named in this notice.

IMPACT ON HOUSING COSTS

The proposed regulations will have no effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Director gave consideration to the alternative of submitting copies of an alien applicant's immigration documents directly to the Immigration and Naturalization Service for verification in place of electronic verification by means of the SAVE system. This alternative was rejected as requiring considerable staff time as well as postage and stationary costs due to the estimated high number of verifications that will have to be performed.

**PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS AND
DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS**

Members of the public are invited to present oral and/or written statements, arguments or evidence at the public hearing. In addition, any person may submit written comments on the proposed regulations, prior to the public hearing to:

Ms. Aurora Medina
Department of Industrial Relations
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

Unless submitted prior to or at the public hearing, all written comments must be received by the agency contact person, no later than 5:00 p.m. on November 14, 1997. Equal weight will be accorded oral and written materials.

**AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF
REASONS**

An Initial Statement of Reasons has been prepared for the proposed regulations, in addition to the Informative Digest included in this Notice. The Initial Statement of Reasons and the text of the proposed regulations will be made available for inspection or provided upon written request. Please direct all requests to the contact person identified below.

CONTACT PERSON

Any interested person may inspect a copy or direct questions about the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Department of Industrial Relations, 45 Fremont Street, Room 3170, San Francisco, CA 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Ms. Aurora Medina
Department of Industrial Relations
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

The telephone number of the contact person is (415) 975-0700.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If the Director makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly indicated will be available for public comment for at least 15 days prior to the date on which the regulations are adopted. There are no statutory or other notice requirements other than those contained in the Administrative Procedures Act, (Government Code Section 11340, *et seq.*) applicable to the adoption of these proposed regulations.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, will automatically be sent to those interested persons on the mailing list of the Administrative Director of the Division of Workers' Compensation.

If adopted, the regulations as amended will appear sequentially in the California Code of Regulations at Title 8, Chapter 8, Subchapter 2.2, commencing with Section 15740.

Dated: _____

John C. Duncan,
Acting Director

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
OFFICE OF THE DIRECTOR**

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations:

Uninsured Employers Fund and

Subsequent Injuries Fund:

Limitations on Uninsured Employers Fund and Subsequent Injuries Fund Benefits for Aliens, Statement of Citizenship, Alienage, Immigration Status for State Public Benefits form.

BACKGROUND TO REGULATORY PROCEEDING:

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), (8 U. S. C. § 1621) requires all state and local governments to eliminate public benefits to aliens who do not possess a legal immigration status under various provisions of the Immigration and Nationality Act (8 U. S. C. § 1101 et seq.). The PRWORA defines the public benefits which must be eliminated to include: welfare, professional or commercial licenses, public or assisted housing, Unemployment and Disability Insurance benefits, student financial aid, as well as any other benefit for which payments or assistance are provided to an individual by a state or local government agency. Since Uninsured Employers Fund (UEF) and Subsequent Injuries Fund (SIF) benefits are provided by the Dept. of Industrial Relations, a state agency, these benefits are public benefits that can no longer be extended to certain categories of aliens.

(1) Section Proposed 15740

Problem Addressed:

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (8 U. S. C. § 1621) requires state agencies to eliminate public benefits to aliens who do not possess a legal immigration status under various provisions of the Immigration and Nationality Act. Benefits provided by the UEF and SIF are considered public benefits, and procedures must therefore be implemented by the Department to ensure compliance with this newly enacted federal law. The proposed Section 15740 is extensive and each subsection specifically addresses a particular requirement or procedure which is considered necessary to provide UEF and SIF benefits in a manner which complies with the PRWORA. Regulations containing language similar to Section 15740 have been, or will be, adopted by various California state agencies charged with providing public benefits.

§ 15740(a) This subsection provides that all eligibility requirements for UEF/SIF benefits will be applied without regard to the applicant's race, creed, color, gender, religion, or national origin.

§ 15740(b) In order to comply with the PRWORA, subsection (b) outlines the three categories of aliens who are not entitled to UEF/SIF benefits: (1) aliens who are not “qualified”, (2) “nonimmigrant” aliens under the Immigration And Nationality Act (INA) (8 U. S. C. § 1101 et seq.), or (3) aliens paroled into the United States for less than one year under § 212(d)(5) of the INA.

§ 15740(c) This subsection outlines the definition for “qualified alien” to include: (1) an alien admitted for permanent residence, (2) an alien who is granted asylum, (3) a legally admitted refugee, (4) an alien who is paroled into the U. S. under INA § 212(d)(5) for a period of at least one year, (5) an alien whose deportation is being withheld under INA § 243(h), (6) an alien who is granted conditional entry pursuant to INA § 203(a)(7) as in effect prior to 4/1/80, (7) an alien who has been battered or subjected to extreme cruelty in the U. S. by a spouse or parent, or by a member of the spouse’s or parent’s family residing in the same household as the alien. The alien must also satisfy other detailed eligibility criteria enumerated in this subsection.

§ 15740(d) This subsection defines the term “nonimmigrant” as having the same definition as contained in INA §101(a)(15).

§15740(e) This subsection enumerates the procedures to be followed by all applicants for UEF/SIF benefits in order to ensure the Department’s compliance with federal law. All applicants must declare on the “Statement of Citizenship, Alienage, and Immigration Status for State Public Benefits (Form UEF-1) that they are either U. S. citizens, qualified aliens, nonimmigrant aliens, or aliens paroled into the U. S. for less than one year. All applicant’s must present documents of a type acceptable to the Immigration and Naturalization Service (INS) to support their declared status. Subsection (e) also outlines the requirement that all aliens who claim to be qualified aliens and who present documents that contain INS alien registration or alien admission numbers, must have their status verified through the “Systematic Alien Verification for Entitlements (SAVE) system. In limited situations such as when the SAVE system is not available, or the document appears to have been altered or to be counterfeit, etc., copies of the applicant’s immigration documents are to be forwarded directly to the INS for verification by use of the secondary SAVE system.

§ 15740(f) This provision provides that the UEF and SIF shall assure that nonprofit charitable organizations that provide federal, state, or local public benefits shall not be required to determine, verify, or require proof of an applicant’s or beneficiary’s eligibility with respect to his or her immigration or alien status.

§ 15740(g) Under this subsection, when the UEF/SIF reasonably believes that an alien is unlawfully in the state based on the alien’s failure to provide reasonable evidence of his or her status as declared on the UEF-1 form, the UEF/SIF shall notify the INS as required by § 434 of the PRWORA.

§ 15740(h) Subsection (h) provides that any applicant who was made eligible for UEF/SIF benefits, whose benefits are terminated, suspended, or reduced pursuant to subsections (b) and (e), is entitled to file a request for reconsideration of the decision with the Manager of the Uninsured Employers Fund.

Specific Purpose for Regulation: Section 15740

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) mandates that state and local government agencies must cease providing public benefits to aliens whose immigration status falls within certain defined categories. Since benefits provided by the Uninsured Employers Fund and Subsequent Injuries Fund are considered public benefits, regulations must be adopted which ensure that UEF/SIF benefits are not paid to certain categories of aliens in violation of the PWORA. The proposed regulation lists the categories of aliens who are entitled to receive UEF/SIF benefits. In addition, the regulation provides for uniform and efficient procedures to be implemented for obtaining and verifying the citizenship and immigration status of each applicant.

Factual Basis That Regulation is Necessary

The recently enacted federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires state and local governments to eliminate public benefits to certain categories of aliens. Since benefits provided by the Uninsured Employers Fund and Subsequent Injuries Fund are public benefits, the Department must promulgate regulations to ensure benefits are provided in full compliance with this federal statute. The proposed Section 15740 provides needed definitions of those aliens who are eliminated from eligibility pursuant to the PRWORA, as well as outlines the procedures to be followed by all applicants for UEF/SIF benefits. Lastly, the proposed section provides for necessary mechanisms for verifying the validity of immigration documents furnished by applicants.

Business Impact

The regulation will not have a significant effect on businesses.

Specific Technologies or Equipment

The regulation does mandate the use of the "Systematic Alien Verification for Entitlements (SAVE) system in order to verify the validity of immigration documents supplied by aliens in support of their application for UEF/SIF benefits. In the next several months, the Department will be determining the cost effectiveness of either arranging for direct access to this computer system, or arranging by agreement for verification of documents by another state agency that already has an existing SAVE account.

Consideration of Alternatives

The Department considered the alternative of submitting copies of an applicant's immigration documents directly to the INS by mail for verification, in lieu of electronic verification through the SAVE system. This option was deemed far too labor intensive and costly in view of the estimated high number of verifications that the Department anticipates will have to be performed. Moreover, direct submission of an applicant's documents to the INS would engender a time lag of approximately four to six weeks before

INS verification would be forthcoming. This would significantly delay needed benefits to eligible applicants.

(2) Section Proposed: 15741

Problem Addressed:

Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), (8 U. S. C. § 1621), public benefits may no longer be paid by state and local governments to certain categories of aliens. Because benefits paid by the UEF and SIF are deemed public benefits for purposes of the PRWORA, the Department must take steps to be in compliance with this new federal law. By promulgating the “Statement of Citizenship, Alienage, and Immigration Status for State Public Benefits”, (Form UEF-1), the Department will have a consistent and efficient method for ascertaining and verifying the declared citizenship or immigration status of each applicant. The proposed form is a standardized form which has been, or will be, adopted and utilized by other state agencies charged with providing public benefits.

Specific Purpose for Regulation: Section 15741

The proposed regulation provides for a standard form which will be completed by all applicants for UEF/SIF benefits. On this form, applicants will declare their citizenship or immigration status in order to determine if they are eligible to receive benefits.

Factual Basis That Regulation is Necessary

To comply with the mandate of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U. S. C. § 1621), the UEF/SIF must have a procedure to ascertain and verify the citizenship or immigration status of all applicants for benefits.

Business Impact

The regulation will not have a significant effect on businesses.

Specific Technologies or Equipment

The regulation provides for adoption and utilization of a standard form and does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No alternative was considered that would be either more effective than or equally as effective as and less burdensome than the proposed regulations.

Title 8
California Code of Regulations
Chapter 8
Office of the Director
Subchapter 2.2
Uninsured Employers Fund and Subsequent Injuries Fund Benefits to Aliens
Article 1
Limitations on Benefits

§15740 Limitations on Uninsured Employers Fund and Subsequent Injuries Fund Benefits for Aliens.

(a) All eligibility requirements contained herein shall be applied without regard to the race, creed, color, gender, religion, or national origin of the individual applying for the public benefit.

(b) Pursuant to Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, (Pub. L. No. 104-193 (PRWORA)), (8 U.S.C. § 1621), and notwithstanding any other provision of this division, aliens who are not qualified aliens, nonimmigrant aliens under the Immigration and Nationality Act (INA) (8 U.S.C. § 1101 *et seq.*), or aliens paroled into the United States under Section 212(d) (5) of the INA (8 U.S.C. 1182(d) (5)), for less than one year, are not eligible to receive benefits from the Uninsured Employers Fund (UEF) or Subsequent Injuries Fund (SIF) as set forth in Labor Code Sections 3716, 3716.2 and 4750-4755.

(c) A qualified alien is an alien who, at the time he or she applies for, receives, or attempts to receive a public benefit, is, under Section 431 (b) of the PRWORA (8 U.S.C. § 1641 (b)), any of the following:

(1) An alien lawfully admitted for permanent residence under the INA (8 U.S.C. § 1101 *et seq.*).

(2) An alien who is granted asylum under Section 208 of the INA (8 U.S.C. § 1158).

(3) A refugee who is admitted to the United States under Section 207 of the INA (8 U.S.C. § 1157).

(4) An alien who is paroled into the United States under Section 212 (d) (5) of the INA (8 U.S.C. § 1182 (d) (5)) for a period of at least one year.

(5) An alien whose deportation is being withheld under Section 243 (h) of the INA (8 U.S.C. § 11253 (h)).

(6) An alien who is granted conditional entry pursuant to Section 203 (a) (7) of the INA as in effect prior to April 1, 1980. (See editorial note under 8 U.S.C. § 1101, "Effective Date of 1980 Amendment.")

(7) An alien who, under Section 431 (c) (1) of the PRWORA (8 U.S.C. § 1641 (c) (1)), meets all of the conditions of subparagraphs (A), (B), (C), and (D) below:

(A) The alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien, and the spouse or parent of the alien consented to, or acquiesced in, such battery or cruelty.

(B) In the opinion of the Attorney General of the United States, which opinion is not subject to review of any court, there is a substantial connection between such battery or cruelty and the need for the benefits to be provided.

(C) The alien has been approved or has a petition pending which sets forth a prima facie case for:

(i) status as a spouse or child of a United States citizen pursuant to clause (ii), (iii), or (iv) of Section 204 (a) (1) (A) of the INA (8 U.S.C. § 1154 (a) (1) (A) (ii), (iii) or (iv)),

(ii) classification pursuant to clause (ii) or (iii) of Section 204 (a) (1) (B) of the INA (8 U.S.C. § 1254 (a) (1) (B) (ii) or (iii)),

(iii) suspension of deportation and adjustment of status pursuant to Section 244 (a) (3) of the INA (8 U.S.C. § 1254 (a) (3)), or

(iv) status as a spouse or child of a United States citizen pursuant to clause (i) of Section 204 (a) (1) (A) of the INA (8 U.S.C. § 1154 (a) (1) (A)) or classification pursuant to clause (i) of Section 204 (a) (1) (B) of the INA (8 U.S.C. § 1154 (a) (1) (B)).

(D) For the period for which benefits are sought, the individual responsible for the battery or cruelty does not reside in the same household or family eligibility unit as the individual subjected to the battery or cruelty.

(8) An alien who, under Section 431 (c), (2) of the PRWORA (8 U.S.C. § 1641 (c) (2)), meets all of the conditions of subparagraphs (A), (B), (C), (D) and (E) below:

(A) The alien has a child who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the

active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien, and the spouse or parent consented or acquiesced to such battery or cruelty.

(B) The alien did not actively participate in such battery or cruelty.

(C) In the opinion of the Attorney General of the United States, which opinion is not subject to review by any court, there is a substantial connection between such battery or cruelty and the need for the benefits to be provided.

(D) The alien meets the requirements of subsection (c) (7) (C) above.

(E) For the period for which benefits are sought, the individual responsible for the battery or cruelty does not reside in the same household or family eligibility unit as the individual subjected to the battery or cruelty.

(d) For purposes of this section, "nonimmigrant" is defined the same as in Section 101 (a) (15) of the INA (8 U.S.C. § 1101 (a) (15)).

(e) For purposes of establishing eligibility for Uninsured Employers Fund and Subsequent Injuries Fund benefits, all of the following must be met:

(1) The applicant must declare himself or herself to be a citizen of the United States or a qualified alien under subsection (c), a nonimmigrant alien under subsection (d), or an alien paroled into the United States for less than one year under Section 212 (d) (5) of the INA (8 U.S.C. § 1182 (d) (5)). The applicant shall declare that status through use of the "Statement of Citizenship, Alienage, and Immigration Status for State Public Benefits," Form UEF-1.

(2) The applicant must present documents of a type acceptable to the Immigration and Naturalization Services (INS) which serve as reasonable evidence of the applicant's declared status.

(3) The applicant must complete and sign Form UEF-1.

(4) Where authorized by the INS, the documentation presented by an alien as reasonable evidence of the alien's declared immigration status must be submitted to the INS for verification through the Systematic Alien Verification for Entitlements (SAVE) system procedures as follows:

(A) Unless the primary SAVE system is unavailable for use, the primary SAVE system verification must be used to access the biographical/immigration status computer record contained in the Alien Status Verification Index maintained by the INS. Subject to subparagraph (B), this procedure must be used to verify the status of all aliens who claim to be qualified aliens and who present

an INS-issued document that contains an alien registration or alien admission number.

(B) In any of the following cases, the secondary SAVE system verification procedure must be used to forward copies of original INS documents evidencing an alien's status as a qualified alien, as a nonimmigrant alien under the INA, or as an alien paroled into the United States under Section 212 (d) (5) of the INA (8 U.S.C. § 1182 (d) (5)), for less than one year:

(i) The primary SAVE system is unavailable for verification.

(ii) A primary check of the Alien Status Verification Index instructs the Uninsured Employers Fund or Subsequent Injuries Fund to "institute secondary verification."

(iii) The document presented indicates immigration status but does not include an alien registration or alien admission number.

(iv) The Alien Status Verification Index record includes the alien registration or admission number on the document presented by the alien but does not match other information contained in the document.

(v) The document is suspected to be counterfeit or to have been altered.

(vi) The document includes an alien registration number in the A60 000 000 (not yet issued) or A80 000 000 (illegal border crossing) series.

(vii) The document is a fee receipt from INS for replacement of a lost, stolen, or unreadable INS document.

(viii) The document is one of the following: an INS Form I-181b notification letter issued in connection with an INS Form I-181 Memorandum of Creation of Record of Permanent Residence, an Arrival-Departure Record (INS Form I-94) or a foreign passport stamped "PROCESSED FOR I-551, TEMPORARY EVIDENCE OF LAWFUL PERMANENT RESIDENCE" that INS issued more than one year before the date of application for benefits from the UEF or SIF.

(5) Verification of the alien's declared status must be received from the INS before eligibility for benefits from the UEF or SIF is established.

(f) Pursuant to Section 432 (d) of the PRWORA (8 U.S.C. § 1642 (d)), the UEF or SIF shall assure that a nonprofit charitable organization that provides federal, state, or local public benefits shall not be required to determine, verify, or otherwise require proof of eligibility of any applicant or beneficiary with respect to his or her immigration status or alienage.

(g) Pursuant to Section 434 of the PRWORA (8 U.S.C. § 1644), where the UEF or SIF reasonably believes that an alien is unlawfully in the State based on the failure of the alien to provide reasonable evidence of the alien's declared status, after an opportunity to do so, said alien should be reported to the Immigration and Naturalization Service.

(h) Any applicant who was made eligible for benefits from the UEF or SIF whose services are terminated, suspended, or reduced pursuant to subsections (b) and (e), may file a request for reconsideration of benefit determination with the Manager of the Uninsured Employers Fund.

NOTE: Authority cited: Sections 54, 55, 59, 3702.10, 3716, 3716.1, 3716.2, 4751, Labor Code. Reference: Sections 1621, 1641 and 1642, Title 8, United States Code, Sections 3716, 3716.1, 3716.2, 4750-4755, Labor Code.

§ 15741 Statement of Citizenship, Alienage, and Immigration Status For State Public Benefits, Form UEF-1.

NOTE: Authority cited: Sections 54, 55, 59, 3702.10., 3716, 3716.1, 3716.2, 4751, Labor Code. Reference: Sections 1621, 1641 and 1642, Title 8, United States Code, Sections 3716, 3716.1, 3716.2, 4750-4755, Labor Code.



STATEMENT OF CITIZENSHIP, ALIENAGE, AND IMMIGRATION STATUS FOR STATE PUBLIC BENEFITS

Print Name of Applicant (the applicant is the person who wants [INSERT PUBLIC BENEFIT])	Date
Print Name of Person Acting for Applicant, if any	Relationship to Applicant

STATE PUBLIC BENEFITS TO CITIZENS AND ALIENS

Citizens and nationals of the United States who meet all eligibility requirements may receive Uninsured Employers Fund or Subsequent Injuries Fund benefits and must fill out Sections A and D.

Aliens who meet all eligibility requirements may also receive Uninsured Employers Fund or Subsequent Injuries Fund benefits and must complete SECTIONS A, B, C and D of this form.

SECTION A: CITIZENSHIP/IMMIGRATION STATUS DECLARATION

1. Is the applicant a citizen or national of the United States? Yes No

If the answer to the above question is yes, where was he/she born? _____
 (City/State)

2. To establish citizenship or nationality, please submit one of the documents on List A (attached hereto) which is legible and unaltered to establish proof.

IF YOU ARE A CITIZEN OR NATIONAL OF THE UNITED STATES, GO DIRECTLY TO SECTION D. IF YOU ARE AN ALIEN, PLEASE COMPLETE SECTION B, AND, IF NECESSARY, SECTION C.

SECTION B: ALIEN STATUS DECLARATION

IMPORTANT: Please indicate the applicant's alien status below, and submit documents evidencing such status. The alien status documents listed for each category are the most commonly used documents that the United States Immigration and Naturalization Service (INS) provides to aliens in those categories. You can provide other acceptable evidence of your alien status even if not listed below.

1. An alien lawfully admitted for permanent residence under the Immigration and Naturalization Act (INA). (Evidence includes one of the documents on List B (attached hereto) which is legible and unaltered to establish proof.
2. An alien who is granted asylum under section 208 of the INA (Evidence includes INS Form I-94 and a letter from the INS showing this status or an immigration judge's Order Granting Asylum.)

3. A refugee admitted to the United States under section 207 of the INA. (Evidence includes INS Form I-94 showing this status or an unexpired Refugee Travel Document, INS Form I-571.)
4. An alien whose deportation is being withheld under section 243(h) of the INA (Evidence includes INS Form I-94 and an order issued by the Executive Office of Immigration Review.)
5. An alien who is granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980. (Evidence includes INS Form I-94 showing this status.)
6. An alien paroled into the United States for at least one year under section 212(d)(5) of the INA. (Evidence includes INS Form I-94 showing this status.)
7. An alien paroled into the United States for less than one year under section 212(d)(5) of the INA. (Evidence includes INS Form I-94 showing this status.)
8. An alien not in categories 1 through 7 who has been admitted to the United States for a limited period of time (a non-immigrant). Non-immigrants are persons who have temporary status for a specific purpose. (Evidence includes INS Form I-94 showing this status.)

SECTION C: DECLARATION FOR BATTERED ALIENS

IMPORTANT: Complete this section if the applicant or the applicant's child has been battered or subjected to extreme cruelty in the United States.

1. Has the applicant (or the applicant's child) been battered or subjected to extreme cruelty in the United States by a spouse or parent, or by a spouse's or parent's family member living in the same house?

SECTION D:

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE ANSWERS I HAVE GIVEN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Applicant's Signature : _____ Date: _____

Signature of Person
Acting For Applicant : _____ Date: _____

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