

100901 Definitions

The following definitions shall apply to this subchapter:

(a)

"Applicant" means any person applying to the Department and/or its contracting agencies for a public benefit.

(b)

"Battered or subjected to extreme cruelty" means, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution shall be considered as acts of violence. Other abusive actions may also be acts of violence under this rule. Acts or threatened acts that, in and of themselves, may not initially appear violent may be part of an overall pattern of violence.

(c)

"Department" means the California Department of Community Services and Development.

(d)

"INA" means the Immigration and Nationality Act.

(e)

"INS" means the Immigration and Naturalization Service.

(f)

"Noncitizen" means any person not a citizen or national of the United States.

(g)

"Nonprofit charitable organization" for purposes of this subchapter, shall mean an organization which shall include, but not necessarily be limited to, organizations which have received a tax exemption from the Internal Revenue Service pursuant to Internal Revenue Code section 501(c)(3). An organization is "nonprofit" if it is organized and operated for purposes other than making gains or profits for the organization, its members or its shareholders, and is precluded from distributing any gains or profits to its members or shareholders. An organization is "charitable" if it is organized and operated for charitable purposes. The term "charitable" includes organizations dedicated to relief of the poor and distressed or the underprivileged, as well as religiously affiliated organizations and educational organizations.

(h)

"PRWORA" means the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, (P. L. 104-193).

(i)

"Qualified alien" means an alien who, at the time he or she applies for, receives, or attempts to receive a public benefit, is, under 8 U.S.C. § 1641(b) and (c), 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. § 1253(h)) (as in effect immediately before the effective date of Section 307 of division C of Public Law (P.L.) 104-208) or Section 241(b)(3) of such Act (8 U.S.C. § 1251(b)(3)) (as amended by Section 305(a) of division C of P.L. 104-208). (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 (8 U.S.C. § 1153(a)(7)). (7) An alien who is a Cuban and Haitian entrant (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980). (8) An alien under 8 U.S.C. § 1641(c)(1) who: (A) 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, and has the need for the benefits to be provided (B) and has a petition that 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) status as a spouse or child of a lawful permanent resident pursuant to clause (ii) or (iii) of Section 204(a)(1)(B) of the INA (8 U.S.C. § 1154(a)(1)(B)(ii) or (iii)), (iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration and Immigrant Responsibility Act of 1996, (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)(i)) or status as a spouse or child or unmarried son or daughter of a lawful permanent resident pursuant to clause (i) of Section 204(a)(1)(B) of the INA (8 U.S.C. § 1154(a)(1)(B)(i)), or (v) cancellation of removal under the INA (8 U.S.C. § 1229b(b)(2)). (9) An alien under 8 U.S.C. § 1641(c)(2) whose child: (A) 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 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, and the alien did not actively participate in such battery or cruelty, but only if (in the opinion of the Department of Community Services and Development and/or its contractors) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and (B) who meets the requirements of subparagraph (B) of paragraph (8); or (10) An alien child under 8 U.S.C. § 1641(c)(3) who: (A) resides in the same household as a parent who has been battered or subjected to extreme cruelty in the United States by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided, and: (B) who meets the requirement of subparagraph (B) of paragraph (8) (11) and for the period for which benefits are sought, the individual responsible for the battery or cruelty to the individuals identified in Sections (8), (9) and (10) does not reside in the same household or family eligibility unit as the individual subjected to the battery or cruelty. (12) and there is a substantial connection between such battery or cruelty to the individuals identified in Sections (8), (9) and (10) and the need for the benefits to be provided in the opinion of the Department of Community Services and Development and/or its contractors.

(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. § 1253(h)) (as in effect immediately before the effective date of Section 307 of division C of Public Law (P.L.) 104-208) or Section 241(b)(3) of such Act (8 U.S.C. § 1251(b)(3)) (as amended by Section 305(a) of division C of P.L. 104-208).

(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 (8 U.S.C. § 1153(a)(7)).

(7)

An alien who is a Cuban and Haitian entrant (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980).

(8)

An alien under 8 U.S.C. § 1641(c)(1) who: (A) 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, and has the need for the benefits to be provided (B) and has a petition that 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) status as a spouse or child of a lawful permanent resident pursuant to clause (ii) or (iii) of Section 204(a)(1)(B) of the INA (8 U.S.C. § 1154(a)(1)(B)(ii) or (iii)), (iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration and Immigrant Responsibility Act of 1996, (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)(i)) or status as a spouse or child or unmarried son or daughter of a lawful permanent resident pursuant to clause (i) of Section 204(a)(1)(B) of the INA (8 U.S.C. § 1154(a)(1)(B)(i)), or (v) cancellation of removal under the INA (8 U.S.C. § 1229b(b)(2)).

(A)

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, and has the need for the benefits to be provided

(B)

and has a petition that 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) status as a spouse or child of a lawful permanent resident pursuant to clause (ii) or (iii) of Section 204(a)(1)(B) of the INA (8 U.S.C. § 1154(a)(1)(B)(ii) or (iii)), (iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration and Immigrant Responsibility Act of 1996, (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)(i)) or status as a spouse or child or unmarried son or daughter of a lawful permanent resident pursuant to

clause (i) of Section 204(a)(1)(B) of the INA (8 U.S.C. § 1154(a)(1)(B)(i)), or (v) cancellation of removal under the INA (8 U.S.C. § 1229b(b)(2)).

(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)

status as a spouse or child of a lawful permanent resident pursuant to clause (ii) or (iii) of Section 204(a)(1)(B) of the INA (8 U.S.C. § 1154(a)(1)(B)(ii) or (iii)),

(iii)

suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration and Immigrant Responsibility Act of 1996,

(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)(i)) or status as a spouse or child or unmarried son or daughter of a lawful permanent resident pursuant to clause (i) of Section 204(a)(1)(B) of the INA (8 U.S.C. § 1154(a)(1)(B)(i)), or

(v)

cancellation of removal under the INA (8 U.S.C. § 1229b(b)(2)).

(9)

An alien under 8 U.S.C. § 1641(c)(2) whose child: (A) 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 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, and the alien did not actively participate in such battery or cruelty, but only if (in the opinion of the Department of

Community Services and Development and/or its contractors) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and (B) who meets the requirements of subparagraph (B) of paragraph (8); or

(A)

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 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, and the alien did not actively participate in such battery or cruelty, but only if (in the opinion of the Department of Community Services and Development and/or its contractors) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

(B)

who meets the requirements of subparagraph (B) of paragraph (8); or

(10)

An alien child under 8 U.S.C. § 1641(c)(3) who: (A) resides in the same household as a parent who has been battered or subjected to extreme cruelty in the United States by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided, and: (B) who meets the requirement of subparagraph (B) of paragraph (8)

(A)

resides in the same household as a parent who has been battered or subjected to extreme cruelty in the United States by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a

substantial connection between such battery or cruelty and the need for the benefits to be provided, and:

(B)

who meets the requirement of subparagraph (B) of paragraph (8)

(11)

and for the period for which benefits are sought, the individual responsible for the battery or cruelty to the individuals identified in Sections (8), (9) and (10) does not reside in the same household or family eligibility unit as the individual subjected to the battery or cruelty.

(12)

and there is a substantial connection between such battery or cruelty to the individuals identified in Sections (8), (9) and (10) and the need for the benefits to be provided in the opinion of the Department of Community Services and Development and/or its contractors.