



OFFICE OF POLICY, PROCEDURES, AND TRAINING

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POLICY BULLETIN #21-50-ELI

(Use With PB #16-86-ELI)

SPECIAL IMMIGRANT JUVENILES (SIJ) NOW RECOGNIZED AS ELIGIBLE FOR SAFETY NET ASSISTANCE (SNA) UNDER THE PRUCOL CATEGORY; UPDATE TO THE PRUCOL ELIGIBILITY DESK AID (W-205JJ)

Date: August 30, 2021	Subtopic(s): Eligibility
<p>Special Immigrant Juvenile Status background</p> <p>Change in State Policy – Approved SIJs now eligible for PRUCOL</p>	<p>The purpose of this policy bulletin is to inform Job Center staff of the recent changes in the Office of Temporary and Disability Assistance’s (OTDA) policy on recognizing Special Immigrant Juveniles (SIJ) as Permanently Residing Under the Color of Law (PRUCOL) for Safety Net Assistance (SNA) eligibility. This policy bulletin will also provide instructions for proper case processing in the Paperless Office System (POS).</p> <p>Some non-citizens presently living in the United States (U.S.) may be in need of humanitarian protection because they have been abused, abandoned, or neglected by a parent. The term SIJ is an immigration classification that may allow for these vulnerable non-citizens to apply for lawful permanent resident (LPR) status, commonly referred to as a “Green Card.” To be eligible for SIJ classification, the non-citizen must:</p> <ul style="list-style-type: none"> • be under 21 years old; • be unmarried; • be physically present in the U.S.; and • have a qualifying juvenile court order issued by a state court. <p>Effective immediately, those with an approved SIJ status, if otherwise eligible, can receive SNA cash assistance. Staff are to use WMS Alien Citizenship Indicator (ACI) code ‘O - PRUCOL Eligible for MA/FHP/CHPA/SN/FAP.’</p> <p>Note: Individuals who have applied for but have not yet been approved for SIJ status are still not considered PRUCOL for Cash Assistance purposes but would be considered PRUCOL for Medicaid and HASA.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Reminder: Individuals designated as PRUCOL are ineligible for federally funded public benefits including Family Assistance (FA), the Supplemental Nutrition Assistance Program (SNAP) and the Home Energy Assistance Program (HEAP).

The following is a list of documents those with approved SIJ status may present to staff:

- Form I-797 (Notice of Action) indicating approval of Special Immigrant Juvenile Status; or
- Any other authoritative USCIS document indicating that Special Immigrant Juvenile Status was granted.

Individual's with an alternate immigration status

It is common for SIJs to seek another immigration status or receive an alternate status, and as a result, potentially be eligible for additional federally funded benefits. For example, SIJs may apply for LPR status, and if approved, present an I-551 Permanent Resident Card with a category code of SL6 (ACI codes "K" or "S").

In addition, it is possible that SIJs may be considered paroled into the U.S. in the public interest or temporarily for emergency reasons, and therefore be eligible to apply for USCIS employment authorization as parolees. If approved for employment authorization as a parolee, these non-citizens may present an I-766 Employment Authorization Document (EAD) with a category code of C11 (ACI codes "G," "T," or, possibly "H" if also receiving benefits or services as a Cuban/Haitian Entrant). In both of these instances, staff must refer to the **LDSS-4579**: "Non-Citizen Eligibility Desk Aid" for guidance on determining eligibility.

Refer to [LDSS-4579](#) to help determine if the SIJ has an alternate immigration status

When assessing an applicant's/participant's case, if they are able to verify SIJ status as well as another immigration status that may provide a higher level of eligibility for benefits, the status with the higher eligibility should be used along with the corresponding ACI indicator. Because SIJs will be considered PRUCOL, if an applicant/participant falls under a different eligibility category with greater benefits, the different eligibility category should be used.

Refer to [PD #18-09-SYS](#) for additional information on SAVE

As a reminder, when determining an SIJ's eligibility, staff must use the Systematic Alien Verification for Entitlements (SAVE) system to verify the non-citizen's immigration documentation. Benefits must not be delayed, denied, reduced, or terminated, pending verification of a non-citizen's documentation through the SAVE system. If all other factors of eligibility have been established and the non-citizen is otherwise eligible, CA must be granted while awaiting a response from the SAVE system.

Refer to [PB #17-49-ELI](#) For information on requesting a clearance from ORIA

When staff are working on a case with an SIJ, they must request a clearance from the Office of Refugee and Immigrant Affairs (ORIA) using the ORIA Clearance Request Form (**ORIA-195**). The response from ORIA, either on the ORIA Response Form (**ORIA-195a**) or an email response, must be scanned and indexed into the case record.

POS Instructions

In order to be able to process these changes in the Paperless Office System (POS), the JOS/Worker must do the following:

- select "Yes" for PRUCOL (PA) alien type in the POS Alien Checklist, and
- select radio button "**Documentation is submitted and the status of the alien does not fit any of the other categories listed above but was approved by Office of Refugee Affairs or the Office of Procedures**" in the "PRUCOL (PA) Documentation Window.

PRUCOL Eligibility Desk Aid **W-205JJ**

To reflect this change in State policy, the Permanently Residing Under the Color of Law (PRUCOL) Eligibility Desk Aid (**W-205JJ**) was revised.

Effective Immediately

Reference:

GIS 21 TA/DC059

Related items:

[PB #16-86-ELI](#)

[PB #17-49-ELI](#)

[PD #18-09-SYS](#)

Attachments:

[W-205JJ](#)

PRUCOL Eligibility Desk Aid (Rev. 08/30/21)

[ORIA-195](#)

ORIA Clearance Request Form (Rev. 10/06/2020)

[ORIA-195a](#)

ORIA Clearance Response Form (Rev.
10/06/2020)

[LDSS-4579](#)

Non-Citizen Eligibility Desk Aid (11/2019)

Permanently Residing Under Color Of Law (PRUCOL) Eligibility Desk Aid
Individuals with PRUCOL status are not eligible for SNAP Benefits or Family Assistance

Description of Status	WMS/ ACI Code	Common Documentation	Safety Net Assistance	Medicaid
<p>Subject to an Order of Supervision.</p> <p>Note: If applicant/participant is Cuban or Haitian, a clearance request must be sent to ORIA.</p>	O	<p><u>Form I-220B</u> (Order of Supervision); or <u>Form I-766</u> (Employment Authorization Document) coded C18; or Any other authoritative document indicating an Order of Supervision.</p>	Yes	Yes
<p>Granted Cancellation of Removal.</p>	O	<p>Order from the Executive Office of Immigration Review (EOIR) granting cancellation of removal; or Any other authoritative document from the USCIS indicating cancellation of removal granted.</p>	Yes	Yes
<p>Granted Deferred Action for Childhood Arrivals (DACA).</p>	O	<p><u>I-797</u> (Notice of Action) indicating approved Deferred Action for Childhood Arrivals application; or <u>Form I-766</u> (Employment Authorization Document) coded C33; or Any other documentation from EOIR or USCIS indicating that a DACA application has been approved.</p>	Yes	Yes
<p>Granted Deferred Action status.</p>	O	<p><u>Form I-766</u> (Employment Authorization Document) coded C14; or Any letter from USCIS granting deferred status to a "U" visa applicant; or Any other authoritative document from the USCIS indicating deferred action.</p>	Yes	Yes
<p>Granted a "U" visa.</p>	O	<p><u>Form I-797</u> (Notice of Action) indicating that a petition for U nonimmigrant status was approved; or <u>Form I-94</u> (Arrival/Departure Record) stamped "U1", or "U2", or "U3", or "U4", or "U5"; or <u>Form I-766</u> (Employment Authorization Document) coded A19 or A20 (for qualified dependent family members); or Any other USCIS authoritative document that verifies "U" Nonimmigrant status.</p>	Yes	Yes
<p>Granted an "S" visa.</p>	O	<p><u>Form I-94</u> (Arrival/Departure Record) stamped "S5", or "S6", or "S7"; or <u>Form I-766</u> (Employment Authorization Document) coded C21; or Any other USCIS authoritative document that verifies "S" Visa status.</p>	Yes	Yes

Permanently Residing Under Color Of Law (PRUCOL) Eligibility Desk Aid
Individuals with PRUCOL status are not eligible for SNAP Benefits or Family Assistance

Description of Status	WMS/ ACI Code	Common Documentation	Safety Net Assistance	Medicaid
<p>Granted a “K3”, or “K4” or “V” visa.</p>	O	<p>Unexpired “K3”, or “K4”, or “V” visa in passport; Note: If an expired “K” or “V” visa is submitted, then proof that an I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS must be submitted; or Form I-94 (Arrival/Departure Record) stamped “K3”, or “K4”, or “V1”, or “V2”, or “V3”; or Form I-766 (Employment Authorization Document) coded A9, or A09, or A14, or A15; and Any authoritative USCIS document indicating an I-130 petition is pending or approved.</p>	Yes	Yes
<p>Continuous entry and residence in the U.S. prior to January 1, 1972.</p>	O	<p>Form I-797 (Notice of Action) indicating Adjustment of Status to Permanent Resident pursuant to INA § 249; or Form I-766 (Employment Authorization Document) coded C16; or Any letter/notice from the USCIS or EOIR indicating Registry Application is pending; or Any documentary proof establishing entry and continuous residence.</p>	Yes	Yes
<p>Permanent nonimmigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and Marshall Islands).</p>	O	<p>Form I-94 (Arrival/Departure Record) stamped CFA/MIS “DS” (Duration of Status), D/S; or Form I-766 (Employment Authorization Document) coded A8.</p>	Yes	Yes
<p>Granted Temporary Protected Status (TPS).</p>	O	<p>Form I-797 (Notice of Action) indicating TPS status granted; or Form I-766 (Employment Authorization Document) coded A12.</p>	Yes	Yes
<p>Applicants for Asylum with work authorization.</p> <p>Note: If applicant/participant is Cuban or Haitian, a clearance request must be sent to ORIA.</p>	O	<p>Form I-766 (Employment Authorization Document) with Category Code C8 or C08; or Form I-797 (Notice of Action) indicating an I-765 application received or pending for a Category Code C8 or C08; or Form I-797 (Notice of Action) indicating an I-589 application for asylum received or pending, filed 180 days prior to the date the applicant is presenting to the center; or Any other authoritative the USCIS document indicating an asylum application is pending and that they are authorized to work in the US.</p>	Yes	Yes
<p>Granted Special Immigrant Juvenile Status.</p>	O	<p>Form I-797 (Notice of Action) indicating approval of an I-360 petition for Special Immigrant Juvenile Status; or Any other authoritative USCIS document indicating that Special Immigrant Juvenile Status was granted.</p>	Yes	Yes

Permanently Residing Under Color Of Law (PRUCOL) Eligibility Desk Aid

Individuals with PRUCOL status are not eligible for SNAP Benefits or Family Assistance

Description of Status	WMS/ ACI Code	Common Documentation	Safety Net Assistance	Medicaid
Living in the U.S. with knowledge and permission or acquiescence of the USCIS and whose departure the Agency does not contemplate enforcing for an indefinite period of time.	TBD	If documentation is submitted and the status of the non-citizen does not fit in any of the other categories listed in this guide, the Worker must contact the Office of Refugee and Immigrant Affairs (ORIA), at (212) 331-4550 or oria@hra.nyc.gov , who will determine if the non-citizen meets PRUCOL status.	TBD	TBD
Applicants for Asylum <u>without</u> work authorization.	E*	Form I-797 (Notice of Action) indicating Asylum application received or pending; or Any other authoritative USCIS document indicating an Asylum application.	No	Yes
Applicants for Temporary Protected Status (TPS).	E*	Form I-797 (Notice of Action) indicating a pending application for Temporary Protected Status; or Form I-766 (Employment Authorization Document) coded C19 .	No	Yes
Applicants for Deferred Action for Childhood Arrivals (DACA).	E*	Form I-797 (Notice of Action) indicating a pending application for Deferred Action for Childhood Arrivals (DACA); or Any other authoritative USCIS document indicating an application for Deferred Action for Childhood Arrivals (DACA).	No	Yes
Applicants for Special Immigrant Juvenile Status.	E*	Form I-797 (Notice of Action) indicating a pending application for Special Immigrant Juvenile Status; or Any other authoritative USCIS document indicating an application for Special Immigrant Juvenile Status.	No	Yes
Applicants for Adjustment of Status. Note: Ask applicants/participants on what basis they are seeking adjustment of status. Check the prior status on both the Alien Desk Aid and this Desk Aid.	E*	Form I-766 (Employment Authorization Document) coded C9 , or C09 , or C09P ; or Form I-797 (Notice of Action) indicating an application for Adjustment of Status.	No	Yes
Applicants for Cancellation of Removal.	E*	Form I-766 (Employment Authorization Document) coded C10 ; or Any other authoritative USCIS document indicating an application for Cancellation of Removal.	No	Yes

* If ACI code is "E" a Medicaid separate determination must be done.

Permanently Residing Under Color Of Law (PRUCOL) Eligibility Desk Aid Individuals with PRUCOL status are not eligible for SNAP Benefits or Family Assistance

Quick Tips:

This is a guide. Staff may see documents that are not on this guide. If you have a document that is not on this guide, check the Alien Eligibility Desk Aid and the POS Alien Checklist Module. If you still cannot find the document, call ORIA for a clearance.

All staff:

- Ask applicants/participants to provide all documentation they have and consider all of the documents you receive.
- Scan and index all immigration documents. Scan all sides and all pages of passports including blank pages, front and back of cards, legibly and in color in the HRA OneViewer (**PB 07-82-OPE**).
- Consult the Alien Eligibility Desk Aid (**LDSS-4579**) first. If you do not find the documentation the client presented, then look to the PRUCOL Desk Aid. If you do not find the documentation on both desk aids, contact ORIA at **oria@hra.nyc.gov** or **(212) 331-4550**.
- Request a SAVE search for any noncitizen members of the household who do not present themselves as undocumented. For any documentation that shows a pending application, check with USCIS.GOV for current case updates (**PD-17-11-ELI**).
- Individuals may still be eligible for public benefits if they do not have a Social Security number (**PB-16-20-OPE** and **PD-16-20-ELI**).
- If you are unsure about an individual's eligibility for benefits, contact ORIA. For a clearance, email the **ORIA-195** (ORIA Clearance Request) to **oria@hra.nyc.gov** after you have scanned and indexed all immigration documents and filled out and scanned the SAVE referral form (**W-515X**).
- **If applicant/participant is Cuban/Haitian, a clearance request must be sent to ORIA along with all the documents that have been scanned and indexed.**

OFFICE OF REFUGEE AND IMMIGRANT AFFAIRS (ORIA) CLEARANCE REQUEST FORM

ORIA@dss.nyc.gov, ORIA (212) 331-4550

1. This form should be used for noncitizen/alien clearances.
2. All documents (all pages, front & back) should be scanned and indexed.
3. Documents not listed, should be included under *OTHER* and *additional notes* if relevant.

Date:

Staff Information	Name of Staff (Last, First): _____	Center #:	Contact Tel #:
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Client Information	Name of client including alias:	WMS case#:	Date of Birth:
	First: _____	_____	_____
	Last: _____	USCIS #:	Social Security number:
	Alias if any: _____	_____	_____
	Male <input type="checkbox"/> Female <input type="checkbox"/>		

Document information	Immigration document/Form title & number	Category Code	Required Additional information
Yes <input type="checkbox"/> No <input type="checkbox"/>	Permanent Resident Card (Green Card) form I-551:	e.g.: FX2, IR6, R8-6, CU-7, C09, CR6	Expiration date (if any)
	Employment Authorization Card form I-766 or I-688B:	e.g.: A09, (a)(9), C08, (c)(8),	Category code[e.g. A05, (a)(5)] OR Provision of law (e.g. ["8 C.F.R. § 274a.12(a)(5)"])
Yes <input type="checkbox"/> No <input type="checkbox"/>	USCIS Notice of Action or Notice of receipt form I-797:	Receipt number: Starts with: MSC, ESC, LIN + 10 digits	_____
Requested: Yes <input type="checkbox"/> No <input type="checkbox"/> Scanned and Indexed: Yes <input type="checkbox"/> No <input type="checkbox"/> ----- SSA 40 Quarters match Yes <input type="checkbox"/> No <input type="checkbox"/>	SAVE Clearance (515WX)	Class of admission (COA) as well as any description of the client's immigration status indicated in SAVE:	
		COA (e.g. IR6, IR0, CR6) _____	
		Date of Entry: _____	
		Date of status: _____	

Additional comments:

OFFICE OF REFUGEE AND IMMIGRANT AFFAIRS (ORIA) CLEARANCE RESPONSE FORM

ORIA@dss.nyc.gov or 212-331-4550

Date: _____

Client: Last, First	ACI Code:	WMS#: Social Security#: Date of entry: Date of status:
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<p>Benefits client is eligible for:</p> <p> <input type="checkbox"/> SNAP <input type="checkbox"/> Cash <input type="checkbox"/> On-going Medicaid <input type="checkbox"/> Emergency Medicaid </p> <p>Notes:</p> <p style="text-align: center; font-size: 4em; color: blue; opacity: 0.5;">SAMPLE</p>
<p>Next steps</p> <ul style="list-style-type: none"> Scan and index clearance response form into HRA Viewer SAVE Request to SAVE Liaison (Form W-515X) Conduct SSA 40 Quarters match check Recall Client to provide immigration documents - scan and index all sides and pages of documents Supervisor submit Form W-200B to FIA Call Center to change ACI code Supervisor submit Inter-agency DOS and DEC transmittal Form (MAP-648M) TO SDOH Request SAVE Result from SAVE Liaison Refer Client to ActionNYC hotline 800-354-0365 Other _____

Center Staff: Last, First	Center #:	Contact Tel #:
ORIA Staff:		

IMPORTANT! This desk aid does not include every form of acceptable documentation to support a non-citizen status that would be satisfactory for benefit eligibility. If an individual presents a document not listed below, follow your social services district policy/procedure for further guidance.

Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes ¹	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Lawful Permanent Resident (LPR) <u>without</u> 40 Qualifying Quarters	K	<p>I-551 Permanent Resident Card: workers must check category code;²</p> <p>or</p> <p>Temporary I-551 stamp in foreign passport or on I-94 Arrival/Departure Record:</p> <p>or</p> <p>Immigrant visa with the notation "upon endorsement serves as temporary I-551 permanent resident for one year;"</p> <p>or</p> <p>I-797 Notice of Action indicating approval of an I-485 Application to Register Permanent Residence or Adjust Status;</p> <p>or</p> <p>I-327 Permit to Reenter the United States;</p> <p>or</p> <p>I-181 Memorandum of Creation of Record of Lawful Permanent Residence with approval stamp;</p> <p>or</p> <p>Any other authoritative document that identifies the non-citizen³ as an LPR</p>	DOS is the date status was obtained	Yes	<p>Yes if:</p> <p>Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status;</p> <p>or</p> <p>Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status</p>	<p>Yes if:</p> <p>In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)];</p> <p>or</p> <p>In a qualified status and under age 18;</p> <p>or</p> <p>After five years in U.S. in a qualified status;</p> <p>or</p> <p>Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date</p>
LPR <u>with</u> 40 Qualifying Quarters	S	<p>Same LPR documentation as above</p> <p>and</p> <p>Proof of 40 qualifying quarters⁴</p> <p>Note: No quarters earned after 12/31/96 may be counted in which a non-citizen has received a federal means-tested public benefit, including but not limited to FA, SSI and SNAP.</p>	DOS is the date status was obtained			Yes

¹The Date of Status (DOS) field in the Welfare Management System (WMS) identifies the date a non-citizen obtained qualified status, which is indicated by the appropriate Alien Citizenship Indicator (ACI) code, and is used to calculate when a qualified non-citizen reaches five years in a qualified status and then becomes eligible for federally funded assistance, if otherwise eligible. Non-citizens that are considered Permanently Residing Under Color of Law (PRUCOL) are not qualified non-citizens, therefore, their time in a status that is considered PRUCOL does not count towards the five years. For non-citizens that are PRUCOL, the DOS field is left blank. If a non-citizen who is PRUCOL later adjusts to a qualified status, the date that the qualified status is obtained is the date that is entered in the DOS field.

The Date Entered Country (DEC) field in WMS indicates when the non-citizen physically entered the United States (U.S.). This is necessary so as not to deny federal benefits to certain qualified non-citizens who entered the U.S. prior to August 22, 1996 but have been in a qualified status for less than five years.

²Workers must check the "Category" code on the documentation provided to make the correct eligibility determination for federal benefits (FA, SNAP). This code is used to describe the category that was used to admit a non-citizen to the U.S. as a permanent resident. It is located on the front side of the I-551 Permanent Resident Card next to the cardholder's A-number. This field is also known as a class of admission (COA), as seen on the Systematic Alien Verification for Entitlements (SAVE) report. As illustrated on this desk aid, certain non-citizens who have an I-551 Permanent Resident Card, often referred to as a "green card," may not be subject to the "five-year bar" on federal benefits depending on the category code on the I-551.

Additionally, it is essential that the category codes included in the qualified battered non-citizen section on page 3 of the desk aid are identified. This is because, for qualified battered non-citizens, the DOS is often prior to the "Resident Since" date on the I-551 Permanent Resident Card.

³As used in this desk aid, the term "non-citizen" means a person who is not a citizen or national of the U.S. The term "qualified non-citizen" means a person who is a "qualified alien" as that term is defined in 8 U.S.C. §1641.

Note: Individuals born in certain territories of the U.S. are U.S. citizens at birth. These include: Puerto Rico, U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and the Panama Canal Zone (if born between 2/26/1904 and 10/1/1979). In addition, individuals who are born outside of the U.S. may be U.S. citizens at birth if one or both parents were U.S. citizens at their time of birth. Districts must verify citizenship status for these individuals. Individuals who are not U.S. citizens at birth may become U.S. citizens through naturalization. Naturalization is the conferring of U.S. citizenship after birth by any means whatsoever. Individuals born in American Samoa or Swains Island are nationals of the U.S. and for purposes of benefit eligibility should be treated as citizens, ACI code "C."

⁴40 qualifying quarters as defined under Title II of the Social Security Act, or can be credited with such qualifying quarters. An LPR may earn qualifying quarters by working, or may be credited with qualifying quarters from a parent, stepparent, or adoptive parent for any quarter earned prior to the LPR turning 18. An LPR may also be credited with quarters earned by a spouse during his/her marriage. A widow or widower retains credit for all qualifying quarters earned by a deceased spouse during the marriage. When a marriage ends in divorce, however, any quarters earned by the spouse during the marriage are forfeited.

IMPORTANT! This desk aid does not include every form of acceptable documentation to support a non-citizen status that would be satisfactory for benefit eligibility. If an individual presents a document not listed below, follow your social services district policy/procedure for further guidance.

Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
<ul style="list-style-type: none"> Refugee Conditional Entrant (A status granted to Refugees prior to 1980) Iraqi or Afghan Special Immigrant Visa Holder Amerasian Immigrant Certain Hmong or Highland Laotian <p>*Also explore eligibility for Refugee Cash Assistance (RCA). See 16-ADM-02</p>	R	<p><u>I-551 Permanent Resident Card, or I-94 Arrival/Departure Record or Passport</u> stamped/coded: AM1, AM2, AM3, AM6, AM7, AM8, AR1, AR6, R8-6, RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9, SI-1, SI-2, SI-3, SI-6, SI-7, SI-8, SI-9, SQ1, SQ2, SQ3, SQ6, SQ7, SQ8 or SQ9;</p> <p>or</p> <p><u>I-766 Employment Authorization Card</u> coded: A3 or A03;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record or Passport</u> stamped: "admitted under Section 207 or 203(a)(7) (as in effect prior to 4/1/80) of the Immigration and Nationality Act (INA)," or "Refugee," or Iraq or Afghanistan national stamped: "admitted under Section 101(a)(27) of the INA;"</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating approval of an I-730 "Refugee;"</p> <p>or</p> <p><u>I-571 Refugee Travel Document</u></p>	<p>DOS is the date the non-citizen entered the U.S.</p>	Yes	Yes	Yes
<p>Asylum Granted⁵</p> <p>*Also explore eligibility for RCA. See 16-ADM-02</p>	A	<p><u>I-551 Permanent Resident Card</u> coded: AS1, AS2, AS3, AS6, AS7, or AS8;</p> <p>or</p> <p><u>I-766 Employment Authorization Card</u> coded: A5 or A05;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: "Granted asylum under Section 208 of the INA;"</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating approval of an I-730 "Asylee;"</p> <p>or</p> <p>Grant letter from the United States Citizenship and Immigration Services (USCIS) Asylum Office;</p> <p>or</p> <p>Order of an immigration judge granting asylum</p>	<p>DOS is the date status was obtained</p>	Yes	Yes	Yes

⁵If the non-citizen has not been granted asylum, but is an asylum applicant with employment authorization, refer to page 8 to determine SNA eligibility.

IMPORTANT! This desk aid does not include every form of acceptable documentation to support a non-citizen status that would be satisfactory for benefit eligibility. If an individual presents a document not listed below, follow your social services district policy/procedure for further guidance.

Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
<p><u>Qualified Battered Non-Citizen</u>⁶</p> <p>A U.S. citizen's or LPR's battered spouse, or child, or parent or child of such battered person, who:</p> <p>Obtains "Notice of Prima Facie" Case from the USCIS under the Violence Against Women Act (VAWA);</p> <p>or</p> <p>Has an I-360 self-petition under VAWA that is approved;</p> <p>or</p> <p>Has a pending I-360 self-petition and is determined to be a credible victim of domestic violence by the district's Domestic Violence Liaison (DVL);</p> <p>or</p> <p>Is determined to be a credible victim of domestic violence by the district's DVL with a pending or approved I-130 petition;</p> <p>or</p> <p>Has an application for VAWA cancellation of removal or suspension of deportation that has been granted or is pending and the immigration court finds that the applicant has a prima facie case for this relief</p>	<p>B</p>	<p><u>I-551 Permanent Resident Card</u> coded: B11, B12, B16, B17, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29, B31, B32, B33, B36, B37, B38, BX1, BX2, BX3, BX6, BX7, BX8, IB1, IB2, IB3, IB6, IB7, IB8 or Z14;</p> <p>or</p> <p><u>I-766 Employment Authorization Card</u> coded: A09, A15 or C31;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> coded: K3, K4, V1, V2 or CR -1-7 and a pending or approved I-130;</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating prima facie eligibility of an I-360 self-petition under Section 204(a)(1)(A)(iii) or (iv), or Section 204(a)(1)(B)(ii) or (iii) of the INA;</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating approval or pending I-360 self-petition under Section 204(a)(1)(A)(ii) or (iii) or (iv), or Section 204(a)(1)(B)(ii) or (iii) of the INA;</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating approval or pending I-130 visa petition under Section 204(a)(1)(A)(i) of the INA (spouse or child of a U.S. citizen), or Section 204(a)(1)(B)(i) (spouse or child of a lawful permanent resident);</p> <p>or</p> <p>Any other document from the USCIS indicating the non-citizen has a K or V visa and a pending or approved I-130;</p> <p>or</p> <p>Order from the Executive Office of Immigration Review (EOIR) under Section 240A(b)(2) of the INA or if the application is pending documentation that the court finds that the applicant has a prima facie case for this relief</p>	<p>DOS is the date status was obtained⁷</p>	<p>Yes</p>	<p>Yes if:</p> <p>Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status;</p> <p>or</p> <p>Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status</p>	<p>Yes if:</p> <p>In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)];</p> <p>or</p> <p>In a qualified status and under age 18;</p> <p>or</p> <p>In a qualified status and have 40 qualifying quarters;</p> <p>or</p> <p>After five years in U.S. in a qualified status;</p> <p>or</p> <p>Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date</p>

⁶For non-citizens to be treated as qualified battered non-citizens, they must meet four requirements:

1. Be a credible victim of battery or extreme cruelty; and
2. Have appropriate immigration documentation; and
3. Be able to show a substantial connection between the need for benefits and the battery or extreme cruelty; and
4. No longer reside in the same household as the abuser.

Districts should refer to 06-INF-14 for additional information about qualified battered non-citizens and eligibility.

⁷In general, the DOS for TA and SNAP is when all four of the criteria in footnote 6 are met. **Exception for SNAP:** Per current United States Department of Agriculture (USDA) guidance, for non-citizens with an approved I-360; or a prima facie determination on a pending I-360; the DOS for SNAP is the date the I-360 petition was approved, or the date the prima facie determination was made by USCIS, whichever is earlier.

WMS only records one DOS. If the DOS for TA and SNAP are different, enter the earlier of the two dates in WMS so that the non-citizen can receive the federal benefits they are eligible for; the later date must be noted, and tracked manually in the case record so that the federal benefits for that benefit program are also issued appropriately. See GIS 19 TA/DC038 "SNAP and TA Date of Status (DOS) Determination for Qualified Battered Non-Citizens," for further information.

Note: Non-citizens who file for VAWA related immigration relief often later adjust their immigration status to become LPRs. The "residence since" date on the I-551 Permanent Resident Card indicates the date LPR status was obtained, not the date the non-citizen was determined to be a qualified battered non-citizen. For both TA and SNAP, use the earliest appropriate date as the DOS for benefit eligibility. If a non-citizen presents an I-551 with one of the codes noted above, review the case record, and/or ask the non-citizen if they have additional documentation, to determine if an earlier DOS would be appropriate.

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
<p>Victim of Human Trafficking</p> <p>*Also explore eligibility for RCA. See 16-ADM-02</p>	D	<p><u>I-551 Permanent Resident Card</u> coded: ST0, ST6, ST7, ST8 or ST9; or <u>I-766 Employment Authorization Card</u> coded: A16 or C25; or <u>I-94 Arrival/Departure Record</u> coded: T1, T2, T3, T4, T5 or T6 stating admission under Section 212(d)(5) of the INA if status granted for at least one year; or <u>I-797 Notice of Action</u> indicating approval of an I-914 or I-914A coded: T1, T2, T3, T4, T5 or T6; or Certification Document (for adults) or Eligibility Letter (for children) from the Administration for Children and Families (ACF), Office on Trafficking in Persons (OTIP); Must call 1-866-401-5510 for verification</p>	<p>DOS is the date of certification or eligibility by OTIP</p> <p>See 03-ADM-01</p>	Yes	Yes	Yes
<p>Deportation or Removal Withheld</p>	J	<p><u>I-766 Employment Authorization Card</u> coded: A10; or Order from an Immigration Judge showing the date deportation was withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of the INA</p>	<p>DOS is the date status was obtained</p>	Yes	Yes	Yes
<p>Parolee (for at least one year) (A parolee is a non-citizen who has been allowed to enter the U.S. for humanitarian or public interest reasons)</p>	G	<p><u>I-766 Employment Authorization Card</u> coded: A04 or C11 and <u>I-94 Arrival/Departure Record</u> indicating admitted for at least one year; or <u>I-94 Arrival/Departure Record</u> stamped: "Paroled pursuant to Section 212(f)(5)," or "parole," or "PIP" with date of entry and date of expiration indicating one year</p> <p>Note: See Cuban/Haitian Entrant section on page 5 if non-citizen is a Cuban or Haitian national.</p>	<p>DOS is the date status was obtained</p>	Yes	<p>Yes if: Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status; or Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status</p>	<p>Yes if: In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)]; or In a qualified status and under age 18; or In a qualified status and have 40 qualifying quarters; or After five years in U.S. in a qualified status; or Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date</p>
<p>Parolee (for less than one year)</p>	T	<p><u>I-766 Employment Authorization Card</u> coded: A04 or C11; or <u>I-94 Arrival/Departure Record</u> stamped: "Paroled pursuant to section 212(d)(5)," or "parole," or "PIP"</p> <p>Note: See Cuban/Haitian Entrant section on page 5 if non-citizen is a Cuban or Haitian national.</p>	<p>DOS is left blank</p>	Yes	No	No

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
<p>Cuban/Haitian Entrant</p> <p>*Also explore eligibility for RCA. See 16-ADM-02</p>	<p>H</p>	<p><u>I-551 Permanent Resident Card</u> or <u>Temporary I-551 stamp in foreign passport</u> coded: CU6, CU7, CH6, HA6 or HB6;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: "Cuban/Haitian Entrant (status pending)" or coded CU6, CU7, HF, HP0, HP1 or HPD;</p> <p>or</p> <p>Any other document from the USCIS indicating parole under the Haitian Family Reunification Parole Program (HFRP) coded "HF;"</p> <p>or</p> <p>Reasonable evidence of being a Cuban or Haitian national (citizen) and one of the following:</p> <p><u>I-766 Employment Authorization Card</u> coded: C8, C08, or C11;</p> <p>or</p> <p><u>I-766 Employment Authorization Card</u> coded: C13 (Order of Supervision) with additional documentation to support previous or current parole status into the U.S.;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: "Form I-589 filed;"</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: "paroled under Section 212(d)(5) of the INA" or "Section 212(d)(5) of the INA" or stamp showing parole in U.S. on or after 10/10/80⁸</p> <p>or</p> <p><u>I-797C Notice of Action</u> confirming USCIS's receipt of the non-citizen's Form I-589 (Application for Asylum and Withholding of Removal);</p> <p>or</p> <p>Documentation issued by the Department of Homeland Security (DHS) or the Department of Justice's EOIR showing that the non-citizen is in removal proceedings (this includes Notice to Appear (DHS Form I-862) or Order of Supervision (DHS I-220B) if there is also evidence of parole into the U.S.)</p>	<p>DOS is the date status was obtained</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>
<p>Active Military: a qualified non-citizen who is on active duty, other than active duty for training, in the United States Armed Forces, or their spouse, surviving spouse, or unremarried surviving spouse, or unmarried dependent child if such spouse or dependent child is also a qualified non-citizen</p>	<p>M</p>	<p>Proof of qualified non-citizen status</p> <p>and</p> <p><u>Military Identification Card</u> (Active) that lists an expiration date of more than one year from the date of determination. If ID card is due to expire within one year from the date of determination, use a copy of current military orders.</p>	<p>DOS is the date status was obtained</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>

⁸Exception: This guideline does not apply when the non-citizen was paroled solely to testify as a witness in a judicial, administrative or legislative proceeding or when the parolee is in legal custody pending criminal prosecution.

NON-CITIZEN ELIGIBILITY DESK AID

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Veteran: a veteran who is a qualified non-citizen and who has received a discharge from the United States Armed Forces characterized as honorable and not on account of alienage and who fulfilled the minimum active duty requirement (two years); or their spouse, unremarried surviving spouse, or unmarried dependent child if such spouse or dependent child is also a qualified non-citizen	V	Proof of qualified non-citizen status and DD Form 214 Discharge Certificate that states "Honorable." A character of discharge "Under Honorable Conditions" is not an "Honorable Discharge" for these purposes. Narrative Reason for Separation block must not state that discharge was for reason of "alienage" or lack of U.S. citizenship.	DOS is the date status was obtained	Yes	Yes	Yes
North American Indian born in Canada	C	I-551 Permanent Resident Card coded: S13 or temporary I-551 stamp in a Canadian passport; or I-94 Arrival/Departure Record stamped: S13; or Tribal document certifying at least 50% American Indian blood, as required by Section 289 of the INA and School records, or, a birth or baptismal certificate issued on a reservation, or, other satisfactory evidence of birth in Canada	N/A	Yes	Yes	Yes
Member of federally recognized tribe born outside U.S.	C	Membership card or other tribal document demonstrating membership in a federally recognized Indian tribe under Section 4(e) of the Indian Self-Determination and Education Assistance Act	N/A	Yes	Yes	Yes
Permanent nonimmigrant, pursuant to P.L. 99-239, as amended (applicable to citizens of the Federated States of Micronesia and Marshall Islands) or P.L. 99-658 (applicable to citizens of Palau)	O	I-766 Employment Authorization Card coded: A08; or I-94 Arrival/Departure Record stamped: CFA/MIS "DS" (Duration of Status), D/S; or, CFA/PAL "DS" (Duration of Status), D/S	DOS is left blank	Yes	No	No
Continuous entry and residence in the U.S. prior to January 1, 1972	O	I-766 Employment Authorization Card coded: C16; or Any other document from the EOIR or USCIS indicating Registry Application is pending; or Any documentary proof establishing entry and continuous residence	DOS is left blank	Yes	No	No

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Subject to an Order of Supervision	O	<p><u>I-766 Employment Authorization Card</u> coded: C18; or <u>I-220B Order of Supervision</u>; or Any other authoritative document indicating an Order of Supervision</p> <p>Note: Cuban or Haitian nationals under an Order of Supervision are deemed to retain their Cuban-Haitian Entrant status for benefit eligibility purposes if they can document they are a national of Cuba or Haiti with a previous or current parole status into the U.S.⁹</p>	DOS is left blank	Yes	No	No
Cancellation of Removal	O	<p>Order from the EOIR granting cancellation of removal; or Any other document from the EOIR indicating cancellation of removal granted</p>	DOS is left blank	Yes	No	No
Deferred Action Status	O	<p><u>I-766 Employment Authorization Card</u> coded: C14 or C33; or <u>I-797 Notice of Action</u> indicating approved "Deferred Action for Childhood Arrivals" (DACA) application; or Any document from the USCIS granting deferred action to a "U" visa applicant; or Any other document from the EOIR or USCIS indicating deferred action including any documentation that a DACA application has been approved</p>	DOS is left blank	Yes	No	No
"U" Visa	O	<p><u>I-766 Employment Authorization Card</u> coded: A19 or A20; or <u>I-94 Arrival/Departure Record</u> stamped: U1, U2, U3, U4, or U5; or <u>I-797 Notice of Action</u> indicating that a petition for "U" nonimmigrant status was approved; or Any other document from the USCIS indicating "U" nonimmigrant status</p>	DOS is left blank	Yes	No	No
"S" Visa	O	<p><u>I-766 Employment Authorization Card</u> coded: C21; or <u>I-94 Arrival/Departure Record</u> stamped: S5, S6, or S7; or Any other document from the USCIS indicating "S" visa status</p>	DOS is left blank	Yes	No	No
"K3" or "K4" or "V" Visa Granted Under the Legal Immigration Family Equity Act (LIFE Act)	O	<p><u>I-766 Employment Authorization Card</u> coded: A9, A09, A14, or A15; or <u>I-94 Arrival/Departure Record</u> stamped: K3, K4, V1, V2, or V3; or Unexpired "K3," "K4," or "V" visa in passport</p> <p>Note: If an expired "K" or "V" visa is submitted, then proof that an I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS, and, proof that a Form I-130, I-485, or an immigrant visa application is still pending, must also be submitted.</p>	DOS is left blank	Yes	No	No

⁹Refer to GIS 16 TA/DC048 "Eligibility to Participate in SNAP by Certain Cuban Nationals Under an Order of Supervision," for additional information regarding SNAP eligibility for these non-citizens.

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Temporary Protected Status (TPS)	O	<u>I-766 Employment Authorization Card</u> coded: A12; or <u>I-797 Notice of Action</u> indicating TPS granted	DOS is left blank	Yes	No	No
Asylum Applicant with Employment Authorization	O	<u>I-766 Employment Authorization Card</u> coded: C8 or C08; or <u>I-797 Notice of Action</u> indicating Asylum application received or pending, and that the non-citizen is authorized to work in the U.S.; or Any other document from the USCIS indicating an asylum application is pending and that the non-citizen is authorized to work in the U.S. Note: Cuban or Haitian nationals who have an application for asylum pending with the USCIS and are not subject to a final, non-appealable, and legally enforceable removal order have Cuban-Haitian Entrant status for benefit eligibility purposes. See Cuban/Haitian Entrant section on page 5.	DOS is left blank	Yes	No	No
Deferred Enforced Departure	O	<u>I-766 Employment Authorization Card</u> coded: A17	DOS is left blank	Yes	No	No
Non-citizen, not otherwise included on this desk aid, who the USCIS has officially determined is legitimately present in the U.S. and who the USCIS is allowing to reside in the country for an indefinite period of time	O	Districts must contact the Office of Temporary and Disability Assistance (OTDA) Temporary Assistance (TA) Bureau for additional guidance if the district believes they have a non-citizen that fits this description.	DOS is left blank	Yes	No	No
Other status not eligible for TA or SNAP	E	Non-citizen that is unable to provide sufficient documentation to support their inclusion in any of the above statuses.	N/A	No ¹⁰		

For any questions related to TA benefit eligibility for non-citizens, please contact the OTDA TA Bureau at: otda.sm.cees.tabureau@otda.ny.gov or: (518) 474-9344.

For any questions related to SNAP benefit eligibility for non-citizens, please contact the OTDA SNAP Bureau at: otda.sm.cees.snap@otda.ny.gov or: (518) 473-1469.

¹⁰If it is determined that a non-citizen is ineligible for TA and/or SNAP because of his/her non-citizen status, the non-citizen must be denied using the appropriate denial code (F92 - Failure to Provide Proof of Citizenship or Eligible Alien Status (TA) or F92 - Ineligible Alien (SNAP)) and ACI code "E." Use of the appropriate denial and ACI codes is necessary so that a Medicaid Separate Determination (MSD) is conducted.