



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY BULLETIN #15-24-ELI

(This Policy Bulletin Replaces PB # 14-105-ELI)

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) STATUS AND POTENTIAL BENEFIT ELIGIBILITY

<p>Date: March 25, 2015</p>	<p>Subtopic(s): Non-Citizen, Immigration Status, Alien</p>
<p> This procedure can now be accessed on the FIAweb.;</p> <p>See PD #13-09-ELI for information on PRUCOL eligibility</p>	<p>Revisions to the Original Policy Bulletin</p> <p>This policy bulletin is being revised to inform staff at the Job Center and Non-Cash Assistance Supplemental Nutrition Assistance Program (NCA-SNAP) that non-citizen individuals who have applied for and/or have been granted Deferred Action for Childhood Arrival (DACA) status needing assistance in renewing their immigration documents are no longer referred to the Department of Youth and Community Development's (DYCD) Youth Connect Information Service for assistance.</p> <p>Staff must now refer these individuals to 311 or the Mayor's Office of Immigrant Affairs.</p> <p>Purpose</p> <p>The purpose of this policy bulletin is to inform Job Center and Non-Cash Assistance and Supplemental Nutrition Assistance Program (NCA SNAP) staff that non-citizens who have applied for and/or been approved for relief from removal under the Deferred Action for Childhood Arrivals (DACA) program may be eligible for state funded benefits. These individuals are considered to be Permanently Residing Under the Color of Law (PRUCOL) for benefit purposes.</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

On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several guidelines may request consideration of deferred action for a period of two or three years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status.

These individuals may be eligible for Safety Net Cash Assistance (SNCA) and/or state-funded Medicaid (MA) under PRUCOL. There are different benefits for an individual dependent upon meeting the requirements for the status of applicant for DACA or approval for DACA. Each category has different requirements as described below.

Applicants for DACA

If an individual provides an **I-797** Notice of Action or Notice of Receipt indicating that the United States Customs and Immigration Services (USCIS) has received the following forms and that they are pending, then the individual is an applicant for DACA:

- **I-821D** Consideration of Deferred Action for Childhood Arrivals
- **I-765** Application for Employment Authorization (specifically mentioning category, class or type **C33**)
- Any other authoritative USCIS or Executive Office for Immigration Review (EOIR) document indicating pending Application for Employment Authorization Form **I-765** specifically mentioning category, class or type **C33** or **c33**

Additionally, if the results of a Systematic Alien Verification for Entitlements (SAVE) clearance indicate that a non-citizen has a pending Application for Employment Authorization Form **I-765** specifically mentioning category, class or type **C33** or **c33**, he/she would be considered an applicant for DACA.

An applicant for DACA, is eligible only for state funded (MA), if other eligibility criteria are met.

Benefit eligibility

Refer to [PD # 14-26-SYS](#) for detailed instructions on SAVE

Approval of DACA

If an individual provides any of the following documents, the individual has been approved for DACA and may be eligible for SNCA and state funded MA, if other eligibility criteria are met:

- **I-766** Employment Authorization Card with category code **C33** or **c33**
- **I-797** Notice of Action indicating approval of USCIS form **I-821-D**
- Any other documentation from the Executive Office of Immigration Review (EOIR) or USCIS indicating that a DACA application has been approved.

Verification

To assist with verification of immigration documents, staff must always request a SAVE clearance. Staff must complete the SAVE Referral (**W-515X**) form in the Paperless Office System (POS) Form Data Entry window, print the completed form from the POS Print Forms window and submit it to the center's SAVE liaison.

If there is an outage in POS, the worker may print out a blank **W-515X** from e-docs and complete it manually.

If the Form **W-515X** is completed manually, the form must be scanned and indexed into the case record before submitting it to the SAVE liaison.

Note: If the immigration document submitted is either an **I-551** or an **I-766**, the card number must be entered in POS as well as on the **W-515X**.

For individuals who have only submitted an **I-797**, the JOS/Worker should also go to the USCIS website (www.uscis.gov) and utilize the "Check Case Status" tool on the middle of the page. With this tool, the JOS/Worker can enter the receipt (notice) number from the **I-797** to see if there are any updates regarding the individual's application for DACA. If the results of the search indicate that the individual is approved for DACA, then he/she may be eligible for SNCA and state-funded MA. If the results indicate that the individual has been denied, he/she is not eligible for any benefits.

When a determination is being made based on the results of a search on the USCIS website, the results page **must** be printed, scanned and indexed into the case record. Additionally, a detailed case comment must be entered identifying that the USCIS website was used to make the determination.

Use www.uscis.gov to check on case status when only an I-797 is submitted

Request Clearance from Office of Refugee and Immigrant Affairs

After the results from the SAVE clearance or USCIS website are received, the Job Opportunity Specialist (JOS)/Worker must additionally request a clearance from the Office of Refugee and Immigrant Affairs (ORIA) by e-mailing ORIA@hra.nyc.gov. Please see **Attachment A** for details on requesting a clearance from ORIA.

Individuals who have applied for and/or have been approved under DACA do not meet the federal benefit criteria of a qualified alien and are not eligible for federally funded benefit programs such as Family Assistance (FA), SNAP or federally funded MA.

Staff are reminded that benefits must not be delayed, denied, reduced or terminated pending a response from SAVE and/or USCIS.

Expired Immigration Documents

When an expired immigration document is used to verify immigrant status, the non-citizen must renew his/her immigration documentation with USCIS.

If the individual needs assistance in renewing his/her documentation, staff are directed to assist by referring the individual to:

- 311
- The Mayor's Office of Immigrant Affairs at 212-788-7654, or
- http://www.nyc.gov/html/imm/html/deferred_action/assistance.shtml

Effective Immediately

Reference:


Deferred Action for Childhood Arrivals (DACA) Toolkit: Resources for Community Partners

Related Items:

[PD#14-26-SYS](#)

Attachment:

Attachment A Requesting a Clearance from the Office of Refugee and Immigrant Affairs

 Please use Print on Demand to obtain copies of forms.

ATTACHMENT A

REQUESTING A CLEARANCE FROM THE OFFICE OF REFUGEE AND IMMIGRANT AFFAIRS (ORIA)

When assistance is needed regarding the determination of noncitizen/alien eligibility, staff must contact **THE OFFICE OF REFUGEE AND IMMIGRANT AFFAIRS (ORIA)** for a clearance. ORIA can be contacted at **(212) 331-4550** or by email at ORIA@hra.nyc.gov.

When requesting a clearance, the following information must be provided:

1. The name and title of the individual requesting the clearance.
2. The Center name and number (e.g. Clinton Job Center/#67) to which the case is assigned.
3. The telephone number of the individual requesting the clearance.
4. The full name (and/or any alias name[s]) of all the noncitizen(s)/alien(s) in need of an eligibility determination clearance.
5. The date of birth of all the noncitizen(s)/alien(s) in need of an eligibility determination clearance.
6. The Social Security Number (if available) for all the noncitizen(s)/alien(s) in need of an eligibility determination clearance.
7. The WMS case number and line (if any) of all the noncitizen(s)/alien(s) in need of an eligibility determination clearance.
8. A description of the noncitizen's/alien's immigration documentation including the name/title of the document and the form number.
9. If the noncitizen's/alien's immigration documentation is listed below, provide the "Required Additional Information":

Form Title:	Form #:	Required Additional Information
Permanent Resident Card	I-551 or I-151	Category Code and expiration date
Employment Authorization Card	I-766 or I-688B	Category code or Provision of Law
SAVE Results	None	Class of Admission(COA) as well as any other description of the client's immigration status indicated in SAVE
USCIS Notice of Action or Notice of Receipt	I-797	The receipt number on the I-797