



FAMILY INDEPENDENCE ADMINISTRATION
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POLICY BULLETIN #07-110-ELI

*(This Policy Bulletin Replaces PB #02-131-ELI, PB #02-245-ELI,
PB #03-91-ELI, and PB #04-98-ELI)*

REPLACEMENT OF THE ALIEN ELIGIBILITY DESK AID (W-205V)

<p>Date: August 30, 2007</p>	<p>Subtopic(s): Immigration, Forms</p>
<p> This procedure can now be accessed on the FIAweb.</p> <p>The LDSS-4579 is available on the FIAweb.</p> <p> Please use Print on Demand to obtain copies of forms.</p>	<p>The purpose of this policy bulletin is to inform staff that the Alien Eligibility Desk Aid (W-205V) was made obsolete in PD #06-24-ELI and was replaced by the New York State Office of Temporary and Disability Assistance (OTDA) Alien Eligibility Desk Aid (form LDSS-4579).</p> <p>Workers are reminded to use the LDSS-4579 as a reference when servicing noncitizens applying for assistance. The LDSS-4579 assists with determining what public assistance, food stamp and Medical Assistance benefits noncitizens are entitled to receive and the category under which public assistance benefits may be provided, if the noncitizen is otherwise eligible.</p> <p>Center Directors must ensure that all copies of the obsolete W-205V are removed from circulation and recycled.</p> <p><i>Effective Immediately</i></p> <p>Attachment:</p> <p>W-205V Alien Eligibility Desk Aid (Obsolete)</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*

ALIEN ELIGIBILITY DESK AID

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Refugees	R	<p>I-94 stamped "Admitted under Section 207 of the INA," "Refugee," "RE1," "RE2," "RE3" or "RE4." or I-551 Alien Registration Card stamped "R8-6," "RE5," "RE6," "RE7," "RE8" or "RE9." or I-571 Refugee Travel Document. or I-688B Employment Authorization Card annotated with "274a12(a)(3)." or I-766 Employment Authorization Document annotated "A3."</p>	Entry				
Cuban/Haitian Entrants	H	<p>I-94 stamped "Cuban/Haitian Entrant (status pending)," "Section 212(d) (5) of the INA," "Form I-589 Filed," "CU6" or "CU7." or I-94 stamp showing parole under Section 212(d)(5) of the INA or stamp showing parole in U.S. on or after 10/10/80 and reasonable evidence that parolee has been a national (citizen) of Cuba or Haiti. ² or I-551 (Alien Registration Card) stamped "CU6," "CU7" or "CH6." or Temporary Form I-551 stamp in foreign passport. or United States Citizenship and Immigration Services (USCIS) notice or letter indicating ongoing exclusion or deportation proceedings. or A letter from USCIS indicating individual applied for asylum.</p>	Status granted			Yes	
Asylees	A	<p>I-94 stamped "Granted asylum under Section 208 of the INA." or I-551 (Alien Registration Card) stamped "AS1," "AS2," "AS3," "AS6," "AS7" or "AS8." or I-688B Employment Authorization Card annotated with "274a12(a)(5)." or I-766 Employment Authorization Document annotated "A5." or Grant letter from USCIS Asylum Office. or Order of an immigration judge granting asylum.</p>					

OBSOLETE

¹ REMINDER: Undocumented immigrants and nonimmigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid at *any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

² EXCEPTION: This guideline does not apply when the individual 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.

ALIEN ELIGIBILITY DESK AID

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Amerasian Immigrants	R	<p>I-94 stamped "AM1," "AM2," "AM3," "AM6," "AM7" or "AM8." Derive date of entry from date of inspection on stamp; if date is missing, obtain from I-551 or from USCIS.</p> <p>or</p> <p>I-551 Alien Registration Card stamped "AM1," "AM2," "AM3," "AM6," "AM7" or "AM8."</p> <p>or</p> <p>Temporary I-551 stamp in foreign passport.</p> <p>or</p> <p>I-571 Refugee Travel Document.</p> <p>or</p> <p>Vietnamese exit visa or passport stamped "AM1," "AM2" or "AM3."</p>	Entry				
Deportation or Removal Withheld	J	<p>I-688B Employment Authorization Card annotated with "274a.12(a)(10)."</p> <p>or</p> <p>I-766 Employment Authorization Document annotated "A10."</p> <p>or</p> <p>Order from 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>				Yes	
Certain Hmong or Highland Laotian	Z	<p>I-94 stamped "Admitted under Section 207 of the INA," "Refugee," "RE1," "RE2," "RE3" or "RE4."</p> <p>or</p> <p>I-551 (Alien Registration Card) stamped "RE5," "RE6," "RE7," "RE8" or "RE9."</p> <p>or</p> <p>Has a signed affidavit sworn under penalty of law that s/he was a member of Hmong or Highland Laotian tribe between 8/5/64 and 5/7/75 or a verified spouse*, widow, widower or unmarried dependent of a tribal member.</p> <p>and</p> <p>Documents to show the individual is lawfully residing in the U.S.</p> <p>*Divorced spouses do not qualify.</p>	Status Granted				

OBSOLETE

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ALIEN ELIGIBILITY DESK AID

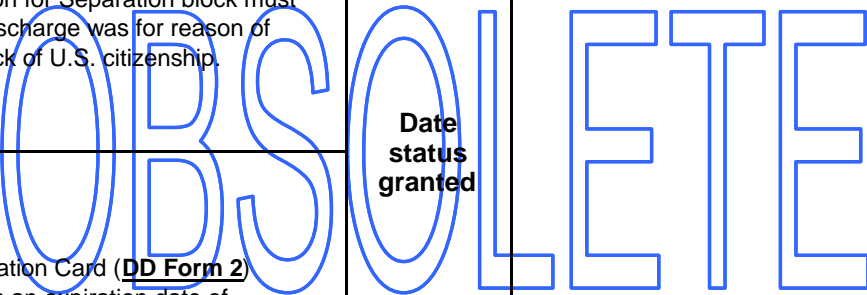
Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Lawfully Admitted for Permanent Residence (LPR) ^{*2} with 40 Qualifying Quarters	S	<p><u>I-551</u> (Alien Registration Card).</p> <p>or</p> <p>Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u>.</p> <p>or</p> <p><u>I-327</u> (Re-Entry Permit).</p> <p>or</p> <p><u>I-181</u> Memorandum of Creation of Lawful Permanent Residence with approval stamp.</p> <p>and</p> <p>Proof of qualifying quarters.</p>					Yes
Lawfully Admitted for Permanent Residence (LPR) ² without 40 Qualifying Quarters	K	<p><u>I-551</u> (Alien Registration Card).</p> <p>or</p> <p>Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u>.</p> <p>or</p> <p><u>I-327</u> (Re-Entry Permit)</p> <p>or</p> <p><u>I-181</u> Memorandum of Creation of Lawful Permanent Residence with approval stamp.</p>	Date status granted	Yes	Yes, after 5 years in a qualified status ²	Yes	<p>Yes, if</p> <p>Lawfully residing in the U.S. and</p> <ul style="list-style-type: none"> • In receipt of disability benefits <li style="text-align: center;">OR • 5 years of qualified status <li style="text-align: center;">OR • Under age 18

* No quarters earned after 12/3/96 may be counted in which an alien has received a Federal means-tested public benefit (Family Assistance, SSI, Food Stamps or Medicaid).

1 Undocumented immigrants and nonimmigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid at *any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

2 Individual(s) with this immigration status who were physically present in the U.S. before 8/22/96 are not subject to the eligibility requirement of five (5) years in qualified alien status for receipt of Family Assistance benefits.

Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Veteran, Spouse, Unmarried Surviving Spouse and Unmarried Dependent Child of a U.S. Veteran who fulfilled minimum active duty requirement (2 years)	V	A Discharge Certificate (Form DD-214) 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.	Date status granted			Yes	
Active Military: active duty or a member of the Armed Forces on full-time duty in the Army, Navy, Air Force, Marine Corps or Coast Guard, spouse and children	M	Military Identification Card (DD Form 2) (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.					
Conditional Entrant (status granted to Refugees before 1980)	F	I-94 with stamp showing admitted under Section 203(a)(7) of INA. or I-688B (Employment Authorization Card) annotated "274a.12(a)(3)." or I-766 (Employment Authorization Document) annotated "A1," "A3."	Date of entry			Yes	

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Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
<p>Battered Spouse² and/or Dependent Child of a U.S. Citizen or LPR* who obtains "Notice of Prima Facie Case from USCIS" or found prima facie eligible under the Violence Against Women Act (VAWA)</p>	<p>B</p>	<p>Form I-797 indicating approved, pending or prima facie eligibility of VAWA Self-Petition Form I-360 (Petitioning by self-petitioning immigrant of abusive U.S.C. or LPR) under Section 204(a)(1)(iii) or (iv), or Section 204(a)(1)(B)I(i) or (iii).</p> <p>or</p> <p>Order from EOIR granting suspension of deportation under Section 244(a)(3) or cancellation of removal under Section 240A(b)(2) or evidence that an application has been filed setting forth a prima facie case.</p> <p>or</p> <p>Evidence of battery and abuse and proof of a pending or approved I-130 petition including:</p> <p>Form I-797 indicating approved or pending Form I-130 (visa petition) under Section 201(b) of the INA (spouse or child of a U.S. citizen or Section 203(a)(2)(A) spouse or child of a permanent resident.</p> <p>Form I-94 coded CR-1-7, K3, K4, V1 or V2.</p> <p>Form I-688B or Form I-766 (Employment Authorization) annotated (a)(9) or (a)(15).</p>	<p>Date of entry</p>	<p>Yes</p>	<p>Yes, after 5 years in a qualified status³</p>	<p>Yes</p>	<p>Yes, if</p> <p>Lawfully residing in the U.S. and</p> <ul style="list-style-type: none"> • In receipt of disability benefits or • 40 qualifying quarters or • 5 years of qualified status or • Under age 18
<p>Parolee^{2,3} (For at least one year) (noncitizens who have been allowed to come into the U.S. for humanitarian or public interest reasons)</p>	<p>G</p>	<p>Form I-94 with annotation "Paroled pursuant to Section 212(d)(5)" or "parole" or "PIP" with date of entry and date of expiration indicating one year.</p> <p>or</p> <p>Form I-688B annotated "274a.12(a)(4)," "274(a)(12)(c)(11)."</p> <p>or</p> <p>Form I-766 annotated "C11" or "A4" and Form I-94 indicating admitted for at least one year.</p>					

* LPR: Lawful Permanent Resident

1 Reminder: Undocumented immigrants and nonimmigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid at *any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

2 Individual(s) with this immigration status who were physically present in the U.S. before 8/22/96 are not subject to the eligibility requirement of five (5) years in qualified alien status for receipt of Family Assistance benefits.

3 Does not apply when the individual 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.

Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Parolee (For less than one year)	T	Form I-94 with annotation "Paroled pursuant to Section 212(d)(5)" or "parole" or "PIP." or Form I-688B coded 274a.12(a)(4) or 274a.12(c)(11). or Form I-766 coded A4 or C11.		Yes	No		No
North American Indian Born in Canada	To be determined (PA) C (MA)	Form I-551 Alien Registration Card stamped "S13"; temporary Form I-551 stamped in a Canadian passport. or Form I-94 stamped "S13." or A letter or other tribal document certifying at least 50% North American Indian blood, as required by Section 289 of the INA. or School records. or A birth certificate or baptismal certificate issued on a reservation. or Other satisfactory evidence of birth in Canada.	NA	Yes	Yes	Yes	Yes
Member of Federally Recognized Tribe Born outside U.S.		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.					
Victims of Human Trafficking²	D* *Effective immediately, use R until D is in WMS.	Certification Document (for adults) or Eligibility Letter (for children) from the Federal Office of Refugee Resettlement (ORR); must call (866) 401-5510 for verification. or Form I-94 coded T1, T2, T3, T4 or T5 stating admission under Section 212(d)(5) of the INA if status granted for at least one year.	Date from certification/eligibility letter	Yes, for seven years from the date of certification/eligibility letter			Yes, for seven years from the date of certification/eligibility letter
Undocumented immigrants or nonimmigrants (aliens with a temporary immigration status)	E		NA	No ¹ Treatment of emergency medical condition only		No	

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² As of 12/21/04, children, spouses and in some cases, the parents and siblings of victims of severe forms of trafficking in persons are also eligible for this status (TVPRRA-P.L.108-193).

Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Aliens Classified as PRUCOL² (as listed below)	O (PA) N (MA)	See <u>PASB</u> Section XXIV See 6/15/01 MA-026 Attachment B					
Under a USCIS Order of Supervision pursuant to Section 242(d) of the INA.	↑	Notice or form showing release under Order of Supervision; Form I-688B or Form I-766 Employment Authorization Document coded 274a.12(c)(18) or C18.	LET	Yes²	No²	Yes²	No
Granted an indefinite stay of deportation.		Any verification from the USCIS or other authoritative document Form I-220B .					
Granted an indefinite voluntary departure status under Section 244 of the INA.		Form I-94 Arrival/Departure. or USCIS notice or letter showing continued exclusion or deportation proceedings.					
Granted deferred action status, which defers departure.		USCIS notice or letter showing grant of extended voluntary departure. or Form I-688B or Form I-766 Employment Authorization Document coded 274a.12(a)(11) or A11. or Form I-94 Arrival/Departure. or Any verification from the USCIS or other authoritative document.					
	↓	Form I-797 Notice of Action or other form showing approval of deferred action status. or Form I-688B or Form I-766 Employment Authorization Document coded 274a.12(c)(14) or C14. or Form I-210 Voluntary Departure. or Any verification from the USCIS or other authoritative document.					

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² PRUCOL refers to aliens who are permanently residing in the U.S. under Color of Law. A description of TA PRUCOL can be found in 88 INF-77 and Temporary Assistance Source Book Section XXIV. A description of MA PRUCOL can be found in GIS 04 MA/03 ATTACHMENT 1.

Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
<p><u>PRUCOL continued</u></p> <p>Granted suspension of deportation pursuant to 244 of the INA.</p>	<p>O (PA) N (MA)³</p> <p style="text-align: center;">↑</p>	<p>Form I-688B or Form I-766 Employment Authorization Document coded 274a.12(c)(10) or C10. or Form I-94 or court order. or Any verification from the USCIS or other authoritative document.</p>	<p>NA</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>	<p>No</p>
<p>Granted "K" visa status. For the spouse, child or fiancé(e) of a U.S. citizen.</p>		<p>Passport stamped "K" VISA. or Form I-94 stamped "K1," "K2," "K3" or "K4."</p>					
<p>Granted "S" visa status. For informants providing evidence for a criminal investigation.</p>		<p>Passport stamped "S" VISA. or Form I-94 stamped "S5," "S6" or "S7."</p>					
<p>Granted "U" visa status. For victims or witnesses of specified crimes.</p>	<p style="text-align: center;">↓</p>	<p>Passport stamped "U" VISA.</p>					

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Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
<p><u>PRUCOL continued</u></p> <p>Granted "V" visa status. For spouses and children of LPRs* whose Form I-130 (Petition for Alien Relative) was filed with USCIS on or before 12/20/00.</p>	<p>O (PA) N (MA)³</p> <p style="text-align: center;">↑</p>	<p>Passport Stamped "V" VISA.</p>					
<p>Unqualified aliens who can produce any evidence, including but not limited to verification by USCIS that they have resided continuously in the U.S. since January 1, 1972, pursuant to Section 249 of the INA.</p>	<p style="text-align: center;">↓</p>	<p>Employment records; or Property deeds (tax receipts); or Tax returns; or Rent receipts; or Other public records that can show residence in the U.S. from 1972.</p>	<p style="text-align: center;">NA</p>	<p style="text-align: center;">Yes</p>	<p style="text-align: center;">No</p>	<p style="text-align: center;">Yes</p>	<p style="text-align: center;">No</p>
<p>Aliens in possession of a voluntary departure status who can provide evidence that USCIS has approved an immediate relative petition and that such petition will result in a change to permanent status that will be considered an eligible status under PRUCOL.</p>		<p>Form I-94 and Form I-210 letter indicating departure on a specified date.</p> <p>USCIS expects the alien's VISA to be available within this time.</p>					
<p>Any other aliens living in the U.S. with knowledge and written permission of the USCIS and whose departure the agency does not contemplate enforcing.</p>		<p>Letter from USCIS acknowledging the alien's presence in the U.S. with a statement that the agency will not be enforcing the alien's departure at this time.</p>					

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Alien Eligibility Desk Aid
United States Citizenship and Immigration Services (USCIS – formerly INS) Documents

I-94 Arrival/Departure Record	I-571 Refugee Travel Document
I-181 Memorandum of Creation of Record of Lawful Permanent Residence	I-688 Temporary Resident Card
I-210 Voluntary Departure	I-688A Employment Authorization for Legalization Applicants
I-220B Order of Supervision	I-688B Employment Authorization Card
I-327 Reentry Permit of Permanent Residents	I-766 Employment Authorization Card
I-551 Legal Permanent Resident Card, Resident Alien Card or "green card"	I-797 Notice of Action (I-797C current version)