



# FAMILY INDEPENDENCE ADMINISTRATION

Seth W. Diamond, Executive Deputy Commissioner




James K. Whelan, Deputy Commissioner  
Policy, Procedures and Training

Lisa C. Fitzpatrick, Assistant Deputy Commissioner  
Office of Procedures

## POLICY BULLETIN #07-113-OPE

(This Policy Bulletin Replaces PB #06-168-ELI)

### PROCESSING NONCITIZENS APPLYING FOR OR RECERTIFYING FOR PUBLIC BENEFITS AT JOB CENTERS

<b>Date:</b> September 6, 2007	<b>Subtopic(s):</b> Immigrant Eligibility
<p> This procedure can now be accessed on the FIAweb.</p> <p>LPRs in that status for five or more years should not be referred to the Specialized JOS.</p>	<p>The purpose of this policy bulletin is to provide Job Center staff with instructions for servicing all noncitizens applying for or recertifying for Public Assistance (PA), Medicaid (MA) and/or Food Stamps (FS).</p> <p>Previously, Job Opportunity Specialist(s) (JOS)/Workers had been instructed to <u>refer all</u> applicants/participants who appear to be a battered alien or who appear to meet the criteria for individuals permanently residing under color of law (PRUCOL) to the Immigrant Liaison to process all actions on the case.</p> <p><b>Since December 26, 2006</b>, each Job Center has had Specialized JOS workers, Immigrant Liaison Supervisors AJOS I's who supervise the Specialized JOS, and Immigrant Liaison AJOS II's (or Center Directors' Designees) who have been specially trained in immigrant eligibility issues and who <u>must</u> process cases that contain a noncitizen who is applying for or recertifying for PA.</p> <p>The <b><u>only exception</u></b> is for Legally Permanent Residents (LPRs) who have been in that status for five or more years.</p> <p>All cases in which the noncitizen is an LPR who has been in that status for five or more years will be handled by the JOS/Worker.</p> <p>When a JOS/Worker learns during an interview that a noncitizen is not an LPR with five or more years in that status, s/he must suspend the interview and alert his/her supervisor. The supervisor will transfer the case to the Immigrant Liaison Supervisor, who will then transfer the case to a Specialized JOS.</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*

All actions the Specialized JOS takes on a noncitizen case must be reviewed and approved by the Immigrant Liaison Supervisor AJOS I or higher.

The Specialized JOS will be responsible for interviewing, and completing initial (application) and ongoing eligibility (recertification) determinations, on all noncitizen cases (except for cases that **only** contain LPRs with five or more years in that status). The Specialized JOS will complete the interview and submit the case to his/her Immigrant Liaison Supervisor for review and sign-off.

### **Qualified Battered Aliens and PRUCOL**

The AJOS II Immigrant Liaison (or Center Directors' Designee) must enter a case note in POS confirming that he/she determined the immigrant's eligibility for public benefits.

When a noncitizen who appears to meet the criteria for qualified battered alien status or PRUCOL applies or recertifies for assistance, the Specialized JOS will alert the AJOS II Immigrant Liaison (or Center Directors' Designee). The Specialized JOS together with the AJOS II (or Center Directors' Designee) will conduct the interview to assess whether the noncitizen meets the battered alien criteria or is eligible under PRUCOL for public benefits.

The AJOS II Immigrant Liaison (or Center Directors' Designee) will make a decision on both the immigration status and public benefits eligibility of the noncitizen and must note each decision by making an entry in the case file.

For noncitizen multi-suffix cases which are not in POS, each decision must be noted on the History Sheet form (**W-25**).

The Specialized JOS will take all other required action necessary in order to make an eligibility determination. Once this has been made on the application/case of a qualified battered alien or PRUCOL, it must be submitted to the AJOS II Immigrant Liaison (or Center Directors' Designee) instead of the Immigrant Liaison Supervisor. The AJOS II Immigrant Liaison (or Center Directors' Designee) will be responsible for reviewing and making a determination of the immigration status and approving or disallowing the eligibility decision on the application/recertification.

The AJOS II Immigrant Liaison (or Center Directors' Designee) will consult with the Office of Refugee and Immigrant Affairs (ORIA) when in need of guidance in processing these cases.

If the Specialized JOS and/or Immigrant Liaison Supervisor need guidance or instruction to make an immigrant determination, they should contact the AJOS II Immigrant Liaison (or Center Directors' Designee). If neither can make the determination, s/he should contact the Office of Refugee and Immigrant Affairs (ORIA) at (212) 331-4550.

**Center 17:**

If a noncitizen calls Center 17 and seeks to be added to a Child Only Case, refer the individual to his/her application center where the Child Only case was established. At that Center, s/he will be processed in accordance with this policy bulletin.

*Effective Immediately*