



**FAMILY INDEPENDENCE ADMINISTRATION**  
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**POLICY BULLETIN #07-117-ELI**

**DETERMINING BENEFIT ELIGIBILITY FOR A LAWFUL PERMANENT RESIDENT (LPR) WITH FEWER THAN FIVE YEARS IN A QUALIFIED STATUS**

<p><b>Date:</b> September 20, 2007</p>	<p><b>Subtopic(s):</b> Immigration, Eligibility</p>
<p> This procedure can now be accessed on the FIAweb.</p> <p>Noncitizens in any of these statuses are not eligible for federally-funded benefits until they have accrued five years in qualified status.</p> <p>See the Alien Eligibility Desk Aid (<a href="#">LDSS-4579</a>)</p> <p>LPRs with fewer than five years in LPR status can get FS if they are under 18 years old, in receipt of certain disability benefits or can be credited with 40 qualifying quarters</p>	<p>The purpose of this policy bulletin is to instruct staff at the Job Centers in determining benefit eligibility for Lawful Permanent Residents (LPRs) with fewer than five years in LPR status.</p> <p>LPR status is one of three qualified immigration statuses that are subject to the five-year bar for the receipt of federally-funded benefits (Parolee [for at least one year] Alien/Citizenship Code [ACI] <b>G</b>) and Battered [ACI <b>B</b>] are the other two).</p> <p>Noncitizens who have been in LPR status for <u>five or more</u> years are entitled to receive federally-funded benefits which include Family Assistance (FA), Safety Net Federally Participating (SNFP), Emergency Assistance to Families (EAF), Food Stamps (FS) and federally-funded Medical Assistance (MA), if otherwise eligible.</p> <p>Noncitizens who have been in LPR status for <u>fewer than five years</u> and can verify that they entered the United States (U.S.) <u>before</u> August 22, 1996, are entitled to receive federally-funded public assistance (PA) benefits (FA, SNFP, EAF) and/or federally-funded MA if otherwise eligible, but are still subject to the five-year bar on FS benefits. They can get FS if they are under 18 years old, in receipt of certain disability benefits or can be credited with 40 qualifying quarters.</p> <p>Noncitizens who entered the U.S. <u>on or after</u> August 22, 1996, with fewer than five years in LPR status are entitled to receive only State-funded public benefits (Safety Net Cash Assistance [SNCA] and MA) if otherwise eligible. They can get FS if they meet the criteria listed above.</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*

Refer to the Alien Eligibility Desk Aid (**LDSS-4579**) for a list of other qualified statuses and the benefits to which they may be entitled.

The Immigrant Liaison should contact the FIA Call Center to determine if a disability-related benefit would make a qualified alien eligible for FS under 7 USC 2012 (R).

Noncitizen was previously in a qualified status that would, if otherwise eligible, make him/her eligible for federally-funded benefits

When a noncitizen who entered the U.S. on or after August 22, 1996, with fewer than five years in LPR status applies for or recertifies for benefits, the Specialized JOS/Worker must determine if the noncitizen was in another qualified status (prior to becoming an LPR) that was exempt from the five-year bar on federally-funded benefits or was in a qualified status that was not exempt from the five-year bar and the years spent in that status can be counted towards the five years needed to be eligible for federally-funded benefits.

The Specialized JOS/Worker can determine if the noncitizen applicant/participant was in another qualified status prior to becoming an LPR by:

- reviewing immigration documentation for relevant coding that identifies the noncitizen's previous status. For example, the Resident Alien Card (**I-551**) that is issued to noncitizens granted legal entry indicates how the LPR immigrated to the U.S.
- determining if the noncitizen previously applied for social services benefits anywhere in the U.S. and can provide proof that s/he was deemed battered (Alien Citizenship Indicator [ACI] **B**).

**Note:** In this instance, the Specialized JOS/Worker must consult with the Immigrant Liaison (AJOS II) or Center Director's Designee. The Immigrant Liaison (AJOS II) or Center Director's Designee must contact the other social services district to confirm the noncitizen's status. If any questions arise regarding the noncitizen's eligibility for benefits the Immigrant Liaison (AJOS II) or Center Director's Designee must consult with the Office of Refugee and Immigrant Affairs (ORIA).

If the noncitizen with LPR status was previously in a qualified status that would make him/her eligible for federally-funded benefits, the Specialized JOS/Worker must use the corresponding ACI code for that previous status and the noncitizen should receive federally-funded benefits, if otherwise eligible. The ACI code used for that status should remain in the Welfare Management System (WMS) until the noncitizen becomes a naturalized citizen.

**Example:**

*Joan Smith and her citizen daughter apply for PA, MA and FS on September 5, 2007. Ms. Smith is an LPR who obtained that status on November 15, 2006. The category code on the **I-551** card that she submitted to the Specialized JOS/Worker is AS-7.*

Noncitizen who was previously in another qualified status which was also subject to the five-year bar on federally-funded benefits prior to becoming an LPR

*The Specialized JOS/Worker checks the **LDSS-4579** and determines that the AS-7 code refers to an Asylee and enters ACI code **A** (Asylee) in WMS for Ms. Smith. Asylees are eligible for federally-funded benefits from the day the status is granted. They are exempt from the five-year bar on federally-funded benefits. Ms. Smith is entitled to FA, MA and FS if she is otherwise eligible.*

If the noncitizen with fewer than five years in LPR status was previously in another qualified status which was also subject to the five-year bar for receipt of federally-funded benefits (e.g., Parolee [for at least one year] or Battered Qualified Alien), the Specialized JOS/Worker and Immigrant Liaison must determine the amount of time that was spent in that previous status.

Any amount of time spent in the previous qualified status can be counted toward the five years in qualified status. Therefore, if the total period the applicant/participant spent in all qualified statuses equals five or more years, s/he is eligible for federally-funded benefits.

**Example:**

*Ms. Tracy Turnblatt and her citizen daughter apply for PA, MA and FS on September 5, 2007. Ms. Turnblatt is an LPR and she obtained that status on September 5, 2006. She is non-exempt from the employment rules and has never worked. During the interview, Ms. Turnblatt reveals, and it is supported through a check in WMS, that she applied for and received benefits in 2004 as a qualified battered alien (ACI **B**). Her date of status (DOS) was January 15, 2004.*

*Therefore, as of her current application date, Ms. Turnblatt has a little over three years that can count toward the five years needed to be eligible for federally-funded benefits.*

In the above example, if otherwise eligible, Ms. Turnblatt may only receive benefits under State-funded SNA and MA as she still has not accrued the required five years in qualified status. She is not eligible to receive food stamps because she does not meet any of the Alien FS eligibility criteria.

Since the daughter qualifies for federally-funded benefits (including food stamps) the case must be registered and processed as a multi-suffix case.

When the application of a noncitizen who is an LPR for less than five years is accepted, Workers must check the alien status date at every recertification. Once the LPR participant has reached the five years in status, the Worker must evaluate his/her eligibility for federally-funded cash assistance, MA and FS benefits and if s/he is eligible for any of these, must take all required action to initiate the receipt of the federally-funded benefit(s).

At recertification Workers must also check the status date and age of LPR minor participants under the age of 18 years with less than five years in a qualified status and who are in receipt of FS benefits. In instances where the child reaches the age of 18 years before the five years in status are accrued, and the child is not exempt from the five-year ban on FS for another reason (e.g. in receipt of certain disability benefits or 40 qualifying quarters [refer to **LDSS- 4579**]), the FS benefits must be terminated.

**Example:**

*Ms. George and her two children, Ann and Alex, obtained LPR status on December 15, 2004 as a result of a self petition under the Violence Against Women Act (VAWA) provision. They did not have a previous qualified status. Ms. George applied for assistance for herself and her children on September 1, 2005 and on September 10, 2005 and they were deemed eligible for SNA. In addition, the children were deemed eligible for FS benefits because they were both under 18 years of age. Ann was 11 and Alex was 17 at the time the case was accepted.*

*At the recertification conducted on December 2, 2006, it was noted that Alex had turned 18 on August 30, 2006. Since his five years in a qualified status would not be accrued until December 15, 2009, the Worker removed Alex from the FS case.*

**References:**

SSL 122

[18 NYCRR 349.3](#)

[18 NYCRR 360-3.2 \(j\)](#)

[18 NYCRR 387.1 \(c\)](#)

[06-INF-14 Revised](#)

[06-INF-23](#)

[Temporary Assistance Source Book](#) (TASB), Chapter 24

[Food Stamp Source Book](#) (FSSB), Section 5, pps. 69-72

**Related Items:**

[PD #07-33-ELI](#) Determining Qualified Alien Status for Battered/Abused Noncitizens and PRUCOL Eligibility

[PB #07-113-ELI](#) Processing Noncitizens Applying for or Recertifying for Public Benefits at Job Centers

*Effective Immediately*