



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY DIRECTIVE #07-30-ELI

*(This Policy Directive replaces PD #03-36-ELI)*

### LOST OR EXPIRED IMMIGRATION DOCUMENTATION

<b>Date:</b> September 7, 2007	<b>Subtopic(s):</b> Alien Eligibility
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#### AUDIENCE

This policy directive is for all staff at the Job and Non-Public Assistance Food Stamp (NPA FS) Centers and informational for all others.

#### POLICY

The immigration status of a noncitizen applicant must be verified as a condition of eligibility. Federal law, however, precludes social services agencies from delaying, denying, reducing or terminating an applicant's eligibility for benefits during the period of time it takes to verify his/her status.

#### BACKGROUND

A noncitizen's eligibility for public benefits is based on the immigration status s/he is granted by the United States Citizen and Immigration Services (USCIS). The Alien Eligibility Desk Aid ([LDSS-4579](#)) and/or the Persons Residing Under the Color of Law Desk Guide ([W-205JJ](#)) should be referred to in order to determine which immigration statuses allow for the receipt of public benefits, the category of assistance under which the benefit will be provided, and what documentation is acceptable to verify the status claimed.

Refer to the System Alien Verification for Entitlements (SAVE) Program procedure.

A clearance of the noncitizen's immigration status must be obtained through System Alien Verification for Entitlements (SAVE). A primary verification inquiry can be done if s/he has an alien registration number. If the individual does not have his/her alien registration number, a secondary verification inquiry can be done using other demographics such as first name, last name and date of birth.

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*

In all instances, noncitizen applicants must be advised that it is their responsibility to provide the documentation required to verify eligibility for public benefits. However, in situations where a noncitizen applicant indicates that s/he has lost the documentation that confirms his/her immigration status or the immigration documentation presented has expired, the agency must attempt to obtain the verification either through the SAVE clearance or by using a database on the USCIS website.

See **Attachment A** for screenshots of USCIS online database

In most cases a noncitizen applicant/participant had to file an application to obtain a status from USCIS. When doing so, s/he is given a Notice of Action from USCIS that contains a 13-digit receipt number for the application/petition filed. Therefore, in addition to conducting a SAVE clearance, but not in lieu of it, information on the current status of an individual's application/petition can be accessed through USCIS' Case Status database that can be accessed on their website at <https://egov.uscis.gov/cris/jsps/index.jsp>.

Expired immigration documentation

It is important to note that the possession of expired immigration documentation does not necessarily mean that the applicant/participant's immigration status has expired. Therefore, if an applicant/participant has any of the following expired immigration documentation to verify his/her immigration status, the Worker can accept the expired documentation if it is the only document available:

Acceptable expired immigration documentation

- Permanent Resident Card (**I-551**) also known as the "Green Card" **except for conditional permanent residents\***

The most common USCIS document used to prove Lawful Permanent Resident status (LPR) is the Permanent Resident Card (**I-551**). Commonly called the "green card," an **I-551** expires after 10 years. USCIS began implementing a 10-year expiration period in 1989 to allow the agency to update photo identification and implement new card technologies to increase the card's resistance to counterfeiting and tampering. Noncitizens do not lose permanent resident status because their green card has expired.

Exception for Conditional Permanent Residents

- \* Conditional Permanent Residency has a two-year expiration date. An expired I-551 card coded with category CR-1, CR-2, CR-6 or CR-7 cannot be used as proof of status because the conditional residency status has expired. If a noncitizen has an expired **I-551** that is coded with any of the CR codes listed above, then it must be explored whether the noncitizen has filed a petition with USCIS to remove the conditions.

If a petition was not filed to remove the conditions or the noncitizen **does not have documentation that proves eligibility in another immigration status**, then s/he may not be eligible for any public benefits other than emergency MA.

- Foreign Passport with a Form **I-551** stamp

While the immigrant is waiting for his/her green card, USCIS can provide temporary evidence of permanent residence by stamping an alien's passport with an **I-551** stamp.

- Form **I-668B** or **I-766** Employment Authorization Documents (EAD)

These documents indicate that an alien is authorized to work in the U.S. They both indicate an alien's immigration status.

- Form **I-94** Arrival/Departure Record

The **I-94** record is created by USCIS when an alien is cleared by USCIS upon arrival in the U.S. The **I-94** is a 3x5 card that the inspector endorses with the date, place of arrival and the class of admission. The card is stamped or annotated by hand with the immigration category or the section of immigration law under which the person is granted admission. The words "Employment Authorized" may also be stamped on the card.

An **I-94** can be used to verify the alien's status **only** if the **I-94** is clearly annotated with the applicant's specific qualified alien status.

However, when an expired immigration document is used to verify alien status, the noncitizen must renew his/her immigration documentation with USCIS.

If the noncitizen needs assistance replacing lost, or renewing expired documentation from USCIS or needs assistance with filing certain applications/petitions, s/he should be advised to contact the Department of Youth and Community Development's (DYCD) Office of Immigrant Initiatives at (212) 442-5267 or the Worker should give the individual their web site address, <http://home.nyc.gov/html/dycd/html/services-immigrant.html#cbo> which has a database of more than 80 organizations that provide a wide array of services to immigrants and refugees.

**Note:** Many noncitizens do not renew their immigration documentation because of the processing and biometric fees associated with the application process. While HRA does not pay a noncitizen applicant/participant's application fees to renew documentation, USCIS may waive the fee(s) if the noncitizen establishes that s/he cannot pay. Workers should share this information with the noncitizen applicant/participant who needs to renew his/her immigration documents.

## REQUIRED ACTION

### Lost Immigration Documentation

If an immigrant applicant has lost his/her immigration documentation, until the applicant can obtain replacement documents, the Worker must proceed as follows:

For Reapplicants, Workers must first check the case record to determine if copies of the documents are already on file.

- If the applicant can provide his/her alien registration number, other personal demographics and/or his/her 13-digit USCIS application number, use SAVE and the USCIS database to verify the applicant's alien status. If the alien status is confirmed, determine eligibility for benefits, based on the verified alien status.
- If SAVE and the USCIS database is not helpful, the individual is responsible for obtaining replacements of his/her immigration documentation. The Worker must contact the Family Independence Administration's (FIA) Call Center who will contact the Office of Temporary and Disability Assistance (OTDA) for guidance. In addition, the immigrant applicant should be referred to DYCD's Office of Immigrant Initiatives as listed on page 3 of this directive.
- If upon application for replacement of the immigration documentation, USCIS provides the applicant with a statement or document that indicates the applicant's alien status, use that verification to determine to which benefits the applicant is eligible for.
- If upon application for replacement of the immigration documentation, USCIS provides the applicant only with verification of having applied for replacement documents, process benefits for the applicant as allowed under the Permanently Residing Under the Color of Law (PRUCOL) category, if otherwise eligible, until his/her alien status can be clearly established.

This should be reviewed at the next recertification to ensure the participant is receiving benefits in the correct category.

### Expired Immigration Documentation

Staff must contact the FIA Call Center if the noncitizen is a conditional permanent resident with an expired I-551 card coded with category CR-1, CR-2, CR-6 or CR-7 and the noncitizen has no other documentation to confirm an eligible status for public benefits.

If the noncitizen submits an expired document from the list of immigration documents beginning on page 2 of this procedure to verify alien status and it is the only document that s/he has, the Worker must:





- verify the immigration status using SAVE and the USCIS case status database if the application receipt number is known;
- scan the original document submitted to ensure clarity of the image. **Note:** If the document submitted is illegible, the Worker should enter a case note to include information such as name on the immigration document, the date, form number or type of immigration document, any categories or codes listed and/or the expiration date of the immigration document.

Any time a Worker must use expired immigration documents to verify alien status, the Worker must advise the immigrant to renew his/her immigration documentation.

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### **PROGRAM IMPLICATIONS**

Paperless Office  
System (POS)  
Implications

- Enter a case comment for all actions performed on a case: If a Worker is in an activity on a case, click on the case comments icon  or press <ALT>M on the keyboard. If the Worker is not in an activity:
  - for an applicant, select “Application Interview” on the activities menu and then click on the case comments icon  or press <ALT>M on the keyboard.
  - for an active individual during a recertification interview select “Recertification Interview” on the activities menu and then click on the case comments icon  or press <ALT>M on the keyboard.
  - for an active individual between recertifications select “Change Case Data” on the activities menu and then click on the case comments icon  or press <ALT>M on the keyboard.

Scan all non-POS-generated forms and notices that are signed by the individual into the electronic case record, except Domestic Violence-related documents.

**Food Stamp Implications**

A noncitizen whose status is questionable is ineligible for FS while awaiting verification.

Verification of alien status should not delay the issuance of FS under the Expedited Food Stamp (EFS) processing unless the alien status is questionable. When the status is questionable the noncitizen will be ineligible for EFS while awaiting verification.

A noncitizen applicant who cannot provide documentation or information that will help verify his/her alien status will be deemed ineligible for ongoing Food Stamp benefits until all necessary information is received. A separate FS determination is required for the other household members.

**Medicaid Implications**

There are no Medicaid implications.

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**FAIR HEARING IMPLICATIONS**

**Avoidance/Resolution**

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that the applicant must receive either adequate or timely and adequate notification of all actions taken on their case.

**Conferences at the Job Center**

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS I/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen.

The FH&C AJOS I/Supervisor I will listen to and evaluate any material presented by the applicant/participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS I/Supervisor I will explain the reason for the Agency's action(s) to the applicant/participant.

If the determination is that the applicant/participant has presented good cause for the infraction or that the outstanding Notice of Intent needs to be withdrawn for other reasons, the FH&C AJOS I/Supervisor I will settle in conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken.

In addition, if the adverse case action still shows on the “Pending” (08) screen in WMS, the AJOS I/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form ([LDSS-3722](#)), change the 02 to an 01 if the case has been granted aid continuing (ATC), or prepare and submit a PA Recoupment Data Entry Form ([LDSS-3573](#)) to delete a recoupment. The AJOS I/Supervisor I must complete a Conference Report ([M-186a](#)).

Conferences at the NPA FS Center

If an applicant/participant comes to the NPA FS Center and requests a conference, the Receptionist must alert the Site Manager’s designee that the applicant/participant is to be seen. If the applicant contacts the Eligibility Specialist directly, the Eligibility Specialist must advise the applicant/participant to call the Site Manager’s designee.

The Site Manager’s designee will listen to and evaluate the applicant/participant’s complaint regarding the case denial. After reviewing the documentation and case file and discussing the issue with the group Supervisor/Eligibility Specialist, the Site Manager’s designee will make a decision. The Site Manager’s designee will decide to resolve or defend the case based on all factors and on whether the case was denied appropriately. The Site Manager’s designee is responsible for ensuring that further appeal by the applicant/participant through a Fair Hearing request is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Evidence Packets for the Job Center

All Evidence Packets must contain a detailed History, copies of relevant WMS screen printouts, other documentation relevant to the action taken and copies of NYCWAY “Case Notes” screens, when applicable.

Evidence Packets for the NPA FS Center

All Evidence Packets for NPA FS Centers must include WMS screen printouts, notices sent and any other documentation relevant to the action taken.

**LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING-IMPAIRED IMPLICATIONS**


For Limited English Speaking Ability (LESA) and hearing-impaired applicant/participants, make sure to obtain appropriate interpreter services in accordance with [PD #06-12-OPE](#) and [PD #06-13-OPE](#).

**REFERENCES**

[03 INF 19](#) Expired or Lost Immigration Documentation  
Fact Sheet INS Fee Waiver Guidance (10/09/98)  
[Food Stamp Source Book \(FSSB\)](#), Section 5

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**ATTACHMENT**

 Please use Print on Demand to obtain copies of forms.

**Attachment A** USCIS Online Case Database



# Attachment A

## Accessing the USCIS Online Database

[WWW.USCIS.GOV](http://WWW.USCIS.GOV)

The screenshot shows the USCIS homepage with the following elements:

- Header:** U.S. Citizenship and Immigration Services logo, "Securing America's Promise" slogan, and navigation links (Home, Contact Us, Site Map, Search, Advanced Search, Larger Text, Default).
- Navigation Menu:** Services & Benefits, Immigration Forms, Laws & Regulations, About USCIS, Education & Resources, Press Room.
- Main Content:**
  - New to U.S. Immigration?** Link to learn about visiting the U.S. temporarily or permanently.
  - Learn about U.S. Citizenship** link.
  - MORE INFORMATION:** Links for Permanent Residence (green card), Case Status Online and Processing Times, Change Your Address with USCIS, For Employers, and Visit the U.S.
  - WHAT'S NEW:** July 9, 2007 Message from USCIS Director Emilio Gonzalez regarding flower deliveries to injured service members; USCIS Announces Update on Employment-Based Adjustment of Status Processing (39KB PDF); July 2, 2007, 12:10 PM EDT - Dept. of State has revised its July Visa Bulletin.
- Right Side:** "Have you filed with USCIS?" section with options: Yes (My case is pending, My case has been approved, My case has been denied) and No, I haven't filed. Below it is an "Important Alerts" section with links for USCIS Modifies Requirements for Pilot Program and USCIS Reminds Customers of Customer Service Phone Number.

On the bottom right of the homepage, you can enter the 13-digit Application Receipt Number

**V:**

[Update on Employment-Based Adjustment of Status Processing \(39KB PDF\)](#)

0 PM EDT - Dept. of State has revised its July Visa Bulletin to reflect that all available d immigrant visas have been allocated for fiscal year 2007.

ning today, USCIS is rejecting applications to adjust status (I-485) filed by aliens whose not current under the revised July Bulletin.

vw limits the number of employment-based immigrant visas that may be issued each

[and Petition Fees Go into Effect July 30, 2007 \(27KB PDF\)](#)

customers that the agency's new fee schedule is effective on July 30, 2007. titions postmarked or otherwise filed on or after that date must include the new fee.

[ondurans and Nicaraguans Eligible for Temporary Protected Status \(TPS\) to Re-F\)](#)

emain for Hondurans and Nicaraguans eligible for TPS to file a re-registration application sing date of July 30. **Failure to file a TPS re-registration application by July 30** e withdrawal of TPS benefits, including employment authorization and i removal from the U.S.

### Important Alerts

[USCIS Modifies Requirements for DORA Pilot Program](#)

[USCIS Reminds Customers of Correct Customer Service Phone Number](#)

### Help with:

[Check Case Status](#)

[Schedule an appointment](#)

[File Online](#)

On the USCIS homepage ([www.uscis.gov](http://www.uscis.gov)), Enter the 13-digit Application Receipt Number