

MEMORANDUM

DATE: July 8, 2024

TO: Benefits Access Center (BAC) Directors, Supplemental Nutrition Assistance Program (SNAP) Center Directors, Regional Managers and HIV/AIDS Services Administration (HASA)

FROM: DSS Office of Procedures

SUBJECT: **Reminder Regarding Paroled Cuban and Haitian Applicants with Employment Authorization**

This Center Director (CD) Memorandum is being issued to remind Benefits Access Center (BAC), Supplemental Nutrition Assistance Program (SNAP) Center, and HIV/AIDS Services Administration (HASA) Center staff that Cuban and Haitian applicants with the **I-766** Employment Authorization Card coded **C11** are parolees and therefore eligible for federal benefits including SNAP. An Office of Refugee and Immigrant Affairs (ORIA) clearance is needed for Cuban and Haitian entrants (parolee status or otherwise). Refer to the screenshot below of the Non-Citizen Eligibility Desk Aid (**HRA-209**) page 5:

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

HRA-209 (E) 06/01/2023 (page 5 of 12)

IMPORTANT! This desk aid does not include every form of acceptable documentation to support a non-citizen status that would be satisfactory for benefit eligibility. If an individual presents a document not listed below, follow your social services district policies/ procedures for further guidance.

Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Cuban/Haitian Entrant *Also explore eligibility for RCA. See 15-ADM-02	H	<p><u>I-551 Permanent Resident Card or Temporary I-551 stamp in foreign passport</u> coded: CU6, CU7, CH6, HA6 or HB6;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: "Cuban/Haitian Entrant (status pending)" or coded CU6, CU7, HF, HP0, HPI or HPD;</p> <p>or</p> <p>Any other document from the USCIS indicating parole under the Haitian Family Reunification Parole Program (HFRP) coded "H";</p> <p>or</p> <p>Reasonable evidence of being a Cuban or Haitian national (citizen) and one of the following:</p> <p><u>I-766 Employment Authorization Card</u> coded: C8, C08, or C11;</p> <p>or</p> <p><u>I-766 Employment Authorization Card</u> coded: C18 (Order of Supervision) with additional documentation to support previous or current parole status into the U.S.;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: "Form I-589 (kid)";</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: "paroled under Section 212(d)(5) of the INA," or "Section 212(d)(5) of the INA," or stamp showing parole in U.S. on or after 10/10/80;"</p> <p>or</p> <p><u>I-797C Notice of Action</u> confirming USCIS's receipt of the non-citizen's Form I-589 (Application for Asylum and Withholding of Removal);</p> <p>or</p> <p>Documentation issued by the DHS or the Department of Justice's EOIR showing that the non-citizen is in removal proceedings (this includes Notice to Appear (DHS Form I-862), or Order of Supervision (DHS I-220B) if there is also evidence of parole into the U.S.)</p>	DOS is the date status was obtained	Yes	Yes	Yes
Active Military: a qualified non-citizen who is on active duty, other than active duty for training, in the United States Armed Forces, or their spouse, unremarried surviving spouse, or unmarried dependent child if such spouse or dependent child is also a qualified non-citizen	M	<p>Proof of qualified non-citizen status and</p> <p><u>Military Identification Card (Active)</u> 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.</p>	DOS is the date status was obtained	Yes	Yes	Yes

*Exception: This guideline does not apply when the non-citizen 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.

Effective immediately

Attachment:

HRA-209 Non-Citizen Eligibility Desk Aid (Rev. 6/1/23)

cc: FIA Call Center
Code X

NON-CITIZEN ELIGIBILITY DESK AID

IMPORTANT! This desk aid does not include every form of acceptable documentation to support a non-citizen status that would be satisfactory for benefit eligibility. If an individual presents a document not listed below, follow your social services district policies/ procedures for further guidance.

Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes ¹	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Lawful Permanent Resident (LPR) <u>without</u> 40 Qualifying Quarters	K	<p>I-551 Permanent Resident Card: workers must check category code;²</p> <p>or</p> <p>Temporary I-551 stamp in foreign passport or on I-94 Arrival/Departure Record;</p> <p>or</p> <p>Immigrant visa with the notation “upon endorsement serves as temporary I-551 permanent resident for one year;”</p> <p>or</p> <p>I-797 Notice of Action indicating approval of an I-485 Application to Register Permanent Residence or Adjust Status;</p> <p>or</p> <p>I-327 Permit to Reenter the United States;</p> <p>or</p> <p>I-181 Memorandum of Creation of Record of Lawful Permanent Residence with approval stamp;</p> <p>or</p> <p>Any other authoritative document that identifies the non-citizen³ as an LPR</p>	DOS is the date status was obtained	Yes	<p>Yes if:</p> <p>Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status;</p> <p>or</p> <p>Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status</p>	<p>Yes if:</p> <p>In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)];</p> <p>or</p> <p>In a qualified status and under age 18;</p> <p>or</p> <p>After five years in U.S. in a qualified status;</p> <p>or</p> <p>Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date</p>
LPR <u>with</u> 40 Qualifying Quarters	S	<p>Same LPR documentation as above</p> <p>and</p> <p>Proof of 40 qualifying quarters⁴</p> <p>Note: No quarters earned after 12/31/96 may be counted in which a non-citizen has received a federal means-tested public benefit, including but not limited to FA, SSI and SNAP.</p>	DOS is the date status was obtained			Yes

¹The Date of Status (DOS) field in the Welfare Management System (WMS) identifies the date a non-citizen obtained qualified status, which is indicated by the appropriate Alien Citizenship Indicator (ACI) code, and is used to calculate when a qualified non-citizen reaches five years in a qualified status and then becomes eligible for federally funded assistance, if otherwise eligible. Non-citizens that are considered Permanently Residing Under Color of Law (PRUCOL) are not qualified non-citizens, therefore, their time in a status that is considered PRUCOL does not count towards the five years. For non-citizens that are PRUCOL, the DOS field is left blank. If a non-citizen who is PRUCOL later adjusts to a qualified status, the date that the qualified status is obtained is the date that is entered in the DOS field.

The Date Entered Country (DEC) field in WMS indicates when the non-citizen physically entered the United States (U.S.). This is necessary so as not to deny federal benefits to certain qualified non-citizens who entered the U.S. prior to August 22, 1996 but have been in a qualified status for less than five years.

²Workers must check the “Category” code on the documentation provided to make the correct eligibility determination for federal benefits (FA, SNAP). This code is used to describe the category that was used to admit a non-citizen to the U.S. as a permanent resident. It is located on the front side of the I-551 Permanent Resident Card next to the cardholder’s A-number. This field is also known as a class of admission (COA), as seen on the Systematic Alien Verification for Entitlements (SAVE) report. As illustrated on this desk aid, certain non-citizens who have an I-551 Permanent Resident Card, often referred to as a “green card,” may not be subject to the “five-year bar” on federal benefits depending on the category code on the I-551.

Additionally, it is essential that the category codes included in the qualified battered non-citizen section on page 3 of the desk aid are identified. This is because, for qualified battered non-citizens, the DOS is often prior to the “Resident Since” date on the I-551 Permanent Resident Card.

³As used in this desk aid, the term “non-citizen” means a person who is not a citizen or national of the U.S. The term “qualified non-citizen” means a person who is a “qualified alien” as that term is defined in 8 U.S.C. §1641.

Note: Individuals born in certain territories of the U.S. are U.S. citizens at birth. These include: Puerto Rico, U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and the Panama Canal Zone (if born between 2/26/1904 and 10/1/1979). In addition, individuals who are born outside of the U.S. may be U.S. citizens at birth if one or both parents were U.S. citizens at their time of birth. Districts must verify citizenship status for these individuals. Individuals who are not U.S. citizens at birth may become U.S. citizens through naturalization. Naturalization is the conferring of U.S. citizenship after birth by any means whatsoever. Individuals born in American Samoa or Swains Island are nationals of the U.S. and for purposes of benefit eligibility should be treated as citizens, ACI code “C.”

⁴40 qualifying quarters as defined under Title II of the Social Security Act, or can be credited with such qualifying quarters. An LPR may earn qualifying quarters by working, or may be credited with qualifying quarters from a parent, stepparent, or adoptive parent for any quarter earned prior to the LPR turning 18 years old. An LPR may also be credited with quarters earned by a spouse during their marriage. A widow or widower retains credit for all qualifying quarters earned by a deceased spouse during the marriage. When a marriage ends in divorce, however, any quarters earned by the spouse during the marriage are forfeited.

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

IMPORTANT! This desk aid does not include every form of acceptable documentation to support a non-citizen status that would be satisfactory for benefit eligibility. If an individual presents a document not listed below, follow your social services district policies/ procedures for further guidance.

Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
<ul style="list-style-type: none"> • Refugee • Conditional Entrant (A status granted to Refugees prior to 1980) • Iraqi or Afghan Special Immigrant Visa Holder (SIV) or SQ/SI Parolee • Afghan Humanitarian Parolee⁵ • Amerasian Immigrant • Certain Hmong or Highland Laotian • Ukrainian Parolee <p>*Also explore eligibility for Refugee Cash Assistance (RCA). See 16-ADM-02</p>	R	<p><u>I-551 Permanent Resident Card, or I-94 Arrival/Departure Record or Passport</u> stamped/coded: AM1, AM2, AM3, AM6, AM7, AM8, AR1, AR6, R8-6, RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9, CQ1, CQ2, CQ3, SI-1, SI-2, SI-3, SI-6, SI-7, SI-8, SI-9, SQ1, SQ2, SQ3, SQ4, SQ5, SQ6, SQ7, SQ8 or SQ9;</p> <p style="text-align: center;">or</p> <p>Department of Homeland Security (DHS)/Customs and Border Protection (CBP) or DHS/United States Citizenship and Immigration Services (USCIS) Temporary <u>I-551</u> Alien Documentation Identification and Telecommunication (ADIT) stamp;</p> <p style="text-align: center;">or</p> <p><u>I-766 Employment Authorization Card</u> coded: A3 or A03;</p> <p style="text-align: center;">or</p> <p><u>I-94 Arrival/Departure Record or Passport</u> stamped/coded: “admitted under Section 207 or 203(a)(7) (as in effect prior to 4/1/80) of the Immigration and Nationality Act (INA),” or “Refugee,” or Iraq or Afghanistan national stamped: “admitted under Section 101(a)(27) of the INA,” or “SQ/SI parole,” or evacuees from Afghanistan with one of the following stamps: “Humanitarian Parole per INA Section 212(d)(5)(A),” or DHS/CBP stamp noting Operation Allies Refuge or “OAR,” or DHS/CBP admission stamp noting Operation Allies Welcome or “OAW,” or DHS/CBP admission stamp noting “DT,” or “parolees who are nationals of or last habitually resided in Ukraine and who entered the U.S. on or after February 24, 2022 with one of the following stamps: “Humanitarian Parole per INA Section 212(d)(5)(A),” 212(d)(5)(A), U4U, UHP or DT”);</p> <p style="text-align: center;">or</p> <p><u>I-94 Arrival/Departure Record</u> with a separate, printed page on CBP letterhead, and the following notation, signed and dated by a USCIS officer: Special Immigrant Status (SQ/SI) Parolee; Section 602(B)(1) AAPA/Section 1059(a) NDAA 2006; Date: _____ USCIS Officer: _____</p> <p style="text-align: center;">or</p> <p><u>I-797 Notice of Action</u> indicating approval of an I-730 “Refugee;”</p> <p style="text-align: center;">or</p> <p><u>I-571 Refugee Travel Document</u></p>	<p>DOS is the date the non-citizen entered the U.S.</p>	Yes	Yes	Yes
<p>Asylum Granted⁶</p> <p>*Also explore eligibility for RCA. See 16-ADM-02</p>	A	<p><u>I-551 Permanent Resident Card</u> coded: AS1, AS2, AS3, AS6, AS7, or AS8;</p> <p style="text-align: center;">or</p> <p><u>I-766 Employment Authorization Card</u> coded: A5 or A05;</p> <p style="text-align: center;">or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: “Granted asylum under Section 208 of the INA;”</p> <p style="text-align: center;">or</p> <p><u>I-797 Notice of Action</u> indicating approval of an I-730 “Asylee;”</p> <p style="text-align: center;">or</p> <p>Grant letter from the USCIS Asylum Office;</p> <p style="text-align: center;">or</p> <p>Order of an immigration judge granting asylum.</p>	<p>DOS is the date status was obtained</p>	Yes	Yes	Yes

⁵ Afghan Humanitarian Parolees shall be eligible for certain benefits until March 31, 2023, or the end of the individual's parole term, whichever is later.

⁶ If the non-citizen has not been granted asylum but is an asylum applicant, refer to page 8 to determine SNA eligibility.

NON-CITIZEN ELIGIBILITY DESK AID (continued)

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
<p><u>Qualified Battered Non-Citizen⁷</u></p> <p>A U.S. citizen's or LPR's battered spouse, or child, or parent or child of such battered person, who:</p> <p>Obtains "Notice of Prima Facie" Case from the USCIS under the Violence Against Women Act (VAWA);</p> <p>or</p> <p>Has an I-360 self-petition under VAWA that is approved;</p> <p>or</p> <p>Has a pending I-360 self-petition and is determined to be a credible victim of domestic violence by the district's Domestic Violence Liaison (DVL);</p> <p>or</p> <p>Is determined to be a credible victim of domestic violence by the district's DVL with a pending or approved I-130 petition;</p> <p>or</p> <p>Has an application for VAWA cancellation of removal or suspension of deportation that has been granted or is pending and the immigration court finds that the applicant has a prima facie case for this relief</p>	<p>B</p>	<p><u>I-551 Permanent Resident Card</u> coded: B11, B12, B16, B17, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29, B31, B32, B33, B36, B37, B38, BX1, BX2, BX3, BX6, BX7, BX8, IB1, IB2, IB3, IB6, IB7, IB8 or Z14;</p> <p>or</p> <p><u>I-766 Employment Authorization Card</u> coded: A09, A15 or C31;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> coded: K3, K4, V1, V2 or CR -1-7 and a pending or approved I-130;</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating prima facie eligibility of an I-360 self-petition under Section 204(a)(1)(A)(iii) or (iv), or Section 204(a)(1)(B)(ii) or (iii) of the INA;</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating approval or pending I-360 self-petition under Section 204(a)(1)(A)(i) or (iii) or (iv), or Section 204(a)(1)(B)(ii) or (iii) of the INA;</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating approval or pending I-130 visa petition under Section 204(a)(1)(A)(i) of the INA (spouse or child of a U.S. citizen), or Section 204(a)(1)(B)(i) (spouse or child of a lawful permanent resident);</p> <p>or</p> <p>Any other document from the USCIS indicating the non-citizen has a K or V visa and a pending or approved I-130;</p> <p>or</p> <p>Order from the Executive Office of Immigration Review (EOIR) under Section 240A(b)(2) of the INA or if the application is pending documentation that the court finds that the applicant has a prima facie case for this relief.</p>	<p>DOS is the date status was obtained⁸</p>	<p>Yes</p>	<p>Yes if:</p> <p>Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status;</p> <p>or</p> <p>Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status</p>	<p>Yes if:</p> <p>In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)];</p> <p>or</p> <p>In a qualified status and under age 18;</p> <p>or</p> <p>In a qualified status and have 40 qualifying quarters;</p> <p>or</p> <p>After five years in U.S. in a qualified status;</p> <p>or</p> <p>Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date</p>

⁷For non-citizens to be treated as qualified battered non-citizens, they must meet four requirements:

1. Be a credible victim of battery or extreme cruelty; and
2. Have appropriate immigration documentation; and
3. Be able to show a substantial connection between the need for benefits and the battery or extreme cruelty; and
4. No longer reside in the same household as the abuser.

Districts should refer to 06-INF-14 for additional information about qualified battered non-citizens and eligibility.

⁸In general, the DOS for CA and SNAP is when all four of the criteria in footnote 6 are met. **Exception for SNAP:** Per current United States Department of Agriculture (USDA) guidance, for non-citizens with an approved I-360; or a prima facie determination on a pending I-360; the DOS for SNAP is the date the I-360 petition was approved, or the date the prima facie determination was made by USCIS, whichever is earlier.

WMS only records one DOS. If the DOS for CA and SNAP are different, enter the earlier of the two dates in WMS so that the non-citizen can receive the federal benefits they are eligible for; the later date must be noted, and tracked manually in the case record so that the federal benefits for that benefit program are also issued appropriately. See GIS 19 TA/DC038 "SNAP and CA Date of Status (DOS) Determination for Qualified Battered Non-Citizens," for further information.

Note: Non-citizens who file for VAWA related immigration relief often later adjust their immigration status to become LPRs. The "residence since" date on the I-551 Permanent Resident Card indicates the date LPR status was obtained, not the date the non-citizen was determined to be a qualified battered non-citizen. For both CA and SNAP, use the earliest appropriate date as the DOS for benefit eligibility. If a non-citizen presents an I-551 with one of the codes noted above, review the case record, and/or ask the non-citizen if they have additional documentation, to determine if an earlier DOS would be appropriate.

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Victim of Human Trafficking *Also explore eligibility for RCA. See 16-ADM-02	D	<u>I-551 Permanent Resident Card</u> coded: ST0, ST6, ST7, ST8 or ST9; or <u>I-766 Employment Authorization Card</u> coded: A16 or C25; or <u>I-94 Arrival/Departure Record</u> coded: T1, T2, T3, T4, T5 or T6 stating admission under Section 212(d)(5) of the INA if status granted for at least one year; or <u>I-797 Notice of Action</u> indicating approval of an I-914 or I-914A coded: T1, T2, T3, T4, T5 or T6; or Certification Document (for adults) or Eligibility Letter (for children) from the Administration for Children and Families (ACF), Office on Trafficking in Persons (OTIP); Must call 1-866-401-5510 for verification.	DOS is the date of certification or eligibility by OTIP See 03-ADM-01	Yes	Yes	Yes
Deportation or Removal Withheld	J	<u>I-766 Employment Authorization Card</u> coded: A10; or Order from an 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.	DOS is the date status was obtained	Yes	Yes	Yes
Parolee (for at least one year) (A parolee is a non-citizen who has been allowed to enter the U.S. for humanitarian or public interest reasons)	G	<u>I-766 Employment Authorization Card</u> coded: A04 or C11 and <u>I-94 Arrival/Departure Record</u> indicating admitted for at least one year; or <u>I-94 Arrival/Departure Record</u> stamped: "Paroled pursuant to Section 212(d)(5)," or "parole," or "PIP" with date of entry and date of expiration indicating one year; Note: See Cuban/Haitian Entrant section on page 5 if non-citizen is a Cuban or Haitian national.	DOS is the date status was obtained	Yes	Yes if: Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status; or Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status	Yes if: In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)]; or In a qualified status and under age 18; or In a qualified status and have 40 qualifying quarters; or After five years in U.S. in a qualified status; or Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date
Parolee (for less than one year)	T	<u>I-766 Employment Authorization Card</u> coded: A04 or C11; or <u>I-94 Arrival/Departure Record</u> stamped: "Paroled pursuant to section 212(d)(5)," or "parole," or "PIP" Note: See Cuban/Haitian Entrant section on page 5 if non-citizen is a Cuban or Haitian national.	DOS is left blank	Yes	No	No

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
<p>Cuban/Haitian Entrant</p> <p>*Also explore eligibility for RCA. See 16-ADM-02</p>	<p>H</p>	<p>I-551 Permanent Resident Card or Temporary I-551 stamp in foreign passport coded: CU6, CU7, CH6, HA6 or HB6;</p> <p>or</p> <p>I-94 Arrival/Departure Record stamped: "Cuban/Haitian Entrant (status pending)" or coded CU6, CU7, HF, HP0, HP1 or HPD;</p> <p>or</p> <p>Any other document from the USCIS indicating parole under the Haitian Family Reunification Parole Program (HFRP) coded "HF;"</p> <p>or</p> <p>Reasonable evidence of being a Cuban or Haitian national (citizen) and one of the following:</p> <p>I-766 Employment Authorization Card coded: C8, C08, or C11;</p> <p>or</p> <p>I-766 Employment Authorization Card coded: C18 (Order of Supervision) with additional documentation to support previous or current parole status into the U.S.;</p> <p>or</p> <p>I-94 Arrival/Departure Record stamped: "Form I-589 filed;"</p> <p>or</p> <p>I-94 Arrival/Departure Record stamped: "paroled under Section 212(d)(5) of the INA," or "Section 212(d)(5) of the INA," or stamp showing parole in U.S. on or after 10/10/80;⁹</p> <p>or</p> <p>I-797C Notice of Action confirming USCIS's receipt of the non-citizen's Form I-589 (Application for Asylum and Withholding of Removal);</p> <p>or</p> <p>Documentation issued by the DHS or the Department of Justice's EOIR showing that the non-citizen is in removal proceedings (this includes Notice to Appear (DHS Form I-862), or Order of Supervision (DHS I-220B) if there is also evidence of parole into the U.S.)</p>	<p>DOS is the date status was obtained</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>
<p>Active Military: a qualified non-citizen who is on active duty, other than active duty for training, in the United States Armed Forces, or their spouse, unremarried surviving spouse, or unmarried dependent child if such spouse or dependent child is also a qualified non-citizen</p>	<p>M</p>	<p>Proof of qualified non-citizen status</p> <p>and</p> <p>Military Identification Card (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.</p>	<p>DOS is the date status was obtained</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>

⁹**Exception:** This guideline does not apply when the non-citizen 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.

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

IMPORTANT! This desk aid does not include every form of acceptable documentation to support a non-citizen status that would be satisfactory for benefit eligibility. If an individual presents a document not listed below, follow your social services district policies/ procedures for further guidance.

Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Veteran: a veteran who is a qualified non-citizen and who (1) has received a discharge from the United States Armed Forces characterized as honorable and not on account of alienage, or (2) has a qualifying condition, as defined in Section 350 of the New York State Executive Law, and has received a discharge other than bad conduct or dishonorable (and not on account of alienage) from the Armed Forces, or (3) is a discharged LGBT veteran, as defined in Section 350 of the New York State Executive Law, and has received a discharge other than bad conduct or dishonorable (and not on account of alienage) from the Armed Forces; or their spouse, un-remarried surviving spouse, or unmarried dependent child if such spouse or dependent child is also a qualified non-citizen	V	Proof of qualified non-citizen status and DD Form 214 Discharge Certificate 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.	DOS is the date status was obtained	Yes	Yes	Yes
North American Indian born in Canada	C	I-551 Permanent Resident Card coded: S13 or temporary I-551 stamp in a Canadian passport; or I-94 Arrival/Departure Record stamped: S13; or Tribal document certifying at least 50% American Indian blood, as required by Section 289 of the INA; and School records, or, a birth or baptismal certificate issued on a reservation, or, other satisfactory evidence of birth in Canada.	N/A	Yes	Yes	Yes
Member of federally recognized tribe born outside U.S.	C	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.	N/A	Yes	Yes	Yes
Permanent nonimmigrant, pursuant to P.L. 99-239, as amended (applicable to citizens of the Federated States of Micronesia and Marshall Islands) or P.L. 99-658 (applicable to citizens of Palau)	O	I-766 Employment Authorization Card coded: A08; or I-94 Arrival/Departure Record stamped: CFA/MIS "DS" (Duration of Status), D/S; or, CFA/PAL "DS" (Duration of Status), D/S	DOS is left blank	Yes	No	No
Continuous entry and residence in the U.S. prior to January 1, 1972	O	I-766 Employment Authorization Card coded: C16; or Any other document from the EOIR or USCIS indicating Registry Application is pending; or Any documentary proof establishing entry and continuous residence.	DOS is left blank	Yes	No	No

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Subject to an Order of Supervision Note: If applicant/participant is Cuban or Haitian, a clearance request must be sent to ORIA.	O	<u>I-766 Employment Authorization Card</u> coded: C18; or <u>I-220B Order of Supervision</u> ; or Any other authoritative document indicating an Order of Supervision Note: Cuban or Haitian nationals under an Order of Supervision are deemed to retain their Cuban-Haitian Entrant status for benefit eligibility purposes if they can document they are a national of Cuba or Haiti with a previous or current parole status into the U.S. ¹⁰	DOS is left blank	Yes	No	No
Granted Cancellation of Removal	O	Order from the EOIR granting cancellation of removal; or Any other document from the EOIR indicating cancellation of removal granted	DOS is left blank	Yes	No	No
Applicants for Cancellation of Removal	O	<u>I-766 Employment Authorization Document</u> coded: C10; or Filed copy of Executive Office for Immigration Review (EOIR) Form 42A or 42B; or Other authoritative USCIS documentation from a federal immigration agency indicating a pending application for cancellation of removal.	DOS is left blank	Yes	No	No
Granted Temporary Protected Status (TPS)	O	<u>I-797 Notice of Action</u> indicating TPS status is granted, or <u>I-766 Employment Authorization Card</u> coded: A12.	DOS is left blank	Yes	No	No
Granted Special Immigrant Juvenile Status.	O	<u>Form I-797 Notice of Action</u> indicating approval of an I-360 petition for Special Immigrant Juvenile Status; or Any other USCIS or government document indicating that Special Immigrant Juvenile Status was granted.	DOS is left blank	Yes	No	No
Granted Deferred Action for Childhood Arrivals (DACA).	O	<u>I-797</u> (Notice of Action) Indicating approved Deferred Action for Childhood Arrivals application; or <u>I-766 Employment Authorization Card</u> coded C33; or Any other documentation from EOIR or USCIS indicating that a DACA application has been approved.	DOS is left blank	Yes	No	No
Applicants for Deferred Action for Childhood Arrivals (DACA)	O	<u>I-797 Notice of Action</u> indicating the United States Citizenship and Immigration Services (USCIS) has received an application/request for DACA; or Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application or request; or Other authoritative documentation from a federal immigration agency indicating a pending DACA application or request.	DOS is left blank	Yes	No	No

¹⁰Refer to GIS 16 TA/DC048 "Eligibility to Participate in SNAP by Certain Cuban Nationals Under an Order of Supervision," for additional information regarding SNAP eligibility for these non-citizens.

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Applicants for Temporary Protected Status (TPS)	O	<p>I-797 Notice of Action indicating the United States Citizenship and Immigration Services (USCIS) has received an application for TPS;</p> <p>or</p> <p>I-766 Employment Authorization Document coded C19;</p> <p>or</p> <p>Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application;</p> <p>or</p> <p>Other authoritative documentation from a federal immigration agency indicating a pending TPS application.</p>	DOS is left blank	Yes	No	No
Applicants for Asylum	O	<p>I-797 Notice of Action indicating the United States Citizenship and Immigration Services (USCIS) has received an application for asylum;</p> <p>or</p> <p>Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application or request submitted to the federal immigration agency;</p> <p>or</p> <p>I-766 Employment Authorization Document coded C08 or C8;</p> <p>or</p> <p>Other authoritative documentation from a federal immigration agency indicating an asylum application pending.</p>	DOS is left blank	Yes	No	No
Applicants for Special Immigrant Juvenile (SIJ) Classification	O	<p>I-797 Notice of Action indicating the United States Citizenship and Immigration Services (USCIS) has received a petition;</p> <p>or</p> <p>Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the petition;</p> <p>or</p> <p>Other authoritative documentation from a federal immigration agency indicating a pending petition for SIJ classification.</p>	DOS is left blank	Yes	No	No
Non-citizen, not otherwise included on this desk aid, who the USCIS has officially determined is legitimately present in the U.S. and who the USCIS is allowing to reside in the country for an indefinite period of time	O	Districts must contact the Office of Temporary and Disability Assistance (OTDA) Temporary Assistance (TA) Bureau for additional guidance if the district believes they have a non-citizen that fits this description.	DOS is left blank	Yes	No	No

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Applicants for Adjustment of Status to Lawful Permanent Residence (LPR)	O	I-797 Notice of Action indicating the United States Citizenship and Immigration Services (USCIS) has received an application for adjustment of status; or Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application; or Other authoritative documentation from a federal immigration agency indicating an application to adjust status to LPR is pending.	DOS is left blank	Yes	No	No
Applicants for Suspension of Deportation (under former 244 of the Immigration and Nationality Act (INA))	O	Filed copy of Executive Office for Immigration Review (EOIR) Form 40; or Other authoritative documentation from a federal immigration agency indicating a pending application for suspension of deportation.	DOS is left blank	Yes	No	No
Applicants requesting Deferred Action	O	I-797 Notice of Action indicating the United States Citizenship and Immigration Services (USCIS) has received an application or other request for deferred action; or Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application/request; or Other authoritative documentation from a federal immigration agency indicating a request for deferred action is pending.	DOS is left blank	Yes	No	No
Persons granted Deferred Enforced Departure (DED) due to conditions in their home country	O	I-766 Employment Authorization Document coded A11; or Any other authoritative document indicating that Deferred Enforced Departure has been granted.	DOS is left blank	Yes	No	No
Persons granted Stays of Deportation – Non-citizens who have been found deportable, but deportation is deferred for a specified period of time	O	I-94 Arrival/Departure Record ; or Letter or order from a federal immigration agency, immigration judge or court granting stay of deportation; or Order of supervision.	DOS is left blank	Yes	No	No
Persons granted Indefinite Stay of Deportation – Non-citizens who have been found deportable, but deportation is deferred indefinitely	O	I-94 Arrival/Departure Record coded 106 “granted Indefinite Stay or Deportation”; or Letter or order from a federal immigration agency, immigration judge or court granting indefinite stay of deportation.	DOS is left blank	Yes	No	No
Persons granted Indefinite Voluntary Departure – Relief that was granted before April 1997 to non-citizens who have been found deportable, but deportation is deferred indefinitely	O	I-94 Arrival/Departure Record or Letter or order from a federal immigration agency, immigration judge or court granting voluntary departure for an indefinite time.	DOS is left blank	Yes	No	No

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Granted Suspension of Deportation pursuant to former Section 244 of the INA (Non-citizens in this category have been found deportable, have met a period of continuous residence and have filed an application for the EOIR to suspend deportation, which has been granted.)	O	Letter or order from an immigration judge or court.	DOS is left blank	Yes	No	No
Persons who have filed applications for adjustment of status to lawful permanent resident under Section 245 of the INA that the USCIS has accepted as "properly filed"	O	<u>I-94 Arrival/Departure Record</u> or foreign passport with annotation "adjustment application" or as employment authorized during status adjustment applicant; or <u>Form I-797 Notice of Action</u> indicating an application for Adjustment of Status; or <u>I-766 Employment Authorization Card</u> annotated: C9, or C09, or C09P.	DOS is left blank	Yes	No	No
Persons on whose behalf an immediate Relative Petition has been approved and family members covered by the petition (Non-citizens who are immediate relatives (spouse, father, mother, or unmarried child) of a U.S. citizen/LPR who has filed an I-130 Relative Petition on their behalf).	O	<u>I-94 Arrival/Departure Record</u> or <u>I-797 Notice of Action</u> indicating an approved I-130 Relative Petition and a pending application for an I-551 Lawful Permanent Resident Card. or Any other authoritative USCIS document indicating that a relative petition has been approved.	DOS is left blank	Yes	No	No
Applicants for a special non-immigrant visa, including individuals applying for a K (spouse or fiancé of a U.S. citizen), S (certain non-citizens supplying critical information related to terrorism or organized crime), T (trafficking victims and their family members), U (victims of criminal activity and their spouse/children), or V Visa (spouse and children of LPR who are in the process of immigrating to the U.S).	O	<u>I-797 Notice of Action</u> indicating the United States Citizenship and Immigration Services (USCIS) has received, acted on, or approved an application or petition; or Postal Return Receipt or a copy of cancelled check addressed to the USCIS or the federal immigration agency and a copy of the application or petition documents submitted to the USCIS or the federal immigration agency; or Other authoritative documentation from a federal immigration agency indicating a pending application or petition.	DOS is left blank	Yes	No	No
Granted Cancellation of Removal	O	Order from the Executive Office of Immigration Review (EOIR) granting cancellation of removal; or Any other authoritative document from the USCIS indicating cancellation of removal granted.	DOS is left blank	Yes	No	No
Granted Deferred Action status	O	<u>I-766 Employment Authorization Card</u> coded C14; or Any letter from USCIS granting deferred status to a "U" visa applicant; or Any other authoritative document from the USCIS indicating deferred action.	DOS is left blank	Yes	No	No

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Granted a "U" visa.	O	<u>I-797 Notice of Action</u> indicating that a petition for "U" nonimmigrant status was approved; or <u>I-94 Arrival/Departure Record</u> stamped "U1", or "U2", or "U3", or "U4", or "U5"; or <u>I-766 Employment Authorization Document</u> coded A19 or A20 (for qualified dependent family members); or Any other USCIS authoritative document that verifies "U" Nonimmigrant status.	DOS is left blank	Yes	No	No
Granted an "S" visa.	O	<u>I-94 Arrival/Departure Record</u> stamped "S5", or "S6", or "S7"; or <u>I-766 Employment Authorization Document</u> coded C21; or Any other USCIS authoritative document that verifies "S" Visa status.	DOS is left blank	Yes	No	No
Granted a "K3", or "K4" or "V" visa.	O	Unexpired "K3", or "K4", or "V" visa in passport; Note: If an expired "K" or "V" visa is submitted, then proof that an I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS must be submitted; or <u>I-94 Arrival/Departure Record</u> stamped "K3", or "K4", or "V1", or "V2", or "V3"; or <u>I-766 Employment Authorization Document</u> coded A9, or A09, or A14, or A15; and Any authoritative USCIS document indicating an I-130 petition is pending or approved.	DOS is left blank	Yes	No	No
Living in the U.S. with knowledge and permission or acquiescence of the USCIS and whose departure the Agency does not contemplate enforcing for an indefinite period of time.	TBD	If documentation is submitted and the status of the non-citizen does not fit in any of the other categories listed in this guide, the Worker must contact the Office of Refugee and Immigrant Affairs (ORIA), at (212) 331-4550 or oria@hra.nyc.gov, who will determine if the non-citizen meets PRUCOL status.	DOS is left blank	TBD	TBD	TBD
Other status not eligible for CA or SNAP	E	Non-citizen that is unable to provide sufficient documentation to support their inclusion in any of the above statuses.	N/A		No ¹¹	

¹¹If it is determined that a non-citizen is ineligible for CA and/or SNAP because of their non-citizen status, the non-citizen must be denied using the appropriate denial code (F92 - Failure to Provide Proof of Citizenship or Eligible Alien Status (TA) or F92 - Ineligible Alien (SNAP)) and ACI code "E." Use of the appropriate denial and ACI codes is necessary so that a Medicaid Separate Determination (MSD) is conducted.

NON-CITIZEN ELIGIBILITY DESK AID *(continued)*

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QUICK TIPS

This is a guide. Staff may see documents that are not on this guide. If you have a document that is not on this guide or are unsure of the proper status, you can contact the Office of Refugee and Immigrant Affairs (ORIA) and request a clearance using the **ORIA-195**.

- Ask applicants/participants to provide all documentation they have and consider all of the documents you receive.
- Scan and index all immigration documents. Scan all sides and all pages of passports including blank pages, front and back of cards, legibly and in color in the HRA OneViewer (PB 07-82-OPE).
- If you do not find the documentation the client presented, contact ORIA at oria@dss.nyc.gov or (212) 331-4550.
- Request a SAVE search for any noncitizen members of the household who do not present themselves as undocumented. For any documentation that shows a pending application, check with USCIS.GOV for current case updates (PD-17-11-ELI).
- Individuals may still be eligible for public benefits if they do not have a Social Security number (PB-16-20-OPE and PD-16-20-ELI).
- If you are unsure about an individual's eligibility for benefits, contact ORIA. For a clearance, email the ORIA-195 (ORIA Clearance Request) to oria@dss.nyc.gov after you have scanned and indexed all immigration documents and filled out and scanned the SAVE referral form (W-515X)..
- If applicant/participant is Cuban/Haitian, a clearance request must be sent to ORIA along with all the documents that have been scanned and indexed.