



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 #04-98-ELI

REVISION TO THE ALIEN ELIGIBILITY DESK AID (W-205V)

<p>Date: May 27,2004</p>	<p>Subtopic(s): Eligibility</p>
<p> This procedure can now be accessed on the FIAweb.</p> <p>Clarification regarding individuals with WMS ACI codes listed above</p>	<p>The purpose of this bulletin is to inform all staff of the revision of the Alien Eligibility Desk Aid (W-205V). The W-205V has been revised to include a footnote for the following Welfare Management System (WMS) Alien Citizenship Indicator (ACI) codes:</p> <ul style="list-style-type: none"> S – Persons lawfully admitted for permanent residence who have worked or can be credited with 40 qualifying quarters of coverage as defined under Title II of the Social Security Act. K – Persons lawfully admitted for permanent residence without 40 qualifying quarters. B – Certain battered aliens who are the immediate relatives (spouse or child) of a U.S. citizen or lawful permanent resident alien who have been battered or subject to extreme cruelty by the spouse or parent. G – Persons paroled into the U.S. for at least one year. <p>The U.S. Department of Health and Human Services, the federal agency that regulates immigrant eligibility for federal cash and Medicaid benefits, has issued a clarification regarding certain individuals represented by the above WMS ACI codes.</p> <p>Individuals who fall into one of the above categories <u>and</u> were residing in the U.S. prior to 8/22/96 are not subject to the requirement of five years in a qualified status for Family Assistance and are eligible for Family Assistance if currently a qualified alien and otherwise eligible.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call (718) 557-1313 then press 2 at the prompt followed by 765 or
send an e-mail to *FIA Call Center*

For example:

Example

Mr. Chen Chu entered the U.S. on a visitor's visa in 1993 and overextended his stay. He was living in the U.S. illegally for two years before he met his wife, who is a U.S citizen. Based on this marriage, he applied for lawful permanent resident status in 1998 and received that status in 2000.

In 2003, Mr. Chu and his family applied for Family Assistance, Food Stamps and Medicaid.

Because Mr. Chu was physically residing in the U.S. prior to 8/22/96, he does not need five years of qualified alien status to be eligible for Family Assistance and therefore, if otherwise eligible, he is entitled to receive Family Assistance. Mr. Chu's current status as a permanent resident alien qualifies him for Medicaid (if otherwise eligible) regardless of how many years he has had qualified alien status.

However, the 8/22/96 date has no significance in regard to food stamps. Under the FS immigration rules, as a permanent resident alien, Mr. Chu is not eligible for Food Stamp benefits until he has been in a qualified status for five years, can be credited with 40 work quarters or is in receipt of disability benefits.

Documentation must be received to prove entry into the U.S. prior to 8/22/96

Individuals affected by this policy must provide documentation to prove their residence in the U.S. prior to 8/22/96. Documents such as tax returns, employment and/or school records, a landlord statement and/or immigration documents that prove entry into the U.S. was before 8/22/96 can be submitted as proof.

POS Centers

Workers at POS Centers will enter the date the individual actually entered the country, based on the documentation provided, in the **Date of Entry** field on the **Additional Information** window in the Alien Type Determination questions for Aliens with ACI codes **S**, **K**, **B** and **G** until POS is reprogrammed to reflect this policy.

Revised **W-205V**

As a result of this clarification, the **W-205V** has been revised to include the following footnote for ACI codes **S**, **K**, **B** and **G**:

Footnote added to revised **W-205V**

"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."

Effective Immediately

Forms can now be accessed through Print on Demand at all Job Centers.

Attachment:

W-205V Alien Eligibility Desk Aid (Rev. 5/27/04)

Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamps
Refugees	R	<p>Form I-94 stamped "Admitted under Section 207 of the INA," "Refugee," "RE1," "RE2," "RE3," or "RE4." OR</p> <p>Form I-551 Alien Registration Card stamped "R8-6," "RE5," "RE6," "RE7," "RE8," or "RE9." OR</p> <p>Form I-571 Refugee Travel Document. OR</p> <p>Form I-688B: Employment Authorization Card annotated with "274a.12(a)(3)." OR</p> <p>Form I-766 Employment Authorization Document annotated "A3."</p>	Date of entry				
Cuban/Haitian Entrants	H	<p>Form I-94 stamped "Cuban/Haitian Entrant (Status Pending)," "Section 212(d)(5) of the INA," "Form I-589 Filed," "CU6," or "CU7." OR</p> <p>Form 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</p> <p>Form I-551 Alien Registration Card stamped "CU6," "CU7," or "CH6." OR</p> <p>Temporary Form I-551 stamp in foreign passport. OR</p> <p>BCIS notice or letter indicating ongoing exclusion or deportation proceedings. OR</p> <p>A letter from BCIS indicating individual applied for asylum.</p>	Date status granted	Yes			
Asylees	A	<p>Form I-94 stamped "Granted asylum under section 208 of the INA." OR</p> <p>Form I-551 Alien Registration Card stamped "AS1," "AS2," "AS3," "AS6," "AS7" or "AS8." OR</p> <p>Form I-688B Employment Authorization Card annotated with "274a.12(a)(5)." OR</p> <p>Form I-766 Employment Authorization Document annotated "A5." OR</p> <p>Grant letter from the Asylum Office of BCIS. OR</p> <p>Order of an immigration judge granting asylum.</p>					

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.

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 Stamps
Amerasian Immigrants	R	<p>Form I-94 stamped "AM1," "AM2" or "AM3," "AM6," "AM7," or "AM8." Derive date of entry from date of inspection on stamp; if date is missing, obtain from Form I-551 or from BCIS.</p> <p style="text-align: center;">OR</p> <p>Form I-551 Alien Registration Card stamped "AM6," "AM7," or "AM8."</p> <p style="text-align: center;">OR</p> <p>Temporary Form I-551 stamp in foreign passport.</p> <p style="text-align: center;">OR</p> <p>Form I-571 Refugee Travel Document.</p> <p style="text-align: center;">OR</p> <p>Vietnamese exit visa or passport stamped "AM1," "AM2," or "AM3."</p>	Date of entry				
Deportation or Removal Withheld	J	<p>Form I-688B Employment Authorization Card annotated with "274a.12(a)(10)."</p> <p style="text-align: center;">OR</p> <p>Form I-766 Employment Authorization Document annotated "A10."</p> <p style="text-align: center;">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>	Date status granted			Yes	
Certain Hmong or Highland Laotian	Z	<p>Form I-94 stamped "Admitted under Section 207 of the INA," "Refugee," "RE1," "RE2," "RE3," or "RE4."</p> <p style="text-align: center;">OR</p> <p>Form I-551 Alien Registration Card stamped "RE5," "RE6," "RE7," "RE8," or "RE9."</p> <p style="text-align: center;">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 style="text-align: center;">AND</p> <p>Documents to show the individual is lawfully residing in the U.S. *Divorced spouses do not qualify.</p>					

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.

Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamps
Lawfully Admitted for Permanent Residence (LPR)^{* 2} with 40 Qualifying Quarters	S	<p>Form I-551 Alien Registration Card.</p> <p>OR</p> <p>Temporary Form I-551 stamp in foreign passport or on Form I-94.</p> <p>OR</p> <p>Form I-327 Re-Entry Permit.</p> <p>OR</p> <p>Form I-181 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>Form I-551 Alien Registration Card.</p> <p>OR</p> <p>Temporary Form I-551 stamp in foreign passport or on Form I-94.</p> <p>OR</p> <p>Form I-327 Re-Entry Permit.</p> <p>OR</p> <p>Form I-181 Memorandum of Creation of Lawful Permanent Residence with approval stamp.</p>	Date status granted	Yes	Yes, after 5 years in a qualified status²	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 OR • 5 years of qualified status OR • Under age 18

* No quarters earned after 12/31/96 may be counted in which an alien has received a Federal means-tested public benefit (FA, 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.

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 Stamps
Veteran, Spouse, Unmarried Surviving Spouse and/or 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 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	<p>Form I-94 with stamp showing "Admitted under Sect. 203(a)(7) of INA."</p> <p style="text-align: center;">OR</p> <p>Form I-688B Employment Authorization Card annotated "274a.12(a)(3)."</p> <p style="text-align: center;">OR</p> <p>Form I-766 Employment Authorization Document annotated "A1", "A3."</p>	Date of entry	Yes			

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.

Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamps
<p>Battered Spouse³ and/or Dependent Child of a U.S. Citizen or LPR* who Obtains "Notice of Prima Facie Case from BCIS" 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 determination of 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). OR Form I-797 - indicating approved or pending Form I-130 (visa petition) under Section 204(a)(1)(A)(i) or (ii), or Section 204(a)(1)(B)(i). OR Order from EOIR granting of suspension of deportation under Section 244(a)(3) or cancellation of removal under Section 240A(b)(2).</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 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. OR Form I-688B annotated "274a.12(a)(4)," "274 (a)(12)(c)(11). OR Form I-766 annotated "C11," or "A4" and Form I-94 indicating admitted for at least one year.</p>					

* LPR: Lawfully admitted for Permanent Residence

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.

² 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.

³ 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 Stamps	
Parolee (For Less Than One Year)	T	<p>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 code A4 or C11.</p>	NA	No	No	Yes	No	
North American Indian Born in Canada	To Be Determined (PA) C (MA)³	<p>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% 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.</p>		Yes	Yes		Yes	Yes
Member of Federally Recognized Tribe Born Outside U.S.		<p>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.</p>		Yes	Yes		Yes	Yes
Victims of Trafficking	D* *Effective immediately, use R until D is in WMS.	<p>Certification Document (for adults) or Eligibility Letter (for children) from the Office of Refugee Resettlement (ORR); must call (866) 401-5510 for verification. OR Form I-94 coded T1 or T2 stating admission under Section 212(d)(5) of the INA if status granted for at least one year.</p>	Date from Certification Letter	Yes, for seven years from the date of certification/eligibility			Yes, for seven years from the date of certification/eligibility	
Undocumented immigrants or nonimmigrants (aliens with a temporary Immigration status)	E		NA	No¹ Treatment of emergency medical condition only		No		

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.

Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamps
Aliens Classified as PRUCOL² (as listed below)	O (PA) N (MA)³	See <u>PASB</u> Section XXIII See 6/15/01 MA-026 Attachment B					
Under an BCIS 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. OR Any verification from the BCIS or other authoritative document Form I-220B .					
Granted an indefinite stay of deportation.		Form I-94 Arrival/Departure. OR BCIS notice or letter showing continued exclusion or deportation proceedings.					
Granted an indefinite voluntary departure status under section 244 of the INA.		BCIS 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 BCIS or other authoritative document.	NA	Yes ¹	No ²	Yes ²	No
Granted deferred action status, which defers departure.	↓	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 BCIS or other authoritative document.					

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.

² PRUCOL refers to aliens who are permanently residing in the U.S. under Color of Law. A description of PA PRUCOL can be found in 88 INF-77 and Public Assistance Source Book Section XXIII. A description of MA PRUCOL can be found in GIS 01026 ATTACHMENT B.

³ PRUCOL aliens diagnosed with AIDS or who were residing in residential health care facilities or residential facilities licensed, operated or funded by OMH or OMRDD AND receiving Medicaid on 8/4/97 are eligible for all Medicaid services, as long as they remain otherwise eligible.

Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamps
<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><u>Form I-688B</u> or <u>Form I-766</u> Employment Authorization Document coded 274a.12(c)(10) or C10. OR <u>Form I-94</u> or court order. OR Any verification from the BCIS or other authoritative document.</p>					
<p>Granted suspension of deportation pursuant to 244 of the INA.</p>		<p><u>Form I-688B</u> or <u>Form I-766</u> Employment Authorization Document coded 274a.12(c)(10) or C10. OR <u>Form I-94</u> or court order. OR Any verification from the BCIS or other authoritative document.</p>	NA	Yes	No	Yes	No
<p>Granted "K" visa status. For the spouse, child or fiancé of a U.S. citizen.</p>		<p>Passport stamped "K" VISA OR <u>Form I-94</u> 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 <u>Form I-94</u> 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>					

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.

Alien Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamps
<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 BCIS on or before 12/20/00.</p>	<p>O (PA) N (MA)³</p> <p style="text-align: center;">↑</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 BCIS that they have resided continuously in the U.S. since January 01, 1972 pursuant to section 249 of the INA.</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>	NA	Yes	No	Yes	No
<p>Aliens in possession of a voluntary departure status who can provide evidence that BCIS 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><u>Form I-94</u> and <u>Form I-210</u> letter indicating departure on a specified date.</p> <p>BCIS 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 BCIS and whose departure the agency does not contemplate enforcing.</p>		<p>Letter from BCIS 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>					

* LPR: Lawfully admitted for Permanent Residence

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.

Alien Eligibility Desk Aid

Bureau of Citizenship and Immigration Services (BCIS - 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)