



# OFFICE OF POLICY, PROCEDURES, AND TRAINING


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## POLICY BULLETIN #16-86-ELI

(This Policy Bulletin Replaces PB #13-30-ELI)

### REVISIONS TO THE PRUCOL ELIGIBILITY DESK AID (W-205JJ)

<b>Date:</b> November 4, 2016	<b>Subtopic(s):</b> Eligibility
<p> This procedure can now be accessed on the FIAweb.</p> <p>Please refer to the Alien Eligibility Desk Aid (<a href="#">LDSS-4579</a>) for the “qualified alien” criteria</p>	<p>The purpose of this policy bulletin is to inform staff of significant changes made to the Permanently Residing Under the Color of Law (PRUCOL) Eligibility Desk Aid (<b>W-205JJ</b>). Some changes have been made to the formatting of the <b>W-205JJ</b> to make it easier to use the Desk Aid, while other changes include new immigration statuses that did not previously appear on the <b>W-205JJ</b>.</p> <p><b>Purpose:</b></p> <p>Some noncitizens who do not meet the Federal “qualified alien” criteria may be eligible for certain New York State funded benefits if they can be considered PRUCOL.</p> <p>For Cash Assistance (CA), noncitizens are considered to be PRUCOL by the Office of Temporary and Disability Assistance (OTDA) if they are present in the United States (US) with the knowledge and permission or acquiescence of the United States Citizenship and Immigration Service (USCIS) and the USCIS is allowing the noncitizens to reside in the country for an indefinite period of time. The State Department of Health has slightly different standards for PRUCOL eligibility for Medicaid (MA).</p> <p>PRUCOL is neither an immigration status nor a term of immigration law but a public benefit eligibility category. Individuals found eligible under this category may receive only Safety Net Assistance (SNA) and/or state funded Medicaid (MA). They are not eligible for Family Assistance (FA), Safety Net Federally Participating (SNFP), and Emergency Assistance for Families (EAF) or the Supplemental Nutrition Assistance Program (SNAP).</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 Fax* or fax to: (917) 639-0298

The standards for PRUCOL eligibility used for SNA and MA are slightly different. Consult the PRUCOL Eligibility Desk Aid (**W-205JJ**) for differences and instructions for what to do when eligibility is not clear.

**Note:** If it is determined that a noncitizen is not eligible for CA because of his/her immigration status, staff must deny the individual using the appropriate denial code (**F92 - Failure to Provide Proof of Citizenship or Eligible Alien Status**) and Alien Citizenship Indicator (ACI) code “**E**” (Non-qualified aliens eligible for emergency Medicaid). Use of the appropriate denial code ensures a Medicaid Separate Determinations (MSD) is conducted as CA and MA PRUCOL eligibility rules differ.

Refer to [PD #12-08-ELI](#) for information MSD process

### Revisions to the Original Policy Bulletin and Desk Aid:

New information

The PRUCOL Eligibility Desk Aid Form **W-205JJ** has been revised as follows:

- The header of the form is modified to emphasize that individuals with PRUCOL status are not eligible for SNAP or FA benefits.
- The Relevant Date for Eligibility column is eliminated as it only applied to one of the categories.
- The **Form I-688B** was made obsolete and replaced by the **Form I-766** as per OTDA directions.
- For the status of “Order of Supervision”:
  - The **Form I-94** is removed from common documentation as this form is not known to be a commonly used document for this status; and
  - A note about Cuban/Haitian Entrants was added instructing staff to request a clearance from the Office of Refugee and Immigrant Affairs (ORIA).
- References to sections of law in the column “Description of Status” are removed for easier readability.
- For the “Granted Deferred Action” status:
  - The **Form I-797** is removed; and
  - Any letter from USCIS granting deferred status to a “**U**” visa applicant is added.
- The status of “Granted a ‘**K3**’, ‘**K4**’ visa” is combined with the status of a “**V**” visa and:
  - The unexpired visa should be in the passport; and
  - The codes **A09**, **A14** and **A15** are added to the **Form I-766**.

Refer to [GIS 16 TA/DC053](#)

- For the “Granted a ‘U’ visa” status the **Form I-797** should indicate that a petition for U nonimmigrant status was approved.
- For the status of “Continuous entry and residence in the US prior to January 1, 1972” the **Form I-485** is removed.
- For the status of “Applicant for Asylum” the intent to approve asylum request is removed and the code **C08** is added to the **Form I-766**.
- For the status of “Granted Temporary Protected Status (TPS)” individuals are now eligible for SNA under PRUCOL.
- For the status of “Applicant for Temporary Protected Status” the **Form I-797** with indication of a pending application for Temporary Protected Status is added.
- For the status of “Applicant for Adjustment of Status” the codes **C09** and **C09P** in the **Form I-766** are added as our staff commonly see these codes on the work authorization cards. Also the Worker must ask the applicants/participants on what basis they are seeking adjustment of status and check the prior status on both the Alien Desk Aid and the PRUCOL Desk Aid.
- A reminder on the prior version of the **W-205JJ** has been removed as it was not relevant for FIA staff.
- The last two statuses on the Form **W-205JJ** were removed or consolidated in other statuses.

These statuses are:

- Persons who have filed applications for adjustments of status under Section 245 of the INA and the USCIS has accepted as “properly filed”; and
- Any aliens living in the US with knowledge and permission or acquiescence of the USCIS and whose departure the Agency does not contemplate enforcing.

New information

There are five additional statuses added to the Form **W-205JJ** with the common documentation associated with each status. Some of these statuses were not in existence at the time the prior **W-205JJ** was published, while others were simply omitted and are now being included. These statuses are:

- Granted Special Immigrant Juvenile Status;
- Granted Deferred Action for Childhood Arrivals (DACA) Status;
- Applicants for DACA Status;
- Applicants for Special Immigrant Juvenile Status; and
- Applicants for Cancellation of Removal Status.

New information

A note that if ACI code is “E”, a Medicaid separate determination must be done as Medicaid PRUCOL eligibility rules differ than SNA eligibility rules.

New information

The worker must contact ORIA at (212) 331-4550 if:

- The noncitizen lives in the US with knowledge and permission or acquiescence of the USCIS; **and**
- The USCIS does not contemplate enforcing the departure of the noncitizen for an indefinite period of time; **and**
- The status of the noncitizen does not fit in any of the other categories of the **W-205JJ**

ORIA will make the determination if the noncitizen meets the criteria for PRUCOL status. Staff are no longer to contact OTDA directly.

New information

A new section has been added to the **W-205JJ** to remind staff how noncitizen cases must be processed.

To make an accurate eligibility determination the staff must:

- Ask applicants/participants to provide all documentation they have and to consider all of the documents submitted.
- 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.
- Consult the Alien Eligibility Desk Aid (**LDSS-4579**) first. If you do not find the documentation the applicant/participant presented, then look to the PRUCOL Desk Aid. If you do not find the documentation on both desk aids, contact ORIA at [oria@hra.nyc.gov](mailto:oria@hra.nyc.gov) or **(212)313-4550**.
- The form **W-205JJ** must be used in conjunction with the Paperless Office System (POS) Alien Checklist Module in order to ensure correctness of action.
- Request a Systematic Alien Verification for Entitlements (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](http://uscis.gov) for current case updates.
- Individuals may still be eligible for public benefits if they do not have a Social Security number.
- 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@hra.nyc.gov](mailto:oria@hra.nyc.gov) after you have scanned and indexed all immigration documents and filled out and scanned the SAVE referral form (**W-515X**).

Refer to  
[PB #07-82-OPE](#)

Refer to  
[PD #14-26-SYS](#)

Refer to  
[PD # 15-09-ELI](#)

Refer to  
[PB #16-20-OPE](#)  
[PD #16-20-ELI](#)

- 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.

*Effective Immediately*


**References:**

[LDSS-4579](#)  
[GIS 16 TA/DC053](#)

**Related Item:**

[PB #07-82-OPE](#)  
[PB #15-51-OPE](#)  
[PD #12-08-ELI](#)  
[PD #16-20-ELI](#)  
[PD #14-26-SYS](#)  
[PD #15-09-ELI](#)  
[PB #16-20-OPE](#)  
[CA POS Release Notes \(Version 20.3\)](#)  
[SNAP POS Release Notes \(Version 10.3\)](#)

**Attachment:**

 Please use Print on Demand to obtain copies of forms.

**W-205JJ** PRUCOL Eligibility Desk Aid (Rev. 6/21/16)

**Permanently Residing Under Color Of Law (PRUCOL) Eligibility Desk Aid**  
**Individuals with PRUCOL status are not eligible for SNAP Benefits or Family Assistance**

Description of Status	WMS/ ACI Code	Common Documentation	Safety Net Assistance	Medicaid
<b>Subject to an Order of Supervision.</b>  <b>Note:</b> If applicant/participant is Cuban or Haitian, a clearance request must be sent to ORIA.	O	<u>Form I-220B</u> (Order of Supervision); or <u>Form I-766</u> (Employment Authorization Document) coded <b>C18</b> ; or Any other authoritative document indicating an Order of Supervision.	Yes	Yes
<b>Granted Cancellation of Removal.</b>	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.	Yes	Yes
<b>Granted Deferred Action for Childhood Arrivals (DACA).</b>	O	<u>I-797</u> (Notice of Action) Indicating approved Deferred Action for Childhood Arrivals application; or <u>Form I-766</u> (Employment Authorization Document) coded <b>C33</b> ; or Any other documentation from EOIR or USCIS indicating that a DACA application has been approved.	Yes	Yes
<b>Granted Deferred Action status.</b>	O	<u>Form I-766</u> (Employment Authorization Document) coded <b>C14</b> ; or Any letter from USCIS granting deferred status to a "U" visa applicant; or Any other authoritative document from the USCIS indicating deferred action.	Yes	Yes
<b>Granted a "U" visa.</b>	O	<u>Form I-797</u> (Notice of Action) indicating that a petition for U nonimmigrant status was approved; or <u>Form I-94</u> (Arrival/Departure Record) stamped " <b>U1</b> ", or " <b>U2</b> ", or " <b>U3</b> ", or " <b>U4</b> ", or " <b>U5</b> "; or <u>Form I-766</u> (Employment Authorization Document) coded <b>A19</b> or <b>A20</b> (for qualified dependent family members); or Any other USCIS authoritative document that verifies " <b>U</b> " Nonimmigrant status.	Yes	Yes
<b>Granted an "S" visa.</b>	O	<u>Form I-94</u> (Arrival/Departure Record) stamped " <b>S5</b> ", or " <b>S6</b> ", or " <b>S7</b> "; or <u>Form I-766</u> (Employment Authorization Document) coded <b>C21</b> ; or Any other USCIS authoritative document that verifies " <b>S</b> " Visa status.	Yes	Yes

**Permanently Residing Under Color Of Law (PRUCOL) Eligibility Desk Aid**  
**Individuals with PRUCOL status are not eligible for SNAP Benefits or Family Assistance**

Description of Status	WMS/ ACI Code	Common Documentation	Safety Net Assistance	Medicaid
<b>Granted a “K3”, or “K4” or “V” visa.</b>	O	Unexpired “K3”, or “K4”, or “V” visa in passport; <b>Note:</b> 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 <b>Form I-94</b> (Arrival/Departure Record) stamped “K3”, or “K4”, or “V1”, or “V2”, or “V3”; or <b>Form I-766</b> (Employment Authorization Document) coded <b>A9</b> , or <b>A09</b> , or <b>A14</b> , or <b>A15</b> ; and Any authoritative USCIS document indicating an I-130 petition is pending or approved.	Yes	Yes
<b>Continuous entry and residence in the U.S. prior to January 1, 1972.</b>	O	<b>Form I-797</b> (Notice of Action) indicating Adjustment of Status to Permanent Resident pursuant to INA § 249; or <b>Form I-766</b> (Employment Authorization Document) coded <b>C16</b> ; or Any letter/notice from the USCIS or EOIR indicating Registry Application is pending; or Any documentary proof establishing entry and continuous residence.	Yes	Yes
<b>Permanent nonimmigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and Marshall Islands).</b>	O	<b>Form I-94</b> (Arrival/Departure Record) stamped CFA/MIS “DS” (Duration of Status), <b>D/S</b> ; or <b>Form I-766</b> (Employment Authorization Document) coded <b>A8</b> .	Yes	Yes
<b>Granted Temporary Protected Status (TPS).</b>	O	<b>Form I-797</b> (Notice of Action) indicating TPS status granted; or <b>Form I-766</b> (Employment Authorization Document) coded <b>A12</b> .	Yes	Yes
<b>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.</b>	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 <b>(212) 331-4550</b> or <a href="mailto:oria@hra.nyc.gov">oria@hra.nyc.gov</a> , who will determine if the non-citizen meets PRUCOL status.	TBD	TBD

**Permanently Residing Under Color Of Law (PRUCOL) Eligibility Desk Aid**  
**Individuals with PRUCOL status are not eligible for SNAP Benefits or Family Assistance**

Description of Status	WMS/ ACI Code	Common Documentation	Safety Net Assistance	Medicaid
<b>Granted Special Immigrant Juvenile Status.</b>	E*	<b>Form I-797</b> (Notice of Action) indicating approval of Special Immigrant Juvenile Status; or Any other authoritative USCIS document indicating that Special Immigrant Juvenile Status was granted.	No	Yes
<b>Applicants for Asylum.</b>	E*	<b>Form I-797</b> (Notice of Action) indicating Asylum application received or pending; or <b>Form I-766</b> (Employment Authorization Document) coded <b>C8</b> or <b>C08</b> ; or Any other authoritative USCIS document indicating an Asylum application.	No	Yes
<b>Applicants for Temporary Protected Status (TPS).</b>	E*	<b>Form I-797</b> (Notice of Action) indicating a pending application for Temporary Protected Status; or <b>Form I-766</b> (Employment Authorization Document) coded <b>C19</b> .	No	Yes
<b>Applicants for Deferred Action for Childhood Arrivals (DACA).</b>	E*	<b>Form I-797</b> (Notice of Action) indicating a pending application for Deferred Action for Childhood Arrivals (DACA); or Any other authoritative USCIS document indicating an application for Deferred Action for Childhood Arrivals (DACA).	No	Yes
<b>Applicants for Special Immigrant Juvenile Status.</b>	E*	<b>Form I-797</b> (Notice of Action) indicating a pending application for Special Immigrant Juvenile Status; or Any other authoritative USCIS document indicating an application for Special Immigrant Juvenile Status.	No	Yes
<b>Applicants for Adjustment of Status.</b>  <b>Note:</b> Ask applicants/participants on what basis they are seeking adjustment of status. Check the prior status on both the Alien Desk Aid and this Desk Aid.	E*	<b>Form I-766</b> (Employment Authorization Document) coded <b>C9</b> , or <b>C09</b> , or <b>C09P</b> ; or <b>Form I-797</b> (Notice of Action) indicating an application for Adjustment of Status.	No	Yes
<b>Applicants for Cancellation of Removal.</b>	E*	<b>Form I-766</b> (Employment Authorization Document) coded <b>C10</b> ; or Any other authoritative USCIS document indicating an application for Cancellation of Removal.	No	Yes

\* If ACI code is "E" a Medicaid separate determination must be done.



## Permanently Residing Under Color Of Law (PRUCOL) Eligibility Desk Aid Individuals with PRUCOL status are not eligible for SNAP Benefits or Family Assistance

### 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, check the Alien Eligibility Desk Aid and the POS Alien Checklist Module. If you still cannot find the document, call ORIA for a clearance.

### All staff:

- 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**).
- Consult the Alien Eligibility Desk Aid (**LDSS-4579**) first. If you do not find the documentation the client presented, then look to the PRUCOL Desk Aid. If you do not find the documentation on both desk aids, contact ORIA at **oria@hra.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-15-09-ELI**).
- Individuals may still be eligible for public benefits if they do not have a Social Security number (**PB-16-20-OPE** and **PD-12-22-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@hra.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.**