



OFFICE OF POLICY, PROCEDURES, AND TRAINING

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Office of Procedures

POLICY BULLETIN #17-47-ELI

(This Policy Bulletin Replaces PB # 15-61-ELI)

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) STATUS AND POTENTIAL BENEFIT ELIGIBILITY

<p>Date: May 05, 2017</p>	<p>Subtopic(s): Non-Citizen, Immigration Status</p>
<p>See PD #13-09-ELI for information on PRUCOL eligibility</p>	<p>Revisions to the Original Policy Bulletin</p> <p>This policy bulletin is being revised to inform staff that non-citizens who have applied for and/or have been granted Deferred Action for Childhood Arrivals (DACA) status and need help in renewing their immigration documents should contact the ActionNYC hotline at (800)-354-0365 during business hours Monday to Friday.</p> <p>Purpose</p> <p>The purpose of this policy bulletin is to inform Job Center and Non-Cash Assistance and Supplemental Nutrition Assistance Program (NCA SNAP) staff that non-citizens who have applied for and/or been approved for relief from removal under the Deferred Action for Childhood Arrivals (DACA) program may be eligible for state funded benefits. These individuals are considered to be Permanently Residing Under the Color of Law (PRUCOL) for benefit purposes.</p> <p>On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and met several guidelines may request consideration of deferred action for a period of two or three years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status.</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

These individuals may be eligible for Safety Net Cash Assistance (SNCA) and/or state-funded Medicaid (MA) under PRUCOL. There are different benefits for an individual dependent upon meeting the requirements for the status of applicant for DACA or approval for DACA. Each category has different requirements as described below.

Applicants for DACA

Benefit eligibility

If an individual provides an **I-797** Notice of Action or Notice of Receipt indicating that the United States Citizenship and Immigration Services (USCIS) has received the following forms and that they are pending, then the individual is an applicant for DACA:

Refer to [PD #17-08-SYS](#) for detailed instructions on SAVE

- **I-821D** Consideration of Deferred Action for Childhood Arrivals
- **I-765** Application for Employment Authorization (specifically mentioning category, class or type **C33**)
- Any other authoritative USCIS or Executive Office for Immigration Review (EOIR) document indicating pending Application for Employment Authorization Form **I-765** specifically mentioning category, class or type **C33** or **c33**

Additionally, if the results of a Systematic Alien Verification for Entitlements (SAVE) clearance indicate that a non-citizen has a pending Application for Employment Authorization Form **I-765** specifically mentioning category, class or type **C33** or **c33**, he/she would be considered an applicant for DACA.

An applicant for DACA, is eligible only for state funded (MA), if other eligibility criteria are met.

Approval of DACA

If an individual provides any of the following documents, the individual has been approved for DACA and may be eligible for SNCA and state funded MA, if other eligibility criteria are met:

- **I-766** Employment Authorization Card with category code **C33** or **c33**
- **I-797** Notice of Action indicating approval of USCIS form **I-821-D**
- Any other documentation from the Executive Office of Immigration Review (EOIR) or USCIS indicating that a DACA application has been approved.

Verification

Use www.uscis.gov to check on case status when only an I-797 is submitted

To assist with verification of immigration documents, staff must always request a SAVE clearance. Staff must complete the SAVE Referral (**W-515X**) form in the Paperless Office System (POS) Form Data Entry window, print the completed form from the POS Print Forms window and submit it to the center's SAVE liaison.

If there is an outage in POS, the worker may print out a blank **W-515X** from e-docs and complete it manually.

If the Form **W-515X** is completed manually, the form must be scanned and indexed into the case record before submitting it to the SAVE liaison.

Refer to [PD#12-08-ELI](#) For the Medicaid Separate Determination Process

For individuals who have only submitted an **I-797**, the JOS/Worker should also go to the USCIS website (<http://www.uscis.gov/>) and utilize the "Check Case Status" tool on the middle of the page. With this tool, the JOS/Worker can enter the receipt (notice) number from the **I-797** to see if there are any updates regarding the individual's application for DACA. If the results of the search indicate that the individual is approved for DACA, he/she may be eligible for SNCA and state-funded MA. If the results indicate that the individual has been denied, he/she is not eligible for SNCA benefits but may be eligible for state funded MA. A separate Medicaid determination is required.

When a determination is being made based on the results of a search on the USCIS website, the results page **must** be printed, scanned and indexed as verification from United States Citizenship and Immigration Services (USCIS) or other authoritative documents into the case record and stored in the Personal Documents folder.

Additionally, a detailed case comment must be entered identifying that the USCIS website was used to make the determination.

Request Clearance from Office of Refugee and Immigrant Affairs

Revised

After the results from the SAVE clearance or USCIS website are received, the Job Opportunity Specialist (JOS)/Worker must additionally request a clearance from the Office of Refugee and Immigrant Affairs (ORIA) by completing the Office of Refugee and Immigrants Affairs (ORIA) Clearance Request Form (**ORIA-195(E)**) and e-mailing it to ORIA@hra.nyc.gov. The **ORIA-195(E)** must be scanned and indexed into case record. ORIA will provide responds using the Office of Refugee and Immigrant Affairs (ORIA) Clearance Response Form (**ORIA-195a (E)**).

Individuals who have applied for and/or have been approved under DACA do not meet the federal benefit criteria of a qualified alien and are not eligible for federally funded benefit programs such as Family Assistance (FA), SNAP or federally funded MA.

Staff are reminded that benefits must not be delayed, denied, reduced or terminated pending a response from SAVE and/or USCIS.

Refer to [PD #15-09-ELI](#) for Expired Immigration Documents

When an expired immigration document is used to verify immigrant status, the non-citizen must renew his/her immigration documentation with USCIS.

If the individual needs assistance in renewing his/her documentation or any other immigration legal issue, staff are directed to assist by referring the individual to:

Revised

- The ActionNYC hotline at (800) -354-0365, or
- <http://www1.nyc.gov/site/actionnyc/help/deferred-action-for-childhood-arrivals-daca.page>

Effective Immediately

Reference:

Deferred Action for Childhood Arrivals (DACA) Toolkit: Resources for Community Partners

Related Items:

[PD #17-08-SYS](#) Revisions to the SAVE System

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

Revision to Lost or Expired Immigration Documentation


[PD #13-09-ELI](#)

Determining Qualified Alien Status for Battered/Abused Noncitizens and PRUCOL Eligibility

[PD #12-08-ELI](#)

Medicaid Separate Determinations

Attachments:

 Please use Print on Demand to obtain copies of forms.

ORIA-195(E)

ORIA Clearance Request Form (Rev. 12/08/15)

ORIA-195a(E)

ORIA Clearance Response Form (Rev. 4/03/17)

OFFICE OF REFUGEE AND IMMIGRANT AFFAIRS (ORIA) CLEARANCE REQUEST FORM

ORIA@HRA.NYC.GOV ORIA (212)-331-4550

1. This form should be used for all noncitizen/alien clearances
2. All documents (all pages, front & back) should be scanned and indexed.
3. Documents not listed should be included under Additional notes, if relevant

Date: ____/____/____

Staff Information	Name of Staff (Last, first): _____	Center #: _____	Contact Tel #: _____
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Client Information	Name of client including alias:	WMS case #:	Date of Birth: _____/_____/_____
	First: _____	_____	
	Last: _____	USCIS #: _____	Social Security Number _____
	Alias if any: _____		
	Male <input type="checkbox"/> Female <input type="checkbox"/>		

Document Information	Immigration document/Form title & number	Category Code	Required Additional Information
	Permanent Resident Card (Green Card) form I-551: Yes <input type="checkbox"/> No <input type="checkbox"/>	e.g.: FX2, IR6, R8-6, CU-7, C09, CR6	Expiration date (if any) _____/_____/_____
	Employment Authorization Card form I-766 or I-688B: Yes <input type="checkbox"/> No <input type="checkbox"/>	e.g.: A-09, (a)(9), C08,(c)(8),	Category code [e.g. A05, (A)(5)] OR Provision of law (e.g. [“8 C.F.R. § 274a.12(a)(5)”])
	USCIS Notice of Action or Notice of receipt form I-797: Yes <input type="checkbox"/> No <input type="checkbox"/>	Receipt number: Starts with : MSC, ESC LIN + 10 digits _____	
	Save Clearance (W-515X) Requested: Yes <input type="checkbox"/> No <input type="checkbox"/> Scanned and indexed Yes <input type="checkbox"/> No <input type="checkbox"/> ----- SSA 40 Quarters match Yes <input type="checkbox"/> No <input type="checkbox"/>	Class of admission (COA) as well as any description of the clients immigration status indicated in SAVE: COA (e.g. IR6, IRO CR6) _____ Date of Entry : _____ Date of Status: _____	

Additional Comments:

OFFICE OF REFUGEE AND IMMIGRANT AFFAIRS (ORIA) CLEARANCE RESPONSE FORM

ORIA@hra.nyc.gov or 212-331-4550

Date: __/__/____

Client: Last, First	ACI Code:	WMS#: Social Security#: Date of entry: Date of status:
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Clearance Details
Benefits client is eligible for: <input type="checkbox"/> SNAP <input type="checkbox"/> Cash <input type="checkbox"/> On-going Medicaid <input type="checkbox"/> Emergency Medicaid Notes: <hr/>
Next steps <input type="checkbox"/> Scan and index clearance response form into HRA Viewer <input type="checkbox"/> SAVE Request to SAVE Liaison (Form W-515X) <input type="checkbox"/> Request SAVE Result from SAVE Liaison <input type="checkbox"/> Conduct SSA 40 Quarters match check <input type="checkbox"/> Refer Client to ActionNYC hotline 800-354-0365 <input type="checkbox"/> Recall Client to provide immigration documents - scan and index all sides and pages of documents <input type="checkbox"/> Supervisor submit Form W-200B to FIA Call Center to change ACI code <input type="checkbox"/> Supervisor submit Inter-agency DOS and DEC transmittal Form (MAP-648M) TO SDOH

Center Staff: Last, First	Center #:	Contact Tel #:
ORIA Staff:		