



OFFICE OF POLICY, PROCEDURES, AND TRAINING

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POLICY BULLETIN #17-98-ELI

(Use With PB #16-86-ELI)

ASYLUM APPLICANTS WITH EMPLOYMENT AUTHORIZATION NOW RECOGNIZED AS ELIGIBLE FOR SAFETY NET ASSISTANCE (SNA) UNDER THE PRUCOL CATEGORY; UPDATE TO THE PRUCOL ELIGIBILITY DESK AID (W-205JJ)

<p>Date: November 24, 2017</p>	<p>Subtopic(s): Eligibility</p>
	<p>The purpose of this policy bulletin is to inform staff of the recent changes on recognizing asylum applicants with employment authorization as Permanently Residing Under the Color of Law (PRUCOL) for Safety Net Assistance (SNA) eligibility.</p> <p>Non-citizens who are physically present, or who arrive in the United States (US), may seek asylum if they are unable or unwilling to return to their country of nationality because they have suffered persecution or have a well-founded fear that they will suffer persecution due to: race, religion, nationality, membership in a particular social group, or political opinion.</p> <p>Asylum applicants may apply for employment authorization with the United States Citizenship and Immigration Services (USCIS) if 150 days have passed since they filed their asylum application and no decision has been made on their application. Asylum applicants with employment authorization are authorized to work in the US during the pendency of their application and may obtain an Employment Authorization Document (EAD) Card (I-766) from the USCIS for the purposes of employment or continued employment.</p> <p>Effective immediately, the asylum applicants with employment authorization, if otherwise eligible, can receive SNA cash assistance. Staff are to use WMS Alien Citizenship Indicator (ACI) code 'O - PRUCOL Eligible for MA/FHP/CHPA/SN/FAP.'</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

Note: Individuals designated as PRUCOL are ineligible for federally funded public benefits including Family Assistance (FA), the Supplemental Nutrition Assistance Program (SNAP) and the Home Energy Assistance Program (HEAP).

The following is a list of documents asylum applicants with USCIS employment authorization may present to the staff:

- Form **I-766** (Employment Authorization Document) with Category Code **C8** or **C08**; or
- Form **I-797** (Notice of Action) indicating an **I-765** (Application For Employment Authorization) received or pending for a category code **C8** or **C08**; or
- Form **I-797** (Notice of Action) indicating an **I-589** (Application For Asylum and for Withholding of Removal) received or pending, filed 180 days prior to the date the applicant is presenting to the center; or
- Any other authoritative the USCIS document indicating an asylum application is pending and that they are authorized to work in the US.

The Systematic Alien Verification for Entitlements (SAVE) program will verify EADs with Category **C8** or **C08**. The SAVE response for a valid Category **C8** or **C08** EAD will be: ***“Temporary Employment Authorized.”***

Note: For any of the above documents, including those where an individual submits proof of an application for asylum but do not reference work authorization, SAVE may verify that they are authorized to work, even if they do not present their EAD.

Expired EAD

If an individual presents an expired EAD with Category Code **C8** or **C08**, it does not automatically mean that they are ineligible for SNA. If the individual filed their EAD renewal application before their current EAD expired, their EAD, (and potential SNA eligibility), will be automatically extended for a period of 180 days.

If an individual presents an expired EAD with Category Code **C8** or **C08**, the staff must still submit the document to SAVE for verification. In order to verify that the individual’s employment authorization, and

potential SNA eligibility, has been extended beyond the date on the EAD, the staff must base their determination on the date in the “EAD Expiration Date” field of the SAVE response.

Refer to [PB #17-49-ELI](#)
For information on
requesting a clearance from
ORIA

In instances where staff are unsure of whether or not the applicant/participant meets the new definition, they must request a clearance from the Office of Refugee and Immigrant Affairs (ORIA) using the ORIA Clearance Request Form (**ORIA-195**). The response from ORIA, either on the ORIA Response Form (**ORIA-195a**) or an email response, must be scanned and indexed into the case record.

POS Instructions

In order to be able to process these changes in the Paperless Office System (POS), the JOS/Worker must do the following:

- select “Yes” for PRUCOL (PA) alien type in the POS Alien Checklist and
- select radio button **“Documentation is submitted and the status of the alien does not fit any of the other categories listed above but was approved by Office of Refugee Affairs or the Office of Procedures”** in the “PRUCOL (PA) Documentation Window.

To reflect this change in policy, the Permanently Residing Under the Color of Law (PRUCOL) Eligibility Desk Aid (**W-205JJ**) was amended.

Note: There has been no change to the existing policy that authorizes eligibility for federally funded public benefits for a “Cuban-Haitian Entrant” which includes any national of Cuba or Haiti who has an application for asylum pending with USCIS and is not subject to a final, non-appealable, and legally enforceable removal order. These individuals will still be entered as WMS ACI code ‘H – Cuban and Haitian Entrant,’ and must continue to be treated as a specially qualified alien for purposes of determining benefit eligibility, including eligibility for federally funded public benefits.

Effective Immediately

Reference:

GIS 17 TA/DC047

Related items:

[PB #16-86-ELI](#)

[PB #17-49-ELI](#)

[PD #17-25-SYS](#)

Attachments:

W-205JJ

PRUCOL Eligibility Desk Aid (Rev. 11/24/17)

ORIA-195

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

ORIA-195a

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

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
Subject to an Order of Supervision. Note: 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 C18 ; or Any other authoritative document indicating an Order of Supervision.	Yes	Yes
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.	Yes	Yes
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>Form I-766</u> (Employment Authorization Document) coded C33 ; or Any other documentation from EOIR or USCIS indicating that a DACA application has been approved.	Yes	Yes
Granted Deferred Action status.	O	<u>Form I-766</u> (Employment Authorization Document) 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.	Yes	Yes
Granted a “U” visa.	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 “U1”, or “U2”, or “U3”, or “U4”, or “U5”; or <u>Form I-766</u> (Employment Authorization Document) coded A19 or A20 (for qualified dependent family members); or Any other USCIS authoritative document that verifies “U” Nonimmigrant status.	Yes	Yes
Granted an “S” visa.	O	<u>Form I-94</u> (Arrival/Departure Record) stamped “S5”, or “S6”, or “S7”; or <u>Form I-766</u> (Employment Authorization Document) coded C21 ; or Any other USCIS authoritative document that verifies “S” 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
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 Form I-94 (Arrival/Departure Record) stamped “K3”, or “K4”, or “V1”, or “V2”, or “V3”; or Form I-766 (Employment Authorization Document) coded A9 , or A09 , or A14 , or A15 ; and Any authoritative USCIS document indicating an I-130 petition is pending or approved.	Yes	Yes
Continuous entry and residence in the U.S. prior to January 1, 1972.	O	Form I-797 (Notice of Action) indicating Adjustment of Status to Permanent Resident pursuant to INA § 249; or Form I-766 (Employment Authorization Document) coded C16 ; 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
Permanent nonimmigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and Marshall Islands).	O	Form I-94 (Arrival/Departure Record) stamped CFA/MIS “DS” (Duration of Status), D/S ; or Form I-766 (Employment Authorization Document) coded A8 .	Yes	Yes
Granted Temporary Protected Status (TPS).	O	Form I-797 (Notice of Action) indicating TPS status granted; or Form I-766 (Employment Authorization Document) coded A12 .	Yes	Yes
Applicants for Asylum with work authorization. Note: If applicant/participant is Cuban or Haitian, a clearance request must be sent to ORIA.	O	Form I-766 (Employment Authorization Document) with Category Code C8 or C08 ; or Form I-797 (Notice of Action) indicating an I-765 application received or pending for a Category Code C8 or C08 ; or Form I-797 (Notice of Action) indicating an I-589 application for asylum received or pending, filed 180 days prior to the date the applicant is presenting to the center; or Any other authoritative the USCIS document indicating an asylum application is pending and that they are authorized to work in the US.	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
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.	TBD	TBD
Granted Special Immigrant Juvenile Status.	E*	Form I-797 (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
Applicants for Asylum <u>without</u> work authorization.	E*	Form I-797 (Notice of Action) indicating Asylum application received or pending; or Any other authoritative USCIS document indicating an Asylum application.	No	Yes
Applicants for Temporary Protected Status (TPS).	E*	Form I-797 (Notice of Action) indicating a pending application for Temporary Protected Status; or Form I-766 (Employment Authorization Document) coded C19 .	No	Yes
Applicants for Deferred Action for Childhood Arrivals (DACA).	E*	Form I-797 (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
Applicants for Special Immigrant Juvenile Status.	E*	Form I-797 (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
Applicants for Adjustment of Status. Note: 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*	Form I-766 (Employment Authorization Document) coded C9 , or C09 , or C09P ; or Form I-797 (Notice of Action) indicating an application for Adjustment of Status.	No	Yes
Applicants for Cancellation of Removal.	E*	Form I-766 (Employment Authorization Document) coded C10 ; 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-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@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.**

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

ORIA@hra.nyc.gov, ORIA (212) 331-4550

1. This form should be used for noncitizen/alien clearances.
2. All documents (all pages, front & back) should be scanned and indexed.
3. Documents not listed, should be included under *OTHER* and *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: _____	USCIS #:	Social Security number: _____
	Last: _____		
	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.: A09, (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 (515WX) 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 client's immigration status indicated in SAVE: COA (e.g. IR6, IR0, 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#:
SAMPLE		
		Social Security#:
		Date of entry:
		Date of status:

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:
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:		