



# OFFICE OF POLICY, PROCEDURES, AND TRAINING

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## POLICY BULLETIN #18-75-ELI

### FEDERAL ACTIONS REGARDING TEMPORARY PROTECTED STATUS DESIGNATIONS

<b>Date:</b> December 06, 2018	<b>Subtopic(s):</b> Non-Citizen, Immigration Status
<p>Refer to <a href="#">W-205JJ</a> for PRUCOL eligibility desk aid</p>	<p>The purpose of this policy bulletin is to inform Family Independence Administration (FIA) and HIV/AIDS Services Administration (HASA) staff of the recent federal actions regarding Temporary Protected Status (TPS) of non-citizens.</p> <p>Individuals from certain foreign countries designated by the Secretary of the Department of Homeland Security (DHS) who are physically present in the United States (US) may be eligible to receive TPS under federal law when conditions in their home country temporarily prevent a safe return. DHS issues TPS designations for 6 to 18 months and can extend or terminate TPS depending on the conditions in the designated country.</p> <p>The New York State (NYS) Office of Temporary and Disability Assistance (OTDA) recognize non-citizens with TPS as Permanently Residing Under Color of Law (PRUCOL) for the purposes of Safety Net Assistance (SNA) eligibility. If otherwise eligible, non-citizens with TPS can receive SNA.</p> <p>The countries currently designated for TPS are:</p> <ul style="list-style-type: none"> <li>• El Salvador,</li> <li>• Haiti,</li> <li>• Honduras,</li> <li>• Nepal,</li> <li>• Nicaragua,</li> <li>• Somalia,</li> <li>• Sudan,</li> <li>• South Sudan,</li> <li>• Syria, and</li> <li>• Yemen.</li> </ul>

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

Within the last year, DHS announced the pending termination of TPS designations for several of these countries.

However, by Court order, DHS announced on October 31, 2018 that the TPS designations of Sudan, Nicaragua, Haiti, and El Salvador will remain in effect for as long as the Court's order remains in effect.

DHS' announcement also included the automatic extension of the validity of TPS-related documentation such as:

- Employment Authorization Documents (EAD) (Form **I-766**) with category code **A12**,
- Notice of Action (Form **I-797**), or
- Arrival/Departure Record (Form **I-94**).

This means that even individuals with expired TPS-related documents may continue to have lawful status, employment authorization, and retain their potential eligibility for SNA, if otherwise eligible.

### **REQUIRED ACTION**

Non-citizens with TPS including those from Sudan, Nicaragua, Haiti, and El Salvador remain eligible for SNA, if otherwise eligible. Staff will receive additional guidance if any other federal actions regarding TPS that may impact eligibility for benefits take place in the future.

Reminder

Staff are reminded that if individuals present expired TPS-related documentation, they may still be eligible for SNA. Staff must submit the document(s) to the Systematic Alien Verification for Entitlements (SAVE) program for verification. Staff must use the date provided in the "EAD Expiration Date" field of the SAVE response to help determine whether the individual's TPS, and potential SNA eligibility, has been extended beyond the dates on the documentation.

See [PD #18-09-SYS](#) for instruction of using SAVE

If the "EAD Expiration Date" field of the initial SAVE response does not indicate that the individual's TPS has been extended beyond the date on their document, Staff must initiate a second step verification in SAVE.

If the results of the second step additional verification do not indicate that an extension has been granted, Staff must take a third verification step and call SAVE Customer Service at: [(877) 469-2563] to confirm whether the individual still has TPS. Staff must record the results of the phone call to SAVE Customer Service in the POS case notes including the name of the person they spoke with.

Staff must go through all three steps of verification prior to taking any negative actions on the case. These actions must also be noted in the case record.

**Note:** A referral to the Office of Refugee and Immigrant Affairs (ORIA) using Clearance Request Form **ORIA-195** must be made prior to using the closing/denial code **F92** for any case.

Reminder

Staff are reminded that individuals with TPS may have another immigration status while also having TPS. Such individuals may continue to be eligible for Cash Assistance (CA) benefits under their new/additional immigration status even if federal actions, including termination of a country's TPS designation, do take place.

Reminder

See [PB #17-49-ELI](#) for the requesting a clearance from the ORIA

If staff are unsure of whether or not the individual is eligible for benefits, they must request a clearance from the ORIA by filling out request Form **ORIA-195** and e-mailing it to [oria@dss.nyc.gov](mailto:oria@dss.nyc.gov). The response from ORIA must be scanned and indexed into the case record. Staff may also contact ORIA at 212-331-4550 if they have any additional questions.

*Effective Immediately*

**References:**

[GIS 18 TA/DC042](#)

**Related Item:**

[PB #17-49-ELI](#)  
[PD #18-09-SYS](#)