



# 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 DIRECTIVE #08-04-ELI** *(This Policy Directive Replaces PD #07-33-ELI)*

### **DETERMINING QUALIFIED ALIEN STATUS FOR BATTERED/ABUSED NONCITIZENS AND PRUCOL ELIGIBILITY**

<b>Date:</b> January 9, 2008	<b>Subtopic(s):</b> Alien Eligibility
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#### **REVISIONS TO THE ORIGINAL DIRECTIVE**

This policy directive is being revised to:

- clarify information regarding expired “K” (Spouse or Minor Child of a U.S. Citizen) or “V” (Spouse or Minor Child of a Lawful Permanent Resident) visa holders
- issue a revised Permanently Residing Under the Color of Law (PRUCOL) Desk Guide (**W-205JJ**)
- revise information regarding the issuance of interim “U” (Victims of Certain Crimes) visa relief
- announce the revision of the State’s Alien Eligibility Desk Aid ([LDSS-4579](#))

#### **AUDIENCE**

The instructions provided in this policy directive are for staff at the Job Centers and the Office of Domestic Violence (ODV). These instructions serve as information for all others.

#### **POLICY**

Under certain conditions, a noncitizen who has been battered or subjected to extreme cruelty by a spouse or parent who is either a United States citizen (USC) or a Lawful Permanent Resident (LPR), or a member of the spouse or parent’s family living in the same household, may be considered a “qualified alien” for the purpose of receiving Federal and/or State benefits. Some noncitizens who do not meet the “qualified alien” criteria may be eligible for certain State benefits if they are permanently residing under the color of law (PRUCOL).

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*

**BACKGROUND**

As a result of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), two categories of noncitizens were created for the purpose of determining eligibility for Federal benefits: “qualified alien” and “not qualified alien.”

Noncitizens who do not meet the definition of “qualified” under Federal law may be eligible for State-funded benefits if they meet certain criteria under State law and regulations and are otherwise eligible.

Noncitizens who are “qualified” under Federal law may be eligible for Federal and/or State-funded public benefits, if otherwise eligible. Some qualified aliens who entered the U.S. on or after August 22, 1996, must reside in the U.S. for five years in qualified alien status before they are eligible for federally funded benefits.

Qualified aliens who are subject to this five-year residency requirement include:

- Lawful Permanent Residents (LPRs)
- Persons granted parole by the United States Citizenship and Immigration Services (USCIS) for a period of at least one year (Parolees)
- A U.S. citizen’s or LPR’s battered spouse or battered child (depending upon the circumstances, the parent/child of the battered person)

Exemptions to the Five-Year Bar

Federally Funded Temporary Assistance (TA)

Qualified aliens who are parolees for at least one year, LPRs or battered persons can be exempt from the five-year bar on federally funded CA benefits if they can demonstrate that they were physically present in the U.S. before August 22, 1996, and have remained continually present (no single absence from the U.S. for more than 30 days or aggregate absence of more than 90 days) since their last date of entry (whether legally or illegally) prior to August 22, 1996, until obtaining qualified status.

Food Stamps

A qualified alien who is subject to the five-year bar on federally funded temporary assistance may be exempt from the five-year bar on FS benefits if s/he meets one of the following criteria:

Aliens must first have a qualified status to receive FS benefits.

- has 40 qualifying quarters
- is under the age of 18
- is in receipt of certain disability benefits (**7 USC 2012[r]**)

See the Alien Eligibility Desk Aid ([LDSS-4579](#)) for more information.

**Note:** The 40 qualifying quarters criteria refers to quarters that are reported through the Social Security Administration (SSA) and include quarters where the earnings were covered and quarters where the earnings were noncovered.

Covered earnings are wages or self-employment income which requires payment of social security taxes. Noncovered earnings are wages or self-employment income which does not require payment of social security taxes.

New Information

**Note:** No quarters earned after 12/31/96 may be counted in which an alien has received a Federal means-tested benefit (FA, SSI, Food Stamps or Medicaid).

Battered Aliens Without An Immigration Status

**Aliens who are already in a qualified status do not need a credibility determination by the DVL**

A noncitizen who does not have an immigration status may be eligible for benefits as a qualified battered alien if s/he is married to a U.S. citizen or LPR or is the child of the battered noncitizen spouse of a U.S. citizen or LPR or is the battered child of a U.S. citizen or LPR and meets all four of the following eligibility requirements:

Requirements for Qualified Battered Alien Status

1. Is a credible victim of battery or subjected to extreme cruelty in the U.S. (If the abuser was an employee of the U.S. government or a member of the uniformed services of the U.S., the abuse would then not necessarily have to have occurred in the U.S. for the purposes of qualified battered alien status.)
2. Have appropriate immigration documentation.
3. Is able to show a substantial connection between the need for benefits and the battery or extreme cruelty.
4. No longer resides in the same household as the abuser.

Noncitizens Who Could Qualify as Battered Aliens

The following noncitizens potentially could be considered qualified battered aliens:

The abusive spouse or the abusive parent must be a U.S. citizen or an LPR.

- A noncitizen who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent, or by a member of the spouse or parent’s family residing in the same household as the alien, and the spouse or parent consented or acquiesced to such battery or cruelty.
- A noncitizen whose child has been battered or subject to extreme cruelty in the U.S. by a spouse or a parent of an alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent’s family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

The abuse does not have to take place in the U.S. if the abuser was an employee of the U.S. government or a member of the uniformed services of the U.S. at the time of the abuse)

- A noncitizen child who resides in the same household as a parent who has been battered or subjected to extreme cruelty in the U.S. by that parent’s spouse or by a member of the spouse’s family residing in the same household as the parent, and the spouse consented or acquiesced to such battery or cruelty.

The abusive spouse or the abusive parent must be a U.S. citizen or an LPR.

**First requirement**

Credibility has been established

**I-360** – A self-petition that an abused noncitizen files to obtain immediate relative or family sponsored immigrant classification without the knowledge or consent of his/her abuser.

Credible Victims of Battery or Extreme Cruelty

**Prior determination that a noncitizen is a credible victim of battery or extreme cruelty**

Some noncitizens who apply for public benefits and assert that they were battered may already have been determined to be credible victims of domestic violence via the finding of “prima facie” eligibility of an **I-360** self-petition by the USCIS, the approval of an **I-360** self-petition by the USCIS, or the finding of a prima facie case of abuse by the Executive Office for Immigration Review (EOIR).

**Note:** “Prima facie” is not an immigration status. It is a determination by USCIS that it has initially accepted the noncitizen’s claim of domestic violence and is allowing the battered noncitizen spouse/child of a USC or LPR to remain in the U.S. while awaiting a decision on his/her self-petition to obtain immediate relative or family-sponsored immigrant classification.

Noncitizens who have been determined to be credible victims of domestic violence as set forth above should present any of the following documentation:

**I-797** – This document is issued by USCIS to notify applicants/petitioners of actions taken on their case. The **I-797** will indicate the kind of application/petition that was filed and the status of same (received, approved, denied or action taken).

- **I-797** (Notice of Action) indicating prima facie case eligibility of an **I-360** self-petition under the Immigration and Nationality Act (INA) Section 204(a)(1)(A)(iii) or (iv) or INA Section 204(a)(1)(iii)(B)(i) or (iii) (See **Attachment A** for a sample of the **I-797**)
- **I-797** (Notice of Action) indicating approval of an **I-360** self-petition under INA Section 204(a)(1)(A)(iii) or (iv) or INA Section 204(a)(1)(iii)(B)(i) or (iii)
- Order from EOIR granting cancellation of removal under INA Section 240A(b) (see **Attachment B** for a sample of this order) or if the application is pending documentation, that the court finds that the applicant has a “prima facie case” for this relief

Please see the [LDSS-4579](#) for a list of common documentation.

Noncitizens who present the above documentation will have satisfied the first requirement, that they are credible victims of battery or extreme cruelty, as well as the second requirement, that they have appropriate immigration documentation.

### **Credibility of battery and abuse (domestic violence) needs to be established**

When credibility needs to be established the Domestic Violence Liaison (DVL) in the Domestic Violence Unit (DVU) will be responsible for credibility assessments and determinations of battery.

Noncitizen CA applicants who assert that they were battered or subjected to extreme cruelty but do not have any of the common documentation listed above will require a credibility assessment and determination of battery by the Domestic Violence Liaison (DVL) In these situations, a credibility assessment and determination of battery by the DVL are needed in order to establish eligibility as a qualified battered alien.

Only the DVL or other DVU designated person is empowered to make a determination of domestic violence in these instances.

Generally, meeting with a DVL is strictly voluntary and refusal to do so or failure to follow up on a referral does not affect an eligibility determination for Family Assistance (FA), Safety Net Assistance (SNA), Food Stamps (FS) and/or Medical Assistance (MA). However, in this instance, meeting with a DVL will be mandatory as part of the eligibility process for any noncitizen seeking assistance as a qualified noncitizen based on the DV claim.

Consequently, a failure to meet with the DVL will result in a determination that the noncitizen is not a qualified battered alien. Ineligibility for qualified battered alien status will apply to both the noncitizen and any derivative children covered by the pending/approved **I-130** petition or pending **I-360** self-petition. In this instance, staff must explore whether the individual may be eligible for benefits under PRUCOL or may have another immigration status which would make him/her eligible for benefits.

Noncitizen applicants who present any of the immigration documents listed below and make a claim of domestic violence must be referred to the DVL for a credibility assessment and determination of battery:

- **I-797** indicating an pending **I-360** self-petition (without a prima facie determination) under INA Section 204(a)(1)(A)(iii) or (iv) or INA Section 204(a)(1)(iii)(B)(i) or (iii)
- **I-797** indicating pending or approved **I-130** (petition for alien relative) under INA Section 201(b)(spouse or child of a U.S. citizen) or Section 203(a)(2)(A) (spouse or child of a permanent legal resident)

“K” or “V” visas are family-related non-immigrant visas. “K” visas are issued to the spouse or child of a U.S. citizen. “V” visas are issued to the spouse or child of an LPR (see **Attachment E**).

- **I-94** (Arrival/Departure Record) (see **Attachment C**) coded “K3,” “K4,” “V1,” or “V2” or CR-1-7 and a pending or approved **I-130**
- **I-688B** or **I-766** (Employment Authorization Document [EAD]) (see **Attachment D**) annotated (a)(9) or (a)(15)
- Any other USCIS document indicating the noncitizen has a “K” or “V” visa and a pending or approved **I-130**

While the submission of these documents alone does not establish that a person is a credible victim of domestic violence, they do satisfy the second requirement that s/he have appropriate immigration documentation.

Noncitizens who are married to US citizens or LPR’s, do not have an immigration status, and claim that they are victims of domestic violence but do not have any of the immigration documents listed above, must also be referred to the DVL for a credibility assessment and determination of battery. The DVL can make a credibility assessment and determination of battery if such documents are not available.

Making a referral to a DVL

To refer a noncitizen applicant that requires a credibility assessment to the DVL, Job Centers will use NYCWAY Action Code **9911** (Unique Appointment/Referral Code). The Special Assessment Letter (**W-103D**) will be generated. When this referral is made, the applicant will be advised that s/he should provide the DVL with any and all proof of battery/abuse that s/he may have.

Workers are reminded that **noncitizens who have a qualified status and make a claim of DV do not require a credibility assessment.**

For DV purposes, these individuals will be treated the same as any US citizen making a DV claim.

To indicate the outcome of the DV credibility assessment and determination of battery, the following NYCWAY codes have been developed:

Outcome of the DVL referral

- **931G** (Appointment Kept/DV Issues) – Applicant (and any foreign-born children) is credible victim of domestic violence. If this code is entered by the DVL, the Worker needs to complete the determination of qualification status. If the noncitizen meets the qualified criteria, the application should continue to be processed as per current procedure.
- **931J** (Appointment Kept/No DV issues) – Applicant (and any foreign-born children) is not credible victim of domestic violence. If this code is entered by the DVL, the Worker needs to determine if the noncitizen is eligible for SNA under PRUCOL.
- **931K** (Individual Failed to Report) – If this code is entered by the DVL, the Worker needs to determine if the noncitizen is eligible for SNA under PRUCOL.

If the abuser was an employee of the U.S. government or a member of the uniformed services of the U.S., the abuse would then not necessarily have to have occurred in the U.S. for the purposes of qualified battered alien status.

The DVL is responsible only for determining if the noncitizen is a credible victim of battery or extreme cruelty and can only consider battery and extreme cruelty that occurred in the U.S. in making a determination that the alien is a credible victim.

The Job Center staff will be responsible for determining whether or not a noncitizen who has been determined to be a credible victim of domestic violence by the DVL meets the other three requirements and is thus a qualified battered alien.

**Second requirement**

Appropriate Immigration Documentation

Pursuant to the second requirement (see page 3) to establish qualified battered alien status, the Worker must determine whether the noncitizen has appropriate immigration documentation. This necessitates the review of all immigration documents the noncitizen has available. Any of the following immigration documents will satisfy this requirement:

Examples of appropriate immigration documents

- **I-797** indicating pending **I-360** self-petition (without a prima facie determination) under INA Section 204(a)(1)(A)(iii) or (iv) or Section 204(a)(1)(iii)(B)(i) or (iii)
- **I-797** indicating pending or approved **I-130** (Petition for Alien Relative) under INA Section 201(b) (spouse or a child of a U.S. citizen) or Section 203(a)(2)(A) (spouse or child of a permanent legal resident)
- **I-94** (Arrival/Departure Record) coded “K3,” “K4,” “V1,” or “V2” or CR-1-7 and a pending or approved **I-130**
- **I-688B** or **I-766** (Employment Authorization Document [EAD]) annotated “(a)(9)” or “(a)(15)”
- Any other USCIS document indicating the alien has a “K” or “V” visa and a pending or approved **I-130**.

See **Attachment D** for a sample of an EAD

See **Attachment E** for a sample of a K or V visa

Lost or expired documentation

**Note:** Refer to the section titled “Lost, Inaccessible or Expired Documentation” on page 14 if an alien asserts that his/her immigration documentation is lost, inaccessible or expired.

**Third requirement**

Substantial Connection

Pursuant to the third requirement (see page 3) to establish qualified battered alien status, there must be a substantial connection between the abuse and the need for benefits.

This requirement will not be satisfied solely by a determination that the applicant has been subjected to battery or extreme cruelty in the U.S. It is the responsibility of the Worker to determine whether this connection exists. A substantial connection between the abuse and the need for benefits exists when benefits are needed:

- to enable the applicant/victim and/or his/her child to become self-sufficient following separation from the abuser
- to enable the applicant/victim and/or his/her child to escape the abuser and/or the community where the abuser lives or to insure the safety of the applicant/victim and/or his/her child
- due to the loss of financial support resulting from the applicant/victim's or his/her child's separation from the abuser
- because of lost income or because fear of the abuser jeopardizes the applicant victim's ability to care for his/her child
- because the applicant/victim or his/her child requires medical attention or mental health counseling or has become disabled as a result of the battery or cruelty

This list of examples is not exhaustive, and the Worker should consider the circumstances of each case to determine whether the required substantial connection exists.

#### **Fourth requirement**

#### **Battered Applicant No Longer Resides in the Same Household as the Abuser**

Pursuant to the fourth requirement (see page 3) to establish qualified battered alien status, the battered noncitizen can no longer reside in the same household as the abuser. Workers are responsible for verifying the battered noncitizen's residence just as they would for any applicant for assistance.

Workers should consider any relevant credible evidence supporting the claim of nonresidence with the batterer including, but not limited to, any of the following:

- Proof of residence in a domestic violence or homeless shelter
- Order of protection requiring the abuser to stay away from the applicant
- Civil order evicting the batterer from the applicant's residence
- Employment records
- Utility receipts
- School records
- Hospital or medical records
- Statement from a friend or relative stating the noncitizen victim is staying with him/her



Once the noncitizen has been determined to be a credible victim of domestic violence by the DVL, the Worker must not contact the batterer for verification of living arrangements or any other factor of eligibility.

#### Derived Qualified Status for Children of Battered Noncitizens

Children of qualified battered aliens

When a battered noncitizen files an **I-360** self-petition, s/he is both the petitioner and the beneficiary of that petition. If the petitioner has foreign-born minor children, the foreign-born minor children who are listed will be covered by the same **I-360** self-petition.

In the context of an **I-360** self-petition, foreign-born children of battered noncitizens derive their benefit eligibility from the parent. If the parent petitioner is determined to be a qualified alien, his/her foreign-born children are also qualified aliens.

#### Derived Qualified Status for Parents of Battered Noncitizen Children

An **I-360** self-petition may be submitted for a foreign-born child who has been subjected to battery or extreme cruelty in the U.S. The parent of that child can be included on the same **I-360** petition.

The parent derives his/her qualified status from the child. If the child is determined to be a qualified battered alien, his/her parent is also a qualified alien.

#### Permanently Residing in the United States Under Color of Law (PRUCOL)

In any instance where a noncitizen is deemed not qualified, the possibility of providing assistance under the PRUCOL category must be explored. This includes noncitizens married to US citizens or LPR's, who do not have an immigration status and make a claim of DV under circumstances that require a credibility assessment by DVL but fail to comply with same or are deemed not credible by the DVL.

Noncitizens are considered to be PRUCOL if their presence in the U.S. is officially determined by USCIS as legitimate, and USCIS is allowing them to reside in the country for an indefinite period of time. PRUCOL is neither an immigration status nor an immigration law term, but a public benefit eligibility category

Prior to PRWORA, immigrants who were considered PRUCOL were eligible for a number of federal programs, including Medicaid, SSI and Aid to Families with Dependent Children.

Noncitizens eligible for public benefits under the PRUCOL category can receive only SNA. They are not eligible for FA, Safety Net Federally Participating (SNFP), EAF or FS.

PRWORA created new eligibility criteria for aliens to receive federal benefits which excludes aliens now considered to be PRUCOL. The PRUCOL category continues to be used by the New York State Office of Temporary and Disability Assistance (OTDA) to determine certain aliens' eligibility for Safety Net Assistance (SNA).

Noncitizens who meet OTDA PRUCOL criteria and who may be eligible for SNA benefits include:

- Aliens paroled for less than a year
- Aliens residing in the United States pursuant to an order of Supervision under Section 241(a) (3) of the INA

These aliens are found deportable; however, certain factors exist which make it unlikely that USCIS would enforce departure. Factors include: age, physical condition, humanitarian concerns, and the availability of a country to accept the deportee. USCIS requires periodic reports from these aliens. USCIS will initiate action to remove the alien if the factors preventing deportation are eliminated

#### New Information

The **W-205JJ** has been revised to include a note in the common documentation section for "K" and "V" visa holders explaining what documentation must be submitted in order to be considered PRUCOL eligible.

Document **I-220B** may be provided but refer to the PRUCOL Eligibility Desk Aid (**W-205JJ**) for full list of documents that these aliens may provide.

- Aliens residing in the United States pursuant to cancellation of a removal order

These aliens are found to be deportable, but USCIS has deferred deportation indefinitely for humanitarian reasons or the aliens have met several factors including a period of continuous residence for USCIS to grant cancellation of removal. Documents submitted may include a letter/order from the immigration judge and an **I-94** with employment authorized for one year. The **W-205JJ** should be referenced for a list of other documents that these aliens may provide.

- Aliens granted deferred action status pursuant to USCIS operating instructions

This category is similar to aliens residing in the U.S. under an order of supervision except no formal removal proceedings have been initiated. Documents submitted may include an **I-210** or a letter indicating that the alien's departure has been deferred. This determination is made by the Regional Commissioner of USCIS and is relatively rare.

- Aliens who demonstrate that they entered the U.S. and have continuously resided in the United States since January 1, 1972, pursuant to Section 249 of the INA
- Aliens with unexpired “K3”, “K4” or “V1” or “V2” visas. K and V visas are granted for family unity purposes

USCIS allows certain spouses of a U.S. citizen or lawful permanent resident and their dependent children to enter and reside in the U.S. while their **I-130** petition is pending or approved, they are waiting for an immigrant visa number to become available, or their I-485 (Application for Adjustment to Permanent Residence) is pending.

In the common documentation section for “U” visa holders, the **W-205JJ** has been revised to clarify that a U visa will not be presented as documentation of this status.

- Aliens granted deferred action as interim relief for a “U” visa application  
 “U” visa status may be granted to an alien and his/her family members when the applicant for such a visa has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity. The criminal activity must have violated the laws of the U.S., its territories or possessions and the applicant must:

- possess information concerning the criminal activity
- be helpful to law enforcement in the investigation and prosecution of the criminal activity

Aliens granted interim “U” visa relief may be assigned one of the following category codes: “U1,” “U2,” “U3” or “U4.”

- Aliens granted “S” visa status  
 “S” visa status may be granted to aliens in possession of critical and reliable information concerning criminal organizations or enterprises or terrorist enterprises and:
  - are willing to supply or have supplied such information to Federal/State law enforcement and courts
  - whose presence in the U.S. is determined by the U.S. Attorney General and in some instances by the Secretary of State and the U.S. Attorney General, to be essential to the success of an authorized criminal investigation.

Aliens granted “S” visas may be assigned one of the following category codes: “S5,” “S6” or “S7.”

Revised information

In any instance where the battered/abused noncitizen is deemed not qualified, the possibility of providing assistance under PRUCOL must be explored.

Battered aliens who do not meet the qualified alien criteria may receive assistance under the PRUCOL category if they meet one of the following criteria and are otherwise eligible:

- |                     |   |
|---------------------|---|
| Revised information | <ul style="list-style-type: none"> <li>• They are the spouse or child of a U.S. citizen and have an unexpired “K” visa and a SAVE inquiry, <b>I-797</b> receipt or any other authoritative USCIS document indicates an <b>I-130</b> application is pending or approved.</li> <li>• They are the spouse or child of an LPR and have an unexpired “V” visa and a SAVE inquiry, <b>I-797</b> receipt or any other authoritative USCIS document indicates an <b>I-130</b> application is pending or approved</li> </ul> |
| New information     | <ul style="list-style-type: none"> <li>• They are the spouse or child of a U.S. citizen or LPR and have an unexpired K3, K4, V1 or V2 visa, who makes a claim of domestic violence but does not go to the DVL or are determined to be non credible by the DVL and a SAVE inquiry, <b>I-797</b> receipt or any other authoritative USCIS document indicates an <b>I-360</b> petition is pending.</li> <li>• They have an immigration status that is considered PRUCOL-eligible for cash assistance.</li> </ul>       |

**Note:** If an expired “K” or “V” visa is submitted, then proof that an **I-539** (Application to Extend/Change Nonimmigrant Status must be provided as well as a SAVE clearance, **I-797** receipt or any other authoritative USCIS document that indicates an **I-130** application is pending or approved in order for the alien to be considered PRUCOL-eligible.

### Social Security Numbers (SSNs)

Noncitizens who do not have an SSN will be referred to the Social Security Administration (SSA) to apply for one, only after they have been determined otherwise eligible for assistance.

This means that the noncitizen has complied with all other eligibility requirements and, pending the SSN application, has been otherwise determined eligible for cash assistance and/or FS.

The noncitizen’s application for assistance, however, cannot be accepted for recurring benefits until the noncitizen provides verification of having applied for an SSN.

Refer to [PD #07-32-ELI](#) for further clarification of the information contained in this section

A referral to the SSA must be completed for each individual in the household who is in need of an SSN.

There are two referral forms:

- Noncitizen Referral to SSA for a Social Security Number Application (for noncitizens eligible for FA, SNFP, FS and federally funded MA) (see **Attachment F-1**); and
- Noncitizen Referral to SSA for a Social Security Number Application (for noncitizens eligible for SNA [SNCA and SNNC] and state-funded MA only) (see **Attachment F-2**).

For example:

*A qualified battered alien spouse of a U.S. citizen and her two noncitizen children (under the age of 18) apply for assistance on March 1, 2006.*

*She indicates she entered the country with a “K” visa January 23, 2003. The Agency confirms her qualified battered alien status and determines that she and her two noncitizen children are eligible to receive CA as a qualified alien. Her five-year count in qualified status begins on March 1, 2006 (the date the agency determined her to be eligible as a qualified battered alien); therefore, she can receive SNCA for herself and her children. Since she and the children entered the U.S. after August 22, 1996, they are subject to the five-year ban on Federal benefits. She cannot receive FS benefits for herself, as she does not meet any of the FS alien eligibility criteria.*

*However, since her children are under the age of 18 and in qualified status, they could receive FS benefits (which are federally funded). Neither the mother nor the children has an SSN.*

In the situation presented in this example, three separate referrals to the SSA must be prepared. Each person – the mother and the two children – needs an SSN. All requested information, including the gender and date of birth, should be provided for each person. The mother should be referred using **Attachment F-2**. Each child should be referred using **Attachment F-1**.

After the Noncitizen Referral to SSA for a Social Security Number Application has been completed and signed, the Worker will give the original to the applicant and retain a copy to be scanned and indexed into the electronic case record. The Worker must inform the applicant that s/he must provide the SSA with original documents showing his/her age, identity and lawful alien status, including any permission to work in the United States.

Noncitizens who do not have an immigration status recognized by SSA and are not eligible for Federal benefits may be denied an SSN. However, as a condition of eligibility, they still must apply for an SSN.

If a noncitizen who has been determined to be a qualified battered alien (ACI code **B**), LPR with less than 5 years in status (ACI codes **K** or **S**) or eligible for assistance under the PRUCOL (ACI code **O**) category cannot obtain a receipt for the application of an SSN or a letter of denial for an SSN from the SSA, the individual may complete and submit to the Job Center a Declaration of Application for a Social Security Number (see **Attachment G**) that an application for an SSN was filed.

Anyone eligible for SNA is automatically eligible for State funded MA.

Noncitizens who are otherwise eligible for CA and who are denied an SSN by the SSA due to immigration status can only receive SNA.

Lost, Inaccessible or Expired Documentation

See [PD #07-30-ELI](#)

A clearance from SAVE must be obtained for every noncitizen who applies for benefits.

When a noncitizen has lost, inaccessible or expired immigration documents and applies for assistance, the lack of immigration documents should not delay an eligibility determination. If a noncitizen knows his/her alien registration number, his/her immigration status can be obtained through the mandatory Systematic Alien Verification Entitlements (SAVE) clearance. The clearance can be used in place of the documents.

SAVE clearances are done by BEV as part of the eligibility verification process.

In addition to but not in lieu of conducting a SAVE clearance, information on the current status of an individual's applications/petitions filed with USCIS may be obtained through the USCIS online database. However, a 13-digit application receipt number is needed to utilize this database (see **Attachment H** for USCIS screenshots of the online database).

When the documentation to verify the noncitizen's current status is expired and neither the SAVE system nor USCIS database can help in obtaining verification of the noncitizen's current status or the noncitizen claims the documentation is lost, refer to **Attachment I** to determine how to proceed.

**Note:** In general, if a qualified battered alien applicant has a lost or inaccessible **I-130** petition, s/he could file an **I-360** self-petition to obtain immediate relative- or family-sponsored immigrant classification (see **Attachment I**).

### Alien/Immigrant Liaison

See [PB #07-113-OPE](#)

The regulations governing the determination of a noncitizen's eligibility for the receipt of public benefits are complex. In order to ensure that applications for CA, MA and/or FS submitted by this population are appropriately processed, each Job Center has designated Specialized JOS/Workers, Immigrant Liaison Supervisors AJOS I's who will supervise the Specialized JOS Workers, and Immigrant Liaison AJOS II's (or Center Directors' Designees) who will make the alien eligibility determination for every case that contains a noncitizen except for when the case is an LPR with five or more years in status.

If the Specialized JOS Worker and/or Immigrant Liaison Supervisor need additional guidance or instruction to make an immigrant determination, they should contact the AJOS II Immigrant Liaison (or Center Director's Designee).

If the AJOS II Immigrant Liaison (or Center Director's Designee) cannot make the determination, s/he should contact the New York City Human Resources Administration's Office of Refugee and Immigrant Affairs (ORIA) at (212) 331-4550 for additional guidance.

### Special Eligibility Actions and Budgeting Procedures

Refer to pgs. 95-119 and pgs. 145-174 of the NYS WMS AOG for information and examples on registering/splitting multisuffix cases involving legal noncitizens.

Workers are urged to reference the New York State (NYS) Welfare Management System (WMS) Authorization of Grants (AOG) Manual for examples of registering and splitting multisuffix cases involving legal noncitizens especially in situations where a case has an individual who is eligible for Safety Net and state-funded Medical Assistance but there are other individuals on the case who are entitled to federal benefits.

Refer to pages A-51 – A-52 of the [Public Assistance Budgeting Manual](#)

In addition, when a budget is needed for a multisuffix case involving legal noncitizens with income in the household, the Public Assistance Budgeting Manual should be referenced for instructions on how to complete the budget.

### Additional Support

There are several supports in place to further assist staff at the Job Centers to correctly process these cases. POS will be programmed to support the instructions outlined in this directive.

Additionally, Workers should reference the Alien Eligibility Desk Aid ([LDSS-4579](#)) for a list of qualified statuses and benefits that each status may be eligible for and A Guide to Selected U.S. Travel and Identity Documents (**Attachment J**), published by USCIS, that is helpful in understanding the various immigration documents issued by USCIS.

New information

The [LDSS-4579](#) was recently revised by the Office of Temporary and Disability Assistance and a copy has been attached to this procedure for your reference.

**REQUIRED ACTION**

When a JOS/Worker learns during an interview that an individual is a noncitizen who is not an LPR with five or more years in that status, the Worker must suspend the interview and alert his/her supervisor. The supervisor will transfer the case to the Immigrant Liaison Supervisor, who will then transfer the case to the Specialized JOS/Worker.

Refer to [PB #06-08-ELI](#) regarding registering all members of the filing unit in WMS.

The Specialized JOS/Worker must conduct the eligibility interview and ensure that the applicant (and all members of the applying household) is placed in **AP** status for every program s/he is applying for or is mandated to apply for based on the household filing unit.

Specialized Worker identifies noncitizen is potentially a battered alien or PRUCOL

Prior to completing the interview and before issuing any emergency benefits, if the Specialized JOS/Worker identifies a noncitizen on the case who is potentially eligible under the Qualified Battered Alien status or PRUCOL, s/he must alert the AJOS II Immigrant Liaison (or Center Director's Designee). The Specialized JOS/Worker together with the AJOS II (or Center Director's Designee) will conduct the interview to assess whether the noncitizen meets the Qualified Battered Alien criteria or is eligible under PRUCOL criteria for public benefits.

Once the Specialized JOS/Worker and the AJOS II (or Center Director's Designee) has reviewed the case for eligibility under Battered Qualified Alien status or PRUCOL status, the AJOS II (or Center Director's Designee) must enter a case comment in POS that s/he has made the alien eligibility determination. The Specialized JOS/Worker can then proceed with processing the case including conducting the screening for eligibility for expedited processing of the applicant's FS application.



If deemed eligible for FS benefits, issuance of the benefits cannot be delayed for compliance with any referrals that are made on behalf of the applicant.

Determine the applicant’s FS eligibility within the five-day expedited time frame. If the applicant (household) is determined eligible for FS benefits, refer him/her for finger imaging. Once the finger imaging is completed, prepare the issuance of benefits as per current procedure and defer all outstanding required documentation, including Automated Finger Imaging System (AFIS) referrals for any other adult, 18 years of age or older, who will be part of the FS household but has not yet been finger-imaged.

Battered noncitizens must meet the FS eligibility criteria to receive FS. For cases with U.S. citizens and noncitizens, ensure a multisuffix case is established.

**Note:** All noncitizens must meet or appear to meet the FS alien eligibility rules (see [LDSS-4579](#)) to qualify for expedited FS service. A household that is eligible for expedited FS service can get benefits pending verification of alien status, but cannot be certified for longer than the single month or combined months or the initial expedited issuance, pending receipt of the verification. If all verification has been received, a regular certification period should be assigned to the household.

Refer to [PB #07-04-SYS](#) for more information on input of the correct date in elements **389** and **347** of the TAD.

When preparing the TAD to accept (**AC**) the FS case (if all required documentation has been submitted) or single-issue (**SI**) (if verification/documentation is missing), enter:

- the appropriate Alien/Citizenship Indicator (ACI) code (e.g. **B** [Battered]) in element **382**.
- in the Date of Status (DOS) field (element **389**), the date the alien either entered the U.S. through a specific qualified immigration status or was granted a qualified immigration status after physically entering the U.S.
- in the Date Entered Country (DEC) field (element **347**) the date the alien entered the U.S. legally or illegally. **Note:** If the DEC is prior to 8/22/96, documentation must be submitted verifying the alien’s presence in the U.S. prior to 8/22/96.

**Note:** If the internal clearance indicates that a noncitizen has previously applied for or was/is in receipt of MA or FS benefits from an NCA FS office, the case must be reviewed. If the case review indicates that qualified status was previously established, enter that date in element **389**.

Refer to page 1.4-1 in the Worker’s Guide to Codes for a complete list of Social Security Number Validation Codes.

- the appropriate Social Security Number Validation Code, such as Code **2** (SSN Applied For but Not Yet Available) or Code **3** (SSN Applied For and Denied), **4** (SSN Not Applied For) in element **321** for every applicant who does not have an SSN.

### Processing the CA Case Eligibility Determination

Once the FS application has been addressed, if the applicant is a battered alien and meets requirements 2, 3 and 4 for qualified battered aliens (see page 3) continue to process the application as per standard procedure.

When referral to the DVL is required

If the applicant is subject to a DVL credibility assessment and determination of battery pursuant to the first requirement, proceed as follows:

- refer the applicant to the Bureau of Eligibility Verification (BEV).
- call the DVL who covers the Job Center for an appointment, utilizing the Domestic Violence Liaison Unit Directory.
- enter in the **Assessment – Primary Questionnaire** screen of the automated Employability Plan (EP), a “Y” for domestic violence.
- on the next screen, enter a “Y” to indicate that a referral is requested. Action Code **991I**, along with the seven-day Future Action Date (FAD), will be automatically posted in the NYCWAY Activity Screen for an applicant DV referral.
- generate the Special Assessment Letter (**W-103D**), which will notify the applicant of the following information:
  - appointment date, time, DV social worker’s name and telephone number for any questions
  - return appointment date and time the applicant is to return to the Job Center
- scan and image a copy of the **W-103D** into the case file and give the original to the applicant in a sealed envelope.

**Note:** Ensure that the applicant understands that the DVL is the only person qualified to assess the veracity of his/her claim of battery or extreme cruelty in the U.S. and that the veracity of that claim must be assessed as a condition of determining qualified battered alien status.

Defer all other required referrals such as employment/engagement assessment, Office of Child Support Enforcement (OCSE) and Credentialed Alcohol and Substance Abuse Counselor (CASAC) until the DVU renders a decision.

For battered noncitizens who had no other qualified status when referred to the DVL, the DOS is the application date.

If the applicant complies with the DVL assessment and the DV claim is deemed credible (Code **931G** will be posted in NYCWAY) and if the other three eligibility requirements are met, consider the applicant a qualified battered noncitizen and process his/her application as per standard procedure.

If the applicant fails to keep the appointment (Code **931K** will be posted in NYCWAY) or if the DVL determines that the DV claim is not credible (Code **931J** will be posted in NYCWAY), explore eligibility for assistance under another qualified alien category or under the PRUCOL category.

If not eligible for assistance under another qualified alien category or under PRUCOL, the application for the noncitizen and the noncitizen’s children, if any, must be rejected (RJ) or closed (CL) using **F92** (Failure to Provide Proof of Citizenship or Eligible Alien Status).

**Noncitizens Deemed Eligible for CA**

If the SSN has been applied for but not yet received

When the noncitizen returns with verification of applying for an SSN, ensure that, in addition to the standard required actions necessary to enter the acceptance of the application in WMS, Social Security Validation code **2** (SSN Applied For but Not Yet Available) is entered in the **SSN Indicator** field (element **321**) of the TAD.

If the SSN is denied due to immigration status only

If the noncitizen is subsequently denied an SSN, scan/image a copy of the denial letter from the SSA into the case file. If the denial letter indicates that the noncitizen was denied an SSN only because of alien status, enter Social Security Validation code **N** (State Benefit Eligible Alien) in the **SSN Indicator** field of the **TAD**.

**Note:** Noncitizens who are otherwise eligible for CA and who are denied an SSN by the SSA due to immigration status may only receive SNA.

If a noncitizen is reclassified from qualified battered alien status to PRUCOL status

If Alien Citizenship Indicator (ACI) code **B** was assigned prior to verification in order to issue FS benefits as required by the Expedited FS Service criteria and if the noncitizen subsequently fails to meet the qualified noncitizen status criteria but is determined to be PRUCOL-eligible, change the ACI indicator to code **O** (PRUCOL individual who is eligible for SNCA) and close the FS case.

If a noncitizen is a qualified battered alien

For those who met the criteria for/or established qualified battered alien status, enter ACI indicator code **B** and the date the qualified status was obtained if it is not already entered.

If a noncitizen is PRUCOL-eligible

For those who were determined to be eligible for PRUCOL, enter ACI indicator code **O** if it was not already entered.

## Noncitizens Deemed Ineligible for CA

The following annotation must be made on the TAD when the battered noncitizen is deemed ineligible for assistance:

- ACI code **E** (non-qualified aliens eligible for treatment of an emergency medical condition) must be entered for battered noncitizens:

If a noncitizen is not a qualified alien and not PRUCOL-eligible

- who failed to comply with efforts to establish qualified status
- who did not meet the criteria for qualified status
- whose PRUCOL eligibility could not be established

In addition, for **all** noncitizens:

If a noncitizen fails to apply for an SSN without good cause

- If the noncitizen fails to apply for an SSN without good cause and s/he is part of a multiperson case where the others are eligible for assistance, sanction the noncompliant noncitizen and accept the case for all others.
- If the noncitizen was required to apply for an SSN for a child and failed to do so without good cause, sanction him/her and the child for CA. Sanction only the child for FS.

### Reapplication

When a battered noncitizen who previously was denied assistance reapplies, the ACI code entered when the previous application was denied must be reviewed. If a noncitizen was determined to be a qualified battered alien based upon a prior application, a DVL referral for the purpose of determining credibility will not be required.

In this instance, the battered noncitizen will be considered a credible victim of battery or extreme cruelty and the Worker should continue to process the application per standard procedure.

In reapplication situations, a referral to the DVL for a credibility assessment should be made only when qualified status was not previously established or when PRUCOL eligibility was determined because the applicant failed to keep a DVL assessment appointment and now states s/he is willing to comply.

## PROGRAM IMPLICATIONS

### Food Stamp Implications

If an individual subject to the five-year bar on federally funded benefits does not have five years in qualified status, s/he will not be eligible to receive FS benefits unless s/he meets one of the following criteria:

- is in a qualified status and in receipt of certain disability benefits (7 USC 2012 [r]).
- is in a qualified status and is under the age of 18.
- is in a qualified status and has 40 qualifying quarters of work. Generally, qualifying quarters of work are earned when an individual earns a specified amount of money that is creditable for Social Security benefits.

**Please note:** The AJOS II Immigrant Liaison (or Center Director's Designee) must contact the FIA Call Center to determine if a noncitizen in a qualified status is in receipt of disability benefits which would make him/her eligible for food stamps.

Individuals may be credited with a maximum of four qualifying quarters each year. An LPR may earn and/or be credited with a qualifying quarter as follows:

- Quarter(s) earned by a parent/parents while the LPR is less than 18 years of age, including quarters worked by a parent/parents before his or her birth. Qualifying quarters may be credited from adoptive parent/parents, but not from stepparent/stepparents.
- Quarter(s) earned by a spouse during his/her marriage.

Credited quarters when  
the marriage ends in  
divorce

A widow or widower retains credit for all qualifying quarters earned during the marriage by a deceased spouse. When a marriage ends in divorce, however, any quarters earned by one spouse not credited to the other spouse during the marriage are lost.

If the divorce occurs after a spouse has been credited with 40 quarters and determined eligible for a public benefit, the SSA will not subtract any qualifying quarters already credited.

For noncitizens whose eligibility for the receipt of FS benefits is based on having 40 quarters, the quarters claimed must be verified by the SSA.

If the household asserts that members have 40 quarters of work history, but the SSA cannot confirm the information and is conducting an investigation to determine if additional quarters can be credited and the noncitizen has been otherwise deemed eligible, the FS case must be accepted and assigned a certification period for up to 6 months from the original date of insufficient quarters (date of FS application), pending the results of the investigation.

In this instance, an ACI code **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) must be entered to authorize the FS grant while the verification is pending from the SSA.

PRUCOL eligibility for FS

Individuals eligible to receive assistance under PRUCOL are not eligible to receive FS benefits.

Medicaid Implications

If qualified alien status has been determined under the criteria listed in this directive and the individual is otherwise eligible, medical assistance should be granted.

However, as a reminder, undocumented immigrants and temporary non-immigrants, if otherwise eligible, may receive coverage for care and services necessary for the treatment of an emergency medical condition only.

This does not include care and services related to an organ transplant procedure or certain types of care provided to chronically ill persons, such as alternate level of care in a hospital, nursing facility services, home care (including private duty nursing) and personal care.

Pregnant women may be provided medical assistance at any time without regard to immigration status if otherwise eligible. Children may be provided medical assistance without regard to immigration status under the Child Health Plus Program (CHPlus).

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**BUDGETING IMPLICATIONS**

The budgeting of multi-suffix cases in which a noncitizen(s) is eligible for SNCA and is registered on its own suffix from additional case members who are eligible for federal benefits and are registered on a different suffix must be manually calculated.

**LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING IMPAIRED IMPLICATIONS**

For Limited English Speaking Ability (LESA) applicants/participants, make sure to obtain appropriate interpreter services in accordance with [PD #06-12-OPE](#). For hearing-impaired applicants/participants, make sure to obtain appropriate interpreter services in accordance with [PD #06-13-OPE](#).

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**FAIR HEARING IMPLICATIONS**

Avoidance/Resolution

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that the applicant/participant must receive either adequate or timely and adequate notification of all actions taken, depending upon the circumstances of his/her case.

Conferences

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS I/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the applicant/participant is waiting to be seen. In Model Offices, the Receptionist at Main Reception will issue an FH&C ticket to the applicant/participant to route him/her to the FH&C Unit and does not need to verbally alert the FH&C Unit staff.

The FH&C AJOS I/Supervisor I will listen to and evaluate any material presented by the applicant/participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS I/Supervisor I will explain the reason for the Agency's action(s) to the applicant/participant.

If the determination is that the applicant/participant has presented good cause for the infraction or that the outstanding Notice of Intent needs to be withdrawn for other reasons, the FH&C AJOSI/Supervisor I will settle in conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken.

In addition, if the adverse case action still shows on the “Pending” (08) screen in WMS, the AJOS I/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form ([LDSS-3722](#)), change the 02 to an 01 if the case has been granted aid continuing (ATC), or prepare and submit a PA Recoupment Data Entry Form ([LDSS-3573](#)) to delete a recoupment. The AJOS I/Supervisor I must complete a Conference Report ([M-186a](#)).

If the determination is that the applicant has not shown good cause for the infraction or that the Agency’s action(s) should stand then the AJOS/Supervisor I will explain to the applicant why s/he cannot settle the issue(s) in conference (SIC). The AJOS I/Supervisor I must complete a Conference Report.

Evidence Packets All Evidence Packets must contain a detailed History, copies of relevant WMS screen printouts, other documentation relevant to the action taken and copies of NYCWAY “Case Notes” screens, when applicable.

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**RELATED ITEMS**

[PB #06-08-ELI](#)  
[PB #07-04-SYS](#)  
[PB #07-113-OPE](#)  
[PB #07-143-ELI](#)  
[PD #07-31-SYS](#)  
[PD #07-32-ELI](#)  
[Authorization of Grants, pages 95-119 and pages 145-174](#)  
[Public Assistance Budgeting Manual](#), pages A-51 – A-52

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**OBSOLETE PROCEDURES**

PD #07-26-ELI  
 PD #07-33-ELI

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**REFERENCES**

[04 OMM/ADM-7](#)  
[06-INF-11](#)  
[06-INF-14](#) Revised  
[GIS 07 TA/DC001](#)  
[07 OHIP/INF-2](#)



**ATTACHMENTS**

☞ Please use Print on Demand to obtain copies of forms.

- Attachment A** Notice of Action (**I-797**)
- Attachment B** Order Granting Cancellation of Removal
- Attachment C** Arrival/Departure Record (**I-94**)
- Attachment D** Employment Authorization Document (EAD) (**I-688B** and **I-766**)
- Attachment E** K or V Visa Sample
- Attachment F-1** Noncitizen Referral to SSA for a Social Security Number Application – for noncitizens eligible for FA and/or FS
- Attachment F-2** Noncitizen Referral to SSA for a Social Security Number Application – for noncitizens eligible for SNA only
- Attachment G** Attestation for Application of Social Security Number Application
- Attachment H** Accessing the USCIS Online Database
- Attachment I** Lost/Expired Documentation for Battered/Abused Noncitizens
- Attachment J** A Guide to Selected U.S. Travel and Identity Documents
- W-103D** Special Assessment Letter (Rev. 7/26/06)
- W-103D (S)** Special Assessment Letter (Spanish) (Rev. 7/26/06)
- W-205JJ** PRUCOL Eligibility Desk Aid (Rev. 1/09/08)
- LDSS-4579** Alien Eligibility Desk Aid (Rev. 10/07)

Attachment A

**I-797 – Notice of Action**

This form is used by the USCIS to notify applicants and petitioners for immigration benefits that the agency has taken some kind of action in the case. For example, the form is used to notify individuals who have filed a petition for an immigrant visa on behalf of a relative that the petition has been approved. As in the example below, it is also used to notify abused immigrants who have filed a self-petition under the Violence Against Women Act (VAWA) that their self-petitions have been found to establish a prima facie case. The form is also used to notify applicants for Family Unity that they have been granted Family Unity status.

U.S. Department of Justice Immigration and Naturalization Service		Notice of Action	
<b>UNITED STATES OF AMERICA</b>			
Receipt Number EAC6		Case Type: I-360 PETITION FOR AMERASIAN, WIDOW(ER), OR SPECIAL IMMIGRANT	
Receipt Date December 15, 2000	Priority Date	Petitioner	
Notice Date December 22, 2000	Page 1	A-File Number A	
C/O LEGAL AID FDN OF LOS ANGELES 3228 E WHITTIER BLVD LOS ANGELES CA 90022		Section: Self-Petitioning Spouse of U.S.C. or L.P.R.  ESTABLISHMENT OF PRIMA FACIE CASE	

The above petition has been reviewed and found to establish a prima facie case for classification under the self-petitioning provisions of the Violence Against Women Act.

THIS NOTICE MAY BE USED TO ASSIST YOU IN RECEIVING PUBLIC BENEFITS.

**THIS PRIMA FACIE DETERMINATION IS VALID FOR A PERIOD OF 150 DAYS FROM THE NOTICE DATE SHOWN ABOVE, AND EXPIRES ON THE DATE INDICATED AT THE BOTTOM OF THE PAGE.**

We will send you a written notice as soon as we make a decision on this case. It is expected that a final decision will be made in this case before the end of 150 days. In a few cases, the adjudication may not be completed in this time frame. If this period is coming to a close and you need an extension of this prima facie determination in order to continue receiving public benefits, please submit a written request for extension at least 15 days prior to expiration.

**A COPY OF THIS NOTICE MUST ACCOMPANY ANY REQUEST FOR AN EXTENSION OF THIS DETERMINATION.**

**PLEASE NOTE: ESTABLISHING A PRIMA FACIE CASE FOR CLASSIFICATION UNDER THE SELF-PETITIONING PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT DOES NOT NECESSARILY MEAN THAT YOUR PETITION WILL BE APPROVED.**

.....  
**EXPIRATION DATE: May 22, 2001**  
.....

You will be notified separately about any other applications or petitions you filed. Save this notice. Please enclose a copy of it if you write to us about this case, or if you file another application based on this decision. Our address is:

IMMIGRATION AND NATURALIZATION SERVICE  
VERMONT SERVICE CENTER  
75 LOWER WELDEN STREET  
ST. ALBANS, VT 05479-0001

Form I-797 (Rev. 06/07/99)

**I-797 – Notice of Action (finding establishment of prima facie case)**

### Order Granting Cancellation of Removal

An individual in removal proceedings which began on or after April 1, 1997, can be granted cancellation of removal and LPR status if s/he has been in the U.S. at least 10 years (three years for certain abused spouses and children) and can prove good moral character and exceptional and extremely unusual hardship to qualifying family members should s/he be removed. An example is shown below.

**U.S. DEPARTMENT OF JUSTICE**  
Executive Office for Immigration Review  
Office of the Immigration Judge

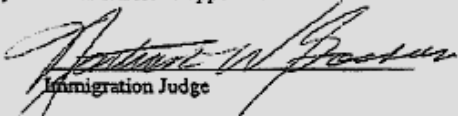
In the Matter of: \_\_\_\_\_ Case No.: A \_\_\_\_\_  
\_\_\_\_\_ - Docket: Los Angeles  
REMOVAL  
IN DEPORTATION PROCEEDINGS

**RESPONDENT**

**ORDER OF THE IMMIGRATION JUDGE**

This is a summary of the oral decision entered on 11-12-99.  
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed, the Oral Decision will become the official decision in this matter.

- The respondent was ordered deported to \_\_\_\_\_
- Respondent's application for voluntary departure was denied and respondent was ordered deported to \_\_\_\_\_ or in the alternative to \_\_\_\_\_
- Respondent's application for voluntary departure was granted until \_\_\_\_\_, with an alternate order of deportation to \_\_\_\_\_ or \_\_\_\_\_
- Respondent's application for asylum was ( ) granted ( ) denied ( ) withdrawn ( ) other.
- Respondent's application for withholding of deportation was ( ) granted ( ) denied ( ) withdrawn ( ) other.
- Respondent's application for suspension of deportation was (X) granted ( ) denied ( ) withdrawn ( ) other.
- Respondent's application for waiver under Section \_\_\_\_\_ of the Immigration and Nationality Act was ( ) granted ( ) denied ( ) withdrawn ( ) other.
- Respondent's application for \_\_\_\_\_ was ( ) granted ( ) denied ( ) withdrawn ( ) other.
- Proceedings were terminated.
- The application for adjustment of status under Section (216)(216A)(245)(249) was ( ) granted ( ) denied ( ) withdrawn ( ) other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under Section 246.
- Other \_\_\_\_\_
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

  
Immigration Judge  
Date: \_\_\_\_\_

Appeal: RESERVED/WAVED (A/C) B  
TO 12/12/99

Form EOIR - 17  
REV. JUNE 93

I-94 Arrival/Departure Record

The I-94 is a 3"x 5" card which is issued to almost all noncitizens upon entry to the U.S. It is also issued to individuals who entered the country without inspection and subsequently have contact with the USCIS. The card is stamped or handwritten with a notation that indicates the individual's immigration category or the section of the law under which the person is granted admission or parole. The words "Employment Authorized" may also be stamped on the card. Noncitizens with I-94's include LPRs, persons fleeing persecution, persons with permission to remain in the U.S. based on a pending application, persons in deportation or removal proceedings, nonimmigrants and undocumented persons whose period of admission or parole has expired.

Front side of an I-94

Departure Number  
**742831632 01**

U.S. IMMIGRATION  
250 WAS 177

Immigration and Naturalization Service  
I-94  
Departure Record

SEP 13 1991

ADMITTED K3  
UNTIL MARCH 12, 1992

14. Family Name  
P.O.E.

15. First (Given) Name  
JOHN

16. Birth Date (Day/Mo/Yr)  
01/01/91

17. Country of Citizenship  
ENGLAND

See Other Side STAPLE HERE

Back side of an I-94

Warning - A nonimmigrant who accepts unauthorized employment is subject to deportation.  
Important - Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.  
Surrender this permit when you leave the U.S.:  
- By sea or air, to the transportation line;  
- Across the Canadian border, to a Canadian Official;  
- Across the Mexican border, to a U.S. Official.  
Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

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Port: Departure Record  
Date:  
Carrier:  
Flight #/Ship Name:

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402

## KEY TO I-94 Arrival Departure Record

Codes on the I-94 indicate the provision of law related to the individual's status. The following is a list of codes most commonly found on the I-94. This list is not all-inclusive.

CODE	MEANING
203(a)(7)	Conditional entrant
207 or REFUG	Refugee
208	Asylum
243(h) or 241(b)(3)	Withholding of deportation or removal
AM 1, 2, 3	Amerasian
106	Granted indefinite stay of deportation
242(b)	Granted voluntary departure
212(d)(5)	Parolee
A-1, A-2, A-3	Foreign government official, dependents & employees
B-1	Temporary visitor for business
B-2	Temporary visitor for pleasure (tourist)
C-1	Alien in transit directly through U.S.
C-1D	Combined transit and crewman visa
C-2	Alien in transit to UN headquarters district
C-3	Foreign government official, members of immediate family, attendant, servant, or personal employee in transit
C-4	Transit without visa
D-1, D-2	Crewmember of ship or aircraft
E-1, E-2	Treaty trader and investor and dependents
F-1, F-2	Foreign student and dependents
G-1, G-2, G-3, G-4, G-5	Representative of international organization, dependents & employees
H-1B	Alien specialty occupation
H-1C	Registered nurse (working up to 3- yrs in health professional shortage area)
H-2A	Temporary agricultural worker
H-2B	Temporary worker-skilled and unskilled
H-3	Trainee
H-4	Spouse or child of "H" worker (see categories above) or trainee
I	Visa for foreign media representative
J-1, J-2	Exchange visitor and dependents
K-1	Fiancé(e) of U.S. citizen
K-2	Minor child of "K-1"
K-3	Spouse of U.S. Citizen (LIFE Act)
K-4	Child of K-3 (LIFE Act)
L-1A	Intra-company transferee—executive, managerial
L-1B	Intra-company transferee—specialized knowledge
L-2	Spouse or child of "L-1"

## Attachment C

M-1, M-2	Vocational/nonacademic student and dependents
N-8	Parent of alien classified SK-3 "Special Immigrant"
N-9	Child of N-8, SK-1, SK-2, or SK-4 "Special Immigrant"
NATO-1 NATO-2 NATO-3 NATO-4 NATO-5 NATO-6 NATO-7	Representatives of NATO, dependents, and employees
O-1, O-2, O-3, O-4	Persons with extraordinary ability in the sciences, arts, education, business, and athletics, and dependents
P-1, P-2, P-3	Artists, entertainers, and athletes who are performing, teaching, or on an exchange program
Q-1	International cultural exchange visitors
Q-2	Irish Peace Process Cultural and Training Program (Walsh Visa)
Q-3	Spouse or child of "Q-2"
R-1, R-2	Religious workers and dependents (Spouse or Child of "R-1")
S-5	Informant of criminal organization information
S-6	Informant of terrorism information
T	Victims of a severe form of trafficking in persons
T-1	Victim of severe form of trafficking in persons
T-2	Spouse of a victim of a severe form of trafficking in persons
T-3	Child victim of a severe form of trafficking in persons
T-4	Parent of victim of a severe form of trafficking in persons (if T-1 is under 21 years of age)
TN	Trade visa for Canadians and Mexicans (NAFTA)
TD	Spouse or child accompanying "TN"
TWOV	Transit without a visa-passenger or crew
U	Victims of certain crimes
U-1	Victim of certain criminal activity
U-2	Spouse of U-1
U-3	Child of U-1
U-4	Parent of U-1, (if U-1 is under 21 years of age)
V-1	Spouse of LPR who is principal beneficiary of a family-based petition (I-130) which was filed prior to December 21, 2000, and has been pending at least three years
V-2	Child of LPR who is principal beneficiary of a family-based petition (I-130) which was filed prior to December 21, 2000, and has been pending at least three years
V-3	The derivative child of a V-1 or V-2
TPS	Temporary Protected Status

### I-688B – Employment Authorization Document (EAD)

This EAD document is an earlier version of the Employment Authorization Document for immigrants who have been granted permission to work in the U.S. As with the I-766 (see next page), there are codes on the front of the card that indicate the person's immigration status and refer to the section of the regulation authorizing employment. For example, an asylum applicant would be issued a card containing the code "274a.12(c) (8)."

#### Sample of the I-688B EAD Card

**EMPLOYMENT AUTHORIZATION**  
U.S. DEPARTMENT OF JUSTICE      Immigration and Naturalization Service

A 41 752 988 Name OSSOWSKI, MICHELLE M.  
LIN9519650497      Signature *Michelle Ossowski*

 Valid From 07/14/95      Expires 07/14/96      DOB 01/29/67

**L** Provision of Law  
**I** 274a.12(c) (8)      W  
**N** Terms & Conditions  
**A** NONE

Issued: 07/14/95

FORM I-688B JAN 89

Front of the card

FORM I-688B JAN 89

The person identified on the reverse of this card is authorized to engage in employment in the United States pursuant to Section 274A of the Immigration and Nationality Act as amended, during the period of validity of the card and in accordance with the restricting terms stated on the reverse of the card.

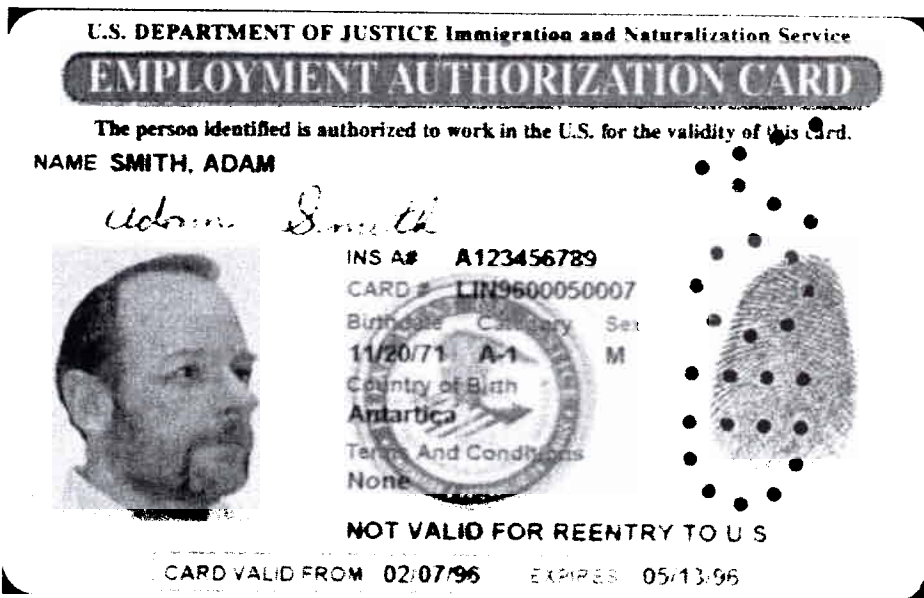
This document is VOID if altered and may be revoked pursuant to 8 CFR 274a. This document is not evidence of citizenship or permanent residence in the United States. If this card is found, please return to the nearest office of the Immigration and Naturalization Service.

Back of the card

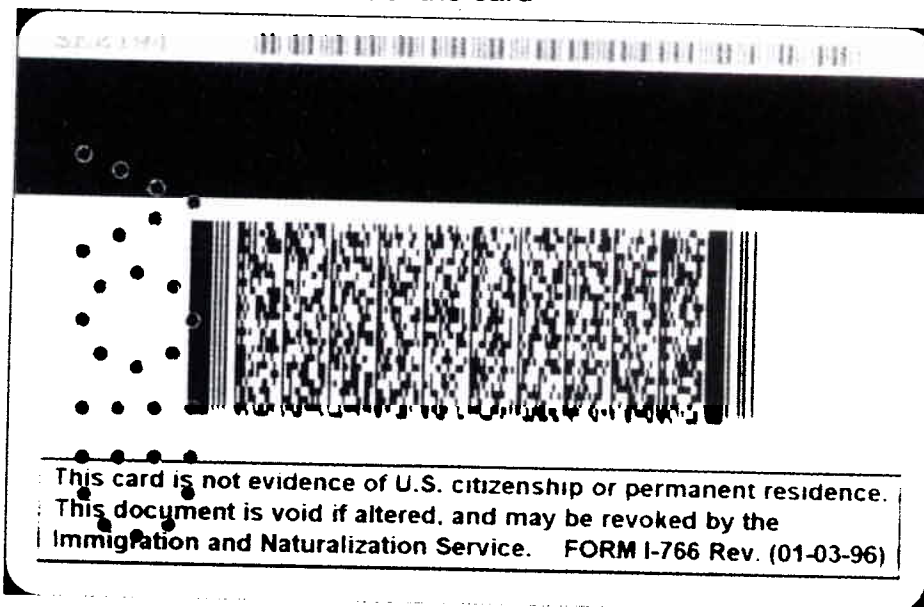
**I-766 – Employment Authorization Document (EAD)**

This EAD document is one of several that indicate an immigrant has been granted permission to work in the U.S. Codes on the front of the card indicate the person’s immigration status by referencing the subsection of the regulation authorizing employment – 8 CFR § 274a.12. For example, an asylum applicant would be issued a card with the code “(c) (8),” which refers to 8 CFR § 274a.12 (c) (8).

Sample of the I-766 EAD Card



Front of the card



Back of the card



### Key to I-766, I-688 Employment Authorization Document (EAD)

There are codes on the front of the card that indicate the person's immigration status and the section of the regulation authorizing employment. The following list of codes is not exhaustive.

CODE ON EAD	EMPLOYMENT AUTHORIZATION MEANING
(a)(3)	Refugee
(a)(4)	Paroled as a refugee*
(a)(5)	Granted asylum
(a)(6)	Fiancé(e) of a U.S. citizen dependent of fiancé(e)
(a)(7)	Son or daughter of former international organization employee
(a)(8)	Citizen of the Federated States of Micronesia or the Marshall Islands
(a)(9)	Children of citizen/LPR [K nonimmigrant-LIFE ACT] [V nonimmigrant]
(a)(10)	Granted withholding of deportation
(a)(11)	Granted extended voluntary departure or DED
(a)(12)	Granted temporary protected status (TPS)
(a)(13)	Granted family unity
(a)(15)	Spouses of LPR and dependents of spouse [K nonimmigrant-LIFE ACT] [V nonimmigrant]
(c) (1)	Dependent of foreign government official
(c) (2)	E-1 nonimmigrant
(c)(3)(i)-(iii)	Foreign students
(c)(4)	Dependent of employee of international organization
(c)(5)	Dependent of exchange visitor
(c)(6)	Foreign student
(c)(7)	Dependent of NATO employee
(c)(8)	Asylum applicant
(c)(9)	Applicant for adjustment to lawful permanent resident
(c)(10)	Applicant for suspension of deportation
(c)(11)	Paroled for emergent or public interest reasons*
(c)(12)	Granted voluntary departure
(c)(13)	Deportation or exclusion proceedings pending
(c)(14)	Granted deferred action
(c)(16)	Applicant for registry (resided in U.S. since before January 1, 1972)
(c) (17)(i)	Employee of business visitor
(c) (17)(ii)	Employee of foreign airline
(c) (18)	Deportable alien under order of supervision
(c) (19)	TPS applicant
(c) (20)	Applicant for Special Agricultural Worker Legalization (INA Section 210)
(c) (21)	Nonimmigrant witness or informant and dependents (S status)
(c) (22)	Applicant for legalization under INA Section 245A
(c) (24)	Applicant for adjustment under the LIFE Act Legalization Program
(c) (25)	Immediate family member of T status nonimmigrant





Date: \_\_\_\_\_

Case Number: \_\_\_\_\_

Case Name: \_\_\_\_\_

(Address of Local Social Security Office)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Social Security Administration:

Pursuant to Federal law, a Social Security number is an eligibility requirement for the receipt of Federal public benefits (42 U.S.C. 1320b-7[a][1], [b][1], [b][2], [b][4]).

\_\_\_\_\_ has been deemed  
(Alien/Immigrant's Name) (Date of Birth) (Sex [M/F])

otherwise eligible for benefits under one or all of the following Federal assistance programs:

- Temporary Assistance to Needy Families (42 U.S.C. 601 et seq.)
- Food Stamps (7 U.S.C. 2011 et seq.)
- Medicaid (42 U.S.C. 1396 et seq.)

Please assign a Social Security number to \_\_\_\_\_, as the applicant has met all  
(Alien/Immigrant's Name)

the eligibility requirements for \_\_\_\_\_  
(List the Federal assistance program[s] above for which applicant qualifies)

except the possession of a Social Security number.

If you have any questions regarding this request, you may contact \_\_\_\_\_  
(Name of Contact Person)

at \_\_\_\_\_.  
(Telephone Number)

Sincerely,

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title



Date: \_\_\_\_\_

Case Number: \_\_\_\_\_

Case Name: \_\_\_\_\_

(Address of Local Social Security Office)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Social Security Administration:

Pursuant to New York State law and regulation, all applicants and legally responsible relatives must provide or apply for a Social Security number for receipt of New York State Safety Net Assistance (**Social Service Law § 134-a; 18 NYCRR § 370.2[c][3]**).

Please assign a Social Security number to \_\_\_\_\_  
(Alien/Immigrant's Name)

\_\_\_\_\_, as the applicant has met all the eligibility requirements for Safety Net Assistance,  
(Date of Birth) (Sex [M/F])  
except for the possession of a Social Security number.

If you have any questions regarding this request, you may contact \_\_\_\_\_  
(Name of Contact Person)

at \_\_\_\_\_  
(Telephone Number)

Sincerely,

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

M.K.B., et al,

Plaintiffs,

05 CV 10446 (JSR)

- against -

**DECLARATION OF  
APPLICATION FOR A  
SOCIAL SECURITY NUMBER**

VERNA EGGLESTON, et al,

Defendants.

-----X

1. On \_\_\_\_\_, 20\_\_\_\_, I, \_\_\_\_\_,  
Month Day Year Name  
submitted a complete application for a Social Security Number in connection with my combined application for Safety Net Assistance and State-funded Medicaid at the following office of the Federal Social Security Administration:

Address: \_\_\_\_\_  
Street City State

2. I applied for a Social Security Number for: (check all applicable boxes):

\_\_\_ myself

\_\_\_ another household member whose name is: \_\_\_\_\_  
(Name of public benefits Applicant)

\_\_\_ another household member, whose name is: \_\_\_\_\_  
(Name of public benefits Applicant)

\_\_\_ another household member, whose name is: \_\_\_\_\_  
(Name of public benefits Applicant)

\_\_\_\_\_ another household member, whose name is: \_\_\_\_\_  
(Name of public benefits Applicant)

3. I offered a Social Security Administration employee the letters for myself and each household member I was given by an employee of the New York City Human Resources Administration that requests the Social Security Administration to assign a Social Security Number to me and other household members named in paragraph 2.
4. The Social Security Administration employee took my application for a Social Security Number.
5. I asked the Social Security Administration employee for a written acknowledgment that I applied for a Social Security Number for myself and for other household members named in paragraph 2, but the Social Security Administration employee did not give it to me. .
6. I have not received a letter from the Social Security Administration denying the application I made on behalf of myself or any household member named in paragraph 2 for a Social Security Number.
7. I understand that if I did not apply for a Social Security Number I may be ineligible for Safety Net Assistance and/or State-funded Medicaid and/or subject to recovery of any benefits that I did receive.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

\_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

# Attachment H – Accessing the USCIS Online Database

[WWW.USCIS.GOV](http://WWW.USCIS.GOV)

The screenshot shows the USCIS homepage with the following elements:

- Header:** U.S. Citizenship and Immigration Services logo, "Securing America's Promise" slogan, and navigation links (Home, Contact Us, Sign Off).
- Search:** Search bar with "Advanced Search", "Larger Text", and "Default" options.
- Navigation Menu:** Services & Benefits, Immigration Forms, Laws & Regulations, About USCIS, Education & Resources, Press Room.
- Main Content:**
  - New to U.S. Immigration?** Links for visiting temporarily or permanently, and a link to learn about U.S. Citizenship.
  - MORE INFORMATION:** Links for Permanent Residence (green card), Case Status Online and Processing Times, Change Your Address with USCIS, For Employers, and Visit the U.S.
  - WHAT'S NEW:** A section with a photo of a parade and text about a message from USCIS Director Emilio Gonzalez regarding flower donations to injured service members.
  - Have you filed with USCIS?** A dropdown menu with options: Yes (My case is pending, My case has been approved, My case has been denied), No, I haven't filed.
  - Important Alerts:** Links for USCIS Modifies Requirements for Pilot Program and USCIS Reminds Customers of Correct Customer Service Phone Number.

On the bottom right of the homepage, you can enter the 13-digit Application Receipt Number

The screenshot shows the bottom right portion of the USCIS homepage with the following elements:

- Important Alerts:** A section with a red alert icon and two links: "USCIS Modifies Requirements for DORA Pilot Program" and "USCIS Reminds Customers of Correct Customer Service Phone Number".
- Help with:** A section with the heading "Help with:" and three links: "Check Case Status" (with a text input field labeled "Enter Case Number Here"), "Schedule an appointment", and "File Online".

A callout box on the right side of the screenshot contains the text: "On the USCIS homepage ([www.uscis.gov](http://www.uscis.gov)), Enter enter the 13-digit Application Receipt Number".

## Attachment I – Lost/Expired Documentation for Battered/Abused Noncitizens

### **Lost or Inaccessible Verification of Filed I-130**

For battered/abused aliens who claim that an **I-130** was filed but supporting documents have been lost and any efforts to obtain verification of the applicant's alien status are not successful, a written statement from the applicant can be accepted, with the provision that an **I-360** petition must be filed. The noncitizen should be advised to contact the Legal Aid Society or a nonprofit immigration program for assistance in filing the **I-360** self-petition.

If otherwise eligible for assistance, the noncitizen must return within 30 days of application date to verify that s/he has filed an **I-360** self-petition as a condition of continued eligibility for assistance.

### **Lost or Inaccessible Verification of Filed I-360**

If the battered/abused alien claims that verification of a pending or approved **I-360** was lost and s/he does not have an application receipt number nor does the SAVE clearance render any information, the applicant should be referred to USCIS to file an Application for Action on an Approved Application or Petition (**I-824**) or to Legal Aid Services for assistance. This form can be requested from the USCIS forms request line ([800] 870-3676).

### **Expired “K” or “V” Visa**

Noncitizens with an expired “K” or “V” visa who do not have verification of a pending/approved **I-130** petition must provide proof that a visa extension was filed with USCIS before they can be considered eligible for benefits under the PRUCOL category. However, if the SAVE or USCIS inquiry indicate that the **I-130** petition was denied, the alien would have to provide proof of filing an **I-360** self-petition to be potentially treated as a qualified alien.

### **Expired Prima Facie Notice**

If the prima facie notice issued in response to the **I-360** application has expired, eligibility for benefits should be determined as if the notice were still valid. The battered/abuse alien must provide proof of requesting an extension of the prima facie notice or verification that the **I-360** petition was approved within 30 days of application as a condition of continued eligibility for assistance.

### **Expired I-551 (Conditional Permanent Resident Card)**

A spouse of a U.S. citizen is given conditional permanent resident status based on an *approved* **I-130** if the two persons have been married for less than two years.

Conditional permanent residency lasts for two years. A conditional permanent resident will have an **I-551** (Permanent Resident Card) with a CR-1 or CR-2 code or some other document, such as a visa stamp in a passport with a CR designation. Aliens with conditional permanent resident status must file an **I-751** (Petition to Remove the Conditions on Residence) within 90 days of their second anniversary as a conditional resident in order to remain eligible for benefits.

Noncitizens with an unexpired **I-551** indicating conditional residency are eligible for benefits as a lawful permanent resident. However, if the conditional residency has expired and the noncitizen is claiming domestic violence but cannot provide proof of filing an **I-751** or an **I-360**, a written statement from the noncitizen can be accepted. However, the noncitizen must be instructed to file another **I-360**.

### **Confirming the Status of an EOIR Notice**

To confirm the status of an EOIR notice, the Immigration Court Information System can be contacted at 800 898-7180. Ensure when entering the noncitizen's alien number on the telephone keypad that the first “0” after the “A” is not entered.



**A Guide to Selected U.S.  
Travel and Identity  
Documents**



**Prepared by:**

**Forensic Document Laboratory  
USINS  
8000 Westpark Drive  
Suite 325  
McLean, VA 22102-3105**

This guide has been prepared to assist those tasked with examining travel and employment authorization documents. The guide contains color photographs of the most commonly used documents **but it is not comprehensive**. There are earlier valid revisions of the illustrated documents and other less common documents that are not included.

Because the attachments are reproductions, the exact size and color may deviate from the original. Do not make identifications based on size and/or color alone.

If you have any questions concerning the authenticity of one of these documents, you are encouraged to contact your local INS office.

## GENERAL INFORMATION CONCERNING ALIEN STATUS

In accordance with the 14th amendment to the U.S. Constitution, any person born in and subject to the jurisdiction of the United States is a citizen of the U.S. at birth. U.S. citizenship may also be acquired through **DERIVATION** from a U.S. citizen parent when children are born abroad or through **NATURALIZATION** after meeting the necessary residency requirements. All persons not citizens or nationals of the U.S. are aliens, which generally are classified as **PERMANENT RESIDENTS** ("Immigrants"), **NON-IMMIGRANTS**, or **UNDOCUMENTED ALIENS**.

**PERMANENT RESIDENT ALIENS** enjoy almost all of the same rights as U.S. citizens. This status may be obtained through a number of different procedures and, unless taken away administratively, is granted for life. Aliens with permanent residency must carry evidence of their status. The INS no longer requires permanent residents to report their address annually.

**NON-IMMIGRANT ALIENS** are admitted to the U.S. for a temporary period of time and for a specific purpose, most often as a tourist. There are different categories of non-immigrants, and they are identified through letter/number symbols (e.g. B-2). Non-immigrants are also required to present evidence of their lawful status in the U.S. to officers of the INS. This will usually consist of a passport containing a visa and an Arrival/Departure Record (INS Form I-94).

**UNDOCUMENTED ALIENS** are those who may have crossed the border illegally and/or been smuggled into the interior of the U.S., or those who have violated their non-immigrant status by accepting unauthorized employment, remaining longer than permitted, or committing some other violation. Some of these aliens purchase counterfeit documents or assume another person's identity by using fraudulently obtained genuine documents.

## UNITED STATES PASSPORT

A **UNITED STATES PASSPORT** is a document that is issued by the State Department to persons who have established that they are citizens of the United States by birth, naturalization, or derivation of citizenship. The primary purpose of the passport is to facilitate travel to foreign countries by establishing U.S. citizenship and acting as a vehicle to display any appropriate visas and/or entry/exit stamps that may be necessary.

Passports are also very reliable documents which may be used within the United States to establish citizenship, identity, and employment authorization.



Although there have been many different revisions of the **CERTIFICATE OF NATURALIZATION**, there are two common versions. The present version has a gold embossed Great Seal of the United States in the top center portion. Earlier versions had gray or beige background designs and did not contain the embossed seal. Regardless, **all** certificates of naturalization are printed on watermarked paper. The watermark design of the Department of Justice seal and the letters "USA" becomes visible when the document is held up to a strong light.



**NOTE:** There are approximately fifteen different versions of the U.S. passport that are presently valid and vary from the 1998 version illustrated above

(Watermark)

### ALIEN REGISTRATION RECEIPT CARDS

INS Forms I-151 and I-551 are issued to aliens who have been granted permanent resident status in the United States. They retain this status while in this country. The bearer is required to have this card in his/her possession at all times.

The first **ALIEN REGISTRATION RECEIPT CARD**, Form I-151, was introduced in 1946. Through 18 years of various revisions, it remained primarily green in color, causing it to become known as a "Green Card". This term is still used commonly, although the cards have not been green since 1959. These cards contained no expiration date and were only required to be renewed if the recipient was under the age of 14 at the time of issuance, or if the card was lost or stolen.



The **RESIDENT ALIEN CARD**, Form I-551, was introduced in January 1977 and phased in over a period of time. In addition to the photograph, the I-551 contains the bearer's signature and fingerprint.



Form I-551

**NOTE:** As of March 20, 1996, the Form I-151 is no longer acceptable as evidence of permanent residence.



Attachment J

The **EMPLOYMENT AUTHORIZATION CARD**, Form I-688A, is the first card issued to aliens who qualified under the "Amnesty Program" of the Immigration Reform and Control Act of 1986. It was produced with a Polaroid identification camera and covered with a special secure plastic laminate. The expiration date is found on the front of the card while the authorized use is explained on the reverse of the card.



Form I-688A

The expiration date may be extended by placing a small sticker on the reverse side. There are two different types of extension stickers which have been used. One extends the expiration date for 90 days and the other for 1 year. Multiple stickers may be used for further extensions.

INS Valid for 90 Days from Expiration Date

INS Valid for One (1) Year from Expiration Date

The **TEMPORARY RESIDENT CARD**, Form I-688, is the second document issued to aliens who further qualify under the "Amnesty Program". It is produced in the same manner as the I-688A and contains the same security features. The text statement on the reverse side is different and explains the additional privileges granted to the bearer.



Form I-688

Attachment J

The I-688 may be extended by placing a sticker on the reverse. Again, multiple stickers may be used for further extensions

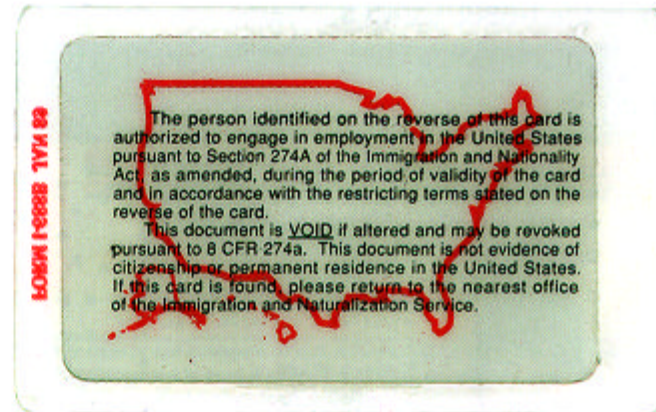
**I-688 VALIDITY EXTENDED ONE YEAR FROM DATE OF EXPIRATION**

Once the bearer becomes a permanent resident, a larger sticker is placed on the reverse which explains the new status of the bearer. With this endorsement, the bearer has the same privileges as a permanent resident.

00054608

Temporary evidence of lawful admission for permanent residence and employment authorization. Valid for 1 year from the expiration date on the reverse of this I-688. Valid for travel outside the United States if the named bearer has not abandoned his or her residence and is returning after a temporary absence abroad not exceeding one year. Presentation of a valid document will authorize a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act. This card is void if altered and must be carried at all times. Form I-688 Ext.

This **EMPLOYMENT AUTHORIZATION DOCUMENT**, Form I-688B, is issued to aliens who are not permanent residents but have been granted permission to be employed in the U.S. for a specific period of time. The card was produced originally with a Polaroid process similar to the I-688 and I-688A, but has the added feature of interlocking gold lines across the front.



In May 1995, some INS offices began issuing a modified I-688B. The most significant change was to the card stock which was changed from the Polaroid process to a synthetic material called Teslin on which the biometric and biographic data of the bearer are printed. Note that, on this version, the bearer's name is printed on two lines.



FORM I-688B JAN 89

Form I-688B (May 1995)

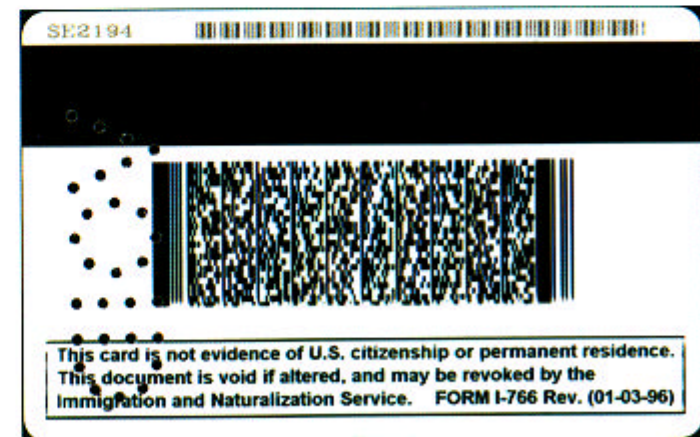
In August 1995, changes were made to the software which prints the I-688Bs and the name reverted to the one line format similar to that of the original card.



FORM I-688B JAN 89

Form I-688B (August 1995)

In January 1997, INS began issuing a new **EMPLOYMENT AUTHORIZATION CARD**, Form I-766. The new card is a credit card-type of document. The front of the card contains a photo, fingerprint, and signature of the rightful holder. The reverse contains a standard bar code, magnetic strip, and a two-dimensional bar code which will contain unique card, biographic, and biometric data.



Form I-766 (January 1997)









## Attachment J

The U.S. Department of State introduced a new **BORDER CROSSER CARD**, Form DSP-150 in May 1998. The front of the card has a three line machine readable zone and a hologram. Bearers of this card are **not** entitled to work in the U.S..



FRONT



REVERSE

The Optical Memory Stripe contains encoded cardholder information as well as a personalized etching which depicts the bearer's photo, name, date of birth, and card expiration date.

## SOCIAL SECURITY CARDS

Although **SOCIAL SECURITY CARDS** are not immigration documents, they are mentioned here because they are often used as identification and to establish employment authorization.

Social Security cards have been issued since 1936 and have been revised more than 20 times. Originally, the seal on the Social Security card read "Department of Health, Education, and Welfare". In May 1980, it was changed to the "Department of Health and Human Services". In April 1995 it was changed again to read "Social Security Administration". Some counterfeiters have failed to notice these changes.

In October 1983, security features were added to the card. All Social Security Cards issued since October 1983 have been printed with raised (intaglio) printing and the signature line consists of microline printing of the words "**SOCIAL SECURITY ADMINISTRATION**" in a repeating pattern.



Do not laminate this card.

This card is invalid if not signed by the number holder unless health or age prevents signature.

Improper use of this card and/or number by the number holder or any other person is punishable by fine, imprisonment or both.

This card is the property of the Social Security Administration and must be returned upon request. If found, return to:

SSA-ATTN: FOUND SSN CARD  
P.O. Box 17087 Baltimore Md. 21203

Contact your local Social Security office for any other matter regarding this card.

Department of Health and Human Services  
Social Security Administration



Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Case Name: \_\_\_\_\_  
Caseload: \_\_\_\_\_  
Action Code: \_\_\_\_\_

### Special Assessment Letter

You have been scheduled for a Special Assessment:

Appointment Date: \_\_\_\_\_ Time: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Location Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Travel Directions:

Appointment Information:

The person you are scheduled to meet with is \_\_\_\_\_  
Interviewer

If you need to reschedule this appointment or have any questions, please call: \_\_\_\_\_.

After the Special Assessment appointment, you are scheduled to return to this Job Center on:

Appointment Date: \_\_\_\_\_ Time: \_\_\_\_\_ Telephone: \_\_\_\_\_

Location Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Travel Directions:

SAMPLE



Fecha: \_\_\_\_\_  
Número del Caso: \_\_\_\_\_  
Nombre del Caso: \_\_\_\_\_  
Unidad de Casos: \_\_\_\_\_  
Código de Acción: \_\_\_\_\_

### Carta de Evaluación Especial

A usted se le ha programado una Evaluación Especial:

Fecha de la Cita: \_\_\_\_\_ Hora: \_\_\_\_\_ Teléfono: \_\_\_\_\_  
Local: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_

**SAMPLE**

Indicaciones de Viaje:

Información respecto a la Cita:

La persona con quien se le ha asignado reunirse es: \_\_\_\_\_  
Entrevistador

En caso de que tenga que reprogramar su cita o si tiene preguntas, favor de llamar al: \_\_\_\_\_.

Después de la cita de Evaluación Especial, se le ha programado una visita a este Centro de Trabajo el:

Fecha de la Cita: \_\_\_\_\_ Hora: \_\_\_\_\_ Teléfono: \_\_\_\_\_

Local: \_\_\_\_\_

Dirección: \_\_\_\_\_

\_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_ Código Postal: \_\_\_\_\_

Indicaciones de Viaje:

SAMPLE





### PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
Aliens residing in the United States pursuant to an Order of Supervision under Section 241(a)(3) of the Immigration Nationality Act (INA).	○ ↑	<b><u>I-94</u></b> annotated "Order of Supervision" or <b><u>Form I-220B</u></b> (Order of Supervision) or <b><u>Form I-688B</u></b> or <b><u>Form I-766</u></b> (Employment Authorization Document) category – 8 CFR §274a.12(c)(18) or C18 or Any other authoritative document from the USCIS indicating an Order of Supervision.	SAME					
Aliens granted cancellation of removal pursuant to Section 240A of the INA.	↓	Order from the Executive Office of Immigration Review (EOIR) granting cancellation of removal. or <b><u>Form I-688B</u></b> or <b><u>Form I-766</u></b> (Employment Authorization Document) category – 8 CFR §274a.12(c)(10) or C10 or Any other authoritative document from the USCIS indicating cancellation of removal.	SAME	N/A	Yes	No	Yes	No
Granted deferred action status, which defers their departure.	○	<b><u>Form I-797</u></b> (Notice of Action) indicating approval of deferred action status or <b><u>Form I-688B</u></b> or <b><u>Form I-766</u></b> (Employment Authorization Document) category – 8 CFR §274a.12(c)(14) or C14 or Any other authoritative document from the USCIS indicating deferred action.	SAME					

SAMPLE

<sup>1</sup> Reminder: Undocumented immigrants and nonimmigrants may receive coverage for care and services for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible, or certain types of care provided to chronically ill persons, such as alternate level of care in a hospital, nursing facility services, home care (including private duty nursing) and personal care. Pregnant women may be provided Medicaid at any time without regard to immigration status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus Program (CHPlus).

### PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
Aliens paroled for less than a year.	T	<b>Form I-94</b> coded 8 CFR §212(d)(5) or <b>I-688B</b> or <b>I-766</b> coded 8 CFR §274a.12(a)(4), 274a.12(c)(11), A4 or C11	SAME	N/A	Yes	No	Yes	No
Aliens granted "K" visa status.  Spouse or child of a U.S. citizen who has been granted a "K" visa, and visa is still valid.	O ↑ ----- ↓ O	Unexpired "K" VISA <b>Note:</b> If an expired "K" 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> stamped "K2," "K3" or "K4" or <b>Form I-688B</b> or <b>Form I-766</b> (Employment Authorization Document) category – 8 CFR §274a.12(a)(9) or A9.  <b>And</b> SAVE clearance, <b>Form I-797</b> or any other authoritative USCIS document indicating an <b>I-130</b> application is pending or approved or an <b>I-360</b> petition is pending or approved for an alien who makes a claim of domestic violence but does not go to the DVL or is determined to be non credible by the DVL.	SAME	N/A	Yes	No	Yes	No
Aliens granted "S" visa status. For informants providing evidence for a criminal investigation.		"S" VISA or <b>Form I-94</b> stamped "S5," "S6" or "S7" or <b>Form I-688B</b> or <b>Form I-766</b> (Employment Authorization Document) category – 8 CFR §274a.12(c)(21) or C 21 or Any other USCIS authoritative document that verifies "S" visa status.	SAME					
Aliens granted deferred action as interim relief for a "U" visa.		<b>Form I-797</b> indicating "Early "U" VISA Application/Interim Relief Request/Notice of Deferred Action" or <b>Form I-94</b> stamped "U1," "U2," "U3," "U4" or <b>Form I-688B</b> or <b>Form I-766</b> (Employment Authorization Document) category – 8 CFR §274a.12(c)(14) or C14 or Any other USCIS authoritative document that verifies "U" visa status.	SAME					

SAMPLE

<sup>1</sup> Reminder: Undocumented immigrants and nonimmigrants may receive coverage for care and services for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible, or certain types of care provided to chronically ill persons, such as alternate level of care in a hospital, nursing facility services, home care (including private duty nursing) and personal care. Pregnant women may be provided Medicaid at any time without regard to immigration status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus Program (CHPlus).

### PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
Aliens granted "V" visa status under the Legal Immigration Family Equity Act (LIFE Act) for spouses and children of LPRs.	O ↑ ----- ↓ O	Unexpired "V" VISA  <b>Note:</b> If an expired "V" Visa is submitted, then proof that <b>Form I-539</b> (Application to Extend/Change Nonimmigrant Status) was filed with USCIS must be submitted. or <b>Form I-94</b> stamped "V1," "V2," or "V3" or <b>Form I-688B</b> or <b>Form I-766</b> (Employment Authorization Document) category – 8 CFR §274a.12 (a)(15) or A15 And SAVE clearance, <b>Form I-797</b> or any other authoritative USCIS document indicating an <b>I-130</b> application is pending or approved or an <b>I-360</b> petition is pending or approved for an alien who makes a claim of domestic violence but does not go to the D/L or is determined to be non credible by the DVL.	SAME	N/A	Yes	No	Yes	No
"Not qualified" aliens who can produce any evidence, including but not limited to verification by USCIS that they entered the U.S. prior to January 1, 1972, and have resided continuously in the U.S. since such entry, pursuant to Section 249 of the INA.		<b>Form I-688B</b> or <b>Form I-766</b> coded 8 CFR § 274a.12(c)(16) or C16 or <b>Form I-797</b> indicating "Notice of Adjustment of Status to Permanent Resident" pursuant to INA Section 249 or Any letter/notice from the USCIS or EOIR indicating Registry Application ( <b>Form I-485</b> ) is pending or Any documentary proof establishing entry and continuous residence.	SAME	January 1, 1972	Yes	No	Yes	No
Any alien living in the U.S. with knowledge and written permission of the USCIS and whose departure the agency does not contemplate enforcing.		If documentation is submitted and the status of the alien does not fit in any of the other categories listed in this guide, the Worker must contact the Office of Procedures who will contact the Office of Temporary Disability Assistance to determine if the alien meets PRUCOL status.	See Page 5	N/A	Yes	No	Yes	No

<sup>1</sup> Reminder: Undocumented immigrants and nonimmigrants may receive coverage for care and services for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible, or certain types of care provided to chronically ill persons, such as alternate level of care in a hospital, nursing facility services, home care (including private duty nursing) and personal care. Pregnant women may be provided Medicaid at any time without regard to immigration status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus Program (CHPlus).

### PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
Permanent nonimmigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and Marshall Islands).	O ↑ ----- ↓ O	<u>I-94</u> stamped CFA/MIS "DS" (Duration of Status) or <u>I-688B</u> or <u>I-766</u> coded 8 CFR §274a.12(a)(8) or A8	<u>I-94</u> stamped CFA/MIS "DS" (Duration of Status) or <u>I-688B</u> or <u>I-766</u> coded 8 CFR §274a.12(a)(8) or A8	N/A	Yes	No	No	No
Applicants for asylum.		N/A	<u>I-797</u> indicating Asylum Application received, pending or intent to approve asylum request or <u>I-688B</u> or <u>I-766</u> coded 8 CFR §274a.12(c)(8) or C8					
Persons granted Temporary Protected Status.		N/A	<u>I-797</u> indicating TPS status granted or <u>I-688B</u> or <u>I-766</u> coded 8 CFR §274a.12(a)(12) or A12					
Person applying for Temporary Protected Status		N/A	<u>I-688B</u> or <u>I-766</u> coded 8 CFR §274a.12(a)(19) or C19					
Applicants for adjustment of status.		N/A	<u>I-688B</u> or <u>I-766</u> coded 8 CFR §274a.12(c)(9) or C9 or <u>I-797</u> indicating application received or pending.					
Persons who have filed applications for adjustment of status under Section 245 of the INA and the USCIS has accepted as "properly filed."		N/A	<u>I-797</u> indicating application received, pending or approved or <u>Form I-94</u> or passports with annotation "adjustment application" or "employment authorized during status as adjustment application" or <u>Form I-688A</u> coded 245A or <u>Form I-688B</u> or <u>Form I-766</u> coded 8 CFR § 274a. 12 ( c)(22) or C22					

SAMPLE

<sup>1</sup> Reminder: Undocumented immigrants and nonimmigrants may receive coverage for care and services for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible, or certain types of care provided to chronically ill persons, such as alternate level of care in a hospital, nursing facility services, home care (including private duty nursing) and personal care. Pregnant women may be provided Medicaid at any time without regard to immigration status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus Program (CHPlus).

### PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
Any alien living in the U.S. with knowledge and permission or acquiescence of the USCIS and whose departure the agency does not contemplate enforcing.	O	See Page 3	<p><b>I-797</b> Notice of Action indicating the USCIS has received, taken action on or approved an application or petition; or</p> <p>A copy of a cancelled check to the USCIS, or</p> <p>Correspondence to or from the USCIS, showing that the person is living in the United States with the knowledge and permission or acquiescence of the USCIS, and the USCIS does not contemplate enforcing the person's departure from the United States. Examples include, but are not limited to: Permanent nonimmigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and Marshall Islands); Applicants for asylum; Persons granted Temporary Protected Status; Persons applying for temporary Protected Status include documents <b>I-688B</b> or <b>I-766</b> codes 8C-FR section 274a. 12(c)(19) or C19</p> <p>Applicants for adjustment of Status; Persons who have filed applications for adjustment of status under section 245 of the INA and the USCIS has accepted a "properly filed."</p>	N/A	Yes	No	No	No

SAMPLE

<sup>1</sup> Reminder: Undocumented immigrants and nonimmigrants may receive coverage for care and services for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible, or certain types of care provided to chronically ill persons, such as alternate level of care in a hospital, nursing facility services, home care (including private duty nursing) and personal care. Pregnant women may be provided Medicaid at any time without regard to immigration status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus Program (CHPlus).

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Refugees	R	<p><b>I-94:</b> stamped "Admitted under Section 207 of the INA," "Refugee," "RE1, RE2, RE3, RE4" or</p> <p><b>I-551:</b> stamped "R8-6, RE5, RE6, RE7, RE8 or RE9" or</p> <p><b>I-571:</b> Refugee Travel Document or</p> <p><b>I-688B:</b> Employment Authorization Document annotated with "8 C.F.R. § 274a.12(a) (3)" or</p> <p><b>I-766:</b> Employment Authorization Document annotated "a3"</p>	Entry				
Cuban/Haitian Entrants	H	<p><b>I-94:</b> stamped "Cuban/Haitian Entrant (status pending)," "Section 212(d) (5) of the INA," "Form I-589 filed," or "CU6" or CU7" or</p> <p><b>I-94</b> stamp showing parole under Section 212(d)(5) of INA or stamp showing parole in US on or after 10/10/80 and reasonable evidence that parolee has been a National (citizen) of Cuba or Haiti<sup>2</sup> or</p> <p><b>I-551:</b> stamped "CU6, CU7, or CH6" or</p> <p>Temporary <b>I-551</b> stamp in foreign passport. or</p> <p>USCIS notice or letter indicating ongoing exclusion or deportation proceedings</p>	Status Granted			Yes	
Asylees	A	<p><b>I-94:</b> stamped "Granted asylum under Section 208 of the INA" or</p> <p><b>I-551:</b> Stamped "AS1,AS2, AS3, AS6, AS7, or AS8" or</p> <p><b>I-688B:</b> Employment Authorization Card annotated with "8 C.F.R. § 274a.12(a)(5)" or</p> <p><b>I-766:</b> Employment Authorization Document annotated "(a5)" or</p> <p>Grant letter from USCIS Asylum Office or</p> <p>Order of an immigration judge granting asylum.</p>					

<sup>1</sup>REMINDER: For Medicaid, undocumented aliens and temporary non-immigrants 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. Children may be provided medical assistance without regard to immigration status under Child Health Plus (CH Plus) program.

<sup>2</sup>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.

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Amerasian Immigrants	R	<p><b>I-94:</b> stamped "AM1, AM2, AM3, AM6, AM7, or AM8." Derive date of entry from date of inspection on stamp; if date is missing, obtain from I-551 or from USCIS</p> <p><b>or</b></p> <p><b>I-551:</b> stamped "AM1, AM2, AM3, AM6, AM7, or AM8"</p> <p><b>or</b></p> <p>Temporary <b>I-551</b> stamp in foreign passport</p> <p><b>or</b></p> <p><b>1-571:</b> Refugee Travel Document</p> <p><b>or</b></p> <p>Vietnamese exit visa or passport stamped "AM1, AM2, or AM3"</p>	Entry				
Deportation or Removal Withheld	J	<p><b>I-688B:</b> Employment Authorization Card annotated with "8 C.F.R. § 274a.12(a)(10)"</p> <p><b>or</b></p> <p><b>I-766:</b> Employment Authorization Document annotated "(a10)"</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 INA</p>				Yes	
Certain Hmong or Highland Laotian	Z R (MA)	<p><b>I-94:</b> stamped "Admitted under Section 207 of the INA," "Refugee," "RE1, RE2, RE3, or RE4"</p> <p><b>or</b></p> <p><b>INS I-551:</b> Stamped "RE5, RE6, RE7, RE8, or RE9"</p> <p><b>or</b></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><b>and</b></p> <p>Documents to show lawfully residing in the US</p> <p><b>*Divorced spouses do not qualify</b></p>	Status Granted				

<sup>1</sup>REMINDER: For Medicaid, undocumented aliens and temporary non-immigrants 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. Children may be provided medical assistance without regard to immigration status under Child Health Plus (CH Plus) program.

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
* Lawfully Admitted For Permanent Residence (LPR) with 40 Qualifying Quarters	S	<u>I-551</u> : (Permanent Resident Card) or Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u> or <u>I-327</u> : (Re-entry Permit) or or <u>I-181</u> : Memorandum of Creation of Lawful Permanent Residence with approval stamp and <b>Proof of qualifying quarters</b>	Entered Before 8/22/96			Yes	
			Entered On/After 08/22/96	Yes	Yes, after 5 years in US in a qualified status		Yes
Lawfully Admitted For Permanent Residence (LPR) without 40 Qualifying Quarters	K	<u>I-551</u> : (Permanent Resident Card) or Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u> . or <u>I-327</u> (Re-entry Permit) or or <u>I-181</u> : Memorandum of Creation of Lawful Permanent Residence with approval stamp	Entered Before 8-22-96		Yes	Yes	Yes if: <ul style="list-style-type: none"> <li>In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or</li> <li>After five years in US in a qualified status or</li> <li>In a qualified status and under age 18</li> </ul>
			Entered On or After 08/22/96	Yes	Yes, after 5 years in US in a qualified status	Yes	
Veteran, spouse, unmarried surviving spouse and unmarried dependent child of a U.S. veteran who fulfilled minimum active duty requirement (2 years)	V	A Discharge Certificate ( <u>Form DD-214</u> ) 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.	Status Granted			Yes	
Active Military: Active duty or a member of the Armed Forces on full-time duty in the Army, Navy, Air Force, Marine Corps or Coast Guard, spouse and children	M	Military Identification Card ( <u>DD Form 2</u> ) (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.	Status Granted			Yes	
Conditional Entrant (status granted to refugees before 1980)	F	<u>I-94</u> with stamp showing admitted under Section 203(a)(7) of INA or <u>I-688B</u> (Employment Authorization Card) annotated "274a.12(a)(3)" <u>I-766</u> (Employment Authorization Document) annotated "(A1)" or "(A3)"	Entry			Yes	

SAMPLE

\*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.)

<sup>1</sup>REMINDER: For Medicaid, undocumented aliens and temporary non-immigrants 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 alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus (CH Plus) program.



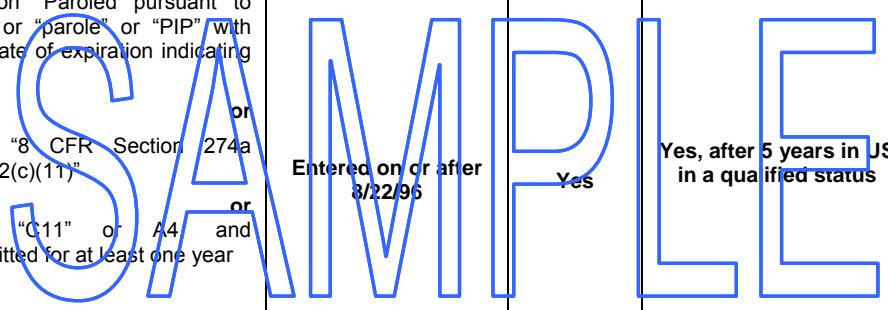
Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
<p>A US citizen's or LPR's battered spouse, or child, or parent or child of such battered person, who obtains "Notice of Prima Facie Case from USCIS under the Violence Against Women Act (VAWA)</p>	<p>B<sup>3</sup></p>	<p>I-797 (Notice of Action) indicating prima facie eligibility of an I-360 self-petition under INA Section 204(a)(1)(A) (ii) or (iv);                      or                      INA Section 204(a)(1)(iii)(B) (i) or (iii)</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes if:</p> <ul style="list-style-type: none"> <li>In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)]</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>After five years in US in a qualified status</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>In a qualified status and under age 18</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>In a qualified status and have 40 qualifying quarters</li> </ul>
<p>A U.S. citizen's or LPR's battered spouse, or child, or parent or child of such battered person, whose I-360 self – petition under VAWA is approved</p>		<p>I-797 (Notice of Action) indicating approval of an I-360 self-petition under INA Section 204(a)(1)(A)(iii) or (iv),                      or                      INA Section 204(a)(1)(iii)(B) (i) or (iii)</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
<p>A U.S. citizen's or LPR's battered spouse or child or parent or child of such battered person, whose I-360 self-petition under VAWA is pending and is determined to be a credible victim of domestic violence by the social service district's Domestic Violence Liaison (DVL)</p>		<p>I-797 (Notice of Action) indicating pending I-360 self-petition under INA Section 204(a)(1)(A)(iii) or (iv),                      or                      INA Section 204(a)(1)(iii)(B) (i) or (iii)</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
			<p>Entered On/After 8/22/96                      The relevant date for eligibility is the date qualified status was obtained</p>	<p>Yes</p>	<p>Yes, after 5 years in US in a qualified status</p>	<p>Yes</p>	

SAMPLE

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
<p>An alien determined to be a credible victim of domestic violence by the social services district's DVL with a pending or approved I-130 petition</p>		<p>I-797 (Notice of Action) indicating approval or pending I-130 visa petition under Section 201(b) of the INA (spouse or child of a U.S. citizen) or Section 203(a)(2)(A) (spouse or child of a permanent legal resident);</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
		<p>or</p> <p>I-94 coded K3, K4, V1, V2 or CR -1-7 and a pending or approved I-130;</p> <p>or</p> <p>Any other USCIS document indicating the alien has a K or V visa and a pending or approved I-130;</p> <p>or</p> <p>I-688B or I-766 (Employment Authorization Documents) annotated (a)(9) or (a)(15)</p>	<p>Entered On/After 8/22/96</p> <p>The relevant date for eligibility is the date qualified status was obtained</p>	<p>Yes</p>	<p>Yes, after 5 years in US in a qualified status</p>	<p>Yes</p>	
<p>An application for VAWA cancellation of removal or suspension of deportation has been granted or is pending and the immigration court finds that applicant has a prima facie case for this relief</p>	<p>B<sup>3</sup> (Cont'd.)</p>	<p>Order from the Executive Office of Immigration Review (EOIR) under INA 240A(b) or if the application is pending documentation that the court finds that the applicant has a "prima facie case" for this relief</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes, if:</p> <ul style="list-style-type: none"> <li>In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)]</li> <li>or</li> <li>After five years in US in qualified status</li> <li>or</li> <li>In a qualified status and under age 18</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>In a qualified status and have 40 qualifying quarters</li> </ul>
			<p>Entered On/After 8/22/96</p> <p>The relevant date for eligibility is the date qualified status was obtained</p>		<p>Yes, after 5 years in US in a qualified status</p>	<p>Yes</p>	

SAMPLE

Description of Status	WMS/ ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Victim of Human Trafficking	D (Upstate) or R (NYC)	Certification Document (for adults) or Eligibility Letter (for children) from the Office of Refugee Resettlement (ORR); Must call 1-866-401-5510 for verification  I-94 Coded T1, T2, T3, T4 or T5 stating admission under Section 212(d)(5) of the INA if status granted for at least one year	Entry <sup>4</sup>			Yes	
Parolee (for at least one year) (Non-citizens who have been allowed to come into the U.S. for humanitarian or public interest reasons)	G	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  I-688B annotated "8 CFR Section 274a.12(a)(4) or 274(a) 12(c)(11)"  I-766 annotated "C11" or A4 and I-94 indicating admitted for at least one year	Entered before 8/22/96  Entered on or after 8/22/96	Yes  Yes	Yes  Yes, after 5 years in US in a qualified status	Yes  Yes	Yes, if: <ul style="list-style-type: none"> <li>In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or</li> <li>After five years in US in qualified status or</li> <li>In a qualified status and under age 18 or</li> <li>In a qualified status and have 40 qualifying quarters</li> </ul>
Parolee (for less than one year)	T	I-94 with annotation "Paroled pursuant to Section 212(d)(5)" or "parole" or "PIP"  I-688B coded 274a.12(a)(4) or 274a12(c) (11)  I-766 coded A4 or C11	NA	Yes	No	Yes	No
North American Indian born in Canada	To be determined (PA) or C (MA)	I-551: (Permanent Resident Card): stamped "S1-3", temporary I-551 stamp in a Canadian passport  I-94: stamped "S1-3"  Tribal document certifying at least 50% American Indian blood, as required by Section 289 of the INA or documented member of a federally recognized tribe  and  School records,  A birth or baptismal certificate issued on a reservation,  Other satisfactory evidence of birth in Canada	NA			Yes	



<sup>1</sup> REMINDER: For Medicaid, undocumented aliens and temporary non-immigrants 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. Children may be provided medical assistance without regard to immigration status under Child Health Plus (CH Plus) program.

<sup>4</sup> For a Victim of Human Trafficking, ENTRY means the date of Certification by the Office of Refugee Resettlement (ORR) – See 03 ADM-1.

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Member of federally recognized tribe born outside U.S.	To be determined (PA) C (MA)	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	NA			Yes	
PRUCOL (not in any of above statuses)	O (PA & MA)	See GIS 07 TA/DC001 See OMM 04 ADM-7 AND 07 OHIP INF-2	NA	Yes <sup>5</sup>	No <sup>5</sup>	Yes <sup>5</sup>	No
Undocumented immigrants or non-immigrants (aliens with a temporary immigration status)	E		NA	treatment of emergency medical condition only <sup>1</sup>		No	

SAMPLE

<sup>1</sup> REMINDER: For Medicaid, undocumented aliens and temporary non-immigrants 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. Children may be provided medical assistance without regard to immigration status under Child Health Plus (CH Plus) program.

<sup>5</sup> PRUCOL refers to aliens who are permanently residing in the US under Color of Law. OTDA's and the Department of Health's (DOH) interpretation of PRUCOL is different. A description of TA PRUCOL can be found in GIS 07 TA/DC001. A description of MA PRUCOL can be found in OMM 04 ADM-7 and 07 OHIP INF-2.

**United States Citizenship and Immigration Services (USCIS – Formerly INS) Documents**

I-94	Arrival/Departure Record	I-571	Refugee Travel Document
I-130	Petition for an Alien Relative	I-688	Temporary Resident Card
I-181	Memorandum of Creation of Record of Lawful Permanent Residence	I-688A	Employment Authorization For Legalization Applicants
I-327	Reentry Permit of Permanent Residents	I-688B	Employment Authorization Card
I-360	Special Immigrant Petition	I-766	Employment Authorization Card
I-485	Application to Register Permanent Residence or to Adjust Status	I-797	Notice of Action (1-797C current version)
I-551	Legal Permanent Resident Card, Resident Alien Card or “green card”		

**Footnotes for Pages 4 and Page 5**

<sup>3</sup> There are four requirements for qualified battered alien status:

1. Be a credible victim of battery or extreme cruelty; and
2. Have appropriate immigration documentation; and
3. Be able to show a substantial connection between the need for benefits and the battery or extreme cruelty; and
4. No longer reside in the same household as the abuser.