

FAMILY INDEPENDENCE ADMINISTRATION

Matthew Brune, Executive Deputy Commissioner

James K. Whelan, Deputy Commissioner Policy, Procedures, and Training

Stephen Fisher, Assistant Deputy Commissioner Office of Procedures

# POLICY DIRECTIVE #13-10-ELI

(This Policy Directive Replaces PD #07-30-ELI)

#### **REVISION TO LOST OR EXPIRED IMMIGRATION DOCUMENTATION**

<b>Date:</b> April 18, 2013	Subtopic(s): Alien Eligibility
AUDIENCE	The instructions in this policy directive are for Job Center and Supplemental Nutrition Assistance Program (SNAP) Center staff and are informational for all other staff.
REVISIONS TO THE PRIOR DIRECTIVE	<ul> <li>This policy directive is being revised to:</li> <li>Include temporary alien registration number A00000000 which is used (for a period up to 6 months) when a non-citizen has lost his/her immigration documentation and does not have or does not know his/her alien registration number. This temporary alien number is only for applicants of SNAP benefits.</li> <li>Reiterate that a non-citizen Cash Assistance (CA) applicant must provide <i>suitable verification</i> of his/her alien status <u>before</u> an emergency CA benefit can be issued or a determination of eligibility for CA can be made.</li> <li>Update website address for the United States Citizen and Immigration Services' (USCIS) Case Status and for the Department of Youth and Community Development's (DYCD) Office of Immigrant Initiatives.</li> </ul>
POLICY	The immigration status of a non-citizen applicant must be verified as a condition of eligibility. Federal law, however, precludes social services agencies from delaying, denying, reducing or terminating an applicant's eligibility for benefits during the period of time it takes to verify his/her status.

BACKGROUND	A non-citizen's eligibility for public benefits is based on the immigration status he/she is granted by USCIS. The Alien Eligibility Desk Aid ( <b>LDSS-4579</b> ) and/or the Persons Residing Under the Color of Law Desk Guide ( <b>W-205JJ</b> ) should be referred to in order to determine which immigration status allow for the receipt of public benefits, the category of assistance under which the benefit will be provided, and what documentation is acceptable to verify the status claimed.			
Refer to the Systematic Alien Verification for Entitlements (SAVE) Program procedure <u>PD #10-09-SYS</u> New Information	A clearance of all non-citizen's immigration status must be obtained through the Systematic Alien Verification for Entitlements (SAVE) system. A primary verification inquiry can be done if the individual has an alien registration number. If the individual does not have his/her alien registration number, a secondary verification inquiry can be done using alien registration number <b>A000000000</b> and other demographics such as first name, last name, and date of birth.			
See <b>Attachment B</b> Save Clearance with COA Code New Information	<b>Note</b> : When reviewing the SAVE system response, check the Class of Admittance (COA) Code to determine benefit eligibility.			
Added Information	In addition to conducting a SAVE clearance, but not in lieu of it, information on the current status of an individual's application/petition for an immigration status with USCIS can be accessed through the Case Status database on the USCIS website, <u>www.uscis.gov</u> .			
See <b>Attachment A</b> for a screenshot of the USCIS' online database	When a non-citizen files an application to obtain a status from USCIS, he/she is given a Notice of Action ( <b>I-797</b> ) that contains a 13-digit receipt number for that application/petition. This 13-digit receipt number is entered in the field under Case Status in the USCIS website.			
	In all instances, a non-citizen applicant must be advised that it is his/her responsibility to provide the documentation required to verify eligibility for public benefits. However, in situations where a non- citizen applicant indicates that he/she has lost the documentation that confirms his/her immigration status or the immigration documentation presented has expired, the agency must use the verification obtained through the SAVE clearance, if any, or the USCIS website.			

	<ul> <li>Note: <u>The SAVE clearance and the USCIS website will only</u> verify the alien status but will not provide the alien registration <u>number</u>. In order to receive any CA benefits, the non-citizen must know their alien registration number except for the following ACI codes where an alien registration number is not required.</li> <li>B Qualified Battered Alien; and</li> </ul>		
	D Federal Victims of Human Trafficking.		
Expired immigration documentation	It is important to note that the possession of expired immigration documentation does <u>not</u> necessarily mean that the non-citizen's immigration status has expired.		
	Listed below are immigration documents that can be accepted from the applicant/participant to verify status even if it has expired. It must be the only documentation available and the SAVE clearance must be used with the documentation.		
Acceptable expired immigration documentation	<ul> <li>Permanent Resident Card (I-551) also known as the "Green Card" except for conditional permanent residents*</li> </ul>		
	The <b>I-551</b> is the most common USCIS document used to prove Lawful Permanent Resident status (LPR). Commonly called the "green card," an <b>I-551</b> expires after <i>10 years</i> . Non-citizens do not lose permanent resident status because their green card has expired. The10-year expiration period allows the agency to update photo identification and implement new card technologies to increase resistance to counterfeiting and tampering.		
Exception for Conditional Permanent Residents	*Conditional Permanent Residency Card (I-551)		
	A non-citizen who has been granted a Conditional Permanent Residency status will have an <b>I-551</b> with a <i>two-year</i> expiration date. An <u>expired</u> <b>I-551</b> card coded with category <b>CR-1</b> , <b>CR-2</b> , <b>CR-</b>		
New Information	6, or CR-7 cannot be used as proof of status because the conditional residency status has expired. If a non-citizen has an expired I-551 that is coded with any of the CR codes listed above, determine whether the non-citizen has filed a petition with USCIS to remove the conditions. If the conditional residency has expired and the non-citizen is claiming domestic violence but cannot provide proof of filing an I-751 or an I-360, a written statement from the non-citizen attesting that they filed an I-751 or an I-360 can be accepted. However, the non-citizen must be instructed to file another I-360.		

If a petition was not filed to remove the conditions or the noncitizen <u>does not have documentation that proves eligibility in</u> <u>another immigration status</u>, he/she may not be eligible for any public benefits other than emergency Medical Assistance (MA).

• Foreign Passport with a Form I-551 stamp.

While the immigrant is waiting for his/her green card, USCIS can provide temporary evidence of permanent residence by stamping an alien's passport with an **I-551** stamp.

• Form **I-668B** or **I-766** Employment Authorization Documents (EAD).

These documents indicate a non-citizen's authorization to work in the U.S. and the non-citizen's immigration status. If the only documentation a non-citizen applicant has is an expired EAD, his/her immigration status on the EAD must be checked against the USCIS immigration statuses on the **LDSS-4579** to determine benefits for which the non-citizen applicant may be eligible.

• Form I-94 Arrival/Departure Record

The **I-94** record is created by USCIS when a non-citizen is cleared by USCIS upon arrival in the U.S. The **I-94** is a 3x5 card that the inspector endorses with the date, place of arrival, and the class of admission. The card is stamped or annotated by hand with the immigration category or the section of immigration law under which the person is granted admission. The words "Employment Authorized" may also be stamped on the card.

An **I-94** can be used to verify the non-citizen's status **only** if the **I-94** is clearly annotated with the applicant's specific qualified immigrant status.

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

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#### Added Information

DYCD's Office of Immigrant Initiatves' current web site address

Updated hyperlink to website

Biometric verification is information such as fingerprints or voice patterns used to authenticate personal identity.

New alien registration number **A00000000** created for SNAP eligible non-citizens with lost documentation. See <u>PB #13-17-ELI</u>.

See PD #11-23-SYS

If the non-citizen needs assistance replacing lost or renewing expired documentation from USCIS or needs assistance filing certain applications/petitions, advise him/her to contact the Department of Youth and Community Development's (DYCD) Office of Immigrant Initiatives at (212) 442-5267 or access their website at <a href="http://www.nyc.gov/html/dycd/html/immigrant/immigrant\_services.sht">http://www.nyc.gov/html/dycd/html/immigrant/services.sht</a> ml. This website has a database of more than 80 organizations that provide a wide array of services to immigrants and refugees.

**Note:** Many non-citizens do not renew their immigration documentation because of the fees associated with the application and biometric verification process. While HRA does not pay the fees to renew immigration documentation, USCIS may waive the fee(s) if the non-citizen establishes that he/she cannot pay. JOS/Workers should share this information with the noncitizen applicant/participant who needs to renew his/her immigration documents.

When a non-citizen claims to have a qualified status but has lost his/her documentation that verifies the status, SNAP regulations allow the applicant/participant to receive benefits for up to six months. During this time the non-citizen must attempt to obtain the necessary replacement documentation. Alien registration number, **A00000000**, was created to allow the individual to receive SNAP benefits in the interim.

This alien number allows the individual to be active for SNAP purposes only. This number identifies the individual who claims an eligible status, but lost the documentation to verify such status. This alien number can be entered on multiple lines for every non-citizen whose documentation is lost and their alien registration number is unknown.

This temporary alien registration number can also be used for a SNAP only individual on a CA/SNAP case. WMS is programmed to only allow this temporary alien number if the CA status is equal to NA or RJ. Every non-citizen who is applying for CA or who is a mandatory CA filing unit member must be placed in AP status for CA purposes. If the non-citizen is subsequently deemed ineligible for CA due to the lack of documentation of their alien status, he/she will be denied CA (placed in RJ status) and the new alien registration number entered to allow the issuance of SNAP benefits.

Alien registration number, **A00000000**, must be used with **99/99/9999** as the Date of Status (**DOS**) and Date of Entry (**DOE**) fields. Until POS is programmed to pass this new alien registration number with associated dates to WMS, case actions using this alien registration number must begin in POS, but must be manually completed on the paper **TAD** (**LDSS-3517**). Before going to the paper process, the JOS/Worker must first search the HRA OneViewer for pre-existing alien documentation and the WMS Individual Inquiry screen to see if an alien registration number is already known. Once it is determined that the alien registration number for this otherwise eligible individual is not known to the agency, the use of the **A000000000** temporary alien registration number is appropriate.

# REQUIRED

For reapplicants, JOS/Workers must first check the case record to determine if copies of the documents are already on file.

See <u>PB #10-04-OPE</u> for instructions on contacting the FIA Call Center.

Non-citizen applicant for CA must provide suitable verification of his/her alien status.

ACI codes **B** or **D** do not require an alien registration number.

New Information

## Lost Immigration Documentation

If an immigrant applicant has lost his/her immigration documentation, until he/she can obtain replacement documents, the JOS/Worker must proceed as follows:

- If the applicant can provide his/her alien registration number, other personal demographics and/or his/her 13-digit USCIS application number (I-797), use SAVE and the USCIS database to verify the applicant's alien status. If the alien status is confirmed, determine eligibility for benefits, based on the verified alien status.
- If SAVE and the USCIS database cannot confirm the applicant's immigration status, advise the individual that he/she is responsible for obtaining replacements of his/her immigration documentation. The JOS/Worker must contact the Family Independence Administration's (FIA) Call Center which will contact the Office of Temporary and Disability Assistance (OTDA) for guidance. In addition, the immigrant applicant should be referred to DYCD's Office of Immigrant Initiatives as listed on page 4 of this directive.
- If an applicant for CA benefits does not have or know his/her alien number, instruct him/her to contact USCIS for replacement of the alien documentation. However, the non-citizen applicant must provide *suitable verification* of his/her alien status and provide an alien registration number <u>before</u> an emergency CA benefit can be issued.
  - If USCIS only provides the applicant with verification of having applied for replacement documents and Alien number or status is not provided, the applicant is ineligible for CA until such time that the replacement documentation is received.

An applicant who claims a satisfactory immigration status for benefit eligibility without documents to prove such status is <u>not</u> eligible for CA benefits under the Permanently Residing Under Color of Law (PRUCOL) category and <u>does not</u> become eligible for PRUCOL by filing an application for replacement documents. Applications for replacement documents do not establish a PRUCOL category.

Revised

- If an applicant for SNAP does not have or know his/her alien registration number, refer him/her to USCIS for replacement of the alien documentation. The applicant is allowed to receive SNAP benefits for up to six months at such time he/she must submit verification of his/her alien registration number. Until the applicant returns with verification of the alien registration number, the JOS/Worker must do the following:
  - Complete the Application Interview in POS.
    - At the Alien Checklist in POS, select the alien type that the applicant is claiming (ex. Refugee, LPR, etc.).
    - At the Additional Information screen, enter the **A00000000** in the Alien Number field.
    - In the date of status and date of entry fields, enter **99/99/9999** as the date.
    - When the **99/99/9999** date is entered, POS will input **09/09/99999**. Do not attempt to change the date.
    - A window will open with the error message "Date cannot be greater than today's date". Click "OK".
    - The window will close. Do not change the date. Click "Previous".
    - Once at the previous screen, click "Next".
    - Proceed with the application interview
  - From the application interview POS will launch into the IN/ESNAP Issuance (CA) or Expedited SNAP (ESNAP) Issuance (NCA SNAP) activity.
    - Complete the IN/ESNAP Issuance or the ESNAP Issuance activity.
    - When the interview is complete, if the household is eligible for ESNAP benefits, select "Suspend" to manually complete the case action on paper.
    - Enter a case comment explaining that the action will be done on paper because there is an individual eligible for six months of SNAP benefits only using alien registration number A00000000 pending replacement of lost immigration documentation.

Refer to Authorization of Grants Manual pages 66-69

- Calculate, save and print a budget in WMS.
- Print and manually complete the paper TAD entering all the required fields.
  - Enter the Alien Citizen Indicator (**ACI**) code that corresponds to the alien type that the applicant is claiming.
  - Enter **A000000000** in the alien registration number field.
  - Enter **99/99/9999** in the date of entry (**DOE**) and date of status (**DOS**) fields.
  - The **ST/FED** code (element 307) and date (element 325) must be left blank.
  - For every individual that the **A00000000** alien registration number is used, if the line is in applying (**AP**) status for cash assistance, it must be rejected (**RJ**) using the **Y99** other code.
- A manual Supplemental Nutrition Assistance Program (SNAP) Issuance Form (LDSS-3574) must be completed if the applicant will be receiving ESNAP benefits.
- Submit the paper TAD, budget and LDSS-3574 to the supervisor for approval.
- The Supervisor will:
  - review the suspended IN/ESNAP Issuance or ESNAP Issuance activity in POS, and
  - enter a case comment verifying review of the case and that the action will be completed on paper;
  - sign off on the paper TAD and LDSS-3574 benefits and
  - forward the TAD and the LDSS-3574 to the Control Unit for data entry.
- If the applicant returns with verification of the alien registration number or now knows his/her alien number, the JOS/Worker must take the following action:
  - Verify the alien number through a SAVE clearance.
  - Complete the Application Interview in POS.
    - Update the Alien Checklist information
    - If a line was rejected due to lack of an Alien Registration Number, change the status from RJ to AC using the appropriate acceptance code.
    - Ensure that the individual's alien information is updated with the correct alien registration number and **DOE/DOS**.
    - Calculate, save and authorize a budget.

Replace temporary alien registration number **A00000000** with the verified alien number. See <u>PD #11-23-SYS</u>.

- Complete the activity and forward case action to the supervisor for review and approval.
- If upon application for replacement of the immigration documentation, USCIS provides the applicant with a statement or document that indicates the applicant's alien number or status, use that verification to determine which public benefits, if any, are allowed for the status indicated.
- New Information If at the end of the six months or at the next recertification, the SNAP participant has not provided verification of his/her qualified alien status, he/she is no longer eligible to receive SNAP benefits. The non-citizen *must be removed* from the SNAP case.

If a case is being closed using WMS closing code **F92**, it must be done on a paper **TAD** and a case comment must be entered in POS explaining the action and why it was done on paper.

#### **Expired Immigration Documentation**

If the non-citizen submits an expired document indicated on page three and four of this procedure to verify immigration status and it is the only documentation that he/she has, the JOS/Worker must:

- verify the non-citizen's immigration status using SAVE and the USCIS Case Status database if the application receipt number is known; and
- scan the original document submitted to ensure clarity of the image.

**Note**: If the document submitted is illegible, the JOS/Worker should enter a case note to include information such as the name on the immigration document, the date, form number, or type of immigration document, any categories, or codes listed, and/or the expiration date of the immigration document.

Any time a JOS/Worker must use expired immigration documents to verify alien status, the JOS/Worker must advise the immigrant to renew his/her immigration documentation.

# PROGRAM IMPLICATIONS

Staff must contact the

FIA Call Center if the

conditional permanent resident with an expired

I-551 card coded with

category CR-1, CR-2, CR-6 or CR-7 and the

documentation to

for public benefits.

non-citizen has no other

confirm an eligible status

non-citizen is a

Paperless Office System (POS) Implications Enter a case comment for all actions performed on a case. If a JOS/Worker is in an activity on a case, click on the case comments icon I or press <ALT>M on the keyboard.

If the JOS/Worker is not in an activity, they can select "Make A Case Comment" that is listed under Activity Description in the Action Tab.

Scan and index all non-POS-generated forms and notices that are signed by the individual into the electronic case record, except Domestic Violence-related documents.

Supplemental Nutrition Assistance Program	If a case/individual is rejected or closed for CA due to alien status a separate SNAP determination must be done.				
Implications	Verification of alien status should not delay the issuance of SNAP under the Expedited Supplemental Nutrition Assistance Program				
A non-citizen whose status is <i>questionable</i> is ineligible for ESNAP while awaiting verification. Added Information	<i>(ESNAP)</i> process unless the alien status is <i>questionable</i> . When the status is <i>questionable</i> , the non-citizen will be ineligible for ESNAP while awaiting verification, but all other household members whose immigration status is not questionable are able to receive ESNAP benefits if eligible. The reason for the denial must be entered into POS when electronically completing the Supplemental Nutrition				
	Assistance Program Application Expedited Processing Summary Sheet (LDSS-3938 NYC).				
See <u>PD #11-12-OPE</u> .	A non-citizen applicant who cannot provide documentation or information that will help verify his/her alien status at the end of the six months period or at the next recertification will be deemed ineligible for ongoing SNAP benefits until documentation can be provided. The JOS/Worker must indicate a reason for denial of SNAP benefits in POS.				
Medicaid Implications	If a case/individual is rejected or closed for CA due to alien status a separate Medicaid determination must be done.				
	Non-citizens who are deemed ineligible for CA and SNAP benefits due to immigration status and/or lack of documentation are only eligible for emergency medical assistance.				
	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.				
LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING- IMPAIRED IMPLICATIONS	For Limited English Speaking Ability (LESA) and hearing-impaired applicant/participants, make sure to obtain appropriate interpreter services in accordance with <u>PD #11-33-OPE</u> and <u>PD #08-20-OPE</u> .				

#### FAIR HEARING IMPLICATIONS Avoidance/ Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Resolution Remember that the applicant must receive either adequate or timely and adequate notification of all actions taken on his/her case. Conferences at the An applicant/participant can request and receive a conference with a Job Center 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 individual is waiting to be seen. The FH&C AJOSI/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 AJOS I/ Supervisor I will settle in conference (SIC), enter detailed case notes in New York City Work, Accountability and You (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/participant has not shown good cause for the adverse action or that the Agency's action(s) should stand, then the AJOS/Supervisor I will explain to the applicant/participant why he/she cannot SIC. The AJOS/Supervisor I must complete an M-186a form.

Should the applicant/participant elect to continue his/her appeal by requesting or proceeding to a Fair Hearing, already requested, the FH&C AJOS/Supervisor I is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Conferences at the NCA SNAP Center and requests a conference, the Receptionist must alert the Center Director's designee that the applicant/participant is to be seen. If the Applicant/participant contacts the Eligibility Specialist directly, the Eligibility Specialist must advise the applicant/participant to call the Center Director's designee.

The Center Director's designee will listen to and evaluate the applicant/participant's complaint regarding the case denial. After reviewing the documentation, case record and discussing the issue with the Group Supervisor/Eligibility Specialist, the Center Director's designee will make a decision. The Center Director's designee will decide to resolve or defend the case based on all factors and on whether the case was denied appropriately. The Center Director's designee is responsible for ensuring that further appeal by the applicant/participant through a Fair Hearing request is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

- Evidence Packets All Evidence Packets must contain a detailed history (e.g. copies of POS "Case Comments" and/or NYCWAY "Case Notes," History Sheet [<u>W-25</u>]), copies of relevant Welfare Management System (WMS) screen printouts, notices sent and other documentation relevant to the action taken.
- **REFERENCES** 03-INF-19 Expired or Lost Immigration Documentations

   Temporary Assistance Source Book (TASB), Chapter 24

   Supplemental Nutrition Assistance Program Source Book (FSSB),

   Section 5

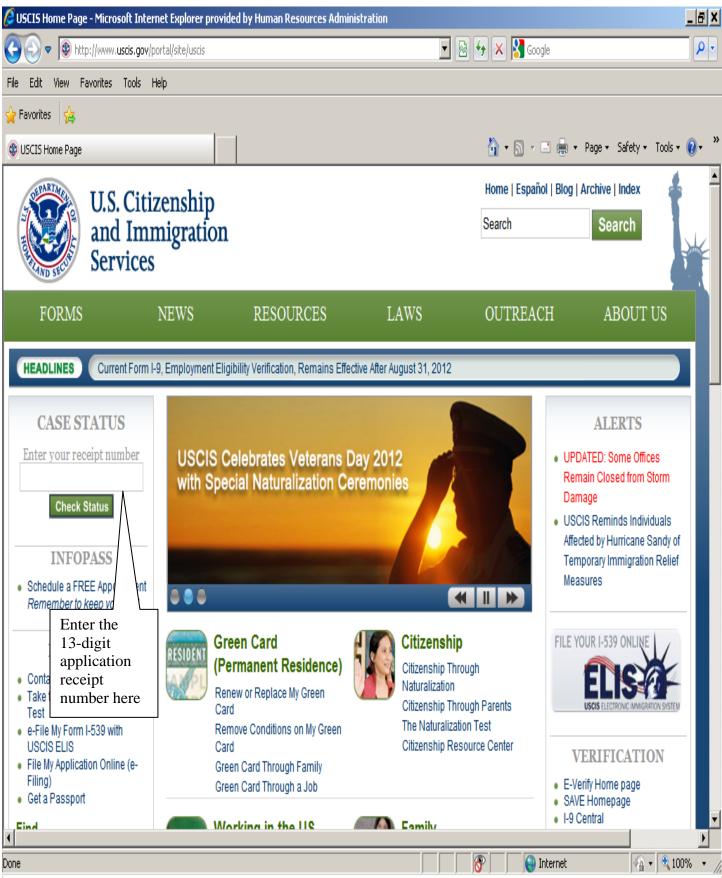
   SPP 10-00091-00

# RELATED ITEMS PD #11-23-SYS PD #11-12-OPE PD #10-09-SYS PB #13-17-ELI PB #10-04-OPE

# ATTACHMENTS

Please use Print on Demand to obtain copies of forms. Attachment AUSCIS Online Case Status DatabaseAttachment BSave Clearance with COA Code

# Attachment A



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#### SENSITIVE BUT UNCLASSIFIED

#### **Department of Homeland Security**

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### SAVE Program

#### Case Verification Number: 2012278124236TC

Initial Verificatio	n:		
Alien Number: I-94 Number: Card Number: Naturalization Number: Visa Number: Passport Number: Country of Issuance:	AAA000000000	Benefits: Citizenship Cert. Number: SEVIS ID: Document Exp. Date:	TANF
Document Type: Last Name: Middle Name: Initiated By:	I-551 Soffe RODR9007	Other Document Desc: First Name: Date of Birth: Initiated On:	01/01/1966 10/04/2012
Initial Verification	on Results:		
Last Name: Middle Name: Country Date of Entry: EAD Expiration Date: System Response:	COTED - COTE D'IVOIRE 04/30/2008 LAWFUL PERMANENT RESIDENT-EMPLOYME	First Name: COA Code: Date of Birth: Date Admitted To: NT AUTHORIZED	A56 01/01/1966 INDEFINITE
Additional Verif	ication:		
I-94 Number: Passport Number: User Case: Initiated By:		A.K.A: Country of Issuance: Special Comments: Initiated On:	
Additional Verif	ication Results:	Expires On:	
DHS Response: COA Code: USCIS Benefits:		Date Admitted To: Response Date:	
Revocation Date: DHS Comments:			
Third Level Ver	ification:	Initiated On:	
Initiated By: Third Level Ver	ification Results:	mitiated On.	
DHS Response:		Expires On: Date Admitted To:	
COA Code: USCIS Benefits: Revocation Date: DHS Comments:		Response Date:	
Case Closure In	formation:		
Closed By:		Date:	

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