

FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #15-09-ELI

(This Policy Directive Replaces PD #14-28-ELI)

REVISION TO LOST OR EXPIRED IMMIGRATION DOCUMENTATION

Date:	Subtopic(s):	
April 27, 2015	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	This policy directive is being revised to inform staff that:	
DIRECTIVE	 the Department of Youth and Community Development's (DYCD) Office of Immigrant Initiatives will no longer be assisting individuals who have issues with documentation related to Deferred Action for Childhood Arrivals (DACA) status. Staff must now refer these individuals to 311 or the Mayor's Office of Immigrant Affairs. there has been a change to the physical appearance of certain Form I-94 Arrival/Departure Records. 	
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.	

HAVE QUESTIONS ABOUT THIS PROCEDURE? Call 718-557-1313 then press 3 at the prompt followed by 1 or send an e-mail to *FIA Call Center Fax or fax to:* (917) 639-0298

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 (LDSS-4579) and/or the Persons Residing Under the Color of Law Desk Guide (W-205JJ) should be referred to in order to determine which immigration status allows 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 PD #14-26-SYS A clearance of all non-citizens' immigration statuses 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, advise him/her to contact the Human Resources Administration (HRA) Legal Services Hotline at 929-221-5422.

See **Attachment B** Save Clearance with COA Code

Note: When reviewing the SAVE system response, check the Class of Admittance (COA) Code to determine benefit eligibility.

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, www.uscis.gov.

See **Attachment A** 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 (I-797) that contains a 13-digit receipt number for that application/petition. This 13-digit receipt number is entered in the field under Case Status on 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.

Note: The SAVE clearance and the USCIS website will only verify the alien status but will not provide the alien registration number. 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.

- B Qualified Battered Alien; and
- **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 documents have expired. It must be the only documentation available and the SAVE clearance must be used with the documentation.

Acceptable expired immigration documentation

 Permanent Resident Card (I-551) also known as the "Green Card" except for conditional permanent residents*

The most common USCIS document used to prove Lawful Permanent Resident status (LPR) is an **I-551**. Commonly called the "green card," an **I-551** expires after *10 years*. Non-citizens do not lose permanent resident status because their green card has expired. The 10-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 **I-551** with a *two-year* expiration date. An <u>expired</u> **I-551** card coded with category **CR-1**, **CR-2**, **CR-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 above CR codes, 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 does not have documentation that proves eligibility in another immigration status, 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

Updated information

When a non-citizen is cleared by USCIS upon arrival in the U.S., an **I-94** record is created. An **I-94** can be presented as one of the following:

- For individuals arriving prior to April 26, 2013 or by land (regardless of date), 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.
- For individuals arriving by air or sea after April 26, 2013, the I-94 is a printed letter from the U.S. Customs and Border Protection (CBP) website. As the information is now maintained electronically, the individual needs to print out the form. The form will contain the Class of Admission which may be used in determining benefit eligibility.

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.

If the non-citizen needs assistance replacing lost or renewing expired

Updated information: HRA Legal Services Hotline documentation from USCIS or needs assistance filing certain applications/petitions, advise him/her to contact the HRA Legal Services Hotline at 929-221-5422 to obtain a referral to a legal services provider. Advise the non-citizen that HRA Legal Services Hotline is only a way to get a referral to a legal services provider, not the actual provider. The only exception is for individuals who have issues with documents related to Deferred Action for Childhood Arrivals (DACA) status. These individuals can be referred to 311 or the Mayor's Office of Immigrant Affairs at 212-788-7654

Refer to PB #15-24-ELI for more information on DACA.

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. A budget letter will be required in order for USCIS to potentially waive fees. The JOS/Workers should share this information with the non-citizen applicant/participant who needs to renew his/her immigration documents.

Refer to PB #11-104-OPE for information on budget letters.

Alien registration number **A000000000** created for SNAP eligible non-citizens with lost documentation. See PB #13-17-ELI.

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.

See PD #11-23-SYS

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. 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 ACTION

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:

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

- 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 can refer to **Attachment C** for instructions on contacting the Office of Refugee and Immigrant Affairs (ORIA) for assistance in the determination of noncitizen/alien eligibility. In addition, the immigrant applicant should be referred to HRA's Legal Services Hotline as listed on page 5 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.

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.

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.

- 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 **A000000000** 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.
 - Forward case action to the supervisor for review and approval.

 The Supervisor will review and approve the IN/ESNAP Issuance or ESNAP Issuance activity in POS.

Replace temporary alien registration number **A000000000** with the verified alien number. See <u>PD #11-23-SYS</u>.

- 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.
 - 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.

At the end of the six months or at the next recertification, if 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.

Paper actions must be processed using Paperless Alternative Module (PAM). Refer to PB #13-90-SYS for information on PAM.

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

Staff must contact ORIA if the non-citizen is a conditional permanent resident with an <u>expired</u> **I-551** card coded with category CR-1, CR-2, CR-6 or CR-7 <u>and</u> the non-citizen has no other documentation to confirm an eligible status for public benefits.

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

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 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 Implications

A non-citizen whose status is *questionable* is ineligible for ESNAP while awaiting

verification.

If a case/individual is rejected or closed for CA due to alien status a separate SNAP determination must be done.

Verification of alien status should not delay the issuance of SNAP under the *Expedited Supplemental Nutrition Assistance Program* (*ESNAP*) process unless the alien status is *questionable*. When the status is *questionable*, 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 PD #14-13-OPE.

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 PROFICIENT (LEP) 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 PD #14-24-OPE and PD #14-18-OPE.

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 on his/her case.

Conferences at the Job Center

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS I/Supervisor I at any time. In the Model Office, the Front Door Reception (FDR) will issue an FH&C Ticket (X) to the applicant/participant to route him/her to the FH&C Unit.

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 Center designated worker/staff 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 (<u>LDSS-3722</u>), 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 (<u>LDSS-3573</u>) to delete a recoupment. The AJOS I/Supervisor I must complete a Conference Report (<u>M-186a</u>).

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

If an applicant/participant comes to 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 [W-25]), copies of relevant Welfare Management System (WMS) screen printouts, notices sent and other documentation relevant to the action taken. The documents required for the packet may include proof of registration/identification, clearance from ORIA, SAVE clearances, any or all forms from USCIS and any other related documents.

REFERENCES

<u>03-INF-19</u> Expired or Lost Immigration Documentations

<u>Temporary Assistance Source Book (TASB)</u>, Chapter 24

Supplemental Nutrition Assistance Program Source Book (FSSB),

Section 5

SPP 10-00091-00

RELATED ITEMS PD #11-23-SYS

PD #14-13-OPE PD #14-26-SYS PB #13-17-ELI PD #15-24-ELI

ATTACHMENTS

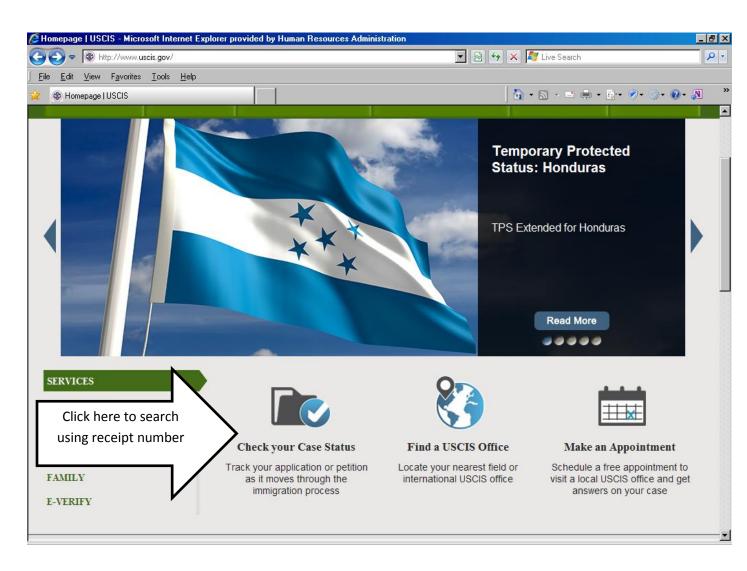
 □ Please use Print on Demand to obtain copies of forms. Attachment A USCIS Online Case Status Database

Attachment B SAVE Clearance with COA Code

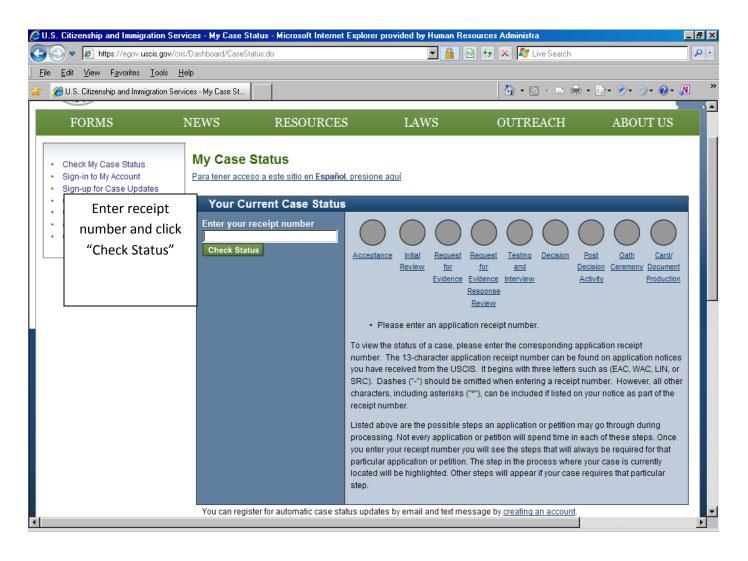
Attachment C Requesting a Clearance from the Office of Refugee

and Immigrant Affairs (ORIA)

Attachment A The USCIS Online Case Status Database



Attachment A The USCIS Online Case Status Database



SAVE Clearance with COA Code

Page 1 of 1

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SAVE Program	Iomeland Security		Report Prepared: 10/04/2012 Page: 1 of 1
	Case V	erification Number:	
Initial Verification			
Alien Number: -94 Number:		Benefits:	CANF
Card Number: Naturalization Number:	AAA0000000000	Citizenship Cert. Number:	
Visa Number: Passport Number:		SEVIS ID: Document Exp. Date:	
Country of Issuance:			
Document Type: Last Name:	I-551 Softe	Other Document Desc: First Name:	anta
Middle Name: Initiated By:	RODR9007	Date of Birth: Initiated On:	0/04/2012
Initial Verification	on Desults		
Last Name:	on Results.	First Name:	
Middle Name:	E CONTRACTOR SERVICES	COA Code:	A56 01/01/1
Country Date of Entry: EAD Expiration Date	04/30/2008	Date of Differ	NDEFINITE
EAD Expiration Date System Response:		NT-EMPLOYMENT AUTHORIZED	
Additional Verif	fication:	A V A	
I-94 Number: Passport Number: User Case:	fication:	A.K.A: Country of Issuance: Special Comments: Initiated On:	
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I-94 Number: Passport Number: User Case: Initiated By: Additional Veri DHS Response: COA Code: USCIS Benefits: Revocation Date:	,	Country of Issuance: Special Comments: Initiated On: Expires On: Date Admitted To:	
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SENSITIVE BUT UNCLASSIFIED

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REQUESTING A CLEARANCE FROM THE OFFICE OF REFUGEE AND IMMIGRANT AFFAIRS (ORIA)

When assistance is needed regarding the determination of noncitizen/alien eligibility, staff must contact **THE OFFICE OF REFUGEE AND IMMIGRANT AFFAIRS (ORIA)** for a clearance. ORIA can be contacted at **(212) 331-4550** or by email at <a href="https://original.org/lea/original/origin

When requesting a clearance, the following information <u>must</u> be provided:

- 1. The name and title of the individual requesting the clearance.
- 2. The Center name and number (e.g. Clinton Job Center/#67) to which the case is assigned.
- 3. The telephone number of the individual requesting the clearance.
- 4. The full name (and/or any alias name[s]) of <u>all</u> the noncitizen(s)/alien(s) in need of an eligibility determination clearance.
- 5. The date of birth of <u>all</u> the noncitizen(s)/alien(s) in need of an eligibility determination clearance.
- 6. The Social Security Number (if available) for <u>all</u> the noncitizen(s)/alien(s) in need of an eligibility determination clearance.
- 7. The WMS case number and line (if any) of <u>all</u> the noncitizen(s)/alien(s) in need of an eligibility determination clearance.
- 8. A description of the noncitizen's/alien's immigration documentation including the name/title of the document and the form number.
- 9. If the noncitizen's/alien's immigration documentation is listed below, provide the "Required Additional Information":

Form Title:	Form #:	Required Additional Information
Permanent Resident Card	I-551 or I-151	Category Code and expiration date
Employment Authorization Card	I-766 or I-688B	Category code or Provision of Law
SAVE Results	None	Class of Admission(COA) as well as any other description of the client's immigration status indicated in SAVE
USCIS Notice of Action or Notice of Receipt	I-797	The receipt number on the I-797