



**NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NY 12243-0001**

Eliot Spitzer
Governor

David A. Hansell
Commissioner

Informational Letter

Section 1

Transmittal:	07-INF-15
To:	Local District Commissioners
Issuing Division/Office :	Center for Employment and Economic Supports
Date:	October 11, 2007 <i>(revised October 22, 2007)</i>
Subject:	LDSS-4579: "Alien Eligibility Desk Aid" (Revised 10/07)
Suggested Distribution:	Temporary Assistance Directors Food Stamp Directors Medical Assistance Directors Domestic Violence Liaisons Staff Development Coordinators
Contact Person(s):	Forms Questions: Bob Gullie 1-800-343-8859, extension 6-1095 Temporary Assistance Bureau at 1-800-343-8859, extension 4-9344
Attachments:	LDSS-4579: Alien Eligibility Desk Aid"
Attachment Available On – Line:	yes

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
97 ADM -23 97 ADM-25 98 INF-5 00 INF-13 03 INF-23 04 ADM-08 06 INF-14 06-INF-23		Part 349.3	P.L. 107-171		

Section 2

I. Purpose

The purpose of this Information Letter (INF) is to introduce a newly revised LDSS-4579: “*Alien Eligibility Desk Aid (Revised 10/07)*”.

II. Background

The LDSS-4579: “*Alien Eligibility Desk Aid*” was originally developed to assist local district staff in identifying satisfactory immigration statuses as established under the federal Immigration and Nationality Act and relate specific statuses to an alien’s eligibility for Temporary Assistance (TA), Food Stamps (FS) and/or Medical Assistance (MA).

The *Desk Aid* lists the benefit program eligibility for most common immigration statuses that are recognized under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996; the New York State Welfare Reform Act of 1997; the Agricultural Research, Extension and Education Act (AREERA) of 1998; and, the Food Stamp Reauthorization Act of 2002. The attached *Desk Aid* provides local district staff with a ready reference on the common immigration documents an alien has to document his or her status. Included are the variety of immigration documents an alien domestic violence victim will need for a determination of qualified status and what immigration documents would require an alien domestic violence victim to have to agree to see the district’s Domestic Violence Liaison (DVL) for a determination of qualified status to be made. The relative date for eligibility and the specific benefits alien domestic violence victims can receive is outlined for each immigration document. The *Desk Aid* is intended to supplement existing policy regarding the eligibility of aliens set forth in federal and state statute and OTDA regulations and policy issuances to local social services districts.

This October 2007 revision of the LDSS-4579 clarifies the Food Stamps eligibility for aliens who entered the U.S. before August 22, 1996. It notes that in New York City WMS ACI Code “R” is used for victims of human trafficking. ACI code “N” – PRUCOL (Permanently Residing under the Color of Law), which is no longer used for certain MA cases, has been deleted from the *Desk Aid*. The policy references for OTDA’s and the Department of Health’s interpretation of PRUCOL have also been updated.

III. Program Implications

The *Desk Aid* should assist local districts to administer the Temporary Assistance, Food Stamp and Medical Assistance Programs.

IV. Forms Ordering Information

As in previous printings, the revised desk aid will be printed on green cardstock. We expect that the revised desk aid should be delivered to the Albany Warehouse sometime in late December, 2007.

Local districts will automatically receive initial supplies of this form.

Any requests for additional supplies of the LDSS-4579: "Alien Eligibility Desk Aid" (Rev. 10/07), should be submitted on OTDA-876 (Rev. 6/98): "Request for Forms or Publications" form, and should be sent to:

Office of Temporary and Disability Assistance
Document Services
P.O. Box 1990
Albany, New York 12201

Questions concerning ordering forms should be directed to Document Services at 1-800-343-8859, ext. 4-9522.

Documents may also be ordered through Outlook. To order the forms you must obtain an OTDA-876 electronically by going to the OTDA Intranet Website at <http://otda.state.nyenet/>, then to the Division of Operations and Program Support page and then to OPS E-Forms page to the Bureau of Management Services section (this section contains the electronic OTDA-876).

For those who do not have Outlook but who have Internet access for sending and receiving email, the Internet email address is: gg7359@dfa.state.ny.us. For a complete list of forms available for downloading, please refer to OTDA Intranet site: http://otda.state.nyenet/ldss_eforms/default.htm.

Issued By

Name: Russell Sykes
Title: Deputy Commissioner
Division/Office: Center for Employment and Economic Supports

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Refugees	R	<p>I-94: stamped "Admitted under Section 207 of the INA," "Refugee," "RE1, RE2, RE3, RE4" or</p> <p>I-551: stamped "R8-6, RE5, RE6, RE7, RE8 or RE9" or</p> <p>I-571: Refugee Travel Document or</p> <p>I-688B: Employment Authorization Document annotated with "8 C.F.R. § 274a.12(a) (3)" or</p> <p>I-766: Employment Authorization Document annotated "a3"</p>	Entry				
Cuban/Haitian Entrants	H	<p>I-94: stamped "Cuban/Haitian Entrant (status pending)," "Section 212(d) (5) of the INA," "Form I-589 filed," or "CU6," or CU7" or</p> <p>I-94 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 Haiti² or</p> <p>I-551: stamped "CU6, CU7, or CH6" or</p> <p>Temporary I-551 stamp in foreign passport. or</p> <p>USCIS notice or letter indicating ongoing exclusion or deportation proceedings</p>	Status Granted				Yes
Asylees	A	<p>I-94: stamped "Granted asylum under Section 208 of the INA" or</p> <p>I-551: Stamped "AS1,AS2, AS3, AS6, AS7, or AS8" or</p> <p>I-688B: Employment Authorization Card annotated with "8 C.F.R. § 274a.12(a)(5)" or</p> <p>I-766: 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>					

¹REMINDER: 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.

²EXCEPTION: 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 ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Amerasian Immigrants	R	<p>I-94: 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>or</p> <p>I-551: stamped "AM1, AM2, AM3, AM6, AM7, or AM8"</p> <p>Temporary I-551 stamp in foreign passport</p> <p>or</p> <p>1-571: Refugee Travel Document</p> <p>or</p> <p>Vietnamese exit visa or passport stamped "AM1, AM2, or AM3"</p>	Entry				
Deportation or Removal Withheld	J	<p>I-688B: Employment Authorization Card annotated with "8 C.F.R. § 274a.12(a)(10)"</p> <p>or</p> <p>I-766: Employment Authorization Document annotated "(a10)"</p> <p>or</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>I-94: stamped "Admitted under Section 207 of the INA," "Refugee," "RE1, RE2, RE3, or RE4"</p> <p>or</p> <p>INS I-551: Stamped "RE5, RE6, RE7, RE8, or RE9"</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>and</p> <p>Documents to show lawfully residing in the US</p> <p>*Divorced spouses do not qualify</p>	Status Granted				

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Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
* Lawfully Admitted For Permanent Residence (LPR) <u>with</u> 40 Qualifying Quarters	S	<u>I-551</u> : (Permanent Resident Card)	Entered Before 8/22/96	Yes			
		Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u>		Entered On/After 08/22/96	Yes	Yes, after 5 years in US in a qualified status	Yes
Lawfully Admitted For Permanent Residence (LPR) <u>without</u> 40 Qualifying Quarters	K	<u>I-327</u> : (Re-entry Permit)	Entered On or After 08/22/96		Yes	Yes, after 5 years in US in a qualified status	Yes
		<u>I-181</u> : Memorandum of Creation of Lawful Permanent Residence with approval stamp		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 (Form DD-214) 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 (DD Form 2) (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)" or <u>I-766</u> (Employment Authorization Document) annotated "(A1)" or "(A3)"	Entry	Yes			

*No quarters earned after 12/3/96 may be counted in which an alien has received a Federal means-tested public benefit (FA, SSI, Food Stamps or Medicaid.)

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Description of Status	WMS/ ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	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>B³</p>	<p>I-797 (Notice of Action) indicating prima facie eligibility 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>Yes if:</p> <ul style="list-style-type: none"> • In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or • After five years in US in a qualified status or • In a qualified status and under age 18 or • In a qualified status and have 40 qualifying quarters
		<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>		
<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>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>				
<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 services 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>				

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits	
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		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);	Entered Before 8/22/96	Yes	Yes	Yes	Yes, If: <ul style="list-style-type: none"> • In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] <li style="text-align: right;">or • After five years in US in qualified status <li style="text-align: right;">or • In a qualified status and under age 18 <li style="text-align: right;">or • In a qualified status and have 40 qualifying quarters 	
		I-94 coded K3, K4, V1, V2 or CR -1-7 and a pending or approved I-130; or Any other USCIS document indicating the alien has a K or V visa and a pending or approved I-130; or I-688B or I-766 (Employment Authorization Documents) annotated (a)(9) or (a)(15)	Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained	Yes	Yes, after 5 years in US in a qualified status	Yes		
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	B ³ (Cont'd.)	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	Entered Before 8/22/96	Yes	Yes	Yes		
			Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained		Yes, after 5 years in US in a qualified status	Yes		

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Victim of Human Trafficking	D (Upstate) 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 ⁴	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	Yes			Yes, If: <ul style="list-style-type: none"> In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or After five years in US in qualified status or In a qualified status and under age 18 or In a qualified status and have 40 qualifying quarters
			Entered on or after 8/22/96	Yes	Yes, after 5 years in US in a qualified status	Yes	
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) 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 School records, A birth or baptismal certificate issued on a reservation, Other satisfactory evidence of birth in Canada	NA	Yes			

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⁴ 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 ¹	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 ⁵	No ⁵	Yes ⁵	No
Undocumented immigrants or non-immigrants (aliens with a temporary immigration status)	E		NA	Treatment of emergency medical condition only ¹		No	

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⁵ 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

³ 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.