



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

Informational Letter

Section 1

Transmittal:	19-INF-07
To:	Social Services District Commissioners
Issuing Division/Office:	Employment and Income Support Programs
Date:	December 20, 2019
Subject:	Revisions to the LDSS-4579 "Non-Citizen Eligibility Desk Aid"
Suggested Distribution:	TA Directors SNAP Directors Domestic Violence Liaisons Fair Hearing Officers Staff Development Coordinators WMS Coordinators
Contact Person(s):	TA Bureau: (518) 474-9344 or: otda.sm.cees.tabureau@otda.ny.gov SNAP Bureau: (518) 473-1469 or: otda.sm.cees.snap@otda.ny.gov
Attachments:	Attachment 1: LDSS-4579 Non-Citizen Eligibility Desk Aid Attachment 2: Systematic Alien Verification for Entitlements (SAVE) A Guide on Immigration Documents Commonly Used by Benefit Applicants Attachment 3: Immigrant Classes of Admission Attachment 4: Employment Authorization Document Codes
Attachment Available Online:	☒

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
13 ADM-07 07 INF-15 06 INF-23 06 INF-14 04 ADM-08 03 INF-23 03 INF-14 03 ADM-01 00 INF-13 97 ADM -25 97 ADM-23 97 ADM-21 88 INF-77	98 INF-05	18 NYCRR 349.3 18 NYCRR 370.2	SSL 122 SSL 157 P.L. 99-239 P.L. 99-658 P.L. 105-185 P.L. 107-171 P.L. 104-193, as amended Welfare Reform Act of 1997 Trafficking Victims Protection	TASB Chapter 24	GIS 18 TA/DC042 GIS 18 TA/DC013 GIS 17 TA/DC047 GIS 17 TA/DC023 GIS 17 TA/DC018 GIS 16 TA/DC053 GIS 16 TA/DC029 GIS 15 TA/DC046 GIS 15 TA/DC008 GIS 11 TA/DC005 GIS 10 TA/DC005 GIS 09 TA/WMS011 GIS 09 TA/WMS002 GIS 08 TA/DC008 GIS 07 TA/DC001

			Act, as amended		GIS 03 TA/DC012 GIS 01 TA/DC27
--	--	--	-----------------	--	-----------------------------------

Section 2

I. Purpose

The purpose of this informational letter (INF) is to inform social services districts (districts) of revisions to the [LDSS-4579](#) "Non-Citizen Eligibility Desk Aid" (Revised 11/19) ("desk aid"), formerly titled the "Alien Eligibility Desk Aid."

II. Background

The LDSS-4579 was developed to assist district staff in identifying satisfactory non-citizen¹ status as established under the federal Immigration and Nationality Act (INA) and relating that status to a non-citizen's eligibility for Temporary Assistance (TA), and Supplemental Nutrition Assistance Program (SNAP) benefits.

The LDSS-4579 lists the benefit program eligibility (Safety Net Assistance (SNA), Family Assistance (FA), and SNAP) for the most common non-citizen statuses as established under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, the New York State (NYS) Welfare Reform Act of 1997, the Agricultural Research, Extension, and Education Reform Act (AREERA) of 1998, and the Food Stamp Reauthorization Act of 2002. The LDSS-4579 is intended to support existing policy regarding the TA and SNAP eligibility of non-citizens set forth in federal and state statute and regulations and the Office of Temporary and Disability Assistance (OTDA) policy issuances to districts.

III. Program Implications

- A. The November 2019 version of the LDSS-4579, (Attachment 1), was reformatted and additional acceptable forms of immigration documentation were added throughout the document. It is important to note that the desk aid does not include every form of acceptable documentation to support a non-citizen status that would be satisfactory for benefit eligibility. If an individual presents a document not listed on the desk aid, the district must follow their district's policies and procedures for further guidance. Additionally, questions regarding TA or SNAP eligibility for non-citizens may be directed to the OTDA TA or SNAP bureaus using the contact information provided in Section 1.

In addition, the desk aid includes, but is not limited to, the following updates:

- The Medicaid (MA) information has been removed from this version of the desk aid. Districts must contact the NYS Department of Health (DOH) with any questions regarding a non-citizen's eligibility for MA.
- All references to the United States Citizenship and Immigration Services (USCIS) Form I-688B "Employment Authorization Card," have been removed, as that form was eliminated by the USCIS in 2006.

¹As used in this INF, the term "non-citizen" means a person who is not a citizen or national of the U.S. The term "qualified non-citizen" means a person who is a "qualified alien" as that term is defined in 8 U.S.C. §1641.

- Page 1:
 - Instructions on how to determine the appropriate dates to enter in the Welfare Management System (WMS) Date of Status (DOS) and Date Entered Country (DEC) fields were added.
 - Instructions on reviewing the USCIS I-551 “Permanent Resident Card” category codes were added.
 - SNAP eligibility information on non-citizens currently in a qualified status who were age 65 or older on 8/22/1996 and lawfully residing in the United States (U.S.) on that date was added to several qualified statuses throughout the document starting with the “Lawful Permanent Resident (LPR) without 40 Qualifying Quarters” section.
 - Details regarding 40 qualifying quarters were added, including the stipulations and restrictions for deemed quarters.
 - A note was added explaining that individuals born in certain territories of the U.S. are U.S. citizens at birth.
- Page 2:
 - The WMS Alien Citizenship Indicator (ACI) code “Z” was removed as a means to identify certain Hmong or Highland Laotians. ACI code “Z,” “NYSoH Unverified Citizenship/Immigration Status,” is a code used by DOH to help determine MA eligibility.
 - The section for ACI code “R” was modified to encompass: “Refugee,” “Conditional Entrant,” “Iraqi or Afghan Special Immigrant Visa Holder,” “Amerasian Immigrant,” and “Certain Hmong or Highland Laotian” statuses. “Conditional Entrant” status, a status granted to refugees prior to 1980, was also included in this section due to the deletion of ACI code “F” from Upstate WMS, as indicated in the WMS/CNS Coordinator Letter dated January 27, 2014 and ACI code “F” was removed from the [LDSS-4579](#).
 - A reminder for workers to explore eligibility for Refugee Cash Assistance (RCA), in accordance with [16-ADM-02](#), was added to RCA qualifying statuses throughout the document starting with the ACI code “R” section.
 - The section for ACI code “A” was changed from “Asylees” to “Asylum Granted.” A footnote was added to this section that instructs workers to refer to page 8 to determine SNA eligibility if a non-citizen has not been granted asylum but is an asylum applicant with employment authorization.
- Page 3:
 - The “Qualified Battered Non-Citizen” section, ACI code “B,” was reorganized, and additional information regarding the accurate determination of the DOS for a qualified battered non-citizen and common documentation was added. A footnote was included to remind workers that, per current U.S. Department of Agriculture (USDA) guidance, for qualified battered non-citizens with an approved I-360 “Petition for Amerasian, Widow(er), or Special Immigrant,” or a prima facie determination on a pending I-360, the DOS for SNAP is the date the I-360 petition was approved, or the date the prima facie determination was made by the USCIS, whichever is earlier. Workers are instructed to refer to [GIS 19 TA/DC038](#) “SNAP and TA Date of Status (DOS) Determination for Qualified Battered Non-Citizens” for additional guidance on determining the DOS for a qualified battered non-citizen. The footnote also includes

information on what actions a worker must take when a non-citizen presents an I-551 “Permanent Resident Card” with a code that indicates the non-citizen may have previously filed for Violence Against Women Act (VAWA) immigration relief.

- Page 4:
 - The “Victim of Human Trafficking” section was updated and districts are reminded that victims of human trafficking must have certification from the Administration for Children and Families (ACF), Office on Trafficking in Persons (OTIP), or other appropriate documentation to be eligible for federally funded benefits. New York State-confirmed human trafficking victims who are non-citizens must either be federally certified or have other documentation demonstrating an appropriate immigration status for program eligibility in order to receive TA or SNAP.
 - Additionally, ACI code “R” for New York City (NYC) was removed from the “Victim of Human Trafficking” section and replaced with ACI code “D” for consistency purposes state wide.
 - A note was added to the “Parolee (for at least one year)” and “Parolee (for less than one year)” sections that refers workers to the Cuban/Haitian Entrant section on page 5 if the non-citizen is a Cuban or Haitian national.
- Pages 5 and 6:
 - The “Active Military” and “Veteran” sections were revised to clarify that these non-citizens must provide proof of qualified non-citizen status.
- Page 6:
 - For the “North American Indian born in Canada” and the “Member of federally recognized tribe born outside U.S.” sections, the ACI codes were updated from “To be determined (PA)” to “C.”
 - The “Permanent nonimmigrant, pursuant to P.L. 99-239, as amended (applicable to citizens of the Federated States of Micronesia and Marshall Islands) or P.L. 99-658 (applicable to citizens of Palau)” and “Continuous entry and residence in the U.S. prior to January 1, 1972” sections were added.
- Page 7:
 - “Subject to an Order of Supervision,” “Cancellation of Removal,” “Deferred Action Status,” “‘U’ Visa,” “‘S’ Visa” and “‘K3’ or ‘K4’ or ‘V’ Visa Granted Under the Legal Immigration Family Equity Act (LIFE Act)” sections were added.
- Page 8:
 - The “Temporary Protected Status (TPS),” “Asylum Applicant with Employment Authorization,” “Deferred Enforced Departure,” and “Non-citizen, not otherwise included on this desk aid, who the USCIS has officially determined is legitimately present in the U.S. and who the USCIS is allowing to reside in the country for an indefinite period of time,” sections were added.
 - The description of the non-citizen status for WMS ACI code “E” was changed from “Undocumented immigrants or non-immigrants (aliens with a temporary immigration status)” on the previous version of the [LDSS-4579](#), to “Other status not eligible for TA or SNAP.”
 - Information on what actions must be taken when it is determined that a non-citizen is ineligible for TA and/or SNAP because of his/her non-citizen status was added.

B. To further assist district staff in understanding and identifying the most commonly presented immigration documents, the following reference materials that were produced by the U.S. Department of Homeland Security (DHS) USCIS have been included as attachments to this INF:

- Attachment 2: “Systematic Alien Verification for Entitlements (SAVE) A Guide on Immigration Documents Commonly Used by Benefit Applicants” may be used by district staff to assist in identifying and interpreting the immigration documents commonly presented by TA and SNAP applicants and recipients.
- Attachment 3: “Immigrant Classes of Admission” contains a listing of the most common class of admission (COA) codes, also known as “category codes,” that are issued to LPRs, which appear on their I-551 “Permanent Resident Card.” The COA/category code is used to describe the category that was used to admit a non-citizen to the U.S. as a permanent resident.
- Attachment 4: “Employment Authorization Document Codes” contains a listing of the most common I-766 “Employment Authorization Document” (EAD) codes and the EAD code definitions.

Districts should be aware that the Attachments may not contain examples of all documents or codes in existence, however, they are being provided as references to assist workers in identifying common immigration documents. Questions regarding TA or SNAP eligibility for non-citizens should be directed to the OTDA TA or SNAP bureaus using the contact information provided in Section 1.

IV. Forms Ordering Information

The revised English version of the [LDSS-4579](#) “Non-Citizen Eligibility Desk Aid” is a Print on Demand form by OTDA.

The above referenced document has been posted on the OTDA Intranet website at: http://otda.state.ny.net/ldss_eforms/default.htm and may be available for downloading by districts for reproduction locally, depending on print specifications. For formatting purposes, it is recommended that districts print the form on 8 ½ X 14 legal size paper.

Upon the release of this INF, all previous versions of the “Non-Citizen Eligibility Desk Aid,” formerly titled the “Alien Eligibility Desk Aid,” **must immediately be destroyed** and replaced with the revised 11/19 version.

Any future requests for Print on Demand copies of the English version should be submitted to OTDA using either the OTDA 876 EL (DOC) or OTDA 876 EL (PDF) available at the link above and either mail, fax or e-mail it to:

Office of Temporary and Disability Assistance
BMS Document Services and Operational Support
P.O. Box 1990
Albany, New York 12201
E-mail: forms.orders@otda.ny.gov
Districts online forms ordering system: <http://formorders/>
Fax: (518) 402-0084

Questions concerning ordering forms should be directed to the Bureau of Management Services (BMS) Document Services at: (518) 474-9522.

Issued By

Name: Jeffrey Gaskell

Title: Deputy Commissioner

Division/Office: Employment and Income Support Programs/Office of Temporary and Disability Assistance