

DATE: October 14, 2016

TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners, TA Directors, SNAP Directors, HEAP Coordinators, Staff Development Coordinators, WMS Coordinators

FROM: Phyllis D. Morris, Deputy Commissioner
Center for Employment and Economic Supports

SUBJECT: Beneficiaries of Temporary Protected Status (TPS) Recognized as Permanently Residing Under the Color of Law (PRUCOL) for Safety Net Assistance (SNA)

EFFECTIVE DATE: Immediately

CONTACT PERSON: CEES TA Bureau at (518) 474-9344

Purpose

The purpose of this GIS is to provide social services districts (SSDs) with an update on recognizing persons holding TPS as PRUCOL for SNA eligibility.

Background

Individuals from certain foreign countries designated by the Secretary of the Department Homeland Security (DHS) and who are physically present in the United States may be eligible to receive Temporary Protected Status (TPS) under federal law. Pursuant to DHS designation, such persons may be eligible for TPS when conditions in their home country temporarily prevent a safe return home, or where their home country is unable to adequately handle the return of its nationals. Temporary conditions that qualify a country for a TPS designation may include:

- Ongoing armed conflict (such as civil war),
- An environmental disaster (such as an earthquake or hurricane) or an epidemic that temporarily and substantially disrupts the living conditions in the country and prevents a foreign state from handling the return of its nationals, or
- Other extraordinary and temporary conditions preventing nationals from returning safely.

The DHS Secretary can issue a TPS designation for 6 to 18 months and can extend these periods if conditions do not change in the designated country.

Persons granted TPS by the United States Citizenship and Immigration Service (USCIS) are authorized to remain in the United States for a specific limited period of time, although it can be extended for specified periods. During a designated period, individuals who are TPS beneficiaries:

- Are not removable from the United States,
- Can obtain an Employment Authorization Document (EAD), and
- Cannot be detained by DHS on the basis of his or her immigration status in the United States.

TPS is a temporary benefit that does not allow a beneficiary to adjust to lawful permanent resident status or provide any other immigration status. If a country's TPS designation is extended, TPS beneficiaries from that country must affirmatively renew their TPS by re-registering with a new application during each re-registration period.

A country's TPS designation can also be terminated by DHS when it determines that the country's conditions have improved sufficiently to allow for the safe return of its nationals. At the termination of a country's TPS designation, its nationals with TPS in the United States return to the immigration status they held prior to being granted TPS. This may or may not be a satisfactory immigration status for benefit eligibility. OTDA will inform SSDs via a GIS of any country's TPS designation termination and the impact it has on the eligibility for benefits of that country's nationals.

Program Implications

OTDA recognizes noncitizens with TPS as PRUCOL for the purposes of SNA eligibility. If otherwise eligible, TPS beneficiaries can receive SNA cash assistance. TPS is a non-qualified alien status. Noncitizens with TPS are ineligible for federally funded public benefits including Family Assistance (FA), Supplemental Nutrition Assistance (SNAP) and the Home Energy Assistance Program (HEAP).

TPS beneficiaries are authorized to work in the United States while they hold TPS and may obtain an Employment Authorization Document (EAD) from the USCIS for the purposes of employment or continued employment. This EAD will be annotated with Category A12 (Temporary Protected Status). The EAD must be **unexpired** as of the SNA application date for SSDs to accept it as valid documentation of TPS. The Systematic Alien Verification for Entitlements (SAVE) will verify current EADs with Category A12. The SAVE response for a valid Category 12 EAD will be: **Temporary Protected Status (TPS): Employment Authorized.**

SSDs are not to deny SNA to TPS beneficiaries with expired EAD. In certain instances an expired EAD may still be valid as proof of TPS. SSDs must contact the Bureau of Temporary Assistance for guidance on confirming TPS status for all individuals with an expired EAD. The Bureau will also assist SSDs in determining an individual's TPS when other USCIS documents are presented, such as Form I-797 Notice of Action.