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TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners, TA Directors, Employment Coordinators, Staff Development Coordinators, WMS Coordinators, Fair Hearing Officers

FROM: Jeffrey Gaskell, Assistant Deputy Commissioner
Employment and Income Support Programs

SUBJECT: Federal Actions Regarding Temporary Protected Status Designations

EFFECTIVE DATE: Immediately

CONTACT PERSON: Temporary Assistance Bureau at: (518) 474-9344 or:
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Purpose

The purpose of this GIS is to inform social services districts (districts) of the recent federal actions regarding Temporary Protected Status (TPS).

Background

Individuals from certain foreign countries designated by the Secretary of the Department of Homeland Security (DHS) who are physically present in the United States (U.S.) may be eligible to receive TPS under federal law when conditions in their home country temporarily prevent a safe return. DHS issues TPS designations for 6 to 18 months and can extend or terminate TPS depending on the conditions in the designated country.

Per [GIS 16 TA/DC053](#), the Office of Temporary and Disability Assistance (OTDA) recognizes non-U.S. citizens with TPS as Permanently Residing Under Color of Law (PRUCOL) for the purposes of Safety Net Assistance (SNA) eligibility. If otherwise eligible, individuals with TPS can receive SNA.

The countries currently designated for TPS are: El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria and Yemen. Within the last year, DHS announced the pending termination of TPS designations for several of these countries. However, as required by the order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, DHS announced on October 31, 2018 that the TPS designations of Sudan, Nicaragua, Haiti, and El Salvador will remain in effect for as long as the court's order remains in effect.

The announcement also included the automatic extension of the validity of TPS-related documentation such as; Employment Authorization Documents (EAD) with category code A12, Form I-797, Notice of Action (Approval Notice), or Form I-94 (Arrival/Departure Record). Accordingly, even individuals with expired TPS-related documentation may continue to have lawful status, employment authorization, and retain their potential eligibility for SNA, if otherwise eligible.

Program Implications

Until further notice, individuals with TPS remain eligible for SNA, if otherwise eligible, including those from Sudan, Nicaragua, Haiti, and El Salvador. If any additional federal actions, including the termination of a country's TPS designation, take place in the future, OTDA will issue guidance to districts regarding the changes.

Districts are reminded that if individuals present expired TPS-related documentation, they may still be eligible for SNA. The district must submit the document(s) to the Systematic Alien Verification for Entitlements (SAVE) program for verification, and use the date provided in the "EAD Expiration Date" field of the SAVE response to help determine whether the individual's TPS, and potential SNA eligibility, has been extended beyond the dates on the documentation.

Due to the complexity of the rules regarding TPS document extensions, if the "EAD Expiration Date" field of the initial SAVE response does not indicate that the individual's TPS has been extended beyond the date on their document, the district must initiate a second step additional SAVE verification. If the results of the second step additional verification do not indicate an extension has been granted, the district must call SAVE Customer Service at: (877) 469-2563 to confirm whether the individual still has TPS. All three steps must be taken prior to the district taking any negative action on the SNA case. These actions must also be noted in the individual's case record.

In addition, districts must be aware that it is possible that individuals with TPS may have another immigration status while also having TPS. Such individuals may continue to be eligible for Temporary Assistance (TA) benefits under their new or additional immigration status even if additional federal actions, including termination of a country's TPS designation, do take place.

For additional questions on the status of TPS applicants or recipients and their eligibility for SNA, please contact the TA Bureau at: (518) 474-9344 or by email: otda.sm.cees.tabureau@otda.ny.gov.