

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

March 1, 2010

Page: 1

TO: Local District Commissioners, TA Directors Food Stamp Directors and Employment Coordinators

FROM: Russell Sykes, Deputy Commissioner Center for Employment & Economic Supports

SUBJECT: Temporary Assistance and Food Stamp Eligibility for Haitians applying for or granted Temporary Protected Status by the United States Citizenship and Immigration Service (USCIS)

EFFECTIVE DATE: January 12, 2010

CONTACT PERSON: Temporary Assistance: Paul Dichian 1-800-343-8859, ext. 4-0886
Food Stamps: Frank Essien 1-800-343-8859, ext. 4-9340

The purpose of this General Information System (GIS) message is to inform local departments of social services (LDSS) that the Department of Homeland Security (DHS) has designated Haiti for Temporary Protected Status (TPS) for a period of 18 months and the effect such designation has on Haitian nationals' eligibility for Temporary Assistance and Food Stamps. Specifically, all persons granted TPS, including Haitian nationals, are NOT eligible for Temporary Assistance and/or Food Stamp program benefits. Such persons are not deemed "persons residing under color of law" (PRUCOL) for purposes of Safety Net Assistance and are not deemed to be "qualified aliens" for TANF-funded Family Assistance and/or Food Stamp program eligibility.

TPS is a temporary immigration status granted under federal law at 8 U.S.C. 1254a to aliens who are physically present in the United States and who are from certain countries designated by the DHS as unsafe to accept their return. Haiti joins El Salvador, Honduras, Nicaragua, and Sudan as countries currently designated for TPS. Nationals from countries designated as TPS sometimes receive extensions on their protected status.

Under TPS designation, only those Haitian nationals who might otherwise be repatriated back to Haiti, who have "continuously resided" in the U.S. since January 12, 2010, who have been physically present in the U.S. since January 21, 2010, and who meet the eligibility requirements of TPS are eligible for TPS and work authorization documents for an 18-month period. Haitians who arrive in the United States after January 12, 2010, are not eligible for TPS.

The United States Citizenship and Immigration Services (USCIS) began taking applications for TPS from Haitian Nationals on January 21, 2010. The 180-day registration period for eligible Haitian Nationals to apply for TPS will end on July 20, 2010.

Granted TPS Status:

Haitians who have been granted TPS will have the following documentation:

- Form I-766 EAD coded 274a.12(a)(12) or A12; or
- Notice of Action (I-797) indicating temporary protected status has been granted.

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

March 1, 2010

Page: 2

Applicants for TPS will have the following documentation:

- Form I-766 EAD coded 274a.12(c)(19) or C19; or
- Notice of Action (I-797) showing filing of Form I-821 (Application for Temporary Protected Status) and Form I-765 (Application for Employment Authorization; and
- Receipt for required fees or copy of fee waiver request

Temporary Assistance Eligibility

Haitian individuals who have applied for or been granted TPS do not have a satisfactory immigration status for Temporary Assistance and are ineligible for cash assistance.

Food Stamp Eligibility

Haitian individuals who have applied for or been granted TPS are not qualified aliens and are ineligible for Food Stamp benefits.

HEAP

Haitian individuals who have applied for or been granted TPS are not qualified aliens and are not eligible for HEAP benefits. Individuals should be treated in the same manner as other non-qualified aliens. Please see the HEAP Manual for specific details.

Haitian nationals in the U.S. who are eligible to apply for TPS should be referred to www.uscis.gov or instructed to call USCIS toll-free at (800) 375-5283. Additionally, they may contact the New York State Immigration Hotline at (800) 566-7636 for referral information provided in Haitian Creole.