NEW YORK STATE OF OPPORTUNITY. | Office of Temporary and Disability Assistance

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TO: Subscribers

SUGGESTED DISTRIBUTION: Local District Commissioners, TA Directors, SNAP Directors and Employment Coordinators

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

SUBJECT: Temporary Assistance and Supplemental Nutrition Assistance (SNAP) Eligibility for Yemeni nationals applying for or granted Temporary Protected Status by the Department of Homeland Security (DHS)

EFFECTIVE DATE: Immediately

CONTACT PERSON: Temporary Assistance Bureau 1-800-343-8859, ext. 4-9344
SNAP Bureau 1-800-343-8859 ext. 3-1469

On September 3, 2015 the DHS designated Yemen for Temporary Protected Status (TPS) for an 18 month period due to the ongoing armed conflict within the country. Individuals granted TPS are not deemed to be "qualified aliens" for TANF-funded Family Assistance or SNAP program eligibility. They are also not considered to be "persons residing under the color of law" (PRUCOL) for the purposes of Safety Net Assistance eligibility.

TPS is a temporary nonimmigrant 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 DHS as unsafe to return. Yemen is experiencing widespread conflict and a resulting severe humanitarian emergency. Requiring Yemeni nationals in the United States to return to Yemen would pose a serious threat to their personal safety.

The TPS designation for Yemen became effective September 3, 2015 and will be in effect through March 3, 2017. The designation means that during the designated period eligible nationals or Yemen (and people without nationality who last habitually resided in Yemen) that are approved for TPS will not be removed from the United States and may receive an Employment Authorization Document (EAD). An extension to this initial 18 month designation would not be unusual.

Under the TPS designation, only those Yemeni nationals who might otherwise be repatriated back to Yemen and who have "continuously" resided in the U.S since September 3, 2015 and who have been physically present in the U.S. since September 3, 2015, and who meet the other eligibility requirements of TPS are eligible for TPS and work authorization documents for the 18 month period ending on March 3, 2017.

The United States Citizenship and Immigration Service (USCIS) began taking applications from Yemeni nationals on September 3, 2015. The 180-day registration period for eligible Yemeni nationals to apply for TPS will end on March 1, 2016.

TPS grantees

Yemeni nationals granted TPS will have the following documents:

- Form I-766 EAD coded category A12
- Notice of Action (I-797) indicating the approval of Form I-821 (Application for Temporary Protected Status has been approved).

TPS Applicants

Yemeni nationals applying for TPS will have the following documents:

- Form I-766 EAD coded category C19
- I-797 indicating the filing of Form I-821 and Form I-797 (Application for Employment Authorization)
- Receipt for required fees or a copy of Form I-912 (Fee Waiver Request)

Temporary Assistance Eligibility

Yemeni nationals who have applied for or been granted TPS do not have a satisfactory immigration status for cash assistance and are ineligible for both Family and Safety Net Assistance.

Temporary Assistance for Needy Families (TANF) 200% Services

Yemeni nationals who have applied for or been granted TPS are also ineligible for TANF funded services, including, but not limited to services that may be provided under the Flexible Fund for Family Services (FFFS) program, Summer Youth Program, Career Pathways, and Educational Resources.

SNAP Eligibility

Yemeni nationals who have applied for or been granted TPS are not qualified aliens and ineligible for SNAP benefits. They would also be ineligible for SNAP E&T funded services since they are not eligible for SNAP benefits.

Home Energy Assistance Program (HEAP)

Yemeni nationals who have applied for or been granted TPS are not qualified aliens and are ineligible for HEAP benefits. Such individuals should be treated in the same manner as other non-qualified aliens. Please see the HEAP manual for details.