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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: Eligibility to Participate in SNAP by Certain Cuban Nationals Under an Order of Supervision

EFFECTIVE DATE: Immediately

CONTACT PERSON: CEES SNAP Bureau at (518) 473-1469

Purpose

The purpose of this GIS is to provide information and clarification to social services districts (SSDs) on SNAP eligibility of Cuban or Haitian nationals who were **paroled** into the United States and are currently under an Order of Supervision, but otherwise meet the definition below of a "Cuban/Haitian Entrant."

Background

According to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), a person is a Cuban/Haitian Entrant if he/she is a national of Cuba or Haiti who meets the requirements of Section 501(e)(1) of the Refugee Education Assistance Act of 1980, which defines Cuban/Haitian Entrant as any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, even if the alien has acquired permanent residence or some other immigration status at the time assistance was sought. Pursuant to federal rules at 8 C.F.R §212.5(h), any national of Cuba or Haiti who was paroled into the United States on or after October 10, 1980, is considered to have been paroled in the special status for Cuba or Haiti, referred to in section 501(e)(1) of the Refugee Education Assistance Act of 1980, as amended, unless the individual was paroled into the United States for criminal prosecution or solely to testify in some official proceeding in the United States. This GIS is not applicable in those instances where the individual is paroled for purposes of criminal prosecution in the US or solely to testify as a witness in proceedings before a judicial, administrative, or legislative body in the US.

As noted above, the subject of this GIS is the SNAP eligibility of Cuban-Haitian Entrants under an Order of Supervision. These are individuals issued final, non-appealable orders of removal or deportation because they either may have been convicted of a crime, or were found to have

been inadmissible under the Immigration and Nationality Act (INA). However, because the current state of diplomatic relations with Cuba precludes Immigration and Customs Enforcement (ICE) from implementing the order of removal in a timely manner, they are released from custody and placed on an Order of Supervision. Although they may have no immigration status they are allowed to reside in the United States for an indefinite period of time and apply for work authorization.

A documentation verification request submitted to the Systematic Alien Verification for Entitlements (SAVE) for a Cuban-Haitian national under an Order of Supervision (I-220) will receive a response from SAVE that the individual is either a non-immigrant, or has no immigration status and is under an Order of Supervision. **However, these Cuban or Haitian nationals under an Order of Supervision are deemed to retain their Cuban-Haitian Entrant status for benefit eligibility purposes if they can document they are a national of Cuba or Haiti with a previous or current parole status into the United States.**

The Code of Federation Regulations 8 CFR 212.5(e)(2)(i) provides for the release of an individual **on parole** if an order of removal cannot be executed within a reasonable period of time, and there has also been a determination that it is not in the public interest for the individual to be retained in custody.

Program Implications

For a Cuban or Haitian national with an Order of Supervision to be eligible for SNAP benefits, he/she must have documentation from the United States Citizenship and Immigration Services (USCIS) that proves he/she meets the definition of a Cuban-Haitian Entrant as follows:

One of the following documents that proves Cuban or Haitian nationality:

- I-94 Arrival Departure/Record indicating Cuba or Haiti is the country of citizenship or country of passport issuance
- Order of Supervision indicating Cuban or Haitian nationality
- SAVE response indicating country of origin as Cuba or Haiti
- Other USCIS document denoting Cuban or Haitian nationality;

AND, one of the following:

- I-94 Arrival/Departure Record or other USCIS document proving parole into the United States prior to being placed on an Order of Supervision, or
- I-94 Arrival/Departure Record or other USCIS document granting a new parole in addition the Order of Supervision

An Order of Supervision by itself does not document Cuban-Haitian Entrant status. To receive SNAP benefits, a Cuban or Haitian national under an Order of Supervision must provide an I-94 Arrival/Departure Record or other USCIS document that proves a previous or current immigration parole into the U.S that was not for the purposes of prosecution or to testify.

If an individual no longer has his/her original document granting them parole, a referral should be made to a legal services provider or to the USCIS to obtain their immigration case history indicating a previous parole status or request a new parole from the USCIS.

Effective immediately and subject to the exceptions state above, a Cuban or Haitian national who is under an Order of Supervision and who currently or at one time held parole status from the USCIS and is in the immigration status referred as Cuban-Haitian Entrant is eligible for SNAP when he/she meets all other eligibility criteria.