

DATE: November 21, 2017

TO: Subscribers

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

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

SUBJECT: Asylum Applicants with Employment Authorization Recognized as Permanently Residing Under the Color of Law (PRUCOL) for Safety Net Assistance (SNA)

EFFECTIVE DATE: Immediately

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

Purpose

The purpose of this GIS is to provide social services districts (districts) with an update on recognizing asylum applicants with employment authorization as PRUCOL for SNA eligibility.

Background

Non-citizens who are physically present, or who arrive in the United States, may seek asylum if they are unable or unwilling to return to their country of nationality because they have suffered persecution or have a well-founded fear that they will suffer persecution due to: race, religion, nationality, membership in a particular social group, or political opinion.

Asylum applicants may apply for employment authorization with the United States Citizenship and Immigration Services (USCIS) if 150 days have passed since they filed their asylum application and no decision has been made on their application. Asylum applicants with employment authorization are authorized to work in the United States during the pendency of their application and may obtain an Employment Authorization Document Card (EAD) from the USCIS for the purposes of employment or continued employment.

Program Implications

Effective immediately, OTDA recognizes asylum applicants with employment authorization as PRUCOL for the purposes of SNA eligibility. If otherwise eligible, asylum applicants with employment authorization can receive SNA cash assistance. Districts are to use WMS Alien Citizenship Indicator (ACI) code 'O - PRUCOL Eligible for MA/FHP/CHPA/SN/FAP.'

Individuals designated as PRUCOL are ineligible for federally funded public benefits including Family Assistance (FA), the Supplemental Nutrition Assistance Program (SNAP) and the Home Energy Assistance Program (HEAP).

The following is a list of documents asylum applicants with USCIS employment authorization may present to districts:

- Form I-766 (EAD) with Category Code C8 or C08.
- Form I-797 (Notice of Action) indicating asylum application received or pending, and that they are authorized to work in the United States.
- Any other authoritative USCIS document indicating an asylum application is pending and that they are authorized to work in the United States.

The Systematic Alien Verification for Entitlements program (SAVE) will verify EADs with Category C8 or C08. The SAVE response for a valid Category C8 or C08 EAD will be: "Temporary Employment Authorized."

If an individual presents an expired EAD with Category Code C8 or C08, it does not automatically mean that they are ineligible for SNA. If the individual filed their EAD renewal application before their current EAD expired, their EAD, (and potential SNA eligibility), will be automatically extended for a period of 180 days. If an individual presents an expired EAD with Category Code C8 or C08, the district must still submit the document to SAVE for verification. In order to verify that the individual's employment authorization, and potential SNA eligibility, has been extended beyond the date on the EAD, the district must base their determination on the date in the "EAD Expiration Date" field of the SAVE response.

Note: There has been no change to the existing policy that authorizes eligibility for federally funded public benefits for a "Cuban-Haitian Entrant" which includes any national of Cuba or Haiti who has an application for asylum pending with USCIS and is not subject to a final, non-appealable, and legally enforceable removal order. These individuals will still be entered as WMS ACI code 'H – Cuban and Haitian Entrant,' and must continue to be treated as a specially qualified alien for purposes of determining benefit eligibility, including eligibility for federally funded public benefits.