



# Office of Temporary and Disability Assistance

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## General Information System (GIS) Message

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### Section 1

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<b>Transmittal:</b>	21 TA/DC028 Upstate and New York City
<b>Date:</b>	May 19, 2021
<b>To:</b>	Subscribers
<b>Suggested Distribution:</b>	Commissioners, TA Directors, HEAP Coordinators, SNAP Directors, Employment Coordinators, Fair Hearing Officers, Staff Development Coordinators, WMS Coordinators
<b>From:</b>	Alison Maura, Director of Temporary Assistance and HEAP Employment and Income Support Programs
<b>Subject:</b>	Implementation of Deferred Enforced Departure for Venezuela and Designation of Venezuela for Temporary Protected Status
<b>Effective Date:</b>	Immediately
<b>Contact Information:</b>	Temporary Assistance Bureau at: 518-474-9344 or: <a href="mailto:otda.sm.cees.tabureau@otda.ny.gov">otda.sm.cees.tabureau@otda.ny.gov</a>

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### Section 2

The purpose of this GIS message is to inform social services districts (districts) that: (1) in accordance with the January 19, 2021 presidential memorandum, the United States Department of Homeland Security (DHS) implemented Deferred Enforced Departure (DED) for Venezuela for an 18-month period; and, (2) on March 9, 2021, the DHS Secretary designated Venezuela for Temporary Protected Status (TPS) for an 18-month period.

#### ***DED for Venezuelans***

DED is an administrative stay of removal ordered by the president. The authority to grant DED arises from the president's constitutional authority to conduct the foreign relations of the United States (U.S.). The president can authorize DED for any reason related to this authority. DED has been authorized in situations where foreign nationals may face danger if required to return to countries experiencing political instability, conflict, or other unsafe conditions, or when there are other foreign policy reasons for allowing a designated group of foreign nationals to remain in the U.S. Although DED is not a specific immigration status, non-citizens covered by DED are not subject to removal from the U.S. for the period of time they are covered under DED.

The DED designation for Venezuela became effective January 20, 2021 and will remain in effect through July 20, 2022. As noted in the [LDSS-4579](#): "Non-Citizen Eligibility Desk Aid," non-citizens granted DED are considered Permanently Residing Under Color of Law (PRUCOL) by the Office of Temporary and Disability Assistance (OTDA). If otherwise eligible, non-citizens granted DED can receive Safety Net Assistance (SNA). Non-citizens granted DED are ineligible for Family Assistance (FA), the Home Energy Assistance Program (HEAP) and the Supplemental Nutrition Assistance Program (SNAP).

The following is a list of United States Citizenship and Immigration Services (USCIS) documents Venezuelan nationals granted DED may present to districts:

- Form I-766, Employment Authorization Document (EAD), with a category code of A11, or
- Any other authoritative USCIS document indicating DED granted.

### ***TPS for Venezuelans***

TPS can be extended to a country with conditions that fall into one, or more, of the three statutory bases for designation: ongoing armed conflict, environmental disasters, or extraordinary and temporary conditions. The TPS designation for Venezuela became effective March 9, 2021 and will remain in effect through September 9, 2022 due to extraordinary and temporary conditions in Venezuela that prevent nationals from returning safely.

Districts are reminded that per [GIS 16 TA/DC053](#), OTDA recognizes non-citizens with TPS as PRUCOL for the purposes of SNA eligibility. If otherwise eligible, non-citizens with TPS can receive SNA. Further guidance can be found in [GIS 18 TA/DC042](#). Non-citizens with TPS are ineligible for FA, HEAP and SNAP.

The following is a list of USCIS documents Venezuelan nationals granted TPS may present to districts:

- Form I-766, EAD, with a category code of A12, or
- Form I-797, Notice of Action, that shows the approval of an EAD with a category code of A12, or
- Form I-797, Notice of Action, indicating the approval of Form I-821, Application for Temporary Protected Status, or
- Any other authoritative USCIS document indicating TPS granted.

### ***Guidance and Questions***

Districts may refer to the [LDSS-4579](#): “Non-Citizen Eligibility Desk Aid” for SNA eligibility information pertaining to non-citizens with DED and/or TPS. [GIS 16 TA/DC053](#) and [GIS 18 TA/DC042](#) also include guidance on determining SNA eligibility for non-citizens with TPS. For any Temporary Assistance (TA) related questions, please contact the OTDA TA Bureau at: (518) 474-9344 or by email: [otda.sm.cees.tabureau@otda.ny.gov](mailto:otda.sm.cees.tabureau@otda.ny.gov).