



Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

Transmittal:	23 TA/DC010 Upstate and New York City
Date:	February 06, 2023
To:	Subscribers
Suggested Distribution:	Commissioners, TA Directors, HEAP Coordinators, SNAP Directors, Employment Coordinators, Fair Hearing Officers, Staff Development Coordinators, WMS Coordinators
From:	Valerie Figueroa, Deputy Commissioner Employment and Income Support Programs
Subject:	Deferred Action for Childhood Arrivals (DACA) Final Rule
Effective Date:	Immediately
Contact Information:	Temporary Assistance Bureau at: 518-474-9344 or: otda.sm.cees.tabureau@otda.ny.gov

Section 2

The purpose of this GIS message is to inform social services districts (districts) that the United States Department of Homeland Security (DHS) announced a final rule, which took effect on October 31, 2022, to preserve and fortify the existing Deferred Action for Childhood Arrivals (DACA) policy.

On June 15, 2012, DHS announced that certain people who came to the United States (U.S.) as children and met several guidelines may request consideration of deferred action for a period of 2 years, subject to renewal. These individuals are also eligible to request employment authorization. Deferred action is an exercise of prosecutorial discretion to defer removal action against an individual for a certain period of time.

The final rule maintains the existing threshold criteria for DACA. It also affirms the longstanding policy that DACA is not a form of lawful status, but that DACA recipients are considered "lawfully present" for certain purposes. Current DACA recipients' deferred action, employment authorization, and advance parole will continue to be recognized as valid under the final rule.

Districts are reminded that the Office of Temporary and Disability Assistance (OTDA) recognizes DACA recipients as Permanently Residing Under Color of Law (PRUCOL) for the purposes of Safety Net Assistance (SNA) eligibility. If otherwise eligible, DACA recipients can receive SNA. When determining eligibility, these non-citizens will be coded in the Welfare Management System (WMS) as Alien Citizenship Indicator (ACI) code "O". Further guidance can be found in the [LDSS-4579: "Non-Citizen Eligibility Desk Aid"](#). DACA recipients are ineligible for Family Assistance (FA), Home Energy Assistance Program (HEAP) and Supplemental Nutrition Assistance Program (SNAP) benefits, unless they are also in some other qualifying non-citizen status.

The following is a list of United States Citizenship and Immigration Services (USCIS) documents that may be presented to districts by non-citizens to verify they were granted DACA:

- Form I-766, Employment Authorization Document (EAD), with a category code of C33, or
- Form I-797, Notice of Action, that shows the approval of a DACA application, or
- Any other authoritative USCIS document indicating an approved DACA application.

As a reminder, in accordance with [13-ADM-07](#), when determining Temporary Assistance (TA) eligibility, districts must use the Systematic Alien Verification for Entitlements (SAVE) system to verify non-citizens' immigration documentation. Benefits must not be delayed, denied, reduced, or terminated pending verification of non-citizens' documentation through the SAVE system. If all other eligibility factors have been established and the non-citizens are otherwise eligible, benefits must be granted while awaiting responses from the SAVE system.

Districts may refer to the [LDSS-4579](#): "Non-Citizen Eligibility Desk Aid" for SNA eligibility information pertaining to DACA recipients. For information from USCIS regarding DACA, districts may visit: [Consideration of Deferred Action for Childhood Arrivals \(DACA\) | USCIS](#).

For any TA related questions, please contact the OTDA TA Bureau at: 518-474-9344 or by email at: otda.sm.cees.tabureau@otda.ny.gov.