# NON-CITIZEN ELIGIBILITY DESK AID

**IMPORTANT!** This desk aid does not include every form of acceptable documentation to support a non-citizen status that would be satisfactory for benefit eligibility. If an individual presents a document not listed below, follow your social services district policy/ procedure for further guidance.

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</table>
| **Lawful Permanent Resident (LPR) without 40 Qualifying Quarters** | K | I-551 Permanent Resident Card; workers must check category code;  
Temporary I-551 stamp in foreign passport or on I-94 Arrival/Departure Record;  
Immigrant visa with the notation "upon endorsement serves as temporary I-551 permanent resident for one year;"  
I-797 Notice of Action indicating approval of an I-485 Application to Register Permanent Residence or Adjust Status;  
I-327 Permit to Reenter the United States;  
I-181 Memorandum of Creation of Record of Lawful Permanent Residence with approval stamp;  
Any other authoritative document that identifies the non-citizen as an LPR | | Yes | Yes if:  
Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status;  
Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status | Yes if:  
In a qualified status and under age 18;  
After five years in U.S. in a qualified status;  
Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date |
| **LPR with 40 Qualifying Quarters** | S | Same LPR documentation as above and Proof of 40 qualifying quarters  
Note: No quarters earned after 12/31/96 may be counted in which a non-citizen has received a federal means-tested public benefit, including but not limited to FA, SSI and SNAP. | | Yes | | Yes |

1The Date of Status (DOS) field in the Welfare Management System (WMS) identifies the date a non-citizen obtained a qualified status, which is indicated by the appropriate Alien Citizenship Indicator (ACI) code, and is used to calculate when a qualified non-citizen reaches five years in a qualified status and then becomes eligible for federally funded assistance, if otherwise eligible. Non-citizens that are considered Permanently Residing Under Color of Law (PRUCOL) are not qualified non-citizens, therefore, their time in a status that is considered PRUCOL does not count towards the five years. For non-citizens that are PRUCOL, the DOS field is left blank. If a non-citizen who is PRUCOL later adjusts to a qualified status, the date that the qualified status is obtained is the date that is entered in the DOS field.

2Workers must check the "Category" code on the documentation provided to make the correct eligibility determination for federal benefits (FA, SNAP). This code is used to describe the category that was used to admit a non-citizen to the U.S. as a permanent resident. It is located on the front side of the I-551 Permanent Resident Card next to the cardholder's A-number. This field is also known as a class of admission (COA), as seen on the Systematic Alien Verification for Entitlements (SAVE) report. As illustrated on this desk aid, certain non-citizens who have an I-551 Permanent Resident Card, often referred to as a "green card," may not be subject to the "five-year bar" on federal benefits depending on the category code on the I-551.

3Additionally, it is essential that the category codes included in the qualified battered non-citizen section on page 3 of the desk aid are identified. This is because, for qualified battered non-citizens, the DOS is often prior to the "Resident Since" date on the I-551 Permanent Resident Card.

4As used in this desk aid, the term "non-citizen" means a person who is not a citizen or national of the U.S. The term "qualified non-citizen" means a person who is a "qualified alien" as that term is defined in 8 U.S.C. §1641.

**Note:** Individuals born in certain territories of the U.S. are U.S. citizens at birth. These include: Puerto Rico, U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and the Panama Canal Zone (if born between 2/26/1904 and 10/1/1979). In addition, individuals who are born outside of the U.S. may be U.S. citizens at birth if one or both parents were U.S. citizens at their time of birth. Districts must verify citizenship status for these individuals. Individuals who are not U.S. citizens at birth may become U.S. citizens through naturalization. Naturalization is the conferring of U.S. citizenship after birth by any means whatsoever. Individuals born in American Samoa or Swains Island are nationals of the U.S. and for purposes of benefit eligibility should be treated as citizens, ACI code "C."

40 qualifying quarters as defined under Title II of the Social Security Act, or can be credited with such qualifying quarters. An LPR may earn qualifying quarters by working, or may be credited with qualifying quarters from a parent, stepparent, or adoptive parent for any quarter earned prior to the LPR turning 18. An LPR may also be credited with quarters earned by a spouse during his/her marriage. A widow or widower retains credit for all qualifying quarters earned by a deceased spouse during the marriage. When a marriage ends in divorce, however, any quarters earned by the spouse during the marriage are forfeited.
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### Description of Status

- **Refugee**
- **Conditional Entrant (A status granted to Refugees prior to 1980)**
- **Iraqi or Afghan Special Immigrant Visa Holder**
- **Amerasian Immigrant**
- **Certain Hmong or Highland Laotian**

*Also explore eligibility for Refugee Cash Assistance (RCA). See 16-ADM-02*

### Asylum Granted

*Also explore eligibility for RCA. See 16-ADM-02*

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</tr>
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<tbody>
<tr>
<td><strong>Refugee</strong></td>
<td>R</td>
<td>I-551 Permanent Resident Card, or I-94 Arrival/Departure Record or Passport stamped/coded: AM1, AM2, AM3, AM6, AM7, AM8, AR1, AR5, R8-8, RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9, SI-1, SI-2, SI-3, SI-6, SI-7, SI-8, SI-9, SQ1, SQ2, SQ3, SQ6, SQ7, SQ8 or SQ9, or I-766 Employment Authorization Card coded: A3 or A03, or I-94 Arrival/Departure Record or Passport stamped: “admitted under Section 207 or 203(a)(7) (as in effect prior to 4/1/80) of the Immigration and Nationality Act (INA),” or “Refugee,” or Iraq or Afghan national stamped: “admitted under Section 101(a)(27) of the INA;” or I-797 Notice of Action indicating approval of an I-730 “Refugee;” or I-571 Refugee Travel Document</td>
<td>DOS is the date the non-citizen entered the U.S.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Asylum Granted</strong></td>
<td>A</td>
<td>I-551 Permanent Resident Card coded: AS1, AS2, AS3, AS6, AS7, or AS8, or I-766 Employment Authorization Card coded: A5 or A05, or I-94 Arrival/Departure Record stamped: “Granted asylum under Section 208 of the INA;” or I-797 Notice of Action indicating approval of an I-730 “Asylee;” or Grant letter from the United States Citizenship and Immigration Services (USCIS) Asylum Office; or Order of an immigration judge granting asylum</td>
<td>DOS is the date status was obtained</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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1. If the non-citizen has not been granted asylum, but is an asylum applicant with employment authorization, refer to page 8 to determine SNA eligibility.
### NON-CITIZEN ELIGIBILITY DESK AID

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| B            | I-551 Permanent Resident Card coded: B11, B12, B16, B17, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29, B31, B32, B33, B36, B37, B38, B39, B41, B42, B43, B46, B87, B89 or Z14; or I-766 Employment Authorization Card coded: A09, A15 or C31; or I-94 Arrival/Departure Record coded: K3, K4, V1, V2 or CR-1-7 and a pending or approved I-130; or I-797 Notice of Action indicating prima facie eligibility of an I-360 self-petition under Section 204(a)(1)(A)(ii) or (iv), or Section 204(a)(1)(B)(i) or (ii) of the INA; or I-797 Notice of Action indicating approval or pending I-360 self-petition under Section 204(a)(1)(A)(i) or (ii) or (iv), or Section 204(a)(1)(B)(i) or (ii) of the INA; or I-797 Notice of Action indicating approval or pending I-130 visa petition under Section 204(a)(1)(A)(i) or (ii) or (iv), or Section 204(a)(1)(B)(i) or (ii) of the INA; or Any other document from the USCIS indicating the non-citizen has a K or V visa and a pending or approved I-130; or Order from the Executive Office of Immigration Review (EOIR) under Section 240A(b)(2) of the INA or if the application is pending documentation that the court finds that the applicant has a prima facie case for this relief | DOS is the date status was obtained<sup>7</sup> | Yes | Yes: In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)]; or In a qualified status and under age 18; or In a qualified status and have 40 qualifying quarters; or After five years in U.S. in a qualified status; or Currently in a qualified status and age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date |}

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<sup>7</sup>For non-citizens to be treated as qualified battered non-citizens, they must meet four requirements:

1. Be a credible victim of battery or extreme cruelty; and
2. Have appropriate immigration documentation; and
3. Be able to show a substantial connection between the need for benefits and the battery or extreme cruelty; and
4. No longer reside in the same household as the abuser.

Districts should refer to 06-INF-14 for additional information about qualified battered non-citizens and eligibility.

<sup>*In general, the DOS for TA and SNAP is when all four of the criteria in footnote 6 are met. Exception for SNAP:* Per current United States Department of Agriculture (USDA) guidance, for non-citizens with an approved I-360, or a prima facie determination on a pending I-360; the DOS for SNAP is the date the I-360 petition was approved, or the date the prima facie determination was made by USCIS, whichever is earlier. WMS only records one DOS. If the DOS for TA and SNAP are different, enter the earlier of the two dates in WMS so that the non-citizen can receive the federal benefits they are eligible for; the later date must be noted, and tracked manually in the case record so that the federal benefits for that benefit program are also issued appropriately. See GIS 19 TADC038 “SNAP and TA Date of Status (DOS) Determination for Qualified Battered Non-Citizens,” for further information.

Note: Non-citizens who file for VAWA related immigration relief often later adjust their immigration status to become LPRs. The “residence since” date on the I-551 Permanent Resident Card indicates the date LPR status was obtained, not the date the non-citizen was determined to be a qualified battered non-citizen. For both TA and SNAP, use the earliest appropriate date as the DOS for benefit eligibility. If a non-citizen presents an I-551 with one of the codes noted above, review the case record, and/or ask the non-citizen if they have additional documentation, to determine if an earlier DOS would be appropriate.
**Description of Status** | **WMS ACI Code** | **Common Documentation** | **WMS DOS and DEC Codes** | **Safety Net Assistance (SNA)** | **Family Assistance (FA)** | **Supplemental Nutrition Assistance Program (SNAP)**
---|---|---|---|---|---|---
Victim of Human Trafficking  
*Also explore eligibility for RCA. See 16-ADM-02* | D | I-551 Permanent Resident Card coded: ST0, ST6, ST7, ST8 or ST9;  
I-94 Arrival/Departure Record coded: T1, T2, T3, T4, T5 or T6 stating admission under Section 212(d)(5) of the INA if status granted for at least one year;  
I-797 Notice of Action indicating approval of an I-914 or I-914A coded: T1, T2, T3, T4, T5 or T6;  
Certification Document (for adults) or Eligibility Letter (for children) from the Administration for Children and Families (ACF), Office on Trafficking in Persons (OTIP); Must call 1-866-401-5510 for verification | DOS is the date of certification or eligibility by OTIP  
See 03-ADM-01 | Yes | Yes | Yes
Deportation or Removal Withheld | J | I-766 Employment Authorization Card coded: A10;  
Order from an Immigration Judge showing the date deportation was withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of the INA | DOS is the date status was obtained | Yes | Yes | Yes
Parolee (for at least one year)  
(A parolee is a non-citizen who has been allowed to enter the U.S. for humanitarian or public interest reasons) | G | I-766 Employment Authorization Card coded: A04 or C11  
I-94 Arrival/Departure Record indicating admitted for at least one year;  
I-94 Arrival/Departure Record stamped: "Paroled pursuant to Section 212(d)(5)," or "parole," or "PIP" with date of entry and date of expiration indicating one year | DOS is the date status was obtained | Yes | Yes | Yes
  
Note: See Cuban/Haitian Entrant section on page 5 if non-citizen is a Cuban or Haitian national.
---|---|---|---|---|---|---
Parolee (for less than one year)  
(A parolee is a non-citizen who has been allowed to enter the U.S. for humanitarian or public interest reasons) | T | I-766 Employment Authorization Card coded: A04 or C11;  
I-94 Arrival/Departure Record stamped: "Paroled pursuant to section 212(d)(5)," or "parole," or "PIP" | DOS is left blank | Yes | No | No
  
Note: See Cuban/Haitian Entrant section on page 5 if non-citizen is a Cuban or Haitian national.
**Cuban/Haitian Entrant**

*Also explore eligibility for RCA. See 16-ADM-02

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<td>Active Military: a qualified non-citizen who is on active duty, other than active duty for training, in the United States Armed Forces, or their spouse, surviving spouse, or unmarried surviving dependent child if such spouse or dependent child is also a qualified non-citizen</td>
<td>M</td>
<td>Proof of qualified non-citizen status and Military Identification Card (Active) that lists an expiration date of more than one year from the date of determination. If ID card is due to expire within one year from the date of determination, use a copy of current military orders.</td>
<td>DOS is the date status was obtained</td>
<td>Yes</td>
<td>Yes</td>
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**LDSS-4579 (Rev. 11/19)**

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**Description of Status**

**WMS Code**

**Common Documentation**

**WMS DOS and DEC Codes**

**Safety Net Assistance (SNA)**

**Family Assistance (FA)**

**Supplemental Nutrition Assistance Program (SNAP)**

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8 **Exception:** This guideline does not apply when the non-citizen was paroled solely to testify as a witness in a judicial, administrative or legislative proceeding or when the parolee is in legal custody pending criminal prosecution.
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<td><strong>Veteran:</strong> a veteran who is a qualified non-citizen and who has received a discharge from the United States Armed Forces characterized as honorable and not on account of alienage and who fulfilled the minimum active duty requirement (two years); or their spouse, unmarried surviving spouse, or unremarried dependent child if such spouse or dependent child is also a qualified non-citizen</td>
<td>V</td>
<td>Proof of qualified non-citizen status and DD Form 214 Discharge Certificate that states &quot;Honorable.&quot; A character of discharge &quot;Under Honorable Conditions&quot; is not an &quot;Honorable Discharge&quot; for these purposes. Narrative Reason for Separation block must not state that discharge was for reason of &quot;alienage&quot; or lack of U.S. citizenship.</td>
<td>DOS is the date status was obtained</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>North American Indian born in Canada</strong></td>
<td>C</td>
<td>I-551 Permanent Resident Card coded: S13 or temporary I-551 stamp in a Canadian passport; or I-94 Arrival/Departure Record stamped: S13; or Tribal document certifying at least 50% American Indian blood, as required by Section 289 of the INA and School records, or, a birth or baptismal certificate issued on a reservation, or, other satisfactory evidence of birth in Canada</td>
<td>N/A</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Member of federally recognized tribe born outside U.S.</strong></td>
<td>C</td>
<td>Membership card or other tribal document demonstrating membership in a federally recognized Indian tribe under Section 4(e) of the Indian Self-Determination and Education Assistance Act</td>
<td>N/A</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Permanent nonimmigrant, pursuant to P.L. 99-239, as amended (applicable to citizens of the Federated States of Micronesia and Marshall Islands) or P.L. 99-658 (applicable to citizens of Palau)</strong></td>
<td>O</td>
<td>I-766 Employment Authorization Card coded: A08; or I-94 Arrival/Departure Record stamped: CFA/MIS “DS” (Duration of Status), DI/S; or, CFA/PAL “DS” (Duration of Status), DI/S</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Continuous entry and residence in the U.S. prior to January 1, 1972</strong></td>
<td>O</td>
<td>Any other document from the EOIR or USCIS indicating Registry Application is pending; or Any documentary proof establishing entry and continuous residence</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
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<td>Subject to an Order of Supervision</td>
<td>O</td>
<td>I-766 Employment Authorization Card coded: C18; or I-220B Order of Supervision; or Any other authoritative document indicating an Order of Supervision. Note: 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 U.S.</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Cancellation of Removal</td>
<td>O</td>
<td>Order from the EOIR granting cancellation of removal; or Any other document from the EOIR indicating cancellation of removal granted.</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Deferred Action Status</td>
<td>O</td>
<td>I-766 Employment Authorization Card coded: C14 or C33; or I-797 Notice of Action indicating approved “Deferred Action for Childhood Arrivals” (DACA) application; or Any document from the USCIS granting deferred action to a “U” visa applicant; or Any other document from the EOIR or USCIS indicating deferred action including any documentation that a DACA application has been approved.</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>“U” Visa</td>
<td>O</td>
<td>I-766 Employment Authorization Card coded: A19 or A20; or I-94 Arrival/Departure Record stamped: U1, U2, U3, U4, or U5; or I-797 Notice of Action indicating that a petition for “U” nonimmigrant status was approved; or Any other document from the USCIS indicating “U” nonimmigrant status</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>“S” Visa</td>
<td>O</td>
<td>I-766 Employment Authorization Card coded: C21; or I-94 Arrival/Departure Record stamped: S5, S6, or S7; or Any other document from the USCIS indicating “S” visa status</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>“K3” or “K4” or “V” Visa Granted Under the Legal Immigration Family Equity Act (LIFE Act)</td>
<td>O</td>
<td>I-766 Employment Authorization Card coded: A9, A09, A14, or A15; or I-94 Arrival/Departure Record stamped: K3, K4, V1, V2, or V3; or Unexpired “K3,” “K4,” or “V” visa in passport. Note: If an expired “K” or “V” visa is submitted, then proof that an I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS, and, proof that a Form I-130, I-485, or an immigrant visa application is still pending, must also be submitted.</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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9 Refer to GIS 16 TA/DIC048 “Eligibility to Participate in SNAP by Certain Cuban Nationals Under an Order of Supervision,” for additional information regarding SNAP eligibility for these non-citizens.
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<td>Temporary Protected Status (TPS)</td>
<td>O</td>
<td>I-766 Employment Authorization Card coded: A12; or I-797 Notice of Action indicating TPS granted</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Asylum Applicant with Employment Authorization</td>
<td>O</td>
<td>I-766 Employment Authorization Card coded: C8 or C08; or I-797 Notice of Action indicating Asylum application received or pending, and that the non-citizen is authorized to work in the U.S.; or Any other document from the USCIS indicating an asylum application is pending and that the non-citizen is authorized to work in the U.S.</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Deferred Enforced Departure</td>
<td>O</td>
<td>I-766 Employment Authorization Card coded: A11</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Non-citizen, not otherwise included on this desk aid, who the USCIS has officially determined is legitimately present in the U.S. and who the USCIS is allowing to reside in the country for an indefinite period of time</td>
<td>O</td>
<td>Districts must contact the Office of Temporary and Disability Assistance (OTDA) Temporary Assistance (TA) Bureau for additional guidance if the district believes they have a non-citizen that fits this description.</td>
<td>DOS is left blank</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Other status not eligible for TA or SNAP</td>
<td>E</td>
<td>Non-citizen that is unable to provide sufficient documentation to support their inclusion in any of the above statuses.</td>
<td>N/A</td>
<td></td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

For any questions related to TA benefit eligibility for non-citizens, please contact the OTDA TA Bureau at: otda.sm.cees.tabureau@otda.ny.gov or: (518) 474-9344.

For any questions related to SNAP benefit eligibility for non-citizens, please contact the OTDA SNAP Bureau at: otda.sm.cees.snap@otda.ny.gov or: (518) 473-1469.

\(^{10}\) If it is determined that a non-citizen is ineligible for TA and/or SNAP because of his/her non-citizen status, the non-citizen must be denied using the appropriate denial code (F92 - Failure to Provide Proof of Citizenship or Eligible Alien Status (TA) or F92 – Ineligible Alien (SNAP)) and ACI code “E.” Use of the appropriate denial and ACI codes is necessary so that a Medicaid Separate Determination (MSD) is conducted.