

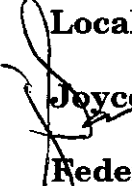


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Field Operations Memo 97-3
January 1, 1997

To: Local Office Staff
From:  Joyce Sampson, Assistant Commissioner for Field Operations
Re: Federal Welfare Reform Noncitizen (Alien) Provisions II

Background

State Letter 1103 effective December 1, 1996 changed the TAFDC and Food Stamp Program eligibility for noncitizens in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.

Field Operations Memo 96-42:

- ◆ provided information and procedures for noncitizen NPA-FS, TAFDC and PA-FS applicants and noncitizen NPA-FS recipients; and
- ◆ informed workers that noncitizen TAFDC recipients receiving or not receiving PA-FS will be reviewed beginning in January, 1997 and instructions for reviewing these cases would be issued in December.

The procedures for NPA-FS, TAFDC and PA-FS applicants, and NPA-FS recipients issued in the attachments of Field Operations Memo 96-42 remain in effect.

The *Noncitizen Status Desk Guide for TAFDC and Food Stamp Programs (12/96)* is available as a stand-alone document. The copy provided in Field Operations Memo 96-42 Attachment E is obsolete. The *Alien Status Desk Guide for AFDC and EAEDC Programs (12/96)* has been updated.

Introduction This memo, referenced in Field Operations 96-42, provides the procedures for the following cases containing noncitizens:

- ◆ TAFDC recipients receiving or not receiving PA-FS; and
 - ◆ EAEDC & PA-FS applicants/recipients.
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TAFDC Recipients Local office workers must review the noncitizen status for TAFDC recipients receiving or not receiving PA-FS beginning in January, 1997. Cases requiring a review include cases on the *Case Log: Federal Welfare Reform Noncitizens Provisions*. **At this time, regardless of the result of the review, workers must take no action to close or reduce a case with a TAFDC recipient(s) who does not meet the new TAFDC noncitizen rules at this time.** Refer to Attachment A of this memo for procedures. Reviewing noncitizen status as a special project for ongoing TAFDC and PA-FS cases is not required at this time.

Local offices will receive additional instructions at a later date regarding these cases.

TAFDC Applicants For TAFDC applications made after January 1, 1997 workers must determine eligibility for a noncitizen assistance unit member(s) using the new noncitizen rules. TAFDC applicants found ineligible under the new noncitizen rules must be reviewed for EAEDC eligibility.

EAEDC and PA-FS Noncitizen rules for EAEDC remain unchanged. However, when the new food stamp noncitizen rules are applied to the PA-FS case, a family could end up having some members eligible for EAEDC but ineligible for food stamps. Refer to Attachment B of this memo for procedures.

Questions

Applying the new noncitizen rules may be complicated. If you have any questions about the new rules, please have your Hotline designee call the Policy Hotline at (617) 348-8478. ***If you have any questions about a specific case, do not take any action on that case until your Hotline designee calls the Policy Hotline.***

Sign Off

All denials, reductions or closings that result from applying the new noncitizen rules require **three** authorized signatures: those of the worker, the supervisor and the director or assistant director for program.

**Special
Procedure**

The new food stamp noncitizen rules require that in certain circumstances a legal permanent resident who applies for PA-FS or NPA-FS must have a 40-quarter work history to be eligible for FS. Instructions for determining qualifying quarters for legal permanent residents are contained in Field Operations Memo 96-42 Attachment C. A revised Attachment C was reissued by Field Operations Memo 96-42A.

Referral To INS

Local offices are reminded that the Commissioner or designee is required to report to INS information about noncitizens known to be in the US unlawfully as stated in 106 CMR 203.675 and 362.220. **Local office staff must not refer a noncitizen to INS. Referral to INS will be done by Central Office.**

**Tracking Non-
citizen Cases**

The tracking of all noncitizen cases that are approved or are reviewed after December 1, 1996 must be continued until further notice using the revised *Case Log: Federal Welfare Reform Noncitizen Provisions* (Refer to Field Operations Memo 96-42 Attachment D). When the PRISM system is expanded this information will need to be entered on to PRISM.

See Attachment A for special coding instructions of the log for TAFDC recipients who are reviewed after January 1, 1997.

**Additional
FS Procedures**

Local offices will receive additional procedures at a later date for handling food stamp cases that are subject to the new noncitizen rules on April 1, 1997.

**WIC Program
Referrals**

Workers should provide information about the WIC program to applicants and recipients whose food stamp cases are being denied or closed. WIC is a special nutrition program for pregnant and breast-feeding women and certain low-income households with children under age five. WIC provides nutritious foods as well as nutrition education and counseling and breast-feeding information. For more information about the WIC program and where and how to apply, people should call the WIC Hotline at 1-800-WIC-1007.

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TAFDC RECIPIENT NO PA-FS

When a **TAFDC case not receiving PA-FS is being reviewed after January 1, 1997** do the following:

Review TAFDC eligibility applying the new TAFDC noncitizen rules for the noncitizen member(s). Refer to 106 CMR 203.665 - 203.775.

Take no action at this time to reduce or close a case because a noncitizen member(s) does not meet the new TAFDC noncitizen rules.

Code the *Case Log: Federal Welfare Reform Noncitizen Provisions* with one of the additional codes given below:

In the Indicate Action Taken column enter code ...	When ...
A	All assistance unit members meet the new TAFDC noncitizen rules.
B	Some assistance unit members meet the new TAFDC noncitizen rules.
C	All assistance unit members do not meet the new TAFDC noncitizen rules.

TAFDC & PA-FS RECIPIENT

When a **TAFDC and PA-FS case is being reviewed/recertified after January 1, 1997** do the following:

- (A) Review TAFDC eligibility applying the new TAFDC noncitizen rules for the noncitizen member(s). Refer to 106 CMR 203.665 - 203.775.

Take no action at this time to reduce or close a case because a noncitizen member(s) does not meet the new TAFDC noncitizen rules.

Code the *Case Log: Federal Welfare Reform Noncitizen Provisions* with one of the codes given below:

In the Indicate Action Taken column enter code ...	When ...
A	All assistance unit members meet the new TAFDC noncitizen rules.
B	Some assistance unit members meet the new TAFDC noncitizen rules.
C	All assistance unit members do not meet the new TAFDC noncitizen rules.

Go to (B) below.

- (B) When a **noncitizen household member(s) was not receiving FS on August 22, 1996**, do the following:

Review FS eligibility applying the new FS noncitizen rules for the noncitizen member(s). Refer to 106 CMR 362.200 - 362.220.

- ◆ *All household members are eligible for FS.*

Continue PA-FS, if otherwise eligible. Use regular certification rules.

- ◆ *Some household members are ineligible for FS.*

Continue PA-FS for eligible members only. Use regular certification rules. Close PA-FS for ineligible members using AR 44.

NOTE: See 106 CMR 365.520(B) regarding the treatment of assets, income, expenses etc. if a nonhousehold member is disqualified for ineligible noncitizen (alien) status.

- ◆ *All household members are ineligible for FS.*

Close PA-FS for the household using AR 44 with a T4 transaction.

When a **noncitizen household member(s) was receiving FS on August 22, 1996**, do the following:

- ◆ Assume FS noncitizen rules are met and continue PA-FS for the noncitizen member(s), if otherwise eligible.

The certification period must be extended through the August 1997 ATP cycle. **Workers must enter the last date of the August 1997 ATP period in the End date (PACES TD Block 58).** See the *Systems User's Guide*, Volume 1: PACES, Appendix E. At the end of the August 1997 certification period the new noncitizen rules must be applied.

EAEDC & PA-FS APPLICANT/RECIPIENT

When an **EAEDC PA-FS application is made or a case is being recertified or reviewed after December 1, 1996 AND a noncitizen household member(s) was not receiving FS on August 22, 1996**, do the following:

Determine FS eligibility applying the new FS noncitizen rules for the noncitizen member(s). Refer to 106 CMR 362.200 - 362.220.

- ◆ *All household members are eligible for FS.*

Approve or continue PA-FS, if otherwise eligible. Use regular certification rules.

- ◆ *Some household members are ineligible for FS.*

Approve or continue PA-FS for eligible members only. Use regular certification rules.

Deny or close (AR 44) FS for ineligible members.

NOTE: See 106 CMR 365.520(B) regarding the treatment of assets, income, expenses etc. if a nonhousehold member is disqualified for ineligible noncitizen (alien) status.

- ◆ *All household members are ineligible for FS.*

Deny or close (AR 44) FS for the household.

When an **EAEDC PA-FS application is made or a case is being recertified or reviewed after December 1, 1996 AND a noncitizen household member(s) was receiving FS on August 22, 1996**, do the following:

- ◆ Assume FS noncitizen rules are met and approve or continue PA-FS for the noncitizen member(s), if otherwise eligible.

The certification period must be extended through the August 1997 ATP cycle. ***Workers must enter the last date of the August 1997 ATP period in the End date (PACES TD Block 58).*** See the *Systems User's Guide*, Volume 1: PACES, Appendix E. At the end of the August 1997 certification period the new noncitizen rules must be applied.