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Field Operations Memo 98-47
October 1, 1998

To: Transitional Assistance Office Staff

From: Joyce Sampson, Assistant Commissioner for Field Operations

Re: Noncitizen Eligibility Restoration for Food Stamp Benefits

Background

On June 23, 1998, the President signed the Agriculture Research, Extension and Education Reform Act of 1998 (AREERA). This legislation restores the Food Stamp Program (FS) eligibility for certain noncitizens who were made ineligible by the 1996 welfare reform law. Attached is a copy of the draft State Letter which issues policy revisions implementing the benefit restoration for FS eligibility, effective November 1, 1998.

The noncitizens being restored under AREERA are currently eligible to receive State Supplemental Food Stamp Program benefits (SSFSP). Cases containing these noncitizens must be reviewed and, if FS-eligible, converted from SSFSP to FS to ensure household members are receiving food stamp benefits from the correct program.

This Field Operations Memo:

- informs Transitional Assistance Workers of the noncitizen statuses that have been restored for FS eligibility;
- describes reports that Transitional Assistance Workers will receive listing cases possibly containing these newly designated FS-eligible noncitizens;
- contains detailed instructions for converting these noncitizens from SSFSP to FS; and
- introduces two new noncitizen designations on PRISM II.

**Noncitizen FS
Eligibility
Statuses That
Have Been
Restored**

The following noncitizens, who meet all other food stamp program requirements, are eligible for FS benefits beginning on November 1, 1998:

- A legal permanent resident; an asylee under section 208 of the INA; a refugee under section 207 of the INA; a deportee being withheld under section 243(h) or 241(b)(3) of the INA; a Cuban/Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980); an Amerasian immigrant (as defined in section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988); a parolee under section 212(d)(5) of the INA; or a conditional entrant under section 203(a)(7) of the INA;

If the noncitizen:

- ▶ was 65 or older on August 22, 1996 and lawfully residing in the U.S. on that date (individuals born on or after 8/23/31 would be ineligible under this provision); or
 - ▶ currently meets the food stamp definition of disability at 106 CMR 361.210, regardless of when they became disabled, and was lawfully residing in the U.S. on August 22, 1996; or
 - ▶ is under 18 years of age and was lawfully residing in the U.S. on August 22, 1996 (children born on or after 8/23/96 would be ineligible under this provision).
- Refugees, asylees, deportees, Cuban/Haitian entrants and Amerasians, all of whom are eligible under current FS regulations for *five years* after obtaining their noncitizen status, have had their FS eligibility extended to *seven years* after obtaining their noncitizen status.
 - Spouses, widows(ers) who have not remarried, and unmarried dependent children of Hmong or Highland Lao tribe members who assisted the U.S. armed forces during the Vietnam War beginning August 5, 1964 and ending May 7, 1975.
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**Report of
SSFSP
Noncitizens
Who May Meet
Restored FS
Eligibility**

Noncitizens who may meet the restored FS eligibility criteria will appear on a report titled *SSFSP Recipients Potentially Eligible for FS* which will be issued with this memo. This report will be sorted by CAN and TAO and recipients will be listed according to their recertification dates.

Each recipient listed will have a code identifying the respective potential FS eligibility group:

A=Elderly

B=Child

C=Status Granted 6 or 7 years ago

D=Disabled

F=SSFSP recipients with no designation on PRISM.

Transitional Assistance Workers must:

- ▶ Review noncitizens listed on the report to verify the date the noncitizen was lawfully residing in the U.S. and if he or she meets any of the restored noncitizens eligibility criteria;

and

- ▶ Check noncitizen designations on PRISM and correct any cases that have been incorrectly designated or enter noncitizen designations for those not listed on PRISM.

Noncitizens listed on the report must be reviewed during the month of October according to the case recertification date to ensure proper benefits will be paid for November. Transitional Assistance Offices with a high volume of cases listed on the report should contact their Regional Director if this time frame for completion is not manageable.

If none of the SSFSP recipients in the case meet the restored noncitizen eligibility requirements, no action is necessary.

If all or some SSFSP recipients meet the restored noncitizen eligibility requirements, follow the instructions on pages 4 and 5.

If the case contains an SSFSP recipient(s) who is FS-eligible:

**Households
Containing
Noncitizens
Receiving
SSFSP Benefits
Who Are Eligible
for FS Benefits**

On Day 1:

- Close the SSFSP-ineligible recipient(s) using AR 33 in Block 92; and
- Enter code 5 in Block 42 to suppress the AR 33 notice.

Important: If a PA/FS case was converted to Category 9 due to SSFSP-eligible members and now all household members are eligible for FS benefits, the case must be adjusted back to PA/FS. **Follow instructions on page 5 for closing a case containing all SSFSP recipients who are FS-eligible.**

On Day 2:

- Reopen FS-eligible recipient(s) using F2 in Block 90.
- Enter the next cyclical start date (according to the date the recipient closed) in Block 91.
- Enter the appropriate eligibility AR in Block 92.
- Enter code 5 in Block 42 to suppress the notice.
- adjust the prorated income and shelter expenses in accordance with Attachment A-1 through A-2.
- Update the Noncitizen Designation on PRISM II, if needed.

Note: Changing a recipient from SSFSP to FS does not change the total amount of food stamp benefits issued. Therefore, notices for this action on Day 1 and Day 2 are being suppressed to avoid recipient confusion.

If there is a change in the amount of income and/or shelter, the new amount must be entered on a separate PID or Worksheet. **Follow Day 3 instructions below.**

On Day 3:

If there is a change in any other case circumstance (i.e., change in income, shelter, utilities, etc.) the change must be entered on a separate PID or Worksheet. This will ensure the recipient receives the proper increase or decrease notice.

If the case contains all SSFSP recipients who are all FS-eligible:

**Households
Containing All
Noncitizens
Receiving
SSFSP Benefits
Who Are All
Eligible for FS
Benefits**

On Day 1:

- Close the SSFSP case using AR 33 in Block 33;

On Day 2:

- Open or reopen the food stamp case (open under category 2 or 4 if all members are eligible for PA). Enter the food stamp benefit start date in Block 32. Enter the appropriate case AR in Block 33.
- Establish food stamp benefits using Status 1 or 2 in Block 51. Enter the next food stamp benefit cyclical start date in Block 52. Enter the appropriate eligibility AR in Block 53. Enter the same shelter and utility expenses from the SSFSP case. Enter the certification period based on the type of case being processed, for category 9, or if category 2 or 4, enter a 12 month certification period.
- Open or reopen FS-eligible dependent(s) using C1 or F2 in Block 90.
- Enter the next food stamp cyclical start date in Block 91.
- Enter the appropriate eligibility AR in Block 92.
- Enter code 5 in Block 42 to suppress the notice.
- Enter the same income and assets amounts as the SSFSP case on a PACES Worksheet.

Note: Changing the case from SSFSP to FS does not change the total amount of food stamp benefits issued. Therefore, the notice for this action is being suppressed to avoid recipient confusion.

If there is a change in the amount of income and/or shelter, the new amount must be entered on a separate PID or Worksheet. **Follow Day 3 instructions below.**

On Day 3:

If there is a change in any other case circumstance (i.e., change in income, shelter, utilities, etc.), the change must be entered on a separate PID or Worksheet. This will ensure the recipient receives the proper increase or decrease notice.

**October
Applications**

October applicants who meet the restored FS noncitizen eligibility requirements, effective November 1, 1998, should be opened for FS benefits effective the date of application.

**Noncitizen
Recertification**

Transitional Assistance Workers must review FS eligibility for noncitizens at each recertification interview. This will ensure that any potential FS-eligible noncitizen who was not identified on the report will have his or her eligibility reviewed. If the noncitizen is found to be FS-eligible at recertification, the worker should immediately convert the individual(s) to FS for the next cyclical issuance in accordance with procedures outlined in this memo.

**PRISM II
Noncitizen
Designation for
Hmong and
Highland Lao
Tribe Members**

PRISM II has been updated to include a Hmong/Highland Laotian noncitizen designation for TAFDC and FS. All Hmong or Highland Lao tribe noncitizens who meet TAFDC and/or FS eligibility must be designated on PRISM II using this new designation.

Note: Prior to this new designation, all Hmong and Highland Laotians were designated on PRISM II as veterans.

A separate report titled *Noncitizen Veterans* will be issued with this memo. Transitional Assistance Workers will review these case records for Hmong or Highland Laotian members.

If the case has no Hmong or Highland Laotian noncitizens, no action is needed.

If the case contains a Hmong or Highland Lao noncitizen:

- ▶ change the noncitizen designation on PRISM II; and
- ▶ review FS eligibility for their spouse and/or unmarried dependent children. If eligible, follow the instructions beginning on page 3.

The following Transitional Assistance Offices will receive this report:

Fall River, Fitchburg, Quincy, Bowdoin Park, Roslindale and Grove Hall.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at (617) 348-8478. Systems questions should be directed to Customer Support Services at (617) 348-5290.

Adjusting Prorated Income and Shelter for cases containing FS and SSFSP Members

If an SSFSP member is now eligible for FS and had income (earned or unearned) which was prorated when the noncitizen was receiving SSFSP:

- ▶ enter the amount of earned or unearned income on a PACES Worksheet using the correct income type code; and
- ▶ zero out the proration code 14 from the 30 1/3 Block for this member.

Reminder: If the income amount has changed, enter the change on a separate Worksheet on Day 3 (see page 4).

If an SSFSP member is now eligible for FS and had prorated Social Security/Railroad Retirement or Other Income entered in as type OU income in the FIW2 section of the Worksheet:

- ▶ zero out the FS-eligible member's Social Security/Railroad Retirement or Other Income in the FIW2 section of the Worksheet; and
- ▶ enter the same amount on the Worksheet in the FIW1 Section as Soc Sec/RR/Other.

Reminder: If the income amount has changed, enter the change on a separate Worksheet on Day 3 (see page 4).

If an SSFSP member now eligible for FS was the only SSFSP member who was either paying or being billed for shelter costs and had income on file:

- ▶ change the utility code on the PID in Block 56 from 8 to the appropriate code (see the *Systems User's Guide*, Appendix B).

Reminder: If the shelter or utility amount has changed, enter the change on a separate Worksheet on Day 3 (see page 4).

Example: Adjusting Prorated Unearned Income

A household consists of five household members. Three members are receiving FS benefits and two are receiving SSFSP benefits. One of the SSFSP members is a refugee whose status was granted six years ago. Under the restored FS noncitizen statuses this noncitizen would be FS-eligible. This same noncitizen has just informed you that her RSDI has just been increased from \$250 to \$300.

Example: Adjusting Prorated Unearned Income (cont.)

On Day 1 the worker must:

- ▶ close the SSFSP-ineligible noncitizen using AR 33 in Block 92; and
- ▶ suppress the notice by entering code 5 in Block 42.

On Day 2 the worker must:

- ▶ reopen the noncitizen for FS benefits using F2 in Block 90;
- ▶ enter the next cyclical start date in Block 91;
- ▶ enter the appropriate AR in Block 92;
- ▶ suppress the notice by entering code 5 in Block 42;
- ▶ zero out the \$250 RSDI income amount in the FIW2 section of the Worksheet;
- ▶ zero out the proration code 14 from the 30 1/3 Block of the Worksheet; and
- ▶ enter the amount of \$250 in the FIW1 section-Soc/RR/Other of the Worksheet.

On Day 3 the worker must:

- ▶ enter the change in RSDI income amount (\$300) in the FIW1 section-Soc/RR/Other of the Worksheet. This will generate a notice telling the case that the FS amount will decrease due to an increase in income.

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362.220: Noncitizens

A noncitizen must verify that he or she is present in the United States under one of the eligible noncitizen statuses in 106 CMR 362.220 (A) or 362.220 (B). The status of a noncitizen must be verified at certification, at recertification or whenever the status of the noncitizen changes or is questionable. Verification of an eligible noncitizen status must be presented before the determination of Food Stamp Program (FSP) or State Supplemental Food Stamp Program (SSFSP) eligibility. A noncitizen unwilling or unable to provide acceptable verification of an eligible noncitizen status is ineligible. FSP or SSFSP eligibility will be determined in accordance with 106 CMR 362.280 for the remaining members of the household who verify an eligible noncitizen status. The Commissioner or designee is required to report to the Immigration and Naturalization Service information about noncitizens known to be in the United States (U.S.) unlawfully.

(A) Food Stamp Program (FSP) Eligible Noncitizen Status

A noncitizen's eligibility for the FSP benefits depends on the section of the Immigration and Nationality Act (INA) under which the noncitizen is present in the U.S., the date that status was granted, and meeting additional criteria. Eligible noncitizen status requirements for FSP eligibility are:

(1) Veterans and Active Duty Personnel

A noncitizen lawfully residing in the U. S. is an eligible noncitizen when he or she is:

- (a) a veteran of the U.S. Armed Forces with honorable discharge not related to his or her noncitizen status;
- (b) a person on active duty in the U.S. Armed Forces, other than active duty for training, who fulfills the minimum active-duty service requirement of 24 months or the period for which the person was called to active duty;
- (c) a spouse of the veteran or the person who died during active duty if:
 1. the spouse has not remarried; and
 2. the couple was married for at least one year or for any period if a child was born of the marriage or was born before the marriage;
- (d) a spouse or unmarried dependent child of the veteran or the person on active duty described in (a) or (b). For purposes of this section, an unmarried dependent child is a child who is or could be claimed as a deduction on the veteran's tax return and who is under the age of 18, or is under the age of 22 and a student regularly attending school; or

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(e) a member of the organized military forces of the Government of the Phillipines while such forces were in the service of the Armed Forces of the United States pursuant to the military order dated July 26, 1941, including organized guerilla forces under commanders organized by the U.S. Army for service prior to 7/1/46.

(2) Members of Hmong and Other Highland Laotian Tribe

A noncitizen lawfully residing in the U. S. is an eligible noncitizen when he or she is:

- (a) a member of a Hmong or other Highland Laotian tribe at the time the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam Era beginning August 5, 1964 and ending May 7, 1975.
- (b) a spouse or an unmarried dependent child of the Hmong or other Highland Laotian tribe described in (a). For purposes of this section, an unmarried dependent child is a child who is or could be claimed as a deduction on the member's tax return and who is under the age of 18, or is under the age of 22 and a student regularly attending school.
- (c) a widow(er) who has not remarried of the Hmong or other Highland Lao veteran.

(3) Legal Permanent Resident

A noncitizen present in the U.S. as a legal permanent resident is an eligible noncitizen when he or she:

- (a) prior to adjustment to legal permanent resident status was a refugee under section 207 of the INA, an asylee under section 208 of the INA or deportation was being withheld under section 243(h) or 241(b)(3) of the INA. The noncitizen is eligible for food stamp benefits for up to seven years from the date such refugee, asylee or deportation status was granted unless the noncitizen meets the requirements of (b), (c) or (d) below; or
- (b) is elderly, a child or disabled and was lawfully residing in the country on 8/22/96 as defined in 106 CMR 362.220(A)(8); or
- (c) has worked a minimum of 40 qualifying quarters under Title II of the Social Security Act; or
- (d) can be credited with a total of 40 qualifying quarters under Title II of the Social Security Act as worked by a combination of:
 - 1. the noncitizen;
 - 2. the parent(s) of the noncitizen while the noncitizen was under age 18 including quarters worked before the noncitizen was born; and/or

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3. the spouse of the noncitizen during their marriage if the noncitizen remains married to the spouse or is widowed.

No quarter may be claimed after 12/31/96 if benefits from a means-tested program were received from any state during that same quarter.

(3) Refugee

A noncitizen present in the U.S. as a refugee under section 207 of the INA is an eligible noncitizen as specified below.

A refugee is a noncitizen eligible for food stamps for up to seven years from the date the refugee entered the United States. At the end of the consecutive seven-year period the noncitizen is ineligible for food stamp benefits as a refugee. A refugee who is elderly, a child or disabled as defined in 106 CMR 362.220(A)(8) and lawfully residing in the country on 8/22/96 remains eligible after the seventh year.

(4) Asylee

A noncitizen present in the U.S. as an asylee under section 208 of the INA is an eligible noncitizen as specified below.

An asylee is a noncitizen eligible for food stamp benefits for up to seven years from the date the asylee status is granted. At the end of the consecutive seven-year period the noncitizen is ineligible for food stamp benefits as an asylee. An asylee who is elderly, a child or disabled as defined in 106 CMR 362.220(A)(8) and lawfully residing in the country on 8/22/96 remains eligible after the seventh year.

(5) Deportation Withheld Noncitizen

A noncitizen whose deportation is being withheld under section 243(h) or 241(b)(3) of the INA is an eligible noncitizen as specified below.

This deportee is a noncitizen eligible for food stamp benefits for up to seven years from the date deportation was withheld. At the end of the consecutive seven-year period the noncitizen is ineligible for food stamp benefits as a deportee. A deportee who is elderly, a child or disabled as defined in 106 CMR 362.220(A)(8) and lawfully residing in the country on 8/22/96 remains eligible after the seventh year.

(6) Cuban/Haitian Entrants

A noncitizen who is present in the U.S. as a Cuban/Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980) is an eligible noncitizen as specified below.

A Cuban/Haitian entrant is eligible for food stamp benefits for up to seven years from the date the Cuban/Haitian entrant status is granted. At the end of the consecutive seven-year period the noncitizen is ineligible for food stamp benefits as a Cuban/Haitian entrant. A Cuban/Haitian entrant who is elderly, a child or disabled as defined in 106 CMR 362.220(A)(8) and lawfully residing in the country on 8/22/96 remains eligible after the seventh year.

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A noncitizen from Vietnam who is present in the U.S. as an Amerasian immigrant (as defined in section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988) is an eligible noncitizen as specified below.

A noncitizen from Vietnam who is present in the U.S. as an Amerasian immigrant is eligible for food stamp benefits for up to seven years from the date admitted as an Amerasian. At the end of the consecutive seven-year period the noncitizen is ineligible for food stamp benefits as an Amerasian. An Amerasian who is elderly, a child or disabled as defined in 106 CMR 362.220(A)(8) and lawfully residing in the country on 8/22/96 remains eligible after the seventh year.

(8) Elderly, Children and Disabled

A noncitizen present in the U.S. who is elderly, a child or disabled is an eligible noncitizen if he or she:

- (a) is currently a legal permanent resident (green card holder); an asylee under section 208 of the INA; a refugee under section 207 of the INA; a deportee being withheld under section 243(h) or 241(b)(3) of the INA; a Cuban/Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980); an Amerasian immigrant (as defined in section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988); a parolee under section 212(d)(5) of the INA; or a conditional entrant under section 203(a)(7) of the INA; and
- (b) was lawfully residing in the U.S. on 8/22/96 and was at least 65 years of age on that date; or
- (c) was lawfully residing in the U.S. on 8/22/96 and is currently under 18 years of age; or
- (d) was lawfully residing in the U.S. on 8/22/96 and is disabled in accordance with 106 CMR 361.210.

(B) State Supplemental Food Stamp Program (SSFSP) Eligible Noncitizen Status

A noncitizen who does not meet the eligible noncitizen status requirements specified in 106 CMR 362.220(A) may be eligible for SSFSP benefits.

The following groups of noncitizens meet the eligible noncitizen status requirement for SSFSP eligibility, if they have resided in Massachusetts for 60 days or more.

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(1) Legal Permanent Resident

A noncitizen present in the U.S. as a legal permanent resident who cannot be credited with a minimum of 40 qualifying quarters under Title II of the Social Security Act or who does not meet the elderly, children or disabled requirements defined in 106 CMR 362.220(A)(8).

(2) Refugee

A noncitizen present in the U.S. as a refugee under section 207 of the INA who was granted refugee status seven years ago or more and who does not meet the elderly, children or disabled requirements defined in 106 CMR 362.220(A)(8) is an eligible noncitizen.

(3) Asylee

A noncitizen present in the U.S. as an asylee under section 208 of the INA who was granted asylee status seven years ago or more and who does not meet the elderly, children or disabled requirements defined in 106 CMR 362.220(A)(8) is an eligible noncitizen.

(4) Deportation Withheld Noncitizen

A noncitizen whose deportation is being withheld under section 243(h) or 241(b)(3) of the INA who was granted deportee status seven years ago or more and who does not meet the elderly, children or disabled requirements defined in 106 CMR 362.220(A)(8) is an eligible noncitizen.

(5) Cuban/Haitian Entrants

A noncitizen present in the U.S. as a Cuban/Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980) who was granted this status seven years ago or more and who does not meet the elderly, children or disabled requirements defined in 106 CMR 362.220(A)(8) is an eligible noncitizen.

(6) Amerasian

A noncitizen from Vietnam who is present in the U.S. as an Amerasian immigrant (as defined in section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988) who was granted this status seven years ago or more and who does not meet the elderly, children or disabled requirements defined in 106 CMR 362.220(A)(8) is an eligible noncitizen.

(7) Parolee

A noncitizen present in the U.S. as a parolee under section 212(d)(5) of the INA who does not meet the elderly, children or disabled requirements defined in 106 CMR 362.220(A)(8) is an eligible noncitizen.

(8) Conditional Entrant

A noncitizen present in the U.S. as a conditional entrant under section 203(a)(7) of the INA as in effect prior to 4/1/80 who does not meet the elderly, children or disabled requirements defined in 106 CMR 362.220(A)(8) is an eligible noncitizen.

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(9) PRUCOL: Permanently Residing Under Color of Law

A noncitizen permanently residing in the U.S. under color of law is an eligible noncitizen in accordance with 106 CMR 362.220(C)(6), (C)(7), (C)(8), (C)(9) or (C)(10).

(10) Battered Noncitizens

A noncitizen is an eligible noncitizen if while lawfully residing in the U.S. the noncitizen or his or her minor child

(a) has been battered or subjected to extreme cruelty in the U.S. by:

1. a spouse or a parent, or a member of the spouse's or parent's family residing in the same household as the noncitizen; and
2. the spouse or parent consented or did not intervene to stop such battery or cruelty. A noncitizen who actively participated in the battery or cruelty toward his or her child is ineligible; and

(b) the individual responsible for the battery or cruelty is no longer residing in the same household as the noncitizen or minor child subjected to the battery or cruelty; and

(c) the noncitizen has been approved or has a pending petition for

1. status as a spouse or a child of a U.S. citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the INA;
2. classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the INA;
3. suspension of deportation and adjustment of status pursuant to section 244(a)(3) of the INA; or
4. status as a spouse or child of a U.S. citizen pursuant to clause (I) of section 204(a)(1)(A) of the INA, or classification pursuant to clause (I) of section 204(a)(1)(B) of the INA.

(C) Verification of Noncitizen Status

The applicant or recipient must submit verification of the noncitizen status and the date the status was granted for each member of the household at application, at recertification or when the status of the noncitizen changes or is questionable. A legal permanent resident must verify work quarters to be eligible for food stamp benefits under 106 CMR 362.220(A). A battered noncitizen must provide proof of the requirements listed at 106 CMR 362.220(B)(10) to be eligible for SSFSP benefits. A noncitizen veteran, spouse, or dependent child must verify military discharge, active duty, death certificate for the veteran and/or relationship. A child or elderly noncitizen must verify age and a disabled noncitizen must provide proof of the disability as listed in 106 CMR 361.210.

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- (1) A valid INS-I-151 and "Alien Registration Receipt Card," or INS-I-551 a "Resident Alien Card." These are often referred to as "green cards" but may be issued in other colors. If the card has expired but it had been valid for 10 years, it is still a valid form of verification; otherwise additional verification is required;
- (2) An unexpired "Re-entry Permit," INS-I-327, used for travel purposes by noncitizens who have been issued the INS-I-151 or the INS-I-551;
- (3) An INS-I-94 indicating the noncitizen is present in the United States under the status of:
 - (a) refugee under section 207 of the INA;
 - (b) asylee under section 208 of the INA;
 - (c) withholding deportation granted under section 243(h) or 241(b)(3) of the INA;
 - (d) paroled as a refugee or asylee under section 212(d)(5) of the INA;
 - (e) conditional entrant under section 203(a)(7) of the INA; or
 - (f) Cuban/Haitian entrant or the initials "OOE" or the words "Outstanding Order of Exclusion."
- (4) An Amerasian with an INS-I-94 coded AM-1, AM-2 or AM-3, or an INS-I-551 or INS-I-151 coded AM-1, AM-2, AM-3, AM-6, AM-7, AM-8, or a Vietnamese Exit Visa ("Laissez Passer"), a Vietnamese passport or a U.S. passport, if stamped by INS with the codes AM-1, AM-2, or AM-3, indicates that a person is an Amerasian from Vietnam.
- (5) Official documentation from the INS, a court, or the Board of Immigration Appeals that indicates that the noncitizen meets one of the statuses described in 106 CMR 362.220(A) or (B) and the date the status is granted, if appropriate;
- (6) Verification that a noncitizen is permanently residing under color of law (PRUCOL) can be made by documentation from the INS, a court, or the Board of Immigration Appeals, that indicates that the noncitizen has been granted a suspension of deportation pursuant to Section 244 of the INA or an adjustment of status pursuant to Section 245 of the INA;
- (7) Verification that a noncitizen is permanently residing under color of law (PRUCOL) can be made by an INS-I-551 pursuant to Section 245A with codes W-16, W-26, or W-36 or pursuant to Section 210 with codes S-16 or S-26;
- (8) Verification that a noncitizen is permanently residing under color of law (PRUCOL) can be made by producing an Arrival Departure Record (INS-I-94) indicating one of the following statuses:
 - (a) Refugee-paroled (pursuant to Section 207 (c) of the INA, in effect after March 31, 1980);

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- (b) Political asylum pending and/or withholding of deportation pending pursuant to Sections 208, 243(h) or 241(b)(3) of the INA (An INS-I-94 that indicates that an INS-I-589 has been filed is sufficient verification of this status);
- (c) Temporary protected status (TPS) in accordance with Sections 302 and 303 of the Immigration Act of 1990 (Public Law 101-649);
- (d) Voluntary departure status (granted for six months or more); or
- (e) Amerasian is an individual fathered by a U.S. citizen and born between January 1, 1951 and October 22, 1982, in Korea, Laos, Cambodia or Thailand. Certain relatives of this individual are also designated as Amerasian.

An INS-I-94 coded AR-1, A-11, A-16, A-41, A-42, A-43, or an INS-I-551 coded AR-1, AR-6, A-11, A-12, A-16, A-17, A-41, A-42, A-43, A-46, A-47, or A-48, or a U.S. or other passport, if stamped by INS with the codes, indicates that a person is an Amerasian from Korea, Laos, Cambodia or Thailand.

- (9) Verification that a person is permanently residing under color of law (PRUCOL) may be made by providing an Employment Authorization card (INS-I-688B or INS-I-766) with one of the following notations (generally the number alone appears on the card):
 - (a) 274a.12(a)(3) (admitted as a refugee);
 - (b) 274a.12(a)(4) (paroled as a refugee);
 - (c) 274a.12(a)(5) (asylum granted);
 - (d) 274a.12(a)(10) (withholding of deportation);
 - (e) 274a.12(a)(11) (extended voluntary departure granted or a Salvadoran who has been granted Deferred Enforced Departure status (DED));
 - (f) 274a.12(a)(12) (temporary protected status granted, or a Salvadoran has been granted Deferred Enforced Departure status (DED));
 - (g) 274a.12(c)(8) (asylum/withholding application pending);
 - (h) 274a.12(c)(9) (adjustment of status pending);
 - (i) 274a.12(c)(10) (suspension of deportation pending);
 - (j) 274a.12(c)(11) (paroled into U.S.);
 - (k) 274a.12(c)(12) (voluntary departure granted, but only if it is clear from the card that it is for six months or more);
 - (l) 274a.12(c)(14) (deferred action status granted);
 - (m) 274a.12(c)(16) (registry pending);
 - (n) 274a.12(c)(18) (under an order of supervision); or
 - (o) 274a.12(c)(19) (temporary protected status pending).

(10) PRUCOL status may also be demonstrated by the following documentation:

- (a) Documentation from INS verifying that the noncitizen has filed a form A-102 or otherwise has applied for a replacement INS-I-94.
- (b) Documentation from INS, a court, or the Board of Immigration Appeals, verifying a grant of voluntary departure status for six or more months, or a stay of deportation, or a grant of deferred action; or documentation that the noncitizen has a pending request for a grant of voluntary departure status, a stay or suspension of deportation, or deferred action status, or for an extension of a voluntary departure;
- (c) Documentation of continuous residence in the U.S. which commenced prior to January 1, 1972, including but not limited to rent receipts, library cards, bank statements, insurance policies, church membership, or an affidavit of a third person;
- (d) Documentation from INS, a court, or Board of Immigration Appeals verifying that the noncitizen has been granted political asylum or has filed an application for political asylum (INS-I-589) which is currently pending;
- (e) Documentation from INS that lawful temporary resident status has been granted pursuant to Sections 210 or 245A of the INA (INS-I-688 or INS-I-688A);
- (f) Documentation from INS that Temporary Protected Status (TPS) has been granted pursuant to Sections 302 or 303 of the Immigration Act of 1990 (INS-I-688B or INS-I-766 endorsed "Provisions of law 274a.12(a)(12)");
- (g) Documentation from INS that verifies that a Salvadoran who has been granted or has an application pending for Deferred Enforced Departure (DED) status;
- (h) Documentation from INS verifying that the alien has been registered for benefits pursuant to American Baptist Churches v. Thornburgh, 760 F. Supp 796 (N.D. Cal, 1991);
- (i) Documentation from INS that the noncitizen has applied for or been granted voluntary departure status under Section 301 of the Immigration Act of 1990 (Family Unity and Temporary Protected Status);
- (j) Documentation from INS that the noncitizen is under an Order of Supervision;

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- (k) Documentation from INS that there is a pending application filed on behalf of the noncitizen who is a minor for special immigration status pursuant to Section 101(a)(27)(J) of the INA;
 - (l) Documentation from INS that the noncitizen has a pending application for adjustment of status under Section 245 of the INA (INS-I-485 or INS-I-485A or INS-I-485C);
 - (m) A foreign passport, travel document or an INS-I-94 stamped by INS to indicate that the document is to serve as temporary evidence of admission for or adjustment to permanent resident status;
 - (n) A temporary resident card (INS-I-688 or INS-I-688A) with a sticker stating that the card is temporary evidence of admission for adjustment to permanent resident status; or
 - (o) Any other official written documentation from INS that indicates the person satisfies the specified requirements in 106 CMR 362.220(B).
- (11) For purposes of 106 CMR 362.220, verification that an individual has filed a specified application with INS or that the individual has a specified pending request with INS may be provided by an affidavit of an attorney, signed under the pains and penalty of perjury stating that he or she has personal knowledge of such fact.

(D) Ineligible Noncitizen Status

An individual present in the United States under conditions or sections of the INA not described in 106 CMR 362.220(A) or (B) is ineligible for food stamp benefits and SSFSP benefits.