



# Office of Temporary and Disability Assistance

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## General Information System (GIS) Message

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### Section 1

<b>Transmittal:</b>	23 TA/DC039 Upstate and New York City
<b>Date:</b>	May 12, 2023
<b>To:</b>	Subscribers
<b>Suggested Distribution:</b>	Commissioners, TA Directors, Fair Hearing Officers, Staff Development Coordinators, WMS Coordinators
<b>From:</b>	Valerie Figueroa Deputy Commissioner Employment and Income Support Programs
<b>Subject:</b>	Non-citizens Recognized as Permanently Residing Under Color of Law (PRUCOL) for Safety Net Assistance (SNA) Eligibility
<b>Effective Date:</b>	Immediately
<b>Contact Information:</b>	Temporary Assistance Bureau at: 518-474-9344 or: <a href="mailto:tabureau@otda.ny.gov">tabureau@otda.ny.gov</a>

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### Section 2

The purpose of this GIS message is to inform social services districts (districts) of updates to the Office of Temporary and Disability Assistance (OTDA) policy pertaining to non-citizens who are considered permanently residing under color of law (PRUCOL). PRUCOL is not an immigration status, but a public benefit category used by OTDA for the purposes of Safety Net Assistance (SNA) eligibility.

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### Section 3

Effective immediately, OTDA recognizes non-citizens in any of the following categories as PRUCOL for the purposes of SNA eligibility. If otherwise eligible, individuals presenting immigration documentation evidencing any of the categories below can receive SNA. Individuals in these categories are not qualified non-citizens. Non-citizens in these categories are ineligible for federally funded public benefits including Family Assistance (FA), Supplemental Nutrition Assistance (SNAP) and the Home Energy Assistance Program (HEAP). Common immigration documentation that may be presented to districts is listed below. However, not every immigration document that an individual may present to establish eligibility is included in the list below. If a district has questions regarding any type of immigration documentation that a non-citizen presents, the district should contact the Temporary Assistance (TA) Bureau by calling: 518-474-9344 or emailing: [tabureau@otda.ny.gov](mailto:tabureau@otda.ny.gov).

Immigration Category	Common Documentation
Applicants for Asylum	<ul style="list-style-type: none"> <li>• I-797 indicating the United States Citizenship and Immigration Services (USCIS) has received an application for asylum; or</li> <li>• Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application or request submitted to the federal immigration agency; or</li> <li>• An I-766 Employment Authorization Document (EAD) coded C08 or C8<sup>1</sup>; or</li> <li>• Other authoritative documentation from a federal immigration agency indicating an asylum application pending</li> </ul>
Applicants for Temporary Protected Status (TPS)	<ul style="list-style-type: none"> <li>• I-797 indicating the USCIS has received an application for TPS; or</li> <li>• Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application; or</li> <li>• Other authoritative documentation from a federal immigration agency indicating a pending TPS application</li> </ul>
Applicants for Deferred Action for Childhood Arrivals (DACA)	<ul style="list-style-type: none"> <li>• I-797 indicating the USCIS has received an application/request for DACA; or</li> <li>• Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application/request; or</li> <li>• Other authoritative documentation from a federal immigration agency indicating a pending DACA application/request</li> </ul>
Applicants for Special Immigrant Juvenile (SIJ) Classification	<ul style="list-style-type: none"> <li>• I-797 indicating the USCIS has received a petition; or</li> <li>• Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the petition; or</li> <li>• Other authoritative documentation from a federal immigration agency indicating a pending petition for SIJ classification</li> </ul>
Applicants for Adjustment of Status to Lawful Permanent Residence (LPR)	<ul style="list-style-type: none"> <li>• I-797 indicating the USCIS has received an application for adjustment of status; or</li> </ul>

<sup>1</sup> Note: Asylum applicants with employment authorization were previously recognized as PRUCOL per [GIS 17 TA/DC 047](#). If otherwise eligible, asylum applicants with or without employment authorization may now receive SNA. Districts should consult GIS 17 TA/DC 047 and the [LDSS-4579](#): “Non-Citizen Eligibility Desk Aid” for additional information regarding eligibility for asylum applicants with employment authorization.

Immigration Category	Common Documentation
	<ul style="list-style-type: none"> <li>• Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application; or</li> <li>• Other authoritative documentation from a federal immigration agency indicating an application to adjust status to LPR is pending</li> </ul>
Applicants for Cancellation of Removal	<ul style="list-style-type: none"> <li>• Filed copy of Executive Office for Immigration Review (EOIR) Form 42A or 42B; or</li> <li>• Other authoritative documentation from a federal immigration agency indicating a pending application for cancellation of removal</li> </ul>
Applicants for Suspension of Deportation (under former 244 of the Immigration and Nationality Act (INA))	<ul style="list-style-type: none"> <li>• Filed copy of EOIR Form 40; or</li> <li>• Other authoritative documentation from a federal immigration agency indicating a pending application for suspension of deportation</li> </ul>
Applicants requesting Deferred Action	<ul style="list-style-type: none"> <li>• I-797 indicating the USCIS has received an application or other request for deferred action; or</li> <li>• Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application/request; or</li> <li>• Other authoritative documentation from a federal immigration agency indicating a request for deferred action is pending.</li> </ul>
Persons Granted Stays of Deportation – Non-citizens who have been found deportable, but deportation is deferred for a specified period of time	<ul style="list-style-type: none"> <li>• I-94 Arrival/Departure Record; or</li> <li>• Letter/order from a federal immigration agency, immigration judge or court granting stay of deportation; or</li> <li>• Order of supervision.</li> </ul>
Indefinite Stay of Deportation – Non-citizens who have been found deportable, but deportation is deferred indefinitely	<ul style="list-style-type: none"> <li>• I-94 Arrival/Departure Record coded 106 “granted Indefinite Stay of Deportation;” or</li> <li>• Letter/order from a federal immigration agency, immigration judge or a federal court granting indefinite stay of deportation.</li> </ul>
Indefinite Voluntary Departure – Relief that was granted before April 1997 to non-citizens who have been found deportable, but deportation is deferred indefinitely	<ul style="list-style-type: none"> <li>• I-94 Arrival/Departure Record; or</li> <li>• Letter/order from a federal immigration agency or immigration judge granting voluntary departure for an indefinite time.</li> </ul>
Suspension of Deportation pursuant to former Section 244 of the INA (Non-citizens in this category have been found deportable, have met a period of continuous residence and have filed an application for the EOIR to suspend deportation, which has been granted.)	<ul style="list-style-type: none"> <li>• Letter or order from an immigration judge or court.</li> </ul>

Immigration Category	Common Documentation
Persons who have filed applications for adjustment of status to lawful permanent resident under Section 245 of the INA that the USCIS has accepted as “properly filed”	<ul style="list-style-type: none"> <li>• I-94 Arrival/Departure Record or foreign passport with annotation “adjustment application” or as “employment authorized during status adjustment applicant;” or</li> <li>• I-766 Employment Authorization Document annotated C9.</li> </ul>
Persons on whose behalf an immediate Relative Petition has been approved and family members covered by the petition (Non-citizens who are immediate relatives (spouse, father, mother, or unmarried child) of a U.S. citizen/LPR who has filed an I-130 Relative Petition on their behalf).	<ul style="list-style-type: none"> <li>• I-94 Arrival/Departure Record; or</li> <li>• I-797 indicating an approved I-130 Relative Petition and a pending application for an I-551 Lawful Permanent Resident Card.</li> </ul>
Applicants for a special non-immigrant visa, including individuals applying for a K (spouse or fiancé of a U.S. citizen), S (certain non-citizens supplying critical information related to terrorism or organized crime), T (trafficking victims and their family members), <sup>2</sup> U (victims of criminal activity and their spouse/children), or V Visa (spouse and children of LPR who are in the process of immigrating to the U.S).	<ul style="list-style-type: none"> <li>• I-797 indicating the USCIS has received, acted on, or approved an application or petition; or</li> <li>• Postal Return Receipt or copy of cancelled check addressed to the USCIS/federal immigration agency and a copy of the application or petition documents submitted to the USCIS/federal immigration agency; or</li> <li>• Other authoritative documentation from a federal immigration agency indicating a pending application or petition.</li> </ul>

As a reminder, OTDA already considers the following categories as PRUCOL and eligible for SNA, if otherwise eligible. Districts should consult the [LDSS-4579](#): “Non-Citizen Eligibility Desk Aid” for common immigration documentation types that individuals in these categories may present to districts.

- Parolee (for less than one year)
- Subject to an Order of Supervision
- Cancellation of Removal
- Granted Deferred Action for Childhood Arrivals (DACA)
- Granted Deferred Action Status
- "U" visa granted
- "S" visa granted
- "K3," "K4," or "V" visa granted under the Legal Immigration Family Equity Act (LIFE Act)
- Continuous entry and residence in the U.S. prior to January 1, 1972
- 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)
- Granted Temporary Protected Status (TPS)
- Granted Deferred Enforced Departure (DED)
- Asylum Applicant with Employment Authorization
- Persons granted withholding or deferral of removal under Convention Against Torture (CAT)
- Approved for Special Immigrant Juvenile classification

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<sup>2</sup> Note individuals with a Certification or Eligibility Letter from the federal Office of Trafficking in Persons (OTIP) are specially qualified non-citizens for benefit eligibility purposes.

- Noncitizen 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

With the exception of individuals granted parole for less than one year, districts must enter Welfare Management System (WMS) Alien Citizenship Indicator (ACI) code “O - PRUCOL” for any individual determined to be PRUCOL for purposes of SNA eligibility. Districts must enter ACI code “T – Non-Citizen Paroled into the U.S. for Less Than One Year” for individuals who are determined to be parolees for less than one year.

Note: There has been no change to the existing policy that authorizes eligibility for federally funded public benefits for a “Cuban-Haitian Entrant” which includes any national of Cuba or Haiti who has an application for asylum pending with USCIS and is not subject to a final, non-appealable, and legally enforceable removal order. These individuals will still be entered as WMS ACI code “H – Cuban and Haitian Entrant,” and must continue to be treated as a specially qualified non-citizen for purposes of determining benefit eligibility, including eligibility for federally funded public benefits.

As a reminder, in accordance with [13-ADM-07](#): “Systematic Alien Verification for Entitlements (SAVE) Program: Replacement of Manual Form G-845 (Document Verification Request) with Verification Information System Web-3 Access,” districts must use the SAVE system to verify non-citizens’ immigration documentation when determining their eligibility for TA and SNAP. Benefits must not be delayed, denied, reduced, or terminated, pending verification of non-citizens’ documentation through the SAVE system. If all other factors of eligibility have been established and the non-citizens are otherwise eligible, benefits must be granted while awaiting responses from the SAVE system.

Districts are reminded to follow the guidance included in [07-INF-01](#): “Social Security Numbers for Aliens without United States Citizenship and Immigration Services (USCIS) Work Authorization,” when determining eligibility for non-citizens who have not met the benefit eligibility requirement to apply for/have a Social Security Number (SSN).

Please note that updates to the [LDSS-4579](#): “Non-Citizen Eligibility Desk Aid” and other documentation will be forthcoming. Districts may contact the TA Bureau with any questions by calling: 518-474-9344 or emailing: [tabureau@otda.ny.gov](mailto:tabureau@otda.ny.gov).

In instances where a non-citizen applies for TA, HEAP, or SNAP and is denied because they are unable to provide immigration documentation that supports a non-citizen status that would be satisfactory for benefit eligibility, districts are encouraged to direct those non-citizens to contact their immigration attorney and/or call the New York State Office for New Americans (ONA) hotline: 1-800-566-7636.