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# Citizenship

## 400 CITIZENSHIP

All individuals applying for TANF or SNAP must be a U.S. citizen, a U.S. non-citizen national or a “qualified” non-citizen to receive benefits.

## 410 ELIGIBILITY REQUIREMENT

Each household member’s citizenship or non-citizenship status must be determined and the appropriate documentation/verification requirements evaluated.

The head of household must sign a statement attesting all members requesting assistance are:

- U.S. citizens,
- U.S. nationals or
- have legal immigration status.

The head of household may sign the declaration of citizenship on behalf of the entire household/assistance unit. All names do not need to be written down; the one signature is sufficient and can be done on the one page application or on the signature page of an application form or on a separate statement. Absence of this statement does not cause ineligibility unless the person(s) assisted is an ineligible non-citizen.

Once signed, the citizenship declaration is valid for all subsequent applications unless the claim of citizenship or non-citizen status is questionable. The head of household must attest to the citizenship or non-citizen status on any new household members including newborns at the redetermination/recertification.

Documentation of citizenship does not have to be an original document. The agency may accept a photocopy, facsimile, scanned or other copy of a document. Original documents should be requested only if information on the submitted document is inconsistent with other information available to the agency or the agency otherwise has reason to question the validity of the document or the information on the document.

The documentation of citizenship is a one-time occurrence. Once the verification of citizenship and identity has been received by the division, the individual **must not** be required to provide it again. Verification received at initial application or redetermination must be placed in the permanent section of the case record and never purged.

Certain state database matches are authorized for use to verify citizenship. These databases include:

- Vital Statistics:
- SDX:
- Any match with a source that requires evidence of citizenship for their records; and
- DWSS eligibility systems (AMPS/NOMADS).

**420 DOCUMENTATION OF U.S. CITIZENSHIP OR NATIONALITY**

All persons applying for or receiving TANF must provide satisfactory evidence of citizenship or nationality **and** identity **prior** to the approval of benefits.

Verification of identity is a part of the citizenship verification requirement, not a separate requirement for all household members with the exception of the head of household.

Individuals declaring to be a citizen or national of the United States who are currently eligible for a medical assistance program, other than an emergency medical category, are not required to provide additional documentation as citizenship and identity have already been verified.

Verify a claim of U.S. citizenship only if questionable. A person with a questionable claim will not qualify until the case manager receives proof of citizenship. Until proof is provided, disqualify any individual for whom the claim of citizenship is questionable.

Examples of potentially questionable claims of citizenship are as follows (not all-inclusive):

- The individual was born outside the United States;
- Both of the individual's parents were born outside the United States;
- The individual indicates an extended absence from the United States (may have given up citizenship);
- The individual's work history consists of an extended period of employment abroad (may have given up citizenship);
- Individual has a heavy accent/broken English and cannot produce proof of U.S. citizenship.

**421 HOW TO DOCUMENT U.S. CITIZENSHIP OR NATIONALITY**

All household members must provide documentation that verifies both **citizenship and identity**.

Copies of the following documents will, combined with acceptable proof of identity, demonstrate a person is a U.S. citizen or non-citizen national for purposes of PRWORA (Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

**421.1 Stand Alone Evidence of U.S. Citizenship or Nationality**

Accept the following documentation as proof of citizenship and identity:

- a. U.S. Passport, including a U.S. Passport Card, issued by the Department of State, without regard to any expiration date as long as such passport or card was issued without limitation.  
**Exception:** Do not accept any passport as evidence of U.S. citizenship when it was issued with a limitation. However, such a passport may be used as proof of identity.
- b. Certificate of Naturalization (Forms N-550 or N-570)
- c. Certificate of U.S. Citizenship (Forms N-560 or N-561)
- d. A valid State-issued driver's license, if the State issuing the license requires proof of U.S. citizenship or obtains a social security number from the individual who is a citizen before issuing such a license.
- e. Documentary evidence issued by a Federally recognized Indian Tribe, as published in the Federal Register by the Bureau of Indian Affairs within the U.S. Department of the Interior, and including Tribes located in a State that has an international border, which:
  - 1. identifies the Federally recognized Indian Tribe that issued the document.
  - 2. identifies the individual by name; and
  - 3. confirms the individual's membership, enrollment, or affiliation with the tribe.

Documents used as evidence of Tribal enrollment include, but are not limited to:

- 1. Tribal enrollment card;
- 2. Certificate of Degree of Indian Blood;
- 3. Tribal census document;
- 4. Documents on Tribal letterhead, issued under the signature of the appropriate Tribal official, issued by a federally recognized tribe.

Note: See manual section C-700 for a list of federally recognized tribes.

If the household is able to provide one of these documents no further documentation is required.

**421.2 Evidence of U.S. Citizenship or Nationality**

If an individual does not provide documentary evidence from the list of stand-alone documentation, one of the following shall be accepted:

- as satisfactory evidence to establish citizenship when accompanied by an identity document.
- as satisfactory evidence to establish citizenship.

- a. U.S. public birth certificate showing birth in one of the 50 States, the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam, the Virgin Islands of the U.S. (on or after January 17, 1917), American Samoa, Swain's Island, or the Commonwealth of Northern Mariana Islands (CNMI) (after November 4, 1986). The birth record document may be issued by the State, Commonwealth, Territory, or local jurisdiction.

If the document shows the individual was born in Puerto Rico, the Virgin Islands of the U.S., or the CNMI before these areas became a part of the U.S., the individual may be a collectively naturalized citizen.

In December 2009, the government of Puerto Rico enacted Law 191 of 2009 which voided all Puerto Rican birth certificates issued prior to July 1, 2010. Effective September 30, 2010, all Puerto Rican birth certificates issued prior to July 1, 2010 will become voided. A voided Puerto Rican birth certificate may not be used to verify identity or citizenship for the TANF or SNAP programs.

Previously accepted Puerto Rican birth certificates will remain acceptable for TANF or SNAP determinations made prior to September 30, 2010. There will be no need to re-verify citizenship or identity at recertification or redetermination.

Since Puerto Ricans are U.S. citizens, verification of the member's citizenship status is not required unless questionable for SNAP. Under no circumstances may a household member be denied SNAP benefits based solely on the possessing a voided Puerto Rican birth certificate.

- b. State of Nevada Vital Statistics Birth Details printout.
- c. Certification of Report of Birth, issued to U.S. citizens who were born outside the U.S.
- d. Report of Birth Abroad of a U.S. Citizen (FS-240).
- e. Certification of Birth (FS-545).
- f. U.S. Citizen I.D. card (I-197).

- g. Northern Marianas Identification Card, issued to a collectively naturalized citizen, who was born in the CNMI before November 4, 1986.
- h. Final adoption decree showing the child's name and U.S. place of birth, if an adoption is not final, a statement from a State-approved adoption agency that shows the child's name and U.S. place of birth.
- i. Evidence of U.S. Civil Service employment before June 1, 1976.
- j. U.S. Military Record showing a U.S. Place of birth.
- k. A data match with the SAVE program or any process established by the Department of Homeland Security to verify that an individual is a citizen.
- l. Documentation that a child meets the requirements of section 101 of the Child Citizenship Act of 2000 (8 U.S.C. 1431).
- m. Medical records, including, but not limited to, hospital, clinic or doctor records, or admission papers from a nursing facility, skilled care facility, or other institution that indicates a U.S. place of birth.
- n. Life, health, or other insurance record that indicates a U.S. place of birth.
- o. Official religious record recorded in the U.S. showing the birth occurred in the U.S.
- p. School records, including pre-school, Head Start and daycare, showing the child's name and U.S. place of birth.
- q. Federal or State census record showing U.S. citizenship or a U.S. place of birth.
- r. If the individual does not have one of the documents listed he or she may submit an affidavit signed by another individual under penalty of perjury who can reasonably attest to the individual's citizenship, that contains the individual's name, date of birth and place of U.S. birth. The affidavit does not need to be notarized.



### 421.3 Evidence of Identity

- Driver's license issued by the State or Territory either with a photograph of the individual or other identifying information of the individual such as name, age, sex, race, height, weight or eye color. A driver's license issued by a Canadian government authority is not acceptable.
- Native American tribal document if the document carries a photograph or other personal identifying information.
- Voter registration card.
- U.S. Military card or draft record.
- Identification card issued by the Federal, State or local government.
- School identification card with a photograph of the individual.
- Military dependent's identification card.
- U.S. Coast Guard Merchant Mariner card.
- For children under the age of 19 – a clinic, doctor, hospital, or school record, including preschool or day care records.

**Note:** A Nevada WebIZ immunization record meets this requirement.

- Any two documents containing consistent information that corroborates an individual's identity. Such documents include, but are not limited to, employer identification cards, high school and college diplomas (including high school equivalency diplomas), marriage certificates, divorce decrees, and property deeds or titles.

Verify the identity of the person being interviewed.

A Picture Identification (ID) is not required. See manual section A-200 for acceptable verification.

If an authorized representative (AR) completes the interview for the household, verify the identities of both the AR and the person he/she represents.

**Exception:** If it is necessary to meet expedited service time limits, verify the identity only of the AR being interviewed and request verification of identity for the head of household as postponed verification.

**430 DOCUMENTATION OF NON-CITIZEN STATUS**

Non-citizens must provide documentation that verifies “qualified” non-citizen status for the program(s) for which they are requesting or receiving. “Qualified” non-citizen status is based upon the sections of the Immigration and Naturalization Act (INA) under which they are residing in the United States.

Non-citizen status must be verified by

- obtaining documentation of non-citizen status, **and**
- accessing the Department of Homeland Security Systematic Alien Verification for Entitlement (SAVE) System.

The case manager must document in the case record:

- the person’s status and how it was verified,
- the USCIS document’s expiration date if there is one, **and**
- what information is obtained from SAVE

Check USCIS documents that verify non-citizen status for expiration dates. If the person’s document has expired, evaluate the reason for expiration.

- I-551 (Permanent Resident Card) – Expires ten years from the date of issue. At the end of the 10 years the LPR does not lose his/her status, but must simply renew the card.
- I-151 (Resident Alien Card) – USCIS discontinued the use of these cards in March of 1996. If they have an expired I-151 it does not mean that he/she has lost LPR status; it means only that the I-151 is no longer considered proof of the person’s LPR status when he/she applies for a job or attempts to re-enter the U.S. Individuals who still have the I-151 should apply for the I-551.
- I-94 (Arrival/Departure Record) – The status of non-residents holding these documents must have their status re-verified if expired. This is a temporary document issued while status is pending or the I-551 is issued.

Status for individuals with any other USCIS document that has expired must be re-verified unless listed in the exceptions below.

Initiate SAVE additional verification if more information is needed. If the current status cannot be verified, pend the case and allow 10 days for the individual to update their status with USCIS. Disqualify the non-citizen who does not have acceptable status.

If an individual has been in prison since they last applied, regardless of the expiration date on the document on file, request to review their current document or access SAVE. Their residence may have been revoked, or they may have been issued a different status affecting their eligibility.

**Exceptions:**

- Do not consider a Cuban/Haitian entrant's Form I-94 with an expiration date of 1/15/81 to be expired. These persons have acceptable status.
- **Trafficking Victims:** As of November 6, 2001, certification letters issued by Department of Health and Human Services (HHS) and Office of Refugee Resettlement (ORR) for adults and eligibility letters for children will no longer contain an expiration date. Individuals who were certified before this date received letters with 8-month expiration dates. As these letters expire, ORR will issue recertification letters without expiration dates. Accept the original ORR recertification (without an expiration date) letter or letter for children in place of USCIS documentation. The "entry date" will not change on the recertification letter. Victims are not required to provide any documentation of their immigration status.

**431 DETERMINING QUALIFIED AND NON-QUALIFIED NON-CITIZEN STATUS**

Determine if the individual claiming non-citizen status is a "qualified" or a "non qualified" non-citizen. Use the non-citizen's USCIS document(s), USCIS letter, a court order, passport and/or other resources listed in the following sections to determine the non-citizen's qualified status.

"Qualified" non-citizens include the following:

- Lawful Permanent Residents (LPRs)
- Refugees
- Asylees
- Persons granted withholding of deportation or removal
- Conditional Entrants
- Persons granted parole for a period of at least one year
- Cuban/Haitian entrants
- Certain Abused non-citizens

"Non-Qualified" non-citizens include all non-citizens without status in one of the above categories. This includes non-citizen students, tourists and undocumented non-citizens.

**Note:** “Non-Qualified” non-citizens also include individuals who are citizens of the Federated States of Micronesia, the Marshall Islands and the Republic of Palau. These individuals are not U.S. citizens nor are they immigrants. These individuals have special rights under Compacts of Free Association signed by the United States. Although they are technically non-immigrants, they are allowed to enter, reside and work in the United States.

For any individual who is **currently** a “qualified” non-citizen, determine when the individual began residing in the United States.

For individuals who entered the United States **prior to August 22, 1996:**

Determine the date the individual began residing in the United States using the earliest verified date the person entered and continually resided in the country, regardless of the individual’s legal status at the time they entered the United States.

To receive SNAP, an individual must be a “qualified” non-citizen. The date of “qualified” non-citizen status must be determined. This date sometimes varies on different documents to reflect attainment of a certain immigration status.

For individuals who entered the United States **on or after August 22, 1996:**

These individuals must meet one of the categories listed in the chart below.

For those individuals who must serve the five-year bar, the five-year bar begins with the date the individuals attained “qualified” non-citizen status as determined by USCIS.

431.1 Non-Citizen Program Eligibility Chart

PROGRAM	“QUALIFIED” NON-CITIZENS WHO ENTERED THE U.S. BEFORE 8/22/96	“QUALIFIED” NON-CITIZENS WHO ENTERED THE U.S. ON OR AFTER 08/22/96	“NOT QUALIFIED” NON-CITIZENS
SNAP	<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>• Are under age 18</li> <li>• Were granted status as*:                             <ul style="list-style-type: none"> <li>• refugee or asylee</li> <li>• withholding of deportation/ removal</li> <li>• Cuban/ Haitian</li> <li>• Amerasian immigrant</li> </ul> </li> <li>• Have been in “qualified” non-citizen status for 5 years or more.</li> <li>• Are receiving disability-related assistance</li> </ul>	<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>• Are under age 18</li> <li>• Were granted status as*:                             <ul style="list-style-type: none"> <li>• refugee or asylee</li> <li>• withholding of deportation/ removal</li> <li>• Cuban/ Haitian Entrant</li> <li>• Amerasian immigrant</li> </ul> </li> <li>• Have been in “qualified” non-citizen status for 5 years or more.</li> <li>• Battered*** non-citizen who has served 5-year bar</li> <li>• Battered*** non-citizen with credit for 40 quarters of work</li> <li>• Are receiving disability-related assistance</li> <li>• LPR with credit for 40 quarters of work</li> </ul>	<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>• Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse or child of tribe member</li> <li>• Certain American Indians born abroad **</li> <li>• Victims of trafficking and their spouses and children</li> </ul>
	<ul style="list-style-type: none"> <li>• LPR with credit for 40 quarters of work</li> <li>• Battered*** non-citizen who has served 5-year bar</li> <li>• Battered*** non-citizen with credit for 40 quarters of work</li> <li>• Were 65 years or older and were lawfully residing in the U.S. on 8/22/96</li> </ul>	<ul style="list-style-type: none"> <li>• Veteran, active duty military; spouse, unremarried surviving spouse or child</li> <li>• Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse or child of tribe member</li> <li>• Certain American Indians born abroad **                             <ul style="list-style-type: none"> <li>• Attains citizenship</li> </ul> </li> </ul>	
SNAP	<ul style="list-style-type: none"> <li>• Veteran, active duty military; spouse, unremarried surviving spouse or child</li> <li>• Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse or child of tribe member</li> <li>• Certain American Indians born abroad **</li> <li>• Attains citizenship</li> </ul>		

<p>TANF Programs</p>	<p>Eligible if:</p> <ul style="list-style-type: none"> <li>Entered country prior to 8/22/96</li> <li>Certain American Indians born abroad**</li> <li>Attains citizenship</li> <li>Battered**** non-citizen</li> </ul>	<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>Were granted status as*:                             <ul style="list-style-type: none"> <li>refugee or asylee</li> <li>withholding of deportation/removal</li> <li>Cuban/ Haitian Entrant</li> <li>Amerasian immigrant</li> </ul> </li> <li>Veteran, active duty military; spouse, unremarried surviving spouse or child</li> <li>Have been in "qualified" non-citizen status for 5 years or more.</li> <li>Battered*** non-citizen who has served 5-year bar (federal TANF)</li> <li>Battered*** non-citizen who has not served 5-year bar (MOE)</li> <li>Certain American Indians born abroad**</li> <li>Attains citizenship</li> </ul>	<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>Victims of trafficking and their spouse and children</li> <li>Certain American Indians born abroad**</li> </ul>
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Key - \*Status as refugee, asylee, withholding of deportation/removal, Cuban/Haitian Entrant or Amerasian *but only during the first 7 years after attaining status. Eligibility continues for these individuals after the first 7 years as they have now been in qualified non-citizen status for over 5 years and have met the 5 year bar. Note:* Cuban Entrants originally admitted to the U.S. as a refugee, asylee or parolee, do not lose eligibility for public benefits due to a change in status.

\*\* Eligible if a Native American born in Canada possessing at least 50% blood of an American Indian race or a member of an Indian tribe as listed in manual section C-760.

\*\*\* Battered non-citizens must meet the requirements listed in manual section A-437 to be eligible.

### 431.2 Absence of Proof of Immigration Status

<p>If a required non-citizen household member is unwilling to provide proof of their immigration/non-citizen status the entire household will be denied.</p> <p><b>Exception:</b> If documentation was not requested at least ten (10) days prior to the case processing deadline and the non-citizen is otherwise eligible, assistance is approved without proof of immigration status. If the member fails to provide proof after approval, the entire case is terminated.</p>	<p>If a required non-citizen household member is unwilling or unable to provide proof of their immigration/non-citizen status they will be considered an ineligible non-citizen. The remaining members may be approved if they meet all eligibility requirements.</p> <p><b>Exception:</b> If documentation was not requested at least ten (10) days prior to the case processing deadline and the non-citizen is otherwise eligible, assistance is approved without proof of immigration status. If the member fails to provide proof after approval, the individual member is removed from the case.</p>
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**432 VERIFYING NON-CITIZEN STATUS USING THE SYSTEMATIC ALIEN VERIFICATION TO ENTITLEMENTS (SAVE) SYSTEM**

The method of verifying non-citizen status is through the Department of Homeland Security SAVE program. Staff can access the SAVE system through the link on the ZENworks Window.

The SAVE system shows the date of adjustment rather than the date the individual entered the USA. If the individual claims an earlier date of entry into the USA, they must provide proof. If the individual claims to be a United States citizen, the SAVE system can verify that information as well. Enter the “alien number” and the system will verify citizenship. If you need additional information, please refer to the tutorial in the upper right hand corner of the VIS screen.

Attempt first to verify non-citizen status during the interview using the website as the primary verification process. If the primary verification process cannot be used, the SAVE program will instruct you to “institute additional verification.” A small percentage of individuals will be processed immediately through additional verification without any attempts at primary verification.

<p><b>If the individual has their "A" number and other proper identification . . .</b></p>	<p><b>Then . . .</b> Enter the SAVE website and verify status.</p>
<p><b>If the individual does not provide proof of their alien registration number during the interview and verification . . .</b></p>	<p><b>Then . . .</b></p>
<p>is available,</p>	<p>pend the case for <b>10</b> days to give the household an opportunity to provide proof of the number. Initiate primary verification when proof is provided.</p> <p>TANF – If proof is not provided by the 10<sup>th</sup> day, deny or terminate the entire household for non-cooperation.</p> <p>SNAP - If proof is not provided by the 30th day, disqualify the member for whom proof is missing, and approve any remaining eligible members.</p>
<p>is not available because the proof of registration has been lost,</p>	<p>instruct the individual to</p> <ul style="list-style-type: none"> <li>• file for a duplicate card and/or I-94 at USCIS, and</li> <li>• provide the documentation to the district office.</li> </ul> <p>Give the household <b>10</b> days to provide the required information.</p> <p>TANF – If the household does not provide proof of the number within 10 days deny or terminate the entire household.</p> <p>SNAP - If the household does not provide proof of the number by the 10<sup>th</sup> day or by the 30th day after the application date for pending applications, disqualify the member for whom proof is missing, and approve or continue assistance for any remaining eligible members.</p> <p>If the I-94 or other documentation is provided, initiate primary verification.</p>

If documentation was not requested at least ten (10) days prior to the case processing deadline, e.g., 45th day, and the non-citizen is otherwise eligible, assistance is approved.

If the 10-day period ends after the 30th day from the application date, approve the application no later than the 30th day. Include the non-citizen for whom information is pending even if the verification has not been provided. If the information is not provided by the 10th day as requested, take adverse action to disqualify the individual for whom proof is missing.



**432.1 Primary Verification**

The computer data base at the Department of Homeland Security SAVE website provides primary verification by the Verification Information System (VIS).

**432.2 Additional Verification**

Some circumstances require additional verification.

In the following circumstances, the case manager will complete an electronic additional verification:

- The SAVE website advises the case manager to complete "Additional Verification."
- The COA code indicates the LPR non-citizen may be sponsored.
- The LPR non-citizen indicates they have been sponsored.

The following circumstances require the caseworker to request "Additional Verification" directly from USCIS.

1. Any of the items presented as documentation appear counterfeit or altered.
2. An individual presents unfamiliar USCIS documentation, or a document that indicates immigration status, but does not contain an A-Number.
3. The document contains an A-Number in the A60 000 000 or A70 000 000 series. These ranges have not been issued.
4. The document contains an A-Number in the A80 000 000 series. This range is used for illegal border crossings.
5. The document presented is a Form I-689 or Form I-688 annotated with 210 (a.). These documents will always contain A-Numbers in the A90 000 000 series. This range is used for participants in the legalization (amnesty) or Special Agriculture Worker (SAW) programs. Because they are amnesty participants, policy requires the non-citizen's authorization, with original signature, before secondary verification is performed.
6. The document presented is a letter, a fee receipt, or anything other than an established USCIS form.
7. The document presented is an I-181, or an I-94 in a foreign passport that bears the endorsement "Processed for I-551, Temporary Evidence of Lawful Permanent Residence," AND the I-181 or I-94 is over one year old.

The case manager must complete Form G-845S, SAVE Document Verification Request, electronically for each individual requiring additional verification. Include the Alien Registration Number or I-94 number, name, nationality, date of birth, SSN, ASVI verification number, benefit type and case number. Scan and upload readable copies (front and back) of immigration documents containing the registration number. If the individual's name has changed since the USCIS registration card was issued, also attach a document that verifies the name change.

USCIS will research the non-citizen's records and complete the response portion of the form through the SAVE system within ten (10) working days of receipt. The immigration Status Verifier (ISV) checks all appropriate statements on the lower half and back of the form to indicate the individual's immigration status and work eligibility.

When using secondary verification, if the non-citizen is otherwise eligible, do not delay, deny, or reduce the household's benefits while waiting for a response from USCIS.

When the G-845 is received and the response indicates the non-citizen's documents are valid, file the form in the permanent section of the case record.

When the G-845 is received and the response indicates the non-citizen's document is not valid, disqualify the individual (allowing adverse action) or deny/terminate the application as appropriate and refer to I & R as possible fraud.

### **433 INDIVIDUALS PREVIOUSLY HELD IN “INDEFINITE DETENTION”**

“Indefinite detainees” or “lifers” refer to non-citizens who, after having served time for a criminal conviction and being given a final order of removal by the United States Citizenship and Immigration Service (USCIS), remain indefinitely in detention in the U.S. because their home country and no other countries will accept them.

Non-citizens with final orders of removal may have originally come to the U.S. as refugees or had another status upon being released from detention that made them eligible for Office of Refugee Resettlement (ORR) funded benefits and services include:

- Refugees under Section 207 of the Immigration and Nationality Act (INA);
- Asylees whose status was granted under Section 208 of the INA;
- Cuban and Haitian entrants, in accordance with the requirements in TANF and SNAP federal regulations;
- Admitted for permanent residence, provided the individual previously held one of the statuses identified herein;
- Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, and
- Victims of severe forms of trafficking, in accordance with 45 CFR, Section 400.43 and ORR State Letter 01-13.

#### **433.1 Process for Determining Indefinite Detainee Status**

Many of these individuals will no longer be eligible for benefits because their eligibility periods may have expired during their incarceration. Prior to providing benefits or services, determine:

- Identity,
- Status (can be complicated as it may differ from the individual’s original status, or the individual may not have documentation of their original status),
- Date the individual initially became eligible for benefits (entry date).

The following process should be used ONLY for determining the non-citizen status of individuals who:

- Have received a full order of removal, but who have been released from detention because they cannot be removed to their home country or to any other country,
- Provide an *Order of Supervision, USCIS Form I-220B*, which should include the individual’s alien registration number and a notation concerning exclusion, deportation or removal, or
- May have an employment authorization document, USCIS Form I-688B, showing Section 274(a)(12)(c)(18) as the provision of law.

Do not apply this process to any individual designated as a Cuban Entrant originally admitted to the U.S. as a refugee, asylee or parolee. These individuals do not lose eligibility for public benefits due to the change in status.

### **433.2 Steps for Determining Indefinite Detainee Eligibility**

1. Gather as much of the following information for the detainee as possible from the household:

a. Name	e. Home country
b. Alien registration number ("A number")	f. Number on the I-94 card
c. Date of birth	g. Parents' names
d. Social Security Number	h. Driver's license number
	i. <b>Copies of any immigration documents</b>

2. Send a fax with the information collected from the household to (202) 401-5487. To facilitate ORR's possible need for additional information, include case manager name, title, telephone and fax numbers, office address, email address and case number.

After this information is submitted, ORR will notify the case manager by fax of the individual's entry date and status eligibility. File the faxed notice received in the case record.

Follow non-citizenship policy to determine if the individual further qualifies for public assistance benefits as a qualified non-citizen.

### **434 VICTIMS OF TRAFFICKING**

Traffickers force adults (mostly young women) and children into prostitution, slavery and forced labor through coercion, threats of physical violence, psychological abuse, torture and imprisonment. Under the Trafficking Victims Protection Act, adult victims of trafficking who are certified by the Office of Refugee Resettlement (ORR) at the Department of Health and Human Services (HHS) are eligible for benefits to the same extent as refugees. Children who have been subjected to trafficking are also eligible like refugees but do not need to be certified. As of November 6, 2001, certification letters issued for adults and eligibility letters for children will no longer contain an expiration date. Individuals who were certified before this date received letters with 8-month expiration dates. As these letters expire, ORR will issue recertification letters without expiration dates. When a victim of trafficking applies for benefits, all eligibility requirements must be met except the following:

1. Victims are not required to provide any documentation of their immigration status. Accept the original OR recertification (without an expiration date) letter or letter for children in place of INS documentation. The “entry date” will not change on the recertification letter.
2. Call the trafficking verification line at (866) 401-5510 to confirm the validity of the certification letter or letter for children and notify ORR at HHS of the benefits for which the individual is applying.
3. Note the “entry date” for refugee benefit purposes. The individual’s “entry date” is the certification date listed in the letter.
4. Call the trafficking verification line at (866) 401-5510 for assistance when having difficulty confirming identity.
5. Assist the individual in applying for a non-work Social Security Number.
6. Issue benefits to the same extent as a refugee.
7. Record the expiration date of certification letters so a review of eligibility will be done at the appropriate time. Certification letters dated after November 6, 2001 will have no expiration date.

Victims of Trafficking are awarded a T-Visa for entry. Certain members of their family may also apply for and receive a Derivative T-Visa and meet eligibility under refugee criteria.

- If the victim of trafficking is under 21 at the time the T-Visa application was filed, Derivative T-Visas are available to the following members of their immediate family: spouse, children, unmarried siblings (under 18 at the time the application was filed) and parents of the victim of trafficking.
- In the case where the application is filed after the individual turns 21, only the victim’s spouse and children are eligible to apply for the Derivative T-Visa.

If a case managers have any concerns or questions, contact:

- a. The Office on Trafficking in Persons (OTIP)  
Phone: (866) 401-5510  
Email: [trafficking@acf.hhs.gov](mailto:trafficking@acf.hhs.gov)

#### **435 BATTERED NON-CITIZENS**

1. A non-citizen, lawfully residing in the U.S. who has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR who is:

- a spouse or a parent, or
  - a member of the spouse or parent’s family residing in the same household as the non-citizen (and the spouse or parent consented to, or acquiesced in the battery or cruelty).
2. A non-citizen, lawfully residing in the U.S. whose **child** has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR who is:
- a spouse or a parent of the non-citizen (without the active participation of the non-citizen in the battery or cruelty), or
  - a member of the spouse or parent’s family residing in the same household as the non-citizen (and the spouse or parent consented to, or acquiesced in the battery or cruelty and the non-citizen did not actively participate).
3. A non-citizen child, lawfully residing in the U.S. whose **parent** has been battered or subjected to extreme cruelty in the U.S. by:
- the parent’s spouse, or
  - a member of the spouse’s family residing in the same household as the parent (and the spouse consented to or acquiesced in such battery or cruelty).

**435.1 Conditions for a Battered Non-Citizen to be Eligible**

Review the Non-citizen Program Eligibility Chart in to determine if the person is a “qualified” or “non-qualified” non-citizen. They may be subject to a five year bar on the receipt of benefits depending upon the date they entered the U.S. and the program(s) for which they are applying.

<p>Effective March 1, 2006, battered non-citizens who entered the U.S. on or after August 22, 1996 and have not served a five year bar will <b>only</b> receive state funded (MOE) TANF cash assistance. For TANF cash eligibility only, if a battered non-citizen does not meet the requirements for any other eligible non-citizen category, they must meet the following conditions to receive state funded (MOE) TANF, cash assistance.</p> <p>1. There must be a substantial connection between the battery or cruelty and the need for benefits to be provided.</p>	<p>Once the five year bar is served, evaluate eligibility for SNAP.</p>
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2. They must have been granted Lawful Permanent Resident Status (LPR) under the 1994 Violence Against Women Act (VAWA) or have a petition for LPR status pending which sets forth a prima facie case under VAWA. Individuals who set forth a prima facie case will receive a “Notice of Prima Facie Case” to document their “qualified non-citizen” status for public benefits. The notice is valid until USCIS has made a decision on the petition. Although there will be an expiration date on the notice, the individual may file for an extension if USCIS has not made their decision by the expiration date.

Once the five year bar has been served, State funded (MOE) TANF cases must be transferred to federal TANF, if eligible.

## **435.2 Criteria for Establishing a Substantial Connection**

In establishing the substantial connection, the case manager must consult with or refer the case to a social worker (if appropriate) to ensure all necessary issues and/or need for services are assessed and reflected in the Personal Responsibility Plan.

The following list provides for the circumstances under which a substantial connection between the battery or cruelty and the need for public benefits exists for a battered non-citizen who is the:

- applicant,
  - applicant's child, or
  - applicant's parent (in the case of a non-citizen child).
1. When the benefits are needed to enable the above individual(s) to become self-sufficient following separation from the abuser.
  2. Where the benefits are needed to enable the above individual(s) to escape the abuser and/or the community in which the abuser lives, or to ensure their safety from the abuser.
  3. Where the benefits are needed due to a loss of financial support resulting from the above individual(s)'s separation from the abuser.
  4. Where the benefits are needed because the battery or cruelty, separation from the abuser, or work absences or lower job performance resulting from the battery or extreme cruelty or from legal proceedings related to it (including child support or child custody disputes) cause the above individual(s) to lose their job or requires them to leave their job for safety reasons.
  5. Where the benefits are needed because the above individual(s) requires medical attention or mental health counseling, or has become disabled as a result of the battery or cruelty.
  6. Where the benefits are needed because the loss of a dwelling or source of income or fear of the abuser following separation from the abuser jeopardizes the applicant's and/or applicant's parent(s)'s (in the case of a non-citizen child) ability to care for their children. **Examples:** Inability to house, feed or clothe children or put children into day care for fear of being found by the abuser.
  7. Where the benefits are needed to alleviate nutritional risk or need resulting from the abuse or following separation from the abuser.
  8. Where the benefits are needed to provide medical care during a pregnancy resulting from the abuser's sexual assault or abuse of or relationship with the above individual(s) and/or to care for any resulting children.
  9. Where medical coverage and/or health care services are needed to replace medical coverage or health care services the above individual(s) had when living with the abuser.



**435.3 Verification of Battered Non-Citizen Status**

An individual who does not meet any other eligible non-citizen category and claims to be a battered non-citizen must have either an “Approval Notice” or a “Notice of Prima Facie Case” under the section “Self-Petitioning Spouse of Abuse U.S.C. or LPR” to establish eligibility under this category.

The following are examples of these notices.

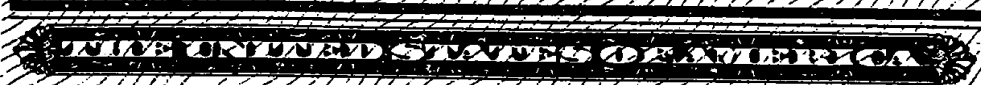
- **Approval Notice**
- **Notice of Prima Facie Case**

See next two pages.

Approval Notice

U.S. Department of Justice  
Immigration and Naturalization Service

Notice of Action



RECIPIENT EAC-97-000-0000		CUSTOMER 12360 / PETITION FOR AMERICAN WIDOW (ER) OR SPECIAL IMMIGRANT	
APPROVAL DATE June 1, 1997	APPROVAL PAGE June 1, 1997	DOB DOB, Jane	APPROVAL TYPE DOB, Jane
Suman SHUKLA, Esq. 100 Main St. Appleton, VT 05490		Notice Type: Approval Notice Section: Self-Petitioning Spouse of Abusive U.S.C. or LPR Class: B11	
<p>The above petition has been approved.</p> <p>The petition indicates you, the self-petitioner, are eligible for adjustment of status and will apply for adjustment of status. The information submitted with the petition shows you are eligible to file an adjustment of status application at this time.</p> <p>Additional information about eligibility for adjustment of status may be obtained from the local ILS office serving the area where you live.</p> <p>Until you file an adjustment application, or until you are granted temporary visa, this approved petition will be stored in this office. If you become eligible to adjust status based on this petition, you should submit a copy of this notice with Form I-485, Application for Permanent Residence to the local ILS office.</p> <p>If you prefer to apply for an immigrant visa outside the United States based on this petition, you should file Form I-85A, Application for Action on an Approved Application or Status, with this office to request that we send the petition to the Department of State National Visa Center (NVC).</p> <p>The NVC processes all approved immigrant visa petitions and requires computer action. The NVC also determines which consular post is the appropriate consulate to conduct the processing. It will then forward the approved petition to that consulate.</p> <p>Please read the back of this form carefully for more information.</p> <p>This form is not a visa nor may it be used in place of a visa.</p>			
<p>Please see the additional information on the back. You will be notified separately about any other cases you filed.</p> <p>IMMIGRATION &amp; NATURALIZATION SERVICE VERMONT SERVICE CENTER 75 LOWER WELDEN STREET SAINT ALBANS VT 05479-0001 Customer Service Telephone: (802) 217-3160</p>			

Form I-797C (Rev. 05/87/03)N

• Notice of Prima Facie Case

U.S. Department of Justice  
Immigration and Naturalization Service

Notice of Action

**UNITED STATES DEPARTMENT OF JUSTICE**

Identification Number EAO-97-000-00000	Registration Date June 1, 1997	Section DOE, Jane
Registration Date June 27, 1997	Registration Date June 1, 1997	Section DOE, Jane

Jane DOE  
Susan SMITH, Esq.  
100 Main St.  
Rayburn VT 05400

Section: Self-Petitioning Spouse of Abusive U.S.C. or LFE  
NOTICE OF PRIMA FACIE CASE

The above petition has been reviewed and found to establish a prima facie case for classification under the self-petitioning provisions of the Violence Against Women Act. **THIS PRIMA FACIE DETERMINATION IS VALID FOR A PERIOD OF 150 DAYS FROM THE NOTICE DATE SHOWN ABOVE, AND THE EXPIRATION DATE INDICATED AT THE BOTTOM OF THE PAGE.**

We will send you a written notice as soon as we make a decision on this case. It is expected that a final decision will be made on this case before the end of 150 days. In a few cases, the adjudication may not be completed in this time frame. If this period is coming to a close and you need an extension of this prima facie determination in order to continue receiving public benefits, you must submit a written request for extension at least 15 days prior to expiration.

**PLEASE NOTE: ESTABLISHING A PRIMA FACIE CASE FOR CLASSIFICATION UNDER THE SELF-PETITIONING PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT DOES NOT NECESSARILY MEAN THAT YOUR PETITION WILL BE APPROVED.**

\*\*\*\*\*  
EXPIRATION DATE: November 27, 1997  
\*\*\*\*\*

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
VERMONT SERVICE CENTER  
75 LOWER WELDEN STREET  
BART ALBANS VT 05479-0001  
Customer Service Telephone: (802) 527-3160

**436 DOCUMENTATION OF VETERAN STATUS**

Non-citizens may be eligible for certain benefits if they are veterans, on active military duty, or are the spouse or dependent child of a veteran or person on active military duty. This category also applies to certain reserve members, as specified in this section.

**436.1 Definition of a Veteran**

Individuals who actively served with the United States Armed Services whether or not they were citizens who:

- meet the minimum active duty requirement of 24 months, served for the period of time they were called to active duty, or have an honorable discharge;
- were military personnel and died during active duty; or
- were Filipinos who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts after the war.

**436.2 Spouses, Surviving Spouses and Dependent Children of a Veteran**

Individuals may qualify for certain benefits if they are a spouse, surviving spouse, or dependent child of a veteran and meet the appropriate criteria. Individuals claiming this status must show the same documentation as the veteran or active duty member. If the documentation is not available, they should be referred to the local VA regional office for verification of veteran status. **Note:** The VA will not verify the relationship, so relationship must be established using regular verification procedures for this requirement.

**436.2.1 Spouse**

The individual must be currently married to the veteran.

**436.2.2 Surviving Spouse**

- The surviving spouse must not have remarried; and
- The surviving spouse was married to the veteran or active-duty personnel within fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; and
- The surviving spouse was married to the veteran or active-duty personnel for one year or more; or
- A child was born of the relationship between the surviving spouse and the veteran or active-duty personnel, either during or before the marriage.

**436.2.3 Dependent Child**

- The child must be unmarried; and
- Must meet program criteria under which benefits are being applied for to be considered as a dependent child.

### **436.3 Verification of Veteran Status**

#### **436.3.1 Discharged Members**

A discharge certificate, DD-214 or equivalent, that meets the following criteria is acceptable verification without further inquiry, unless the certificate appears to be altered or is otherwise irregular:

- It must show active duty in either the United States Army, Navy, Air Force, Marine Corps or Coast Guard; and
- It must show “Honorable” discharge (“Under Honorable Conditions” is not acceptable); and
- The individual must meet a minimum active duty requirement of two years or more in one of the branches listed above, **unless** their certificate shows an enlistment date prior to September 7, 1980 (there is no minimum active duty requirement for these individuals).

Refer the individual to the local Veteran’s Administration Office to have VA staff determine satisfaction of the minimum active duty service and provide the individual with documentation of their military status in the following circumstances:

- The discharge certificate shows “Honorable,” but shows a branch of service not listed above. (Examples include: National Guard, active duty for training, inactive duty, etc.);
- The individual claims veteran status but has no documentation; or
- The document shows active duty of less than two years with an original enlistment date on or after September 7, 1980.

#### **436.3.2 Active Duty Members**

Active duty as a member of the U.S. Armed Forces means the individual is on full-time duty in the United States Army, Navy, Air Force, Marine Corps or Coast Guard. It does not include full-time National Guard duty.

Service members on active duty may establish their status by presenting a current Military Identification Card (DD Form 2 - Active), that lists an expiration date of more than one year from the date of the eligibility determination.

If the Military Identification Card is due to expire within one year from the date of determination, the service member may verify active duty by showing a copy of their current military orders.

If the service member is unable to furnish a copy of their orders, active duty may be verified through the nearest RAPIDS (Real Time Automated Personnel Identification System) which is located at many military installations, or by notifying the following in writing (which can be faxed):

ATTN: Research and Analysis  
DEERS Support Office  
400 Gigling Road  
Seaside, CA 93955-6771  
FAX: (408) 655-8317

### **436.3.3 Reserve Members (Not On Active Duty for Training)**

Active duty for training is temporary full-time duty in the Armed Forces performed by members of the Reserves, Army, National Guard, or Air National Guard for training purposes. Active duty for training does not establish eligible status. However, a discharge from active duty for training may establish veteran status and the individual should be referred to the VA for a determination.

A member of a Reserve Component must establish their status by showing a current DD Form 2 - Reserve (red) and military active duty orders showing they are on active duty, but not on active duty for training. No other method for verifying this status is currently available.

## **439 SOCIAL SECURITY EARNINGS - QUARTERS**

An individual must be a **Legal Permanent Resident (LPR)** to be eligible to qualify for **SNAP** assistance by being credited with 40 quarters/credits of coverage.

### **439.1 Definition of Quarter/Credit**

The term "quarter" means the 3-calendar month periods ending with March 31, June 30, September 30 and December 31 each year.

Social Security credits (formerly called "quarters of coverage") are earned by working at a job or as a self-employed individual. A maximum of 4 credits may be earned each year.

### **439.2 Who May Be Included in the Q/C (Quarter/Credit) Count**

If a **Lawful Permanent Resident (LPR)** individual, who is not eligible in another category, does not provide verification of Social Security Quarter/Credit (Q/C) coverage at the time of the interview, information must be obtained to determine the potential effect on their eligibility by applying the 40 quarter/credit provision to the individual.

Quarter/Credits from the following people may be counted toward the individual's 40 Q/C total:

- The individual -- always.
- The individual's biological parents (unless adopted), and includes quarters worked prior to the individual's date of birth up to the date the individual turned age 18, whether or not the child resided with the parent.
- The individual's adoptive parents, and includes quarters worked prior to the individual's date of birth up to the date the individual turned age 18, whether or not the child resided with the parent.
- The individual's stepparents, provided the step relationship still exists, but only for quarters worked while the relationship was in existence and includes those worked prior to the individual's date of birth (if step relationship existed) up to the date the individual turned age 18.
- The individual's **current** spouse (even if not living together), but only for the quarters worked during the spousal relationship.
- The individual's former spouse, only if the marriage ended by death, and only for quarters worked **during** the marriage.

**Examples:**

- A child with two parents with quarter credits and a stepparent (and the stepparent relationship still exists) may have quarters credited from all three people, even if the time period during which the quarters were earned overlap.
- Two or more children may receive credit for any quarters earned by one or both parents through age eighteen.
- Two spouses with earned quarters may each have their quarters credited to the other spouse, even if the time period during which the quarters were earned overlap.

**Note:** Quarters credited to a child do not expire when they reach age 18

**439.3 Who May Not Be Included in the Q/C (Quarter/Credit) Count**

Social Security quarter/credits earned by the following may not be counted toward an applicant's 40 quarter/credit total.

- An individual's natural/adopted/stepchildren or other relatives (e.g., aunts, uncles, grandparents, cousins, brothers, sisters).
- Quarters earned by an individual's current/deceased spouse before the marriage.
- Any quarters earned by an individual's previous spouse if the marriage has ended in divorce.
- Quarters earned by the stepparents prior to the individual's birth or after the individual turns age 18, unless the step relationship existed prior to birth of the child.
- Quarters earned by a stepparent if the step relationship no longer exists

**439.4 Determining Possibility of Meeting 40 Quarter/Credit Requirement**

- Total the number of years the individual, and each person whose credits may be applied to the individual, have lived in the United States.

If the total . . .	Then . . .	
equals at least 10 years,	Determine how many years in the total included earnings.	
is less than 10 years,	Ask whether the individual, their parents or their spouse ever commuted to work in the U.S. from another country before coming here to live or worked for a U.S. company overseas and paid U.S. income taxes or FICA taxes.	
	If yes, determine the number of years and add them to the total.	
	If . . .	Then . . .
1. If the total is at least 10 years,	Determine how many years in the total included earnings.  If there were earnings during at least 10 years, follow procedure in A-439.5  If there were earnings in less than 10 years, go to Step 2.	
2. If the total is less than 10 years,	<b>STOP</b> -- The individual cannot meet the 40 quarter/credit requirement.	



**439.5            Crediting Quarter/Credits to an Individual During the Application Process**

Four quarters in each year can be credited to the individual from each person, always credit the individual's own quarters first. This will simplify verification because many individuals will have sufficient quarters on their own record and will not need to request information for other people.

**Note:** Individuals applying for SNAP who qualify for expedited services must be certified in time to ensure physical receipt of the benefits by the 7th day from application (the date of application is day one). Follow postponed verification procedures if the 40-quarter verification cannot be obtained within the expedited time frame.

<b>If . . .</b>	<b>Then . . .</b>
The interview process <b>clearly</b> shows the individual meets the 40 Q/C requirement...	The individual is considered to have met the requirement, pending verification from SSA. The case may continue to be processed.
The interview process shows the individual <b>may</b> meet the 40 Q/C requirement...  <b>or</b>  The interview process shows the individual <b>will not</b> meet the 40 Q/C requirement, but the individual believes they meet the requirement...	Request verification.  Verify the date of entry into the country of the individual, spouse and/or parent. (Use the earliest documented date, as this date is sometimes adjusted to reflect attainment of a certain immigration status.) If the dates are consistent with having 10 or more years of work, include the individual in the household pending verification from SSA.  If the dates of entry are inconsistent with having 10 or more years of work, the individual is not eligible.

**439.6            Requests for Social Security Earnings Q/C History**

Establish the necessary relationships to the individual prior to requesting the Q/C history.

The Social Security Administration (SSA) is now authorized to disclose quarter of coverage information concerning non-citizen and their spouse or parents to a governmental agency (without a signed *Consent for Release of Information* - Form SSA-3288) after reasonable efforts have been made to contact the individual to sign the consent form have been exhausted.

If a living parent or spouse refuses to sign the consent form to release of quarters of coverage information, the request for information may not be submitted to the Social Security Administration. (These quarters may not be added to the individual's total.)

- Copies of all consent forms must be retained in the casefile. SSA may need to see it if a question is raised.

**439.7 Quarters of Coverage Codes**

The following codes will appear on documentation from the Social Security Administration to verify work history.

CODE	EXPLANATION
<b>COUNTABLE COVERED EMPLOYMENT</b>	
A	Agricultural quarter
C	Wage quarter (this is the most common quarter code)
D	Military quarter
F	Federal, state or local government wage quarter
G	Gift quarter
J	Japanese Internment quarter
M	Military quarter
R	Railroad quarter
S	Self-employment quarter
U	Noncovered quarter
W	Noncovered quarter derived from the sum of covered and noncovered earnings
X	Wage quarter which can occur for 1951 or 1952
ϖ	A covered quarter
<b>QUARTERS WHICH CANNOT BE COUNTED</b>	
N	Quarter with no earnings, non-Q/C
<b>QUESTIONABLE QUARTERS (SSA HAS INSUFFICIENT INFORMATION)</b>	
Note: If inclusion of these quarters is necessary to meet the 40-quarter requirement, the SSN holder must contact SSA who will investigate the earnings and either confirm or deny the quarter.	
#	Questionable quarter occurring 1952 through 1977
Z	Questionable quarter occurring 1952 through present
--	Questionable noncovered quarter that can occur after 1977 for deferred compensation wages

**439.7.1 Quarters of Coverage Which May Not Be Counted**

A quarter may not be counted if:

- the individual, parent or spouse received a federal means-tested public benefit (this includes SSI benefits) during the quarter after December 31, 1996. If the benefit was received in error and was paid back, the quarter may be credited to the individual;
- the quarter was earned by a person whose quarters may not be credited to the individual; or
- SSA's records show the quarter as questionable. The quarter may be counted if SSA subsequently provides verification the quarter is countable.

**439.7.2 Crediting Verified Quarters of Coverage**

Step	If . . .	Then . . .	
1. Review the individual's record. Do the codes which represent countable quarters add up to at least 40?	Yes	The individual meets the 40-quarter requirement and is in an eligible non-citizen category.	
	No	Are there current or prior years earnings which are not shown on the documentation, but if added to the total will equal at least 40?	
		<b>If . . .</b>	<b>Then . . .</b>
		If yes, see A-439.7.3	If no, go to Step 2
2. Review other records for the periods which can be used (i.e., during the marriage for a spouse and under age 18 for a parent). When you add these countable quarters to the individual's record, do they add up to at least 40?	Yes	The individual meets the 40-quarter requirement and is in an eligible non-citizen category.	
	No	Go to Step 3	
3. Review the field "Minimum Number QCs 1937-1950" on the documentation from Social Security. If these can be used, add them to the individual's total countable quarters. Does the total equal at least 40?	Yes	The individual meets the 40-quarter requirement and is in an eligible non-citizen category.	
	No	Go to Step 4	
4. Review the field "Maximum Number of QCs 1937-1950 and look for codes # and Z. Do the maximum number and/or the codes # and Z equal at least 40 when added to the individual's total?	Yes	Refer the case to the Social Security Administration, as described in A-439.7.5.	
	No	Go to Step 5	
5. Review the quarters reflected on the Social Security documentation with the applicant. Does the individual believe countable quarters are missing?	Yes	Refer the case to the Social Security Administration, as described in A-439.7.5.	
	No	The individual cannot meet the 40-quarter requirement and is not in this eligible non-citizen category.	

**439.7.3 Countable Quarters Based On Earnings**

For 1978 and later, credits are based solely on the total yearly amount of earnings and may not reflect work in the actual quarter. The number of creditable Q/Cs are obtained by dividing the individual's total earned income by the increment amount for the year. All types of earnings appearing on SSA records follow this rule. The amount of earnings needed to earn a credit may be different for each year. For 1978 through 2013, the amount of earnings needed for each quarter/credit is:

1978	\$250	1984	\$390	1990	\$520	1996	\$640	2002	\$870	2008	\$1,050
1979	\$260	1985	\$410	1991	\$540	1997	\$670	2003	\$890	2009	\$1,090
1980	\$290	1986	\$440	1992	\$570	1998	\$700	2004	\$900	2010	\$1,120
1981	\$310	1987	\$460	1993	\$590	1999	\$740	2005	\$920	2011	\$1,120
1982	\$340	1988	\$470	1994	\$620	2000	\$780	2006	\$970	2012	\$1,130
1983	\$370	1989	\$500	1995	\$630	2001	\$830	2007	\$1,000	2013	\$1,160

**Note:** A current year quarter may be included in the 40-quarter computation. Accept a current employer-prepared wage statement as proof of earnings and credit a quarter for each increment shown on the chart for the appropriate year. Assume the earnings are covered employment if the wage statement shows FICA withholding or other government retirement paid. **Do not credit calendar quarters that have not ended.**

If you need to use quarters before 1978:

- A credit was earned for each calendar quarter in which an individual was paid \$50 or more in wages (including agricultural wages for 1951-1955);
- Four credits were earned for each taxable year in which an individual's net earnings from self-employment were \$400 or more; and/or
- A credit was earned for each \$100 (limited to a total of 4) of agricultural wages paid during the year for years 1955 through 1977.

**439.7.4 Reconciliation of LAG Quarters**

A LAG quarter is information which has been reported, but not reflected in the Social Security Administration quarter tracking system.

When the individual does not agree with the information provided by Social Security and the problem is missing quarters in the current year:

- Accept a current employer prepared wage statement as proof of earnings and credit a quarter for each increment as shown above. Assume the earnings are covered employment if the wage statement shows FICA withholding or government retirement paid.

If subsequent verification of LAG quarters shows an individual now meets the 40-quarter requirement, they must be added to the case retroactively and supplemental benefits must be provided back to the month they became eligible.

<b>If . . .</b>	<b>Then . . .</b>
The problem is quarters in the last taxable year and the verification was requested before September after the close of the preceding taxable year (LAG quarters).	Accept forms such as W-2 and/or W-2c, employer prepared wage statements or an IRS copy of the individual's tax return and credit qualified quarters to the individual using the chart. Assume the earnings are covered if the proof submitted indicates FICA taxes were withheld or government retirement paid.
The verification was requested after August.	The earnings are not LAG and should be treated as shown in the next manual section.

**439.7.5 Reconciliation of Other Covered Employment**

Whenever the individual does not agree with the documentation provided by Social Security, it will be necessary to reconcile the discrepancy. When the individual believes the work they performed was in covered employment and the earnings do not fall within the LAG period, SSA is responsible for investigating the discrepancy and correcting the record.

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Refer all covered employment cases to SSA as follows:

If . . .	Then . . .
<p>The individual indicates they used more than one SSN or allowed others to use their SSN.</p>	<p>The individual will need to contact their local Social Security office to resolve the issue or call 1-800-772-1213 to set up an appointment. Be sure to tell them to take a copy of the SSA quarter documentation and identifying information to the office with them.</p>
<p>You need to determine if quarters with a Z or # indicator can be credited to the 40-quarter total.</p>	<p>Refer the case to the SSA office of Central Records Operations for investigation. Send a written request containing the following information:</p> <ul style="list-style-type: none"> <li>◆ Name</li> <li>◆ Social Security Number</li> <li>◆ Date of Birth</li> <li>◆ Year or years in question</li> <li>◆ Return address</li> <li>◆ Copy of SSA quarter documentation</li> </ul> <p>A separate request is needed for each SSN to be investigated.</p> <p>Mail the request along with the copy of the SSA quarter documentation to:</p> <p align="center">SSA, ORCO PO Box 17750 Baltimore MD 21235-0001</p>
<p>The individual indicates there are missing quarters or the code "Z" is 1978 or later.</p>	<p>Have the individual (if they are the number holder of the SSN) complete the SSA-7008. Proof of earnings, such as W-2s, pay slip/stub, tax return or statement from the employer should be provided. On top of the SSA-7008 write "Welfare Reform."</p> <p>If the individual is not the number holder of the SSN, tell the individual the number holder must complete the SSA-7008 and provide proof of earnings as shown above.</p> <p>All SSA-7008s, along with the documentation, should be mailed to:</p> <p align="center">SSA, ORCO PO Box 17752 Baltimore MD 21235-0001</p> <p>If the individual has no documentation, they should contact their local Social Security office or call 1-800-772-1213 to arrange an appointment.</p>

**Note:** If the verification received from SSA does not verify the individual can be credited with 40 quarters and the individual believes SSA's records are incorrect:

- Advise the individual SSA will work with them to determine whether additional quarters can be established.
- Allow the individual to participate for 6 more months, provided the individual provides written verification SSA is reviewing the number of quarters.
- If SSA cannot establish additional earnings and the individual cannot be credited with 40 qualifying quarters, an inadvertent household error claim for the overissuance will be established, unless the individual knowingly provided false information.

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**439.7.6 Covered Employment Chart (not all inclusive)**

<b>EMPLOYMENT IN THE UNITED STATES — EXCEPT AS INDICATED</b>	<b>YEAR COVERAGE BEGAN</b>
Agriculture--Farm Labor, including domestics	1951
Domestic Service--Over \$50 a calendar quarter (through 1994)	1951
Domestic Service--Over \$1,000 per year	1995
Federal Government Civilians not under civil service retirement Uniformed Services	1951 1957
Federal Government--New hires--compulsory	1984
Homeworkers (\$50 a quarter; state license)	1951
Homeworkers (\$50 a quarter; no license needed)	1955
State and Local Government--elective Not under a state or local retirement system Under a state or local retirement system	1951 1955
State and Local Government--compulsory Non-members of employees' retirement system	7/2/1991
Nonprofit Organizations--elective	1951
Nonprofit Organizations--compulsory	1984
Ministers (covered as self-employed)	
Railroads Service less than 10 years covered by transfer of credits	1951
Tips Cash tips of \$20 or more in a month from one employer	1966
Vow of Poverty Members of Religious Orders If order elects to cover lay employees and members of the order	1972

<b>EMPLOYMENT OUTSIDE THE UNITED STATES</b>	<b>YEAR COVERAGE BEGAN</b>
Puerto Rico	1951
Virgin Islands	1951
On American Ships and Aircraft	1951
Guam	1961
American Samoa	1961

<b>SELF-EMPLOYMENT — EXCEPT AS INDICATED</b>	<b>YEAR COVERAGE BEGAN</b>
Farmers	1955
Materially--participating farmers	1956
Professional Groups, excluding lawyers, dentists, doctors, and other medical groups	1955
Ministers--elective	1955
Ministers--compulsory	1968
Lawyers, dentists and other medical groups excluding doctors of medicine	1956
Doctors of Medicine	1965
American Citizens employed in the United States by foreign government (covered as self-employed)	1961
Direct Sellers (house-to-house salespersons)	1983
Real Estate Agents	1983
Newspaper and shopping news distributors	1994

**440 UNDOCUMENTED NON-CITIZEN REPORTING TO USCIS**

Undocumented non-citizens will be reported to the USCIS if:

- An undocumented non-citizen is applying for assistance for themselves and/or other undocumented non-citizen household members; AND
- The undocumented non-citizen has an official “*Order to Show Cause.*”

**Note:** If there is more than one undocumented non-citizen applying for assistance, only those with an official “Order to Show Cause” will be reported.

No other undocumented non-citizens will be reported to the USCIS.

**450 DESCRIPTION OF IMMIGRATION CATEGORIES**

- **Lawful Permanent Residents**

Individuals who lawfully immigrate to the U.S. are called lawful permanent residents (LPRs). LPRs have permission to live and work permanently in the U.S. They may travel outside the U.S. and return, as long as they do not abandon their U.S. residence. An LPR may apply for naturalization to become a U.S. citizen after living in the U.S. for five years (three years if married to a U.S. citizen). LPRs are eligible for almost all of the public benefits available to U.S. citizens. The USCIS documents that prove LPR status include a "green card" (Form I-151 or I-551), a re-entry permit (I-327) or foreign passport with a stamp showing temporary evidence of LPR status. "Commuter non-citizens" are LPRs who work in the U.S., but who reside in Mexico and Canada and commute here to work. For purposes of eligibility for federal benefit programs, these individuals are treated the same as other LPRs, although they may experience difficulty establishing state residency.

Some special categories of permanent residents are:

- Amnesty (IRCA) legalized residents: Under the Immigration Reform and Immigrant Control Act of 1986 (IRCA), two categories of non-citizens were allowed to legalize their status: (1) “general amnesty” or legalization immigrants, who had resided unlawfully in the U.S. since prior to January 1, 1982, and (2) “special agricultural workers” (SAWs) or “section 210” immigrants, who performed agricultural work for a specified period prior to IRCA’s enactment. Legalization under IRCA was a two-stage process under which individuals first applied for and obtained lawful temporary resident (LTR) status. After obtaining LTR status, general amnesty immigrants were required to apply for lawful permanent resident status. SAW individuals, on the other hand, automatically became LPRs after having LTR status for given period of time.

- **Amerasians:** Individuals who were granted LPR status under a special statute enacted in 1988 for Vietnamese Amerasians. To be eligible for this status, an individual either must have been born in Vietnam after January 1, 1962, and before January 1, 1976 with a U.S. citizen father, or must have been the spouse or minor child of such an individual. Persons granted LPR status under this statute are eligible for Refugee Assistance, are not subject to the “public charge” ground of inadmissibility and are included within the “Refugee Exemption” for purposes of eligibility for certain federal benefits.
- **Conditional permanent residents:** A person who receives LPR status through marriage to a U.S. citizen is granted conditional permanent resident status if he or she was married less than two years at the time LPR status was granted. After a person has had this status for two years, either the couple must file a joint petition with the USCIS to keep the immigrant spouse’s LPR status, or the immigrant spouse must file for a waiver of the joint petition requirement.
- **Persons Granted Status Because They Fled Prosecution**
  - **Refugees:** Refugees are non-citizens who, while outside the U.S. and their home country, were granted permission to enter and reside in the U.S. because they have a well-founded fear of persecution in their home country. After one year in this status, refugees can apply to become LPRs.
  - **Iraqi and Afghani Special Immigrants** – Effective December 26, 2007, Public Law 110-161, the Consolidated Appropriations Act of 2008 granted Iraqi and Afghan non-citizens special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, TANF and entitlement programs including Medicaid, SNAP and other benefits the same as other refugees admitted under section 207 of the INA. Effective December 19, 2009, the Department of Defense Appropriations Act of 2010 (Section 8120, P.L. 111-2009) provides that Iraqi and Afghani Special Immigrants are eligible for federal public benefits to the same extent and for the same time period as refugees. The application of this provision is not retroactive; therefore those persons whose eligibility expired due to the previous 8 month eligibility period must reapply. Households currently receiving benefits will not be terminated at the 8 month time period and a redetermination and/or a recertification must be completed.
  - **Asylees:** People already in the U.S. who fear persecution in their home country and satisfy the requirements for refugee status can apply for asylum in the U.S., although there are exceptions. A person granted asylum is an “asylee.” After one year in this status, asylees can apply to obtain LPR status.



- Persons granted withholding of deportation or withholding of removal: This status is similar to, but separate from, asylum for persons whose life or freedom would be threatened on return to their country. To obtain withholding, individuals must meet a higher evidentiary standard than for asylum, but if they meet this standard they *must* be granted withholding – unlike asylum, the status is not discretionary. Persons granted withholding may be deported to a third country if one will accept them, but they cannot be returned to their home country. Unlike refugee and asylee, this status does not provide a basis for individuals to obtain LPR status.
- Paroled as Refugees and Cuban/Haitian Entrants: Some persons who fear persecution are "paroled" into the U.S. as refugees when the number of refugees allowed to enter that year has been exceeded. Such parolees are given an I-94 with "paroled as a refugee" or "207" stamped or written on it. In the past, the INS paroled in Cubans and Haitians under the designation "Cuban/Haitian entrant" or "Mariel Cuban." All nationals of Cuba and Haiti are eligible for refugee assistance as "Cuban/Haitian entrants" so long as they have been granted parole, applied for asylum or are in exclusion or deportation proceedings but have not received a final order of deportation.