

Eligibility Rules

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Student Eligibility Checklist

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LDSS-4579 Non-citizen Eligibility Chart

General Eligibility Rules

SNAP eligibility rules and benefit levels are, for the most part, set at the federal level and uniform across the nation, although states have flexibility to tailor aspects of the program.

Factors That Impact Eligibility

There are a number of factors that impact a household's eligibility for SNAP benefits, including:

- Monthly income (earned and unearned)
- Household size
- Age of those applying
- Disability status of household members
- Shelter and utility expenses
- Other factors, which will be discussed in detail later in this guide

Federal rules mandate that a household's income and resources must pass three tests to determine benefit eligibility, but *most* NYS households must only pass one—**an income test:**

Gross monthly income—the household income before any of the program's deductions are applied—must be at or below:

200% of federal poverty level (FPL) for households containing senior or disabled members or that have out-of-pocket dependent care costs;

150% FPL for households that have earned income, and do not meet the 200% FPL criteria; and

130% FPL for households that do not meet the criteria for 200% or 150% of FPL.

See the *SNAP Standards & Deductions Reference Sheet* in the *Budgeting and Estimating SNAP Benefits* section of this guide for the full FPL chart.

In NYS the following income and resources are **not** tested for *most* applicant households:

- **Net income**—the household income after deductions are applied. Net Income must be at or below 100% of the FPL; and
- **Assets**—owned property regarded as having value. Assets must fall below certain limits. Households that include a member who is elderly or has a disability must have assets of \$4,250 or less. Households without such a member must have assets of \$2,750 or less.

Applicants' Responsibilities

SNAP applicants are required to participate in the application process in a number of ways. Applicants must:

- Provide documentation of household circumstances, and
- An adult member of the household, or an authorized representative of the household, must participate in an interview to determine eligibility.
- If unemployed or underemployed, certain household members may also be required to look for work or participate in activities to help them find a job.

This guide will explain all of the above concepts in detail.

Eligibility Rules for Select Groups

SNAP eligibility rules vary based on who is applying. For certain groups of people, the eligibility rules make it harder to access SNAP (i.e., students and non-citizens), while for others, rules are streamlined or simplified (i.e., seniors and people living with a disability). It is important to evaluate each individual's eligibility, since some people in a household might be eligible even if others are not.

Students

SNAPSB SECTION 5:
PG. 91-92
09-ADM-08
12-INF-14
20-ADM-13
21 TA/DC 004
22TA/DC073

A **student** is any person who is:

- 18 through 49 years of age
- Physically and mentally fit
- Enrolled at least half-time in an institution of higher education

Institution of Higher Education:

Any institution at the post high school level that normally requires a high school diploma or equivalency certificate for enrollment, including but not limited to:

- Colleges
- Universities
- Business schools
- Vocational schools
- Trade or technical schools
- Correspondence schools
- Online courses
- Colleges or universities that offer degree programs regardless of whether a high-school diploma is required

Enrolled in a College Meal Plan:

Students receiving 50% or more of their meals (based on 3 meals for seven days equaling 21 meals) from a college meal plan are not eligible to receive SNAP as they are considered to be living in an institution. The SNAP office must screen each student to identify the number of meals the student is granted under their meal plan.

Helpful resources at the back of this section:

Student Eligibility Checklist
LDSS-5172 SUNY/CUNY/
EOC Student Verification
of Enrollment

Determining Student Eligibility

When working with students who are applying for SNAP, you must first determine if they meet the criteria to be considered an “eligible student” under SNAP rules. Under these rules, students who are 18 to 49 years old and enrolled at least half-time in an institution of higher learning cannot get SNAP unless they meet at least one of the following exceptions:

Student is working:

- Employed an average of 20 hours a week or more
- Self-employed, working an average of 20 hours a week and making an average income equal to the federal minimum wage multiplied by 20 hours

Student has one or more of these individual characteristics:

- 17 years old or younger
- 50 years old or older
- Physically or mentally unfit for work: the individual has an illness, condition, or life circumstance, whether temporary or permanent, that reduces or affects their ability to work 20 hours a week
- Primary caretaker of a household member who is under age 6 or is incapacitated
- Primary caretaker of a household member between the ages of 6 and 11, if no adequate childcare is available that would make it possible to work and go to school
- A single parent enrolled full time who is responsible for the care of children under age 12

Student participates in qualified government program:

- Receives Temporary Assistance for Needy Families (TANF)
- Receives unemployment benefits
- Participating in state or federal work-study
- Attends a State University of New York (SUNY) or City University of New York (CUNY) community, comprehensive, or technology college and is enrolled in a qualified certificate or degree Career and Technical Education (CTE) program
- Attends an Educational Opportunity Center (EOC) and is enrolled in a qualified CTE program, remedial courses, basic adult education, literacy, or English as a second language
- In school through SNAP Employment and Training (E&T), Workforce Innovation and Opportunity Act (WIOA) or a Department of Labor program

For help determining if a student meets any of these exemptions, see the *Student Eligibility Checklist* at the end of this section.

Students, cont.

Eligible Students are Exempt from Work Rules

Students determined to be “eligible students” under SNAP rules are exempt from:

- SNAP E&T work requirements, and
- SNAP time limit rules for Able-Bodied Adults Without Dependents (ABAWDs) (currently suspended until February 28, 2025)

Students Who Do Not Qualify for SNAP

Students who do not meet one of the above exceptions are excluded from the SNAP household, and neither the income nor the resources of the ineligible student will be used in determining eligibility for the rest of the household. However, if the student makes any cash contributions to the remaining members of the household, this will count as income. The rest of the household members may still be eligible.

Continuing Eligibility of Students

Eligible students remain eligible between school breaks (vacations, summer, etc.) unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next school term (excluding summer semesters).

Exception: Students who have work-study lose their SNAP eligibility between semesters if the break is a full month or longer and in summer months, unless the work-study continues or they fit into another exemption.

Ineligible students remain ineligible between school breaks (vacations, summer, etc.) unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next school term (excluding summer semesters).

Non-citizens

03-INF-14
GIS 10 TA/DC005
GIS 16 TA/DC048
21-LCM-13
21TA/DC071,
ATTACHMENT 1
22-LCM-04,
ATTACHMENT 1,
ATTACHMENT 2
22TA/DC059
23TA/DC006
23TA/DC017
23-LCM-06
23TA/DC036

Citizen: a person (other than a child of a foreign diplomat) who is born in: one of the 50 states, District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands or the Northern Mariana Islands, and who has not renounced or otherwise lost their citizenship. Citizens can apply for SNAP, but must qualify under eligibility rules to receive benefits.

Naturalized Citizen: a person born outside of the U.S. who has lawfully become a U.S. citizen. Naturalized citizens can apply for SNAP, but must qualify under eligibility rules to receive benefits.

Non-citizen: a person who lives in the U.S. but has yet to become a naturalized citizen. Non-citizens who are legally present in the U.S. may be eligible for SNAP if/when they meet additional criteria.

Repatriation: the act or process of restoring or returning someone or something to the country of origin, allegiance, or citizenship; the act of repatriating or the state of being repatriated.

Undocumented Non-citizens: those who cannot prove they are legally present in this country. These individuals are never eligible for SNAP.

Non-citizens, cont.

Helpful resource at the back of this section:

LDSS-4579 Non-citizen Eligibility Chart

Non-citizens Who Are Eligible for SNAP

The desk guide prepared by OTDA (LDSS-4579—at the back of this section) lists the categories of non-citizens who are eligible for SNAP (as well as cash assistance and Medicaid) along with what documents can be used to verify their status.

To receive SNAP benefits, the non-citizen must:

1. Have “qualified alien” status **and**
2. Meet a condition that allows qualified non-citizens to get SNAP

Qualified Alien Status

All non-citizens must meet one criterion from each list. See LDSS-4579 (at the back of this section) for further clarification on non-citizen status.

Non-citizens with Qualified Alien Status

- Asylees
- Amerasian immigrants
- Certain domestic violence survivors
- Certain Hmong or Highland Laotian non-citizens
- Conditional entrants
- Lawful permanent residents (LPRs or “green card” holders)
- North American Indians born in Canada
- Persons whose deportation or removal has been withheld
- Persons paroled for at least 1 year
- Refugees

Qualified Non-citizens Eligible for SNAP

- Adults who have held qualified alien status for at least five years
- Amerasian immigrants
- Asylees
- Children under 18 with a qualified alien status
- Cuban, Haitian, Nicaraguan, and Venezuelan entrants (paroled for at least a year)
- Disabled individuals with qualified alien status
- LPRs on active military duty or with honorable discharge status, as well as their spouses and children under 18
- LPRs with substantial work history in the U.S. (“40 quarters” test—see details later in this section)
- Persons whose deportation or removal has been withheld
- Refugees
 - Ukrainians citizens and nationals granted humanitarian parole between February 24, 2022, and September 30, 2023 (including spouses and children granted humanitarian parole after September 30, 2023). See *Providing Assistance to Ukrainians* in this section for more details.

Non-citizens, cont.

22TA/DC059

Providing Assistance to Ukrainians

Due to armed conflict in Ukraine, the U.S. has several provisions that allow certain Ukrainian individuals and families, or non-Ukrainians who lived in Ukraine (all referred to as Ukrainians), to meet immigration-related eligibility requirements to enroll in federally funded benefits like Temporary Assistance (TA), Home Energy Assistance Program (HEAP) and the Supplemental Nutrition Assistance Program (SNAP). Here we will focus on SNAP eligibility for Ukrainians.

OTDA informed SNAP offices of the following immigration statuses being granted to Ukrainians, along with SNAP eligibility rules for each status:

- Humanitarian Parole granted May 21, 2022, under the Ukraine Supplemental Appropriations Act of 2022
- Humanitarian Parole granted April 21, 2022, under the Uniting for Ukraine program

For more information on the United States Citizenship and Immigration Services (USCIS) documents that verify if a Ukrainian has been granted humanitarian parole, see 22TA/DC059.

SNAP Eligibility for Ukrainians Granted Humanitarian Parole

Under provisions in the Additional Ukraine Supplemental Appropriations Act signed into law on May 21, 2022, people listed below meet the non-citizen eligibility requirements to enroll in SNAP **without being subject to a five-year waiting period**, and continue to meet the non-citizen requirements to participate in SNAP for as long as they are granted parole and meet all other SNAP eligibility criteria:

- Citizens or nationals of Ukraine granted parole status between February 24, 2022, and September 30, 2023
- Spouses or children of such Ukrainian citizens or nationals granted parole status after September 30, 2023
- The parents, legal guardians, or primary caregivers of a Ukrainian citizen or national determined to be an unaccompanied child and are granted parole status after September 30, 2023

Ukrainians who meet the above criteria are:

- Not subject to a waiting period (five-year ban) in order to receive SNAP.
- Exempt from sponsor-deeming requirements. Sponsor income, resources and contributions are not considered when determining eligibility for SNAP.

Previously, under the Uniting for Ukraine program signed into law in April 2022, Ukrainians and their family members who had a supporter/sponsor in the U.S. were considered for humanitarian parole on a case-by-case basis, for a period of up to two years.

Ukrainian parolees who previously applied and were denied SNAP under the regular rules for parolees may now reapply for SNAP under the provisions of the Additional Ukraine Supplemental Appropriations Act.

Ukrainian individuals paroled into the U.S. prior to February 24, 2022, must meet the regular SNAP non-citizen eligibility rules.

Non-citizens, cont.

21TA/DC071,
ATTACHMENT 1
23TA/DC006

Helping Evacuees from Afghanistan

OTDA has informed SNAP offices that many Afghan individuals coming into the U.S. will fall into 3 new categories of Qualified Non-Citizens eligible for SNAP under non-citizen SNAP rules:

- Afghan Special Immigrant Visa (SIV) holders
- Afghan Special Immigrant SQ/SI Parolees
- Afghan Humanitarian Parolees

The parole period has ended for the groups from Afghanistan who may be eligible for SNAP listed above. See below for information on how certain non-citizens can apply for re-parole.

For more information on providing assistance to evacuees from Afghanistan, visit HungerSolutionsNY.org/afghan-evacuees/

Non-citizens in the U.S. for Humanitarian Reasons

Qualified non-citizens who came to the U.S. for humanitarian reasons—including refugees, asylees, and those with a withholding of deportation—continue to be eligible for SNAP benefits even if they adjust their status to LPR.

23DC061

Certain Non-Citizens Can Apply for Re-Parole

SNAP offices have been informed that certain non-citizens can request re-parole based on urgent humanitarian reasons or significant public benefit through a new streamlined process from the U.S. Citizenship and Immigration Services (USCIS).

Effective immediately, the following non-citizens are eligible to file form I-31, Application of Travel Document, available online at uscis.gov/i-131:

- Non-Citizens already paroled into the U.S. who are requesting a new period of parole, or re-parole, to remain in the U.S.; or
- Afghan nationals paroled into the U.S. on or after July 31, 2021, with “OAR” or “PAR” classes of admission.

For more information about the streamlined re-parole application process for Afghan parolees, districts may refer to the Re-Parole Process for Certain Afghans webpage on USCIS’s website at uscis.gov.

In instances where a non-citizen applies for TA and/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, SNAP offices 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.

Non-citizens, cont.

Qualifying for SNAP Using the 40 Quarters Test

LPRs who can be credited with 40 qualifying quarters of work history are qualified to receive SNAP. One quarter is the equivalent of a three-month period; therefore roughly 10 years of work equals 40 quarters. To count as a qualifying quarter, a worker must have earned a minimum salary during that quarter. Quarters of work history can be shared with some family members. Quarters earned during a marriage can be shared between spouses, even if separated or deceased (but not if divorced), and between parents and their children (for quarters worked before the child's 18th birthday, including quarters worked before the child was born). The SNAP office will get the social security records of any worker's quarters claimed by an applicant.

Households Containing Ineligible Non-citizens

Households containing ineligible non-citizens can still get SNAP if someone in the household is an eligible non-citizen or a U.S. citizen. Even undocumented parents can apply for SNAP on behalf of their eligible non-citizen or citizen children.

Immigration Reporting Requirement

There is an immigration reporting requirement in the SNAP Law that makes some families with undocumented members reluctant to apply. The law requires the state SNAP agency to report "aliens it knows to be unlawfully present" to the United States Citizenship Immigration Services (USCIS). However, NYS SNAP offices have been instructed to report only those individuals who present evidence of a USCIS determination that they are not in the United States lawfully, such as a final Order of Deportation or falsified immigration documents. The SNAP office is required to give the names and addresses of non-citizens who have a final Order of Deportation or falsified immigration documents to OTDA, not to USCIS.

SNAP workers do not have the authority to contact Immigration directly. If a SNAP worker threatens to report a non-citizen to USCIS to get them to withdraw their application, that is a violation of the Civil Rights Law and should be brought to the attention of the supervisor, the Commissioner, or OTDA.

Permanent Block of Public Charge Rule

On December 23, 2022, a final public charge rule went into effect that cements the public charge policy in the longstanding 1999 interim field guidance. This means that DHS can no longer consider an individual's use or potential use of SNAP as a factor in a public charge test.

USCIS defines "public charge" as an individual who is likely at any time to become "primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance, or institutionalization for long-term care at government expense."

A public charge test is used by immigration officials to decide whether a person can enter the U.S. or is eligible to receive lawful permanent residence or LPR status.

GIS 21 TA/DC033

21-LCM-13

JOINT LETTER ON PUBLIC
CHARGE FROM FNS/USCIS

22-LCM-04,
ATTACHMENT 1,
ATTACHMENT 2

23-LCM-06

Non-citizens, cont.

When a non-citizen applies for LPR status or for a visa, they are subjected to an assessment of their life circumstances to determine if they are likely to become a public charge in the future.

This final rule means that DHS will not consider the receipt of SNAP, Medicaid, and public housing benefits as part of a public charge determination. DHS will continue to use the 1999 interim field guidance issued by the former Immigration and Naturalization Service. This guidance makes it clear that the use of most public benefits programs will not have an impact on an individual's immigration status.

For more information and resources, visit HungerSolutionsNY.org/public-charge/

Strikers

SNAPSB SECTION 5:
PG. 13

GIS 16 TA/DC032

GIS 19 TA/DC044

Striker: a worker who takes part in an organized work stoppage, refusing to perform job duties until certain demands are met.

The following people are not considered strikers:

- People who have been locked out
- People out of work because of someone else's strike
- People in a different bargaining unit who are afraid to cross a picket line
- People exempt from work registration under SNAP E&T rules (other than those exempt because they are working)
- Strikers who have been permanently replaced

If the primary wage earner of a household is participating in a job action (on strike, a walk-out, etc.), the striker and the whole household are ineligible for SNAP unless they were eligible for benefits before the strike began. Thus, the striker's income before the strike will be budgeted and applied to the entire household as if they were still working. In this case, other household members cannot simply exclude the striker to establish a separate case. A household cannot get more SNAP benefits because its income goes down during the strike. If the striker leaves the household, the remaining household members become eligible again.

Fleeing Felons and Probation Violators

GIS 10 TA/DC026

Fleeing felon: a person with a felony warrant pending against them.

Probation violator: someone who has broken the terms or conditions of probation.

Both fleeing felons and probation violators may be identified by computer matches and denied SNAP. However, other household members may continue to be eligible for SNAP, and special budgeting rules apply.

According to OTDA, SNAP offices must not discontinue SNAP benefits for anyone with a warrant based on an *alleged* probation or parole violation. Those types of warrants do not constitute a determination of a violation.

Seniors and People with a Disability

Senior: anyone 60 years or older.

Person with a Disability: anyone determined to be disabled by the Social Security Administration and most likely receiving a federally related disability benefit including:

- Supplemental Security Income (SSI)
- Social Security Disability (SSD)
- Disability-related Medicaid
- Veterans Administration (VA) Disability 100%

Note: The surviving spouse or child of a deceased veteran may be entitled to the above VA Disability benefits if they are determined to have a disability described below:

- Surviving spouse of a veteran considered in need of regular aid and attendance by the VA, or permanently housebound;
- Surviving child of a veteran and considered by the VA to be permanently incapable of self-support;
- Surviving spouse or child of a veteran and approved to receive compensation for a service-connected death or pension benefits for a non-service-connected death, based on VA determination. The surviving spouse or child must also have a disability considered permanent under the Social Security Act.

For details, see the SNAP Sourcebook Section 5, pp. 56-67.

SNAP Programs for Seniors and People with Disabilities

New York State provides multiple pathways to SNAP participation for seniors and people with disabilities. The Elderly Simplified Application Project (ESAP), NYS Nutrition Improvement Project (NYSNIP) and the NYS Combined Application Project (NYSCAP) are special projects designed to improve access to SNAP for these vulnerable groups. Specific eligibility requirements determine which route to SNAP a potentially eligible senior or disabled person may take. See the *Programs to Help Seniors and Disabled Applicants Access SNAP* section for more information.

Expanded Categorical Eligibility

In NYS seniors and people with disabilities can have higher gross incomes and still qualify for SNAP under Expanded Categorical Eligibility. To qualify:

Gross monthly income must be at or below 200% of poverty
for households containing an elderly or disabled member

Note: Seniors or people with disabilities who have incomes over 200% of the federal poverty limit may still be eligible for SNAP but only if their resources are below the resource limit and they pass a net income test.

Other Rules That Help Seniors and People with Disabilities Access SNAP

Establishing separate household status

If a person lives with others and is both elderly and disabled, they may be able to establish separate household status for SNAP purposes if:

- The income of their housemates does not exceed 165% of the federal poverty limit (see the *SNAP Standards & Deductions Reference Sheet* in the *Budgeting and Estimating SNAP Benefits* section for the full FPL chart), or
- A person is severely disabled and lives with others, but their food is being purchased and prepared separately from the people they live with.

Telephone interviews—households comprised of all seniors and/or adults with disabilities and no earned income are granted telephone interviews automatically.

Medical deduction—seniors and those with a disability who qualify for SNAP may be entitled to a larger monthly benefit by deducting out-of-pocket medical expenses over \$35. By reporting these expenses in the SNAP application process, seniors can get even more help paying for food each month. See the *SNAP Medical Expense Deduction Worksheet* in the *Budgeting and Estimating SNAP Benefits* section of this guide.

Appointing an authorized representative who can apply on their behalf, attend the interview, and use the EBT card to make purchases. This option is available to all SNAP applicants, but it is most useful to seniors and people with disabilities.

Resources for This Section

On the following pages, you will find these resources:

Student Eligibility Checklist

LDSS-5172 SUNY/CUNY/EOC Student Verification of Enrollment

LDSS-4579 Non-citizen Eligibility Chart

SNAP & Students

Checklist for Determining Student Eligibility

SNAP rules limit the eligibility of certain groups of people, including students. Follow this checklist to determine if an applicant meets the criteria of an eligible student under SNAP rules.

Please note that there are additional SNAP income and eligibility rules that all SNAP applicants, including students, must meet in order to qualify to receive a SNAP benefit each month.

1. Establish applicant's status as a student. The applicant:

- Yes** **No** Is enrolled in a higher education institution that normally requires a high school diploma or equivalency certificate for enrollment. This includes but is not limited to: colleges, universities, correspondence school or online courses, vocational and trade/technical schools at the post-high school level.
- Yes** **No** Is enrolled at least half-time (using the school's definition of half-time).
- Yes** **No** *For an applicant applying between semesters:* intends to register for the next school term.

If "Yes" to all of the above, the applicant is considered a student and the student rule applies. Proceed to Step 2. If "No" to any of the above, the applicant is **not** considered a student and the student rules do not apply (continue to screen the applicant under regular SNAP rules).

2. Is the student enrolled in a college meal plan?

- Yes** **No** The applicant receives 50% or more of their meals from a college meal plan.
Note: This is based on 3 meals for seven days equaling 21 meals. The SNAP office must screen each student to identify the number of meals the student is granted under their meal plan.

If "Yes", the student is **not** eligible for SNAP, as they are defined as living in an institution.
If "No", continue to Step 3.

3. Does the student meet ANY of the following exemptions? If so, provide the SNAP office with the documentation noted.

Student Is Working:

- Employed an average of 20 hours per week.
 - ▶ *Provide proof of wages and work hours including: pay stubs, income tax records, or a contract with the employer.*
- Self-employed an average of 20 hours per week and receives average weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.
 - ▶ *Provide proof of wages including: most current income tax return, earnings and expense report, or records and related materials concerning self-employment.*

Individual Characteristics:

- 17 years of age or under or 50 years of age or over.
 - ▶ *Provide proof of age including; birth certificate, drivers license, school records, or statement from another person.*

- Physically or mentally unfit to work: An individual is considered physically or mentally unfit for work if they have an illness, condition, or life circumstance, whether temporary or permanent, that reduces or affects their ability to work 20 hours a week.
 - ▶ *Provide a letter from a medical or mental health provider stating that the applicant is not able to work 20 hours per week. The letter should include the medical professional's contact information, and can come from any of the following: doctor, doctor's assistant, representative of a doctor's office, nurse or nurse practitioner, licensed or certified psychologist, or social worker.*

- Primary caretaker for a household member who is under 6.
 - ▶ *Child in case should be documented in the case record; nothing further should be needed.*

- Primary caretaker for a household member between the ages of 6 and 11, if no adequate child care is available that would make it possible to work and go to school.
 - ▶ *Child in case should be documented in the case record; nothing further should be needed. The caretaker can self declare the inadequate childcare.*

- Single parent enrolled full-time who is responsible for the care of a child under 12.
 - ▶ *Single status and child should be documented in the case record; nothing further should be needed.*

Student Participates in a Qualifying Government Program:

- Receives Temporary Assistance for Needy Families (TANF).
 - ▶ *Information on participation in TANF is in the case record; nothing else should be needed.*

- Receives unemployment benefits.
 - ▶ *Provide proof of unemployment benefits including letter from Unemployment or unemployment check stubs.*

- Participates in a state or federal work-study program during the regular school year.
 - ▶ *Provide proof of work study including: financial aid award letter or written request that the institution of higher learning communicate the student's eligibility to participate in work study to the SNAP office.*

- Attends a State University of New York (SUNY) or City University of New York (CUNY) community, comprehensive, or technology college and is enrolled in a qualified certificate or degree in a Career and Technical Education (CTE) program.
 - ▶ *Provide proof of participation in a CTE program using the LDSS-5172 SUNY/CUNY/EOC Student Verification of Enrollment (available at our website).*

- ❑ Attends an Educational Opportunity Center (EOC) and is enrolled in a qualified CTE program, remedial courses, basic adult education, literacy, or English as a second language.
 - ▶ *Provide proof of participating in an EOC program using the LDSS-5172 SUNY/CUNY/EOC Student Verification of Enrollment (available at our website).*

- ❑ In school through SNAP E&T, Workforce Innovation Opportunity Act (WIOA), or Department of Labor programs.
 - ▶ *Tell the SNAP office or provide proof of your participation in one of these programs.*

If a student meets **any** of the above exemptions, they are an “eligible student” based on SNAP’s student eligibility criteria. Note that there are additional SNAP income and eligibility rules that all SNAP applicants, including students, must meet in order to receive a SNAP benefit each month.

Additionally, those considered “eligible students” are exempt from:

- SNAP E&T work requirements, and
- SNAP Able-Bodied Adults Without Dependents (ABAWD) Time Limit Rule (currently suspended in New York State until February 28, 2025).

**For more information and resources, visit our Students and SNAP webpage:
HungerSolutionsNY.org/federal-nutrition-programs/snap/snap-eligibility-for-college-students/**



SUNY/CUNY/EOC Student Verification of Enrollment

Student Name: _____ Date: _____

College/EOC Name: _____ Date of Birth: _____

TO BE COMPLETED BY COLLEGE OR EOC OFFICIAL:

1. Is the student named above enrolled at least half-time? Yes No
2. Student's Program of Study or Major: _____
3. Academic Semester or Date of Enrollment in Program of Study: _____ Year _____
4. Is the student enrolled in a program of study or major that, for SNAP purposes only, meets the definition of a Career and Technical Education program under the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (HEGIS codes 5000 through 5599)? Yes No
5. Is the student enrolled at an EOC in a program of Career and Technical Education, remedial courses, basic adult education, literacy, or English as a second language? Yes No

By signing below, I certify that all of the information provided above is true and accurate to the best of my professional knowledge.

Signature of College/EOC Official

Date

Printed Name

Title

Phone Number

NON-CITIZEN ELIGIBILITY DESK AID

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

Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes ¹	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Lawful Permanent Resident (LPR) without 40 Qualifying Quarters	K	<p><u>I-551 Permanent Resident Card</u>: workers must check category code;²</p> <p>Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94 Arrival/Departure Record</u>;</p> <p>Immigrant visa with the notation "upon endorsement serves as temporary <u>I-551</u> permanent resident for one year;"</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating approval of an I-485 Application to Register Permanent Residence or Adjust Status;</p> <p>or</p> <p><u>I-327 Permit to Reenter the United States</u>;</p> <p>or</p> <p><u>I-181 Memorandum of Creation of Record of Lawful Permanent Residence</u> with approval stamp.</p>	<p>DOS is the date status was obtained</p>	<p>Yes</p>	<p>Yes if:</p> <p>Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status;</p> <p>or</p> <p>Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status</p>	<p>Yes if:</p> <p>In a qualified status and in receipt of certain disability benefits [7 USC 2012(i)(2)-(7)];</p> <p>or</p> <p>In a qualified status and under age 18;</p> <p>or</p> <p>After five years in U.S. in a qualified status;</p> <p>or</p> <p>Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date</p>
		<p>Any other authoritative document that identifies the non-citizen³ as an LPR</p> <p>Same LPR documentation as above</p> <p>and</p> <p>Proof of 40 qualifying quarters⁴</p> <p>Note: No quarters earned after 12/31/96 may be counted in which a non-citizen has received a federal means-tested public benefit, including but not limited to FA, SSI and SNAP.</p>				
LPR with 40 Qualifying Quarters	S					

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

The Date Entered Country (DEC) field in WMS indicates when the non-citizen physically entered the United States (U.S.). This is necessary so as not to deny federal benefits to certain qualified non-citizens who entered the U.S. prior to August 22, 1996 but have been in a qualified status for less than five years.

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

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

³As used in this desk aid, the term "non-citizen" means a person who is not a citizen or national of the U.S. The term "qualified non-citizen" means a person who is a "qualified alien" as that term is defined in 8 U.S.C. §1641.

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

⁴40 qualifying quarters as defined under Title II of the Social Security Act, or can be credited with such qualifying quarters. An LPR may earn qualifying quarters by working, or may be credited with qualifying quarters from a parent, stepparent, or adoptive parent for any quarter earned prior to the LPR turning 18 years old. An LPR may also be credited with quarters earned by a spouse during their marriage. A widow or widower retains credit for all qualifying quarters earned by a deceased spouse during the marriage, however, any quarters earned by the spouse during the marriage are forfeited.

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Description of Status	WMS ACI Code	Common Documentation	WMS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
<ul style="list-style-type: none"> Refugee Conditional Entrant (A status granted to Refugees prior to 1980) Iraqi or Afghan Special Immigrant Visa Holder (SIV) or SQ/SI Parolee Afghan Humanitarian Parolee⁵ Amerasian Immigrant Certain Hmong or Highland Laotian <p>*Also explore eligibility for Refugee Cash Assistance (RCA). See 16-ADM-02</p>	R	<p>I-551 Permanent Resident Card, or I-94 Arrival/Departure Record or Passport stamped/coded: AM1, AM2, AM3, AM6, AM7, AM8, AR1, AR6, R8-6, RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9, CQ1, CQ2, CQ3, SI-1, SI-2, SI-3, SI-6, SI-7, SI-8, SI-9, SQ1, SQ2, SQ3, SQ4, SQ5, SQ6, SQ7, SQ8 or SQ9;</p> <p>Department of Homeland Security (DHS)/Customs and Border Protection (CBP) or DHS/United States Citizenship and Immigration Services (USCIS) Temporary I-551 Alien Documentation Identification and Telecommunication (ADIT) stamp;</p> <p>I-766 Employment Authorization Card coded: A3 or A03;</p> <p>or</p> <p>I-94 Arrival/Departure Record or Passport stamped/coded: "admitted under Section 207 or 203(a)(7) (as in effect prior to 4/1/80) of the Immigration and Nationality Act (INA)," or "Refugee," or Iraq or Afghanistan national stamped: "admitted under Section 101(a)(27) of the INA," or "SQ/SI parole," or evacuees from Afghanistan with one of the following stamps: "Humanitarian Parole per INA Section 212(d)(5)(A)," or DHS/CBP stamp noting Operation Allies Refuge or "OAR," or DHS/CBP admission stamp noting Operation Allies Welcome or "OAW," or DHS/CBP admission stamp noting "DT,"</p> <p>or</p> <p>I-94 Arrival/Departure Record with a separate, printed page on CBP letterhead, and the following notation, signed and dated by a USCIS officer: Special Immigrant Status (SQ/SI) Parolee; Section 602(B)(1) AAPA/Section 1059(a) NDAA 2006; Date: ____ USCIS Officer: ____</p> <p>I-797 Notice of Action indicating approval of an I-730 "Refugee,"</p> <p>or</p> <p>I-571 Refugee Travel Document</p> <p>I-551 Permanent Resident Card coded: AS1, AS2, AS3, AS6, AS7, or AS8;</p> <p>or</p> <p>I-766 Employment Authorization Card coded: A5 or A05;</p> <p>or</p> <p>I-94 Arrival/Departure Record stamped: "Granted asylum under Section 208 of the INA,"</p> <p>I-797 Notice of Action indicating approval of an I-730 "Asylee;"</p> <p>Grant letter from the USCIS Asylum Office;</p> <p>or</p> <p>Order of an immigration judge granting asylum</p>	DOS is the date the non-citizen entered the U.S.	Yes	Yes	Yes
<p>Asylum Granted⁶</p> <p>*Also explore eligibility for RCA. See 16-ADM-02</p>	A		DOS is the date status was obtained	Yes	Yes	Yes

⁵ Afghan Humanitarian Parolees shall be eligible for certain benefits until March 31, 2023, or the end of the individual's parole term, whichever is later.

⁶ If the non-citizen has not been granted asylum, but is an asylum applicant with employment authorization, refer to page 8 to determine SNA eligibility.

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<p><u>Qualified/Battered Non-Citizen</u> A U.S. citizen's or LPR's battered spouse, or child, or parent or child of such battered person, who:</p> <p>Obtains "Notice of Prima Facie" Case from the USCIS under the Violence Against Women Act (VAWA);</p> <p>or</p> <p>Has an I-360 self-petition under VAWA that is approved;</p> <p>or</p> <p>Has a pending I-360 self-petition and is determined to be a credible victim of domestic violence by the district's Domestic Violence Liaison (DVL);</p> <p>or</p> <p>Is determined to be a credible victim of domestic violence by the district's DVL with a pending or approved I-130 petition;</p> <p>or</p> <p>Has an application for VAWA cancellation of removal or suspension of deportation that has been granted or is pending and the immigration court finds that the applicant has a prima facie case for this relief</p>	<p>B</p>	<p><u>I-551 Permanent Resident Card</u> coded: B11, B12, B16, B17, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29, B31, B32, B33, B36, B37, B38, BX1, BX2, BX3, BX6, BX7, BX8, IB1, IB2, IB3, IB6, IB7, IB8 or Z14;</p> <p><u>I-766 Employment Authorization Card</u> coded: A09, A15 or C31;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> coded: K3, K4, V1, V2 or CR -1-7 and a pending or approved I-130;</p> <p><u>I-797 Notice of Action</u> indicating prima facie eligibility of an I-360 self-petition under Section 204(a)(1)(A)(iii) or (iv), or Section 204(a)(1)(B)(ii) or (iii) of the INA;</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating approval or pending I-360 self-petition under Section 204(a)(1)(A)(ii) or (iii) or (iv), or Section 204(a)(1)(B)(ii) or (iii) of the INA;</p> <p>or</p> <p><u>I-797 Notice of Action</u> indicating approval or pending I-130 visa petition under Section 204(a)(1)(A)(i) of the INA (spouse or child of a U.S. citizen), or Section 204(a)(1)(B)(i) (spouse or child of a lawful permanent resident);</p> <p>or</p> <p>Any other document from the USCIS indicating the non-citizen has a K or V visa and a pending or approved I-130;</p> <p>or</p> <p>Order from the Executive Office of Immigration Review (EOIR) under Section 240A(b)(2) of the INA or if the application is pending documentation that the court finds that the applicant has a prima facie case for this relief</p>	<p>DOS is the date status was obtained⁸</p>	<p>Yes</p>	<p>Yes if: Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status; or Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status</p>	<p>Yes if: In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)]; or In a qualified status and under age 18; or In a qualified status and have 40 qualifying quarters; or After five years in U.S. in a qualified status; or Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date</p>

⁸For non-citizens to be treated as qualified battered non-citizens, they must meet four requirements:

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

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

⁹In general, the DOS for TA and SNAP is when all four of the criteria in footnote 6 are met. **Exception for SNAP:** Per current United States Department of Agriculture (USDA) guidance, for non-citizens with an approved I-360, or a prima facie determination on a pending I-360, the DOS for SNAP is the date the I-360 petition was approved, or the date the prima facie determination was made by USCIS, whichever is earlier.

WMS only records one DOS. If the DOS for TA and SNAP are different, enter the earlier of the two dates in WMS so that the non-citizen can receive the federal benefits they are eligible for; the later date must be noted, and tracked manually in the case record so that the federal benefits for that benefit program are also issued appropriately. See GIS 19 TA/DCCO38 "SNAP and TA Date of Status (DOS) Determination for Qualified Battered Non-Citizens," for further information.

Note: Non-citizens who file for VAWA related immigration relief often later adjust their immigration status to become LPRs. The "residence since" date on the I-551 Permanent Resident Card indicates the date LPR status was obtained. Do not use the date the non-citizen was determined to be a qualified battered non-citizen. For both TA and SNAP, use the earliest appropriate date as the DOS for benefit eligibility. If a non-citizen presents an I-551 with one of the codes noted above, review the case record, and/or ask the non-citizen if they have additional documentation, to determine if an earlier DOS would be appropriate.

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Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Victim of Human Trafficking *Also explore eligibility for RCA. See 16-ADM-02	D	<p><u>I-551 Permanent Resident Card</u> coded: S10, S16, S17, S18 or S19; or <u>I-766 Employment Authorization Card</u> coded: A16 or C25; or <u>I-94 Arrival/Departure Record</u> coded: T1, T2, T3, T4, T5 or T6 stating admission under Section 212(d)(5) of the INA if status granted for at least one year; or <u>I-797 Notice of Action</u> indicating approval of an I-914 or I-914A coded: T1, T2, T3, T4, T5 or T6; or Certification Document (for adults) or Eligibility Letter (for children) from the Administration for Children and Families (ACF), Office on Trafficking in Persons (OTIP); Must call 1-866-401-5510 for verification <u>I-766 Employment Authorization Card</u> coded: A10;</p>	DOS is the date of certification or eligibility by OTIP See 03-ADM-01	Yes	Yes	Yes
Deportation or Removal Withheld	J	<p>Order from an Immigration Judge showing the date deportation was withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of the INA <u>I-766 Employment Authorization Card</u> coded: A04 or C11 and or <u>I-94 Arrival/Departure Record</u> indicating admitted for at least one year; or <u>I-94 Arrival/Departure Record</u> stamped: "Paroled pursuant to Section 212(d)(5)," or "parole," or "PIP" with date of entry and date of expiration indicating one year.</p>	DOS is the date status was obtained	Yes	Yes	Yes
Parolee (for at least one year) (A parolee is a non-citizen who has been allowed to enter the U.S. for humanitarian or public interest reasons)	G	<p>Note: See Cuban/Haitian Entrant section on page 5 if non-citizen is a Cuban or Haitian national.</p>	DOS is the date status was obtained	Yes	Yes if: Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status; or Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status	Yes if: In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)]; or In a qualified status and under age 18; or In a qualified status and have 40 qualifying quarters; or After five years in U.S. in a qualified status; or Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date
Parolee (for less than one year)	T	<p>Note: See Cuban/Haitian Entrant section on page 5 if non-citizen is a Cuban or Haitian national.</p>	DOS is left blank	Yes	No	No

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Cuban/Haitian Entrant *Also explore eligibility for RCA. See 16-ADM-02	H	<p><u>I-551 Permanent Resident Card</u> or <u>Temporary I-551 stamp in foreign passport</u> coded: CU6, CU7, CH6, HA6 or HB6;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: "Cuban/Haitian Entrant (status pending)" or coded CU6, CU7, HF, HP0, HP1 or HPD;</p> <p>or</p> <p>Any other document from the USCIS indicating parole under the Haitian Family Reunification Parole Program (HFRP) coded "HF,"</p> <p>or</p> <p>Reasonable evidence of being a Cuban or Haitian national (citizen) and one of the following:</p> <p><u>I-766 Employment Authorization Card</u> coded: C8, C08, or C11;</p> <p>or</p> <p><u>I-766 Employment Authorization Card</u> coded: C18 (Order of Supervision) with additional documentation to support previous or current parole status into the U.S.;</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: "Form I-589 filed;"</p> <p>or</p> <p><u>I-94 Arrival/Departure Record</u> stamped: "paroled under Section 212(d)(5) of the INA," or "Section 212(d)(5) of the INA," or stamp showing parole in U.S. on or after 10/10/80;⁹</p> <p>or</p> <p><u>I-797C Notice of Action</u> confirming USCIS's receipt of the non-citizen's Form I-589 (Application for Asylum and Withholding of Removal);</p> <p>or</p> <p>Documentation issued by the DHS or the Department of Justice's EOIR showing that the non-citizen is in removal proceedings (this includes Notice to Appear (DHS Form I-862), or Order of Supervision (DHS I-220B)) if there is also evidence of parole into the U.S.)</p> <p>Proof of qualified non-citizen status</p>	DOS is the date status was obtained	Yes	Yes	Yes
Active Military: a qualified non-citizen who is on active duty, other than active duty for training, in the United States Armed Forces, or their spouse, unmarried surviving spouse, or unmarried dependent child if such spouse or dependent child is also a qualified non-citizen	M	<p><u>Military Identification Card</u> (Active) that lists an expiration date of more than one year from the date of determination. If ID card is due to expire within one year from the date of determination, use a copy of current military orders.</p>	DOS is the date status was obtained	Yes	Yes	Yes

⁹Exception: This guideline does not apply when the non-citizen was paroled solely to testify as a witness in a judicial, administrative or legislative proceeding, or when the parolee is in legal custody pending criminal prosecution.

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Veteran: a veteran who is a qualified non-citizen and who (1) has received a discharge from the United States Armed Forces characterized as honorable and not on account of alienage, or (2) has a qualifying condition, as defined in Section 350 of the New York State Executive Law, and has received a discharge other than bad conduct or dishonorable (and not on account of alienage) from the Armed Forces, or (3) is a discharged LGBT veteran, as defined in Section 350 of the New York State Executive Law, and has received a discharge other than bad conduct or dishonorable (and not on account of alienage) from the Armed Forces; or their spouse, unremarried surviving spouse, or unmarried dependent child if such spouse or dependent child is also a qualified non-citizen	V	Proof of qualified non-citizen status DD Form 214 Discharge Certificate that states "Honorable." A character of discharge "Under Honorable Conditions" is not an "Honorable Discharge" for these purposes. Narrative Reason for Separation block must not state that discharge was for reason of "alienage" or lack of U.S. citizenship.	DOS is the date status was obtained	Yes	Yes	Yes
North American Indian born in Canada	C	I-551 Permanent Resident Card coded: S13 or temporary I-551 stamp in a Canadian passport; or I-94 Arrival/Departure Record stamped: S13; or Tribal document certifying at least 50% American Indian blood, as required by Section 289 of the INA and School records, or, a birth or baptismal certificate issued on a reservation, or, other satisfactory evidence of birth in Canada	N/A	Yes	Yes	Yes
Member of federally recognized tribe born outside U.S.	C	Membership card or other tribal document demonstrating membership in a federally recognized Indian tribe under Section 4(e) of the Indian Self-Determination and Education Assistance Act I-766 Employment Authorization Card coded: A08;	N/A	Yes	Yes	Yes
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)	O	I-94 Arrival/Departure Record stamped: CFA/MIS "DS" (Duration of Status), D/S; or, CFA/PAL "DS" (Duration of Status), D/S	DOS is left blank	Yes	No	No
Continuous entry and residence in the U.S. prior to January 1, 1972	O	I-766 Employment Authorization Card coded: C16; or Any other document from the EOIR or USCIS indicating Registry Application is pending; or Any documentary proof establishing entry and continuous residence	DOS is left blank	Yes	No	No

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Description of Status	WMS ACI Code	Common Documentation	WMS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Subject to an Order of Supervision	O	<p><u>I-766 Employment Authorization Card</u> coded: C18; or <u>I-220B Order of Supervision</u>; Any other authoritative document indicating an Order of Supervision Note: Cuban or Haitian nationals under an Order of Supervision are deemed to retain their Cuban-Haitian Entrant status for benefit eligibility purposes if they can document they are a national of Cuba or Haiti with a previous or current parole status into the U.S.¹⁰ Order from the EOIR granting cancellation of removal; or Any other document from the EOIR indicating cancellation of removal granted <u>I-766 Employment Authorization Card</u> coded: C14 or C33; or <u>I-797 Notice of Action</u> indicating approved "Deferred Action for Childhood Arrivals" (DACA) application; or Any document from the USCIS granting deferred action to a "U" visa applicant; or Any other document from the EOIR or USCIS indicating deferred action including any documentation that a DACA application has been approved <u>I-766 Employment Authorization Card</u> coded: A19 or A20; or <u>I-94 Arrival/Departure Record</u> stamped: U1, U2, U3, U4, or U5; or <u>I-797 Notice of Action</u> indicating that a petition for "U" nonimmigrant status was approved;</p>	DOS is left blank	Yes	No	No
Cancellation of Removal	O	<p>Order from the EOIR granting cancellation of removal; or Any other document from the EOIR indicating cancellation of removal granted <u>I-766 Employment Authorization Card</u> coded: C14 or C33; or <u>I-797 Notice of Action</u> indicating approved "Deferred Action for Childhood Arrivals" (DACA) application; or Any document from the USCIS granting deferred action to a "U" visa applicant; or Any other document from the EOIR or USCIS indicating deferred action including any documentation that a DACA application has been approved <u>I-766 Employment Authorization Card</u> coded: A19 or A20; or <u>I-94 Arrival/Departure Record</u> stamped: U1, U2, U3, U4, or U5; or <u>I-797 Notice of Action</u> indicating that a petition for "U" nonimmigrant status was approved;</p>	DOS is left blank	Yes	No	No
Deferred Action Status	O	<p>Any document from the USCIS granting deferred action to a "U" visa applicant; or Any other document from the EOIR or USCIS indicating deferred action including any documentation that a DACA application has been approved <u>I-766 Employment Authorization Card</u> coded: A19 or A20; or <u>I-94 Arrival/Departure Record</u> stamped: U1, U2, U3, U4, or U5; or <u>I-797 Notice of Action</u> indicating that a petition for "U" nonimmigrant status was approved;</p>	DOS is left blank	Yes	No	No
"U" Visa	O	<p><u>I-766 Employment Authorization Card</u> coded: A19 or A20; or <u>I-94 Arrival/Departure Record</u> stamped: U1, U2, U3, U4, or U5; or <u>I-797 Notice of Action</u> indicating that a petition for "U" nonimmigrant status was approved;</p>	DOS is left blank	Yes	No	No
"S" Visa	O	<p>Any other document from the USCIS indicating "U" nonimmigrant status <u>I-766 Employment Authorization Card</u> coded: C21; or <u>I-94 Arrival/Departure Record</u> stamped: S5, S6, or S7; or Any other document from the USCIS indicating "S" visa status <u>I-766 Employment Authorization Card</u> coded: A9, A09, A14, or A15; or <u>I-94 Arrival/Departure Record</u> stamped: K3, K4, V1, V2, or V3; or Unexpired "K3," "K4," or "V" visa in passport Note: If an expired "K" or "V" visa is submitted, then proof that an I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS, and, proof that a Form I-130, I-485, or an immigrant visa application is still pending, must also be submitted.</p>	DOS is left blank	Yes	No	No
"K3" or "K4" or "V" Visa Granted Under the Legal Immigration Family Equity Act (LIFE Act)	O	<p>Unexpired "K3," "K4," or "V" visa in passport Note: If an expired "K" or "V" visa is submitted, then proof that an I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS, and, proof that a Form I-130, I-485, or an immigrant visa application is still pending, must also be submitted.</p>	DOS is left blank	Yes	No	No

¹⁰Refer to GIS 16 TA/DC048 "Eligibility to Participate in SNAP by Certain Cuban Nationals Under an Order of Supervision," for additional information regarding SNAP eligibility for these non-citizens.

NON-CITIZEN ELIGIBILITY DESK AID

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

Description of Status	WMS ACI Code	Common Documentation	WMS DOS and DEC Codes	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Temporary Protected Status (TPS)	O	I-766 <u>Employment Authorization Card</u> coded: A12; or I-797 <u>Notice of Action</u> indicating TPS granted I-766 <u>Employment Authorization Card</u> coded: C8 or C08;	DOS is left blank	Yes	No	No
Asylum Applicant with Employment Authorization	O	I-797 <u>Notice of Action</u> indicating Asylum application received or pending, and that the non-citizen is authorized to work in the U.S.; or Any other document from the USCIS indicating an asylum application is pending and that the non-citizen is authorized to work in the U.S. Note: Cuban or Haitian nationals who have an application for asylum pending with the USCIS and are not subject to a final, non-appealable, and legally enforceable removal order have Cuban-Haitian Entrant status for benefit eligibility purposes. See Cuban/Haitian Entrant section on page 5.	DOS is left blank	Yes	No	No
Deferred Enforced Departure	O	I-766 <u>Employment Authorization Card</u> coded: A11	DOS is left blank	Yes	No	No
Special Immigrant Juvenile (SIJ)	O	I-797 <u>Notice of Action</u> indicating approval of an I-360 petition for SIJ; or Any other USCIS or government document indicating that the non-citizen is an SIJ.	DOS is left blank	Yes	No	No
Non-citizen, not otherwise included on this desk aid, who the USCIS has officially determined is legitimately present in the U.S. and who the USCIS is allowing to reside in the country for an indefinite period of time	O	Districts must contact the Office of Temporary and Disability Assistance (OTDA) Temporary Assistance (TA) Bureau for additional guidance if the district believes they have a non-citizen that fits this description.	DOS is left blank	Yes	No	No
Other status not eligible for TA or SNAP	E	Non-citizen that is unable to provide sufficient documentation to support their inclusion in any of the above statuses.	N/A		No ¹	

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

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

¹If it is determined that a non-citizen is ineligible for TA and/or SNAP because of their non-citizen status, the non-citizen must be denied using the appropriate denial code (F92 - Failure to Provide Proof of Citizenship or Eligible Alien Status (TA) or F92 - Ineligible Alien Status (SNAP)) and ACI code "E." Use of the appropriate denial and ACI codes is necessary so that a Medicaid Separate Determination (MSD) is conducted.