



George E. Pataki
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

Brian J. Wing
Commissioner

INFORMATIONAL LETTER

TRANSMITTAL: 98 INF-5

TO: Commissioners of
Social Services

DIVISION: Temporary
Assistance

DATE: March 11, 1998

SUBJECT: Alien Status Desk Guide
(LDSS-4579) (Rev.2/98)

SUGGESTED

DISTRIBUTION: Income Maintenance Directors
Food Stamp Directors
Medical Assistance Directors
CAP Coordinators
Services Coordinators
Forms Coordinators
Staff Development Coordinators

CONTACT PERSON: Program Questions:
Region I (518-473-0332); Region II (518-474-9344);
Region III (518-474-9307); Region IV (518-474-9300);
Region V (518-473-1469); Region VI (212-383-1658)
Forms Questions:
Bob Gullie, DTA/New Technology, 1-800-343-8859,
extension 4-6055 (AV1060)

ATTACHMENTS: LDSS-4579: "Alien Status Desk Guide"
(Rev.2/98) - Not Available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
97 ADM-23 97 ADM-25		349			Alien Status Telecon- ference

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The purpose of this Informational Letter is to introduce the new IDSS-4579: "Alien Status Desk Guide" (Rev.2/98) (copy attached).

This desk guide contains Alien Status program eligibility requirements under the federal "Personal Responsibility and Work Opportunity Reconciliation Act" (August 1996) and the "New York State Welfare Reform Act of 1997".

The IDSS-4579: "Alien Status Desk Guide" (Rev.2/98) has been developed to assist staff in identifying appropriate alien status as established under the federal Immigration and Nationality Act and to relate that status to individuals' eligibility for Public Assistance, Food Stamps and/or Medicaid.

The IDSS-4579 replaces the initial Alien Status chart that was distributed at the May 8, 1997, Alien Status Teleconference and similar desk guides used for training purposes. It includes one recent change whereby an alien lawfully admitted for Permanent Residence, who has 40 qualifying quarters of Social Security Coverage can, if otherwise eligible, receive Food Stamps without regard to date of entrance.

The revised State policy regarding alien eligibility status was issued in 97 ADM-23, "Public Assistance (Family Assistance/Safety Net Assistance) Changes Resulting from the Welfare Reform Act of 1997". Related MA eligibility was also addressed in this ADM. Food Stamp policy for aliens was issued in 97 ADM-25, "Food Stamp Eligibility of Non-Citizens". Additionally, Regional Meetings were conducted to provide information for implementation of the new requirements of the Welfare Reform Act, including alien eligibility status.

The new desk guide will be printed on green cardstock and should be delivered to the Albany and NYC/HRA Warehouses sometime in May, 1998. Local districts will automatically receive initial supplies of this form.

Office of Temporary and Disability Assistance
Bureau of Management Services
Forms Supply, Control and Distribution
P.O. Box 1990
Albany, New York 12201

Question concerning ordering forms should be directed to the Bureau of Management Services by calling 1-800-343-8859, ext. 4-2702.

Patricia A. Stevens

Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance

ALIEN STATUS DESK GUIDE

"Qualified" Aliens

FS = Food Stamps
 FA = Family Assistance
 SNA = Safety Net Assistance
 MA = Medical Assistance

Yes = Eligible
 No = Ineligible

Alien Status	Entered U.S. Prior to 8/22/96					Entered U.S. 8/22/96 or After			
	Conditions	FS	FA	SNA	MA	FS	FA	SNA	MA
Lawfully admitted for permanent residence (LPR's) without 40 quarters of social security coverage.	Less than 5 yrs.	No	Yes	Yes	Yes	No	No	Yes	No*
	More than 5 yrs.	No	Yes	Yes	Yes	No	Yes	Yes	Yes
A person paroled for 1 yr. or more into the U.S. under Sec. 212(d)(5) of INA:	Less than 5 yrs.	No	Yes	Yes	Yes	No	No	Yes	No*
	More than 5 yrs.	No	Yes	Yes	Yes	No	Yes	Yes	Yes
A conditional entrant under Sec. 203(a)7 of INA:	Less than 5 yrs.	No	Yes	Yes	Yes -	No	No	Yes	No*
	More than 5 yrs.	No	Yes	Yes	Yes	No	Yes	Yes	Yes
A battered spouse and dependents of a U.S. citizen or LPR who obtains "NOTICE OF PRIMA FACIE CASE" from INS	Less than 5 yrs.	No	Yes	Yes	Yes	No	No	Yes	No*
	More than 5 yrs.	No	Yes	Yes	Yes	No	Yes	Yes	Yes
"Other" Aliens									
Paroled into U.S. Sec. 212(d)(5) of INA:	Paroled for less than 1 yr.	No	No	Yes	No*	No	No	Yes	No*
PRUCOL's who are not qualified aliens:	See Note	No	No	Yes	No * **	No	No	Yes	No * **
Illegal, undocumented, or aliens with a temporary immigration status		No	No	No	No*	No	No	No	No*

NOTE: PRUCOL refers to Aliens who are Permanently Residing in the U.S. Under Color of Law. Description of PA PRUCOL can be found in 88 INF-77 and PA Source Book (PASB) Section XXIII. Description of MA PRUCOL can be found in the Medical Assistance Reference Guide (MARG).

* Such aliens may receive coverage for care and services necessary for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure. Pregnant women may be provided Medicaid without regard to alien status

** PRUCOL aliens residing in residential health care facilities or residential facilities licensed, operated or funded by OMH or OMRDD and receiving Medicaid on August 4, 1997 are eligible