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**FOOD AND NUTRITION SERVICES CERTIFICATION**  
**ELIGIBILITY REQUIREMENTS**  
**United States Citizenship and Alien Status**

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**FNS 225 United States Citizenship and Alien Status**  
**Change #3-2012**  
**June 1, 2012**

**225.01 CITIZENSHIP/ALIENAGE REQUIREMENT**

- A. Each Food and Nutrition Services (FNS) Unit member must be:
1. A United States (U.S.) citizen (See 225.02 and 225.03); **or**
  2. An eligible alien who is admitted lawfully into the U.S.

**NOTE:** Individuals who are otherwise categorically eligible must still meet Food **and Nutrition Services** citizenship/alienage rules to be eligible. In other words, an individual may be eligible for SSI or Work First but not eligible for Food and Nutrition Services because the individual did not meet Food and Nutrition Services citizenship/alienage rules.

- B. Certification of Alien or Citizenship Status
1. The applicant or (FNS) Unit member must certify, under penalty of perjury, the citizenship or alien status of himself and all individuals included in the (FNS) Unit.
  2. The head of household or (FNS) Unit member meets this requirement by:
    - a. Signing the application workbook at application.
    - b. Stating the citizenship or alien status of all new unit members when a change in household composition is reported.

**225.02 UNITED STATES CITIZENSHIP REQUIREMENT**

A U.S. citizen is:

- A. Any person (other than the child of a foreign diplomat) born in the continental U.S., Alaska, Hawaii, Puerto Rico, Guam, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, or Swains Islands.
- B. Any person who is a naturalized citizen of the U.S.
- C. A child born outside the U.S. when either parent is a citizen of the U.S., provided requirements in 225.03 are met.

**225.03 VERIFY AND DOCUMENT UNITED STATES CITIZENSHIP**

- A. Unless questionable, accept the applicant's signature on the application workbook as sufficient verification of citizenship. The applicant's statement regarding citizenship is considered questionable when:
1. The claim of citizenship is inconsistent with statements made by the applicant or with other information on the application or previous applications.
  2. The claim of citizenship is inconsistent with information received from another source.

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- B. If the applicant's statement is questionable, verify citizenship using:
1. Birth certificates showing birth in the U. S. or areas indicated in 225.02 A.; **or**
  2. Hospital/doctor records established at the time of birth. This includes a hospital-issued birth certificate; **or**
  3. Birth certificates or documents verifying the U.S. citizenship of at least one parent, and that the child is the biological child of that parent.  
**Example:** A mother applying for benefits for herself and two children was born in Texas but the children were born in Mexico, as the mother spent time in both countries. If the mother can prove that she is a U.S. citizen and that the children are her biological children, the children are U.S. citizens.
  4. Certificates of Citizenship or Naturalization issued by U.S. Citizenship and Immigration Services (USCIS); **or**
  5. U.S. Passport (except limited passports, issued for periods of less than five years); **or**
  6. Report of birth abroad of a U.S. citizen (FS-240) issued by the Department of State to a U.S. citizen; **or**
  7. Verification of receipt of Work First (if Work First verified citizenship); **or**
  8. Social Security Administration Records; **or**
  9. Certificate of Naturalization (N-550 or N-570). The N-570 is a replacement certificate issued when the N-550 has been lost or the individual's name has been changed; **or**
  10. Certificate of birth (FS-545) issued by a foreign service post or Certification of Report of Birth (DS-1350) issued by the Department of State; **or**
  11. Certificate of Citizenship (N-560 or N-561) issued by the USCIS to individuals who derive citizenship through a parent. The N-561 is a replacement certificate issued when the N-560 has been lost or the individual's name changed; **or**
  12. United States Citizen Identification Card (I-197) issued by the USCIS until April 7, 1983, to U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings. The I-179 was issued prior to the I-197 until February 1974; **or**
  13. Northern Mariana Identification Card (issued by the USCIS to a naturalized citizen of the U.S. born in the Northern Mariana Islands before November 3, 1986; **or**
  14. Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen who does not have a FS-240, FS-545, or DS-1350; **or**
  15. American Indian Card with a classification code of "KIC" and a statement on the back (identifying U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border; **or**
  16. **Two** of the following:
    - a. School records;
    - b. Bible records;

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- c. Hospital, physician, or health department records;
- d. Court records;
- e. U.S. census record showing name, U.S. citizenship or a U.S. place of birth, and a date of birth or age of applicant;
- f. Evidence of civil service employment by the U.S. government before June 1, 1976; **or**
- g. A witnessed statement from an individual who has specific knowledge about the birth of the person whose citizenship is in question. The statement must include:
  - (1) Name of the person whose citizenship is in question;
  - (2) Date of birth;
  - (3) Place of birth;
  - (4) Relationship, if any, to the person whose citizenship is in question; **and**
  - (5) Basis of the individual's knowledge.

**C. Procedure When No Verification Is Provided**

If the applicant cannot provide verification of citizenship, request documentation verifying his alien status.

If no documentation is available, refer the applicant to the local USCIS at:

[www.uscis.gov](http://www.uscis.gov) by going to the "Services and Benefits" section to find the appropriate field office; or by calling USCIS customer service at 1-800-375-5283.

Treat this individual as an ineligible alien until verification is provided.

**D. Documentation**

Document in the case file the source and method of verification used to verify citizenship.

**225.04 DETERMINE ALIEN STATUS AND ELIGIBILITY FOR FOOD AND NUTRITION SERVICES**

Use original documentation from USCIS to determine alien status. The following chart lists some USCIS documents and the alien status. Documents are listed in "**A Guide to Selected U. S. Travel/Identity Brochure**" and codes are included in the Classes of Admission Under the Immigration Laws, Codes document.

Victims of trafficking do not receive refugee status from USCIS. Their status is verified via a Trafficking Victim Certified Letter for adults, a Trafficking Victim Eligibility Letter for children, or a Derivative T Visa from the Office of Refugee Resettlement.

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| If a FNS Unit member has a document which is a(n):  | Then the Alien Status is:  |
|---|--|
| U. S. Passport or USCIS document bearing the endorsement "Processed for I-551, Temporary Evidence of Lawful Permanent Residence"  | Permanent Resident, Lawfully Admitted for Permanent Residence (LPR); <b>Qualified</b><br>Possibly a Sponsored Alien following issuance of card.  |
| I-551 (Resident Alien Card):<br>Coded CH-6, CU6, and CU7<br>Coded AM-1, AM-2, AM-3,   | Cuban/Haitian Immigrant; <b>Qualified</b><br>Amerasian, LPR; <b>Qualified</b>  |
| I-551 (Permanent Resident Card):<br>Coded CH-6, CU6, and CU7<br>Coded AM-6, AM-7, or AM-8   | Cuban/Haitian Immigrant; <b>Qualified</b><br>Amerasian, LPR; <b>Qualified</b>  |
| Passport stamped "adjustment application" or "employment authorized during status as adjustment applicant."   | Permanently Residing in the U.S. Under the Color of Law (PRUCOL), LPR; <b>Qualified</b>  |
| I-151 (Alien Registration Receipt Card):<br>These cards are no longer issued.   | Permanent Resident, LPR; <b>Qualified</b>  |
| I-94 (Arrival/Departure Record): Coded with one of the following:<br>A to M<br>NATO 1 to 7 or TWOV  | Non-immigrant alien; <b>Not Qualified</b><br>Non-immigrants are admitted for a temporary period of time.   |
| I-94 (Arrival/Departure Record): Coded with a reference to one of the following sections:<br>Section 207<br>Section 208<br>Section 209<br>Section 243(h), Section 241(b) (3)  | Refugee; <b>Qualified</b><br>Granted Asylum; <b>Qualified</b><br>Deportation Withheld; <b>Qualified</b>  |
| I-94 (Arrival/Departure Record): Coded with Section 203(a)(7) and in effect prior to 4/1/80   | Conditional Entrant; <b>Qualified</b>  |
| I-94 (Arrival/Departure Record): Coded AM-1, AM-2, or AM-3  | Amerasian, LPR; <b>Qualified</b>   |
| I-94 (Arrival/Departure Record): Coded with Section 212 (d)(5) and dates showing parole status has been granted for a period of at least one year.<br><b>NOTE:</b> This does not mean one year from the parole date. The parole period must be for at least one year. | Parolee; <b>Qualified</b><br><b>NOTE:</b> Cuban/Haitian parolee documents may be coded with Cuban Parolee (CP), Public Interest Parolee (PIP), or Parole with Cuba as the country of origin. The Cuban/Haitian entrant remains qualified even when the one year parole period expires. |
| I-94 (Arrival/Departure Record) and/or a letter or order showing that deportation or departure has been delayed or will not be enforced   | PRUCOL, LPR; <b>Qualified</b>  |
| Unexpired Temporary I-551 stamp in foreign passport or on INS Form I-94 (Arrival/Departure)   | Permanent Resident, LPR; <b>Qualified</b>  |
| I-210   | PRUCOL, LPR; <b>Qualified</b>  |
| I-220B  | PRUCOL, LPR; <b>Qualified</b>  |
| I-551 (Resident Alien Card) (no form number):<br>Coded with one of the following:<br>CR-1-CR-2<br>F42-F43<br>IR1-IR9<br>P1-P6   | Permanent Resident, LPR; <b>Qualified</b><br><br>Possibly a Sponsored Alien following issuance of card   |

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| <b>If a FNS unit member has a document which is a(n):</b>   | <b>Then the Alien Status is:</b>  |
|---|---|
| I-551 (Resident Alien Card) (no form number):<br>Coded with one of the following: S-16, S-26                                    | Permanent Resident – Special Agricultural Worker (SAW), LPR; <b>Qualified</b>   |
| I-551 (Resident Alien Card) (no form number):<br>Coded with one of the following:<br>W-16, W-26, W-36                           | Permanent Resident – Amnesty Alien, LPR;<br><b>Qualified</b>  |
| I-551 (Permanent Resident Card):<br>Coded with any other code   | Permanent Resident, LPR; <b>Qualified</b><br>Possibly a Sponsored Alien following issuance of card  |
| I-551 (Resident Alien Card):<br>Coded with one of the following:<br>SI6, SI7, SI9   | Permanent Residents, LPR; <b>Qualified</b><br>Iraqi or Afghan Special Immigrant (SIV)   |
| I-688 (Temporary Resident Card):<br>Coded with: 210 or 245A   | Permanent Resident – SAW or Amnesty Alien,<br>LPR; <b>Qualified</b>   |
| I-688A (Employment Authorization Card)  | Applicant status for SAW or Amnesty Alien; <b>Not Qualified</b>   |
| I-766 (Employment Authorization Document)   | Not Permanent Residents; <b>Not Qualified</b>   |
| I-688B (Employment Authorization Document):<br>Coded with:<br>274a.12(a)(3)<br>274a.12(a)(4)<br>274a.12(a)(5)<br>274a.12(a)(10) | Not Permanent Residents<br><br>Refugee, or Conditional entrant; <b>Qualified</b><br>Refugee; <b>Qualified</b><br>Granted Asylum; <b>Qualified</b><br>Granted Withholding of Deportation; <b>Qualified</b> |
| I-688B (Employment Authorization Document):<br>Coded with: 274a.12(c)(9)  | Applicant for permanent resident status; <b>Not qualified until status granted as LPR except qualified battered immigrants under section 225.05(B)(1)</b>   |
| I-688B (Employment Authorization Document):<br>Coded with: 274a.12(c)(11)   | Parolee; <b>Qualified</b>   |
| I-688B (Employment Authorization Document):<br>Coded with:<br>274a.12(c)(8)<br>274a.12(c)(16)                                   | Applicant for asylum registry (resided in the U.S. since before 01/01/72); <b>Not qualified unless granted asylum or status changed to LPR.</b>   |
| I-327 (Reentry Permit)  | Permanent Resident Alien; <b>Qualified</b>  |
| I-586 (Border Crosser Card):<br>Coded with: B-1, B-2  | Visitor; <b>Not Qualified</b>   |

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| If a FNS unit member has a document which is a(n):  | Then the Alien Status is:  |
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| I-485<br>I-130<br>I-360<br>I-797<br>EOIR Form 42B<br>A bona fide copy of a USCIS order or notice confirming that a petition filed by the applicant under the Violence Against Women Act (VAWA) (Form I-360), petition as a widow(er) of a United States citizen (Form I-360), or a family-based petition for immediate relative status (Form I-130) of a battered alien or an application for cancellation of removal under VAWA (EOIR Form 42B) has been approved or is pending, and the USCIS or Executive Office of Immigration Review (EOIR) has found that the applicant has a prima facie (obvious) case for relief (Form I-797) or Form I-485. Any of the documents listed above verify the battered alien's qualified status. | Battered Alien; <b>Qualified</b>   |
| Office of Refugee Resettlement Certification Letter for Trafficking Victims, Eligibility Letter for Trafficking Victims<br>Derivative T Visa (T-2, T-3, T-4, or T-5)  | Trafficking Victim; <b>Qualified</b>   |
| Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI1 and stamp or notation on passport or I-94 showing date of entry   | Principal Applicant Iraqi or Afghan Special Immigrant (SIV); <b>Qualified</b>                      |
| Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI2 and stamp or notation on passport or I-94 showing date of entry   | Spouse of Principal Applicant Iraqi or Afghan Special Immigrant (SIV); <b>Qualified</b>            |
| Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI3 and stamp or notation on passport or I-94 showing date of entry   | Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant (SIV); <b>Qualified</b> |

**NOTE:** This list is not all-inclusive. Aliens may be living in the U.S. with the knowledge and permission of USCIS and may have in their possession other USCIS forms or letters that indicate status. Also, not all coding or wording that may appear on the forms listed are included. See 225.07, B.

**NOTE:** Aliens, who enter the United States in a status exempt from the 5-year ban, and later adjust their status to LPR, are still potentially eligible for FNS benefits based on their original status when admitted. These include: refugees, asylees, Cuban and Haitian entrants, Iraqi or Afghan Special Immigrants (SIV), trafficking victims, and aliens whose deportation is being withheld.

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**225.05 DETERMINING ALIEN ELIGIBILITY**

A. Use the USCIS document provided by the alien to determine if he/she is a Qualified Alien. Refer to the chart in section 225.04.

1. The following Qualified Aliens have no waiting period for FNS eligibility. They are:
  - a. Granted asylum under Section 208 or 209 of the Immigration and Naturalization Act (INA)
  - b. Refugees admitted under Section 207 or 209 of INA.
  - c. Deportation withheld under 243(h) or 241 (b) (3) of INA
  - d. Cuban or Haitian entrants. Their status may be varied, including but not limited to, Public Interest Parolee, Pending a 240 Hearing, Asylee or Pending Asylee, Refugee, Lottery Winners.
  - e. Trafficking victims See section 225.05 B, 2
  - f. Amerasian Immigrant under 584 of the Foreign Operation, Export Financing and Related Program Appropriations Act
  - g. Lawful Permanent Resident (LPR) with a military connection (veteran, on active duty, or spouse or child of a veteran or active duty service member)
  - h. Children under the age of 18 regardless of the date of entry.
  - i. Disabled or blind (as defined in section 210.05).
  - j. Iraqi or Afghan Special Immigrants (SIVs)

**NOTE:** The seven-year cap no longer applies to immigrants listed in a. through e. above. These immigrants are now eligible indefinitely.

2. Qualified Aliens who do not belong to one of the groups listed in A.1. above, can get Food and Nutrition Services if he/she is otherwise eligible and has earned, or can be credited with 40 qualifying quarters of work.
3. The following Qualified Aliens can get Food and Nutrition Services if he/she is otherwise eligible and has been in qualified status in the United States for five years beginning on the date the immigrant obtains status as a qualified alien from USCIS. They are:
  - a. An LPR who has earned, or can be credited with, less than 40 qualifying quarters of work.
  - b. Paroled for at least one year under section 212(d)(5) of INA (refer to A.1.d. for Cuban or Haitian entrants).
  - c. Granted conditional entry under 203(a)(7) of INA in effect prior to 4/1/1980.

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- d. Battered spouse, battered child or parent or child of a battered person with a petition pending under 204(a)(1)(A) or (b) or 244 (a)(3) of INA. See section 255.05B, 1

**NOTE:** The seven-year cap no longer applies to immigrants listed in b above. These immigrants are now eligible indefinitely.

- 4. If the alien is not “qualified,” determine if he is an eligible alien under 225.05, B. If he is not an eligible alien, **stop**. Treat as an ineligible alien.

**B. Exceptions to Qualified Alien Process**

**1. Battered Aliens**

Establish if the battered individual is qualified by determining if the following requirements are met:

- a. Verify and document the immigrant’s qualified status.

- (1) USCIS documentation consists of a bona fide copy of an order or notice by USCIS or the Executive Office of Immigration Review (EOIR).

These documents confirm that:

- (a) USCIS or EOIR has granted a petition of the applicant filed under the Violence Against Women Act (VAWA), a petition as a widow(er) of a United States citizen, or a family-based petition for immediate relative status (INS Form I-130) of a battered alien, or an application for cancellation of removal under VAWA (EOIR Form 42B).
- (b) There is a pending petition filed under the VAWA, petition as a widow(er) of a United States citizen, or a family-based petition for immediate relative status USCIS Form I-130), or an application for cancellation of removal under VAWA (EOIR Form 42B), and the USCIS or EOIR has found that the applicant has a prima facie (obvious) case for relief (Form I-797).

- (2) If you cannot verify the family member’s status because he/she does not have his/her USCIS documents or the documents are incomplete, expired, or questionable, refer him/her to USCIS. Until he/she provides original, current USCIS documentation, treat as an immigrant that is ineligible for Food and Nutrition Services.

- (3) Document the client’s current immigration status in the case file.

- b. Verify that the immigrant or immigrant’s child has been battered or subject to extreme cruelty in the United States by a spouse, parent, or member of the spouse’s or parent’s family residing in the same household.

- (1) If the immigrant has a pending or approved petition filed under VAWA, the USCIS or EOIR has already made a determination that the immigrant or the immigrant’s child has been battered and/or is subject to extreme cruelty and there is no need to request additional proof to corroborate the claim of abuse.



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- (2) If the immigrant has a pending or approved petition as a widow(er) of a United States citizen or petition for immediate relative status, attempt to corroborate the claim of abuse through one of the following:
- (a) Verification by the individual/agency conducting an assessment;
  - (b) Corroboration by Child Support;
  - (c) Any legal documents which document the abuse (protection orders, police reports, etc.);
  - (d) Statements by other people knowledgeable of the applicant's circumstances; or
  - (e) Signed statement by the applicant.

- c. Determine if there is a substantial connection between the battery (or extreme cruelty) and the need for food assistance.

For instance, the need for benefits might arise simply from the applicant's loss of financial support resulting from his/her separation from the abuser, or the applicant might have had to leave her job for safety reasons following acts of abuse. If the family receives benefits while residing with the abuser, the need for food requirement following separation would already be established.

- d. Establish that the battered immigrant or child no longer resides in the same household as the abuser.

**NOTE:** Although benefits cannot be received while the applicant is living in the home with the batterer, an applicant may need some assurance of availability of benefits in order to leave. If the applicant is still residing with the batterer, take the application. Discuss eligibility requirements, making certain the applicant is aware of what verifications are needed to receive benefits. Verification of residence outside of the batterer's home must be provided prior to receipt of benefits. Once this verification is received, process the application addressing the change in situation.

Refer to Section 215 for residence verification procedures.

- e. If a battered child is qualified under these provisions, the custodial parent is also qualified. In addition, if the applicant is a parent of a battered US citizen child, the parent is also qualified under these provisions. Once qualified, both child and parent must meet one of the criteria listed in 225.05,A.,2., to be eligible.

**NOTE:** Battered immigrants are qualified immigrants. They also have to meet one of the Food and Nutrition Services Program criteria listed in 225.05, A., 2., such as the 40 quarter work requirement, or have lived in the US as a battered immigrant for a period of 5 years from when the prima facie determination is issued or when the battered immigrant's I-130 visa is approved whichever is earlier. Refer to Section 225.05,A.,2 for additional criteria.

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2. Trafficking Victims

- a. Victims of severe forms of trafficking are eligible for benefits to the same extent as refugees. At this time, the USCIS SAVE System does not contain information about victims of severe trafficking.

Trafficking is defined as:

- (1) Involvement in activity in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act is under 18 years of age; **or**
  - (2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage (bound in servitude to a creditor until his or her debt is paid), debt, bondage, or slavery.
- b. The Office of Refugee Resettlement (ORR) makes the determination and certifies whether an individual has been subjected to a severe form of trafficking.
- c. The minor children, spouses, and in some cases the parents and siblings of victims of severe trafficking are also considered victims due to their relationship to the trafficking victim. These eligible victims are issued Visas designated as T-2, T-3, T-4, or T-5 (collectively referred to as "Derivative T Visas") and after the issuance of the Visas, are eligible to participate in the Food and Nutrition Services Program provided they meet all other eligibility requirements for the Program.
- d. Verify the status of trafficking victims by:
- (1) Viewing the Certification Letter from ORR for adults;
  - (2) Viewing the Eligibility Letter (not certified) from ORR for children;
  - (3) Viewing the Derivative T Visa Holders T-2, T-3, T-4, or T-5 Visa.

**NOTE:** Other agencies, such as the USCIS, may issue letters or other documents to victims of severe forms of trafficking; however, only the ORR letter may be accepted as proof of certification.

- e. Contact the Trafficking Victims Verification Line at 1-866-401-5510. Use this number to verify the validity of the Certification Letter. You must call this number prior to providing benefits.

**NOTE:** Inform ORR of the type of benefits for which the victim has applied. Place a copy of the letter or Derivative T Visa in the file.

- f. Contact the North Carolina State Refugee Section at (919) 733-3810 if an adult or a child has been subjected to a severe form of trafficking and they have not applied for certification under the Trafficking Victims Protection Act.

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3. Additional Exceptions

The following aliens may be eligible for an indefinite period of time, even if they are not "qualified" aliens. Refer to 225.07, B. for verification requirements.

- a. Certain Hmong or Highland Laotians, their spouses, and children (Many are admitted as refugees and appear on the Refugee Data Center List. No further verification is required. See Section 225.07, B., 4.)

- (1) The individual who is lawfully residing in the United States and was a member of a Hmong or Highland Laotian tribe at the time the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (August 5, 1964 - May 7, 1975).
- (2) The spouse or unremarried surviving spouse and unmarried dependent children of such Hmong or Highland Laotian.

An unmarried dependent child is:

- (a) A legally adopted or biological dependent child who is under age 18;
- (b) A legally adopted or biological dependent child who is a full-time student under the age of 22;
- (c) The child of a deceased member of the Hmong or Highland Laotian tribe; **or**
- (d) A disabled child age 18 or older if the child was disabled and dependent on the Hmong or Highland Laotian prior to the child's 18<sup>th</sup> birthday.
- b. Recognized American Indians born in Canada to whom Section 289 of INA applies, members of Indian tribes as defined in Section 4(e) of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450(e), and foreign born recognized American Indians. This provision was intended to cover Native Americans who are entitled to cross the U.S. border into Canada or Mexico. It includes, among others, the St. Regis Band of the Mohawk in New York, the Micmac in Maine, the Abenaki in Vermont, and the Kickapoo in Texas. Not all Indian tribes are recognized.

**225.06 SPONSORED ALIENS**

To determine eligibility and benefit level of a household that contains an eligible sponsored alien, the income and resources of the sponsor and the sponsor's spouse must be deemed. Refer to B. below for exemptions to deeming.

A. Definitions

1. **Sponsored Alien:** An alien admitted lawfully for permanent residence that is sponsored by an individual who has signed an affidavit of support. If a church or institution sponsors the alien, special provisions described below do not apply.
2. **Sponsor:** A person who executed an affidavit of support on or after December 19, 1997 on behalf of an alien as a condition of the alien's entry or admission to the U.S. Only individuals are considered sponsors. Organizations and institutions, such as churches, are not considered sponsors.

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3. **Deemed Income/Resources:** The process of considering a sponsor's income and resources for the alien.

B. Exemptions from Sponsored Alien Requirements

The following aliens will not be subject to the sponsored alien requirements in 225.06, C.

1. An alien who is participating in the Food and Nutrition Services Program as a member of his sponsor's unit.
2. An alien who is not required to have a sponsor under the Immigration and Nationality Act such as, but not limited to, a refugee admitted after March 31, 1980; a parolee admitted under Section 212(d)(5); one granted political asylum; a Cuban or Haitian entrant; or granted status as a conditional entrant before April 1, 1980.
3. An alien from Vietnam who enters the U.S. under the Foreign Operations Act. These aliens should be considered as though they are refugees under Section 207 of the Immigration and Nationality Act.
4. An indigent alien that the county agency has determined is unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing and other assistance provided by other individuals, including the sponsor(s). "Unable to obtain food and shelter" means that the sum of the eligible sponsorer alien's household's own income, the cash contributions of the sponsor and others, and the value of any in-kind assistance the sponsor and others provide does not exceed 130% of the poverty income guideline for the alien's household size.

A sponsored alien may self-declare that he or she is not being supported by the sponsor. If the sponsored alien self-declares non-support from the sponsor, all that can be estimated when determining indigence is the sponsored alien household's income, the value of in-kind assistance and any other income received from others. Verification from the sponsor of non-support is not needed.

Once a determination of indigence is made, the alien remains indigent for 12 months from the date of eligibility, regardless of any secondary information that may be obtained from SAVE on the sponsor within the household's certification period.

Prior to conducting an indigence determination, explain the purpose of the determination and provide the sponsored alien or their representative the opportunity to refuse the indigence determination. Explain that if a sponsored alien is exempt from sponsoring based on indigence, the names of the sponsors and the sponsored alien must be reported to USCIS. Inform the sponsored alien that if the sponsored alien refuses the indigence determination that the sponsor's income and resources will be deemed.

- a. Determine the amount of income (Include both countable and non-countable income as it pertains to the Food and Nutrition Services Program.), cash contributions, and the value of in-kind assistance provide in the month of application.

**NOTE:** Determine the amount of in-kind assistance by estimating a value for it. For example, if the alien does work around the house for

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room and board, ask the sponsor how much he normally charges for room and board. Whatever amount the sponsor gives as the room and board value is counted as in-kind assistance. In-kind assistance is generally defined as performing some work or service in lieu of paying for a product or service.

- b. Compare the total income, contribution and value of in-kind assistance to the gross income limit for the alien's household size. If the total is greater than the gross income limit, the alien is not indigent. If the total is less than the gross income limit, the alien is indigent.
- c. If the alien is indigent process the case, counting only the actual amount of cash support from the sponsor provided over a 12-month period beginning with the month of determination. Non-countable income is used in the indigent test only, not in the actual budget.
- d. Each indigence determination is renewable for additional 12-month periods.
- e. When an indigent determination is made, report to the USCIS in writing at the address below. Include the name of the indigent alien(s), and the name(s) of the sponsor. The written notice should include the reference "Determinations under 421(e) of the Personal Responsibility and Work Opportunity Act of 1996".

Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
20 Massachusetts Avenue, NW  
Washington DC, 20529

- 5. Battered immigrants who meet the qualified alien requirements in 225.05, B., 1.
- 6. Children under age 18.
- 7. Aliens whose sponsors signed affidavits of support before December 19, 1997.

C. Requirement

- 1. If the Affidavit of Support was signed on or after December 19, 1997, the total income and resources of an alien sponsor and the sponsor's spouse (if living with the sponsor) is counted as unearned income and resources to the alien.
- 2. The sponsored alien must provide verification of the sponsor's income and resources to calculate the income.
- 3. If the Affidavit of Support was signed on or after December 19, 1997, the total income of the sponsor and his spouse is credited to the alien until the alien becomes a citizen or can be credited with 40 qualifying quarters.
- 4. If an alien loses his sponsor (The sponsor discontinues financial support.) and fails to obtain another sponsor, continue to count the income and resources of the lost sponsor for the remainder of the applicable period.
- 5. If the alien switches sponsors during the certification period, recalculate income/ resources from the new sponsor.

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6. If the sponsor dies, do not continue to count the sponsor's income and resources to the sponsored alien.

D. Verification and Documentation

If the sponsored alien is **not indigent**, sponsor deeming rules apply and the sponsor's total income and resources must be verified. The sponsored alien unit is responsible for providing the verification or documentation of the sponsor's income and resources.

An alien who is **indigent** is exempt from sponsor deeming and does not need to provide verification of the sponsor's income and resources. However, if the alien receives cash contributions from the sponsor, then the amount of cash given must be verified. Count the actual amount of cash support provided from the sponsor for a period beginning on the date of eligibility determination and ending 12 months after such date.

The sponsored alien is ineligible to participate until verification is provided. However, determine the eligibility of any remaining unit members. Count the income and resources of the ineligible alien using instructions in Section 250, Resources, and 260, Whose Income is Counted.

Verify the following items for sponsored aliens. This is in addition to the normal verification requirements.

1. The income and resources of the sponsor and the sponsor's spouse (if living with the sponsor);
2. The provision of the Immigration and Nationality Act under which the alien was admitted;
3. The date of the alien's entry or admission as a lawful permanent resident as established by USCIS;
4. The alien's date of birth, place of birth, and alien registration number.

**225.07 VERIFICATION OF ALIEN STATUS**

- A. Each unit member who is an alien must provide original documentation of his alien status. Give the FNS Unit ten calendar days to provide the documentation.
- B. When the applicant provides insufficient documentation to verify his alien status, further verification is required.
  1. You **must** offer to contact USCIS when you are presented with an USCIS document which:
    - a. Is not listed in policy; **or**
    - b. Is not considered sufficient proof of alien status; **or**
    - c. Is illegible or incomplete.

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2. If the applicant consents, contact the Charlotte USCIS Office at (800) 375-5283 to verify his alien status. USCIS will need:
  - a. The applicant's full name and date of birth;
  - b. Alien registration number, if you have it; **and**
  - c. A description of the USCIS document.
3. Using the USCIS document, check Column 2. of the table in 225.04 for the alien status. Then use the criteria in 225.05 to determine eligibility for food stamps.
4. The Economic and Family Services Section has obtained a listing of members of Hmong and Highland Laotian Tribes who arrived in the U.S. between January 1, 1979, and September 1, 1998.
  - a. Contact the Economic and Family Services Section at 919-334-1100 with the tribal member's name, date of birth, and alien registration number for information regarding these aliens.
  - b. Information available includes the social security number (if assigned one), place of birth, and arrival date.
  - c. If the individual is on the listing, he is lawfully present in the U.S. and further verification is not needed.
  - d. A tribal member whose name or alien number is not on the list may self-declare that he/she was a member of a Hmong or Highland Laotian Tribe between August 5, 1964, and May 7, 1975.
  - e. A tribal member may have been born in another country besides Laos including, but not limited to, Thailand, Cambodia, China, Vietnam, Philippines, Indonesia, Hong Kong, Malaysia, or Singapore.
5. Members of an Indian Tribe
  - a. Documentation of status will be through a 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.
  - b. If the individual has no document evidencing tribal membership, contact the tribal government for confirmation of the individual's membership. Tribal government contact lists are available from the Deputy Director, Office of Tribal Justice, Department of Justice, (202) 514-8812.
6. Active duty as a member of the Armed Forces means the individual is on full-time duty. It does not include full-time National Guard duty. Determine active-duty status based on the individual's service identity card. Look at the expiration date on the Military Identification Card (DD Form 2 or green card). If more than one year from the date of the review, assume the individual is on active duty other than for training. If the date is one year or less from the date of the review, obtain a copy of the current military orders to verify active duty other than for training. After September 7, 1980, the minimum active-duty service requirement was two years or more of continuous active duty in the Army, Navy, Air Force, Coast Guard, or Marine Corps.

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- a. Spouse of a veteran is eligible if he/she is the unremarried surviving spouse of a deceased veteran, provided:
  - (1) The couple was married for at least one year;
  - (2) The couple was married for any period if a child was born of the marriage; **or**
  - (3) The couple was married for any period if a child was born to the veteran and the spouse before the marriage and the spouse has not remarried.
  
- b. An unmarried dependent child of a veteran, provided the child is:
  - (1) A legally adopted or biological dependent child of an honorably discharged veteran or active duty member of the Armed Forces if the child is under 18;
  - (2) A legally adopted or biological dependent child of an honorably discharged veteran or active duty member of the Armed Forces if the child is a full-time student under the age of 22;
  - (3) A child of a deceased veteran provided the child was dependent upon the veteran at the time of the veteran's death; **or**
  - (4) A disabled child age 18 or older if the child was disabled and dependent on the active duty member or veteran prior to the child's 18<sup>th</sup> birthday.
  
- 7. Proceed with SAVE (Systematic Alienage Verification for Entitlements) verification. (See 225.08, A.) It may also be necessary to institute Additional Verification. (See 225.08, B.)
  
- C. When the applicant provides the documentation, verify the alien member's status using the SAVE Program. (See 225.08 below.) Do not **delay, deny, reduce, or terminate** benefits pending SAVE verification.
  
- D. An expired alien registration card does not indicate that the applicant does not have a valid immigration status. The Alien Status Verification System (ASVS) will reflect the alien's current status.
  
- E. If the applicant fails to provide documentation of alien status, consider the alien member an ineligible alien.
  - 1. Refer to Sections 250, Resources, and 260, Income, for treatment of resources and income for an ineligible alien.
  - 2. Ineligible aliens are not necessarily illegal aliens.
  - 3. Refer aliens without documentation to USCIS for assistance at:  
  
www.uscis.gov by going to the "Services and Benefits" section to find the appropriate field office; or by calling USCIS customer service at 1-800-375-5283.

**225.08 VALIDATION OF ALIEN DOCUMENTS OF ELIGIBLE ALIENS**

Most aliens present documents which contain an Alien Registration Number or A-Number. This number references the individual's alien file at USCIS. Use this number to verify the alien's status using the SAVE Program. All alien documents must be verified through SAVE.



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There are two methods of verifying alien status through SAVE.

A. Primary Verification

1. Use the Alien Status Verification System (ASVS) for verification when an immigration document contains an A-Number. Refer to EIS Manual, Volume I (<http://info.dhhs.state.nc.us/olm/manuals/dma/eis/man/EIS1108.htm>) for instructions on how to access the SAVE system. In some instances, however, immediate additional verification is required. See B. below for additional verification procedures.
2. Initiate immediate additional verification when any of the following documents are presented:
  - a. Any unfamiliar USCIS document or item that indicates immigration status but does not contain an A-Number.
  - b. Any I-181 or I-94 in a foreign passport that bears the endorsement "Process for I-551, Temporary Evidence of Lawful Permanent Resident," and is over one year old.
  - c. Any document that contains an A-Number in the A80 000 000 series. This range is used for illegal border crossings.
  - d. Any document which appears to be counterfeit or altered. Characteristics of suspect documentation include photo substitution and ink discoloration.
  - e. Any other USCIS receipt submitted as an immigration document.
  - f. Any document that contains an A-Number in the A60 000 000 series. This range has not yet been issued.

B. Additional Verification

1. Initiate additional verification when:
  - a. ASVI returns the response "Institute Additional Verification;" **or**
  - b. Discrepancies are found between an alien's documents and information received from ASVI; **or**
  - c. Immediate additional verification is required. See A., 2. above.
2. To initiate additional verification, refer to EIS Manual, Volume I for instructions.
3. When prompted to "resubmit with Docs" click the "Resubmit Verification" button, this will launch a new window with the G-845 pre-populated. Print this version and mail to:

U.S. Citizenship and Immigration Services  
Federal Plaza, 5<sup>th</sup> Floor, Room 5-100A  
New York, NY 10278  
Attn: Immigration Status Verification Unit

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Find the case results in the Case Administration area by using the Verification Number or sorting by cases with the "Third Step Responses". To ensure receipt of the electronic response, DO NOT CLOSE the case until the verification results have been received.

**NOTE:** Effective October 2008, cases initiated electronically and requiring G-845 submission must include the Case Verification Number in order to minimize cost. Any G-845 submitted without the Case Verification Number will be processed as a manual request resulting in an additional charge of \$2.00. If the G-845 is not automatically populated with the Case Verification Number, write the number in.

4. Do not **delay, deny, reduce, or terminate** benefits due to immigration status pending the receipt of additional verification.

**225.09 DOCUMENTATION**

- A. Document on the application workbook the source of verification used for each alien member included in the unit and the date provided.
- B. Make a copy, if possible, of the document presented as verification of alien status.
- C. If verification with USCIS is pending, document the date of the request.
- D. File all verifications in the case record.

**225.10 SPECIAL PROVISIONS FOR SOVIET JEWISH REFUGEES**

If the local Jewish organization contacts you regarding repayment of Food and Nutrition Services benefits received by the refugee, take the following actions.

- A. Inform the organization that you must obtain the recipient's written consent before you can release any information.
- B. Contact the recipient to explain the request and ask for his written consent.
- C. If the recipient gives written consent, provide the organization with the total amount of Food and Nutrition Services benefits received by the refugee.
- D. Upon receipt of the reimbursement, take the following actions.
  1. Provide a cash receipt to the organization.
  2. Write a check for the amount of the reimbursement made payable to the Division of Social Services. Forward the check along with a cover letter explaining the purpose of the check to:

DHHS Controller's Office  
Program/Benefit Payments Section  
Food and Nutrition Services Accounting Unit  
2019 Mail Service Center  
Raleigh, N.C. 27699-2019

- E. See 225.04 above regarding eligibility for Food and Nutrition Services.

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**225.11 INSTRUCTIONS FOR CALCULATING 40 QUALIFYING QUARTERS**

The following material provides guidelines that can be used to determine whether an individual meets the requirements for the 40 qualifying quarters of coverage (QC's) exception. The guidelines are divided into four sections: the interview process, accessing the system, interpreting the output data, and discrepancy reconciliation. The 40 quarters must be verified prior to participation.

**DEFINITIONS:**

**Quarter** -- A period of three calendar months ending March 31, June 30, September 30, and December 31.

**Covered Earnings** -- Wages or self-employment income which requires payment of FICA (social security) taxes.

**Non-covered Earnings** -- Wages or self-employment income which do not require payment of FICA (social security) taxes.

**Quarter of Coverage (QC)** -- Credit for a requisite amount of covered earnings assigned to a calendar quarter.

**Number Holder** -- An individual who has a social security number assigned to him/her.

**QC History (QCH)** -- A display of Quarters of Coverage (QC's) by quarter and year.

**TPQY** -- Third Party Query, the system which will be used to request QC Histories.

**Lag Quarters** -- Current year quarters and proceeding year quarters which may not appear in the QC history because the employer report has not been processed by SSA. This could be up to seven quarters depending on when a request for QC history is processed.

**225.12 THE INTERVIEW**

The alien lawfully admitted for permanent residence (LPR) who can be credited with 40 qualifying quarters is eligible for Food and Nutrition Services. Determine the potential effect of applying the 40 QCs provision to a LPR alien. As explained below, the alien's work and work by his/her parents and/or spouse (with certain exceptions) can be combined to attain the 40 qualifying quarters to meet this exception, and these quarters may be used by more than one individual in determining eligibility. For example, two children can use a parent's quarters to meet this requirement. If a parent has the 40 quarters, both children could use the full 40 quarters to qualify.

Question the alien member to obtain sufficient information to determine that the family relationships exist, the date of birth of the alien individual, and the identifying information that will allow you to access the SSA QC History (QCH) System.

- A. Determine which number holders can be included in the QC count credited to the LPR alien.
1. The alien individual, always.
  2. The alien individual's biological parents **but only quarters worked prior to the alien individual's 18<sup>th</sup> birthday.**

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3. The alien individual's adoptive parents **but only quarters worked prior to the alien individual's 18<sup>th</sup> birthday.**  
**NOTE:** In 1. – 3. above, quarters earned by parents prior to the child's birth or adoption are also counted.
4. The alien individual's stepparent, provided the step relationship still exists **but only for quarters worked while the relationship was in existence and the alien individual was under age 18.**
5. The alien individual's current spouse **but only for the quarters worked** during the spousal relationship. If a couple divorces, stop counting their quarters toward each other at next recertification, application, or reapplication. If they divorce prior to processing the application (determining eligibility), do not count the quarters.
6. The alien individual's former spouse, only if the marriage ended by death, **and only for quarters worked during the marriage.**  
**NOTE:** None of the qualifying quarters (discussed in 1. – 6. above) earned after December 31, 1996, are counted if the wage earner received any federal means-tested public assistance benefit during the period for which the qualifying quarter is credited. Federal means-tested public benefit for this provision is defined as Work First assistance, Food and Nutrition Services, Medicaid, North Carolina Health Choice, or SSI.

- B. Determine whether it is possible for the alien individual to meet the requirement.
1. Ask how many years the alien individual and each of the relevant persons above have lived in this country. **Add** the number of years for each together. If the total equals at least ten years, proceed to C.
  2. If the total is less than ten years, ask whether the alien individual, his/her parents, or 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.
    - a. If **yes**, determine the number of years and add them to the total.
    - b. If the total is at least ten years, proceed to C.
    - c. If the total is less than ten years, **stop**. The applicant cannot meet the 40 QC requirement.
- C. Determine how many years in the total from B. above included earnings.
1. Four quarters in each year can be credited to the alien individual from each relevant individual.
  2. Always credit the alien individual's own quarters first. This will simplify verification because many alien individuals will have sufficient quarters on their own record and a QC History for the parent(s)/spouse number holder(s) will not be needed.
  3. Request verification using the 40 QC History query if the interview process shows:
    - a. The alien individual may meet the 40 QC exception with lag quarters.
    - b. The alien individual will **not** meet the 40 QC exception, but the alien individual still believes he/she meets this requirement.

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- c. To verify when quarters were earned by a qualifying parent, stepparent, current or former spouse.
- D. Considerations for Requesting a QC History
- 1. **Establish** the necessary relationships to the alien individual before requesting a QC History.
  - 2. **Obtain** a Consent for Release of Information from number holders other than the applicant (described in the next section). If the number holder is deceased, a consent form is not needed to obtain the coverage information.
  - 3. **Request** a QC History unless it is clear from the interview that the alien individual or alien individual, in combination with others, cannot meet the 40 QC exception.
  - 4. **Determine** if any of the wage earners whose quarters will be used in the determination have received a federal means-tested public benefit (Work First assistance, Food and Nutrition Services, Medicaid, North Carolina Health Choice, or SSI) after December 31, 1996. The Social Security Administration will provide information about SSI as part of this query. This information will be needed when reviewing the output to determine whether quarters in years after 1996 can be included.

**225.13 ACCESSING THE SYSTEM**

- A. After determining which social security numbers are needed to request QC histories, obtain the necessary Consent for Release of Information forms. **Consent for Release of Information** form must be signed by the parent/spouse number holder when requesting a QC History for social security numbers that are not assigned to the applicant (i.e., a parent/spouse of the applicant.) **Have the parent/spouse complete Form SSA-3288, Consent For Release Of Information.** (See [Figure 225-15.](#))

**NOTE:** QC History is not earnings or employment history.

- 1. Indicate that the information can be released to both your agency and the applicant.
- 2. The parent/spouse must indicate that the request pertains to **social security number, identifying information, information about benefit payments, and other (Specify Quarters of Coverage History).**
- 3. The parent/spouse must **state their relationship** to the applicant **and sign and date** the form.

**NOTE:** Retain this consent form for future reference.

- B. Access QC History by following the TPQY instructions in the Food and Nutrition Services Certification Manual. The Alien Wage Request is the new field on the TPQY request screen. This field always defaults to an "N." In order to request a wage record for an alien and/or relevant individual wage earner, key a "Y" in the Alien Wage Request field.

The following is an example of the TPQY request screen.

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|                                 |  |  |                         |                       |  |
|---------------------------------|--|--|-------------------------|-----------------------|--|
| HWA905-1                        |  | NORTH CAROLINA DEPT OF HUMAN RESOURCES |                         | TODAY'S DATE 03/14/97 |  |
| THIRD PARTY QUERY REQUEST ENTRY |  |  |                         |                       |  |
| COUNTY NUMBER:                  |  | WORKER/DISTRICT NO:                    |                         |                       |  |
| SOCIAL SECURITY NO:             |  | CLAIM ACCOUNT NO:                      |                         | BIC                   |  |
| LAST NAME:                      |  | MI:                                    | FIRST NAME:             |                       |  |
| DATE OF BIRTH:                  |  | SEX:                                   | CATEGORY OF ASSISTANCE: |                       |  |
| INDIVIDUAL/CASE ID:             |  | ALIEN WAGE REQUEST: N                  |                         |                       |  |
| DATE OF REQUEST: 03/14/97       |  |  |                         |                       |  |
| NEXT-SELECTION:                 |  | KEYS:                                  |                         |                       |  |
| PF1: RESPONSE SCREEN            |  | PF3: RETURN TO MENU                    |                         |                       |  |

**225.14 USING THE QUERY OUTPUT**

- A. Alien wage information is provided on the TPQY response screen. The information appears on the screen in the Alien QC's field. The following is an example of the response screen.

|   |  |  |             |                        |    |
|---|--|--|-------------|------------------------|----|
| HWA906-1                                |  | NORTH CAROLINA DEPT OF HUMAN RESOURCES |             | TODAY'S DATE: 03/14/97 |    |
| THIRD PARTY QUERY – GENERAL INFORMATION |  |  |             | RECEIVED: 03/10/97     |    |
| SOCIAL SECURITY NO:                     |  | 111223333                              | CAN:        |                        |    |
| NAME:                                   |  | LOPEZ                                  | FIRST       |                        | MI |
| DATE OF BIRTH:                          |  | 10/10/76                               | JOSE        |                        | T  |
| SEX:                                    |  | M                                      |             |                        |    |
| STATE AGENCY CODE:                      |  | O34                                    | ALIEN QC'S: |                        | 45 |
| RECORD CODE:                            |  | 1                                      |             |                        |    |
| ERROR CONDITION:                        |  |  |             |                        |    |
| SSN VERIFICATION CODE:                  |  | V                                      |             |                        |    |
| VERIFIED SSNS:                          |  |  |             |                        |    |
| WELFARE ID NUMBER:                      |  | 123456789                              |             |                        |    |
| WORKER/DISTRICT NO:                     |  | 111                                    |             |                        |    |
| NEXT-SELECTION:                         |  | KEYS:                                  |             | PF3: RETURN TO MENU    |    |
| PF1: NEXT PAGE                          |  |  |             |                        |    |
| PF7: BENDEX INQUIRY                     |  | PF8: ESC INQUIRY                       |             |                        |    |

Error messages may also appear on the response screen under the Alien QC field. The possible error messages are:

1. ALIEN EARNINGS NOT FOUND
2. SSA ERROR, RESUBMIT REQUEST
3. RECORD NOT PROCESSED

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The following is an example of a response screen with an error message.

|   |           |                          |                |
|---|-----------|--------------------------|----------------|
| HWA906-1 NORTH CAROLINA DEPT OF HUMAN RESOURCES |           | TODAY'S DATE: 03/14/97   |                |
| THIRD PARTY QUERY – GENERAL INFORMATION         |           | RECEIVED 03/10/97        |                |
| -----   |           |                          |                |
| SOCIAL SECURITY NO:                             | 111223333 | CAN                      |                |
|   | LAST      | FIRST                    | MI             |
| NAME:   | LOPEZ     | JOSE                     | T              |
| DATE OF BIRTH:                                  | 10/10/76  |                          |                |
| SEX:  | M         |                          |                |
| STATE AGENCY CODE:                              | 034       | ALIEN QC'S:              | 00             |
| RECORD CODE:                                    | 1         | ALIEN EARNINGS NOT FOUND |                |
| ERROR CONDITION:                                |           |                          |                |
| SSN VERIFICATION CODE:                          | V         |                          |                |
| VERIFIED SSNS:                                  |           |                          |                |
| WELFARE ID NUMBER:                              | 123456789 |                          |                |
| WORKER/DISTRICT NO:                             | 111       |                          |                |
| NEXT-SELECTION:                                 |           | KEYS:                    |                |
| PF1: NEXT PAGE                                  |           |                          | PF3: RETURN TO |
|   | MENU      |                          |                |
| PF7: BENDEX INQUIRY                             |           | PF8: ESC INQUIRY         |                |

**REMEMBER:** The record received may not show the current year earnings or possibly last year's earnings, depending on when the request is submitted. SSA typically does not complete keying of prior year's earnings until September. Therefore, wages for 1999 may not be available until September 2000. See 225.15 for guidelines on how to verify these earnings if needed to establish the 40 QC exception.

B. Making the Determination

**NOTE:** Do not count any QC's after December 31, 1996, if the wage earner received a federal means-tested public benefit during the quarter. Federal means-tested public benefit for this provision is defined as Work First assistance, Food and Nutrition Services, Medicaid, North Carolina Health Choice, or SSI.

1. Review the alien individual's TPQY response record. Does the Alien QC field equal 40?
  - a. If **yes**, the applicant meets the exception requirement.
  - b. If **no**, are there other records from which the alien individual can gain credit (i.e., biological, adoptive or stepparents, current or former spouse)?
  - c. If **yes**, access QC History for parent/spouse by following the TPQY instructions described above, and go to 2.
  - d. If **no**, go to 3. 2. Review the TPQY response records which can be used (a spouse or a parent). When adding the QC's on these records to the alien individual's record, do they equal 40?
2. Review the TPQY response records which can be used (a spouse or a parent). When adding the QC's on these records to the alien individual's record, do they equal 40?
  - a. If **no**, go to 3.

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- b. If **yes**, check the QC History to determine if the quarters were earned for the correct time period. If so, the individual is eligible.
3. Review the total number of QC's with the alien individual.
- a. If the TPQY response shows 34 QC's or more and the alien individual believes that QC's are missing, check the QC History.
  - b. If the alien individual believes the records are correct, he/she cannot meet the exception requirements.

If a QC History is used or if wage records are provided from another source, the following chart will assist in determining whether the individuals have the level of earnings to count as a Qualifying Quarter.

**For 1978 and later**, credits are based solely on the total yearly amount of earnings. The number of creditable QC's are obtained by dividing the individual's total earned income by the increment amount for the year. All types of earnings follow this rule. The amount of earnings needed to earn a credit increases and is different for each year. For 1978 through 2009, the amount of earnings needed for each credit is:

|                |                |                 |                 |
|----------------|----------------|-----------------|-----------------|
| 1978.....\$250 | 1988.....\$470 | 1998.....\$700  | 2008.....\$1050 |
| 1979.....\$260 | 1989.....\$500 | 1999.....\$740  | 2009.....\$1090 |
| 1980.....\$290 | 1990.....\$520 | 2000.....\$780  | 2010.....\$1120 |
| 1981.....\$310 | 1991.....\$540 | 2001.....\$830  | 2011.....\$1120 |
| 1982.....\$340 | 1992.....\$570 | 2002.....\$870  |                 |
| 1983.....\$370 | 1993.....\$590 | 2003.....\$890  |                 |
| 1984.....\$390 | 1994.....\$620 | 2004.....\$900  |                 |
| 1985.....\$410 | 1995.....\$630 | 2005.....\$920  |                 |
| 1986.....\$440 | 1996.....\$640 | 2006.....\$970  |                 |
| 1987.....\$460 | 1997.....\$670 | 2007.....\$1000 |                 |

A current year quarter (must be a full quarter) may be included in the 40 quarter computation. Use the current year amount as the divisor to determine the number of quarters available. There is a limit of four quarters per year.

**225.15 RECONCILIATION**

A. Lag Quarters

When the alien individual or other FNS Unit member does not agree with the response provided by the TPQY 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. Assume the earnings are covered employment if the wage statement shows FICA withholding.

- 1. If the problem is quarters in the last taxable year and the query was requested prior to August 31st, check the QC History to determine if quarters are recorded. If quarters are missing, 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 applicant. Assume the earnings are covered if the proof submitted indicates FICA taxes were withheld.
- 2. If the query was requested after August 31st, the earnings are not lag and should be determined following the instructions in B. below.



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B. Covered Employment

Whenever the alien individual or any other FSU member does not agree with the response provided by the TPQY, reconcile the discrepancy. When the individual believes that the work he/she 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.

1. Refer all covered employment cases to SSA as follows.

- a. If the individual indicates that he/she used more than one SSN or allowed others to use his/her SSN, the individual must contact the local Social Security Office. He must take a copy of the QC History and identifying information to the office with him.
- b. If the individual indicates there are missing quarters, have the alien individual, if he/she is the number holder of the SSN, complete the SSA-7008. Proof of earnings such as W-2's, pay slip/stub, tax return, or statement from the employer should be provided. On top of the SSA-7008, write "Welfare Reform." If the alien individual is not the number holder, advise the alien individual that the number holder must complete the SSA-7008 and provide proof of earnings as shown above.
- c. All SSA-7008's, along with the documentation, should be mailed to:

SSA, OCRO  
Post Office Box 17752  
Baltimore, MD. 21235-0001

2. If the alien individual has no documentation, he/she should contact their local Social Security Office to arrange an appointment. If the alien states that the wages were earned but not reported, refer him/her to the Social Security Office for an investigation and attempt to credit these earnings. If Social Security must research files for determination of quarters, and the alien individual provides a document from SSA indicating that the case is under review, the non-citizen may participate up to six months based on their statement of earnings for 40 quarters.

**225.16 REQUIREMENT TO REPORT ILLEGAL ALIENS IN THE UNITED STATES**

A. What Evidence Warrants Reporting

Certain specific evidence of illegal presence in the United States must exist before an **applicant/recipient** can be reported to the USCIS. The only specific evidence that can be considered is evidence provided by the USCIS or the Executive Office of Immigration Review (EOIR), such as a Final Order of Deportation. No other criteria or evidence can or will warrant a referral being made to the USCIS.

Declining to provide documentation of immigration status is not a valid reason for referral. The **applicant/recipient** who declines to present documentation of immigration status will not receive benefits and therefore there is no reason to seek further verification of their alien status.

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**B. Reporting Procedures**

Local Department of Social Services (DSS) offices must make a report to the Economic and Family Services Section if it determines that there are non-citizens who are illegally present in the United States, as described above. It is only necessary to send a report to the office when non-citizens who are not legally present in the United States are identified.

Such reports can only be made by the director or designee of the county DSS. Economic Services Section staff will forward the relevant reports to the USCIS. If a report is necessary, it must include the person's name, address, the reason for the referral and any other identifying information, and be sent to:

NC Department of Health and Human Services  
Division of Social Services  
Economic and Family Services Section  
MSC 2420  
Raleigh, NC 27699-2420

**C. Confidentiality of Citizenship/Alien Status**

All rules of confidentiality must be applied in regard to citizenship/alien status. It is a breach of confidentiality to discuss the citizenship/alien status of an individual with employers, landlords, etc.