

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
BISMARCK, NORTH DAKOTA  
June 10, 2019**

**IM 5348**

**TO:** County Social Service Directors  
Economic Assistance Policy Regional Representatives  
Economic Assistance Policy Quality Control Reviewers

**FROM:** Michele Gee, Director, Economic Assistance

**SUBJECT:** Policy Updates

**PROGRAMS:** Supplemental Nutrition Assistance Program (SNAP)

**EFFECTIVE:** Immediately

**SECTIONS**

**AFFECTED:** Retention of Records 430-05-05-45  
Definitions 430-05-10  
Application Use for Beginning Months  
430-05-20-50-20-05  
Determining Eligibility 430-05-30-60-05  
Drug Addiction/Alcohol Treatment/Rehabilitation Program  
430-05-30-10  
Group Home Living Arrangement 430-05-30-15  
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Eligibility Criteria 430-05-30-60-10  
Military Criteria 430-05-30-60-10-05  
Review Periods at Time of Review 430-05-35-50

SNAP policy is being updated because a review of the current policy manual was complete by FNS (Food and Nutrition Services). These changes were required to ensure Federal Regulations are properly followed when determining eligibility for SNAP benefits.

**Retention of Records 430-05-05-45**

SNAP records and reports, including all certification records, must be available for audit and review for a period of three years from the month of origin of each record.

Certification records must include applications for assistance or subsequent reviews, including:

- All required forms.
- Worksheets used in the computation of income for eligibility and the basis of issuance.
- Documentation including verification techniques employed by eligibility determination personnel.
- Copies of forms sent to the issuance unit authorizing or changing participation or basis of issuance.
- Copies of notices of adverse action and other notices sent to the client.
- Documentation related to the fair hearing process.
- Fiscal adjustments including claims, refunds and credits for lost benefits.
- Any other data which affects a household's eligibility or basis of issuance.

The North Dakota Century Code was amended by the 1993 Legislature to provide for a record retention period consistent with federal retention requirements. Casefiles, including all documents pertinent to determining eligibility and benefit amount, must be retained for three years after a case is closed or denied. Subsequent reopening of cases does not alter the allowable destruction of materials for the prior period of eligibility once the three years have lapsed. The closed casefiles may, at county option, be destroyed. Verification materials such as alien status, SSNs, etc. required for the current open case must be retained.

**Example:**

A SNAP case is closed 12-31-1997. A household reapplies and is eligible in 01-1999. At county option on or after 01-01-2001 (three years has lapsed) the case materials for the period of eligibility ending 12-31-1997 may be destroyed.

If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the three-year period, the

records must be retained for three years or three years from the completion date of the action. ~~until completion of the action and resolution of all issues or until the end of the regular three year period, whichever is later.~~

The State SNAP Office shall retain fiscal records and accountable documents for three years from the date of fiscal or administrative closure. Fiscal records and accountable documents include, but are not limited to, claims and documentation of lost benefits.

- Fiscal closure means that obligations for or against the Federal government have been liquidated.
- Administrative closure means that the State agency has determined and documented that no further action to liquidate the obligation is appropriate.

The State SNAP office shall retain ~~court case~~ all records relating to intentional program violation disqualifications and related notices to the household shall be retained indefinitely until the State SNAP office obtains reliable information that the client has died or until indicated via the disqualified recipient database system (eDRS) that all records associated with the client, including the disqualified recipient database record, may be permanently removed from eDRS because of the client's 80th birthday.

Disqualification records submitted to eDRS must be purged by the State SNAP office when the supporting documents are no longer accurate, relevant, or complete.

## **Definitions 430-05-10**

### **Drug Addiction or Alcohol Treatment and Rehabilitation Program**

Any drug addiction or alcohol treatment and rehabilitation program conducted by a private, non-profit organization or institution, ~~which is certified by the North Dakota Department of Human Services, Substance Abuse Services Unit,~~ for the administration of programs for alcoholics and drug addicts. Alcohol treatment and rehabilitation programs located on an Indian Reservation that are not certified by the Substance Abuse Services Unit may be approved to participate by FNS.

### **Group Home Living Arrangement**

A public or private non-profit residential setting that serves no more than 16 residents, or is authorized by FNS as a retailer, and ~~is certified or licensed by Developmental Disabilities, or Regional Human Service Centers,~~ including a determination that the Center is a non-profit organization.

### **Parole/Probation Violator**

An individual determined by the court to have violated the terms of their parole or probation. The court or law enforcement officers make the determination if a client is in violation of their parole or probation. A Police Officer must be acting in an official capacity.

### **Drug Addiction/Alcohol Treatment/Rehabilitation Program 430-05-30-10**

An individual and their children under 22 years of age who reside with them at a drug or alcohol treatment center on a resident basis are certified as a separate household.

#### **Exception:**

**Narcotic addicts or alcoholics who live under the supervision of a private nonprofit institution, or a publicly operated community mental health center for the purpose of regular participation in a treatment program are considered individual households.**

Prior to certifying any residents for SNAP, the county must verify that the treatment center is authorized by FNS as a retailer or the center must provide evidence that it is tax exempt and be: ~~certified by DHS, Substance Abuse services Unit as:~~

- Receiving funding under part B of title XIX; or
- Eligible to receive funding under part B of title XIX even if no funds are being received; or
- Operating to further the purposes of part B of title XIX, to provide treatment and rehabilitation of drug addicts and/or alcoholics.

Centers must provide the county with a monthly 'SFN-202 Group Homes and Drug/Alcohol Treatment Centers Monthly Listing' of currently participating residents. The SFN - 202 must be signed by a responsible center official attesting to the validity of the list. Additionally, the county must make periodic random on-site visits to assure the accuracy of the listing and that county records are consistent and up-to-date. These random onsite visits must be conducted at least annually and the following information must be submitted to the State office:

- Date of the visit.
- Name of the individual conducting the onsite visit.
- Name of the center visited.
- Name of the individual at the center that assisted in the onsite visit.
- The accuracy of the monthly list supplied by the center. If a discrepancy is identified it must be included in the report to the State office.

### **Treatment/Rehabilitation Center Responsibilities**

1. Each authorized center must provide the county with a monthly SFN - 202 Group Homes and Drug/Alcohol treatment centers Monthly Listing of currently participating residents signed by a responsible center official attesting to the validity of the list. The listing must include the following identifiable information for each individual participating in the program and additional information for individuals who leave the facility:
  - Individual's first and last name.
  - SSN
  - Case Number
  - Any changes required to be reported.
  - Date the individual left the center.
  - Amount of SNAP benefits returned to the individual upon their departure.

When the monthly SFN-202 is received, the county is responsible to:

- a. Verify that the client's case status is appropriate as reported by the center.
  - b. Make any appropriate changes to the case based on the information reported by the center.
  - c. Validate that the correct amount of benefits have been credited to the client's EBT account.
  - d. Complete SFN 788 – Group Living Arrangement and Drug/Alcohol Treatment Center Report. This report lists the facilities in which a client currently resides or had resided at some time during the quarter.
  - e. Make a copy of the SFN – 202 Group Homes and Drug/Alcohol Treatment Centers Monthly listing received from each facility to attach to the SFN 788 which is due quarterly to the State SNAP office.
2. The county must conduct periodic random on-site visits to assure the accuracy of the list and that the county's records are consistent and up-to-date. These reviews must be conducted at least annually using SFN 450 – County Social Service Office On-Site Review Report, which is then sent to the State SNAP Office.
  3. Once the individual leaves the center, the center is no longer allowed to act as that individual's authorized representative.
  4. The treatment center must give the individual their EBT card when they leave the center.
  5. If the individual leaves the center after benefits have been issued and no benefits were spent, the center must provide the individual with the full month's benefit. This applies at any time during the month.

If the individual leaves the center prior to the 16th day of the month and some or all of the benefits have been spent, the treatment center must provide the individual with their EBT card and one half of the individual's monthly benefit.

If the individual leaves on or after the 16th day of the month, the EBT card and all remaining benefits must be returned to the individual.

6. If the individual leaves the center unannounced, the center must, at the end of the month, return the individual's EBT card and remaining benefits to the county along with identifying information from the individual.
7. The center is responsible for any misrepresentation of facts as it relates to residents. The center is liable for all misuse of SNAP benefits.

### **Treatment of Assets**

Assets of an individual and their children under 22 years of age are counted.

### **Treatment of Income**

Income of an individual and their children under 22 years of age is counted.

### **Treatment of Expenses**

Expenses of an individual and their children under 22 years of age are allowed as a deduction.

## **Group Home Living Arrangement 430-05-30-15**

For SNAP eligibility, a resident of a group home must be blind or disabled as defined in the definition of disabled.

Prior to certifying any residents for SNAP, the county must verify that the group home serves no more than 16 individuals, or is authorized by FNS as a retailer, ~~or is certified or licensed by Developmental Disabilities (328-8932) or Regional Human Service Centers, including a~~ and determined ~~determination~~ that the center is a nonprofit organization.

Group homes must provide the county with a list of currently participating residents on a monthly basis. The list must include a statement signed by a responsible center official attesting to the validity of the list. Additionally, the county must make periodic random on-site visits to assure the accuracy of the listing and that county records are consistent and up-to-date. These random onsite visits must be conducted at least annually, and the following information must be submitted to the State office:

- Date of the visit.
- Name of the individual conducting the onsite visit.
- Name of the group home visited.
- Name of the individual at the group home that assisted in the onsite visit.
- Number of individual's living in the group home.
- The accuracy of the monthly list supplied by the group home. If a discrepancy is identified it must be included in the report to the State office.

### **Group Home Responsibilities**

1. Each authorized group home must provide the county with a monthly SFN-202 Group Homes and Drug/Alcohol Treatment Centers Monthly Listing of currently participating resident including a statement signed by a responsible group home official attesting to the validity of the list. The listing must include the following identifiable information for each individual participating in the program and additional information for individuals who leave the group home:
  - Individual's first and last name.
  - SSN
  - Case Number
  - Any changes required to be reported.
  - Date the individual left the group home.



- Amount of SNAP benefits returned to the individual upon their departure.

When the monthly SFN-202 is received, the county is responsible to:

- a. Verify that the client's case status is appropriate as reported by the center.
  - b. Make any appropriate changes to the case based on the information reported by the center.
  - c. Validate that the correct amount of benefits have been credited to the client's EBT account.
  - d. Complete the SFN 788 – Group Living Arrangement and Drug/Alcohol Treatment Center Report. This report lists the facilities in which a client currently resides or had resided at some time during the quarter.
  - e. Make a copy of the SFN-202 Group Homes and Drug/Alcohol Treatment Centers Monthly Listing received from each facility to attach to the SFN 788 which is due quarterly to the State SNAP office.
2. The county must conduct periodic random on-site visits to assure the accuracy of the list and that the county's records are consistent and up-to-date. These reviews must be conducted at least annually using SFN 450 – County Social Service Office On-Site Review Report, which is then sent to the State SNAP Office.
  3. Once the individual leaves the group home, the group home is no longer allowed to act as that individual's authorized representative.
  4. The group home must give the individual their EBT card when they leave the group home.
  5. If the individual leaves the group home after benefits have been issued and no benefits were spent, the group home must provide the individual with the full months benefit. This applies at any time during the month.

If the individual leaves the group home prior to the 16th day and some or all of the benefits have been spent, the group home must

provide the individual with their EBT card and one half of the individual's monthly benefit.

If the individual leaves on or after the 16th day of the month their EBT card and all remaining benefits must be returned to the individual.

6. If the individual leaves the group home unannounced, the group home must at the end of the month return the individual's EBT card and remaining benefits to the county along with identifying information for the individual.
7. The group home is responsible for any misrepresentation of facts as it relates to residents. The group home is liable for all misuse of SNAP benefits.

### **Treatment of Assets**

Assets of an individual are counted.

### **Treatment of Income**

Income of an individual is counted.

### **Treatment of Expenses**

For residents who have a single payment for meals and lodging, the amount of the payment that exceeds the Thrifty Food Plan must be allowed as a shelter deduction.

#### **Example:**

A resident is charged a single charge of \$350 for meals and lodging, \$158 (\$350 – \$192 Thrifty Food Plan) is used as a shelter deduction.

If a resident has a separate identifiable payment for room charges, that amount must be allowed as a shelter deduction.

## **Determining Eligibility 430-05-30-60-05**

### **Alien**

Only eligible aliens are entitled to participate in the program. An alien is an individual in the United States who is still a subject or citizen of a foreign country and is not a U.S. citizen.

U.S. citizens include anyone born in:

- The 50 states
- District of Columbia
- Guam
- Virgin Islands
- Puerto Rico
- The Northern Mariana Islands
- American Samoa
- Swain's Island
- A foreign country who are:
  - a. under 18 years of age, and
  - b. admitted to the US as a lawful permanent resident; and
  - c. in the legal and physical custody of at least one parent who is a US citizen.
- This also applies to children adopted from a foreign country as long as the three conditions above are met.

### **Verification Information System**

When an alien has presented an USCIS document containing the individual's admission number or file number, the worker must use the on-line access system for alien status verification provided by the Department of Homeland Security. Procedures are contained in Chapter 448 - Administrative Procedures Manual.

### **Eligible Alien**

To participate in SNAP an alien must have acceptable verification of alien status and in addition may be required to meet military criteria or the 40 quarter requirement.

### **Illegal Alien**

USCIS makes the determination if an individual is an illegal alien. The worker does not make this determination and must not report an individual to USCIS as an illegal alien unless the following has occurred:

1. unlawful presence must be a finding of fact or conclusion of law that is made as part of a formal determination that is subject to administrative review on an alien's claim, and
2. the finding or conclusion of unlawful presence must be supported by a determination by USCIS or the Executive Office of Immigration Review, such as a Final Order of Deportation.

Illegal aliens are excluded household members (DI) and are treated the same as an ineligible alien.

### **Ineligible Alien**

Individuals who do not meet the eligible alien status and those who do not attest to alien status at the time of application are not eligible. Among those excluded are alien visitors, tourists, diplomats and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country. Ineligible aliens are excluded household members (DI).

### **Non-Applicants**

An individual who chooses not to provide information on citizenship, alien status or social security number, can choose to be a non-applicant and declare that early in the application process instead of pending the application and waiting for the verification before processing the application. If an individual chooses to be considered a "non-applicant" they are ineligible for SNAP and must be coded as DI in the system. These individuals must not be reported to USCIS.

### **Sponsored Alien**

Sponsored aliens may be eligible or ineligible aliens who have been sponsored by an individual. The sponsor has agreed to support them as a condition of the alien's admission to the United States as a permanent resident.

### **Questionable Citizenship**

The member whose citizenship is in question is ineligible to participate until proof of United States citizenship is obtained. A non-citizen must have completed all of the requirements for citizenship and received a certificate of naturalization. Until proof is obtained, income and assets of the household member whose citizenship is questionable are treated as an ineligible (DI) household member.

Verification of non-citizen status may be postponed in order to meet the expedited processing standards.

If verification cannot be obtained and the household can provide a reasonable explanation as to why verification is not available, a signed statement from someone who **knows the individual** ~~is a United States citizen~~ must be accepted. Such a statement must read as follows:

"I declare under penalty of perjury that \_\_\_\_\_ is a United States citizen. It is my understanding that intentionally giving false information to help this person get SNAP benefits may result in a fine, imprisonment, or both."

When either a household or an individual indicates inability or unwillingness to provide documentation of alien status for any household member, the person whose alien status is in question is an ineligible (not illegal) alien. If the individual is determined ineligible, the worker must not continue efforts to obtain documentation of alien status.

### **Awaiting Verification of Alien Status**

If verification of alien status is not provided on a timely basis, the eligibility of the remaining household members must be determined. The income and assets of the individual whose alien status is unverified (where the individual has provided no USCIS documentation of alien status) must be

treated in the same manner as a disqualified member and considered available in determining the eligibility of the remaining household members. If verification of eligible alien status is later received, the worker must act on the information as a reported change in household circumstances.

When an applicant has presented an USCIS document containing the individual's alien admission number or alien file number, if the documents appear to be legitimate, the application must be processed within the appropriate time frame without waiting for receipt of secondary verification from USCIS.

**Example:**

An individual applies and provides USCIS documents. When completing the SAVE inquiry, the worker is advised to institute secondary verification (Form G-845). The application must be processed within the appropriate time frame and the individual must be included in the case.

## **Eligibility Criteria 430-05-30-60-10**

To determine if an individual is an eligible alien the individual must meet the criteria on the chart.

Eligible immigration status stands alone for purposes of determining eligibility. Adjustment to a more limited status does not override eligibility based on an earlier less rigorous status.

**Example:**

An individual enters the US with a status of Refugee and is eligible upon entry. Two years later, their status changes from Refugee to Lawful Permanent Resident (LPR). The individual remains eligible as a refugee as this status is more limited.

If eligibility expires in one eligible status, the alien may be eligible under another.

**Example:**

Child turns age 18 and is no longer eligible under the child status. If the child has been in the US for at least 5 years under lawful permanent residence status or meets the 40 quarters requirement, the child is eligible.

IF THE ALIEN WAS ADMITTED AS:	SNAP ELIGIBILITY	ACCEPTABLE VERIFICATIONS OF IMMIGRANT/ALIEN STATUS
Refugee under section 207 of the Immigration and Nationality Act (INA)  TECS Code - RE	Eligible upon entry.	- USCIS Form I-94 showing entry as refugee under Section 207 of the INA and date of entry into U.S. (The arrival date is the date used to determine entry date.); or - USCIS Form I-688B annotated 274a.12(a)(3) (The arrival date is the date used to determine entry date.); or - USCIS Form I-766 with code A3; or - USCIS Form I-571; or - USCIS Form I-551 or I-151 with codes RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE8b, RE9, IC6, or IC7.
Victim of Human	Eligible upon entry.	- Certification Document from the Office of

<p>Trafficking</p> <p>TECS Code - A</p>		<p>Refugee Resettlement (ORR).</p>
<p>Asylee under Section 208 of INA</p> <p>TECS Code - A</p>	<p>Eligible upon entry.</p>	<ul style="list-style-type: none"> <li>- USCIS Form I-94 showing grant of asylum under section 208 (The arrival date is usually the date of designated status.); or</li> <li>- USCIS Form I-766 annotated A5; or</li> <li>- Grant letter from Asylum Office of the USCIS; or</li> <li>- Order from immigration judge granting asylum; or</li> <li>- USCIS Form I-688B annotated 274.a12(a)(5) (The arrival date is usually the date of designated status.); or</li> <li>- USCIS Form I-766 with code A5; or</li> <li>- USCIS Form I-551 or I-151 with codes AS6, AS7, AS8, or AS9.</li> </ul>
<p>Deportation withheld under section 243(h) of the INA as in effect prior to April 1, 1997 or whose removal is withheld under section</p>	<p>Eligible upon entry.</p>	<p>Individuals whose deportation has been withheld should have a court order. The date of the court order is the designated status date.</p> <ul style="list-style-type: none"> <li>- Immigration Judge order showing deportation withheld</li> </ul>



<p>241(b)(3) of the INA.</p> <p>TECS Code - A</p>		<p>under section 243(h) or 241(b)(3) of the INA &amp; date of grant; or</p> <ul style="list-style-type: none"> <li>- USCIS Form I-688B annotated 274a.12(a)(10); or</li> <li>- USCIS Form I-766 with code A10.</li> </ul>
<p>Conditional entrant under section 203(a)(7) of the INA as in effect prior to April 1, 1980.</p> <p>TECS Code - A if eligible, IA if not eligible</p>	<p>Eligible if:</p> <ul style="list-style-type: none"> <li>- resided in the US for 5 years with a conditional entrant status; or</li> <li>- <u>is age 65 or older and was lawfully residing in the U.S. on 8/22/1996;</u> or</li> <li>- <u>Meets the SNAP definition of disabled;</u> or</li> <li>- <u>is under age 18; or</u></li> <li>- <u>meets the 40 quarters requirement;</u> or</li> <li>- meets the Military Criteria at 430-05-30-60-10-05</li> </ul>	<ul style="list-style-type: none"> <li>- USCIS Form I-94 showing admission under section 203(a)(7) Refugee-Conditional Entry in effect prior to 04/01/1980; or</li> <li>- USCIS Form I-688B annotated 274a.12(a)(3); or</li> <li>- USCIS Form I-766 annotated A3; or</li> <li>- USCIS Form I-551 or I-151 with code R86.</li> </ul>
<p>Cuban/Haitian Entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.</p> <p>TECS Code - A</p>	<p>Eligible upon entry.</p>	<ul style="list-style-type: none"> <li>- USCIS Form I-551 with code CU6, CU7, or CH7</li> <li>- USCIS Form I-94 with code CU6 or CU7, or stamped Cuban/Haitian Entrant under Section 212(d)(5) of the INA (The arrival date is usually the date of designated status.)</li> </ul>

		<ul style="list-style-type: none"> <li>- Unexpired temporary I-551 stamp in foreign passport.</li> <li>- USCIS Form I-94 indicating the person was paroled into the US on or after 1/12/2010.</li> </ul>
<p>Amerasian Entrant as defined in section 584 of PL 100-202, as amended by PL 100-461.</p> <p>TECS Code - A</p>	<p>Eligible upon entry.</p>	<ul style="list-style-type: none"> <li>- USCIS Form I-551 with code AM6, AM7, or AM8</li> <li>- USCIS Form I-94 with code AM1, AM2, or AM3 (The arrival date is usually the date of designated status.)</li> <li>- Unexpired temporary I-551 stamp in foreign passport.</li> </ul>
<p>Hmong or Highland Laotian</p> <p>TECS Code - A</p>	<p>Eligible upon entry if:</p> <ul style="list-style-type: none"> <li>- was a member at the time the tribe rendered assistance to the U.S. during the Vietnam era from 08/05/1964 through 05/07/1975; or</li> <li>- spouse or unmarried dependent child of Hmong/Highland Laotian, if they meet one of the following: <ul style="list-style-type: none"> <li>a. Spouse remains married to the tribal member; or</li> <li>b. Was married to the member at the time of</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- States tribe meets Vietnam era involvement and has: <ul style="list-style-type: none"> <li>- USCIS Form I-94 showing entry as refugee under Section 207 of INA and date of entry into the U.S.; or</li> <li>- USCIS Form I-551 or I-151 unless form is marked as admitted under Section 249 &amp; entered after 01/01/72; or</li> <li>- On master list located in State Office.</li> </ul> </li> </ul>

	<p>the member's death and has not remarried;</p> <p>c. An unmarried dependent child under the age of 18 or if they are a full-time student under the age of 22. This also applies if the parent is deceased provided that the child was dependent on the parent at the time of death.</p> <p>An unmarried disabled child age 18 or older if the child was disabled and dependent on the parent prior to the child's 18th birthday.</p> <p>Child in (c) above means biological or adopted.</p>	
<p>Lawfully Admitted for Permanent Residence</p> <p>TECS Code - LR</p>	<p>Eligible upon entry if:</p> <ul style="list-style-type: none"> <li>- is age 65 or older and was lawfully residing in the U.S. on 8/22/1996; or</li> <li>- Meets the SNAP definition of disabled; or</li> <li>- is under age 18; or</li> <li>- meets the 40 quarters requirement; or</li> <li>- has resided in the US for 5 years with a LPR status.</li> </ul>	<ul style="list-style-type: none"> <li>- USCIS Form I-551 or I-151 (Resident Alien card)</li> <li>- If the individual was admitted under Section 249 and entered after January 1, 1972, no eligibility exists.</li> <li>- Any status code on the I-551 is acceptable unless the I-551 is annotated with IB6, IB7, IB8 and the individual</li> </ul>

		<p>does not meet battered alien criteria.</p> <ul style="list-style-type: none"> <li>- Unexpired Temporary I-551 stamp in foreign passport or on the I-94 form also verifies the individual is admitted for lawful permanent residence.</li> </ul>
<p>Parolee under section 212(d)(5) of the INA and status is granted for at least one year</p> <p>TECS Code - A if eligible, IA if not eligible</p>	<p>Eligible if:</p> <ul style="list-style-type: none"> <li>- resided in the US for 5 years with a parolee status; or</li> <li>- <u>is age 65 or older and was lawfully residing in the U.S. on 8/22/1996; or</u></li> <li>- <u>Meets the SNAP definition of disabled; or</u></li> <li>- <u>is under age 18; or</u></li> <li>- <u>meets the 40 quarters requirement; or</u></li> <li>- meets Military Criteria at 430-05-30-60-10-05</li> </ul>	<ul style="list-style-type: none"> <li>- USCIS Form I-94 stating admission under section 212(d)(5) of the INA.</li> </ul>
<p>An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parents' family residing in the</p>	<p>Eligible if:</p> <ul style="list-style-type: none"> <li>- resided in the US for 5 years with a qualified alien status; or</li> <li>- <u>is age 65 or older and was lawfully residing in the U.S. on 8/22/1996; or</u></li> <li>- <u>Meets the SNAP definition of disabled; or</u></li> </ul>	<ul style="list-style-type: none"> <li>- I-551 annotated with IB6, IB7, IB8; or</li> <li>- Other USCIS documentation of battered status - contact State Office for clarification.</li> </ul>

<p>same household as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered. The battered spouse or child cannot be living with the family who battered them.</p> <p>TECS Code - A if eligible, IA if not eligible</p>	<ul style="list-style-type: none"> <li>- <u>is under age 18; or</u></li> <li>- <u>meets the 40 quarters requirement; or</u></li> <li>- meets Military Criteria at 430-05-30-60-10-05</li> </ul>	
<p>Native Americans</p> <p>TECS Code - A if eligible, IA if not eligible</p>	<p>Eligible if:</p> <ul style="list-style-type: none"> <li>- Born in Canada who possesses at least 50% of blood of the American Indian race (Jay Treaty); or</li> <li>- A member of an American Indian Tribe.</li> <li>- Contact State Office if assistance is needed.</li> </ul>	<ul style="list-style-type: none"> <li>- Enrollment documents, birth records, affidavits from tribal officials, INS Form I-181 or I-551 annotated with KIC, KIP, or S13 or other acceptable documents can be used as verification of 50% American Indian blood.</li> <li>A Blood Quantum Letter containing information from the individual's Band, Tribe, Nation stating the individual's blood</li> </ul>

quantum, which must be at least 50% aboriginal blood can also be used as verification of 50% American Indian blood. The document may contain the following verbiage:

- ...at least 50% Aboriginal blood
- ...at least 50% Indigenous blood
- ...at least 50% North American Indian blood
- ...at least 50% American Indian blood

**Note:** The Blood Quantum Letter can be used to show that an individual possesses at least 50% blood of the American Indian Race, but cannot be used to show that an individual does not possess at least 50% blood of the American Indian Race when the parents are enrolled in different Bands, Tribes, or Nations. If the letter does not show an individual possesses at least 50% blood of the

		American Indian Race, verification should be obtained from the Band, Tribe, or Nation where the other parent is enrolled.
<p>Iraqi and Afghani Special Immigrants</p> <p>TECS Code - RE</p>	Eligible upon entry.	<ul style="list-style-type: none"> <li>- Documentation verifying admission under section 101(a)(27) of the INA.</li> <li>- Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SQ1, SI1, SQ2, SI2, SQ3, SI3</li> <li>- I-551 showing Afghan nationality with IV (Immigrant Visa) code of SQ6, SI6, SQ7, SI7, SQ9, SI9</li> <li>- Iraqi passport with immigrant visa stamp noting the individual has been admitted under IV (Immigrant Visa) Category SQ1, SQ2, SQ3 and stamp or notation on passport or I-94 showing date of entry</li> <li>- I-551 showing Iraqi nationality or Iraqi passport, with an IV (Immigrant Visa) code of SQ6, SQ7, SQ9</li> </ul>

## **Military Criteria 430-05-30-60-10-05**

An individual lawfully admitted for permanent residence or a battered spouse or child may meet eligibility criteria if they have a past or current involvement with the United States Armed Forces **and** are lawfully admitted to the U.S. under USCIS status.

### **1. Past or Current U.S. Military Involvement is defined as:**

- a. An individual on active duty for reasons other than training with any of the United States Armed Forces units.

This applies to minimum active duty (~~24 months~~) service requirements of 38 U.S.C. 5303A(d), including an individual who died in active military, naval or air service or the period for which the person was called to active duty.

- (1) An individual remains eligible if honorably discharged for reasons other than alien status who fulfills the minimum active duty service requirement including an individual who died in active military naval or air service.

This includes an individual who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the U.S. or in the Philippine Scouts.

- (2) If active duty is for training such as National Guard or Army Reserve, individual is not eligible.

- b. An individual honorably discharged from the U.S. Armed Forces.

- (1) If the discharge was for alien status or for dishonorable service, the individual is **not** eligible.

### **2. Spouse or Unmarried Dependent Children of Individual with U.S. Military Involvement:**

- a. An individual must be married to the veteran/service individual or was married to the individual at the time of the individual's death and has not remarried.



Eligibility for the unremarried surviving spouse of a deceased veteran provided that the couple was married for at least one year or for any period if a child was born of the marriage or was born to the veteran and the spouse before the marriage and the spouse has not remarried.

(1) An individual would not be eligible if divorced from the veteran/service individual or has remarried since the veteran/service individual's death.

(2) Eligibility exists for the alien spouse regardless of whether or not the veteran/service individual is a U.S. citizen.

(3) Eligibility stops if the service individual is discharged from active duty for alien status or dishonorable service.

b. Unmarried dependent child(ren) of the veteran/service individual are eligible if they are:

(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 the age of 18 or a full-time student under the age of 22.

(2) A child under age 18 or 22 if a fulltime student of a deceased veteran.

(3) 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.

(4) Child(ren) does not have to be residing with the veteran/service individual.

(5) Eligibility stops if the child(ren) becomes married, is no longer a dependent, or the service individual is discharged from active duty for alien status or dishonorable service.

## **Review Periods at Time of Review 430-05-35-50**

Review periods, conforming to calendar months, must be assigned to all eligible households. At review, the first month of the review period will generally be the month following the month in which an application for review is filed.

All eligible households will be certified for 6 months with an interview required at 12-month review.

### **Exception:**

**Households with all elderly or disabled members and no earned income will be certified for 12 months with an interview required at 12-month review.**

~~When a household files an application for review at 6 months with no interview required and reports the only household members are now elderly or disabled with no earned income, if eligible, the household will be certified for an additional 12 months with no interview.~~