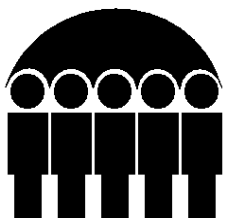


Revised August 31, 2007

Employees' Manual  
Title 4  
Chapter L

FAMILY INVESTMENT PROGRAM

# **ALIENS AND MIGRANTS**



Iowa  
Department  
of  
Human Services

---

	<u>Page</u>
<b>Overview</b> .....	<b>1</b>
<b>Aliens</b> .....	<b>1</b>
Declaration of Citizenship or Alienage .....	1
Evidence of United States Citizenship .....	3
Alien Status .....	4
Alien Status Verification .....	5
Alien Status Documentation Chart .....	7
Using SAVE (Systematic Alien Verification for Entitlements) .....	12
User ID and Password .....	13
Initial Verification .....	13
Additional Verification .....	14
Viewing Cases - Lists and Details .....	15
Searching by Numbers .....	15
Logging Off and Security .....	15
Aliens Exempt From Five-Year Bar .....	16
Qualifying Through Employment .....	17
Verifying Qualifying Quarters .....	20
Battered Aliens .....	21
Social Security Number .....	23
Child Support Recovery .....	24
PROMISE JOBS .....	26
Case Identification .....	27
Victims of Trafficking .....	27
Iraqi and Afghan Special Immigrants .....	29
Aliens Subject to Five-Year Bar .....	31
Ineligible Aliens .....	32
Reporting Illegal Aliens .....	33
Social Security Number Requirement .....	34
Income and Resources .....	35
<b>Migrants</b> .....	<b>36</b>
Residency .....	36

## **Overview**

This chapter contains policies unique to aliens and migrants. It contains only policies that are different from standard Family Investment Program (FIP) policy. Use this chapter in conjunction with the remaining Title 4 chapters to determine FIP eligibility and benefits for aliens and migrants.

## **Aliens**

**Legal reference:** Public Law 104-193; 441 IAC 41.23(5)

This section discusses special treatment of certain aspects of an alien's circumstances:

- ◆ Applicants must provide documentation of each family member's alien status to attain FIP eligibility.
- ◆ You must verify the immigration status of aliens who appear to be eligible.
- ◆ Only aliens with an eligible status can be included on the FIP grant. Eligible alien statuses are listed under [Alien Status](#).

The following sections address:

- ◆ [Declaration of citizenship or Alienage](#)
- ◆ [Alien status](#)
- ◆ [Aliens exempt from the five-year bar on eligibility](#)
- ◆ [Aliens subject to the five-year bar on eligibility](#)
- ◆ [Ineligible aliens](#)
- ◆ [Social security number requirements for aliens](#)
- ◆ [Income and resource guidelines for aliens](#)

### **Declaration of Citizenship or Alienage**

**Legal reference:** 441 IAC 40.24(239B); 41.23(5)

As a condition for eligibility, all applicants and participants must declare their citizenship or alien status in writing. See 4-C, [CITIZENSHIP](#), for more information. Aliens must provide documentation of their alien status to be eligible for FIP.

If an alien claims to have an eligible status, but does not have any documentation, refer the person to the U. S. Citizenship and Immigration Services (USCIS) Bureau of the Department of Homeland Security (formerly the Immigration and Naturalization Service (INS)) to obtain proof of status.

Instruct the person in writing to provide the necessary documentation within ten days. Extend the ten-day period as appropriate. Pend the application as is reasonable under the circumstances. Depending on how much time is needed to obtain the documentation, make monthly contacts with the applicant to:

- ◆ Check on the status of the documentation, and
- ◆ Determine that the applicant is making continued efforts to obtain the documentation.

For example, you could ask for a copy of a form the applicant has filed with the USCIS or a copy of correspondence that would indicate the applicant has contacted that agency and is working on obtaining the documentation.

Upon receipt of the documentation, approve FIP retroactive to the effective date of the FIP application, provided the person is otherwise eligible. Include or exclude the alien's needs as indicated by the alien status documentation that you received.

Draw a distinction between situations that result in FIP ineligibility for just the alien or for the entire family. When an alien provides documentation of an ineligible alien status, the person's FIP status has been identified. This enables you to determine the eligible group. Process the application for the remaining family members and exclude only the needs of the ineligible alien.

If the alien does not provide necessary documentation of alien status as requested, you do not know if the alien is eligible to be included in the FIP grant (nor can you determine the alien's PROMISE JOBS referral status). That means you cannot determine the eligible group.

If you cannot determine the eligible group, the entire family is ineligible, regardless of the reason. In that case, deny the application for failure to provide information.

For additional information, refer to 4-B, [APPLICATION PROCESSING](#), and 4-G, [Adding a New Member to an Active Case](#).

### **Evidence of United States Citizenship**

Establish the birthplace of all people whose needs are to be included in the FIP grant.

Consider any person born in the United States to be a citizen. People born in Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands are United States citizens. People born abroad with United States citizen parents are generally, but not always, United States citizens.

For FIP purposes, also consider a person who is a noncitizen United States national the same as a citizen. A "noncitizen United States national" is a person who is born in American Samoa or Swain's Island.

People who are not citizens or nationals can become citizens through a process called "naturalization."

NOTE: Persons from the Federated States of Micronesia or the Marshall Islands are not United States citizens or nationals.

The following are examples of acceptable documentation of United States citizenship:

- ◆ Birth certificate.
- ◆ Religious record of birth recorded in the United States or its territories within three months of birth that indicates a United States place of birth. The document must show either the date of birth or the person's age when the record was established.
- ◆ United States passport (excludes limited passports that are issued for periods of less than five years).
- ◆ *Report of Birth Abroad of a Citizen of the U.S.* (USCIS Form FS-240).
- ◆ *Certification of Birth* (USCIS Form FS-545).
- ◆ *U.S. Citizen ID Card* (USCIS Form I-197).
- ◆ *Naturalization Certificate* (USCIS Forms N-550 or N-570).
- ◆ *Certificate of Citizenship* (USCIS Forms N-560 or N-561).

- ◆ *Northern Mariana Identification Card* (issued by the USCIS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 3, 1986).
- ◆ Contemporaneous hospital record of birth in the United States, Puerto Rico, Guam, the Virgin Islands, American Samoa, Swain's Island, or the Northern Mariana Islands (unless the person was born to foreign diplomats residing in such a jurisdiction).

### **Alien Status**

**Legal reference:** Section 121 of the Immigration and Control Act of 1986 (Public Law 99-603); Public Law 104-193; 441 IAC 41.23(5)

Legal aliens may be eligible or ineligible for FIP, depending on their immigration status. Illegal or undocumented aliens are never eligible for FIP.

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1997 (PRWORA) divides aliens into two categories, "qualified" and "nonqualified." Not all qualified aliens are eligible for FIP, but all qualified alien parents, applying for or receiving FIP, are subject to PROMISE JOBS requirements.

Qualified aliens are those who are:

- ◆ Lawfully admitted for permanent residence
- ◆ Refugees
- ◆ Asylees
- ◆ Amerasian immigrants
- ◆ Cuban/Haitian entrants
- ◆ Paroled into the U.S. for at least one year
- ◆ Aliens whose deportation is withheld
- ◆ Granted conditional entry into the U.S.
- ◆ Battered aliens
- ◆ Victims of trafficking
- ◆ Iraqi and Afghan special immigrants

The qualified aliens described under [Aliens Exempt from Five-Year Bar](#) are eligible for FIP from the date they obtain that alien status.

The qualified aliens described under [Aliens Subject to Five-Year Bar](#) are not eligible for FIP for five years after their date of entry. The five-year period of ineligibility begins on the date of the person's entry into the United States with one of the listed statuses. If the alien entered with a status that is not listed, the five-year period begins with the date a listed status is obtained.

Nonqualified aliens are all of those whose classification is not specifically listed under either [Aliens Exempt from Five-Year Bar](#) or [Aliens Subject to Five-Year Bar](#). Nonqualified aliens are not eligible for FIP at any time, regardless of the date they entered the United States. Nonqualified aliens are exempt from PROMISE JOBS requirements. See [Ineligible Aliens](#) for more information.

### **Alien Status Verification**

**Legal reference:** Section 121 of the Immigration Reform and Control Act of 1986 (Public Law 99-603); Public Law 104-193; 441 IAC 9.10(4)“d”; 41.23(5)

Aliens must provide documentation of their alien status before you approve a FIP application or add an alien to an existing FIP case. (Refer to [Alien Status](#) for the effect of a person's alien status on PROMISE JOBS participation.) Aliens listed under [Aliens Subject to Five-Year Bar](#) or under [Aliens Exempt from Five-Year Bar](#) must also provide verification of the entry or admission date from which their status started.

Draw a distinction between situations that result in FIP ineligibility for just the alien or those that result in ineligibility for the entire family.

- ◆ When the alien provides documentation of an ineligible alien status, the alien status does not affect your ability to determine the eligible group. Thus, exclude only the needs of the ineligible alien.
- ◆ However, when a person is unwilling to provide documentation of alien status, do not attempt to get verification from the U. S. Citizenship and Immigration Services (USCIS). Deny FIP for the entire family, because the eligible group cannot be determined until the person's alien status has been established.

The same is true when an alien's FIP eligibility is dependent on establishing whether the person has or can be credited with 40 qualifying quarters of work. See [Verifying Qualifying Quarters](#).

Do not verify an alien's documentation with USCIS if it clearly shows the alien has an ineligible status. In this situation, deny FIP for the person and determine eligibility for the remaining family members.

All aliens must also provide verification of their identity. This means that if the alien's documentation does not contain a photograph, you must get another form of verification of the person's identity. Additional verification of identity may be necessary because:

- ◆ An immigration document contains a photo that does not allow for reasonable identification of the person, or
- ◆ The document contains the person's maiden name or a misspelling of the person's name.

When an alien provides documentation, refer to [Alien Documentation Chart](#) to determine if the person is eligible for FIP and for PROMISE JOBS participation. The chart lists:

- ◆ The types of documentation that can be used to verify alien status.
- ◆ Additional verification that certain aliens must provide to prove they are eligible for FIP or PROMISE JOBS (e.g., the date they were admitted to the United States, or the date a particular alien status was granted or adjusted).

NOTE: The USCIS does not require children under age 14 to have documentation of their alien status. Therefore, if the adult who is applying for benefits has a documented legal alien status and attests to the child's legal status, the adult's attestation is sufficient proof of the child's alien status.

Children aged 14 through 17 are required to have immigration documentation, but they are not required to carry it on their persons. The Immigration and Nationality Act does require all aliens who are 18 or older to carry the documentation on their persons at all times.



Status	Acceptable Documentation	FIP Status	PJ Status
Asylee	<ul style="list-style-type: none"> <li>◆ Form I-94, <i>Arrival/Departure Record</i>, noting admittance under section 208 of the INA.</li> <li>◆ Form I-94, <i>Arrival/Departure Record</i>, annotated AS-1, AS-2, or AS-3.</li> <li>◆ Form I-94, <i>Arrival/Departure Record</i>, with Visa 92 (or V-92).</li> <li>◆ Order of an immigration judge granting asylum.</li> <li>◆ Written decision letter from the Board of Immigration Appeals.</li> <li>◆ Form I-688B, <i>Employment Authorization Card</i>, annotated "274a.12(a)(5)."</li> <li>◆ Form I-730, <i>Approval Letter</i>.</li> <li>◆ Form I-766, <i>Employment Authorization Document</i>, annotated "A5."</li> </ul>	Eligible as of date asylum is granted	Mandatory
Amerasian immigrant	<ul style="list-style-type: none"> <li>◆ Form I-551, <i>Permanent Resident Card</i>,* annotated AM6, AM7, or AM8.</li> <li>◆ Unexpired temporary I-551 stamp in a foreign passport annotated AM1, AM2, or AM3.</li> <li>◆ Form I-94, <i>Arrival/Departure Record</i>, annotated AM1, AM2, or AM3.</li> </ul>	Eligible regardless of U.S. entry date	Mandatory
Cuban or Haitian entrant	<ul style="list-style-type: none"> <li>◆ Form I-551, <i>Permanent Resident Card</i>,* annotated CU6, CU7, CH6, or CNP.</li> <li>◆ Unexpired temporary I-551 stamp in a foreign passport annotated CU6, CU7, CH6, or CNP.</li> <li>◆ Form I-94, <i>Arrival/Departure Record</i>, annotated CU6 or CU7, or with a stamp showing parole as "Cuban/Haitian Entrant" under section 212(d)(5) of the INA.</li> </ul>	Eligible regardless of U.S. entry date	Mandatory

Status	Acceptable Documentation	FIP Status	PJ Status
Paroled into U.S. for at least one year	Proof of admission or entry date <b>and</b> Form I-94, <i>Arrival/Departure Record</i> , showing admission for at least one year under section 212(d)(5) of the INA.  NOTE: The applicant cannot use admission periods for less than one year to meet the one-year requirement.	Barred for five years if entered U.S. <b>on or after</b> 8/22/96  Eligible if entered U.S. <b>before</b> 8/22/96	Mandatory
Deportation or removal withheld	<ul style="list-style-type: none"> <li>◆ Form I-688B, <i>Employment Authorization Card</i>, annotated "274a.12(a)(10)."</li> <li>◆ Form I-766, <i>Employment Authorization Document</i>, annotated "A10."</li> <li>◆ Order of an immigration judge showing deportation withheld under section 243(h) or removal withheld under section 241(b)(3) of the INA and date of grant.</li> </ul>	Eligible regardless of U.S. entry date	Mandatory
Conditional entrant	Proof of admission or entry date <b>and</b> one of the following documents: <ul style="list-style-type: none"> <li>◆ Form I-94, <i>Arrival/Departure Record</i>, with stamp showing admission under section 203(a)(7) of the INA.</li> <li>◆ Form I-688B, <i>Employment Authorization Card</i>, annotated "274a.12(a)(3)."</li> <li>◆ Form I-766, <i>Employment Authorization Document</i>, annotated "A3."</li> </ul>	Barred for five years if entered U.S. <b>on or after</b> 8/22/96  Eligible if entered U.S. <b>before</b> 8/22/96	Mandatory

Status	Acceptable Documentation	FIP Status	PJ Status
Battered alien	<p>Proof of admission of entry date <b>and</b> one of the following documents:</p> <ul style="list-style-type: none"> <li>◆ An I-360 or I-130 petition with proof of filing (a file-stamped copy of the petition, an I-797 or I-797C, or another document demonstrating filing, such as a signed certified return receipt or cash register or computer-generated receipt).</li> <li>◆ Form I-797 or battered aliens I-797C indicating approval or prima facie validity of an I-360 petition.</li> <li>◆ Form I-797 or I-797C indicating filing or approval of an I-130 petition.</li> <li>◆ Order or document from the Immigration Court or Board of Immigration Appeals granting suspension of deportation under INA section 244(a)(3), or cancellation of removal under INA section 204A(b)(2).</li> <li>◆ Application for cancellation of removal (form EOIR 42B) or suspension of deportation (form EOIR 40) with proof of filing (a file-stamped copy of the application or another document demonstrating filing, such as a signed certified return receipt or cash register or computer-generated receipt).</li> <li>◆ A document from the Immigration Court or Board of Immigration Appeals indicating that the applicant has established a prima facie case for:                             <ul style="list-style-type: none"> <li>• Suspension of deportation under INA section 244(a)(3) or</li> <li>• Cancellation of removal under INA section 204A(b)(2).</li> </ul> </li> </ul>	Eligible. If entered U.S. on or after 8/22/96, case must be coded as a battered alien case until alien has resided in U.S. five years.	Mandatory

Status	Acceptable Documentation	FIP Status	PJ Status
Veteran or active duty military personnel, spouse, or dependent (lawfully residing in U.S. under any status above)	<ul style="list-style-type: none"> <li>◆ Active duty: Original or notarized copy of current orders showing the person is on full-time duty in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, or a DD form 2 military ID card (active duty papers).</li> <li>◆ Honorably discharged veteran: Original or notarized copy of form DD214 (discharge papers).</li> </ul> <p>NOTE: This verification is sufficient when the veteran is a U.S. citizen, and the spouse or unmarried dependent children are aliens. It is also sufficient for the surviving spouse and unmarried dependent children of a deceased veteran.</p>	Eligible regardless of U.S. entry date	Mandatory
Victim of trafficking	HHS Office of Refugee Resettlement certification letter	Eligible for the period certified	
Iraqi or Afghan special immigrants	<ul style="list-style-type: none"> <li>◆ Form I-551, <i>Permanent Resident Card</i>, showing Iraqi or Afghan nationality with any of these status codes:               <ul style="list-style-type: none"> <li>• SI1, SI2, SI6, SI7, SI9, or</li> <li>• SQ1, SQ2, SQ3, SQ6, SQ7, SQ9</li> </ul> </li> <li>◆ Iraqi or Afghan passport with an immigrant visa stamp noting admitted under a status code listed and date of entry noted on passport or Form I-94, <i>Arrival/Departure Record</i>.</li> </ul>	<p>Eligible for up to 8 months from entry date or conversion to special immigrant status</p> <p>Reverts to five-year bar for LPRs after initial 8 months</p>	Mandatory
All other aliens (legal or illegal)	Documents that indicate the person's alien status is one <b>other than</b> those specifically listed above.	Ineligible regardless of entry date	Exempt

\* In December 1997, the name of form I-551 changed from "*Alien Registration Receipt Card*" to "*Permanent Resident Card*."

Contact the U. S. Citizenship and Immigration Services (USCIS) through Systematic Alien Verification for Entitlements (SAVE) if any of the following situations occur:

- ◆ An alien presents form I-688B, I-766 (*Employment Authorization Documents*), or I-571 (*Refugee Travel Document*) but does not have Form I-94 (*Arrival-Departure Record*).
- ◆ An alien has a grant letter or court order, but the information presented does not include the date the status was granted.
- ◆ You cannot identify the annotation codes on the document.
- ◆ An alien has a receipt card saying the alien has applied for a replacement document.

Do not delay, deny, reduce, or cancel the alien's eligibility for benefits while waiting for the USCIS to provide secondary verification.

For applications, assume the person is eligible and, if otherwise eligible include the person in the assistance grant until the immigration verification is received. If the person would be a mandatory PROMISE JOBS participant if eligible, refer the person to PROMISE JOBS to sign a family investment agreement before FIP is approved.

If the verification received from USCIS indicates that the person is not an eligible alien, remove the person from the FIP grant, subject to timely notice. Recoup excess FIP issued for the person during the interim.

### **Using SAVE (Systematic Alien Verification for Entitlements)**

**Legal reference:** Immigration Reform and Control Act of 1986 (IRCA), Section 121, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Balanced Budget Act of 1997 (BBA)

When an alien's documentation does not have the necessary coding to show the alien's status, or the entry or admission date is missing, or the documentation is questionable, obtain verification of the alien's status through SAVE's web site: <https://www.vis-dhs.com/webone/>

Do not use SAVE when the alien claims to be undocumented or provides acceptable documentation of an eligible or ineligible alien status.

You are a "General User 1." This allows you to:

- ◆ Perform benefit eligibility verifications.
- ◆ Review open and closed cases.
- ◆ Continue working open cases.
- ◆ Administer your own account (i.e., change your password and update your name, phone number, e-mail address).

### **User ID and Password**

Your user ID is your DSS number with a zero at the end. Example: DSSX1230.

Your password is case sensitive. It must include between 8 and 14 characters and must include at least 3 of the 4 following password characteristics:

- ◆ Uppercase letter
- ◆ Lowercase letter
- ◆ Number
- ◆ Special character from the following: ! @ \$ % \* ( ) < > ? : ; { }  
+ - ~

Your entries must be **exact** each time. You have three attempts to log on with an incorrect password.

Your password expires every 45 days. The system will prompt you before 45 days for you to change your password if you are in the system. The system prevents the re-use of your previous six passwords.

If you get locked out, contact SPIRS for assistance.

### **Initial Verification**

Select INITIAL VERIFICATION from the CASE ADMINISTRATION menu.

Enter the alien number.

- ◆ Do not include the letter "A."
- ◆ Add leading zeros to make the number nine digits.

Select the benefits for which the applicant is applying. (To select more than one benefit, hold down the CONTROL or SHIFT key after selecting the first benefit, while clicking on additional benefits.)

Select SUBMIT INITIAL VERIFICATION.

If the immigration status is verified, print the information by selecting PRINT CASE DETAILS and close the case by selecting COMPLETE AND CLOSE CASE. This ends the verification process.

### **Additional Verification**

If the immigration status is not verified, you will be instructed to institute additional verification. Provide as much information as possible. A field marked by a red asterisk is a required field. Then select SUBMIT ADDITIONAL VERIFICATION.

In most cases, you will receive additional verification within three to five work days. Create a tickler on the ABC system for your case to check for a response. Return to the system to check the status by selecting VIEW CASE and CHECKING CASE STATUS. Let SPIRS know if additional verification takes longer than five days.

You can request additional verification later. Select a case from the case display. Select REQUEST ADDITIONAL VERIFICATION on the CASE DETAILS page. Complete the ENTER ADDITIONAL VERIFICATION DATA section.

**Note:** If an applicant has only an I-94 number, you will need to use the ADDITIONAL VERIFICATION option immediately. This option is located on the CASE ADMINISTRATION menu. It allows you to request further research on the case without first performing an initial verification.

The USCIS may request you submit form G-845S, *Document Verification Request*, along with copies of the alien's documentation. The instructions for using this form are found in [6-Appendix](#). Send the form to:

Status Verification Unit  
U. S. Citizenship and Immigration Services  
2221 S. Clark Street  
Arlington, VA 22205

### **Viewing Cases - Lists and Details**

You may view a specific case as follows:

1. Select VIEW CASES from the CASE ADMINISTRATION menu.
2. Select the search criteria.
3. Select DISPLAY CASE SUMMARY LIST.
4. Select the verification number for the case.

### **Searching by Numbers**

You may search for a case by the following fields:

- ◆ Verification number. The verification number is system generated. The first 13 digits contain the year (yyyy), Julian date (ddd), hour (hh), minute (mm), and seconds (ss). The last two digits help to identify the case.
- ◆ Alien number.
- ◆ I-94 number.
- ◆ User case number.

It is important that you select the correct status of the case in order for the system to locate the case.

### **Logging Off and Security**

The proper way to log off is to click on the EXIT link. NOTE: If you exit improperly, the next time you log on you will receive the following message:

THE LOGON ID DSSX1230 IS ALREADY LOGGED ON. CLICKING THE CONTINUE BUTTON WILL START A NEW SESSION AND CAUSE THE LOSS OF ANY UNSAVED DATA.

The "unsaved data" is any data that you entered into a screen during your previous session that you did not "submit" to the system.

You will automatically be logged off if you have not interacted with the system for 15 minutes.

### **Aliens Exempt From Five-Year Bar**

**Legal reference:** 441 IAC 41.23(5)

An alien with one of the following statuses is eligible for FIP from the date the person obtains the status:

- ◆ Aliens lawfully admitted for permanent residence who:
  - Have, or can be credited with, 40 qualifying quarters of coverage as defined under Title II of the Social Security Act, **or**
  - Have sufficient earnings through noncovered employment.

“Noncovered employment” is work that does not require payment into Social Security because it is covered by a retirement plan that ends the requirement to pay into Social Security. For example, some city employees pay into a retirement plan instead of Social Security. See [Qualifying Through Employment](#) for instructions.

- ◆ Aliens lawfully admitted for permanent residence who are:
  - Active-duty personnel of the United States armed forces.
  - Spouses (including surviving spouses who have not remarried) or unmarried dependent children of active-duty personnel of U.S. armed forces.
  - Veterans honorably discharged for reasons other than alienage.
  - Spouses (including surviving spouses who have not remarried) or unmarried dependent children of veterans honorably discharged for reasons other than alienage.

NOTE: “Active duty” excludes temporary full-time duty for training purposes performed by members of the National Guard or reserves. See 4-C, [AGE](#), for the definition of “child.”

- ◆ Refugees admitted under section 207 of the Immigration and Nationality Act.
- ◆ Aliens granted asylum under section 208 of the INA.
- ◆ Amerasian immigrants.
- ◆ Cuban or Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980.
- ◆ Aliens whose deportation or removal is withheld under section 243(h) or section 241(b)(3) of the Immigration and Nationality Act.

- ◆ Aliens who entered the United States **before** August 22, 1996, and are:
  - Lawfully admitted for permanent residency;
  - Paroled into the United States under section 212(d)(5) of the INA for a period of at least one year; or
  - Granted conditional entry under section 203(a)(7) of the INA as in effect before April 1, 1980.
- ◆ Battered aliens. See [Battered Aliens](#) for specific instructions.
- ◆ Victims of trafficking, for the period for which the Office of Refugee Resettlement certifies them. See [Victims of Trafficking](#) for specific instructions.
- ◆ Iraqi and Afghan special immigrants during their initial eight months of special immigrant status. See [Iraqi and Afghan Special Immigrants](#) for specific instructions.

Unless they are determined exempt due to receipt of SSI for disability, alien parents in the categories listed above are mandatory PROMISE JOBS referrals. They are subject to the family investment agreement (FIA) and the limited benefit plan. For more information, see 4-J, [REFERRING CLIENTS TO PROMISE JOBS](#).

### **Qualifying Through Employment**

When the eligibility of an alien who entered the United States on or after August 22, 1996, depends on meeting the 40-quarter requirement, you must determine the number of quarters of employment with which the person can be credited. (No calculation is needed if the person entered the United States before August 22, 1996, or is exempt from the five-year bar for another reason.)

If the person does not meet the 40-quarter requirement, exclude the person's needs from the eligible group. Determine FIP eligibility for the remaining family members in the home. Refer to 4-C, [ELIGIBLE GROUP](#), for additional information.

Each person can get up to a total of four qualifying quarters of credit each calendar year based on the person's own earnings. The person may be credited with additional quarters in a calendar year based on earnings of a parent or spouse, as described in the following paragraphs.

The following chart lists the amount a person had to earn to get one credit for the years 1978 and later. (Contact the SPIRS Helpdesk for assistance in calculating qualifying quarters for years before 1978.)

<b>Amount Needed to Earn a Qualifying Quarter</b>			
Year	Earnings Needed to Get One Credit	Year	Earnings Needed to Get One Credit
1978	\$250	1994	\$620
1979	\$260	1995	\$630
1980	\$290	1996	\$640
1981	\$310	1997	\$670
1982	\$340	1998	\$700
1983	\$370	1999	\$740
1984	\$390	2000	\$780
1985	\$410	2001	\$830
1986	\$440	2002	\$870
1987	\$460	2003	\$890
1988	\$470	2004	\$900
1989	\$500	2005	\$920
1990	\$520	2006	\$970
1991	\$540	2007	\$1,000
1992	\$570	2008	\$1,050
1993	\$590	2009	\$1,090

To calculate the number of quarters for a year, divide the person's total earnings for the year by the amount needed to get one credit. For earnings from employment, use the gross amount of earnings. For earnings from self-employment, use the amount of earnings after allowable self-employment expenses have been deducted.

NOTE: Starting with January 1, 1997, do not count the income from any quarters in which an alien got FIP benefits or any other type of federal means-tested public assistance during the quarter. The quarters in a calendar year are: January through March, April through June, July through September, and October through December.

This means if an alien got FIP, food stamps (Food Assistance), Medicaid, or SSI in December 1997, you would subtract the person's October, November, and December earnings from the total 1997 earnings and divide the remainder to figure how many qualifying quarters the person has. Use only full quarters.

1. An alien's \$2,300 gross earnings in 2000 result in two qualifying quarters. ( $\$2,300$  divided by  $\$780 = 2.95$  quarters. 2.95 quarters are rounded down to 2 quarters.)
2. An alien's \$5,000 gross earnings in 1995 result in four qualifying quarters ( $\$5,000$  divided by  $\$630 = 7.936$  quarters, but no more than four quarters can be counted based on the person's own earnings).

Aliens can count their spouse's quarters earned during the marriage in addition to their own quarters in order to meet the 40-quarter requirement. Use the same formula to calculate qualifying quarters earned by a spouse.

For example, if each spouse had 20 quarters, you would add the quarters together. Both spouses would be counted as having 40 quarters and both would meet this requirement. If otherwise eligible, include their needs in the FIP grant.

Count the spouse's quarters earned during the marriage if the spouse is either a citizen or an alien, and either:

- ◆ The couple is currently married, or
- ◆ A spouse is deceased and the surviving spouse is not remarried, or
- ◆ The couple is separated but not divorced.

When the couple divorces, the former spouses are no longer entitled to each other's quarters. Thus, if the divorce results in the alien no longer having 40 qualifying quarters, cancel the person's FIP assistance, subject to timely notice. Continue FIP for the remaining family members, if otherwise eligible.

Mr. and Mrs. Z each have 20 qualifying quarters, giving each spouse 40 qualifying quarters and making both spouses FIP-eligible. In the month after FIP approval, they divorce. Consequently, Mr. and Mrs. Z each have only 20 qualifying quarters, leaving both ineligible for FIP. However, FIP may continue for the eligible children in the home.

Aliens can also count the quarters earned by a parent in addition to their own quarters to meet the 40-quarter requirement. Use the same formula to calculate qualifying quarters earned by a parent.

For this policy, "parent" means the natural or adoptive parent or the stepparent. Count the parent's quarters if the parent:

- ◆ Is either a citizen or an alien, and
- ◆ Earned the quarters before the child turned 18. (The parent's quarters earned before the child was born also count.)

Count the quarters earned by a stepparent during the stepparent relationship if the stepparent relationship still exists. Do not count quarters earned before the stepparent relationship began. Death of the stepparent does not end the relationship. Do not count any quarters of the stepparent if the parent and stepparent are divorced.

Do not count quarters earned by a child toward the eligibility of a parent.

NOTE: According to USCIS documents, the 40-quarter requirement cannot be met if the combined total time lived or worked in the United States for people whose quarters can be counted or credited (the alien, spouse, and parent, as described above) is less than ten years.

### **Verifying Qualifying Quarters**

An alien whose FIP eligibility depends on 40 quarters of employment is responsible for getting verification of the qualifying quarters. This includes getting verification of the qualifying quarters earned by a spouse, parent, or stepparent. You can use documentation such as:

- ◆ Wage stubs
- ◆ Employer's statement
- ◆ Income tax forms

If the alien does not provide the required verification, the entire family is ineligible. You cannot determine the eligible group until you have established whether the alien has met the 40-quarter requirement and must be included in the eligible group.

If the alien does not have acceptable proof, the client is responsible for obtaining necessary verification from the Social Security Administration (SSA), which can verify quarters starting with the year 1930.

If the alien provides verification from SSA of less than the required 40 qualifying quarters but disputes the SSA records, allow the alien an opportunity to resolve the discrepancy.

In either situation:

1. Instruct the applicant in writing to obtain the necessary verification, proof of requesting the verification, or proof that SSA is investigating the discrepancy within ten days.

Include in the note that the application will be denied if the requested verification is not received by the stated date due. Ask that the applicant let you know if more time is needed to obtain the requested verification or proof.

2. Deny the application if you do not receive the requested verification or proof by the due date (or the extended due date, if applicable).
3. If the client provides the requested proof, pend the application until the SSA verification is received or the SSA investigation is completed. Periodically contact the client to check on the status of the SSA verification or investigation of the disputed qualifying quarters.
4. Process the FIP application upon receipt of the SSA verification or the results of the completed investigation. Issue retroactive benefits to the family to seven days from the date of the FIP application (if otherwise eligible).

Include the alien in the eligible group if SSA verifies at least 40 qualifying quarters. If the completed investigation still verifies **less than 40** qualifying quarters, exclude the alien.

### **Battered Aliens**

**Legal reference:** 441 IAC 41.23(4)

Generally, when an alien is the spouse or child of a United States citizen or a lawful permanent resident, the citizen or lawful permanent resident must file USCIS form I-130, *Petition for Alien Relative*, to allow these family members to remain in the United States. If the petition is not filed (or is withdrawn), the alien has no lawful immigrant status and may face being deported.

In abusive situations, control over the alien's immigration status strengthens the batterer's hold on the victims. For example, the batterer may threaten to stop the visa process if the abused spouse or child attempted to leave their common home or to report the abuse to authorities.

Since the 1994 enactment of the Violence Against Women Act, a battered alien may self-petition for lawful permanent residency by USCIS form I-360, *Petition for Amerasian, Widow(er) or Special Immigrant*. The petition can be filed without the cooperation or knowledge of the abuser.

The battered person may be the alien or the child or parent of the alien. The abuser may be a United States citizen or lawful permanent resident family member (spouse, parent, or other relative) who lived in the same household in the United States. To qualify as a battered alien, the person must:

- ◆ Present documentation of an approved or a pending petition for a family-based immigrant visa, a self-petition for an immigrant visa, or cancellation of removal, or suspension of deportation, **and**
- ◆ No longer lives with the abuser.

See [Alien Documentation Chart](#) in this chapter for more information on verification of battered alien status.

NOTE: Because of the abusive relationship, these aliens may not have copies of documents they filed themselves or that were filed on their behalf. Refer applicants who do not have any documentation or who are not certain that a petition for lawful permanent residency has been filed on their behalf to the USCIS forms request line (1-800-870-3676).

These families may already be working with a domestic violence service provider. If not, refer them to the National Domestic Violence Hotline (1-800-799-7233) or to the local domestic violence service provider.

The domestic violence service provider may be able to assist the applicant in obtaining necessary documentation of alien status without jeopardizing the alien's safety or immigration efforts.

Under federal Temporary Assistance for Needy Families (TANF) regulations, a battered alien who entered the United States **before** August 22, 1996, is exempt from the five-year bar and may be eligible for FIP assistance from the date the person receives the status.

A battered alien who entered the United States **on or after** August 22, 1996, is ineligible for assistance for five years from the date of entry, unless the state chooses to provide assistance from state-only funds. The Iowa legislature in 2002 Iowa Acts, Chapter 1175, directed the Department to provide FIP assistance to battered aliens without regard to the five-year bar.

People applying for FIP assistance under these provisions are required to meet all other FIP eligibility requirements, except that the requirement to provide a social security number will be waived until the alien receives employment authorization from the USCIS.

Months of FIP assistance received by a battered alien count toward the 60-month limit. The Eligibility Tracking System will count these months.

### **Social Security Number**

The Social Security Administration requires aliens to provide proof of employment authorization in order to apply for a social security number. A battered alien generally will receive verification of employment authorization from the USCIS three to four months after verification of the person's immigrant status is received.

A battered alien is not required to provide a social security number or proof of application for a social security number until the month following the month employment authorization is received from the USCIS.

A battered alien may apply for FIP before receiving employment authorization from the USCIS. If all other eligibility requirements are met, approve FIP using 999-99-9999 as the person's social security number. Inform the person, in writing, of the requirement to:

- ◆ Apply for employment authorization
- ◆ Apply for a social security number when the employment authorization is received
- ◆ Provide proof of application for a social security number by the month following the month when the employment authorization is received
- ◆ Report the social security number when received.

Enter an Automated Benefit Calculation (ABC) system “tickler” on the case to follow up and request proof of application for a social security number if proof is not provided within the expected time.

NOTE: Although employment authorization is typically received within three to four months, in some situations it may take longer for the authorization to be received. Continue FIP assistance without a social security number, so long as the application for employment authorization remains pending.

### **Child Support Recovery**

As with any other FIP case, before requiring cooperation with child support recovery, thoroughly explain good cause criteria. Make sure the applicant understands the right to claim good cause.

Because of the abusive relationship and other unusual barriers the family may face, if the battered alien wishes to claim good cause, assist the person as much as possible in establishing the claim. Refer to 4-C, [Good Cause for Refusal to Cooperate](#), for details.

Because FIP for battered aliens is paid with state-only funds, child support referrals must be made manually. Enter an “N” in the DEP field on the ABC TD03 screen for each child on the battered alien FIP case. Do not establish an ICAR case.

If the battered alien claims and is determined to have good cause for not cooperating with child support recovery, do **not** make a referral to the Child Support Recovery Unit (CSRU). Document the good cause decision clearly in the case record.

If the battered alien does not claim or is determined not to have good cause for not cooperating with child support recovery, make a manual referral to the CSRU.

To make the referral, send a copy of form 470-0188, *Application for Nonassistance Support Services*, to the local CSRU office. (Print this form from the sample in [9-H-Appendix](#).) Enter your name and worker number in the “Applicant’s Signature” section on page 6 and enter the current date in the “Date” section. Leave the rest of the form blank.

Attach photocopies of the following pages from the family's *Health and Financial Support Application*:

- ◆ Page 1, with the client's name and address.
- ◆ Page 3, with the personal information for all family members for whom the referral is being made.
- ◆ Page 7 or 8, with the absent parent information.

Also attach a memo explaining that the family is a battered alien family. If you have any other relevant information about the absent parent, include that information in the memo. If the family has a court order for support in place or has legal assistance pursuing an order, include this information in the memo.

Because the referral is made manually instead of through Iowa Collection and Reporting (ICAR) system, you must manually notify CSRU of changes that occur in the case after referral. Notify the local CSRU office by mail or by e-mail when any of the following events occur:

- ◆ Members of the FIP household leave the home.
- ◆ New household members are approved for FIP.
- ◆ Change of address.
- ◆ New information is received about the absent parent.
- ◆ Cancellation of FIP. NOTE: Since canceled cases are often reinstated before the effective date of cancellation, do not notify CSRU of cancellation of FIP until the effective date of cancellation, to be sure the case will remain canceled.

If the client fails to cooperate with CSRU after referral, CSRU will contact you. Contact the client and offer the client the opportunity to cooperate with CSRU or to claim good cause. Notify the client in writing of:

- ◆ The consequences of failure to cooperate.
- ◆ The client's right to claim good cause.
- ◆ The date by which cooperation or the good cause claim must occur.

Determine whether a sanction should be imposed as follows:

- ◆ If the client resumes cooperation by the deadline, do not impose a sanction.
- ◆ If the client claims good cause and you determine that good cause exists, document the good cause decision in the case record and notify the local CSRU office of the decision by mail or e-mail. Do not impose a sanction if the good cause claim is made by the deadline and good cause is determined to exist.
- ◆ If the client does not cooperate or establish good cause, impose the 25% sanction as described in 4-C, [Sanction for Failure to Cooperate](#). Notify CSRU by mail or e-mail that the sanction has been imposed.

### **PROMISE JOBS**

Battered aliens are subject to the same PROMISE JOBS and family investment agreement (FIA) requirements as other FIP applicants and participants.

If the person already has a social security number, make the referral to PROMISE JOBS in the same way as for any other FIP applicant or participant.

If the person does not yet have a social security number, ABC will not be able to transmit the referral information to PROMISE JOBS.

- ◆ Enter the PROMISE JOBS referral code in the JOBS field on the TD03 screen in ABC.
- ◆ Also note in the comments section of form 470-3897, *FIA Appointment*, that the person is a battered alien who does not yet have a social security number. Include the person's address and date of birth and the names and ages of the children in the home (regardless of the child's FIP status).

When the battered alien obtains a social security number and that number is entered into ABC, ABC will generate a system referral to PROMISE JOBS.

### **Case Identification**

Identify battered alien cases by entering a "Y" in the BAT ALIEN field on TD02. The field will default to "N" unless a "Y" is entered. This code will identify the case so that payments can be tracked and paid from state funds. The "Y" code should remain so long as FIP continues to be received based on the person's battered alien status.

If any members of the FIP household receive FIP based on battered alien status, code the case as a battered alien case even if some members of the FIP household would be eligible without the battered alien provisions.

Mrs. A applies for FIP for herself and her two children. Mrs. A and one child are eligible for FIP under the battered alien provisions. Mrs. A's youngest child was born in the United States and is a United States citizen.

So long as any members of the household receive FIP based on battered alien status, consider the FIP case as a battered alien case.

Create a tickler message in ABC to notify you when the battered alien has resided in the United States for five years. After that date is reached, the federal five-year bar on assistance no longer applies, and assistance no longer must be paid from state-only funds.

Remove the "Y" code when the person has resided in the United States for five years and is otherwise still eligible.

### **Victims of Trafficking**

**Legal reference:** Public Law 106-386

Aliens who are certified as "victims of trafficking" by the Department of Health and Human Services' Office of Refugee Resettlement (HHS ORR) are "eligible aliens" for FIP benefits. Alien victims of trafficking have an eligible status for FIP benefits for the period for which ORR certifies them.

The HHS ORR certifies a victim of trafficking for eight-month periods. The person's certification date is stated in the body of the HHS ORR certification letter or letter for children under 18 years old.

When a victim of trafficking applies for benefits, follow normal procedures for determining eligibility for refugee cash assistance except:

- ◆ Accept the original HHS ORR certification letter for adults or letter for children under 18 years old in place of USCIS documentation.

Although trafficking victims are not required to provide any documentation of their immigration status for benefit purposes, they may have various documents, such as Form I-94, *Arrival/Departure Record*, with a stamp showing parole under section 212(d)(5) of the INA, an employment authorization document, etc. The documentation may serve to verify identity.

- ◆ Contact the trafficking verification line at (866) 401-5510 to confirm the validity of the certification letter for adults or letter for children under 18 years old and to notify the ORR of the benefits for which the individual has applied. NOTE: Do not contact SAVE concerning victims of trafficking, because SAVE will not have this information.
- ◆ Record the expiration date of the certification letter or the letter for children by using the tickler system, and redetermine eligibility at that time. The expiration date of the HHS ORR certification period is specified in the person's certification letter.

A recertification letter issued to the victim of trafficking by the ORR is required for the person to receive FIP benefits beyond the eight-month ORR certification period.

Cancel assistance at the end of the specified ORR certification period unless the household has received, and provides, a follow-up letter as stated above, or the household otherwise meets alien eligibility requirements. You must give timely notice.

Victims of trafficking may not yet have standard identity documents, such as driver's licenses. Do not automatically deny applications for people who cannot confirm their identity. Call the trafficking verification line at (866) 401-5510 for assistance.

Some victims of trafficking may not yet have or may not be able to get a social security number for work purposes. Assist these individuals in obtaining non-work social security numbers. See [Social Security Number Requirement](#).

FIP rules require applicants for benefits who do not have social security numbers to apply for them. Assistance cannot be delayed, denied, or discontinued pending the issuance of their social security numbers.

If you encounter a person you believe may meet the definition of trafficking victim, go through your usual channels to obtain instructions on providing the person with assistance in contacting ORR for possible certification by that agency.

If a victim of trafficking gains an eligible alien status, the new eligible alien status is to be used when redetermining eligibility for that person.

### **Iraqi and Afghan Special Immigrants**

**Legal reference:** Public Law 110-161 (December 26, 2007); Public Law 110-181 (January 28, 2008); Public Law 110-329 (September 30, 2008); Public Law 111-8 (March 10, 2009)

#### **Policy:**

Beginning December 26, 2007, some Iraqi and Afghan nationals who have acted as translators for the U.S. military or provided services for the U.S. government, as well as their spouses and unmarried children, have been granted special immigrant status.

These special immigrants are eligible for assistance to the same extent as refugees, except that their exemption from the five-year bar lasts only for an eight-month period.

Initially, the exemption period for Afghan special immigrants was only six months. In April 2009, federal law extended the exemption for Afghans to eight months. Afghan special immigrants whose six-month exemption period ended before March 11, 2009, are not eligible for the extension to eight months.

Iraqi and Afghan aliens granted special immigrant status are lawful permanent residents (LPRs) who are:

- ◆ Exempt from the five-year bar on assistance for a period of up to eight months.
- ◆ Subject to the five-year bar on assistance after the end of the eight-month period.

The eight-month period begins on:

- ◆ The date the person entered the United States as a special immigrant, or
- ◆ The date the person adjusted to special immigrant status, if the person entered under another status.

A special immigrant family may be eligible for less than eight months if they do not apply for FIP immediately after attaining special immigrant status.

An Iraqi family enters the U.S. and is granted special immigrant status on October 13, 2008. Their eight-month period of potential eligibility is October through May.

The family applies for FIP on January 25, 2009. All eligibility factors are met, so FIP is approved effective February 1 (seven days from date of application). FIP eligibility ends May 31.

The five-year bar on assistance starts with the date of entry into the United States in a qualified alien status and ends five years after entry. Months in which FIP is provided under these special immigrant provisions run concurrently with the five-year bar and do not extend it.

**Procedure:**

To determine eligibility for an Iraqi or Afghan special immigrant:

1. Determine if the person has a special immigrant status. See [Alien Status Documentation Chart](#) for a list of acceptable documentation of special immigrant status.
2. Determine the person's date of entry into the United States or the date of adjustment to special immigrant status.
3. If the person is within the eight-month period and all other eligibility factors are met, approve FIP.
4. Enter a tickler to track the end of the eight-month period.
5. Cancel FIP at the end of the eight-month period.
6. If the person attains another status, as described in section [Aliens Exempt from Five-Year Bar](#), that exempts the person from the five-year bar, determine eligibility based on that status.

### **Aliens Subject to Five-Year Bar**

**Legal reference:** 441 IAC 41.23(5)

Aliens listed in this section who enter the United States **on or after** August 22, 1996, are barred from FIP eligibility for five years. The five-year period begins on the date the person enters the United States with one of the following statuses. If the person originally entered the United States with a status that is not listed, the five years begins with the date they first obtained a qualified alien status.

- ◆ Aliens lawfully admitted for permanent residency who do not have (or cannot be credited with) 40 qualifying quarters of coverage as defined under Title II of the Social Security Act and do not have sufficient earnings through noncovered employment.

“Noncovered employment” is work that does not require payment into Social Security because it is covered by a retirement plan that ends the requirement to pay into Social Security. For example, some city employees pay into a retirement plan instead of Social Security. (See [Qualifying Through Employment](#) for specific instructions.)

- ◆ Aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (INA) **for a period of at least one year**.
- ◆ Aliens granted conditional entry under section 203(a)(7) of the INA as in effect before April 1, 1980.

EXCEPTION: See [Aliens Exempt from Five-Year Bar](#). The five-year bar does not apply to aliens with one of the statuses listed in this section who are lawfully residing in the United States and are:

- ◆ Aliens who entered the United States before August 22, 1996.
- ◆ Battered aliens.
- ◆ Active-duty personnel of the United States armed forces.
- ◆ Spouses (including surviving spouses who have not remarried) and unmarried dependent children of active-duty personnel of the United States armed forces.
- ◆ Veterans honorably discharged for reasons other than alienage.
- ◆ Spouses (including surviving spouses who have not remarried) and unmarried dependent children of veterans honorably discharged for reasons other than alienage.
- ◆ Iraqi and Afghan special immigrants during the first eight months after entry into the U.S. with special immigrant status.

Alien parents subject to the five-year bar are mandatory PROMISE JOBS referrals, even though they are excluded from the grant during the five-year period. They are subject to the family investment agreement and the limited benefit plan.

See 4-J, [PROMISE JOBS](#), for more information.

Determine FIP eligibility for the remaining family members. Code an ineligible alien parent as an “excluded parent” in the ABC system.

Create ticklers in the ABC system to notify you of an excluded alien’s upcoming expiration of the five-year bar.

Since the ending date of the five-year period is known to you, the family is not required to report that date or request to add the excluded alien. Provided the family has not exhausted the 60-month FIP limit and is otherwise still eligible, the date after the five-year bar has ended is the date of application to add the alien to the FIP case.

See 4-G, [Establishing the Date of Application and Eligibility](#), for additional information.

### **Ineligible Aliens**

Aliens whose alien status is not specifically listed under [Aliens Subject to Five-Year Bar](#) or [Aliens Exempt from Five-Year Bar](#) are not eligible for FIP **regardless** of the date they entered the United States. However, their family members who were born in the United States or have an eligible alien status and who otherwise meet FIP requirements may be eligible. Code an ineligible alien parent as an “excluded parent” in the ABC system.

Examples of immigration statuses held by aliens who are ineligible for FIP include:

- ◆ Illegal or undocumented aliens. These aliens either were never legally admitted to the United States for any period, or they were admitted for a limited period and did not leave the United States when the period expired.
- ◆ Aliens paroled into the United States under section 212(d)(5) of the INA **for less than one year**.
- ◆ Aliens with protected status (such as PRUCOLs (Permanently residing in the United States under color of law)).
- ◆ Temporary residents (see “legal nonimmigrants”).
- ◆ Aliens in deferred status.

- ◆ Legal nonimmigrants. These include:
  - Visitors for business or pleasure, including exchange visitors
  - Aliens in travel status while traveling through the United States
  - Crewmen on shore leave
  - Foreign students
  - Temporary workers including agricultural contract workers
  - Treaty traders and investors and their families
  - Foreign diplomats on official business and their families and servants
  - International organization personnel and their families and servants
  - Members of foreign press, radio, film or other information media and their families

NOTE: Some of these aliens may possess valid employment authorization documents, but that does not alter their ineligibility for FIP and PROMISE JOBS.

**Important:** PROMISE JOBS is prohibited from providing services to nonqualified aliens, therefore parents whose alien status is not listed under [Aliens Subject to Five-Year Bar](#) or [Aliens Exempt From Five-Year Bar](#) are exempt from PROMISE JOBS and the family investment agreement. They are not subject to the limited benefit plan provisions. See 4-J, [Alien Exemption](#), for specific information.

If the family of a nonqualified alien parent reaches the FIP 60-month limit on assistance, they cannot be approved for hardship, because the parent cannot sign the hardship family investment agreement. See 4-C, [Who May Qualify for a Hardship Exemption](#).

### **Reporting Illegal Aliens**

At the time of interview, explain alien eligibility criteria and verification procedures to households that include non-citizen members. Check the status only of household members who are applying for assistance and claim to have an eligible status for the program.

Based on federal guidance, the Department is to report to the USCIS that an alien is not lawfully present in the U.S. only if we “know” that the alien is not lawfully present. The Department “knows” this only if:

- ◆ The alien applies to receive benefits, **and**
- ◆ The alien claims to have an eligible status for the program, **and**
- ◆ In making a formal determination of eligibility, we receive from USCIS verification of illegal status, such as a Final Order of Deportation.

NOTE: A SAVE response that shows no service record on a person or shows an immigration status making the person ineligible for a benefit is not a finding of fact or conclusion of law that the person is not lawfully present.

Situations in which the criteria are met for reporting an illegal alien are extremely rare. For this reason, contact SPIRS Helpdesk for assistance if you believe it may be appropriate to report an illegal alien.

### **Social Security Number Requirement**

**Legal reference:** 441 IAC 41.22 (13)

People who fail to provide a social security number or proof of application for a number must be excluded from the eligible group, but must still provide documentation of alien status for a PROMISE JOBS determination.

Failure to provide documentation of alien status results in FIP ineligibility for the entire family, because the alien's PROMISE JOBS referral status cannot be determined. Deny the application for failure to provide information.

If the alien provides documentation of alien status but the status prohibits the person from being included in the eligible group, deny the person's needs for that reason. Do not require the alien to provide a social security number or proof of application for a number in that instance.

If the alien provides documentation of a FIP-eligible alien status but does not want to provide a social security number or proof of application for a number, deny the person's needs for failure to provide a social security number.

Migrants who are not citizens must meet the same eligibility requirements as any other alien (as described in this chapter). See [MIGRANTS](#).

Some victims of trafficking may not yet have or may not be able to get a social security number for work purposes. Assist them in obtaining non-work social security numbers by sending a letter to the Social Security Administration that:

- ◆ Is on letterhead.
- ◆ Includes the applicant's name.
- ◆ Mentions that this person is a trafficking victim.
- ◆ References the non-work reason for which the number is required.
- ◆ States that the applicant meets the requirements to receive benefits except for the social security number.

While FIP rules require applicants for benefits who do not have a social security number to apply for one, assistance cannot be delayed, denied, or discontinued pending the issuance of the social security number. See [Victims of Trafficking](#) for more information.

Some battered aliens may apply for FIP before they are able to apply for a social security number. A battered alien cannot apply for a social security number until employment authorization is received from the USCIS. This authorization is usually received within three or four months following receipt of documentation of their status as a battered alien.

Do not delay, deny, or discontinue assistance for a person who is determined to have status as a battered alien for failure to apply for a social security number, when the employment authorization has been applied for but has not yet been received.

The person has until the month following the month the employment authorization is received from the USCIS to apply for a social security number. See [Battered Aliens](#) for additional information.

Refer to 4-C, [SOCIAL SECURITY NUMBER](#), for additional information.

### **Income and Resources**

**Legal reference:** 441 IAC 41.23(5); 41.26(2); 41.27(6); 41.27(8)"a"

Treat an eligible alien the same as any other person in the eligible group.

Do not include the needs of a person who is an ineligible alien or whose alien status prohibits the person from receiving FIP for five years as described in those sections.

Treat the income and resources of these excluded aliens as described in 4-D, [Whose Resources to Count](#), and 4-E, [Excluded Parent](#). Do not count the income and resources of a child who is an ineligible alien, the same as with any other ineligible child.

## **Migrants**

**Legal reference:** 441 IAC 41.23(1), 41.23(5)

Migrants are people who travel between states or counties to find work on a seasonal basis. They are usually employed in agricultural situations. Migrants may be United States citizens or nationals, or they may be aliens. If the migrant is also an alien, verify the migrant's alien status to determine eligibility for FIP.

### **Residency**

**Legal reference:** 441 IAC 41.23(1), 41.26(1)"a"

When a person, who is either a citizen or United States national enters Iowa for employment purposes, the person is considered a resident even if the person retains a homestead in the other state and intends to return there once employment has ended. "Entering the state for employment purposes" is defined as:

- ◆ Having a job commitment, or
- ◆ Seeking employment, regardless of whether the person is employed when applying for FIP.

This policy makes it possible for migrant families to meet the residency requirement and to receive FIP, if otherwise eligible.

A person who is temporarily absent from a state and remains eligible for FIP in that state could also be eligible in another state in which residency has been established for employment purposes. However, under no circumstances can the person receive FIP **in both states at the same time**.

Discuss with the migrant the pros and cons of receiving assistance in Iowa vs. in the other state, such as use and coverage of the Medicaid card, FIP benefit level, etc., so that the client can make an informed choice in which state to apply for assistance.

If the migrant retains a homestead (as defined by FIP policy) in the other state while residing in Iowa for employment purposes, the homestead is exempt as resource **as long as the migrant intends to return to that homestead once employment has ended**. See 4-D, [Homestead](#).

Examine the client's "intent to return to the homestead" and document the results in the case record at the time of FIP application and subsequent review.

Indications that the client does not intend to return to the homestead in the other state may include the following:

- ◆ A person who entered Iowa for employment moves other family members to Iowa.
- ◆ The person establishes a family in Iowa.
- ◆ The person accepts a "permanent" job in Iowa.
- ◆ The person purchases a home in Iowa.
- ◆ The person attempts to sell the homestead in the other state.

If the migrant family does not intend to return to the homestead left behind in the other state, consider the property nonhomestead property and treat the property in accordance with those policies before approving the family for FIP.

In addition, before FIP can be approved, the migrant family must meet all other program eligibility factors that apply to any other FIP household.



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN SERVICES

CHARLES M. PALMER, DIRECTOR

August 13, 1996

**GENERAL LETTER NO. 4-L-2**

ISSUED BY: Bureau of Family Investment, Division of Economic Assistance

SUBJECT: Employees' Manual, Title 4, Chapter L, *Aliens and Migrants*, Contents, revised; page 2, revised; and pages 2a-2c, new.

**Summary**

This general letter transmits alien verification information from VI-H, *Alien Verification*. As part of the project to reorganize the income maintenance manuals, VI-H is being eliminated. The applicable policy and procedural information will now be located in the alien sections of each title.

The attached pages contain instructions for accessing the Alien Status Verification Index (ASVI) database, which is part of the Systematic Alien Verification for Entitlements (SAVE) program. The instructions are not changed from those in VI-H.

**Effective Date**

Upon receipt.

**Material Superseded**

Remove from Title 4, Chapter L, Contents (page 1) and page 2, both dated September 5, 1995, and destroy them.

**Additional Information**

Refer questions about this general letter to your regional benefit payment administrator.



THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
JESSIE K. RASMUSSEN, DIRECTOR

November 14, 2000

### GENERAL LETTER NO. 4-L-3

ISSUED BY: Bureau of Family Investment, Division of Economic Assistance

SUBJECT: Employees' Manual, Title 4, Chapter L, *ALIENS AND MIGRANTS*, Title page, revised; Contents (page 1), revised; pages 1 through 14, revised; and pages 15 through 26, new.

#### Summary

The entire chapter on aliens and migrants has been revised and reorganized to:

- ◆ Update policies on which alien classifications are eligible for FIP in accordance with federal law. Under the revised policies, only aliens with one of the classifications described at 8 United States Code (USC) Section 1641 are considered for FIP eligibility. The changes described in this general letter are expected to affect only a small number of FIP cases.

Certain classifications of aliens described at 8 USC Section 1641 cannot be included in the FIP grant for five years from the date they entered the United States.

However, unless exempt due to disability, aliens whose classifications are described at 8 USC Section 1641 are mandatory PROMISE JOBS participants, even if they are ineligible for FIP for five years. In other words, while not all aliens described at 8 USC Section 1641 are eligible for FIP, **all** must participate in PROMISE JOBS unless exempt due to disability.

Aliens whose classification is **not** described at 8 USC Section 1641 are ineligible for FIP regardless of the date they entered the U.S. They are exempt from PROMISE JOBS. They are also prohibited from voluntary participation in PROMISE JOBS. General Letter 4-J-8, released simultaneously with this letter, transmits information on the new PROMISE JOBS exemption for aliens whose classification is not included in 8 USC Section 1641.

- ◆ Eliminate existing policies on deeming income and resources of alien sponsors that were in effect under the Aid to Families with Dependent Children (AFDC) program. These deeming policies are now obsolete.
- ◆ Clarify existing policies and procedures.

#### Effective Date

December 1, 2000.

### Implementation Instructions

The chart below identifies which aliens are eligible to be included in the FIP grant and which aliens must be excluded, and their corresponding PROMISE JOBS referral status.

<b>ALIEN CLASSIFICATIONS AT 8 USC SECTION 1641</b>	<b>FIP STATUS</b>	<b>PROMISE JOBS REFERRAL STATUS</b>
<b>Lawfully admitted as permanent resident</b> ♦ Has 40 quarters of work ♦ Does not have 40 quarters of work; U.S. entry date <u>before</u> 8/22/96 ♦ Does not have 40 quarters of work; U.S. entry date <u>on or after</u> 8/22/96	Eligible regardless of U.S. entry date Eligible Barred for five years	Mandatory Mandatory Mandatory
<b>Refugee</b>	Eligible regardless of U.S. entry date	Mandatory
<b>Asylee</b>	Eligible as of asylum grant date	Mandatory
<b>Amerasian immigrant</b>	Eligible regardless of U.S. entry date	Mandatory
<b>Alien whose deportation is withheld</b>	Eligible regardless of U.S. entry date	Mandatory
<b>Cuban/Haitian entrant</b>	Eligible regardless of U.S. entry date	Mandatory
<b>Paroled into the U.S. for at least one year</b> ♦ U.S. entry date before 8/22/96 ♦ U.S. entry date on or after 8/22/96	Eligible Barred for five years	Mandatory Mandatory
<b>Granted conditional entry into the U.S.</b> ♦ U.S. entry date before 8/22/96 ♦ U.S. entry date on or after 8/22/96	Eligible Barred for five years	Mandatory Mandatory
<b>Battered aliens</b> ♦ U.S. entry date before 8/22/96 ♦ U.S. entry date on or after 8/22/96	Eligible Barred for five years	Mandatory Mandatory
<b>Veterans lawfully residing in the U.S. with one of the above statuses</b>	Eligible regardless of U.S. entry date	Mandatory
<b>Active duty personnel lawfully residing in the U.S. with one of the above statuses</b>	Eligible regardless of U.S. entry date	Mandatory

The term “mandatory” assumes the person does not meet disability exemption criteria.

All other legal or illegal aliens do **not** have an alien classification listed at 8 USC Section 1641 and so are **ineligible** regardless of their U.S. entry date. They are exempt from **PROMISE JOBS**, participation and cannot volunteer.

Also see the implementation instructions in General Letter 4-J-8, dated November 14, 2000, for additional instructions on lifting or voiding a limited benefit plan chosen by an alien who, under the new policies, is exempt from PROMISE JOBS.

### **Applicants**

Apply the following instructions when processing FIP applications on December 1 or later for families containing an alien member, even if you received the application before December 1:

- ◆ Use the new policies on alien status, PROMISE JOBS referral status, and disregarding sponsor income and resources when determining eligibility or benefits for families with alien members for December 2000 and future months.
- ◆ Use the policies in effect before December when determining these families' eligibility or benefits for any month before December 2000.

### **Participants**

During the month of December, complete desk reviews on all ongoing cases that contain an alien member and also on alien cases that are suspended for December, to determine if the person is correctly included in or excluded from the FIP eligible group in accordance with the new policies.

Check each alien's current PROMISE JOBS referral code to determine if the code corresponds to the instructions in this letter. If not, change the current code as applicable for the person's alien status (as indicated on the preceding chart). Make a list of aliens whose PROMISE JOBS referral status you change and aliens who have already been referred manually but are getting a re-referral on the system.

After you have completed the desk reviews, provide this information to PROMISE JOBS so that PROMISE JOBS can update referral records accordingly and will know whether the referral is new or a re-referral of a person who has already been referred manually.

- ◆ Act on redeterminations that result in a negative action (a FIP benefit reduction or cancellation) by giving timely notice by January 19 to be effective February 1, 2001. Delay any negative action based solely on the new policies until effective February 1, even if you have all necessary information to take the action before February.

Recoupment of excess FIP issued for December and January is waived for purposes of implementation.

- ◆ Act on redeterminations that result in a positive action (an increase in FIP benefits) as soon as possible, but the effective date for any action based on the new policies shall not be earlier than December 1, 2000 (the date the new policies are effective).

## Sponsor Income and Resources

Stop using sponsor income effective with the December payment month.

## Adding Excluded Aliens Who Are Exempt from Five-Year Bar

In December:

- ◆ Send a letter to families with an alien who is currently excluded from the grant because of the person's alien status who will be eligible under the new alien policies. The following text, using letterhead, is suggested:

Under federal law, people who are not United States citizens must have a certain alien status to get Family Investment Program (FIP) assistance.

You [or state the affected alien's name] have not been included in your family's FIP grant. Because of the federal law, FIP rules for noncitizens have changed. We must now include you in the FIP grant. If the change makes your FIP go up, it can start with the month of December 2000. If the change makes your FIP go down or stop, it will not happen before February 1, 2001. You'll get a *Notice of Decision* telling you how your FIP will change.

- ◆ If you do not have all of the necessary information to add the alien, request the missing information in writing according to the usual FIP procedures. In addition to specifying what information is needed and listing the due date, also explain the reason for requesting the information. You can use the same text as is suggested for the informational letter above.

If the client fails to provide the requested information, cancel the entire FIP case with timely notice, but not effective before February 1, 2001 (even if the due date would have allowed you to cancel effective January 1, 2001).

- ◆ If adding the alien results in increased FIP benefits, make the change effective December 1, 2000, if the alien is otherwise eligible. Issue adjustive benefits for December or later months as appropriate.
- ◆ Unless the person is exempt due to disability, enter a mandatory PROMISE JOBS referral code into the system (even if you had manually referred the previously excluded person in accordance with the policies on alien status in effect before December). Remember to make a list of these system re-referrals to share with PROMISE JOBS.

If adding the alien will result in a FIP benefit reduction or cancellation, delay the action until effective February 1, 2001. Follow the instructions in 4-G, **Adding a New Member to an Active Case**.

**Note:** Any action resulting in a reduction or cancellation of FIP benefits must not be effective until February 1.

## Removing the Needs of Aliens Who Are Subject to Five-Year Bar

No later than January 19:

- ◆ Send a letter to families with an alien member whose needs are currently included in the grant but who will no longer be eligible due to the person's alien status. The following text, using letterhead, is suggested:

Under federal law, people who are not United States citizens must have a certain alien status to get Family Investment Program (FIP) assistance.

Because of the federal law, FIP rules for noncitizens have changed. Starting February 1, 2001, you can't get FIP for yourself [or state the affected alien's name here]. But you may still get FIP for other members of your family. You'll get a *Notice of Decision* telling you who's included in your FIP grant and how much FIP you'll get in February.

Mail the letter when the *Notice of Decision* that informs the family of the alien's ineligibility is issued.

- ◆ Remove the needs of an alien who is barred from FIP for five years effective February 1, 2001. Follow the instructions in 4-G, **Removing a Person From an Active Case**. Remember, if the ineligible alien is a parent, enter "F" FIP status on the parent's TD03 after the removal has updated on the system. Use the policies in 4-E, **Excluded Parent**.
- ◆ Create ticklers to notify you when the person's five-year bar is nearing the end.
- ◆ Unless the person is exempt due to disability, if a mandatory code is not currently on the system, enter a mandatory PROMISE JOBS referral code at the same time you are removing the person from FIP. Remember to keep a list of aliens whose code you are changing or re-entering on the system to share with PROMISE JOBS.

## Removing the Needs of an Ineligible Alien

No later than January 19:

- ◆ Send the letter described in the preceding section to families with an alien member whose needs are included in the grant but whose alien status will make the person ineligible.
- ◆ Remove the needs of the ineligible alien effective February 1, 2001. Follow the instructions in 4-G, **Removing a Person From an Active Case**. If the ineligible alien is a parent, enter "F" FIP status on the parent's TD03 after the removal has updated on the system. Use the policies in 4-E, **Excluded Parent**.

- ◆ Unless an exempt code is currently on the system, enter an exempt PROMISE JOBS referral code into the system at the same you are removing the alien from FIP. Remember, these aliens are also prohibited from volunteering. Keep a list of aliens whose code you are changing or re-entering on the system to provide to PROMISE JOBS.

### **System Changes**

Notice reasons 706 (case) and 947 (person) have been removed for use for FIP.

When denying or canceling the needs of a barred or ineligible alien, use person notice reason 932 (or case notice reason 202, if appropriate).

### **Appeals**

Process appeal requests resulting from excluding the needs of an ineligible alien in the usual manner. However, the changes in alien eligibility are based in federal law. Therefore, regardless of the reason for the appeal request, do not reinstate the needs of an ineligible alien when restoring the FIP grant for February and later months based on a timely appeal.

The Department is not required to grant hearings based solely on the exclusion of an ineligible alien from the FIP grant. As in other appeal situations, the DHS Appeals Section will notify the applicant or participant when a hearing is not granted.

### **Material Superseded**

Remove the entire Chapter L from Employees' Manual, Title 4, and destroy it. This includes the following pages:

<u>Page</u>	<u>Date</u>
Title page	September 5, 1995
Manual Letter 4-L-1	October 8, 1996
Contents (page 1)	August 13, 1996
1	September 5, 1995
2, 2a, 2b, 2c	August 13, 1996
3-14	September 5, 1995

### **Additional Information**

Refer questions about this general letter to your regional benefit payment administrator.



# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
JESSIE K. RASMUSSEN, DIRECTOR

January 8, 2002

## GENERAL LETTER NO. 4-L-4

ISSUED BY: Bureau of Family Investment, Division of Economic Assistance

SUBJECT: Employees' Manual, Title 4, Chapter L, *ALIENS AND MIGRANTS*, Contents (page 1), revised; pages 3, 24, 25, and 26, revised; and pages 2a and 27, new.

### Summary

This chapter is revised to include an additional "eligible alien" status. A person who is certified as a victim of trafficking by the U.S. Department of Health and Human Services' Office of Refugee Resettlement is eligible for FIP benefits to the same extent as a refugee.

The policy transmitted by this General Letter applies only to alien applicants who do not have another "eligible alien" status as required by the FIP program when the alien claims to be a "victim of trafficking." If a victim of trafficking obtains another "eligible alien" status, the new eligible alien status is to be used for determining eligibility for that person.

Approximately 50,000 women and children are trafficked into the U.S. each year (along with an unknown number of men). Traffickers force their victims into prostitution, slavery, and forced labor through coercion, threats of physical violence, psychological abuse, torture, and imprisonment. To deter these crimes, and to provide federal and state assistance to victims, the Trafficking Victims Protection Act was passed and signed into law in October 2000.

The Trafficking Victims Protection Act of 2000 (the Act), names the U.S. Department of Health and Human Services, Office of Refugee Resettlement (ORR) as the only agency that has the authority to certify people as victims of trafficking. The Act provides that victims of trafficking, as certified by ORR, are eligible for public benefits and services to the same extent as refugees.

People who are certified by ORR as victims of trafficking qualify for assistance regardless of their immigration status. For the purpose of qualifying for FIP benefits, they are to be treated the same as refugees even though they may not have a refugee immigration status.

ORR issues official certification letters to adult victims who are determined, by that agency, to be victims of trafficking. ORR issues similar letters for children who are determined to be victims of trafficking. The ORR certification letter is proof that the individual to whom the letter is issued is eligible for FIP benefits for the period they are certified as indicated on the letter.

**Effective Date**

Upon receipt. No desk reviews of ongoing cases are required.

**Material Superseded**

Remove the following pages from Employees' Manual, Title 4, Chapter L, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 1)	November 14, 2000
3, 24, 25, 26	November 14, 2000

**Additional Information**

Refer questions about this general letter to your regional benefit payment administrator.



February 23, 2003

**GENERAL LETTER NO. 4-L-5**

ISSUED BY: Bureau of Financial Support, Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 4, Chapter L, *ALIENS AND MIGRANTS*, Title page, revised; Contents (page 1), revised; pages 1 through 28, revised; and pages 29 through 34, new.

**Summary**

Revisions to this chapter:

- ◆ Transmit eligibility requirements for battered aliens.

Under federal Temporary Assistance for Needy Families (TANF) regulations, a battered alien who entered the U.S. on or after August 22, 1996 is ineligible for assistance for five years from the date of entry, unless the state chooses to provide assistance from state-only funds.

House File 2623, passed in the 2002 Iowa legislative session directed the Department to provide FIP assistance to battered aliens without regard to the five-year bar.

Persons applying for FIP assistance under these provisions will be required to meet all other FIP eligibility requirements. However, a battered alien is not required to provide a social security number or proof of application for a social security number until the month following the month employment authorization is received from the Immigration and Naturalization Service (INS).

- ◆ Update the amount needed to earn a qualifying quarter for aliens whose eligibility depends on meeting the 40-quarter requirement.
- ◆ Remove references to the PROMISE JOBS disability exemption. Effective July 2002, disabled persons are referred to PROMISE JOBS unless they receive Supplemental Security Income (SSI) benefits due to their own disability or blindness.
- ◆ Update the telephone number for the trafficking verification line.
- ◆ Update language to clarify existing policies.

**Effective Date**

The battered alien provisions are effective January 1, 2003. All other changes are effective upon receipt.

**Material Superseded**

Remove the following pages from Employees' Manual, Title 4. Chapter L, and destroy them:

<u>Page</u>	<u>Date</u>
Title page	November 14, 2000
Contents (page 1)	January 8, 2002
1, 2	November 14, 2000
2a, 3	January 8, 2002
4-24	November 14, 2000
25-27	January 8, 2002
28	, 2001

**Additional Information**

Refer questions about this general letter to your income maintenance supervisor 2.



# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
KEVIN W. CONCANNON, DIRECTOR

May 4, 2004

## GENERAL LETTER NO. 4-L-6

ISSUED BY: Bureau of Financial Support Program,  
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 4, Chapter L, *ALIENS AND MIGRANTS*, Contents (page 1), revised; pages 15, 23 through 28, 29, and 30, revised; and pages 28a, and 28b, new.

### Summary

This chapter is revised to:

- ◆ Update the SAVE instruction to use the web site instead of the telephone.
- ◆ Update the qualifying quarters through 2004.

### Effective Date

May 1, 2004

### Material Superseded

Remove the following pages from Employees' Manual, Title 4, Chapter L, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 1)	February 25, 2003
15, 23-30	November 14, 2000

### Additional Information

Refer questions about this general letter to your income maintenance supervisor 2.



October 22, 2004

**GENERAL LETTER NO. 4-L-7**

ISSUED BY: Bureau of Financial Support Programs  
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 4, Chapter L, *ALIENS AND MIGRANTS*, pages 2, 4 through 10, 13, 14, 17, 21 through 28, 29, and 31, revised.

**Summary**

Revisions to this chapter:

- ◆ Implement a new nonfinancial eligibility requirement, that FIP applicants must meet with PROMISE JOBS to write and sign a family investment agreement before FIP can be approved.
- ◆ Remove references to PROMISE JOBS volunteers. Persons who are exempt from PROMISE JOBS participation no longer have the option of volunteering to participate.
- ◆ Clarify language.
- ◆ Update a legal reference.
- ◆ Replace references to the former Immigration and Naturalization Service (INS) with references to the U.S. Citizenship and Immigration Services Bureau of the Department of Homeland Security (USCIS).

**Effective Date**

November 1, 2004

**Material Superseded**

Remove the following pages from Employees' Manual, Title 4, Chapter L, and destroy them:

<u>Page</u>	<u>Date</u>
2, 4-10, 13, 14, 17, 21, 22	February 25, 2003
23-28, 29	May 4, 2004
31	February 25, 2003

**Additional Information**

Refer questions about this general letter to your area income maintenance supervisor 2.



# STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
KEVIN W. CONCANNON, DIRECTOR

August 31, 2007

## GENERAL LETTER NO. 4-L-8

ISSUED BY: Bureau of Financial and Work Supports,  
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 4, Chapter L, **ALIENS AND MIGRANTS**,  
Title page, revised, Contents (page 1), revised; pages 1 through 34,  
revised; pages 35 and 36, new.

### Summary

Chapter 4-L is revised to:

- ◆ Update the list of acceptable documentations of alien status.
- ◆ Clarify the distinction between "qualified aliens" and "nonqualified aliens."
- ◆ Clarify which qualified aliens are eligible for FIP from the date they obtain the status and which qualified aliens are not eligible for FIP for five years after their date of entry.
- ◆ Clarify that qualified aliens are subject to PROMISE JOBS requirements without regard to the five-year bar, but nonqualified aliens are not.
- ◆ Clarify that a family that includes a nonqualified alien parent cannot be approved for hardship exemption to receive FIP beyond 60 months.
- ◆ Clarify the policy for reporting illegal aliens to the U.S. Citizenship and Immigration Services (USCIS).
- ◆ Update a manual reference and update and clarify language for existing policies and procedures.

### Effective Date

Upon receipt.

### **Material Superseded**

Remove the entire Chapter L from Employees' Manual, Title 4, and destroy it. This includes the following:

<u>Page</u>	<u>Date</u>
Title (page)	February 25, 2003
Contents (page 1)	May 4, 2004
1	February 25, 2003
2	October 22, 2004
3	February 25, 2003
4-10	October 22, 2004
11, 12	February 25, 2003
13, 14	October 22, 2004
15	May 4, 2004
16	February 25, 2003
17	October 22, 2004
18-20	February 25, 2003
21-28	October 22, 2004
28a, 28b	May 4, 2004
29	October 22, 2004
30	May 4, 2004
31	October 22, 2004
32-34	February 25, 2003

### **Additional Information**

Refer questions about this general letter to your area income maintenance administrator.



# STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
CHARLES J. KROGMEIER, DIRECTOR

July 17, 2009

## GENERAL LETTER NO. 4-L-9

ISSUED BY: Bureau of Financial and Work Supports,  
Division of Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 4, Chapter L, **ALIENS AND MIGRANTS**,  
Contents (page 1), revised; and pages 4, 11 through 15, 17, 18, and 28  
through 36, revised; and page 37, new.

### Summary

Chapter 4-L is revised to provide information about Iraqi and Afghan special immigrants. Iraqi and Afghan aliens who are granted special immigrant status are eligible for assistance for a period of up to eight months.

A SPIRS announcement was sent on February 11, 2008, so that workers would be aware of potential eligibility for Afghan and Iraqi special immigrants.

### Effective Date

Upon receipt.

### Material Superseded

Remove the following pages from Employees' Manual, Title 4, Chapter L, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 1)	August 31, 2007
4, 11-15, 17, 18, 28-36	August 31, 2007

### Additional Information

Refer questions about this general letter to your area income maintenance administrator.