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Fax 96- 158
Field Operations Memo 96-42A
December 24, 1996

To: Local Office Staff
From:  Joyce Sampson
Assistant Commissioner for Field Operations
Re: Federal Welfare Reform Changes to Noncitizen (Alien)
Provisions

Background

This Field Operations Memo transmits a revised version of Attachment C of Field Operations Memo 96-42 which was issued on November 27, 1996.

A clarification has been made to Attachment C. It now states that work quarters do not need to be determined for Legal Permanent Residents (LPR) who before becoming LPRs were asylees, deportees or refugees, and are within the first five years of such status being granted.

Update

Remove Attachment C from Field Operations Memo 96-42 and replace with Attachment C issued by Field Operations Memo 96-42A.

Questions

Policy questions should be referred to the Policy Hotline at (617) 348-8478.

**DETERMINING QUALIFYING QUARTERS FOR
FOOD STAMP LEGAL PERMANENT RESIDENTS**

The following procedures are for Food Stamp Legal Permanent Residents who believe that they have a work history that meets the 40 qualifying quarters required by the PRWORA. These procedures do not need to be followed for those legal immigrants who are otherwise eligible (refugees, asylees, deportees within the first five years of such status being granted, or noncitizens with a claim to eligibility based on military service). They also do not need to be followed for legal permanent residents who before becoming legal permanent residents were refugees, asylees or deportees and are within the first five years of such status being granted.

To determine eligibility based on qualifying quarters, workers must determine:

1. How many years in total have the individual, the individual's spouse, and the individual's parents (before the individual turned 18) collectively lived in this country?

$$\text{A) Individual } \frac{\quad}{\# \text{ YRS}} + \text{B) Spouse } \frac{\quad}{\# \text{ YRS}} + \text{C) Parents } \frac{\quad}{\# \text{ YRS}} = \frac{\quad}{\text{Total \#}}$$

(If the answer to Question 1 is a total of less than ten years, do not ask Question 2.)

2. In how many of the total years reported in answer to Question 1, did the individual, the individual's spouse, and the individual's parents collectively earn money through work?

$$\text{A) Individual } \frac{\quad}{\# \text{ YRS}} + \text{B) Spouse } \frac{\quad}{\# \text{ YRS}} + \text{C) Parents } \frac{\quad}{\# \text{ YRS}} = \frac{\quad}{\text{Total \#}}$$

If the answer to Question 2 is ten years or more, the worker must verify, from INS documents, the date of entry into the country of the individual, spouse and/or parents. If the dates are consistent with having ten or more years of work, no further documentation is required at this time. Include the legal permanent resident(s) in the household, if otherwise eligible. ***The worker shall inform the legal permanent resident(s) that a claim will be established for any benefits to which he or she was not entitled.***

If the dates of entry are inconsistent with having ten or more years of work, the worker must determine the individual ineligible and take appropriate action.