

18.5 SYSTEMATIC ALIEN VERIFICATION OF ENTITLEMENT AND 40 QUALIFYING QUARTERS OF COVERAGE.

A. SYSTEMATIC ALIEN VERIFICATION OF ENTITLEMENT

At the time of application, all individuals applying for benefits are required to declare in writing whether they are citizens or nationals of the United States or aliens.

NOTE: If the applicant satisfies the eligibility requirements for the benefits requested and, if the applicant provides documentation evidencing his or her status as a qualified alien and has completed the written declaration, under penalty of perjury, that he or she is a qualified alien, the applicants eligibility for benefits should not be delayed, denied, reduced or terminated under the program on the basis of the applicant's immigration status during the period of time it takes to verify his or her immigration status through the SAVE verification request to the State Office.

- This is accomplished by the completion of the Declaration of Citizenship/Alienage;
- If the applicant is an alien, he must present original documentation of alien registration. Aliens without documentation should be referred to the local INS Office in Pittsburgh, PA.

NOTE: Acceptable verification can consist of the applicant or the Department submitting a request to a Federal agency for verification of information which bears on the status of the alien. The individual must be certified pending the results of the investigation for up to 6 months from the date of the original request for verification.

1. It should be determined whether an applicant otherwise meets specific program requirements for benefit eligibility before initiating the alien verification process, unless determining program eligibility would be considerable more complex and time consuming than verifying immigration status.
 - a. This will reduce verification inquiries that prove unnecessary because the applicant is not otherwise eligible for benefits requested.
 - b. Verification of identification of applicant should have been completed by appropriate procedures before submittal of alien status verification request.

2. Immigration status must be verified for TANF/WORKS, Food Stamps, and Medicaid benefits. If any member of the household is an alien, a copy of the ES2, section III along with a copy of the front and back of Immigration identification documentation must be forwarded to the State Office, Attention SAVE COORDINATOR. Once benefit eligibility has been determined.

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- a. The documentation shall be verified by INS through automated or manual methods.
- b. All INS responses will be sent to requesting workers with information regarding aliens eligibility or ineligibility for benefits. However,
 - (1) When the INS automated responses reads "Initiate Secondary Verification" a memo will be sent to the requesting Worker advising that Form G-845 has been sent to INS for information.
 - (2) When response is received from INS the information will be forwarded to the requesting Worker.

B. 40 QUALIFYING QUARTERS OF COVERAGE

Only certain excepted classes of qualified aliens are eligible for Food Stamps. This exception includes aliens who are lawfully admitted to the United States for permanent residence and who have worked or can be credited with 40 Qualifying Quarters (QQ). Under certain conditions the Qualifying Quarters of parents or spouses can be added to the aliens record to achieve the needed 40 Qualifying Quarters. Each noncitizen immigrant in the household is considered an applicant. Qualifying Quarters earned after December 31, 1996, cannot be counted if the noncitizen

spouse or parent received certain Federal means tested public benefits during the period for which the Qualifying Quarters was credited.

1. Determining The Number of Qualifying Quarters
 - a. Determine which Social Security number holders can be included in the Qualifying Quarters count. The following are individuals, and the conditions under which their Qualifying Quarters can be counted.

- The applicant, always use their Qualifying Quarters
- The applicant's natural parents, (unless the child has been adopted), but consider only quarters earned from time of birth through the calendar quarter the applicant attains age 18.
- The applicant's adoptive parents, but consider only quarters earned from time of birth through the calendar quarter the applicant attains age 18.
- The applicant's stepparent provided the step relationship still exists (death of the stepparent does not terminate the relationship), but consider quarters earned only while the relationship was in existence and through the calendar quarter the applicant attains age 18.

NOTE: The stepparent's relationship to the child is based on the marital relationship to the child's natural parent. Therefore, if the martial relationship ends, other than by death, the relationship also ends and the stepparent's 40 QQ's can no longer be counted.

- The applicants current spouse during their marriage as long as the marriage exists but consider the spouses quarters earned only during the marriage. If the marriage ends in divorce the applicant cannot use any quarters earned by the former spouse and if only qualifying quarters were those of the now divorced spouse, the alien is no longer eligible.
- The applicant's former spouse(s), only if the marriage ended by death while still married. Consider only for quarters earned during the marriage.

b. Determine if it is possible for the applicant to meet the 40 Qualifying Quarter's requirement using all applicable quarters for the applicant and each of the relevant individuals.

- (1) How many years has the applicant and each of the relevant individuals lived in the United States.
- (2) Add the number of years together.
- (3) If the total equals at least 10 years see Item c. below;
- (4) If the total is less than 10 years determine whether the applicant, his/her parents or spouse ever commuted to work in the United States from another country before coming here to live or, while a legal resident of the United States, worked overseas for a United States company or in self-employment.
- (5) If yes, determine the number of years and add them to the total.
 - If the total is at least ten years see item C. below.

NOTE: A Consent of Release of Information from Social Security number holders other than the applicant must be obtained.

- If the total is less than 10 years the applicant cannot meet the 40 Qualifying Quarter requirement.

2. Determine how many years in the total from each of the relevant individuals.

Quarters can be used from more than one individual

- (a) Four quarters in each year can be credited from each individual. Credit the applicant's own quarters first.
- (b) If the process shows that the applicant does or may meet the 40 Qualifying Quarter's exception, using his and/or other relevant individuals Qualifying Quarters information process the case in RAPIDS which will generate a 40 Qualifying Quarter history printout.
- (c) If the process shows the relevant individuals have possible QQ's than can be used see item 3. below.
- (d) If this process shows that the applicant will not meet the 40 Qualifying Quarter's verification by submitting appropriate information to the Special Projects Unit (see item 4. below for procedures).
- (e) If the process shows the applicant will not meet the 40 Qualifying Quarter's exception the applicant is not eligible.

3. Requesting the 40 Qualifying Quarter History

- a. When the applicant(s) is approved in RAPIDS a 40 Qualifying Quarter data exchange will be made;
 - (1) An automatic referral will be made to Social Security Administration through RAPIDS.
 - (2) All responses will be sent to the ESS/FSS with information regarding the aliens 40 Qualifying Quarter's history.

4. Obtaining Consent of Release of Information

- a. Obtain the Consent for Release of Information forms you need, or;
- b. When some one refuses or cannot be located (after reasonable efforts have been made) to authorize release of Qualifying Quarter's only the pertinent quarters (quarters that might be used) can be disclosed by Social Security Administration. Therefore, a Request For Quarters of Coverage History Based on Relationship should be sued to request this information.
- c. After completion of the form(s) they must be forwarded to the State Office, with a cover memorandum, attention SAVE Coordinator for verification.
 - (1) The information will be submitted to Social Security Administration for Qualifying Quarter history.
 - (2) All responses will be sent to requesting workers.

5. Noncovered (Applicant Disputed) Employment

When an applicant does not meet the 40 Qualifying Quarters requirement by the SSA 40 QQ documentation bu he/she alleges they had additional work that is not included on the 40 Qualifying Quarter's documentation the following can be used to help establish the existence of earnings.

- a. Review the 40 Qualifying Quarter's response with the applicant to determine if qualifying quarters are missing from the record.

- (1) If Qualifying Quarter's are not missing from the response make a determination based on the material already obtained.
- (2) If Qualifying Quarter's are missing from the 40 Qualifying Quarter's response obtain information from the individual (see item D. 2. below) for quarter of coverage determination. This information will be sent to the Special Projects Unit for determination.

6. Information to Credit Qualifying Quarters

There are questions to ask to applicant as well as documentation which can be used to establish earnings. The following are examples which can be used. This information is to be obtained from the applicant and sent to the Special Projects Unit, attention: SAVE Coordinator, for determination of covered/noncovered employment.

- a. Questions to ask the applicant for request documentation should include:
 - ▶ Name and address of employer
 - ▶ Date of employment
 - ▶ Amount of earnings
 - ▶ Type of business or self employment
 - ▶ Rate of pay
 - ▶ Type of work performed
 - ▶ What evidentiary proof there is of employment/earnings.

- b. Documentation needed to establish the existence of earnings and the amount of earnings can include the following:
- ▶ Form W-2 (Wage and tax statement) and W-2c (Statement of corrected Income and Tax Amount),
 - ▶ Employer prepared earnings statement,
 - ▶ Statement of earnings signed by the custodian of the employer's records,
 - ▶ IRS copy of the employee's tax return,
 - ▶ Timely-filed tax return for a self-employed individual. Be sure that the proof of filing, canceled check, money order or copy of Schedule C bearing the IRS time stamp, indicates the return was filed within 3 years, 3 months and 15 days after the year in which the self-employment income was derived.
 - ▶ Other evidence of self-employment that allows you to determine that a business did exist and that a profit was earned. Comparison of bills, vouchers and receipts are examples of evidence you might use to make a determination.
 - ▶ Pay envelopes, vouchers, and similar unsigned employer earnings statements to the employee, a State or Federal Agency,
 - ▶ Union records,
 - ▶ Individual's copy of a Federal or State tax return,

- ▶ Records of State unemployment insurance agencies,
 - ▶ Individual's personal records and statements, and
 - ▶ Any other evidence of probative value.
- c. Once it is established that noncovered earnings exist send copies of documentation as described in item 2. above to the SAVE Coordinator, Special Projects Unit for a determination. Responses will be forwarded to the requesting worker.