

18.5 SYSTEMATIC ALIEN VERIFICATION OF ENTITLEMENT (SAVE) AND 40 QUALIFYING QUARTERS OF COVERAGE

A. SYSTEMATIC ALIEN VERIFICATION OF ENTITLEMENT (SAVE)

At the time of application, all individuals **who** apply for benefits are required to declare in writing whether they are citizens or nationals of the United States or aliens. This is accomplished by the completion of the Declaration of Citizenship/Alienage.

NOTE: If the applicant satisfies the eligibility requirements for the benefits requested and, if the applicant provides documentation of his status as a qualified alien and completes the written declaration, under penalty of perjury, that he is a qualified alien, the applicants eligibility for benefits **must** 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 **Division of Family Assistance (DFA)**.

If the applicant is an alien, he must present original documentation of alien registration. Aliens without documentation **must** be referred to the INS Office in Pittsburgh, Pennsylvania.

NOTE: Acceptable verification **may** consist of the applicant or **DFA** 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 six months from the date of the original request for verification.

1. Determining Alien Eligibility

The Worker should make every attempt to determine the clients benefit eligibility prior to a request for alien status verification.

2. Verified Immigration Status

Immigration status must be verified for WV WORKS, Food Stamp **benefits**, and Medicaid benefits. If any member of the household is an alien, a copy of the front and back of the Immigration identification documentation must be forwarded to the **SAVE Coordinator**.

The documentation is verified by INS through automated or manual methods. All INS responses are sent to the requesting Worker with information regarding alien's eligibility for benefits.

However, when the automated responses reads “Initiate Secondary Verification” an e-mail is sent to the Worker advising that **an additional request** has been sent for information.

When the response is received from **SAVE** the information will be forwarded to the Worker.

B. 40 QUALIFYING QUARTERS OF COVERAGE

Only certain excepted classes of qualified aliens are eligible for Food Stamp **benefits**. 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. Under certain conditions the Qualifying Quarters of parents or spouses can be added to the **alien's** 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 **were** credited.

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

1. Determining The Number Of Qualifying Quarters

a. **Individuals Whose Qualifying Quarters Are Used**

The Worker must determine which **individuals with SSNs** can be included in the Qualifying Quarters count. The following are individuals and the conditions under which their Qualifying Quarters **are** counted:

- The applicant: Always use his Qualifying Quarters;
- The applicant's natural parents, unless the child was adopted **by others**, Consider only quarters earned from the 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 **if** the step relationship still exists. Death of the stepparent does not terminate the relationship. 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. If the marital relationship ends, other than by death, the **step** relationship ends and the stepparent's **Qualifying Quarters** can no longer be counted.

- The applicant's current spouse as long as the marriage exists. 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. If the only qualifying quarters were those of the **former** spouse, the alien **cannot use the quarters and may lose eligibility.**
- The applicant's former spouse(s), only if the marriage ended in death while still married. Consider only the quarters earned during the marriage.

b. Determination of 40 Qualifying Quarters

The Worker must determine if it is possible for the applicant to meet the 40 Qualifying Quarters by using all applicable quarters for the applicant and each of the relevant individuals. Use the following process.

Step 1: **Determine the number** of years the applicant and each of the relevant individuals lived in the United States **and add the number of years.**

Step 2: If the total is less than 10 years, determine whether the applicant, his parents or spouse ever commuted to work in the United States from another country before coming here to live, or if while a legal resident of the United States, worked overseas for a United States company or in self-employment.

Step 3: If yes, determine the number of years and add to the total.

Step 4: If the total is at least **10** years, see item 2 below.

If the total is less than 10 years, the applicant does not meet the 40 Qualifying Quarter requirement.

2. Total Quarters For Relevant Individuals

The Worker must determine how many years in the total **are** from each of the relevant individuals. Quarters can be used from more than one individual.

- Four quarters in each year can be credited from each individual. Credit the applicant's own quarters first. If the applicant does or may meet the 40 Qualifying Quarter's exception by using his own and/or other relevant individuals Qualifying Quarters information process the case in RAPIDS generates a 40 Qualifying Quarter **data exchange. See Section 3.3.**
- If the relevant individuals have possible Qualifying Quarters that can be used, see item 3 below.
- If the applicant will not meet the 40 Qualifying Quarters **than** verification of the appropriate information **should be sent** to the **SAVE Coordinator**. See item 4.
- If the process shows the applicant will not meet the 40 Qualifying Quarters the applicant is **ineligible**.

3. Requesting The 40 Qualifying Quarter History

When the applicant(s) is approved in RAPIDS, a 40 Qualifying Quarter data exchange **is** made.

- An automatic referral **is** made to the Social Security Administration through RAPIDS.
- All responses **are** sent to the **Worker** with information regarding the aliens 40 Qualifying Quarters history.

4. Obtaining Consent Of Release Of Information

- **The Worker must** obtain the Consent for Release of Information forms **from individuals not in the AG;**
- When **an individual** refuses or cannot be located after reasonable efforts. To authorize release of Qualifying Quarters only the pertinent quarters **will** be disclosed by the Social Security Administration (**SSA**). Therefore, a Request For Quarters of Coverage History Based on Relationship should be used to request this information.

- The completed form(s) must be forwarded to the SAVE Coordinator for verification **with a cover memorandum.**
 - The information is submitted to the SSA and all responses are sent to the Worker.

5. Noncovered Employment - Applicant Disputed

When an applicant does not meet the 40 Qualifying Quarters requirement with the SSA 40 Qualifying Quarters documentation and alleges he had additional work that is not included on the 40 Qualifying Quarter's documentation the following **may** be used to help establish the existence of earnings.

Review the 40 Qualifying Quarters response with the applicant to determine if Qualifying Quarters are missing from the record.

- If Qualifying Quarters are not missing from the response make a determination based on the **information** obtained.
- If Qualifying Quarters are missing from the 40 Qualifying Quarters response, then obtain information from the individual for quarter of coverage determination. This information **must** be sent to the **SAVE Coordinator** for a determination.

6. Information To Credit Qualifying Quarters

The following are examples which can be used **to establish earning.** This information **must** be obtained from the applicant and sent to the SAVE Coordinator for a determination of covered/noncovered employment.

Questions to ask the applicant for 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
- Any evidentiary proof he has of employment/earnings

Documentation **used** to establish the earnings and the amount 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 may 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
- Any other evidence of probative value

When the Worker establishes that non-covered earnings exist, send copies of documentation as described above to the **SAVE Coordinator** for a determination. Responses are forwarded to the requesting Worker.

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