

Department of Social and Health Services  
Olympia, Washington  
**EAZ Manual**

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Category Citizenship and alien status - Date of Entry  
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**Summary**

Updated Citizenship Information

See below for edited text:



## Date of Entry

Revised April 16, 2019

## Purpose:

This section explains how to determine an alien’s “date of entry” into the United States. It describes which groups of aliens are subject to the five-year bar on receipt of federal means-tested benefits, ~~and which groups are not.~~ Finally, it describes how to determine the date on which the five-year bar begins.

**WAC 388-424-0006** Citizenship and alien status - Date of Entry

- Clarifying Information and Worker Responsibilities

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## Clarifying Information - WAC 388-424-0006

### 1. Determining whether a person has entered the U.S. before August 22, 1996.

For the majority of aliens the date they entered the U.S. and became a “qualified alien” is on their I-94 card or Customs and Border Protection (CBP) stamp in their passport, on a Refugee Transportation Letter as a “Date of Entry”, and on their Permanent Resident card as a “Resident Since” date.

A person is not subject to the five-year bar for TANF, or medical assistance if they entered the U.S. before August 22, 1996, even if they did not obtain a “qualified” immigration status until some timesometime after they entered. As long as a personthe alien “continuously resided” in the U.S. from the earlier date, that date will beis considered the “date of entry”. “Continuously resided” means the person alien may only have left the U.S. for short periods of time.

However, an applicant for federal BF-Basic Food (SNAP) benefits, who became “qualified” on or after August 22, 1996, and who requires 5 years of residency for eligibility, cannot-can’t count years-time spent in the U.S. of residence before they became a “qualified alien” toward the five-year bar requirement.

**EXAMPLE:** ~~A person came to the U.S. in 1992 as an undocumented alien and resided in the U.S. since that time, making annual trips to her country of origin to visit parents. In July 1999 she self-petitioned under the Violence Against Women Act (VAWA) and received a notice that she and her children have a “prima facie case” (see WAC 388-424-0001). She is a “qualified alien” and not subject to the five-year bar because her entry date is 1992. She and her children are eligible for TANF and medical. Since she is not currently eligible for federal Basic Food under any other provision of the law (not an armed services member or veteran or married to one) she will become eligible in July 2004, after 5 years residency as a “qualified alien”. Her children are eligible now. (See WAC 388-424-0020 for a complete description of federal Basic Food eligibility.)~~

**EXAMPLE:** ~~A personAlex~~ came to the U.S. in 1992 as a visitor for ~~three-six~~ months. He came again in 1994 for 1 year as a student and then returned to his country of origin in 1995. Alex came to the U.S. again after he obtained lawful permanent resident status on October 10, 2001. ~~He-Alex didn’t~~ not continuously reside in the U.S. prior to August 22, 1996. His date of entry is October 10, 2001. He isn’t not a veteran or on active duty in the U.S. military (or the spouse or dependent child of such

a person). ~~He Alex~~ is barred from TANF, ~~Basic Food-, and~~ non-emergency Medicaid; ~~and SCHIP~~ for five years until September 30, 2006.

## **2. Aliens who have the five-year bar.**

All aliens, who are lawfully present in the U.S. and aren't included in the statuses named in WAC 388-424-0006, Citizenship and alien status—Date of entry have a five-year bar on receipt of Basic Food, TANF, and non-emergency Medicaid.

## **3. How to determine the date a Victim of Trafficking becomes a qualified alien.**

A victim of human trafficking becomes a “qualified alien” on the certification date stated on a Certification Letter for adults, -or a Letter of Eligibility for minors from the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR). The “certification date” on the Letter is also the benefits eligibility date.

**EXAMPLE:** Elena came to the U.S. in January 2007 on H1B visa as a temporary employee of an IT firm in NY. Instead, she was forced to work in a sweatshop. After 2 years, Elena ~~wards, Elena~~ received assistance from local legal and volunteer agencies. ~~then~~ In 2010 Elena was granted a Victim of Trafficking status and received a Certification Letter from the Office of Refugee Resettlement (ORR). The “certification date” on the letter was June 15, 2010. This is the date Elena became a qualified alien and met immigration status requirements for federally funded assistance.

## **4. How to determine the date an asylee becomes a qualified alien.**

The date an asylee becomes a “qualified alien” is the date -

- Stated on an Asylum Approval Letter, from a USCIS Asylum Office, as the date asylum was granted under §208 of the Immigration and Nationality Act (INA);
- An Immigration Judge decided to grant asylum under §208 of the INA, if Immigration and Customs Enforcement (ICE) has NOT appealed the decision;

**EXAMPLE:** Maggie came to the U.S. in 2006 as a student. She applied for asylum with USCIS on September 1, 2008, and 11 months later received a USCIS decision granting her asylum. A USCIS letter stated her asylum approval date was August 26, 2009. On this date Maggie became a qualified alien and met immigration status eligibility requirement for federally funded assistance.

## **2.5. How to determine the date a battered immigrant becomes a “qualified alien.”**

~~For immigrants such as parolees, refugees, and asylees, the date that they become a “qualified alien” is on their I-94 card and later on their lawful permanent resident (“green”) card.~~

~~However, t~~The date a battered alien becomes “qualified” is the date of the approval (or notice of prima facie case) of a Violence Against Women Act (VAWA) petition or the date that the U.S. citizen or lawful permanent resident spouse petitioned for the family visa application. These dates ~~will not be~~aren't the same as the date the alien was granted lawful permanent residence and ~~will not be~~aren't the date on the Permanent Resident card.

**EXAMPLE:** A person Rosa Maria came to the U.S. in 1997-2017 as an undocumented alien student. She married a lawful permanent resident, who received notice of his family visa petition on March 1, 1998-2018. She is-became a victim of domestic violence and -is no longer living with himher abuser husband. She has n't not yet adjusted to lawful permanent residence and doesn't not have her green card. The date she became "qualified" is March 1, 1998-2017 because that's is the date of the family visa petition. Her five-year bar will be over on February 28, 2003-2022. (When she has her adjustment interview on June 1, 2003-2022, that will be the date on her green card, or Resident Alien Card USCIS form I-551, will have that date as a Resident Since date.)

#### **6. Aliens who are exempt from the five-year bar.**

~~Those who are Aliens~~ exempt from the five-year bar due to immigration status are listed in WAC 388-424-0006, Citizenship and alien status—Date of entry. ~~Individuals Aliens~~ with a status of refugee, asylee, withholding of deportation/removal, Cuban/Haitian entrant, Special Immigrants from Iraq and Afghanistan, and ~~Amerasian remain~~ Amerasian remain exempt after they've have adjusted to lawful permanent ~~residencee~~ resident status. The "category" or "class" code on their Permanent Resident Alien ("green") card identifies under which provision of law they came into the U.S. For more information on immigration documentation, status codes, benefit eligibility and step-by-step process, please see immigration desk aids located on the CSD website.

**EXAMPLE:** ~~A Lai refugee~~ came to the U.S. as a refugee on September 1, 1999. One year after coming to the U.S. later she adjusted to lawful permanent residence status. Hiser Permanent Resident card is dated to shows hiser date of entry as September 1, 1999 and has the category code "RE-6", for "refugee" (see page 70 in the NILC Guide in Appendix II). ~~He-Lai~~ is not subject to the five-year bar, even though she is currently a lawful permanent resident.

If you have questions please contact Olga Walker at (360) 725-4641 or by e-mail at walkeop@dshs.wa.gov or Jared Beard at (360) 725-4617 or by e-mail at BeardJT@dshs.wa.gov

If you have questions regarding eligibility, or how to process a medical only case, please contact Dody McAlpine in the HCA Office of Medicaid, Medicare Eligibility & Policy at (360) 725-9964 or by e-mail at dody.mcalpine@hca.wa.gov

## Worker Responsibilities - WAC 388-424-0006

1. Always ask the client for their INS Number, also known as Alien Number, or Alien Registration number, or USCIS # number. It's a unique number assigned by the Department of Homeland Security (DHS) to each alien admitted to the United States, or who came into contact with the agency (Example: application for asylum). It's usually begins with an "A" followed by

seven, eight or nine digits number and it is listed on all documents and/or DHS correspondence. Enter the INS Number and Date of Entry in corresponding 3G fields.

~~1. In order to verify U.S. residency you may use whatever document the client provides if you decide it adequately confirms residence. A person claiming to have continuously resided in the U.S. may use many types of proof such as, but not limited to:~~

- ~~1. Medical records;~~
- ~~2. Pay Stubs;~~
- ~~3. School records;~~
- ~~4. Tax records; or~~
- ~~5. Utility bills.~~

~~You may accept a written and signed statement from the client when the client is unable to provide any proof and has experienced special circumstances. See the VERIFICATION chapter for further guidance.~~

For more information about verifying an asylee's entry date, see "Asylum Documentation  
Asylum Documentation" in EA-Z Manual under, WAC 388-466-0005, Clarifying Information.