To: Eligibility Services – Regional Directors
   Program Managers
   Eligibility Services Supervisors
   Regional Attorneys
   Hearings Officers

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Subject: 1. Aligning MEPD and Texas Works Alien Status Policy
         2. Verifying Fleeing Felons and Parole/Probation Violators for SNAP and TANF
         3. SNAP Exclusion for School-Based Savings Accounts
         4. ABAWD Time Limit Exemption for Veterans Receiving Disability Payments

Bulletins are sent to supervisors and other regional managers. Supervisors must share this information with all eligibility staff. Please ensure that copies are provided to staff that do not have access to e-mail. If you have any questions regarding the policy information in this bulletin follow regional procedures.

Active bulletins are posted on the following websites:


1. Aligning MEPD and Texas Works Alien Status Policy

Background

Alien status policy is being updated to clarify and align alien eligibility requirements across programs and in accordance with federal laws and regulations.
This bulletin provides the alien status policy updates for the following programs: Medicaid for the Elderly and People with Disabilities (MEPD), including the Medicare Savings Programs (MSP); Texas Works (TW) Medicaid; Supplemental Nutrition Assistance Program (SNAP); and Temporary Assistance for Needy Families (TANF).

Current Policy

Qualified Aliens Eligible for Medicaid

The following aliens may be eligible if all other eligibility criteria are met:

**MEPD**

- Certain American Indians born outside the U.S.;
- Aliens lawfully residing in the U.S. on August 22, 1996, who are blind or disabled;
- Aliens receiving Supplemental Security Income (SSI) or Medicaid on August 22, 1996, and lawfully residing in the U.S.; or
- Aliens lawfully admitted for permanent residence prior to August 22, 1996, and credited with 40 qualifying quarters of Social Security coverage.

**TW Medicaid**

- An honorably discharged veteran or active duty military member;
- A spouse, unmarried surviving spouse or minor unmarried child of an honorably discharged veteran or active duty military member;
- An individual who entered the U.S. before August 22, 1996, and remained continuously present in the U.S. since at least August 21, 1996, until obtaining qualified immigrant status;
- A Native American born in Canada;
- A member of a federally recognized Indian tribe; or
- An individual with 40 qualifying quarters of Social Security coverage and five years have passed since their legal date of entry.

Policy Clarification

Qualified Aliens Eligible for Medicaid

**MEPD and TW Medicaid**

The following aliens may be eligible if all other eligibility criteria are met:

- An honorably discharged veteran or active duty military member;
- A spouse, unmarried surviving spouse or minor unmarried child of an honorably discharged veteran or active duty military member;
- Canadian Born American Indians;
- Members of a federally recognized Indian tribe;
- Aliens receiving SSI or Medicaid on August 22, 1996, and lawfully residing in the U.S. on or before August 22, 1996;
- LPRs admitted prior to August 22, 1996 and credited with 40 qualifying quarters of Social Security coverage; and
• LPRs admitted on or after August 22, 1996 and five years have passed since their legal date of entry, and have 40 qualifying quarters of Social Security coverage.

Current Policy

Victims of Severe Human Trafficking

*MEPD and TW Medicaid*

Victims of severe human trafficking admitted to the U.S. on or after August 22, 1996 meet the alien status criteria to be potentially eligible for benefits for a seven-year limited eligibility period as of their date of entry.

*SNAP*

Victims of severe human trafficking admitted to the U.S. on or after August 22, 1996 meet the alien status criteria to be potentially eligible for benefits.

*TANF*

Victims of severe human trafficking admitted to the U.S. on or after August 22, 1996 meet the alien status criteria to be potentially eligible for benefits for a five-year limited eligibility period as of their date of entry.

Policy Clarification

Victims of Severe Human Trafficking

*MEPD, TW Medicaid, SNAP, and TANF*

The U.S. Department of Health and Human Services certifies individuals who meet the victims of severe human trafficking requirements to remain in the U.S. up to four years. Law enforcement authorities can extend the status beyond four years for individuals whose presence is required for a continuing investigation.

These individuals meet the alien status criteria to be potentially eligible for benefits without a five-year waiting period and continue to meet the eligibility criteria without a limited eligibility period as long as the law enforcement extension continues, or they adjust to another acceptable alien status.

Staff must request a copy of the USCIS Notice of Extension to verify the individual has an approved extended Victims of Severe Human Trafficking status based on the law enforcement need. SAVE does not provide verification for victims of trafficking. Staff must call the trafficking verification toll-free number at 1-866-401-5510 to confirm the validity of the USCIS extension letter. Refer to current policies and procedures found in TWH A-352 and MEPDH D-8800.

After four years or expiration of a law enforcement extension, individuals who have not adjusted to another alien status must leave the U.S. If they remain, they are considered undocumented and ineligible for ongoing benefits.
Current Policy

Seven-Year Limited Eligibility Period

TW Medicaid

Aliens admitted to the U.S. before August 22, 1996 meet the alien status criteria to receive Medicaid:

- Refugees;
- Asylees;
- Aliens whose deportations are being withheld;
- Parolees;
- Conditional entrants;
- Cuban/Haitian entrants;
- Amerasians;
- Afghani or Iraqi special immigrants.

Policy Clarification

Seven-Year Limited Eligibility Period

TW Medicaid

Aliens admitted to the U.S. before August 22, 1996 meet the alien status criteria to receive Medicaid with a seven-year limited eligibility period:

- Refugees;
- Asylees;
- Aliens whose deportations are being withheld;
- Parolees;
- Conditional entrants;
- Cuban/Haitian entrants;
- Amerasians;
- Afghani or Iraqi special immigrants.

Note: These qualified aliens retain Medicaid eligibility for the seven-year period even if their status changes to LPR.

Current Policy

Qualifying Quarters of Social Security Coverage

TW Medicaid

Legal Permanent Residents (LPR) with an entry date before August 22, 1996, are not required to be credited with 40 qualifying quarters of Social Security coverage to meet the alien status criteria to be eligible.
Policy Clarification

Qualifying Quarters of Social Security Coverage

TW Medicaid

LPRs with an entry date before August 22, 1996, are required to be credited with 40 qualifying quarters of Social Security coverage to meet the alien status criteria to be eligible.

Note: Policy is not changing for LPRs with an entry date on or after August 22, 1996 or for determining 40 qualifying quarters of Social Security coverage.

Current Policy

Continuous Residence for LPRs and the Five-Year Waiting Period

TW Medicaid and TANF

LPRs who entered the U.S. before August 22, 1996, and remained continuously present in the U.S. until obtaining a qualified immigrant status after August 22, 1996, are eligible.

Policy Clarification

Continuous Residence for LPRs and the Five-Year Waiting Period

TW Medicaid and TANF

• LPRs who entered the U.S. before August 22, 1996 are eligible without a five-year waiting period if they:
  o obtained a qualified alien status after August 22, 1996;
  o provide proof of continuous residence; and
  o have 40 qualifying quarters of Social Security coverage.

• LPRs who entered the U.S. before August 22, 1996 and obtained a qualified alien status after August 22, 1996, are subject to the five-year waiting period and must have 40 qualifying quarters of Social Security coverage if they do not provide proof of continuous residence.

Note: There is no change in policy for determining continuous residence.

Current Policy

Battered Aliens

MEPD

Qualified aliens with a battered status are eligible for seven years after their legal date of entry.
TW Medicaid and TANF

Qualified aliens with a battered status who entered on or before August 22, 1996, are eligible.

SNAP

Qualified aliens with a battered status who meet one of the eligibility conditions in TWH A-343, How to Determine Eligibility for Battered Aliens, are eligible, which includes an alien with 40 qualifying quarters of Social Security coverage.

Policy Clarification

Battered Aliens

MEPD, TW Medicaid, SNAP, and TANF

Qualified aliens with a battered alien status do not need to be credited with 40 qualifying quarters of Social Security coverage nor do they have a seven-year limited eligibility period. The following battered aliens meet the alien status criteria if they:

- entered the U.S. and acquired "qualified alien" status prior to August 22, 1996;
- resided in the U.S. before August 22, 1996, adjusted to "qualified alien" status on or after August 22, 1996, and provide proof of continuous residence;
- resided in the U.S. before August 22, 1996, adjusted to "qualified alien" status on or after August 22, 1996, did not provide proof of continuous residence, but meet the five-year waiting period; or
- entered the U.S. on or after August 22, 1996 and meet the five-year waiting period.

Note: All other SNAP eligibility conditions for battered aliens apply with the exception of 40 qualifying quarters (TWH A-343).

Current Policy

Indefinite Status

MEPD

"Indefinite" status in SAVE is not addressed in current MEPD policy.

Policy Clarification

Indefinite Status

MEPD

Even if a USCIS document has an expiration date, if there is an "indefinite" status in SAVE, the alien status continues.
Policy Reminder

Verification of Alien Status

An individual must provide verification of a qualifying alien status. Staff must obtain verification by requesting a Department of Homeland Security (DHS) document or card indicating the individual's alien status and accessing the Systematic Alien Verification for Entitlements (SAVE) System.

**Note:** Receipt of Medicare or entitlement to Social Security Benefits is not a valid verification source for meeting alien status.

Automation

Changes to TIERS will be effective with Release 99.

Effective Date

Effective with Release 99.

Handbook

The TWH will be updated with the January 2018 revisions.

The MEPDH will be updated with the December 2017 revisions.

Training

Staff will receive a training broadcast with further information about course R99-3 Alien Eligibility Status Updates.

2. Verifying Fleeing Felons and Parole/Probation Violators for SNAP and TANF

Background

The Food and Nutrition Service (FNS) issued final rules requiring states to verify that an individual is either a fleeing felon or in violation of their probation or parole before disqualifying the individual for SNAP. To align policy between SNAP and TANF, the Health and Human Services Commission (HHSC) is updating both SNAP and TANF policy to require verification from the Texas Department of Public Safety (DPS) for fleeing felons or probation/parole violators before disqualifying an individual for SNAP or TANF benefits.

Current Policy

**SNAP and TANF**

Individuals who are fugitives fleeing to avoid prosecution or confinement for a felony criminal conviction, or found by a court to be violating federal or state probation or parole are disqualified from receiving SNAP or TANF benefits.
HHSC currently disqualifies fleeing felons and parole/probation violators based on self-declaration at application, renewal, or change. Form H1010, Texas Works Application for Assistance, Form H1010-R (Your Texas Works Benefits: Renewal Form), and YourTexasBenefits.com include the following question about fleeing felon and parole/probation status:

"Has anyone: (1) been charged with or convicted of a felony and is fleeing the police, or (2) broken a rule of their probation or parole?"

If an individual's response indicates they are a fleeing felon or in violation of parole or probation, they are disqualified from receiving SNAP and TANF benefits. Current policy accepts self-declaration of fleeing felon and parole/probation violator status.

**New Policy**

**SNAP and TANF**

The Form H1010, Form H1010-R, and YourTexasBenefits.com will continue to include the question related to fleeing felon and parole/probation status. If an individual indicates they are a fleeing felon or in violation of their parole/probation at application, renewal, or a change, staff must now verify the individual's fleeing felon or parole/probation violator status with DPS before disqualifying the individual for SNAP and TANF benefits.

**Verify Fleeing Felon or Parole/Probation Violation Status**

Staff must pend and send the Form H1020, Request for Information or Action, to notify the household that a case disposition is pending verification from DPS. Households are not required to obtain their own verification.

To request verification, staff must:

- generate, complete, and save to their desktop the new barcoded Form H0007, Verification of Fleeing Felon/Parole/Probation Violator; and
- in Outlook (using your state email address), email a completed Form H0007 using encryption software (in Outlook click the **Send Secure** button) to DPS at TCIC.ControlRoom@dps.texas.gov.

**Note:** DPS will not complete verification requests if staff do not follow each step of the DPS verification process correctly.

**DPS Responses**

DPS is allowed a minimum of ten calendar days to provide verification of an individual's fleeing felon or parole/probation violator status and will fax the Form H0007 verifying if there is an outstanding:

- warrant containing one of the following National Crime Information Center (NCIC) codes for fleeing felons: 4901 (Escape); 4902 (Flight to Avoid); or 4999 (Flight-Escape).
- felony arrest warrant and that law enforcement is actively seeking the individual for parole/probation violators.
If DPS verifies that the individual:

- is a fleeing felon or in violation of parole or probation, disqualify the individual from receiving SNAP and TANF benefits.
- is not currently a fleeing felon or parole/probation violator, process the application without imposing the fleeing felon or parole/probation violator disqualification.

Do not disqualify an individual if a response is not received from DPS by the final due date. Staff must select "No Response" in the verification dropdown in TIERS if verification is not received by the final due date.

**Note:** If DPS provides verification after the final due date, process the verification as a change. Advance notice of adverse action is required before denying or reducing benefits to the household. Do not process an overpayment.

**Status Change**

If an individual reports a change in their fleeing felon or parole/probation status, staff must follow the steps to verify the fleeing felon or parole/probation violation to obtain verification from DPS.

Actions to verify the fleeing felon or parole/probation status at a change action are only required if the household is reporting a change directly related to the felon or parole/probation status.

**Current Disqualifications**

At application, recertification, or when adding a new household member during the certification period, staff must follow the steps to verify fleeing felon or parole/probation status with DPS for individuals who are currently disqualified to determine if the disqualification should remain or be removed.

**Expedited Households**

Allow postponed verification of fleeing felon or parole/probation violator status and continue to process applications for expedited households. If DPS later verifies that an individual is a fleeing felon or is in violation of parole/probation, disqualify the individual. Do not process an overpayment.

Do not disqualify an individual if a response is not received from DPS by the final due date. Staff must select "No Response" in the verification dropdown in TIERS if verification is not received by the final due date.

**Note:** If DPS provides verification after the final due date, process the verification as a change. Advance notice of adverse action is required before denying or reducing benefits to the household. Do not process an overpayment.

Individuals with an existing disqualification are not eligible for expedited services until DPS verifies the individual is no longer a fleeing felon or parole/probation violator. In households with multiple members, which include a disqualified member, the individual with an existing
disqualification remains disqualified until DPS verifies the individual is no longer a fleeing felon or parole/probation violator.

**Forms**

Form H0007, Verification of Fleeing Felon/Parole/Probation Violator, is introduced with this bulletin.

Form H0007 will be available in TIERS.

**Automation**

Changes to TIERS will be effective with Release 99.

**Effective Date**

Effective with Release 99.

**Handbook**

The TWH will be updated with the January 2018 revisions.

**Training**

Training will be presented as part of web-based training titled R99-2 Persons Fleeing Law Enforcement. A training broadcast will be sent with further details to staff.

3. **SNAP Exclusion for School-Based Savings Accounts**

**Background**

House Bill (HB) 3987 passed in the 84th Texas Legislature, Regular Session, 2015, provided school districts and open enrollment charter schools the option to establish a school-based savings program to assist individuals with planning and saving for higher education expenses.

HB 3987 exempted funds in, and interest earned on, school-based savings programs as countable resources and income when determining eligibility for the following programs: SNAP; TANF; TW Medicaid; CHIP; and MEPD.

The Food and Nutrition Service (FNS) recently clarified that because school-based savings accounts established under HB 3987 facilitate saving for higher education, the full value of funds in, and interest earned on, school-based savings programs must be excluded as income and resources when determining eligibility for SNAP.
Current Policy

Resources

SNAP

Funds in school-based accounts are excluded as resources when determining eligibility. Staff may exempt funds in school-based savings accounts only up to an amount set by the Texas Higher Education Coordinating Board (THECB) each year. THECB bases the excludable amount on the annual cost of undergraduate tuition and fees. The exempt amount is currently $11,896 and is updated annually. Any excess over the exempt amount counts as a resource.

Income

SNAP

The interest on accounts established under a school-based savings program is exempt from income when determining eligibility.

New Policy

Resources

SNAP

The full value of funds in school-based savings accounts are excluded as resources when determining eligibility for SNAP.

Note: Staff continue to exempt funds in school-based savings accounts only up to an amount set by the THECB each year for TANF, Medically Needy with Spend Down for Children (TP 56 and TP 32), and MEPD.

Income

The interest on accounts established under a school-based savings program remain exempt from income when determining eligibility for SNAP.

Automation

Automation changes are not planned at this time. Refer to the Two-Minute Tip, Entering School-Based Savings Accounts, ASKiT School-Based Savings TMT, for instructions on entering school-based savings accounts in TIERS.

Effective Date

The policy is effective upon release of this bulletin.
Handbook

The TWH will be updated with the October 2017 revisions.

Training

Training is not required.

4. ABAWD Time Limit Exemption for Veterans Receiving Disability Payments

Background

The Food and Nutrition Service (FNS) issued a memorandum on May 20, 2016, which clarifies that able-bodied adults without dependents (ABAWDs) who receive Veterans Affairs (VA) disability payments are exempt from ABAWD time limits for SNAP regardless of the percentage of their disability rating.

Current Policy

SNAP

Veterans who receive VA disability payments must be rated at 100 percent disability to qualify for the ABAWD disability exemption for SNAP time limits if they do not meet any other exemption reason.

New Policy

SNAP

Veterans who receive VA payments for a disability, regardless of the disability percentage rating, are exempt from SNAP time limits for ABAWDs.

The new policy does not affect how previously used time limited months are counted.

Note: This policy does not change the SNAP Employment and Training (E&T) work requirements exemption for Code E (Physically/mentally unfit for employment). Veterans who receive VA disability payments and who claim an exemption to SNAP E&T work requirements based on the disability must return Form H1836-A, Medical Release/Physician’s Statement, if the VA disability is rated at less than 100 percent (TWH A-1822.1).

Automation

This change does not require any automation changes to TIERS

Effective Date

The policy is effective upon release of this bulletin.
Handbook

The TWH will be updated with the October 2017 revisions.

Training

Existing Basic Skills Training (BST) training will be updated to reflect the updated policy.