

Operations Memo 18-22 Attachment 1

(Note: This new W-2 policy is effective October 27, 2018.)

## **W-2 Manual Chapter 2: Nonfinancial Eligibility**

### **2.4.1 Verifying U.S. Citizenship or Qualified Non-Citizen Status**

When applying for W-2, all individuals applicants in the W-2 Group must verify U.S. citizenship or qualified non-citizen status. ~~of all adults in the W-2 Group.~~

See [4.1.2](#) for examples of allowable documentation verifying U.S. citizenship. Citizenship needs to be verified only once.

If the applicant is not a U.S. citizen or national he or she must present immigration documentation that the W-2 agency will verify through SAVE. The documents found in the [Non-Citizen Eligibility Documentation appendix](#) can be used to show that an individual is in qualifying status. The W-2 agency cannot specify which type of document an applicant must present to show their immigration status.

Once an applicant has provided documentation identifying his or her status as a qualified non-citizen, he or she is presumptively eligible until the FEP verifies the status through SAVE. The FEP should not delay or deny the applicant's eligibility for W-2 on the basis of the applicant's immigration status while seeking verification.

If a non-citizen applicant's immigration status has already been verified through the FDSH, this is considered valid verification for W-2 and the FEP does not need to request documentation from the non-citizen and verify it through SAVE.

All documents issued by USCIS containing a photo serve as verification of identity and immigration status.

Over time, a non-citizen's immigration status may change. If this occurs and the individual's new immigration status has been verified through the FDSH, this is considered valid verification for W-2 and the FEP does not need to request documentation from the non-citizen and verify it through SAVE. If the new status has not been verified through the FDSH, the individual must present immigration documentation of the new status that the FEP will verify through SAVE.

FEPs should not update the immigration status code of individuals who were previously verified as a refugee, asylee, Cuban/Haitian Entrant, individual granted withholding of deportation or removal, victim of trafficking, or Iraqi or Afghan special immigrant. Individuals in these statuses are exempt from the five year ban on certain public benefits even if their immigration status later changes, and updating the immigration status code could cause the individual to incorrectly lose eligibility for the benefits. For

example, a refugee whose immigration status changes to Lawful Permanent Resident should remain coded as a refugee.

If the applicant does not present documentation and his or her status has not been verified through the FDSH, the FEP must presume that the person is in the status he or she claims until he or she has been provided an opportunity to present the appropriate documentation. This is also the case if the applicant presents a document that:

- Does not appear to be genuine;
- Does not apply to the person presenting it; or
- Is expired.

If the applicant does not have documentation of their immigration status, the FEP should refer the individual to the local USCIS office to obtain it. In cases involving participants who are hospitalized or medically disabled, or who can otherwise show good cause for their inability to present documentation and for whom securing such documentation would constitute undue hardship, the FEP must make every effort to assist the individual in obtaining the required documentation.

Children of adult non-citizens are provided their own USCIS documentation. However, this documentation does not verify relationship to family members. When verifying custodial parent relationships of non-citizens, the FEP should follow the same procedures as used with U.S. citizens (see [2.3.1](#)).