

## Part 2 Other Eligibility Conditions

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### 35 Are there other eligibility conditions I must meet?

In addition to meeting an eligibility category, you must also meet a number of other rules or conditions to be eligible for EAEDC benefits. Other eligibility rules include rules about

- Massachusetts residency,
- citizenship and alien status,
- social security number,
- eligibility for other benefits,
- assignment of any disability or accident related benefits,
- assistance unit rules.

The following questions discuss these eligibility conditions in detail.

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### 36 What if I just arrived in Massachusetts? What if I am homeless?

You have to live in Massachusetts to get EAEDC, but:

- You don't have to have a permanent or fixed address. You can be eligible if you are homeless. 106 C.M.R. § 320.520. You need to show that you live in the area covered by the office where you applied. DTA must accept a written

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or oral statement from someone who knows your situation, or your own statement.

- Even if you just arrived in Massachusetts, you can qualify if you just arrived if you intend to live here or came for a job or to look for work. However, if you came to Massachusetts "solely for the purpose of obtaining EAEDC," you are not eligible. 106 C.M.R. § 320.520.
- Certain temporary absences from the state for up to 60 days are allowed, such as for illness, school, business or family commitments. In very limited circumstances, you may receive permission from DTA to be gone from the state for more than 60 days. 106 C.M.R. § 320.540.

### ***Advocacy Reminder:***

- ✓ DTA may try to deny your benefits if you came to Massachusetts so you or your child can go to school. 106 C.M.R. § 320.520. But you should qualify if you intend to live here even if you came for school reasons. You can show you intend to live here by registering to vote or by making plans to stay after graduation. See an advocate.
- ✓ DTA may try to close your case if you use your EBT card continuously outside of Massachusetts for 70 days. DTA Operations Memo 2013-34 (July 26, 2013). You may have to prove you are a Massachusetts resident to keep your benefits. See DTA Transitions, Sept. 2013, p. 5-6. Consult an advocate if that is a problem for you.

### ***DTA Policy Guidance:***

**DTA Online Guide:** EAEDC > General Nonfinancial Requirements > Temporary Absence from MA > Temporary Absence from MA

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## 37 What if I am not a U.S. citizen?

Some non-citizens are eligible for EAEDC. You are an "eligible noncitizen" who qualifies for EAEDC if you are legally present in the U.S. or "permanently residing under color of law" ("PRUCOL"). 106 C.M.R. § 320.620.

To be an "eligible noncitizen," you must be:

- A *legal permanent resident* ("LPR" or "green card" holder);
- A person who is present in the U.S. as a *refugee*;
- A person granted *asylum* after entering the U.S.;
- A *Vietnamese Amerasian* immigrant (e.g., the offspring of a U.S. citizen conceived during the Vietnam war);
- A *Cuban/Haitian entrant* – defined as a national of Cuba or Haiti who has parole status, an order of supervision, a pending application for asylum or an application for certain other statuses;
- A person granted *withholding of deportation or removal*;
- A person granted *parolee status* (generally based on humanitarian or public interest reasons) for at least one year;
- A *conditional entrant*;
- A *victim of trafficking* in persons;
- An *Iraqi and Afghan Special Immigrant Visa (SIV)* holder (for Iraqi and Afghan military interpreters and their dependents);
- A person "*lawfully residing*" in the U.S., and you have been *battered* by a spouse or parent or member of your family with whom you no longer live and you have filed a petition under the *Violence Against Women Act (VAWA)* (this also applies to your minor child);
- A person "*lawfully residing*" in the U.S. and are a *veteran* with an honorable discharge or an *active duty service member*, or you are the spouse or dependent child/ren of the veteran or service member; **or**

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- A person "*permanently residing under color of law*" or *PRUCOL*. *PRUCOL* means that you have an immigration status granted by the United States Citizenship and Immigration Services (USCIS), a formal application pending with USCIS, or you have proof that USCIS knows you are here and is not planning to deport or remove you.
- There is a two-prong test for *PRUCOL*:
  1. USCIS is aware of your presence in the U.S. (e.g. work authorization or some other proof of granted immigration status or a pending application), *and*
  2. USCIS makes no effort to deport or remove you.

**Examples** of *PRUCOL*: granted Deferred Action status including Deferred Action Childhood Arrivals (DACA), Temporary Protected Status (TPS), under Order of Supervision, pending asylum or LPR application, U-Visa recipient (victim of violence), living in the U.S. since January 1, 1972, or other statutes where the immigrant is "known to USCIS" but not being deported or removed.

To verify one of these statuses, you need to show DTA documentation of your contact with USCIS. This could be a copy of whatever documents you have, a letter written by your lawyer about your immigration status or a copy of a receipt from USCIS that you have applied for a document or status. Be sure to confirm your documents with an advocate before you go to the DTA office.

### **Sponsor Deeming**

There is *no* deeming of sponsor income or assets in the EAEDC program. See DTA Transitions, March, 2000, p. 4 and DTA Field Operations Memo 2008-65 (December 9, 2008). If you are a sponsored immigrant and your sponsor has failed to support you, you cannot be denied EAEDC benefits. See **Question 52**.

### **Undocumented/Out of Status or Non-Immigrant Noncitizens**

If you are a noncitizen who is undocumented or out of status, or you have a non-immigrant visa status (such as a visitor, student or diplomat), you are not eligible for EAEDC. 106 C.M.R. § 320.620(D). However, you can still be the authorized representative for an eligible child or adult.

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**Important:** Do not go to USCIS without speaking with an immigration lawyer. In some cases, receiving EAEDC or other cash assistance benefits may hurt your immigration case.

### *Advocacy Reminders:*

- ✓ DTA has no authority to report anyone to USCIS without the person's written permission. 106 C.M.R. § 320.660.
  - ✓ For details on how DTA verifies non-citizen status, see DTA Online Guide: [EAEDC](#) > [General Nonfinancial Requirements](#) > [Noncitizen](#) > Noncitizen Introduction; DTA Operations Memos 2013-14A (May 2, 2013) and 2012-5 (January 23, 2012). DTA must give you a reasonable time to provide documentation and should not delay or deny benefits until documentation is provided. St. 2010, c. 131, § 182.
  - ✓ An expired immigration document does not necessarily mean that your immigration status has expired. DTA should presume you may still have legal status and check the federal Systemic Alien Verification of Entitlements (SAVE) program:
    - LPR cards are usually valid for 10 years from the date of issuance. The expiration date indicates when your card must be renewed. An expired card does not mean your LPR status has expired. DTA should accept an expired card as verification unless it has information that your status has been revoked by USCIS.
    - An expired Employment Authorization Document (EAD) or any other expired document also does not necessarily mean your immigration status has expired. DTA can check your immigration status through SAVE or use other documents you may have. If you applied for renewal of your immigration document or adjustment of status, DTA should assume continuation of your current status.
- See DTA Transitions, Oct. 2007, p. 9.
- ✓ You may be PRUCOL ("permanently residing under color of law") even if you have not been granted an official immigration status. Be sure to check the rules.

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- ✓ A person born on U.S. soil, including Puerto Rico, Guam, and the Virgin Islands, is a U.S. citizen regardless of the parent's immigration status. Citizens also include most people born abroad to or adopted by a U.S. citizen. If you are the caretaker of an eligible minor child and you do not meet the requirements, you can receive benefits for the child but not for yourself.
- ✓ A parent or a child who does not meet the TAFDC immigrant status rules but does meet an EAEDC category of eligibility as well as the EAEDC immigrant rules may qualify for EAEDC. See **Question 29**.
- ✓ If you are a noncitizen, receiving EAEDC may make the immigration authorities think you will not be able to support yourself and will become a "public charge" primarily dependent on the government for support. This can be a problem if you intend to apply for a green card (LPR status) or want to leave the U.S. for a period of time and return. Receiving EAEDC does not by itself make you a "public charge" – but you should consult an immigration specialist before applying for a green card or leaving the U.S. If you are already an LPR, or you are a refugee or asylee waiting to become an LPR, receiving EAEDC should not affect your ability to become a U.S. citizen. For more information on "public charge," visit the USCIS website, [www.uscis.gov](http://www.uscis.gov); the National Immigration Law Center, [www.nilc.org](http://www.nilc.org); or MassLegalHelp, [www.masslegalhelp.org](http://www.masslegalhelp.org).
- ✓ For copies of USCIS issued documents and a key to USCIS immigration codes, see materials produced by the National Immigration Law Center available at <https://www.masslegalservices.org/system/files/library/IG%20%20NILC%20Table%20.pdf>
- ✓ USCIS has a special process for immigrants to correct wrong or incomplete information in SAVE: [www.uscis.gov/save](http://www.uscis.gov/save). Contact an advocate if DTA says SAVE has not confirmed your status or if you wish to correct the information in SAVE.

### ***DTA Policy Guidance:***

**DTA Online Guide:** Noncitizen Policy and Procedures EAEDC; and  
EAEDC > General Nonfinancial Requirements > Noncitizen > Eligible Qualified  
Noncitizens

*Disabled LPRs* receiving EAEDC are not subject to the 5-year bar for  
SNAP/Food Stamps if disability meets disability severity of SSI as determined by

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UMass Disability Evaluation Service (DES). Elderly LPRs (age 65+) are not subject to the 5-year bar for SNAP if receiving EAEDC and provide statement from MD re-disability, no need for UMass DES review. Hotline Q &A (October 2014).

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# 38 Do I have to apply for citizenship if I am not a citizen?

Certain EAEDC recipients who are eligible to become U.S. citizens (naturalize) within the next three years are required to "engage in efforts" to naturalize. 106 C.M.R. § 320.620(B)(1)(b).

This rule applies to you only if you are a *legal permanent resident (LPR) and* you are *physically and mentally able to do so*.

*Noncitizens who are not LPRs* are not eligible to naturalize until they are LPRs and meet certain residency rules. The Mass. Office of Refugees and Immigrants coordinates with community-based organizations to provide U.S. civics and English classes as well as other naturalization assistance to LPRs. Visit <https://www.miracoalition.org/resources-citizenship> or call 617-350-5480 for a listing of the citizenship services closest to you.

*If you are an LPR who is eligible to naturalize*, DTA will ask you for proof of your efforts. This proof can include a statement from a community-based organization, a lawyer representing you, or copies of documents showing you have filed an application with USCIS. 106 C.M.R. § 320.620(B)(2).

*If you are an LPR not eligible to naturalize* - for any reason - get a statement from your lawyer or organization helping you and bring this statement to DTA.

If you need to delay applying for U.S. citizenship, you can claim "good cause". Good cause can include if you are unable to proceed with naturalizing due to "a serious family situation or illness." Good cause can also include lack of financial resources to pay the USCIS citizenship application or other legal fees, lack of transportation to get to the provider or lack of community resources to assist with the citizenship process. See DTA Field Operations Memo 2007-55 (October 5, 2007).

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Be sure to consult an immigration specialist or citizenship organization if you have questions about this.

### *Advocacy Reminder:*

- ✓ Failure to work towards naturalization is NOT a reason for DTA to deny your EAEDC application. See DTA Field Operations Memo 2007-55 (October 5, 2007).

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# 39 Do I have to have a social security number?

Every EAEDC applicant or recipient has to provide or have applied for a social security number (SSN). You can provide the numbers orally or in writing. You do not have to show any Social Security Cards. 106 C.M.R. § 701.230. DTA will do a computer check to see if the SSN you gave you matches. See DTA Field Operations Memo 2014-12A (October 10, 2014).

EAEDC benefits should not be denied, delayed or decreased if you have verification that you have applied for a SSN or requested that an already-existing SSN be validated. The Social Security Administration (SSA) provides this verification in the form of a letter.

If you *meet the EAEDC noncitizen eligibility* rules but you *are unable to qualify for an SSN* because of your particular status, you should *not be disqualified* for EAEDC. See DTA Field Operations Memo 2005-42, p. 2. DTA should use an alternate number until Social Security is able to give you a number.

If you need to apply for an SSN, the DTA office has a special form they will give you (called an ENUM-2) for you to bring to the Social Security office. This form confirms that you have applied for an SSN. If you already have a number, you don't need to go to the Social Security office.

Once you have a SSN, DTA will periodically check your number with the computer files of the Registry of Motor Vehicles (to see if you have any cars in your name), the Department of Revenue (to see if there are any unreported earnings), banks and other financial institutions (to see if you have any unreported bank accounts or other assets), as well as a number of other state and federal



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agencies. You have a right beforehand to know how your SSN will be used.  
106 C.M.R. § 701.230(D).

### *Advocacy Reminders:*

- ✓ DTA should not ask questions related to SSNs, if you indicate a reluctance to disclose a SSN due to immigration status.
- ✓ If you are not sure about a number, you can ask Social Security to check the number and provide verification of your request to DTA. You can get EAEDC while Social Security is checking.

### *DTA Policy Guidance:*

**DTA Online Guide:** EAEDC > General Nonfinancial Requirements > SSN > Overview of Social Security Numbers

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## Do I have to apply for Veterans' Services benefits?

The EAEDC rules require you to apply for state-funded Veterans' Services benefits if you appear to be eligible for these benefits. 106 C.M.R. § 702.720. If you have never served in the military or if you have a dishonorable or bad conduct discharge, you will not be eligible for Veterans' Services and DTA should not require you to apply.

If you do apply for Veterans' Services benefits, the local Veterans' Services Officer (VSO) needs to give you a denial notice before DTA decides on your EAEDC application. However, DTA should not refuse to take an EAEDC application while you are waiting for a Veterans' Services decision since your EAEDC benefits are retroactive to the date of your application.

### *Advocacy Reminders:*

- ✓ Veterans' Services benefits are state- and locally funded entitlement benefits based on financial need. See M.G.L. c. 115 and 108 C.M.R. § 2.00 et seq. The benefits are provided to eligible veterans and their dependents. The

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dependents include the spouses of veterans (but not if divorced), children under age 23, and the parents of veterans.

- ✓ Veterans' Services benefits are administered by local Veterans' Services Officers in each city and town in Massachusetts. These benefits are often higher than EAEDC benefits and include full medical care similar to MassHealth.
- ✓ Some legal services programs provide legal advice and/or representation to veterans including Veterans Legal Services in Greater Boston, <http://veteranslegalservices.org/> They handle Veterans Services cases as well as federal VA benefits cases and discharge upgrades.

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## 41 What other benefits do I have to apply for?

You have to apply for any other benefits DTA thinks you might be eligible for. 106 C.M.R. §§ 702.700, 702.710. This includes applications for Supplemental Security Income (SSI), Social Security, Railroad Retirement, Workers' Compensation, Unemployment Compensation, and other benefits for which you appear eligible. If you are elderly or disabled, DTA will insist that you apply for SSI benefits and cooperate in the SSI application process. 106 C.M.R. § 702.710(B). See **Questions 22** and **42**.

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## 42 Do I have to agree to repay DTA for benefits I received?

There are four situations where you have to agree to repay DTA for back benefits you receive:

- **SSI:** If you are applying for SSI benefits, you must sign a statement that allows that Social Security Administration to send the first retroactive SSI check to DTA. DTA will take out the amount you received in EAEDC while your SSI application was pending and send you the rest within 10 days. 106 C.M.R. § 702.710(B).

The form you sign, the "AP-SSI-IAR," *must be current and in effect* at the time DTA recovers the EAEDC benefits from the check. See **Appendix E**. If

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DTA never gives you a form to sign or the form was not signed at your most recent EAEDC application, DTA cannot recover the SSI money to pay itself back. See the federal SSI regulations at 20 C.F.R. § 416.1910.

DTA can recover only the EAEDC benefits paid for the same period as the SSI. It cannot recover EAEDC paid prior to filing the SSI application. DTA cannot take back money from the "Title II" Social Security disability award. Be sure to check DTA's calculations for the retroactive amount.

- **Third Party Recoveries:** If you need EAEDC benefits because of an accident, illness or injury, you must make an "assignment" or written agreement that lets DTA recover the amount it paid in EAEDC benefits from any money you are awarded as recovery. 106 C.M.R. § 702.800. See **Question 48**.
  - For example, if you win a personal injury case, workers' compensation or other action due to an illness or injury, DTA will take part of this money to reimburse itself. If your need for EAEDC is not a result of the accident, DTA does not have a right to repay itself from the award.
- **Overpayments** caused by DTA error, recipient error or fraud. See **Question 95**.
- **Real Estate Other Than Your Home:** If you make a good faith effort to sell real estate that is not your principal residence, the real estate does not count towards the asset limit for six months. If you sell the property, you will have to repay DTA the amount of EAEDC paid to you during those six months. See DTA Online Guide: EAEDC > Financial Requirements > Assets > Noncountable Assets.

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## 43 What are the assistance unit rules?

EAEDC rules require certain household members to be included in the EAEDC application and to have their income and assets counted toward others in the household. 106 C.M.R. §§ 321.300, 321.310, 321.320.

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- An individual **without minor children** can apply for EAEDC on his/her own and does not need to be included in the assistance unit of others. However, the income and assets of a spouse in the home will be counted.
- An unrelated **adult caretaker** has three options: (a) She can *opt out* of an EAEDC assistance unit and have none of her income or assets included; (b) she can request to *be included* in the EAEDC grant with the minor child and receive the incremental portion of the grant; or (c) she can *apply for her own* EAEDC grant separate from the child if she qualifies as disabled, elderly or meeting some other category of assistance. 106 C.M.R. § 321.310(E).

**Example:** Rachel Roe gets EAEDC for her neighbor's child, Sam. Rachel is also disabled. Since she is disabled, she can get two separate EAEDC grants—one for her and one for Sam. If she did not meet one of the EAEDC categories herself but wanted to get benefits, she would have to be included in Sam's grant—which would be less money for the household.