

## D Nonqualified Noncitizens



This subject includes a list of noncitizens who are not eligible for NA and CA.

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### Policy

A nonqualified noncitizen may have entered the United States (U.S.) either with or without United States Citizenship and Immigration Services (USCIS) documentation. Nonqualified noncitizens are not eligible for NA or CA because they do not meet the required noncitizen status.

Nonqualified noncitizens may provide immigration documents issued by **any** of the following immigration agencies:

- U.S. Department of State
- U.S. Department of Homeland Security (DHS) Customs and Border Protection (CBP)
- U.S. Immigration and Naturalization Services (INS)
- USCIS
- Immigration and Customs Enforcement (ICE)
- Executive Office for Immigration Review (EOIR)

Though nonqualified noncitizens are not eligible for benefits for themselves, a nonqualified noncitizen is allowed and encouraged to apply for benefits for their family members who are U.S. citizens or qualified noncitizens. The income and resources of a nonqualified noncitizen may be used to determine the benefit amount for the entire budgetary unit.

When a nonqualified noncitizen listed on the application is not applying for NA or CA benefits, **one** of the following should be selected for that noncitizen:

- The drop-down option 'Do not want to give information' when asked for immigration status on the HEAplus online application.
- The 'I do not want to provide this information' checkbox when asked for immigration status on a paper application.

**NOTE** Immigration status is required for noncitizen participants applying for NA or CA benefits.

A nonqualified noncitizen with USCIS documentation has legally entered the U.S. temporarily with no intention of abandoning their foreign residence. These nonqualified noncitizens do not meet the Arizona residency requirements for eligibility.

A nonqualified noncitizen without USCIS documentation, also known as an [undocumented noncitizen\(g\)](#), may or may not have entered the U.S. without the knowledge or permission of USCIS.

NOTE Citizens of either the Marshall Islands or the Federated States of Micronesia may work and establish residence in the United States. These noncitizens do not need USCIS permission to legally enter and live in the U.S. and may not have USCIS documentation.

It is a violation of immigration law when a noncitizen is residing in the U.S. without the knowledge or permission of USCIS. FAA is required to report any confirmed violations of this immigration law. Violations of this law are confirmed when **any** of the following occurs:

- The noncitizen voluntarily self-declares that they are residing in the U.S. illegally
- The noncitizen provides Immigrations and Customs Enforcement (ICE) documents verifying violation of USCIS law

NOTE FAA does not report unconfirmed violations of immigration law.



FAA staff can be charged with a class two misdemeanor when a confirmed violation of immigration law is not reported.

Deferred Action for Childhood Arrivals (DACA) is a U.S. immigration policy that allows noncitizens to apply for a deferral from deportation when they were brought to the U.S. as minors and still reside in the U.S. unlawfully. DACA noncitizens, often called Dreamers, reside in the U.S. with the knowledge of the USCIS and are not reported to ICE.

Noncitizen mandatory participants who are not applying for themselves or do not provide noncitizen verification are disqualified participants. The income and expenses of disqualified participants may be counted fully or partially to the remaining participants in the budgetary unit. (See [Disqualified NA Participants Effect on the NA Benefit Amount](#), [Whose Income Effects the CA Benefit Amount](#), and [Disqualified Participants](#) for details.)

Documents a participant may have to identify that they are a nonqualified noncitizen include, and are not limited to, **any** of the following:

- Form I-94 – Arrival Departure Record
- Form I-95 – Crewman’s Landing Permit
- Form I-360 – Petition for Amerasian, Widow(er), or Special Immigrant (This form is also used to apply for the Special Immigrant Juveniles status)
- Form I-444 – Mexican Border Visitor Permit
- Form I-586 – Nonresident Alien Border Crossing Card (Canadian or Mexican)
- Form I-688A – Employment Authorization Card
- Form I-688 – Temporary Resident Card
- Form I-689 – Fee Receipt
- Form I-766 – Employment Authorization Card

- Form I-821 – Application for Temporary Protected Status (TPS)
- Form I-821D – Consideration of Deferred Action for Childhood Arrivals
- Form DSP-150 – Border Crossing Card
- Student Visa

Noncitizens with **one** of the following documents may have either qualified or nonqualified status based on the annotations on the document:

- The admission annotation on the I-94 or I-95 document determines the noncitizen's status.
- The Provision of Law annotated on the I-688A determines the noncitizen's status.
- The Provision of Law annotated on the I-766 determines the noncitizen's status.

**NOTE** A participant with the Provision of Law Code C08 on the I-766 is pending asylum approval. The participant is a nonqualified noncitizen unless the participant has a prior qualifying status that is verified.

When the annotation on one of the three documents listed above is not included in the list of qualified noncitizens, the participant is considered a nonqualified noncitizen. (See [Qualified Noncitizens](#) for a list of annotations identifying qualified noncitizens. Use CTRL+F to search the page for the card number.)

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## Procedures

The NA and CA Noncitizen Script (FAA-1710A) form provides a uniform explanation that nonqualified noncitizens are not eligible for NA or CA benefits. The FAA-1710A is found in the Document Center (Our DES version only). The NA and CA Noncitizen Script provides an explanation of when DES has the responsibility to report discovered violations of federal immigration law.

The FAA-1710A must be read to the PI or authorized representative when an application includes a nonqualified noncitizen. When processing an application or change, review the documentation in the [case file\(g\)](#). When no documentation is found that the FAA-1710A has been read to the PI, the FAA-1710A must be read to the PI or authorized representative when **any** of the following apply:

- When the new or renewal NA and CA interview is conducted
- Any time during the application or determination process
- When adding a nonqualified noncitizen to a case
- When a change from qualified to nonqualified noncitizen status is reported

Document the case file that the NA and CA Noncitizen Script was read to the PI or authorized representative when **any** of the following applies:

- The noncitizen does not have United States Citizenship and Immigration Services (USCIS) documents
- The noncitizen does not want to provide noncitizen status

When it has been determined that a noncitizen participant does not have USCIS documents, do not question the participant further regarding their noncitizen status.

For AZTECS to determine the NA and CA benefit amounts accurately, a nonqualified noncitizen must either be in the AZTECS case as a disqualified participant or be deleted from the case. (See [AZTECS Keying Procedures](#) for details.)

When a noncitizen participant has USCIS documents, review the document provided in the Systematic Alien Verification for Entitlements (SAVE) program. (See [SAVE](#) for instructions)

### ICE Reporting Requirements

An Immigrations and Customs Enforcement (ICE) referral must be completed to report when a nonqualified noncitizen who is residing in the United States (U.S.) without the knowledge or permission of USCIS does **any** of the following:

- Voluntarily self-declares that they are residing in the U.S. illegally
- Provides ICE documents verifying violation of USCIS law

To complete an ICE referral, complete **all** of the following:

- Open an electronic ICE report at the following link: <https://azdes-community.my.salesforce-sites.com/ICE>
- Complete each field on the ICE report
- Check the reCAPTCHA box
- Click on the SUBMIT button

NOTE Do not document the case file and do not upload a copy of the ICE report into OnBase or HEAplus.



Failure to report confirmed violations of immigration law is a class two misdemeanor toward the worker. When the worker's supervisor knows of the failure to report and fails to instruct the worker to make the report, the supervisor is also guilty of a class two misdemeanor.

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### Verification

System interface and the [case file\(g\)](#) must be reviewed before verification is requested. No additional verification is needed when AZTECS interface or HEAplus hubs have verified the noncitizen's status.

When it has been determined that a noncitizen participant does not have United States Citizenship and Immigration Services (USCIS) documents, do not question the participant further regarding their noncitizen status.

See the policy section above for specific verification documents.

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### AZTECS Keying Procedures

Eligibility for specific programs and benefit amounts are determined by keying in

AZTECS the appropriate codes in the PT field on SEPA and the CI field on IDCI.

### Disqualifying Nonqualified Noncitizens

To identify that a nonqualified noncitizen is disqualified, key DI in the PT field on SEPA for NA and CA when **any** of the following applies:

- The nonqualified noncitizen is applying for benefits for themself.
- The nonqualified noncitizen is a mandatory participant but is not eligible due to the citizenship eligibility factor. (See [Determining Budgetary Units](#) for additional guidance on mandatory participation.)

NOTE For AZTECS to determine the NA and CA benefit amounts accurately, a nonqualified noncitizen must either be in the AZTECS case as a disqualified participant or be deleted from the case.

### Keying Eligibility

When a nonqualified noncitizen does not provide United States Citizenship and Immigration Services (USCIS) documentation, key **all** of the following:

- OT in the CI field on IDCI
- NS in the STAT field on NOCS
- For NA, when there are no other eligible participants in the case, key US in the DEN/CLOSE REAS field on FSED
- For CA, when there are no other eligible participants in the case, key US in the DENIAL/CLOSURE REASON field on AFED

When a nonqualified noncitizen provides USCIS documentation and is keyed IA in the CI field on IDCI, key **all** of the following on NOCS:

- COA field when the participant has **one** of the following immigration statuses:  
Battered alien (BA)  
Indefinite Detainee (ID)  
Parolee (PA)
- STAT field - Use the F5 function key in the STAT field to access the list of NON CITIZEN STATUS CODES.
- DATE field

NOTE AZTECS only requires the STAT and DATE fields on NOCS to be keyed when the participant has any other USCIS status and is keyed IA in the CI field on IDCI and NOCS. (See [Updating NOCS](#) for additional guidance.)

### Updating NOCS

PST Specialists: Any changes made to 'Updating NOCS' must also be made in the NOCS section of [Qualified Noncitizens](#), [LPR Sponsors](#), and [LPR Additional Requirements](#).

NOCS is accessed when any code other than US is keyed in the CI field on IDCI.

NOCS displays or allows keying of **any** of the following information for each noncitizen:

- Type of USCIS document provided by the participant, when appropriate
- USCIS Class of Admission (COA) Code held by the participant
- Noncitizen status of the participant
- Date the status was granted by USCIS
- Date the status expires
- Date the Systematic Alien Verification for Entitlements (SAVE) was completed
- Secondary SAVE was requested
- Participant is sponsored
- Participant is under 18 years of age
- Participant has a permanent disability
- Participant has 40 quarters of earnings
- Participant has a military connection

NOTE When NOCS must be updated and current SAVE information is not in the [case file\(g\)](#), complete a SAVE verification before approval for all noncitizens who have valid USCIS documentation and are included in the budgetary unit.

When the noncitizen's USCIS status changes, key the new information on NOCS. AZTECS allows for more current USCIS status information to be keyed while permanently maintaining the previous information.

For a comprehensive list of COA Codes see CLASS OF ADMISSION CODES under DISPLAY TABLE VALUES in AZTECS.

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## DBME BEST Google Job Aids

[Noncitizen Job Aid](#)

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## Legal Authorities

7 CFR 273.2(b)(1)(iii)

7 CFR 273.2(f)(1)(ii)(A)

7 CFR §273.4(a)

7 CFR 273.4(a)(1)-(3)

7 CFR 273.4(a)(5)

7 CFR 273.4 (a)(6)

7 CFR 273.4 (a)(6)(i-iii)

7 CFR 273.4(a)(6)(i)(H)

FAA3.D Nonfinancial Eligibility Factors : 06 Citizenship : D Nonqualified Noncitizens

7 CFR 273.4(a)(7)

7 CFR 273.4(c)

8 CFR §204.2

45 CFR 233.50

ARS 46-292A.1.(b)-(d)

ARS 46-292.B.1(a)

62 FR 61344

Public Law 104-193

Public Law 104-208

PRWORA Section 401 & 402

TANF State Plan

[Prior Policy](#)

*last revised 06/24/2024 effective 07/01/2024*

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