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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 90 LCM-13

Date: January 29, 1990

Division: Income Maintenance

TO: Local District Commissioners

SUBJECT: Aliens and Public Assistance Applications

ATTACHMENTS: There are no attachments to this LCM.

This is to remind local social services districts that 18 NYCRR 350.3(a) and Public Assistance Source Book (PASB) page III-B, state that any person has the right to apply for the form of public assistance or care that the applicant believes will meet the applicant's needs.

This means that everyone who requests an application, including aliens unlawfully residing in the United States, aliens who failed to furnish evidence that they are lawfully residing in the United States or sponsored permanent resident aliens within three years of their entry into the United States, must be given application forms and must be permitted to file the application.

It is the applicant's responsibility to provide the documentation necessary to establish the applicant's eligibility. However, local social service districts, if requested, must assist applicants to obtain required documents. Districts must also notify applicants of the determination regarding their application for benefits as soon as eligibility has been established.

Department regulation 349.3 and page XXIII-C-1.1 of the PASB state that an otherwise eligible individual must be a United States citizen, a permanent resident alien or permanently residing in the United States Under Color of Law (PRUCOL) in order to obtain public assistance. The following PASB pages indicate how to determine if a person is a permanent resident alien, or PRUCOL: XXIII-C-all and D-all. Other releases that list this information are: 88 ADM-22 and 88 INF-77.

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Pages XXIII-E-all of the PASB contain the procedures for processing cases that include sponsored aliens who have been in the U.S. for less than three years. This section covers alien deeming information and lists those people exempted from alien deeming.

Please contact Charles Giambalvo at 1-800-342-3715, extension 4-3231 if you have any questions regarding this information.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance