



## **Immigrant Eligibility - Guidelines for Making Determination Based on Work History**

**June 13, 1997**

**To:** All Program Directors Food Stamp Program

*This memorandum transmits the Social Security Administration's guidance on determining whether an immigrant applicant for food stamps has 40 qualifying quarters of work.*

We are forwarding with this memorandum a copy of the Social Security Administration's (SSA) "Guidelines for Making Determinations Using SSA's Quarters of Coverage History System." This document has also been transmitted to regions electronically.

SSA prepared this guidance for State agencies that have access to the Quarters of Coverage History System (QCHS), an automated system for requesting and receiving information about the past employment of aliens lawfully admitted for permanent residence (immigrants). These applicants must work or be credited with 40 quarters of work to be eligible for food stamps. The work may be in employment which requires the payment of the social security tax (covered earnings) or other work (noncovered earnings). According to SSA, 97 percent of all employment is now covered under the Social Security Act. The QCHS contains records of work covered by the Social Security Act beginning with 1937 and wages from which the Medicare tax was withheld, beginning with 1983. The system also provides information regarding receipt of Supplemental Security Income (SSI).

State agencies using the system should ensure that information obtained is available for use in any subsequent review of the case. State agencies not using the system may apply appropriate provisions of this guidance, including the interview procedures on page 3, instructions for computing qualifying quarters (QQs) on page 13 and 20, and the examples of acceptable verification on page 19. The eligibility determination shall be based on verification the State agency deems sufficient to establish a reasonable basis for certifying or denying the applicant. The decision shall be supported by documents in the case file that can be used in a subsequent review.

State agencies using the system are required to obtain a Consent for Release of Information form (SSA-3288) for any living person (other than the individual who signs the application form) whose social security number is submitted to SSA with a request for information. Section V.B. of the SSA guidance (page 17) indicates that SSA will not be able to release any information to State agencies if someone refuses to authorize release of his or her work history or if the individual cannot be located. This is because of the privacy restrictions on the tax return data contained in SSA's files. If the eligibility of an immigrant applicant depends on verification of the work history of a spouse or parent, the individual refuses to provide the information or consent to its release, and the State agency has assisted the household in attempting to obtain the consent or other verification, the State agency shall make a determination regarding the existence of the additional quarters based on available information and document the circumstances in the case file.

SSA's files do not contain information on wages that were earned but not reported (unreported earnings). However, SSA will conduct an investigation and attempt to develop these earnings. In our October 18, 1996 memorandum, we authorized State agencies to allow immigrants to participate for up to 6 months provided a request has been sent to SSA, SSA has responded that the individual has less than 40 quarters, the applicant believes he or she should be credited with additional quarters, and the individual provides a document from SSA indicating that the case is under review. There are other circumstances, discussed in section V of the guidance, which can result in an investigation. SSA will issue a Form SSA-5058 PC (copy attached) with the applicant's name, address and date issued to document that an investigation is being conducted. This document must be filed in the case file to establish the basis for allowing additional months of certification.

Please let us know if you have any questions about the SSA guidance.

/S/

Arthur T. Foley  
Director  
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cc: PAD  
OIG  
SSA