



United States
Department of
Agriculture

May 26, 2005

Risk
Management
Agency

1400 Independence
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Washington, DC
20250-0801

BULLETIN NO: MGR-05-008

TO: All Reinsured Companies
All Risk Management Agency Field Offices
All Other Interested Parties

FROM: Ross J. Davidson, Jr. /s/ *Ross J. Davidson, Jr.*
Administrator

SUBJECT: Eligibility for Federal Crop Insurance Benefits for Non-Citizens without a Social Security Number (SSN)

BACKGROUND:

Section 506(m) of the Federal Crop Insurance Act (Act) and section 2(b) of the Common Crop Insurance Regulations, Basic Provisions (Basic Provisions) require the submission of a SSN or Employer Identification Number (EIN) for applicants as a condition of eligibility for participation in the multiple peril crop insurance program. If the applicant fails to provide his or her SSN, or EIN, the application will not be accepted and insurance will not be provided. If the applicant or insured fails to provide the SSN, or EIN of any person who has a Substantial Beneficial Interest (SBI) in the applicant or insured, per section 2(b) (2) of the Basic Provisions, and the SBI holder is eligible for insurance, the amount of coverage for all crops included on the application must be reduced proportionately by the percentage interest of that person in the insured or applicant; or if the SBI is not eligible for insurance, the policy is void.

Section 2(b) of the Basic Provisions provides an exception that if the applicant or person with an SBI in the insured is not legally required to have a SSN or EIN, they must request and receive an identification number for the purposes of insurance from the approved insurance provider or the Internal Revenue Service (IRS), if such identification number is available from the IRS. The IRS issues Individual Taxpayer Identification Numbers (ITINs) to individuals who are required to have a U.S. taxpayer identification number; however, ITINs are for federal tax reporting only, and are not valid identification outside the U.S. tax system, and should not be offered or accepted as identification for non-tax purposes, including Federal crop insurance benefits.

Therefore, if neither the Social Security Administration (SSA) nor the IRS issues an individual identification number that can be used for crop insurance purposes; an identification number may be assigned by the approved insurance provider through RMA.



The Risk Management Agency Administrators
And Oversees All Programs Authorized Under
The Federal Crop Insurance Corporation

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Non-citizens, who are not otherwise legally required to obtain a SSN, or not otherwise eligible under the SSA regulations, can be covered under this Basic Provision language. However, non-citizens must be eligible to receive federal benefits and must meet the requirements as provided in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), 8 U.S.C. § 1611, which provides, with certain exceptions, only United States citizens, United States non-citizen nationals and “qualified aliens” (and sometimes only particular categories of qualified aliens) are eligible for federal, state, and local public benefits.

PRWORA defines a “qualified alien” as:

1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (“INA”);
2. An alien granted asylum under section 208 of the INA;
3. A refugee admitted to the U.S. under section 207 of the INA;
4. An alien paroled into the U.S. under section 212(d)(5) of the INA for at least one year;
5. An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is being withheld under section 241(b)(3) of the INA;
6. An alien granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;
7. An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980; or
8. An alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the U.S. and otherwise satisfies the requirements of § 431(c) of PRWORA.

Section 401(a) of PRWORA states “Notwithstanding any other provision of law and except as provided in subsection (b), an alien who is not a qualified alien (as defined in section 431) is not eligible for any federal public benefit (as defined in subsection (c)).” In section 401(c)(1)(A) of PRWORA, a “federal public benefit” is defined as “any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States.” Since the insurance policies are contracts that are supported by appropriated funds, PRWORA applies to the Federal crop insurance program.

PRWORA also requires the Attorney General establish regulations and interim guidance for the verification of immigration status of persons applying for “Federal public benefits”. The Department of Justice issued interim guidance in 1997 entitled “Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility under Title IV of [PRWORA]”, 62 Federal Register 6344-02 (Nov. 17, 1997) that benefit providers can use to verify citizenship, qualified alien status, and eligibility under Title IV of PRWORA. Attachments A and B provide the documentary evidence of status as a qualified alien eligible for federal benefits.

ACTION:

In accordance with the authority provided in Section 2(b) of the Basic Provisions, a number may be assigned by the approved insurance provider if such person is not otherwise legally authorized to have a SSN. The following provides the process in which non-citizens must request and receive a number from an approved insurance provider through RMA, and outlines approved insurance provider responsibilities.

A. Non-citizens not otherwise eligible to receive a SSN must:

1. Provide all applicable documentation substantiating qualified alien status in accordance with PRWORA as provided in Attachments A and B of this bulletin and specified in Attachment 5 of the Attorney General Order Number 2129-97, as published in the Federal Register, Volume 62, Number 221, beginning on page 61364, on November 17, 1997.
2. Provide all documentation specified in item 1 to the applicable approved insurance provider no later than the sales closing date for sales closing dates that occur after release of this bulletin or by June 20, 2005 for sales closing dates that occurred prior to release of this bulletin.
3. Be a qualified alien eligible to receive federal benefits at the sales closing date.
4. Meet all other program requirements under the authority of the Federal Crop Insurance Act (the Act).

B. Insurance Providers must:

1. Review evidence provided by non-citizens who apply for federally reinsured and subsidized crop insurance benefits to determine if such evidence conforms to the requirements specified in Attachments A and B.
2. Obtain fully readable copies (front and back) of the original immigration documents as provided in Attachments A and B. Copies must be provided in color either through scanned documents or color copies. The original documents must be returned to the non-citizen.
 - a. Annotate whether such documentation appears to be altered or counterfeit or if the non-citizen presents documentation that does not conform to the standards as provided in Attachments A and B. If so, complete INS Form G-845, "Document Verification Request," and forward it to RMA. Fully readable copies (front and back) of the original immigration documents should be attached to the INS Form G-845 when it is submitted to RMA.
3. Provide company contact name and number and a certification to RMA that the non-citizen meets all other program requirements under the authority of the Act, other than having a SSN.
4. Forward request for number assignment and supporting documentary evidence (items 1 through 3 above) to the Risk Management Agency, Product Development Division, Attn: Underwriting Standards Branch Chief, 6501 Beacon Drive, Kansas City, MO 64131 or by email to DirectorPDD@rma.usda.gov.

5. Submit requests within 30 days after the applicable Sales Closing Date for sales closing dates that occur after release of this bulletin or by July 20, 2005 for sales closing dates that occurred prior to release of this bulletin.
6. Until a number is assigned by RMA, submit policy information to the RMA Data Acceptance System in accordance with the following:
 - a. If the non-citizen is the policyholder, the policy cannot be transmitted.
 - b. If the non-citizen is a SBI of a policyholder, the amount of coverage for all crops included on the application must be reduced proportionately by the percentage interest of that person in the policyholder.

C. If RMA assigns a number to the non-citizen:

1. Any applicable late sales reductions to the approved insurance provider, if applicable, will be considered for waiver; and
2. Policy corrections must be initiated by the approved insurance provider, as necessary, to reflect the insurable interest in the policy.

For questions regarding this bulletin, please contact Pam Culver, Chief, Underwriting Standards Branch, Product Development Division, at (816) 926-7176 or by email at pam.culver@rma.usda.gov.

DISPOSAL DATE:

This bulletin and the referenced procedures will remain in effect until rescinded.

ATTACHMENT A

DOCUMENTATION THAT A NON-CITIZEN IS A QUALIFIED ALIEN

Any of the following documents is acceptable evidence of eligible immigration status:

Alien Lawfully Admitted for Permanent Residence

1. *CIS Form I-551 (Permanent Resident Card, commonly known as a “green card”);
2. Unexpired Temporary I-551 stamp in foreign passport or on *CBP Form I-94;
3. Machine Readable Immigrant Visa (MRIV) and unexpired temporary I-551 stamp in a foreign passport;
4. MRIV containing temporary I-551 language and endorsed with an unexpired CBP admission stamp in a foreign passport; or
5. United States Travel Document

Asylee

- 1.*CPB Form I-94 annotated with stamp showing grant of asylum under section 208 of the INA;
2. *CIS Form I-688B (Employment Authorization Card) annotated “274a.12(a)(5)”;
3. *CIS Form I-766 (Employment Authorization Document) annotated “A5”;
4. Grant letter from the Asylum Office of CIS;
5. Order of an immigration judge granting asylum; or
6. United States Travel Document

Refugee

1. *CBP Form I-94 annotated with stamp showing admission under § 207 of the INA;
2. *CIS Form I-688B (Employment Authorization Card) annotated “274a.12(a)(3)”;
3. *CIS Form I-766 (Employment Authorization Document) annotated “A3”;
4. CIS Form I-571 (Refugee Travel Document); or
5. CIS United States Travel Document.

Alien Paroled Into the U.S. for a Least One Year

1. *CBP Form I-94 with stamp showing admission for at least one year under section 212(d)(5) of the INA. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement.)

Alien Whose Deportation or Removal Was Withheld

1. *CIS Form I-688B (Employment Authorization Card) annotated “274a.12(a)(10)”;
2. *CIS Form I-766 (Employment Authorization Document) annotated “A10”; or
3. Order from an immigration judge showing deportation withheld under § 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under § 241(b)(3) of the INA.

ATTACHMENT A

DOCUMENTATION THAT A NON-CITIZEN IS A QUALIFIED ALIEN (CONTD)

Alien Granted Conditional Entry

1. *CBP Form I-94 with stamp showing admission under § 203(a)(7) of the INA;
2. *CIS Form I-688B (Employment Authorization Card) annotated “274a.12(a)(3)” ; or
3. *CIS Form I-766 (Employment Authorization Document) annotated ”A3”.

Cuban/Haitian Entrant

1. *CIS Form I-551 (Permanent Resident Card, commonly known as a “green card”) with the code CU6, CU7, or CH6;
2. Unexpired temporary I-551 stamp in foreign passport or on *CBP Form I-94 with the code CU6 or CU7; or
3. CBP Form I-94 with stamp showing parole as “Cuba/Haitian Entrant” under Section 212(d)(5) of the INA.

Alien Who Has Been Battered or Subjected to Extreme Cruelty

1. Refer to “Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility under Title IV of [PRWORA]”, 62 Federal Register 6344-02 (Nov. 17, 1997), Exhibit B.

ATTACHMENT B

**DOCUMENTATION SUPPORTING QUALIFIED ALIEN STATUS
AS PROVIDED IN ATTACHMENT A**

“PINK” I-551 “RESIDENT ALIEN” CARD

FRONT: Pink background (blue header bar); blue INS seal overlaps photo area. Repeating “I-551” becomes visible when card is tilted under normal light. Expiration date on front of card: Moth, day, and year.

BACK: Color gradually changes from pink to blue, with map of U.S. in white. Three lines of machine readable printing at bottom on white background. Immigrant classification and admission/adjustment date on back of card. First set of code is immigrant classification, beginning with letter(s) followed by numbers(s). Third set of code is admission/adjustment date, beginning with year, month, and day.

“WHITE” I-551 “RESIDENT ALIEN” CARD

FRONT: White background (blue header bar); salmon lines cover the photo in an unbroken pattern. Printing “detail” in eagle is excellent. Immigrant classification is on front of card in lower right corner, beginning with letter(s) followed by number(s).

BACK: Pale greenish background, map of U.S. in white. Three lines of machine readable codes. Admission/adjustment date is at bottom, left corner on back of card, beginning with year, month, and day.

UNEXPIRED FOREIGN PASSPORT WITH I-551 STAMP

An I-551 stamp may be present in a foreign passport, with a handwritten “Valid Until” date. A proof of entry and inspection stamp will also present in the passport, similar to the stamp for an I-94. Date of entry is stamped. Immigrant visa classification (letter and number) is printed or stamped on “Admitted” line. Valid status expires on date enumerated at “Until” section of I-551 stamp. The alien number may be printed beginning with letter A.

I-94 ARRIVAL/DEPARTURE RECORD

Proof of entry is signified by U.S. immigration stamp. Date of entry is stamped.

Non-immigrant visa classification (letter or letter and number) is printed or stamped on “Admitted” line. Valid status expires on date enumerated at “Until” section of stamp.

Refugees and asylees each receive a separate INS stamp. Asylum seekers have “valid to” date, while refugees have a date of admission.

ATTACHMENT B

**DOCUMENTATION SUPPORTING QUALIFIED ALIEN STATUS
AS PROVIDED IN ATTACHMENT A (CONTD)**

“RED” I-688B “EMPLOYMENT AUTHORIZATION”

FRONT: White background, red header bar and yellow interlocking wavy lines, gold INS seal becomes visible when tilted under normal light. Expiration date is on front, month, day, and year.

BACK: Red outline of U.S., Alaska, and Hawaii. The word “Void” is capitalized and underlined.

“RED” I-766 “EMPLOYMENT AUTHORIZATION”

FRONT: White background, red header bar. Statue of Liberty, USA, and Immigration and Naturalization Service symbols become visible when tilted under normal light. Expiration date is at bottom, right corner. Non-immigrant category listed over justice seal by a letter and number abbreviation of the 274A.12 immigration law citation.

BACK: White background, black magnetic strip and bar code.

DECISION GRANTING ASYLUM

Documents issued to aliens, granted asylum vary.

REFUGEE TRAVEL DOCUMENT FORM I-571

Form I-571 is issued by the INS to aliens who have been granted refugee status.

ORDER GRANTING WITHHOLDING OF DEPORTATION

The documents used by immigration judges to grant withholding of deportation vary.