

# ALASKA TEMPORARY ASSISTANCE MANUAL

## CHAPTER CONTENTS

Section		Page
713	CITIZENSHIP AND ELIGIBLE ALIEN STATUS.....	G-1
713-1	CITIZENSHIP STATUS DECLARATION (CSD) .....	G-1
	A. REQUIREMENT TO COMPLETE THE CSD.....	G-1
	B. OBTAINING A CSD FOR A NEW MEMBER.....	G-1
	C. REFUSAL/FAILURE TO COMPLETE CSD .....	G-2
713-2	UNITED STATES CITIZENS AND UNITED STATES NATIONALS .....	G-2
713-3	QUALIFIED ALIENS .....	G-3
713-4	FIVE YEAR BAR.....	G-3
713-5	AMERICAN INDIAN BORN IN CANADA.....	G-4
713-6	NON-QUALIFIED ALIENS .....	G-5
	A. PERMANENTLY RESIDING UNDER COLOR OF LAW (PRUCOL) .....	G-5
	B. NON-IMMIGRANTS.....	G-5
	C. ILLEGAL ALIENS .....	G-5
713-7	TREATMENT OF AN INELIGIBLE ALIEN'S RESOURCES AND INCOME.....	G-5
	A. INELIGIBLE PARENT .....	G-5
	B. INELIGIBLE SIBLING.....	G-6
713-8	PROOF OF QUALIFIED ALIEN STATUS .....	G-6
713-9	AUTOMATED STATUS VERIFICATION SYSTEM (ASVS) .....	G-8
	A. ASVS VERIFICATION REQUIREMENT .....	G-8
	B. ASVS PROCESSING DELAYS .....	G-8
	C. ALIENS WITHOUT DOCUMENTATION.....	G-8

**ALASKA TEMPORARY ASSISTANCE MANUAL**

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## ALASKA TEMPORARY ASSISTANCE MANUAL

### 713 CITIZENSHIP AND ELIGIBLE ALIEN STATUS

To receive Temporary Assistance, a person must be:

- A United States citizen;
- A U.S. national; or
- A qualified alien, as described in section 713-3. Qualified aliens may be subject to limited eligibility as explained in section 713-4.

#### 713-1 CITIZENSHIP STATUS DECLARATION (CSD)

##### A. REQUIREMENT TO COMPLETE THE CSD

Every family must declare that all members of the assistance unit have U.S. citizenship or qualified alien status. The family makes this declaration by:

- Answering the citizenship question for each member of the assistance unit on a form such as the Gen 50B or Gen 72; or
- Answering the citizenship question for each member of the assistance unit on the Citizenship Status Declaration form (Gen 49).

By signing the application or Gen 49 the caretaker relative or authorized representative fulfills this eligibility requirement.

##### B. OBTAINING A CSD FOR A NEW MEMBER

Whenever a new member enters the home, a CSD must be completed for that person before they can be included in the assistance unit. The household must be given a written notice of the requirement and allowed at least 30 days to complete the declaration.

*Exception for adding newborns: Children born in Alaska to Temporary Assistance recipients can be added to the assistance unit without obtaining a CSD. Citizenship information must be provided at the next review.*

## ALASKA TEMPORARY ASSISTANCE MANUAL

### 713-1 Continued

#### C. REFUSAL/FAILURE TO COMPLETE CSD

If any person who is required to do so refuses or fails to complete a CSD, that individual is ineligible for Temporary Assistance, and must be removed from the assistance unit. Other members of the family who comply may continue to receive assistance.

The resources and income of a parent who is not eligible to receive assistance because of refusal or failure to complete a CSD are treated as available to the children who are included in the assistance unit.

### 713-2 UNITED STATES CITIZENS AND UNITED STATES NATIONALS

United States citizens and nationals include:

- Individuals born in one of the 50 states, the District of Columbia, Puerto Rico, Guam, Virgin Islands, and the Northern Mariana Islands;
- Naturalized citizens;
- U.S. Nationals born in American Samoa or Swain's Island. An individual who was not born in American Samoa or Swain's Island, but one of his or her parents were born in American Samoa or Swain's Island, may be a U.S. National.

U.S. citizenship is verified only when questionable. Sources of verification include birth certificates, certificates of citizenship or naturalization provided by the U.S. Citizenship & Immigration Services (USCIS), U.S. passports, and official identification cards showing U.S. citizenship. U.S. National status may be verified with a U.S. passport stamped "U.S. National."

## ALASKA TEMPORARY ASSISTANCE MANUAL

### 713-3 QUALIFIED ALIENS

A qualified alien is:

- An alien who is lawfully admitted for permanent residence;
- An alien who is granted asylum;
- A refugee;
- An alien granted parole for at least one year by the U.S. Citizenship & Immigration Services (USCIS);
- An alien who has had deportation withheld under section 241(b)(3) or 243(h) of the Immigration and Nationality Act (INA);
- An alien granted conditional entry under immigration law in effect before April 1, 1980;
- A Cuban/Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
- A battered spouse or child, or parent or child of a battered person, with a petition pending under INA section 204(a) or 244(a); or
- Victims of trafficking under the Trafficking Victims Protection Act of 2000, including certain family members of victims of a severe form of trafficking.

### 713-4 FIVE YEAR BAR

Qualified aliens who entered the U.S. on or after August 22, 1996 cannot receive Temporary Assistance benefits until they have been in the U.S. for five years or until they become U.S. citizens.

**This five-year bar does not apply to:**

- Refugees admitted under Section 207 of the Immigration and Naturalization Act (INA);
- Asylees admitted under Section 208 of the INA;

## ALASKA TEMPORARY ASSISTANCE MANUAL

### 713-4 Continued

- Aliens whose deportation is being withheld under sections 241 (b)(3) or 243(h) of the INA;
- A Cuban/Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
- An alien admitted as an Amerasian immigrant;
- U.S. military veterans or active-duty military, their spouses, and dependent children; and
- Victims of trafficking under section 107 (b)(1) of the Trafficking Victims Protection Act of 2000, including certain family members of victims of a severe form of trafficking.

Qualified aliens in these categories may immediately receive Temporary Assistance benefits regardless of their date of entry into the U.S.

*Note: In determining when a qualified alien entered the U.S., use the individual's original date of entry, regardless of any subsequent changes in alien status.*

### 713-5 AMERICAN INDIAN BORN IN CANADA

An American Indian born in Canada may freely enter and reside in the U.S. and is considered to be lawfully admitted for permanent residence if he or she is at least one-half American Indian blood. As such, he or she is a qualified alien. This provision does not include the spouse or child of such an Indian, nor a non-citizen whose membership in an Indian tribe or family is created by adoption, unless that person is also at least one-half American Indian blood.

The five-year bar on qualified aliens does not apply to American Indians born in Canada.

## ALASKA TEMPORARY ASSISTANCE MANUAL

### 713-6 NON-QUALIFIED ALIENS

Non-qualified aliens include aliens who are permanently residing in the U.S. under color of law, non-immigrants, and illegal aliens. An alien who is not a "qualified alien" is not eligible for Temporary Assistance.

#### A. PERMANENTLY RESIDING UNDER COLOR OF LAW (PRUCOL)

Aliens in this category are legal permanent residents of the U.S. even though they did not go through the process of applying for and being admitted for permanent residence. This group includes non-qualified aliens residing in the U.S. with the knowledge and permission of the USCIS whose departure the USCIS does not contemplate enforcing.

#### B. NON-IMMIGRANTS

Some aliens may be lawfully admitted but only for a temporary or specified time (visitors, tourists, students, diplomats, crewmen on shore leave, temporary workers, members of the foreign press, etc.) These aliens are not eligible for Temporary Assistance because of the temporary nature of their admission status.

#### C. ILLEGAL ALIENS

An illegal alien is any alien who either was never legally admitted to the U.S., or was admitted for a limited period of time and did not leave the U.S. when that time expired.

### 713-7 TREATMENT OF AN INELIGIBLE ALIEN'S RESOURCES AND INCOME

Non-qualified aliens and qualified aliens who are subject to the five-year bar are ineligible for Temporary Assistance.

#### A. INELIGIBLE PARENT

The resources and income of an ineligible alien parent living with his or her children are considered totally available to the children.

An ineligible alien parent is allowed the work incentive deductions detailed in chapter 760 when calculating the amount of income available to the assistance unit.

## ALASKA TEMPORARY ASSISTANCE MANUAL

713-7      **Continued**

**B.      INELIGIBLE SIBLING**

The resources and income of an ineligible alien sibling are not considered in determining eligibility for other children in the assistance unit.

713-8      **PROOF OF QUALIFIED ALIEN STATUS**

To be eligible for Temporary Assistance, an alien must provide proof of his or her qualified alien status. The following documents are acceptable for determining qualified alien status and whether the qualified alien meets the five-year limitation.

*Note: If an applicant presents a receipt indicating that he or she has applied to USCIS for a replacement document for one of the documents identified below, contact the USCIS to verify status by filing a G-845 with the local USCIS district office and attach a copy of the receipt.*

- **Lawful Permanent Resident:** Form I-551, or for recent arrivals, a temporary I-551 stamp in a foreign passport or on Form I-94.

*Note: USCIS has replaced Forms I-151, AR-3, and AR-3a. If an applicant presents one of these old forms as evidence of status, contact USCIS to verify status by filing a G-845 form and attaching a copy of the old form. Refer the applicant to USCIS to apply for a replacement card.*

- **Refugees:** Form I-94 endorsed to show entry as a refugee under section 207 of the INA and date of entry to the U.S.; or Form I-688B or I-766 annotated "274a.12(a)(3)" or Form I-571.
- **Asylees:** Form I-94 annotated with stamp showing grant of asylum under section 208 of the INA; a grant letter from the Asylum Office of the USCIS; Form I-688B or I-766 annotated "274a.12(a)(5)"; or an order of an Immigration Judge granting asylum. If the applicant presents a court order, contact USCIS to verify that the order was not overturned on appeal by filing a G-845 with the local USCIS district office and attach a copy of the document.



## ALASKA TEMPORARY ASSISTANCE MANUAL

713-8

### Continued

- **Alien whose deportation is being withheld under sections 241 (b)(3) or 243(h) of the INA:** Order of an Immigration Judge showing deportation withheld under Section 241 (b)(3) or 243(h) and date of grant; or Form I-688B or I-766 annotated "274a.12(a)(10)." If an applicant presents a court order, contact USCIS to verify that the order was not overturned on appeal by filing a G-845 with the local USCIS district office and attach a copy of the document.
- **Alien granted conditional entry under the immigration law in effect before April 1, 1980:** Form I-94 with stamp showing admission under Section 203(a)(7), refugee conditional entry; or Form I-688B or I-766 annotated "274a.12(a)(3)."
- **Battered spouse or child of U.S. citizen or permanent legal resident:** (1) an approved or pending petition showing a prima facie case that he or she is protected under the Violence Against Women Act; (2) verification that the individual responsible for the battery or cruelty is no longer living in the household of the victim; and (3) the caseworker determines that the need for assistance is due to domestic violence.
- **Victim of Trafficking:** Letter of certification from the Office of Refugee Resettlement (ORR). The caseworker must verify the validity of this letter and notify ORR of the benefits for which the individual has applied by calling the toll-free trafficking verification line at 1-866-401-5510.

Form I-797a indicating a Class T-1 Visa.

Form I-797a indicating T-2 (spouse), T-3 (child), T-4 (parent), or T-5 (unmarried sibling under 18 years on the date such alien's T visa application was filed) known as a "Derivative Visa."

*Note: T status is valid for three years from the date of approval and is not renewable. However, the individual may adjust to lawful permanent resident status within the 90-day period immediately preceding the expiration of T status.*

## ALASKA TEMPORARY ASSISTANCE MANUAL

### 713-9 AUTOMATED STATUS VERIFICATION SYSTEM (ASVS)

#### A. ASVS VERIFICATION REQUIREMENT

The Automated Status Verification System (ASVS) is a system by which the U.S. Citizenship & Immigration Services provides verification of the immigration status of aliens applying for Temporary Assistance benefits.

The documents offered by each alien as verification of immigration status must be authenticated by using the ASVS. Currently, ASVS will identify whether or not the alien has been lawfully admitted into the U.S. However, it may not provide enough information to determine whether or not the individual is a "qualified alien."

Verification of each alien assistance unit member's status through ASVS is required whenever an application is processed for an assistance unit containing one or more alien members, and whenever an alien is added to an assistance unit. All such contacts must be clearly documented in the case record.

See section 105-14 of the Administrative Procedures Manual for directions on how to use the ASVS.

#### B. ASVS PROCESSING DELAYS

Benefits shall not be delayed or denied solely on the basis of alien status for individuals providing documentation of their alien status and for whom the ASVS inquiry process has been initiated but not yet completed. In such cases, the individual's eligibility on the factor of alien status must be assumed until the ASVS inquiry process determines otherwise; benefits can be issued as long as the documentation of eligible alien status has been provided, the assistance unit is otherwise eligible, and the initial attempts to verify alien status through ASVS are documented in the casefile.

#### C. ALIENS WITHOUT DOCUMENTATION

Aliens who do not have documentation of their alien status must be given written notice of the verification requirement and given 30 days to provide the necessary documents. If the alien's documents are not submitted by the end of the 30-day period, that person cannot be included in the assistance unit, but benefits may be provided to the remaining members of the assistance unit.