

MANUAL TRANSMITTAL

Arkansas Department of Human Services Division of County Operations

Policy Form Policy Directive

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Transitional Employment Assistance Manual

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TEA 2220-2222 (pages 51-54)	8/1/99	TEA 2220-2222 (pages 51-54)	9/08/03

Summary of Changes

TEA 2220-2221 has been revised to incorporate the eligibility requirements for battered aliens and victims of trafficking.

The Office of Refugee Resettlement (ORR) issues a letter of certification to aliens who have been identified as victims of trafficking. The certification letter contains an expiration date, which is eight (8) months from the initial certification date. If the individual continues to meet INS requirements, ORR will issue a follow-up certification letter. Example copies of certification letters for adult and child trafficking victims are attached.

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2220 ***Citizenship or Alienage Requirement***

Each individual for whom application is made must be one of the following:

1. A United States citizen (native born or naturalized); or
2. An alien lawfully admitted for permanent residence prior to August 22, 1996; or
3. A qualified alien for whom federal law requires benefits under Title IV-A of the Social Security Act to be provided.
4. An alien who entered the United States on or after August 22, 1996 and has been in "qualified alien" status for at least five (5) years. (**Note:** For an alien who is granted qualified alien status due to being a battered alien, the five year period begins with the date of the prima facie case determination or the date the I-130 visa petition is approved.)

An alien lawfully admitted for permanent residence prior to August 22, 1996 under item #2 above includes the following:

- ◆ A refugee admitted under Section 207 of the Immigration and Nationality Act (INA);
- ◆ An alien granted asylum under Section 208 of the INA;
- ◆ An alien who was paroled into the United States under Section 212(d)(5) of the INA for a period of at least one (1) year;
- ◆ An alien whose deportation is being withheld under Section 243(h) of the INA;
- ◆ An alien who was granted conditional entry pursuant to Section 203(a)(7) as in effect prior to April 1, 1980.

A qualified alien under Item #3 above is one who meets one of the following criteria:

- a. Was admitted to the United States less than five (5) years ago as a **refugee** under Section 207 of the Immigration and Nationality Act.
- b. Was granted **asylum** under Section 208 of the Immigration and Nationality Act less than five (5) years ago.
- c. Whose **deportation** is being withheld under Section 243(h) of the Immigration and Nationality Act and such withholding decision was made less than five (5) years ago.
- d. Has been admitted for **permanent residence** under the Immigration and Nationality Act **and has worked forty (40) qualifying quarters** of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as follows:

- 1) All of the qualifying quarters of coverage worked by the alien's parent while the alien was under 18 years of age will be credited to the alien;
 - 2) All of the qualifying quarters of coverage worked by the alien's spouse during their marriage provided they are still married or the spouse is deceased.
 - 3) No qualifying quarter of coverage described above, beginning on or after January 1, 1997, worked by the alien, parent, or spouse) will be credited to the alien if the alien, parent, or spouse (as appropriate) received any Federal means-tested public benefit during the period for which the qualifying quarter of coverage is so credited.
- e. Is lawfully residing in the State and is (1) a **veteran** with an honorable discharge from the military; (2) on **active duty** (other than for training) in the Armed Forces of the United States; or (3) the **spouse or unmarried dependent child** of an individual described in (1) or (2).
- f. Has been certified as a **victim** of a severe form of **trafficking** under the Victims of Trafficking and Violence Protection Act of 2000, Section 107 (PL 106-38).

A qualified alien under Item #4 above, including battered aliens, is one who meets one of the following criteria:

- ◆ An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
- ◆ An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year; and
- ◆ An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980.

2221 *Methods of Proving Citizenship or Alienage Status*

A declaration of citizenship will be accepted unless the County Office determines that the declaration is questionable in which case verification such as birth certificates or naturalization papers will be required.

The following documents may be used to verify alien status:

1. Refugee: INS Form I-94 annotated "Admitted as a refugee pursuant to Sec. 207 of the INA"; INS form I-688B or I-766 annotated "274a.12(a)(3)"; or Form I-571. Date of entry must be less than five (5) years from the current date.

2. Asylee: Form I-94 annotated "Asylum status granted pursuant to Sec. 208 of the INA"; a grant letter from the Asylum Office of the INS; Form I-688B or I-766 annotated "274a.12(a)(5)"; or an order of an immigration judge granting asylum. (If a court order is presented, verify that the order was not overturned on appeal by sending a G-845 to INS, attaching a copy of the document.) The date asylum was granted must be less than five (5) years from the current date.
3. Deportation Withheld: An immigration judge's order showing deportation withheld under Sec. 243(h) and date of the grant; or Forms I-688B or I-766 annotated "274a.12(a)(10). (If a court order is presented, verify that the order was not overturned on appeal by sending a G-845 to INS, attaching a copy of the document.) The date deportation was withheld must be less than five (5) years from the current date.
4. Lawfully Admitted for Permanent Residence: I-551 (Green Card); or, for recent arrivals, a temporary I-551 stamp on a foreign passport or on Form I-94.
5. Worked Forty (40) Qualifying Quarters of Coverage - SSA Query screen (WQRY) will be used to determine if an alien has 40 qualifying quarters of coverage, including credited quarters from his or her parent or spouse. Form SSA-3288, SSA Consent for Release of Information, must be signed by the person for whom quarter of coverage information is needed before making the inquiry. (If the person is deceased, no consent is needed.) Refer to the DCO User's Manual for instructions on how to inquire to WQRY for this purpose.
6. Battered aliens: Form I-130 filed by alien's spouse or parent of the battered child, Form I-30 petition as a widow(er) of a U.S. citizen, an approved self-petition under Violence Against Women Act or an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
7. Honorable Discharge: A U.S. military discharge certificate (DD Form 214) that shows character of service as "Honorable" and does not show, in the narrative reason for discharge entry, that the discharge was based on alien status, lack of U.S. citizenship, or other "alienage" reason.
8. Active Duty Member of the Armed Forces: The green service identity card (U.S. Form DD-2) or (rarely) red service identity card and copy of current orders showing active duty (not active duty for training purposes only).
9. Spouse or Dependent Child of Veteran or Active Duty: A marriage license or birth certificate verifying the individual's relationship to the veteran or active duty military person along with the appropriate verification for honorable discharge or active duty.

10. Trafficking Victim: A certification letter issued by the Office of Refugee Resettlement verifying that an individual has been identified as a trafficking victim pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000.

2222 Declaration of Citizenship

As a condition of eligibility, a declaration of citizenship, or lawful alien status, must be made in writing, under penalty of perjury, for each TEA family member.

The Immigration Reform and Control Act (IRCA) of 1986 (P.L. 99-603) requires an applicant for public benefits to declare in writing, under penalty of perjury, whether he is a citizen or national of the United States, or if not, that he is an alien in satisfactory immigration status. An individual must be given certain status options from which to choose to make his citizenship declaration.

Form DCO-9 (Declaration of U.S. Citizenship or Satisfactory Immigration Status) is used to obtain the written declaration for the family. The TEA casehead completes and signs the form on behalf of all adults and children included in the assistance unit.

Aliens included in the unit must be listed on Form DCO-9, along with their INS numbers. It must be verified, as described in TEA 2221, that the INS status meets the TEA eligibility criteria for an alien.

Once a DCO-9 declaring citizenship for the adult(s) and children listed on the DCO-180 is obtained, it is not necessary to obtain another declaration for as long as the case remains open unless a new member is added to the case. If the case is closed and the client reappplies, a new DCO-9 for all members listed on the DCO-180 and included in the unit will be needed.