

111 CITIZENSHIP/IMMIGRANT REQUIREMENT
Change #2-2011
March 1, 2011

I. CITIZENSHIP/IMMIGRANT REQUIREMENT FOR WORK FIRST

Each family member must be: a U.S. citizen or otherwise qualified immigrant. If a family unit member does not meet the requirement, other family members with proof of citizenship and/or qualified immigrant status can still receive Work First Family Assistance, if otherwise eligible.

Applicants can not be required to furnish social security numbers or the citizenship/immigration status of other family or household members who are unwilling to do so, nor can benefits be denied to eligible applicants when other family or household members refuse to or do not provide documentation.

A. A United States citizen includes:

1. Any person born in one of the 50 states, the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, or Swains Islands, or
2. Any person who is a naturalized citizen of the U.S. or
3. A child born outside the U. S. who was under the age of 18 on February 27, 2001, who meets all of the following conditions:
 - a. At least one parent of the child is a U.S. citizen, whether by birth or naturalization.
 - b. The child is under the age of 18.
 - c. The child is residing in the U.S in the legal and physical custody of the U.S. citizen parent pursuant to a lawful admission for permanent residence before age 18. This also applies to an adopted child who meets the requirements applicable to adopted children under immigration law,
4. A Non-Citizen National of the U.S., (This is a person who is a U.S. national but **not** a U.S. citizen) or
5. Any person born outside the U.S. to a U.S. citizen.

B. A Qualified immigrant includes:

- Lawful Permanent Residents
- Asylees
- Refugees
- Cuban entrants
- Haitian entrants
- Persons paroled into the U.S. for at least one year
- Persons granted withholding of removal/deportation
- Persons granted conditional entry (prior to April 1, 1990)
- Certain victims of domestic violence
- Victims of severe human trafficking
- Certain Special Immigrants
- Certain Amerasians

Some qualified immigrants are ineligible for five years from the date of entry into the U.S. This is discussed later in VII.

II. UNITED STATES CITIZENSHIP AND IDENTITY REQUIREMENTS

All applicants and recipients who declare United States citizenship are required to provide proof of U.S. citizenship and identity. Once citizenship and identity are established, do not verify again unless the documents are questionable or there is a change in the individual's immigrant status. Do not accept a family's statement as verification of U.S. citizenship and identity.

The following individuals are not required to provide proof of U.S. citizenship and identity:

- Current or former SSI or Social Security Disability (SSDI) recipients
- Current or former Medicare recipients
- Current or former Title IV-B recipient
- Title IV-E (IAS) and Title IV-B (H-SF) children (Title IV-E and Title IV-B are federally funded programs administered by state and local public child welfare agencies.)
- Children born in the U.S. whose mother was covered by Medicaid for the birth of the child.

III. METHODS OF VERIFICATION FOR U.S. CITIZENSHIP/IDENTITY

A. SSA Citizenship/Identity Data Match

The preferred method of citizenship/identity verification for applicants stating they are U.S. citizens is a Social Security Administration (SSA) Citizenship/Identity data match.

1. A SSA citizenship/identity match is available through EIS when a DSS-8124 is keyed. Complete the SSA data match only for individuals who state they are U.S. citizens and who have a social security number (ssn).

After the submission of the data match request, SSA sends a response that either verifies citizenship and identity or reports an exception. The match for citizenship is incomplete until the exception is resolved.

Refer to Manual Section 130, Application Processing for additional information for verifying U.S. citizenship and identity at application.

2. Exclusions to the SSA Citizenship/Identity Data Match

Do not submit the following individuals to SSA for data match:

- Individuals without a social security number
- Individuals who have previously received the 90 day period to provide proof of citizenship/identity
- Individuals in ongoing cases

B. Other Methods for Verifying Statements of U.S. Citizenship

If the caseworker is unable to submit individuals for match with the Social Security Administration or if there is an unresolved SSA match discrepancy use other methods to verify the individual's statement of U.S. citizenship.

1. Review the case file and all county records for citizenship and/or identity evidence the agency may have on file.

2. If documentation is found, make a copy of the documentation for the Work First case file. Include in the case file the location of the documents, the date initially provided to the agency and the level of reliability of the documents.
3. If evidence is not found on file in the agency, discuss with the applicant/recipient what documents may be available and how they can be obtained. If the individual is unable to obtain the necessary documents or requests assistance in obtaining the documents the agency must assist the individual in acquiring the documents. Include the need for verification of citizenship and/or identity on the DSS-8146A.

C. Acceptable Forms of Citizenship/Identity Documentation for U.S. Citizens

All documents must be either originals or copies certified by the issuing agency. Do not accept notarized copies.

1. To establish U.S. citizenship the document must show a U.S. place of birth or that the person is a U.S. citizen.

Children born in the U.S. to foreign sovereigns or diplomatic officers are not U.S. citizens. However, children born to U.S. citizens in a foreign country have U.S. citizenship as well as citizenship in the foreign country. The parents or child chooses the country of citizenship.

2. To establish identity the document must provide information related to the person named on the document.
3. Information establishing citizenship and identity verifications obtained by electronic data matching or inquiry is acceptable.
 - a. SOLQ social security number inquiry for each applicant or recipient may be used to establish identity. If the inquiry results in a match, print the screen and document the case file.
 - b. Citizenship and identity both may be established through OLV using SDX for current or former SSI recipients. Use OLV to access SOLQ for current and former Medicare and SSDI recipients to establish citizenship and identity.
 - c. Use original documentation from United States Citizenship and Immigration Services (USCIS) for Lawful Permanent Resident (LPR) recipient/applicants and use Systematic Alien Verification for Entitlement Program (SAVE), to verify the authenticity of the document. Place the screen print of the documentation in the case file and use hierarchy code 50.
 - d. Citizenship may be established by electronic data matching with the local register of deeds. The agency may opt to go to the register of deeds and locate the birth record. Screen print the verification or document the viewed birth record as noted above. Written authorization is required from the applicant / recipient for the county agency to request certified copies of North Carolina birth records/certifications.

Instructions on obtaining information from North Carolina Vital Records can be found at [NC Vital Records: Public Health.](#)

D. Birth Records for Puerto Rico Born Citizens

Puerto Rico implemented a law in December 2009 (Law 191) which invalidates all birth certificates issued to citizens born in Puerto Rico before July 1, 2010. On July 1, 2010 the Puerto Rico Vital Statistics Record Office began issuing new birth certificates.

The process of confirming citizenship through the SSA data match is still the preferred method of verification. If the data comes back as valid, there is nothing else that needs to be done. However, if the data comes back as invalid the caseworker must obtain a valid birth certificate with an issue date of July 1, 2010 or after.

If citizenship was previously verified and the verification indicator code and date were keyed into EIS, the caseworker is not required to re-verify citizenship. This new law should not affect individuals who recertify or reapply for benefits, unless citizenship was not established.

1. The process to obtain verification of birth from The Puerto Rico Department of Healthcare Demographic Registry Office of Puerto Rico will provide findings within two (2) business days at no cost to the State or local agency. The findings will either confirm and validate the demographic information submitted to the office or advise that the information submitted is not consistent with the information in the Office of Registry.

All validations of demographic information will contain an official stamp from the Puerto Rico Department of Healthcare Demographic Registry Office. The information received is privileged and confidential. Any unauthorized dissemination, distribution of copies is prohibited.

2. All requests must be made in writing by e-mail, fax, or mail. A request for validation may not be completed over the phone. Follow the instructions below for submitting formal requests:

- a. To Submit by Email: Submit the request from an official government e-mail address to Registrodemografico@salud.gov.pr
- b. To Submit by Facsimile (fax): Make the request on official letterhead and fax to the attention of: Validation Office at 1 (787) 767-8605 or 1 (787) 766-1299.
- c. To Submit by Regular Mail: Make the request on official letterhead and mail to the attention of Validation Office, Demographic Registry Office of Puerto Rico, Department of Health, P.O. Box 11854, San Juan, Puerto Rico 00910.

3. In the formal request, provide the following information for each individual:

- a. Name of the applicant as it appears on the birth certificate including both last names if more than one last name;
- b. Date of birth;
- c. Place of birth; and
- d. Indicate the method for receiving the response from Puerto Rico:
 1. If by e-mail, indicate the official government agency e-mail address where the response should be sent.

2. If by facsimile (fax), indicate the official government agency fax number that should be used.
3. If by regular mail, indicate the agency's full mailing address.

IV. CRITERIA FOR DOCUMENTS PROVIDED TO VERIFY CITIZENSHIP AND IDENTITY

While there are various documents that can be used as proof of citizenship and identity, some have a higher level of reliability. Figure 111-1 is a chart of the acceptable forms of documentation and their order of reliability. Request documents from Level 1. If applicant/recipient does not have documentation from Level 1, request from Level 2 and so on. Always use the highest level of documentation that is available. However, pursue any level document to establish citizenship within the 45 day processing time. If the agency is waiting on documentation from one level but lower level documentation is available, use the lower level documentation so the application does not pend beyond the 45 day processing time or any longer than necessary. If possible, continue to pursue the higher level information and update the case file when it is received.

1. Level 1

Level 1 documents are of the highest reliability and establish both citizenship and identity of the applicant/recipient.

2. Level 2

Accept any of the listed Level 2 documents as secondary evidence of citizenship if there is nothing indicating the person is not a citizen (i.e. lost U.S. citizenship). An additional document from Level 5 must also be provided.

3. Level 3

Accept Level 3 documents when neither primary nor secondary evidence is available, does not exist or cannot be obtained within the processing time period and the applicant/recipient states they were born in the U.S. An additional document from Level 5 must also be provided.

4. Level 4

Level 4 documents should only be used as a last resort. Use fourth level documents when primary, secondary and third level evidence does not exist or cannot be obtained within the 45 day processing time period and the applicant/recipient states they were born in the U.S. The place of birth on the non-government document and the application must agree. An additional document from level 5 must also be provided.

5. Level 5 - Evidence of Identity

When presenting a document from levels 2-4, a document from level 5 is also required.

Document the date documentation was provided and the level of reliability Code in EIS. (See EIS 4000, Codes Appendix).

Applications in which eligibility has been established except for Citizenship, Nationality and/or Identity may be held beyond the 45 day time standard to allow the applicant/recipient reasonable opportunity to present said documents. Refer to manual section 130, Application Processing for additional information.

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V. QUALIFIED IMMIGRANT STATUS

- A.** Use original documentation from United States Citizenship and Immigration Service (USCIS) to determine the immigration status for each family member who is applying for Work First. If a family member presents expired documents or is unable to present any documents evidencing immigration status, refer the individual to the local USCIS office to obtain documentation of status. Consider this member a non-qualified immigrant and ineligible for WFFA due to his/her immigration status until the applicant presents a USCIS document that demonstrates qualified immigrant status. When the family member provides original USCIS documentation that is legible, the caseworker can use the following charts to determine the immigration status of the family member and whether, based on that status, the person qualifies for *Work First Family Assistance*.

Remember, even though the caseworker has original USCIS documentation, ***always* validate that documentation using SAVE procedures.** Refer to SAVE instructions in the Work First User Manual.

B. Chart for Determining Qualified Immigrant Status

The chart is **not** all-inclusive. Immigrants and non-immigrants may be living in the U.S. with the knowledge and permission of USCIS and may have in their possession other USCIS forms or letters which indicate their status. Also, not all coding or wording that may appear on the documents are listed on the chart.

IF A FAMILY MEMBER HAS THIS DOCUMENT:	THE IMMIGRATION STATUS IS:	THE <i>WORK FIRST</i> STATUS IS:
Passport, Visa, or USCIS document bearing the endorsement "Processed for I-551, Temporary Evidence of Lawful Permanent Residence"	Permanent Resident Possibly a Sponsored Immigrant for three years following issuance of card.	If entered August 22, 1996, or after, ineligible for 5 years from the date the person acquired qualified immigrant status. Eligible after 5 year exclusion period. Refer to VI and VII for exceptions. Refer to VIII. for rules regarding Sponsored Immigrants.
Passport stamped "adjustment application" or "employment authorized during status as adjustment applicant"	Permanently Residing in the U.S. Under the Color of Law (PRUCOL)	Not eligible
AR-3A (Alien registration receipt card) stamped "Lawful Permanent Resident"	Permanent Resident	If entered August 22, 1996, or after, ineligible for 5 years from the date the person acquired qualified immigrant status. Eligible after 5 year exclusion period. Refer to VI and VII for exceptions. Refer to VIII. for rules regarding Sponsored Immigrants.
I-94 coded with one of the following: A to M NATO 1 to 7 or TWOV	Non-immigrant	Not eligible

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IF A FAMILY MEMBER HAS THIS DOCUMENT:	THE IMMIGRATION STATUS IS:	THE <i>WORK FIRST</i> STATUS IS:
I-327 (Re-entry Permit)	Possibly a Permanent Resident	Possibly eligible; further documentation is required.
I-181	Permanent Resident	If entered August 22, 1996, or after, ineligible for 5 years from the date the person acquired qualified immigrant status. Eligible after 5 year exclusion period. Refer to VI and VII for exceptions. Refer to VIII. for rules regarding Sponsored Immigrants.
I-220B	PRUCOL	Not eligible
I-94 coded: AM 1, -2, -3 AM 6 AM 7 AM 8 Section 207 Section 208 Section 243(h)	Amerasian Cuban Entrant <u>Haitian Entrant</u> Refugee Granted Asylum Deportation withheld Victims of Human Trafficking	Eligible, <u>exempt from the five year bar.</u>
I-94 coded with a: Section 203(a)(7) Section 212(d)(5)	Conditional Entrant Parolee	If entered August 22, 1996, or after, ineligible for 5 years from the date the person acquired qualified immigrant status. Eligible after 5 year exclusion period. Refer to VI and VII for exceptions. Refer to VIII. for rules regarding Sponsored Immigrants.
I-94 and/or a letter or order showing that deportation or departure has been delayed or will not be enforced	PRUCOL	Not Eligible
I-94 coded with a: Section 207 Section 208 Section 243(h) or Section 241(6)(3) I-551, I-151, or Resident Alien Card (no form number) coded with one of the following: CH 6 AM 1, -2, -3 AS6 - AS8 RE6 - RE8, RE86 Y-1 -Y-16, Y64 Z1, Z11, Z13	Permanent Resident who is a(n): Cuban <u>Entrant</u> <u>Haitian Entrant</u> Vietnamese Amerasian Asylee Refugee Deportation Withheld Victims of Human Trafficking	Eligible, exempt from 5 year bar

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IF A FAMILY MEMBER HAS THIS DOCUMENT:	THE IMMIGRATION STATUS IS:	THE <i>WORK FIRST</i> STATUS IS:
I-551, I-151, or Resident Alien card (no form number) coded with one of the following: W-16, W-26, W-36	Permanent Resident under Amnesty Program	If entered August 22, 1996, or after, ineligible for 5 years from the date the person acquired qualified immigrant status. Eligible after 5 year exclusion period. Refer to VI and VII for exceptions. Refer to VIII. for rules regarding Sponsored Immigrants.
I-210	PRUCOL	Not eligible
I-551 or I-155 coded with any other code	Permanent Resident Possibly a Sponsored Immigrant for three years following issuance of card	If entered August 22, 1996, or after, ineligible for 5 years from the date the person acquired qualified immigrant status. Eligible after 5 year exclusion period. Refer to VI and VII for exceptions. Refer to VIII. for rules regarding Sponsored Immigrants.
I-688 coded with: 210 245A	Permanent Resident under SAW or Amnesty Program	If entered August 22, 1996, or after, ineligible for 5 years from the date the person acquired qualified immigrant status. Eligible after 5 year exclusion period. Refer to VI and VII for exceptions. Refer to VIII. for rules regarding Sponsored Immigrants.
I-688A I-689	Applicant status for Permanent Resident under SAW or Amnesty Program	Possibly eligible; further documentation is required. (If remains in applicant status with no other status indicated, then not eligible. If another status is indicated, evaluate for eligibility based on that status.)
I-688B coded with: 274a.12(a)(3) 274a.12(a)(4) 274a.12(a)(5) 274a.12(a)(10)	Amerasian Cuban <u>Entrant</u> Haitian <u>Entrant</u> Victims of Human Trafficking Refugee Paroled as Refugee Granted Asylum Deportation Withheld	Eligible, exempt from 5 year bar

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IF A FAMILY MEMBER HAS THIS DOCUMENT:	THE IMMIGRATION STATUS IS:	THE <i>WORK FIRST</i> STATUS IS:
I-688B coded with: 274a.12(a)13	Family Unity under Section 245A	Not eligible The caseworker must request verification from the family member (parent or spouse) from whom the immigrant was granted Family Unity. Refer to VI and VII for exceptions.
I-688B coded with: 274a 12©(11)	Parolee	If entered August 22, 1996, or after, ineligible for 5 years from the date the person acquired qualified immigrant status. Eligible after 5 year exclusion period. Refer to VI and VII for exceptions. Refer to VIII. For rules regarding Sponsored Immigrants.
I-688B coded with: 274a.12(c)(8)	Applicant for asylum Note: Cuban/Haitian Entrants eligible if they have an application for asylum pending.	Further documentation is required. After further documentation is obtained, then eligible if granted relief/asylum.
274a. 12(c)(16)	Registry (resided in the U.S. since before 01/01/72)	Not eligible , unless status has changed to LPR. In such situations, see above LPR eligibility requirements
ORR Letter for victims of severe forms of trafficking	Trafficking Victim. Treat as a Refugee admitted under Section 207	Eligible, exempt from 5 year bar
I-485 I-130 I-360 I-797 I-688B I-766 EAD coded 274a.12(a)(10) or A10 or 274a.12(c)(14) or C14	Battered Immigrants	If entered August 22, 1996, or after, ineligible for 5 years from the date the person acquired qualified immigrant status. Eligible after 5 year exclusion period. Refer to VI and VII for exceptions.
<u>Iraqi or Afghan Special Immigrant Visa</u>	<u>Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) category SI1 or SQ1 and DHS stamp or notation on passport or I-94 showing date of entry</u>	<u>Eligible, exempt from the 5 year bar</u>
<u>Spouse of Iraqi or Afghan Special Immigrant</u>	<u>Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) category SI2 or SQ2 and DHS stamp or notation on passport or I-94 showing date of entry</u>	<u>Eligible, exempt from the 5 year bar</u>

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IF A FAMILY MEMBER HAS THIS DOCUMENT:	THE IMMIGRATION STATUS IS:	THE <i>WORK FIRST</i> STATUS IS:
<u>Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant</u>	<u>Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI3 or SQ3 and DHS stamp or notation on passport or I-94 showing date of entry</u>	<u>Eligible, exempt from the 5 year bar</u>
<u>Iraqi or Afghan Special Immigrant Adjusting Status in the U.S.</u>	<u>DHS Form I-551 ("green card") showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (Immigrant Visa) code for this category S16 or SQ6</u>	<u>Eligible, exempt from the 5 year bar</u>

VI. CRITERIA FOR ELIGIBILITY OF BATTERED IMMIGRANTS

Immigrants who would not normally be eligible for Work First benefits may be eligible if they have been battered. The battered immigrant must be the spouse, former spouse, widow, child, or parent of a child of a U.S. citizen or Lawful Permanent Resident (LPR). The 5-year disqualification period applies if the battered immigrant was admitted on or after August 22, 1996. It does not apply to anyone who entered the U.S. before August 22, 1996.

If a parent is a battered immigrant, the child who lives with them also meets the criteria as a battered immigrant. If a child is a battered immigrant, the parent who lives with the child also meets the criteria as a battered immigrant as long as the parent did not actively participate in the battery or extreme cruelty.

To establish, an applicant's status as a battered immigrant, the caseworker must determine that the immigrant meets the following four (A. - D.) requirements:

A. Verify and document the immigrant's adjusted status.

1. Require the applicant to verify and document their adjusted status.
 - a. USCIS documentation consists of a *bona fide* copy of an order or notice by USCIS or the Executive Office of Immigration Review (EOIR).
 - b. These documents confirm that:
 - (1) USCIS or EOIR has granted a petition of the applicant filed under the Violence Against Women Act (VAWA) (Form I-360), or a family-based (Form I-130); or an application for cancellation of removal under VAWA (EOIR Form 42B)
 - (2) There is a pending petition, filed under the VAWA (Form I-360), petition as a widow(er) of a United States citizen a family-based petition (Form I-130) or an application for cancellation of removal under VAWA (EOIR Form 42B) **(and the USCIS or EOIR has found that the applicant has a prima facie case for relief Form I-797).**

2. If the caseworker cannot verify the family member's status because the individual does not have their USCIS documents or the documents are incomplete, expired, or questionable, refer the family member to USCIS for assistance to obtain documentation. Until the family member provides original, current USCIS documentation, treat as an immigrant that is ineligible for Work First and process for the appropriate Medicaid Program.
3. Document the individual's current immigration status in the case file.

B. Verify that the immigrant or immigrant's child was battered or subjected to extreme cruelty in the United States.

Corroborate, if possible the claim of abuse and document the corroboration used:

1. If the immigrant has a pending or approved petition filed under VAWA, the USCIS or EOIR has already made a determination that the immigrant or the immigrants was battered and/or subjected to extreme cruelty and there is no need to request additional proof to corroborate the claim of abuse.
2. If the immigrant has a pending or approved petition as a widow(er) of a United States citizen or petition for immediate relative status, attempt to corroborate the claim of abuse through one of the following documents:
 - Verification by the individual/agency conducting an assessment;
 - Corroboration by Child Support;
 - Any legal documents which document the abuse (protection orders, police reports, Child Protective Services staff, etc.);
 - Statements by other people knowledgeable of the applicant's circumstances;
or
 - Signed statement by the applicant.

C. Determine if there is a substantial connection between the battery/extreme cruelty and the need for public assistance.

For instance, the need for benefits might arise from the applicant's loss of financial support, resulting from the individual's separation from the abuser, or the applicant might have left a job for safety reasons, following acts of abuse.

D. Establish that the battered immigrant or child no longer resides in the same household as the abuser.

Applicants who still reside with their abuser may need assurance of the availability of benefits in order to leave their abuser and survive independently.

If the applicant still resides with the abuser, but expresses interest in establishing a residence separate from the abuser, the caseworker may evaluate the family's eligibility for Work First. Inform the applicant of whether or not they would be eligible for Work First Family Assistance once the applicant established a separate residence from the abuser. Offer to accept a Work First application when the applicant establishes a separate residence from the abuser.

Verify residence according to procedures in [Section 108](#).

If the applicant continues to reside with the abuser the applicant is not eligible for the battered immigrant exemption from the citizenship/immigrant rule. Evaluate the family members for Medicaid eligibility.

VII. THE FIVE-YEAR EXCLUSION FOR RECEIPT OF WORK FIRST FAMILY ASSISTANCE

Immigrants who entered the US on or after August 22, 1996 are subject to a 5 year exclusion (or "bar") on Work First Family Assistance (WFFA) benefits, even if otherwise eligible. As a general matter, the 5-year bar does not affect an individual who has entered the U.S. before August 22, 1996. The 5 years begins on the date the person acquired qualified immigrant status.

A. THIS EXCLUSION DOES NOT APPLY TO AN IMMIGRANT WHO:

1. Is lawfully residing in the United States **and is a veteran or spouse or unmarried child of a veteran who has been honorably discharged (not due to immigration status) or active duty (other than active duty for training) in the Armed Forces of the United States**
2. Was originally admitted as a refugee under Section 207 of the Immigration and Nationality Act.
3. Was granted asylum under Section 208 of the Immigration and Nationality Act.
4. Whose deportation is being withheld under Section 243(h) of the Immigration and Nationality Act.
5. Was granted status as a Cuban entrant.
6. Was granted status as a Haitian entrant.
7. Was admitted as an Amerasian immigrant.
8. Was admitted as a trafficking victim.
9. Entered the United States prior to August 22, 1996 in non-qualified status and can verify continuous presence in this country from date of entry until the date of obtaining qualified immigrant status.
10. Is an American Indian born in Canada.
11. Is an Iraqi or Afghan Special Immigrant.
12. Is a qualified immigrant pregnant women and children under age 19 lawfully residing in the U.S.

B. CONTINUOUS PRESENCE

Continuous presence is measured between the immigrant's last date of entry into the U.S. prior to 8/22/96 and the date qualified status is obtained. Any single absence of more than 30 days or a total of aggregated absences of more than 90 days should be considered as an interruption in continuous presence.

Potential sources of verification of "continuous presence" are tax returns, bills, rent receipts, or a letter from an employer. If the individual is unable to provide a document, accept a written statement from the sponsor, family member, or as a last resort, the immigrant. The statement should include when the immigrant entered the U.S., prior immigrant status, and the date the status was granted.

EXAMPLE: If an immigrant entered the country on June 1, 1995 and left on November 1, 1995; and returned on August 1, 1996, continuous presence is measured from August 1, 1996, the last date of entry.

C. CHANGES IN IMMIGRATION STATUS

An individual's immigration status may have changed since being admitted. Ask the individual if there was a change in their immigration status. If so, verify the previous status through original documentation the individual might possess (See chart in V. Above.) or complete a G-845 (<http://www.uscis.gov/files/form/g-845.pdf>). If the individual's previous immigration status was refugee, asylee, or deportation withheld, the individual is eligible.

VIII. RESTRICTIONS FOR SPONSORED IMMIGRANT

- A.** **Immigrants are sponsored by an individual** who executed an I-864 Affidavit; the sponsor is expected to provide financial support to meet the immigrant's basic needs. Count financial support actually received from the sponsor as a contribution. If the immigrant is eligible, the immigrant must provide the name of the sponsor.
- B.** Local Department of Social Services (DSS) offices must report the names of sponsored immigrants and the sponsors to the Division of Social Services (Economic and Family Services Section). The Economic and Family Services Section then forwards the report to the U.S. Citizenship and Immigration Services (USCIS) Statistics Branch.
- C.** Immigrants who are refugees, parolees, political Asylees, battered spouses or children, certain Amerasian, trafficking victims, certain special immigrants Cuban entrants, or Haitian entrants are **exempt** from this provision.
- D.** This provision does not apply to persons who have credit for 40 quarters of work, including quarters worked by the person's spouse during marriage and parents (prior to the person attaining age 18).

IX. INSUFFICIENT USCIS DOCUMENTATION OF IMMIGRANT STATUS

- A.** When a family member provides insufficient documentation to verify their immigration status, further verification is required.
1. The caseworker **must** offer to contact USCIS when presented with a USCIS document which:
 - Is not listed in the chart in section V.; **or**
 - Is not considered sufficient proof of immigration status; or
 - Is illegible or incomplete.
 2. If the family consents, contact the Charlotte USCIS Office at (800)_357-2099 to verify immigration status. **(This number is not to be given to the applicant.)** USCIS will need:
 - The family member's full name and date of birth,
 - Registration number if available, and
 - A description of the USCIS document.
 3. Using the immigration status received from USCIS, use the chart in V. to determine whether the family member qualifies for Work First Family Assistance.
 4. Proceed with verification through the Systematic Alien Verification for Entitlements (SAVE) Program. It may also be necessary to institute Secondary Verification.

- B.** If the family member provides documentation, verify the immigration status by using SAVE.

SAVE instructions are found in the Work First User Manual.

- C.** If a family member refuses or does not provide documentation, consider the family member an ineligible non-qualified immigrant.

1. Count the individual's income and resources when determining whether the family qualifies for Work First Family Assistance.
2. Exclude the individual from the Work First Family Assistance payment.

- D.** If the family refuses to or does not provide proof of income or statement of reserve, deny or terminate Work First Family Assistance for the family. Evaluate family members for Medicaid, if appropriate.

- E.** Refer immigrants without proof of their declared immigrant status to the USCIS for assistance in obtaining documentation of their status.

U.S.Citizenship and Immigration Services
Charlotte Sub Offices
6130 Tyvola Centre Drive
Charlotte, NC 28217
Customer Service Number
Telephone: (800) 375-5283

- F.** Some time may elapse between the date an immigrant files an application with USCIS and the date USCIS approves the application. Consider an immigrant who has applied for lawful temporary resident status but has not received a decision ineligible for Work First Family Assistance.

The immigrant will have Form I-689 showing they have applied. However, if a battered immigrant has a prima facie approval letter from USCIS then consider the immigrant as eligible for WFFA.

Even if a family member is determined to be ineligible, other family members with proof of citizenship and/or qualified immigrant status can still receive WFFA if otherwise eligible.

It can not be required of applicants to furnish social security numbers or citizenship/immigration status of other family or household members who are unwilling to do so, nor can benefits be denied to eligible applicants when other family or household members refuse or do not provide documentation.

X. SPECIAL PROVISIONS FOR SOVIET JEWISH REFUGEES

If the local Jewish organization contacts the caseworker regarding repayment of Work First Family Assistance received by a Soviet Jewish Refugee, take the following actions.

- A.** Inform the organization that the caseworker must get the family's written consent before any information can be released.
- B.** Contact the family to explain the request, and ask for their written consent.
- C.** If the family gives written consent, provide the organization with the total amount of Work First Family Assistance benefits received by the family.

- D. When the caseworker receives the reimbursement:
1. Complete the Refund Receipt (DSS-1656). Refer to instructions in the Work First User Manual.
 2. Forward the Refund Receipt and payment to:

Programs Benefit Payment Section
616 Oberlin Road
2019 Mail Service Center
Raleigh, NC 27699-2019
- E. See the chart in V. regarding whether Jewish Refugees can qualify for Work First Family Assistance.0

XI. SPECIAL PROVISIONS FOR VICTIMS OF SEVERE TRAFFICKING

Victims of severe forms of trafficking are eligible for benefits to the same extent as refugees. At this time, the USCIS SAVE system does not contain information about victims of severe trafficking.

- A. Trafficking is defined as:
1. Involvement in activity in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act is under 18 years or age: **or**
 2. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage (bound in servitude to a creditor until his or her debt is paid), debt, bondage, or slavery.
- B. The Office of Refugee Resettlement (ORR) makes the determination and certifies whether an individual has been subjected to a severe form of trafficking.
- C. Verify the status of trafficking victims by:
1. View the certification letter from ORR for adults
 2. View the letter (not certified) from ORR for children);

Other agencies, such as the USCIS, may issue letters or other documents to victims of severe forms of trafficking. However, only the ORR letter may be accepted as proof of certification.
 3. Contacting the Trafficking Victims Verification Line at (866) 401-5510. Also use this number to verify the validity of the certification letter. The caseworker must call this number prior to providing benefits.

Inform ORR of the type of benefits for which the victim has applied for. Place a copy of the letter in the case file.

- D. Contact the North Carolina State Refugee office at (919) 733-4650 if an adult or a child has been subjected to a severe form of trafficking and they have not applied for certification under the Trafficking Victims Protection Act.

XII. REQUIREMENTS FOR REPORTING ILLEGAL PRESENCE IN THE UNITED STATES

A. What Evidence Warrants Reporting

Certain specific evidence of illegal presence in the United States must exist before an applicant/recipient can be reported to the U.S. Citizenship and Immigration Services (USCIS).

The only specific evidence that can be considered is evidence provided by the USCIS or the Executive Office of Immigration Review (EOIR), such as a Final Order of Deportation. No other criteria or evidence can or will warrant a referral being made to the USCIS.

Declining to provide documentation of immigration status is not a valid reason for referral. The applicant/recipient who declines to present documentation of immigration status will not receive benefits and therefore there is no reason to seek further verification of their immigration status.

B. Reporting Procedures

Local Department of Social Services (DSS) offices must make a referral to the Division of Social Services, Economic and Family Services Section, if it determines that there are non-citizens who are illegally present in the United States, as described above. It is only necessary to send a report to the office when non-citizens who are not legally present in the United States are identified.

Such reports can only be made by the director or designee of the county DSS. Economic and Family Services staff will forward the relevant reports to the USCIS. If a report is necessary, it must include the person's name, address the reason for the referral and any other identifying information and be sent to:

NC Dept. of Health and Human Services
Division of Social Services
Economic and Family Services Section
2420 Mail Service Center
325 North Salisbury Street
Raleigh, NC 27699-2420

C. Confidentiality of Citizenship/ Immigrant Status

All rules of confidentiality must be applied in regard to citizenship and immigrant status. It is a breach of confidentiality to discuss an individual's citizenship and/or immigrant status with employers, landlords, etc.