
UNITED STATES CITIZENSHIP

EP – 320 United States Citizenship
Change #2-2009
October 1, 2009

320.01 WHAT IS THE CITIZENSHIP REQUIREMENT?

- A. A household must include at least one:
 - 1. U. S. citizen, **or**
 - 2. Eligible alien.
- B. At application the applicant must state the names of all aliens in the household.
- C. The applicant must also provide original documentation from the Bureau of Citizenship and Immigration Services (BCIS) for each alien.
- D. Illegal aliens are not eligible.

320.02 WHO IS A UNITED STATES CITIZEN?

- A. Any person born in the continental U. S., Alaska, Hawaii, Puerto Rico, Guam, U. S. Virgin Islands, Northern Mariana Islands, American Samoa, Swains Islands, **or**
- B. Any person who is a naturalized citizen of the U. S.

320.03 HOW DO YOU VERIFY AND DOCUMENT UNITED STATES CITIZENSHIP?

- A. Applicant's statement - Unless the applicant's statement is questionable, accept his statement as verification.

The applicant's statement is questionable when:

- 1. The claim of citizenship is inconsistent with statements made by the applicant or with other information on the application.
 - 2. The claim of citizenship is inconsistent with information received from another source.
 - 3. Any household member was born outside the U. S. to a parent or parents who are U. S. citizens. In this situation, the applicant must provide verification of citizenship for the person born outside the U. S. (See 320.03B)
- B. If the applicant's statement is questionable, verify citizenship using:
 - 1. Birth certificates, **or**
 - 2. Hospital/doctors' records established at time of birth. This includes a hospital-issued birth certificate; **or**
 - 3. Birth certificates or documents verifying the U.S. citizenship of at least one parent, and that the child is the biological child of that parent.

UNITED STATES CITIZENSHIP

Example: A mother applying for benefits for herself and two children was born in Texas but the children were born in Mexico, as the mother spent time in both countries. If the mother can prove that she is a U.S. citizen and that the children are her biological children, the children are U.S. citizens.

4. Certificates of Citizenship or Naturalization issued by the Bureau of Citizenship and Immigration Services (BCIS); **or**
5. U. S. Passport (except limited passports issued for periods of less than five years); **or**
6. Report of birth abroad of a U.S. citizen (FS-240) issued by the Department of State to a U.S. citizen; **or**
7. Verification of receipt of Work First (if Work First verified citizenship); **or**
8. Social Security Administration Records; **or**
9. Certificate of Naturalization (N-550 or N-570). The N-570 is a replacement certificate issued when the N-550 has been lost or the individual's name has been changed; **or**
10. Certificate of birth (FS-545) issued by a foreign service post or Certification of Report of Birth (DS-1350) issued by the Department of State; **or**
11. Certificate of Citizenship (N-560 or N-561) issued by the BCIS to individuals who derive citizenship through a parent. The N-561 is a replacement certificate issued when the N-560 has been lost or the individual's name changed; **or**
12. United States Citizen Identification Card (I-197) issued by the BCIS until April 7, 1983, to U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings. The I-179 was issued prior to the I-197 until February 1974; **or**
13. Northern Mariana Identification Card issued by the BCIS to a naturalized citizen of the U.S. born in the Northern Mariana Islands before November 3, 1986; **or**
14. Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen who does not have a FS-240, FS-545, or DS-1350; **or**
15. American Indian Card with a classification code of "KIC" and a statement on the back identifying U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border; **or**
16. **Two** of the following:
 - a. School records,
 - b. Bible records,
 - c. Hospital, physician, or health department records,
 - d. Court records,
 - e. United States census,

UNITED STATES CITIZENSHIP

- f. Witnessed statement from an individual who has specific knowledge about the birth of the person whose citizenship is in question. The statement must include:
 - (1) Name of the persons whose citizenship is in question,
 - (2) Date of birth,
 - (3) Place of birth,
 - (4) Relationship, if any, to the person whose citizenship is in question,
 - (5) Basis of the individual's knowledge.

- C. If the applicant cannot provide verification of citizenship, request documentation to verify his alien status. If no documentation is available, refer the applicant to the Bureau of Citizenship and Immigration Services (BCIS) at:

Bureau of Citizenship and Immigration Services
6130 Tyvola Centre Drive
Charlotte, North Carolina 28217
Telephone: 800-375-5283

- D. If you use the applicant's statement as verification that a household member is an U. S. citizen, no further documentation is needed. Document on the DSS-8114 that all household members are U. S. citizens. If other verification is used, document the verification on the DSS-8116-1. Indicate the source and method of verification.

- E. If a household contains U. S. citizens and aliens, document on the DSS-8116-1 alien verification. Indicate the source and method of verification.

320.04 HOW DO YOU VERIFY AND DOCUMENT ELIGIBILITY UNDER THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000?

A. Background

- 1. The Trafficking Victims Act makes adults and children who have been victims of severe forms of trafficking eligible for benefits and services to the same extent as refugees.

- 2. In the act, the term "Severe forms of trafficking in persons" means:
 - a. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; **or**

 - b. 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, debt bondage, or slavery.

B. What is the Requirement for Eligibility?

- 1. The Office of Refugee Resettlement (ORR) makes certification determinations and issue letters of certification to eligible individuals. See Figure 320-9 and Figure 320-10, Certification Letters.

UNITED STATES CITIZENSHIP

2. An adult individual must have an "original" certification letter. Children under 18 of age do not need to be certified.
3. Bureau of Citizenship and Immigration Services (BCIS) documentation is not needed. Accept the original certifications letter from ORR as proof of status.
4. Encourage the applicant to apply for a social security card if he does not have one. However, do not delay, deny, or discontinue assistance pending issuance of card.

C. How do you verify and document status?

1. Each household member must provide an original certification letter. Children under 18 years of age do not need to be certified. BCIS documentation is not needed.
2. Contact the trafficking verification (TV) line at (202) 401-5510 to confirm the validity of the certification letter. Inform TV of the benefits that the applicant has applied for. At this time, SAVE does not contain information about victims of severe forms of trafficking. Therefore, **do not** contact the SAVE System.
3. Document the "entry date" and "expiration date" of the certification letter in the record. Be prepared to conduct redetermination of eligibility at that time. (Certifications are usually 8 months from the initial certification date).
4. A copy of the certification letters should be kept in the record and the original certification letter returned to the applicant.
5. Issue benefits to eligible individuals provided they meet all other eligibility criteria.

D. Individuals without Original Certification Letters

1. If individuals who meet the definition of the act do not have an original certification letter, the county should call the Family Support Help Desk at (919) 334-1100 for more information.
2. If staff encounters a child(ren) whom they believe has been subjected to a severe form of trafficking, he should call the Family Support Help Desk at (919) 334-1100 for more information.
3. Individuals without an original certification letter are not eligible for benefits and services.

320.05 HOW DO YOU DETERMINE THE CORRECT ALIEN ELIGIBILITY STATUS?

Use original documentation from BCIS to determine alien status.

The following chart lists BCIS documents, the alien status, and the household members' eligibility or ineligibility for LIEAP. (See Figures 320-5 through 320-8B for samples of some of the documents listed.)

UNITED STATES CITIZENSHIP

| If household member has a document which is a(n): | Then the Alien Status is: | And the household member is: |
|---|--|--|
| Passport, Visa, or BCIS document bearing the endorsement "Processed for I-551, Temporary Evidence of Lawful Permanent Residence" | Permanent Resident | Eligible for LIEAP |
| Passport stamped "adjustment application" or "employment authorized during status as adjustment applicant" | Permanently Residing in the U. S. Under the Color of Law (PRUCOL) | Eligible for LIEAP |
| AR-3A (Alien registration receipt card) | Permanent Resident | Eligible for LIEAP if stamped "Lawful Permanent Resident;" otherwise , further documentation is required. See 320.05B. |
| I-94 coded with one of the following: A to M NATO 1 to 7 or TWOV | Non-profit-immigrant | Eligible for LIEAP |
| I-94 coded with a reference to one of the following sections: Section 203(a)(7) Section 207 Section 208 Section 212(d)(5) Section 243(h) | Cond. Entrant Refugee Granted Asylum Parolee Deportation withheld (PRUCOL) | Eligible for LIEAP |
| I-94 and/or a letter or order showing that deportation or departure has been delayed or will not be enforced | PRUCOL | Eligible for LIEAP |
| I-181 | Permanent Resident | Eligible for LIEAP |
| I-210 | PRUCOL | Possibly eligible for LIEAP; further documentation is required. See 320.06B. |
| I-220B | PRUCOL | Eligible for LIEAP |
| I-327 (Reentry permit) | Possibly a Permanent Resident | Possibly eligible for LIEAP; further documentation is required. See 320.06B. |
| I-551, I-151, or Resident Alien Card (no form number): coded with one of the following: CR1-CR9 F42-F43 IR1-IR9 P1-P6 | Permanent Resident | Eligible for LIEAP |
| I-551, I-151, or Resident Alien card (no form number): code with one of the following: S-16, S-26 | Permanent resident—Special Agricultural Worker (SAW) | Eligible for LIEAP |

UNITED STATES CITIZENSHIP

| If household member has a document which is a(n): | Then the Alien Status is: | And the household member 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 --Amnesty Alien | Eligible for LIEAP |
| I-551, or I-151 annotated with any other code | Permanent Resident | Eligible for LIEAP |
| I-688A I-689 | Applicant status for SAW or Amnesty Alien | Eligible for LIEAP |
| I-688B - Coded with: 274a.12(a)(3) 274a.12(a)(4) 274a.12(a)(5) 274.12(a)(10) 274a.12(c)(11) 274a.12(c)(16) | Refugee Refugee Granted Asylum Withholding of Deportation (PRUCOL) Parolee Applicant for registry (resided in U.S. since before 01/01/72.) | Eligible for LIEAP |
| I-688B Coded with 274a.12(a)13 | Family Unity under Section 245A | Eligible for LIEAP |
| I-688B - Coded with: 274a.12(c)(8) 274a.12(c)(9) | Applicant for asylum or permanent resident status | Eligible for LIEAP |
| I-688 coded with 210 | Permanent Resident --SAW | Eligible for LIEAP |
| I-688 coded with 245A | Permanent Resident --Amnesty Aliens | Eligible for LIEAP |

NOTE: This list is **not** all-inclusive. Aliens may be living in the U. S. with the knowledge and permission of BCIS and may have in their possession other BCIS forms or letters that indicate status. Also, not all coding or wording that may appear on a form is included. See 320.06B below.

320.06 HOW DO YOU VERIFY ALIEN STATUS?

- A. Each household member must provide original documentation of his alien status.
- B. When the household member provides insufficient documentation to verify his alien status, further verification is required.
 1. You **must** offer to contact **BCIS** when you are presented with a **BCIS** document which:
 - Is not listed in policy, **or**
 - Is not considered sufficient proof of alien status; **or**
 - Is illegible or incomplete.

UNITED STATES CITIZENSHIP

2. If the client consents, contact www.uscis.gov, go to the “Services and Benefits” section to find the appropriate field office; or by calling USCIS customer service at 1-800-375-5283 to verify his alien status. BCIS will need:
 - a. The applicant's full name and date of birth;
 - b. Alien registration number if you have it; **and**
 - c. A description of the BCIS document.
 3. Using the alien status received from, BCIS check column 2 of the table in 320.05 for the alien status. Then use the corresponding block in column 3 of the table in 320.05 to determine eligibility for LIEAP.
 4. Proceed with SAVE verification. (See 320.07) It may also be necessary to institute Additional Verification. (See 320.07)
- C. If the applicant provides documentation, use the chart in 320.05 to verify his status. Validate his documents by using the Systematic Alien Verification for Entitlements (SAVE) Program. (See 320.07 below.)
- D. If he refuses or does not provide documentation, consider him an ineligible alien.
1. Count his prorated income when determining eligibility.
 2. Count his total countable reserve in the household's reserve.
 3. Exclude him from the eligible number in the household.
 4. If he refuses or does not provide proof of income or statement of reserve, deny the household's application.
- E. Refer aliens without documentation to BCIS at:
www.uscis.gov, go to the “Services and Benefits” section to find the appropriate field office; or by calling USCIS customer service at 1-800-375-5283.

320.07 HOW DO YOU VALIDATE ALIEN DOCUMENTS OF ELIGIBLE ALIENS?

Most aliens present documents which contain an Alien Registration Number or A-Number. This number references the individual's alien file at the Bureau of Citizenship and Immigration Services. You must verify an alien's status using the Systematic Alien Verification for Entitlements (SAVE) Program.

There are two methods of verifying alien status through SAVE.

A. Primary Verification

1. Use the Alien Status Verification System (ASVS) for verification when an immigration document contains an A-Number. Refer to EIS Manual, Volume I (<http://info.dhhs.state.nc.us/olm/manuals/dma/eis/man/EIS1108.htm>) for instructions on how to access the SAVE system. In some instances, however, immediate additional verification is required.

UNITED STATES CITIZENSHIP

2. Initiate immediate additional verification when any of the following documents are presented:
 - a. Any unfamiliar BCIS document or item that indicates immigration status but does not contain an A-Number.
 - b. Any I-181 or I-94 in a foreign passport that bears the endorsement "Process for I-551, Temporary Evidence of Lawful Permanent Resident," and is over one year old.
 - c. Any document that contains an A-Number in the A80 000 000 series. This range is used for illegal border crossings.
 - d. Any document which appears to be counterfeit or altered. Characteristics of suspect documentation include photo substitution and ink discoloration.
 - e. Any document that contains an A-Number in the A60 000 000 series. This range has not yet been issued.
 - f. Any other BCIS receipt submitted as an immigration document.

B. Additional Verification

1. Initiate additional verification when:
 - a. ASVS returns the response "Institute Additional Verification," **or**
 - b. Discrepancies are found between an alien's documents and information received from ASVS, **or**
 - c. Immediate additional verification is required.
2. To initiate additional verification, Refer to EIS Manual, Volume I for instructions (<http://info.dhhs.state.nc.us/olm/manuals/dma/eis/man/EIS1108.htm>).

320.08 DOCUMENTATION

Document on the DSS-8116-I alien verification for each alien household member. Indicate the source and method of verification. Make a copy (if possible) of the document presented as verification of alien status.

320.09 REQUIREMENT TO REPORT ILLEGAL ALIENS IN THE UNITED STATES

A. What Evidence Warrants Reporting

Certain specific evidence of illegal presence in the United States must exist before an alien can be reported to the Bureau of Citizenship and Immigration Services (BCIS). The only specific evidence that can be considered is evidence provided by the BCIS 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 BCIS.

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

UNITED STATES CITIZENSHIP

B. Reporting Procedures

Local department of social services (DSS) offices must make a report to the Economic 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 Services staff will forward the relevant reports to the BCIS. 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 Department of Health and Human Services
Division of Social Services
Economic Services Section
MSC 2420
Raleigh, NC 27699-2420

C. Confidentiality of Citizenship/Alien Status

All rules of confidentiality must be applied in regard to citizenship/alien status. It is a breach of confidentiality to discuss the citizenship/alien status of an individual with employers, landlords, etc.