

+-----+
 | INFORMATIONAL LETTER |
 +-----+

TRANSMITTAL: 92 INF-32

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: June 12, 1992

SUBJECT: Emergency Assistance to Families With Children (EAF)
 for Undocumented Aliens

SUGGESTED

DISTRIBUTION: Income Maintenance Supervisors
 Directors of Services
 Medical Assistance Directors
 Staff Development Coordinators

CONTACT PERSON: Maureen Standish, 1-800-342-3715, extension 3-6555

ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		349.3 372	131-k	PASB Section X-all XXIII-C- all	

The purpose of this letter is to clarify EAF eligibility for undocumented aliens. Undocumented aliens are aliens unlawfully residing in the United States (U.S.) or aliens who are unable to furnish evidence that they are lawfully residing in the U.S.

There is no basis in current State Social Services Law, Department Regulations or in our title IV-A State Plan for excluding undocumented aliens from EAF. We have received further clarification from the U.S. Department of Health and Human Services (HHS) that they do not regard the ADC citizenship and alienage requirements as applying to EAF.

Therefore, if they meet all other eligibility criteria for EAF, undocumented aliens are eligible to receive EAF. Such undocumented aliens must still complete the application form (DSS-2921 or DSS-2921(NYC) in New York City). However, undocumented aliens do not need to complete the alien/citizenship declaration section of the application or provide a social security number in order to receive EAF. Local districts should explain to undocumented aliens that EAF assistance is limited and should detail what this will mean for each specific undocumented alien.

Undocumented aliens eligible for EAF are not automatically entitled to Medical Assistance (MA) and should be advised to apply separately for MA in the event of emergency medical need.

Local districts should also explain to undocumented aliens who apply for EAF that one criterion for INS accepting any application for legal status is whether or not an individual is likely to become a public charge. Should an undocumented individual at some point apply for legal status, the prior use of EAF could be a determining factor in the likelihood of future public charge status.

This information will be included in a PASB update.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance