

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

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

TRANSMITTAL: 01 INF-9

DIVISION: Temporary Assistance

TO: Commissioners of
Social Services

DATE: March 26, 2001

SUBJECT: Application Access for Non-Citizens: Temporary
Assistance and Food Stamps

SUGGESTED

DISTRIBUTION: Temporary Assistance Directors
Food Stamp Directors
CAP Coordinators
Staff Development Coordinators

CONTACT PERSON: TA: Central Team at (518) 474-9344
FS: Eastern Team at (518) 473-1469

ATTACHMENTS: None

FILING REFERENCES

| Previous ADMs/INFs | Releases Cancelled | Dept. Regs. | Soc. Serv. Law & Other Legal Ref. | Manual Ref. | Misc. Ref. |
|-----------------------|-----------------------|-------------|---|-------------|------------|
| | | | | | |

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) signed into law on August 22, 1996 made many non-citizens who legally reside in this country ineligible for Temporary Assistance and Food Stamps. Subsequent legislation such as the Agriculture Research Education Extension Reform Act (AREERA) of 1998 and state legislation authorizing the State Food Assistance Program (FAP) extended benefit eligibility to additional non-citizens. The current requirements for determining which non-citizens are eligible for assistance are complex and difficult to administer.

This Informational Letter reminds local districts that a household's right to apply and be interviewed for Temporary Assistance and/or Food Stamps must not be denied, limited or discouraged because of the national origin or citizenship status of a person or persons who reside in that household. Title VI of the Civil Rights Act of 1964, and its implementing regulation, prohibit entities receiving federal funds, such as states or counties, from discriminating against any person on the basis of that person's race, color or national origin. Title VI covers both intentional acts and facially neutral policies and actions that have an adverse impact based on race, color or national origin.

Households with members born in another country who may not be citizens must be permitted to file an application, be interviewed and given the opportunity to provide documentation of citizenship or alien status. Receptionists and screeners must be directed not to prevent or discourage such households from filing applications. Eligibility workers must be sufficiently trained regarding what documentation must be provided by non-citizens, how to advise the non-citizen about obtaining such documentation, and how to make a correct assessment of alien documentation.

In addition to following procedures that ensure foreign-born applicants the right to prove citizenship or eligible alien status, workers must ensure that the eligibility of household members who are citizens is determined even if there are ineligible aliens in the household. This situation occurs frequently when an ineligible alien parent has a child who is a citizen.

Questions concerning non-citizens' eligibility should be directed to your TA or FS program policy representative.

Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance