

Department of Social and Health Services

Olympia, Washington

EAZ Manual

Revision # 1021

Category Citizenship and Alien Status - For Temporary Assistance for Needy Families (TANF) and Medicaid
~~Citizenship and alien status - Date of Entry~~

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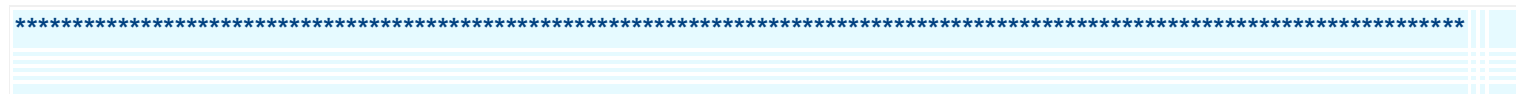
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Summary

Updated Citizenship Information

See below for edited text:



Citizenship and Alien Status - For Temporary Assistance for Needy Families (TANF) ~~and Medicaid~~

Revised April 16, 2019

Purpose:

This section provides information on how ~~an alien's~~ a person's immigration status affects their eligibility for Temporary Assistance for Needy Families (TANF) ~~and medical benefits, including non-emergency Medicaid and the state children's health insurance program (CHIP).~~

WAC 388-424-0010 Citizenship and alien status - Eligibility for TANF, Medicaid, and CHIP

Clarifying Information - WAC 388-424-0010

1. Provide clients who are Lawful Permanent Residents (LPR) with information about naturalization assistance services offered by local community agencies through the DSHS Office of Refugee and Immigrant Assistance. See the Social Services Manual, SSI Facilitation – Facilitation Process – SSI Facilitation Process for more information on the Department’s naturalization assistance program.
~~Special Immigrant Status under section 101(a)(27) of the INA are qualified aliens and are eligible for federally funded benefits, such as TANF, Basic Food and Medicaid, to the same extent and for the same time period as refugees. Their eligibility period starts from their date of entry into the United States or, if occurred after the U.S. entry, the date Special Immigrant Status was granted. For more information on documentation, immigration status codes, benefit eligibility and a step-by-step process for these immigrants, please see desk aid Iraqi and Afghan Special Immigrants Benefits.~~
1. ~~For Title XIX Medicaid programs, all U.S. citizens as defined in WAC 388-424-0001, must verify citizenship and identity to receive or continue benefits. If a U.S. citizen does not have verification of citizenship but has a valid SSN see worker responsibilities #2 below.~~
2. ~~For other programs, when a client states he or she is a U.S. citizen, take a client’s this declaration of U.S. citizenship at face value. Don’t not routinely request proof of citizenship unless there is a specific and substantive reason to do so, such as an inconsistency in a client’s statements or in the information presented on their application for benefits.~~
3. Consider immigrants, who are not eligible for federal TANF because of the five-year bar on federal benefits, for the state funded benefits programs.
- 3.4. ~~Immigrant children and pregnant women who are lawfully present non-qualified aliens as defined in WAC 388-424-0001 and meet residency requirements in WAC 388-468-0005 are eligible for federally funded medical benefits, unless they are approved under Deferred Action Childhood Arrivals (DACA). The following non-qualified aliens are considered lawfully present and aren’t eligible for TANF, but could be eligible for state funded benefits federally funded Apple Health for Kids or pregnancy medical, if they meet all other eligibility criteria:~~
 - o Pending applicants for Asylum, or Withholding of Deportation/Removal under the Convention Against Torture (CAT) if :
 - Over age 14 with an approved work authorization or ~~if~~
 - Under 14 and their application has been pending for 180 days or more;

- Aliens ~~who have been~~ granted withholding of removal under the Convention Against Torture (CAT);
- Aliens ~~who have been~~ paroled into the U.S. for less than 1 year;
- ~~Aliens in current lawful temporary resident status (LTR), current~~ Temporary Protected Status (TPS) or ~~pending applicants for TPS granted employment authorization;~~
- Aliens granted deferred action status, with the exception of Deferred Action Childhood Arrivals (DACA) ~~or Deferred Enforced Departure (DED);~~
- Family Unity beneficiaries;
- A child who has a pending application for Special Immigrant Juvenile status;
- ~~Citizens of the Marshall Islands, Micronesia and Palau. These persons have special rights under compacts of Free Association and are lawfully allowed to enter, reside and work in the U.S., but they aren't not U.S. citizens or n~~Nationals. They are ~~considered~~ lawfully present non-qualified aliens unless they have some other immigration status;
- "U" visa holders;
- Religious workers under section 101(a)(15)(R) of the INA;
- An individual with a petition pending for 3 years or more, as permitted under section 101(a)(15)(V) of the INA;
- A fiancé of a citizen, as permitted under section 101(a)(15)(K) of the INA;

~~Individuals with approved relative visa petitions who have applied and are pending adjustment to LPR status;~~

NOTE:

- ~~3. For Title XIX Medicaid programs, all U.S. citizens as defined in WAC 388 424 0001, must verify citizenship and identity to receive or continue benefits. If a U.S. citizen does not have verification of citizenship but has a valid SSN see worker responsibilities #2 below.~~
- ~~4. For other programs, when a client states he or she is a U.S. citizen, take this declaration at face value. Do not routinely request proof of citizenship unless there is a specific and substantive reason to do so, such as an inconsistency in a client's statements or in the information presented on their application for benefits.~~
- ~~5. Immigrant children and pregnant women who are lawfully present non-qualified aliens as defined in WAC 388 424 0001 and meet residency requirements in WAC 388 468 0005 are eligible for federally funded medical benefits, unless they are approved under Deferred Action Childhood Arrivals (DACA). The following **non-qualified aliens** are considered lawfully present and eligible for federally funded Apple Health for Kids or pregnancy medical if they meet all other eligibility criteria:~~

- ~~○ Pending applicants for Asylum, Withholding of Deportation/Removal under the Convention Against Torture (CAT) if over age 14 with an approved work authorization or if under 14 and their application has been pending for 180 days or more;~~
- ~~○ Aliens who have been granted withholding of removal under the Convention Against Torture (CAT);~~
- ~~○ Aliens who have been paroled into the U.S. for less than 1 year;~~
- ~~○ Aliens in current lawful temporary resident status (LTR), current Temporary Protected Status (TPS) or pending applicants for TPS granted employment authorization;~~
- ~~○ Aliens granted deferred action status, with the exception of Deferred Action Childhood Arrivals (DACA) or Deferred Enforced Departure (DED);~~
- ~~○ Family Unity beneficiaries;~~
- ~~○ A child who has a pending application for Special Immigrant Juvenile status;~~
- ~~○ Citizens of the Marshall Islands, Micronesia and Palau. These persons have special rights under compacts of Free Association and are lawfully allowed to enter, reside and work in the U.S., but are not U.S. Nationals. They are considered lawfully present non-qualified aliens unless they have some other immigration status;~~
- ~~○ Individuals with approved relative visa petitions who have applied and are pending adjustment to LPR status;~~
- ~~○ Aliens who have been granted employment authorization under one of the following categories:

 - ~~▪ C9 pending adjustment of status under section 245;~~
 - ~~▪ C10 Applicant for Suspension of Deportation or Cancellation of Removal;~~
 - ~~▪ C16 Applicant for creation of record of lawful admission for permanent residence;~~
 - ~~▪ C18 Order of Supervision;~~
 - ~~▪ C20 Applicant for Special Agricultural Worker Legalization under Section 210;~~
 - ~~▪ C22 Applicant for legalization under Section 245A; or~~
 - ~~▪ C24 Applicant for adjustment under the LIFE Act Legalization Program.~~~~

NOTE: An Employment Authorization Document (EAD) does not in itself confer immigration status. EADs contain coded information that indicates a client's immigration status. Immigrants with a variety of statuses may be issued an EAD. An expired EAD does not mean that a person's immigration status has expired and should not in itself be a reason to deny benefits.

- ~~○ Other Aliens with a current nonimmigrant status who have not violated the terms of their status. Examples include:

 - ~~○ "U" visa holders;~~~~

~~Religious workers under section 101(a)(15)(R) of the INA;~~

~~An individual with a petition pending for 3 years or more, as permitted under section 101(a)(15)(V) of the INA;~~

~~A fiancé of a citizen, as permitted under section 101(a)(15)(K) of the INA;~~

~~Tourist/Visitor visa holders; and~~

~~○ Visitors on business.~~

NOTE: ~~Examples of violation of status are persons who overstay their visa or work without permission from USCIS. If in violation of status and still in the U.S. without proof of pending status change or extension of status, these nonimmigrants are considered undocumented.~~

EXAMPLE A client applying for benefits has an I-94 (Arrival/Departure Record) stamp with a "B2" code that is not expired. According to the NILC Guide, "B2" signifies tourist status. A person with a tourist status is ~~considered~~ a lawfully present nonimmigrant and, if otherwise eligible (~~including residency requirements~~) may qualify for ~~Apple Health for Kids or pregnancy medical benefits~~benefits. However, an alien with B2 visa is in the U.S. only temporary and doesn't meet Washington state residency requirements.

EXAMPLE A five-person family applies for benefits. The father has a Lawful Permanent Resident card (I-551), but the mother and three children only have Employment Authorization Documents (EADs). All four EADs are coded "A15". According to the NILC Guide, the "A-15" code indicates "V" status. These are spouses and children of lawful permanent residents whose visa petitions have been pending for at least three years. Immigrants with "V" status are lawfully present non-qualified aliens. These ~~aliens-immigrants~~ may qualify for state benefits ~~or federal Apple Health for Kids or pregnancy medical~~. The father may be eligible for federal benefits depending on other factors such as date of entry into the U.S.

EXAMPLE A mother and child applied for benefits. The mother has ~~an a valid~~ I-94 Arrival/Departure form stamped with a "U" visa ~~stamp that is currently valid~~. The child would likely have been included as a dependent on the mother's U visa application. Both mother and child are considered "lawfully residing" and may be eligible for state benefits ~~or federal Apple Health for kids or pregnancy medical~~.

5. Immigrant children and pregnant women, who are:

- lawfully present non-qualified aliens, as defined in WAC 388-424-0001; and
- meet residency requirements of WAC 388-468-0005.

are eligible for federally funded medical benefits, unless they are approved under Deferred Action Childhood Arrivals (DACA).

6. Staff should check eligibility for State Family Assistance (SFA) and Food Assistance Program (FAP), when an applicant is a Deferred Action Childhood Arrivals (DACA) individual.

NOTE: An Employment Authorization Document (EAD, USCIS form I-765), known popularly as a work permit, is a document issued by the United States Citizenship and Immigration Services (USCIS) and it gives noncitizens a temporary **authorization to work**. EAD doesn't confer immigration status, but for eligibility determination purposes, it indicates the client's current immigration status.

Aliens with a variety of statuses may be issued an EAD. Unless other current immigration document(s) are provided, an expired EAD means a person's immigration status has expired. For more information about I-765 EAD Category Codes please see [Employment Authorization Document, Category Codes](#)

—Immigrants who are not eligible for the federal TANF and medical programs should be considered for the state programs. They should also be provided information about naturalization assistance offered by naturalization agencies. For information on the Department's naturalization assistance program, see the [Social Services Manual, SSI Facilitation—Facilitation Process—SSI Facilitation Process](#).

~~5. Immigrants from Iraq or Afghanistan who were granted Special Immigrant Status under section 101(a)(27) of the INA are qualified aliens and are eligible for federally funded benefits, such as TANF, Basic Food and Medicaid, to the same extent and for the same time period as refugees. Their eligibility period starts from their date of entry into the United States or, if occurred after the U.S. entry, the date Special Immigrant Status was granted. For more information on documentation, immigration status codes, benefit eligibility and a step-by-step process for these immigrants, please see desk aid [Iraqi and Afghan Special Immigrants Benefits](#).~~

5. If you have questions regarding eligibility or how to process a case, please contact Tome Berry or Olga Walker, in the CSD Office of Programs and Policy—

Tom (360) 725-4617 or by e-mail at berry@dshs.wa.gov

If you have questions please contact [Olga Walker](#) at (360) 725-4641 or by e-mail at olga.walker@dshs.wa.gov walkeop@dshs.wa.gov or [Jared Beard](#) at (360) 725-4617 or by e-mail at BeardJT@dshs.wa.gov

If you have questions regarding eligibility or how to process a medical only case, please contact [Dody McAlpine](#) or [Kathy Johansen](#), in HCA Office of Medicaid, Medicare Eligibility & Policy.

[Dody](#) (360) 725-9964 or by e-mail at dody.mcalpine@hea.wa.gov

[Kathy](#) (360) 725-1321 or by e-mail at Kathy.Johansen@hea.wa.gov

Worker Responsibilities - [WAC 388-424-0010](#)

1. Always ask client for an INS Number, also known as Alien Number, or Alien Registration number, or USCIS Number #. It usually begins with an “A” followed by a seven, eight or nine digit unique number assigned by the Department of Homeland Security (DHS) to each alien who is admitted to the United States, or who came into contact with the agency (Example: application for asylum). “A” number is listed on all documents and DHS correspondence. Enter the INS Number and Date of Entry in 3G.

~~1.2.~~ Gather all the information necessary to determine eligibility as described in [WAC 388-424-0001](#), [WAC 388-424-0006](#), [WAC 388-424-0007](#), [WAC 388-424-0008](#), and [WAC 388-424-0009](#). Document immigration status, date of entry, armed service/veteran status, work quarters, and SSN information in ACES. Inform any client who is subject to the five-year bar of the expiration date of their five-year bar and of the need to inform the Department if family members become citizens (including parents who have children under 18).

~~For U.S citizens, with a valid SSN applying for Medicaid, who cannot verify citizenship:
0. Accept declaration; and
0. Code ACES valid value with "CS".~~

NOTE: Once the SSN is federally verified, ACES will send back to SSA to verify citizenship status. If SSA cannot verify citizenship, MPA will receive an alert to work with the client to verify citizenship.

1. For aliens who have an Affidavit of Support form (I-864) filled out on their behalf, be sure to determine work quarters and citizenship status. ~~If the affidavit is still in effect:~~
2. See [WAC 388-450-0155](#) and [WAC 388-450-0156](#) to determine if sponsor deeming applies;
3. See [WAC 388-450-0160](#) for treatment of the sponsor's income; and
- ~~4.~~ See [WAC 388-470-0060](#) for treatment of the sponsor's resources.