
WORK FIRST

Change #1-2017

Citizenship/Immigrant Requirement

February 1, 2017

**111 CITIZENSHIP/IMMIGRANT REQUIREMENT Change
01-2017
February 1, 2017**

I. CITIZENSHIP/IMMIGRANT REQUIREMENT FOR WORK FIRST

Each **Work First** family unit member must be: a **United States (U.S)** citizen or otherwise qualified immigrant. If a family unit member does not meet the requirement, other family members with proof/evidence of citizenship and/or qualified immigrant status can still receive Work First Cash assistance, if otherwise eligible.

Applicants cannot 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. child is under the age of 18.
 - c. 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; or
4. 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:

1. Lawful Permanent Resident
2. Asylees
3. Refugees
4. Cuban entrants
5. Haitian entrants
6. Persons paroled into the U.S. for at least one year
7. Persons granted withholding of removal/deportation
8. Persons granted conditional entry (prior to April 1, 1990)
9. Certain victims of domestic violence
10. Victims of severe human trafficking
11. Certain Special Immigrants
12. Certain Amerasians

Some qualified immigrants are ineligible for five years from the date of entry into the U.S. This is discussed later in [Section VII](#).

II. UNITED STATES CITIZENSHIP AND IDENTITY REQUIREMENTS

All applicants and recipients who declare United States citizenship are required to provide proof/evidence 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/evidence 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.

III. METHODS OF VERIFICATION FOR U.S. CITIZENSHIP AND IDENTITY A. SSA Citizenship/Identity Data Match

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

1. 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.

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 in ongoing cases

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

If the case **owner** 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 and all county records for citizenship and/or identity evidence the agency may have on file.
2. If documentation is found, **add the proof/evidence to** the Work First case. **Document** 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, **Notice of Information Needed to Determine Your Eligibility for Work First Family Assistance**.

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.
 - a. Children born in the U.S. to foreign sovereigns or diplomatic officers are **not** U.S. citizens.
 - b. 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, **add the proof/evidence to** document the case.
 - b. Citizenship and identity both may be established through the **Online Verification System (OVS)** using SDX for current or former SSI recipients. Use **OVS** 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) applicants/recipients and use Systematic Alien Verification for Entitlement Program (SAVE), to verify the authenticity of the document. **Add the proof/evidence** to the case file.

- d. Citizenship may be established by electronic data matching with the **county Register of Deeds Office**. The agency may opt to go to the **Register of Deeds Office** and locate the birth record. Screen print the verification **and add the proof/evidence to the case**. Written authorization/**consent** is required from the applicant/recipient for the county agency to request certified copies of North Carolina birth records/certifications.
- e. 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 **Department of Health** 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 case **owner** must obtain a valid birth certificate with an issue date of July 1, 2010 or after.

If citizenship was previously verified and **recorded**, the case **owner** is not required to re-verify citizenship. This new law should not affect individuals who recertify or reapply for benefits, unless citizenship was not **previously** established.

1. The Puerto Rico Department of Health Demographic Registry Office **should** provide findings within two (2) business days **after receiving the request** 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 Health 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 or **regular** mail. A request for validation may not be completed over the **telephone**. 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 regular mail: Make the request on official letterhead and mail to the attention of **the** Secretary of the Treasury for each record requested to: **Registro Demográfico**
Calle Quisqueya #171
Hato Rey, Puerto Rico 00917
(787) 767-9120 extensions 2402, 2406 and 2415

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
 - 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 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/evidence of citizenship and identity, some have a higher level of reliability. **Below are** the acceptable forms of documentation and their order of reliability. Request documents from **Level 1, then Level 2 and so forth**. Always use the highest level of documentation that is available. **Document the date documentation was provided and the level of reliability in the case notes.**

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 **becomes available**.

- A.** Level 1 - Documents of the highest reliability and establish both citizenship and identity of the applicant/recipient.
 1. U.S. Passport – It may be expired. If issued with limitation(s), it is not acceptable for citizenship verification but may be used to verify identity.
 2. Certificate of Naturalization (N-550 or N-570)
 3. Certificate of Citizenship (N560 or N-561)
 4. American Indian Card (I-872) - Tribal Documentation issued by a federally recognized Tribe such as a Certificate of Degree of Indian Blood or other U.S. American Indian/Alaska Native tribal document.
 5. SSA Citizen/Identity Match

- B.** Level 2 - Accept 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.
1. U.S. Public Birth Record (Shows birth in U.S., D.C., and U.S. Territories (American Samoa, Swains' Island, Puerto Rico, U.S. Virgin Islands or Northern Mariana Islands, or Guam).
 - a. Birth records that are issued or reissued on or after July 1, 2010 that show an individual was born in Puerto Rico are acceptable.
 - b. If born in Puerto Rico, the U.S. Virgin Islands, or the Northern Mariana Islands before the areas became part of the U.S., the individual may be collectively naturalized. If so, use SAVE to verify citizenship.
 - c. Data match with the local Registrar of Deeds, State Vital Records or copy of certified birth certificate is acceptable.
 - d. Births recorded by the state, commonwealth, territory or local jurisdiction prior to individual's fifth birthday.
 2. Data Match with database of other state or federal agency - Agency must be known to verify citizenship. Screen print the match and add proof/evidence to t
 3. Final Adoption Decree
 - a. Decree must show name and U.S. place of birth.
 - b. If adoption is not final and the State will not issue a birth certificate prior to final adoption, obtain statement from the State-approved adoption agency including child's name and U.S. place of birth. The information must be based on the original birth certificate.
 - c. Proof/evidence of Civil Service Employment - Proof/evidence must show employment prior to 6/1/76
 - d. Military Service Record - Record must show U.S. place of birth
 - e. Systemic Alien Verification for Entitlement (SAVE) Program - Use to verify citizenship of naturalized citizens
 - f. Certificate of Report of Birth (DS-1350)
 - g. Consular Report of Birth Abroad of a Citizen of the U.S. (FS-240)
 - h. Certificate of Birth Abroad (FS-545)
 - i. IR-3 Visa - Child Adopted Outside the U.S.
 - j. IR-4 Visa - Child coming to the U.S. to be adopted
 - k. United States Citizen Identification Card (I-97 or I-179)
- C.** Level 3- **Acceptable** 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.
1. Extract of hospital record on hospital letterhead
 - a. Record was created at least 5 years before initial application date and indicates a U.S. place of birth. ("Souvenir" birth certificates issued by a hospital are not acceptable.)
 - b. For newborns and children under 16, the document must have been created near the time of birth or 5 years before the initial application and indicates a U.S. place of birth.

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2. Life/ health/ other insurance record - Record must show U.S. place of birth and been created at least five years before initial application date.
3. Early school records showing a U.S. place of birth -Record must show name of child, date of school admission, date of birth, place of birth, name and place of birth of applicant's parent(s).
4. Religious records recorded in U.S. within 3 months of birth
 - a. Record must show birth in the U.S. and either date of birth or individual's age at time record was made.
 - b. The record must be an official document recorded with the religious organization.

D. Level 4 – **Only used as a last resort** when higher 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. An additional document from Level 5 must also be

provided. The place of birth on the non-government document and the application must agree.

1. Federal/State Census - For persons born between 1900 and 1950. Record must show U.S. citizen or place of birth and age.
 - a. Complete Form BC-600, Application for Search of Census Records for Proof/evidence of Age. In the remarks portion add "U.S. citizenship data requested". Add that the purpose is for Medicaid/TANF eligibility.
 - b. This form requires a fee.
2. U.S. State Vital Statistics official notification of birth registration
3. Delayed U.S. Public Birth Record - Amended more than 5 years after the applicant's birth
4. Statement from Medical Professional (Physician, Mid-Wife, Physician Assistant etc.) who attended birth
5. Institution Admission Documents - Admission papers from a nursing facility, skilled care facility or other such institution. The record must have been created at least 5 years before the initial application date.
6. Medical Records
 - a. For Newborns and children under age 16, Medical (clinic, hospital or physician) record created near the time of birth or at least 5 years prior to the date of application.
 - b. Immunization records **are not** considered a medical record for purposes of establishing citizenship.
7. Written Affidavit- **Use only in rare circumstances and as a last resort.** The affidavit does not have to be notarized.
 - a. An affidavit by at least two individuals of whom, at least one is not related to the individual, who have personal knowledge of the event(s) establishing the claim of citizenship.
 - b. The person(s) making the affidavit must be able to provide proof/evidence of his/her own citizenship and identity for the affidavit to be accepted.
 - c. The applicant/recipient **or guardian, in the case of a minor**, must provide a separate affidavit explaining why the evidence cannot be obtained or why evidence does not exist.
 - d. **All persons** making **an** affidavit must sign the affidavit under penalty of perjury.

E. Level 5 - Evidence of Identity

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

Note: North Carolina Law "§ 15A-306 does not allow the matricula consular or other similar document issued by a consulate or embassy of another country as acceptable for use in determining a person's identity.

1. SOLQ or Data Match with other state agency
 - a. SOLQ match must show "SSN verified" on the inquiry.
 - b. State agency match must indicate identity verified.
 - c. Include verification in the case record.
2. Driver's License
 - a. License may be current or expired.
 - b. License must have photograph or other identifying information such as name, age, race, eye color, height etc.
3. School, Military (including dependent) ID or draft record - School ID must have photograph of individual.
4. ID issued by local, state or federal government and contains same information as found on a drivers' license.
5. School or Medical Records (only for children under age 16)
 - a. All must show the date of birth.
 - b. School records include daycare and nursery school records
6. U.S. Coast Guard Merchant Mariner Card
7. Written Affidavit (only for newborns and children under age 16)
 - a. All affidavits must be signed under penalty of perjury by a parent or guardian stating the date and place of birth of the child.
 - b. This **cannot** be used if an affidavit was provided for citizenship.
8. Three or more corroborating document such as high school and college diplomas, marriage certificates, divorce decrees, property deeds/titles, or other employee ID cards. Corroborating documents **cannot** be used if an affidavit was provided for citizenship.

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 USCIS to obtain documentation of status. Consider this member a non-qualified immigrant and ineligible for WFFA due to **their** immigration status until the **individual** presents a USCIS document that demonstrates qualified immigrant status.

When the **individual** provides original USCIS documentation that is legible, the case **owner** can use the following chart to determine the immigration status of the family member and whether, based on that status, the person qualifies for Work First **Cash** assistance.

Remember, even though the case **owner** 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 **following** 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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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 Haitian Entrant Refugee Granted Asylum Deportation withheld Victims of Human Trafficking	Eligible, exempt from the five year bar.
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

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<p>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</p>	<p>Permanent Resident who is a(n): Cuban Entrant Haitian Entrant Vietnamese Amerasian Asylee Refugee Deportation Withheld Victims of Human Trafficking</p>	<p>Eligible, exempt from 5 year bar</p>
<p>I-551, I-151, or Resident Alien card (no form number) coded with one of the following: W-16, W-26, W-36</p>	<p>Permanent Resident under Amnesty Program</p>	<p>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.</p>
<p>I-210</p>	<p>PRUCOL</p>	<p>Not eligible</p>

<p>I-551 or I-155 coded with any other code</p>	<p>Permanent Resident Possibly a Sponsored Immigrant for three years following issuance of card</p>	<p>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.</p>
<p>I-688 coded with: 210 245A</p>	<p>Permanent Resident under SAW or Amnesty Program</p>	<p>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.</p>

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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 Entrant Haitian Entrant Victims of Human Trafficking Refugee Paroled as Refugee Granted Asylum Deportation Withheld	Eligible, exempt from 5 year bar
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 (c)(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.

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Iraqi or Afghan Special Immigrant Visa S11 S12 S13 SQ1 SQ2 SQ3	Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) category S11 or SQ1 and DHS stamp or notation on passport or I-94 showing date of entry	Eligible, exempt from the 5 year bar
Iraqi or Afghan Special Immigrant Adjusting Status in the U.S.	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, S17, S19 or SQ6, SQ7, SQ9	Eligible, exempt from the 5 year bar

VI. CRITERIA FOR ELIGIBILITY OF BATTERED IMMIGRANTS

Immigrants who would not normally be eligible for Work First **cash assistance** 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 case **owner** must determine that the immigrant meets the following 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); **or**
 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

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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 individual to USCIS for assistance to obtain documentation. Until the individual provides original, current USCIS documentation, treat the individual as an unqualified immigrant that is ineligible for Work First.
3. Document the individual's current immigration status within the case and update any required evidence.

B. Verify Immigrant or Immigrant Child Status of Battered and/or Subjected to Extreme Cruelty in the United States

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/evidence 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:
 - a. Verification by the individual/agency conducting an assessment;
 - b. Corroboration by Child Support;
 - c. Any legal documents which document the abuse (protection orders, police reports, Child Protective Services staff, etc.);
 - d. Statements by other people knowledgeable of the applicant's circumstances; or
 - e. 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 case owner may evaluate the family's eligibility for Work First. Inform the applicant/recipient of whether or not they would be eligible for Work First cash assistance once they establish a separate residence from the abuser. Accept a Work First application when the applicant/recipient establishes a separate residence from the abuser.

Verify residence according to procedures in [Work First Manual 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.

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

Immigrants who entered the US on or after August 22, 1996 are subject to a 5 year exclusion (or “bar”) on Work First [cash assistance](#) benefits, even if otherwise eligible. As a general matter, the 5-year bar does not affect an individual who 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:

1. [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. [Originally](#) admitted as a refugee under Section 207 of the Immigration and Nationality Act.
3. [Granted](#) asylum under Section 208 of the Immigration and Nationality Act.
4. [Deportation](#) is being withheld under Section 243(h) of the Immigration and Nationality Act.
5. [Granted](#) status as a Cuban entrant.
6. [Granted](#) status as a Haitian entrant.
7. [Admitted](#) as an Amerasian immigrant.
8. [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. [An](#) American Indian born in Canada.
11. [An](#) Iraqi or Afghan Special Immigrant.

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 to the U.S. 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 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 of Support](#); 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 Social Services agencies must report the names of sponsored immigrants and their sponsors to the NC Division of Social Services (Economic and Family Services Section/ **Work First**). 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 an individual provides insufficient documentation to verify their immigration status, further verification is required.
 - 1. The case owner must offer to contact USCIS when presented with a USCIS document which:
 - a.** Is not listed in the chart in section V.; or

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

It cannot 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 to or do not provide **citizenship/immigration information/documentation**.

X. SPECIAL PROVISIONS FOR SOVIET JEWISH REFUGEES

If the local **provider agency/** organization contacts the case **owner** regarding repayment of Work First **cash** assistance received by a Soviet Jewish Refugee, take the following actions.

- A.** Inform the organization that the case **owner** must get the family's written consent before any information can be released.
- B.** Contact the family to explain the request. Ask for their written consent, **using the DSS-6969, [Consent for Release of Information](#)**.
- C.** If the family gives written consent, provide the organization with the total amount of Work First **cash** assistance benefits received by the family.
- D.** When the case **owner** 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:
NC DHHS
Accounting and Financial Management Subsystems
2019 Mail Service Center
Raleigh, NC 27699-2019
- E.** **Refer to** the chart in **Section V.** regarding whether Jewish Refugees **may** qualify for Work First **cash** assistance.

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.

The Office of Refugee Resettlement (ORR) makes the determination and certifies whether an individual has been subjected to a severe form of 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 of 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.** Verify the status of trafficking victims by **the following**:
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/evidence of certification.
 3. Contact the Trafficking Victims Verification Line at (866) 401-5510. Also use this number to verify the validity of the certification letter. The case **owner** must call this number prior to providing benefits.
 4. Inform ORR of the type of benefits for which the victim has applied.
Maintain a copy of the letter in the case record.
- C.** Contact the North Carolina State Refugee office at (919) **919-527-6300**, 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 there is no reason to seek further verification of their immigration status.

B. Reporting Procedures

Local Social Services Agencies must report to the North Carolina Division of Social Services, Economic and Family Services Section/ Work First, 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 social services agency. Economic and Family Services/Work First staff will forward the relevant reports to the USCIS. If a report is necessary, it must include the name of the person being reported, address, reason for the report and any other identifying information. Send the report to:

NC Department of Health and Human Services Division
of Social Services
Economic and Family Services Section- Work First Program
2420 Mail Service Center
Raleigh, NC 27699-2420

C. Confidentiality of Citizenship/ Immigrant Status

All rules of confidentiality must be applied and followed 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, staff not directly involved with the case, etc. without written consent from the family.