ACTION: Final

Appendix B to rule 5101:2-16-02

RESCINDED
Appendix
5101:2-16-02

DATE: 03/21/2022 9:52 AM

Verification of Citizenship for Children in the Publicly Funded Child Care Program

The county agency shall verify the United States (U.S.) citizenship or immigration status for children for whom a caretaker applies for child care benefits. If the county agency verifies that a caretaker receives or has received OWF for a child, verification of citizenship is not required.

To be eligible for child care, a child must be one of the following:

1. A U.S. born citizen.
   a. The caretaker shall provide a civilian birth, baptismal, church certificate, or hospital record showing a birthplace in the U.S.
   b. "Birthplace in the U.S." refers to an individual born in one of the fifty states, District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, U.S. Virgin Islands, Swain Island, or American Samoa.
2. A foreign-born U.S. citizen.
   a. The caretaker shall provide a citizen certification, U.S. passport, consulars certification of birth or certificate of naturalization as verification.
3. A qualified alien.
   a. Qualified alien means one of the following:
      i. An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), 8 U.S.C. 1101 (1/14).
      ii. An alien who is granted asylum under section 208 of the INA, 8 U.S.C. 1158 (1/3/12).
      iii. A refugee who is admitted to the United States under section 207 of the INA, 8 U.S.C 1157 (1/3/12).
      iv. An alien who is paroled into the United States under section 212(d)(5) of the INA, 8 U.S.C. 1182(d)(5), for a period of at least one year (3/2013).
      v. An alien whose deportation is being withheld under section 243(h) of the INA, 8 U.S.C. 1253 (as in effect immediately before the effective date of section 307 of division C of Public Law 104-208) or section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3) (as amended by section 305(a) of division C of Public Law 104-208).
      vi. An alien who is granted conditional entry pursuant to section 203(a)(7) of the INA, 8 U.S.C. 1153(a)(7) as in effect prior to April 1, 1980.
      vii. An alien who is a Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980).
      viii. A battered alien who meets the conditions set forth in 8 U.S.C. 1641 (c)(1/3/12).
      ix. An alien who is the victim of a severe form of trafficking as set forth in 8 U.S.C. 1641 (c)(4).
      x. An Afghan or Iraqi alien admitted to the U.S. who was granted a special immigrant visa (SIV) under section 101(a)(27) of the INA, 8 U.S.C. 1157.
   b. Except as provided in paragraph (3)(c) of this appendix, a child who is a qualified alien as defined in 8 U.S.C. 1641, and entering the United States on or after

August 22, 1996, shall be required to live in the United States for five years before being eligible for child care.

c. A child in any of the following categories is exempt from the requirement that he or she live in the United States five years prior to eligibility:

    i. An alien who is admitted to the United States as a refugee under section 207 of the INA, U.S. C. 1157.

    ii. An alien who is granted asylum under section 208 of the INA, 8 U.S.C. 1158.

    iii. An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997 or whose removal is withheld under section 241(b)(3) of the INA, 8 U.S.C. 1231 (1/3/12).

    iv. An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

    v. An alien admitted to the United States as an Amerasian immigrant as described in 8 U.S.C. 1612(a)(2)(A)(v) (1/7/11).

    vi. The unmarried dependent child of an alien meeting the veteran and active duty exception in 8 U.S.C. 1641(b)(2).

d. If the child is an alien, his or her status may be verified by forms issued through the systematic alien verification for entitlements (SAVE) program. In some instances, validity of documents shall be verified by submitting the department of homeland security, "Document Verification Request" form G845S (5/20/15) to the appropriate office, along with the proper documentation.