

### **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 benefits 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 specifically displaying 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, consular 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,
    - iv. An alien who is paroled into the U.S. 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)
    - ix. An alien who is the victim of a severe form of trafficking as set forth in 8 U.S.C. 1641 (c)(4)
  - 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 who enters 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, 8 U.S.C. 1157. Eligibility is limited to five years from the date of entry into the U.S.
  - ii. An alien who is granted asylum under section 208 of the INA, 8 U.S.C. 1158. Eligibility is limited to five years from the date asylum was granted.
  - 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). Eligibility is limited to five years from the date of entry into the U.S.
  - iv. An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980. Eligibility is limited to five years from the date the status as a Cuban or Haitian entrant is granted.
  - 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) pursuant to section 584 P.L. 100-202 (12/1987). Eligibility is limited to five years from the date the individual was admitted into the U.S. as an Amerasian immigrant.
  - vi. The unmarried dependent child of an alien meeting the veteran and active duty exception in 8 U.S.C. 1641(b)(2).
- d. Eligibility categories: each category of eligible alien status stands alone for purposes of determining eligibility. Subsequent adjustment to a more limited status does not override eligibility based on an earlier less rigorous status. Likewise, when eligibility expires under one eligibility status, the county agency shall determine when eligibility exists under another status.
- e. Timeframe for verification submission: the county agency shall provide alien applicants with a reasonable opportunity to submit acceptable documentation of their eligible alien status. A reasonable opportunity shall be at least ten days from the date of the county agency's request for an acceptable document.
- f. When the child is an alien, documentation from the United States citizenship and immigration services (USCIS) is required as proof of the child's alien status
  - i. The county agency shall verify the forms presented as proof of alien status through the systematic alien verification for entitlements (SAVE) system. The SAVE system is an information sharing initiative allowing authorized staff to validate a noncitizen's immigration status by accessing USCIS data. The USCIS protects the individual's privacy in accordance with the INA of 1952 and other applicable statutes. No consent for release of information is required to use SAVE.
  - ii. The county agency shall compare the information provided through the SAVE system with the documents provided by the individual. If the documentation matches in SAVE, the process is complete.
  - iii. Additional or secondary verifications provide a more extensive validation if problems appear in the verification of alien status.
  - iv. In some instances, validity of documents shall be verified by submitting the department of homeland security, the "Verification Request" form

G845 (5/29/18) and/or the "Form G-845 Supplement, Verification Request" to the appropriate office, along with the proper documentation.

- v. No eligibility determinations shall be delayed, denied, reduced or terminated solely because of a pending SAVE verification.
- vi. If an individual appears eligible with available USCIS documentation and all other program eligibility criteria are met, the county agency shall issue child care benefits to the caretaker while awaiting a response from USCIS.
- vii. If a discrepancy exists after receipt of information from the SAVE system, the county agency shall propose termination of child care benefits using the JFS 04065 "Prior Notice of Right to a State Hearing" or its computer generated equivalent. The caretaker may be responsible for any overpayment pursuant to rule 5101:2-16-07 of the Administrative Code.