Citizenship and Alienage

Number: 42-430
Date: 12/1/2008

PURPOSE

The purpose of this policy is to provide guidelines to verify citizenship and alienage status for Foster Care children.

APPROVED

This policy was approved by Mike Ryan, Director of CFS, on 2/19/2010. *Signature on file.*

OVERVIEW

All Foster Care children shall meet citizenship and alienage requirements of the Aid to Families with Dependent Children Foster Care (AFDC-FC) program in order to be eligible for Federal or State Foster Care funds. Historically, counties have had to pay for out-of-home placement costs if the children were not eligible for either Federal or State Foster Care funds. Foster Care providers were not subject to citizenship or alienage requirements except for children who are qualified aliens within 5 years and the caretaker is also undocumented.

POLICY

The Foster Care Eligibility Technician (ET) must verify the citizenship or alienage status of a Foster Care child prior to authorizing aid. The following children can receive Federal or State AFDC-FC:

Federal
• United States (US) Citizen
• Qualified Aliens

State
• United States (US) Citizen
• Qualified Aliens
• Permanently Residing in the US Under Color of Law (PRUCOL). Relatives cannot receive funding under PRUCOL.

US Citizenship:
• Born in the United States, or
• Born in a US Territory: American Samoa, American Virgin Islands, Guam, Puerto Rico, Northern Mariana Islands, or
• Be a naturalized citizen
• Have derivative citizenship (BOTH parents are US citizens)

Citizenship verification
The following certified documents verify citizenship when the date and place of birth (city only is acceptable) is included:
• Birth certificate
• Adoption papers (only if person is born in the US)
• US Passport (even if expired)
• Certificate of citizenship or naturalization provided by Immigration and Naturalization Services (INS)
• Other government document

Citizens born outside the US:
• Documentation that birth was registered with the United States Embassy/Consulate, or
• INS documentation of citizenship, or
• Documentation that BOTH parents were US citizens

Qualified Aliens can be defined as:
• Alien Lawfully Admitted for Permanent Residence in the US

Qualified Alien verification:
• INS Form I-551 known as a “green card”
• Unexpired Temporary I-551 stamp in foreign passport or on INS I-94

Unqualified Aliens defined as:
• Individuals who were lawfully admitted to the US for temporary residence
• Individuals who are not in the US lawfully
• Individuals who are in violation of the term of a non-immigrants visa after entering the US legally (Undocumented)
• Individuals who are in the US as a visitor

Except for relative placements, children who are unqualified aliens can receive State AFDC-FC as long as a PRUCOL application is submitted to INS. Refer to PRUCOL Policy 45-201.14.

Qualified alien foster children who reside with unqualified alien providers are ineligible for federal foster care benefits for a period of five years from the date of entry into the United States. If at any time during the five-year time requirement the child is placed with a citizen or qualified alien provider and meets all eligibility requirements, the child may be eligible for federal foster care benefits. If the child is subsequently placed with a unqualified alien provider within the five-year time requirement, federal eligibility ceases and so on until the passage of five years from the date of entry.

DCSSA

REFERENCES HYPERLINKS

Eligibility and Assistance Standards (EAS) Manual Section 42-430
Birth Certificate Requests Policy and Procedure 45-009
PRUCOL Application Process Policy and Procedure 45-201-14

REQUIRED FORMS HYPERLINKS

Form Name	Form Number
Request for Certified Birth Certificate with Sworn Statement	F063-30-101 (R 3/98)
G-845 Supplement – PRUCOL	MC 845 (11/89)
Orange County Children and Family Services Agency – Legal Residency Documents Request	F063-25-200 (5/04)
PRUCOL Application Request	F063-31-28 (9/96)
G-845 Document Verification Request	G-845
SSA Accounting Reimbursement Claims – Manual Assistance Issuances Adjustments	F063-29-85

PROCEDURE

REQUIRED ACTION

The following actions must be completed when verifying citizenship/alienage.

Responsibility	Step	Required Action
Foster Care Intake ET	1.	Verifies citizenship or alien status by reviewing one of the following documents: For US Citizens: • Court Documents • Documents from other financial cases such as CalWORKs, Medi-Cal or Food Stamps, if birth certificate is available, then request for a copy. **Note:** If the child was previously a dependent of Orange County, request a copy of the birth certificate from Senior Social Worker or relative. • Statement of Facts (FC2 page 1) • Income Eligibility Verification System (IEVS) report For Non-Citizens: • IEVS report • IEVS SAVE Report (This report will also need alien card verification) • Documents from other financial cases such as CalWORKs, Medi-Cal or Food Stamps. If documentation is available, then request for a copy. • Alien card (green card) or other INS documents • Reviews code on the Alien card to verify Alien status. Reviews Aliens Eligibility chart for code definition.
	1.	If no documents are available to verify citizenship, requests for birth certificate from SSA Financial Resources. Refer to Birth Certificate Requests Policy and Procedure 45-009.
	1.	If alienage cannot be verified, completes PRUCOL application. Refer to PRUCOL Application Process Policy and Procedure 45-201.14.
Senior Social Worker (SSW)	1.	SSW must provide information on citizenship and alienage status for all foster children.
Foster Care Continuing ET	1.	Follow-up to ensure that citizenship verification is obtained by the first Reinvestigation (RV).

OCCSA

1. If citizenship verification cannot be obtained, completes a PRUCOL application and converts case from Federal or State funding to County funding until PRUCOL application is returned. Completes history adjustment. If child is placed with relative, contacts relative to obtain information to resolve discrepancy. If child is unqualified, requests for county funds.

1. If birth certificate is received, makes a copy for case record and sends original copy to SSW.

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