



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

Control Number: #01-20

Effective Date: May 1, 2000

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF
PURCHASE OF CARE ADMINISTRATORS**

FROM: LINDA HEISNER, EXECUTIVE DIRECTOR, CCA
Charles Henry **CHARLES HENRY, ACTING EXECUTIVE DIRECTOR, FIA**

RE: POC CITIZENSHIP AND IMMIGRATION REQUIREMENTS

PROGRAM AFFECTED: PURCHASE OF CHILD CARE (POC)

**ORIGINATING OFFICE: CHILD CARE ADMINISTRATION, OFFICE OF
PROGRAM DEVELOPMENT**

SUMMARY: This action transmittal clarifies the Department of Human Resources' policy regarding citizenship and immigration status when determining eligibility for POC benefits. Its purpose is to assure that eligible children of foreign born parents have access to child care services.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P. L. 104-193, restricts the access of certain categories of immigrants to specified Federal benefits. In 1998, the Department of Health and Human Services provided clarification to States that **the child is the primary beneficiary of the child care benefit and only the citizenship and immigration status of the child** is relevant for eligibility purposes for child care subsidy programs. Local departments were advised of this policy through a memorandum to local directors dated September 27, 1999.

POLICY

Effective May 1, 2000 POC regulations have been amended to clarify that Purchase of Care benefits should be extended to children of foreign born parents without regard to the parents immigration status. The parent/guardian/caretaker must be a Maryland resident who meets POC income and need requirements.

However, the citizenship and immigration status of the applicant/customer is not considered when determining eligibility.

If the parent/guardian/customer is not a citizen or a qualified alien, he/she need only submit documentation that the child meets one of the federally designated categories of Qualified Alien listed in Attachment A for the child to be eligible for service. Verification of the child's immigration status is required only if the documentation is incomplete or appears to be altered in some way.

ACTION REQUIRED:

Local departments must assure that foreign born parents have the opportunity to apply for POC services and that eligibility is based on the citizenship status of the child without regard to the parent's immigration status.

CCAMIS PROCEDURES:

Casehead Citizenship - A "Y/N" question has been added on the case identity screen of the application regarding casehead citizenship. If the worker enters "No" for citizenship, the cursor will go to the new field to enter the casehead's alien registration number if the casehead is a qualified alien. The field should be left blank if the casehead does not have a alien registration number.

Casehead Social Security Number – If the casehead does not have a social security number, the worker should enter the child's social security number in that field. If the child does not yet have a social security number, enter a temporary number of 999 plus the 2 digit local jurisdiction number plus the 4 digit month and day of the child's birthday. For example, if the case is in Baltimore County (#03) and the child was born 5/25/98, enter 999-03-0525 for the temporary social security number.

It is important to update the temporary social security number with the correct one, when the child receives a social security card.

On the child record of the application, enter the child's social security number. If the child does not yet have a social security number, a new field has been added to enter the child's alien registration number.

ACTION DUE: Regulation changes to implement this policy were effective May 1, 2000.

INQUIRIES: Please direct policy questions to Linda Zang at 410-767-7840 or email at lzang@dhr.state.md.us. Contact Anne Webster at 410-767-7815 or email at awebster@dhr.state.md.us for CCAMIS questions.

cc: DHR Executive Staff
FIA Management Staff
CCA Management Staff
Constituent Services
OIM Help Desk

Attachment A

Purchase of Care Citizenship and Immigration Guidelines

DEFINITION

Qualified Alien – A qualified alien is:

- A. Permanent Resident Alien under the Immigration and Nationality Act (INA).
- B. Asylees (asylum granted) admitted under §208 of the INA.
- C. An Alien granted conditional entry pursuant to §203(a)(7) of the INA prior to 4/80 (i.e., a refugee).
- D. Parolee (granted parole for at least 1 year) under §212(d)(5) of the INA.
- E. Aliens whose deportation is withheld (under Section 243(h) or 241(b)(3) after April 1, 1997 of the INA.
- F. Refugees admitted under §207 of the INA.
- G. Battered alien spouses, battered alien children, and the alien parents of battered children.

DOCUMENTATION

Qualified Alien Documentation – The following INS documentation is sufficient to verify the child's immigration status.

- A. Permanent Resident Alien-INS Temporary Evidence of Permanent residence (I-551) or an Alien Resident Card (I-551) for the child. When the Temporary Evidence of Permanent Residence form is used it will be stamped "PR" for permanent resident. A child under the age of five may be included on the parent's passport but will still have a separate I-551. The child's alien number will be included. (See Attachment I)
- B. Asylees-INS Request for Asylum Application (I-589) and the INS Notice of Approval for the parent applicant. The Notice of Approval should list the children approved. The child's alien number will be included. (See Attachment II)
- C. An alien granted conditional entry/conditional residency-INS Temporary Evidence of Permanent Residence (I-551) or an Alien Resident Card (I-551) for the child. The I-551 will be stamped CR for conditional residency. The child's alien number will be included. (See Attachment V)

- D. Parolee-INS Record of Arrival and Departure form (I-94) for the child, which is attached to the passport. The I-94 will state "Public Interest Parole" only. The child's alien number will be included. (See Attachment VII)
- E. Aliens whose deportation is withheld-INS Cancellation of Deportation Petition EOIF-40 for the applicant. This form will verify that the POC child was included in the petition. A Court Order of Approval is needed also. The Court order will list the children for whom deportation was withheld. The child's alien number will be included.
- F. Refugees-INS Record of Arrival and Departure form (I-94) for the child, which is attached to the passport. The I-94 will state "Public Interest Parole" followed by RE for refugee. The child's alien number will be included. (See Attachment VII)
- G. Battered alien spouses, battered alien children, and the alien parents of battered children-INS Special Immigrant Application (I-360) for the applicant. This form will verify that the POC child was included in the application. An INS Notice of Approval will list children approved. (See Attachment VIII)

Documentation Obtained from INS:

When the approval notice does not list the child(ren) approved, or the immigration material submitted is incomplete or questionable, additional information should be requested from the INS Systematic Alien Verification for Entitlement System (SAVE). SAVE provides access to the Alien Status Verification Index (ASVI), a nationally accessible database of selected immigration status information. Information from SAVE may be obtained using one of the following methods:

A. Automated Verification (ASVI system):

1. Dial the toll free access number-1-800-365-7620
2. Listen to the message about entering the access code. You will hear the following message: "Welcome to the INS ASVI System...various messages...please enter your authorization code followed by the pound (#) sign".
3. Enter the access code *42 *91*61*31
 - (a) Montgomery County 0001
 - (b) Prince George's County 0002
 - (c) Baltimore City 0003
 - (d) Reminder of State 0004Followed with a (#) sign.

Example: Baltimore City case managers would enter *42 *91*61*31 0003#.

4. Listen to the second prompt: "Please enter the alien registration number."
5. Enter the alien number listed in the verification submitted by the applicant or customer.
 - (a) Substitute zero (0) for the leading "A".
 - (b) Enter 9 digits-eliminate the first digit if there are more than nine.

**Example: Enter A043745360 as 043745360
Enter A91223142 as 091223142**

- (c) If the number has only seven digits, use additional leading zero.

Example: Enter A1234657 as 001234567

6. ASVI will read back the information in the order given on the DHR/FIA 380. The information can be repeated twice. This information should be recorded on the DHR/FIA 380.(See Attachment IX).

B. INS Written Verification- When the applicant or customer's alien registration number cannot retrieve from ASVI, written documentation can be obtained by sending a G-845 and supplement to the INS (See Attachments X and XI).

1. Complete the INS request form and mail to:

Immigration and Naturalization Services
NationsBank Center, Tower One
100 South Charles Street, 12th floor
Baltimore, Maryland 21201
ATTN: Immigration Status Verifier.