

Policy Clarifications – Cash Assistance - All PCT- 18946-122

Submitted: 05/25/18

Agency: CAOs

Subject: Qualified non-citizens and the five-year bar

Question: Non-citizens who are subject to the five-year bar cannot get TANF until they have lived in the US five years. Are these non-citizens eligible for cash assistance from the state?

Response By: Division of Family Assistance

Date: 5/29/18

Yes, if they qualify. Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, states that only US citizens, US non-citizen nationals, and "qualified aliens" may be eligible for TANF. Non-citizens must reside in the US for five years before becoming eligible for TANF federal cash assistance. PRWORA allows states the option to provide qualified aliens state-funded cash assistance during those first five years.

State

Non-citizens who are *subject* to the five-year bar may qualify for state-funded cash assistance in the C/04 or U/04 category/PSC if all other conditions of eligibility for TANF are met. These C/U 04 budgets are opened if any noncitizen member:

- Is a qualified alien;
- Meets all eligibility criteria for TANF;
- Has a date of entry in the U.S. after August 22, 1996;
- Does not meet one of the exempt noncitizen criteria; and
- Has not lived in the U.S. continuously for five years, beginning from the date of entry.

A family that includes both citizens eligible for TANF and non-citizens eligible for C/U 04 must be opened as C/U 04, so that no federal funding is used for the non-citizens.

When entering application information into eCIS, the system will open C/U 04 correctly for qualified alien non-citizens as long as the cash assistance box is checked on the Individual Program Request screen and accurate data entries made for citizenship, relationship and alien/refugee status.

Federal

Individuals who are *exempt* from the five-year bar provision and therefore eligible for federally-funded TANF, if all other conditions of eligibility are met are:

- Refugees
- Asylees
- Qualified aliens lawfully residing in any state who are honorably discharged veterans or active duty in the US.
- Cuban/Haitian entrants
- Battered or subjected to extreme cruelty in the U.S.
- Amerasian immigrants
- Victims of trafficking
- Aliens whose deportation is being withheld
- Legal Permanent Residents (LPRs) who first entered U.S. under another exempt category
- Iraqi and Afghan immigrants granted special immigration status

Remember that undocumented non-citizens are never eligible for cash assistance.