

DSS ADMINISTRATIVE LETTER
Family Support and Child Welfare Services FSCWS-13-08

TO: County Directors of Social Services

ATTENTION: Work First Administrators, Program Managers and Supervisors

DATE: July 15, 2008

SUBJECT: Guidance Regarding Immigration Status, Citizenship and Social Security Numbers

EFFECTIVE DATE: Upon receipt

The purpose of this letter is to clarify policy for county departments of social services (DSS) for addressing the use of multiple names and/or social security numbers based on citizenship and immigration status when applying for Work First benefits and services.

Social Security Numbers

Current policy requires that each applicant/recipient must furnish or apply for a Social Security number (SSN) to be eligible for Work First Family Assistance. (See Work First 110 - Rule To Apply For A Social Security Number.) Benefits cannot be provided to a household member that does not provide a SSN. That individual is considered ineligible and is not included in the assistance unit. Other members of the household who provide their SSN's are able to receive benefits, if otherwise eligible. Household members who are not applying for assistance for themselves are not required to provide a SSN. This allows an undocumented parent to apply for benefits for a citizen child. The DSS is required to count all income and resources for all assistance unit members when determining eligibility and benefit levels for the case.

DSS is responsible for determining eligibility of all who are included in the Work First application. During the course of the application/review process, DSS may learn that a member of the budget unit uses an alternative name(s) and/or social security number(s) for employment purposes. Work First policy requires that the agency include income and resources of all individuals in the budget unit regardless of their citizenship or immigration status. Verification of income must be pursued under all names and social security numbers provided during the course of application/review process. The methods used to calculate benefits must be based upon data that will yield the most accurate financial information for determination of benefits.

Reporting of Illegal Presence in the United States

Qualified status is verified by using Systematic Alien Verification Entitlement (SAVE). When an applicant states they have a legal presence in the U.S., the applicant should provide documents that show their current immigration status. A SAVE inquiry is done using the Alien Number that is on the provided document. The information returned from SAVE should verify what is shown on the document the individual has provided to the caseworker.

If the document cannot be verified, a Secondary Verification is required from the SAVE system. Instructions can be found in the Work First User Manual. The worker can also advise the applicant to contact USCIS on their own behalf. If Secondary Verification is returned from SAVE stating the document appears false, the immigration status cannot be determined. The individual is considered as an unqualified immigrant and is ineligible to receive benefits for themselves. A SAVE response showing no service record on an individual or an immigration status making the individual ineligible for a benefit is not a finding of fact or conclusion of law that the individual is not lawfully present in the U.S. (Federal Register Volume 65, Number 189.)

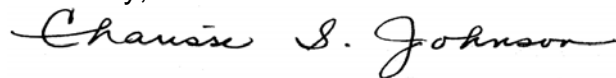
The local DSS must make a report to the Division of Social Services, Family Support and Child Welfare Services Section, if it is "known" an immigrant has an unlawful presence in the U.S. An agency only "knows" if an individual is in the country unlawfully, if the immigrant gives the agency documentary evidence, such as a Final Order of Deportation. Per Federal Regulation, individuals believed to be in the U.S. unlawfully are allowed a fair hearing, with notice, and an opportunity to contest before the information is sent to USCIS. (Federal Register Volume 65, Number 189.) If a report is necessary, follow the procedures outlined in Work First 111 Citizenship/Immigrant Rules.

Program Integrity Referrals

Referrals to local program integrity units must be completed only if an individual has willfully and knowingly misstated, provided incorrect or misleading information to obtain or attempt to obtain benefits for which the individual is not eligible. An administrative disqualification hearing or referral for prosecution will be initiated by the county department of social services for cases in which the county department has sufficient documentary evidence to substantiate that an individual has committed one or more acts of Intentional Program Violation (IPV). This process applies to individuals that received benefits and not to individuals where immigration and citizen status is the issue.

All rules of confidentiality must be applied in regards to citizenship and immigration status.

Sincerely,



Charisse S. Johnson, Chief
Family Support and Child Welfare Services

cc: Sherry Bradsher
Jo Ann Lamm
Sarah Barham
Hank Bowers
Family Support and Child Welfare Team Leaders
Children's Programs Representatives
Local Business Liaisons