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POLICY TRANSMITTAL NO. 07-74	DATE: DECEMBER 19, 2007
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:50-5-8.1.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:50-5-8.1 Instructions to staff are revised to remove the prohibition against workers reporting undocumented aliens directly to the United States Citizenship and Immigration Services (USCIS).

Original signed on 12-18-07

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Mary Stalnaker, Director  
Family Support Services Division

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Sharon Neuwald, Coordinator  
Office of Legislative Relations and Policy

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WF # 07-KK (NAP)

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## **INSTRUCTIONS FOR FILING MANUAL MATERIAL**

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

### **REMOVE**

340:50-5-8.1

### **INSERT**

340:50-5-8.1, pages 1-2, revised 11-1-07

## FOOD STAMP PROGRAM OAC 340:50-5-8.1

### **340:50-5-8.1. Ineligible and illegal aliens**

Revised 5-12-05

Aliens not identified as qualified aliens in OAC 340:50-5-67(3) are not eligible for food stamp benefits. Income and resources of ineligible aliens are considered available to the household. All aliens who are in the United States unlawfully, must be reported to the United States Citizenship and Immigration Services (USCIS). ■ 1.

### **INSTRUCTIONS TO STAFF 340:50-5-8.1**

Revised 11-1-07

**1. Determinations of immigration status are the responsibility of the United States Citizenship and Immigration Services (USCIS). The Family Support Services Division (FSSD) Food Stamp Section, in accordance with Section 11(e)(16) of the Food Stamp Act, reports to USCIS the names and addresses of food stamp benefit applicants and/or recipients who are determined to be residing in the U.S. unlawfully.**

**(1) The worker is not required to report:**

**(A) applicants and/or recipients who are undocumented and appear to be residing in the U.S. unlawfully; or**

**(B) individuals who are not applicants or recipients who are not required to declare their citizenship status.**

**(2) The worker reports to FSSD the names and addresses of applicants and/or recipients who:**

**(A) admit illegal aliens are present in the household AND present USCIS documentation that is determined to be forged; or**

**(B) present a formal order of deportation or removal.**

**(3) The eligibility of households that include undocumented aliens is determined in the same manner as households that do not have undocumented individuals.**

**(4) The requirement to report applicants and/or recipients who are residing in the U.S. unlawfully is not used to discourage participation in the Food Stamp Program.**