

---

POLICY TRANSMITTAL NO. 07-56	DATE: OCTOBER 30, 2007
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

---

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-15-1.

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

OAC 340:10-15-1 is revised to establish rules regarding the verification of the lawful presence in the United States for persons 14 years of age or older who are applying for state or federal public benefits.

Original signed on 10-22-07

---

Mary Stalnaker, Director  
Family Support Services Division

---

Sharon Neuwald, Coordinator  
Office of Legislative Relations and Policy

---

WF # 07-17 (NAP)

---

## **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**

340:10-15-1

### **INSERT**

340:10-15-1, pages 1-3, revised 11-1-07

**340:10-15-1. Citizenship and alien status**

Revised 11-1-07

(a) An individual eligible to be included in a Temporary Assistance for Needy Families (TANF) benefit, must be either:

(1) a citizen or a national of the United States (U.S.), including the 50 states, District of Columbia, commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa and Northern Mariana Islands. An individual may be a citizen of the U.S. by being born in the U.S. or by being born in some other country but moving to the U.S. and being granted U.S. citizenship through the U.S. Citizenship and Immigration Services (USCIS) a bureau of the U.S. Department of Homeland Security; or

(2) a qualified alien described as:

(A) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(B) an alien who is paroled into the U.S. under Section 212(d)(5) of INA for a period of at least one year;

(C) an alien who is granted conditional entry pursuant to Section 203(a)(7) of INA as in effect prior to April 1, 1980;

(D) an alien who is granted asylum under Section 208 of INA;

(E) a refugee who is admitted to the U.S. under Section 207 of INA;

(F) an alien whose deportation is withheld under Section 243(h) or Section 241(b)(3) of INA;

(G) an alien who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

(H) battered aliens and their children or parents as defined in Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act as amended; or [8 U.S.C. 1641(c)]

(I) an alien and his or her eligible relatives who are victims of a severe form of trafficking pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000 which was reauthorized and amended by the Trafficking Victims Protection

OAC 340:10-15-1 (p2) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

Reauthorization Act of 2003. ■ 1

(b) A qualified alien who enters the U.S. on or after August 22, 1996, is not eligible for TANF benefits for a five year period beginning on the date of the alien's entry into the U.S. with a qualified alien status unless the alien is:

(1) admitted to the U.S. as a refugee;

(2) granted asylum;

(3) one whose deportation is being withheld;

(4) a Cuban or Haitian entrant;

(5) admitted to the U.S. as an Amer. Asian immigrant;

(6) lawfully residing in the state and is a veteran of the U.S. armed forces, on active duty, or is that person's spouse or unmarried dependent child; or

(7) is a victim of a severe form of trafficking. ■ 2

(c) A declaration of citizenship and alien status is required for all adults and children in the TANF benefit. This requirement is met when an adult member in the assistance unit completes and signs the application or review form attesting to the citizenship and alien status for all members of the assistance unit. Refer to OAC 340:65-3-1(g) for additional citizenship requirements for persons 14 years of age and older pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes.

(d) Declaration on behalf of a newborn child may be delayed provided the delay does not exceed the date of the assistance unit's next eligibility re-determination.

(e) Persons determined as having satisfactory alien status must have the status verified through Systematic Alien Verification for Entitlements (SAVE). In situations which require a written inquiry to the USCIS, the worker must not delay, deny, terminate, or reduce benefits to an alien pending USCIS verification of submitted documentation. ■ 3

(f) All persons born in the U.S. are, with rare exceptions, U.S. citizens. Documents of citizenship or national status of individuals from certain U.S. territories or possessions listed in (a)(1) of this Section may not be in their possession nor available. Their status can usually be determined by birth certificate, passport, or other official document. ■ 4

**INSTRUCTIONS TO STAFF 340:10-15-1**

Revised 11-1-07

1. The Office of Refugee Resettlement (ORR) provides a certification letter to an individual 18 years of age or older and an eligibility letter to a person who has not attained 18 years of age. These individuals are also provided T Visas which indicates eligibility for federally funded or administered benefits to the same extent as a refugee. The T Visas are T-2, T-3, T-4, and T-5 referred to collectively as Derivative T Visas. To determine the validity of the letters issued by ORR and to inform ORR which benefits the individual(s) has applied for, the worker must call the toll-free trafficking verification number 1-866-401-5510.
2. Refer to OAC 340:10-15-1(a)(2)(I).
3. Refer to OAC 340:65-3-4(5) and OAC 340:65-3-4, Instructions to Staff 15, for information regarding the Systematic Alien Verification for Entitlements (SAVE).
4. Any questions regarding whether any other official document provides reliable evidence of citizenship or national status are referred to Family Support Services Division Temporary Assistance for Needy Families Section.