

Bulletin

September 14, 2006

Minnesota Department of Human Services □ P.O. Box 64941 □ St. Paul, MN 55164-0941

OF INTEREST TO

- County Directors
- County Supervisors and Staff
 - Child Care
 - Child Support
 - Fiscal
 - Fraud
 - Income
 - Maintenance
 - Social Services
- County Child Care Administrative Contacts
- County Child Care Client Access Contacts
- Child Care Resource & Referral Agencies
- Employment Service Providers
- Tribal Representatives
- Providers
- Tribal Representatives

ACTION/DUE DATE

Please read and implement.

EXPIRATION DATE

The policies in this bulletin are ineffective as of September 14, 2008

Citizenship Verification Requirements for the Child Care Assistance Program

TOPIC

Identification of citizenship verification requirements required for the Child Care Assistance Program.

PURPOSE

Inform county agencies, employment and training service providers, child care resource and referral agencies, and tribal social service agencies of a policy modification for the Child Care Assistance Program.

CONTACT

Contact your CCAP Technical liaison (see Page 2) or submit your question through Policy Quest.

CCAP Technical Liaisons (see Page 2)
 Minnesota Department of Human Services
 P.O. Box 64951
 St. Paul, N 55164-0951

SIGNED

CHARLES E. JOHNSON
 Assistant Commissioner
 Children and Family Services

Introduction and background:

Counties have been instructed that all children should receive child care assistance if the family meets the program eligibility guidelines. Counties previously were advised that eligibility for CCAP should not be denied if a child could not document immigration status, but that counties should identify these families in preparation for a change in reporting requirements.

Technical Liaisons contact information:

Region	Technical Liaison	Phone Number	Email Address
2, 3, 5, 7E	Tia Chang	(651) 431-4036	tia.chang@state.mn.us
4	Brenda Clark	(651) 431-4047	brenda.clark@state.mn.us
6E, 6W	Laurie Possin	(651) 431-4044	laurie.j.possin@state.mn.us
7W, 10, 11	Merianne Peterson	(651) 431-4035	merianne.peterson@state.mn.us
1, 8, 9	Joan Anderson	(651) 431-4037	joan.k.anderson@state.mn.us

Background

Federal Public Benefits - The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), limits the eligibility of non-citizens for federal public benefits. Child care assistance has been determined to be a federal public benefit. The federal government, however, has determined that child care assistance is not a “federal means-tested public benefit.”

Consequently, those non-citizens who are “qualified aliens” can receive child care assistance from federal funds. A “qualified alien” is generally,

- (1) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.],
- (2) an alien who is granted asylum under section 208 of such Act [8 U.S.C. 1158],
- (3) a refugee who is admitted to the United States under section 207 of such Act [8 U.S.C. 1157],
- (4) an alien who is paroled into the United States under section 212(d)(5) of such Act [8 U.S.C. 1182 (d) (5)] for a period of at least 1 year,
- (5) an alien whose deportation is being withheld under section 243(h) of such Act [8 U.S.C. 1253] (as in effect immediately before the effective date of section 307 of division C of Public Law 104-208) or section 214(b)(3) of such Act [8 U.S.C. 1231 (b) (3)] (as amended by section 305(a) of division C of Public Law 104-208),
- (6) an alien who is granted conditional entry pursuant to section 203(a)(7) of such Act [8 U.S.C. 1153(a)(7)] as effective prior to April 1, 1980,
- (7) an alien who is a Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980) [8 U.S.C. 1644], or
- (8) an alien who meets the definition of a battered alien in 8 U.S.C. 1641 (c).

The U. S. Department of Health and Human Service, Administration for Children & Families, has clarified that the child is the beneficiary of child care assistance benefits and, therefore, PRWORA requires that only the citizenship and immigration status of the child be verified for child care assistance eligibility purposes. When determining whether a Minnesota family is eligible for child care assistance, the county therefore verifies only the citizenship and immigration status of the child or children for whom assistance is sought.

PRWORA specifically provides that its provisions do not apply to Head Start and non-postsecondary educational programs and that it does not have any effect on the right of non-citizen children to participate in these programs. Consequently, the federal government has determined that when child care assistance funds are used to pay for child care in settings subject to public educational standards, such as a Head Start or a pre-kindergarten or a school-age care program operated under public education standards, PRWORA does not require verification of the child's citizenship or immigration status because the child is participating in a non-postsecondary educational program rather than receiving federal public benefits.

State and Local Public Benefits – PRWORA also prohibits certain non-citizens from receiving state or local public benefits. Under federal law, only “qualified aliens” as described above, non-immigrants under the Immigration and Nationality Act, and aliens paroled into the United States under 8 U.S.C. 1182 (d)(5) for less than one year, can receive state and local public benefits. PRWORA allows states to pass laws granting state or local public benefits to individuals who are not lawfully present in the United States. Minnesota has not enacted such a law. Consequently, children who are not lawfully present in the United States are not eligible for child care assistance under state law.

Required county action:

Counties must deny a family's application for child care assistance or terminate a family's child care assistance when:

- (1) the setting where child care will be or is being provided is not subject to public educational standards (such as a Head Start or a pre-kindergarten or a school-age care program operated under public education standards), and
- (2) the county cannot verify that any of the children for whom assistance is being sought or paid have an immigration status that makes them eligible for child care assistance.

If the county can verify that any of the children for whom assistance is being sought or paid have an immigration status that makes them eligible for child care assistance, the case should be opened and assistance provided for any eligible children.

Counties should refer to the *Guide to Non-citizen Eligibility for Cash and Food Support*, available through eDocs, for guidance on identifying immigration documents and determining immigration status.

SECTION 3. Special Needs

This information is available in other formats to people with disabilities by contacting Aaron Coonce at 651-431-4048 or through the Minnesota Relay Service at 1-800-627-3529 (TDD), 7-1-1 or 1-877-627-3848 (speech to speech relay service).

SECTION 4. Legal References

Federal law, Child Care and Development Block Grant, Title 42, section 98.58

PRWORA, title 8, section 1601 et seq.

Minnesota Statutes, sections 119B.09-119B.13

Minnesota Rules, parts 3400.0040 and 3400.0110