Screening Noncitizen Clients for TAFDC Eligibility*

* Remember that there are other eligibility requirements for receiving TAFDC as well, such as income, household composition, etc.

Is the client...

An Amerasian immigrant, Refugee, Asylee, Iraqi or Afghan special immigrant, victim of trafficking, or granted Withholding of Deportation or Removal?

Yes

Eligible for TAFDC

No

A Cuban-Haitian Entrant? If from Cuba or Haiti, use Attachment A to screen for this status.

Yes

Eligible for TAFDC

No

Client or spouse on active duty or veteran of the U.S. Armed Forces (including WWII Filipino veterans) or a Hmong or other Highland Lao veteran?

Yes

Probably eligible for TAFDC. Contact Legal Services for details.

No

A legal permanent resident (LPR, or “green card” holder) or Parolee (with parole granted for at least a year)?

Yes

LPR or Parolee for at least 5 years?

Yes

Eligible for TAFDC

No

Did the client have any status listed in first 2 ovals before becoming an LPR?

Yes

Lived in the U.S. on 8/22/96?

Yes

No

No and LPR

No and Parolee

No
Physically present in the U.S. *continuously* (not absent for more than 30 days at once or 90 days total) from the last date of entry before 8/22/96 until got LPR or Parolee status?

- Yes: Eligible for TAFDC.
- No:
  - Yes: Client or child abused by a family member who resided in the same household in the U.S.?
    - Yes: Still live with abuser?
      - Yes: NOT eligible for TAFDC at this time.
      - No:
        - Yes: Filed self-petition under Violence Against Women Act and either approved or got *Notice of Prima Facie Determination* of eligibility?
          - Yes: Client and children eligible for TAFDC.
          - No:
            - Yes: Does the victim of abuse (i.e. client or child) have a spouse, parent or step-parent who is a U.S. citizen or LPR?
              - Yes: Has the U.S. citizen or LPR spouse/parent/step-parent filed an I-130 relative petition for victim of abuse?
                - Yes: Probably eligible for TAFDC. *Contact Legal Services for assistance.*
                - No: NOT eligible for TAFDC at this time.
              - No: No.
            - No: No.
        - No: No.
    - No: No.
Attachment A: Cuban-Haitian Entrants

Cuban and Haitian nationals who fall into the following categories qualify for TAFDC and SNAP as “Cuban-Haitian Entrants”:

- was paroled into the U.S. on or after 10/10/80, regardless of any later changes in immigration status (except that an individual paroled into the custody of law enforcement for criminal prosecution, or to testify as a witness, does not qualify). An individual paroled before this date may also qualify – contact Legal Services for assistance!
- has a pending asylum application and there is no indication that the person is subject to a final, non-appealable and enforceable order of removal, deportation or exclusion;
- is currently undergoing removal, deportation, or exclusion proceedings, but there is no indication that the person is subject to a final, non-appealable and enforceable order;
- is residing in the U.S. under an order of supervision;
- adjusted to legal permanent resident (LPR) status under the Cuban Adjustment Act, the Nicaragua Adjustment and Central American Relief Act (NACARA), or the Haitian Refugee Immigration Fairness Act.

See the Department of Transitional Assistance’s Field Operations Memorandum 2007-52 for more details, or contact Legal Services if you need assistance!