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Field Operations Memo 97-46
July 23, 1997

To: Local Office Staff
From: Joyce Sampson, Assistant Commissioner for Field Operations
Re: Eligibility of Noncitizens for Cash Programs and Emergency Assistance Benefits

Background Sections of the Massachusetts FY98 budget focus on a noncitizen's eligibility for cash assistance and emergency assistance benefits. State Letter 1128 issued the revised regulations. Included in the State Letter 1128 are provisions for:

- providing cash assistance to certain noncitizens who do not meet the TAFDC noncitizen eligibility requirements but meet all other TAFDC requirements. This assistance will be called **Supplemental TAFDC**;
- an additional eligibility requirement for noncitizens applying for EAEDC cash assistance; and
- prohibiting Emergency Assistance benefits to anyone who does not meet the definition of a U.S. citizen, an American Indian born in Canada, or a TAFDC or Supplemental TAFDC noncitizen.

This interim memo addresses those areas of the State Letter about which staff may have immediate questions. A more detailed memo will be issued in the near future.

**Highlights
of SL 1128**

- 1) **Supplemental TAFDC** is Category 2 just like TAFDC. It is not a separate program of assistance. It is TAFDC for certain noncitizens. All TAFDC program codes, action reasons, etc., should also be used.

When members of the same assistance unit are eligible for TAFDC and Supplemental TAFDC, they are all included in one assistance unit under Category 2.

Example: A family of four apply for cash benefits, with three members eligible for TAFDC and one member eligible for Supplemental TAFDC. The worker enters the data onto PACES as one CAT 2 case with four active recipients. They will receive cash benefits equal to the appropriate Payment Standard for four, less any income. **The worker must accurately enter the noncitizen data on PRISM II for each household member where the noncitizen data are tracked.**

2) TAFDC vs Supplemental TAFDC:

Currently, TAFDC does not provide benefits to a noncitizen who is:

- a legal permanent resident (LPR) for less than five years (LPR status granted on or after 8/22/96) and was not a refugee, asylee or deportee before becoming an LPR;
- a parolee for less than five years (parolee status granted on or after 8/22/96);
- a conditional entrant for less than five years (entrant status granted on or after 8/22/96); or
- presently residing in the U.S. under color of law - PRUCOL.

As of 7/1/97, **Supplemental TAFDC does provide cash benefits** to a noncitizen who is:

- a legal permanent resident (LPR) for less than five years (LPR status granted on or after 8/22/96);
- a parolee under section 212(d)(5) for less than five years (parolee status granted on or after 8/22/96);
- a conditional entrant under section 203(a)(7) for less than five years (entrant status granted on or after 8/22/96); or
- permanently residing in the U.S. under color of law - PRUCOL.

A noncitizen may receive **Supplemental TAFDC** when he or she meets:

- one of the four groups of eligible noncitizens described above,
- other Supplemental TAFDC requirements of residency and efforts for becoming a citizen, unless good cause exists, and
- all other TAFDC program requirements.

Highlights
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The eligible noncitizen is entitled to all of the benefits associated with TAFDC, and is subject to all of the program requirements associated with TAFDC, such as time-limited benefits, family cap, work program requirements, school attendance, immunization, etc.

Supplemental TAFDC is identical to TAFDC except for:

- the noncitizen eligibility criteria,
- the residency requirement described in (3) below,
- the efforts to become a citizen described in (5) below, and
- being totally state-funded.

- 3) Residency requirement:** To be eligible for **Supplemental TAFDC** the noncitizen **must have lived in Massachusetts for at least the six months before applying for benefits.** Verification of continuous Massachusetts residency must be submitted. A noncitizen applicant who has not resided in Massachusetts for six consecutive months will be denied Supplemental TAFDC based on the residence regulation in 106 CMR 203.650.

If denied Supplemental TAFDC for the residency requirement, the noncitizen applicant, individual or family is not eligible for EAEDC Family based on 106 CMR 320.400(A)(3).

- 4) PRISM II:** Because TAFDC is federally-funded and Supplemental TAFDC is state-funded, the Department must be able to identify which individuals receive cash benefits under TAFDC versus Supplemental TAFDC. Both assistance units will be listed as Category 2. It is through PRISM II that the Department will be able to identify noncitizen individuals receiving Supplemental TAFDC through the PRISM II citizenship status and the status granted date.

IMPORTANT: It is critical that all recipient information be coded accurately on PRISM II for both citizen and noncitizen individuals, whether receiving TAFDC, Supplemental TAFDC, EAEDC or Food Stamps.

- 5) Becoming a Citizen:** Both Supplemental TAFDC and EAEDC have a requirement that certain noncitizens be engaged in efforts to become a U.S. citizen, unless there is good cause.

This requirement does not apply to anyone who:

- is not a legal permanent resident (LPR) because only an LPR may become a citizen. Status is verified;

Highlights
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- is not physically or mentally able to prepare to become a citizen. Verification is required;
- has a serious family situation or illness of another immediate family member that prevents the LPR from engaging in efforts for the next 30 days. At the end of the 30 days the noncitizen may be able to engage in efforts to become a citizen or he or she may claim good cause again for the same reason. Verification is a written, signed and dated statement from the noncitizen or from a collateral contact.

You will receive additional instructions on how to verify that an individual either is engaged in appropriate efforts to become a citizen, or the requirement does not apply to him or her at this time.

- 6) Emergency Assistance:** Emergency assistance may be provided only to individuals who are U.S. citizens, American Indians born in Canada, or eligible noncitizens for TAFDC or Supplemental TAFDC. If the household consists only of noncitizens not eligible for TAFDC or Supplemental TAFDC, then the household is ineligible for EA benefits. **However, if at least one member of the household is eligible for EA, that household may not be denied the EA benefits.**
- 7) EAEDC:** There have been no changes in the acceptable noncitizen statuses eligible for EAEDC. The only change is the requirement that a noncitizen be engaged in efforts to become a citizen as described in (5) on the preceding page.

Questions

If you have any questions about this memo, have your Hotline designee call the Policy Hotline at (617) 348-8478.
