

EES POLICY NO. 00-12-03

RE: Access to Benefits for Qualifying and Non-qualifying Aliens and Their Families

POLICY MEMO

KEESM: [2140](#), [2691](#), [4120](#) and [4200](#)

FROM: Dennis Priest

OTHER:

DATE: December 8, 2000

Where Posted on Web:

Revised: May 1, 2006

http://content.dcf.ks.gov/ees/KEESM/Policy_Memo/00-12-03.htm

Program(s): Cash, Food Assistance, Medical and Child Care

Guidelines have been recently issued by the Department of Health and Human Services, the Department of Agriculture, and the Social Security Administration among others regarding access to such assistance for immigrants and non-documented aliens and the mandatory federal requirements associated with providing or denying access to such individuals in the Temporary Assistance for Needy Families (TANF), Food Assistance, Medicaid, State Children's Health Insurance (S-CHIP), and Child Care Subsidy programs among others. These guidelines have highlighted numerous state practices which could be modified to improve access and remove barriers for families where some of the members are qualifying legal immigrants or citizens including modifying the application process. In addition, the federal Office of Civil Rights (OCR) has released a summary of pertinent statutory requirements regarding the prohibition of discriminatory practices based on race, ethnicity, and immigrant status. Advocate and legal organizations serving immigrants have seized upon this issue and, as a result, have brought pressure on states to begin addressing these issues in a timely fashion.

This heightened emphasis and focus on state policies regarding access to programs for immigrant families has resulted in a review of current practices and policies across the agency to determine what changes may be needed to further comply with federal law and to also remove unnecessary barriers to services and benefits including the provision for materials and notices in alternative languages and for the availability of interpreters.

As this activity gets underway it is important to **reclarify** current policy regarding the handling of eligibility determinations for households, families and individuals meeting or failing to meet citizenship/immigration requirements and, based on new federal guidelines, eliminate the Immigration and Naturalization Services (INS) reporting requirement for undocumented aliens.

1. KEESM [2140](#) and the chart contained in the KEESM Appendix notes current immigration status and documentation requirements to gain access to cash, food assistance, medical and child care benefits. Questions concerning whether or not

an individual meets the criteria listed in this information can be forwarded to Central Office for assistance in the determination.

2. If one or more members of the family or household fails to meet alienage requirements, they are not eligible for assistance. However, this does not prevent access to benefits for the remaining members who do meet the requirements as noted below.
3. Citizenship/immigration status information as well as a social security number must be provided for all members for whom assistance is requested or, for cash and food stamp purposes, all members of the mandatory filing unit or food stamp household as defined in KEESM [4200](#) and subsections. Again, failure to provide such information results in ineligibility for only the individual and not the remaining members except as noted in KEESM [4120\(4 \)](#). Such ineligible persons would still be included in the filing unit or household for purposes of determining eligibility including consideration of their income and resources but their needs would not be included in the cash or food stamp benefit determination. They are otherwise viewed as disqualified individuals.
4. Persons who are not requesting assistance for themselves are not required to provide citizenship/immigration status information or Social Security numbers. This includes legally responsible individuals who are not part of the mandatory filing unit or mandatory food stamp household. As there is no mandatory filing unit rule for medical, individuals not wishing to provide this information can voluntarily exclude themselves and thus would not have to meet this requirement.

In addition, assistance cannot be denied to the other members if such persons do not disclose their citizenship/immigration status or provide an SSN. For example, a grandparent applying for cash benefits for her grandchildren is not required to provide this information. Where the individual is a legally responsible person for other persons accessing assistance, he or she must still cooperate in providing income and resource information and, for medical assistance purposes, would still be included in the eligibility determination.

5. If requested, access to interpretation assistance needs to be provided in the application and review process as well as any ongoing case maintenance and communication functions. This involves using such elements as the AT&T language line and the hiring of interpreters and/or bilingual staff as necessary. Local community organizations which serve primarily immigrant populations such as Migrant Health Clinics can also be used to help in this purpose.
6. In regards to verification of income of undocumented aliens, it is recognized that those who are working are doing so under assumed names and/or false social security numbers. Verification of income in these instances is acceptable based on information provided by the individual as to the name and number they are working under and the wage statements submitted using this information. Where wage information is not available from the employer, a statement from the individual is acceptable. The primary issue is that assistance not be denied to the individuals the alien is legally responsible for or with whom the alien lives with as

part of a food stamp household based solely on the fact that the income is obtained illegally and for which there may be insufficient documentation or documentation under a false name or number. This type of employment shall also be recognized as a personal need for child care.

7. Non-qualifying legal immigrants as well as undocumented aliens are potentially eligible for emergency medical service coverage per KEESM [2691](#).
8. Finally, based on recent federal guidance placing more restrictive criteria for reporting undocumented aliens, the current procedure for reporting as specified in KEESM [2143.3](#) in the cash and food stamp programs is no longer applicable effective with receipt of this memo. INS shall no longer be informed of illegal assistance family or household members. The KEESM **was** modified to reflect this change with the May 2001 revision.

DP:jmm

[Back to Top](#) | [Next](#) |

[KEESM Home](#) | [Table of Contents](#) | [Index](#) | [EES Home](#) |

This page was last updated: 07/26/2012 4:02 PM