

COMMONWEALTH OF KENTUCKY  
CABINET FOR FAMILIES AND CHILDREN  
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FRANKFORT 40621



DEPARTMENT FOR COMMUNITY BASED SERVICES  
Division of Family Support

TO: Each Local Office

FSM-03-09-52

FROM: Dianne Andrews  
Director

DATE: September 15, 2003

SUBJECT: Immigrant Access to Benefits

Title VI of the Civil Rights Act of 1964 prohibits any federally funded program or activity from discriminating on the basis of race, color or national origin. Research indicates that U.S. citizen children and other eligible persons, who may live in immigrant households with mixed citizenship status, may be discouraged from applying for benefits due to fear of responding to certain questions on the application forms or in the application interview. These questions concern the disclosure of social security numbers and immigration status for individuals in the household who may not be requesting assistance for themselves. In hopes of alleviating these fears and improving access to benefits for Kentucky's growing immigrant population, this memo addresses how to resolve the following issues as they relate to Division of Family Support programs:

- Social Security numbers;
- Citizenship and immigration status; and
- Public charge determinations.

#### **Social Security Numbers**

Existing K-TAP, Food Stamp and Medicaid enumeration policies require each applicant to furnish a Social Security number or apply for one. Applicants who refuse or fail to comply with the enumeration requirement are considered ineligible and their needs are removed from the assistance group. That should not stop the entire household from receiving benefits. While every household member is to be listed, only those who wish to receive benefits are considered **applicants**. Those individuals who do not wish to furnish a Social Security number are considered **non-applicants**.

To ensure compliance with Title VI and existing policy, Family Support staff must ensure that all applicants are informed of the following:

- They must furnish a social security number for each **applicant**;
- They do not have to furnish a social security number for **non-applicants**;

(over)



- Members who do not furnish a social security number will not be eligible for benefits but other members who do furnish a social security number may still be eligible;
- They may voluntarily furnish social security numbers for non-applicant household members;
- Social security numbers furnished for applicants and non-applicants are used to verify employment and income; and
- Social security numbers will not be used to report anyone, whether applicant or non-applicant, to the Bureau of Citizenship and Immigration Services (BCIS).

K-TAP policy designates certain eligible household members as mandatory assistance group members. For example: eligible siblings and parents in the same household cannot choose to be excluded from the assistance group.

If a mandatory assistance group member refuses or fails to comply with enumeration requirements, it will not effect the eligibility of other members. However, that member will be technically ineligible and the benefit amount will be less. Depending on the individual's relationship to other members, this technically ineligible member may still be required to report and verify his/her income and resources. The individual should be informed that he/she is a mandatory assistance group member. This means if we have proof of eligible immigration status or a declaration of citizenship for the individual and we later learn his/her social security number or have it in our records already, the individual will no longer be technically ineligible and we will be required to determine his/her eligibility for benefits.

### **Citizenship and Immigration Status**

Applicants for K-TAP, Food Stamp or Medicaid benefits should be informed that:

- To be eligible for benefits an individual must be a United States citizen, or a qualified alien. The criteria for qualified aliens is outlined in OM Vol. I, MS 2000.
- An individual that does not have verification of his/her citizenship or immigration status may contact the BCIS to obtain necessary verification. In situations where the individual is unable to provide verification of his or her citizenship or immigration status, the caseworker shall not contact the BCIS and shall not otherwise attempt to verify the status of an individual unless the individual specifically asks for help.
- An applicant who fails or refuses to verify his or her citizenship or immigration status or who states he or she does not meet the criteria of a qualified alien will be considered an ineligible non-applicant.
- Ineligible non-applicants are excluded from the assistance group but do not effect the eligibility of other members who are otherwise eligible. The income and resources of ineligible non-applicants may be considered in the case depending on the relationship of the individual to members of the assistance group.
- The signature of the appropriate individual on the KAMES application, as outlined in OM Vol. I, MS 0096, is accepted as declaration of the citizenship of all applicants unless there is reason to question the statement. Questioning the individual's statement and requiring proof of U.S. citizenship because of limited English proficiency or because of the individual's appearance may be a violation of Title VI of the Civil Rights Act.
- If the appropriate individual refuses or fails to sign the application on behalf of the assistance group, the entire assistance group is ineligible.

### **Public Charge**

Immigrants applying for benefits may ask field staff about the consequences of becoming a public charge. This is of concern to immigrants who want to change their immigration status.

A "public charge" is defined by BCIS as: an alien who has become (for deportation purposes) or who is likely to become (for admission/adjustment purposes) solely dependent on government assistance as demonstrated by either:

- The receipt of public cash assistance for income maintenance (including K-TAP or SSI); or
- The institutionalization for long-term care at government expense (institutionalization for short periods of rehabilitation does not constitute primary dependence).

Receipt of food stamps and Medicaid (other than long term care) will not cause an alien to be considered a "public charge".

Refugees and persons granted asylum may receive any benefit, including K-TAP, without hurting their chances of changing their immigration status or becoming a U.S. citizen.

Attached is form PAFS-4, Important Information for All Who Apply, a fact sheet to help explain about providing social security numbers, citizenship and immigration status, public charge and the right to a free interpreter. This should be reviewed at the beginning of each application.

If you have questions, please contact the Division of Family Support through your Regional Office.

DA/TT/rcj

Attachment

cc: Service Region Administrators  
Service Region Administrator Associates  
Program Specialists  
Field Services Supervisors  
Case Management Coordinators  
Office of the Ombudsman  
Mark Neff