



## Administrative Policies and Procedures: 23.04

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**Subject** Families First Technical Eligibility

**Approved by**

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**Authority** Tenn. Comp. R. & Regs. 1240-01-03

**Application** Family Assistance Staff

### Policy Statement

To be eligible for Families First, all assistance unit (AU) members must be enumerated, a resident of the State of Tennessee, and a citizen of the United States or qualified non-citizen. Children in the AU must also meet age and relationship requirements.

### Purpose

The purpose of this policy is to outline the non-financial eligibility requirements for Families First.

### Procedures

#### A. Enumeration

Enumeration is the procedure by which the Social Security Administration (SSA) in cooperation with TDHS assigns and/or verifies Social Security numbers (SSN) for Families First customers.

1. Each customer included in the AU must furnish his/her Social Security number (SSN) or numbers if more than one number has been issued.
2. If an individual does not have a Social Security number, he/she must apply for a number prior to being approved for benefits or prior to being added to an existing AU.
3. If the caretaker fails or refuses to enumerate a mandatory assistance unit member, then that individual is technically ineligible and must not be included in the assistance unit.

#### B. Residence

1. A Families First AU must reside in Tennessee.
  - Temporary absences from the state with subsequent returns, or intent to return once the purpose of the absence has been accomplished, do

not terminate residence.

2. No individual may receive benefits as a member of more than one AU, in more than one county or state, within the same month.
3. There is no durational residency requirement for Families First.

### C. Citizenship

1. To receive Families First, an individual must be a citizen of the United States or a qualified non-citizen who is lawfully admitted to the United States.
2. The citizenship status of each AU member must be acknowledged on the citizenship section of the [HS-0169 Application for Assistance](#).
3. An ineligible non-citizen will be excluded from the Families First AU, but may receive a grant for any eligible children in his/her care. See [Families First Technical Eligibility Procedures](#) for additional information.

### D. Public or Private Agency Sponsors

1. Any non-citizen under the sponsorship of a public or private agency/organization is not eligible to receive Families First within three years of entry into the country unless it is proven and documented that the agency is no longer in existence or has become unable to meet their sponsorship obligations to the non-citizen.
2. If it is determined that the agency is unable to meet their sponsorship obligations, the non-citizen's eligibility would be determined as an unsponsored non-citizen.

### E. Individual Citizen Sponsors

1. Non-citizens who apply for Families First for the first time must have the income and resources of their individual citizen sponsors considered in determining their eligibility for assistance.
2. The income and resources of the sponsor shall be considered for a period of three years after the Non-citizen's entry into the United States.

### F. Non-Citizen's Responsibility

1. The Non-citizen is responsible for obtaining the cooperation of his/her sponsor and for providing the information necessary to determine the Non-citizen's eligibility. This will include material provided in support of the Non-citizen's immigration application.
2. Failure to obtain the sponsor's cooperation or to supply the information will result in denial/closure of the application/case.

### G. Non-citizens Exempt from the Requirement to Provide Sponsor Support Information

Non-citizens who are exempt from the provision are those who were:

1. Paroled into the United States as refugees.
2. Granted political asylum by the Attorney General.
3. Admitted as Cuban or Haitian entrants.
4. Admitted under Section 203 (a)(7) of the Immigration and Naturalization Act prior to April 1, 1980.
5. Admitted under Section 207 (c) of the Act after March 31, 1980.
6. Non-citizen children of sponsors or of sponsor's spouse.
7. Recipients of AFDC prior to October 1, 1981, or a former AFDC recipient who reapplies for Families First in the future.
8. Determined to be an indigent immigrant in Legal Permanent Resident status whose sponsor executed an I-864 Affidavit. In these instances, only the income and resources that the sponsor and his or her spouse actually provide to the immigrant, if any, should be considered. An exemption for a period of twelve (12) months will be granted beginning on the date the

determination is made.

- H. Multiple Sponsorship** When it is determined that an individual citizen sponsor has agreed to sponsor multiple families, the amount to be deemed to the eligible families is divided equally among the families who are applying for assistance. If only one family applies for Families First, then the total amount of the sponsor's liability (income and resources) is applied to the family so applying.
- I. Liability For Overpayments** Any sponsor of a non-citizen and/or the Non-citizen is jointly and severally liable for any overpayment made to such Non-citizen during the three-year period following the Non-citizen's entry into the United States, if such overpayment was due to the sponsor's failure to provide correct information, except where it can be established that the sponsor was without fault or where good cause for failure to provide such information can be established. The same procedure for handling overpayment is applicable to Non-citizens as for any other Families First recipient.
- J. Good Cause for Sponsor to Fail to Provide Information** Good cause for failure of the sponsor to provide correct information to the Department includes the following:
1. The Department fails to request information regarding the sponsor's income and resources.
  2. The sponsor has had no direct contact with the Department concerning his/her income and resources, and he/she is unaware of the information provided by the sponsored Non-citizen.
  3. Social and/or language barriers preclude the sponsor's understanding and ability to provide the correct information.
  4. Other unusual circumstances which indicate that the failure to provide correct information is beyond the sponsor's control.
- K. Age Requirement** To be eligible for Families First benefits, a child must be under age 18 unless:
1. A student under age 19 who will complete high school or an equivalent vocational/technical training before his/her 19th birthday will continue to be eligible through the month of their graduation; or
  2. A student under age 19 with a disability as defined by the Americans with Disabilities Act (ADA) will continue to be eligible through the month of their 19<sup>th</sup> birthday even if they will not complete high school or vocational/technical training.
- L. Relationship**
1. To be eligible for Families First, a child must be living in the home of a parent or certain relative who is within a specified degree of relationship to the child. Relatives must be within the specified degree of relationship as outlined on the [Family Relationship Chart](#).
  2. The relationship requirement cannot be waived.
  3. When the child lives with the relative, it is presumed that the relative has care and control of the child.
    - a. In certain situations the caseworker must determine who has care and control of the child on a case-by-case basis. These situations may include, but are not limited to:
      - i. Joint custody cases.
      - ii. When the relative and the child live in different dwellings.
      - iii. When temporary absence is claimed.



<b>Parents to Each Other</b>	parents are married to each other after the child's birth, the child is legitimated at the point of the parent's marriage. The parents may request legitimation by making application for a new Certificate of Birth to the Tennessee Department of Health and Vital Records. Both parents must sign the necessary forms in order for the change in records to be made. A certified copy of the marriage certificate and a notarized request on a form provided by Vital Records must be sent to Vital Records in order to change the child's birth certificate to show his/her legitimate status.
<b>Paternity Proceedings</b>	A petition by the mother, the putative father, the Department of Human Services, or someone acting on the child's behalf is filed in Juvenile Court seeking to have a child's status legally determined.
<b>Qualified Non-Citizen</b>	<p>A noncitizen who is lawfully admitted under at least one of the conditions listed below:</p> <ul style="list-style-type: none"> <li>• A non-citizen lawfully admitted for permanent residence as an immigrant as defined in Sections 101 (a)(15) and 101 (a)(20) of the Immigration and Nationality Act. However, a non-citizen lawfully admitted for permanent residence pursuant to Section 245A of the Immigration and Nationality Act must be eligible as specified in the paragraph below of this section that addresses Non-citizens who are defined as aged, blind or disabled.</li> <li>• A non-citizen who entered the United States prior to January 1, 1972 or some later date as required by law, and has continuously maintained residency in the United States since then, and is not ineligible for citizenship, but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to Section 249 of the Immigration and Nationality Act.</li> <li>• A non-citizen who is qualified for entry pursuant to section 207 or 208 of the Immigration and Nationality Act; <ul style="list-style-type: none"> <li><b>Note:</b> Amerasians in Vietnam, with certain family members, are to be admitted under this section. They should possess INS documents with an identifier in the range of AM1 through AM3 or AM6 through AM8. In Families First these are treated as refugees. An Amerasian is an individual who was: <ul style="list-style-type: none"> <li>○ Born in Vietnam between January 1, 1962 and January 1, 1976.</li> <li>○ Fathered by a U.S. citizen.</li> <li>○ Residing in Vietnam as of March 20, 1988 (the date of enactment of the Amerasian legislation).</li> </ul> </li> </ul> </li> </ul> <p>Amerasian family members who can be admitted under Section 207 or 208 of the Act include: the spouse or child of an Amerasian if the spouse or child is accompanying or planning to join the Amerasian; and the Amerasian's natural mother and the spouse or child of the Amerasian's natural mother or the person who has acted as the Amerasian's mother, father, or next of kin and such person's spouse or child if the family member is accompanying or planning to join the Amerasian.</p> <ul style="list-style-type: none"> <li>• A non-citizen who is an Afghan and has been granted Special Immigrant Status under section 525 of Title V of the Consolidated Appropriations Act of 2008 as described in Section 101(a)(27) of the Immigration and Nationality Act (INA).</li> <li>• A non-citizen who is an Iraqi and has been granted Special Immigrant Status under the National Defense Authorization Act for Fiscal Year 2008, Section 1244 of Public Law 110-181 as described in section 101(a)(27) of the Immigration and Nationality Act (INA).</li> <li>• Spouses and unmarried children under age 21 of Afghan and Iraqi Special</li> </ul>

- Immigrants who accompany or later join the Special Immigrant.
- A non-citizen granted asylum through an exercise of discretion by the Attorney General pursuant to Section 208 of the Immigration and Nationality Act.
  - A non-citizen lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to Section 212 (d)(5) of the Immigration and Nationality Act, or as a result of a grant of parole by the Attorney General.
  - A non-citizen living within the United States for whom the Attorney General has withheld deportation pursuant to Section 243 of the Immigration and Nationality Act.
  - A non-citizen who is defined as aged, blind or disabled in accordance with Section 1614 (a)(1) of the Social Security Act and is considered to be lawfully admitted for permanent residence pursuant to Section 245A (b) (1) of the Immigration and Nationality Act. Such Non-citizens may obtain lawful permanent resident status under Section 245 (b) (1) of the Act no earlier than November 7, 1988.
  - A non-citizen who is, as of June 1, 1987, or thereafter, a special agricultural worker and lawfully admitted for temporary residence in accordance with Section 210 (a) of the Immigration and Nationality Act.
  - A non-citizen who is lawfully admitted for temporary residence as an additional special agricultural worker as of October 1, 1989 through September 30, 1993, in accordance with Section 210 (a) of the Immigration and Nationality Act.

**Resident**

One who is living in the state/county voluntarily with the intention of making his/her home here and not for a temporary purpose (persons in the state or county for visits or vacations are not residents); is living at the time of application in the state/county, not receiving benefits from another locality, and has entered the state/county with a job commitment; or is seeking employment, whether or not currently employed. (This definition enables migrant and itinerant workers and their families to establish residence in the location where they came for employment purposes)

**Temporary Absence**

A temporary absence usually does not exceed three (3) months, and the customer intends to return to their residence in Tennessee.

**Termination of Parental Rights**

Termination of parental rights by a court of competent jurisdiction terminates all of the rights and responsibilities of a child's parents. However, such termination does not affect a child's relationship to his/her natural extended family. When blood relationship to these relatives can be factually established, they may receive Families First for the child.

**Valid Common-Law Marriage**

Tennessee does not recognize common-law marriages established in Tennessee, but does recognize common-law marriages established in states which view them as legally binding. Children born of such previously established marriages are considered legitimate and the spouses are obligated to each other financially. Exception: Not valid for deeming stepparent income.

**Citizen of the United States**

The United States is defined as the 50 states and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. In addition, nationals from American Samoa or Swain's Island are considered U.S. citizens for eligibility purposes

**Individual citizen sponsor** An individual citizen is a person who signed an affidavit or other statement accepted by INS as an agreement to support a Non-citizen as a condition of the non-citizen's admission for permanent residence in the United States.

## Acronyms

<b>Abbreviation</b>	<b>Expansion</b>
<b>AU</b>	Assistance Unit
<b>SSA</b>	Social Security Administration
<b>SSN</b>	Social Security Number

## Supersedes

- Families First Online Policy Manual chapters 9, 10, 11, 12, 13, and 14
- Families First Handbook pp 23-50
- Bulletins:
  - FA-14-12 as it applies to Families First
  - MA-11-04 As it applies to Families First
  - FA-10-14
  - FA-09-01
  - FA-09-09 as it applies to Families First
  - FA-09-14 as it applies to Families First
  - FA-09-20 as it applies to Families First
  - FA-08-04 as it applies to Families First
  - FA-08-30 as it applies to Families First
  - FA-08-32
  - FA-07-16 as it applies to Families First
  - FA-06-19
  - FA-06-34 as it applies to Families First
  - FA-04-04
  - FA-03-29
  - FA-01-11 as it applies to Families First
- Numbered Memoranda:
  - FA-14-05 as it applies to Families First
  - MA-12-02 as it applies to Families First
  - FA-10-04
  - FA-10-05
  - FA-09-18 as it applies to Families First
  - FAS-07-06
  - FA-06-03 as it applies to Families First
  - FA-06-05 as it applies to Families First
  - FA-06-07 as it applies to Families First
  - FF-04-07
  - FF-04-09
  - FF-04-11