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Transitional Aid to Families with Dependent Children – Noncitizen Status Clients

January 4, 2016

Massachusetts Department of Transitional Assistance



**REPORT ON TRANSITIONAL AID TO FAMILIES WITH DEPENDENT CHILDREN CLIENT'S WITH
ELIGIBLE NONCITIZEN STATUS
DECEMBER 2015**

DTA's MISSION

The mission of the Department of Transitional Assistance is to assist low-income individuals and families to meet their basic needs, increase their incomes, and improve their quality of life. DTA offers a comprehensive system of programs and supports to help individuals and families achieve greater economic self-sufficiency, including food and nutritional assistance, cash assistance, and employment supports.

DTA serves one out of every nine people in the Commonwealth including working families, children, elders, and people with disabilities.

Description of the Report

Chapter 18 Section 2 (B) (r) requires the Department of Transitional Assistance to file a report detailing the number of Transitional Aid to Families with Dependent Children (TAFDC) clients who are present in the United States under an eligible noncitizen status, as described in 106 CMR 203.675.

106 CMR 203.675

A noncitizen's eligibility for TAFDC depends on the section of the Immigration and Nationality Act (INA) under which the noncitizen is present in the United States, the date that status was granted, and the meeting of additional criteria. Eligible noncitizen statuses for TAFDC are:

1. Veterans and Active Duty Personnel

A noncitizen lawfully residing in the U.S. is an eligible noncitizen when he or she is:

- a. a veteran of the U.S. Armed Forces with honorable discharge not related to his or her noncitizen status;
- b. a person on active duty in the U.S. Armed Forces, other than active duty for training, who fulfills the minimum active-duty service requirement of 24 months or the period for which the person was called to active duty;
- c. a spouse of the veteran or person who died during active duty if:
 - i. the spouse has not remarried; and
 - ii. the couple was married for at least one year or for any period if a child was born of the marriage or was born before the marriage;
- d. a spouse or unmarried dependent child of the veteran or person on active duty described in (a) or (b) above. For purposes of this section, an unmarried dependent child is a child who is or could be claimed as a deduction on the veteran's tax return and who meets the definition of a dependent child as specified in 106 CMR 203.560(B);
- e. a Hmong or other Highland Lao veteran who fought on behalf of the Armed Forces of the U.S. during the Vietnam conflict and has been lawfully admitted to the U.S. for permanent residence; or
- f. a member of the organized military forces of the Government of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the

military order dated July 26, 1941, including organized guerrilla forces under commanders organized by the U.S. Army for service prior to 7/1/46.

2. Legal Permanent Resident

A noncitizen present in the U.S. as a legal permanent resident is an eligible noncitizen as specified below.

- a. The legal permanent resident status was granted before 8/22/96;
- b. The legal permanent resident status is granted on or after 8/22/96 and five consecutive years have elapsed from the date the legal permanent resident status was granted;
- c. The legal permanent resident status, regardless of the date the legal permanent status was granted, was a status adjustment by INS and prior to the status adjustment the noncitizen was (i) a refugee under section 207 of the INA, (ii) an asylee under section 208 of the INA, (iii) a noncitizen whose deportation was being withheld under section 243(h) or 241(b)(3) of the INA, (iv) a Cuban/Haitian entrant under section 501(e) of the Refugee Education Assistance Act of 1980 or under section 212(d)(5) of the INA, or (v) an Amerasian immigrant under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988; or
- d. The noncitizen, who entered the U.S. before 8/22/96, whose legal permanent resident status was granted on or after 8/22/96, and who has been continuously present in the U.S. from the latest date of entry prior to 8/22/96 until the legal permanent resident status was granted. Continuous presence is interrupted by a single absence from the U.S. of more than 30 days or a total of aggregated absences of more than 90 days.

3. Refugee

A noncitizen present in the U.S. as a refugee under section 207 of the INA is an eligible noncitizen.

4. Asylee

A noncitizen present in the U.S. as an asylee under section 208 of the INA is an eligible noncitizen.

5. Withholding of Deportation Noncitizen

A noncitizen whose deportation is being withheld under section 243(h) or 241(b)(3) of the INA is an eligible noncitizen.

6. Parolee

A noncitizen present in the U.S. as a parolee under section 212(d)(5) of the INA is an eligible noncitizen as specified below.

- a. (a) The parolee status was granted before 8/22/96 and the noncitizen is being paroled for a period of at least one year; or
- b. The parolee status is granted on or after 8/22/96, the noncitizen is eligible after five consecutive years have elapsed from the date the parolee status was granted; or (c) The noncitizen who entered the U.S. before 8/22/96, whose parolee status was granted on or after 8/22/96, and who has been continuously present in the U.S. from the latest date of entry prior to 8/22/96 until the parolee status was granted is an eligible noncitizen.

Continuous presence is interrupted by a single absence from the U.S. of more than 30 days or a total of aggregated absences of more than 90 days.

7. Conditional Entrant

A noncitizen present in the U.S. as a conditional entrant under section 203(a)(7) of the INA as in effect prior to 4/1/80 is an eligible noncitizen as specified below.

- a. The conditional entrant status was granted before 8/22/96; or
- b. The conditional entrant status is granted on or after 8/22/96, the noncitizen is eligible after five consecutive years have elapsed from the date the conditional entrant status was granted; or
- c. The noncitizen who entered the U.S. before 8/22/96, whose conditional entrant status was granted on or after 8/22/96, and who has been continuously present in the U.S. from the latest date of entry prior to 8/22/96 until the conditional entrant status was granted.

Continuous presence is interrupted by a single absence from the U.S. of more than 30 days or a total of aggregated absences of more than 90 days.

8. Battered Noncitizens

A noncitizen is an eligible noncitizen if while lawfully residing in the U.S. the noncitizen or his or her minor child

- a. has been battered or subjected to extreme cruelty in the U.S. by:
 - i. 1. a spouse or a parent, or a member of the spouse's or parent's family residing in the same household as the noncitizen; and
 - ii. the spouse or parent consented or did not intervene to stop such battery or cruelty. A noncitizen who actively participated in the battery or cruelty toward his or her child is ineligible; and
- b. the individual responsible for the battery or cruelty is no longer residing in the same household as the noncitizen or minor child subjected to the battery or cruelty; and
- c. the noncitizen has been approved or has a pending petition for:
 - i. status as a spouse or a child of a U.S. citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the INA;
 - ii. classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the INA;
 - iii. suspension of deportation and adjustment of status pursuant to section 244(a)(3) of the INA; or
 - iv. status as a spouse or child of a U.S. citizen pursuant to clause i of section 204(a)(1)(A) of the INA, or classification pursuant to clause i of section 204(a)(1)(B) of the INA

9. Cuban/Haitian Entrants

A noncitizen present in the U.S. as a Cuban/Haitian entrant under section 501(e) of the Refugee Education Assistance Act of 1980 or under section 212(d)(5) of the INA is an eligible noncitizen.

10. Amerasian

A noncitizen from Vietnam who is present in the U.S. as an Amerasian immigrant (as defined in section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988) is an eligible noncitizen.

11. Victims of Severe Forms of Trafficking

A noncitizen who is present in the U.S. having been issued a letter of certification by the U.S. Department of Health and Human Services (HHS) as proof of the victim of severe forms of trafficking status (as defined in the Trafficking Victims Protection Act of 2000) is an eligible noncitizen.

As of March 1, 2015: Breakdown of TAFDC Recipients with Noncitizen Status

Non-Citizen Status	Recipients
Amerasian	4
Asylee	62
Battered Noncitizen/VAWA	24
Conditional Entrant	7
Cuban/Haitian Entrant	11
Deportation Withheld Noncit.	3
Legal Permanent Resident	2,060
Noncitizen Veteran	0
Parolee	3
Refugee	486
Victim of Trafficking	0