



October 20, 2023

Cash Assistance Manual Transmittal Letter No. 196

TO: All Cash Assistance Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: Five Year Rule Review: Written Declaration of Citizenship/Alien Status and the Use of Systematic Alien Verification for Entitlements System.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 11/01/2023.

Chapter 1000

5101:1-1-50 "Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements System."

The rule describes the policy regarding written declaration for citizenship/alien status and the use of the Systematic Alien Verification for Entitlements System (SAVE) of noncitizens who apply for the Ohio Works First; Prevention, Retention, and Contingency; and Refugee Cash Assistance programs. OFA amended this rule. Changes to the rule include:

- Paragraph (D) was updated to reflect there are three methods to verify documents in the SAVE system;
- New paragraph (D)(3) was created to include the process for a third-level review;
- Paragraph (F) was stricken to remove the manual requirement using the G-845 form to align with federal guidance received that this process is no longer valid; and
- Minor language changes were made for clarity

5101:1-1-50

Written declaration of citizenship/alien status and the use of the systematic alien verification for entitlements system.

Each individual who is not a citizen or national of the United States (U.S.) is required to provide a written declaration of alien status and provide documentation to support their alien status. The county agency is required to confirm the authenticity of the documentation provided by the individual through the automated systematic alien verification for entitlements (SAVE) system.

(A) What is the written declaration of citizenship/alien status?

(1) Each individual applying for Ohio works first (OWF); prevention, retention and contingency(PRC); or refugee cash assistance(RCA) shall provide a declaration in writing under penalty of perjury of the following:

(a) If the individual is a citizen or national of the U.S. or an alien in a satisfactory immigration status; and

(b) The status of all dependent children for whom assistance is requested.

(2) The written declaration of citizenship/alien status shall be considered met for all members of the assistance group when the adult, minor head of household or authorized representative signs and dates an application as defined in rule 5101:1-2-01 of the Administrative Code.

(3) Declarations on behalf of newborn children shall be provided no later than the next scheduled recertification. The declaration requirement is met by the assistance group member's signature on the application as described in rule 5101:1-2-01 of the Administrative Code.

(4) Any assistance group member who is not a U.S. citizen or national shall provide documentation from the U.S. citizenship and immigration services (USCIS) of their current alien status.

(B) What documents shall be provided by an individual who is not a citizen or national of the U.S.?

(1) The following original documents are considered acceptable verification of alien status:

(a) Alien registration card;

(i) Alien registration cards ~~normally~~ have an alien registration number (A-number) referencing the individual's file at USCIS.

- (ii) The A-number contains eight or nine numerical digits preceded by the letter "A".
 - (iii) The A-number is unique to an individual.
- (b) Marriage records or court orders indicating identity, immigration status or U.S. residence of the individual. These documents are not considered adequate proof of current immigration status, but may be used to verify alien status through the secondary verification process as set forth in paragraph (D)(2) of this rule.
- (2) If an individual claims to have lost the original documents or the documents expire, the county agency shall refer the individual to the local USCIS office to request new documents.
 - (3) Required documentation shall be provided at application or when the alien status changes.

(C) What is the SAVE system?

The SAVE system is an information-sharing initiative allowing authorized staff to validate a noncitizen's immigration status by accessing USCIS data. The USCIS protects the individual's privacy in accordance with the Immigration and Nationality Act (INA) of 1952 and other applicable statutes. No consent for release of information is required to use SAVE.

(D) What are the methods of verifying the documents?

There are ~~two~~three methods of verifying the documents provided in accordance with paragraph (B) of this rule:

- (1) Initial or primary verification is used to provide alien status verification within seconds of inquiry. This verification is used for most applicants. The county agency shall compare the information provided through the SAVE system with the documents provided by the individual. If the documentation matches in SAVE, the process is complete.
- (2) Additional or secondary verifications provides a more extensive validation if problems appear in the verification of alien status. Secondary verification is required in any of the following situations:
 - (a) The document appears counterfeit or altered.

- (b) The individual presents unfamiliar USCIS documentation, or a document indicating immigration status, but does not contain an A-number.
 - (c) A document containing an A-number in the "A60-000-000" series.
 - (d) A document containing an A-number in the "A80-000-000" series.
 - (e) When an individual has no immigration documentation and is hospitalized, medically disabled or can otherwise show good cause for the inability to present documentation, and securing such documentation constitutes an undue hardship.
 - (f) When an individual presents a foreign passport and/or form I-94 "Arrival/Departure Record" (~~www.cbp.gov/I94~~) and the "Admission for Permanent Residence" endorsement is more than one year old.
 - (g) When an automated check through the SAVE system returns with a response "institute additional verification" or when there is a discrepancy between an individual's documentation and the record contained in the SAVE system.
 - (h) When an individual claims lawful permanent (or conditional) resident status because they are a battered alien, a parent of a battered child(ren) or a victim of domestic violence.
- (3) A third-level review is necessary when SAVE needs to review a copy of the applicants immigration document to issue a verification response. When submitting a third-step verification, the county agency is to scan and upload any relevant immigration/citizenship documents to SAVE.

(E) How does the SAVE verification affect eligibility?

SAVE does not determine an individual's eligibility for a specific benefit or provide information unrelated to an individual's immigration status. It does not replace the requirement for noncitizens to provide verification of their immigration status as set forth in paragraph (B) of this rule.

- (1) No eligibility determination shall be delayed, denied, reduced or terminated solely because of pending SAVE verification.
- (2) ~~When~~ an individual appears eligible with available USCIS documentation and all other program eligibility criteria are met, the county agency shall issue benefits to the assistance group while awaiting a response from USCIS.

- (3) ~~If~~When a discrepancy exists after receipt of information from the SAVE system, the county agency shall send prior notice of adverse action to the assistance group in accordance with the provisions set forth in rule 5101:6-2-04 of the Administrative Code.
- (4) The provisions set forth in rule 5101:1-23-70 of the Administrative Code are applicable when payments have been erroneously issued.
- ~~(F) What is the process to manually request verification in extraordinary situations as determined by the SAVE program?~~
- ~~(1) In extraordinary situations, verification through a manual process may be required if the SAVE system is unable to provide determinations of alien status in a timely manner or initial inspection of an individual's documentation reveals discrepancies:~~
- ~~(2) Discrepancies are defined as obvious irregularities in name, date of birth or country of birth. A slight difference in the spelling of a name is not normally a discrepancy:~~
- ~~(3) To conduct a manual verification the county agency shall:~~
- ~~(a) Request and receive pre-approval from SAVE to submit the "Verification Request" (G-845)(05/29/18) and/or the "Form G-845 Supplement, Verification Request" (G-845 Supplement)(05/29/18). These forms may be found at <http://www.uscis.gov/forms>:~~
- ~~(b) When approved, the county agency shall mail the following documents to USCIS:~~
- ~~(i) The G-845 is used to verify the status of an alien for official purposes of a government agency not participating in the SAVE program.~~
- ~~(ii) The G-845 Supplement is submitted in conjunction with the G-845 to request verification and cannot be used alone.~~
- ~~(iii) A copy of the individual's original immigration documentation.~~

Effective: 11/1/2023
Five Year Review (FYR) Dates: 8/11/2023 and 11/01/2028

CERTIFIED ELECTRONICALLY

Certification

10/18/2023

Date

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