

Cathy Cooper

Authorized Signature

Number: SPD-AR-09-048
Issue Date: 11/4/2009

Topic: Developmental Disabilities

Due Date: 11/4/2009

Subject: Revised Application or Referral for Developmental Disabilities

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Seniors and People with Disabilities |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): Eligibility Specialists, Support Services Brokerage directors |

Action Required: As the Department of Human Services is aligning various Division service eligibility rules, it has become necessary to inquire whether applicants are US Citizens or Qualified Non-Citizens prior to determining DD eligibility. The intent of this policy is to assure that eligibility for services based on citizenship status is consistent with state and federal requirements and those of other DHS programs.

Effective November 1, 2009, it is expected that all **new applicants** will be asked whether they are a US Citizen or Qualified Non-Citizen (see list of Qualified Non-Citizens below). Community Developmental Disability Programs will not ask to specifically verify or prove Citizenship or immigration status. Eligibility for services based on citizenship status is a complicated matter. Should there be questions about the citizenship status of an applicant, the CDDP should consult with SPD.

CDDP's are expected to take reasonable efforts to assure the report of citizenship status is accurate since disclosure of an unqualified status could lead to the termination of services. Toward this end, it is best practice to refer people for application for Medicaid at which point the verification of citizenship status will be confirmed. If a new applicant is later determined not to be a US Citizen or not to be a qualified non-citizen, then the CDDP must immediately consult with SPD.

If an applicant identifies themselves as a qualified non-citizen, the CDDP must consult with SPD regarding whether the application can be continued. Being a qualified non-citizen does not automatically make a person eligible for continuing the application

process.

If an individual reports that he/she is *not* a US Citizen and is *not* a qualified non-citizen (they are an unqualified non-citizen), then they are not eligible to apply for state or federal supported DD services and the state application process must end. For those individuals, the CDDP should consider referral to local resources that may be of assistance in addressing their citizenship status (immigration counseling, citizenship classes).

Unqualified vs Qualified Non-Citizens:

Unqualified non-citizens are individuals who may be admitted lawfully into the United States but do not have immigrant status, i.e., they may stay here for a specific period of time but cannot stay in the country for longer than their travel visa allows them. Foreign students, tourists, diplomats, performers, artists, entertainers, certain private company employers, etc., are included in this category.

Qualified non-citizens are individuals who are admitted to the United States with a lawful immigrant status. The person who is granted that status either enters the United States as a lawful permanent resident or will be eligible to become a lawful permanent resident in the future. A lawful permanent resident is eligible to be naturalized as a U.S. citizen usually after five years of lawful permanent residency in the U.S.

The following is the list of qualified non-citizens:

- A person who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
- A person who is admitted to the United States as a refugee under section 207 of the INA;
- A person who is granted asylum under section 208 of the INA;
- A person whose deportation is being withheld under section 243(h) of the INA;
- A person who is paroled into the United States under section 212(d)(5) of the INA;
- Battered immigrant spouse, battered immigrant child, immigrant parent of a battered child or an immigrant child of a battered parent, with a petition under 204(a)(1)(A) or (B) or 244(a)(3) of the INA; or
- A person who is a Cuban/Haitian entrant of the Refugee Education Assistance Act of 1980.
- A non-citizen who is granted conditional entry pursuant to section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7) as in effect prior to April 1, 1980.

All lawfully admitted non-citizens are given an immigration document by USCIS. Individuals who come to the United States without an USCIS document or stay without a valid visa are considered undocumented non-citizens. They do not have immigrant status and can be subject to deportation.

The revised Application or Referral for DD services (DHS form 2230) can be found on the DHS website at <http://www.dhs.state.or.us/admin/forms>.

Reason for Action: To align with various other DHS divisions regarding service eligibility rules.

Field/Stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

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