D. Noncitizens Eligibility for TANF

1. Alien status requirement

In addition to qualified noncitizens specified in Noncitizens A, “Overview” (NC-A), the following noncitizens also meet the alien status requirement for TANF:

- Victims of a severe form of trafficking under the Trafficking Victim's Protection Act of 2000;
- American Indians born in Canada;
- Noncitizens who are at risk of domestic violence. If one member in the filing group is at risk, the entire filing group is at risk. Thus, the benefit includes all members in the filing group;
- Iraqi and Afghan noncitizens granted special immigrant status (SIV) under section 101(a)(27) of the Immigration and Nationality Act.

2. Eligibility for TANF for qualified noncitizens who have been “Battered or Subjected to Extreme Cruelty,” as outlined in 8 U.S.C. 1641(c)

Based on federal regulations, if a person has been approved or has an I-360 self-petition pending which sets forth a prima facie case, the person meets qualified alien status.

(1) To maintain TANF eligibility during this self-petitioning process, the parent or children who have been “battered and subjected to extreme cruelty” cannot live in the same household as the abuser.

(2) The need for benefits would have a substantial connection to the battering or extreme cruelty.

(a) A substantial connection means the benefits are needed to enable the applicant, the applicant’s child, and/or (in the case of an alien child) the applicant’s parent:

(A) To become self-sufficient following separation from the abuser;

(B) Where the benefits are needed to escape the abuser and/or the community in which the abuser lives, or to ensure the safety of the applicant, the applicant’s child or the applicant’s parent from the abuser.
(C) Where the benefits are needed due to a loss of financial support resulting from the separation from the abuser;

(D) Where the benefits are needed because of a reduction in earnings or job loss related to the battery or cruelty and/or the applicant or applicant’s parent (who is not the abuser) had to leave a job for safety reasons.

(3) The abuse needed to happen in the United States.

### Alien Status Rule

| 461-120-0125 | Alien Status |

### 3. Determining and calculating benefits for eligibility groups with ineligible noncitizens

To qualify for TANF cash benefits, there must be at least a dependent child who meets citizen/alien status (unless the caretaker relative has a current safety issue related to domestic violence). If the child meets all other eligibility requirements, they are potentially eligible for cash benefits.

To determine eligibility and benefit level for filing groups with ineligible noncitizens, do the following:

- Add all gross countable income of members in the need group. This includes noncitizens. Determine if the total income is less than the countable income limit with an adult;

- To determine if the family meets the adjusted income limits, prorate all income (earned and unearned) received by the ineligible noncitizens in the financial group. To do this, take all ineligible noncitizen income and divide by the number in the need group and multiply by the number in the benefit group. For any earned income, apply the 50 percent disregard prior to the proration calculation. This will give you the adjusted income;

- Income of all others in the household who meet citizen/alien status is counted without proration. Add the adjusted countable prorated income and any other income for the need group. If the total amount is under the adjusted income limit with an adult for the need group size, then the worker can proceed to determine the payment amount;

- Compare the adjusted income to the No-Adult Payment Standard for the benefit group. If adjusted income equals or exceeds the Payment Standard, the benefit group is not eligible;
• If the adjusted income is below the No-Adult Payment Standard, calculate benefits by subtracting adjusted income from the Payment Standard for the benefit group.

How Income Affects Eligibility and Benefits; REF, SFPSS, TANF Rule
461-160-0100 — How Income Affects Eligibility and Benefits; REF, SFPSS, TANF

CODE TNC

Code TNC (TANF Noncitizen) in the case descriptor.

4. Sponsored noncitizens

Noncitizens who were admitted as Lawful Permanent Residents meet the alien status requirement for TANF regardless of when they were admitted. However, some of them are sponsored so the deeming process will apply to them. If the sponsored noncitizens were admitted before December 1997, the sponsor’s affidavit of support will show three years of financial responsibility. If the sponsored noncitizens were admitted after December 1997, their sponsor’s financial responsibility ends only when the noncitizen has worked 40 qualifying quarters of work or when they receive their naturalized U.S. citizenship.

SEE NONCITIZENS A.4 (NC-A.4) FOR EXAMPLES OF THE COMMON STATUS CODES FOR SPONSORED NONCITIZENS AND NONCITIZENS A.8 (NC-A.8) TO DETERMINE IF THE DEEMING REQUIREMENTS APPLY.

5. Deeming income

If deeming applies, treat all the countable income as if it were the sponsored noncitizen’s income. Allow 50 percent off the earned income of the sponsor and the sponsor’s spouse. Add the remaining to all the unearned income of the sponsor and the sponsor’s spouse. This is the countable deemed income for each sponsored noncitizen.

When to Deem the Assets of a Sponsor of a Noncitizen and How Income is Deemed Rule
461-145-0830 — When to Deem the Assets of a Sponsor of a Noncitizen and How Income is Deemed
6. **Deeming resources**

To determine the amount of resources deemed from the sponsor and the sponsor’s spouse (if living together), first total all of their countable resources. Then, divide the total by the number of noncitizens sponsored by the individual or couple. This is the countable deemed resource for each sponsored noncitizen.

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