

F. Noncitizens Eligibility for ERDC

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 ERDC;

- 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 for 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 of the filing group;
- Iraqi and Afghan special immigrants. Count each from the date of arrival in the U.S. as a special immigrant or from the date that special immigrant status was granted (if they came into the country with a different status).

2. Eligibility for ERDC 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 ERDC eligibility during this self-petitioning process, the parent or children who have been “battered and subjected to extreme cruelty” can not 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: [461-120-0125](#)

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

To qualify for ERDC, there must be at least one child who has a child care need who meets the citizen or alien status requirements (unless the caretaker relative has a current safety issue related to domestic violence). The filing group must meet all other eligibility requirements.

- Treat the entire filing group as if all members meet citizen/alien status when conducting the income tests;
- Compare their countable income to the ERDC Gross Monthly Income Limit Chart;
- If the countable income exceeds the gross income limit, the filing group is not eligible, except for self-employment income;

☞ SEE OARS [461-145-0920](#) AND [461-145-0930](#).

- If the countable income is equal to or below the gross income limit, calculate the copay from the number in the benefit group. If the copay amount is more than the child care benefit (subsidy) amount, the family is not eligible for ERDC.

Need Group: [461-110-0630](#)

Citizenship and Alien Status Requirements: [461-120-0110](#)

Age Requirements for Clients to Receive Benefits: [461-120-0510](#)

Specific Requirements; ERDC: [461-135-0400](#)

Child Care Eligibility Standard, Payment Rates, and Copayments: [461-155-0150](#)

4. **Sponsored noncitizens**

The assets of a sponsor and of a sponsor's spouse are not deemed to the sponsored noncitizen.

Deemed Assets; Noncitizen's Sponsor: [461-145-0820](#)

When to Deem the Assets of a Sponsor of a Noncitizen and How Income is Deemed: [461-145-0830](#)