

100902 Eligibility for Federal Public Benefits

To be eligible to receive federal public benefits under the Department's programs:

(a)

The applicant must declare himself or herself to be a citizen or national of the United States or a qualified alien under 8 U.S.C. § 1641(b) or (c).

(b)

The applicant shall declare that status through use of the "Statement of Citizenship or Noncitizen Status for Public Benefits," CSD Form 600, Revised 6/01.

(c)

The applicant must present documents of a type set forth in List A of CSD Form 600, Revised 6/01, in the case of an applicant who is a citizen or national or List B of CSD Form 600 in the case of an applicant who is a noncitizen, that serves as reasonable evidence of the applicant's declared status at the time of application. A fee receipt from the INS for replacement of a lost, stolen, or unreadable INS document is reasonable evidence of the noncitizen applicant's declared status.

(d)

The applicant must complete and sign CSD Form 600, Revised 6/01.

(e)

Where the documents presented appear to be questionable or do not appear to relate to the individual presenting them, the government entity that originally issued the documents shall be contacted for verification. With regard to naturalized

citizens and derivative citizens presenting certificates of citizenship and noncitizens, the INS is the appropriate government entity to contact for verification. Contractors of the Department of Community Services and Development shall request verification from the INS by filing INS Form G-845 with copies of the pertinent documents provided by the applicant with the local INS office. If the applicant has lost his or her original documents or presents expired documents or is unable to present any documentation evidencing his or her immigration status, the applicant shall be referred to the local INS office to obtain documentation. (1) Inquiries regarding battered noncitizen petitions should be directed to the Vermont Service Center at (802) 527-3160. (2) Inquiries regarding applications for suspension of deportation and cancellation of removal statuses should be directed to the Executive Office for Immigration Review (EOIR).

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(f)

Documents that should be referred to the INS for verification using the INS Form G-845 shall include the following: (1) The document presented indicates immigration status but does not include an alien registration or alien admission number. (2) The document is suspected to be counterfeit or to have been altered. (3) The document includes an alien registration number in the A60 000 000 (not yet issued) or A80 000 000 (illegal border crossing) series. (4) The document is one of

the following: an INS Form I-181b notification letter issued in connection with an INS Form I-181 Memorandum of Creation of Record of Permanent Residence, an Arrival-Departure Record (INS Form I-94) or a foreign passport stamped "PROCESSED FOR I-551, TEMPORARY EVIDENCE OF LAWFUL PERMANENT RESIDENCE" that INS issued more than one year before the date of application for federal public benefits.

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(g)

If the INS advises that the applicant has acquired citizenship status or has an immigration status which makes him or her a qualified alien, the INS verification shall be accepted. If the INS advises that it cannot verify that the applicant has acquired citizenship status or an immigration status that makes him or her a

qualified alien, benefits shall be denied and the applicant notified pursuant to section 100905 of his or her rights to appeal the denial of benefits under the Low-Income Home Energy Assistance Program, and/or the Department of Energy Low-Income Weatherization Assistance Program.

(h)

An applicant who contends the INS made an erroneous determination of immigration status must be advised to contact the INS, and provided assistance as needed in how to contact the INS to contest the INS determination.

(i)

Provided that the noncitizen has completed and signed CSD Form 600, Revised 6/01, under penalty of perjury, eligibility for services under the Low-Income Home Energy Assistance Program, or the Department of Energy Low-Income Weatherization Assistance Program shall not be delayed, denied, reduced, or terminated while the status of the applicant is verified, or while the applicant pursues an appeal pursuant to (g) or (h) of this section.