

TENNESSEE HOUSING DEVELOPMENT AGENCY

PROCEDURES FOR COMPLYING WITH THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT (PRWORA)

The Tennessee Housing Development Agency (“THDA”) and its Grant Recipients are responsible for complying with all applicable immigration restrictions and requirements, including the eligibility and verification requirements that apply under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended (8 U.S.C. 1601-1646) (“PRWORA”), which was signed by President Clinton on August 22, 1996, and any applicable requirements that the U.S. Department of Health and Human Services (“HHS”), the U.S. Attorney General, or the U.S. Citizenship and Immigration Services may establish from time to time to comply with PRWORA, Executive Order 14218, or other Executive Orders or immigration laws.

Grant Recipients shall not use federal funding provided by THDA in a manner that by design or effect facilitates the subsidization or promotion of illegal immigration or shields illegal aliens from deportation, including by maintaining policies or practices that materially impede enforcement of federal immigration statutes and regulations.

Grant Recipients shall verify immigration status to prevent any Federal public benefit from being provided to an ineligible alien who entered the United States illegally or is otherwise unlawfully present in the United States.

In order for an activity to be excluded from PRWORA, it must meet a three-prong test:

1. deliver in-kind services at the community level,
2. that are necessary for the protection of life or safety, **AND**
3. do not condition the provision of assistance on the potential program participant’s income or resources.

Since most of THDA’s programs condition the provision of assistance to beneficiaries on income and resources, most programs and activities fall under PRWORA. If you are unsure whether your particular activity is covered under PRWORA, please contact division staff for your applicable program.

PRWORA requires beneficiaries receiving assistance resulting from federal funds to be US citizens, US non-citizen nationals, or qualified aliens.

Grant Recipients shall assure PRWORA verification steps are applied the same to every applicant regardless of an applicant’s race, color, religion, sex, age, national origin, or familial status.

STEPS TO DETERMINE ELIGIBILITY

- STEP 1: Assure your applications for your program require the applicant to declare **under penalty of perjury** that he or she is a U.S. Citizen, Non-Citizen National of the U.S., or a Qualified Alien.
- STEP 2: If an individual on the application does not fall under one of the three designations above, that individual is ineligible for the program.
- STEP 3A: If an individual declares they are a **U.S. Citizen** or a **U.S. Non-Citizen National** (see Step 3B for Qualified Aliens):
1. Ask the applicant to present a document demonstrating that he or she is a U.S. Citizen or U.S. Non-Citizen National.
 2. See Attachment A for authorized documentation.
 3. If the documentation reasonably appears on its face to be genuine and to relate to the individual presenting it, the Grant Recipient should accept the document as conclusive evidence that the applicant is a U.S. Citizen or U.S. Non-Citizen National and should not verify status any further.
 4. If the documentation presented does not on its face reasonably appear to be genuine or to relate to the individual presenting it, the Grant Recipient should contact THDA.
 5. If an applicant declares to be a U.S. Citizen or U.S. Non-Citizen National in the application, but cannot currently produce documentation to support its declaration, Grant Recipient must:
 - a. Request a written declaration, made under penalty of perjury, from a third party indicating a reasonable basis for personal knowledge that the applicant is a U.S. citizen or non-citizen national; and
 - b. Applicant must provide proof that they applied for proper documentation and they will be given an extension up to thirty (30) days. During such time the application may proceed. Further extension will require THDA approval.
 - c. If an applicant has lost his or her original documents or never had an original document demonstrating naturalized or derivative citizenship, refer the applicant to the local INS office to obtain documentation of status.

- d. If documentation is not provided before the expiration of any extension, the assistance must be denied to that individual, with an opportunity to appeal.

STEP 3B: If an individual declares they are a **Qualified Alien**:

1. Ask the applicant to provide documentation evidencing his or her status as a Qualified Alien.
2. See Attachment A for authorized documentation.
3. If the documentation reasonably appears on its face to be genuine and to relate to the individual presenting it, you should accept the documentation and either verify the status in SAVE if your organization is able to access SAVE or forward to THDA to verify status in SAVE.
4. If the documentation does not reasonably appear on its face to be genuine or to relate to the individual presenting it, forward to THDA.
5. If the applicant has submitted a written declaration, under penalty of perjury, that he or she is a Qualified Alien, you should not delay, deny, reduce or terminate the applicant's eligibility for benefits under the program on the basis of an applicant's immigration status during the period of time it takes to verify his or her immigration status in SAVE.

ATTACHMENT A

DOCUMENTS THAT ARE SATISFACTORY TO PROVE CITIZENSHIP STATUS

For a discussion of the full list of documents that are satisfactory to prove Citizenship status, please see Attachment 4 at:

<https://www.govinfo.gov/content/pkg/FR-1997-11-17/pdf/97-29851.pdf>

LIST OF DOCUMENTS FOR U.S. CITIZENS AND NATIONALS

To show you are a U.S. citizen or U.S. national, provide a copy of ONE of these documents:

- U.S. Passport
- Certificate of Naturalization (N-550/N-570)
- Certificate of Citizenship (N-560/N-561)
- Document from federally recognized Indian tribe that includes your name and the name of
- the federally recognized Indian tribe that issued the document, and shows your
- membership, enrollment, or affiliation with the tribe. Documents you can provide include:
 - o A Tribal enrollment card,
 - o A Certificate of Degree of Indian Blood,
 - o A Tribal census document,
 - o Documents on Tribal letterhead signed by a Tribal official

OR

If you don't have any of the documents on the list above to show you are a U.S. citizen or U.S. national, provide a copy of TWO documents, ONE from each of these lists:

ONE DOCUMENT FROM THIS LIST

- U.S. public birth certificate
- Consular Report of Birth Abroad (FS240, CRBA)
- Certification of Report of Birth (DS-1350) • Certification of Birth Abroad (FS-545)
- U.S. Citizen Identification Card (I-197 or the prior version I-179)
- Northern Mariana Card (I-873)
- U.S. Civil Service Employment Record showing employment before June 1, 1976
- Military record showing a U.S. place of birth
- U.S. medical record from a clinic, hospital, physician, midwife or institution showing a U.S. place of birth
- U.S. life, health or other insurance record showing U.S. place of birth

- Religious record showing U.S. place of birth recorded in the U.S.
- School record showing the child's name and U.S. place of birth
- Federal or State census record showing U.S. citizenship or U.S. place of birth
- Final adoption decree showing the person's name and U.S. place of birth
- Documentation of a foreign-born adopted child who received automatic U.S. citizenship (IR3 or IH3)

AND ONE DOCUMENT FROM THIS LIST

- Driver's license issued by a U.S. State or Territory
- Identification card issued by the Federal, state, or local government
- School identification card
- A clinic, doctor, hospital, or school record, including preschool or day care records (for children under 19 years old)
- U.S. military card or draft record or Military dependent's identification card
- U.S. Coast Guard Merchant Mariner card
- Voter Registration Card
- Two other documents that prove your identity, like employer identification cards, high school and college diplomas, marriage certificates, divorce decrees, property deeds, or titles.

LIST OF DOCUMENTS FOR ELIGIBLE IMMIGRATION STATUS FOR QUALIFIED ALIENS

To show you are a Qualified Alien, provide a copy of ONE of these documents:

- Permanent Resident Card, "Green Card" (I-551)
- Employment Authorization Card "Work Permit" (I-766)
- Foreign passport with acceptable visa • Arrival/Departure Record in foreign passport (I-94) Reentry Permit (I-327) • Arrival/Departure Record (I-94/I-94A)
- Temporary I-551 Stamp (on Passport or I-94/I-94A)
- Administrative order staying removal issued by the Department of Homeland Security
- Document indicating withholding of removal (or withholding of deportation) • Refugee Travel Document (I-571)
- Machine Readable Immigrant Visa (with temporary I-551 language)
- Certificate of Eligibility for Nonimmigrant Student Status (I-20)
- Certificate of Eligibility for Exchange Visitor Status (DS-2019)
- Notice of Action (I-797)
- Certification from U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR)
- Office of Refugee Resettlement (ORR) eligibility letter (if under 18)
- Document indicating a member of a federally-recognized Indian tribe or American Indian born in Canada • Resident of American Samoa Card