Child Welfare Policy Manual

Questions & Answers

7.1 TITLE IV-B, Citizenship/Alienage Requirements

1. Question: It is our understanding that qualified aliens, regardless of whether they entered the United States before or after the date of enactment of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) August 22, 1996, are eligible for Federal foster care maintenance and adoption assistance payments (including those funded through title IV-B). Is this a correct interpretation?

Answer: Not entirely. If the child is a qualified alien who is placed with a qualified alien or United States citizen, the date the child entered the United States is irrelevant. However, if the child is a qualified alien who entered the United States on or after August 22, 1996 and is placed with an unqualified alien, the child would be subject to the five-year residency requirement for Federal means-tested public benefits at section 403 (a) of the PRWORA unless the child is in one of the excepted groups identified at section 403 (b) of that Act. As a general matter, we do not expect these situations to arise very often. In the event such situations do arise, State or local funds may be used to support these children.

- **Source/Date:** ACYF-CB-PIQ-99-01 (1/14/99)
- **Legal and Related References:** Social Security Act - Title IV-B; Public Law 104-193 (PRWORA)

2. Question: Are States required to verify the citizenship or immigration status of individuals receiving child welfare services funded under title IV-B?

Answer: States are not required to verify the citizenship or immigration status of individuals receiving child welfare services funded under title IV-B, subparts 1 and 2, because those services do not meet the Federal definition of Federal public benefit (see 63 Fed. Reg. 41657 (August 4, 1998)). Therefore, child welfare services are not subject to the verification requirements at section 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

- **Source/Date:** ACYF-CB-PIQ-99-01 (1/14/99)
- **Legal and Related References:** Social Security Act -Title IV-B; Title IV of PRWORA; PL 104-193; 63 Fed Reg 41657

3. Question: May a title IV-B agency deny access to services provided under title IV-B based on the immigration status of the child, parent, or family members?

(New 12/20/2024)

(Updated 12/20/2024)

Answer: No, title IV-B agencies that choose to accept title IV-B funds may not deny children access to these services based on their immigration status or the immigration status of their family members.

The IV-B statute, in describing IV-B service requirements, draws no distinction based on immigration status. The title IV-B subpart 1 statute provides that its purpose is to "to promote State flexibility in the development . . . of child and family service program[s] and ensure all children are raised in safe, loving families, by . . . protecting and promoting the welfare of all children . . .﹖Sec. 421 of the Social Security Act (emphasis added). Further, the title IV-B subpart 2 state plan requirements include the requirement to provide "assurances that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern.﹖Sec. 432 of the Social Security Act.

- **Source/Date:** 12/20/2024 (updated 1/6/2025)
- **Legal and Related References:** Social Security Act - Title IV-B; ACYF-CB-IM-98-04; 8 U.S.C. § 1611(a) and (b)(1)(D).; Attorney General Order No. 2353-2001, 66 Fed. Reg. 3616 (Jan. 16, 2001).