



Ohio Administrative Code

Rule 5101:1-2-30 Citizenship and alien status: Ohio works firstand disability financial assistance.

Effective: June 1, 2021

(A) What eligibility standards are used to determine citizenship and alien status of individuals applying for or receiving Ohio works first (OWF)? .

To receive program benefits an individual is to be one of the following:

(1) A United States (U.S.) citizen or non-citizen national:

The "United States" is defined as the fifty states, the District of Columbia, Puerto Rico, Guam, Northern Mariana islands, and the American Virgin islands. In addition, non-citizen nationals from American Samoa or Swain's island are considered U.S. citizens for purposes of the OWF programs.

(2) Qualified alien:

(a) An alien who at the time of application or at the time of receipt of OWF is:

(i) An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (1952);

(ii) An alien granted asylum under the INA;

(iii) A refugee who is admitted to the U.S. under section 207 of the INA, 8 U.S.C. 1157 (5/2005);

(iv) An Afghan or Iraqi alien admitted to the U.S. who was granted a special immigrant visa (SIV) under section 101(a)(27) of the INA, 8 U.S.C. 1101 (1/2014);

(v) An alien paroled into the U.S. under section 212 of the INA for a period of at least one year;

(vi) An alien whose deportation is being withheld under section 243 of the INA;



(vii) An alien granted conditional entry pursuant to section 203 of the INA as in effect prior to April 1, 1980;

(viii) An alien who is a Cuban or Haitian entrant pursuant to 45 C.F.R. 401 (1982);

(ix) An Amerasian admitted pursuant to section 584 of Public Law (P.L.) 100-202 (12/1987), as amended by P.L. 100-461 (10/1988);

(x) An alien or an alien's child battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse's or parent's family. This shall not apply to an alien during any period when the individual responsible for the abuse is residing in the same residence. Verification and documentation procedures for this status are defined in exhibit B of attachment 5 of the U.S. department of justice interim guidance dated November 17, 1997 (62 FR 61344); and

(xi) A victim of a severe form of trafficking in persons certified under the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000).

(A) A family member of a victim of a severe form of trafficking in persons who holds a visa, for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 (2003).

(B) An alien child pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, 22 U.S.C. 7105.

(b) Residents of the U.S. prior to August 22, 1996:

A qualified alien who entered the U.S. prior to August 22, 1996 and continuously resided in the U.S. until attaining qualified alien status shall continue to meet the citizenship requirements for OWF .

(c) Residents of the U.S. on or after August 22, 1996:

A qualified alien who enters the U.S. on or after August 22, 1996 does not meet the citizenship



requirement for OWF with the following exceptions:

- (i) Refugee's as described in paragraph (A)(2)(a)(iii) of this rule, eligibility is limited to five years from the date of entry into the U.S.;
- (ii) Victims of severe forms of trafficking who are potentially eligible for benefits and services to the same extent as an alien admitted to the U.S. as a refugee in accordance with rules 5101:1-2-30.1 and 5101:1-2-30.3 of the Administrative Code;
- (iii) Indefinite detainees or lifers after being convicted of a crime that triggers a final order of removal, may have a status making them potentially eligible in accordance with rule 5101:1-2-30.2 of the Administrative Code;
- (iv) An alien granted asylum under the INA. Eligibility is limited to five years from the date asylum was granted;
- (v) An Afghan or Iraqi alien admitted to the U.S. who was granted a special immigrant visa (SIV) under section 101(a)(27) of the INA, 8 U.S.C. 1101 (1/2014). Eligibility is limited to five years from the date of entry into the U.S.;
- (vi) An alien whose deportation is being withheld under section 243 of the INA. Eligibility is limited to five years from the date of entry into the U.S.;
- (vii) An alien who is a Cuban or Haitian entrant pursuant to 45 C.F.R. 401 (1982). Eligibility is limited to five years from the date the status as a Cuban or Haitian entrant is granted;
- (viii) An Amerasian admitted pursuant to section 584 of Public Law (P.L.) 100-202 (12/1987), as amended by P.L. 100-461 (10/1988). Eligibility is limited to five years from the date the individual was admitted into the U.S. as an Amerasian immigrant;
- (ix) Aliens lawfully admitted into the U.S. for permanent residence under the INA and have worked forty qualifying quarters of coverage under Title II of the Social Security Act or can be credited with quarters that are creditable for any period beginning after December 31, 1996 and did not receive any



federal means-tested public benefit during any quarter.

(A) Qualifying quarter shall be credited as follows:

(i) All quarters of coverage worked by a natural or adoptive parent when the quarters were worked before the date the alien attains age eighteen; and

(ii) All quarters worked by a spouse of such alien during their marriage when the alien remains married to such spouse or such spouse is deceased.

(iii) A qualifying quarter does not include any quarter after December 31, 1996 when the individual worked and also received a federal means-tested public benefit.

(x) Veterans and active duty service personnel lawfully residing in Ohio and are:

(A) A veteran with an honorable discharge and not on account of alienage; or

(B) On active duty (other than active duty for training) in the U.S. armed forces as defined in 38 U.S.C. 5303A(d) (1998).

(C) The surviving spouse of a deceased veteran or individual on active duty, provided the spouse has not remarried and the marriage fulfills the requirements of 38 U.S.C. 1304 (1991) or the unmarried dependent child(ren) of an individual as defined in paragraph (A)(2)(x) of this rule.

(D) Filipino war veterans who fought in World War II as described in 38 U.S.C. 107 (2010).

(B) What happens if an eligible alien category changes? .

Each category of eligible alien status stands alone for purposes of determining eligibility. Subsequent changes to a more limited status does not override eligibility based on an earlier less rigorous status. Likewise, when eligibility expires under one eligibility status, the county agency is to determine when eligibility exists under another status.



(C) What is the time frame for submitting documentation of eligible alien status?

The county agency is to provide alien applicants with a reasonable opportunity to submit acceptable documentation of their eligible alien status. A reasonable opportunity is to be at least ten days from the date of the county agency's request for an acceptable document.

(D) How is the validity of documents verified?

(1) The county agency shall verify the validity of the documentation of eligible alien status of applicant aliens. When an alien does not wish the county agency to contact the department of homeland security to verify his or her immigration status, the county agency shall give the assistance group the option of withdrawing its application or participating without that assistance group member. The U.S. department of justice interim guidance dated November 17, 1997 (62 FR 61344) contains information on acceptable documents and INS codes.

(2) The county agency shall verify the validity of the documents presented by applicant aliens through the systematic alien verification for entitlements (SAVE) program as described in rule 5101:1-1-50 of the Administrative Code.