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**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families**

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INFORMATION MEMORANDUM

TO: State Agencies Administering Titles IV-B and IV-E of the Social Security Act

SUBJECT: Guidance on the Definition of "Federal Means-Tested Public Benefit"

PURPOSE: The purpose of this Information Memorandum (IM) is to provide information to the States regarding the Department of Health and Human Services' definition of the term "Federal means-tested public benefits" as used in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

LEGAL AND RELATED REFERENCES: Section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; **Federal Register**, Vol.62, No.165, pp.45256-8.

INFORMATION: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193, restricts the access of certain categories of immigrants to specified Federal benefits, including some benefits administered by the Department of Health and Human Services (HHS). This IM provides guidance on certain immigrant eligibility provisions of the PRWORA.

Section 403 of PRWORA bars most qualified aliens who enter the U.S. on or after enactment (August 22, 1996) from eligibility for "Federal means-tested public benefits" for five years beginning on the date the individual entered the United States with a qualified alien status. As defined in a **Federal Register** notice (attached) dated August 26, 1997, and effective immediately, HHS is interpreting "Federal means-tested public benefits" to include only those benefits provided under Federal means-tested, mandatory spending programs. The following HHS programs meet this definition: Medicaid, and the Temporary Assistance for Needy Families (TANF) Block Grant - the successor to the Aid to Families for Dependent Children (AFDC) program. Therefore, no other HHS programs are "Federal means-tested public benefits" for purposes of PRWORA, and all qualified aliens, regardless of when they entered the U.S., continue to be eligible to receive assistance and services under the Child Welfare Services Program and the Family Preservation and Support Program (title IV-B, subparts 1 and 2 of the

Social Security Act) and the Foster Care, Adoption Assistance, and Independent Living Programs (title IV-E of the Social Security Act) if they meet other program requirements.

Finally, guidance on other immigration-related issues is still under consideration. The immigrant provisions of the PRWORA are extremely complex and require careful analysis to determine the impact of the provisions on numerous programs and services. We are currently analyzing these provisions and will provide further information to you as these issues are resolved.

If further clarification is needed, please contact: Daniel Lewis at (202) 205-8618, e-mail: dlewis@acf.hhs.gov.

/s/

James Harrell
Deputy Commissioner
Administration on Children, Youth and Families

[Attachment](#) - [Federal Register: August 26, 1997 (Volume 62, Number 165)]: Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of Federal Means-Tested Public Benefit