



FIRST THINGS FIRST

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STATEMENT OF LAWFUL PRESENCE & ELIGIBILITY TO RECEIVE PUBLIC BENEFITS

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the “Act”), 8 U.S.C. §§ 1611 & 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, “qualified aliens” (and sometimes only particular categories of qualified aliens), nonimmigrants, and certain aliens paroled into the United States are eligible to receive public benefits. Public benefits under the Act include grants and contracts as well as payments or assistance to an individual, household or family unit for welfare, health, disability, postsecondary education and other similar benefits. Individuals who apply for a public benefit must make a written declaration under penalty of perjury that they are eligible to receive public benefits and submit documentation establishing that eligibility.

Arizona Revised Statutes §§ 1-501 & 1-502 require, in general, that a natural person applying for a public benefit must submit certain documentation that satisfactorily demonstrates that the applicant is lawfully present in the United States and make a declaration under penalty of perjury that the submitted documentation of lawful presence is true.

Directions: All applicants who are natural persons (i.e., individuals) must complete Sections I, II, and IV. Applicants who are natural persons and are not U.S. citizens or nationals must also complete Section III. Submit this completed form and a copy (front and back, if any) of one or more documents from the attached list that demonstrate eligibility and lawful presence in the United States.

SECTION I — APPLICANT INFORMATION

APPLICANT’S NAME (Print or type) _____

GRANT OR OTHER BENEFIT APPLYING FOR _____

SECTION II — CITIZENSHIP OR NATIONAL STATUS DECLARATION

Are you a citizen or national of the United States? (check one) ___ Yes ___ No

If the answer is “Yes,” where were you born? List city, state (or equivalent), and country.

City _____ State (or equivalent) _____ Country or Territory _____

If you are a citizen or national of the United States, go to Section IV. If you are not a citizen or national of the United States, please complete Sections III and IV.

SECTION III — ALIEN STATUS DECLARATION

Directions: To be completed by applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box.

“Qualified Alien” Status (8 U.S.C. §§ 1611(a), 1621(a)(1), 1641(b) and (c))

- 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).
- 2. An alien who is granted asylum under Section 208 of the INA.
- 3. A refugee admitted to the United States under Section 207 of the INA.

- 4. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.
- 5. An alien whose deportation is being withheld under Section 243(h) or 241(b)(3) of the INA.
- 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- 7. An alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980).
- 8. An alien who is, or whose child or child’s parent is a “battered alien” or an alien subjected to extreme cruelty in the United States and who qualifies under 8 U.S.C. § 1641(c)(1)(B).
- 9. An alien who has been granted nonimmigrant status under Section 101(a)(15)(T) of the INA (human trafficking) or who has a pending application that sets forth a prima facie case for eligibility for such nonimmigrant status.
- 10. An alien from Iraq or Afghanistan granted special immigrant status under Section 101(a)(27) of the INA. *See* 8 U.S.C. §§ 1101 (Afghanistan) & 1157 (Iraq) (resettlement support).

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

- 11. A nonimmigrant under the Immigration and Nationality Act (8 U.S.C. § 1101 *et seq.*). Nonimmigrants are persons who have temporary status for a specific purpose. *See* 8 U.S.C. § 1101(a)(15). (*Applicable to state public benefits only.*)

Alien Paroled into the United States For Less Than One Year (8 U.S.C. § 1621(a)(3))

- 12. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA. (*Applicable to state public benefits only.*)

Otherwise Lawfully Present (A.R.S. §§ 1-501 & 1-502)

- 13. A person not described in categories 1–12 who is otherwise lawfully present in the United States. **PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for public benefits despite being lawful present in the United States.** *See* 8 U.S.C. §§ 1611(a) & 1621(a).

SECTION IV — DECLARATION

All applicants must complete this section. I declare under penalty of perjury under the laws of the state of Arizona that the answers I have given are true and correct to the best of my knowledge and that the document(s) submitted demonstrating eligibility and lawful presence are true.

Name of document(s) provided: _____

 APPLICANT’S SIGNATURE

 DATE

 PARENT OR LEGAL GUARDIAN’S SIGNATURE

Attachment: List of Evidence of Eligibility and Lawful Presence

EVIDENCE OF ELIGIBILITY AND LAWFUL PRESENCE

- (1) * An Arizona driver license issued after 1996 or an Arizona nonoperating identification license (U.S. citizens and nationals);
- (2) A birth certificate or delayed birth certificate issued in any State, Territory, or Possession of the United States, including the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time) (unless the applicant was born to foreign diplomats residing in such a jurisdiction);
- (3) A United States Certificate of Birth Abroad: Consular Report of Birth Abroad of a Citizen of the United States (FS-240) (issued by the Department of State to U.S. citizens); Certificate of Birth (FS-545) (issued by a foreign service post); or Certification of Report of Birth (DS-1350) (copies of which are available from the Department of State);
- (4) A United States passport;
- (5) A foreign passport with a United States visa and appropriate stamp as described below;
- (6) An I-94 Form with a photograph and appropriate stamp as described below;
- (7) A United States Citizenship and Immigration Services Employment Authorization Document (Form I-766 annotated A3, A5, or A10; or Form I-551: Permanent Resident Card or Alien Registration Receipt Card) or Refugee Travel Document (Form I-571);
- (8) A United States Certificate of Naturalization (N-550 or N-570);
- (9) A United States Certificate of Citizenship (N-560 or N-561);
- (10) A Tribal Certificate of Indian Blood; or
- (11) A Tribal or Bureau of Indian Affairs Affidavit of Birth.

Tribal members, the elderly and persons with disabilities may contact First Things First at (602) 771-5026 for additional forms of acceptable evidence.

Acceptable stamps and annotations:

"Qualified Aliens"

Alien Lawfully Admitted for Permanent Residence

- Unexpired Temporary I-551 stamp in foreign passport or on Form I-94.

Asylee or Refugee

- Form I-94 annotated with stamp showing grant of asylum under § 208 or admission under § 207 of the INA.

- Form I-766 (Employment Authorization Document) annotated "A3" or "A5."

Alien Paroled into the U.S. for a Least One Year

- Form I-94 with stamp showing admission for at least one year under § 212(d)(5) of the INA. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement.)

Alien Whose Deportation or Removal Was Withheld

- Form I-766 (Employment Authorization Document) annotated "A10."

Alien Granted Conditional Entry

- Form I-94 with stamp showing admission under §203(a)(7) of the INA.

- Form I-766 (Employment Authorization Document) annotated "A3."

Cuban/Haitian Entrant

- Unexpired temporary I-551 stamp in foreign passport or on Form I-94 with the code CU6 or CU7; or

- Form I-94 with stamp showing parole as "Cuba/Haitian Entrant" under Section 212(d)(5) of the INA.

Battered Aliens, Trafficking Victims, and Iraq/Afghanistan Entrants

Contact First Things First at (602) 771-5026 for assistance.

Nonimmigrants; Aliens Paroled into U.S. for Less than One Year

- Form I-94 with stamp showing authorized admission as nonimmigrant or admission for less than one year under section 212(d)(5) of the INA.

* These documents establish lawful presence for all applicants, but do not guarantee the eligibility of aliens for public benefits. Therefore, applicants that are not U.S. citizens or nationals must submit an additional or alternate document establishing eligibility.