



DISASTER RECOVERY SERIES

# TIMELY INFORMATION

## Foreign Nationals

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### FEMA's Policy on Verification of Citizenship, Qualified Alien Status and Eligibility for Disaster Assistance

When Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, Title IV of this Act requires that federal public benefits only be provided to United States citizens, non-citizen nationals, and qualified aliens. 8 U.S.C. §§1601- 1646. Under the Act, specific sections of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. §§ 5121-5206, are considered federal public benefits. The following policy outlines FEMA's compliance with Title IV.

The Act's verification requirement **does apply**, as these programs meet the definition of a federal public benefit, to the following programs of the Stafford Act:

- Section 408, Federal Assistance to Individuals and Households (IHP), 42 U.S.C. § 5174
- Section 410, Disaster Unemployment Assistance, 42 U.S.C. § 5177

By signing the Declaration and Release, FEMA Form 90-69B, the signer attests to his or her being a United States citizen, a non-citizen national, a qualified alien in the United States, or the parent or guardian of a minor child who resides with him or her who is a United States citizen, a non-citizen national, or a qualified alien in the United States.

All applicants who apply for assistance under Disaster Unemployment Assistance will be required to adhere to the policies developed by the agencies administering the programs for compliance with this Act.

The Act's verification requirement **does not apply** to short-term, non-cash, in-kind emergency disaster relief. FEMA has interpreted this to mean programs that provide for: search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risk or hazards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other essential needs, including movement of supplies or persons; or reduction of immediate threats to life, property, and public health and safety.

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The FEMA housing inspector, at the time of the FEMA housing inspection, will have the applicant, or another adult who resides in the same damaged structure and lived in the structure at the time of the disaster sign the FEMA Form 90-69B and present a form of identification. If there are no eligible adult household members, but the applicant has a minor child residing with him or her who is a United States citizen, a non-citizen national, or qualified alien, then the applicant can sign the Declaration and Release as the parent or guardian of the eligible child.

The qualified alien standard does not permit many categories of aliens, who are lawfully present in the U.S., to receive federal public benefits. Examples of this would be an individual who holds an Unexpired Temporary Resident Card (INS Form I-688) or is here under a foreign student visa or a visitor visa. The individual is lawfully present, but not a qualified alien.

The following are definitions for a United States citizen, a non-citizen national, and a qualified alien.

### **UNITED STATES CITIZEN OR NON-CITIZEN NATIONAL DEFINITION**

- A person (other than the child of a foreign diplomat) born in one of the 50 States or in the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands who has not renounced or otherwise lost his or her citizenship;
- A person born outside of the United States to at least one U.S. citizen parent (sometimes referred to as a “derivative citizen”);
- A naturalized U.S. citizen; or
- As a general matter, a United States non-citizen national is a person born in an outlying possession of the United States (American Samoa or Swain’s Island) on or after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals (subject to certain residency requirements).

### **QUALIFIED ALIEN DEFINITION (8 U.S.C. §1641)**

- An alien admitted for permanent residence under the Immigration and Nationality Act (“INA”);
- An alien granted asylum under § 208 of the INA;
- A refugee admitted to the U.S. under § 207 of the INA;
- An alien paroled into the U.S. under § 212 (d) (5) of the INA for at least one year;
- An alien whose deportation is being withheld under § 243 (h) of the INA as in effect prior to April 1, 1997, or whose removal is being withheld under § 241 (b) (3) of the INA;

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- An alien granted conditional entry pursuant to § 203 (a) (7) of the INA as in effect prior to April 1, 1980;
- An alien who is a Cuban or Haitian entrant as defined in § 501 (e) of the Refugee Education Assistance Act of 1980; or
- An alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the U.S. and otherwise satisfies the requirements of § 431 (c) of the Act.