

From: Weierman, Thomas (EEC)  
Sent: Monday, August 23, 2010 4:39 PM  
Subject: Clarification regarding EEC-EMB-FY 2010-03 -- Citizenship and Immigration Status Verification

EEC is issuing the following policy update/clarification regarding the federal requirement to verify the citizenship or immigration status of children seeking child care financial assistance. If you have any questions regarding this communication or the policy, in general, please do not hesitate to contact me at 617-988-2433.

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In order to comply with the Administration for Children and Families' requirement that all states verify the citizenship or immigration status of children seeking subsidized child care, which is supported by the federal Child Care Development Fund (CCDF), the Department of Early Education and Care (EEC) issued a new policy in April 2010. Given the complex nature of this federal requirement, the Department issued a policy that provides for field flexibility for verifying the eligibility of a children seeking child care financial assistance. Specifically, the new policy expressly states that "subsidy managers shall be sensitive to the unique needs of the populations served by EEC, including low-income families, special need families, homeless families and families with other risk factors, by working with the families to obtain any and all necessary documents to verify citizenship, residency and/or identity for purposes of establishing eligibility for early education and care subsidies." See Fn. 11 @ Section 3.2 of the EEC Financial Assistance Policy Guide. In recognition of the hardship that this requirement may cause to these populations, please allow families up to 60 days to submit adequate documentation to verify their citizenship or immigration status.

Since the issuance of the policy, it has also come to our attention that the policy and the list of acceptable documentation to verify the citizenship and immigration status of children may require additional clarification. In an effort to provide additional guidance to all child care subsidy managers assessing children's eligibility for child care financial assistance, EEC is issuing the attached Non-Citizen Desk Guide, which was jointly developed by the Massachusetts Law Reform Institute (MLRI) and the Greater Boston Legal Services (GBLS), in order to assist subsidy managers in evaluating the complexities of the citizenship and immigration laws and necessary documentation. This Desk Guide shall be used for guidance purposes only and shall not be used as the sole basis to terminate and/or deny access to child care financial assistance to otherwise eligible children. Prior to denying and/or terminating a child for the sole basis that the family failed to document the

citizenship or immigration status of a child, providers and/or CCR&Rs should contact EEC Assistant General Counsel, Tom Weierman, or another member of the EEC Legal Unit, so that EEC can help assess the documentation presented and/or otherwise help determine whether referring the family to a legal services agency would be helpful.

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