

Orange County
Housing & Community Development Division

Overview of PRWORA Requirements

Technical Assistance Workshop

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Presentation Outline

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Welcome & Introductions

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PRWORA – Definitions

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (2020, 2025)

- Establishes that, with limited exceptions, an alien who is not a "**qualified alien**" is not eligible for any federal public benefit.
- "**Federal public benefit**" – any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds, as well as retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit.



PRWORA – Definitions

- ❑ Qualified Alien Definition: defines the categories of aliens who qualify for federal public benefits:
 - ✓ Lawful Permanent Residents (LPRs) admitted under the Immigration and Nationality Act
 - ✓ Refugees admitted under INA § 207
 - ✓ Asylees granted status under INA § 208
 - ✓ Aliens whose deportation or removal has been withheld under INA § 243(h) or § 241(b)(3)
 - ✓ Aliens granted parole under INA § 212(d)(5) for at least one year
 - ✓ Conditional entrants under former INA § 203(a)(7) (prior to April 1, 1980)
 - ✓ Cuban-Haitian entrants as defined in Pub. L. 96-422
 - ✓ Certain battered aliens and their children (VAWA protections)

CRITICAL: Not all lawfully present aliens are "qualified aliens" under PRWORA. Holders of Temporary Protected Status (TPS), Deferred Action for Childhood Arrivals (DACA), certain nonimmigrant visa categories, and other discretionary relief statuses may be lawfully present but NOT qualified for federal public benefits.

Early HUD Precedents on PRWORA

- ❑ PRWORA covers awards to individuals and does not include block grants to states or localities – HUD policy guidance 2001-001 (Jan, 16, 2001)
- ❑ As applied to HUD programs, Life and Safety Exemption extends to:
 - ✓ Emergency shelter and transitional housing for up to two years, which shall be available to all needy persons even aliens who are not qualified aliens – *(HUD letter (Jan. 19, 2021))*
 - ✓ Certain assistance provided under the **Emergency Solutions Grants (ESG)** and **Continuum of Care (COC)**: street outreach services, emergency shelter, safe haven, rapid re-housing and transitional housing (except where the recipient or subrecipient provided rental assistance programs on behalf of the program participants).



New PRWORA Approach

- ❑ PRWORA immigration status verification requirements apply through all levels of the funding chain – from grantees to subrecipients.
- ❑ Although PRWORA exempts non-profit organizations, HUD will issue verification guidelines when states/local governments (which are not exempt) pass-through funds to non-profits.
- ❑ “ HUD will be issuing **new guidelines** related to the verification for program benefits through its housing assistance and grant programs, **including** for benefits distributed by charitable non-profit organizations. HUD will be relying on guidance issued by the Department of Homeland Security once that is published.”



Verification Requirement



PRWORA included a requirement to establish a verification system



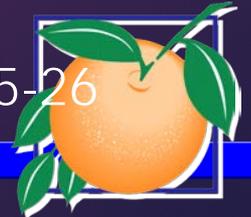
Statutory Law still exempts charitable non-profit organizations from PRWORA's requirement to conduct verification of individuals "qualified alien" status; however, **nothing prohibits an entity from conduction verification.**

- At this time, the County has not received detailed guidance on implementing this requirements from HUD, other than we know that we are required to follow PRWORA and to use SAVE for verification of eligibility for non-citizens.



PRWORA Applicability

- ❑ On November 26, 2025, HUD published a Federal Register Notice ([90 FR 54363](#)) interpreting the term “federal benefit” under PRWORA.
- ❑ This new interpretation expressly includes CDBG, CDBG-DR, ESG, HOME and HOME-ARP among the covered programs where assistance is provided directly to individuals, households, or family eligibility units.
- ❑ Public services and most homeless services are considered a direct benefit and are covered.
- ❑ As a result, your agency will need to verify the eligibility of all clients that receive a direct benefit from your program.
- ❑ Requirements include in HUDgrant agreements for FY 25-26



PRWORA Applicability – Exceptions

- ❑ Short-term, non-cash, in-kind emergency disaster relief
- ❑ Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, which:
 - (i) deliver in-kind services at the community level, including through public or private nonprofit agencies;
 - (ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and
 - (iii) are necessary for the protection of life or safety



Implementation Steps

- ❑ Activity-Level PRWORA **Applicability Determination** (Orange County)
- ❑ **Define Eligibility Unit** – *Identify the specific individual(s) requiring PRWORA verification for each activity type (Orange County – based on Scope of Services in Subrecipient Agreement)*
- ❑ **Standardized Intake and Applicant Notice** – Provide guidance/ check list for verification (Agency – update intake forms)
- ❑ **Documentation Collection** – guidance on acceptable documentation (US Citizens) (Agency)
- ❑ Collect Immigration Documentation (Non-Citizens) (Agency)
- ❑ **SAVE Verification**, SAVE Response Handling (Non-Citizens) (Agency)
- ❑ **PRWORA Eligibility Determination**

NOTE: Agency needs to establish a process for managing ineligible non-citizens (ex. Is service provided under alternative funding source? Case closure?)



Verification of Eligibility

1. Proof of Identity

- ❑ For each person in the eligibility unit, collect at least one identity document:
 - ▶ Florida driver license or state identification card (including REAL ID)
 - ▶ U.S. passport or passport card
 - ▶ Military identification
 - ▶ Foreign passport with photo
 - ▶ Other government-issued photo identification



Verification of Eligibility

2. Proof of Legal Status

- ❑ Determine Legal Citizenship/Immigration Status Claim
- ❑ Collect Citizenship/U.S. National Documentation
- ❑ Retain copy of citizenship documentation on file

Primary Evidence (Stand-Alone – Establishes Both Identity and Citizenship)	Secondary Evidence (Requires Separate Identity Document)
<ul style="list-style-type: none">✓ U.S. passport or passport card (current or expired if issued without limitation)✓ Certificate of Naturalization (N-550 or N-570)✓ Certificate of U.S. Citizenship (N-560 or N-561)	<ul style="list-style-type: none">✓ U.S. public birth certificate (certified copy from vital records office)✓ Consular Report of Birth Abroad (FS-240, DS-1350, or FS-545)✓ U.S. military records showing U.S. birthplace✓ Hospital record of birth

Verification of Eligibility

3. SAVE Verification

- ❑ For each person who is not a US Citizen/national, collect immigration documentation sufficient to initiate SAVE verification
- ❑ **SAVE** verifies immigration status information, including:
 - ▶ Immigration status classification (e.g., LPR, refugee, asylee, parolee)
 - ▶ Employment authorization
 - ▶ Dates of status validity
 - ▶ Country of Citizenship

SAVE verifies immigration status, NOT PRWORA eligibility.

No SAVE verification is required for U.S. citizens/nationals.



The Systematic Alien Verification for Entitlements (SAVE) program is an intergovernmental information-sharing program operated by U.S. Citizenship and Immigration Services (USCIS)



Verification of Eligibility

Immigration Documentation Sufficient to Initiate SAVE Verification

Document Type	SAVE Identifier	Notes
Permanent Resident Card (I-551)	A-Number	Likely qualified alien (LPR)
Employment Authorization Document (I-766)	A-Number, Card Number, or I-797 Receipt Number	May or may not be qualified alien; requires SAVE
Arrival/Departure Record (I-94)	I-94 Number	Status depends on classification code
Refugee Travel Document	A-Number	Likely qualified alien (refugee/asylee)
I-797 Notice of Action	Receipt Number	May indicate pending or approved status change
Foreign Passport with Visa/Stamp	I-94 Number or Visa Number	Status depends on visa classification



Access to SAVE

Subrecipients (direct verification):

- ✓ Establish free SAVE access through Orange County
- ✓ Designate SAVE Agency Administrator and one other user
- ✓ Conduct SAVE verification following Orange County procedures
- ✓ Make eligibility determinations using approved checklists
- ✓ Report all determinations to Orange County for QA review
- ✓ Maintain case files and audit trails per Orange County requirements
- ✓ Submit to monitoring



Final Determination of Client Eligibility

Client is ELIGIBLE if:

- ❑ ALL persons are U.S. citizens/nationals, OR are verified as Qualified Aliens under 8 U.S.C. § 1641
- ❑ A combination of U.S. Citizens/Nationals and Qualified Aliens

Client is INELIGIBLE if:

- ❑ ANY person in the eligibility unit is verified as a Non-qualified Alien



Additional Requirements

- ❑ Additional confidentiality and recordkeeping requirements
- ❑ Privacy and Security protocol for electronic records (*F.S. § 282.318 - Florida agency cybersecurity requirements, F.A.C. 60GG-2 - Florida IT standards*)
- ❑ All baseline requirements for each grant are still applicable
- ❑ Must comply with applicable Civil Rights and Non-discrimination laws
 - Title VI requirements and prohibited practices
 - Document abuse prevention
 - Uniform application of procedures
 - Implicit bias awareness
 - Language access requirements
 - Complaint procedures



Potential New Developments

Additional regulatory changes and/or clarifications from the administration

- Verification Guidance
- Program Rule Changes

Additional Litigation

- Florida is not among 21 states that submitted a lawsuit
- Interim Relief on Certain issues
- Appeals

Potential Enforcement Actions

- Increased Law Enforcement presence

Evolving Business Models



Subrecipients – Next Steps

- ❑ Update program policies and procedures to include PRWORA eligibility requirements
 - ▶ May adapt County policy and procedure manual (to be provided after this training – via email)
 - ▶ Update intake documents
- ❑ Designate a SAVE user(s) for your agency
- ❑ Provide training to direct service staff on PRWORA eligibility requirements
- ❑ Begin implementation of PRWORA eligibility requirements for all new clients
 - ▶ Not applicable for clients already receiving services/not retroactive



Questions?

