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# Temporary Assistance for Needy Families Information Memorandum

U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Family Assistance  
Washington, DC 20201

No. ACF-OFA-IM-2025-01

Date: July 8, 2025

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**TO:** State and territorial agencies (hereafter, states) administering the Temporary Assistance for Needy Families (TANF) Program

**SUBJECT:** Restrictions on Federal Public Benefits for Non-Qualified Aliens

**REFERENCES:** Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, Title IV  
Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders”

**PURPOSE:** To reinforce the restrictions regarding the use of TANF funds for non-qualified aliens.

## BACKGROUND:

On March 24, 2025, the Acting Assistant Secretary of the Administration for Children and Families shared a letter with TANF Administrators to ensure TANF agencies are aligned with Executive Order 14218 “*Ending Taxpayer Subsidization of Open Borders*” and are not providing federal public benefits to illegal aliens, per statutory requirements. In this Information Memorandum, the Administration for Children and Families’ Office of Family Assistance (OFA) provides additional details on the applicable laws and enforcement mechanisms regarding restrictions on federal public benefits for non-qualified aliens.

## INFORMATION:

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, P.L. 104-193), as amended<sup>1</sup>, provides that qualified aliens are the only non-citizens eligible to receive a federal public benefit. As noted in [TANF-ACF-IM-1998-05 \(Interpretation of Federal Public Benefit\)](#) TANF has been determined to provide “Federal public benefits,” as defined in title IV of PRWORA.

Therefore, illegal aliens and other non-citizens who do not meet the statutory definition of a qualified alien (see below) are prohibited by law from receiving TANF-funded federal public

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<sup>1</sup>As amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Pub. L. 104-208) and the Balanced Budget Act of 1997 (Pub. L. 105-33)

benefits. This prohibition applies to cash benefits and non-cash benefits administered directly by the TANF agency and those administered by subrecipients.

Additionally, it is important to note that section 403 of PRWORA specified that most qualified aliens arriving on or after August 22, 1996, are not immediately eligible for TANF and other means-tested federal public benefits, but rather are subject to a 5-year bar for newly arrived aliens.<sup>2</sup>

### **Definition of a qualified alien**

Under PRWORA a qualified alien is (1) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act (the “Act”); (2) an alien granted asylum under section 208 of the Act; (3) a refugee admitted to the United States under section 207 of the Act; (4) an alien who has been paroled into the U.S. under section 212(d)(5) of the Act for a period of at least one year; (5) an alien whose deportation is being withheld under section 243(h) of the Act as in effect prior to April 1, 1997, or whose removal is being withheld under Section 241(b)(3) of the Act; (6) an alien granted conditional entry under section 203(a)(7) of the Act as in effect prior to April 1, 1980; (7) an alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980; (8) an individual who lawfully resides in the United States in accordance with the Compacts of Free Association (9) an alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C. 1641(c); or (10) an alien who was granted nonimmigrant status under section 101(a)(15)(T) of the Act or who has a pending application that sets forth a *prima facie* case for eligibility for such nonimmigrant status. Qualified aliens also include additional groups who Congress determined should receive the same benefits as refugees, as such Afghan and Iraqi with special immigrant visas.<sup>3</sup>

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<sup>2</sup> Section 403 of PRWORA exempted some qualified aliens from the five-year bar: refugees, asylees, aliens whose deportation is being withheld, Amerasians, Cuban/ Haitian entrants, as well as veterans, individuals lawfully residing in the United States in accordance with the Compacts of Free Association, members of the military on active duty, and their spouses and unmarried dependent children as well as any aliens who Congress determined should receive the same benefits as refugees (including Afghan and Iraqi with special immigrant visas). For a list of which populations are eligible to receive benefits to the same extent as refugees, refer to ORR Policy Letters, [PL 16-01, Documentation Requirements for the Refugee Resettlement Program](#); [PL 22-01](#) (PDF), *Afghan Humanitarian Parolees and Unaccompanied Afghan Minors Eligible for ORR Benefits and Services*; ASA-Eligible Afghan Populations; and [PL 22-13](#) (PDF), *Ukrainian Humanitarian Parolees Eligible for ORR Benefits and Services*.

<sup>3</sup> For a list of which populations are eligible to receive benefits to the same extent as refugees, refer to ORR Policy Letters, [PL 16-01, Documentation Requirements for the Refugee Resettlement Program](#); [PL 22-01](#) (PDF), *Afghan Humanitarian Parolees and Unaccompanied Afghan Minors Eligible for ORR Benefits and Services*; ASA-Eligible Afghan Populations; and [PL 22-13](#) (PDF), *Ukrainian Humanitarian Parolees Eligible for ORR Benefits and Services*.

According to PRWORA section 401, non-qualified aliens are those non-citizens who do not meet the definition of qualified alien under section 431. Non-qualified aliens also include “nonimmigrants” as defined under the Immigration and Nationality Act (i.e., individuals here on time-limited visas to work, study, or travel except those holding T visas); aliens paroled into the U.S. for less than one year; temporary residents under the Immigration Reform and Control Act, aliens with protected status, and aliens in deferred action status. In addition, non-qualified aliens include unauthorized, illegal aliens unlawfully present in the United States in violation of immigration law.

### **Enforcement mechanisms**

State TANF programs funded under title IV-A of the Social Security Act (SSA) are required to verify immigration eligibility through the data match and documentation requirements of the Income and Eligibility Verification System (IEVS), pursuant to section 1137(d) of the SSA. See 42 USC 1320b-7. In accordance with these laws and with President Trump’s Executive Order 14218, OFA strongly encourages states to enhance their TANF eligibility verification systems and subrecipient monitoring procedures to the maximum extent possible to ensure non-qualified aliens, including those unlawfully present in the United States, do not receive federal TANF benefits.

We remind state TANF agencies that they are subject to audit under the Single Audit Act, meaning independent auditors must annually review internal controls and compliance with TANF program requirements, including the IEVS requirements outlined in 1137(d) of the SSA.

If, through a Single Audit or otherwise, a state is found to be in violation of IEVS requirements for verifying eligibility or for providing services or benefits in violation of PRWORA, the state could be subject to a TANF penalty. See 42 USC §§ 609(a)(1), (a)(4); 42 USC §608(e). OFA will follow through on all penalty processes, including a potential two percent reduction in the State Family Assistance Grant for failure to participate in IEVS, as required by law and regulations.

### **INQUIRIES:**

Please direct inquiries to [TANFquestions@acf.hhs.gov](mailto:TANFquestions@acf.hhs.gov).

/s/

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