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**Sent:** Wednesday, June 15, 2022 1:16 PM

**To:** DCF DL DFES BWF W-2 Agency Directors <[DCFDLDFESBWF2AgencyDirectors@wisconsin.gov](mailto:DCFDLDFESBWF2AgencyDirectors@wisconsin.gov)>; DCF DL DFES BWF TJ TMJ <[DCFDLDFESBWFJTJMJ@wisconsin.gov](mailto:DCFDLDFESBWFJTJMJ@wisconsin.gov)>; DCF DL DFES BWF W-2 REGIONAL STAFF <[DCFDLDFESBWF2REGIONALSTAFF@wisconsin.gov](mailto:DCFDLDFESBWF2REGIONALSTAFF@wisconsin.gov)>; DCF DL DFES BWF W-2 Agency CARES Coordinators <[DCFDLW-2AgencyCARESCoordinators@wisconsin.gov](mailto:DCFDLW-2AgencyCARESCoordinators@wisconsin.gov)>

**Subject:** Ukrainian Refugee Eligibility for TANF Programs

Hello Partners,

Congress passed the [Additional Ukraine Supplemental Appropriations Act](#) on May 21, 2022. This legislation provides that Ukrainian humanitarian parolees are eligible to apply for Temporary Assistance for Needy Families (TANF) programs.

Individuals and families who are now eligible to apply for TANF include:

1. Citizens and nationals of Ukraine who were/will be paroled into the United States between February 24, 2022 and September 30, 2023;
2. Non-Ukrainian individuals who last habitually resided in Ukraine, who were/will be paroled into the United States between February 24, 2022 and September 30, 2023;
3. The spouse and/or children of those described in (1) or (2) who are paroled into the United States after September 30, 2023; and
4. The parents, legal guardians, or primary caregiver of an unaccompanied refugee minor or unaccompanied child described in (1) and (2) who are paroled into the United States after September 30, 2023.

The initial date of eligibility for those individuals paroled into the United States between February 24, 2022 and September 30, 2023 is May 21, 2022 or the individual's date of humanitarian parole, whichever is later.

Attached is the program instruction ([TANF-ACF-PI-2022-05](#)) relating to eligibility of Ukrainian humanitarian parolees for TANF.

You may also access the program instruction on the following pages on Office of Family Assistance's website at:

- OFA Homepage under Featured Resource ([Office of Family Assistance \(OFA\) | The Administration for Children and Families \(hhs.gov\)](#))
- Policy ([Policy | The Administration for Children and Families \(hhs.gov\)](#))
- TANF-ACF-PI-2022-05 ([TANF-ACF-PI-2022-05 \(Eligibility of Ukrainian Humanitarian Parolees for TANF\) | The Administration for Children and Families \(hhs.gov\)](#))

For W-2, JAL, and TJ/TMJ Policy Questions: [BWF Policy Question SharePoint](#).

This email will be posted to the [BWF Work Programs Help Desk Home Page](#).

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# Temporary Assistance for Needy Families Program Instruction

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

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No. TANF-ACF-PI-2022-05

Date: June 13, 2022

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

**SUBJECT:** Eligibility of Ukrainian Humanitarian Parolees for TANF

**REFERENCES:** Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117-128)

**PURPOSE:** To explain the TANF eligibility criteria for citizens or nationals of Ukraine who have been paroled into the United States.

## **BACKGROUND:**

Due to the humanitarian crisis as a result of the invasion of Ukraine, many displaced Ukrainian citizens or nationals (or persons who last habitually resided in Ukraine) have relocated to the United States and have urgent, basic needs. The Additional Ukraine Supplemental Appropriations Act, 2022 (AUSAA) will allow these specific Ukrainians to be treated as refugees. We are providing this program instruction to explain the eligibility criteria that now allow these humanitarian parolees to receive other benefits available to refugees, including TANF.

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), enacted on August 22, 1996, provided that qualified aliens are the only non-citizens eligible to receive a TANF-funded federal public benefit. Section 403 of PRWORA specified that some qualified aliens arriving after the date of enactment of that law are not immediately eligible for means-tested federal public benefits (such as TANF), but rather are subject to a five-year bar. However, the law exempted the following qualified aliens from this five-year bar: refugees, asylees, aliens whose deportation is being withheld, Amerasians, Cuban/ Haitian entrants, as well as veterans, members of the military on active duty, and their spouses and unmarried dependent children.

### **Ukrainian Humanitarian Parolees Eligible for TANF**

On May 21, 2022, Congress passed the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117-128). Section 401 of this legislation provides that Ukrainian humanitarian parolees<sup>1</sup> are now eligible to receive federal benefits, including TANF, from the date of

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<sup>1</sup> “Humanitarian parolees” are individuals paroled into the United States under section 212(d)(5) of the INA (8 USC 1182(d)(5)). That section gives the Attorney General the discretion to parole individuals into the United States “for urgent humanitarian reasons.” Such paroled individuals are qualified aliens but are not exempted from the five-year

enactment. Specifically, the following individuals are eligible to apply for TANF until the end of their parole term as determined by the Department of Homeland Security, and in the same way a refugee is eligible to apply for TANF<sup>2</sup>:

- Citizens or nationals of Ukraine (or persons who last habitually resided in Ukraine) paroled into the U.S. between February 24, 2022 and September 30, 2023;
- their spouses or children<sup>3</sup> paroled after September 30, 2023; and
- their parents, legal guardians, or primary caregivers paroled after September 30, 2023, if the Ukrainian citizen or national is an unaccompanied child<sup>4</sup>.

We remind states that federally-funded TANF assistance and most MOE-funded state assistance may only be provided to a financially needy family that consists of, at a minimum, a child living with a relative, or consists of a pregnant woman.

### **Eligibility Time Period**

Ukrainian humanitarian parolees who entered the U.S. between February 24, 2022 and May 21, 2022, have a TANF eligibility date of May 21, 2022. If they entered or will enter the U.S. after May 21, 2022, their date of TANF eligibility is their date of parole. Ukrainian humanitarian parolees are eligible for TANF benefits and services until the end of their parole term. The general rules of TANF, including limits on the duration of receiving assistance, as specified in a state's TANF plan, apply to these parolees as they would any TANF recipient.

### **Clarification - Federal Attribution of Sponsor's Income and Resources to Alien**

Section 421(a) of PRWORA shall not apply when determining the eligibility and the amount of benefits made available to Ukrainian humanitarian parolees treated as refugees under the AUSAA.

### **Combined Parole and Temporary Protected Status (TPS)**

If a Ukrainian humanitarian parolee displaced from Ukraine applies for and obtains TPS, he or she can continue to receive TANF benefits until the end of his or her parole term. TPS does not cancel out the benefits eligibility granted in the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117-128). However, an individual with only TPS (and not granted parole) is not eligible for TANF federal assistance and may not be eligible for other federal benefits.

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bar, like refugees or asylees. The new legislation discussed above removes the five-year bar for the specified Ukrainian parolees.

<sup>2</sup> The full statutory text can be found here <https://www.congress.gov/117/bills/hr7691/BILLS-117hr7691enr.pdf>. Section 401 begins on page 8 of this document.

<sup>3</sup> Unmarried child under age 21, as defined in section 101(b) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1101(b))

<sup>4</sup> Definition of unaccompanied child as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) or section 412(d)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)(B))

**INQUIRIES:**

Please direct inquiries to the TANF Program Manager in your region.

Susan J. Golonka  
Acting Director  
Office of Family Assistance