

CHAPTER 8. LIMITATIONS ON ASSISTANCE

8-1.Delay, Denial Or Termination Of Assistance. Assistance to a family may not be delayed, denied, or terminated because of the immigration status of a family member except as provided in this Guidebook. [812.9;950.310(m); 912.9]

8-2.Restriction On Delay, Denial Or Termination Of Assistance. [812.9(b);950.310(m)(1); 912.9(b)]

a.General. Assistance to an applicant shall not be delayed or denied, and assistance to a tenant shall not be delayed, denied, or terminated, on the basis of ineligible immigration status of a family member if:

(1)The primary and secondary verification of any immigration documents that were timely submitted has not been completed;

(2)The family member for whom required evidence has not been submitted has moved from the tenant's dwelling unit;

(3)The family member who is determined not to be in an eligible immigration status following INS verification has moved from the tenant's dwelling unit;

(4)The INS appeals process under paragraph 9-1 has not been concluded;

(5)For a tenant, the HA informal hearing process under paragraph 9-2 has not been concluded;

(6) Assistance is prorated in accordance with Chapter11;

(7)Assistance for a mixed family is continued in accordance with Chapter 10; or

(8)Deferral of termination of assistance is granted in accordance with Chapter 10.

b.When delay in assistance to an applicant is permissible. Assistance to an applicant may be delayed after the conclusion of the INS appeal process, but not denied until the conclusion of the HA informal hearing process, if an informal hearing is requested by the family.

8-3.Events Causing Denial Or Termination Of Assistance. Assistance to an applicant shall be denied, and a tenant's assistance shall be terminated, in accordance with the procedures for any of the following events: [812.9(c); 950.310(m)(3); 912.9(c)]

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a.Evidence of citizenship (i.e., the declaration) or eligible immigration status is not submitted as provided in paragraph 6-1 or by the expiration of any extension granted in accordance with paragraph 6-2; or

b.Evidence of citizenship and eligible immigration status was submitted on a timely basis, but neither the HA's primary verification nor the INS secondary verification verified eligible immigration status of a family member; and

(1)The family elected not to pursue INS appeal or HA informal hearing rights; or

(2)INS appeal and HA informal hearing rights are pursued, but the INS final appeal or the HA hearing decisions are decided against the family member.

8-4.Notice Of Denial Or Termination Of Assistance. The notice of denial or termination of assistance shall advise the family: [812.9(d);950.310(m)(4); 912.9(d)]

a.That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance;

b.That the family may be eligible for proration of assistance as provided under paragraph 11-1;

c.In the case of a tenant, the criteria and procedures for obtaining relief under the preservation of families provision in Chapter 10;

d.That the family has a right to request an appeal to the INS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal in accordance with the procedures of paragraph 9-1;

e.That the family has a right to request an informal hearing with the HA either upon completion of the INS appeal or in lieu of the INS appeal as provided in paragraph 9-2;

f.For applicants, the notice shall advise that assistance may not be delayed until the conclusion of the INS appeal process, but assistance may be delayed during the pendency of the HA informal hearing process.