

CHAPTER 4. DOCUMENTATION

4-1.Requirements Concerning Documents. For any notice or document (decision, declaration, consent form, etc.) that the Noncitizens Rule requires an HA to provide to an individual, or requires that the HA obtain the signature of the individual, the HA, where feasible, must arrange for the notice or document to be provided to the individual in a language that is understood by the individual if the individual is not proficient in English. (See 24 CFR 8.6 of HUD's regulations for requirements concerning communications with persons with disabilities.) [812.5a; 950.310(a); 912.5a]

4-2.Submission Of Evidence Of Citizenship Or Eligible Immigration Status. Eligibility for assistance or continued assistance under a Section 214 covered program is contingent upon a family's submission to the HA of the documents described in paragraph 4-3 for each family member. If one or more family members does not have citizenship or eligible immigration status, the family member(s) may exercise the election not to contend to have eligible immigration status as provided in paragraph 5-2, and the provision of Chapter 10 shall apply. 812.6; 950.310(e); 912.6]

4-3.Evidence Of Citizenship Or Eligible Immigration Status. Each family member, regardless of age, must submit the following evidence to the HA: [812.6(b); 950.310(e)(2); 912.6(b)]

a.For citizens, the evidence consists of a signed declaration of U.S. citizenship;

b.For noncitizens who are 62 years of age or older and who are receiving assistance under a Section 214 covered program on June 19, 1995, the evidence consists of:

(1)A signed declaration of eligible immigration status; and

(2)Proof of age document.

Note: This method is available only to persons who were participants on June 19, 1995. It does not apply to current or future applicants.

c.For all other noncitizens, the evidence consists of the following:

(1) A signed declaration of eligible immigration status;

(2) The INS documents listed in paragraph 6-4; and

(3)A signed Verification Consent Form (see Appendix D for a suggested model format).

4-1

4-4.Declaration. For each family member who contends that he or she is a U.S. citizen, or a noncitizen with eligible immigration status, the family must submit to the HA a written declaration, signed under penalty of perjury, by which the family member declares whether he or she is a U.S. citizen or a noncitizen with eligible immigration status. [812.6(c); 950.310(e)(3); 912.6(c)]

a.For each adult, the declaration must be signed by the adult.

b. For each child, the declaration must be signed by an adult who is (or, for an applicant, will be) residing in the assisted dwelling unit who is responsible for the child.

c. Model Declaration. Appendix C contains a Model Declaration of Section 214 Status format. This format may be modified to suit individual design considerations. If desired, separate declarations may be utilized for each type of citizenship or eligible immigration status. You may also request the Social Security and/or the Alien Registration number(s), sex, and date of birth. You may also include any additional information or other identification as may be pertinent to your operations. For example, you may want to include the HA's logo, address and telephone number; an application control number; or the resident's account number, address, home and work telephone numbers; etc.

4-5. Retention Of Documents. The HA shall retain for a minimum of 5 years the following documents that may have been submitted to the HA by the family, or provided to the HA as part of the INS appeal or the HA informal hearing process:

- a. The application for financial housing assistance;
- b. The form completed by the family for income reexamination;
- c. Photocopies of any original documents (front and back), including original INS documents;
- d. The signed verification consent form;
- e. The INS verification results (both primary and, if applicable, secondary);
- f. The request for an INS appeal;
- g. The final INS determination;
- h. The request for an HA informal hearing; and
- i. The final HA informal hearing decision.