

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 4.—Public Assistance Program

30-4-54. Citizenship, alienage, and residence.

(a) Definition. For the purposes of this regulation, "resident" shall mean any person who is living in Kansas voluntarily, with no intention of presently moving from Kansas, and who is not living in Kansas for a temporary purpose.

(1) Each child living in Kansas shall be considered a resident.

(2) For TANF, each person who has entered Kansas with a job commitment or who is seeking employment in Kansas shall be considered a resident.

(b) Citizenship and alienage. Each applicant or recipient shall be a citizen of the United States or shall be an alien who meets the conditions in either paragraph (1) or paragraph (2) of this subsection.

(1) The individual entered the United States before August 22, 1996 and meets one of these conditions:

(A) Is a refugee, including persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants;

(B) is granted asylum;

(C) has deportation withheld;

(D) is a lawful permanent resident;

(E) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(F) is paroled into the United States for at least one year;

(G) is granted conditional entry; or

(H) is a person who does not meet any of the conditions listed in paragraphs (b)(1)(A)-(G) but who has been battered or subjected to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent and entered the U.S. on or before August 22, 1996. The person shall have a pending or approved violence against women

act (VAWA) case or a family-based petition before United States citizenship and immigration services (USCIS). This provision shall include the person's children.

(2) The individual entered the United States on or after August 22, 1996 and meets one of these conditions:

(A) Is a refugee, including persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants;

(B) is granted asylum;

(C) has deportation withheld;

(D) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(E) is a lawful permanent resident who has resided in the United States at least five years as required by federal law;

(F) is paroled into the United States for at least one year and has resided in the United States at least five years;

(G) is granted conditional entry and has resided in the United States for at least five years; or

(H) is a person who does not meet any of the conditions listed in paragraphs (b)(2)(A)-(G) but who has been battered or subjected to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent and entered the U.S. on or before August 22, 1996. The person shall have a pending or approved violence against women act (VAWA) case or a family-based petition before USCIS. This provision shall include the person's children.

(c) Residence. Each applicant or recipient shall be a Kansas resident. Temporary absence from Kansas, with subsequent returns to Kansas or intent to return when the purposes of the absence have been accomplished, shall not be considered to interrupt continuity of residence. Residence shall be considered to be maintained until abandoned or established in another state.

(Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, K.S.A. 2018 Supp. 39-709; effective May 1, 1981; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended, T-30-2-20-97, March 1, 1997; amended May 16, 1997; amended June 26, 1998; amended, May 3, 2019.)

***** Authenticated Kansas Administrative Regulation *****