

**SECTION 202.**  
**SAVE VERIFICATION OF PUBLIC BENEFIT ELIGIBILITY.<sup>1</sup>**

**IRLI Comment:** Implements and enforces the state alien eligibility verification provision of the 1996 Welfare Reform Act. This text language was first developed in Virginia, but has been successfully copied by other states, including Georgia, Colorado, and Oklahoma. The affidavit option insures that no eligible U.S. citizen (e.g. homeless or mentally handicapped citizens) will be denied a covered public benefit due to lack of a personal identification document.

(A) Except as provided in subsection (C) or where exempted by federal law, each agency and political subdivision of this State shall verify the lawful presence in the United States of any natural person 14 years of age or older who has applied for state, local or federal public benefits that are administered by an agency or a political subdivision of this state.

(B) The provisions of this section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

Verification of lawful presence in the United States under the provisions of this section shall not be required:

(1) For any purpose for which lawful presence in the United States is not restricted by law, ordinance, or regulation;

(2) For assistance for health care items and services that are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. § 1396b(v)(3), of the alien involved and are not related to an organ transplant procedure;

(3) For short-term, noncash, in-kind emergency disaster relief;

(4) For public health assistance for immunizations with respect to diseases and for testing and treatment of symptoms of communicable diseases;

(5) For programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by the United States Attorney General, in the sole and un-reviewable discretion of the United States Attorney General after consultation with appropriate federal agencies and departments, which:

(a) Deliver in-kind services at the community level, including through public or private nonprofit agencies;

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<sup>1</sup> Source: OK HB 1804 § 8.

(b) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the individual recipient; and

(c) Are necessary for the protection of life or safety.

(D) Verification of lawful presence in the United States by the agency or political subdivision required to make such verification shall require that the applicant execute an affidavit under penalty of perjury that:

(1) He or she is a United States citizen; or

(2) He or she is a qualified alien as defined under United States Code Title 8, Section 1641(b), has fully disclosed to the agency administering the benefits for which application has been made the existence of income and resources of a sponsor attributable to the alien under United States Code Title 8, Section 1631, and is lawfully present in the United States.

(E) For any applicant who has executed the affidavit described in paragraph (D)(2), eligibility for benefits shall be made through the SAVE program. Until such eligibility verification is made, the affidavit may be presumed to be proof of lawful presence for the purposes of this section.

(F) Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subsection (D) shall be subject to criminal penalties applicable in this state for fraudulently obtaining public assistance program benefits. If the affidavit constitutes a false claim of United States citizenship under United States Code Title 18 Section 911,<sup>2</sup> a complaint shall be filed by the agency requiring the affidavit with the appropriate United States Attorney.

(G) Any agency or political subdivision of this state may adopt rules providing for variations to the requirements of this section that demonstrably improve the efficiency or reduce delay in the verification process, or to provide for adjudication of unique individual circumstances where the verification procedures in this section would impose unusual hardship on a legal resident of this state.

(H) No agency or political subdivision of this state shall provide any state, local, or federal public benefit in violation of this section.

(I) Each state agency or department that administers any program of state or local public benefits shall provide an annual report to the [#Secretary of Family Services#] with respect to its

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<sup>2</sup> “Citizen of the United States.-- Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both.”

compliance with the provisions of this section. The [#Secretary#] shall monitor the eligibility verification program used under subsection (E) and any verification application errors and significant delays of the program. Each October 1st [the secretary] shall provide a public report to the Governor on the errors and significant delays, and make recommendations to ensure that the application of the program is not erroneously denying benefits to legal residents of this state. The [#Secretary#] shall report errors in the operation of the verification of employment eligibility program to the United States Department of Homeland Security.