TO:          DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES  
             DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT  
             FAMILY INVESTMENT SUPERVISORS AND CASE MANAGERS  
             HEALTH OFFICERS, LOCAL HEALTH DEPARTMENTS  
             LOCAL HEALTH DEPARTMENTS, ELIGIBILITY STAFF  

FROM:        KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR  
             CHARLES E. LEHMAN, EXECUTIVE DIRECTOR, DHMH, OOEP  

RE:          ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR  
             REFUGEES AND ASYLEES  

PROGRAM AFFECTED:  ALL PROGRAMS  

ORIGINATING OFFICE:  OFFICE OF PROGRAMS  

SUMMARY:  

Recently, local departments have asked about eligibility for immigrants who are lawful permanent residents (LPR) but who had a prior status of refugee or asylee. This information memo is to remind staff that immigrants admitted in any of the following statuses are eligible immediately and indefinitely, even after they adjust to LPR status:  

- Admitted under §207 of the Immigration and Nationality Act (INA) as a refugee,  
- A victim of severe trafficking in persons,  
- Granted asylum under §208 of the INA,  
- Deportation or removal withheld under §§243(h) or 241(b)(3) of the INA,  
- Admitted as a Cuban and Haitian immigrant as defined in §501(e) of the Refugee Education Assistance Act of 1980,  

**Important reminder:** An immigrant can apply on behalf of other people in the household. Under federal law, you may only verify the immigration status of the people who will actually receive benefits.  

Attached is a chart that summarizes immigrant eligibility for Food Stamp Program policy only.
For Medical Assistance immigrant policy refer to Manual Release 110, Chapter 5, issued May 2003. For TCA immigrant policy refer to Chapter V, Section 4 in the TCA Manual. TDAP immigrant policy is in Chapter III Section 1 of the TDAP Manual.

INQUIRIES:

Please direct food stamp questions to Kay Finegan at 410-767-7939 or Rick McClendon at 410-767-7307. Direct TCA questions to Marilyn Lorenzo at 410-767-7333 or Gretchen Simpson at 410-767-7937. Contact DHMH Division of Eligibility Policy at 410-767-1463 for Medical Assistance and MCHP questions.

Attachment

cc: FIA Management Staff
    OTHS System Support Center
    Constituent Services
A person must be a US citizen or an eligible immigrant to qualify for Food Stamps.

**A.** Except as provided in Section B, below, an immigrant must be both a qualified alien as specified in column 1 and meet the special food stamp criteria in column 2 to be eligible.

<table>
<thead>
<tr>
<th>Column 1—Qualified Alien</th>
<th>Column 2—Special Food Stamp Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Asylee granted under section 208 of INA</td>
<td>➢ Qualified Aliens 1—5 are eligible immediately and indefinitely, even after they adjust to lawful permanent resident (LPR) status. No special criteria.</td>
</tr>
<tr>
<td>2. Refugee admitted under section 207 of INA (note: Trafficking Victims Protection Act of 2002 requires victims to be treated as refugees.)</td>
<td></td>
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<tr>
<td>3. Deportation withheld under 243(h) or 241(b)(3) of INA</td>
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<tr>
<td>4. Cuban or Haitian entrant as defined in 501(e) of Alien Refugee Education Assistance Act of 1980 (AREAA)</td>
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</tr>
<tr>
<td>5. Amerasian immigrant under 584 of Foreign Operations, Export Financing and Related Program Appropriations Act</td>
<td></td>
</tr>
<tr>
<td>6. Lawfully admitted for permanent residence (LPR)</td>
<td>➢ Qualified aliens 6—9 must meet one of the criteria below to be eligible for FSP:</td>
</tr>
<tr>
<td>7. Paroled under section 212(d)(5) of INA for at least one year</td>
<td>^ Lawfully in US as a qualified alien for at least 5 years</td>
</tr>
<tr>
<td>8. Granted conditional entry under 203 (a)(7) of INA</td>
<td>^ Lawfully in US regardless of date of entry and under 18, until 18th birthday</td>
</tr>
<tr>
<td>9. Battered spouse, battered child, or parent or child of a battered person with a petition pending under 204(a)(1)(A) or (B), or 244(a)(3) of INA</td>
<td>^ Lawfully in US regardless of date of entry and receiving federal disability benefits</td>
</tr>
</tbody>
</table>

Remember: To obtain history of immigrant's status, complete SAVE or ask for G-845 Supplement.

Remember: An alien must be both qualified (column 1) and special (column 2) to be eligible.

**B.** The following immigrants are eligible even if they are not qualified aliens as specified in column 1, and they may be eligible for an indefinite period of time:

10. Certain Hmong or Highland Laotians (and spouse and children). Many are admitted as refugees.
11. American Indians born in Canada to which section 829 of INA applies, and members of an Indian tribe as defined in section 4(e) of Indian Self-Determination and Education Assistance Act (Cross-border Indians).

**C.** Ineligible immigrants include all other alien statuses. For example:

12. Visitors, tourists, students and diplomats
13. Aliens residing under Color of Law
14. Undocumented immigrants
15. Immigrants who have applied for eligible status but who have not yet been approved
16. Immigrants whose status is questionable or unverified