



Department of Human Resources
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FIA INFORMATION MEMO

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**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,
- Admitted as an Amerasian under §584 of the Foreign Operations, Export, Financing, and Related Programs Appropriations Act of 1988.

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

FOOD STAMP PROGRAM ONLY
Citizenship and Eligible Immigrant Status

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.

Column 1—Qualified Alien	Column 2—Special Food Stamp Criteria
1. Asylee granted under section 208 of INA 2. Refugee admitted under section 207 of INA (note: Trafficking Victims Protection Act of 2002 requires victims to be treated as refugees.) 3. Deportation withheld under 243(h) or 241(b)(3) of INA 4. Cuban or Haitian entrant as defined in 501(e) of Alien Refugee Education Assistance Act of 1980 (AREAA) 5. Amerasian immigrant under 584 of Foreign Operations, Export Financing and Related Program Appropriations Act 6. Lawfully admitted for permanent residence (LPR) 7. Paroled under section 212(d)(5) of INA for at least one year 8. Granted conditional entry under 203 (a)(7) of INA 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	➤ Qualified Aliens 1—5 are eligible <i>immediately and indefinitely, even after they adjust to lawful permanent resident (LPR) status. No special criteria.</i> ➤ Qualified aliens 6—9 must meet <i>one of the criteria below to be eligible for FSP:</i> ^ Lawfully in US as a qualified alien for at least 5 years ^ Lawfully in US regardless of date of entry and under 18, until 18th birthday ^ Lawfully in US regardless of date of entry and receiving federal disability benefits ^ Lawfully in US on 8/22/96 & 65 or older on 8/22/96 ^ LPR who can be credited with 40 quarters of work (sum of person, parent & spouse) ^ Military connection (veteran, active duty, spouse and children)

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