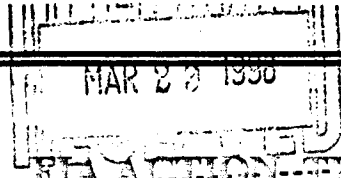




Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201



FIA ACTION--TRANSMITTAL

Control Number: FIA/OPR #98-42

Effective Date: Upon Receipt

Issuance Date: March 20, 1998

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS**

FROM: KEVIN MAHON, EXECUTIVE DIRECTOR, FIA

RE: IMMIGRANTS - NEW INTERPRETATION ON 5-YEAR BAN

PROGRAM AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF POLICY AND RESEARCH

SUMMARY

We recently received a revised policy interpretation from the Food and Nutrition Service about the 5-year ban for immigrants who have 40 quarters of work history. The information in Action Transmittal 98-20 issued November 27, 1997 is correct except for the change that eliminates the 5-year ban for immigrants with 40 quarters of work. This transmittal provides the revised information and replacement manual pages.

OLD POLICY

Immigrants who entered the United States after August 22, 1996 are ineligible for 5 years including those who have worked or can be credited with 40 quarters of work.

NEW POLICY

The 5-year ban does not apply to an immigrant lawfully admitted for permanent residence who has worked 40 quarters or can be credited with 40 qualifying quarters of work.

ACTION REQUIRED

Any assistance unit whose food stamps were incorrectly denied or terminated under the prior interpretation of policy is eligible for restored benefits.

Please place the attached replacement pages in the Food Stamp Manual.

ACTION DUE

Action is due upon receipt of this transmittal.

INQUIRIES

Please direct questions to Kay Finegan at (410) 767-7939.

cc: FIA Management Staff
Constituent Services
OIM Help Desk
CTF

DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION	FOOD STAMP MANUAL	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 1

120.1 Purpose. This section:

- A. Provides alien/immigrant status and citizenship requirements for eligibility,
- B. Describes when verification is needed and provides descriptions of acceptable verification,
- C. Gives instructions for case actions to take while awaiting verification, and
- D. Gives instructions for deeming the income of certain sponsored immigrants.

120.2 **Qualified Aliens.** A noncitizen must be both a qualified alien and meet certain other eligibility requirements. A qualified alien is:

- A. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).
- B. An alien granted asylum under §208 of the INA
- C. A refugee admitted under §207 of the INA.
- D. An alien who is paroled under §212(d)(5) of the INA for a period of at least 1 year
- E. An alien whose deportation is being withheld under §§243(h) or 241(b)(3) after April 1, 1997 of the INA
- F. An alien who is granted conditional entry pursuant to §203(a)(7) of the INA
- G. Certain battered alien spouses and children
- H. Cuban and Haitian entrants

120.3 **Immigrant Status.**

- A. A person must be a U.S. citizen or an eligible immigrant to qualify for **federal** food stamps. The noncitizen must be both a "qualified alien" as described in 120.2 and meet the following requirements:

- (1) The immigrant is lawfully admitted for permanent residence as defined in Section 101(a)(2) of the Immigration and Nationality Act (INA) and can be credited with at least 40 quarters of qualified work. (This includes earnings reported to the Social Security Administration and earnings not reported to the Social Security Administration if the individual can verify the earnings.)

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120.3 Immigrant Status. (continued)

- A qualifying quarter includes one worked by a parent of an immigrant before the date on which the child turned age 18 and a quarter worked by a spouse during their marriage if the immigrant remains married to the spouse or the spouse is deceased.
 - If a husband and wife both worked, combine the quarters worked during the marriage if they remain married or if the spouse is deceased.
 - Beginning January 1, 1997, do not count a quarter in which the immigrant received any federal means-tested public benefit as a qualifying quarter. Federal means-tested programs are Medical Assistance (including MA for Pregnant Women and Children), Temporary Cash Assistance, Supplemental Security Income, and the Food Stamp Program.
- (2) The immigrant is a veteran or on active duty in the U.S. armed forces or spouse or unmarried dependent child of a veteran or person on active military duty (**military connection**). The veteran or active duty person can be a citizen or an immigrant.
- (a) The following categories of immigrants with a **military connection** are eligible for an unlimited period:
- An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).
 - An alien granted asylum under §208 of the INA
 - A refugee admitted under §207 of the INA.
 - An alien who is paroled under §212(d)(5) of the INA for a period of at least 1 year
 - An alien whose deportation is being withheld under §§243(h) or 241(b)(3) after April 1, 1997 of the INA
 - An alien who is granted conditional entry pursuant to §203(a)(7) of the INA
 - Certain battered alien spouses and children. The non-abusive parent of a battered child may also be eligible. The battered individual must provide verification of being battered and of having petitioned INS for permanent residence status. Any reasonable evidence of battery is sufficient, including police reports, information from medical or school personnel, or photographs.