



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

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

**FROM: LYNDA FOX, DEPUTY SECRETARY FOR PROGRAMS AND LOCAL
OPERATIONS** *Lynda*

RE: CHANGES IN ELIGIBILITY FOR CERTAIN IMMIGRANTS

PROGRAM AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

SUMMARY

On June 23, 1998 President Clinton signed Public Law 105-185, the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA). This legislation amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and changes the eligibility rules for certain immigrants. Children, elderly and disabled immigrants who were lawfully present in the United States on August 22, 1996 will be eligible for federal food stamps. Members of the Hmong and Highland Laotian tribes and cross-border Native Americans will also be eligible. Refugees, asylees, immigrants whose deportation has been withheld, Cuban and Haitian entrants and Amerasians lawfully admitted for permanent residence will have their period of eligibility extended. **These changes are effective November 1, 1998.** We are providing this policy in advance so case managers can inform customers of this anticipated change.

NEW POLICY

1. **Effective November 1, 1998**, the following immigrants, if qualified aliens (see section 120.2 of the Food Stamp Manual) are also eligible for federal food stamp benefits:

- Children who were lawfully residing in the United States on August 22, 1996 and are now under 18 years of age.

Example: Child A is an LPR and is age 17. He was lawfully residing in the U.S. on August 22, 1996. He may receive federal FS benefits until he turns age 18, then he is ineligible.

Example: Child B is an LPR and is age 4. He entered the U.S. on September 5, 1996. This child is not eligible for federal FS benefits but may be eligible for the State FS program.

- Elderly immigrants who were lawfully residing in the United States on August 22, 1996 and were 65 years of age or older at that time.

Example: Mr. B is 70 years old. He was an LPR on August 22, 1996. He is eligible for the federal FSP effective November 1, 1998.

Example: Mrs. C is 70 years old. She was admitted to the U.S. as an LPR on October 3, 1996. She does not meet the criteria for FSP eligibility.

- Disabled immigrants who are receiving payments or assistance for blindness or disability (as described in #4 below), who were lawfully residing in the United States on August 22, 1996, regardless of when they became disabled.

Example: Mr. and Mrs. A are legal permanent residents (LPR) and receive SSI. They have lawfully lived in the U.S. since 1990. Effective November 1, 1998, they are eligible to receive federal Food Stamp Program (FSP) benefits if they meet all other eligibility requirements.

Example: Mr. D has been an LPR since 1989. In February 1998 he began receiving SSI. He is eligible for federal FS benefits if he meets all other eligibility requirements.

2. **Effective November 1, 1998**, The following qualified aliens are eligible for seven years after obtaining the designated status. Refugees are eligible for seven years after date of entry:

- Refugee
- Asylees
- Immigrants whose deportation has been withheld
- Cuban and Haitian entrants
- Amerasians lawfully admitted for permanent residence

3. **Effective November 1, 1998** the following immigrants are eligible for an indefinite time, even if they are not qualified aliens:

- American Indians born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act apply and members of an Indian tribe as defined in section 4(e) of the Indian Self-determination and Education Assistance Act. This provision was intended to cover Native Americans who are entitled to cross the United States border into Canada or Mexico. It was intended to include, among others, the St. Regis band of the Mohawk in New York State, the Micmac in Maine, the Abanaki in Vermont, and the Kickapoo in Texas.)
- Individuals who are lawfully residing in the United States and were members of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to the United States personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964 and ending May 7, 1975. The spouse or unremarried surviving spouse and unmarried dependent children may also be eligible for food stamps. We will be sending additional guidance soon.

4. For the purposes of these provisions, a disabled individual is one of the following:

- A person who receives Supplemental Security Income (SSI) under title XVI of the Social Security Act, or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66.
- A person who receives federally or State administered supplemental assistance of the type described in section 1616(a) of the Social Security Act, interim assistance pending receipt of SSI, disability-related medical assistance, or disability-related general assistance under title XIX of the Social Security Act. Immigrants who receive Public Assistance to Adults (PAA) and TEMHA recipients who receive Medical Assistance fall under this category.
- A person who receives disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act or receives disability retirement benefits from a governmental agency because the disability is considered permanent under section 221(i) of the Social Security Act
- A person who receives an annuity under section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon criteria under title XVI of the Social Security Act.

- A veteran who:
 - Has a service connected or non-service-connected disability that is rated total, or
 - Is considered in need of regular aid and attendance or permanently housebound.
- A surviving spouse of a veteran and:
 - Is considered in need of regular aid and attendance or permanently housebound, or
 - Is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent
- A child of a veteran and:
 - Is considered permanently incapable of self-support, or
 - Is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent.

ACTION REQUIRED

Applicants

- **Although these changes are not effective until November 1, 1998, it is important to inform applicants who will be eligible under AREERA and are not eligible for state funded food stamps, that they may wish to wait to file applications for food stamps benefits until October 1, 1998, because they must be denied before then.**
- **If a household applies in October and is not eligible until November, even though denied for the month of application, the household does not have to reapply for the subsequent month.**
- **Use the same application for denial for the first month and determination of eligibility in subsequent months within current timeliness standards.**

Converting Household Members from the State-funded Food Stamp Program

Convert household members participating in the State-funded Food Stamp Program without making the household reapply if:

- There is an application on file,
- The case manager has sufficient information to determine eligibility and benefits, and
- The household's certification period extends beyond November 1, 1998.

The case manager must ensure that only individuals meeting the federal Food Stamp eligibility requirements are converted.

If the certification period ends before November 1, 1998, recertify the individual under the State program and then convert the individual to the federal program according to the direction in this transmittal.

Converting Ongoing Cases

Convert the current caseload at household request, at the time of recertification, or when the case is next reviewed, whichever occurs first.

Restored Benefits

If appropriate, restore benefits back to November 1, 1998 or the date of application, whichever is later.

CARES PROCEDURE:

Every legal immigrant **MUST** have a code entered in the SPP (State Paid Program) field on their ALAS screen as follows:

- "E" – Technically eligible to receive Federal Food Stamps;
- "Y" – Technically eligible to receive State Food Stamps; or
- "N" – Not technically eligible to receive Federal or State Food Stamps.

FS ONLY HOUSEHOLDS:

Application:

- Pend a Federal Food Stamp AU listing all household members on the STAT screen with their respective relationship codes and financial responsibility as "PN."
- On the DEM2 screen, in the Citizenship field, enter:
 - "I" for all ineligible federal adult recipients AND all ineligible federal children not meeting residency requirements for the State Food Stamp Program (regardless of actual status – CARES will prorate any earned or unearned income of the ineligible individual),
 - "L" for all federal eligible recipients and all children eligible for State food stamps, and
 - "C" for all citizens.
- On the ALAS screen, enter the actual:
 - INS Status code and verification type. For those immigrants who are eligible for 7 years after obtaining their status (i.e. refugees, asylees, parolees), if their status changes to legal permanent resident, **do not change the code until the 7 year period of eligibility ends.**
 - "Y" or "N" for Sponsored Alien,
 - Country of Origin,
 - Entry Date (**This date should reflect the date status as a refugee, Cuban and Haitian entrant, or asylee was obtained or the date deportation was withheld.**),
 - INS Number, verification, and Verification Date, and

- “E” – (Technically eligible for Federal Food Stamps), “Y”- (Technically eligible for State Food Stamps), or “N”- (Not technically eligible for Federal or State Food Stamps) in the SPP (State Paid Program) field:
 - ▶ If citizenship code is “T”, SPP must = “N”
 - ▶ If citizenship code is “L”, SPP must =
 - “E” for those adults and children who meet federal criteria including those who meet the new federally eligible criteria; or
 - “Y” for children who are technically eligible to receive State Food Stamps.
- Enter assets and income on the appropriate household member’s screens (income entered for all “T” coded legal immigrants will be prorated correctly by CARES).
- Calculate the correct shelter amount (including rent, mortgage, utilities, etc.) off-line according to policy (see AT 98-20), then:
 - Enter the prorated amount (for all eligible members) on the head of household’s SHEL screen in the rent field. Leave the Utility Standard as “N.”
 - Enter “Y” in the “Is heat in the rent?” field.
 - Enter “N” in the “Do you pay light/cooking?” field.
 - Add a remark using PF9 as to the actual rent and utility information. **It is also to include this information in the narration.**
- Process (Option “P” from the AMEN) each month making sure to review the:
 - ALAS screens to ensure proper coding,
 - Assets and income to ensure accuracy,
 - SHEL screens to ensure shelter expense is prorated and entered only on the head of household’s SHEL screen.
- Finalize (Option “Q” from the AMEN) the application, for each month:
 - Review the ELIG screen to ensure the status of all ineligible adults and children is “ND” with a denial code of “202” (failed citizenship).
 - Enter “Y” to confirm eligibility.
 - Review the FSFI screen to ensure correct household size and benefit amount.
 - Enter “Y” to confirm benefit amount.
 - Allow system generated notice to be sent.
- After finalizing, select Option “R” and:
 - Change all legal immigrant “T” codes to “L,”
 - Enter any other information now required,
 - Reconfirm the status of ELIG and FSFI, and
 - Suppress the notice.

NARRATE ALL CASE ACTIVITY.

Currently Active FS AU:

Using Option "R" from the AMEN:

- On the DEM2 screen, in the Citizenship field, enter:
 - "T" for all ineligible federal adult recipients AND all ineligible federal children not meeting residency requirements for the State Food Stamp Program (regardless of actual status – CARES will prorate any earned or unearned income of the ineligible individual),
 - "L" for all federal eligible recipients and all children eligible for State food stamps, and
 - "C" for all citizens.

- On the ALAS screen, enter the actual:
 - INS Status code and verification type. For those immigrants who are eligible for 7 years after obtaining their status (i.e. refugees, asylees, parolees), if their status changes to legal permanent resident, **do not change the code until the 7 year period of eligibility ends.**
 - "Y" or "N" for Sponsored Alien,
 - Country of Origin,
 - Entry Date (This date should reflect the date status as a refugee, Cuban and Haitian entrant, or asylee was obtained or the date deportation was withheld.),
 - INS Number, verification, and Verification Date, and
 - "E" – (Technically eligible for Federal Food Stamps), "Y" - (Technically eligible for State Food Stamps), or "N" - (Not technically eligible for Federal or State Food Stamps) in the SPP (State Paid Program) field:
 - ▶ If citizenship code is "T", SPP must = "N"
 - ▶ If citizenship code is "L", SPP must =
 - "E" for those adults and children who meet federal criteria including those who meet the new federally eligible criteria; or
 - "Y" for children who are technically eligible to receive State Food Stamps.

- Enter assets and income on the appropriate household member's screens (income entered for all "T" coded legal immigrants will be prorated correctly by CARES).

- Calculate the correct shelter amount (including rent, mortgage, utilities, etc.) off-line according to policy, then:
 - Enter the prorated amount on the head of household's SHEL screen in the rent field. Leave the Utility Standard as "N."
 - Enter "Y" in the "Is heat in the rent?" field.
 - Enter "N" in the "Do you pay light/cooking?" field.
 - Add a remark using PF9 as to the actual rent and utility information. **It is also important to include this information in the narration.**

- Review the **ELIG** screen to ensure the status of all ineligible adults and children is “ND” with a denial code of “202” (failed citizenship).
 - Enter “Y” to confirm eligibility.
- Review the **FSFI** screen to ensure correct household size and benefit amount.
 - Enter “Y” to confirm benefit.
 - Allow system generated notice to be sent.

NARRATE ALL CASE ACTIVITY.

TCA/FS OR MA/FS HOUSEHOLDS:

Application:

- Complete the above procedures, making sure to finalize the FS AU first.
- After changing the citizenship code to “L,” finalize the TCA or MA AU.

Currently active households:

- Using Option “R” from the **AMEN**:
 - Close the TCA or MA in the on-going month with a “554” code on the **STAT** screen.
 - Change the citizenship code from “L” to “I” on the **DEM2** screen(s) for all ineligible adult legal immigrants AND all ineligible federal children not meeting residency requirements for the State Food Stamp Program.
 - Enter “Y” to recalculate eligibility on the **MISC** screen.
 - Confirm eligibility with a “Y” on the TCA or MA AU’s **ELIG** screen making sure the AU is closing effective the end of the month with a “554” code.
 - Confirm case closure with a “Y” on the **CAFI** or **MAFI** screen.
 - Confirm eligibility with a “Y” on the Food Stamp AU’s **ELIG** screen, making sure the financial responsibility code for the ineligible adults and children has changed to “ND” with a reason code of “202” (failed citizenship requirements).
 - Review the **FSFI** screen to ensure correct household size and benefit amount.
 - Enter “Y” to confirm benefit.
 - Allow system generated notice to be sent.

Restore the TCA or MA benefits as follows:

- Using option “M” from the **AMEN**:
 - Reinstate the TCA or MA AU.
- Using option “R” from the **AMEN**:
 - Remove the “554” code from the TCA or MA **STAT** screen for the AU and each individual household member.

- Change the citizenship code from "T" to "L" for all ineligible legal immigrant adults AND all ineligible federal children not meeting residency requirements for the State Food Stamp Program.
- Review the food stamp "SPP" field on the ALAS screen to ensure the correct codes are entered for each immigrant household member.
- Enter "Y" to recalculate eligibility on the MISC screen.
- Confirm eligibility for the TCA or MA AU with a "Y" on the ELIG screen, making sure the "554" reason code has been removed from all household members and that the AU status is "A" (Active).
- Confirm benefit amount with a "Y" on the CAFI or MAFI screen and suppress the system-generated notice.
- Confirm eligibility for the FS AU with a "Y" on the ELIG screen, making sure the financial eligibility for all ineligible legal immigrant adults remains as "ND."
- Confirm benefit amount with "Y" on the FSFI screen and suppress the system-generated notice.

NARRATE ALL CASE ACTIVITY.

Updated Food Stamp Manual pages are attached. Please replace the appropriate pages in section 120. (Reminder: New manual pages were sent with Action Transmittal 98-20 and revised pages 1 and 2 were sent with AT 98-42.)

ACTION DUE

This policy is effective November 1, 1998 for newly applying households. Convert the current caseload at household request, at the time of recertification, or when the case is next reviewed whichever occurs first.

INQUIRIES

Please direct policy questions to Kay Finegan at (410) 767-7939 and system questions to Joyce Westbrook at (410) 767-8735.

cc: FIA Management Staff
 CIS Testing Facility
 Constituent Services
 OIM Help Desk
 RESI

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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 a "qualified alien" as described in 120.2 and be:
 - (1) An immigrant 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) 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 the marriage if the immigrant remains married to the spouse or the spouse is deceased.
 - (b) If a husband and wife both worked, combine the quarters worked during the marriage if they remain married or if the spouse is deceased.
 - (c) 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) 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. The battered individual also has to verify that he or she no longer lives in the same household as the batterer.
 - (b) A veteran must have met the minimum active-duty service requirements of 24 months or the period for which the person was called to active duty.

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120 .3 Immigrant Status. (continued)

- (c) The definition of veteran includes military personnel who die during active duty service and Filipinos who served in the Philippine Commonwealth Army during World War II or as Philippine scouts following the war.
- (d) A surviving spouse of a deceased veteran or individual on active duty is eligible, provided the spouse has not remarried and the marriage meets certain requirements. They must have been married:
- for at least one year, or
 - before the end of a 15-year time span following the end of the period of military service in which the injury or disease was incurred or aggravated, or
 - for any period if a child was born of the marriage or before the marriage.

B. Effective November 1, 1998, the following immigrants, if qualified aliens (see section 120.2) are also eligible for federal food stamp benefits:

- (1) Children who were lawfully residing in the United States on August 22, 1996 and are now under 18 years of age.

Example: Child A is an LPR and is age 17. He was lawfully residing in the U.S. on August 22, 1996. He may receive federal FS benefits until he turns age 18, then he is ineligible.

Example: Child B is an LPR and is age 4. He entered the U.S. on September 5, 1996. This child is not eligible for federal FS benefits but may be eligible for the State FS program.

- (2) Elderly immigrants who were lawfully residing in the United States on August 22, 1996 and were 65 years of age or older at that time.

Example: Mr. B is 70 years old. He was an LPR on August 22, 1996. He is eligible for the federal FSP effective November 1, 1998.

Example: Mrs. C is 70 years old. She was admitted to the U.S. as an LPR on October 3, 1996. She does not meet the criteria for FSP eligibility.

- (3) Disabled immigrants who are receiving payments or assistance for blindness or disability (as described in #4 below), who were lawfully residing in the United States on August 22, 1996, regardless of when they became disabled.

Example: Mr. and Mrs. A are legal permanent residents (LPR) and receive SSI. They have lawfully lived in the U.S. since 1990. Effective November 1, 1998, they are eligible to receive federal Food Stamp Program (FSP) benefits if they meet all other eligibility requirements.

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120.3 Immigrant Status. (continued)

Example: Mr. D has been an LPR since 1989. In February 1998 he began receiving SSI. He is eligible for federal FS benefits if he meets all other eligibility requirements.

- (4) For the purposes of these provisions, a disabled individual is one of the following:
- (a) A person who receives Supplemental Security Income (SSI) under title XVI of the Social Security Act, or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66.
 - (b) A person who receives federally or State administered supplemental assistance of the type described in section 1616(a) of the Social Security Act, interim assistance pending receipt of SSI, disability-related medical assistance, or disability-related general assistance under title XIX of the Social Security Act. Immigrants who receive Public Assistance to Adults (PAA) and TEMHA recipients who receive Medical Assistance fall under this category.
 - (c) A person who receives disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act or receives disability retirement benefits from a governmental agency because the disability is considered permanent under section 221(i) of the Social Security Act
 - (d) A person who receives an annuity under section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon criteria under title XVI of the Social Security Act.
 - (e) A veteran who:
 - Has a service connected or non-service-connected disability that is rated total, or
 - Is considered in need of regular aid and attendance or permanently housebound.
 - (f) A surviving spouse of a veteran and:
 - Is considered in need of regular aid and attendance or permanently housebound, or

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120.3 Immigrant Status. (continued)

- Is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent

(g) A child of a veteran and:

- Is considered permanently incapable of self-support, or
- Is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent.

C. Effective November 1, 1998 the following immigrants are eligible for an indefinite time, even if they are not qualified aliens:

- (1) American Indians born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act apply and members of an Indian tribe as defined in section 4(e) of the Indian Self-determination and Education Assistance Act. This provision was intended to cover Native Americans who are entitled to cross the United States border into Canada or Mexico. It was intended to include, among others, the St. Regis band of the Mohawk in New York State, the Micmac in Maine, the Abanaki in Vermont, and the Kickapoo in Texas.)
- (2) Individuals who are lawfully residing in the United States and were members of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to the United States personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964 and ending May 7, 1975. The spouse or unmarried surviving spouse and unmarried dependent children may also be eligible for food stamps. We will be sending additional guidance soon.

D. Also eligible for federal food stamps is an immigrant who within the last 7 years (increased from 5 to 7 years effective November 1, 1998):

- (1) Was admitted under §207 of the INA as a refugee,
- (2) Was granted asylum under §208 of the INA,
- (3) Had deportation or removal withheld under §§243(h) or 241(b)(3) of the INA.
- (4) Was admitted as a Cuban and Haitian immigrant as defined in section §501(e) of the Refugee Education Assistance Act of 1980, or

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120.3 Immigrant Status. (continued)

(5) Was admitted an Amerasian pursuant to §584 of the Foreign Operations, Export, Financing, and Related Programs Appropriations Act of 1988.

E. Ineligible immigrants include all other immigrants. For example:

- (1) Visitors, tourists, students, and diplomats,
- (2) Those admitted under color of law,
- (3) Immigrants who have applied for eligible status but who have not been approved (except for battered spouses and children with a military connection), and
- (4) Immigrants who have a questionable or unverified status.

120.4 State Food Stamp Program. Food stamps will be provided for children who are:

- A. Qualified aliens as described in 120.2.
- B. Under age 18 or who are included in a TCA grant, and
- C. Not eligible for the federal FS Program (FSP).

120.5 Verification of Immigrant Status. Based on the application, determine if members identified as a non-citizen are eligible by requiring verification for each immigrant member.

- A. Verify alien/immigrant status using documents currently available and the SAVE system. These documents should also verify the date of obtaining the status to determine the 5-year time limit on eligibility for a refugee, asylee or immigrant whose deportation has been withheld, a Cuban or Haitian Entrant or an Amerasian. These documents include, but are not limited to:
 - (1) INS Form I-551 Resident Alien Card, the new INS Form I-551 Permanent Resident Card and INS Form I-151 Alien Registration Receipt card are proof of lawful permanent resident status. The I-151, while no longer issued, may still be used to determine immigrant status.
 - (2) The INS Form I-94 Arrival/Departure Record indicates the immigration category or the section of the law under which the person is granted admission to the U.S. For Amerasians, documentation establishing eligibility is an I-94 with codes AM1, AM2, or AM3; I-551 with codes AM6, AM7, or AM8; or a Vietnam Exit Visa, Vietnamese or US passport, if stamped by INS with codes AM1, AM2, or AM3.

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120.5 Verification of Immigrant Status. (continued)

(3) If the INS form presented by the immigrant does not bear annotations needed to verify eligibility, and the individual can provide no other document, advise the immigrant:

- (a) To obtain from INS Form G-641 Form G-641, Application for Verification of Information from Immigration and Naturalization Service Records. Once completed by INS, accept this form when presented by the immigrant as evidence of status when properly annotated at the bottom by an INS representative;
- (b) If appropriate, that the individual may be eligible if acceptable verification is obtained; or
- (c) That the immigrant may contact INS or otherwise obtain the necessary verification, or if the immigrant wishes and signs a written consent, the local department will contact INS to obtain clarification of the immigrant's status.

- B. If 40 qualifying quarters of coverage are needed for a permanent resident immigrant to qualify, verify through the Quarters of Coverage History System (QCHS) in the State Verification Exchange System (SVES). Make sure the SSA Consent for Release of Information is on file in the case record when requesting a QC history for Social Security numbers that are not assigned to the applicant (i.e. parent or spouse of the applicant). **DO NOT send the customer directly to the SSA office for this information.**
- C. Verify veteran status or active military duty through readily available documents from the Veteran's Administration or military.
- D. Verify countable income and deductions as described in Section 408.

120.6 Responsibility of the Local DSS to Obtain Verification.

- A. If an immigrant is unable or unwilling to provide an INS document or other acceptable verification showing immigrant status, the individual is ineligible. Do not continue efforts to obtain documentation.
- B. The responsibility of the local department exists only when the immigrant has an INS document that does not clearly indicate eligible or ineligible immigrant status.
- C. Do not contact INS to obtain information about the immigrant's correct status without the individual's written consent.

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120.7 Status of Household while Awaiting Verification of Eligible Immigrant Status.

While awaiting acceptable verification, the immigrant whose status is questionable is ineligible. Determine the eligibility of the remaining household members. Treat income and resources in the same manner as an ineligible immigrant as described in section 108.4. If the verification of eligibility is subsequently received, act on the information as a reported change in household composition.

120.8 Verification of Citizenship.

- A. When a household's statement that one or more of its members are United States citizens is questionable, ask the household to provide acceptable verification. Acceptable forms of verification include birth certificates, religious records, voter registration cards, certificates of citizenship or naturalization provided by INS.
- B. If the household cannot obtain the above forms and the household can provide a reasonable explanation as to why verification is not available, accept a signed statement from someone who is a U.S. citizen which declares, under penalty of perjury, that the member in question is a U.S. citizen. The signed statement shall contain a warning of the penalties for helping someone to commit fraud such as, "If you intentionally give false information to help this person get food stamps, you may be fined, imprisoned, or both."
- C. Do not require verification of citizenship of certain classes of applicant because of their race, religion, ethnic background, national origin or status as migrant farm workers. The following are legitimate reasons for requiring verification of citizenship:
 - (1) The claim of citizenship is inconsistent with statements made by the applicant or with other information on the current application or a previous application.
 - (2) The claim of citizenship is inconsistent with information received from another source.
 - (3) The applicant does not have a social security number.

120.9 Status of Members Pending Verification of Citizenship.

An applicant whose citizenship is in question is ineligible until proof of U.S. citizenship is obtained. While awaiting acceptable verification determine the eligibility of the remaining household members. Treat income and resources in the same manner as an ineligible immigrant, as described in section 108.4. If the verification of eligibility is subsequently received, act on the information as a reported change in household composition.

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120.10 Reporting Illegal Immigrants.

- A. If the local department determines that a member of a household applying for or receiving food stamps is ineligible because the member is presently in the United States in violation of the Immigration and Nationality Act, inform the local INS office in writing.
- B. **Do not make a determination that an individual is in violation of the Immigration and Nationality Act merely because of the immigrant's inability or unwillingness to document his/her immigrant status. When an immigrant is unwilling or unable to provide documentation, classify the individual as ineligible and discontinue efforts to obtain further documentation.**
- C. Report to INS **only** when firm evidence exists that the immigrant is in the U.S. illegally.

120.11 Calculating the Countable Income and Resources from an Ineligible Immigrant.

- A. Determine the amounts to be counted by calculating a prorated share of income received by the ineligible member and a prorated share of expenses paid by or billed to the ineligible member as described in section 108.4 of the manual.
- B. Do not count a deemed portion of a sponsor's income in calculating eligibility or benefit level if the sponsored immigrant is not included in the food stamp household.
- C. The total value of any resources owned by the ineligible immigrant is counted.

120.12 Case Processing.

Households with immigrants have many household compositions, which will determine ineligibility, eligibility for federal food stamps, eligibility for the State program or a combination. Set up one case that includes all members of a household who are eligible for the federal or state Food Stamp Programs. **Although only one case is established, it is important to correctly identify individuals who are paid with state funds.**

Example #1: Household A includes a mother and father who are refugees who obtained their status within 7 years of the food stamp application, and two citizen children. The entire household is eligible for federal food stamps because the parents' refugee status is within the seven-year period. Process this case using all income and deductions for the entire household.

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120.12 Case Processing (continued)

Example #2: Household B applied March 3. The household includes a mother age 45 and her 20-year old son. Both are lawfully admitted for permanent residence. Neither individual is eligible for federal benefits. Since there are no children in the unit, the household is not eligible for state benefits.

Example #3: Household C includes a mother and her two children under age 18. All were lawfully admitted for permanent residence after 8/22/96 and do not fall into one of the federal eligible categories. The entire household is ineligible for federal food stamp benefits. The children are eligible for state FS benefits. Open the case for the non-citizen children's state FS benefits. Use a 2/3 prorated portion of income and deductions to calculate the FS benefit for the two children.

Example #4: Household D includes a mother and her two children who were lawfully admitted for permanent residence after 8/22/96. Also in the household are her refugee husband, who obtained his status 8 years ago, and their citizen child. The citizen child is eligible for federal food stamp benefits and the legal permanent resident children are eligible for state food stamp benefits. Mrs. D has \$500 monthly unearned income. Mr. D has no income. The shelter costs total \$300.

Calculate the benefit for all members who are eligible for the state or federal benefit. The countable income for the three children, using 3/5 of the income is \$300, ($\$500 \div 5 = \$100 \times 3 = \300) and 3/5 of the shelter is \$180 ($\$300 \div 5 = \$60 \times 3 = \180).

Example #5: Household F includes Mrs. F and her child who were lawfully admitted for permanent residence after 8/22/96. Mr. F is also in the household. He is a citizen and receives \$484 SSI. Mrs. F receives \$300 unearned income. Mrs. F pays the \$300 rent. Mr. F pays the gas and electric bill, which includes heat. Mr. F is eligible for federal food stamp benefits and the child is eligible for state benefits.

Calculate the benefit for both Mr. F and the child eligible for the State-paid FSP. Use all the SSI benefit (\$484), and a 2/3 portion of Mrs. F's income ($\$300 \div 3 \times 2 = \200). To calculate the shelter cost, use a 2/3 prorated share of expenses paid by or billed to the ineligible immigrant ($\$300 \div 3 \times 2 = \200). The household is entitled to the full \$183 SUA since it is billed to Mr. F.