D. Noncitizens

Federal laws and regulations limit eligibility for SNAP benefits to U.S. citizens and certain lawfully present noncitizens. Generally, a noncitizen must be a qualified alien in order to be eligible for SNAP. Noncitizens like tourists and students are generally not eligible. Individuals who are eligible based on their immigration status must satisfy all other SNAP eligibility requirements such as income limits.

1. Types of noncitizens

There are two types of noncitizens we look at in the SNAP program:

(A) **Qualified Noncitizens** – these noncitizens may be eligible for benefits if they meet all other SNAP eligibility requirements. The two exceptions are certain American Indians born abroad and Hmong or Highland Laotian tribal members.

(B) **Unqualified Noncitizens** – these noncitizens, with two exceptions, generally will not be eligible for SNAP benefits.

You will need to look at each person's documentation to determine the type of documentation they have and the Class of Admission Codes in order to make your eligibility determination.

✅ Click [here](#) to view a list of Class of Admissions (COA).

✅ See section 5 for more information about American Indians born abroad and Hmong or Highland Laotian tribal members.

2. Qualified noncitizens

A "qualified noncitizen" is a noncitizen that meets an immigration status that is consistent with the Personal Responsibility and Work Opportunity Act (PRWORA) which was passed in 1996. An individual that meets one of the identified statuses may be eligible for SNAP. To be eligible for SNAP, most noncitizens must be in a qualified noncitizen category and, if required, meet one additional eligibility condition.

✅ See section 6 for more information about additional eligibility conditions.
<table>
<thead>
<tr>
<th>Noncitizen Category</th>
<th>Description</th>
<th>Must Meet Additional Criteria (Section 6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>L Lawfully Admitted for permanent Residence (LPRs)</td>
<td>LPRs are holders of &quot;green cards&quot;. This category also includes &quot;Amerasian immigrants&quot; as defined under §584 of the Foreign Operations, Export Financing and Related programs Appropriations Act of 1988.</td>
<td>YES* except for Amerasians. See section 5 for information</td>
</tr>
<tr>
<td>A Asylees</td>
<td>Granted asylum under Immigration and Nationality Act (INA) §208. (I-94 Card)</td>
<td>NO</td>
</tr>
<tr>
<td>P Parolees (for Cuban or Haitian Parolees, please see E)</td>
<td>Paroled into the U.S. under §212(d)(5) of the INA for at least 1 year.</td>
<td>YES</td>
</tr>
<tr>
<td>D Deportation (or Removal) Withheld</td>
<td>Deportation is being withheld under §243(h) of the INA as in effect before 4/1/97, or removal is withheld under §241(b)(3) of the INA.</td>
<td>NO</td>
</tr>
<tr>
<td>O Conditional Entrants</td>
<td>Granted conditional entry under §203(a)(7) of the INA as in effect before 4/1/80. These individuals will be employment-based noncitizens who are Skilled workers, professionals, and other qualified workers.</td>
<td>YES</td>
</tr>
<tr>
<td>Noncitizen Category</td>
<td>Description</td>
<td>Must Meet Additional Criteria (Section 6)</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td><strong>E</strong> Cuban or Haitian Entrants</td>
<td>Cuban or Haitian entrant under §501(e) of the Refugee Education Assistance Act of 1980. These individuals will be either a public interest or humanitarian parolee.</td>
<td>NO</td>
</tr>
<tr>
<td><strong>B</strong> Battered Noncitizens</td>
<td>Under certain circumstances, a battered noncitizen spouse or child, noncitizen parent of a battered child or a noncitizen child of a battered parent with a petition pending.</td>
<td>YES</td>
</tr>
<tr>
<td><strong>R</strong> Refugees</td>
<td>Refugees admitted to the U.S. under §207 of the INA</td>
<td>NO</td>
</tr>
<tr>
<td><strong>T</strong> Trafficking Victims</td>
<td>Victims under the Trafficking Victims Protection Act of 2000. A person who is a victim of a severe form of trafficking is to be treated as a refugee under the Trafficking Victims Protection Act of 2002.</td>
<td>NO</td>
</tr>
<tr>
<td><strong>S</strong> Iraqi and Afghan Special Immigrants (SIV)</td>
<td>Special immigrant status under §101(a)(27) of the INA may be granted to Iraqi and Afghan nationals who have worked on behalf of the U.S. government in Iraq or Afghanistan. The Department of Defense Appropriations Act of 2010 (DoDAA), P.L. 11-118, §8120 enacted on 12/19/09, provides that SIVs are eligible for all benefits to the same</td>
<td>NO</td>
</tr>
<tr>
<td>Noncitizen Category</td>
<td>Description</td>
<td>Must Meet Additional Criteria (Section 6)</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>extend and the same period of time as refugees.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Iraqi and Afghan Special Immigrants are a type of LPR and are considered qualified noncitizens.</td>
<td></td>
</tr>
</tbody>
</table>

3. **Unqualified noncitizens**

"Unqualified noncitizens" are generally not eligible for SNAP benefits. This group includes individuals who are tourists, students, and undocumented citizens.

Unqualified noncitizens that are ineligible for SNAP include the following:

(A) Noncitizens who are lawfully present in the US in a nonqualified status, such as students and H-1B Visa workers.

(B) Undocumented noncitizens such as those individuals who entered the country as temporary residents and overstayed their visas or who entered without a visa.

(C) Individuals granted Temporary Protected Status (TPS). These individuals are permitted to remain temporarily in the U.S. because their home nation is suffering under armed conflict, environmental disaster, or other extraordinary or temporary conditions.

(D) Citizens of nations under Compact of Free Association Agreements. These are individuals from:

(1) The Federated States of Micronesia (FSM);

(2) The Republic of the Marshall Islands (RMI); and

(3) The Republic of Palau.

(E) Most individuals present in the U.S. with a U visa. Individuals who are victims of criminal activity who have suffered substantial mental or physical abuse because of the crime may be granted "U" nonimmigrant status.

(F) DACA (Deferred Action for Childhood Arrivals) - Deferred action is a discretionary, limited immigration benefit by the federal Department of Homeland Security. It can be granted to individuals who are in removal
proceedings, who have final orders of removal, or who have never been in removal proceedings. Individuals who have deferred action status can apply for employment authorization and are in the U.S. under color of law. However, there is no direct path from deferred action to lawful permanent residence or to citizenship. And, it can be revoked at any time.

(G) DAPA (Deferred Action for Parents of Americans and Lawful Permanent Residents) - Deferred action granted to certain undocumented noncitizens who have lived in the United States since 2010 and have children who are either American citizens or lawful permanent residents. Deferred action is not full legal status but would come with a three-year, renewable work permit and exemption from deportation.

**Alien Status Rule**

461-120-0125 — Alien Status

<table>
<thead>
<tr>
<th>Qualified Noncitizens (Potentially Eligible for SNAP)</th>
<th>Ineligible Unqualified Noncitizens</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automatically meets Noncitizen Criteria</td>
<td>Coding: HH, AD or CH</td>
</tr>
<tr>
<td>Meet Additional Criteria — eligible for SNAP</td>
<td>Coding: HH, AD or CH</td>
</tr>
<tr>
<td>Coding: HH, AD or CH</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>• Asylees;</td>
<td></td>
</tr>
<tr>
<td>• Amerasians;</td>
<td></td>
</tr>
<tr>
<td>• Deportation Being Withheld;</td>
<td>• LPR;</td>
</tr>
<tr>
<td>• Refugees;</td>
<td>• Parolees;</td>
</tr>
<tr>
<td>• Trafficking Victims;</td>
<td>• Conditional Entrants;</td>
</tr>
<tr>
<td>• Cuban/Haitian Entrants;</td>
<td>• Battered Spouse and Children.</td>
</tr>
<tr>
<td>• Special Immigrant Visa (SIV);</td>
<td></td>
</tr>
<tr>
<td>These noncitizens do not need to meet additional criteria can still be eligible for SNAP if they meet specific requirements:</td>
<td></td>
</tr>
<tr>
<td>• Certain American Indians Born Abroad;</td>
<td></td>
</tr>
<tr>
<td>• Hmong or Highland Laotian Tribal Members.</td>
<td></td>
</tr>
</tbody>
</table>
4. **Public charge**

A public charge is an individual who is likely to become primarily dependent on the government for subsistence. The Immigration and Nationality Act (INA) provides that an individual who is likely at any time to become a public charge is ineligible for admission into the U.S. or adjustment of status to become an LPR. In rare cases the public charge may be deported.

---

**PUBLIC CHARGE**

Applying for SNAP benefits does not make a noncitizen a public charge. This means a noncitizen will not be deported, denied entry to the country, or denied permanent status because of receipt of SNAP benefits.

Click [here](#) for a link to the USCIS Public Charge Fact Sheet.

Receiving SNAP does not affect the individual’s immigration status nor does it affect the noncitizen’s ability to become a U.S. citizen or LPR.

---

5. **Eligible unqualified noncitizens**

Certain unqualified noncitizens may still be eligible for SNAP.

<table>
<thead>
<tr>
<th>Noncitizen Category</th>
<th>Description</th>
<th>Must Meet Additional Criteria (section 6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Certain American Indians born abroad</td>
<td>No</td>
</tr>
<tr>
<td>H</td>
<td>Hmong or Highland Laotian tribal members</td>
<td>No</td>
</tr>
</tbody>
</table>

American Indians born in Canada living in the U.S. under §289 of the INA or noncitizen members of a Federally-recognized Indian tribe under §4(e) of the Indian Self-Determination and Education Assistance Act.

An individual lawfully residing in the U.S. who was a member of a Hmong or Highland Laotian tribe that rendered assistance to the U.S. personnel by taking part in a military or rescue operation during the Vietnam era (8/5/64 – 5/7/75). This category includes the spouse (or surviving spouse that has not remarried) or unmarried dependent children of these individuals.
6. Additional eligibility conditions

The following are additional conditions that certain qualified noncitizens must meet to be eligible for SNAP. Qualified noncitizens must only meet one additional condition to be eligible for SNAP. They must also meet all other SNAP eligibility criteria.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Five years of residence — referred to as the “Waiting Period”</td>
<td>Has lived in the U.S. as a qualified noncitizen for five years from the date of entry. The date of entry will be found on their documentation.</td>
</tr>
<tr>
<td>Forty qualifying work quarters</td>
<td>An LPR with credit for 40 qualifying work quarters.</td>
</tr>
<tr>
<td>Children under 18</td>
<td>Any qualified noncitizen under 18 years of age who lawfully resides in the U.S.</td>
</tr>
<tr>
<td>Blind or disabled</td>
<td>Blind or disabled receiving benefits or assistance for their condition regardless of entry date.</td>
</tr>
<tr>
<td>Elderly born on or before 8/22/31</td>
<td>Must have lawfully resided in the U.S. on 8/22/96.</td>
</tr>
<tr>
<td>Military connection</td>
<td>An individual who is lawfully residing in a State and is on active duty in the military (excluding National Guard) or is an honorably discharged veteran whose discharge is not because of immigration status — this includes spouse, surviving spouse if not married, and unmarried dependent children. A discharge &quot;Under Honorable Conditions,&quot; which is not the same as an honorable discharge, does not meet this requirement.</td>
</tr>
</tbody>
</table>

7. Qualified noncitizens who do not need to meet additional criteria

There are some categories of noncitizens that are eligible for SNAP who do not have to meet the waiting period (five-year residency requirement) or meet one of the additional conditions:

<table>
<thead>
<tr>
<th>No Waiting Period or Additional Condition Needed to be Eligible for SNAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugees</td>
</tr>
<tr>
<td>Victims of severe trafficking</td>
</tr>
<tr>
<td>Asylees or Deportation Withheld</td>
</tr>
<tr>
<td>Amerasians</td>
</tr>
<tr>
<td>Cuban and Haitian entrants</td>
</tr>
<tr>
<td>Iraqi and Afghan special Immigrants</td>
</tr>
<tr>
<td>Certain American Indians born abroad</td>
</tr>
</tbody>
</table>
No Waiting Period or Additional Condition Needed to be Eligible for SNAP

<table>
<thead>
<tr>
<th>Eligibility Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hmong or Highland Laotian tribal members</td>
</tr>
<tr>
<td>Qualified noncitizen children under 18</td>
</tr>
<tr>
<td>Individuals receiving benefits or assistance for blindness or disability – regardless of their entry date</td>
</tr>
<tr>
<td>Elderly who are lawfully residing in the U.S. and age 65 or older on 8/22/96</td>
</tr>
<tr>
<td>Military connection * see section 6 above</td>
</tr>
</tbody>
</table>

8. **General overview of eligibility factors for noncitizens**

The following chart provides a general overview of how immigration status, additional conditions, and waiting periods relate in determining whether a noncitizen may be eligible for SNAP benefits:
Is the person a U.S. citizen (including a naturalized citizen), an American Indian born in Canada or a Hmong or Highland Laotian Tribal Member?

- **Potentially Eligible**

  Is the person a qualified noncitizen?

  - **NO** Not Eligible
  - **YES** Cuban/Haitian Entrant, SIV, Amerasian, Refugee, Victim of Trafficking, Asylee or Deportation being withheld?

    - **SMY** Potentially Eligible

    - **NO** Lawfully residing in the U.S. and 65 or older on 8/22/96, Disabled, Under 18, or have a Military connection?

      - **SMY** Potentially Eligible

      - **NO** Lived in the U.S. in a qualified status for 5 years or are an LPR with 40 qualifying work quarters?

        - **SMY** Potentially Eligible

        - **NO** Not Eligible
9. Eligibility for certain vulnerable noncitizens

(A) Qualified noncitizen children

(1) Children under age 18 — Current SNAP policy provides that all qualified noncitizen children under age 18 are eligible, regardless of when they were admitted. In addition, eligible children are exempt from all deeming requirements. (See section 20 for deeming).

(2) Children turning 18 — If a child turns 18 during the certification period and the child has been in the U.S. for over five years, the child may continue to be eligible for SNAP as long as the child meets all other SNAP eligibility requirements.

(3) If a child turns 18 during the certification period and the child has been in the U.S. for less than five years, they may still be eligible for SNAP but they must meet one of the other additional conditions in section D in addition to meeting all other SNAP general eligibility requirements.

Example: Ginny and her parents moved to the US from Belgium two years ago. Ginny was 17 when the case was certified but turned 18 during the cert period. Ginny's noncitizen status would not need to be addressed until recert. It is not required to be reported for SRS. Do not pend the case for her information. Address it at the next recert.

(B) Elderly noncitizens

(1) The SNAP definition of elderly is age 60 or older. However, when looking at noncitizen status, being 60 years or older does not mean automatic eligibility.

(2) A qualified noncitizen, who meets both of the following, may be eligible for SNAP.

   (a) The qualified noncitizen was born on or before 8/22/1931; and

   (b) Lawfully resided in the U.S. on 8/22/1996.

(3) This is an important distinction — although an individual 60 or older is considered elderly under SNAP general eligibility rules, for a noncitizen to be eligible for SNAP without a waiting period (requirement to be in the U.S. for five years), the noncitizen must meet the criteria in (2).
(C) Disabled noncitizens

Noncitizens who meet the SNAP definition of disabled (OAR 461-001-0015) may be found eligible without a waiting period. They must still meet all other SNAP general eligibility requirements.

(D) Iraqi and Afghan special immigrants

(1) Iraqi and Afghan special immigrants enter the U.S. either as LPRs with the Special Immigration Visa (SIV) or later adjust to special immigrant status after entering the U.S. Potential eligibility for SNAP can begin when the individual was granted special immigrant status, either from the date of entry to the U.S. as an Iraqi or Afghan Special Immigrant, or the date of adjustment to special immigrant status within the U.S.

(2) Iraqi and Afghan Special Immigrants granted status under Section 101(a)(27) of the INA are eligible for SNAP. These special immigrants have worked on behalf of the U.S. government.

(3) Individuals and family members granted Iraqi or Afghan special immigrant visas (SIV) are considered qualified noncitizens and are eligible for resettlement assistance, entitlement programs and other federal public benefits the same as refugees admitted under Section 207 of the INA.

(4) Refugees and SIVs may be eligible for SNAP benefits indefinitely without a waiting period if they meet all other SNAP general eligibility criteria.

(E) Cuban or Haitian entrants

(1) Cubans or Haitians classified as Cuban or Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980 are considered qualified noncitizens.

(2) A Cuban or Haitian entrant is:

(a) Any individual granted parole as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; and

(b) Any other national of Cuba or Haiti who:

(i) Was paroled into the U.S. and has not acquired any other status under the Immigration and Nationality Act;
(ii) Is the subject of removal proceedings under the Immigration and Nationality Act; or

(iii) Has an application for asylum pending with the Immigration and Naturalization Service; and

(iv) Has not had a final, nonappealable and legally enforceable order of removal.

(c) Cuban or Haitian entrants who meet the criteria in (B) are eligible for SNAP without a waiting period as long as they meet all other SNAP general eligibility requirements.

(F) Military connection

(1) Qualified noncitizens with a military connection are eligible for SNAP without a waiting period as long as they meet all other SNAP general eligibility requirements.

(2) This includes individuals who are lawfully residing in Oregon and are on active duty (other than for training) in the U.S. Army, Navy, Air Force, Marine Corps or coast Guard (but not full-time National Guard).

(3) SNAP eligibility also extends to the spouse and the dependent children of veterans and active duty personnel, and to those honorably discharged veterans whose discharge is not due to immigration status.

10. Ineligible noncitizens

(A) Noncitizens are ineligible for SNAP if they fall into any of the following categories:

(1) Noncitizens who are lawfully present in the U.S. in an unqualified status, such as students and individuals who are here visiting.

(2) Noncitizens who are undocumented, such as individuals who entered the country as temporary residents and overstayed their visas or who entered without a visa.

(3) Noncitizens granted Temporary Protected Status (TPS) that are permitted to remain temporarily in the U.S. because their home nation is suffering under armed conflict, environmental disaster, or other "extraordinary or temporary" conditions.
(4) Citizens of nations under Compact of Free Association Agreements (Palau, Micronesia, and the Marshall Islands) who have been admitted under those Agreements are not qualified noncitizens. Although individuals under existing Compact of Free Association Agreements are not considered LPRs, they may reside, work and study in the U.S.

(B) Eligibility for SNAP for any other household members seeking assistance who are not in the above classifications must still be determined.

(C) See section 23 for additional information on the treatment of income and deductions of ineligible household members.

(D) Eligibility based on the waiting period (five-year residency)

Using the waiting period (five-year residency): In general, qualified noncitizens must be in the U.S. for five years (the waiting period) in order to be eligible for SNAP benefits.

<table>
<thead>
<tr>
<th>WAITING PERIOD (FIVE YEARS RESIDENCY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Some qualified noncitizens are exempted from the waiting period. This exemption continues indefinitely even if their status changes to LPR. These groups are:</td>
</tr>
<tr>
<td>• Asylees;</td>
</tr>
<tr>
<td>• Refugees;</td>
</tr>
<tr>
<td>• Amerasians;</td>
</tr>
<tr>
<td>• Cuban/Haitian entrants;</td>
</tr>
<tr>
<td>• Trafficking victims;</td>
</tr>
<tr>
<td>• Iraqi and Afghan Special Immigrants (SIVs); and</td>
</tr>
<tr>
<td>• Noncitizens whose deportation or removal is being withheld.</td>
</tr>
</tbody>
</table>

When a qualified noncitizen in one of the above exempt categories has adjusted their status to LPR from another status, the documentation card usually shows the previous status and the date of the adjustment of the status to LPR. To obtain a history of the individual's status from United States Citizenship and Immigration Services (USCIS), use form G-845 (Document Verification Request) and G-845 Supplement (Document Verification Request supplement).
11. Eligibility based on 40 work quarters

An LPR must have worked for 10 years cumulatively to be eligible for SNAP.

Qualifying quarters of work can only be credited to Lawful Permanent Residents (LPRs). Qualified noncitizens who do not have their USCIS status adjusted to LPR must become one before they can get credits for the quarters of work.

<table>
<thead>
<tr>
<th>40 Qualifying Work Quarters</th>
</tr>
</thead>
<tbody>
<tr>
<td>An LPR using this criterion must have worked for 10 years cumulatively before becoming eligible to participate in SNAP.</td>
</tr>
</tbody>
</table>

Specific Requirements:

- Only LPRs who have been in the U.S. less than five years may claim 40 qualifying quarters of work by claiming quarters credited from the work of:
  - A parent earned before the applicant became 18 years old, including before the child was born; or
  - A spouse during the time they are married. You can count the quarters of a deceased spouse during the marriage. The marriage cannot have ended in divorce.

- Qualifying quarters can be verified via a request through TPQY by doing the following:
  - Enter a Y in the QQ HIST field;
  - Enter your Branch I.D.;
  - Enter your Worker I.D.;
  - Hit F9 to send the request;
  - Come back the next day and check the quarters via the WQTR screen.

- If the LPR states they have 40 quarters of work history, but this cannot be verified through SSA, and SSA is conducting an investigation to determine if additional quarters can be credited, certify the household pending the results of the investigation from SSA for up to six months from the date of the original determination of insufficient quarters.

- Some quarters cannot be counted. These include:
  - Quarters earned after 12/31/96 if, during the quarter, the LPR received SNAP or any other Federal means-tested public benefits (such as Medicaid, SSI, SCHIP, or TANF);
40 Qualifying Work Quarters

- Use BEIN screens for SSI receipt-ELGR for TANF and Medical history. SCEH indicates SNAP history for only the past three years. However, most SNAP recipients also receive medical.

- LPRs can receive credit for work performed while they were in an undocumented status. SSA counts quarters worked while the person was living in this country regardless of the person's immigration status at the time the work was performed.

(1) Verifying quarters

Verify 40 qualifying work quarters for noncitizens by one of the following methods:

(a) Accessing the Social Security Administration's (SSA's) Quarters of Coverage History System (QCHS);

(b) Verifying work income and calculating the appropriate quarters using SSA's methodology; or

(c) A combination of both.

(2) Using QCHS

(a) When verifying work quarters through QCHS, access the system through TPQY. If the individual is not in the filing group, you will need the "Consent for Release of Information" (SSA-3288) must be completed and signed by each person whose work history is being accessed and has not signed the SNAP application. The QCHS response will be the TPQY Qualifying Quarters History screen. It will indicate quarters that can be credited by the following codes: A, C, D, F, G, J, M, R, S, X or *. When the client does not qualify for a quarter of coverage, the response will be "N."

(b) For example, a client's TPQY Qualifying Quarters History screen could show the following:

<table>
<thead>
<tr>
<th>Qualifying Quarters TPQY Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001 NNNN</td>
</tr>
<tr>
<td>2004 NAAC</td>
</tr>
<tr>
<td>2007 NNNN</td>
</tr>
<tr>
<td>2010 NNAA</td>
</tr>
</tbody>
</table>
This response verifies 27 quarters of coverage. The client would not be eligible unless they could either verify additional wages for the periods showing no coverage, or they could be credited with additional quarters from a relative (a spouse, or a parent while they were under age 18).

(c) When quarters of coverage are questionable, the code will be "#" or "Z." If the client is not eligible without these quarters, do one of the following:

(i) For a "Z" that is 1977 or earlier or a "#," refer the case to the SSA Office of Central Records Operations (OCRO) for investigation. Complete a Request to Resolve Questionable Quarters of Coverage (QC) (SSA 512) (paper only) or other written request with the client's name, SSN, date of birth, year or years in question and a return address.

SSA Office of Central Records Operations (OCRO)  
P.O. Box 17750  
Baltimore, MD 21235-0001

Forty-five days after the information is sent to SSA OCRO, conduct another TPQY request. The new request will show updated information. If there has been no update within 60 days, call 800-775-7802 (SSA-OCRO, Earnings Discrepancy).

(ii) For a "Z" that is 1978 or later, or when the client claims there are missing quarters, the client (or the person whose quarters are being verified) must complete a Request for Correction of Earnings Record (SSA-7008). They must write "Welfare Reform" at the top of the form. They must verify the earnings with documents such as W-2s, paystubs, a tax return, or an employer statement. Mail the form and verification to SSA-OCRO.

If the client has no documentation of the work performed, they should contact their local SSA office or call 800-772-1213 to arrange an appointment.

(d) If the client claims they used more than one SSN or allowed other people to use their SSN, they must contact their local SSA office or call 800-772-1213 to set up an appointment. Give them a copy of their TPQY Qualifying Quarters History record and advise them to take it and any proof of earnings they may have to the SSA appointment.
(e) When a client disagrees with the TPQY Qualifying Quarters History record and SSA gives the client documentation to verify that they are investigating the record, SNAP can be approved for up to six months. Advise the client that if SSA’s investigation does not result in 40 work quarters to verify their eligibility, the benefits received pending verification will be an overpayment. Report all clients certified for SNAP pending verification in this manner, to the SNAP Program Analyst in the DHS Policy and Budget Section.

(f) When a consent form cannot be completed because someone refuses to complete it or cannot be located, SSA cannot release information on work quarters. In that case, accept the client’s reasonable declaration of the other person’s work quarters.

(g) On the SSA response, also note any information given about a client’s eligibility for SSI, because from January 1, 1997, to the present, if the client received SSI during the quarter, the quarter does not count.

(3) Calculating quarters using SSA methodology

(a) Because of the lag time for processing employer information through SSA, their system will not have information available to verify quarters of coverage for the most recent two-year period. Workers use the SSA methodology to calculate quarters of coverage for this period, and for any period of time the client verifies income from work that is not included in SSA’s record. SSA would not have the income information for child care or housekeeper work performed in a private home, for example, if the employer failed to pay Social Security taxes.

(b) In order for quarters of work to count, it is not necessary for the client to have paid into the Social Security system. Instead, it is necessary that they earned enough for a quarter to be credited.

(c) Use the verification sources from the Verifying Client Information worker guide (MP-WG#2) at the end of this manual, to verify earned income for periods not verified by SSA’s records. Acceptable sources include paystubs, W-2 forms or tax records.

(d) Once income has been verified, use the chart below to determine qualifying quarters.

<p>| Quarters that have not been finished yet must be complete prior to using the quarter. |</p>
<table>
<thead>
<tr>
<th>If the year is:</th>
<th>Credit 1 quarter for at least this amount</th>
<th>Credit 2 quarters for at least this amount</th>
<th>Credit 3 quarters for at least this amount</th>
<th>Credit 4 quarters for at least this amount</th>
</tr>
</thead>
<tbody>
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<td>$500</td>
<td>$750</td>
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<td>$620</td>
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<td>$1,640</td>
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<td>$1,780</td>
<td>$2,670</td>
<td>$3,560</td>
</tr>
</tbody>
</table>
12. Eligibility for victims of trafficking

Individuals who are determined to be victims of human trafficking are eligible for SNAP benefits. These vulnerable noncitizens are provided special exceptions from the general restrictions governing noncitizen’s eligibility for SNAP.

<table>
<thead>
<tr>
<th>Year</th>
<th>Credit 1 quarter for at least this amount</th>
<th>Credit 2 quarters for at least this amount</th>
<th>Credit 3 quarters for at least this amount</th>
<th>Credit 4 quarters for at least this amount</th>
</tr>
</thead>
<tbody>
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<td>$1,320</td>
<td>$2,640</td>
<td>$3,960</td>
<td>$5,280</td>
</tr>
</tbody>
</table>

**Victims of Trafficking**

The Trafficking Victims Protection Act of 2000 provided that the term "severe forms of trafficking in persons" means:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for
Victims of Trafficking

the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

Specific Requirements:

- Individuals who are trafficking victims who are issued a Letter of Certification or Eligibility from the U.S Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) and family members who have been issued T visas because they are family members of a trafficking victim — are considered qualified noncitizens;

- Most trafficking victims and certain family members are eligible for SNAP to the same extent as refugees;

- These qualified noncitizens must be issued a Certification Letter, an Eligibility Letter or an Interim Assistance Agreement from ORR to be eligible for SNAP.

Letters of Certification

- The Certification Letter verifies the noncitizens eligibility and workers do not need to contact USCIS to verify the noncitizens status as a trafficking victim;

- Certification Letters do not expire.

Eligibility Letter for Children

- ORR issues an Eligibility Letter, similar to the adult certification letter, for children under the age of 18;

- The eligibility letter states that the child is a victim of a severe form of trafficking and is eligible for federally funded benefits and services to the same extent as a refugee;

- Letters of eligibility do not expire.

Interim Assistance Agreement

- Interim Assistance Letters are provided to children who may have been subjected to trafficking;

- These letters are valid to 90 days from the effective date in the letter. ORR may extend interim eligibility an additional 30 days;

- Children with an interim assistance letter can only receive SNAP benefits for the time period established in the interim letter;
13. **Eligibility for battered noncitizens**

Individuals who are determined to be victims of certain violent acts such as battery or extreme cruelty may be eligible for SNAP benefits. These vulnerable noncitizens are provided special exceptions from the general restrictions governing noncitizen's eligibility for SNAP.

**Battered Noncitizens**

Battered noncitizens who have been subjected to battery or extreme cruelty in the U.S. by a family member with whom they resided must meet an additional condition in order to be eligible for SNAP benefits.

This status also extends to a noncitizen whose child has been abused or a noncitizen whose parent has been abused.

Additionally, this group of battered noncitizens is exempt from deeming requirements for a 12-month period. (See section 23 for more information on deeming).

14. **U Visas**

Individuals who are victims of criminal activity who have suffered substantial mental or physical abuse because of the crime may be granted "U" nonimmigrant status, also known as a U Visa. The U Visa allows the victim to remain in the U.S. and assist law enforcement agencies or government officials in the investigation or prosecution of the criminal activity. Noncitizen granted U nonimmigrant status can remain in the U.S. for a period of up to four years.

Individuals with U Visas, including minor children under the age of 18 are ineligible for SNAP as they have temporary status and are not considered qualified noncitizens. However if the individual adjusts to a qualified noncitizen status, such as LPR or battered immigrant status, then the individual could potentially be eligible to receive SNAP.
15. **Verification of immigration status**

(A) Staff must verify the immigration status of only those individuals who are applying for SNAP benefits via the System Alien Verification for Entitlements (SAVE).

(B) Do not verify the immigration status of anyone who is applying for SNAP on behalf of someone else in their household. For example, a noncitizen may choose to apply only for their U.S. citizen children in the household.

(C) Under no circumstance can staff:

1. Require any information about the citizenship or immigration status of anyone who is not applying for SNAP;

2. Deny SNAP to applying household members because a nonapplicant household member has not disclosed their citizenship or immigration status or SSN;

3. Try to establish or verify immigration status through any means other than the procedures outlined below.

(D) All eligible persons have an entitlement to food assistance and workers are required to provide fair service to applicants. Some applicants (typically eligible children in families where other adults are not eligible) cannot apply on their own. They depend on adult household members to secure assistance for them.

16. **Expired documents**

Applicants sometimes present expired immigration documents. If a noncitizen presents expired documents, the worker should do BOTH A and B below:

(A) Accept the expired documents for one certification/redetermination period; **AND**

(B) Complete a form *Document Verification Request (SAVE Agencies)* (**G 845**) to validate alien status. USCIS prefers that the form be filled out and submitted online via SAVE. If there is not enough information on the document to permit use of SAVE, this form can also be found through the DHS form server by searching for “0845.” The server will link you to the USCIS website.

If USCIS validates the document, it can be used to verify alien status at the next recertification. If they do not, the noncitizen must present current documents at recertification to continue receiving benefits.
Encourage the applicant to contact USCIS to renew their status. There is a fee for renewal, but it may be waived due to destitution. Although DHS cannot help with the cost, some advocacy agencies may have funds available.

17. **SAVE**

(A) To get access to SAVE, contact your local sub administrator (RACF security guard). The sub administrator will set up rights using your RACF I.D. and give you the initial password.

(B) The first time you use SAVE, you will be required to change your password. The new password must meet all the posted requirements of the website or you will be prompted to try again.

---

**Access SAVE by clicking on the link below**

**For detailed information on using SAVE, refer to the transition guide, which also includes a link to the SAVE website:**
http://www.dhs.state.or.us/policy/selfsufficiency/publications/ssp-09-0043-transition.pdf

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**The USCIS Help Desk is available during Federal business hours, weekdays from 7:00 a.m. to 9:00 p.m., Eastern Time. This Help Desk can assist with connectivity questions or problems, password resets and centralized problem management. This Help Desk’s number is 800-741-5023.**

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(C) Use USCIS Form **G-845** when an Alien Registration Number is not available.

Before submitting the **G-845** to USCIS, remember to do the following:

(1) Complete all items. Attach a speedy note or a memo if you have specific questions or information for them;

(2) Use one **G-845** for each individual you want **USCIS** to verify;

(3) Legibly copy both sides of the noncitizen’s document(s) on regular letter-size paper.

(4) Give your own telephone number to the verifier in case he or she needs further information from you or needs to give you additional information. It is impossible for the verifier to leave a message with the 800 number;
(5) Do not enclose a DHS self-addressed stamped envelope. USCIS has its own and will simply throw ours away.

(D) Verification of "continuously present": For some legal entrants, such as Canadian and Mexican border crossers, for whom the USCIS does not maintain an arrival and departure record, as well as for illegal entrants, proof of continuous presence can be shown through such items as a letter from an employer, a series of pay stubs and utility bills or rental agreements in the immigrant’s name spanning the period of time in question. For most legal entrants, the USCIS maintains a record of arrivals to and departures from the country. Verification of continuous presence for these entrants can be completed by filing the G-845 and the G-845S.

(E) When instructed to institute secondary verification by SAVE, do not delay or deny benefits while waiting for a reply from USCIS if all of the following are true:

(1) The client would have met the alien status requirement if no secondary verification were required;

(2) Information provided by SAVE matches the information on the client’s USCIS document;

(3) The client meets all other eligibility requirements.

Wait 48 hours, then check SAVE. Document the findings in the case record. If the information from USCIS adversely affects the client's eligibility, e.g., the submitted document is not valid, send a timely continuing benefit decision notice to the client and end SNAP for the client. Do not write an overpayment in this situation. However, an administrative overpayment exists if the worker fails to send the notice and end benefits when USCIS has verified that the document is invalid.

18. Applicant’s responsibility to provide verification

(A) Applicants are responsible to provide proof of immigration status for all household members applying for SNAP. If an applicant is unable or unwilling to provide documentation of immigration status for themselves or for any household member applying for SNAP:

(1) Classify that household member as an ineligible noncitizen; and

(2) Stop efforts to obtain any documentation for those members.
(B) Most noncitizens will provide documentation from USCIS. However, acceptable documentation may also be issued by other Federal agencies such as the Office of Refugee Resettlement (ORR), the Bureau of Indian Affairs (BIA), or a court.

(C) Noncitizens who are lawfully present in the U.S. typically have documents issued that contain information about that individual's immigration status and the date that individual entered the country or adjusted to the status shown on the card.

(D) Some eligible applicants may not have documents issued by USCIS, and in some cases the date of entry or adjustment may not be necessary or required.

(E) Until acceptable documentation is provided, a noncitizen is ineligible for SNAP benefits unless:

(1) The worker has submitted a copy of a document provided by the household to USCIS for validation. Pending validation, do not deny, delay, reduce or terminate the individual's eligibility for SNAP on the basis of immigration status; or

(2) The individual provides documentation that SSA is conducting an investigation to determine if more quarters of work coverage can be credited. In this situation, workers must certify the individual, pending the results of the investigation, for up to six months from the date of the original determination of insufficient quarters; or

(3) The applicant or worker has submitted a request to a Federal agency (other than USCIS) for verification of information applicable to the individual's immigration status. In this situation, workers must certify the individual, pending the results of the investigation, for up to six months from the date of the original request for verification.

PROTECTING CIVIL RIGHTS

The verification of immigration status should never give rise to discrimination. Four major civil rights laws (the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and Title VI of the Civil Rights Act of 1964) apply to all aspects of SNAP. SNAP is subject to these laws.
19. Acceptable verification

(A) Workers responsibilities

Although the household has primary responsibility for providing proof of immigration status, workers must assist the household in obtaining verification of immigration status provided the household is cooperating in the process. Most of the time the validity of immigration documents is done through the SAVE system.

Noncitizens can be treated as nonapplicants and only apply for other household members. Although nonapplicants are not eligible to receive SNAP benefits, they must still disclose their income, resources and other information in order for the eligibility determination to be made on the case for the remaining household members.

If a noncitizen is unable or unwilling to provide documentation of their immigration status for themselves or any other household member, those persons will be classified as ineligible noncitizens. Do not continue to pursue documentation for those members.

(B) Verifying qualified status

USCIS documents generally contain the date a noncitizen entered the country or adjusted to the immigration status reflected on the document. If a noncitizen does not have USCIS documentation, workers can verify the date of entry in the U.S. or the date status was granted by submitting USCIS Form G-845 and Form G-845 Supplement to USCIS.

(C) Contacting USCIS

In the event a noncitizen does not want a worker to contact USCIS to verify their status, give the individual the opportunity to withdraw the application or to be a nonapplicant household member. Only verify the status of those individuals applying for benefits.

(D) Individuals claiming U.S. citizenship or U.S. national status

Persons stating they are a U.S. citizen on the application for benefits are attesting under penalty of perjury to the citizenship status for themselves and the people applying for benefits. This attestation of U.S. citizenship is generally sufficient for SNAP. If the applicant's status as a U.S. citizen or U.S. national is questionable, it is acceptable to use other forms of verification such as:

(1) Primary evidence

   (a) A birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S.
Virgin Islands, American Samoa, Swain's Island or the Northern Mariana Islands.

(b) A U.S. passport (except limited passports, which are issued for periods of less than five years);

(c) A report of birth abroad of a U.S. citizen (FS-240) (issued by the Department of State to U.S. citizens)

(d) A certificate of birth (FS-545) (issued by a foreign service post) or Certification of Report of Birth (DS-1350) (issued by the Department of State), copies of which are available from the Department of State;

(e) A certificate of Naturalization (N-550 or N-570) (issued by the USCIS through a Federal or State court, or through administrative naturalization after December 1990 to individuals who are individually naturalized; the N-570 is a replacement certificate issued when the N-550 has been lost or mutilated or the individual's name has been changed);

(f) A certificate of Citizenship (N-560 or N-561) (issued by the USCIS to individuals who derive U.S. citizenship through a parent; the N-561 is a replacement certificate issued when the N-560 has been lost or mutilated or the individual's name has been changed);

(g) A United States Citizen Identification Card (I-197) (issued by the USCIS until April 7, 1983 to U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings) (formerly Form I-179, last issued in February 1974);

(h) A Northern Mariana Identification Card (issued by the USCIS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 3, 1986);

(i) A statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen (this is given to an individual born outside the U.S. who derives citizenship through a parent but does not have an FS-240, FS-545 or DS-1350); or

(j) An American Indian Card with a classification code "KIC" and a statement on the back (identifying U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).
(2) **Secondary evidence**

If the applicant cannot present one of the documents listed in the Primary Evidence section above, the following may be relied upon to establish U.S. citizenship or nationality:

(a) A religious record recorded in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands, American Samoa, Swain's Island or the Northern Mariana Islands within three months after birth showing that the birth occurred in such jurisdiction and the date of birth or the individual's age at the time the record was made;

(b) Evidence of civil service employment by the U.S. government before June 1, 1976;

(c) Early school records (preferably from the first school) showing the date of admission to the school, the child's date and place of birth, and the name(s) and place(s) of birth of the parent(s);

(d) Census record showing name, U.S. citizenship or a U.S. place of birth, and date of birth or age of applicant;

(e) Adoption Finalization Papers showing the child's name and place of birth in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands, American Samoa, Swain's Island or the Northern Mariana Islands or, where an adoption is not finalized and the State or other jurisdiction listed above in which the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency showing the child's name and place of birth in one of such jurisdictions; or

(f) Any other document that establishes a U.S. place of birth or in some way indicates U.S. citizenship (e.g., a contemporaneous hospital record of birth in that hospital in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands, American Samoa, Swain's Island or the Northern Mariana Islands.

(E) **Eligibility pending verification**

The individual whose citizenship or noncitizen status is in question is ineligible to participate until the verification is received. If the verification is not received within the application processing time frames, certify the household with the
person as an ineligible noncitizen, coding them as an IA/IH. Continue to count their income and resources.

**REMEMBER**

When determining eligibility workers must follow SNAP policy on verifying citizenship and noncitizen status when questionable. Federal regulations and State policies prohibit requiring verification based on race, religion, ethnic background, national origin, or a particular group be targeted.

*Please see Section 15 for examples of how to verify immigration status and the special categories.*

20. **Sponsors and deeming**

Sponsors who bring family-based and certain employment-based noncitizens to the U.S. must demonstrate they can provide enough financial support to the sponsored noncitizens so that they do not have to rely on public benefits. Sponsor deeming applies only to certain LPRs. To address this requirement, the income and resources of a sponsor are deemed to the sponsored noncitizen when a worker determines the noncitizens eligibility for SNAP.

Sponsored noncitizen children, domestic violence survivors and the indigent, because they are particularly vulnerable populations in need of SNAP, are exempt from deeming requirements. A noncitizen is indigent if his or her own income and any assistance provided by the sponsor or any other individuals is not enough for the noncitizen to obtain food and shelter without SNAP.

**(A) Deeming overview**

Deeming is a process in which a worker counts a portion of the income and resources of a noncitizens sponsor as income and resources available to the noncitizen.

**(B) Sponsor overview**

A sponsor is someone who signs an affidavit (most I-864 Affidavit of Support forms under Section 213A of the INA) promising to provide enough financial support to maintain the sponsored noncitizens at an annual income that is not less than 125 percent of the Federal Poverty Level (100 percent for active duty
military if they are sponsoring their spouse or children). It is required that the sponsor sign this legally binding affidavit of support. USCIS allows for a maximum of two joint sponsors per family unit, including the principal sponsor. A joint sponsor is only permitted when the principal sponsor's income is insufficient. The joint sponsor must also sign an affidavit of support.

(C) Noncitizens subject to deeming

Deeming applies only to eligible LPRs whose sponsor has signed a legally binding affidavit of support on or after 12/9/1997. Prior to this time, affidavits of support were not legally binding. The following are not subject to sponsor deeming:

(1) Children under 18 years of age, regardless of when they entered the U.S.

(2) Battered spouses or children.

(3) Noncitizens without sponsors.

(4) Noncitizens whose sponsor has not signed a legally binding Affidavit of Support.

(5) Sponsor is in the same SNAP filing group.

(6) Indigent noncitizens (see note below).

(7) Ineligible members.

(D) Sponsor deeming time limits

(1) Deeming of the sponsor's income and resources to the sponsored noncitizen lasts until:

   (a) The sponsored noncitizen becomes a naturalizes citizen; or

   (b) The sponsored noncitizen can be credited with 40 qualifying quarters; or

   (c) The sponsored noncitizen loses LPR status and leaves the U.S. (unless the noncitizen submits an I407 to USCIS abandoning their LPR status and leaves, the noncitizen will be considered still to be an LPR until there is an administratively final removal order).

   (d) The sponsored noncitizen obtains in removal proceedings a new grant of adjustment of status as relief from removal (in this case, if a new
I-864 is required, the support obligation and deeming will apply to the new sponsor; or

(e) The sponsor dies.

(E) Resource amounts to deem to the noncitizen

All but $1,500.00 of the amount of countable resources of the sponsor and the sponsor's spouse are deemed to the sponsored noncitizen.

Example: Mariko is an LPR who is sponsored by John. John has $2,000 in his savings account and $15,000 in his retirement account. The retirement account is not a countable resource. $2,000 - $1,500 = $500 countable resources deemed to Mariko.

(F) Income amounts to deem to the noncitizen

If the sponsored noncitizen is eligible for SNAP, they are subject to deeming requirements unless they meet an exemption, including indigence (See D.21). Deeming means that we will determine which portion of the income from the sponsor and their spouse will be considered available to the sponsored noncitizen. It is the responsibility of the sponsored noncitizen to provide income verification for their sponsor and their sponsor’s spouse. Once verification of all earned and unearned income is received follow these steps:

(1) Determine the sponsors household size. This includes the sponsor, their spouse and any dependents they claim on their federal taxes. Do not include any individuals they are sponsoring in this step. Use the household size to look up the countable income limit. It is the 130 percent FPL.

(2) Calculate the monthly income of the sponsor and their spouse, this includes any earned, unearned or self-employment income.

(3) Subtract 20 percent from earned income and/or self-employment with no costs (SEN). Subtract 50 percent from self-employment income with costs (SEC).

(4) Subtract the countable income limit (130 percent FPL) determined from step 1 for the sponsor’s household size.

(5) Divide the result from step 4 by the total number of the following individuals:

(6) The number of other noncitizens being sponsored by the same sponsor or their spouse; plus
(7) The number of sponsored noncitizen children, under the age of 18, in the filing group of the sponsored noncitizen; plus

(8) The number of citizen children under 18 in the filing group of the sponsored noncitizen.

**NOTE**

The citizen and sponsored noncitizen children of the sponsored noncitizen are exempt from deeming. In order to exclude a portion of the deemed income for their needs it is important to include them in step 5.

**Example:** Catherine is applying for SNAP with her son Luke and daughter Brooke, both are US citizens. Jack is working and earns $3000.00 a month, he has 2 dependents in his household that he claims on his Federal Income taxes and doesn’t sponsor any other noncitizens. Using the steps above we determine the amount of income to code:

1. The sponsors household size is 3 (Jack + 2 Dependents). Based on current numbers, 2019 countable income limit for 3 is $2311.00.
2. Total income is earned = $3000.00 per month
3. \$3000.00 \(-\) 20 percent earned income exclusion = $2400.00
4. $2400.00 \(-\) $2311.00 (from step 1 above = $89.00
5. $89.00/3 (Catherine, Luke, Brooke) = $29.67 OTH (Catherine)

This means that $29.67 is considered available to the sponsored noncitizen and gets coded in their SNAP case as OTH. Remember to narrate calculation and verification.

**G** Sponsor refusal of information

Noncitizens subject to deeming are responsible for obtaining the cooperation of the sponsor and for providing the income and resource information and documentation. Workers can assist with this process if necessary and can get the sponsor's name, address and SSN through SAVE.
21. Exceptions to deeming for vulnerable populations

The following provides more details about exceptions to deeming for certain vulnerable populations.

(A) Deeming and Children

Sponsored noncitizens children under age 18 are exempt from deeming requirements. In addition, the sponsor's income cannot be counted in determining the eligibility of U.S. citizen children under the age of 18. Regardless of whether there are citizen or noncitizen children in the home, all children are treated equitably in that a sponsor's income cannot be considered when determining the child's eligibility for SNAP.

Since children are not subject to deeming, only a portion of a sponsor's income would be counted for any remaining adult household members subject to deeming. The following illustrates how to treat sponsor income:

<table>
<thead>
<tr>
<th>Household composition</th>
<th>How the sponsor's income of $1000 is counted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example 1 Sponsored mom and dad with one <strong>noncitizen</strong> child and one <strong>citizen</strong> child under the age of 18</td>
<td>Half ($500) of the income is counted as only a portion is deemed to the parents ($1000 / 4 x 2 sponsored adults), as sponsor income cannot be deemed to citizen or noncitizen children.</td>
</tr>
<tr>
<td>Example 2 Sponsored mom and dad with two citizen children under 18</td>
<td>Half ($500) of the income is counted as only a portion is deemed to the parents ($1000 / 4 x 2 sponsored adults), as sponsor income cannot be deemed to citizen children.</td>
</tr>
</tbody>
</table>

(B) Indigence determinations

(1) A noncitizen that is indigent is exempt from sponsor deeming.

(2) Prior to conducting an indigence determination, workers must explain the purpose of the indigence determination to a noncitizen applying for benefits and provide the noncitizen the opportunity to refuse (opt out) the indigence determination.
(3) Noncitizens can opt out of the indigence determination; however, if they do, they are subject to regular sponsor deeming rules.

(4) A noncitizen is indigent if the noncitizen’s own income and any assistance provided by the sponsor or any other individuals is not enough for the noncitizen to obtain food and shelter without SNAP benefits. If the sum of the noncitizen household own income, cash contributions of the sponsor and any other people, and the value of any in-kind assistance the sponsor and any other people provide does not exceed 130 percent of the FPL for the household size, the noncitizen is considered indigent. The value of in-kind assistance is only taken into consideration in making this indigence determination; it is not considered when determining eligibility or benefit levels for the noncitizen’s household.

(5) Once a determination of indigence is made, the noncitizen remains indigent for 12 months from the date of eligibility, regardless of any additional information that may be obtained from the SAVE query on the sponsor within the household’s certification period.

(6) The 12-month indigence determinations are renewable for additional certifications.

(7) Verification of a sponsor’s income and resources are not needed to make an indigence determination. A sponsored noncitizen may self-declare that they are not being supported by the sponsor. Non-support by the sponsor does not need to be verified.

Click [here](#) for a link to the USCIS Public Charge Fact Sheet you can share with the client who is deciding to opt out or not.

Workers must notify Central Office if an indigence determination is made. Use the Declaration of Indigency ([DHS 1058](#)) for applicants to declare indigence and send the original copy to the SNAP program analyst at:

**SNAP Policy**
500 Summer Street NE, E-48
Salem, OR 97301-1066
22. Sponsors

(A) Liability

Sponsors are federally required to meet minimum income requirements and be financially responsible for noncitizens they sponsor. A sponsor who has signed a legally binding affidavit of support may be liable for the value of SNAP benefits received by that sponsored noncitizen. If there are joint sponsors, both the sponsor and the joint sponsor are equally responsible for the noncitizens support.

Sponsors may be liable to repay any SNAP benefits the noncitizen receives during the time they are sponsored.

(B) Support obligation timeframe

A sponsor's obligation to support the noncitizen ends when:

(1) The sponsored noncitizen becomes a naturalized citizen;

(2) The sponsored noncitizen can be credited with 40 qualifying quarters of work;

(3) The sponsored noncitizen loses LPR status and leaves the U.S.;

(4) The sponsored noncitizen obtains in removal proceedings a new grant of adjustment of status as relief from removal; or

(5) The sponsor dies.

(C) Verifying sponsors

Workers may verify whether or not a noncitizen has a sponsor who has signed a binding affidavit of support by submitting to USCIS the "Document Verification Request and Supplement (Form G-845 and G-845 Supplement). Information provided by USCIS includes the name SSN and address of the noncitizens sponsor.

Pending the verification, do not delay, deny, reduce or terminate the individual's eligibility for benefits on the basis of the individual's immigration status.
23. **Treatment of income and deductions of ineligible noncitizens**

   (A) SNAP has special rules and procedures for handling the income and resources of ineligible noncitizens. In Oregon, there are three distinct groups of noncitizens. Whether or not they are eligible and how you treat their income or deductions depends on the group they fall in:

   (1) **Ineligible Unqualified Noncitizens** – this group consist primarily of visitors, tourists, diplomats, students and undocumented noncitizens as well as those who are unable or unwilling to provide documentation of their immigration status.

   (2) **Eligible Qualified Noncitizens (Coded HH/AD or CH)** – These groups do not need to meet additional criteria to be eligible. They consist primarily of those noncitizens that meet an immigration status that is consistent with the Personal Responsibility and Work Opportunity Act (PRWORA) such as: Asylees; Deportation (or Removal) Withheld; Cuban or Haitian Entrants; Refugees; Trafficking Victims; Iraqi and Afghan Special Immigrants (SIV).

   (3) **Ineligible Qualified Noncitizens** – These groups must meet additional criteria to be eligible: Battered, Conditional, Parolees, LPRs. If they do not meet additional criteria, they will be coded as IA/IH and their income and deductions prorated.

   ✔ See the chart in Section 3.

<table>
<thead>
<tr>
<th>Income/Deduction Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>461-160-0410</strong> — Use of Income and Income Deductions When There Are Ineligible or Disqualified Group Members; SNAP</td>
</tr>
</tbody>
</table>

   (B) **Proration of income and deductions**

   (1) When prorating income and deductions for ineligible noncitizens, the system may do the work, if coded correctly. Otherwise, manual proration is completed by the worker.

   (2) Prorate shelter and COS deductions whenever the ineligible unqualified noncitizen helps pay the expense.
### INCOME

<table>
<thead>
<tr>
<th>Type of Income</th>
<th>FSMIS Prorates</th>
<th>Worker Prorates</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>All income except for grant</td>
<td>YES</td>
<td>NO</td>
<td>Member type (MT) must be coded as IA or IH for computer to prorate</td>
</tr>
<tr>
<td>Grant Income (GNT)</td>
<td>NO</td>
<td>NO</td>
<td>Effective 07/01/15, GNT income is no longer being prorated.</td>
</tr>
</tbody>
</table>

### DEDUCTIONS

<table>
<thead>
<tr>
<th>Type of Deduction</th>
<th>FSMIS Prorates</th>
<th>Worker Prorates</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter</td>
<td>NO</td>
<td>YES</td>
<td>Must be coded CCP on each child for the system to prorate correctly</td>
</tr>
<tr>
<td>Dependent Care</td>
<td>YES</td>
<td>NO</td>
<td>Must be coded CCP on each child for the system to prorate correctly</td>
</tr>
<tr>
<td>Child Support</td>
<td>NO</td>
<td>YES</td>
<td>For payments of legally obligated support, including the current month payment and payment on arrearage, except for payment made through a SOIL recovery or IRS intercepts.</td>
</tr>
<tr>
<td>Medical Deduction</td>
<td>NO</td>
<td>YES</td>
<td>The total medical deductions for the ineligible unqualified noncitizen client and follow the proration formula.</td>
</tr>
<tr>
<td>Utilities</td>
<td>NO</td>
<td>NO</td>
<td>Utilities are never prorated. Allow the correct utility deduction on the case.</td>
</tr>
</tbody>
</table>

(C) Income and deduction treatment and calculation for ineligible noncitizens as follows:

(1) Only a prorated share of the ineligible noncitizen’s income is counted on the SNAP case. This means the income is divided proportionally among all filing group members, including eligible and ineligible noncitizens. The proration of income is done by the system if coded on an IA or IH member type.
(2) Costs for shelter, medical (for those elderly or disabled), dependent care and court-ordered support are prorated. These deductions should be prorated when the costs are either paid in full or in part by the ineligible noncitizen. Utility costs are never prorated.

(a) If the shelter or dependent care bills are not being paid, manually prorate the cost if billed to the ineligible noncitizen.

(b) When the deductions are shared, manually prorate the ineligible noncitizen’s portion only. Divide the amount by the total people in the filing group to get a share per person. Allow only the share for the eligible people in the benefit group.

(c) The dependent care deduction is prorated by the computer system, when an IH or IA member type is used with the CCP deduction code.

(d) Other deductions must be manually prorated, before being coded on FSMIS. The system cannot perform these prorations.

(3) The income is calculated following these steps:

(a) Compare the total, nonprorated income against the 185 percent FPL. This will tell you whether or not the case is Categorically Eligible. If the case is Categorically Eligible, code the case as such. If the case is not Categorically Eligible, this does not mean that the group will not be eligible for benefits. Code an N in the Cat El field and put all of the information into the case and let the system decide whether or not benefits will be issued.

(b) The gross income of the filing group is compared to the income limits prior to the proration. If the filing group is over the limit, the household is ineligible.

(c) If the income is under the Cat El income limits, the system will count a prorated share of the income on the SNAP case.

(d) The system determines the amount of prorated income to count by taking the total gross income of the ineligible noncitizen and dividing it by the total number of people in the filing group. Multiply that amount by the number of eligible filing group members. This is the amount that is coded on the SNAP case.
### Income Calculation Example

<table>
<thead>
<tr>
<th>Household Composition</th>
<th>Calculation (System Done)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Example 1</strong> (eligible)</td>
<td>Undocumented noncitizen parent of three citizen children. Noncitizen parent is employed and makes $1000 per month.</td>
</tr>
<tr>
<td><strong>Example 2</strong> (ineligible)</td>
<td>Two undocumented noncitizen parents with one child. Noncitizen parents make $3500 per month. They have no costs to be deducted as they live with friends.</td>
</tr>
</tbody>
</table>