



Letter to State Commissioners on Changes to Immigrants' Food Stamp Certification Requirements

October 2, 1996

The Omnibus Consolidated Appropriations Act, which the President signed September 30, 1996, makes a significant change to implementation of the food stamp eligibility provisions for noncitizens of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.

Under Public Law 104-193, all currently participating noncitizens were to have the new provisions for food stamps applied at the time of the household's next recertification. The Omnibus Consolidated Appropriations Act delays these new eligibility provisions (Section 402(a)(1) of Public Law 104-193) until April 1, 1997, for individuals who were receiving benefits on August 22, 1996. The Act requires State agencies to redetermine the eligibility of all noncitizen recipients between April 1, 1997, and August 22, 1997.

This new provision is retroactive to August 22, 1996. Thus, any immigrant who was determined ineligible at recertification on or after August 22, 1996, as a result of the application of P.L. 104-193 shall be reinstated to eligibility and any household containing a reinstated alien is entitled to restored benefits for the period during which benefits were denied.

I also want to respond to questions about the 120-day "hold harmless" period provided for quality control error measurement purposes under the Food Stamp Act which applies whenever there are changes in program policy, such as those enacted in Public Law 104-193.

Since the Omnibus Consolidated Appropriations Act did not change the effective date of the noncitizen eligibility provisions for new applicants, the State is entitled to the 120-day hold harmless if it implemented on or before September 23. If it implemented after September 23, its 120-day hold harmless period would be reduced by one day for each day beyond September 23. The FCS regional office staff will be able to answer any questions specific to your State.

Enclosed are a copy of the relevant provision of the appropriations act and a description of how the quality control hold harmless works.

Sincerely,

/s/

Yvette S. Jackson
Deputy Administrator Food Stamp Program