



Memorandum Clarifying Immigrants' Eligibility for Food Stamps

**Implementation of Section 510 of the Omnibus Consolidated Appropriations Act, Public Law 104-208
October 24, 1996**

Noncitizens who were receiving food stamps on August 22, 1996, will not lose benefits due to their immigration status until at least April 22, 1997. If, for example, a person moves to another State or has a break in eligibility because of something unrelated to his or her noncitizen status (such as a temporary increase in earnings) and applies again before April 1, 1997, the new noncitizen eligibility requirements would not apply.

The following memorandum announced that policy to FCS regional offices and directed them to transmit it immediately to the States.

October 24, 1996

Subject: FSP - Status of Noncitizen Applicants Prior to April 1, 1997

To: All Regional Administrators / Food and Consumer Service

Please transmit the policy in this memorandum to State Commissioners immediately.

State agencies have asked if the provisions of section 402 of the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA) should be applied to noncitizen applicants in the following situations:

- A noncitizen who was receiving food stamps on August 22, 1996, the date of enactment of the PRWORA, moves to another State and applies for benefits.
- A noncitizen who was receiving food stamps on August 22, 1996, becomes ineligible for a reason unrelated to alien status, such as increased income. The individual subsequently reapplies for benefits prior to April 1, 1997.

In these situations, the State agency should determine the individual's eligibility under the provisions of section 6(f) of the Food Stamp Act and should not apply the PRWORA provisions. Section 510 of the Omnibus Consolidated Appropriations Act, Pub. L. 104-208, provides that ineligibility under paragraph (1) of section 402(a) shall not apply until April 1, 1997, to an alien who received food stamps on the date of enactment of the PRWORA, unless the alien is determined to be ineligible to receive benefits under the Food Stamp Act of 1977. Therefore, a noncitizen who was participating on August 22, 1996, shall not be determined ineligible solely on the basis of the PRWORA noncitizen provisions.

Please let us know if you have any questions.

/s/

Yvette S. Jackson
Deputy Administrator
Food Stamp Program