



Food and
Nutrition
Service

Park Office
Center

3101 Park
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DATE: August 23, 2019

SUBJECT: State Enforcement of the Legal Responsibilities of Sponsors of Non-Citizens: SNAP Non-Citizen Guidance Addendum

TO: All State Agencies
Supplemental Nutrition Assistance Program

The Food and Nutrition Service (FNS) is issuing this memorandum in accordance with the May 23, 2019, [Presidential Memorandum on Enforcing the Legal Responsibilities of Sponsors of Aliens](#) to strongly encourage all Supplemental Nutrition Assistance Program (SNAP) State agencies to request reimbursement from the sponsors of non-citizens who receive SNAP benefits and have a signed Affidavit of Support dated after December 19, 1997, pursuant to section 213A of the Immigration and Nationality Act. This memo should be considered as an addendum to Section VII of the [SNAP: Guidance on Non-Citizen Eligibility](#), which details Sponsor Liability.

Since December 19, 1997, the sponsors of non-citizens have been required to sign an Affidavit of Support pledging financial support in the event that the sponsored non-citizen applies for or receives a means-tested public benefit such as SNAP. In accordance with current Department of Homeland Security regulation 8 CFR 213a.4, if an agency wants to seek reimbursement from a sponsor, the agency must do so in writing. FNS supports the President's efforts to enforce immigration law and encourages State agencies to request reimbursement from sponsors using the process outlined in 8 CFR 213a.4 and summarized below.

For State agencies requesting reimbursement from sponsors who signed an Affidavit of Support on or after December 19, 1997, and whose sponsored non-citizen received SNAP benefits during the period of time the affidavit was in effect, the written request must include:

- The date the support obligation commenced, the sponsored non-citizen's name, alien registration number, address, date of birth, type of public benefit received, dates and total amount received, and an itemized statement supporting the claim.
- A notification that the sponsor must respond to the request for reimbursement by either paying or arranging to commence payments under a payment schedule within 45 days of the date of service.

If the sponsor does not respond to the written request within 45 days, the State may sue to enforce the Affidavit of Support. Please see 8 CFR 213a and the [SNAP: Guidance on Non-Citizen Eligibility](#) for detailed guidance on sponsor reimbursement, including exemptions and time periods for the support obligation on page 40 of the guidance document.

State SNAP agencies must continue to follow the deeming process under 8 U.S.C. 1631 when determining a non-citizen's eligibility for SNAP and benefit allotment. As provided in 7 CFR 273.4(c), a portion of the income and resources of a non-citizen's sponsor shall be counted as income and resources available to the non-citizen.

Finally, State agencies should be prepared to update their eligibility systems to align with any upcoming versions of the Systematic Alien Verification for Entitlements Program (SAVE) in order to properly track and maintain records regarding each financial sponsor's reimbursement obligations and status. FNS continues to participate in interagency consultations regarding sponsor reimbursement and tracking and will inform States of any additional guidance that may be forthcoming from those efforts.

Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. § 804(2). If you have questions about this memorandum, please reach out to your FNS Regional Office.

Sincerely,

/s/ Lizbeth Silbermann
Director
Program Development Division
Supplemental Nutrition Assistance Program