



## FOOD STAMPS NON-CITIZEN ELIGIBILITY

### FEDERAL FOOD STAMPS

To receive federal food stamps, “qualified non-citizens” (Legal Permanent Residents and other legal non-citizens) must also meet one of the following conditions to be eligible for federal food stamps:

- In US legally 5 years from the Date of Entry (DOE)
- Under 18 regardless of DOE
- Government recognized disability or blindness regardless of DOE
- 40 Quarters of work in U.S. or for U.S. company
- Deportation is being withheld *Section 243(h) or 241(b) of Immigration & Naturalization Act (INA)*
- A refugee *Section 207 of INA*
- An Asylee *Section 208 of INA*
- Cuban/Haitian Entrant
- Amerasian Immigrant
- Military Connection (including active duty, veterans, their spouse and dependent children)
- Elderly individuals born on or before Aug. 22, 1931 and who lawfully resided in the U.S. on Aug. 22, 1996.

Legal Non-Citizens who do not meet any of the Federal Criteria and are otherwise eligible to Food Stamps will qualify under the California Food Assistance Program (CFAP)

There are also certain categories of immigrants who will receive Food Stamps under the category of “qualified non-citizen” status:

- Battered/Abused by family members *USCIS I-797 or I-797C*
- Victims of Human Trafficking *section 204 (a) (1) (A) or (B) or 244 (a)(3) “T” or “U” Visa I-797, I-918, A19 or A20*
- Afghans/Iraqi Special immigrants Visas (SIVs) holders eligible for six/eight months with entry date after 12/26/07.

### SPONSORSHIP RULES

A Sponsored Non-Citizen is one whose entry into the US was sponsored by a person, persons or group who completed an Affidavit of Support on or after 12/19/1997, on behalf of the non-citizen as a condition of them entering the US. In those instances the non-citizen’s sponsor is required to provide specific information to the Agency and a portion of their income and property will be deemed to the non-citizen. This means that a portion of the income and property that is deemed will be counted in the Food Stamp determination for the non-citizen. The following sponsorship provisions will apply:

Federally Eligible Persons:

- If the DOE is on or after 12/19/1997, and the sponsor did sign an affidavit, sponsorship is life-time

CFAP Persons:

- Sponsorship deeming ends 3 years from DOE
- Sponsorship deeming is reinstated when the non-citizen meets Federal criteria

The following are not subject to sponsorship deeming:

- If sponsored by a group/organization
- If sponsored by a spouse in the home
- If they are sponsored children (under 18 years of age)

Sponsor Deeming ends when the non-citizen:

- Becomes a naturalized US citizen
- Obtains 40 quarters of work (equivalent of 10 years of work in the U.S. or for a U.S. company as determined by SSA)
- The sponsor becomes eligible for CalWORKs or Food Stamps as well
- The sponsor dies
- Sponsor is considered federally disabled
- The non-citizen is Battered/Abused (valid for 12 months; may be extended if battery is recognized by a court, administrative order, or by USCIS)

Additional Information on Non-Citizen Status can be found on the following <http://www.fns.usda.gov/fsp/rules/Memo/02/POLIMGRT.HTM>

or  
FNS websites: [http://www.fns.usda.gov/fsp/rules/Legislation/pdfs/Non\\_Citizen\\_Guidance.pdf](http://www.fns.usda.gov/fsp/rules/Legislation/pdfs/Non_Citizen_Guidance.pdf)