

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 1

## 120.1 Determining Immigration Status

- A. According to Federal rules ([7 CFR 273.4](#)), with certain exceptions, only United States (U.S.) Citizens, U.S. non-citizen nationals, and qualified immigrants are eligible for federal, state, and local public benefits. This section provides guidance on verification of citizenship, qualified immigrants status, and eligibility of non-citizens.
- B. Nondiscrimination and Privacy Requirements:
- a. Civil rights laws and regulations prohibit discrimination by governmental and private entities on the basis of race, color, national origin, gender, religion, age, and disability.
  - b. In particular, Title VI prohibits discrimination on the basis of race, color, national origin in any program or activity whether operated by a public or private entity, which receives federal funds or other federal financial assistance.

**Note: Profiling is not allowed. You cannot single out individuals who look or sound foreign for closer scrutiny or require them to provide additional documents of citizenship or immigration status.**

- c. When implementing verification requirements, use the citizenship and immigration status only for purposes of verifying the **applicant's** eligibility for benefits.
  - i. Because the process of verifying an individual's status as a U.S. citizen, U.S. non-citizen national, or qualified immigrant raises issues involving privacy and anti-discrimination protections, do not verify an applicant's status when benefits are not contingent on the status.
  - ii. If an immigrant is applying for benefits on behalf of another person, you may, under federal law, only verify the status of the person who will actually receive the benefits.

## 120.2 U.S. Citizen or Non-citizen National

- A. Ask for a declaration of citizenship or immigration status. Do not verify an applicant's status as a citizen unless the information provided by the applicant is questionable. After declaring citizenship or immigration

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 2

## 120.2 U.S. Citizen or Non-citizen National (continued)

status on the application and in the interview process, when an applicant signs the Rights and Responsibilities form, they are declaring their status under penalty of perjury.

**Note:** The decision that an individual's declaration of citizenship is questionable **must be non-discriminatory**. For example, it cannot be based on the fact that the applicant looks or sounds foreign or has an ethnic surname.

- B. Subject to certain exceptions and qualifications, a U.S. citizen is:
- a. A person (other than the child of a foreign diplomat) born in one of the states, or in the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands, who has not renounced or otherwise lost their citizenship;
    - i. Most persons born in the Northern Mariana Islands before November 4, 1986 became U.S. citizens on that date under Article 3 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
  - b. A person born outside the U.S. to at least one U.S. citizen parent (sometimes referred to as a derivative citizen); or
  - c. A naturalized U.S. citizen.
- C. A U.S. non-citizen national is a person born in an outlying possession of the U.S. (American Samoa or Swain's Island) on or after the date the U.S. acquired possession or a person whose parents are U.S. non-citizen nationals (subject to certain residency requirements).
- D. Verify status if questionable. Evidence of citizenship includes, but is not limited to the following:
- a. A birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after March 2, 1917), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island, or the Northern Mariana Islands (on or after November 4, 1986), unless the person was born to foreign diplomats residing in the U.S.;

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 3

## **120.2 U.S. Citizen or Non-citizen National (continued)**

- b. U.S. passport (except limited passport, which is issued for periods of less than 5 years);
  - c. Reports of birth abroad of a U.S. citizen, also called a Consular Report of Birth Abroad (CRBA) or FS-240, issued by the U.S. Department of State;
  - d. Certification of Birth Abroad (the FS-545 was used until November 1990, the DS-1350 was used from November 1990 through January 2011, and the FS-240 has been in use since January 2011);
  - e. 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);
  - f. Certificate of Citizenship (N-560 or N-561 issued by the USCIS to individuals who derive citizenship through a parent);
  - g. U.S. Citizen Identification Card (I-197 issued by the USCIS to U.S. citizens living near the Canadian or Mexican border until April 1, 1983, formerly the I-179 which was last issued February 1974);
  - h. Northern Mariana Identification Card (issued by the USCIS to a collectively naturalized citizen of the U.S. born in the Northern Mariana Islands after November 4, 1986); and
  - i. Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen (given to an individual born outside the U.S. who derives citizenship through a parent, but who does not have a FS-240, FS-545, or DS-1350).
- E. Derivative Citizenship ([8 U.S.C. § 1431](#)). If the applicant cannot present one of the documents listed above, make a determination of derivative citizenship in the following situations:
- a. An applicant born abroad to two U.S. citizen parents must provide evidence of:
    - i. The U.S. citizenship of the parents;
    - ii. The relationship of the applicant to the parents; **and**

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 4

### **120.2 U.S. Citizen or Non-citizen National (continued)**

- iii. At least one of the parents residence in the U.S. (or an outlying possession) prior to the applicant's birth.
- b. An applicant born abroad to one U.S. citizen parent and one U.S. non-citizen national parent must provide evidence:
  - i. That one parent is a U.S. citizen and the other is a U.S. non-citizen national;
  - ii. Of the relationship to the U.S. citizen parent; **and**
  - iii. That the U.S. citizen parent resided in the U.S., a U.S. possession, American Samoa, or Swain's Island for a period of at least one year prior to the applicant's birth.
- c. Applicant born out of wedlock abroad to a U.S. citizen mother must provide evidence of:
  - i. The U.S. citizenship of the mother;
  - ii. The relationship to the applicant; **and**
  - iii. For births on or before December 24, 1952, evidence that the mother resided in the U.S. prior to the applicant's birth, or for births after December 24, 1952, evidence that the applicant's mother had resided in the U.S. or a U.S. possession for a period of one year prior to the applicant's birth.
- d. An applicant born in the Canal Zone or the Republic of Panama must provide:
  - i. A birth certificate showing the birth in the Canal Zone on or after February 26, 1904 and before October 1, 1979; and evidence that one parent was a U.S. citizen at the time of the applicant's birth; **or**
  - ii. A birth certificate showing birth in the Republic of Panama on or after February 26, 1904 and before October 1, 1979 and evidence that at least one parent was a U.S. citizen and employed by the U.S. government or the Panama Railroad Company or its successor.

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 5

## **120.2 U.S. Citizen or Non-citizen National (continued)**

- e. In all other situations where an applicant claims to have a U.S. citizen parent and a non-citizen parent or claims to fall within one of the above categories but is unable to present the listed documentation, refer the individual to the USCIS office.
- F. Adoption of foreign-born child by U.S. citizen:
- a. If the birth certificate shows a foreign place of birth and the applicant cannot be determined to be a naturalized citizen under any of the above criteria, obtain other evidence of U.S. citizenship.
  - b. Since foreign-born adopted children do not automatically acquire U.S. citizenship by virtue of adoption by U.S. citizens, refer the applicant to the local USCIS district office for a determination of citizenship if the applicant provides no evidence of citizenship (see section 120.16 below).
- G. U.S. citizenship by marriage:
- a. Prior to September 22, 1922, a woman acquired U.S. citizenship through marriage to a U.S. citizen. Ask for evidence of U.S. citizenship of the husband and evidence showing the marriage occurred before September 22, 1922.
  - b. If the husband was not a citizen at the time of the marriage and became naturalized before September 22, 1922, the wife also acquired naturalized citizenship. If the marriage terminated, the wife maintained her citizenship if she was residing in the U.S. at that time and continued to reside in the U.S.
  - c. For those not married before September 22, 1922, permanent residents who have been married to a U.S. citizen and lived in the U.S. for at least 3 continuous years are eligible to apply for naturalized citizenship.
- H. Child Citizenship Act (CCA) of 2000:
- a. Under the CCA, children automatically acquire U.S. citizenship when **all** of the following conditions are met:
    - i. At least one parent is a citizen by birth or naturalization;

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 6

## **120.2 U.S. Citizen or Non-citizen National (continued)**

- ii. The child is under 18;
  - iii. The child is not married;
  - iv. The child is a lawful permanent resident;
  - v. The child is living in the U.S. in the legal and physical custody of the citizen parent; and
  - vi. If the child is adopted, the adoption must be full and final.
- b. Children who met the Act's requirements on February 27, 2001, automatically became U.S. citizens as of that date.
- c. Individuals who were 18 years of age or older on February 27, 2001 or who otherwise did not meet the Act's requirements, do not qualify for automatic citizenship under the CCA. If they wish to become U.S. citizens, they must apply with the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. They will receive a certificate of citizenship if they meet the requirements for adult permanent residents.
- I. When citizenship is questionable and the applicant has lost their original documents or never had an original document to prove citizenship or naturalization, the agency may accept a written declaration (made under penalty of perjury and possibly subject to later verification of status) from one or more third parties indicating reasonable personal knowledge that the applicant is a U.S. citizen or non-citizen national.
- J. Action Pending Verification
  - a. The member whose citizenship is questionable is ineligible to participate until proof of U.S. citizenship is obtained.
  - b. Include the income of the member whose citizenship is questionable, less a pro-rata portion. Include all resources of the member as available to the remaining household members.

## **120.3 Qualified Immigrants**

- A. A qualified immigrant is:

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 7

### 120.3 Qualified Immigrants (continued)

- a. An immigrant lawfully admitted for permanent residence (LPR) under the Immigration and Nationality Act (INA);
  - b. A Cuban or Haitian Entrant (CHE); or
  - c. An individual who lawfully resides in the United States in accordance with a Compact of Free Association (COFA) referred to in section 402(b)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- B. Request documentation of immigration status (see section 120.12 below for more information on verification).
- C. If supported by documents, conclude that the applicant is a “qualified immigrant.” If the documentation appears to be genuine and related to the individual presenting it, accept the document as conclusive evidence that the applicant is a qualified immigrant. Do not further verify immigration status with USCIS, except through the Systematic Alien Verification Entitlements (SAVE) procedures.
- D. If you conclude that an applicant is not qualified because the presented document does not appear to be genuine or to relate to the person presenting the document, check with USCIS to verify the information.
- E. **Always verify the applicant’s status before determining that an applicant is not a qualified immigrant. Do not deny benefits without first verifying the applicant’s status.**
- F. Check the status through the USCIS SAVE system. If necessary, initiate secondary procedures by filing with the local USCIS office, a [USCIS Form G-845](#) and its [Supplement](#) along with copies of immigration documents provided by the applicant.
- G. Expired or Absent Documentation
- a. If an applicant presents an expired document or is unable to present any documentation to verify their immigration status, refer them to the district USCIS office to obtain the documentation.
  - b. In unusual cases involving applicants who are hospitalized, disabled, or can otherwise show good cause for their inability to present the documentation and for whom securing the documentation would

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 8

### **120.3 Qualified Immigrants (continued)**

- constitute undue hardship, make every effort to help the applicant verify immigration status. If the applicant can provide an alien registration number (also known as an “A number”), file USCIS Form G-845 and its Supplement along with the registration number and a copy of any expired USCIS document, with the local USCIS office.
- c. If an applicant presents a receipt indicating they have applied to the USCIS for a replacement document for one of the documents listed above, file USCIS form G-845 and Supplement along with the copy of the receipt with the local USCIS office.
- H. Submitting Verification Requests to USCIS
- a. Use USCIS Form G-845 (with the supplemental form) to obtain more detailed information on immigration status, citizenship, and sponsorship. (Use the supplemental form only in conjunction with Form G-845, not separately.)
- b. **Mail to the Baltimore Field Office at:**
- United States Citizenship and Immigration Service  
3701 Koppers Street  
Baltimore, MD 21227  
ATTN: Immigration Status Verifier

### **120.4 Immigrants who have lived in the U.S. for five (5) years**

- A. Qualified immigrants that have lived in the U.S. for **5 years or more** meet immigrant eligibility requirements.
- B. The 5-year waiting period (also known as the “5-year bar”) begins on the date the immigrant obtains status as a qualified immigrant.
- C. If qualified immigrant status is granted retroactively, the retroactive time counts toward the 5 year requirements.

### **120.5 Immigrants Eligible during the 5 Year Bar on Immigrant Eligibility**

- A. The Class of Admission (COA) reflects how an individual was granted entry to the United States. Should an individual’s immigration status convert to Lawful Permanent Resident (LPR), their original COA will determine whether they are required to wait five years before eligibility.

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 9

### **120.5 Immigrants Eligible during the 5 Year Bar on Immigrant Eligibility (continued)**

- B. The 5-year waiting period does not apply to immigrants who were admitted as a Cuban and Haitian Entrant as defined in §501(e) of the Refugee Education Assistance Act of 1980 or Compacts of Free Association (COFA) citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.
- C. Additionally, the 5-year waiting period does not apply to individuals whose status has been adjusted to LPR from the following immigrant statuses/COAs:
- a. Refugee,
  - b. Individual granted asylum,
  - c. Deportation withheld,
  - d. Amerasian,
  - e. American Indian born abroad,
  - f. Hmong or Laotian tribal member,
  - g. Iraqi or Afghan Special Immigrant,
  - h. Afghan national granted parole between July 31, 2021 and September 30, 2023,
  - i. Ukrainian national granted parole between February 24, 2022 and September 30, 2024, or
  - j. Victim of severe trafficking.

Other exceptions to the 5-year waiting period are discussed in sections 120.6-120.11 below.

### **120.6 Immigrant Children**

- A. Children under 18 years of age who are **in a qualified status** are eligible for SNAP, regardless of how long they have been in the U.S.

**Example:** Child A is an LPR and is age 17. They may receive SNAP

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 10

### **120.6 Immigrant Children (continued)**

benefits until they turn 18, then they are no longer eligible unless they have been in the country for 5 years or more.

- B. Sponsor deeming requirements do not apply to sponsored children who are younger than 18 years old.

**Reminder:** Do not count the deemed income or resources of a sponsor as available to any immigrant who is not eligible for SNAP.

- C. Prorate the income and resources of an immigrant child's parents who are not part of the SNAP household as available to the child.
- D. Immigrants who are not otherwise mentioned within the category of "qualified immigrants" must convert to LPR status before they may become eligible for SNAP.
- E. Case managers must track the age of immigrant children when an immigrant child receiving SNAP will turn 18 during the certification period.
- F. Before removing an immigrant child from the SNAP when the child turns 18, re-evaluate the SNAP eligibility to determine if the child continues to be eligible.

### **120.7 Disabled immigrants**

- A. Disabled immigrants who are receiving payments or assistance for blindness or disability as described below (regardless of date of entry or when they became disabled) are eligible for SNAP. For the purposes of these provisions, a disabled individual is one of the following:

- a. A person who receives Supplemental Security Income (SSI) under title XVI of the Social Security Act, or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66.

**Example:** Mr. and Mrs. A are lawful permanent residents (LPR) and both receive SSI. They have lawfully lived in the U.S. for 4 years. They are eligible for SNAP (if all other eligibility requirements are met).

- b. A person who receives federally or State administered supplemental assistance of the type described in section 1616(a) of the Social

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 11

### **120.7 Disabled immigrants (continued)**

Security Act, interim assistance pending receipt of SSI, disability-related medical assistance, or disability-related general assistance, under title XIX of the Social Security Act. Immigrants who receive Public Assistance to Adults (PAA) and TDAP recipients who receive Medical Assistance fall under this category.

- c. A person who receives disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act or receives disability retirement benefits from a governmental agency because the disability is considered permanent under section 221(i) of the Social Security Act.
- d. A person who receives an annuity under section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon criteria under title XVI of the Social Security Act, upon criteria under title XVI of the Social Security Act.
- e. A veteran who:
  - i. Has a service-connected or non-service-connected disability that is rated total; or
  - ii. Is considered in need of regular aid and attendance or permanently housebound.
- f. A surviving spouse of a veteran who is:
  - i. In need of regular aid and attendance or permanently housebound; or
  - ii. Is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, USC and has a disability considered permanent.
- g. A child of a veteran who is:
  - i. Considered permanently incapable of self-support; or
  - ii. Entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 12

### **120.7 Disabled immigrants (continued)**

38, USC and has a disability considered permanent.

### **120.8 Elderly Immigrants lawfully residing in the U.S. on August 22, 1996**

Elderly qualified immigrants (see section 120.3) who were lawfully residing in the U.S. on or before August 22, 1996 and who were 65 years of age or older on August 22, 1996 (born on or before 8/22/31), are eligible for SNAP benefits.

### **120.9 Work Quarters**

- A. An immigrant who is lawfully admitted for permanent residence as defined in Section 101(a)(2) of the Immigration and Nationality Act (INA) and can be credited with at least 40 quarters of qualified work is eligible for SNAP if they have not yet met the 5 year waiting period.
- B. This includes earnings reported to the Social Security Administration and earnings not reported to the Social Security Administration if the individual can verify the earnings.
- C. A qualifying quarter includes one worked by a parent of an immigrant before the date on which the child turned age 18 or a quarter worked by a spouse during the marriage if the immigrant remains married to the spouse or the spouse is deceased.
- D. If both spouses worked, combine the quarters worked during the marriage if they remain married or if the spouse is deceased.
- E. Beginning January 1, 1997, do not count a quarter in which the immigrant received any federal means-tested public benefit as a qualifying quarter. Federal means-tested programs are Medical Assistance (MA), (including MA for Pregnant Women and Children and Maryland Children's Health Program), Temporary Cash Assistance (TCA), Supplemental Security Income (SSI), or SNAP. This also applies to crediting a parent's or spouse's quarters if the parent or spouse received a means-tested benefit. The case manager must evaluate quarters of coverage and receipt of federal means-tested benefits on a calendar year basis as follows:
  - a. Determine the number of quarters creditable in a calendar year.
  - b. Identify those quarters after January 1, 1997, in which the immigrant or spouse or parent of the immigrant received a means-tested

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 13

### 120.9 Work Quarters (continued)

benefit.

- c. Remove those quarters from the number of quarters of coverage earned or credited to the immigrant in that calendar year.

**Exception:** If the immigrant earns the 40<sup>th</sup> quarter of coverage prior to applying for SNAP benefits or any other means-tested benefit in that same quarter, allow that quarter toward the 40 qualifying quarters total.

### 120.10 Military Connection

- A. A veteran or person on active duty in the U.S. armed forces or the spouse or unmarried dependent child of a veteran or person on active military duty.
- B. The veteran or active duty person can be a citizen or an immigrant.
- C. A dependent child of a veteran is an unmarried biological or legally adopted dependent child who is:
  - a. 17 years old or younger;
  - b. 21 years old or younger and a full-time student; or
  - c. Disabled and 18 years old or older if the child was disabled and dependent on the individual described in 120.10(A) prior to the child's 18<sup>th</sup> birthday. This definition also includes a child of a deceased veteran parent, if the child was dependent on the parent prior to the child's 18<sup>th</sup> birthday.
- D. An LPR under the Immigration and Nationality Act (INA) with a military connection is eligible for an unlimited period.
- E. A veteran must have met the minimum active-duty service requirements of 24 months or the period for which the person was called to active duty.
- F. The definition of veteran includes military personnel who served before July 1, 1946 in the organized military forces of the Government of the Commonwealth of the Philippines while the forces were in the service of the Armed forces of the U.S., or in the Philippine Scouts.
- G. A surviving spouse of a deceased veteran or individual on active duty is

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 14

### **120.10 Military Connection (continued)**

eligible, provided the spouse has not remarried and the marriage meets certain requirements. They must have been married:

- a. For at least one year;
- b. Before the end of a 15-year time span following the end of the period of military service in which the injury or disease was incurred or aggravated; or
- c. For any period if a child was born of the marriage or before the marriage.

#### H. Verification

- a. Honorably Discharged Veterans
  - i. A discharge certificate, DD Form 214, or equivalent that shows active duty in the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard and character of discharge “Honorable” is acceptable to qualify for the veteran exemption without further inquiry unless the certificate appears to be altered.
  - ii. A discharge certificate that shows character of discharge as anything but “Honorable” is not acceptable for purposes of this exemption. Do not refer them to the Veterans Administration (VA).
  - iii. The “Under Honorable Conditions” character of discharge is **not** an “Honorable” discharge for these purposes.
  - iv. If a discharge certificate shows “Honorable” and any branch of service other than the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or any other type of duty, refer to the local VA regional office for a determination of veteran status.
  - v. If veteran status is claimed, but the individual has no papers showing service or discharge, refer the inquiry to the local VA regional office.
  - vi. If a discharge certificate (DD Form 214 or equivalent) shows an original enlistment in the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard before September 7, 1980, there is no

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 15

### 120.10 Military Connection (continued)

minimum active-duty service requirement. If a discharge certificate shows two or more years of continuous active duty in the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, the individual meets the minimum active-duty service requirement. If a discharge certificate is not available or if it shows active-duty service of less than two years with an original enlistment after September 7, 1980, refer the inquiry to the VA regional office.

- vii. Applications for exemption based on status as a spouse, unmarried dependent child, or unremarried surviving spouse of an honorably discharged veteran require a determination of the veteran's status and a determination that the applicant is a spouse or child. Status of the veteran may be established using the discharge certificate. If the applicant is not in possession of a discharge certificate, refer the question of veteran status to the VA for a determination. Verify marriage and dependency if questionable.
  - viii. Applications for exceptions based on status as an unremarried surviving spouse of a veteran or active-duty personnel further require the following findings, in addition to a determination that the spouse has not remarried:
    1. That the surviving spouse was married to the veteran or active-duty personnel within 15 years after the termination of the period of service in which the injury or disease-causing the death of the veteran was incurred or aggravated;
    2. That the surviving spouse was married to the veteran or active-duty personnel for one year or more; or
    3. That a child was born of the relationship between the surviving spouse and the veteran or active-duty personnel, either during or before the marriage.
- b. Members on Active Duty
- i. Active duty as a member of the Armed Forces means an individual is on full-time duty in the U.S. Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard. It **does not** include

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 16

### **120.10 Military Connection (continued)**

full-time National Guard Duty.

- ii. Service members on active duty shall establish their status by presenting a current Military Identification Card or DD Form 2 (Active) that lists an expiration date of more than one year from the date of the determination.
  - iii. If the Military Identification Card is due to expire within one year from the date of the determination, ask the individual to provide a copy of their current military orders. If the individual cannot provide the orders, active duty may be verified through RAPIDS (Real-Time Automated Personnel Identification System) at [https://www.dmdc.osd.mil/self\\_service/rapids/https/](https://www.dmdc.osd.mil/self_service/rapids/https/) or by notifying the online service to update the Defense Enrollment Eligibility Reporting System (DEERS) at <https://www.dmdc.osd.mil/milconnect/>
- c. Reserve Members
- i. “Active duty for training” is temporary full-time duty in the Armed Forces performed by members of the Reserves, Army National Guard, or Air National Guard for training and does not establish eligible status. However, a discharge from active duty for training may establish veteran status and should be referred to VA for a determination.
  - ii. A Member of a Reserve Component shall establish status by showing a current DD Form 2 (Reserve) and military active duty orders showing the individual is on active duty, but not on active duty for training. This is the only method for verifying this status.
- d. Spouse, Children, or Unremarried Surviving Spouse of Active Duty Members or Veterans
- i. Step 1: Establish that the individual is a spouse, dependent child, or un-remarried surviving spouse of an active duty member or veteran.
    - 1. If questionable, verify the relationship with a marriage license and/or birth certificate. Consider the possession of a current Military Identification Card showing that the individual is

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 17

### **120.10 Military Connection (continued)**

married to a veteran or active duty member as evidence of marriage. Possession of a Military ID may also be considered evidence that a child is dependent on a veteran or active duty member of the Armed Forces for their support and is under age 18 or, if a full-time student, under age 22.

2. In making the determination as to whether an individual is an unremarried surviving spouse of an active duty member or a veteran, the local department must determine that the surviving spouse has not remarried and the following:
  - a. That the surviving spouse was married to the veteran or active-duty personnel within 15 years after the termination of the period of service in which the injury or disease-causing the death of the veteran was incurred or aggravated; and that the surviving spouse was married to the veteran or active-duty personnel for one year or more;

**or**
  - b. That a child of the surviving spouse and the veteran or active-duty personnel was born either during or before the marriage.
- ii. Step 2: Determine that the member is on active duty or a veteran.
  1. A spouse or child in possession of a current Military Identification Card with an expiration date of more than one year from the date of its presentation presumptively meets the active duty requirement for their spouse or parent respectively.
  2. If the Military Identification Card is due to expire within one year, the spouse or child must provide a copy of the current military orders for their spouse or parent to establish the active duty status of the service member. If married to a reserve member or if an unmarried child of a reserve member, the orders must show that the service member is on active duty and not on active duty for training.
- iii. If the dependent cannot provide the military orders, status may be verified through RAPIDS (Real-Time Automated Personnel Identification System) at

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 18

### **120.10 Military Connection (continued)**

[https://www.dmdc.osd.mil/self\\_service/rapids/https/](https://www.dmdc.osd.mil/self_service/rapids/https/) or by notifying the online service to update DEERS at <https://www.dmdc.osd.mil/milconnect/>.

- iv. A spouse or child with a discharge certificate (DD Form 214 or equivalent) from active duty in the U.S. Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard and character of discharge “Honorable” has provided acceptable evidence to establish the veteran status of a spouse or parent. If it appears the certificate is altered, further inquiry is needed. If veteran status is claimed, but the spouse or child does not have documentation, refer to the local VA regional office for a determination.

### **120.11 American Indians Born in Canada**

American Indians born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act (INA) apply, and members of an Indian tribe as defined in section 4(e), of the Indian Self-determination and Education Assistance Act are eligible for SNAP. This provision was intended to cover Native Americans who are entitled to cross the U.S. border into Canada or Mexico.

### **120.12 Verification of Immigration Status**

- A. Verification of immigration status that includes immigration status, date of entry, and date current status was designated is required.
- B. To verify immigration status, this procedure must be followed:
  - a. Obtain a copy of the immigration status documents that are acceptable for the specified status.
  - b. Run a Systematic Alien Verification for entitlements (SAVE) query using the immigration status document (refer to the SAVE manual for SAVE system instructions).
  - c. If the immigrant does not have a document or it has expired, refer the person to the USCIS.
  - d. If the immigrant has applied for replacement documents, send Form USCIS G-845, Supplement, and a copy of the applicant’s receipt for replacement documents to USCIS.

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 19

## 120.12 Verification of Immigration Status (continued)

- e. Do not contact USCIS directly to obtain documentation unless requested to do so by the immigrant who is hospitalized, disabled, or has other good cause for not having the documentation and obtaining it would cause undue hardship.

### C. Documentary Evidence Of Status For SNAP Eligibility

#### a. General Information

- i. Under the INA, all immigrants over the age of 14 who remain in the U.S. for more than 30 days are required to register with the Immigration and Naturalization Service and obtain an alien registration document.
- ii. Immigrants over the age of 18 who receive a registration document are required to carry it at all times, with certain exceptions (e.g., Canadian visitors).
- iii. Immigrants entering the U.S. are normally issued a registration document on entry.
- iv. If the document is questionable because it does not appear to be genuine or does not relate to the person presenting it, ask the applicant to produce their registration document as additional evidence of immigration status. **This request for additional documentation cannot be made for a discriminatory reason.**
- v. LPRs that have worked or can be credited with 40 qualifying quarters are considered to have met the 5 year bar. Verify quarters of work through the Quarters of Coverage History System (QCHS) in the State Verification Exchange System (SVES).
  - 1. If 40 qualifying quarters of coverage are needed for an LPR to qualify, make sure the SSA Consent for Release of Information is on file in the case record when requesting a QC history for Social Security numbers that are not assigned to the applicant (i.e. parent or spouse of the applicant).

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 20

### 120.12 Verification of Immigration Status (continued)

- a. **DO NOT** send the customer directly to the SSA office for this information.
- b. Qualified Immigrants Lawfully Residing in the U.S. on August 22, 1996.
  - i. Certain immigrants, if qualified, are eligible for SNAP benefits if they were residing in the U.S. on August 22, 1996.
  - ii. Verification of Lawful Residence
    1. If the case manager verifies that an immigrant was qualified on August 22, 1996, it is not necessary to perform further verification of lawful residence.
    2. If the immigrant was not a qualified alien on August 22, 1996 or was a qualified alien on the basis of being battered, the case manager must verify that the immigrant was both lawfully present on that date (by checking the immigrant's USCIS status at that time) and in the U.S. on that date (by reviewing proof of residence).

Immigration Status	Verification
Lawful Permanent Resident (LPR)	<ul style="list-style-type: none"> <li>● USCIS Form I-551* (also referred to as an Alien Registration Receipt Card, Permanent Resident Card or Green Card)</li> <li>● Unexpired Temporary I-551 stamp in a foreign passport or on the USCIS Form I-94*</li> </ul>
Compacts of Free Association (COFA or CFA) citizens of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau	<p>Either of the following documents that contain a stamp of CFA/PAL, CFA/FSM, CFA/MIS, or CFA/RMI:</p> <ul style="list-style-type: none"> <li>● Valid, unexpired passport from FSM, RMI, or Palau</li> <li>● USCIS Form I-94*</li> </ul>

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 21

### 120.12 Verification of Immigration Status (continued)

<b>Immigration Status</b>	<b>Verification</b>
Cuban/Haitian Entrant (CHE)	<ul style="list-style-type: none"> <li>• USCIS Form I-551* (Alien Registration Card) with a code CU6, CU7, or CH6</li> <li>• Unexpired temporary I-551, stamp in a foreign passport, or on USCIS Form I-94*, with the code CU6 or CU7</li> <li>• USCIS Form I-94*, with stamp showing parole as "Cuban/Haitian Entrant" under Section 212(d)(5), of the INA</li> </ul>
American Indians born in Canada eligible under section 289 of the INA	<p>Those admitted under section 289 of the INA do not have to be qualified immigrants and may or may not have evidence of alien registration. If they do, the acceptable verifications are:</p> <ul style="list-style-type: none"> <li>• An unexpired I-551* with the code S13</li> <li>• An unexpired temporary I-551 stamp in a Canadian passport or on an I-94* with the code S13</li> <li>• A letter or other tribal documents certifying at least 50 percent Indian blood as required by section 289 of the INA combined with a birth certificate or other evidence of birth in Canada</li> </ul>
If the USCIS form presented by the immigrant does not bear annotations needed to verify eligibility and the individual can provide no other document	<ul style="list-style-type: none"> <li>• Form G-641 Application from USCIS records. This form may be accepted as evidence of status when properly annotated at the bottom by an USCIS representative</li> </ul>

\* Indicates a document that is considered a registration document. They demonstrate lawful status and you should not require presentation of another registration document if the applicant submits one that reasonably appears to be genuine.

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 22

### **120.12 Verification of Immigration Status (continued)**

- D. If the USCIS form presented by the immigrant does not bear annotations needed to verify eligibility and the individual can provide no other document, advise the immigrant:
- a. To obtain a Form G-641 Application for Verification of Information from USCIS records. Once completed by USCIS, this form may be accepted as evidence of status when properly annotated at the bottom by an USCIS representative.
  - b. If appropriate, that the individual may be eligible if acceptable verification is obtained; and
  - c. That the immigrant may contact USCIS or otherwise obtain the necessary verification or if the immigrant wishes (and signs a written consent) the local department will contact USCIS to obtain clarification of the immigrant's status.

### **120.13 Systematic Alien Verification Entitlements (SAVE)**

- A. Customers must provide documentation to verify their immigration status. Case managers should use this documentation to verify the customer's immigration status via SAVE.
- B. SAVE verification is required in order for the application to be processed. SAVE is required when:
- a. The customer applies for benefits for the first time;
  - b. The customer applies for benefits for the first time after leaving and subsequently returning to the country;
  - c. The customer reports a change in immigration status;
  - d. The customer has an existing case, but at application, redetermination or interim change the case manager cannot verify SAVE was previously run; or
  - e. The customer reports they have naturalized.

**Note:** If SAVE was previously run and none of the above situations apply, it is not necessary to run SAVE again.

- C. In the Eligibility and Enrollment (E&E) system, the Citizenship screen

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 23

### **120.13 Systematic Alien Verification Entitlements (SAVE)**

must be updated to reflect the SAVE information and the response must be uploaded to Case Documents.

- D. The case manager must review the SAVE response to verify the customer's immigration status. It is the case manager's responsibility to review SAVE for results in a timely manner. The case manager must take the necessary action and apply the correct policy based on the SAVE response.

**Note:** Some customers are not subject to the 5-year waiting period. This is based on their Class of Admission even if their current status is LPR. Case managers should refer to Section 120.5 of this document for which Class of Admission categories are exempt from the 5-year waiting period and make decisions accordingly.

### **120.14 Responsibility of the Local Department of Social Services (LDSS) to Obtain Verification**

- A. If an immigrant is unable or unwilling to provide a USCIS document or other acceptable verification showing immigrant status, the individual is ineligible. Do not continue efforts to obtain documentation.
- B. The responsibility of the local department exists only when the immigrant has a USCIS document that does not clearly indicate eligible or ineligible immigrant status.
- C. Do not contact USCIS to obtain information about the immigrant's correct status without the individual's written consent. If the customer refuses to allow USCIS to be contacted, they are not eligible for SNAP. Note that immigrants may contact USCIS online at <https://www.uscis.gov>.

### **120.15 Status of Household while Awaiting Verification of Eligible Immigrant Status**

- A. Note that the availability of immediate online verification at [www.uscis.gov](http://www.uscis.gov) should prevent the need for waiting for verification. If, in the unlikely situation where you cannot access and must wait for acceptable verification, an immigrant is ineligible until acceptable documentation is provided unless:

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 24

**120.15 Status of Household while Awaiting Verification of Eligible Immigrant Status (continued)**

- a. The local department has submitted a copy of a document provided by the household to USCIS for verification;
  - b. The local department has submitted a request for additional verification via SAVE;
  - c. The applicant or local department has submitted a request to a federal agency for verification of information that has a bearing on the individual's immigrant status; or
  - d. The applicant or local department has submitted a request to the Social Security Administration (SSA) for information regarding the number of creditable quarters of work, SSA has responded that the immigrant has fewer than 40 quarters, and the individual provides documentation from SSA that SSA is conducting an investigation to determine if more quarters can be credited.
    - i. If SSA indicates that the number of qualifying quarters that can be credited is under investigation, the local department must certify the individual pending the results of the investigation for up to 6 months from the date of the original determination of insufficient quarters.
- B. When an immigrant in the household is ineligible, determine the eligibility of the remaining household members. Treat income and resources in the same manner as an ineligible immigrant as described in SNAP Manual Section 108.5. Do not delay, deny, reduce, or terminate the household's eligibility for benefits on the basis of the individual's immigration status.
- C. If the local department subsequently receives verification of eligibility, act on the information as a reported change in household composition.
- D. The LDSS must give immigrant applicants a reasonable opportunity to submit acceptable documentation of their immigrant status, as of the 30<sup>th</sup> day following the date of application. This means the LDSS must give the immigrant at least 10 days from the date of the request for verification.

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 25

### **120.16 Ineligible Immigrants**

- A. All other immigrants are ineligible for SNAP. Ineligible immigrant populations include, but are not limited to:
- a. Visitors, tourists, students, and diplomats;
  - b. Refugees, Asylees, and Parolees (unless they are an LPR);
  - c. Those admitted under color of law;
    - i. "Admitted under color of law" refers to individuals, often government officials, who have been permitted to reside in the United States indefinitely under a specific immigration status, such as deferred action or voluntary departure.
  - d. Immigrants who have applied for eligible status, but who have not been approved; and
  - e. Immigrants who have a questionable or unverified status.
- B. An immigrant can apply on behalf of other people in the household. Under federal law, you may only verify the immigration status of the people who will actually receive benefits.

### **120.17 Federal Requirements to Report Individuals with Deportation Orders**

- A. Federal regulations ([CFR 273.4\(b\)\(1\)](#)), require the agency to inform the local USCIS office immediately whenever a case worker determines that any member of a household is ineligible to receive SNAP benefits because the member is present in the U.S. in violation of the INA.
- B. Section 1631(e)(9) of the Social Security Act ([42 U.S.C. § 1383\(e\)\(9\)](#)) stipulates that the names, addresses, and other identifying information of any individual who is known to be unlawfully in the U.S. must be reported at least four (4) times per year.
- C. The Interagency Notice ([Responsibility of Certain Entities to Notify the Immigration and Naturalization Service of any Alien who the Entity "Knows" is not Lawfully Present in the United States, 65 Fed. Reg. 58301 \(September 28, 2000\)](#)) details under what circumstances an agency is considered to "know" that an individual is here in violation of the INA. "Knowing" that an individual is unlawfully present in the U.S. means

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 26

### **120.17 Federal Requirements to Report Individuals with Deportation Orders (continued)**

that the person is subject to an order of deportation. Therefore, the State agency is **ONLY** required to report to USCIS when the local department "knows" that an applicant has an active order of deportation in place. Otherwise, case managers are not to notify the USCIS of applicants that do not provide documentation of U.S. citizenship or immigration.

- D. **Do not make a determination that an individual is in violation of the INA merely because of the immigrant's inability or unwillingness to document their immigrant status.** When an immigrant is unwilling or unable to provide documentation, classify the individual as ineligible and discontinue efforts to obtain further documentation.

### **120.18 Calculating the Countable Income and Resources from an Ineligible Immigrant**

- A. Determine the amounts to be counted by calculating a prorated share of income received by the ineligible member and a prorated share of expenses paid by or billed to the ineligible member, as described in Section 108.5 of this manual.
- B. Do not count a deemed portion of a sponsor's income in calculating eligibility or benefit level if the sponsored immigrant is not included (receiving benefits) in the SNAP household.
- C. The total value of any resources owned by the ineligible immigrant is counted.

### **120.19 Case Processing**

Household compositions of immigrant families can be diverse, resulting in a mixed eligibility for SNAP benefits within a given household.

**Example #1:** Household A includes a mother and father who are undocumented immigrants and two citizen children. As undocumented immigrants, the parents are not in a qualified status and are not eligible for SNAP benefits for themselves, but the children who are U.S. citizens are eligible for SNAP. Verify the income and deductions of the household and process this case using a prorated share of the ineligible members' income and deductions.

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL</b>	
CITIZENSHIP AND IMMIGRATION STATUS	Section 120	Page 27

**Example #2:** Household B includes a mother (age 45) and her son (age 20). Both are lawfully admitted for permanent residence without qualified Classes of Admission. Neither applicant has lived in the US in a qualified immigrant status for 5 years. They also do not have 40 quarters or a military connection. The household is not eligible for SNAP at this time because neither of them have met the 5 year bar.

**Example #3:** Household C includes a mother and her two children under age 18. All are LPR with a date of entry two (2) years ago. The mother is not eligible for SNAP because she has not met the 5 year bar and does not have 40 quarters or a military connection. The children are eligible for SNAP because they are in a qualified status and are under age 18. Open the case for the non-citizen children's benefits using a prorated portion of the mother's income and deductions.

**Example #4:** Household D includes a mother, a father, and their two children who were lawfully admitted for permanent residence as refugees within the last five years as well as one citizen child born in the U.S. All of the household members are eligible for SNAP because they are either U.S. citizens or are LPRs that entered the U.S. under a status that exempts them from the 5-year waiting period.