

FOOD STAMP ALIEN ELIGIBILITY REQUIREMENTS

To be eligible to participate in the Food Stamp program, you must be a **citizen** of the United States, or be an eligible alien as set forth below.

I. For 5 Years, Certain Refugees, Asylees, Deportations Withheld, Cuban/Haitian Entrants and Amerasians

You are eligible to participate in the Food Stamp program for 5 years after the date you:

- entered the United States as a refugee under Section 207 of the Immigration and Nationality Act (INA), or,
- were granted asylum under Section 208 of the INA, or,
- had your deportation withheld under Section 241(b)(3) or Section 243(h) of the INA, or
- were granted status as a Cuban/Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980, or
- entered the United States as an Amerasian immigrant as described in section 402(a)(2)(A)(i)(V) of the Personal Responsibility and Work Opportunity Act of 1996.

Your 5 years of eligibility to participate continues even if you change your status to permanent resident during the 5 year period.

II. Certain Permanent Resident Aliens

You are eligible to participate in the Food Stamp program with no time limit if you:

- are an alien lawfully admitted to the United States for permanent residence under the INA, and
- entered the United States before August 22, 1996 or, if you entered on or after August 22, 1996, have lived in the U.S. for at least 5 years since entry, and
- have worked, or can be credited with, 40 qualifying quarters of coverage under Title II of the Social Security Act.

In determining your qualifying quarters, you may be credited with the quarters worked by your parents while you were under age 18 (including quarters earned by your parents prior to your birth), and by your spouse during your marriage, if still married or if your spouse is deceased.

III. Aliens who are Veterans or on Active Military Duty

You are eligible to participate in the Food Stamp program with no time limit if you are:

- a "qualified alien" as defined in federal law and Department regulation, and
- a veteran with an honorable discharge (not granted because of your alien status), or on active duty (other than duty for training) in the Armed Forces of the United States, or the spouse or unmarried dependent child of such person.

Establishing Qualifying Work Quarters (revised)

The Social Security Administration determines that a person has worked a qualifying quarter when that person earns a specified amount of money.

The following are the qualifying amounts for 1979 - 1997 and earlier.

<u>Year</u>	<u>Quarter Amount</u>	<u>Annual Amount</u>
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for 1978 and earlier, \$50 or more in wages per quarter

1979	\$260	\$1040
1980	290	1160
1981	310	1240
1982	340	1360
1983	370	1480
1984	390	1560
1985	410	1640
1986	440	1760
1987	460	1840
1988	470	1880
1989	500	2000
1990	520	2080
1991	540	2160
1992	570	2280
1993	590	2360
1994	620	2480
1995	630	2520
1996	640	2560
1997	670	2680

ALIEN DOCUMENTATION

Refugee
(5 year limit)

• "Arrival/Departure Record", the I-94 with stamp showing admission under section 207 of the INA. Derive the date of admission from the date of inspection on the Form I-94 refugee stamp. If the date is missing, verification must be obtained from INS.

NOTE: INS Forms I-688B and I-766 (Employment Authorization), with the code 274(a).12 (a)(3) indicate status as a refugee, but do not reflect the date of admission and do not establish eligibility until that date is established. INS Form I-571 (Refugee Travel Document) also indicates status as a refugee, but does not reflect the date of admission and does not establish eligibility until that date is established.

Asylee
(5 year limit)

• "Arrival/Departure Record", the I-94 with stamp showing admission under section 208 of the INA, a grant letter from the Asylum Office, or an order from an immigration judge. Derive the date the status was granted from the date on the Form I-94, the grant of asylum letter, or the date of the court order. If the date is missing from the I-94, request the grant letter from the alien.

NOTE: INS Forms I-688B and I-766 (Employment Authorization) with the code 274(a).12 (a)(05) indicates status as an asylee, but do not establish eligibility. The date of the form does not reflect when the status was granted.

**Deportation
Withheld**
(5 year limit)

• A judge's order showing that deportation was withheld pursuant to Section 241(b)(3) or Section 243(h) of the INA and the date of the judge's order.

NOTE: INS Forms I-688B and I-766 (Employment Authorization) with the code 274a.12 (a)(10) indicates deportation withheld under section 241(b)(3) or 243(h), but normally do not reflect the date of withholding and do not establish eligibility.

Cuban/Haitian Entrant (5 year limit) . An older "Arrival/Departure Record", the I-94 with stamp showing admission as a Cuban/Haitian Entrant. Newer Entrants have an I-94 indicating admission as a parolee under section 212 of the INA. We are seeking further clarification as to how Cuban/Haitian Entrants can be distinguished from other parolees. Until further clarification is provided, use reasonable proof of having resided in Cuba or Haiti prior to immigration to establish status.

Derive the date of admission from the date on the I-94 refugee stamp. If the date is missing, verification must be obtained from INS.

Amerasian (5 year limit) . INS Form I-551 (Alien Registration Receipt Card, also called Resident Alien card or "green card"). This card contains a photo and fingerprint. It does not include the "I-551" form number. Older versions do not include a fingerprint.

Amerasian status is indicated by certain codes on the back of the I-551. At the beginning of the first line on the back is a 3 digit code.

AM1, 2 or 3 indicate the IAPR is an Amerasian. AM6, 7 or 8 indicate that Amerasian status was granted after entering the U.S. The date of entry/status is the YYMMDD date starting 3 spaces to the right.

Lawfully Admitted for Permanent Residence (LAPR) . INS Form I-551 (Alien Registration Receipt Card, also called Resident Alien card or "green card"). This card contains a photo and fingerprint. It does not include the "I-551" form number. Older versions do not include a fingerprint.

A Passport may be stamped to indicate that the individual was admitted as a resident alien.

NOTE: Some LAPR aliens have conditional 2 year I-551's identified by an expiration date 2 years later than the admittance/adjudication date. They must apply for removal of the conditional basis 90 days before the second anniversary of their admittance date. Failure to do so results in termination of the alien's lawful status.

NOTE: Some IAPR aliens were previously refugees, asylees or had deportations withheld. Such IAPR aliens can qualify under their previous status if the 5 years of eligibility has not expired.

On the back of the I-551, at the beginning of the first line, is a 3 digit code.

- RE6, 7 or 8 indicate the IAPR had been a refugee (and the date of entry as a refugee is the YYMMDD date starting 3 spaces to the right).
- AS6, 7 or 8 indicate the IAPR had been an asylee. The date that asylee status was granted must be secured from INS as described above.
- A judge's order is needed to document deportation withheld status.

Veteran Status

The DD-214 states the type of military discharge a person has been granted. To determine honorable discharge, look for an entry of "Honorable" in the CHARACTER OF SERVICE block. "Under Honorable Conditions" is not sufficient. To determine that a discharge was not based on alienage, look in the NARRATIVE REASON FOR SEPARATION block of the form and if the reason for separation shows the discharge was based on lack of United States citizenship, or other "alienage" reason this provision does not apply.

Note: On the DD-214, CHARACTER OF SERVICE and NARRATIVE REASON FOR SEPARATION are contained in a Special Additional Information section in the complete form of the document furnished to the veteran.

DOCUMENTATION FOR PAROLEES, CONDITIONAL ENTRANTS AND BATTERED SPOUSES

Parolees

"Arrival/Departure Record", the I-94 with stamp showing admission under section 212(d)(5) of the INA. Derive the date of status from the date on the I-94. An expiration date of 1 year from the date the status was granted (or indefinite) will be noted on the I-94.

As with the documentation needed for aliens described in ATTACHMENT D, INS forms I-688B with code 274a.12(a)(4) and I-766 with code 274a.12(c)(11) indicated parolee status but do not reflect the duration of parolee status.

Conditional Entrants

"Arrival/Departure Record", the I-94 with stamp showing admission under section 203(a)(7) of the INA identifying the bearer as "REFUGEE-CONDITIONAL ENTRY.

INS forms I-688B and I-766 with code 274a.12(a)(3) also document status as a conditional entrant.

Battered Spouse

Policy in this area is still being developed and will be clarified in subsequent releases. We do have the following information.

In order for a non-citizen to be considered a qualified alien based on battery or extreme cruelty:

1. the individual must have filed a petition with INS based on:
 - status as a spouse or child of a United States citizen, or
 - classification to immigrant status as a spouse or child of a LPR, or
 - suspension of deportation and adjustment to LPR status based on battery or extreme cruelty by a spouse or parent who is a United States citizen or LPR;and
2. the individual must allege that he or she was subjected to battering or extreme cruelty; and
3. the person responsible for the battery or extreme cruelty must no longer reside with the individual in question.