

## **DSS ADMINISTRATIVE LETTER NO. ECONOMIC INDEPENDENCE 1-2003**

### **(Food Stamps)**

**TO:** County Directors of Social Services

**ATTENTION:** Food Stamp Supervisors

**SUBJECT:** Implementation of New Alien Policy Restoring Eligibility Effective April 1, 2003

### **EFFECTIVE**

**DATE:** March 1, 2003

### **I. GENERAL INFORMATION**

The Farm Security and Rural Investment Act of 2002 (Public Law 107-171) restores food stamp eligibility to many legal immigrants who lost eligibility under the 1996 Welfare Reform legislation. While a small number of disabled aliens have already had their eligibility restored, the majority of legal immigrants will be affected on April 1, 2003, when qualified aliens who have been in the country for five years regain eligibility. Beginning March 1, 2003, county agencies must use the following policy and procedures for processing food stamp cases with household members affected by this new legislation.

### **II. POLICY AND PROCEDURES**

A. Any legal immigrant who has lived in the United States as a qualified alien for a period of five years or longer and meets all other program requirements may begin receiving food stamp benefits effective April 1, 2003. The five-year waiting period begins on the date the immigrant obtains status as a qualified alien through the Immigration and Naturalization Service (INS), even if this status is granted retroactively.

B. Refugees, who have obtained a qualified alien status prior to entering the United States, are eligible upon entering the country without the five-year wait based on their refugee status.

C. Qualified aliens in an exempt category, who later adjust to Lawful Permanent Resident (LPR) status, are not subject to the five-year requirement.

D. Qualified aliens who are in one of the exempt categories for five years have already met the requirement.

### **III. IMPLEMENTATION INSTRUCTIONS**

Effective March 1, 2003, follow the new policy for applications, recertifications, or changes in situation for cases that include household members affected by this change.

A. Determine eligibility and benefit amounts for households with previously ineligible qualified aliens using the same application for March and April 2003. Determine eligibility and benefit amounts for March 2003 using existing food stamp policy. Apply the new guidelines to appropriate household members to determine eligibility and benefit amounts for April 2003. Process all applications within the normal time frames.

B. Screen households at recertification to determine if any previously ineligible household member is eligible under the new guidelines. If so, include the individual in the new certification period.

C. Evaluate food stamp cases if a change in situation occurs between March 1, 2003, and April 1, 2003. Add eligible individuals back to the food stamp case effective April 1, 2003.

If you have any questions, please contact your Program Integrity Representative.

Sincerely,

Wilbert R. Morris, Chief

Economic Independence Section

WRM/DK/bh