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**FOOD AND NUTRITION SERVICES CERTIFICATION  
ELIGIBILITY REQUIREMENTS**

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**FNS 227 NON-CITIZEN REQUIREMENTS  
FNS 227 NON-CITIZEN REQUIREMENTS Change #1-2026 February 1, 2026**

**227.01 IMPLEMENTATION OF SECTION 10108 OF H.R. 1 (Pub. L. 119-21)**

**A. Overview**

Section 10108 of H.R. 1 (Pub. L. 119-21), the *One Big Beautiful Bill Act of 2025*, amends Section 6(f) of the Food and Nutrition Act of 2008 (7 U.S.C. § 2015(f)) to limit FNS eligibility to three categories of non-citizens. This policy implements the federal statutory changes effective February 1, 2026 in North Carolina.

**B. Federal Guidance**

This policy aligns with guidance issued by USDA Food and Nutrition Service on:

- **October 31, 2025** – OBBB Implementation Memo: Alien SNAP Eligibility
- **December 9, 2025** – OBBB Alien SNAP Eligibility Q&A Set 1 (revised December 10, 2025)

NCDHHS will monitor for additional federal guidance, which will be incorporated into policy through subsequent transmittals.

**Note:** Per 7 CFR 275.12(d)(2)(vii), a 120-day variance exclusion period applies to new federal policy changes. Quality control findings related to these eligibility changes will not be subject to liability during the initial implementation period.

In *State of New York v. Rollins*, No. 6:25-cv-02186-MK (D. Or. Dec. 15, 2025), the court granted a preliminary injunction extending the “hold harmless” period through April 9, 2026.

**C. Eligible Non-Citizen Categories Under H.R. 1**

Effective February 1, 2026, non-citizens must fall into one of the following three categories to be eligible for FNS:

Category	Definition	Waiting Period
<b>Lawful Permanent Residents (LPRs)</b>	"Green card" holders admitted under INA §§ 101(a)(15) and 101(a)(20)	Subject to 5-year waiting period unless exempt (see FNS 227.06)
<b>Cuban and Haitian Entrants</b>	As defined in Section 501(e) of the Refugee Education Assistance Act of 1980 (Pub. L. 96-422)	<b>None -- eligible immediately</b>

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<b>COFA Migrants</b>	Citizens of Federated States of Micronesia, Republic of Marshall Islands, or Republic of Palau per PRWORA § 402(b)(2)(G)	<b>None -- eligible immediately</b>
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**Statutory Authority:** 7 U.S.C. § 2015(f)(2)(B) (LPRs); 7 U.S.C. § 2015(f)(2)(C) (Cuban and Haitian Entrants); 7 U.S.C. § 2015(f)(2)(D) (COFA Migrants).

**Non-Citizen U.S. Nationals:** Per USDA guidance, non-citizen U.S. nationals (primarily individuals from American Samoa, Swains Island, or the United States Minor Outlying Islands) are eligible immediately with no waiting period. See also FNS 225 for citizenship/national status requirements.

**D. Categories No Longer Independently Eligible**

The following "qualified alien" categories under PRWORA (8 U.S.C. § 1641) are **no longer independently eligible** for FNS based on their status:

- Refugees admitted under INA § 207
- Asylees granted asylum under INA § 208
- Individuals with deportation/removal withheld under INA § 243(h) or § 241(b)(3)
- Conditional entrants under INA § 203(a)(7)
- Parolees admitted under INA § 212(d)(5) for at least one year
- Battered aliens under the Violence Against Women Act (VAWA)
- Victims of severe forms of trafficking
- Amerasian immigrants
- Iraqi and Afghan Special Immigrants (SIVs)
- Certain Afghan nationals granted parole between July 31, 2021 and September 30, 2023
- Certain Ukrainian nationals granted parole between February 24, 2022 and September 30, 2024

**Pathway to Eligibility:** Individuals in these categories may become eligible for FNS by adjusting status to Lawful Permanent Resident (LPR). Per 7 CFR 273.4(a)(6)(iv), "Each category of eligible alien status stands alone for purposes of determining eligibility." 7 CFR 273.4(a)(6)(iv). Eligibility is determined by *current* immigration status, not prior status.

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Many LPRs who adjusted from these prior statuses are exempt from the five-year waiting period (see FNS 227.06).

#### E. What HAS NOT Changed

H.R. 1 did **not** amend PRWORA's five-year waiting period provisions (8 U.S.C. §§ 1612-1613). The waiting period rules, including all categorical and personal exemptions, remain in effect for LPRs. See FNS 227.06 for waiting period determination procedures.

Sponsor deeming rules under 8 U.S.C. § 1631 also remain unchanged. See FNS 227.08 for sponsored non-citizen requirements.

**Phase 2 Implementation (Deferred):** Changes to income counting rules (FNS 350) and shelter deduction proration (FNS 340) for mixed-status households require additional NC FAST system updates and will be implemented in a subsequent phase. **Until Phase 2 implementation, continue applying current FNS 350 and FNS 340 rules for mixedstatus household budgeting.**

USDA has special rules and procedures for handling the income and resources of ineligible non-citizens living in households with other eligible members. North Carolina intends to exercise its State discretion under 7 CFR 273.11(c)(3)(i) and 7 CFR 273.11(c)(3)(ii) to standardize income counting for all ineligible non-citizens by using prorated income for ALL purposes (gross income test, expedited screening, and benefit calculation). After systems changes can be completed, NC will adopt a uniform policy to standardize treatment of income across all ineligible non-citizens categories for the purposes of administrative simplification and error reduction.

#### F. Implementation

Apply H.R. 1 non-citizen eligibility criteria at initial application and recertification effective February 1, 2026.

##### 1. At Initial Application.

Effective February 1, 2026, apply H.R. 1 non-citizen eligibility criteria to all new FNS applicants.

**Pending Applications:** For FNS applications received before February 1, 2026 but processed on or after February 1, 2026, determine eligibility

separately for each benefit month based on the policy in effect for that month.

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**SAVE Verification Requirement:** County agencies must verify eligible immigration status of all non-citizen household members applying for FNS. Households are required to submit U.S. Citizenship and Immigration Services (USCIS) documentation for each noncitizen applying for FNS benefits as a condition of eligibility. County agencies must then verify the validity of these documents through the Systematic Alien Verification for Entitlements (SAVE) program. See FNS 227.07 for acceptable documentation and SAVE verification procedures.

**Non-Applicant Household Members:** County agencies cannot request verification or attempt to verify citizenship or immigration status for household members not seeking FNS benefits—for example, non-citizen parents submitting an application for their children.

### 2. At Recertification

Effective February 1, 2026, for households already receiving FNS, review household circumstances and apply H.R. 1 eligibility criteria at the household's next recertification.

**SAVE Verification:** County agencies must initiate SAVE verification at every recertification for non-citizen FNS unit members who are seeking benefits for themselves, regardless of whether a change in immigration status has been reported. Document SAVE results in NC FAST using the appropriate evidence type.

### 3. Households in Active Certification Period.

For households currently certified as of the effective date of the H.R. 1 changes:

- **Do not** send Requests for Contact or take adverse action regarding immigration status mid-certification due to prior NCFast certification status.
- Apply H.R. 1 non-citizen eligibility rules at the household's next scheduled recertification.
- If a household voluntarily reports a change in immigration status, act on the reported change and initiate SAVE verification.

**IMPORTANT:** Immigration status is **not** a required reporting item. Households are not required to report changes in immigration status during a certification period.

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**4. No Claims for Pre-Recertification Benefits**

Individuals who lose eligibility at recertification due to H.R. 1 non-citizen eligibility changes are not subject to claims for benefits received between the H.R. 1 enactment date and their recertification date.

**Regulatory Authority:** Per 7 CFR 273.12(a)(1), 7 CFR 273.12(d), and 7 CFR 273.18, households cannot be held liable for overissuances resulting from circumstances they were not required to report.

**5. Implementation Summary**

Scenario	Action
New application on/after 2/1/2026	Apply H.R. 1 eligibility criteria; initiate SAVE verification.
Application filed prior to 02/01/2026 and pending as of 2/1/2026	Evaluate January 2026 or earlier months benefits under prior rules; February 2026 benefits under H.R. 1 criteria; initiate SAVE verification.
Recertification on/after 2/1/2026	Apply H.R. 1 criteria; initiate SAVE verification; provide notice if status changes
Currently certified; no change reported	No action until recertification; do not initiate midcertification adverse action based on prior NCFAST certification status.
Voluntary report of status change	Act on reported change; initiate SAVE verification
Benefits received before recertification	No claims for pre-recertification benefits due to H.R. 1 changes

*Proceed to FNS 227.02 Non-Citizen Requirement for detailed eligibility determination procedures.*

**227.02 NON-CITIZEN REQUIREMENT**

Each applicant/recipient of Food and Nutrition Services (FNS) must be a U.S. citizen, a U.S. national, **or** a non-citizen in an eligible immigration category under Section 6(f) of the Food and Nutrition Act (7 U.S.C. § 2015(f)) to participate in the FNS program.

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**FNS 227 NON-CITIZEN REQUIREMENTS**

**A. United States Citizenship and National Status**

See manual section FNS 225 Citizenship.

**B. Non-citizen Eligibility Categories and Requirements:**

To participate in the FNS program, non-citizens must:

1. Fall into one of the three eligible non-citizen categories under H.R. 1:
  - Lawful Permanent Resident (LPR)
  - Cuban or Haitian Entrant
  - COFA Migrant (citizen of Federated States of Micronesia, Republic of the Marshall Islands, or Republic of Palau)
2. Meet the five-year waiting period requirement (LPRs only), unless exempt, **and**
3. Meet all other FNS eligibility requirements.

**Note:** Being a "qualified alien" under PRWORA (8 U.S.C. § 1641) does not, by itself, establish FNS eligibility. Eligibility is determined by the categories in Section 6(f) of the Food and Nutrition Act as amended by H.R. 1.

*Proceed to FNS 227.03 Certification of Non-Citizen Status*

**227.03 CERTIFICATION OF NON-CITIZEN STATUS**

- A. The applicant or (FNS) Unit member must certify, under penalty of perjury, the non-citizen status of themselves and all individuals included in the (FNS) Unit.
- B. The head of household or (FNS) Unit member meets this requirement by:
  1. Signing the application; and
  2. Stating the non-citizen status of all new unit members when a change in household composition is reported.
- C. Members of the household who are not applying for FNS benefits for themselves do not have to disclose anything pertaining to their immigration status.

**Note:** County agencies cannot request verification or attempt to verify citizenship or immigration status for household members not seeking FNS benefits.

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**FNS 227 NON-CITIZEN REQUIREMENTS**

*Proceed to FNS 227.04 Determining Non-Citizen Status.*

**227.04 DETERMINING NON-CITIZEN STATUS**

Determining non-citizen status is a multi-step process. Follow the steps outlined in this policy section to determine non-citizen status and eligibility to participate in the FNS program.

Terms used throughout the section:

- **Non-citizen:** Individuals who are not citizens or nationals of the United States.
- **Ineligible non-citizen:** Individuals who, by reason of their citizenship or immigration status, are not eligible to receive FNS benefits. This includes individuals with no lawful status, as well as individuals with lawful statuses that do not confer FNS eligibility under Section 6(f) of the Food and Nutrition Act.
- **Eligible non-citizen:** Individuals who fall into one of the three eligible categories under H.R. 1 (LPR, Cuban/Haitian Entrant, or COFA Migrant) and meet all other eligibility requirements. See FNS 227.05 for the eligibility determination table.

**STEP 1: INELIGIBLE NON-CITIZENS**

Individuals in many types of immigration status, both lawful and unlawful, may be considered ineligible non-citizens who cannot participate in the FNS program. This category includes:

- Individuals with no current lawful status
- Individuals with lawful statuses that do not confer FNS eligibility, including:
  - Short-term visas (tourist, student, work visas)
  - Deferred Action for Childhood Arrivals (DACA)
  - Temporary Protected Status (TPS)
  - Refugees, asylees, parolees (unless adjusted to LPR)
  - Many other forms of lawful presence

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*If the individual does not claim to have one of the statuses that makes them eligible for FNS benefits, or does not seek benefits for themselves, no further verification of the individual's immigration status is required*

*If the individual claims to be in an eligible immigration category AND seeks benefits for themselves: Proceed to Step 2 (FNS 227.05) to determine eligibility based on their claimed status.*

#### 227.05      STEP 2: DETERMINING NON-CITIZEN ELIGIBILITY

**H.R. 1 Framework:** Under H.R. 1 (Section 10108), only three categories of noncitizens may participate in the FNS program:

- **Lawful Permanent Residents (LPRs)** - subject to five-year waiting period determination (Step 3)
- **Cuban/Haitian Entrants** - eligible immediately
- **COFA Migrants** (Federated States of Micronesia, Marshall Islands, Palau) - eligible immediately

Some individuals with lawful immigration status are eligible for FNS benefits, and others are not. The chart below lists categories of immigration status, types of documents that evidence that status, and the eligibility determination under H.R. 1.

Individuals listed as "ELIGIBLE IMMEDIATELY" may participate if they meet all other eligibility requirements. LPRs must proceed to Step 3 (FNS 227.06) to determine if subject to the five-year waiting period or 40 quarter requirements.

**Key Change:** *Many categories previously eligible (refugees, asylees, parolees, etc.) are now **NOT ELIGIBLE** unless they have adjusted status to LPR. If adjusted to LPR, proceed to Step 3 to determine waiting period status.*

Individuals that are listed as "Not Eligible" are not eligible to participate in the FNS program. Do not proceed to Step 3.

- A. Use the USCIS or DHS document provided by the non-citizen to determine eligibility to participate in the FNS program.

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B. This list is not exhaustive. Non-citizens may be living in the U.S. with the knowledge and permission of USCIS and may have in their possession other USCIS forms or letters that indicate status. Also, not all coding or wording that may appear on the forms listed are included.

ALIEN CLASSIFICATION	VERIFICATION DOCUMENTS	ELIGIBILITY (H.R. 1)
<p><b>Cuban/Haitian Entrant (CHE)</b> <i>Benefit eligibility designation under REAA § 501(e) - not an immigration status</i></p>	<ul style="list-style-type: none"> <li>• I-94 stamped "Cuban/Haitian Entrant (Status Pending)"</li> <li>• I-94 or passport with § 212(d)(5) parole stamp (Cuban or Haitian national)</li> <li>• I-766 EAD coded C11 (parolee)</li> </ul> <p>with Cuban or Haitian nationality</p> <ul style="list-style-type: none"> <li>• I-766 EAD coded A04 (paroled as refugee) with Cuban or Haitian nationality</li> <li>• I-766 EAD coded C08 (pending asylum) - Cuban or Haitian national • I-797C receipt for I-589 (pending asylum) - Cuban or Haitian national</li> <li>• I-862 Notice to Appear (removal proceedings) - Cuban or Haitian national not subject to final removal order</li> <li>• I-220A Order of Release on Recognizance - Cuban or Haitian national</li> <li>• I-551 codes CU6, CU7, CH6, or HB6 (NOTE: Does not conclusively establish CHE - request SAVE CHE verification)</li> </ul>	<p><b>ELIGIBLE IMMEDIATELY</b> CHE is a benefit eligibility designation, not an immigration status. <i>No five-year waiting period required.</i> Paroled Cubans/Haitians may remain CHE even after obtaining another status. Must request SAVE verification using CHE-specific button to confirm. I-220B Order of Supervision does NOT establish CHE.</p>
<p><b>Compact of Free Association (COFA) Migrants</b> <i>Citizens of Federated States of Micronesia (FSM), Republic of the Marshall Islands (RMI), or Republic of Palau</i></p>	<ul style="list-style-type: none"> <li>• FSM/RMI/Palau passport with admission stamp: CFA/FSM, CFA/MIS (or CFA/RMI for older stamps), or CFA/PAL</li> <li>• I-94 showing D/S (duration of status) admission under COFA</li> <li>• I-766 EAD coded 274a.12(a)(8) or A08 (free of charge to COFA citizens)</li> <li>• SAVE verification confirming COFA status</li> </ul>	<p><b>ELIGIBLE IMMEDIATELY</b> <i>No five-year waiting period required.</i> Use SAVE to verify COFA status.</p>

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<p><b>Lawful Permanent Resident (LPR)</b> <i>"Green card" holder</i></p>	<ul style="list-style-type: none"> <li>• I-551 ("Green Card") or earlier versions (I151, AR-2, AR-3)</li> <li>• Reentry permit (I-327)</li> <li>• Foreign passport with I-551 stamp</li> <li>• I-90 receipt for replacement LPR card</li> <li>• Memorandum of Creation of LPR (I-181) with approval stamp</li> <li>• I-94 with stamp for lawful permanent residence</li> <li>• Order from INS/DHS, immigration judge, BIA, or federal court granting adjustment</li> </ul>	<p><b>MAY BE ELIGIBLE IMMEDIATELY OR MAY BE SUBJECT TO 5-YEAR WAITING PERIOD</b> PROCEED TO STEP 3 (FNS 227.06) Determine if subject to 5-year waiting period or 40 quarters requirement. Whether waiting period applies depends on how individual obtained LPR status.</p>
<p><b>Certain American Indians Born Abroad</b> <i>Under INA § 289 or § 4(e) of Indian Self-Determination and Education Assistance Act</i></p>	<ul style="list-style-type: none"> <li>• I-551 with code S13</li> <li>• Canadian passport with unexpired I-551 stamp (S13)</li> <li>• Letter or tribal document certifying 50% American Indian blood plus Canadian birth certificate</li> <li>• Tribal membership document for federally recognized tribe</li> <li>• Contact tribal government if no membership document (DOJ Office of Tribal Justice: 202-514-8812)</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR, THEN ELIGIBLE IMMEDIATELY</b> <i>See FNS 227.06 for eligibility after LPR adjustment. No five-year waiting period if adjusted to LPR.</i></p>

ALIEN CLASSIFICATION	VERIFICATION DOCUMENTS	ELIGIBILITY (H.R. 1)
	<ul style="list-style-type: none"> <li>• American Indian Card (form I-872)</li> </ul>	
<p><b>Amerasians</b> <i>Under § 584 of Foreign Operations Appropriations Act of 1988</i></p>	<ul style="list-style-type: none"> <li>• I-551 with code AM6, AM7, or AM8</li> <li>• I-94 with code AM1, AM2, or AM3 (direct immigrant admission)</li> <li>• Unexpired I-551 stamp in passport</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR, THEN ELIGIBLE IMMEDIATELY</b> <i>See FNS 227.06 for eligibility after LPR adjustment. No five-year waiting period if adjusted to LPR given prior Amerasian status.</i></p>
<p><b>Asylee</b> <i>Granted asylum under INA § 208</i></p>	<ul style="list-style-type: none"> <li>• I-94 or passport stamped "asylee" or "§ 208"</li> <li>• Order granting asylum from INS/DHS, immigration judge, BIA, or federal court</li> <li>• I-688B or I-766 coded 274a.12(a)(5) or A5</li> <li>• Refugee travel document (I-571)</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR, THEN ELIGIBLE IMMEDIATELY</b> <i>See FNS 227.06 for eligibility after LPR adjustment. No five-year waiting period if adjusted to LPR given prior asylee status.</i></p>

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<p><b>Refugee</b> <i>Admitted under INA § 207</i></p>	<ul style="list-style-type: none"> <li>• I-94 or passport stamped "refugee" or "§ 207"</li> <li>• I-688B or I-766 coded 274a.12(a)(3) or A3; or (a)(4) or A4 (paroled as refugee) • Refugee travel document (I-571)</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR, THEN ELIGIBLE IMMEDIATELY</b> <i>See FNS 227.06 for eligibility after LPR adjustment.</i> <i>No five-year waiting period if adjusted to LPR given prior refugee status.</i></p>
<p><b>Withholding of Deportation/Removal (Granted)</b> <i>Under INA § 243(h) or § 241(b)(3)</i></p>	<ul style="list-style-type: none"> <li>• Court order showing deportation withheld under § 243(h) (pre-4/1/1997) or removal withheld under § 241(b)(3)</li> <li>• I-571 Refugee Travel Document</li> <li>• I-766 or I-688B coded 274a.12(a)(10) or A10 • Receipt for Form EOIR-40, EOIR-42, or I881</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR, THEN ELIGIBLE IMMEDIATELY</b> <i>See FNS 227.06 for eligibility after LPR adjustment.</i> <i>No five-year waiting period if adjusted to LPR given prior status.</i></p>
<p><b>Iraqi or Afghan Special Immigrant (SIV)</b></p>	<ul style="list-style-type: none"> <li>• Iraqi or Afghan passport with immigrant visa stamp noting IV admission</li> <li>• I-94 with code SI1, SI2, SI3 or SQ1, SQ2, SQ3</li> <li>• I-551 with code SI6, SI7, SQ6, or SQ7 (LPR adjustment) • I-551 showing Iraqi or Afghan nationality with SIV notation</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR, THEN ELIGIBLE IMMEDIATELY</b> <i>See FNS 227.06 for eligibility after LPR adjustment.</i> <i>No five-year waiting period if adjusted to LPR given prior SIV status.</i></p>
<p><b>Hmong or Highland Laotian</b> <i>And spouses, surviving</i></p>	<ul style="list-style-type: none"> <li>• Contact NCDHHS Help Desk if LPR</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR, THEN ELIGIBLE</b></p>

ALIEN CLASSIFICATION	VERIFICATION DOCUMENTS	ELIGIBILITY (H.R. 1)
<p><i>spouses, unmarried dependent children. Must have assisted U.S. during Vietnam era (8/5/19645/7/1975).</i></p>		<p><b>IMMEDIATELY</b> <i>See FNS 227.06 for eligibility after LPR adjustment.</i> <i>No five-year waiting period if adjusted to LPR given prior status.</i></p>

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<p><b>Trafficking Survivors</b></p>	<ul style="list-style-type: none"> <li>• HHS ORR Certification</li> <li>• ORR eligibility letter (if under 18)</li> <li>• HHS Trafficking Verification Line: 866-4015510</li> <li>• I-914 (T status application)</li> <li>• I-797 approval for "CP" (continued presence)</li> <li>• I-94 or passport stamped T-1, T-2, T-3, T4, or T-5</li> <li>• I-766 EAD coded 274a.12(a)(16) or A16</li> <li>• I-551 with code T16, T26, T36, T46, or T56</li> </ul> <p>(T visa holders adjusted to LPR)</p>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR, THEN ELIGIBLE IMMEDIATELY</b>  <i>See FNS 227.06 for eligibility after LPR adjustment.</i>  <i>No five-year waiting period if adjusted to LPR given prior status.</i></p>
<p><b>Certain Afghan Nationals Granted Parole</b>  <i>Between July 31, 2021, and September 30, 2023</i></p>	<ul style="list-style-type: none"> <li>• I-94 indicating parole with dates within specified period</li> <li>• Afghan passport with parole documentation</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR, THEN ELIGIBLE IMMEDIATELY</b>  <i>See FNS 227.06 for eligibility after LPR adjustment.</i>  <i>No five-year waiting period if adjusted to LPR given prior status.</i></p>
<p><b>Certain Ukrainian Nationals Granted Parole</b>  <i>Between February 24, 2022, and September 30, 2024</i></p>	<ul style="list-style-type: none"> <li>• I-94 indicating parole with dates within specified period</li> <li>• Ukrainian passport with parole documentation</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR, THEN ELIGIBLE IMMEDIATELY</b>  <i>See FNS 227.06 for eligibility after LPR adjustment.</i>  <i>No five-year waiting period if adjusted to LPR given prior status.</i></p>
<p><b>Battered Aliens (VAWA)</b>  <i>Includes battered alien's child and parent of battered alien child</i></p>	<ul style="list-style-type: none"> <li>• Receipt of I-130 visa petition under immediate relative (IR) or 2nd family preference (P-2)</li> <li>• Form I-360 (VAWA self-petition)</li> <li>• I-797 Notice of Action for pending I-130, I-360, or prima facie case</li> <li>• I-688B or I-766 coded C9, C10, C14, or C31 (approved VAWA self-petition)</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b>  <i>See FNS 227.06 for eligibility after LPR adjustment.</i>            Subject to five-year waiting period as LPR unless otherwise exempt.</p>
<p><b>Conditional Entrant</b>  <i>Admitted under INA § 203(a)(7) before 4/1/1980</i></p>	<ul style="list-style-type: none"> <li>• I-94 or document indicating "conditional entrant" or "§ 203(a)(7)"</li> <li>• I-688B or I-766 coded 274a.12(a)(3) or A3</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b>  <i>See FNS 227.06 for eligibility after LPR adjustment.</i>            Subject to five-year waiting period as LPR unless otherwise exempt.</p>
<p><b>Parolees</b></p>	<ul style="list-style-type: none"> <li>• I-94 indicating "parole," "PIP," or</li> </ul>	<p><b>NOT ELIGIBLE UNLESS</b></p>

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<i>Paroled for 1+ year under INA § 212(d)(5)</i>	"212(d)(5)" • I-688B or I-766 coded 274a.12(a)(4) or A4, or (c)(11) or C11	<b>ADJUSTED STATUS TO LPR</b> <i>See FNS 227.06 for eligibility after LPR adjustment.</i> Subject to five-year waiting period as LPR unless otherwise exempt.
<b>Applicants for Adjustment to Permanent Resident Status</b>	• Receipt for Form I-485 • I-797 ASC Appointment Notice for I-485 • I-688B or I-766 coded C9 or C9P	<b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> Pending applicants are not eligible. <i>See FNS 227.06 for eligibility after LPR adjustment.</i> Subject to five-year waiting period as LPR unless otherwise exempt.
<b>Applicants for Asylum or Withholding</b> <i>Including CAT claims</i>	• I-797 Receipt for I-589 • I-688B or I-766 coded C8	<b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> Pending applicants are not eligible. If granted asylum and then LPR, see FNS 227.06.
<b>Deferred Action (DACA)</b> <i>Deferred Action for Childhood Arrivals and all forms of Deferred Action</i>	• I-797 Notice of Action showing deferred action approval • I-688B or I-766 coded C14 or C33	<b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> DACA recipients are not eligible for FNS. <i>See FNS 227.06 for eligibility after LPR adjustment.</i> Subject to five-year waiting period as LPR unless otherwise exempt.
<b>Temporary Protected Status (TPS)</b>	• I-766 or I-688B coded 274a.12(a)(12) or A12 • I-797A Approval Notice for TPS	<b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> TPS holders are not eligible for FNS. <i>See FNS 227.06 for eligibility after LPR adjustment.</i> Subject to five-year waiting period as LPR unless otherwise exempt.
<b>Non-immigrant Visa Holders</b> <i>A, B, C, D, E, F, G, H, J, K, L, M, N, O, P, Q, R, S, V visas</i>	• I-94 Arrival/Departure Record • Foreign passport with non-immigrant visa • I-766 or I-688B coded C21 • I-797 approving extension/change of nonimmigrant status	<b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> Non-immigrants are admitted temporarily and are not eligible for FNS. <i>See FNS 227.06 for eligibility after LPR adjustment.</i> Subject to five-year waiting period as LPR unless otherwise exempt.

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<b>Deferred Enforced Departure</b>	<ul style="list-style-type: none"> <li>• I-766 or I-688B coded 274a.12(a)(11) or A11</li> <li>• Approval Notice showing grant of DED</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> See <i>FNS 227.06</i> for eligibility after LPR adjustment. Subject to five-year waiting period</p>
<b>ALIEN CLASSIFICATION</b>	<b>VERIFICATION DOCUMENTS</b>	<b>ELIGIBILITY (H.R. 1)</b>
		as LPR unless otherwise exempt.
<b>Family Unity Beneficiaries</b>	<ul style="list-style-type: none"> <li>• I-688 Temporary Resident Card</li> <li>• I-688B or I-766 coded 274a.12(a)(14), (c)(20), (c)(22), or (c)(24)</li> <li>• I-698 Application to Adjust from Temporary to Permanent Residence</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> See <i>FNS 227.06</i> for eligibility after LPR adjustment. Subject to five-year waiting period as LPR unless otherwise exempt.</p>
<b>Lawful Temporary Resident Under IRCA</b>	<ul style="list-style-type: none"> <li>• I-688B or I-766 coded 274a.12(a)(2) or A2</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> See <i>FNS 227.06</i> for eligibility after LPR adjustment. Subject to five-year waiting period as LPR unless otherwise exempt.</p>
<b>Order of Supervision</b>	<ul style="list-style-type: none"> <li>• Notice or Form showing release under order of supervision</li> <li>• I-688B or I-766 coded 274a.12(c)(18) or C18</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> See <i>FNS 227.06</i> for eligibility after LPR adjustment. Subject to five-year waiting period as LPR unless otherwise exempt.</p>
<b>Special Agricultural Workers (SAW)</b> <i>IRCA 1986 legalization program - historical category</i>	<ul style="list-style-type: none"> <li>• I-688 Temporary Resident Card (historical)</li> <li>• I-766 or I-688B coded 274a.12(a)(2) or A2 (temporary resident)</li> <li>• Most SAW holders adjusted to LPR status long ago</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> Historical category from 1986 IRCA legalization. See <i>FNS 227.06</i> for eligibility after LPR adjustment. Subject to five-year waiting period as LPR unless otherwise exempt.</p>
<b>Applicants for Cancellation of Removal or Suspension of Deportation</b>	<ul style="list-style-type: none"> <li>• Receipt for EOIR-40, EOIR-42, or I-881</li> <li>• I-256A (former suspension application)</li> <li>• I-688B or I-766 coded C10</li> </ul>	<p><b>NOT ELIGIBLE UNLESS ADJUSTED STATUS TO LPR</b> Pending applicants are not eligible. See <i>FNS 227.06</i> for eligibility after LPR adjustment. Subject to five-year waiting period as LPR unless otherwise exempt.</p>

*Proceed to FNS 227.06 Step 3: Five-Year Waiting Period Determination*

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**227.06 STEP 3: DETERMINING IF NON-CITIZEN IS SUBJECT TO WAITING PERIOD  
OR 40 QUARTERS**

This section determines whether an eligible non-citizen is subject to the PRWORA five-year waiting period (8 U.S.C. § 1613). **H.R. 1 did NOT change the five-year waiting period rules or exemptions.**

LPRs must either: (1) be exempt from the waiting period, (2) have held qualified alien status for at least five years, or (3) have 40 qualifying quarters of work.

**A. Directly Eligible Categories (No Waiting Period Analysis Required)**

**Key Point:** *The following categories are directly eligible under H.R. 1 Section 10108. They do not need to become LPRs and are not subject to any waiting period. Skip the rest of this section for these individuals.*

1. Cuban/Haitian Entrants - Eligible immediately regardless of how long in the U.S. See FNS 227.05 for documentation.
2. COFA Migrants (citizens of Federated States of Micronesia, Marshall Islands, or Palau) – Eligible immediately. See FNS 227.05 for documentation.

**B. LPRs Exempt from Five-Year Waiting Period**

The following LPRs are exempt from the five-year waiting period based on their prior immigration status before adjusting to LPR. They may participate in FNS immediately upon obtaining LPR status, provided they meet all other eligibility requirements.

A sample image of an I-551 is below.



**December 9, 2025 USDA Clarification:** Per USDA FNS Q&A Set 1, individuals who held certain humanitarian statuses before adjusting to LPR remain exempt from the 5-year waiting period under 8 U.S.C. § 1612(b)(2).

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**I-551 Category Codes - LPRs Exempt from Waiting Period**

Prior Status Before LPR	I-551 Category Codes	Waiting Period?
<b>Former Refugees</b>	RE-6, RE-7, RE-8, RE-9, CU-6, CU-7, IC-6, IC-7, R-86, M-83, Y-64	<b>NO</b>
<b>Former Asylees</b>	AS-6, AS-7, AS-8, GA-6, GA-7, GA8, SY-6, SY-7, SY-8	<b>NO</b>
<b>Former Deportation/Removal Withheld</b>	Per documentation	<b>NO</b>
<b>Amerasians</b>	AM-1, AM-2, AM-3, AM-6, AM-7, AM-8	<b>NO</b>
<b>Former Iraqi/Afghan SIVs</b>	SI-1, SI-2, SI-3, SI-6, SI-7, SI-8, SI-9, SQ-1, SQ-2, SQ-3, SQ-6, SQ-7, SQ-8, SQ-9	<b>NO</b>
<b>Former Trafficking Survivors</b>	ST-6, ST-7, ST-8, ST-9, ST-0	<b>NO</b>
<b>Certain American Indians Born Abroad</b>	S13	<b>NO</b>
<b>Hmong/Highland Laotian Tribal Members</b>	(Per verification)	<b>NO</b>
<b>Former Afghan Parolees (7/31/21-9/30/23)</b>	(Per documentation)	<b>NO</b>

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<b>Former Ukrainian Parolees (2/24/22-9/30/24)</b>	(Per documentation)	<b>NO</b>
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**C. LPRs Subject to Five-Year Waiting Period**

The following LPRs are **subject to** the five-year waiting period unless they meet a personal exemption in Section D:

Prior Status Before LPR	I-551 Codes	Waiting Period?
<b>Former Conditional Entrants</b>	A7, § 203(a)(7)	<b>YES</b>
<b>Former Battered Aliens (VAWA)</b>	(Various)	<b>YES</b>
<b>Former Parolees (1+ year, not Afghan/Ukrainian)</b>	A4, C11, 212(d)(5)	<b>YES</b>
Prior Status Before LPR	I-551 Codes	Waiting Period?
<b>All Other LPRs (family-sponsored, employmentbased, diversity lottery, etc.)</b>	(Other codes)	<b>YES</b>

**D. Personal Exemptions from Waiting Period (Any LPR)**

Regardless of I-551 category code, LPRs in Section are **exempt** from the five-year waiting period if they meet **any** of the following:

1. **Under Age 18:** All eligible children under 18 are exempt from the waiting period.
2. **Blind or Disabled:** As defined in FNS 212.02.
3. **40 Qualifying Quarters of Work:** Own quarters or credited from spouse/parent. See FNS 227.09 for calculation procedures.
4. **U.S. Military Connection:** Veteran, on active duty, or otherwise-eligible spouse or dependent child of veteran/active duty member.
  - a. **Active Duty:** Full-time duty in Armed Forces (not National Guard duty). Verify with military ID card (DD Form 2). After 9/7/1980, minimum 2 years continuous active duty required.
  - b. **Veteran Spouse:** Unremarried surviving spouse of deceased veteran if married 1+ year, OR married any period with child of marriage, OR child born before marriage.

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- c. **Veteran Dependent Child:** Legally adopted or biological dependent child under 18, OR full-time student under 22, OR child dependent on veteran at death, OR disabled child 18+ if disabled before 18th birthday.
5. **Lawfully Residing on 8/22/1996 and Age 65+:** Individual was lawfully residing in U.S. on August 22, 1996 AND is currently age 65 or older.
6. **Entered Before 8/22/1996 with Continuous Presence:** Individual entered U.S. before August 22, 1996 and has maintained continuous presence until obtaining qualified immigrant status.

#### E. Calculating the Five-Year Waiting Period

**Critical Rule (Dec. 9, 2025 USDA Q&A):** *The five-year waiting period runs from the date the individual obtained "qualified alien" status under pre-H.R. 1 law—NOT from the date of LPR adjustment.*

**Example:** An individual was paroled into the U.S. on January 1, 2022, and adjusted to LPR on June 1, 2025. The 5-year period began on January 1, 2022 (parolee status date), not June 1, 2025 (LPR date). This individual will have completed the 5-year waiting period on January 1, 2027.

#### How to Verify "Resident Since" Date:

- Check the "Resident Since" date on the face of the I-551 (green card).
- This date reflects when the individual first obtained qualified alien status, NOT the LPR adjustment date.
- If the individual held multiple qualified statuses, use the earliest qualifying date.
- If unclear, request additional documentation (I-94 arrival record, asylum grant letter, etc.) to establish the earliest qualifying date.

#### F. LPRs Who Have Completed the Waiting Period

Any LPR subject to the five-year waiting period (Section C) who has held qualified alien status for **at least five years** is eligible to participate in FNS, provided they meet all other eligibility requirements.

Alternatively, any LPR who has earned or can be credited with **40 qualifying quarters of work** is eligible regardless of how long they have held LPR or qualified alien status. See FNS 227.09 for 40 quarters calculation procedures.

*Proceed to FNS 227.07 Step 4: Verification of Non-Citizen Status*

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**227.07 FNS 227 NON-CITIZEN REQUIREMENTS  
STEP 4: VERIFICATION OF NON-CITIZEN STATUS**

This section describes the verification requirements for non-citizen eligibility claims. Verification is required to confirm that the individual holds the immigration status they have claimed and, where applicable, the date that status was obtained.

**Important:** County agencies must verify non-citizen status through SAVE at initial application and every recertification to ensure ongoing eligibility under the revised categories. SAVE is now available at no cost.

Do NOT delay, deny, reduce, or terminate benefits pending verification results if the individual has provided acceptable documentation.

Each unit member who is a non-citizen and who is applying for FNS benefits for him or herself must provide original documentation of his non-citizen status. The law requires non-citizens applying for FNS to provide documentation of eligible immigration status as a condition of eligibility. This documentation must be verified electronically using the Systematic Alien Verification for Entitlements (SAVE) database. State agencies cannot use any other method of verification for non-citizen eligibility.

**A. Verification Overview**

Under H.R. 1, only three categories of non-citizens are eligible for FNS benefits:

- **Lawful Permanent Residents (LPRs)** — subject to 5-year waiting period unless exempt (see FNS 227.06)
- **Cuban/Haitian Entrants (CHE)** — eligible immediately
- **COFA Migrants** (citizens of FSM, RMI, or Palau) — eligible immediately

The verification process confirms the individual's claimed status using documentation and the SAVE database.

**B. Acceptable Verification Documents**

Refer to **FNS 227.05** for a list of acceptable documents by immigration category. Key document types include:

**Lawful Permanent Residents**

- I-551 (Permanent Resident Card / Green Card)
- Unexpired I-551 stamp in foreign passport
- I-797 Notice showing LPR status

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**Cuban/Haitian Entrants**

- I-551 with category code CU6, CH6, or HB6
- I-94 with Cuban or Haitian nationality and parole stamp
- I-797 Notice of Action indicating CHE status
- SAVE response confirming CHE designation

**IMPORTANT:** Cuban/Haitian Entrant (CHE) is a **benefit eligibility designation**, NOT an immigration status. An I-551 with category code CU6, CH6, or HB6 does **NOT** conclusively establish CHE status. SAVE verification is required.

**COFA Migrants**

- I-94 with admission class CFA/FSM, CFA/MIS, CFA/RMI, or CFA/PAL
- I-766 (Employment Authorization Document)
- I-797 Notice of Action
- FSM, RMI, or Palau passport with U.S. admission stamp (I-94 required)

**Note:** A foreign passport alone is **NOT** sufficient for SAVE verification. COFA migrants must present at least one U.S.-issued identifier.

**C. Reasonable Opportunity for Verification Documents**

1. Request verification documents using the *DSS-8650 Food and Nutrition Services (FNS) Notice of Information Needed* and allow the FNS Unit at least ten calendar days to provide the documentation.

**Note:** If the 10-day reasonable opportunity period provided does not lapse before the 30th day following the date of application, the County agency shall provide the household with benefits no later than 30 days following the date of application provided the household is otherwise eligible.

2. When the applicant provides insufficient documentation to verify his non-citizen status, further verification is required.
  - a. Offer to contact USCIS when you are presented with an USCIS document which:

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- i. Is not listed in policy; or ii. Is not considered sufficient proof of non-citizen status; or iii. Is illegible or incomplete.
- b. If the applicant gives consent to contact USCIS to verify the validity of documentation, contact the Charlotte USCIS Office at (800) 375-5283 to verify non-citizen status. USCIS will need:
  - i. The applicant's full name and date of birth; ii. Alien registration number, if you have it; and iii. A description of the USCIS document.

**D. SAVE Database Verification**

The Systematic Alien Verification for Entitlements (SAVE) database is used to verify immigration status. NC FAST includes integrated SAVE functionality.

**1. When to Use SAVE**

- a. **At application:** When individual claims non-citizen status and seeks benefits;
- b. **At recertification:** Verify status at each recertification;
- c. **At reported change:** When individual reports change in immigration status.

**2. SAVE Verification Levels**

- a. **Level 1 (Primary):** Initial automated check; provides immediate response in most cases;
- b. **Level 2 (Additional):** DHS review when Level 1 cannot confirm; typically 3-5 business days;
- c. **Level 3 (Third Level):** Manual USCIS review with scanned documents; may take 10+ business days.

**Cuban/Haitian Entrant Verification:** Cuban/Haitian Entrant status verification must be sent to SAVE as a **Third Level (Level 3) verification request**. Documentation of CHE status should be scanned and attached to the SAVE request.

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**E. NCFAST SAVE Procedures**

For detailed step-by-step instructions on using SAVE in NC FAST, refer to **NCFASTHelp Job Aid: SAVE Automation Verification**. Key policy requirements are summarized below.

**Required Information for SAVE Request**

Enter applicable information in the DHSID Details evidence. Required fields may include (not every field applies to all document types):

<b>Field</b>	<b>Description</b>
Alien Number	Must start with letter A and be exactly 9 digits
I-94 Number	Exactly 11 characters; may include one letter in 10th position
Country/Region of Origin	Country of birth or origin
Date of Entry	Date applicant entered the United States
Date Alien Status Granted	If different from Date of Entry
SEVIS ID (if applicable)	Leading letter N plus 10 digits
Passport Number	6-12 alphanumeric characters; requires Country of Issuance
Visa Number	Exactly 8 alphanumeric characters
Card/Receipt Number	13 characters (3 alpha + 10 numeric)
Naturalization Number	6-12 alphanumeric characters
Citizenship Number	6-12 alphanumeric characters

**When Document Attachments Are Required**

Scan the document front and back and merge into a single PDF file. Attachments are required for:

- All Level 3 (Third Level) SAVE verification requests
- **Cuban/Haitian Entrant status verification** (always requires Level 3)
- Suspected counterfeit or altered documents
- When SAVE response indicates resubmission with documents required

**F. Benefits Pending Verification**

1. If SAVE cannot immediately verify status:
  - a. Proceed to Level 2 or Level 3 verification as indicated by SAVE response;
  - b. Document the pending verification in case notes;

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- c. Issue benefits based on acceptable documentation provided;
- d. Monitor SAVE work queue for response (task created automatically);  
and,
- e. Take appropriate action when verification is received

**Policy:** Do NOT delay, deny, reduce, or terminate benefits pending additional SAVE verification if the individual has provided acceptable documentation of their claimed status. If otherwise eligible based on claimed documented status and all other eligibility requirements, authorize benefits based on the documentation provided while verification is pending. Document in NCFASST the date of the agency's transmission to USCIS.

**G. Inability to Verify**

- 1. After complying with USDA's requirements for verification of the validity of the non-citizen's USCIS documents, if SAVE ultimately cannot verify eligible non-citizen status based on the documentation provided by the non-citizen applicant:
  - a. Determine the individual as an ineligible non-citizen;
  - b. Document in NCFASST the use of SAVE and the responses received from USCIS.
  - c. Take appropriate action to deny, reduce, or terminate benefits through written notice a DSS-8551 or DSS-8553.
  - d. Provide households the opportunity to request a fair hearing through the appropriate adverse action notice.

**H. Treatment of Income and Resources of Ineligible Non-Citizens.** If the applicant fails to provide documentation of non-citizen status or if SAVE ultimately cannot verify eligibility, consider the non-citizen member an ineligible non-citizen.

- 1. Refer to FNS 390 Resources, FNS 350 Income, and FNS 340 Deductions for treatment of resources and income for an ineligible non-citizen.

**I. Documentation:**

- 1. Document the source of verification used for each non-citizen member included in the unit and the date provided in NC FAST using the appropriate evidences.
- 2. Make a copy, if possible, of the document presented as verification of alien status and enter into NC FAST using the appropriate taxonomy. If verification with USCIS is pending, document the date of the request.

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**Policy Questions:** When in doubt about a non-citizen eligibility determination, submit DSS-9000 with case number to: [dss.policy.questions@dhhs.nc.gov](mailto:dss.policy.questions@dhhs.nc.gov). Before submitting, ensure SAVE has been requested and all documents have been uploaded to the case.

**J. Enumeration Requirements for Non-Citizens**

Non-citizens are subject to ALL FNS eligibility requirements, including enumeration (SSN). Verification of immigration status alone does not complete the eligibility determination.

Key Rule: Do NOT include a non-citizen in the budget until enumeration is provided. Exception: Expedited Service households per FNS 425.

Review FNS 230 Enumeration for enumeration and SSN requirements.

**227.08**

**STEP 5: SPONSORED NON-CITIZENS**

**Note:** Sponsor deeming rules under 8 U.S.C. § 1631 are **unchanged by H.R. 1**. This section continues existing policy for calculating income and resources of sponsored non-citizens.

Deeming is a process in which the income and resources of the sponsor are included in the non-citizen's eligibility determination for SNAP benefits. Deeming applies only to eligible Lawful Permanent Residents (LPRs) whose sponsor has signed a legally binding affidavit of support (known as 213A affidavits, mostly I-864 forms) on or after Dec. 19, 1997. To determine eligibility and benefit level of a household that contains an eligible sponsored non-citizen, the income and resources of the sponsor and the sponsor's spouse must be deemed. Refer to B. below for exemptions to deeming.

Eligibility workers are required to determine if a non-citizen is subject to sponsor deeming and collect sponsor information during the certification process, making the interview an important time to ensure the County agency has all necessary information.

Workers can check whether someone has a sponsor through the Systematic Alien Verification for Entitlements (SAVE) system. If verification is requested regarding whether a non-citizen has a sponsor, the individual's eligibility for benefits cannot be delayed, denied, reduced, or terminated pending receipt of such verification.

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Please note that Quality Control (QC) will review whether the amount of the allotment received by a sponsored non-citizen is correct independent of any action taken by the State agency to determine sponsor liability. Such actions are not reviewable for QC purposes.

#### A. Definitions

1. **Sponsored Non-citizen:** A non-citizen admitted lawfully for permanent residence that is **sponsored by an individual** who has signed an affidavit of support. If a church or institution sponsors the non-citizen, the special provisions described below **do not** apply.
2. **Sponsor:** A person who executed an affidavit of support on or after December 19, 1997 on behalf of a non-citizen as a condition of the noncitizen's entry or admission to the U.S. Only individuals are considered sponsors. Organizations and institutions, such as churches, are not considered sponsors.
3. **Deemed Income/Resources:** The process of considering a sponsor's income and resources as available to the sponsored non-citizen for purposes of determining FNS eligibility and benefit amount.

#### B. Exemptions from Sponsored Non-Citizen Requirements

The following non-citizens are **NOT** subject to sponsor deeming requirements:

1. **Same-Household Sponsor:** A non-citizen who is participating in the Food and Nutrition Services Program as a member of his sponsor's unit.
2. **Not Required to Have Sponsor:** A non-citizen who is not required to have a sponsor under the Immigration and Nationality Act such as, but not limited to:
  - a. A refugee admitted after March 31, 1980;
  - b. A parolee admitted under Section 212(d)(5);
  - c. One granted political asylum;
  - d. A Cuban or Haitian Entrant;
  - e. A conditional entrant granted status before April 1, 1980;
  - f. Individuals who held the above statuses and have since obtained their Lawful Permanent Residence (LPR) status.
3. **Vietnamese Amerasians:** A non-citizen from Vietnam who enters the U.S. under the Foreign Operations Act. These non-citizens should be considered

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as though they are refugees under Section 207 of the Immigration and Nationality Act.

4. **Indigent Non-Citizens:** An indigent non-citizen that the county agency has determined is unable to obtain food and shelter, taking into account the non-citizen's own income, plus any cash, food, housing and other assistance provided by other individuals, including the sponsor (see Section C below for indigence determination procedures).
5. **Battered Spouses or Children:** Deeming does not apply during any 12month period if a non-citizen is a battered spouse, battered child or parent, or child of a battered person provided the battered non-citizen lives in a separate household from the person responsible for the battery. The exemption can be extended for additional 12-month periods if the noncitizen demonstrates that the battery is recognized by a court, administrative order, or by USCIS, and if the battery has a substantial connection to the need for benefits.
6. **Children:** Children Under age 18.
7. **Pre-1997 Affidavits:** Non-Citizens whose sponsors signed affidavits of support before December 19, 1997 (these prior affidavits of support were known as I-134s).

**C. Sponsor Deeming Requirements**

1. If the Affidavit of Support (I-864) was signed **on or after December 19, 1997**, the total countable income and resources of a non-citizen sponsor and the sponsor's spouse (if living with the sponsor) is counted as unearned income and resources to the non-citizen.
2. The sponsored non-citizen must provide verification of the sponsor's income and resources to calculate the deemed amount.
3. If the Affidavit of Support was signed on or after December 19, 1997, the total income of the sponsor and spouse is credited to the non-citizen until:
  - a. The sponsored non-citizen becomes a naturalized citizen;
  - b. The sponsored non-citizen can be credited with 40 qualifying quarters (see FNS 227.09);
  - c. The sponsored non-citizen loses LPR status and leaves the U.S.;
  - d. The sponsored non-citizen obtains in removal proceedings a new grant of adjustment of status as relief from removal (in this case, if a new I864 form is required, the support obligation and deeming will apply to the new sponsor); OR,

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e. The sponsor dies.

4. **Review FNS 315 Special Budgeting, § 315.02 Alien Sponsors** for procedures for calculating countable deemed income from sponsors.

**D. Indigence Exemption Determination**

1. **Definition:** "Unable to obtain food and shelter" means that the sum of the eligible sponsored non-citizen's household's own income, the cash contributions of the sponsor and others, and the value of any in-kind assistance the sponsor and others provide does not exceed **130% of the poverty income guideline** for the non-citizen's household size.

**2. Indigence Determination Process**

- a. **Pre-Determination Explanation:** Prior to conducting an indigence determination, the County agency must explain the purpose of the determination to a non-citizen applying for FNS and provide the noncitizen the opportunity to refuse the indigence determination. The sponsored non-citizen must be informed of the consequences of refusing an indigence determination, i.e., the sponsor's income and resources will be deemed to the non-citizen.
- i. If the sponsored non-citizen is exempt based on indigence, the names of the sponsors and sponsored non-citizen must be reported to USCIS.
  - ii. If the sponsored non-citizen refuses the indigence determination, the sponsor's income and resources will be deemed.
- b. **Self-Declaration.** A sponsored non-citizen may self-declare that he or she is not being supported by the sponsor. Verification from the sponsor of non-support is not needed.
- i. If the sponsored non-citizen self-declares nonsupport from the sponsor, all that can be estimated when determining indigence is the sponsored non-citizen household's income, the value of in-kind support, and any other income received from others.
- c. **Compare to Gross Income Limit:** Determine the amount of income (include both countable and non-countable income), cash contributions, and the value of in-kind support provided in the month of application. Use a reasonable method to assign a monetary value to in-kind assistance. Compare the total income, contributions, and value of inkind support, to the gross income limit for the non-citizen's household size. If the total is greater than the gross income limit, the non-citizen is not

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indigent. If the total is less than the gross income limit, the noncitizen is indigent.

- d. **If Indigent:** Process the case counting only the actual amount of cash support from the sponsor for a 12-month period beginning with the month of determination. Non-countable income is used in the indigent test only, not in the actual budget.
  - e. **Duration:** Once a determination of indigence is made, the non-citizen remains indigent for 12 months from the date of eligibility, regardless of any secondary information from SAVE on the sponsor within the household's certification period.
  - f. **Renewal:** Each indigence determination is renewable for additional 12month periods.
3. **USCIS Reporting for Indigence Determinations.** When an indigent determination is made, send written notice of the determination to USCIS at the address below. NCDHHS must be copied on the written notice. Include the name of the indigent sponsored non-citizen(s) and the name(s) of the sponsor(s). The written notice should include the reference "Determinations under 421(e) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996."

Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
20 Massachusetts Avenue, NW Washington  
DC, 20529

**E. Verification and Documentation**

If the sponsored non-citizen is **not indigent** and not otherwise exempt from sponsor deeming, sponsor deeming rules apply and the sponsor's total income and resources must be verified. The sponsored non-citizen unit is responsible for providing the verification or documentation of the sponsor's income and resources.

**Indigent Exemption:** A non-citizen who is indigent is exempt from sponsor deeming and does not need to provide verification of the sponsor's income and resources. However, if the non-citizen receives cash contributions from the sponsor, then the amount of cash given must be verified. Count the actual amount of cash support provided from the sponsor for a 12-month period beginning on the date of eligibility determination.

- 1. **Ineligibility Pending Verification:** The sponsored non-citizen who is not indigent is ineligible to participate until verification of the sponsor's income and resources are provided. However, determine the eligibility of any remaining unit members. Count the income and resources of the ineligible non-citizen using

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instructions in FNS § 390 Resources, and FNS § 350 Whose Income is Counted.

**2. Required Verification Items:** Verify the following items for sponsored noncitizens (in addition to normal verification requirements):

- a. The income and resources of the sponsor and the sponsor's spouse (if living with the sponsor);
- b. The provision of the Immigration and Nationality Act under which the noncitizen was admitted;
- c. The date of the non-citizen's entry or admission as a lawful permanent resident as established by USCIS;
- d. The non-citizen's date of birth, place of birth, and alien registration number.

**F. USCIS Contact Information**

1. For questions about SAVE verification that cannot be resolved through standard channels:
  - a. **SAVE Help Desk:** 1-877-469-2563
  - b. **SAVE Program Website:** <https://www.uscis.gov/save>
  - c. **Email:** [save.help@uscis.dhs.gov](mailto:save.help@uscis.dhs.gov)

**227.09 CALCULATING 40 QUALIFYING QUARTERS**

**Note:** The 40 qualifying quarters exemption under 8 U.S.C. § 1612(a)(2)(B) is **unchanged by H.R. 1**. LPRs who can be credited with 40 qualifying quarters of work are exempt from the 5-year waiting period and sponsor deeming, if applicable.

This section provides guidelines for determining whether an individual meets the 40 qualifying quarters of coverage (QCs) exemption. **The 40 quarters must be verified prior to participation, if the eligible non-citizen is not otherwise exempt from the waiting period.**

**A. Definitions:**

**Quarter** -- A period of three calendar months ending March 31, June 30, September 30, or December 31.

**Covered Earnings** -- Wages or self-employment income which requires payment of FICA (social security) taxes.

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**Non-covered Earnings** -- Wages or self-employment income which do not require payment of FICA (social security) taxes.

**Quarter of Coverage (QC)** -- Credit for a requisite amount of covered earnings assigned to a calendar quarter.

**Number Holder** -- An individual who has a social security number assigned to him/her.

**QC History (QCH)** -- A display of Quarters of Coverage (QC's) by quarter and year.

**TPQY** -- Third Party Query, the system which will be used to request QC Histories.

**Lag Quarters** -- Current year quarters and preceding year quarters which may not appear in the QC history because the employer report has not been processed by SSA. This could be up to seven quarters depending on when a request for QC history is processed.

**CRITICAL CONCEPT:** Quarters are based on **ANNUAL EARNINGS**, not actual quarters worked. The dates the person earned the income do not matter. An individual can earn all four QCs for a year in a single month if their earnings are high enough.

**B. Who Can Contribute Quarters**

The non-citizen's work and work by his/her parents and/or spouse (with certain exceptions) can be combined to attain the 40 qualifying quarters. **These quarters may be used by more than one individual.** For example, if a parent has 40 quarters, both children could use the full 40 quarters to qualify.

**1. Number Holders Whose Quarters Can Be Credited**

- a. **The non-citizen individual** — always
- b. **Biological parents** — only quarters worked prior to the non-citizen's 18th birthday (includes quarters earned before birth)
- c. **Adoptive parents** — only quarters worked prior to the non-citizen's 18th birthday (includes quarters earned before adoption)
- d. **Stepparents** — provided the step relationship still exists, only for quarters worked while the relationship was in existence and the non-citizen was under age 18
- e. **Current spouse** — only for quarters worked during the spousal relationship. If a couple divorces, stop counting their quarters toward each other at next recertification, application, or reapplication.

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- f. **Former spouse** — only if the marriage ended by death, and only for quarters worked during the marriage

**Important Restriction:** None of the qualifying quarters earned **after December 31, 1996** are counted if the wage earner received any federal means-tested public assistance benefit during the period for which the qualifying quarter is credited. Federal means-tested public benefits include: Work First assistance, Food and Nutrition Services, Medicaid, NC Health Choice, or SSI.

**C. Assessing QC Status:**

Obtain sufficient information to determine whether the 40 QC exception may apply. **Always credit the non-citizen individual's own quarters first** — this simplifies verification because many non-citizens will have sufficient quarters on their own record.

**1. Step 1: Establish Relationships**

Obtain sufficient information to determine that family relationships exist, the date of birth of the non-citizen, and identifying information needed to access the SSA QC History System.

**2. Step 2: Determine Feasibility**

- a. Ask how many years the non-citizen and each relevant person have lived in the United States. Add the years together. If the total equals at least 10 years, proceed to Step 3.
- b. If the total is less than 10 years, ask whether the non-citizen, parents, or spouse ever commuted to work in the U.S. from another country before coming here to live, or worked for a U.S. company overseas and paid U.S. income taxes or FICA taxes.
- c. If the total is still less than 10 years after adding any commuter/overseas work, STOP. The applicant cannot meet the 40 QC requirement.

**3. Step 3: Estimate Qualifying Quarters**

- a. Four quarters in each year can be credited to the non-citizen from each relevant individual.
- b. Request TPQY verification if information shows the non-citizen may meet the 40 QC exception (with or without lag quarters)

**D. Making the Determination**

QC History Data can be accessed in NC FAST through OVS.

- 1. Review the non-citizen's TPQY response record.**

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Does the Non-citizen QC field equal 40?

- a. If yes, the applicant meets the exception requirement;
- b. If no, determine if there are other records from which the non-citizen can gain credit (parents, spouse).

**2. If using parent/spouse records, access QC History for each contributing individual.**

When adding the QCs to the non-citizen's record, do they equal 40?

- a. If yes, check the QC History to determine if the quarters were earned for the correct time period;
- b. If so, the individual is eligible.
- c. If no, proceed to Step 3.

**3. Review the total number of QCs with the non-citizen.** Consider lag quarters (up to 7 quarters may not yet be posted).

- a. If the TPQY response shows 34 QC's or more and the non-citizen individual believes that QC's are missing, check the QC History.
- b. If the non-citizen individual believes the records are correct, he/she cannot meet the exception requirements.

If a QC History is used or if wage records are provided from another source, the "Quarter of Coverage" chart from the Social Security Administration found at <https://www.ssa.gov/oact/cola/QC.html> will assist in determining whether the individual has the level of earnings to count as a Qualifying Quarter.

**Quarter of Coverage - Earnings Required**

*Source: Social Security Administration (ssa.gov/oact/cola/QC.html)*

Year	Earnings	Year	Earnings	Year	Earnings
1978	\$250	1995	\$630	2012	\$1,130
1979	\$260	1996	\$640	2013	\$1,160
1980	\$290	1997	\$670	2014	\$1,200
1981	\$310	1998	\$700	2015	\$1,220
1982	\$340	1999	\$740	2016	\$1,260
1983	\$370	2000	\$780	2017	\$1,300
1984	\$390	2001	\$830	2018	\$1,320
1985	\$410	2002	\$870	2019	\$1,360
Year	Earnings	Year	Earnings	Year	Earnings
1986	\$440	2003	\$890	2020	\$1,410
1987	\$460	2004	\$900	2021	\$1,470

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1988	\$470	2005	\$920	2022	\$1,510
1989	\$500	2006	\$970	2023	\$1,640
1990	\$520	2007	\$1,000	2024	\$1,730
1991	\$540	2008	\$1,050	2025	\$1,810
1992	\$570	2009	\$1,090	2026	\$1,890
1993	\$590	2010	\$1,120		
1994	\$620	2011	\$1,120		

**For 1978 and later**, credits are based solely on the total yearly amount of earnings. The number of creditable QC's are obtained by dividing the individual's total earned income by the increment amount for the year. All types of earnings follow this rule. The amount of earnings needed to earn a credit increases and is different for each year. For 1978 through 2026, the amount of earnings needed for each credit is noted above.

A current year quarter (must be a full quarter) may be included in the 40 quarter computation. Use the current year amount as the divisor to determine the number of quarters available. There is a limit of four quarters per year.

4. If there is a discrepancy between the assessment estimate and TPQY results, work with the non-citizen to reconcile. Common issues include:
  - a. Lag quarters not yet posted to SSA records
  - b. Non-covered employment (no FICA taxes paid)
  - c. Quarters earned before certain dates not creditable to children
  - d. Quarters earned while receiving means-tested benefits after

12/31/1996 E. **Reconciliation:**

1. Lag Quarters

When the non-citizen individual or other FNS Unit member does not agree with the response provided by the TPQY and the problem is missing quarters in the current year, accept a current **employer** prepared wage statement as proof of earnings, and credit a quarter for each increment. Assume the earnings are covered employment if the wage statement shows FICA withholding.

- a. If the problem is quarters in the last taxable year and the query was requested prior to August 31st, check the QC History to determine if quarters are recorded. If quarters are missing, accept forms such as W2

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and/or W-2c, **employer** prepared wage statements, or an IRS copy of the individual's tax return and credit Qualified Quarters to the applicant.

Assume the earnings are covered if the proof submitted indicates FICA taxes were withheld.

- b. If the query was requested after August 31st, the earnings are not lag and should be determined following the instructions in 2. below.

2. Covered Employment

Whenever the non-citizen individual or any other FSU member does not agree with the response provided by the TPQY, reconcile the discrepancy. When the individual believes that the work, he/she performed was in Covered Employment and the earnings do not fall within the lag period, SSA is responsible for investigating the discrepancy and correcting the record.

- a. Refer all covered employment cases to SSA as follows.

- i. If the individual indicates that he/she used more than one SSN or allowed others to use his/her SSN, the individual must contact the local Social Security Office. He must take a copy of the QC History and identifying information to the office with him.
- ii. If the individual indicates there are missing quarters, have the noncitizen individual, if he/she is the number holder of the SSN, complete the SSA-7008. Proof of earnings such as W-2's, pay slip/stub, tax return, or statement from the employer should be provided. On top of the SSA-7008, write "Welfare Reform." If the non-citizen individual is not the number holder, advise the non-citizen individual that the number holder must complete the SSA-7008 and provide proof of earnings as shown above. iii. All SSA-7008's, along with the documentation, should be mailed to:

SSA, OCRO  
Post Office Box 17752  
Baltimore, MD. 21235-0001

- b. If the non-citizen individual has no documentation, he/she should contact their local Social Security Office to arrange an appointment. If the non-citizen states that the wages were earned but not reported, refer him/her to the Social Security Office for an investigation and attempt to credit these earnings. If Social Security must research files for determination of quarters, and the non-citizen individual provides a document from SSA indicating that the case is under review, the

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noncitizen may participate up to six months based on their statement of earnings for 40 quarters.

#### 227.10 REPORTING REQUIREMENTS

This section describes the requirements for reporting certain information to U.S. Citizenship and Immigration Services (USCIS) and the confidentiality protections that apply to applicant and participant information.

##### A. What Must Be Reported to USCIS

1. State agencies are required to notify USCIS when:
  - The agency determines that a household member is ineligible to receive SNAP benefits because that member is not lawfully present in the United States;
  - The State agency determines a non-citizen is indigent and therefore exempt from sponsor deeming; or
  - The State agency obtains a final civil judgment against the sponsor.
2. **Declining to provide documentation of immigration status is NOT a valid reason for referral.** The applicant who declines to present documentation of immigration status will not receive benefits and therefore there is no reason to seek further verification of their non-citizen status. See 7 CFR 273.4(b)(2).
  - USDA guidance has affirmed that State agencies may report for unlawful presence only those non-citizens who have applied for SNAP benefits – not other household members, and not adults applying strictly for their children.
3. **Specific Guidance for Compliance with Reporting Requirements.** On September 28, 2000, an Interagency Notice was published in the Federal Register (65 FR 58301) that provided guidance for compliance with Section 404 of PRWORA. The Interagency Notice clarified that a government entity “knows” that a non-citizen is not lawfully present in the U.S. **only when the entity’s finding or conclusion of unlawful presence is made as part of a formal determination by the entity, is subject to administrative review, and is supported by a determination of DHS or the Executive Office for Immigration Review, such as a Final Order of Deportation.** See 7 CFR 273.4(b)(1).
4. **Protecting Civil Rights.** Conforming to the Interagency Notice allows State agencies to comply with Federal law while protecting the individual civil and privacy rights of the SNAP applicant, while also ensuring that USDA policies are consistently applied throughout the United States.

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In reporting unlawful presence under Section 11(e)(15) of the Food and Nutrition Act of 2008, as amended, State agencies must also adhere to the Civil Rights compliance provisions of Section 11(c) of the Act. Reporting unlawful presence should never give rise to discrimination. Four major civil rights laws (the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and Title VI of the Civil Rights Act of 1964) apply to all aspects of SNAP. SNAP is subject to these laws.

Under no circumstances may a SNAP household member be reported as being unlawfully present based on race or national origin or on a suspicion that the member is present in the U.S. in an undocumented status because of the individual's appearance or because the individual speaks limited English or is proficient in another language.

#### **B. Reporting Procedures**

Local Department of Social Services (DSS) offices must make a report to the Division of Child and Family Well-Being (DCFV) if it determines that there are non-citizens who are illegally present in the United States, **only in the situation described above where the DSS office has received specific evidence from EOIR such as a Final Order of Deportation**. It is only necessary to send a report to the office when non-citizens who are not legally present in the United States are identified in this manner.

Such reports will be made by the director or designee of the county DSS. Upon receipt and review, the Deputy Director of Nutrition of NCDHHS DCFV will forward the relevant and policy-compliant reports to the USCIS. If a report is necessary, it must include the person's name, address, the reason for the referral and any other identifying information, including supporting documentation, and be sent to:

NC Department of Health and Human Services  
Division of Child and Family Well-Being  
2416 Mail Service Center  
Raleigh, NC 27699-2416

**ATTN: Deputy Director of Nutrition, Brian P. Hogan**

#### **C. Confidentiality of Citizenship/Non-citizen Status**

All rules of confidentiality must be applied in regard to citizenship/noncitizen status. It is a breach of confidentiality to discuss the citizenship/noncitizen status of an individual with employers, landlords, etc.

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**227.11 BUDGETING FOR HOUSEHOLDS WITH INELIGIBLE NONCITIZENS A.  
H.R. 1 Did Not Change Budgeting Rules**

1. H.R. 1 (Section 10108, effective July 4, 2025) amended which non-citizen categories are eligible for FNS. The budgeting rules for households with ineligible non-citizens were NOT affected and continue to follow 7 CFR 273.11(c)(3).

Key Point: H.R. 1 changed WHO is eligible/ineligible. It did NOT change HOW we budget for households with ineligible non-citizens.

**B. Two Categories of Ineligible Non-Citizens for Budgeting Purposes**

Federal regulations distinguish between two categories of ineligible non-citizens based on when the non-citizen became ineligible — before or after the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of August 22, 1996.

**1. Pre-PRWORA Ineligible Non-Citizens**

**Regulatory Authority:** 7 CFR 273.11(c)(3)(i)

**Who:** Non-citizens who were ineligible BEFORE PRWORA

**Examples:** Visitors, tourists, diplomats, students, undocumented non-citizens

**State Options:** States may choose to:

1. Prorate income and deductions;
2. Apply all income for gross income test for eligibility determinations, then prorate income and deductions for allotment calculations; OR,
3. Count ALL income and deductions

**NC's Pre-H.R. 1 Election:** Option 2 for Pre-PRWORA Ineligible Non-Citizens – All income for gross income test for eligibility determination, then prorate income and deductions for allotment calculations.

**2. Post-PRWORA Ineligible Non-Citizens**

**Regulatory Authority:** 7 CFR 273.11(c)(3)(ii)

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**Who:** Non-citizens made ineligible BY PRWORA (August 22, 1996 and after)

**Examples:** LPRs in the 5-year waiting period, parolees, refugees, asylees, and other categories of non-citizens that were previously identified “qualified” as non-citizens.

**State Options:** States may choose to:

1. Prorate income and deductions
4. Count NONE of income but cap allotment at lower amount

**NC’s Pre-H.R. 1 Election:** Option 1 — Proration of income for both eligibility and allotment calculations for Post-PRWORA ineligible non-citizens.

**C. Why This Distinction Continues to Matter Post-H.R. 1**

1. **For pre-PRWORA ineligible:** NC uses Option 2 — Apply full income of ineligible non-citizen to household’s gross income test first. If household passes gross income test, then prorate income for net income and benefit calculation.

Under FNS 350.01 pre-PRWORA ineligible non-citizens are referred to as Non-Qualified Ineligible Aliens.

2. **For post-PRWORA ineligible:** NC uses Option 1 — Prorate income for all purposes (gross income test, expedited screening, and benefit calculation).

Under FNS 350.01 post-PRWORA ineligible non-citizens are referred to as Qualified Ineligible Aliens.

3. Workers and NCFAS must continue to determine whether the ineligible noncitizen is a pre-PRWORA ineligible non-citizen or post-PRWORA qualified ineligible non-citizen for budgeting purposes, then apply the correct budgeting method.

**Phase 2 Implementation (Deferred):** Changes to income counting rules (FNS 350) and shelter deduction proration (FNS 340) for mixed-status households require additional NC FAST system updates and will be implemented in a subsequent phase. **Until Phase 2 implementation, continue applying current FNS 350 and FNS 340 rules for mixed-status household budgeting.**

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North Carolina intends to exercise its State discretion under 7 CFR 273.11(c)(3)(i) and 7 CFR 273.11(c)(3)(ii) to standardize income counting for all ineligible non-citizens by using prorated income for ALL purposes (gross income test, expedited screening, and benefit calculation). After systems changes can be completed, NC will adopt a uniform policy to standardize treatment of income across all ineligible non-citizens categories for the purposes of administrative simplification and error reduction.