

**DSS ADMINISTRATIVE LETTER NO. ECONOMIC AND FAMILY SERVICES 6-2008,
Guidance on when Qualified
Aliens are Eligible for FNS (November 5, 2008)**

(Food and Nutrition Services)

TO: County Directors of Social Services

ATTENTION: Food and Nutrition Services Managers and Supervisors

DATE: November 5, 2008

SUBJECT: Guidance on when Qualified Aliens are Eligible for FNS

EFFECTIVE: **Upon Receipt**

I. GENERAL INFORMATION

The purpose of this letter is to provide guidance on when Qualified Aliens are eligible for Food and Nutrition Services based upon their immigration status.

II. POLICY PROCEDURES

- A. Use the BCIS document provided by the alien to determine if he/she is a Qualified Alien. Refer to the chart in section 225.04.
1. The following Qualified Aliens have no waiting period for FNS eligibility. They are:
 - a. Granted asylum under Section 208 of the Immigration and Naturalization Act (INA)
 - b. Refugees admitted under Section 207 of INA.
 - c. Deportation withheld under 243(h) or 241 (b) (3) of INA
 - d. Cuban or Haitian entrant as defined in 501(e) of the Refugee Education Act of 1980. (Cuban entrants can be paroled, pending hearings, or asylees)
 - e. Amerasian Immigrant under 584 of the Foreign Operation, Export Financing and Related Program Appropriations Act
 - f. Lawful Permanent Resident (LPR) with a military connection (veteran, on active duty, or spouse or child of a veteran or active duty service member)
 - g. Trafficking victims See section 225.05 B, 2
 - h. Children under the age of 18 regardless of the date of entry.
 - i. Disabled or blind (as defined in section 210.05).
 2. Qualified Aliens who do not belong to one of the groups listed in II.A.1 above, can get Food and Nutrition Services if he/she is otherwise eligible and has earned, or can be credited with, 40 qualifying quarters of work.
 3. The following Qualified Aliens can get Food and Nutrition Services if he/she is otherwise eligible and has been in qualified status in the United States for five years beginning on the date the immigrant obtains status as a qualified alien from BCIS. They are:

- a. An LPR who has earned, or can be credited with, less than 40 qualifying quarters of work.
- b. Paroled for at least one year under section 212(d)(5) of INA
- c. Granted conditional entry under 203(a)(7) of INA in effect prior to 4/1/1980
- d. Battered spouse, battered child or parent or child of a battered person with a petition pending under 204(a)(1)(A) or (b) or 244(a)(3) of INA. See section 255.05B, 1

III. IMPLEMENTATION INSTRUCTIONS

This policy is effective upon receipt. It replaces policy found in section 225.05A. This change is effective with each application, change in situation or recertification taken or processed on or after receipt of this letter.

If you have any questions, please contact your Food and Nutrition Services & Energy Programs Representative.

Sincerely,



Dean Simpson, Chief
Economic and Family Services

DS:tb

cc: Food and Nutrition Services & Energy Representatives
Program Compliance Representatives