

Federal Regulations for the Food Stamp Program

Regarding Participation of Citizens and

Eligible Aliens\*

CITIZENSHIP AND ALIEN STATUS

- (a) Citizens and eligible aliens. State agencies shall prohibit participation in the program by any person who is not a resident of the United States and one of the following:
- (1) A United States citizen.
  - (2) An alien lawfully admitted for permanent residence as an immigrant as defined in sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act. However, an alien lawfully admitted for permanent residence pursuant to section 245A of the Immigration and Nationality Act must be eligible as specified in paragraphs(a)(8) or (a)(9) of this section.
  - (3) An alien who entered the United States prior to January 1, 1972 or some later date as required by law, and has continuously maintained residency in the United States since then, and is not ineligible for citizenship, but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to section 249 of the Immigration and Nationality act.
  - (4) An alien who is qualified for entry pursuant to section 207 or 208 of the Immigration and Nationality Act.
  - (5) An alien granted asylum though an exercise of discretion by the Attorney General pursuant to section 208 of the Immigration and Nationality Act.
  - (6) An alien lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to section 212(d)(5) of the Immigration and Nationality Act, or as a result of a grant of parole by the Attorney General.

\*Source: Code of Federal Regulations 7 Part 273.4 (Citizenship and Alien Status)

- (7) An alien living within the United States for whom the Attorney General has withheld deportation pursuant to section 243 of the Immigration and Nationality Act.
- (8) An alien who is defined as aged, blind or disabled in accordance with section 1614(a)(1) of the Social Security Act and is considered to be lawfully admitted for permanent residence pursuant to section 245A(b)(1) of the Immigration and Nationality Act. Such aliens may obtain lawful permanent resident status under section 245(b)(1) of the Immigration and Nationality Act no earlier than November 7, 1988.
- (9) An alien who is granted lawful temporary resident status pursuant to section 245A of the Immigration and Nationality Act at least five years prior to applying for food stamps and who subsequently gained lawful permanent resident status pursuant to section 245A of the Immigration and Nationality Act. Such aliens may obtain temporary residence status no earlier than May 5, 1987.
- (10) An alien who is, as of June 1, 1987, or thereafter, a special agricultural worker and lawfully admitted for temporary residence in accordance with section 210(a) of the Immigration and Nationality Act.
- (11) An alien who is lawfully admitted for temporary residence as an additional special agriculture worker as of October 1, 1989 through September 30, 1993 in accordance with section 210A(a) of the Immigration and Nationality Act.
- (b) Ineligible aliens. Aliens other than those described in paragraph (a) of this section shall not be eligible to participate. This includes, but is not limited to, alien visitors, tourists, diplomats and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country.
- (c) Income and resources. The income and resources of an ineligible alien shall be handled as outlined in Sec. 273.11(c)(2).
- (d) Awaiting verification. If verification of eligible alien status as required by Sec. 273.2(f) is not provided on a timely basis, the eligibility of the remaining household members shall be determined. The income and resources of the individual whose alien status is unverified shall be handled as outlined in Sec. 273.112(c) and considered available in determining the eligibility of the remaining household members. If verification of eligible alien status is subsequently received, the State agency shall act on the information as a reported change in household membership in accordance with timeliness standards in Sec. 273.12.

- (e) Reported illegal aliens. (1) The State agency shall immediately inform the local INS office whenever personnel responsible for the certification or recertification of households determine that any member of a household is ineligible to receive food stamps because the member is present in the United States in violation of the Immigration and Nationality Act.
- (2) When a household indicates inability or unwillingness to provide documentation of alien status for any household member, that member should be classified as an ineligible alien. When a person indicates inability or unwillingness to provide documentation of alien status, that person should be classified as an ineligible alien. In such cases the State agency shall not continue efforts to obtain that documentation.

