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FARM WORKERS' RIGHT TO FOOD STAMPS

Migrant and seasonal farm workers have all of the same rights under the food stamp program that other people do. They also have some special rights. Migrant or seasonal farm workers may have other special rights if they are homeless. Even migrant or seasonal farm workers who live in temporary housing may qualify as homeless people.

Households do not have to have a fixed address to get food stamps. 7 CFR 273.3. They only have to live in the area at the time they apply. Farm workers can apply without help from their crew leader or labor contractor. 7 CFR 273.2(c). If they qualify, they do not have to let their food stamps come to the crew leader or labor contractor. 7 CFR 273.1(f)(1)(ii) and (iii) and 274.1(a).

Migrant and seasonal farm workers have a RIGHT to get food stamps for a full month even if they apply after the beginning of the month if they got food stamps within the last 30 days. 7 USC 2017(c)(3).¹ It does not matter whether they received food stamps in the same state or somewhere else, as long as they were getting food stamps within the last 30 days. Households are considered to be on food stamps for a whole month even if they get their food stamps at the beginning of the month.

EXAMPLE: On March 1, the Garcia family got food stamps from a food stamp office in Texas for the month of March. By April, they are working in Minnesota. If they apply for food stamps no later than April 30, the Minnesota food stamp office will give them a full month's food stamps for April. This is because April 30 is within 30 days of March 31, the last day covered by the food stamps the Garcias got in Texas.

Emergency vendor payments that state or local welfare agencies make for migrant or seasonal farm workers do not count as income when the farm workers are in the job stream. 7 USC 2014(k)(2)(E).² For example, if the welfare office pays a hotel for a room for you and your family while you wait for the crops to be ready, that would not count as income. It also would not count as income if the welfare office paid a garage to fix your car or a gas station to give you gas or oil.

Migrant and seasonal farm workers do not have to turn in monthly reports to the food stamp office. The food stamp office also cannot look only at migrant and seasonal farm workers' income for months in the past when it decides if they qualify for food stamps or when it decides how many food stamps they can get. In other words, the food stamp office cannot count their income backwards ("retrospectively budget" their income).

Food stamp offices should only count as income money that they can be reasonably certain households will get in the next month. 7 CFR 273.10(c)(1)(i). The food stamp office should not act as if a household will get income just because there is work in the area. Most loans, such as travel advances, do not count as income. 7 CFR 273.9(c)(5). Travel advances also are excluded as reimbursements. 7 CFR 273.9(c)(6). Wage advances are treated as loans or reimbursements unless the household has a written agreement with the employer requiring the employer to make the payments then. Money earned by students under 18 does not count as income. 7 CFR 273.9(c)(8).

Migrant and seasonal farm workers can count the costs of keeping up a home that their household uses part of the year, such as a winter home in Texas or Florida, to get an excess shelter cost deduction.

¹ This rule was added by section 502 of the Disaster Assistance Act of 1988, Pub.L. 100-387. It became effective on August 11, 1988, for all months after that date.

² This rule was added by section 501 of the Disaster Assistance Act of 1988, Pub.L. 100-387. It became effective on August 11, 1988, for all months after that date.

7 CFR 273.9(d)(5)(iv). This home does not count as a resource even when the household is away working. 7 CFR 273.8(c)(1).

The car, truck or van that migrant or seasonal farm workers drive to get from one job to another does not count as a resource no matter what it is worth. 7 CFR 273.8(h)(1)(iii). Cars, trucks and vans that migrant or seasonal farm workers live in also do not count as resources. 7 CFR 273.8(e)(1) and (h)(1)(iv).

Migrant and seasonal farm workers can get food stamps even after they quit a job if they quit at or near the end of the season or at some other time when many farm workers normally change jobs. 7 CFR 273.7(n)(3)(viii).

Households can get and turn in applications by mail. 7 CFR 273.2(c). If the household has trouble getting to the food stamp office for an interview, it may have a right to be interviewed somewhere closer to home or over the telephone. 7 CFR 273.2(e)(2). Households have the right to file applications the same day they go to the food stamp office even if it is very busy. 7 CFR 273.2(c)(1). A whole crew of farm workers can go in to the food stamp office to apply at the same time if they want to.

Migrant and seasonal farm worker households can qualify for expedited service (food stamps within five calendar days) under the same rules that apply to other households. 7 CFR 273.2(i)(1). Migrant and seasonal farm workers with \$100 or less in cash, money in the bank, stocks, bonds and other things they can turn into cash quickly ("liquid resources") may also qualify for expedited service if:

- (a) they received all their income for the month before the day they applied for food stamps (7 CFR 273.2(i)(1)(ii) and 273.10(e)(3)(i)); AND
- (b) they cannot get any more income from that source (7 CFR 273.2(i)(1)(ii) and 273.10(e)(3)(i)); AND
- (c) they do not expect to get more than \$25 for at least the next 10 days (7 CFR 273.2(i)(1)(ii) and 273.10(e)(3)(i)).

Migrant and seasonal farm workers can get expedited food stamps for the month they apply without giving the food stamp office any proof ("verification") except I.D. They can get expedited food stamps for the second month if they give the food stamp office all of the verification it needs from people, businesses or other offices in the state. Migrant and seasonal farm workers who qualify for expedited service do not have to get proof or verification from employers or other people in other states until it is time for them to get the third month's food stamps. (You should turn in verification to the food stamp office as soon as you get it anyway.)

States must give migrant and seasonal farm workers faster fair hearings so that they get decisions before they leave the area. When a food stamp office denies a household expedited service, the household has a right to a meeting with the food stamp office within two days. 7 CFR 273.15(d)(2). This is called an "agency conference".

If enough low-income households in an area do not speak English, the food stamp office must have forms in those households' language and hire staff to translate. 7 CFR 272.4(b). This is true even if most or all of the households that do not speak English are migrant farm workers who will soon leave the area. Food stamp offices may not discriminate because of race, color, national origin, sex, age, handicap, or religious or political beliefs. 7 CFR 272.6; 7 CFR 15.1. You have the RIGHT to complain to USDA if you think you are being treated unfairly.

Some legal aliens can qualify for food stamps. 7 CFR 273.4. No illegal aliens can get food stamps. Other members of a household may be able to get food stamps even if some members do not qualify because they are aliens. 7 CFR 273.11(c)(2). Aliens who had people sponsor them to get into this country may have some of the income and resources of the sponsor counted as income and resources for their households. 7 CFR 273.11(i).

The food stamp office will ask all adults in your household to sign statements that they are U.S. citizens or legal aliens. It will check this information with the Immigration and Naturalization Service (the INS or "Migra"). The food stamp office will report any illegal aliens to INS. 7 CFR 273.4(e).

EXCERPTED FROM FRAC'S GUIDE TO THE FOOD STAMP PROGRAM