Eligibility Rules

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LDSS-4314 Household Composition Desk Guide

Student Eligibility Checklist

LDSS-5172 SUNY/CUNY/EOC Student Verification of Enrollment

LDSS-4579 Non-citizen Eligibility Chart

General Eligibility Rules

SNAP eligibility rules and benefit levels are generally set at the federal level and uniform across the nation, although states have flexibility to tailor aspects of the program.

Factors That Impact Eligibility

There are several factors that impact a household's eligibility for SNAP benefits, including:

- Monthly income (earned and unearned)
- Which household members are included/excluded in the SNAP case (non-citizens, students, etc.)
- Household composition (who purchases and prepares the majority of their meals together)
- Age of those applying
- Disability status of household members

Other factors that impact budgeting are discussed later in this guide.

Federal rules mandate that a household's income and resources must pass three tests to determine benefit eligibility, but *most* NYS households must only pass one—**an income test:**

Gross monthly income—the household income before any of the program's deductions are applied—must be at or below:

200% of federal poverty level (FPL) for households containing senior or disabled members or that have out-of-pocket dependent care costs;

150% FPL for households that have earned income, and do not meet the 200% FPL criteria;

130% FPL for households that do not meet the criteria for 200% or 150% of FPL.

See the *SNAP Standards & Deductions Reference Sheet* in the *Budgeting and Estimating SNAP Benefits* section of this guide for the full FPL chart.

In NYS, the following income and resources are **not** tested for *most* applicant households:

- **Net income**—the household income after deductions are applied. Net Income must be at or below 100% of the FPL; and
- **Assets**—owned property regarded as having value. Assets must fall below certain limits. Households that include a member who is elderly or has a disability must have assets of $4,750 or less. Households without such a member or who are sanctioned and/or found guilty of an Intentional Program Violation (IPV) must have assets of $3,000 or less.

Household Composition

SNAPSB SECTION 5:
PG. 48

Household composition is important when prescreening for SNAP eligibility because individuals included in a SNAP household must have their income included when determining eligibility and calculating the budget.

A SNAP household is defined as people who:

- Live together, and
- Purchase and prepare the majority of their meals together.

Mandatory Household Members

Mandatory household members must be included in the SNAP household if they live in the same house, even if they do not purchase and prepare meals together.

Mandatory household members include:

- Spouses
- Parents (natural, adoptive, or step-parent) and their children under 22
- Children under 18 under parental control of a person other than a parent (see the *Household Composition Guide* in this section for additional details)

Note: people who are not living together are not part of the same SNAP household, even if they are married or have other legal relationships.

Rules for Those Not Considered Mandatory Household Members

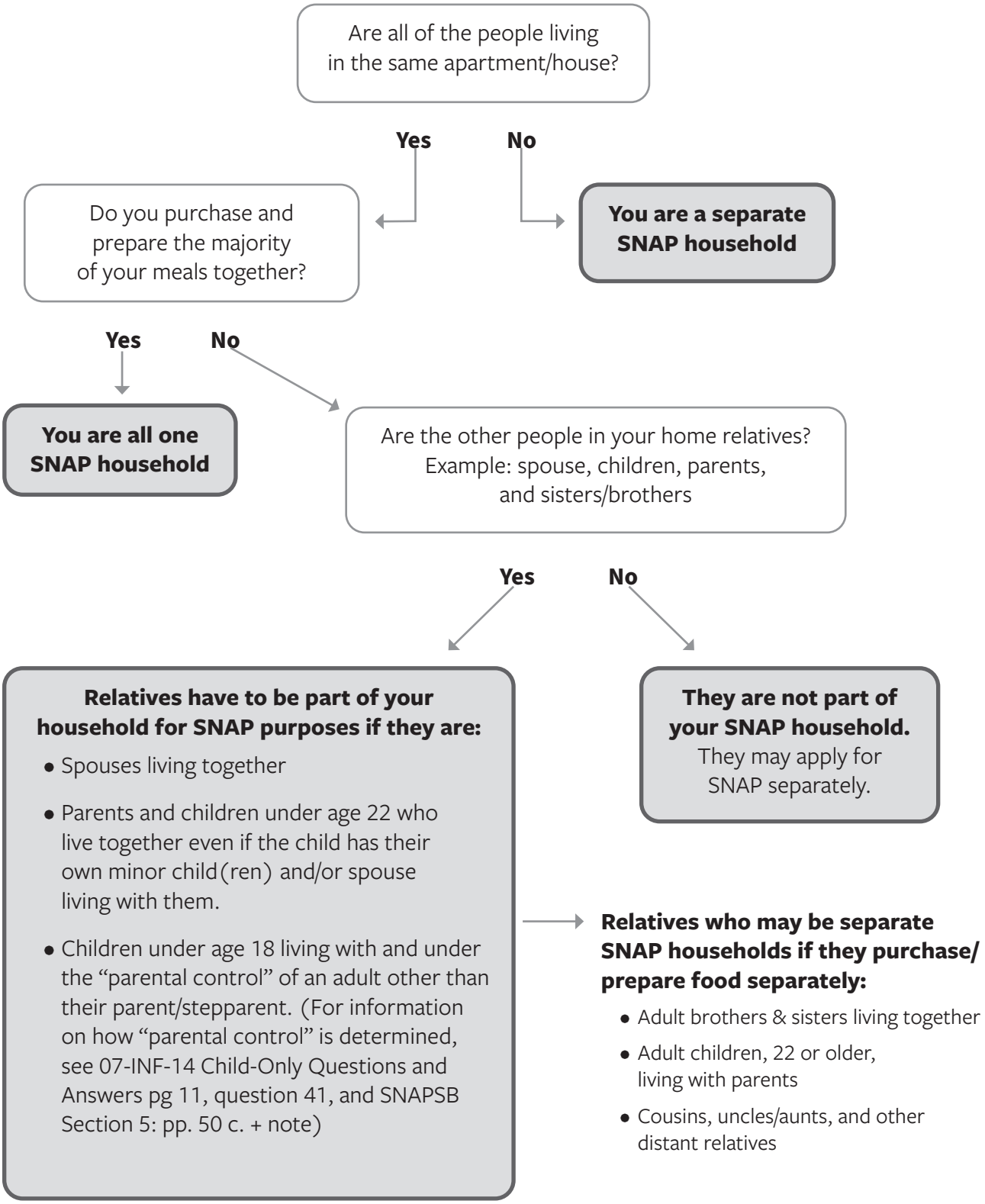
People who are not considered mandatory household members can apply for SNAP as a separate household, as long as they purchase and prepare the majority of their meals separately.

If a person living in the same house or apartment with an applicant is not a member of the applicant's SNAP household, that person's income and resources are ignored.

See the *Household Composition Guide* in this section for a step-by-step guide to determining household composition.

Household Composition Guide

To determine who is included in a SNAP household, ask the following questions:



Household Composition, cont.

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08-ADM-04

Boarders and Foster Care Youth

Boarder: Individual living with others and paying reasonable compensation to the others for meals and lodging. This does not include commercial boarding houses.

Boarders and foster care children may be either included in or excluded from the SNAP household of the landlord or foster parents, at the household's option.

Boarder (Room and Meals):

- Not a mandatory member of the SNAP household, but may be considered to be a member of a household at the household's request (unless residing in a commercial boarding house).
- May never be a separate household under SNAP rules.
- The following can never be considered boarders:
  - Children under 22 years of age living with their parent(s), including stepchildren.
  - A spouse of a member of the household.
  - Children under 18 years of age who are under the parental control of an adult member of the household, including a sibling.
- If a boarder(s) is **included** in the SNAP household:
  - Direct payments to the household for room and meals are counted as self-employment income, which is considered earned income.

Helpful resource:

08-ADM-04 has more information on allowable, verified, reimbursable expenses for **adopted and foster children** included in the SNAP household.

Roomer (Room, No Meals):

- Not a mandatory member of the SNAP household, and may apply for SNAP as a separate household.

Shared Living (Pays a Share of Shelter Expenses):

- Not a mandatory member of the SNAP household, and may apply for SNAP as a separate household.

Foster Care Youth:

If a foster care child is:

- **Included** in the SNAP household, foster care income (in excess of allowable, verified, reimbursable expenses) is counted as unearned income.
- **Excluded** from the SNAP household, foster care income is exempt.

For more information, see the LDSS-4314 Household Composition Desk Guide at the end of this section.

Adopted Children

Adopted children must be included in the SNAP household, and adoption subsidies in excess of allowable, verified, reimbursable expenses are counted as unearned income.

Household Composition, cont.

GIS 13 TA/DC043

Homeless Youth

SNAP regulations do not have an age requirement, in most cases, for homeless youth. Any homeless youth under the age of 22 can apply for SNAP as long as they are not residing with their parents and are not under "parental control" of another person. They do not need to be included in a parent's SNAP case unless they live together. A homeless individual must apply as a household with the other people that they are living with if they regularly buy and prepare the majority of their meals together.

Joint Custody

In joint custody situations, a child can only receive SNAP as part of one household in any given month. In situations where both parents are seeking SNAP for the same child, the issue must be resolved between the parents.

SNAP offices should evaluate joint custody situations on a case-by-case basis and take into consideration factors such as parental control and court orders.

When deciding which SNAP household a child will be a part of, the amount of time the child spends with one parent in joint custody situations is not a determining factor.

A child will remain a member of a parent's SNAP case unless the child no longer resides with that parent on a long-term basis (i.e., summer vacation lasting several months).

Special Rules for People Who Are Severely Disabled and Living With Others

A disabled individual who lives with others might not be able to purchase and prepare their meals because of a severe medical condition. However, that person may still be able to establish separate household status if they fit into one of two groups:

- The majority of the person's meals are purchased and prepared separately from the people they live with.
- The majority of the person's meals are not purchased and prepared separately, but the person is both elderly and disabled, and the income of their "housemates" (those purchasing and preparing the food for everyone) does not exceed 165% of the federal poverty level. See the *SNAP Standards and Deductions Reference Sheet* at the beginning of this section.

Applicants' Responsibilities

SNAP applicants are required to participate in the application process in the following ways:

- Provide documentation of household circumstances, and
- An adult member of the household or an authorized representative must participate in an interview to determine eligibility.

This guide provides a detailed explanation of these concepts.

Eligibility Rules for Select Groups

SNAP eligibility rules vary based on who is applying. For certain groups of people, the eligibility rules make it harder to access SNAP (i.e., students and non-citizens), while for others, rules are streamlined or simplified (i.e., seniors and people living with a disability). It is important to evaluate each individual's eligibility since some people in a household might be eligible even if others are not.

Students

SNAPSB SECTION 5: PG. 91-92

09-ADM-08

12-INF-14

20-ADM-13

21 TA/DC 004

22TA/DC073

23-ADM-09

Helpful resources at the back of this section:

Student Eligibility Checklist

LDSS-5172 SUNY/CUNY/ EOC Student Verification of Enrollment

A **student** is any person who is:

- 18 through 49 years of age
- Physically and mentally fit
- Enrolled at least half-time in an institution of higher education

Institution of Higher Education: Any institution at the post-high school level that normally requires a high school diploma or equivalency certificate for enrollment, including but not limited to:

- Colleges
- Universities
- Business schools
- Vocational schools
- Trade or technical schools
- Correspondence schools
- Online courses
- Colleges or universities that offer degree programs regardless of whether a high-school diploma is required

Enrolled in a College Meal Plan: Students receiving 50% or more of their meals (based on 3 meals for seven days, equaling 21 meals) from a college meal plan are not eligible to receive SNAP as they are considered to be living in an institution. The SNAP office must screen each student to identify the number of meals the student is granted under their meal plan.

Determining Student Eligibility

When working with students who are applying for SNAP, you must first determine if they meet the criteria to be considered an "eligible student" under SNAP rules. Under these rules, students who are 18 to 49 years old and enrolled at least half-time in an institution of higher learning cannot get SNAP unless they meet at least one of the following exceptions:

Students, cont.

Student is working:

- Employed an average of 20 hours a week or more
- Self-employed, working an average of 20 hours a week and making an average income equal to the federal minimum wage multiplied by 20 hours
- Participates in an on-the-job training program

Student has one or more of these individual characteristics:

- 17 years old or younger
- 50 years old or older
- Physically or mentally unfit for work: the individual has an illness, condition, or life circumstance, whether temporary or permanent, that reduces or affects their ability to work 20 hours a week
- Primary caretaker of a household member who is under age 6 or is incapacitated
- Primary caretaker of a household member between the ages of 6 and 11, if no adequate childcare is available which would make it possible to work and go to school
- A single parent enrolled full-time who is responsible for the care of one or more children under age 12

Student participates in a qualified government program:

- Receives Temporary Assistance for Needy Families (TANF)
- Receives unemployment benefits
- Participates in state or federal work-study
- Attends a State University of New York (SUNY) or City University of New York (CUNY) community, comprehensive, or technology college and is enrolled in a qualified certificate or degree Career and Technical Education (CTE) program
- Attends an Educational Opportunity Center (EOC) and is enrolled in a qualified CTE program, remedial courses, basic adult education, literacy, or English as a second language
- Assigned to, placed in, or self-placed in a college or other institution of higher education through certain employment and training programs, such as the SNAP Employment and Training (E&T), Workforce Innovation and Opportunity Act (WIOA), or a Department of Labor program

For help determining if a student meets any of these exemptions, see the *Student Eligibility Checklist* at the end of this section.

Eligible Students are Exempt from Work Rules

Students determined to be "eligible students" under SNAP rules are exempt from:

- SNAP E&T work requirements, and
- The Able-Bodied Adults Without Dependents (ABAWDs) time limit rule.

Students, cont.

Students Who Do Not Qualify for SNAP

Students who do not meet one of the above exceptions are excluded from the SNAP household, and neither the income nor the resources of the ineligible student will be used in determining eligibility for the rest of the household. However, if the student makes any cash contributions to the remaining members of the household, this will count as income. The rest of the household members may still be eligible.

Continuing Eligibility of Students

Eligible students remain eligible between school breaks (vacations, summer, etc.) unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next school term (excluding summer semesters).

> ***Exception:*** Students who have work-study lose their SNAP eligibility between semesters if the break is a full month or longer, and in summer months, unless the work-study continues or they meet another exemption.

Ineligible students remain ineligible between school breaks (vacations, summer, etc.) unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next school term (excluding summer semesters).

Non-Citizens

03-INF-14
GIS 16 TA/DC048
25DC054
25DC055
26DC009
26DC019
26-LCM-08
26-LCM-17

Citizen: a person (other than a child of a foreign diplomat) born in one of the 50 states, District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands, or the Northern Mariana Islands who has not renounced or otherwise lost their citizenship. Citizens can apply for SNAP but must meet eligibility rules to receive benefits.

Citizens of Freely Associated States (FAS)/Compacts of Free Association (COFA): international agreements establishing and governing the relationships of free association between the United States and the three Pacific Island sovereign states of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau. Citizens of FAS COFA can apply for SNAP but must meet eligibility rules to receive benefits.

LPR: Legal Permanent Resident—also known as "Green Card" holder. LPR status is documented with an I-551 Permanent Resident Card, or an I-94 Arrival/Departure Record or passport with a temporary I-551 stamp, or any other authoritative document that identifies the non-citizen as an LPR. LPRs' SNAP eligibility rules are explained in this section.

Naturalized Citizen: a person born outside of the U.S. who has lawfully become a U.S. citizen. Naturalized citizens can apply for SNAP but must meet eligibility rules to receive benefits.

National: a citizen of a particular country, typically entitled to hold that country's passport (e.g.,"a Cuban national"). A U.S. national can apply for SNAP but must meet eligibility rules to receive benefits.

Non-Citizens, cont.

Non-Citizen: a person who lives in the U.S. but has yet to become a naturalized citizen. Non-citizens who are legally present in the U.S. may be eligible for SNAP if they meet additional criteria.

Undocumented Non-Citizens: those who cannot prove they are legally present in this country. These individuals are never eligible for SNAP.

Changes to Non-Citizen SNAP Eligibility Rules Under H.R.1 are in Effect in New York

H.R.1, the federal bill enacted in July 2025, significantly narrowed SNAP eligibility for non-citizens. As a result, some categories of non-citizens are no longer eligible for SNAP unless their status has been adjusted to Legal Permanent Resident (LPR), while others are eligible only under certain circumstances.

26DC009
26DC019
26-LCM-08

SNAP Eligibility for Non-Citizens

New and recertifying applicants must meet the revised immigration eligibility requirements, explained below, to be eligible for SNAP. SNAP households are not required to report a change in immigration status. If a non-citizen loses eligibility at recertification due to a change in status, they are not subject to a claim for overissuance of benefits received after their status was no longer considered eligible.

Helpful resource at the back of this section:

LDSS-4579 Non-Citizen Eligibility Chart

OTDA's desk guide (LDSS-4579—at the back of this section) lists the categories of non-citizens eligible for SNAP, along with the documents that can be used to verify their status. 26DC009 and 26DC019 also include information on documentation needed for each category listed below.

The following non-citizens are eligible for SNAP *if they meet all other SNAP requirements.* Some non-citizens are subject to a waiting period before they are eligible for SNAP, while others are eligible immediately:

- **Cuban/Haitian Entrants** are immediately eligible.
- **Citizens of Freely Associated States (COFA)** lawfully residing in the U.S. are immediately eligible.
- **Legal Permanent Residents (LPRs)** are eligible for SNAP after a five-year waiting period. There are some exceptions to this.
  - **LPRs are immediately eligible** without a waiting period if they:
    - Have 40 Qualifying Quarters of work (described later in this section)
    - Receive certain disability benefits
    - Are under the age of 18
    - Were 65 or older and lawfully residing in the U.S. on August 22, 1996
    - Have a U.S. military connection or are a U.S. veteran or active-duty member of the military or their spouse or dependent
  - Additionally, **LPRs are immediately eligible** if they held one of the following statuses before adjusting their status to LPR:
    - Refugees

continued →

Non-Citizens, cont.

- Iraqi and Afghan Special Immigrants (SIV) or SQ/SI Parolee
- 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
- Individuals Granted Asylum (Asylees)
- Victims of Human Trafficking
- Admitted to the U.S. as an Amerasian immigrant
- Deportation or Removal Withheld
- Certain Hmong or Highland Laotian tribal members
- North American Indians born in Canada or a member of a federally recognized tribe born outside the U.S.

All other LPRs are subject to a five-year waiting period before they are eligible for SNAP.

Qualifying for SNAP Using the 40 Quarters Test

LPRs who can be credited with 40 qualifying quarters of work history are qualified to receive SNAP. One quarter is the equivalent of three months; therefore, roughly 10 years of work equals 40 quarters. A worker must have earned at least a minimum salary during a quarter for it to qualify. Quarters of work history can be shared with some family members. Quarters earned during a marriage can be shared between spouses, even if separated or deceased (but not if divorced), and between parents and their children (for quarters worked before the child's 18th birthday, including quarters worked before the child was born). The SNAP office will get the social security records of any worker's quarters claimed by an applicant.

Households Containing Ineligible Non-citizens

Households containing ineligible non-citizens can still get SNAP if someone in the household is an eligible non-citizen or a U.S. citizen. Undocumented parents can apply for SNAP on behalf of their eligible non-citizen or citizen children.

Immigration Reporting Requirement

There is an immigration reporting requirement in the SNAP Law that makes some families with undocumented members reluctant to apply. The law requires the state SNAP agency to report "aliens it knows to be unlawfully present" to the United States Citizenship and Immigration Services (USCIS). However, NYS SNAP offices have been instructed to report only those individuals who present evidence of a USCIS determination that they are not in the United States lawfully, such as a final Order of Deportation or falsified immigration documents. The SNAP office is required to give the names and addresses of non-citizens who have a final Order of Deportation or falsified immigration documents to OTDA, not to USCIS.

Non-Citizens, cont.

SNAP workers do not have the authority to contact Immigration directly. If a SNAP worker threatens to report a non-citizen to USCIS to get them to withdraw their application, that is a violation of the Civil Rights Law and should be brought to the attention of the supervisor, the Commissioner, or OTDA.

26-LCM-20

Public Charge Rule

"Public charge" is a test in federal immigration law used to determine whether certain non-citizens can enter the country or become lawful permanent residents (LPRs) or green card holders. The United States Citizenship and Immigration Services (USCIS) defines "public charge" as someone who is likely to become primarily dependent on the government for basic support. If an immigration official determines that someone is likely to become a public charge, the government can deny their application for lawful permanent resident status or entry to the United States.

The public charge rule applies to:

- Those applying for a family-based green card (lawful permanent resident)
- Those applying for a Visa to enter the U.S.
- Green card holders returning to the U.S. after more than 180 days abroad

The public charge rule does **not** apply to:

- Green Card renewals
- Individuals applying for LPR based on their status as a Refugee, Asylee, Survivor of domestic violence, trafficking, or other serious crime (VAWA, T, U, SIJ)
- Other humanitarian immigrants
- Those applying for or renewing DACA, TPS, Asylum, Refugee status, T-Visa, U-Visa, VAWA, Special Immigrant Juvenile (SIJ) classification, parole, or U.S citizenship

Understanding the New Public Charge Rule

A new public charge rule from the Department of Homeland Security (DHS) took effect on September 18, 2026, rescinding a 2022 DHS rule that excluded public benefit programs related to health care, nutrition, and housing from public charge determinations. The new rule allows immigration officers to consider a wider range of public benefit programs when evaluating a green card applicant for public charge.

The rule applies to green card applications submitted on or after September 18, 2026. Applications submitted before that date will be evaluated under the 2022 rule, which allows immigration officials to consider only cash assistance, such as TANF, SSI, and Safety Net Assistance, and long-term care paid for by the government. For applications submitted on or after September 18, officials can also consider other benefits, such as SNAP, but only if they were used on or after that date.

By law, immigration officers must consider an individual's full circumstances, including age, health, income, and education, and should not automatically deny a green card application based solely on participation in SNAP or any other public benefit program.

Non-Citizens, cont.

Many immigrants never face a public charge test, including refugees, asylees, and most people who already have a green card. Clients should find out whether the rule applies to them before making decisions about SNAP or other benefits. The New York State Office for New Americans Hotline (1-800-566-7636) offers free, confidential help and referrals to immigration legal services in more than 200 languages. In New York City, clients can also call 311 and say "Immigration Legal."

For more information and resources, visit HungerSolutionsNY.org/public-charge

Strikers

SNAPSB SECTION 5: PG. 13

GIS 16 TA/DC032

GIS 19 TA/DC044

Striker: a worker who takes part in an organized work stoppage, refusing to perform job duties until certain demands are met.

The following people are not considered strikers:

- People who have been locked out
- People out of work because of someone else's strike
- People in a different bargaining unit who are afraid to cross a picket line
- People exempt from work registration under SNAP E&T rules (other than those exempt because they are working)
- Strikers who have been permanently replaced

If the primary wage earner of a household is participating in a job action (on strike, a walk-out, etc.), the striker and the whole household are ineligible for SNAP unless they were eligible for benefits before the strike began. Thus, the striker's income before the strike will be budgeted and applied to the entire household as if they were still working. In this case, other household members cannot simply exclude the striker to establish a separate case. A household cannot get more SNAP benefits because its income goes down during the strike. If the striker leaves the household, the remaining household members become eligible again.

Fleeing Felons and Probation Violators

GIS 10 TA/DC026

Fleeing felon: a person with a felony warrant pending against them.

Probation violator: someone who has broken the terms or conditions of probation.

Both fleeing felons and probation violators may be identified by computer matches and denied SNAP. However, other household members may continue to be eligible for SNAP, and special budgeting rules apply.

According to OTDA, SNAP offices must not discontinue SNAP benefits for anyone with a warrant based on an *alleged* probation or parole violation. Those types of warrants do not constitute a determination of a violation.

Seniors and People with Disabilities

Senior: anyone 60 years or older.

Person with a Disability: anyone determined to be disabled by the Social Security Administration and most likely receiving a federally related disability benefit, including:

- Supplemental Security Income (SSI)
- Social Security Disability (SSD)
- Disability-related Medicaid
- Veterans Administration (VA) Disability 100%

Note: The surviving spouse or child of a deceased veteran may be entitled to the above VA Disability benefits if they are determined to have a disability described below:

- Surviving spouse of a veteran considered in need of regular aid and attendance by the VA, or permanently housebound;
- Surviving child of a veteran and considered by the VA to be permanently incapable of self-support;
- Surviving spouse or child of a veteran and approved to receive compensation for a service-connected death or pension benefits for a non-service-connected death, based on VA determination. The surviving spouse or child must also have a disability considered permanent under the Social Security Act.

For details, see the SNAP Sourcebook Section 5, pp. 56-67.

SNAP Programs for Seniors and People with Disabilities

New York State provides multiple pathways to SNAP participation for seniors and people with disabilities. The Elderly Simplified Application Project (ESAP) and the NYS Combined Application Project (NYSCAP) are special projects designed to improve access to SNAP for these vulnerable groups. Specific eligibility requirements determine whether a senior or disabled person qualifies for SNAP under ESAP, NYSCAP, or the regular application process. See the *Programs to Help Seniors and Disabled Applicants Access SNAP* section for more information.

Expanded Categorical Eligibility

In NYS, seniors and people with disabilities can have higher gross incomes and still qualify for SNAP under Expanded Categorical Eligibility. To qualify, gross monthly income must be **at or below 200% of poverty** for households containing an elderly or disabled member.

Note: Seniors or people with disabilities who have incomes over 200% of the federal poverty limit may still be eligible for SNAP, but only if their resources are below the resource limit and they pass a net income test.

See the *SNAP Standards & Deductions Reference Sheet* in the *Budgeting and Estimating SNAP Benefits* section of this guide for the full FPL chart.

Seniors and People with a Disability, cont.

Other Rules That Help Seniors and People with Disabilities Access SNAP

Establishing separate household status

If a person lives with others and is both elderly and disabled, they may be able to establish separate household status for SNAP purposes if:

- The income of their housemates does not exceed 165% of the federal poverty limit (see the *SNAP Standards & Deductions Reference Sheet* in the *Budgeting and Estimating SNAP Benefits* section for the full FPL chart), or
- A person is severely disabled and lives with others, but their food is being purchased and prepared separately from the people they live with.

Telephone interviews—households comprised of all seniors and/or adults with disabilities and no earned income are granted telephone interviews automatically.

Medical deduction—seniors and those with a disability who qualify for SNAP may be entitled to a larger monthly benefit by deducting out-of-pocket medical expenses over $35. By reporting these expenses in the SNAP application process, seniors can get even more help paying for food each month. See the *SNAP Medical Expense Deduction Worksheet* in the *Budgeting and Estimating SNAP Benefits* section of this guide.

Appointing an authorized representative who can apply on their behalf, attend the interview, and use the EBT card to make purchases. This option is available to all SNAP applicants, but it is most useful to seniors and people with disabilities.

Resources for This Section

On the following pages, you will find these resources:

LDSS-4314 Household Composition Desk Guide

Student Eligibility Checklist

LDSS-5172 SUNY/CUNY/EOC Student Verification of Enrollment

LDSS-4579 Non-citizen Eligibility Chart

LDSS-4314 (Rev. 3/21)

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) BENEFITS HOUSEHOLD COMPOSITION DESK GUIDE

All persons, even if they are members of different families, who customarily purchase and prepare meals together are to be considered members of the same SNAP benefits household.

RELATIONSHIPS:	***SITUATION RESULT***
Spouses Living Together	Must always be considered as a single household.
Children Under 22 Years of Age living with their parent(s) (Includes Stepchildren), and if applicable, the children's spouse and their own children.	Must be considered as a single household.
Children Under 18 (Except Foster Children) Under the Parental Control of an Adult Household Member Who Is Not the Children's Parent or Step Parent.	Must be considered as a single household. (***Reminder*:** A child under 18 living with their spouse or child is not considered under parental control.)

NOTE: There is no age requirement for an individual not under parental control to receive SNAP benefits.

CIRCUMSTANCES CAUSING INELIGIBILITY:	***SITUATION RESULT***
Resident of Institution	Ineligible **unless** a resident of a: • Drug/alcohol Treatment facility; or • Subsidized housing for the elderly; or • Shelter for the homeless; or • Certain group living arrangement; or • Shelter for battered women and children.
Ineligible Student	Non-household member. (Income and resources are excluded. The household can claim their prorated share of expenses.)
Work Rules Sanctioned or Intentional Program Violation Disqualified	Excluded household member. (Income and resources are counted in their entirety. The household can claim full expenses.)
ABAWD Ineligible	Ineligible household member. Income is prorated, resources are counted in their entirety. Expenses paid by or billed to the excluded person are prorated.
Any individual who is: • Ineligible to get a Social Security Number (SSN); or • Fails to or is unable to provide a SSN and fails to apply for a SSN or refuses to cooperate with resolving a SSN validation discrepancy.	Excluded household member. (Income is prorated; resources are counted in their entirety. Expenses paid by or billed to the excluded person are prorated.) Applying for or providing the SSN immediately brings the excluded individual into compliance.
A household that fails to or refuses to cooperate in the SSN validation process.	The SNAP case is closed.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) BENEFITS HOUSEHOLD COMPOSITION DESK GUIDE

Persons residing together who do not meet any of the previous definitions may be separate households if they purchase and prepare food separately from the other persons.

SPECIAL LIVING ARRANGEMENT:	***SITUATION RESULT***
Boarder (Room and Meals)	Not a part of the household, but may be considered to be a member of a household at the household's request, (unless residing in a commercial boarding house). May never be a separate household. The following can never be considered boarders: • Children Under 22 Years of Age living with their parent(s), (including step children). • A spouse of a member of the household. • Children under 18 years of age who are under the parental control of an adult member of the household including a sibling.
Roomer (Room, No Meals)	Not considered part of household, but may apply as a separate household.
Shared Living (Pays a Share of Shelter Expenses)	Not considered part of household, but may apply as a separate household.
Foster **Children**	It is the household's decision to include or exclude foster children as household members. If included, those foster care payments that cannot be excluded as verified reimbursements are counted as income. If excluded, the foster care payments are not counted as income.
Elderly Individuals and their Spouses	Separate household status may be granted to those elderly individuals and their spouse **who cannot purchase and prepare their own meals because they suffer from certain disabilities,** even if they are living and eating with others, if they meet certain conditions.**

****ALL OF THE FOLLOWING CONDITIONS MUST BE MET:**

- The individual must be 60 years of age or older; **and**
- The individual must suffer from a disability considered permanent under the Social Security Act or from a non-disease related, severe, permanent disability and be unable to purchase and prepare meals; **and**
- The gross income of the others with whom the individual resides (excluding the income of the individual and the spouse) cannot exceed 165% of the poverty level.

STUDENTS:

In order to participate in the SNAP Program, a student who is enrolled at least half-time in an institution of higher education and is at least 18 years old but less than 50 years old and is not disabled must meet one of the following criteria:

- Be receiving Family Assistance or Federally funded Safety Net Assistance Benefits; or
- Provide more than half the physical care for a child under 6; or
- Be enrolled full time and be a single parent responsible for the care of a child under 12; or
- Provide more than half the care of a child under 12 and not have adequate child care to work and go to school; or
- Be participating during the school year in a State or Federally financed work study program funded under Title IV-C; or
- Be employed for an average of 20 hours per week and be paid. If self employed, must be working an average of 20 hours per week and earn an amount equal to the Federal minimum wage x 20 hours; or
- Was placed in school through WIOA, SNAP E&T, Safety Net Employment Activity which is comparable to a SNAP E&T activities or DOL.
- Attend a SUNY/CUNY comprehensive college, technology college, or community college and are enrolled in a qualified career and technical education (CTE) program, or
- Attend a NYS Educational Opportunity Centers (EOC) and are enrolled in a CTE program, remedial course, basic adult education, literacy, or English as a second language.

SNAP & Students

Checklist for Determining Student Eligibility

SNAP rules limit the eligibility of certain groups of people, including students. Follow this checklist to determine if an applicant meets the criteria of an eligible student under SNAP rules.

Please note that there are additional SNAP income and eligibility rules that all SNAP applicants, including students, must meet in order to qualify to receive a SNAP benefit each month.

1. Establish applicant's status as a student. The applicant:

☐ **Yes** ☐ **No** Is enrolled in a higher education institution that normally requires a high school diploma or equivalency certificate for enrollment. This includes but is not limited to: colleges, universities, correspondence school or online courses, vocational and trade/technical schools at the post-high school level.

☐ **Yes** ☐ **No** Is enrolled at least half-time (using the school's definition of half-time).

☐ **Yes** ☐ **No** *For an applicant applying between semesters:* intends to register for the next school term.

If "Yes" to all of the above, the applicant is considered a student and the student rule applies. Proceed to Step 2. If "No" to any of the above, the applicant is ***not*** considered a student and the student rules do not apply (continue to screen the applicant under regular SNAP rules).

2. Is the student enrolled in a college meal plan?

☐ **Yes** ☐ **No** The applicant receives 50% or more of their meals from a college meal plan. Note: This is based on 3 meals for seven days equaling 21 meals. The SNAP office must screen each student to identify the number of meals the student is granted under their meal plan.

If "Yes", the student is ***not*** eligible for SNAP, as they are defined as living in an institution. If "No", continue to Step 3.

3. Does the student meet ANY of the following exemptions? If so, provide the SNAP office with the documentation noted.

Student Is Working:

☐ Employed an average of 20 hours per week.

- ▶ *Provide proof of wages and work hours, such as pay stubs, income tax records, or a contract with the employer.*

☐ Self-employed an average of 20 hours per week and receives average weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.

- ▶ *Provide proof of wages, such as most current income tax return, earnings and expense report, or records and related materials concerning self-employment.*

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☐ Participates in an on-the-job training program.

- ▶ *Provides proof of participation in the job training program, such as a letter from the program that includes how many hours the applicant participates each week or other correspondence with similar information.*

Individual Characteristics:

☐ 17 years of age or under or 50 years of age or over.

- ▶ *Provide proof of age, such as a birth certificate, drivers license, school records, or statement from another person.*

☐ Physically or mentally unfit to work: An individual is considered physically or mentally unfit for work if they have an illness, condition, or life circumstance, whether temporary or permanent, that reduces or affects their ability to work 20 hours a week.

- ▶ *Provide a letter from a medical or mental health provider stating that the applicant is not able to work 20 hours per week. The letter should include the medical professional's contact information, and can come from any of the following: doctor, doctor's assistant, representative of a doctor's office, nurse or nurse practitioner, licensed or certified psychologist, or social worker.*

☐ Primary caretaker for a household member who is under 6.

- ▶ *Child in case should be documented in the case record; nothing further should be needed.*

☐ Primary caretaker for a household member between the ages of 6 and 11, if no adequate child care is available that would make it possible to work and go to school.

- ▶ *Child in case should be documented in the case record; nothing further should be needed. The caretaker can self-declare the inadequate childcare.*

☐ Single parent enrolled full-time who is responsible for the care of a child under 12.

- ▶ *Single status and child should be documented in the case record; nothing further should be needed.*

Student Participates in a Qualifying Government Program:

☐ Receives Temporary Assistance for Needy Families (TANF).

- ▶ *Information on participation in TANF is in the case record; nothing else should be needed.*

☐ Receives unemployment benefits.

- ▶ *Provide proof of unemployment benefits, such as letter from Unemployment or unemployment check stubs.*

☐ Participates in a state or federal work-study program during the regular school year.

- ▶ *Provide proof of work study, such as financial aid award letter or written request that the institution of higher learning communicate the student's eligibility to participate in work study to the SNAP office.*

☐ Attends a State University of New York (SUNY) or City University of New York (CUNY) community, comprehensive, or technology college and is enrolled in a qualified certificate or degree in a Career and Technical Education (CTE) program.

- ▶ *Provide proof of participation in a CTE program using the LDSS-5172 SUNY/CUNY/EOC Student Verification of Enrollment (available at our website).*

☐ Attends an Educational Opportunity Center (EOC) and is enrolled in a qualified CTE program, remedial courses, basic adult education, literacy, or English as a second language.

- ▶ *Provide proof of participating in an EOC program using the LDSS-5172 SUNY/CUNY/EOC Student Verification of Enrollment (available at our website).*

☐ Assigned to, placed in, or self-placed in a college or other institution of higher education through certain employment and training programs, such as the SNAP Employment and Training (E&T), Workforce Innovation and Opportunity Act (WIOA) or a Department of Labor program.

- ▶ *Tell the SNAP office or provide proof of your participation in one of these programs.*

If a student meets ***any*** of the above exemptions, they are an "eligible student" based on SNAP's student eligibility criteria. Note that there are additional SNAP income and eligibility rules that all SNAP applicants, including students, must meet in order to receive a SNAP benefit each month.

Additionally, those considered "eligible students" are exempt from:

- SNAP E&T work requirements, and
- SNAP Able-Bodied Adults Without Dependents (ABAWD) Time Limit Rule

For more information and resources, visit our Students and SNAP webpage: HungerSolutionsNY.org/federal-nutrition-programs/snap/snap-eligibility-for-college-students/

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LDSS-5172 (Rev. 9/20)

New York State Office of Temporary and Disability Assistance
Supplemental Nutrition Assistance Program

SUNY/CUNY/EOC Student Verification of Enrollment

Student Name: _____ Date: _____

College/EOC Name: _____ Date of Birth: _____

TO BE COMPLETED BY COLLEGE OR EOC OFFICIAL:

1. Is the student named above enrolled at least half-time? ☐ Yes ☐ No
2. Student's Program of Study or Major: _____
3. Academic Semester or Date of Enrollment in Program of Study: _____ Year _____
4. Is the student enrolled in a program of study or major that, for SNAP purposes only, meets the definition of a Career and Technical Education program under the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (HEGIS codes 5000 through 5599)? ☐ Yes ☐ No
5. Is the student enrolled at an EOC in a program of Career and Technical Education, remedial courses, basic adult education, literacy, or English as a second language? ☐ Yes ☐ No

By signing below, I certify that all of the information provided above is true and accurate to the best of my professional knowledge.

_____ _____
Signature of College/EOC Official Date

_____ _____
Printed Name Title

_____
Phone Number

NON-CITIZEN ELIGIBILITY DESK AID

IMPORTANT! This desk aid does not include every form of acceptable documentation to support a non-citizen status that would be satisfactory for benefit eligibility. If an individual presents a document not listed below, follow your social services district policies/ procedures for further guidance.

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Lawful Permanent Resident (LPR) without 40 Qualifying Quarters	**K**	**I-551 Permanent Resident Card:** workers must check category code; [5] or Temporary **I-551** stamp in foreign passport or on **I-94 Arrival/Departure Record** [6]; or Immigrant visa with the notation "upon endorsement serves as temporary **I-551** permanent resident for one year;" or **I-797 Notice of Action** indicating approval of an I-485 Application to Register Permanent Residence or Adjust Status; or **I-327 Permit to Reenter the United States**; or **I-181 Memorandum of Creation of Record of Lawful Permanent Residence** with approval stamp; or Any other authoritative documentation from a federal immigration agency that identifies the non-citizen[7] as an LPR	DOS is the date status was obtained	Yes	Yes if: Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status; or Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status	Yes if: In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)]; or In a qualified status and under age 18; or After five years in U.S. in a qualified status; or Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date; or Have a U.S. military connection[8]; or Are admitted to the United States as an Amerasian immigrant; or Are certain American Indians born abroad[9]: or Are certain Hmong or Highland Laotian tribal members.[10]
LPR with 40 Qualifying Quarters	**S**	Same LPR documentation as above and Proof of 40 qualifying quarters[11] **Note:** No quarters earned after 12/31/96 may be counted in which a non-citizen has received a federal means-tested public benefit, including but not limited to FA, SSI and SNAP.	DOS is the date status was obtained	Yes	Yes if: Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status; or Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status	Yes
Applicant for Adjustment of Status to LPR	**W**	**I-797 Notice of Action** indicating the USCIS has received an application for adjustment of status; or Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application for adjustment of status submitted to the federal immigration agency; or Any other authoritative documentation from a federal immigration agency indicating an application to adjust status to LPR is pending	DOS is left blank	Yes	No	No

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Persons who have filed applications for adjustment of status to LPR under Section 245 of the INA that the USCIS has accepted as "properly filed"	**W**	**I-766 Employment Authorization Card** coded: C09 or C09P; or **I-94 Arrival/Departure Record or Foreign Passport** stamped/coded: "adjustment application", or "employment authorized during status adjustment applicant"	DOS is left blank	Yes	No	No
Persons on whose behalf an immediate relative petition has been approved (Non-citizens who are immediate relatives (spouse, father, mother, or unmarried child) of a U.S. citizen/LPR who has filed an I-130 Petition for Alien Relative on their behalf)	**W**	I-**797 Notice of Action** indicating an approved I-130 Petition for Alien Relative and a pending application for an I-551 LPR Card; or Any other authoritative documentation from a federal immigration agency indicating an immediate relative petition has been approved	DOS is left blank	Yes	No	No
• **Refugee** • **Iraqi or Afghan Special Immigrant Visa Holder (SIV) or SQ/SI Parolee** • **Afghan Humanitarian Parolee, please see GIS 23DC061 for further guidance on benefit eligibility** • **Amerasian Immigrant** • **Ukrainian Humanitarian Parolee, as defined in GIS 24DC072** *Also explore eligibility for Refugee Cash Assistance (RCA). See 22-ADM-07 and 25-INF-04 **Note:** Please contact OTDA for assistance if applicants/recipients present any information regarding the below categories: • **Conditional Entrant (A status granted to Refugees prior to 1980)** • **Certain Hmong or Highland Laotian**	**R**	**I-551 Permanent Resident Card, or I-94 Arrival/Departure Record or Passport** stamped/coded: AM1, AM2, AM3, AM6, AM7, AM8, AR1, AR6, R8-6, RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9, CQ1, CQ2, CQ3, SI-1, SI-2, SI-3, SI-6, SI-7, SI-8, SI-9, SQ1, SQ2, SQ3, SQ4, SQ5, SQ6, SQ7, SQ8, SQ9, SW1, SW2 or SW3; or Department of Homeland Security (DHS)/Customs and Border Protection (CBP) or DHS/United States Citizenship and Immigration Services (USCIS) Temporary **I-551** Alien Documentation Identification and Telecommunication (ADIT) stamp; or **I-766 Employment Authorization Card** coded: A3 or A03; or **I-765 Employment Authorization Document** receipt notice coded C11 or **I-766 Employment Authorization Card** coded C11 if individual is a national of, or last habitually resided in, Ukraine and entered the U.S. within the timeframes noted in GIS 24DC072; or **I-94 Arrival/Departure Record or Passport** stamped/coded: "admitted under Section 207 or 203(a)(7) (as in effect prior to 4/1/80) of the Immigration and Nationality Act (INA)," or "Refugee," or Iraq or Afghanistan national stamped: "admitted under Section 101(a)(27) of the INA;" or "SQ/SI parole," or evacuees from Afghanistan with one of the following stamps: "Humanitarian Parole per INA Section 212(d)(5)(A)," or DHS/CBP stamp noting Operation Allies Refuge or "OAR," or DHS/CBP admission stamp noting Operation Allies Welcome or "OAW," or DHS/CBP admission stamp noting "DT;" or parolees who are nationals of or last habitually resided in Ukraine and who entered the U.S. within the timeframes noted in GIS 24DC072 with one of the following stamps: "Humanitarian Parole per INA Section 212(d)(5)", or "8 U.S.C. 1182(d)(5)," or DHS/CBP admission stamp noting "DT", or "Uniting for Ukraine", or "U4U", or "Ukrainian Humanitarian Parolee", or "UHP", or any other notation of parole under INA 212(d)(5); or **I-94 Arrival/Departure Record** with a separate, printed page on CBP letterhead, and the following notation, signed and dated by a USCIS officer: Special Immigrant Status (SQ/SI) Parolee; Section 602(B)(1) AAPA/Section 1059(a) NDAA 2006; Date: ____ USCIS Officer: ____ or **I-797 Notice of Action** indicating approval of an I-730 "Refugee;" or **I-571 Refugee Travel Document**	DOS is the date the non-citizen entered the U.S. DOS for Ukrainian Humanitarian Parolees: see GIS 24DC072	Yes	Yes	Yes, if status has been adjusted to LPR. Not subject to the five-year waiting period. Note: SIVs are LPRs and are not subject to the five-year waiting period.

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Citizens of the Freely Associated States who lawfully reside in the U.S. in accordance with the Compacts of Free Association (COFA) between the Government of the U.S. and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau	**R**	**I-766 Employment Authorization Card** coded: A08; or **I-94 Arrival/Departure Record or Foreign Passport** stamped/coded: "CFA/MIS" or "CFA/RMI" (Compact of Free Association/Republic of Marshall Islands), or "CFA/PAL" (Compact of Free Association/Palau), or "CFA/FSM" (Compact of Free Association/Federated States of Micronesia), with admission period of "D/S" (Duration of Status) or **I-797 Notice of Action** indicating approval of Form I-765 with a category code of A08	DOS is the date the non-citizen entered the U.S.	Yes	Yes	Yes
Asylum Granted *Also explore eligibility for RCA. See 22-ADM-07 and 25-INF-04.	**A**	**I-551 Permanent Resident Card** coded: AS1, AS2, AS3, AS6, AS7, or AS8; or **I-766 Employment Authorization Card** coded: A5 or A05; or **I-94 Arrival/Departure Record** stamped: "Granted asylum under Section 208 of the INA;" or **I-797 Notice of Action** indicating approval of an I-730 "Asylee;" or Grant letter from the USCIS Asylum Office or order of an immigration judge granting asylum	DOS is the date status was obtained	Yes	Yes	Yes, if status has been adjusted to LPR. Not subject to the five-year waiting period.
Asylum Applicant with Employment Authorization	**O**	**I-766 Employment Authorization Card** coded: C8 or C08; or **I-797 Notice of Action** indicating I-589 application for Asylum received or pending by USCIS, and that the non-citizen is authorized to work in the U.S.; or Any other authoritative documentation from a federal immigration agency indicating an asylum application is pending and that the non-citizen is authorized to work in the U.S. **Note:** Cuban or Haitian nationals who have an application for asylum pending with the USCIS and are not subject to a final, non-appealable, and legally enforceable removal order have Cuban-Haitian Entrant status for benefit eligibility purposes. See Cuban/Haitian Entrant section on page 7.	DOS is left blank	Yes	No	No
Asylum Applicant without Employment Authorization	**W**	**I-797 Notice of Action** indicating I-589 application for Asylum received or pending by USCIS; or Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application or request submitted to the federal immigration agency; or Any other authoritative documentation from a federal immigration agency indicating an asylum application is pending **Note:** Cuban or Haitian nationals who have an application for asylum pending with the USCIS and are not subject to a final, non-appealable, and legally enforceable removal order have Cuban-Haitian Entrant status for benefit eligibility purposes. See Cuban/Haitian Entrant section on page 7.	DOS is left blank	Yes	No	No

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Qualified Battered Non-Citizen[12] **A U.S. citizen's or LPR's battered spouse, or child, or parent or child of such battered person, who:** **Obtains "Notice of Prima Facie" Case from the USCIS under the Violence Against Women Act (VAWA);** **or** **Has an I-360 self-petition under VAWA that is approved;** **or** **Has a pending I-360 self-petition and is determined to be a credible victim of domestic violence by the district's Domestic Violence Liaison (DVL);** **or** **Is determined to be a credible victim of domestic violence by the district's DVL with a pending or approved I-130 petition;** **or** **Has an application for VAWA cancellation of removal or suspension of deportation that has been granted or is pending and the immigration court finds that the applicant has a prima facie case for this relief**	**B**	**I-551 Permanent Resident Card** coded: B11, B12, B16, B17, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29, B31, B32, B33, B36, B37, B38, BX1, BX2, BX3, BX6, BX7, BX8, IB1, IB2, IB3, IB6, IB7, IB8 or Z14; or **I-766 Employment Authorization Card** coded: A09, A15 or C31; or **I-94 Arrival/Departure Record** coded: K3, K4, V1, V2 or CR -1-7 and a pending or approved I-130; or **I-797 Notice of Action** indicating prima facie eligibility of an I-360 self-petition under Section 204(a)(1)(A)(iii) or (iv), or Section 204(a)(1)(B)(ii) or (iii) of the INA; or **I-797 Notice of Action** indicating approval or pending I-360 self-petition under Section 204(a)(1)(A)(ii) or (iii) or (iv), or Section 204(a)(1)(B)(ii) or (iii) of the INA; or **I-797 Notice of Action** indicating approval or pending I-130 visa petition under Section 204(a)(1)(A)(i) of the INA (spouse or child of a U.S. citizen), or Section 204(a)(1)(B)(i) (spouse or child of a lawful permanent resident); or Any other document from the USCIS indicating the non-citizen has a K or V visa and a pending or approved I-130; or Order from the Executive Office of Immigration Review (EOIR) under Section 240A(b)(2) of the INA or if the application is pending documentation that the court finds that the applicant has a prima facie case for this relief	DOS is the date status was obtained[13]	Yes	Yes if: Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status; or Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status	Yes, if status has been adjusted to LPR, and one of the following conditions is met: Have 40 Qualifying Quarters of work; or In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)]; or In a qualified status and under age 18; or After five years in U.S. in a qualified status; or Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date; or Have a U.S. military connection; or Are admitted to the United States as an Amerasian immigrant; or Are certain American Indians born abroad: or Are certain Hmong or Highland Laotian tribal members.

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Victim of Human Trafficking *Also explore eligibility for RCA. See 22-ADM-07 and 25-INF-04.	**D**	**I-551 Permanent Resident Card** coded: ST0, ST6, ST7, ST8 or ST9; or **I-766 Employment Authorization Card** coded: A16 or C25; or Certification Letter (for individuals age 18 and over) or Eligibility Letter (for individuals under age 18) from the Administration for Children and Families (ACF), Office on Trafficking in Persons (OTIP), or the Office of Refugee Resettlement (ORR); Must call 1-866-401-5510 for verification; or **I-94 Arrival/Departure Record** coded: T1 stating admission under Section 212(d)(5) of the INA if status granted for at least one year and the Certification Letter or Eligibility Letter noted above; Must call 1-866-401-5510 for verification; or **I-94 Arrival/Departure Record** coded: T2, T3, T4, T5 or T6 stating admission under Section 212(d)(5) of the INA if status granted for at least one year; or **I-797 Notice of Action** indicating USCIS has received or approved of an I-914 or I-914A and the Certification Letter or Eligibility Letter noted above; Must call 1-866-401-5510 for verification; or **I-797 Notice of Action** indicating approval of an I-914 or I-914A coded: T2, T3, T4, T5 or T6 **Note:** Only trafficking victims receive a Certification or Eligibility Letter. Trafficking victims presenting a Certification or Eligibility Letter are not subject to the five-year waiting period for benefits. If a trafficking victim presents any of the documentation above without a Certification or Eligibility Letter and cannot provide one, please contact OTDA for assistance. **Note:** OTDA issues a "New York State Notice of Confirmation of Human Trafficking" letter. This is a different document than the Federal Certification or Eligibility Letters and on its own is **not** sufficient to establish PA or SNAP eligibility. For questions on NYS Confirmation letters, please contact your district's Human Trafficking Liaison or trafficking.contact@otda.ny.gov.	DOS is the date of certification or eligibility by OTIP or ORR For Derivative T-Visa Holders, the DOS is the notice date or the valid from date on the I-797 approval of T status or the date of admission stamped/coded on that individual's passport or I-94	Yes	Yes	Yes, if status has been adjusted to LPR. Not subject to the five-year waiting period.
Deportation or Removal Withheld	**J**	**I-766 Employment Authorization Card** coded: A10; or Order from an Immigration Judge showing the date deportation was withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of the INA	DOS is the date status was obtained	Yes	Yes	Yes, if status has been adjusted to LPR. Not subject to the five-year waiting period.

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Parolee (for at least one year) (A parolee is a non-citizen who has been allowed to enter the U.S. for humanitarian or public interest reasons)	**G**	**I-766 Employment Authorization Card** coded: A04 or C11 and **I-94 Arrival/Departure Record** indicating paroled for at least one year; or **I-94 Arrival/Departure Record** stamped: "Paroled pursuant to Section 212(d)(5)," or "parole," or "PIP" (Parole in Place), or "MIL" (Military Parole in Place), or "DT" with date of entry and date of expiration indicating one year **Note:** See Cuban/Haitian Entrant section on page 7 if non-citizen is a Cuban or Haitian national.	DOS is the date status was obtained	Yes	Yes if: Entered the U.S. on or after 8/22/96, and after five years in U.S. in a qualified status; or Entered the U.S. before 8/22/96, have continuously resided in the U.S., and are in a qualified status	Yes, if status has been adjusted to LPR, and one of the following conditions is met: Have 40 Qualifying Quarters of work; or In a qualified status and in receipt of certain disability benefits [7 USC 2012(j)(2)-(7)]; or In a qualified status and under age 18; or After five years in U.S. in a qualified status; or Currently in a qualified status and was age 65 or older on 8/22/96 and was lawfully residing in the U.S. on that date; or Have a U.S. military connection; or Are admitted to the United States as an Amerasian immigrant; or Are certain American Indians born abroad: or Are certain Hmong or Highland Laotian tribal members.
Parolee (for less than one year)	**T**	**I-766 Employment Authorization Card** coded: A04 or C11; or **I-94 Arrival/Departure Record** stamped: "Paroled pursuant to section 212(d)(5)," or "parole," or "PIP", or "DT" **Note:** See Cuban/Haitian Entrant section on page 7 if non-citizen is a Cuban or Haitian national.	DOS is left blank	Yes	No	No

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Cuban/Haitian Entrant *Also explore eligibility for RCA. See 22-ADM-07 and 25-INF-04.	**H**	**I-551 Permanent Resident Card or Temporary I-551 stamp in foreign passport** coded: CU6, CU7, CH6, HA6 or HB6; or **I-94 Arrival/Departure Record** stamped: "Cuban/Haitian Entrant (status pending)", or coded CU6, CU7, HF, HP0, HP1, HPD, RCU, or RHT; or Reasonable evidence of being a Cuban or Haitian national (citizen) **and one of the following:** **I-766 Employment Authorization Card** coded: C8, C08, or C11; or **I-766 Employment Authorization Card** coded: C18 (Order of Supervision) with additional documentation to support previous or current parole status into the U.S.; or **I-94 Arrival/Departure Record** stamped: "Form I-589 filed;" or **I-94 Arrival/Departure Record** stamped: "paroled under Section 212(d)(5) of the INA," or "Section 212(d)(5) of the INA," or stamp showing parole in U.S. on or after 10/10/80;[14] or **I-797C Notice of Action** confirming USCIS's receipt of the non-citizen's Form I-589 (Application for Asylum and Withholding of Removal); or Documentation issued by the DHS or the Department of Justice's EOIR showing that the non-citizen is in removal proceedings (this includes Notice to Appear (DHS Form I-862), or Order of Supervision (DHS I-220B) if there is also evidence of parole into the U.S.)	DOS is the date status was obtained	Yes	Yes	Yes
Active Military: a qualified non-citizen who is on active duty, other than active duty for training, in the United States Armed Forces, or their spouse, un-remarried surviving spouse, or unmarried dependent child if such spouse or dependent child is also a qualified non-citizen	**M**	Proof of qualified non-citizen status **and** **Military Identification Card** (Active) that lists an expiration date of more than one year from the date of determination. If ID card is due to expire within one year from the date of determination, use a copy of current military orders.	DOS is the date status was obtained	Yes	Yes	Yes, if status has been adjusted to LPR. Not subject to the five-year waiting period.
Veteran: a veteran who is a qualified non-citizen and who has received a discharge from the United States Armed Forces characterized as honorable and not on account of alienage and who fulfills the minimum active duty service requirements of 38 U.S.C. 5303A(d), or their spouse, un-remarried surviving spouse, or unmarried dependent child if such spouse or dependent child is also a qualified non-citizen	**V**	Proof of qualified non-citizen status **and** **DD Form 214 Discharge Certificate** that states "Honorable." A character of discharge "Under Honorable Conditions" is not an "Honorable Discharge" for these purposes. Narrative Reason for Separation block must not state that discharge was for reason of "alienage" or lack of U.S. citizenship.	DOS is the date the status was obtained	Yes	Yes	Yes if status has been adjusted to LPR. Not subject to the five year waiting period.

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
North American Indian born in Canada	**Depends on underlying status**	**I-551 Permanent Resident Card** coded: S13 or temporary **I-551** stamp in a Canadian passport; or **I-94 Arrival/Departure Record** stamped: S13; or **Tribal document** certifying at least 50% American Indian blood, as required by Section 289 of the INA and School records, or, a birth or baptismal certificate issued on a reservation, or other satisfactory evidence of birth in Canada	DOS is the date the person establishes residence in the U.S.	Yes	Depends on underlying status	Yes, if status has been adjusted to LPR. Not subject to the five-year waiting period.
Member of federally recognized tribe born outside U.S.	**Depends on underlying status**	Membership card or other tribal document demonstrating membership in a federally recognized Indian tribe under Section 4(e) of the Indian Self-Determination and Education Assistance Act	Depends on underlying status	Yes	Depends on underlying status	Yes, if status has been adjusted to LPR. Not subject to the five-year waiting period.
Continuous entry and residence in the U.S. prior to January 1, 1972	**O**	**I-766 Employment Authorization Card** coded: C16; or Any other document from the EOIR or USCIS indicating Registry Application is pending; or Any documentary proof establishing entry and continuous residence	DOS is left blank	Yes	No	No
Subject to an Order of Supervision	**O**	**I-766 Employment Authorization Card** coded: C18; or **I-220B Order of Supervision**; or Any other authoritative document indicating an Order of Supervision **Note:** Cuban or Haitian nationals under an Order of Supervision are deemed to retain their Cuban-Haitian Entrant status for benefit eligibility purposes if they can document they are a national of Cuba or Haiti with a previous or current parole status into the U.S.[15]	DOS is left blank	Yes	No	No
Cancellation of Removal	**O**	Order from the EOIR granting cancellation of removal; or Any other document from the EOIR indicating cancellation of removal granted	DOS is left blank	Yes	No	No
Applicant for Cancellation of Removal	**W**	**I-766 Employment Authorization Card** coded: C10; or Filed copy of EOIR Form 42A or 42B; or Any other authoritative documentation from a federal immigration agency indicating a pending application for cancellation of removal	DOS is left blank	Yes	No	No
Deferred Action Status	**O**	**I-766 Employment Authorization Card** coded: C14 or C33; or **I-797 Notice of Action** indicating approved “Deferred Action for Childhood Arrivals” (DACA) application; or Any document from the USCIS granting deferred action to a “U” visa applicant; or Any other document from the EOIR or USCIS indicating deferred action including any documentation that a DACA application has been approved	DOS is left blank	Yes	No	No

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Applicants Requesting Deferred Action	**W**	**I-797 Notice of Action** indicating the USCIS has received an application or other request for deferred action; or Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application or request submitted to the federal immigration agency; or Any other authoritative documentation from a federal immigration agency indicating a request for deferred action is pending	DOS is left blank	Yes	No	No
Applicants for Deferred Action for Childhood Arrivals (DACA)	**W**	**I-797 Notice of Action** indicating USCIS has received an application/request for DACA; or Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check to the federal immigration agency, and the copy of the application or request submitted to the federal immigration agency; or Any other authoritative documentation from a federal immigration agency indicating a pending DACA application/request	DOS is left blank	Yes	No	No
"U" Visa	**O**	**I-766 Employment Authorization Card** coded: A19 or A20; or **I-94 Arrival/Departure Record** stamped: U1, U2, U3, U4, or U5; or **I-797 Notice of Action** indicating that a petition for "U" nonimmigrant status was approved; or Any other document from the USCIS indicating "U" nonimmigrant status	DOS is left blank	Yes	No	No
"S" Visa	**O**	**I-766 Employment Authorization Card** coded: C21; or **I-94 Arrival/Departure Record** stamped: S5, S6, or S7; or Any other document from the USCIS indicating "S" visa status	DOS is left blank	Yes	No	No
"K3" or "K4" or "V" Visa Granted Under the Legal Immigration Family Equity Act (LIFE Act)	**O**	**I-766 Employment Authorization Card** coded: A9, A09, A14, or A15; or **I-94 Arrival/Departure Record** stamped: K3, K4, V1, V2, or V3; or Unexpired "K3," "K4," or "V" visa in passport **Note:** If an expired "K" or "V" visa is submitted, then proof that an I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS, and, proof that a Form I-130, I-485, or an immigrant visa application is still pending, must also be submitted.	DOS is left blank	Yes	No	No

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Applicant for a Special Non-Immigrant Visa (K, S, T, U, V): - K Visa for a spouse or fiancé of a U.S. citizen; - S Visa for certain non-citizens supplying critical information related to terrorism or organized crime; - T Visa for trafficking victims and their family members; - U Visa for victims of criminal activity and their spouse/children; - V Visa for a spouse or child of a LPR who is in the process of immigrating to the U.S.	**W**	**I-766 Employment Authorization Card** coded: C40; or **I-797 Notice of Action** indicating the USCIS has received, acted on, or approved an application or petition; or Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check addressed to the federal immigration agency, and a copy of the application or petition documents submitted to the federal immigration agency; or Any other authoritative documentation from a federal immigration agency indicating a pending application or petition. **Note:** If a non-citizen has applied for a T Visa and also has a Certification Document (for adults) or Eligibility Letter (for children) from ACF OTIP, they are a victim of human trafficking and are specially qualified non-citizens for benefit eligibility purposes. See Victim of Human Trafficking section on page 5.	DOS is left blank	Yes	No	No
Temporary Protected Status (TPS)	**O**	**I-766 Employment Authorization Card** coded: A12; or **I-797 Notice of Action** indicating TPS granted	DOS is left blank	Yes	No	No
Applicant for TPS	**W**	**I-766 Employment Authorization Card** coded: C19; or **I-797 Notice of Action** indicating USCIS has received an application for TPS; or Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check addressed to the federal immigration agency, and the copy of the application or request submitted to the federal immigration agency; or Any other authoritative documentation from a federal immigration agency indicating a pending TPS application	DOS is left blank	Yes	No	No
Deferred Enforced Departure	**O**	**I-766 Employment Authorization Card** coded: A11	DOS is left blank	Yes	No	No
Special Immigrant Juvenile (SIJ)	**O**	**I-797 Notice of Action** indicating approval of an I-360 petition for SIJ; or Any other USCIS or government document indicating that the non-citizen is an SIJ.	DOS is left blank	Yes	No	No

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Applicant for SIJ Classification	**W**	**I-797 Notice of Action** indicating USCIS has received a petition; or Postal Return Receipt addressed to the federal immigration agency or a copy of a cancelled check addressed to the federal immigration agency, and the copy of the petition submitted to the federal immigration agency; or Any other authoritative document from a federal immigration agency indicating a pending petition for SIJ classification	DOS is left blank	Yes	No	No
Person Granted Suspension of Deportation Under Former Section 244 of the INA (Non-citizens who have been found deportable, have met a period of continuous residence and have filed an application for the EOIR to suspend deportation, which has been granted)	**W**	Letter or order from an immigration judge or court.	DOS is left blank	Yes	No	No
Applicant for Suspension of Deportation Under Former Section 244 of the INA	**W**	Filed copy of EOIR Form 40; or Any other authoritative documentation from a federal immigration agency indicating a pending application for suspension of deportation	DOS is left blank	Yes	No	No
Person Granted Stay of Deportation (Non-citizens who have been found deportable, but deportation is deferred for a specified period of time)	**W**	**I-94 Arrival/Departure Record** indicating a stay of deportation; or Letter/order from a federal immigration agency, immigration judge or court granting stay of deportation; or Order of Supervision	DOS is left blank	Yes	No	No
Person Granted Indefinite Stay of Deportation (Non-citizens who have been found deportable, but deportation is deferred indefinitely)	**W**	**I-94 Arrival/Departure Record** coded 106 “granted Indefinite Stay of Deportation”; or Letter or order from a federal immigration agency, immigration judge or a federal court granting indefinite stay of deportation	DOS is left blank	Yes	No	No

Category or Status	WMS[1] Citizenship Code	Common Documentation	WMS DOS[2] and DEC[3] Codes[4]	Safety Net Assistance (SNA)	Family Assistance (FA)	Supplemental Nutrition Assistance Program (SNAP)
Person Granted Indefinite Voluntary Departure (Relief that was granted before April 1997 to non-citizens who have been found deportable, but deportation is deferred indefinitely)	**W**	**I-94 Arrival/Departure Record** indicating that a voluntary departure has been granted for an indefinite time period; or Letter or order from a federal immigration agency or immigration judge granting voluntary departure for an indefinite time	DOS is left blank	Yes	No	No
Non-citizen, not otherwise included on this desk aid, who the USCIS has officially determined is legitimately present in the U.S. and who the USCIS is allowing to reside in the country for an indefinite period of time	**O**	Districts must contact the Office of Temporary and Disability Assistance (OTDA) Public Assistance (PA) Bureau for additional guidance if the district believes they have a non-citizen that fits this description.	DOS is left blank	Yes	No	No
Other status not eligible for PA and/or SNAP	**E**	Non-citizen that is unable to provide sufficient documentation to support their inclusion in any of the above statuses.	N/A	No[16]		

For any questions related to PA benefit eligibility for non-citizens, please contact the OTDA PA Bureau at: tabureau@otda.ny.gov **or: 518-474-9344.**

For any questions related to SNAP benefit eligibility for non-citizens, please contact the OTDA SNAP Bureau at: SNAPBureau@otda.ny.gov **or: 518-473-1469.**

Endnotes:

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[1] Welfare Management System

[2] Date of Status

[3] Date Entered Country

[4] The Date of Status (DOS) field in the Welfare Management System (WMS) identifies the date a non-citizen obtained qualified status, which is indicated by the appropriate Citizenship code, and is used to calculate when a qualified non-citizen reaches five years in a qualified status and then becomes eligible for federally funded assistance, if otherwise eligible. Non-citizens that are considered Permanently Residing Under Color of Law (PRUCOL) are not qualified non-citizens, therefore, their time in a status that is considered PRUCOL does not count towards the five years. For non-citizens that are PRUCOL, the DOS field is left blank. If a non-citizen who is PRUCOL later adjusts to a qualified status, the date that the qualified status is obtained is the date that is entered in the DOS field.

The Date Entered Country (DEC) field in WMS indicates when the non-citizen physically entered the United States (U.S.). This is necessary so as not to deny federal benefits to certain qualified non-citizens who entered the U.S. prior to August 22, 1996 but have been in a qualified status for less than five years.

[5] Workers must check the "Category" code on the documentation provided to make the correct eligibility determination for federal benefits (FA, SNAP). This code is used to describe the category that was used to admit a non-citizen to the U.S. as a permanent resident. It is located on the front side of the I-551 Permanent Resident Card next to the cardholder's A-number. This field is also known as a class of admission (COA), as seen on the Systematic Alien Verification for Entitlements (SAVE) system report. As illustrated on this desk aid, certain non-citizens who have an I-551 Permanent Resident Card, often referred to as a "green card," may not be subject to the "five-year bar" on federal benefits depending on the category code on the I-551.

Additionally, it is essential that the category codes included in the qualified battered non-citizen section on page 4 of the desk aid are identified. This is because, for qualified battered non-citizens, the DOS is often prior to the "Resident Since" date on the I-551 Permanent Resident Card.

[6] The Form I-94 Arrival/Departure Record is typically electronically generated and may be presented as a printout. In these instances, the document will not have a stamp. For further information on the Form I-94 Arrival/Departure Record, please see GIS 15 TA/DC046.

[7] As used in this desk aid, the term "non-citizen" means a person who is not a citizen or national of the U.S. The term "qualified non-citizen" means a person who is a "qualified alien" as that term is defined in 8 U.S.C. §1641.

[8] For purposes of this document "U.S. Military Connection" means: (i) a veteran (as defined in section 101, 1101, or 1301, or as described in section 107 of title 38) with a discharge characterized as an honorable discharge and not on account of immigration status and who fulfills the minimum active-duty service requirements of section 5303A(d) of title 38, (ii) on active duty (other than active duty for training) in the Armed Forces of the United States, or (iii) the spouse or unmarried dependent child of an individual described in clause (i) or (ii) or the unremarried surviving spouse of an individual described in clause (i) or (ii) who is deceased if the marriage fulfills the requirements of section 1304 of title 38.

[9] The term "certain American Indians Born Abroad" means: an American Indian born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act (8 U.S.C. 1359) apply; or an individual born outside the U.S. who is a member of a federally recognized Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

[10] The term "certain Hmong or Highland Laotian tribal members" means: an individual lawfully residing in the U.S. who was a member of a Hmong or Highland Laotian tribe that rendered assistance to U.S. personnel by taking part in a military or rescue operation during the Vietnam era (Aug. 5, 1964-May 7, 1975). This category includes the spouse (or un-remarried surviving spouse) or unmarried dependent children of these individuals.

[11] 40 qualifying quarters as defined under Title II of the Social Security Act, or can be credited with such qualifying quarters. An LPR may earn qualifying quarters by working, or may be credited with qualifying quarters from a parent, stepparent, or adoptive parent for any quarter earned prior to the LPR turning 18 years old. An LPR may also be credited with quarters earned by a spouse during their marriage. A widow or widower retains credit for all qualifying quarters earned by a deceased spouse during the marriage. When a marriage ends in divorce, however, any quarters earned by the spouse during the marriage are forfeited.

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[12] For non-citizens to be treated as qualified battered non-citizens, they must meet four requirements:

1. Be a credible victim of battery or extreme cruelty; and
2. Have appropriate immigration documentation; and
3. Be able to show a substantial connection between the need for benefits and the battery or extreme cruelty; and
4. No longer reside in the same household as the abuser.

Districts should refer to 06-INF-14 for additional information about qualified battered non-citizens and eligibility.

[13] In general, the DOS for PA and SNAP is when all four of the criteria in endnote 12 are met. **Exception for SNAP:** Per current United States Department of Agriculture (USDA) guidance, for non-citizens with an approved I-360; or a prima facie determination on a pending I-360; the DOS for SNAP is the date the I-360 petition was approved, or the date the prima facie determination was made by USCIS, whichever is earlier.

WMS only records one DOS. If the DOS for PA and SNAP are different, enter the earlier of the two dates in WMS so that the non-citizen can receive the federal benefits they are eligible for; the later date must be noted, and tracked manually in the case record so that the federal benefits for that benefit program are also issued appropriately. See GIS 19 TA/DC038 "SNAP and TA Date of Status (DOS) Determination for Qualified Battered Non-Citizens," for further information.

Note: Non-citizens who file for VAWA related immigration relief often later adjust their immigration status to become LPRs. The "residence since" date on the I-551 Permanent Resident Card indicates the date LPR status was obtained, not the date the non-citizen was determined to be a qualified battered non-citizen. For both PA and SNAP, use the earliest appropriate date as the DOS for benefit eligibility. If a non-citizen presents an I-551 with one of the codes noted above, review the case record, and/or ask the non-citizen if they have additional documentation, to determine if an earlier DOS would be appropriate.

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[14] **Exception**: This guideline does not apply when the non-citizen was paroled solely to testify as a witness in a judicial, administrative or legislative proceeding, or when the parolee is in legal custody pending criminal prosecution.

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[15] Refer to GIS 16 TA/DC048 "Eligibility to Participate in SNAP by Certain Cuban Nationals Under an Order of Supervision," for additional information regarding SNAP eligibility for these non-citizens.

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[16] If it is determined that a non-citizen is ineligible for PA and/or SNAP because of their non-citizen status, the non-citizen must be denied or discontinued using the appropriate individual reason code (F92 - Failure to Provide Proof of Citizenship or Non-Citizen Status (PA and/or SNAP)) and the appropriate Citizenship code. Use of the appropriate individual reason and citizenship codes is necessary so that a Medicaid Separate Determination (MSD) is conducted.