

February 21, 2025

GENERAL LETTER NO. 7-I-51

ISSUED BY: Bureau of Financial, Food, and Work Supports
Division of Community Access and Eligibility

SUBJECT: Employees' Manual, Title 7, Chapter I, **SNAP Specific Households and Participants**, 25-27, 46 and 47, revised.

Summary

This chapter is revised to require income maintenance workers contact SPIRS Helpdesk prior to taking action to cancel a person who appears to meet the criteria to be considered a fleeing felon

Effective Date

Upon receipt.

Material Superseded

Remove the following pages from Employees' Manual, Title 7, Chapter I, and destroy them:

<u>Page</u>	<u>Date</u>
25-27, 46 and 47	September 27, 2024

Additional Information

Refer questions about this general letter to your eligibility determinations manager..

If you do not receive the needed information on a timely basis, the sponsored alien is ineligible until all necessary facts are obtained. Determine the eligibility of any remaining household members.

Treat the income and resources of the ineligible alien (excluding the deemed income and resources of the alien's sponsor) in the same way as those of a disqualified member. They are considered available to determine both the eligibility and benefit level of the remaining household members.

If you receive the verification after determining the eligibility of the rest of the household, act on the information as a reported change in household membership according to the timeliness standards in [7-G](#).

Aliens Sponsored Under Affidavit I-864

Legal reference: 7 CFR 273.4(c)

In order to get SNAP benefits, aliens who have a sponsor must also be eligible aliens as defined in [Who Is an Eligible Alien](#).

The only qualified aliens with legally enforceable affidavits are family-sponsored LPRs, including immediate relatives, and a few employment-based LPRs who came to the United States to work for relatives AND who have filed for a visa application or applied for an adjustment to LPR status on or after December 19, 1997.

More than one person may sign an *Affidavit of Support*, form I-864. If an alien has more than one sponsor, count the deemed income and resources of all sponsors towards the sponsored alien. For the purposes of deeming a sponsor's income and resources, count the income and resources of the sponsor's spouse only if the spouse has also executed *Affidavit of Support*, form I-864.

Determine the amount of sponsor's income to be deemed as follows:

- Step 1: Add the earned income of the sponsors.
- Step 2: Subtract 20% of the earned income.
- Step 3: Add the unearned income of the sponsors.
- Step 4: Subtract the gross monthly income limit for the household size of the sponsor, the sponsor's spouse, and any other person who is claimed or could be claimed by the sponsor or the sponsor's spouse as a dependent for federal income tax purposes.
- Step 5: Divide by the number of aliens sponsored by this sponsor, if known. If not known, the entire amount counts.

Step 6: The result is the amount of income deemed per sponsored member (entered as unearned income on BCW2).

Money actually paid to the alien by a sponsor is not considered income to the alien, unless the amount paid exceeds the amount deemed, as determined above. Consider the excess as unearned income to the sponsored alien in addition to the amount deemed.

Determine the amount of sponsor's resources to be deemed as follows:

Step 1: Add allowable resources.

Step 2: Subtract \$1,500.

Step 3: Divide by the number of aliens sponsored by this sponsor, if known. If not known, the entire amount counts.

Step 4: The result is the amount of resources deemed per sponsored member.

Do not deem any income or resources to an eligible child who is under 18 years of age. This is true for both eligible alien and citizen children.

Since children are not subject to deeming, only a portion of a sponsor's income is counted for any adult household members subject to sponsor deeming.

The household consists of a sponsored mom and dad and two eligible children under age 18. It does not matter if the children are citizens or non-citizens. The total countable income deemed to the household from the sponsor is \$1,000. Since sponsor income cannot be deemed to the children, half (\$500) of the income is counted as deemed income to this household ($\$1,000 / 4 \times 2$ sponsored adults).

Deeming of income and resources ends when

- The alien meets the requirement for 40 quarters of work,
- The alien gains U.S. citizenship, or
- The sponsor dies.

The following sections explain exceptions to these policies for:

- [Battered aliens](#)
- [Indigent aliens](#)

Battered Aliens

A "battered alien" is an alien who:

- Is a battered spouse, battered child, or parent or child of a battered person, and

- Has a petition for residency pending under section 204(a)(a)(A) or (B) or section 244(a)(3) of the INA.

Battered aliens are not automatically eligible for SNAP. A battered alien must meet one of the criteria listed under [Eligible Aliens](#).

A battered alien whose sponsor signed an *Affidavit of Support*, form I-864 may be eligible for SNAP benefits. Do not deem a sponsor's income and resources to a sponsored alien or the alien's children if either the alien or the children have been battered by a family member who was living in the same house as the battered person.

To be eligible for SNAP benefits, the battered person must no longer be living with the batterer. Eligibility is limited to a 12-month period from the date it is determined that alien or the alien's children have been battered or subjected to extreme cruelty.

You may accept the word of the sponsored alien or ask for proof that the battering has taken place.

Following the end of the 12-month period, the exemption from deeming can continue only if the battering or cruelty is substantiated by a court, an administrative law judge or by USCIS.

Indigent Aliens

Legal reference: 7 CFR 273.4

An indigent alien whose sponsor signed an *Affidavit of Support*, form I-864, may be eligible for SNAP benefits.

To determine if the alien is indigent, count the alien's income plus any cash from the sponsor and money paid for food, housing, and shelter by the sponsor or any other person. Count only the actual amount of income and resources that the sponsor and others make available to the alien.

If after considering these things, the alien is unable to obtain food and shelter, the person is considered indigent. The period of eligibility for indigent aliens is 12 months from the date it is determined that the alien is indigent and may be renewed for additional 12-month periods. Notify the USCIS of the alien's situation and provide the USCIS with the names of the alien and the sponsor.

Fleeing Felons and Parole and Probation Violators

Legal reference: 7 CFR 273.1, and 273.11

A person who is fleeing to avoid prosecution, custody, or confinement for a felony or who is in violation of a condition of probation or parole is ineligible to participate in the SNAP program. There are specific requirements that must be met before a person can be considered a fleeing felon.

It's rare for someone to meet all the criteria to be canceled. Workers must contact SPIRS Helpdesk to ensure all requirements have been met before taking action to cancel someone who appears to meet fleeing felon criteria.

To establish that an individual is a fleeing felon, **all** following four requirements must be true:

1. There is an outstanding felony warrant for the individual by a federal, state, or local law enforcement agency, and the underlying cause for the warrant is for committing or attempting to commit a crime that is a felony under the law of the place from which the individual is fleeing or a high misdemeanor under the law of New Jersey;
2. The individual is aware of, or should reasonably have been able to expect that, the felony warrant has already or would have been issued;
3. The individual has taken some action to avoid being arrested or jailed; and
4. The federal, state, or law enforcement agency is **actively seeking** the individual.

Actively seeking means a federal, state, or local law enforcement agency:

- Informs the Department that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to the Department;
- Presents a felony arrest warrant; or
- States that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from the Department about a specific outstanding felony warrant or probation or parole violation.

Refer to [7-A, Confidentiality](#) for policies on sharing certain information with law enforcement officers who are investigating or pursuing a person who is fleeing custody for a felony crime or a parole or probation violation.

In conjunction with requesting information, the law enforcement officer may provide warrant for the person's arrest. When the Department has proof that a warrant for arrest has been issued for a SNAP recipient, the Department **must** contact the person to verify that the person has knowledge of the warrant.

Homeless Households

Legal reference: 7 CFR 271.2; 273.2(l)(1); 273.3; 273.1(e)

A “homeless person” means a person who does not have a fixed and regular nighttime residence or a person whose primary nighttime residence is one of the following:

- A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter).
- A halfway house or similar institution that provides temporary residence for people intended to be institutionalized.
- A temporary accommodation of not more than 90 days in the residence of another person, starting with the day the homeless person moved in with that person.
- A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby, or similar places).

For homeless households, you can waive the requirement that a household must prove that it lives in Iowa if proof cannot reasonably be obtained. Document in the case file any efforts to verify residency.

Homeless households living in public or private nonprofit shelters for the homeless can get SNAP if they meet all other eligibility criteria. This is an exception to the policy that residents of institutions are not eligible for SNAP.

Ineligible Household Members

Legal reference: 7 CFR 273.1(b)(7)

“Ineligible members” are people who would normally get SNAP with other members of the household but are not included because they are ineligible to participate for some reason. The following are ineligible household members:

- Ineligible students. See [Students](#).
- Ineligible aliens. See [Households with Alien Members](#).
- Ineligible adults who are not disabled and have no dependents. See [Able-Bodied Adults Without Dependents \(ABAWDs\)](#).
- People disqualified for intentional program violation. See [7-J, Intentional Program Violation](#).
- People disqualified for failure to provide a social security number. See [7-C, Social Security Numbers](#).
- People disqualified for failing to respond to a NAC Match.