

September 1, 2023

## GENERAL LETTER NO. 7-I-47

ISSUED BY: Bureau of Financial, Food, and Work Supports  
Division of Adult, Children, and Family Services

SUBJECT: Employees' Manual, Title 7, Chapter I, ***SNAP Specific Households and Participants***, 14 and 16, 17, 18-23, 26-29, 32-35, 39, 63, 66, revised.

### Summary

This chapter is revised to

- Update ABAWD exemptions and examples
- Update alien documentation requirements

### 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### Material Superseded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>
14 and 16	October 21, 2022
17	March 31, 2023
18-23, 26-29, 32-35, 39	October 21, 2022
63, 66	March 31, 2023

### Additional Information

Refer questions about this general letter to your area income maintenance administrator.

Status of Alien	Acceptable Documentation of Alien Status
Amerasian immigrants	<p>Proof of admission or entry date <b>and</b> one of the following documents:</p> <ul style="list-style-type: none"> <li>▪ Form I-551, <i>Permanent Resident Card</i>, coded AM6, AM7, or AM8.</li> <li>▪ Unexpired temporary I-551 stamp in a foreign passport coded AM1, AM2, or AM3.</li> <li>▪ Form I-94, <i>Arrival/Departure Receipt Card</i>, coded AM1, AM2, or AM3.</li> </ul>
Asylees	<p>Proof of admission or entry date <b>and</b> one of the following documents:</p> <ul style="list-style-type: none"> <li>▪ Form I-94, <i>Arrival/Departure Receipt Card</i>, annotated with a stamp showing grant or asylum under section 208 of the INA.</li> <li>▪ Order of an immigration judge granting asylum.</li> <li>▪ A grant letter from the Asylum Office of the USCIS.</li> <li>▪ Form I-66B, <i>Employment Authorization Card</i>, annotated with "274a.12(a)(5)."</li> </ul>
Canadian-born American Indians	<p>Form I-551, <i>Permanent Resident Card</i>, coded S13. I-551 stamp in a Canadian passport coded S13. Form I-94, <i>Arrival/Departure Record</i>, coded S13.</p> <p>Proof of tribal membership or a tribal document showing the person has at least 50% American Indian blood. Proof of membership can be a tribal membership card, other tribal documents showing membership, or collateral contact with the tribe's government.</p>
Conditional entrants	<p>Proof of admission or entry date <b>and</b> one of the following documents:</p> <ul style="list-style-type: none"> <li>▪ Form I-94, <i>Arrival/Departure Record</i>, with stamp showing admission under section 203(a)(7) of the INA.</li> <li>▪ Form I-688B, <i>Employment Authorization Card</i>, annotated "274a.12(a)(3)."</li> <li>▪ Form I-766, <i>Employment Authorization Document</i>, annotated "A3."</li> </ul>
Cuban and Haitian entrants	<p>Proof of admission or entry date <b>and</b> one of the following documents:</p> <ul style="list-style-type: none"> <li>▪ Form I-551, <i>Permanent Resident Card</i>, coded CU6, CU7, or CH6.</li> <li>▪ Unexpired "Temporary I-551 stamp" in a foreign passport coded CU6, CU7, or CH6.</li> <li>▪ Form I-94, <i>Arrival/Departure Record</i>, with a stamp showing parole as "Cuban/Haitian Entrant" under section 212(d)(5) of the INA.</li> </ul> <p>NOTE: If the client provides an I-862 <i>Notice to Appear</i>, I-220A <i>Order of Release on Recognizance</i>, or I-220B <i>Order of Supervision</i>, and the notice shows that the client is a Cuban or Haitian national, the I-862, I-220A, or I-220B would be sufficient documentation to verify the client's eligible alien status under 501(e) of the Refugee Education Assistance Act (REAA). If the I-862, I-220A, or I-220B does not show that the client is a Cuban or Haitian national they would also need to provide proof of Cuban or Haitian nationality.</p>

Status of Alien	Acceptable Documentation of Alien Status
<p>Ukrainian citizen or national who received humanitarian parole, known as a Ukrainian Humanitarian Parolee (UHP) who arrived in the U.S. between February 24, 2022 and September 30, 2023</p>	<p>Form I-94 noting humanitarian parole (per INA section 212(d)(5) or 8 U.S.C. § 1182(d)(5))  <b>Or</b>                      Foreign passport with DHS/CBP admission stamp noting “DT”  <b>Or</b>                      Foreign passport with DHS/CBP admission stamp noting Uniting for Ukraine or “U4U”  <b>Or</b>                      Foreign passport with DHS/CBP admission stamp noting Ukrainian Humanitarian Parolee or “UHP”  <b>Or</b>                      Form I-765 Employment Authorization Document (EAD) receipt notice with code C11  <b>Or</b>                      Form I-766 Employment Authorization Document (EAD) with the code C11</p> <p>NOTE: UHPs are eligible to receive SNAP without a waiting period and are immediately eligible for benefits as long as they meet all other SNAP financial and non-financial eligibility requirements. They are eligible as long as they remain in parole status or obtain another eligible immigration status. These individuals are exempt from sponsor deeming requirements</p> <p>These policies also apply to the following family members of these individuals, even if they are granted parole after September 30, 2023: spouses, children, parents, legal guardians, and primary caregivers of such individuals who were unaccompanied minors.</p>
<p>A non-Ukrainian individual who last habitually resided in Ukraine and received humanitarian parole who arrived in the U.S. between February 24, 2022 and September 30, 2023</p>	<p>Any one of the forms or stamps listed above for UHPs  <b>And</b>                      Documentation of last habitual residence in Ukraine</p> <p>Acceptable documentation indicating last habitual residency in Ukraine includes an original Ukrainian government-issued document, such as a current driver’s license or identification card.</p> <p>For documentation outside of these examples, contact the SPIRS helpdesk for assistance.</p> <p>Note: These individuals are eligible to receive SNAP without a waiting period and are immediately eligible for benefits as long as they meet all other SNAP financial and non-financial eligibility requirements. They are eligible as long as they remain in parole status or obtain another eligible immigration status. These individuals are exempt from sponsor deeming requirements</p> <p>These policies also apply to the following family members of these individuals, even if they are granted parole after September 30, 2023: spouses, children, parents, legal guardians, and primary caregivers of such individuals who were unaccompanied minors.</p>

<p>Veterans and active duty military personnel and their families</p>	<p>Active duty: Original or notarized copy of the current orders showing the person is on full-time duty in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, or a DD form 2 Military ID card (active duty papers).</p> <p>Honorably discharged veteran: Original or notarized copy of form DD214 (discharge papers). NOTE: This verification is sufficient when the veteran or active duty person is a U.S. citizen and the spouse or unmarried dependent children are aliens. It is also sufficient for the surviving spouse and unmarried dependent children of a deceased veteran.</p>
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If an alien provides the documentation listed under the applicable alien status on the chart, accept the documentation as proof of eligibility. Do not reverify the documentation with USCIS by using SAVE.

Contact the USCIS through SAVE if any of the following situations occur:

- An alien presents Form I-688B, I-766 (*Employment Authorization Documents*), or I-571 (*Refugee Travel Document*) but does not have form I-94 (*Arrival-Departure Record*).
- An alien has a grant letter or court order, but the information presented does not include the date the status was granted.
- You cannot identify the annotation codes on the document.
- An alien has a receipt card saying the alien has applied for a replacement document.

USCIS does not require children under age 14 to have documentation of their alien status. Therefore, if the adult who is applying for benefits has an eligible status and attests that a child under 14 has an eligible status, the alien’s attestation is sufficient proof that the child is an eligible alien. USCIS requires children aged 14 to 18 to have documentation of their alien status, but they are not required to carry it on their persons.

U.S. law does require all aliens who are 18 or older to carry documentation of their alien status on their persons at all times. EXCEPTION: American Indians who were born in Canada are not required to have or carry documentation of their status.

When a person claims an “eligible alien” status but does not have documentation, tell the person to contact the local USCIS office for help getting the documents. The person is considered an ineligible alien for SNAP benefits until the documentation is provided. See [Ineligible Aliens](#) for more information.

EXCEPTION: When processing an application, and the ten-day period for providing information ends after the thirtieth day following the date of application, see [Processing Applications for Households With Alien Members](#) earlier in this chapter.

When an applicant has presented a document containing the individual’s alien admission number or alien file number and SAVE instructs you to request secondary verification, do not delay, deny, reduce, or cancel the alien’s eligibility for benefits while waiting for the USCIS to provide additional verification. For applications, assume the person is eligible and give benefits until USCIS verification is received.

If you find out later from USCIS that the person is a legal alien, but not an eligible alien, cancel that person’s SNAP benefits.

If, upon getting additional verification from USCIS, you discover the person is an undocumented alien, cancel that person's SNAP benefits and report the person to USCIS. See [Reporting Undocumented Aliens](#).

### **Using SAVE (Systematic Alien Verification for Entitlements)**

Legal reference: 7 CFR 272.11; 44I IAC 65.52(234); Immigration Reform and Control Act of 1986 (IRCA), Section 121, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), and the Balanced Budget Act of 1997 (BBA).

Obtain verification of the alien's status through SAVE's website when:

- An alien's documentation does not have the necessary coding to show the alien's status, or
- The entry or admission date is missing, or
- The documentation is questionable.

Instructions for using SAVE and a link to SAVE's website can be found on the HHS Field Intranet.

### **Documentation of United States Citizenship by Birth**

Legal reference: 7 CFR 273.2(f)(2)(ii)

Proof of U.S. citizenship should be required **only** when a household member's citizenship is questionable. If it is necessary to require proof, the following documents, when combined with proof of identity, are acceptable proof of U.S. citizenship:

- A U.S. birth certificate.
- Adoption finalization papers. If the adoption is not yet finalized, the child's original birth certificate or statement from a state-approved adoption agency showing the child's name and that the birth was in the U.S.
- A hospital record made at the time of the child's birth in the U.S. in that hospital.
- A religious record made within three months of birth, which shows the person's date of birth in the U.S. or age at the time the record was made.
- A U.S. passport (with the exception of limited passports that are issued for periods of less than five years).
- A *Certificate of Birth* (form FS-545).
- A *Certification of Report of Birth* (form DS-1350).
- Proof of civil service employment by the U.S. government before June 1, 1976.
- Early U.S. school records that show date of admission to the school, the person's date and U.S. place of birth, and the parent's names and places of birth.
- Census record showing name, U.S. citizenship or a U.S. place of birth, and the person's age or birth date.
- A statement signed by a third party that a person is a U.S. citizen. The statement must contain penalties for helping a person to commit fraud and must be signed by the third party under penalty of perjury.

Documentation not listed above may be presented as proof of citizenship. In this instance, the document may be submitted to the Iowa Department of Health and Human Services central office to verify its acceptability as proof, if necessary.

### **Documentation of Acquired Citizenship**

Legal reference: Public Law 106-395, 7 CFR 273.2(f)(2)(ii)

A child born outside of the United States automatically becomes a citizen of the United States when:

- At least one parent is a U.S. citizen whether by birth or naturalization, and
- The child is under 18 years of age, and
- The child is lawfully admitted for permanent residence and is residing in the U.S. in the legal and physical custody of the citizen parent.

Foreign-born children do not automatically acquire citizenship when adopted by a U.S. citizen. Under the Child Citizenship Act, a child acquires U.S. citizenship on the date that all of the following requirements are satisfied:

- At least one adoptive parent is a U.S. citizen,
- The child is under 18 years of age,
- There is a full and final adoption of the child, and
- The child is admitted to the United States as an immigrant.

If a child's citizenship is questionable, the following listing of documents can be used if needed to verify that the child has acquired U.S. citizenship:

- *Certificate of Citizenship* (N-560 or N-561)
- *Certificate of Naturalization* (N-550 or N-570)

If proof of citizenship is needed, but documentation is not available, refer the person to USCIS for a determination of U.S. citizenship.

### **Verification for Ineligible Aliens**

Legal reference: 7 CFR 273.2(f)(1)(ii)

When a SNAP household contains a member who claims to have an immigration status other than that of an "eligible alien," or is unwilling to provide documentation, do not ask for verification of that person's status. Do not attempt to get verification of the person's immigration status from the USCIS. This is true whether the person claims to be legally or illegally present in the U.S.

### **Reporting Undocumented Aliens**

Legal reference: 7 CFR 273.4(b)

It is not permissible to report aliens who cannot or will not provide immigration documentation, even if they state that they are not legally present in the U.S.

Report an undocumented alien to the USCIS only when a response to a query through the **Secondary Documentation of Alien Status** procedure tells you an alien is illegally present in the U.S. If the USCIS determines through a query for secondary documentation that a person is an undocumented alien, the person must be reported to the USCIS.

Do not report an alien to the USCIS for any reason except when a response to a query for secondary documentation tells you that the person is in the U.S. illegally. If you believe it is appropriate to report a person to the USCIS, contact the SPIRS help desk for assistance.

### **Sponsored Aliens**

Legal reference: Public Law 104-193, 7 CFR 273.4(c)

A “sponsor” is a person who signed an agreement as a condition of the alien’s entry or admission into the United States as a permanent resident to guarantee financial support of the alien. Counting the sponsor’s income and resources towards the sponsored alien is called “deeming.”

NOTE: If the sponsored alien is ineligible for SNAP because of immigration status, the sponsor’s income is not deemed to other members of the non-citizen’s household.

There are two types of sponsored aliens, each with a specific policy for deeming of the sponsor’s income and resources. These types are identified by their documentation:

- Aliens whose sponsor signed the *Affidavit of Support*, form I-134 (used before December 19, 1997). This form is not an enforceable contract and a court cannot force the sponsor to continue to support the non-citizen. Deeming does not apply to aliens sponsored under this form.
- Aliens whose sponsor signed the *Affidavit of Support*, form I-864 (used December 19, 1997 and later).

Refugees, deportees, and asylees do not have sponsors. Organizations and groups are not considered sponsors under SNAP policy.

The following sections explain:

- [Verifying the sponsor’s information](#)
- [Deeming when the sponsor signed affidavit I-864](#)

### **Verifying Sponsor’s Information**

Legal reference: 7 CFR 273.4(c)

A sponsored alien is responsible for providing information or documentation about the alien’s sponsor. USCIS will provide information that sponsors provided on the original *Affidavit of Support*.

Verify the following at the time of both initial application and recertification:

- The income and resources of the alien’s sponsor.
- The provision of the Immigration and Nationality Act under which the alien was admitted.

- The date of the alien's entry or admission as a lawful permanent resident as established by USCIS.
- The alien's date of birth, place of birth, and alien registration number.
- The name, address, and phone number of the alien's sponsor.
- Any other information determined to be questionable that affects a household's eligibility and benefit level, according to procedures established for verification.

The Bureau of Consular Affairs of the State Department and local USCIS offices have agreed to provide information to our Department's local offices that is needed to verify information supplied by the alien.

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.

## **Able-Bodied Adults Without Dependents (ABAWDs)**

Legal reference: 7 CFR 273.24, 271.2

“**ABAWDs**” means “able-bodied adults without dependents.”

“**Able-bodied**” means a person is both physically and mentally fit for employment.

“**Dependent**” means a child under age 18 who is or could be part of the person’s SNAP household. The child does not have to be related to the person.

“**Physically or mentally fit for employment**” means the person does not have physical or mental barriers that prevent the person from obtaining or keeping employment.

To get SNAP benefits, an ABAWD must meet one of the requirements under [ABAWD Work Requirement](#). The ABAWD work requirements are in addition to the regular requirements set under [7-C. Work Requirements for MWRs](#).

An ABAWD can get only three months of SNAP benefits while not meeting the ABAWD work requirement. (See [Time Limit for ABAWDs](#).) After using the three months, some ABAWDs can get an additional three months if they meet the conditions under [Additional Three-Months’ Eligibility](#).

### **ABAWD Exemptions**

A person is exempt from the ABAWD work requirements if the person is:

- Exempt from mandatory work registration (MWR) for any reason. See [7-C, Exemptions From Work Registration](#) for a list of exemptions.
- Under age 18. This includes the month in which a person turns 18.
- Aged 53 or over. This includes the month in which a person turns 53.
- Pregnant. This applies to any trimester.
- Unfit either mentally or physically for employment (has a condition that makes the person unemployable or that prevents the person from keeping a job).

- Experiencing homelessness:

An individual who lacks fixed regular shelter or whose primary shelter meets certain conditions, such as congregate shelters, halfway houses, and temporary accommodations for up to 90 days with another individual.

- Under age 25 and aged out of foster care:

Individuals who were in foster care on their 18<sup>th</sup> birthday or later. Foster care includes extended foster care programs and foster care programs run by District, Territory, and Indian Tribal Organizations. This applies to foster care in any state, the individual did not need to be in foster care in Iowa to receive this exemption.

- A veteran:  
An individual who served in, and was discharged from, the Armed Forces, including the reserves. Armed Forces include: Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard. The individual's discharge status is irrelevant.
- A member of a SNAP household that includes a child under the age of 18.  
NOTE: The child does not have to be eligible for SNAP for this exemption to apply. This can happen in situations like joint custody arrangements, a child in foster care returning home for visits, a child attending school away from home returns during the month, or a child is hospitalized.

If an exemption applies for at least one day in a month, the ABAWD is exempt for the entire month.

Determine a person's "fitness" for employment using the prudent-person principle or any reasonable evidence that supports your decision. The person's condition does not need to be permanent for a determination of "unfitness" to be made. Households that are chronically homeless, as defined by the worker, are considered unfit for employment.

Your own observation of the person or information obtained in conversation with the person is a sufficient basis to make a determination as to a person's fitness for employment. If it is not evident to you that a person has a mental or physical limitation that would make the person unfit for employment, you may ask for verification.

Because people who have no source of income or insurance are often not able to receive medical care or substance abuse or mental health treatment, you may need to identify these conditions. If a person is in treatment, you can get a statement from the person's health-care professional or a social worker.

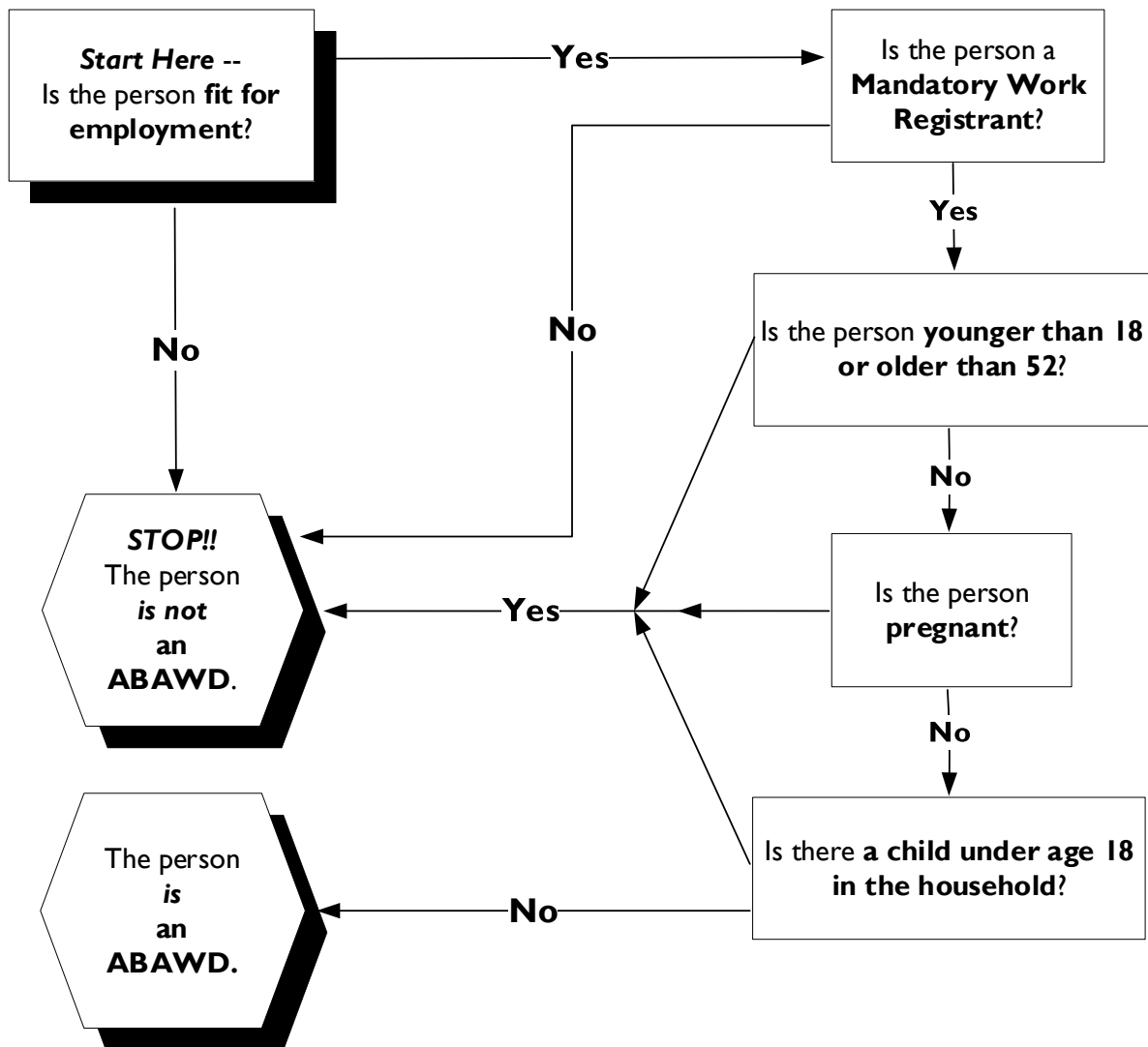
If the person does not have the means to pay for or obtain a professional diagnosis, other evidence may be used. A prudent person can often identify these types of issues without the need for verification. For example, statements from former employers or other persons who know the person's situation can be sufficient evidence of the person's mental or physical limitations.

When your judgment is the only basis for determining that a person is not "fit" for employment, you must document it as such in the person's case record.

**GUIDANCE:** The following scenarios illustrate circumstances that would lead to the determination that a person is unfit for employment.

1. During the application interview, you discover that the person has had many jobs but repeatedly lost them. Through your conversation, you discover the person has a history of getting fired quickly or quitting due to uncontrollable outbursts of anger with the employer or coworkers. This may be an untreated mental health issue that currently makes the person mentally unfit for employment. Document worker determination that the person is physically or mentally unfit due to anger issues explained by the client.
2. While interviewing a person, you discover he has been in and out of various substance abuse treatment programs for several months. Even if he is not currently in a program, these circumstances and issues make him physically or mentally unfit for employment and must be documented in the case file.

**Flow chart to determine if a person is an ABAWD:**



**Changes in ABAWD Status**

Changes in circumstances can cause a person's status as an ABAWD to change back and forth. During periods in which a person is not an ABAWD, the work requirements for ABAWDs and time limits for receipt of SNAP benefits do not apply. During the periods in which the person is determined to be an ABAWD, the work requirement for ABAWDs and time limits do apply.

See [Tracking](#) for instructions on changing ABC system coding when there is a change in an ABAWD's status.

Terry is an ABAWD. He receives two months of SNAP benefits while not fulfilling the work requirement during December 2023 and January 2024. In February 2024, he joins his girlfriend's SNAP household. His girlfriend has a two-year-old child. In February, he is exempt from the ABAWD work requirement because of the child. The child's mother is exempt from the ABAWD work requirement due to her employment.

In April, Terry moves out on his own. In May, he is no longer exempt from ABAWD work requirements. Until November 30, 2026, he is entitled to one more month of SNAP benefits while not fulfilling the work requirements, unless he meets the requirements under the policy on [Additional Three-Months' Eligibility](#) or becomes exempt again.

When a new ABAWD period begins December 1, 2026, Terry is eligible for three months of benefits in the new period.

### **ABAWD Work Requirement**

ABAWDs must perform one of the activities listed below to be eligible for SNAP benefits beyond their time limits. The minimum number of hours required for any of the activities is 80 per month. To be eligible beyond the limits, ABAWDs must be:

- Working a total of 80 or more **actual** hours in a month. Do not use minimum wage criteria to determine the number of hours worked.
- Participating for a total of 80 or more **actual** hours in a month in a qualifying work program. Qualifying work programs include:
  - Programs that are offered under Title I of the Workforce Investment Act or under Section 236 of the Trade Act of 1974
  - Employment and training programs operated or supervised by a State or political subdivision of a State agency that meet standards approved by the Chief Executive Office, including SNAP E&T programs and programs of employment and training for veterans operated by the Department of Labor or the Department of Veterans Affairs
- Performing any combination of the two work and participation requirements stated above for a total of 80 or more **actual** hours in a month.

### **Tracking**

The ABAWD's case record must be documented to track the number of months that each ABAWD has used towards the three-month time limit. The Worker Information System Exchange (WISE) User Guide gives instructions for documenting ABAWD months in WISE.

Code the ABC system to show that an ABAWD is or is not meeting the ABAWD work requirement. See [14-B-Appendix](#) for how to code the TD03 screen to show whether a person is an ABAWD who is or is not meeting the work requirement. Correct coding of this entry is important for federal reporting requirements and to be able to identify these clients through a system run when necessary.

All ABAWDs are eligible for the three-month limit during each three-year period, even if they used benefits under a previous period. This period is the same for all ABAWDs in Iowa. The periods are:

- December 1, 2020, through November 30, 2023
- December 1, 2023, through November 30, 2026

The three-month limit can be used either consecutively or nonconsecutively. A prorated month does not count towards an ABAWD's three-month limit. For the purpose of determining countable ABAWD months, benefits are not considered prorated if a household applies on the first of the month and receives a full month's benefit.

1. Aleah, an ABAWD, applies for SNAP on April 3 and has not used ABAWD months. Assuming she does not start meeting ABAWD requirements or become exempt, Aleah's three ABAWD months will be May, June, and July. April does not count because benefits are prorated from the third of the month.
2. Belinda, an ABAWD, applies for SNAP on May 1 and has not used ABAWD months. Assuming she does not start meeting ABAWD requirements or become exempt, Belinda's three ABAWD months will be May, June, and July. May is countable because, with an effective date of May 1, she will receive a full month's benefit.

When the benefits an ABAWD receives in a month that counts toward the three-month limit are entirely subject to a claim, that month continues to count toward the ABAWD's three-month limit until the entire month's benefits have been repaid.

1. Jalen applies for SNAP benefits during January 2024 and is determined to be an ABAWD. His January SNAP benefits are prorated, so January does not count towards his three-month limit.  
He does not meet the work requirement during February, March, or April 2024. Therefore, February, March, and April count towards his three-month limit and he uses up his eligibility in April.
2. Olson has been receiving SNAP for several months with his 17-year-old child. Olson's child moves out in February 2024. Olson is determined to be an ABAWD for the month of March. February does not count towards his three-month limit, because Olson's child lived with him in February.  
Olson does not meet the work requirement during March, April, or May and uses up his eligibility in the month of May.

3. Mary has been receiving SNAP for several months with her 17-year-old child. Her child turns 18 in April 2024. Both are determined to be ABAWDs for the month of May.

Mary's child does not meet the work requirement during May, June, or July so those months are countable toward her three-month limit. The child uses up eligibility in the month of July.

Mary does not meet the work requirement during May. She becomes unfit for employment in June. May is a countable month toward her three-month limit. Because she is exempt for at least one day in June, June is not a countable month.

Mary has two months of her three-month limit left. She will not use any more countable months until the month **after** the month in which she loses her exemption from the ABAWD work requirements

She continues to get SNAP benefits as long as she is exempt from ABAWD work requirements or until she loses her exemption and then uses the remaining two months of her three-month limit.

See [Ineligible Household Members](#) for how to treat the income and resources of an ineligible ABAWD who is a member of an eligible SNAP household.

### **Countable Months in Another State**

If an applicant ABAWD received SNAP benefits in another state, verify whether any of the months in which benefits were received were countable months in that state. Also verify whether the additional three months of benefits were used.

The other state's verbal statement is the only proof needed that the ABAWD did or did not use any countable months. Document the information in the case record.

Consider only Iowa's three-year period when determining if the benefits received in the other state count towards Iowa's three-month limit. See [Time Limit for ABAWDs](#) for Iowa's periods in which ABAWDs are limited to three months of benefits.

### **Regaining Eligibility**

ABAWDs who have been canceled or denied SNAP eligibility because of having used their three-month time limit can regain eligibility for SNAP benefits. There is no limit on how many times an ABAWD can regain eligibility.

- ABAWDs can regain eligibility right away by becoming exempt from the ABAWD work requirement, as explained under [ABAWD Exemptions](#).
- ABAWDs can also regain eligibility by performing one of the activities listed under [ABAWD Work Requirement](#) within any 30-consecutive-day period, instead of a calendar month. The activity must be completed before the ABAWD can be approved for SNAP benefits.



ABAWDs who regain eligibility can get SNAP benefits as long as they continue to meet the work requirement or are exempt from the work requirements. ABAWDs who regain eligibility but are not meeting the work requirement when they apply for SNAP benefits may qualify for an additional three months of eligibility, as described under [Additional Three-Months' Eligibility](#).

If an ABAWD applies before having completed an activity under [ABAWD Work Requirement](#), you can deny the application right away or hold the application until the ABAWD work requirement activity has been completed. This is an IM worker decision.

If you hold the application until the activity is met, you still must prorate SNAP benefits from the date of application, not from the date the activity was met.

1. Keegan applies for SNAP benefits on August 5, 2024. His SNAP is canceled effective July 1, 2024 because he has used his three months of benefits.

He gets a job on July 15 and works a total of 60 hours in July and 10 hours in August. He reapplies for SNAP. At the certification interview on August 7, the worker learns that Keegan is scheduled to work another 10 hours before August 15.

The worker decides to hold the application until Keegan provides verification of having worked 80 hours between July 15 and August 14. He meets the criteria to regain eligibility on August 13 and remains eligible for SNAP benefits as long as he keeps working 80 hours each month.

2. Felicia receives her three-month limit of SNAP benefits during August, September, and October 2024, and is canceled effective November 1. In January 2025, she reapplies for SNAP benefits.

She reports that she is working off her rent at 20 hours weekly. She started this arrangement with her landlord on December 1, when her roommate moved out and she could not pay the rent. Felicia provides verification from her landlord.

She met the ABAWD work requirement December 31 and is eligible for SNAP benefits as long as she continues the arrangement.

### **Additional Three-Months' Eligibility**

A one-time additional three months of SNAP eligibility may be allowed to some ABAWDs. The additional three months of eligibility are a consecutive period allowed only once during each three-year period. See [Time Limit for ABAWDs](#) for information about periods in which ABAWDs are limited to three months of benefits.

An ABAWD qualifies to receive additional months only when the ABAWD:

- Has first used all of the “three-month time limit,” **and then**
- Has had a break in receipt of SNAP benefits, **and then**
- Regains eligibility, **and then**
- Stops meeting the ABAWD work requirement.

ABAWDs do not have to apply for SNAP benefits right away after they stop one of the activities listed under [ABAWD Work Requirement](#).

The additional three months are the three months following the month in which an ABAWD reapplies for SNAP benefits. A month of prorated benefits does not count as one of the three months.

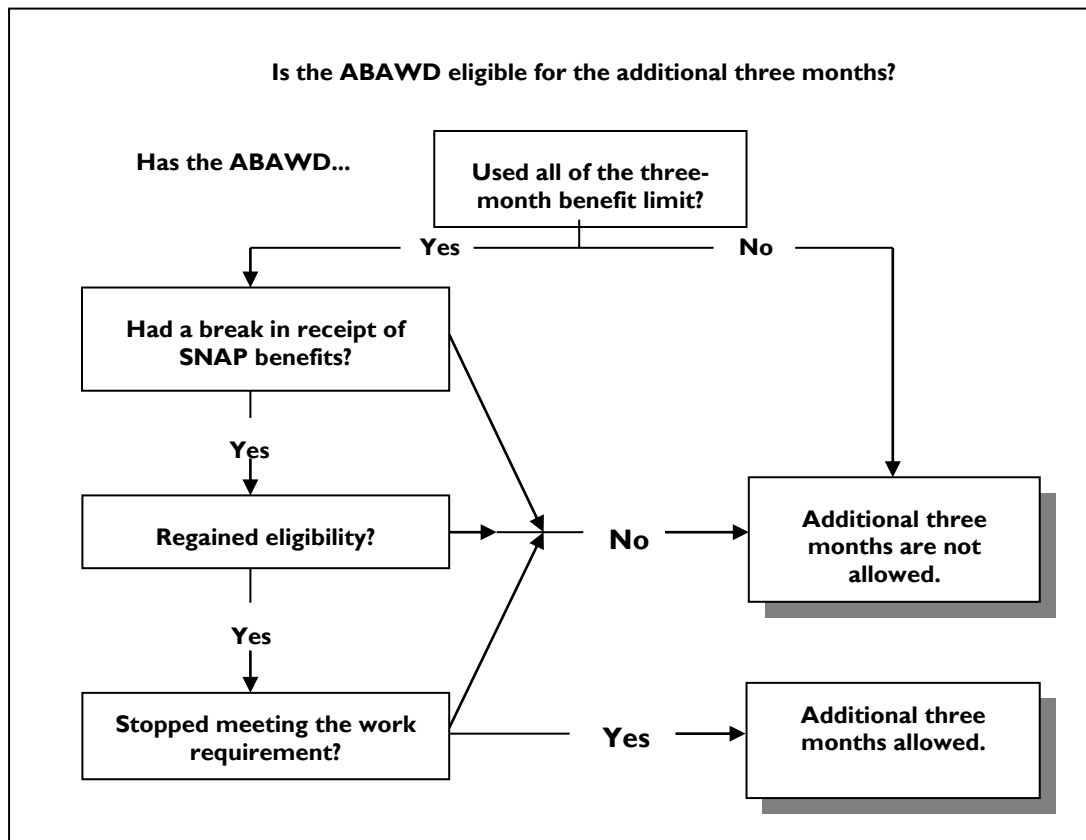
Once started, the additional three-month period continues uninterrupted for any reason, including whether or not the ABAWD actually receives SNAP benefits during the time.

### **Ceasing to Meet the Work Requirement**

For purposes of qualifying for the additional three months of benefits, consider an ABAWD to have stopped meeting the ABAWD work requirement when:

- The person's participation in a qualifying work program ends for any reason.
- The person is laid off, quits with good cause, or is fired from the job.
- The person permanently reduces hours of work to less than 80 hours monthly with good cause for doing so.
- The person's employer reduces the person's hours of work to less than 80 hours monthly.

Use the following flowchart to determine whether an ABAWD is eligible for the additional three months:



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## **S Corporations and Limited Liability Corporations (LLCs)**

Legal reference: 7 CFR 273.11(a)

S corporations and LLCs are “pass-through” entities for tax purposes. The income of the business is passed through to the owners and reported on the owner’s personal income tax return. This income is countable regardless of whether it is being distributed to the household.

Any wages paid to the officers would be treated the same as wages to an employee of any company, and would be countable in the month received. Additionally, annualize other income of the S corporation or LLC, such as royalties, and count that as earned income to the household.

The income from these types of corporations should be treated as regular earned income, not self-employment income. They are entitled to the earned income 20% deduction, but not to additional deductions and expenses that would be allowable for self-employment. Furthermore, since these are not self-employment:

- There are not “losses” from these enterprises and
- Losses from a true self-employment enterprise cannot be used to offset the profits of the S corporation or LLC.

NOTE: If a single-member LLC does not elect to be treated as a corporation, the LLC is a “disregarded entity” and eligibility would be determined in the same manner as a self-employed individual.

## **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. “Fleeing” means that the person knows there is a warrant for the person’s arrest and is acting with the intent to avoid prosecution.

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 a 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.

**Household B** receives the following income:

\$ 1,000	Monthly earnings from employment
\$ 250	Monthly child support
\$ 6,000	Self-employment annual nonfarm income, Source A
(\$ 12,000)	Self-employment annual farm income
(\$ 7,000)	Self-employment annual nonfarm income, Source B

The household's income is computed as follows:

Income from self-employment:

\$ 6,000	Nonfarm income, Source A
- 7,000	Nonfarm income, Source B
(\$ 1,000)	Nonfarm income loss. This figure is ignored.
(\$ 12,000)	Farm income ÷ 12 = (\$1,000) per month farm loss

Gross income test:

\$ 1,000	Earnings from employment
+ 250	Child support
\$ 1,250	
- 1,000	Prorated farm loss
\$ 250	This income is compared to the gross income table

Benefit calculation (shown only to point of standard deduction)

Earnings from employment	\$ 1,000
Earned income deduction (20%)	- 200
	\$ 800
Child support	+ 250
	\$ 1,050
Farm loss	- 1,000
	\$ 50

## **Students**

Legal reference: 7 CFR 273.5

When determining student eligibility, consider a person to be enrolled in an institution of higher education if the person is enrolled in:

- A business, vocational, technical or trade school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum.
- A regular curriculum at a junior, community, two-year, or four-year college or university that offers degree programs regardless of whether a high school diploma is required.

NOTE: This does not include special programs such as courses for English as a second language and workforce development and occupational training programs that are not part of the regular curriculum, but which are often held on community college campuses. Be sure to ask clarifying questions to determine if a household member is in a training or other special program or enrolled in the school's

### **Resources**

Legal reference: 441 IAC 65.31(13)

Exclude from resources all financial assistance received for education or training that is excluded for Modified Adjusted Gross Income (MAGI)-related Medicaid.

### **Income**

Legal reference: 441 IAC 65.29(6), Iowa Code Section 257.11B

Treat educational assistance the same whether a student is attending an institution of higher education or a school or program that is not an institution of higher education. Do not count as income any financial assistance received for education or training that is exempt for MAGI-related Medicaid.

In addition, regardless of how MAGI treats work study, treat it as follows for SNAP:

- Federally-funded work study is excluded.
- State-funded work study is excluded up to the amount ear-marked for educational expenses.

NOTE: Funds in a Students First Education Savings Account, established by the Students First Act which was signed into Iowa law on January 24, 2023, are excluded.