SNAP Specific Households and Participants

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Overview

This chapter is designed to contain policies that differ from standard SNAP policies. These policies apply only to specific types of households as detailed in this chapter, those containing:

- **Aliens (people who are not United States citizens)**
- **Able-bodied adults without dependents (ABAWDs)**
- **Boarders and commercial boarding houses**
- **Corporations**
- **Fleeing felons and parole and probation violators**
- **Homeless people**
- **Ineligible household members**
- **Migrant or seasonal farm workers**
- **Self-employed people**
- **Self-employed farmers**
- **Students**

The remaining chapters of this manual contain the standard SNAP policies. Use the standard SNAP policies to handle circumstances for **all** households **except** as specifically detailed in this chapter.

Households with Alien Members

Legal reference: 7 CFR 273.2(f)(1)(ii), 273.11

Households with alien members are processed differently. To receive SNAP benefits, an alien must be an “eligible alien.” See **Who Is an Eligible Alien** to determine if an alien is an eligible alien.

Even though ineligible aliens cannot receive SNAP benefits, they do affect the eligibility and benefit level of eligible household members. See **Ineligible Aliens** for more information.

The following sections explain:

- **Definitions of terms used in alien policies**
- **Who Is an Eligible Alien**
- **Alien Status Verification Requirements**
- **How to treat aliens who have sponsors**

Definitions

Legal reference: 7 CFR part 273

"Affidavit of support" is a document used to legally obligate one or more people to financially support an alien who immigrates to the U.S.

"Alien" means any person who is not classified as a United States citizen.

"Date of entry" or **"date of admission"** means the date established by the U.S. Citizenship and Immigration Services as the date the alien was admitted for permanent residence.

"Eligible alien" means an alien who has a specific immigration status and who meets criteria set under law for participation in the SNAP program. The term "eligible alien," as used by the SNAP program, pertains only to eligibility for participation in the SNAP program. It does not relate to an alien's legal right to be in the United States.

"Five-Year bar" refers to the five-year period Legal Permanent Residents (LPRs) must wait before they can receive federal means-tested public benefits, unless they are exempt. SNAP is a federal means-tested public benefit.

"Immigrant" means any alien in the United States, except one legally admitted under specific nonimmigrant categories.

"Nonimmigrant" means an alien who seeks temporary entry to the United States for a specific purpose. The alien has a permanent residence abroad and is in the U.S. for a purpose other than to make the U.S. a permanent home. Nonimmigrants include:

- Foreign government officials
- Visitors for business and for pleasure
- Aliens in transit through the United States
- Treaty traders and investors
- Students
- International representatives
- Temporary workers and trainees
- Representatives of foreign information media
- Exchange visitors
- People engaged to be married to U.S. citizens
- Intracompany transferees
- NATO officials
- Religious workers

Most nonimmigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

"Immigration and Naturalization Service (INS)" means the former Immigration and Naturalization Service of the U.S. Department of Justice. The U.S. Citizenship and Immigration Services (USCIS) in the U.S. Department of Homeland Security has assumed the duties previously done by the INS.

"Immigration status" and **"alien status"** mean the same thing for SNAP.

"Ineligible alien" means an alien who does not have an immigration status or meet some other criterion that allows the alien to participate in SNAP. The term "ineligible alien" includes legal aliens who do not meet criteria under SNAP policy as well as undocumented aliens.

"Lawfully residing" means lawfully present and maintaining a principal residence in the U.S.

"Legal permanent resident (LPR)" means an alien admitted to the United States as a lawful permanent resident.

Lawful permanent residents can legally live permanently in the United States. They may be issued immigrant visas by the Department of State overseas or be adjusted to permanent resident from another immigrant status.

"Means-tested program" means a program that uses income and resource guidelines to determine eligibility. SNAP, FIP, Medicaid, and SSI are examples of means-tested programs. Social Security and unemployment compensation are not means-tested programs.

"Naturalization" means the legal process through which a person who is not born a U.S. citizen becomes a citizen.

"Systematic Alien Verification for Entitlements (SAVE)" means the U.S. Citizenship and Immigration Services verification system HHS must use to verify the validity of documents provided by aliens applying for SNAP benefits.

"Sponsor" means a person who signed an **Affidavit of Support, Form I-864**, or similar agreement on behalf of an alien as a condition of the alien's entry or admission into the United States as a permanent resident.

"Sponsored alien" means aliens lawfully admitted for permanent residence into the United States under the condition they have a person who signs an affidavit of support to guarantee financial support of the alien.

"U.S. citizen" means a person born (other than born to foreign diplomats) in one of the 50 states, the District of Columbia, Puerto Rico (on January 13, 1941, or later), Guam, the U.S. Virgin Islands (on January 17, 1917, or later), or the Northern Mariana Islands and people who have become citizens through the naturalization process.

Children born outside of the United States or its territories can also be U.S. citizens if at least one of their parents is a citizen (the law in effect at the time of birth determines if a person born outside of the U.S. is a citizen at birth). This is known as acquired or derivative citizenship.

"U.S. Citizenship and Immigration Services (USCIS)" means the U.S. Citizenship and Immigration Services of the Department of Homeland Security.

"Non-Citizen U.S. national" means a person who, though not a citizen of the United States, owes permanent allegiance to the United States. Only a relatively small number of persons acquire U.S. nationality without becoming U.S. citizens. The most common groups of non-citizen nationals are people born in certain U.S. territories, primarily American Samoa or Swains Island.

Who Is an Eligible Alien

Legal reference: 7 U.S.C. §2015(f); 8 U.S.C. §§1612, 1613

The only aliens who are "eligible aliens" for SNAP are listed under **Eligible Aliens**. Any alien who fails to meet a SNAP program requirement to be an "eligible alien" is an "ineligible alien." This is true whether they are legally present in the U.S. or not. See **Ineligible Aliens** for more information.

Eligible alien status must be verified at every application, every review, and every request to add an eligible alien to an existing household, even if the individual's status was previously verified. See **Alien Status Verification Requirements**.

An eligible alien may be a sponsored alien. After determining if someone is an eligible alien, make sure to identify if they have a sponsor. For more information, see **Sponsored Aliens**.

Eligible Aliens

The following four alien categories are eligible aliens for SNAP:

1. U.S. non-citizen nationals. Most non-citizen nationals are persons born in American Samoa or Swains Island.
2. A Cuban or Haitian entrant under 501(e) of Refugee Education Assistance Act (REAA).
3. Citizens of nations under Compact of Free Association Agreements (COFA) (Palau, Micronesia, and the Marshall Islands), effective March 9, 2024, regardless of their date of entry.
4. Legal Permanent Residents (LPRs) who have held that status for five years, or LPRs who are not subject to the five-year bar. See **The Five-Year Bar and Exemptions.**

An alien who isn't in one of the four eligible alien categories listed above is an ineligible alien for SNAP.

Ineligible Aliens

Legal reference: 7 CFR 273.4, 273.2, 273.11(c)

Aliens not specifically listed under **Eligible Aliens** are "ineligible aliens" for SNAP. Ineligible aliens cannot receive SNAP.

The income and resources of ineligible aliens are counted differently when determining eligibility and benefits for eligible household members. The immigration status of an ineligible alien will determine how the individual's income and the household's deductible expenses are handled. Ineligible aliens are divided into two categories: Specified Ineligible Aliens (SIA) and Non-Specified Ineligible Aliens (NSIA).

1. Specified Ineligible Aliens (SIA) are SNAP ineligible aliens who:
    a. Are Legal Permanent Residents (LPRs)
    b. Are Asylees (granted asylum under section 208 of the INA)
    c. Are Refugees (admitted as a refugee under 207 of the INA)
    d. Are Parolees (granted parole in accordance with section 212(d)(5) of the INA)
    e. Have had their deportation or removal withheld in accordance with section 243 of the INA
2. Non-Specified Ineligible Aliens (NSIA) are SNAP ineligible aliens who:
    a. Have no immigration status, or
    b. Have an immigration status not listed in A-E above, or
    c. Have failed to verify having a status listed in A-E above

Specified Ineligible Aliens must verify their immigration status. When it's necessary to verify a Specified Ineligible Alien's status, follow the procedure in **Alien Status Verification Requirements**.

For more information about how ineligible aliens affect eligible household members, see **Ineligible Household Members: Resources of Ineligible Household Members** and **Income and Deductions of Ineligible Household Members** in this chapter. Also, see **7-C, Ineligible Members**.

Alien Status Verification Requirements

Legal reference: 7 CFR 272.11, 273.2(f)(1)(ii); 8 USC §§1611, 1612, 1613

An individual's eligible alien status must be verified prior to approving them for SNAP. This means eligible alien status must be verified at every application, every review, and every request to add an eligible alien to an existing household, even if the individual's status was previously verified.

Additionally, Specified Ineligible Alien (SIA) status must be verified at every application, every review, and every request to add a SIA to an existing household, even if the individual's status was previously verified.

Alien status verification is a 2-step process.

Step 1: Obtain verification

An alien claiming to hold an eligible status for SNAP must provide acceptable documentation which verifies they have one of the four eligible alien statuses described under **Who Is an Eligible Alien**, if not already on file. Additionally, Specified Ineligible Aliens (SIA) must verify they hold a SIA status to be considered a SIA. See **Requesting Acceptable Documentation of Eligible Alien Status**

Do not request or otherwise attempt to verify the immigration status of any alien who has not claimed to be either a SNAP eligible alien or a Specified Ineligible Alien.

NOTE: LPRs claiming to be exempt from the five-year bar may also need to provide documentation proving their exemption if the documentation they provide or HHS has on file to verify their alien status, does not do so. See **The Five-Year Bar and Exemptions**

Step 2: Validate Documentation through SAVE

The eligible status of an alien applying for SNAP benefits and the ineligible status of a Specified Ineligible Alien household member must be verified by using the Systematic Alien Verification for Entitlements (SAVE) system after acceptable documentation is received. See **Using Systematic Alien Verification for Entitlements (SAVE)**.

Requesting Acceptable Documentation of Alien Status

Policy: All aliens claiming to have either an eligible alien status for SNAP or a Specified Ineligible Alien status must provide acceptable documentation of their status. See **Types of Acceptable Documentation of Eligible Alien Status**.

Procedure: When it's necessary to send a request for information for verification of alien status, give the household 10 days to provide documentation of the status:

When Requesting Acceptable Documentation of Eligible Alien Status:

- If the 10-day period ends on or before the 30th day after the date of application and documentation is not provided, deny benefits for the **alien**. Consider the alien to be an ineligible alien. See Note below.
- If the 10-day period ends **after** the 30th day following the date of application and the household is otherwise eligible, assume the alien is an eligible alien and issue benefits no later than 30 days after the date of application. If you do not receive documentation by the due date, cancel the alien for the following month. Consider the alien to be an ineligible alien from that point forward. See Note below.

Until acceptable documentation is provided, a non-citizen is ineligible for SNAP benefits unless:

- SAVE verification has been requested, but the response has been delayed because SAVE has requested additional verification. While waiting for the SAVE response, an individual's SNAP eligibility cannot be denied, delayed, reduced or terminated due to immigration status; or
- The applicant provides documentation that SSA is conducting an investigation to determine if more quarters of work coverage can be credited. In this situation, you must certify the individual pending the results of the investigation for up to six months from the date of original determination of insufficient quarters; or
- The applicant or HHS submitted a request to a Federal agency (other than USCIS) for verification of information applicable to their immigration status. In this situation, you must certify the individual pending the results of the investigation for up to six months from the date of original request for verification.

When an individual claims an "eligible alien" status but does not have documentation, tell them to contact the local USCIS office for help getting the documents. They are considered an ineligible alien for SNAP benefits until the documentation is provided. See **Ineligible Aliens** for more information.

NOTE: Eligible household members cannot be denied SNAP benefits because another member claims to be present in the United States illegally or claims not to have documentation. See the policy **Ineligible Household Members** for information

on how to consider the relationship of ineligible aliens to other members of their household. Also, see **7-C, Ineligible Members**.

When Requesting Acceptable Documentation of Specified Ineligible Alien Status

- If the 10-day period ends on or before the 30th day after the date of application and documentation is not provided, consider the alien to be a Non-Specified Ineligible Alien and apply proration policies accordingly.
- If the 10-day period ends **after** the 30th day following the date of application and the household is otherwise eligible, assume the alien is a Specified Ineligible Alien and issue benefits no later than 30 days after the date of application. If you do not receive documentation by the due date, consider the alien to be a Non-Specified Ineligible Alien, and recalculate benefits for the following month following proration policies for Non-Specified Ineligible Aliens.

When an individual claims a Specified Ineligible Alien status but does not have documentation, tell them to contact the local USCIS office for help getting the documents. They are considered a Non-Specified Ineligible Alien for SNAP benefits until the documentation is provided.

Types of Acceptable Documentation of Alien Status

Non-citizens who are lawfully present in the U.S. typically have documents issued by USCIS which contain information about their immigration status and the date they entered the country or adjusted to the status shown on the card. However, acceptable documentation may also be issued by other federal agencies such as the U.S. Department of State, ORR, the Bureau of Indian Affairs, or a court.

Some eligible applicants may not have documents issued by USCIS, and in some cases the date of entry or adjustment may not be necessary or required. Most non-citizens will provide documentation from USCIS.

Acceptable verification of alien status is

1. Unexpired (if there is an expiration date) and,
2. Contains sufficient information for the required SAVE verification including Name, Alien Registration (A-Number) or Admission (I-94) Number, or other items that prove their current USCIS status.

Forms of acceptable documentation of eligible alien status includes but is not limited to:

- An unexpired USCIS document, i.e. LPR card or I-94
- Foreign passports with unexpired DHS visa stamps proving reported status
- Court orders or letters of approval (which may or may not include expiration dates)

Cuban/Haitian Entrants (CHE)

Many Cuban/Haitian Entrants **will not have** an unexpired document proving their **immigration** status. “Cuban/Haitian Entrant” is not an immigration status; it’s a designation which relates to eligibility for federal benefits.

Accept expired documents proving the CHE designation if the document contains sufficient information for SAVE verification.

Alien Documentation Chart

When an alien provides immigration documentation, check the following documentation chart to see if the person is an eligible alien. While the chart lists several types of documentation that can be used to verify alien status, it should be used for general guidance only. It’s impossible to include every type of alien document that exists, or to identify when a form may be revised and looks slightly different than the previous version.

Status of Alien	Acceptable Documentation of Alien Status
U.S. non-citizen nationals	A U.S. passport endorsed with United States National **Or** Certificate of Non-Citizen Nationality (very rare)
A Cuban or Haitian entrant under 501(e) of Refugee Education Assistance Act (REAA). (Also includes Haitians in the Haitian Family Reunification Parole Program and entrants under the Western Hemisphere Parole (WHP) COA)	**Form I-551, Permanent Resident Card**, coded CU6, CU7, CH6, or WHP. **Or** Unexpired “Temporary I-551 stamp” in a foreign passport coded CU6, CU7, CH6, or WHP. **Or** **Form I-94, Arrival/Departure Record**, with a stamp showing parole as “Cuban/Haitian Entrant” under section 212(d)(5) of the INA.

Status of Alien	Acceptable Documentation of Alien Status
A Cuban or Haitian entrant under 501(e) of Refugee Education Assistance Act (REAA). (Also includes Haitians in the Haitian Family Reunification Parole Program and entrants under the Western Hemisphere Parole (WHP) COA) (Cont.)	NOTE: If the client provides an **I-862 Notice to Appear** or an **I-220A Order of Release on Recognizance** and the notice shows that the client is a Cuban or Haitian national, the **I-862** or **I-220A** 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** or **I-220A** does not show that the client is a Cuban or Haitian national they would also need to provide proof of Cuban or Haitian nationality. Examples of this verification include: ▪ Current or expired passport from Cuba or Haiti. ▪ Any document or returned data from DHS that confirms nationality. ▪ Any authoritative document showing proof of applicant or member's nationality.
Citizens of nations under Compact of Free Association Agreements (COFA) (Palau, Micronesia, and the Marshall Islands), effective March 9, 2024, regardless of their date of entry.	**Form I-94** or **Form I-94A, Class of Admission** typically will state: ▪ "CFA/FSM" (Compact of Free Association/Federated States of Micronesia) for FSM citizens; or ▪ 'CFA/MIS" (Compact of Free Association/ Republic of the Marshall Islands) for RMI citizens. **Or** **Form I-766, Employment Authorization** **Or** **Form I-797, Notice of Action Receipt**
Legal Permanent Residents (LPRs) who have held that status for 5 years, or LPRs who are not subject to the five-year bar. See: **The Five-Year Bar and Exemptions**	**Form I-551, Permanent Resident Card** **Or** Unexpired "Temporary I-551 stamp" on **Form I-94, Arrival/Departure Record** or in a foreign passport or other travel document.

The Five-Year Bar and Exemptions

Legal reference: 8 U.S.C. §§1612, 1613

Unless exempt, Lawful Permanent Residents (LPRs) are barred from receiving federal means-tested public benefits for a period of five years after lawful permanent resident status is obtained.

LPRs who have not been LPRs for at least five years and who don't meet any other exemption from the five-year bar are ineligible aliens for SNAP.

The following LPRs are exempt from the five-year bar:

- LPRs under age 18, regardless of their date of entry
- LPRs who are blind or disabled. LPRs who are blind or disabled as described in **7-A, Definitions: Disabled Member**, are immediately eligible for SNAP, regardless of when they became disabled or their date of entry
- LPRs who have, or can be credited with, 40 qualifying quarters of coverage under Title II of the Social Security Act or who have sufficient earnings through non-covered employment. See **Establishing Qualifying Quarters**
- LPRs who are exempt from the five-year bar because of how they entered the United States. See table below.

Note: Because many five-year bar exemptions are based on immigration actions that happened in the past, LPR documentation proving they are exempt from the five-year bar may be expired. Accept expired documents if they contain sufficient information for SAVE verification.

When an alien provides immigration documentation, check the following chart to see if the person is an eligible alien. While the chart lists several types of documentation that can be used to verify alien status, it should be used for general guidance only. It's not possible to include every type of alien documents that exist, or to identify when a form may be revised and looks slightly different than the previous version.

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Amerasians	An LPR who was admitted to the U.S. as an Amerasian immigrant under 584 of Foreign Operations, Export Financing and Related Program Appropriations Act is exempt from the five-year bar. These individuals are children fathered by a U.S. citizen in certain Southeast Asian countries during the years of U.S. conflict in that region, as well qualifying members of their family (children, spouses, mothers).	**Form I-551, Permanent Resident Card** coded AM1 through AM8. **Or** Unexpired temporary I-551 stamp on **Form I-94, Arrival/Departure Receipt Card**, or in a foreign passport coded AM1 through AM8.
Afghan Humanitarian Parolees	An LPR who was admitted to the U.S. as an Afghan humanitarian parolee between July 31, 2021, and September 30th, 2023, is not subject to the five-year bar. These individuals were brought to the U.S. for their own safety under the provisions of the Operation Allies Welcome program.	**Form I-94** noting Humanitarian Parole (per INA section 212(d)(5)(A) or "PAR" **Or** Foreign passport with DHS/CBP admission stamp noting Operation Allies Refuge or "OAR" **Or** Foreign passport with DHS/CBP admission stamp noting Operation Allies Welcome or "OAW" **Or** Foreign passport with DHS/CBP admission stamp noting "DT"

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Afghan Special Immigrant	An LPR who entered the U.S. as an Afghan special immigrant is not subject to the five-year bar, nor are their dependents admitted as LPRs under the Afghan Allies Protection Act of 2009 or other applicable law regarding special immigrants.	Afghani passport with an immigrant visa stamp noting that the person has been admitted under IV (immigrant visa) category SI1 or SQ1, SI2 or SQ2, SI3 or SQ3. Form I-551 showing Afghani nationality (or Afghani passport), with an IV (immigrant visa) code of SI6 or SQ6, SI7 or SQ7, SI9 or SQ9.
Afghan Special Immigrant (SI) Conditional Permanent Residents (CPRs)	An LPR who was admitted to the U.S. as an Afghan Special Immigrant Conditional Permanent Resident (CPRs) is a person who was granted lawful permanent resident status on a conditional basis, typically for two years, and is not subject to the five-year bar. In addition to the principal parolee, these provisions apply to the following family members: spouses, children, and parents and legal guardians of individuals who were unaccompanied minors.	Foreign passport with DHS/CBP admission stamp noting that the individual has been classified under IV (immigrant visa) Category CQ1, CQ2,CQ3, SQ1, SQ2, SQ3, SW1, SW2, SW3 (may also be SQ6, SQ7, or SQ8 if applicant obtained SI LPR status after arriving in United States **Or** DHS **Form I-551** (“green card”) with an IV (immigrant visa) code for category CQ1, CQ2 or CQ3, SQ1, SQ2, SQ3, SW1, SW2, SW3 (may also be SQ6, SQ7, or SQ8 if applicant obtained SI LPR status after arriving in United States **Or** DHS/CBP/USCIS temporary **Form I-551 Alien Documentation Identification and Telecommunication (ADIT) stamp**

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Afghan Special Immigrant Parolees	LPRs who entered the U.S. as Afghan Special Immigrant Parolees who were granted parole for at least one year are not subject to the five-year bar, regardless of date of entry. This also applies to spouses and children of these individuals.	Form I-94 noting SI or SQ Parole (per section 602(B)(1) AAPA/Sec 1059(a) NDAA 2006) USCIS states that Special Immigrant Parolees are expected to have a separate, printed page on Customs and Border Protection (CBP) letterhead with their Form I-94, Arrival Departure Record, information and the following notation, signed and dated by a USCIS officer: Special Immigrant Status (SQ/SI) Parolee Sec 602(b)(1) AAPA / Sec 1059(a) NDAA 2006 Date _____ USCIS officer: _____. As with other Iraqis and Afghans and their dependents admitted as Lawful Permanent Residents (LPRs) under the Afghan Allies Protection Act of 2009 or other applicable law regarding special immigrants, these special immigrant LPRs will generally have foreign passports with a Department of Homeland Security (DHS)/CBP stamp admitting them with an SQ1, SQ2, SQ3, SQ6, SQ7, or SQ8 Class of Admission (COA). However, some of the new Afghan special immigrant LPR arrivals may not have a physical immigrant visa in their passport and may not have a temporary Form I-551 stamp.

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Afghan Special Immigrant Parolees (Cont.)	LPRs who entered the U.S. as Afghan Special Immigrant Parolees who were granted parole for at least one year are not subject to the five-year bar, regardless of date of entry. This also applies to spouses and children of these individuals.	USCIS is also issuing a Form I-551, Permanent Resident Card, to these special immigrant LPRs. In addition, regardless of the documentation presented, VLP/SAVE can provide an initial verification response of LPR for these special immigrant LPRs except those whose case involves something unusual that may require additional verification. SCIS is issuing these Special Immigrant Parolees a Form I766, Employment Authorization Document, with a C11 parolee category. For these individuals, VLP/SAVE can provide an initial verification response of Parolee with an SQ4 or SQ5 COA unless there is something unusual about the case that may require additional verification
Asylees	An LPR who was granted asylum under Section 208 of the INA prior to their adjustment to LPR status is not subject to the five-year bar.	**Form I-94, Arrival/Departure Receipt Card**, annotated with a stamp showing grant or asylum under section 208 of the INA. **Or** Order of an immigration judge granting asylum. **Or** A grant letter from the Asylum Office of the USCIS. **Form I-66B, Employment Authorization Card**, annotated with "274a.12(a)(5)."

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Canadian-born American Indians	An LPR who is a Canadian-born American Indian with treaty rights to cross the United States borders with Canada and Mexico is not subject to the five-year bar. There's an extensive list of these tribes. Contact HHS Central Office if you question if a tribe is included.	**Form I-551, Permanent Resident Card**, coded S13. **Or** I-551 stamp in a Canadian passport coded S13. **Or** Form I-94, Arrival/Departure Record, coded S13. **Or** 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.
COFA Migrants	An LPR who is a citizen of nations under Compact of Free Association Agreements (COFA) (Palau, Micronesia, and the Marshall Islands) is eligible for SNAP benefits effective March 9, 2024, regardless of their date of entry. COFA migrants are eligible for SNAP before adjustment to LPR status and are not subject to the five-year bar after adjustment to LPR status.	**Form I-94** or **Form I-94A, Class of Admission** typically will state: ▪ "CFA/FSM" (Compact of Free Association/Federated States of Micronesia) for FSM citizens; or ▪ 'CFA/MIS" (Compact of Free Association/ Republic of the Marshall Islands) for RMI citizens.

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Cuban or Haitian Entrants (CHE)	An LPR who entered the U.S. as a Cuban or Haitian entrant under 501(e) of the Refugee Education Assistance Act (REAA). Cuban and Haitian Entrants are eligible for SNAP. They don't have to have LPR status and aren't subject to the five-year bar after they get LPR status.	**Form I-551, Permanent Resident Card**, coded CU6, CU7, or CH6. Unexpired "Temporary I-551 stamp" in a foreign passport coded CU6, CU7, or CH6. **Form I-94, Arrival/Departure Record**, with a stamp showing parole as "Cuban/Haitian Entrant" under section 212(d)(5) of the INA. NOTE: If the client provides an **I-862 Notice to Appear** or an **I-220A Order of Release on Recognizance** and the notice shows that the client is a Cuban or Haitian national, the I-862 or I-220A 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 or I-220A does not show that the client is a Cuban or Haitian national they would also need to provide proof of Cuban or Haitian nationality. Examples of this verification include: ▪ Current or expired passport from Cuba or Haiti. ▪ Any document or returned data from DHS that confirms nationality. ▪ Any authoritative document showing proof of applicant or member's nationality.

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Hmong or Highland Laotian tribe members	An LPR who was a member of a Hmong or Highland Laotian tribe when the tribe helped United States personnel (during the period of August 5, 1964, through May 7, 1975) is not subject to the five-year bar after. This eligibility also extends to the spouses, unremarried surviving spouses, unmarried dependent children under the age of 18 (or under age 22 if a full-time student), unmarried children under age 18 (or under age 22 if a full-time student), who was dependent on the tribal member at the time of the member's death, unmarried disabled children of any age who was disabled before age 18 and was dependent on the tribal member when the child turned age 18.	Documentation showing the person is legally present in the U.S. USCIS documents do not provide identification that shows a person is Hmong or Highland Laotian. Many are admitted as refugees and have documentation coded as a refugee. Attestation to being Hmong or Highland Laotian is sufficient to prove this status. Ask for verification only if it is questionable that the person is Hmong or Highland Laotian.

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Iraqi Special Immigrant Visa Holders (SIV)	An LPR who entered the U.S. as an Iraqi Special Immigrant is not subject to the five-year bar. The SIV process is available to Iraqi employees and contractors who were employed by or on behalf of the U.S. government in Iraq on or after March 20, 2003, and prior to September 30, 2013, for a period of one year or more, and who have experienced or are experiencing an ongoing serious threat because of that employment.	Department of Homeland Security stamp or notation on a passport or **form I-94, Arrival/Departure Receipt Card**, showing date of entry and one of the following documents: ▪ Iraqi passport with an immigrant visa stamp noting that the person has been admitted under IV (immigrant visa) category SI1 or SQ1, SI2 or SQ2, SI3 or SQ3. ▪ Form I-551 showing Iraqi nationality (or Iraqi passport), with an IV (immigrant visa) code of SI6 or SQ6, SI7 or SQ7, SI9 or SQ9.
Refugee	An LPR who was admitted under Section 207 of the Immigration and Nationality Act (INA) is not subject to the five-year bar after adjustment to LPR status.	**Form I-94, Arrival/Departure Record** showing entry under section 207 of the INA. **Or** **Form I-688B, Employment Authorization Card**, annotated with "274a.12(a)(3)." **Or** **Form I-766, Employment Authorization Card**, annotated with "A3." **Or** **Form I-571, Refugee Travel Document**. **Or** I-551 or USCIS documents with RE1, RE2, RE3, RE6, RE8, RE9, or RE86

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Ukrainian Humanitarian Parolee (UHP)	An LPR who entered the U.S. between February 24, 2022, and September 30, 2024, and was granted Ukrainian Humanitarian Parole (UHP) is not subject to the five-year bar after adjustment to LPR status. People granted UHP could be citizens or nationals of Ukraine, or someone who last habitually resided in Ukraine. These policies also apply (after their adjustment to LPR status) to the following family members of these individuals, even if they are granted parole after September 30, 2024: spouses, children, parents, legal guardians, and primary caregivers of such individuals who were unaccompanied minors.	**Form I-94** noting humanitarian parole (per INA section 212(d)(5) or 8 U.S.C. § 1182(d)(5)) **Or** Foreign passport with DHS/CBP admission stamp noting "DT" **Or** Foreign passport with DHS/CBP admission stamp noting Uniting for Ukraine or "U4U" **Or** Foreign passport with DHS/CBP admission stamp noting Ukrainian Humanitarian Parolee or "UHP" **Or** **Form I-765 Employment Authorization Document (EAD)** receipt notice with code C11 **Or** **Form I-766 Employment Authorization Document (EAD)** with the code C11 For those persons who last habitually resided in Ukraine, any one of the forms or stamps listed above for UHPs **and** Documentation of last habitual residence in Ukraine.

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Ukrainian Humanitarian Parolee (UHP) (Cont.)	An LPR who entered the U.S. between February 24, 2022, and September 30, 2024, and was granted Ukrainian Humanitarian Parole (UHP) is not subject to the five-year bar after adjustment to LPR status. People granted UHP could be citizens or nationals of Ukraine, or someone who last habitually resided in Ukraine. These policies also apply (after their adjustment to LPR status) to the following family members of these individuals, even if they are granted parole after September 30, 2024: spouses, children, parents, legal guardians, and primary caregivers of such individuals who were unaccompanied minors.	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. These policies also apply to the following family members of these individuals, even if they are granted parole after September 30, 2024: spouses, children, parents, legal guardians, and primary caregivers of such individuals who were unaccompanied minors.

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
U.S. Military Connections	LPRs who are active-duty personnel of the United States Armed Forces, their LPR spouses, and LPR dependent children aged 21 or under are not subject to the five-year bar. This includes the LPR spouses and LPR unmarried dependent children aged 21 or under of active-duty personnel who are United States citizens. LPRs who are veterans of the United States Armed Forces who were honorably discharged for reasons other than alienage are not subject to the five-year bar. This eligibility extends to their LPR spouses, LPR unremarried surviving spouses, unmarried LPR dependent children under the age of 18 (or under age 22 if a full-time student), unmarried LPR children under age 18 (or under age 22 if a full-time student), who was dependent on the veteran at the time of his or her death, unmarried LPR disabled child of any age who was disabled before age 18 and was dependent on the veteran when the child turned age 18.	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, Coast Guard, or Space Force, or a DD form 2 Military ID card (active-duty papers). 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.

LPRs Exempt from the Five-Year Bar	Description	Verification of Exempt Status Documentation Examples
Victims of Trafficking	An LPR who was certified by the U.S. Department of Health and Human Services as a person who has been subjected to a severe form of trafficking is not subject to the five-year bar. This extends to the LPR spouse, LPR child, LPR parent or unmarried minor sibling of a victim of a severe form of trafficking in persons under 21 years of age, and who has received a derivative T visa.	**Form I-797** indicating Derivative T visa annotated with T-1 **Or** **Form I-797a Derivative T visa** annotated with T-2, T-3, T-4, T-5 (family of victim of severe trafficking) **Or** Original certification letter from ORR
Withheld Deportation or Removal	An LPR whose deportation or removal was withheld under Section 243(h) or 241(b)(3) of the INA prior to their adjustment to LPR status is not subject to the five-year bar.	**Form I-688B, Employment Authorization Card**, annotated with "274a.12(a)(10)." **Or** **Form I-766, Employment Authorization Card**, annotated with "A10." **Or** Order of an immigration judge showing that deportation is withheld under Section 243(h) of the INA or under section 241(b)(3) of the INA.

Using SAVE (Systematic Alien Verification for Entitlements)

Legal reference: 7 CFR 272.11; 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). Iowa Code Section 239.6

Policy: The eligible status of every alien applying for SNAP benefits, and the status of every alien claiming to be a Specified Ineligible Alien must be verified through SAVE. SAVE must be used to verify the alien status of every individual claiming to have an eligible alien status or Specified Ineligible Alien status at every application, every review, and every request to add an eligible or Specified Ineligible Alien to an existing household, even if the individual's status was previously verified by SAVE.

Procedure: Acceptable documentation of alien status or Specified Ineligible Alien status must be on file prior to using SAVE to verify the person's current alien status. See **Alien Status Verification Requirements**.

Obtain acceptable documentation of alien status from every person claiming to have an eligible alien status or Specified Ineligible Alien status. When a person claims to have either status but does not have documentation, tell them to contact the local USCIS office for help getting the documents.

When the alien provides documentation that verifies they're exempt from the five-year bar, you must still use SAVE for verification of their status. SAVE will verify their immigration status, but it may not be able to provide definitive information about whether they're exempt from the five-year bar. If this happens, the documents the alien provided that verified they are exempt from the bar are sufficient verification.

Exceptions to Using SAVE Before Approving Benefits

When a household meets emergency service criteria, but they aren't able to provide acceptable documentation of eligible alien status in time to meet emergency processing timelines, postpone immigration status verification and assume the alien is an eligible alien for SNAP. See **7-B, Emergency Service**.

When a household meets emergency service criteria, but they aren't able to provide acceptable documentation of Specified Ineligible Alien status in time to meet emergency processing timelines, postpone immigration status verification and assume the person is a Specified Ineligible Alien. See **7-B, Emergency Service**. If the household is otherwise eligible, calculate the household's benefits using proration procedures found later in this chapter. See **Ineligible Household Members: Resources of Ineligible Household Members** and **Income and Deductions of Ineligible Household Members**.

If an applicant provides 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 either an eligible alien for SNAP or Specified Ineligible Alien as appropriate and give benefits until USCIS verification is received following those policies. If you find out later from USCIS that the person is an ineligible alien for SNAP purposes, cancel that person's SNAP benefits. If you find out that a reported Specified Ineligible Alien is a Non-Specified Ineligible Alien, recalculate benefits following Non-Specified Ineligible Alien policy for the next month, allowing for timely notice.

A link to SAVE's website can be found on the HHS Field Intranet. A **SAVE Program Tutorial** is available in LMS which contains information about SAVE and using the website. Additional information on using SAVE and guides can be found in SAVE under Help>Resources.

Establishing Qualifying Quarters

Legal reference: 42 U.S.C. §413

When an alien's eligibility depends on meeting the 40-quarter requirement, you must determine the number of quarters the person can be credited with. Each person can get up to four qualifying quarters of credit each calendar year based on the person's earnings.

The following chart gives the amount a person had to earn to get one credit for the years 1983 and later. (Contact SPIRS help desk for assistance in calculating qualifying quarters for years before 1983.)

Amount Needed to Earn a Qualifying Quarter			
Year	Earnings Needed to Get 1 Credit	Year	Earnings Needed to Get 1 Credit
1983	$370	2005	$920
1984	$390	2006	$970
1985	$410	2007	$1,000
1986	$440	2008	$1,050
1987	$460	2009	$1,090
1988	$470	2010	$1,120
1989	$500	2011	$1,120
1990	$520	2012	$1,130
1991	$540	2013	$1,160
1992	$570	2014	$1,200
1993	$590	2015	$1,220
1994	$620	2016	$1,260
1995	$630	2017	$1,300
1996	$640	2018	$1,320
1997	$670	2019	$1,360
1998	$700	2020	$1,410
1999	$740	2021	$1,470
2000	$780	2022	$1,510
2001	$830	2023	$1,640
2002	$870	2024	$1,730
2003	$890	2025	$1810
2004	$900	2026	$1890

To calculate the number of quarters for a year, divide the person's total earnings for the year by the amount needed to get one credit. For earnings from employment, use the gross amount of earnings.

For earnings from self-employment, use the amount of earnings after allowable self-employment expenses have been deducted.

Starting with January 1, 1997, do not count the income from any quarters in which an alien got SNAP benefits or any other type of federal means-tested public assistance during the quarter. The quarters in a calendar year are: January through March, April through June, July through September, and October through December.

This means if an alien got SNAP, Medicaid, Family Investment Program (FIP), or Supplemental Security Income (SSI) in June 1997, you subtract April, May, and June earnings from the total 1997 earnings before dividing to see how many qualifying quarters the person has.

Aliens can count their spouse's quarters that were earned during the marriage in addition to their own quarters in order to meet the 40-quarter requirement, whether the spouse is a citizen or an alien. Count the spouse's quarters earned during the marriage if:

- The couple is currently married, or
- The couple is separated but not divorced, or
- The spouse is deceased and the remaining spouse is not remarried.

For example, if each spouse earned 20 quarters since they got married, you would add the quarters together. Both spouses would be counted as having 40 quarters and both would meet this requirement.

An alien can also count the quarters earned by a parent in addition to the alien's own quarters in order to meet the 40-quarter requirement, whether the parent is a citizen or an alien.

For this policy, "parent" means natural parent, adoptive parent, or stepparent, but not a person having parental control. Count the parent's quarters if the parent earned the quarters before the child turned 18. Include quarters earned before the child was born.

Count the quarters earned by a stepparent during the stepparent relationship only if the stepparent relationship still exists. Do not count quarters earned before the stepparent relationship began. Death of a stepparent does not end the relationship. Do not count any quarters of the stepparent if the parent and stepparent are divorced.

The quarters earned by a child do **not** count towards the eligibility of a parent.

Verifying Qualifying Quarters

The alien is responsible to get verification of qualifying quarters. This includes getting verification of the qualifying quarters earned by a spouse, parent, or stepparent.

In addition to verification from the Social Security Administration, you can use documentation such as:

- Wage stubs
- Employer's statement
- Income tax forms

If the alien does not have acceptable proof the alien must get verification from the Social Security Administration. The Social Security Administration (SSA) can verify quarters starting with the year 1930.

If an alien provides verification from SSA, but believes there is a discrepancy in the SSA records, the alien must get verification from SSA that SSA is investigating the discrepancy.

While the investigation is being conducted, the alien can get SNAP benefits for a maximum of six months from the date that SSA decided to make the investigation. If the SSA investigation continues past six months, the alien cannot get SNAP benefits until SSA has verified that the alien can be credited with 40 qualifying quarters.

Sponsored Aliens

Legal reference: 8 U.S.C. §1183a, 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 X 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

Legal Reference: 7 CFR 273.4(a)(6)(iii)(C), 273.4 (c)(3)(v)

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 four criteria listed under **Eligible Aliens** and if the individual is an LPR, the individual is subject to the five-year bar.

Battered aliens are not subject to sponsor deeming, no matter who the sponsor is, for 12 months from the date it is determined the alien or the alien's children have been battered or subjected to extreme cruelty, if the individual(s) no longer lives with the batterer. 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, and the battered alien continues to live apart from the batterer.

Indigent Aliens

Legal reference: 7 CFR 273.4(c)

An indigent alien whose sponsor signed an **Affidavit of Support, form I-864**, may be eligible for SNAP benefits. Indigent aliens are not automatically eligible for SNAP. An indigent alien must meet one of the four criteria listed under **Eligible Aliens** and if the individual is an LPR, the individual is subject to the five-year bar unless exempt, See **The Five-Year Bar and Exemptions**.

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. HHS must notify the USCIS of the alien's situation and provide the USCIS with the names of the alien and the sponsor. Contact Policy Support if you believe you have an indigent alien who needs to be reported.

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's 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 HHS 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.

Reporting Undocumented Aliens

Legal reference: 7 CFR 273.4(b)

At the time of interview, explain alien eligibility criteria and verification procedures to households that include non-citizen members. Verify the status only of household members who are applying for assistance and claim to have an eligible status for the program.

Based on federal guidance, the Department is to report to the USCIS that an alien is not lawfully present in the United States only if we "know" that the alien is not lawfully present. The Department "knows" this only if:

- The alien applies to receive benefits, **and**
- The alien claims to have an eligible status for the program, **and**
- In making a formal determination of eligibility, we receive from USCIS verification of undocumented status, such as a Final Order of Deportation.

NOTE: A SAVE response that shows no service record on a person or shows an immigration status making the person ineligible for a benefit is not a finding of fact or conclusion of law that the person is not lawfully present.

Situations in which the criteria are met for reporting an undocumented alien are extremely rare. For this reason, contact Policy Support if you believe it may be appropriate to report an undocumented alien.

Able-Bodied Adults Without Dependents (ABAWDs)

Legal reference: 8 U.S.C. §2015(o)(3); 7 CFR 273.24(a) and (b), (d) through (i), 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

Legal Reference: 8 U.S.C. §2015(o)(3); 25 U.S.C. §§1603, 1679(a)

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

- Exempt from mandatory work registration (MWR) for any reason except being 60 or older. 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 65 or over. This includes the month in which a person turns 65.
- 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).
- A member of a SNAP household that includes a child under the age of 14.

  NOTE: This also applies when a child is in the home, but is ineligible for non-financial reasons, like not providing an SSN or having an ineligible alien status.

  When parents have shared or joint custody, and both parents have SNAP cases, only the SNAP household where the child receives SNAP benefits can be exempt from the ABAWD work requirements due to having a child under age 14 in the household. The exemption cannot apply to the other parent's SNAP household. In the rare instance when a household can choose to include or exclude the child, and the household chooses to exclude the child, the household loses the opportunity to exercise this exemption because the exemption follows the child.
- An Indian

  An individual is an "Indian" if they are a member of an Indian tribe. Indian tribe is defined as any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or group or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

- An Urban Indian. An individual is an "Urban Indian" if they reside in an urban center and meet at least one of the following four criteria:

  1. Regardless of if they live on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree of any such member;
  2. Is an Eskimo or Aleut or other Alaska Native,
  3. Is determined to be an Indian for any purpose under regulations promulgated by the Secretary of Interior; or
  4. Is determined to be an Indian under regulations promulgated by the Secretary of Health and Human Services.

  Urban center is defined as any community which has a sufficient urban Indian population with unmet health needs to warrant assistance under subchapter IV of the IHICA, as determined by the Secretary of Health and Human Services.

- A California Indian. An individual is a "California Indian" if they meet at least one of the following four criteria:

  1. Are a member of a federally recognized Indian tribe;
  2. Are a descendant of an Indian who was residing in California on June 1, 1852, if such descendant—
     a. Is a member of the Indian community served by a local program of the Indian Health Service; and
     b. Is regarded as an Indian by the community in which such descendant lives;
  3. Are an Indian who holds trust interests in public domain, national forest, or reservation allotments in California; or
  4. Are an Indian of California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958, and any descendant of such an Indian.

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. In the rare occasion that you find it questionable 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.

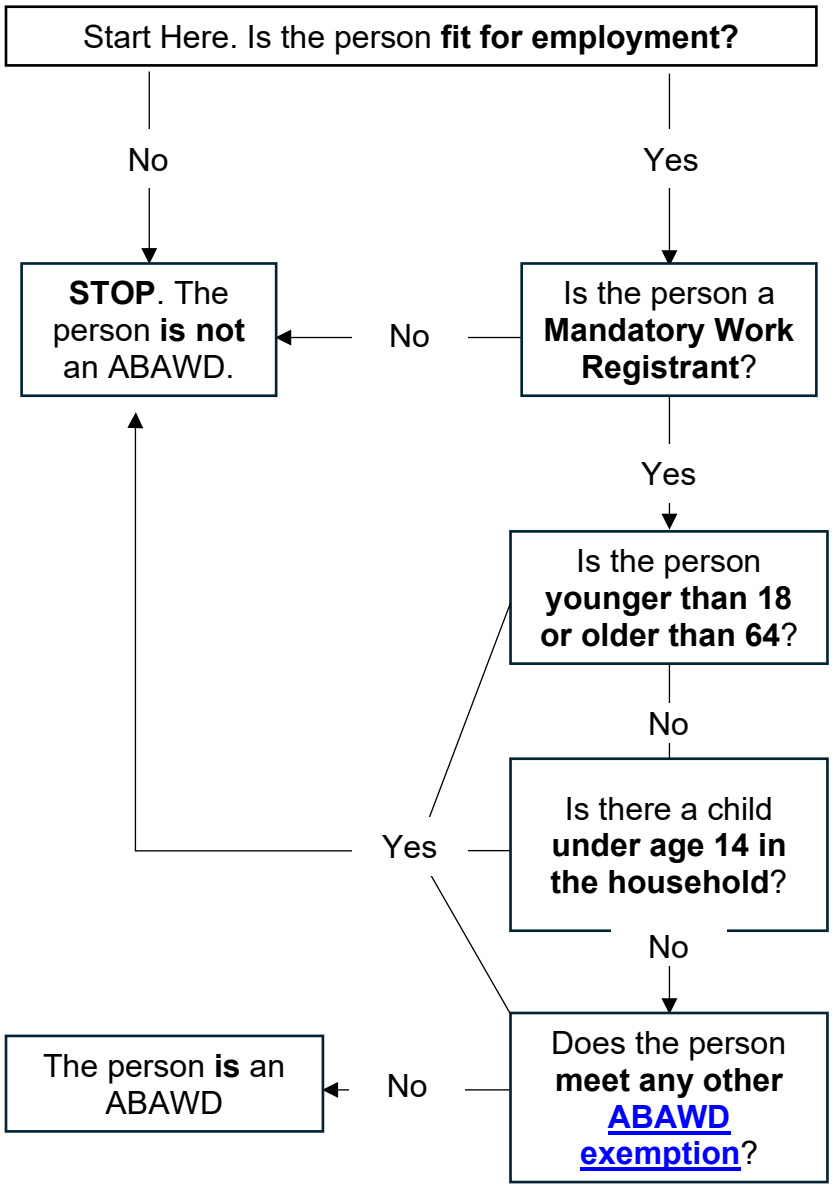
If the person does not have the means to pay for or obtain a professional diagnosis, other evidence may be used. A prudent person can often identify these types of issues without the need for verification. For example, statements from former employers or other people who know the person's situation can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

Legal Reference: 7 CFR 273.24(k)

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.

Loss of Exemption During the Certification Period

If a person previously qualified for an ABAWD exemption loses that status, you cannot apply the time limit (count ABAWD months) without screening the individual for all other exemptions. Screenings are done at application, review, and when callers report changes to the customer service call center. It is not possible to sufficiently screen an individual for all possible exemptions without speaking to a SNAP household member.

If the exemption will be lost based on a reported change, follow **7-G, Acting on Changes** policies to determine whether the reported change requires immediate action or if it must be held until the next recertification. If the change requires immediate action, the time limit can only be imposed if a screening was completed. If a screening was not completed, or the change must be held until the next recertification, the current exemption continues until the next recertification.

At recertification, if it is determined the exemption was lost during the previous certification period, assign countable months against the time limit retroactively. If the retroactively assigned months caused the individual to exceed the time limit during the certification period, do not establish a claim for those months.

Newly Meeting an Exception During the Certification Period

If a person who was determined to be an ABAWD reports a change that would qualify them for an ABAWD exemption, follow **7-G, Acting on Changes** policies to determine whether the reported change requires immediate action or if it must be held until the next recertification.

If verification is not necessary to allow the exemption, or the exemption can be verified using information already available to you, stop assigning countable months against the time limit immediately.

If the change must be held until the next recertification, the individual's current ABAWD status will continue until the exemption is verified, the time limit expires, or until the next recertification, whichever comes first. If it is determined later the individual was exempt while months were being counted against the time limit, any month(s) counted against the time limit while the exemption applied must be removed.

See **Tracking** for instructions on changing ABC system coding when there is a change in an ABAWD's status.

1. 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.

2. Christy is exempt from ABAWD work requirements because her nephew Ryan (12) lives with her. In early June, Christy calls and reports that Ryan has moved in with his mother. This report is not questionable, is considered verified upon receipt, and has a clear impact.

   While on the phone with Christy, the worker taking the change screens her for all other possible exemptions from the work requirements and finds that she has no exemption from the work requirements. As a result, Christy is determined to be an ABAWD who is not meeting the work requirements. Her first countable ABAWD month is July. The worker updates Christy's ABAWD coding in IABC, cancels Ryan from the SNAP case effective 7/1, and updates the ABAWD month tracker in WISE.

3. Nathan is an ABAWD who is not meeting the work requirements. In March, he reports he has accepted a part-time job offer. Nathan doesn't know his start date yet, but thinks it will be next week. The worker explains to Nathan that he is not required to report the change and no action will be taken on the change at this time. The worker reminds Nathan of his reporting requirements and that he is subject to the time limit. Nathan is encouraged to voluntarily verify his new job if it means he will satisfy the ABAWD work requirements.

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 Innovation and Opportunity Act (WIOA) 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.

ABAWD Status Notifications

All general work and ABAWD work rules must be verbally explained to households with ABAWD or potential ABAWD members at:

- Application
- Recertification
- When a reported change in circumstance results in a member becoming subject to ABAWD work rules
- When a new person moves into the SNAP household and is subject to ABAWD work rules

The system automatically mails form **470-5674** or **470-5674(S), SNAP Work Rules** to ABAWDs and potential ABAWDs. If issuing a manual NOD, give or mail form **470-5674** or **470-5674(S), SNAP Work Rules** right away to the person who is subject to the ABAWD work rules.

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.

Change the code on TD03 whenever an ABAWD's work status changes and when an ABAWD becomes exempt from the ABAWD work requirement. When an ABAWD becomes exempt from the work requirement, use the applicable coding to show the person's work registration/ABAWD status.

Definition of Work

"Work" for the purposes of meeting the ABAWD work requirement means:

- Working in exchange for money. This can be either employment or self-employment.
- Unpaid or volunteer work. This type of work must be performed through an organization (including religious organizations) or be court-ordered community service. One individual performing free labor for another (such as mowing a neighbor's lawn) does not meet the definition of work for this purpose.
- Working in exchange for an in-kind benefit, like working in exchange for rent or any other goods or services.

1. Ms. J works 60 hours a month at a fast-food restaurant. She also works 20 hours a month in exchange for her living accommodations. Ms. J's work activities total 80 hours each month. Ms. J meets the ABAWD work requirement.
2. Mr. L's monthly hours of work vary between 60 and 100. He is not expected to pay rent, but he is expected to perform services for the person he lives with in exchange for the cost of his share of household supplies, like laundry soap and other consumables. He also spends an average of 20 hours monthly performing various odd jobs. Mr. L meets the ABAWD work requirement.
3. Mr. M house-sits for a person who is out of the country on business. By virtue of his job, he gets living accommodations in return for watching over the home. Mr. M meets the ABAWD work requirement.

Good Cause for Not Meeting the Work Requirement

Legal Reference: 7 CFR 273.24(b)(2)

Allow "good cause" when an ABAWD who has been meeting the ABAWD work requirement temporarily does not meet the requirement. To qualify for good cause, the ABAWD must plan to continue to participate in the activity that meets the work requirement after the temporary absence.

Use reasonable judgment when considering granting good cause. Good cause reasons include circumstances beyond the person's control such as, but not limited to:

- A household emergency.
- The unavailability of transportation.
- Illness of the person or another household member requiring the ABAWD's presence.

Document the good cause reason in the ABAWD's case record whenever an ABAWD has good cause for not meeting the work requirement. Months in which good cause is granted do not count towards the three-month limit. If the ABAWD is not meeting the work requirement at the next recertification, you must review their circumstances to determine if good cause still exists.

1. Ms. A meets the work requirement with her job at the grocery store. Ms. A's car breaks down and she does not live in a town with public transportation. She can't get to work and she loses her job. Ms. A states that she is looking for a job closer to home so she can walk to work. Ms. A has good cause for not meeting the work requirement and she plans to continue working. If Ms. A is not meeting the work requirement at her next recertification, the worker must reassess her good cause.
2. Mr. X meets the work requirement with his job at the factory. He loses his job at the factory because he does not meet the production quota. He states he does not plan to look for another job right now. Mr. X does not meet good cause because he does not plan to continue to participate in work, the activity that met the work requirement. Determine Mr. X's countable ABAWD months per normal procedures.

Reporting and Verifying Hours

The actual number of hours an ABAWD works in a month must be reported and verified to ensure that the person is meeting the work requirement. The number of hours actually worked in a calendar month is the determining factor for meeting the ABAWD work requirement, not the hours for which the person was paid in the month.

Use any reasonable means to determine and verify the actual number of hours worked in a calendar month. Use caution if using pay stubs to verify hours of work, because pay periods often overlap calendar months and do not reflect the number of hours actually worked in the month in which the person received the pay.

Accept the word of a self-employed person as verification of how many hours are worked per month. Document the client's statement as to how many hours are worked per month in the case record.

Accept the statement of a person who provides an in-kind benefit in exchange for an ABAWD's services as verification.

Once you have verified the hours of work, it is not necessary to do so each month. Assume that an ABAWD is continuing to work 80 or more hours monthly unless the ABAWD reports that the hours of work have dropped below 80 or you have other information indicating the hours are less than 80.

Time Limit for ABAWDs

ABAWDs can get only three months of SNAP benefits while they are not meeting the work requirement.

EXCEPTION: Some ABAWDs can receive an additional three months of eligibility while not fulfilling the work requirement. See **Additional Three-Months' Eligibility** for information.

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, 2023, through November 30, 2026

  Due to the federal government shutdown, November 2025 is **not** a countable ABAWD month
- December 1, 2026, through November 30, 2029

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 in January 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. 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 13-year-old child. Olson's child moves out in February. 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.

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's SNAP is canceled effective July 1 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 on August 5. 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, and is canceled effective November 1. In January, 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

Legal Reference: 7 CFR 273.24(e)

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 (met the work requirement during any 30 consecutive day period during or after the break in SNAP or qualified for an exemption at any time during the break in SNAP), **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.

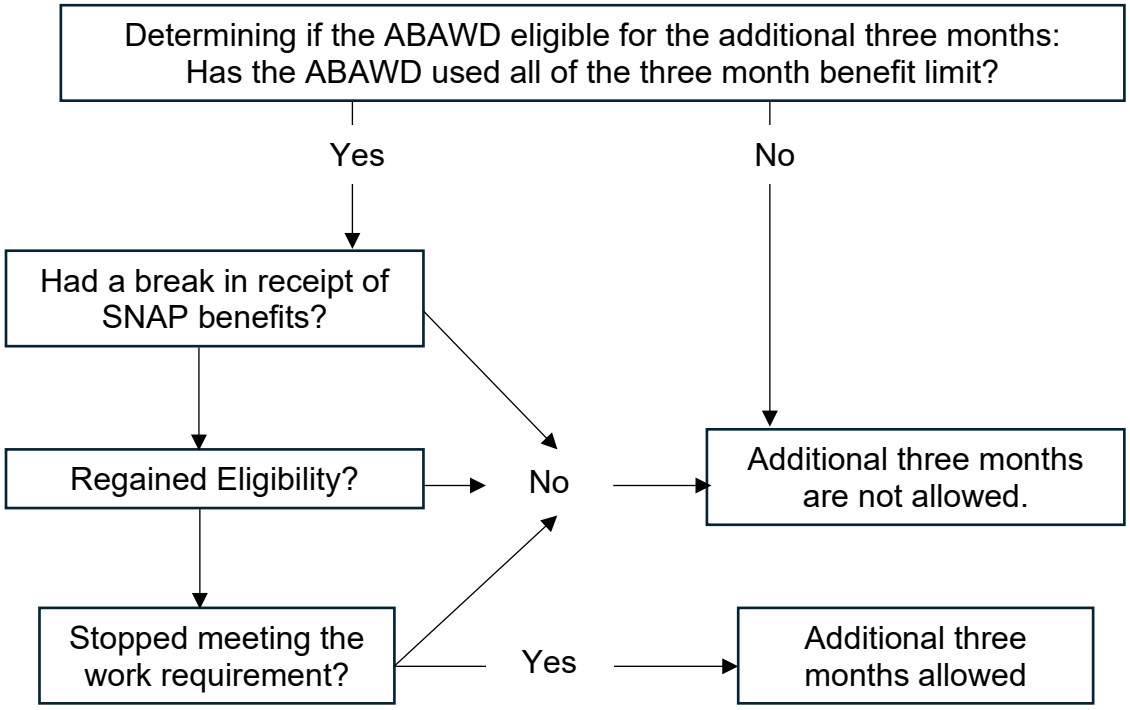
Ceasing to Meet the Work Requirement

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, or is fired from the job.
- The person permanently reduces hours of work to less than 80 hours monthly.
- The person's employer reduces the person's hours of work to less than 80 hours monthly.

Note: Good cause provisions do not apply.

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



Boarders and Commercial Boarding Houses

Legal reference: 7 CFR 273.1(c)

The following sections explain policies affecting:

- **Owners and residents of commercial boarding houses**
- **People who are boarders in a private household**
- **Income a household receives from providing board and room to someone**

Commercial Boarding Houses

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

Owners of commercial boarding houses may get SNAP if otherwise eligible. See **Self-Employed Households** in this chapter to determine eligibility and benefits for the owner of a commercial boarding house.

Residents of commercial boarding houses cannot get SNAP. Residents of institutions are not considered residents of commercial boarding houses. See **7-C, Residents of Institutions**.

Boarders

Legal reference: 7 CFR 273.1(b)(3)

Boarders are people who live with others and pay a reasonable amount for their lodging and meals. If they are not paying a reasonable amount, they must be included in the household of the person providing the lodging and meals. Do not consider people to be boarders if they must be in the household by relationship.

Boarders cannot get SNAP by themselves. However, at the household's request, boarders may participate as members of the household providing the board.

Decide if someone is a boarder by determining if the person is paying a reasonable amount for lodging and meals as follows:

1. Determine the amount paid only for meals, if meals and lodging can be broken out. If meals and lodging cannot be broken out separately, use the entire amount.
2. Compare the amount paid for meals to the maximum SNAP allotment for households the same size as the boarder household. (See **7-F, Calculating Benefit Level** for these amounts.)
    - When a person is paying for more than two meals a day, use the entire maximum SNAP allotment for the corresponding household size.
    - When a person is paying for two or fewer meals a day, use two-thirds of the maximum SNAP allotment for the corresponding household size.

If the amount paid for meals is greater than the appropriate allotment amount, the person is a boarder. If the amount paid for meals is less, the person is not a boarder and must be part of the household providing the services.

Income

Legal reference: 7 CFR 273.11(b)

Boarder income includes all money paid to the household for room and meals. To calculate countable boarder income:

1. Determine how much total income the household received from the boarders, then
2. Subtract the part of the payment that is a cost of doing business. The cost of doing business is either:
   - The cost of the maximum SNAP allotment for the number of people in the boarders' household, or
   - The actual documented cost of providing meals, if the actual cost is more than the applicable maximum SNAP allotment.

Add the countable boarder income to any other earned income of the household before allowing the earned income deduction.

Corporations

Legal reference: 7 CFR 273.11(a)

All corporations are separate legal entities. A closely held corporation is one that has only a few shareholders. An owner or employee of a corporation is not a self-employed person. A person who receives a salary from a corporation is an employee of the corporation. The corporation is responsible for its debts and obligations. The income and resources of a corporation belongs to the corporation.

Income

Legal reference: 7 CFR 273.9(b)

Count stock dividends as unearned income to the person who owns the stock.

Resources

Legal reference: 7 CFR 273.8(c)

Exclude the value of stock in a corporation when the stock is essential to employment. This means that the employee must hold the stock in order to keep the job.

Stock that is not essential to employment is counted as a resource. To determine the value of corporate stock, subtract the corporate liabilities from assets and prorate the difference among the shareholders based on the percentage of shares held.

A household owns 40% of the stock in a corporation. This stock is not essential to employment. To calculate how much to count towards the household's resource limit, use the following calculation for the value of stock.

$	22,000	Corporate assets
-	10,000	Corporate liabilities
$	12,000	Value of corporation
$	12,000	Value of corporation
x	.40	Value of the household's share of stock
$	4,800	Household resource

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(n)

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 Felons

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 Policy Support** 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 (described in section below).

Probation or Parole Violators

There are specific requirements that must be met before a person can be considered a probation or parole violator.

To be considered a probation or parole violator an impartial party must determine whether the individual violated a condition or probation or parole imposed under federal or state law **and** that federal, state, or local law enforcement authorities are **actively seeking** the individual to enforce the conditions of the probation or parole. **Workers must contact Policy Support** to ensure all requirements have been met before taking action to cancel someone who appears to be violating a condition of probation or parole.

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(I)(1); 273.3; 273.1(e)

A "homeless person" means a person who does not have a fixed and regular nighttime residence, or who will imminently lose their 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.
- People disqualified for failing to comply with a mandatory work registrant requirement. See **7-C, Work Requirements for MWRs**.
- Probation or parole violators and fleeing felons. See **Fleeing Felons and Parole and Probation Violators**.
- Residents of institutions. See **7-C, Residents of Institutions**.
- SSI recipients whose SNAP benefits were received as cash in a state that cashes out SNAP benefits to SSI recipients.

Do **not** include the ineligible members listed above when determining:

- The size of the eligible household for the maximum net monthly allotment.
- The appropriate resource limit for the eligible household.
- If the eligible household needs to meet either gross or net income guidelines.

Do consider the relationship of the ineligible members listed previously to others in the household for the purpose of determining who is a mandatory household member.

NOTE: When a person is both an ineligible alien and an ineligible student use the policies for ineligible aliens.

Follow policies in **7-G** when acting on changes for ineligible household members.

Resources of Ineligible Household Members

Legal reference: 7 CFR 273.8(e)(13) and (j), 273.11(c) and (d)

Use the same resource policies for ineligible members as you do for eligible members to determine whether a resource is countable or not. See **7-D, Whose Resources to Count** for what resources are and are not counted.

Count the entire value of the resources of the following ineligible household members towards the eligible household's resource limit, unless the resources are exempt by policies in **7-D**:

- All Ineligible aliens
- People disqualified for intentional program violation
- People who fail to provide a social security number
- NAC matched individuals who fail to respond to the NAC match at application, recertification, or the addition of a new household member
- People disqualified for failing to comply with a mandatory work registrant requirement
- Ineligible ABAWDs
- Fleeing felons and parole and probation violators

Do **not** count the value of any of the resources of an ineligible student towards the eligible household's resource limit.

Income and Deductions of Ineligible Household Members

Legal reference: 7 CFR 273.11(c), 87 FR 59633

Use the same income policies for an ineligible member's income as you do for eligible members. Income that is excluded for eligible household members is also excluded for ineligible household members. Earned versus unearned income policies also apply the same for ineligible members.

Deductions that are allowable for eligible members may be allowed for ineligible members. The reason a person is ineligible determines what and how much is allowed as a deduction for the eligible household.

See **7-E, Income** for policies on specific types of income and details on handling deductions.

Income

The reason a person is ineligible determines how much of the person's income you count as income to the eligible household members.

Do **not** count the income of ineligible students towards the eligible household. If ineligible students give money to the eligible household, count it as unearned income.

Count all of the income of the following ineligible members towards the eligible household:

- Non-Specified Ineligible Aliens (NSIA)
- People disqualified for intentional program violation
- Fleeing felons and parole and probation violators
- People disqualified for failing to comply with a mandatory work registrant requirement

To determine the amount of prorated income to count towards the eligible members of the household:

1. Earned income: subtract the earned income deduction from the ineligible member's earned income; count the remainder as unearned income to the rest of the household.
2. Unearned income: count the total amount of the ineligible member's unearned income as unearned income to the rest of the household.

Count a prorated share of the following ineligible members' income towards the eligible household:

- Specified Ineligible Aliens (SIA)
- People who fail to provide an SSN
- NAC matched individuals who fail to respond to the NAC match at application, recertification, or the addition of a new household member
- Ineligible ABAWDs

To determine the amount of prorated income to count towards the eligible members of the household:

1. Subtract the earned income deduction from the ineligible member's earned income.
2. Divide the ineligible member's income evenly among the household members, including the ineligible members.
3. Count the income attributed to the eligible members as unearned income.

1. Marco and Giana have three children. Giana is a Non-Specified Ineligible Alien. Marco and the children receive SNAP. Giana works and makes $500/month. Giana's aunt also sends her $150 each month and will continue to do so until all of the children have graduated from high school. To calculate how much of Giana's income to count towards the eligible household:
   - Subtract the earned income deduction from her total gross monthly income and count the remainder as unearned income to the rest of the household. $500 x .20 = $100, $500 - $100 = $400
   - Count $150 as unearned income to the rest of the household.
   - $550/mo total counted as unearned income to the rest of the household ($400 + $150 = $550).
2. The household consists of Leo and Olivia and their child. Leo is an LPR, who hasn't met the 5-year bar and doesn't have 40 qualifying work quarters. Olivia and the child are U.S. citizens. Leo is eligible to be included in the FIP grant, but is not eligible for SNAP. Leo earns $500 per month (gross income). The household's FIP grant is $226.

   Earned Income:
   - Subtract the earned income deduction from Leo's gross monthly income. ($500 X .80 = $400)
   - Divide $400 by the number of people in the household, including Leo. ($400 divided by 3 people = $133.33 per person)
   - Take the $133.33 per person and multiply it by the number of eligible household members. ($133.33 X 2 = 266.66, entered as unearned income)

   FIP Grant:
   - Divide the FIP grant by the number of people in the household, including Leo. Then multiply the result by the number of SNAP-eligible persons. ($226 divided by 3 = $75.33; $75.33 X 2 = $150.66 unearned income, Olivia and the child's FIP)
   - Divide Leo's 1/3 of the FIP grant by the number of people in the household, including Leo. Then multiply the result by the number of SNAP-eligible members. ($75.33 divided by 3 = $25.11; $25.11 X 2 = $50.22, the countable share of Leo's FIP)

   Countable Unearned Income:

   Add the three amounts: $266.66 (2/3 of earned income) + $150.66 (2/3 of FIP grant) + $50.22 (2/3 of Leo's share of the FIP grant) = $467.54 countable unearned income

3. At application, the household consists of spouses Kelly and Alex and their two children. The worker does their NAC look-ups and finds a NAC match for Alex. An RFI is sent to the household to verify when Alex's SNAP benefits closed in the other state. They don't respond to the RFI. Alex is denied for failing to respond to the NAC match. Alex's income of $1,000/month is prorated as follows:
   - Subtract the earned income deduction from their total gross monthly income. ($1,000 x .20 = $200, $1,000 - $200 = $800)
   - Divide the $800 by the number of people in the household, including Alex. ($800 divided by 4 = $200/person)
   - Disregard the portion from Alex and count the remainder as unearned income to the rest of the household. ($800 - $200 = $600)

Deductions

Allow deductions for the eligible household as described below under the following categories of ineligible members. See **7-E, Income** for more information on handling and allowing deductions.

Ineligible Students

Do not allow any deduction for child support, dependent care, or shelter costs when an ineligible student pays the entire cost. Do allow a share of these costs for the eligible household members when the costs are shared with an ineligible student.

If the actual amount paid by the eligible members is known, allow only that amount. If you cannot differentiate between the amounts paid by eligible members and ineligible students, prorate the expense and allow the amount attributable to the eligible members as a deduction.

Do not allow any deduction for utilities when an ineligible student pays the entire cost. Allow the eligible members the entire standard utility allowance if the household pays the entire cost or the ineligible student shares the cost. Use the applicable utility allowance for the expenses that the household (including the ineligible member) is responsible to pay.

Non-Specified Ineligible Aliens, IPVs, Work Registration, Fleeing Felons, and Parole and Probation Violators

Non-Specified Ineligible Aliens, people who are disqualified for intentional program violation or failure to meet mandatory work registration requirements, fleeing felons, and parole and probation violators are treated like eligible members when determining what deductions the eligible household is entitled to.

The eligible household is entitled to the entire household's amount of child support, dependent care, shelter costs, and medical expenses, even if the expenses are billed to or are in part or entirely paid by the ineligible person.

> Mr. B is elderly and has allowable medical expenses. He cannot get SNAP benefits because he is disqualified for intentional program violation. Mr. B's medical expenses are allowed when calculating SNAP benefits for the eligible household.

Specified Ineligible Aliens, Ineligible ABAWDs, SSN Disqualifications, and NAC Match Disqualifications

Legal reference: 7 CFR 273.11(c)(3), IC 239.2, 87 FR 59633

Policy: Households that include Specified Ineligible Aliens, ineligible ABAWDs, or persons disqualified for failure to provide an SSN or failure to respond to a NAC match at application, recertification, or the addition of a household member are allowed either the full or a prorated share of deductions depending on the type of deduction and who is responsible for the expense.

Procedure: Determine whether a full or prorated share is allowed as follows:

- Do **not** prorate deductions for:
  - Utility costs, whether an **eligible** or **ineligible** member pays or is responsible for paying them;
  - Medical expenses of an eligible elderly or disabled member, whether an **eligible** or **ineligible** member pays or is responsible for paying them;
  - Shelter care costs when an **eligible** member pays or is responsible for paying them;
  - Dependent care costs when an **eligible** member pays or is responsible for paying them; or
  - Child support paid by an **eligible** member.

  Allow the full amount of these deductions.

- **Do** prorate deductions for:
  - Shelter costs when an **ineligible** member pays for or is responsible for the expense;
  - Dependent care costs when an **ineligible** member pays for or is responsible for the expense; and
  - Child support paid by an **ineligible** member.

  Allow the eligible household's prorated share of these deductions.

Comment:

1. The household consists of Mr. and Mrs. X and their three children. Mrs. X is a Specified Ineligible Alien. Mr. X is eligible and works. He is responsible and pays for the rent. Because Mr. X is a member of the eligible group and is responsible for the expense, the entire shelter expense is allowed.

2. Mr. and Mrs. Y have four children. Mr. Y is a Specified Ineligible Alien. The SNAP eligible group consists of Mrs. Y and the children. Mr. Y is responsible and pays for the rent of $600 and all utility expenses, including heat. The family is eligible for a prorated share of the rent and the entire big standard for utilities.

   The amount allowable for rent is calculated as follows:

   $600 divided by 6 people (all household members) = $100
   $100 X 5 people (the eligible household members) = $500.

3. A child is the only eligible member. The only income in the household is the child support the mother receives. The child support is used to pay the household expenses.

   Because the child support is the child's income, the child is paying all the expenses. The allowable deductions are not prorated because the eligible member pays the expense.

4. A mother receives FIP for her child. The mother is an ineligible alien for both FIP and a Specified Ineligible Alien for SNAP. The only income in the household is the FIP. The FIP is used to pay the household expenses.

   Because the FIP is the child's income, the child is paying all the expenses. The allowable deductions are not prorated because the eligible member pays the expense.

5. The household consists of Ms. H (a Specified Ineligible Alien) and her citizen children Ali, Omar, and Zara. Ms. H explains that of her $1,000/month verified mortgage expense, she pays $800/month from her earnings and Ali (20 years old) is responsible to pay $200/month from his earnings.

   Because Ali is a citizen, his portion of the expense is not prorated. The $800 portion Ms. H pays is prorated as:

   $800 divided by 4 people (all household members)= $200
   $200 X 3 people (the eligible household members) = $600

   Therefore, the household is entitled to a shelter deduction of: $600/month (the prorated portion of Ms. H's expense) + $200 (Ali's portion)= $800/month.

Ineligible Households Due to Lottery or Gambling Winnings

Legal reference: 7 CFR 273.11(r)

A household certified for SNAP benefits is required to report when anyone in the household receives lottery or gambling winnings over the resource limit during the certification period. The household's attestation to the amount of their lottery or gambling winnings does not need to be further verified, unless questionable. A household who reports lottery or gambling winnings over the limit must be canceled (see **14-B(5)** for instructions).

A household who loses eligibility due to the receipt of lottery or gambling winnings remains ineligible until they meet regular income and resource limits. This means they cannot be considered categorically eligible until they are certified under regular SNAP rules. See **7-C, Categorical Eligibility Following Ineligibility Due to Lottery or Gambling Winnings**.

Data matches that show lottery or gambling winnings are not considered verified and therefore should be held to be verified/clarified at the next recertification.

Migrants and Seasonal Farm Workers

The policies in this section apply to households that have at least one member who is a migrant or seasonal farm worker.

"Migrants" are defined as those who travel between states or counties to find work, especially harvesting crops, on a seasonal basis. While in the migrant stream, the household may or may not have a permanent place of residence to return to at night, and therefore, may be considered homeless.

A "seasonal farm worker" is a person who works on a farm or ranch on a seasonal basis when the work is generally within commuting distance of the person's home.

The following sections describe special policies for:

- **Application processing**
- **Emergency services**
- **Income**
- **Budgeting for destitute households**

Application Processing

Legal reference: 7 CFR 273.10(f)(3); 273.2(F)(1)(vi); and 273.10(e)

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

Migrants are entitled to postpone out-of-state verification only once each season. If a migrant household requesting emergency service has already had verification of out-of-state information postponed in the current season, grant a postponement of out-of-state verification only for the first month's issuance.

An "initial month" for migrant or seasonal farm worker households is the first month the household is certified following a break of at least one month in participation. This means that you do not prorate benefits from the date of the application when at least one household member got SNAP during the month before the month in which the household applies. Assign households the longest certification periods possible based on the predictability of the household's circumstances. Certify households for at least four months.

Emergency Services

Legal reference: 7 CFR 273.10(e)(2) and (3), 273.2(i)(1)

Migrants and seasonal farm workers are eligible for emergency service if the household meets any one of the standard emergency criteria as defined in **7-B, Determining Eligibility for Emergency Service**.

A migrant and seasonal farm worker household is also entitled to emergency services if the household is destitute and has $100 or less in liquid resources. A household is destitute if the household's only income for the month of application is from one or both of the following sources:

- Terminated income that was received before the date of application.
  - When the income is normally received monthly, "terminated" means the income will not be received from the same source during the balance of the month of application nor during the following month.

- When the income is normally received more frequently than monthly, “terminated” means the income will not be received again from the same source during the balance of the month of application nor during the following month.
- When the income is normally received less frequently than monthly, “terminated” means the income will not be received in the month in which the next payment would normally be received.

- A new source from which the household will not receive more than $25 by the tenth calendar day after the date of application. “New source” applies to income of:
  - $25 or more that is normally received on a monthly or more frequent basis when the household has not received any income from that source within 30 days before the date the application was filed.
  - $25 or more that is received less often than monthly if the income was not received within the last normal interval between payments.

A household applies in early January and will be paid quarterly starting late in January. The income from a new source is considered if the household has not received more than $25 from that source during October or since that time.

Income

Legal reference: 7 CFR 273.10(e)(2) and (3), 273.9(c)(1)(ii), and 273.9(c)(5)(ii)

Do not count migrant and seasonal farm worker general assistance or public assistance vendor payments for housing and transportation while workers are in the job stream.

EXCEPTION: **Do not exclude** these transportation payments when they are for gas or car repair to get the migrant back home or to another area of employment or for transportation to get the worker to the farm. **Exclude** reimbursements made to the migrant for travel expenses.

Destitute Households

Legal reference: 7 CFR 273.10(e)(2) and (3)

Determine eligibility for destitute households (see **Emergency Services** for destitution criteria) by comparing either the household’s gross or net income to the corresponding monthly income eligibility standard, depending on the type of household members. See **7-C, Categorical Eligibility** and **7-F, Gross Income Limit**.

Count only income between the first of the month and the date of application to determine the household’s gross and net monthly income for the month of application. Do not count any income received from a new source after the date of application.

Self-Employed Households

Policies in this section apply to self-employed people, including households that own and operate commercial boarding houses. See also **Self-Employment Policies for Farmers**. The following section describes self-employment policies for:

- **Resources**
- **Income**
- **Determining assistance**
- **Ending self-employment**

Resources

Property Essential to Employment

Legal reference: 7 CFR 273.8(e)

Exclude as a resource any property that is essential to a household's self-employment business. Examples include tools of a tradesman.

Continue to exclude the property when self-employment is temporarily interrupted because of circumstances beyond the control of the household, such as illness.

When a self-employment enterprise ends, count the equity value of any property that was previously excluded under this policy. EXCEPTION: For property of farmers, see **Self-Employment Policies for Farmers**.

Prorated Income

Legal reference: 7 CFR 273.8(e)(5), 273.8(e)(9), and 273.8(f)

Exclude as a resource any self-employment income that has been prorated. Prorated income remains excluded for the entire proration period, even if it is commingled in an account with funds that are not excluded.

To determine the amount of money to exclude from the liquid resources of a self-employed person whose income is annualized:

1. Add together:
   - The total allowable costs of doing business, and
   - The net countable yearly earnings from the self-employment enterprises
2. Deduct the total of these figures from the total liquid resources as of the date of the interview to determine the countable resource amount.

1. A self-employed household anticipates $5,000 in net countable income, and $95,000 in allowable business expenses. The household has $101,000 in resources as of the date of interview. Calculate countable resources as follows:

$ 5,000	(Net income)	$101,000	(Total liquid resources)
+ 95,000	(Expenses)	- 100,000	(Net income + expenses)
$100,000		**$ 1,000**	**Countable resources**

   The household is within resource limits.

2. A self-employed household anticipates gross income of $50,000 and $60,000 in allowable expenses. This results in a net loss of $10,000. As of the date of interview, total resources equal $61,500. Calculate countable resources as follows:

$ 0	(Net income)	$ 61,500	(Total resources)
+ 60,000	(Expenses)	- 60,000	(Net income + expenses)
$ 60,000		**$ 1,500**	**Countable resources**

   The household is within resource limits.

Income

Legal reference: 7 CFR 273.11(a), CFR 273.9(b)(1)(ii)

Policy: Determine net self-employment income by subtracting from the gross self-employment income either:

- The standard deduction of 40% (see **Standard Deduction**), or
- Actual allowable business expenses (see **Allowable Costs of Producing Income**).

If the household has more than one self-employment enterprise, determine the monthly income of each enterprise. Then add these to the other income of the household. “Separate” self-employment enterprises included:

- Enterprises under the ownership of different people.
- Enterprises under ownership of the same person that are not the same type of business.

1. Mr. N grows crops, custom farms, and operates a hog confinement unit. Consider all these enterprises as one self-employment enterprise.
2. Ms. O operates a child care business from home and also sells Avon. Since the two businesses are unrelated, consider these to be separate enterprises, and compute two self-employment income figures.
3. Mrs. P operates a beauty shop and her husband operates a carpentry business. Compute the income from each business separately.

Procedure: Consider a net monthly loss as zero income, unless the household has more than one self-employment business, or has self-employment income from farming. See **Offsetting Loss in One Enterprise from Gains in Another** and **Offsetting a Farm Loss Against Other Countable Income** for more information.

Add the earned monthly net self-employment income to any other earned income and apply the earned income deduction to the total. Most self-employment income is earned, but some rental income and income from property sold on contract is considered unearned self-employment income.

When self-employed households file federal income tax returns, the tax returns are generally used as verification. However, if a self-employed household does not file taxes, it must provide records for actual income and expenses. Proof of expenses is not required if the household chooses to use the standard deduction for self-employment expenses.

If part of the expense was for personal use, the household must identify the percentage used for the business. If using actual expenses, only allow that portion used for the business as a deduction.

Comment: It is the household's choice whether they want to determine net self-employment income by using the standard deduction or providing verification of actual expenses. Work with the household to determine what is best for their circumstances.

If the household states they want to use actual expenses but fails to provide verification, allow the standard deduction of 40% if you have verification of the income.

The following sections explain:

- **Standard deduction**
- **Allowable costs of producing income**
- **Nonallowable cost of producing income**
- **Shelter and utility deductions**
- **Rental income**
- **Income from property sold on contract**
- **Offsetting loss in one enterprise from gains in another**

Standard Deduction

Legal reference: 7 CFR 273.11(b)

Policy: When a client requests to have the standard deduction used instead of actual expenses, determine net self-employment income by deducting

40% from the gross self-employment income received. This deduction is intended to cover the costs of producing the income.

The client must state there are some allowable business-related expenses in order to get the 40% deduction.

Ms. A is a self-employed child care provider who does not file tax returns. Ms. A provides verification of gross self-employment income of $15,000 per year. Ms. A states she has expenses related to her child-care business.

The worker gives Ms. A the option of using the standard deduction or providing actual expenses to calculate net self-employment income. Ms. A requests to have the standard deduction used to calculate her net income. Her net self-employment income is calculated as follows:

$ 15,000	
- 6,000	Standard deduction of 40%
$ 9,000	$9,000 ÷ 12 = $750 per month net self-employment income

Allowable Costs of Producing Income

Legal reference: 7 CFR 273.9(c)(9), 273.11(b)(1)

If the household chooses to claim actual expenses, deduct from self-employment income the allowable costs of producing that income. Allowable costs of producing self-employment income include, but are not limited to:

- Costs of labor
- Stock (merchandise purchases for resale)
- Raw material
- Seed and fertilizer
- Insurance premiums
- Taxes paid on income-producing property
- Rental payments on income-producing equipment
- Lease/purchase option payments on income-producing property
- Cost of income-producing property, capital assets, equipment, machinery, and other durable goods
- Business related mileage, using either the standard mileage reimbursement rate for state of Iowa employees, or the actual expense method (actual costs of operating the vehicle such as gas, maintenance, and insurance).

Nonallowable Costs of Producing Income

Legal reference: 7 CFR 273.11(b)(2) and 273.10(d)(1)(ii)

Do **not** allow the following items as costs of producing income:

- Net losses from prior periods. Because net losses from a prior period are not an allowable deduction, do **not** use capital or supplemental losses shown on current income tax forms to offset self-employment income.
- Federal and state income taxes, money set aside for retirement, and other work-related personal expenses (such as transportation to and from work). Such expenses are accounted for by the 20 percent earned income deduction.
- Depreciation.
- Charitable contributions.
- Wages and fringe benefits provided to a household member.

Shelter and Utility Deductions

Legal reference: 7 CFR 273.9(d)(5)(i); DPL 03-03 Att. 1

A self-employed person who works out of the home may have a single rent payment, or single payments for a mortgage, property taxes, or homeowner's insurance that includes costs for both the home and the business. For example, most farmers have one mortgage that covers the home, the farmland, and other buildings on the farm.

Determine what percentage of the payment is for the home and what percentage is for the business. This information may be available through a variety of sources, including the income tax return, the county assessor's office, or the lending institution.

If you cannot determine what percentage to attribute to the business, do not allow any of these costs as a business expense. Allow the costs as a shelter deduction.

When you have determined what percentage of these payments are business costs and what are shelter costs, treat the costs as if they are for separate buildings, as follows:

- For the **business** deduction, allow the percentage of rent, mortgage payment, insurance, and property taxes that is attributed to the business.
- For the **shelter** deduction, allow the percentage of rent, mortgage payment, insurance, and property taxes that is not attributed to the business.

Handle utilities as follows:

- If a self-employed person who works out of the home claims the entire utility expense as a business expense, do not allow a standard utility allowance.

- If a self-employed person who works out of the home claims a percentage of the utility expense as a business expense, allow the applicable standard utility allowance as a shelter deduction and nothing for the business.

Rental Income

Legal reference: 7 CFR 273.9(b)(2)(ii)

If a household member manages a rental property an average of 20 or more hours a week, the rental income is earned. If a household member does **not** manage the property at least 20 hours a week, the rental income is unearned.

Property Sold on Contract

Legal reference: 7 CFR 273.9(b)(2)(ii)

Count income from installment sales contracts as unearned self-employment income. Count the net income, after allowable expenses, over the period of time a payment is intended to cover. For example, if the household receives a payment once a year, prorate the net income over one year. If payment is received monthly, count the net income monthly.

When a household that sells property on contract is responsible for the mortgage payment for that property, deduct taxes, insurance, and both the principal and interest portions of the mortgage payment from the contract income.

Offsetting Loss in One Enterprise From Gains in Another

Legal reference: 7 CFR 273.11(a)(2)(iii)

If the household has more than one self-employment enterprise, offset the self-employment losses from one enterprise against the profits of another enterprise. Do not carry over losses from prior years.

If the household has both earned or unearned self-employment income, offset the loss from the profit of each type of self-employment income separately. If both types of self-employment income show a profit at this point, allow the 20 percent earned income deduction only for the earned self-employment income.

Household 1	Business A Earned	Business B Earned	Business C Unearned	Business D Unearned
Gross Income	$100,000	$ 6,000	$ 45,000	$ 21,000
Expenses	- 92,000	- 9,000	- 49,000	- 15,000
Profit/Loss	$ 8,000	$ (3,000)	$ (4,000)	$ 6,000

$ 8,000	Earned Business A	$ (4,000)	Unearned Business C
+ (3,000)	Earned Business B	+ 6,000	Unearned Business D
$ 5,000	Earned income	2,000	Unearned income
Prorate and apply 20% deduction		Prorate and no 20% deduction	

If at this point the earned self-employment enterprises show a loss, the unearned self-employment enterprise show a profit, and there is an overall profit after offsetting, do not allow the 20 percent earned income deduction.

Household 2	Business N Earned Income	Business M Earned Income	Business O Unearned Income
Gross Income	$ 12,000	$ 8,000	$ 9,000
Expenses	- 10,000	- 12,000	- 5,000
Profit/Loss	$ 2,000	$ (4,000)	$ 4,000

$ 2,000	Earned Business N		
+ (4,000)	Earned Business M		
$ (2,000)	Earned Income	4,000	Unearned Business O
	$ (2,000)	Earned income	
	+ 4,000	Unearned income	
	$ 2,000	Prorate and no 20% deduction	

If at this point the earned self-employment enterprises show a profit, the unearned self-employment enterprises show a loss, and there is an overall profit after offsetting, allow the 20 percent earned income deduction.

Household 3	Business X Earned Income	Business Y Earned Income	Business Z Unearned Income
Gross Income	$ 30,000	$ 12,000	$ 15,000
Expenses	- 29,000	- 6,000	- 20,000
Profit/Loss	$ 1,000	$ 6,000	$ (5,000)

$ 1,000	Earned Business X	$ (5,000)	Unearned Business Z
+ 6,000	Earned Business Y	+ 7,000	Earned income
$ 7,000	Earned income	$ 2,000	Prorate and apply 20% deduction

After any offsetting is done, if the income from self-employment is still a loss, consider this income to be zero. Do **not** offset a loss from self-employment income against other sources of earned or unearned income.

EXCEPTION: A self-employed farmer can also offset a farm loss against any other countable income. See **Offsetting a Farm Loss Against Other Countable Income** for more information.

Determining Assistance

Legal reference: 7 CFR 273.11(a)

Either annualize self-employment income over a 12-month period or consider it on a seasonal basis.

When self-employment income is intended to meet the household's need for only part of a year, average it over the period of time it is intended to cover. For example, when self-employed vendors work only in the summer and supplement their income from other sources during the balance of the year, average the self-employment income over the summer months, rather than over a year.

The following sections explain:

- **How to annualize income and expenses**.
- **How to count capital gains with annualized income**.
- **When to use even and uneven proration of income in calculating benefits**.

Annualized Income and Expenses

Legal reference: 7 CFR 273.11(a)(1)

When self-employment income represents the household's annual income, prorate it over 12 months. Do this even if the household:

- Receives the income within a short period during that 12 months, or
- Has other income in addition to the self-employment.

To annualize self-employment income, anticipate with the household the income and expenses of the business for the next 12 months. Normally, the best way to anticipate annual self-employment income is to use the household's most recently completed federal income tax return. If a tax return is not available, the household should provide records with an accurate summary of its income and expenses. The records obtained from the household must cover the 12-month time period used to annualize income.

If the household experiences a significant increase or decrease in business income, the annualized income may not provide a good projection. A substantial change in business may also affect projections. In these cases, work with the household to arrive at the best estimate of future income.

A substantial change in the business includes but is not limited to:

- A change in the nature or scope of the business, such as changing from selling Avon to selling Stanley or an insurance salesman who decreases or increases the number of types of insurance policies offered; or
- A substantial capital gain or loss occurs that was not previously considered; or
- A disaster or casualty loss not covered by insurance occurs, such as a flood or a fire.

If a self-employment enterprise has been in existence for less than a year, average its income over the period that it has been in operation and project the monthly amount for the coming year.

Capital Gains

Legal reference: 7 CFR 273.11(a)(3)

For self-employment income, add the anticipated monthly amount of capital gains to the anticipated monthly self-employment income, and subtract the cost of producing the self-employment income.

Use capital gains only to determine an anticipated amount. Do **not** allow capital or supplemental losses when determining anticipated capital gains.

Calculate a new average amount and use if the anticipated capital gain amount changes.

The formula for calculating proceeds from the sale of capital goods or equipment is: the sale price, minus purchase price, plus any amounts depreciated for federal income tax purposes.

A farmer sells a tractor for $10,000 after having paid $12,000 for it five years ago. During the five-year period of ownership, depreciation was calculated at a rate of $1,200 per year. Capital gain is computed as follows:

$ 10,000	Sale price
- 12,000	Purchase price
+ 6,000	Depreciated amount ($1,200 per year x 5 years)
$ 4,000	Actual gain from sale of equipment

If capital gain amounts are obtained from federal income tax forms, use the entire proceeds of the sale, even though only a percent of the proceeds is taxed for federal income tax purposes.

Even and Uneven Proration for Benefits

Legal reference: 7 CFR 273.11(a)

An eligible household with self-employment income has the option of having **benefits** determined either:

- By using the same net self-employment income that was used to determine eligibility (an **even** monthly amount), or
- By unevenly prorating the household's annual self-employment income over the period for which the household's self-employment income was averaged, to more closely approximate the time the income is actually received.

When net self-employment income is unevenly prorated, assign it so that the self-employment income together with other income and deductions at the time of certification will not exceed the maximum monthly net income eligibility standard for the household's size.

Households normally decide between even and uneven proration at the time of certification and cannot change the decision during the certification period.

Ending Self-Employment

Legal reference: 7 CFR 273.11(a)(1)

A person is no longer self-employed when the person files Chapter 7 bankruptcy. Consequently, the resource exemption for property essential to self-employment would no longer be granted. However, any assets under the jurisdiction of a trustee are not considered available to the household nor counted as resources.

See **Self-Employment Policies for Farmers** for specific provisions relating to ending farming.

If bankruptcy and reorganization are filed under Chapter 11 provisions, the household is still considered self-employed. Anticipated income based on the most recent year's tax return and the debt reorganization plan can be used to determine SNAP eligibility.

If a household receives income from self-employment after the enterprise has ended, count it as:

- Earned, if the former enterprise produced earned income.
- Unearned, if the former enterprise produced unearned income.

Deduct any expenses related to the terminated enterprise that are paid in the same month as the income is received. Allowable expenses are those listed in **Allowable Costs of Producing Income**. Add the net income to other earned income and apply the earned income deduction to the total.

Self-Employment Policies for Farmers

The policies under **Self-Employed Households** apply to farmers. The following sections contain additional information that pertains only to farmers and not to other self-employed households. They describe:

- **Treatment of farm-related resources**.
- **Treatment of special kinds of farm income**.
- **When and how farm losses can be offset against other countable income**.

Resources

Legal reference: 7 CFR 273.8(e)(5), 273.8(h)

Exclude as a resource grain that is expected to be in storage for less than 12 months. It is considered property essential to employment. Count the equity value of grain that will be stored for 12 or more months.

Count patronage dividends as a resource when they are paid as shares of stock in a cooperative.

Continue to exclude the following resources for one year from the date the farming ends:

- Property essential to a self-employed farmer.
- Licensed vehicles previously used primarily for self-employed farming.

Income

Legal reference: 7 CFR 273.9(c); 273.9(b)(1)(ii); 273.11; 273.9(b)(2)(v)

Do **not** count the following as income:

- Federal gasoline tax credit
- State gasoline tax refund
- Animals slaughtered for home consumption
- Crop insurance proceeds received for damaged or destroyed crops if received as a non-recurring lump-sum payment

Count patronage dividends as income when a cooperative makes the payments in cash.

When a farmer sells grain, count the sale price as income, even if the money is used to repay a commodity credit loan. If a farmer uses the grain itself to repay the loan (instead of paying with money), the value of the grain is the amount of money that was previously loaned. Consider that amount as income at the time of repayment.

Offsetting a Farm Loss Against Other Countable Income

Legal reference: 7 CFR 273(3)(1)(i), 273.11(a)(2)(iii)

NOTE: This policy applies only to farmers who receive or anticipate receiving annual gross income of **at least $1,000** from the farming enterprise.

If the cost of producing the self-employment income from farming exceeds the income derived from self-employment as a farmer, deduct the loss from any other countable income in the household.

If a farm self-employment enterprise results in a loss, offset that loss from the household's gross income before the income is compared to the gross income eligibility standards. However, apply the earned income deduction to the gross earnings before the excess farm expenses are offset.

Allow the standard deduction after any farm loss is deducted from the countable earned and unearned income.

If the farming household has other sources of nonfarm self-employment, offset any farm losses against any gains from other self-employment enterprises first. Then determine the amount of the farm loss, if any. Offset any remaining farm loss against other sources of non self-employment income. Then compare the amount to the gross income limit.

Household A receives the following income:

$ 500	Monthly earnings from employment
$ 200	Monthly child support
$ 5,000	Self-employment annual nonfarm income, Source A
($ 1,000)	Self-employment annual nonfarm income, Source B
($10,000)	Self-employment annual farm income

Compute the household's income as follows:

Income from self-employment:

$ 5,000	Nonfarm income, Source A
- 1,000	Nonfarm loss, Source B
$ 4,000	
- 10,000	Farm loss
($ 6,000)	÷ 12 = ($500) per month farm loss

Gross income test:

$ 500	Earnings from employment
+ 200	Child support
$ 700	
- 500	Prorated farm loss
$ 200	This income is compared to the gross income table

Benefit calculation (shown only to point of standard deduction)

Earnings from employment	$ 500
Earned income deduction	- 100
(20%)	$ 400
	+ 200
Child support	$ 600
	- 500
Farm loss	$ 100

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	- 200
(20%)	$ 800
	+ 250
Child support	$ 1,050
	- 1,000
Farm loss	$ 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. Examples may include cosmetology school, welding school, or an automotive technology program.
- 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. Examples include CNA and CDL programs. 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 regular curriculum. Individuals enrolled in these special programs that are not part of the regular curriculum are not considered to be enrolled in an institution of higher education and therefore are not subject to student eligibility requirements.

  While students in these special programs are not required to meet student eligibility requirements, they may be exempt from work registration based on their participation in the school or training program. See **7-C, Exemptions from Work Registration** for more information on how these programs may impact the client's MWR status.

When a student is an alien, require the student to verify alien status. If the student is an ineligible alien, do not apply student policies. Follow the policies that apply to ineligible aliens.

The following sections explain:

- Nonfinancial eligibility (student status)
- **Counting educational assistance as a resource**
- **Counting educational assistance as income**

Nonfinancial Eligibility

Legal reference: 7 CFR 273.5, 273.1(b)

Students who are required to meet student eligibility criteria but who do not meet it are not eligible for SNAP. See **Ineligible Household Members** earlier in this chapter for treatment of the income and resources of ineligible students.

The following sections explain:

- When students can be eligible
- **The effects of student status**

Eligible Students

Legal reference: 7 CFR 273.5(a), (b)(1)

Students do **not** need to meet student eligibility criteria when they are:

- Under age 18.
- Aged 50 or over.
- Physically or mentally unfit for employment.
- Attending high school or a high school equivalency program.
- In an on-the-job-training program.
    - An on-the-job training program is a type of work-based learning program where a participant works for an employer while also receiving training. The employer may or may not be reimbursed for the participants' wages through a workforce of other state for federally sponsored program.
    - Example: A gas and pipe welding company has a training program that provides workers with real-time training about the machines and procedures at that employment site. Participants are employees of the workplace where they are doing the OJT, but as part of the training program receive additional supervision, specific skill-based training on the job site, case management, tools, a welding certification, and post-training follow up.
- Attending school less than half time (the school defines half time).
- In a school or training program that is not an institution of higher education.
- A single parent enrolled in an institution of higher education on a full-time basis (as determined by the institution) and is responsible for the care of a child under 12. "Single parent" means a parent living with a child and not living with that child's other legal, or natural parent, or not living with a spouse.

All other students must meet at least one of these student eligibility criteria:

- Work at least 20 hours a week and be paid wages. When hours of work fluctuate, average the hours for a period of time that allows a reasonable estimate of the hours expected to be worked per week. Exceptions to working 20 hours a week may be made, such as when a student becomes ill or is excused from work because of final exams.
- Self-employed, working at least 20 hours a week and receiving gross weekly earnings at least equal to the federal minimum wage multiplied by 20 hours. When hours of work fluctuate, average the hours for a period of time that allows a reasonable estimate of the hours expected to be worked per week.

- Work, or anticipate work, in a state or federally financed work-study program during the regular school term. To qualify under this provision, the student must be approved for work study at the time of application/recertification for SNAP, the work study must be approved for the school term, and the student must anticipate actually working during that time.
- Responsible for the physical care of a dependent household member under the age of six. More than one person cannot claim responsibility for the care of the same child. If there are two or more children in a household, each adult can claim responsibility for the care of different children.
- Responsible for the physical care of a household member under age 12 when circumstances indicate adequate child care is not available to allow the student to attend school and work at least 20 hours a week.
- Receiving a FIP grant, approved for FIP but not yet receiving it, or approved but not receiving a cash grant because the grant is under $10.
- Placed in an institution of higher education through:
  - Section 236 of the Trade Act of 1974, or
  - The Workforce Innovation and Opportunity Act (WIOA), formerly known as Workforce Investment Act (WIA), or
  - A state or local government employment and training program. Central Office has identified the following two programs, which are offered through all Iowa community colleges:
    - GAP
    - PACE (Pathways for Academic Career & Employment). Students must be eligible for PACE based on income, not the other PACE eligibility criteria.

    There may be other programs that meet this criteria. If you become aware of a potential program, send it to Policy Support for a determination.

Student Status

Legal reference: 7 CFR 273.5(b)(1) and (2), 273.7(b)

Consider a newly enrolled college student to be enrolled starting on the first day of the school term, no matter when the student registered for classes or paid to enroll.

Students retain their eligible or ineligible status during school vacations and breaks, including summer break, if they intend to register for the next normal school term (summer school is not considered a normal school term).

Student eligibility status no longer applies when the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal term.

Resources

Legal reference: 441 IAC 65.14(234)

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 65.12(234), 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. See **MAGI related Medicaid job aids** for a list of exempt income.

In addition, regardless of how MAGI treats work study income, 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.