

## Residency Requirements

### Policy

Eligibility criteria and basic certification procedures. (1) To qualify for the Program, infants, children, and pregnant, postpartum, and breastfeeding women must:

(i) Reside within the jurisdiction of the State. All State agencies may determine a service area for any local agency, and may require that an applicant reside within the service area. However, the State agency may not use length of residency as an eligibility requirement.

(2)(i) At certification, the State or local agency must require each applicant to present proof of residency (i.e., location or address where the applicant routinely lives or spends the night) and proof of identity. The State or local agency must also check the identity of participants, or in the case of infants or children, the identity of the parent or guardian, or proxies when issuing food, cash-value vouchers or food instruments. The State agency may authorize the certification of applicants when no proof of residency or identity exists (such as when an applicant or an applicant's parent is a victim of theft, loss, or disaster; a homeless individual; or a migrant farmworker). In these cases, the State or local agency must require the applicant to confirm in writing his/her residency or identity.

(i) All certification data for each person certified shall be recorded on a form (or forms) which are provided by the State agency. The information on the forms shall include (4) a description of the document(s) used to determine residency and identity or a copy of the document(s) used or the applicant's written statement when no documentation exists.

### Authority

7 CFR Part 246.7 (c)(1)(i) *excerpt*

7 CFR Part 246.7 (c)(2)(i) *excerpt*

7 CFR Part 246.7 (i)(4)

### Procedures

Reasonable proof and documentation of current address is required for applicants at initial and subsequent certification appointments. Acceptable proofs of residency/address are listed in the WIC data system.

Proof of address must be implemented in a manner that does not constitute a barrier to participation, particularly to applicants who are mobile such as homeless persons, military personnel, or migrants. These applicants must sign a statement attesting to their address. Residency is defined as living in the state. Applicants who are vacationing or visiting in the state and indicate that they do not intend to remain are generally not considered residents.

There are no requirements for:

- Length of residency,
- Legal status,
- Immigration status, or
- Citizenship status.

Use the following steps to proceed when determining residency eligibility. If the applicant

- has proof of address
  - document the proof of address seen.
- has proof but did not bring it (forgot it)
  - Verify that the participant provided proof of income/adjunct eligibility,
    - If no, the certification appointment may not be completed.
    - If yes, do not select “New” for the Proof of Residency section, and proceed to complete a provisional certification. Make arrangements for the applicant to provide the missing proof, in person or via electronic means (i.e., text or email must delete immediately following review) within 30 days.
- has no proof of address due to: migrant status, a recent move, theft, loss, disaster, or homelessness
  - Select “Affidavit” as the proof provided,
  - Print and complete the Signed Statement for Identity, Address and Income from the WIC data system,
  - Scan and save the completed “Signed Statement” in the participant record in the WIC data system and
  - Continue the certification appointment

A participant must provide two out of three required documents; identity, income and residency. I.e., if the participant is missing both proof of residency and income, then a certification may not be completed.

For proofs submitted via electronic means, they must not be submitted more than 30 days prior.

To determine the applicant’s status as a migrant or homeless individual, if the applicant

- reports a fixed and regular nighttime residence
  - determine whether the applicant meets the definition of a migrant. If yes, document migrant status in the WIC data system
- lacks a fixed and regular nighttime residence, or has a primary nighttime residence that meets the definition of a homeless facility
  - identify the applicant as a homeless individual in the WIC data system.

A migrant farm worker is not considered a homeless individual.

## **Best Practices**

WIC staff are encouraged to assist participants in receiving WIC benefits. Participants are normally served by a clinic in the county in which they reside. However, the agency can assign a participant to a clinic in another county if employment or educational demands make it more convenient for the participant to receive WIC benefits in that county.

If it is more convenient for the participant to receive WIC benefits in a county served by another agency, both agencies should be informed about this arrangement.

Proofs submitted via electronic means, must be deleted immediately upon review.

Remind participants frequently to report address changes so that their records are current. These reminders can include:

- Verbal reminders when participants are in clinic
- Posters or signs in the clinic area
- Handout materials such as new participant information, and
- Participant newsletter/Facebook posts

Do not terminate a participant who reports they will be moving to another service area in the state.

When a participant reports that they plan to move out of state, generate a VOC document in the WIC data system. VOCs should also be regularly generated for migrant farmworkers.

When a participant expresses concern about WIC participation affecting immigration status:

- Assure the participant that WIC is a health and wellness program, not a welfare program and participation will not result in a determination of public charge.