LOCAL COMMISSIONERS MEMORANDUM

DSS-4037EL (Rev. 9/89)

Transmittal No: 97 LCM-21

Date: March 3, 1997

Division: Temporary Assistance

TO: Local District Commissioners

SUBJECT: Food Stamp Eligibility for Non-citizens Prior to April 1, 1997

ATTACHMENTS: None

CONTACT: Region I (518) 473-0332, Region II (518) 474-9344
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CERTIFICATION PERIODS THAT END MARCH 31, 1997:

This is to clarify questions from social services districts regarding the continuing eligibility of non-citizens whose food stamp certification periods end on March 31, 1997.

As stated in GIS 96 TA/DC039, the food stamp alien eligibility provisions do not apply to recipients until April 1, 1997. Food stamp cases whose certification periods end on March 31, 1997 must be recertified without applying the food stamp alien eligibility provisions.

As stated in GIS 96 TA/DC039, at recertifications prior to April 1, 1997, non-citizens who document that they meet the alien eligibility criteria should be given a regular certification period and be scheduled for their next recertification according to standard practice. At the recertification for a certification period ending prior to April 1, 1997, individuals who cannot document that they meet the alien eligibility criteria must be scheduled for recertification before August 22, 1997.

APPLICANTS PRIOR TO APRIL 1, 1997:

The United States Department of Agriculture has clarified the eligibility of non-citizens who were receiving food stamps on August 22, 1996, lose eligibility for reasons unrelated to alien status, and subsequently reapply before April 1, 1997. In these situations the PRWORA non-citizen provisions do not apply to the applicant. If otherwise eligible, the non-citizen is eligible to receive benefits until the first recertification after April 1, 1997.

This is a change from previous directions. Any person who contacts the agency and shows they were denied benefits between August 22, 1996 and March 31, 1997 because the PRWORA non-citizen provisions were inappropriately used to determine eligibility is entitled to restored benefits. Any applicant who was receiving benefits on August 22, 1996 and reapplies for benefits after April 1, 1997, must meet the PRWORA non-citizen eligibility criteria. Further instructions will be issued regarding this clarification.

Patricia A. Stevens
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Division of Temporary Assistance