



# State Food Assistance Programs: Addressing Gaps in SNAP Eligibility for Immigrants

April 2021



# State Food Assistance Programs: Addressing Gaps in SNAP Eligibility for Immigrants

## Acknowledgments

The Food Research & Action Center (FRAC) gratefully acknowledges Beacon IA's support for work to protect the nutrition and health of immigrant families. This report was authored by FRAC's Alexandra Ashbrook, director of special projects and initiatives, with assistance from Susan Beaudoin, senior special projects and initiatives associate, and Jennifer Holloway, legal intern, with contributions from Ellen Vollinger, legal/food stamp director.

Special appreciation to Tanya Broder, senior staff attorney, National Immigration Law Center, for her thoughtful review and guidance. Thanks to Elizabeth Lower-Basch, director, income and work supports, Center for Law and Social Policy; Claire Lane, director, Anti-Hunger & Nutrition Coalition, Seattle, Washington; and Diane Doherty, director, Illinois Hunger Coalition, for their important insights.

## About FRAC

The Food Research & Action Center (FRAC) improves the nutrition, health, and well-being of people struggling against poverty-related hunger in the United States through advocacy, partnerships, and by advancing bold and equitable policy solutions. For more information about FRAC, or to [sign up](#) for FRAC's e-newsletters, go to [frac.org](https://frac.org).



# Introduction

**W**idely considered our nation's primary defense against hunger, the Supplemental Nutrition Assistance Program (SNAP)<sup>1</sup> helps millions of people who meet the eligibility requirements to purchase food and thereby improve their nutrition, health, and well-being.

SNAP eligibility for noncitizens was greatly diminished in 1996 by the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, also known as Welfare Reform). Subsequent federal legislation restored SNAP eligibility for many — but not all — of the noncitizens who lost eligibility due to Welfare Reform. Notably, with few exceptions, lawful permanent resident adults<sup>2</sup> still must wait five years before being eligible for SNAP.

In recognition of gaps in SNAP eligibility, currently six states (California, Connecticut, Illinois, Maine, Minnesota, and Washington) offer state food assistance programs to certain noncitizens who are ineligible for SNAP due to Welfare Reform changes to noncitizen eligibility. These states use the existing SNAP infrastructure to deliver a SNAP-like benefit to immigrants, which is provided by and administered with state funds.

This brief explains how states have provided vital food assistance for noncitizens with legal status who are not eligible for SNAP due to their immigration status by reviewing

- the history of state food assistance programs;
- the six states that currently have a food assistance program for noncitizens; and
- opportunities to support immigrants who lost SNAP eligibility in the wake of Welfare Reform.



Fueled by a range of attacks on immigrant families that have created an environment of heightened fear and confusion, many immigrants who are eligible for SNAP are forgoing assistance from a program that can help them thrive. One key attack was the Trump administration's inclusion of SNAP in the Department of Homeland Security's public charge test in 2019. As a result of significant advocacy and litigation, in March 2021, the [public charge rule was removed](#), making SNAP no longer relevant in a public charge determination. Even with this victory, fear and misinformation continue to contribute to immigrant families forgoing participation in SNAP. Anti-hunger advocates must continue to fight fear with facts to ensure eligible families have access to the nutrition they need.

<sup>1</sup> This program was formerly known as the Food Stamp Program, but changed to the Supplemental Nutrition Assistance Program (SNAP) under the 2008 Farm Bill. This document will refer to this program as SNAP.

<sup>2</sup> Those excepted from the five-year residency requirement include qualified noncitizen children under 18 years old, refugees, asylees, victims of trafficking, legal permanent residents (LPR) who receive government payments for disability or blindness, and LPRs with a military connection. U.S. Department of Agriculture, [SNAP Policy on Non-Citizen Eligibility](#) (September 4, 2013).

## A Timeline of SNAP Eligibility for Noncitizens

PRIOR TO  
**1996**

Most lawfully residing noncitizens were eligible for the Supplemental Nutrition Assistance Program (SNAP) on the same basis as citizens.

**1996**

The 1996 Farm Bill ([P.L. 104-127](#)) and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, also known as Welfare Reform) ([P.L. 104-193](#)):

- Most noncitizens were made ineligible for SNAP.<sup>3</sup>

**1997**

Emergency Supplemental Appropriations Act ([P.L. 105-18](#)):

- Allowed states to purchase federal SNAP coupons for distribution to noncitizens.

**1998**

The Agricultural Research, Extension and Education Reform Act of 1998 (AREERA) ([P.L. 105-185](#)):

- Restored eligibility for SNAP to certain noncitizen older adults (age 65 and older), people with disabilities, and children who resided in the U.S. when PRWORA was enacted.<sup>4</sup>

**2002**

The 2002 Farm Bill ([P.L. 107-171](#)):

- Restored eligibility for SNAP to “qualified” immigrant adults who have been in the U.S. for at least five years.
- Restored eligibility to immigrants receiving certain disability payments.
- Eliminated any waiting period for refugees and asylees and for “qualified” immigrant children under age 18.

**2014**

The 2014 Farm Bill ([P.L. 113-79](#)):

- Required states to use an immigration status verification system and an income and eligibility verification system for SNAP.

**Appendix A provides more details on the History of SNAP Eligibility for Noncitizens.**

<sup>3</sup>Refugees and asylees were eligible for benefits for their first five years in the U.S.

<sup>4</sup>This Act also lengthened the time of participation for refugees and asylees from five to seven years. This seven-year limit was eliminated by 7 C.F.R. § 273.4(a)(6)(ii)(A)–273.4(a)(6)(ii)(J), as amended by 75 F.R. 4947 (Jan, 29, 2010).

# The History of State Food Assistance Programs

**S**purred by the harsh cuts to Supplemental Nutrition Assistance Program (SNAP) eligibility for noncitizens under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, also known as Welfare Reform), advocates began strategizing how to support the nutritional needs of immigrant families cut off from SNAP. In early 1997, state officials and advocates in Washington state were first in requesting authority from the U.S. Department of Agriculture (USDA) to purchase federal SNAP coupons for use in a state-funded program.<sup>5</sup> This persistent advocacy contributed to the June 1997 Congress passage of the Emergency Supplemental Appropriations Act ([P.L. 105-18, Title VII](#)), sponsored by U.S. Senators Patty Murray (D-WA) and Slade Gorton (R-WA), permitting states to purchase and issue SNAP benefits to certain individuals<sup>6</sup> made ineligible by Welfare Reform. The Act states: “a State agency may ... issue benefits under this Act to an individual who is ineligible to participate in the SNAP program solely as a result of ... the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.”<sup>7</sup> USDA Food and Nutrition Service (FNS) issued [Guidance on State Option Food Stamp Programs in 1997](#), shortly after the legislation authorizing this program was passed.

In 1997 and 1998, 18 states (California, Colorado, Connecticut, Florida, Illinois, Maine, Massachusetts, Maryland, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Rhode Island, Texas, Washington, and Wisconsin) appropriated state funds to continue assistance to some or all noncitizen populations who had lost federal SNAP eligibility because of Welfare Reform. Under this option, states provided nutritional assistance to noncitizens through SNAP coupons purchased from the federal government or through other means.

Under the federal legislation, all state food assistance programs that purchased coupons from USDA were required to have the same threshold eligibility criteria that citizens would have to meet to participate in SNAP (e.g., satisfy any applicable income and asset tests).<sup>8</sup> Some states aligned their programs completely with SNAP requirements, while others added additional conditions to state food assistance eligibility, such as immigrants eligible to become U.S. citizens must apply for naturalization within a certain date of applying for state food assistance, or that immigrants have sufficient state residency history. Some state food assistance programs were available to all immigrants who had lost eligibility under Welfare Reform, whereas other states restricted eligibility to certain sub-groups of immigrants, such as children, immigrants who became disabled after entry to the U.S., or those residing in the state before a certain date. Some gave immigrants the same benefit amount that they would have received under SNAP while other states provided a lower amount.<sup>9</sup>

In many of these states, the state food assistance programs were temporary, subject to sunset dates. Some states eliminated funding for their food assistance programs when budgets were tightened or when other competing priorities won out.

A driving factor in states dropping their food assistance programs were the 1998 and 2002 federal laws that restored pre-PRWORA SNAP eligibility to many groups of noncitizens, including eligibility with no waiting period for children, and effectively eliminating the time limit for refugees, asylees, and other “humanitarian” immigrants.

<sup>5</sup>Benefits were distributed via physical coupons in the past, but those were phased out and replaced with electronic benefit transfer cards.

<sup>6</sup>The law also permits states the option to purchase federal Supplemental Nutrition Assistance Program (SNAP) coupons for people deemed to be “able-bodied adults without dependents (ABAWD),” and are able to receive only three months of federal SNAP benefits in a 36-month period.

<sup>7</sup>Pub. L. No. 105-18, tit. VII § (j)(1), 111 Stat. 216 (1997).

<sup>8</sup>U.S. Department of Agriculture Food and Nutrition Service. (1997). *Guidance on State Option Food Stamp Programs*. Available at: <https://www.fns.usda.gov/snap/admin/state-option-guidance>. Accessed on March 29, 2021.

<sup>9</sup>For more information on state food assistance programs in the 1990s, see: Zimmerman, W., & Tumlin, K. C. (1999). *Patchwork Policies: State Assistance for Immigrants under Welfare Reform*. See pages 25–30, and table 6 on page 61. Available at: <https://www.urban.org/sites/default/files/publication/69586/309007-Patchwork-Policies-State-Assistance-for-Immigrants-under-Welfare-Reform.PDF>. Accessed on March 29, 2021.

# An Overview of the Six States That Currently Have a State Food Assistance Program for Noncitizens

**A**lmost 25 years later, the Supplemental Nutrition Assistance Program (SNAP) is still not available for some noncitizens who lost eligibility in the wake of the 1996 legislation and did not benefit from subsequent restorations by Congress. As of early 2021, only six of the initial 18 states that provided state food assistance, (California, Connecticut, Illinois, Maine, Minnesota, and Washington) still do so.

These programs essentially restore benefits to immigrant households whose SNAP eligibility was revoked by Congress. These noncitizens primarily have legal permanent resident status and do not satisfy the federal SNAP five-year waiting period or 40 quarters of work pathway to eligibility.

States have options for how closely to follow SNAP's design in structuring their state-funded food program. The state must provide the U.S. Department of Agriculture (USDA) with a plan "that describes the conditions and procedures under which the benefits will be issued, including eligibility standards, benefit levels, and the methodology the State agency will use for determining the amounts due to the Secretary."<sup>10</sup> After USDA approves this plan, the state can begin enrolling participants and distributing benefits. Although states may use the SNAP structure to issue benefits, "the State agency shall pay the Secretary ... an amount that is equal to

- (i) the value of the benefits; and
- (ii) the costs of printing, shipping, and redeeming coupons, and other federal costs, incurred in providing the benefits."<sup>11</sup>

The 1997 [Guidance on State Option Food Stamp Programs](#), which has not been updated, provides more details on the guidelines that states should observe when operating state-funded programs that use federal food stamps.



The current six state-funded food assistance programs vary slightly. Except for Connecticut, the state food assistance programs provide benefits that are equal to SNAP benefits; Connecticut provides benefits at 75 percent of the SNAP benefit. Most state programs restore eligibility to noncitizens who become ineligible because of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and never had their eligibility for SNAP restored; however, every state, except for Washington, has additional eligibility requirements. In Minnesota, for example, the program is only available to noncitizens age 50 and over; and Connecticut has a six-month residency requirement. California has sponsorship requirements aligned with those that were in effect pre-PRWORA, and Maine has a hardship requirement. Illinois' program is the most restrictive, with assistance only available to victims of trafficking, torture, or other serious crimes.

<sup>10</sup> Pub. L. No. 105-18, tit. VII § (j)(4)(A), 111 Stat. 216 (1997).

<sup>11</sup> Pub. L. No. 105-18, tit. VII § (j)(2)(A), 111 Stat. 216 (1997).

**TABLE 1:**  
**Overview of the Six State Food Assistance Programs for Noncitizens**

State	Who is Eligible	Benefit Amount
<p><b>California</b></p> <p><a href="#">California Food Assistance Program</a> (CFAP)</p> <p>Cal. Welf. &amp; Inst. § 18930 et seq. (2020)</p>	<p>This program is available for “qualified” immigrants and certain survivors of trafficking and other serious crimes. Certain deeming rules apply and may affect eligibility.</p>	<p>The benefit amount is equal to that under SNAP.</p>
<p><b>Connecticut</b></p> <p><a href="#">Food assistance program for legal immigrants</a></p> <p>Conn. Gen. State. § 17b-790a (2019)</p>	<p>This program is available for noncitizens who were made ineligible for SNAP under Welfare Reform and whose eligibility has not been restored by subsequent legislation. Individuals who entered the U.S. after April 1, 1998, must have resided in the state for six months prior to becoming eligible.</p>	<p>The benefit amount is equal to 75 percent of the amount the individual would receive under SNAP.</p>
<p><b>Illinois</b></p> <p><a href="#">VTTC Program</a></p> <p>305 Ill. Comp. Stat. 5/16 (2020)</p>	<p>Foreign-born noncitizen survivors of trafficking, torture, or other serious crimes and their derivative family members<sup>12</sup> are eligible for food assistance if they have filed, or are preparing to file, an application for:</p> <ul style="list-style-type: none"> <li>■ T non-immigrant status;<sup>13</sup></li> <li>■ U non-immigrant status;<sup>14</sup> or</li> <li>■ asylum status, and is otherwise eligible for SNAP benefits, if applicable.</li> </ul>	<p>The benefit amount is equal to that under SNAP.</p>
<p><b>Maine</b></p> <p><a href="#">Food supplement program for legal aliens</a></p> <p>ME Stat. title 22, § 3104-A (2020)</p>	<p>A noncitizen lawfully admitted into the U.S. who had not applied for assistance before July 1, 2011, is only eligible for benefits if that person is</p> <ul style="list-style-type: none"> <li>■ elderly or disabled, as described under the laws governing Supplemental Security Income;</li> <li>■ a victim of domestic violence;</li> <li>■ experiencing other hardship, such as time necessary to obtain proper work documentation; or</li> <li>■ unemployed, but has obtained proper work documentation.</li> </ul>	<p>The benefit amount is equal to that under SNAP.</p>

CONTINUED

<sup>12</sup> “Derivative Family Member” means a person who is the spouse, child, parent, or sibling under age 18 of the principal victim who is eligible, or potentially eligible, for one of the above statuses. A spouse must have been married to the principal victim before the principal victim entered the United States.” Illinois Department of Human Services, [Cash and Food Assistance for Non-Citizen Victims of Trafficking, Torture, or Other Serious Crimes](#) (February 21, 2018).

<sup>13</sup> T nonimmigrant status is available to victims of a severe form of trafficking, specifically sex or labor trafficking. U.S. Citizenship and Immigration Services, [Victims of Human Trafficking: T Nonimmigrant Status](#) (May 10, 2018).

<sup>14</sup> U nonimmigrant status is available to victims of criminal activity “who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.” U.S. Citizenship and Immigration Services, [Victims of Criminal Activity: U Nonimmigrant Status](#) (June 12, 2018).

**TABLE 1: CONTINUED**

## Overview of the Six State Food Assistance Programs for Noncitizens

State	Who is Eligible	Benefit Amount
<p><b>Minnesota</b></p> <p><a href="#">Minnesota Food Assistance Program</a> (MFAP)</p> <p>Minn. Stat. § 256D.053 (2020)</p>	<p>Legal noncitizens are eligible for state-funded food assistance if one meets all of the following:</p> <ul style="list-style-type: none"> <li>■ are age 50 or older;</li> <li>■ are eligible for SNAP, except for the U.S. citizenship requirement;</li> <li>■ are a qualified noncitizen or a noncitizen lawfully residing in the U.S.;</li> <li>■ live in Minnesota;</li> <li>■ are not enrolled in the Minnesota Family Investment Program.</li> </ul>	<p>The benefit amount is equal to that under SNAP.</p>
<p><b>Washington</b></p> <p><a href="#">State Food Assistance Program</a> (FAP)</p> <p>Wash. Rev. Code § 74.08A.120 (2020)</p>	<p>State-funded food assistance is available to lawful noncitizens who meet all of the SNAP requirements, except citizenship or alien status.</p>	<p>The benefit amount is equal to that under SNAP.</p>

## Opportunities for SNAP to Benefit More Immigrant Families

**A**ddressing food insecurity among immigrant families is critical to their nutrition, health, *and* well-being, and for the nation. The Supplemental Nutrition Assistance Program (SNAP) is an evidence-based program to do just that. Yet, SNAP remains unavailable to some immigrants. In order to fill that gap in SNAP eligibility, states can create and fund food assistance programs that can mirror SNAP, and can take other actions to connect eligible immigrants and their families to SNAP as well as other nutrition and food programs.

To assess the viability of creating or expanding a state food assistance program in your state, start by taking the recommended actions below.

■ **Do your homework:** Review the legislative language and eligibility standards of the six states that currently have food assistance programs.

- Estimate how many immigrants in your state would benefit from this program.
- Use [this tool](#) from the Migration Policy Institute (MPI) to learn more about the poverty rate among foreign-born individuals in your state, and assess how many noncitizens may benefit from a program in your state, e.g., figuring out which noncitizens are subject to the five-year waiting period, comparing MPI's numbers to the actual caseload data in states with existing programs.
- Unlike SNAP, which provides federal funding to cover 100 percent of SNAP benefits and approximately 50 percent of state administrative costs, states must allocate state funding to cover all the benefit and administrative costs for state food assistance. Administering a state-funded program requires state funding, but may not necessarily require new staff.

States can use the SNAP infrastructure to administer the state-funded program, but must keep accurate cost-allocation records for basing reimbursements to the U.S. Department of Agriculture.

■ **Develop partnerships with the immigrant community and other stakeholders:** Reach out to immigrant leaders and organizations that work with immigrant families to discuss the state food assistance program.

- Consider looping in other potential stakeholders, e.g., health providers, direct service organizations, labor groups, a state legislator champion of the idea, and the members of the executive branch, including staff from the SNAP agency.
- Sample discussion points include the following:  
How does this program stack up in terms of other priorities for the immigrant community? Is this the most effective way to address food insecurity among immigrants in the state? Is the time ripe? How likely is the state to invest in the program?

■ **Decide whether to move forward:** Assess with partners whether you wish to proceed in advocating for a state food assistance program.

- If you decide to move forward, a key step is to identify a legislative champion to elevate the need for this program and push for authorizing legislation.

Moving forward, advocates can help connect more immigrants to SNAP by working with the Biden administration and Congress to rescind arbitrary and harsh eligibility rules that terminate, impede, or undercut access for the many people who are struggling to make ends meet, and that exacerbate racial and health inequities. Congress and the Biden administration should rescind the five-year bar that disqualifies many adults with legal permanent resident status from receiving SNAP and extend SNAP eligibility to all lawfully residing immigrants, and take action to ensure that any public charge rule or policy developed in the future does not include SNAP or other non-cash benefits relevant in the determination.



Even when immigrants are eligible for SNAP, too many are forgoing participation in SNAP due to a host of immigration-related fears. Advocates can play a critical role in supporting immigrants' access to SNAP through a range of actions:

- encourage the state government to issue clear, affirmative messaging on immigrant family access to nutrition programs, including information that SNAP is not considered in a public charge test;
- work with trusted messengers in the immigrant community to provide accurate information on SNAP and application assistance to eligible immigrant families;
- ensure that language access requirements are met by the state SNAP agency and that nonprofits have SNAP outreach materials translated into the requisite languages of the community;
- support SNAP policies that promote access; and
- include immigrants with lived hunger and poverty experience to be among the experts engaged in designing workable policy solutions.

Ensuring that all families and individuals, regardless of immigration status, are nourished and healthy is key to creating a thriving nation.

## APPENDIX

# A History of Supplemental Nutrition Assistance Program (SNAP) Eligibility for Noncitizens

Legislation	Impact on Eligibility	Exceptions or Gaps
Early legislation	Established eligibility for most noncitizens lawfully residing in the U.S.	
The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, also known as Welfare Reform) of 1996  (P.L. 104-193)	Eliminated eligibility for SNAP for most noncitizens.  Approximately 900,000 noncitizens lost eligibility effective August 22, 1997.	The only exceptions to the noncitizen bar were for <ul style="list-style-type: none"> <li>■ refugees and asylees for their first five years in the U.S.;</li> <li>■ persons (or spouses or children of such persons) with U.S. military service records; and</li> <li>■ lawful permanent residents with documented work history (at least 40 quarters in the U.S.).</li> </ul>
The Agricultural Research, Extension and Education Reform Act of 1998 (AREERA) (P.L. 105-185):	The Act implemented two key provisions: <ol style="list-style-type: none"> <li>1. extended the refugee exemption from five to seven years; and</li> <li>2. restored benefits to <ol style="list-style-type: none"> <li>a. Hmong persons;</li> <li>b. cross-border Native Americans;</li> <li>c. persons who were or who became disabled who were in the U.S. as of August 22, 1996;</li> <li>d. persons who were 65 and in the country as of August 22, 1996; and</li> <li>e. children under 18 who were in the country as of August 22, 1996.</li> </ol> </li> </ol> <p>Restored SNAP to 250,000 of the over 900,000 noncitizens cut off from SNAP under Welfare Reform.</p>	Significant gaps still affected <ul style="list-style-type: none"> <li>■ many noncitizen adults who were neither age 65 and above nor people with disabilities, including parents living with citizens or SNAP-eligible immigrant children; and</li> <li>■ most immigrants who arrived in the U.S. after Welfare Reform was signed on August 22, 1996.</li> </ul>
The 2002 Farm Bill (P.L. 107-171)	Restored eligibility to “qualified” immigrant <ul style="list-style-type: none"> <li>■ adults who have been in a “qualified” immigrant status for at least five years;</li> <li>■ individuals receiving certain disability payments; and</li> <li>■ children, regardless of how long they have been in the country.</li> </ul> <p>The Act restored eligibility to almost 1 million noncitizens.<sup>15</sup></p>	

<sup>15</sup> U.S. Department of Agriculture. (2011). *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*. Available at: [https://fns-prod.azureedge.net/sites/default/files/resource-files/Non-Citizen%20Guidance\\_6-30-2011.pdf](https://fns-prod.azureedge.net/sites/default/files/resource-files/Non-Citizen%20Guidance_6-30-2011.pdf). Accessed on March 29, 2021.