



FEB 19 2010

United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – SNAP Humanitarian Parole Policy for Certain Haitian Orphans

TO: All Regional Directors
Supplemental Nutrition Assistance Program

The devastating earthquake of January 12, 2010 in Haiti has generated multiple inquiries to Food and Nutrition Service (FNS) concerning eligibility of Haitian nationals or citizens for SNAP benefits. The purpose of this memo is to clarify SNAP eligibility for certain Haitian orphans.

In general, to be eligible for SNAP, Haitians must meet the non-citizen eligibility requirements that pertain to federal means tested benefits as provided in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). In general, this means that a person must either be a U.S. citizen or, if a non-U.S. citizen, a “qualified alien” who meets certain conditions in order to be eligible for SNAP. PRWORA provides that a Cuban/Haitian Entrant is a qualified alien. Cuban/Haitian Entrants are eligible for SNAP benefits and are not subject to the five year residency requirement.

According to PRWORA, a person is a Cuban/Haitian Entrant if he or she is a national or citizen of Cuba or Haiti who meets the requirements of Section 501(e) of the Refugee Education Assistance Act of 1980, which defines Cuban/Haitian Entrant as follows:

- (1) any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; and
- (2) any other national of Cuba or Haiti—
 - (A) who—
 - (i) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;
 - (ii) is the subject of removal proceedings under the Immigration and Nationality Act; or
 - (iii) has an application for asylum pending with the Immigration and Naturalization Service; and
 - (B) with respect to whom a final, nonappealable, and legally enforceable order of removal has not been entered.

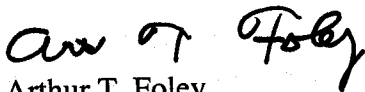
All Regional Directors

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On January 18, 2010, Secretary Napolitano of the Department of Homeland Security authorized the use of humanitarian parole status to certain Haitian orphans who have entered or who are entering the U.S. subsequent to the earthquake and who are being adopted by U.S. citizens. Haitian orphans permitted to enter the U.S. under humanitarian parole meet the definition of a Cuban/Haitian Entrant and are eligible to receive SNAP benefits with no waiting period, provided that their household meets the SNAP eligibility criteria for their household size. Because these humanitarian parolees are either living in the household with their prospective adoptive parents and/or are under the age of eighteen, the children will *not* be subject to sponsor deeming for SNAP purposes.

Please note, if granted humanitarian parole status, Haitian orphans will possess an INS Form I-94 indicating that that the person was "paroled" into the U.S. on or after January 12, 2010. However, some Haitian orphans will receive immigrant visas and will enter as aliens lawfully admitted for permanent residence. PRWORA identifies a legal permanent resident as one type of qualified alien; qualified alien children are eligible for SNAP benefits with no waiting period.

State agencies that have questions regarding this guidance should contact their respective Regional Office representative. Regional office staff who have questions regarding this guidance should contact Angela Kline, Chief, Certification Policy Branch, at (703) 305-2495.



Arthur T. Foley

Director

Program Development Division