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Field Operations Memo 97-26
April 15, 1997

To: Local Office Staff
From: Joyce Sampson, Assistant Commissioner for Field Operations
Re: Applying Federal Welfare Reform Noncitizen Provisions to Ongoing Food Stamp Recipients (PA and NPA)

Background

State Letter 1103 effective December 1, 1996 changed the Food Stamp Program eligibility requirements for noncitizens in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.

Implementation of New Rules

Effective April 1, 1997, the new noncitizen provisions must be applied to ongoing food stamp households (PA or NPA) containing noncitizens at recertification, eligibility review or any recipient contact.

A USDA waiver allows an extension of certification periods for food stamp households containing noncitizens under the following conditions:

- ◆ the existing certification period is *fewer than* 12 months; or
- ◆ the existing certification period is *fewer than* 24 months and all adult household members are elderly or disabled.

The extension must not go beyond the August 1997 ATP cycle.

Rationale: By further extending the end certification dates, cases containing noncitizens will not be harmed until the latest possible date.

Food Stamp Households Which Cannot Be Extended

Food stamp households with *maximum* certification periods cannot be extended. These households include:

- ◆ all 12-month PA/FS households; and
- ◆ all 24-month SSI/FS demonstration households (Category 9, Program Code D).

**Guidelines for
Extending
NPA/FS
Certification
Periods**

NPA/ FS households must be given extended certification periods if otherwise eligible.

Extend the certification period for up to 12 or 24 months from the previous *beginning* certification date. **However, the extension must not go beyond the August 1997 ATP cycle.**

For example:

- (1) An NPA food stamp case had a nine-month certification period.

Begin Certification Date	7/2/96
End Certification Date	4/1/97

If otherwise eligible, the noncitizen household certification period must be extended for *only* three months until 7/1/97.

- (2) An NPA food stamp case had a six-month certification period.

Begin Certification Date	12/14/96
End Certification Date	6/13/97

If otherwise eligible, the noncitizen household certification period must be extended for three months through the August 1997 ATP cycle, 9/13/97.

- (3) An NPA food stamp case containing *all elderly adults* had a 12-month certification period.

Begin Certification Date	5/10/96
End Certification Date	5/9/97

If otherwise eligible, the noncitizen household certification period must be extended for four months through the August 1997 ATP cycle, 9/9/97.

Reports

Workers (PA and NPA) will receive a listing of their cases with food stamp end certification dates in the April, May, June, July, August, and September 1997. This report is titled: *Food Stamp Cases with End Certification Dates 4/1/97 Thru 9/13/97.*

Note: An updated listing of food stamp cases extended or certified through the August 1997 ATP cycle will be issued in late July 1997.

**NPA/FS
Households
Containing
Noncitizens
Certification
End Dates
April 1 -
May 13**

(A) *NPA Food Stamp Cases with Less Than 12-Month Certification Periods*

All ongoing food stamp cases containing noncitizens *with certification periods of fewer than 12 months* which are due to be recertified after 3/31/97 must be given extended certification periods, if otherwise eligible for the food stamp program.

The worker must:

- ◆ Ask if the household contains noncitizens when the household responds to the recertification notice.

If no: *Follow normal recertification procedures.*

If yes:

- ◆ Give the household the Change Report form (FSP-5, Rev. 9/95) to complete, sign and return, if necessary. **Do not use the normal recertification form (FSP-1) for these cases.**

Note: Follow normal procedures for verifying Change Report information.

- ◆ Extend the certification period for up to 12 months from the previous **beginning** certification date. However, the extension may not go beyond the August ATP cycle. *Refer to examples on page 2.*
 - ◆ Annotate the Case Narrative form in the case record with **"NONCITIZEN DESK REVIEW"** and the date.
 - ◆ *Verbally* notify the household that the new noncitizen rules will be applied at the next recertification.
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**NPA/FS
Households
Containing
Noncitizens
Certification
End Dates
April 1 -
May 13
(Continued)**

*(B) NPA Food Stamp Cases with Less Than 24-Month
Certification Periods - All Adult Household Members
Elderly or Disabled*

All ongoing food stamp cases containing noncitizens *with certification periods of fewer than 24 months* which are due to be recertified after 3/31/97 must be given extended certification periods, if otherwise eligible for the food stamp program.

The worker must:

- ◆ Ask if the household contains noncitizens when the household responds to the recertification notice.

If no: *Follow normal recertification procedures.*

If yes:

- ◆ Give the household the Change Report form (FSP-5, Rev 9/95) to complete, sign and return, if necessary. **Do not use the normal recertification form (FSP-1) for these cases.**

Note: Follow normal procedures for verifying Change Report information.

- ◆ Extend the certification period for up to 24 months from the previous **beginning** certification date. However, the extension may not go beyond the August ATP cycle. *Refer to examples on page 2.*
- ◆ Annotate the Case Narrative form in the case record with "**NONCITIZEN DESK REVIEW**" and the date.
- ◆ *Verbally* notify the household that the new noncitizen rules will be applied at the next recertification.

*(C) NPA Food Stamp Cases with Maximum Certification
Periods*

If the certification period of an NPA/FS household containing noncitizens cannot be extended, apply the new noncitizen rules at the recertification interview.

If ineligible for food stamp benefits due to ineligible noncitizen status, the NPA/FS case or household member(s) must be closed using AR 44.

**NPA/FS
Households
Containing
Noncitizens
Certification
End Dates
May 31 -
August 13**

For ongoing cases with food stamp end certification dates in June, July and August 1997 the instructions below must be followed.

Before the month of recertification, the NPA worker must:

- ◆ Review the cases listed on the *Food Stamp Cases with End Certification Dates 4/1/97 Thru 9/13/97* report to determine if the household contains noncitizens.

If no: *Follow normal recertification procedures.*

If yes:

- ◆ Determine whether the household certification period must be extended.

If the certification period must be extended:

- ◆ Extend the certification period for up to 12 or 24 months from the previous **beginning** certification date. However, the extension must not go beyond the August 1997 ATP cycle. *Refer to examples on page 2.*

NOTE: It is critical that certification date be extended before the date recertification letters are mailed. A systems mailing of recertification letters occurs twice a month. The mailing dates will depend upon the last digit of the head of household's SSN. See *Systems User's Guide, Volume 1, Appendix E, PACES Case Processing, Page E-1.*

- ◆ Annotate the Case Narrative form in the case record with "NONCITIZEN DESK REVIEW" and the date.
- ◆ PACES will generate a certification period change notice.
- ◆ Mail a Change Report form (FSP-5, Rev. 9/95) to the household to complete, sign and return, if necessary.

Note: Follow normal procedures for verifying Change Report information.

If the certification period cannot be extended:

- ◆ Apply the new noncitizen rules at the recertification interview.
 - ◆ If ineligible for food stamp benefits due to ineligible noncitizen status, the NPA/FS case or household member(s) must be closed using AR 44.
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**SSI/FS
Demonstration
Cases**

A separate memo will be issued regarding the handling of SSI/FS demonstration cases (Category 9, Program Code D) which must be closed due to the new noncitizen provisions.

**PA/FS
Households
Containing
Noncitizens
Certification
End Dates
April 1 -
August 13**

Noncitizens rules for FS, TAFDC and EAEDC **are different**. For TAFDC and EAEDC households you should continue to follow the instructions in Field Operations Memo 97-3. **There will be cases where individuals continue to be eligible for cash benefits but will no longer be eligible for food stamp benefits.**

PACES automatically replaces a certification period of less than 12 months with a 12-month food stamp certification period for all PA/FS households. (PACES does allow an August 1997 ATP cycle end certification date for noncitizen cases. *See Field Operations Memos 96-42 and 97-3.*)

PA/FS worker must:

- ◆ Schedule an eligibility review to apply the new food stamp noncitizen rules when the food stamp end certification date is between April 1 and August 13, 1997. If the cash case has not been reviewed in the past six months a full eligibility review must occur to ensure that the Exempt/Nonexempt status of the assistance unit is accurately reflected on PACES.

Note: Separate instructions will be issued regarding the handling of PA/FS cases with *expired* food stamp end certification dates.

- ◆ Close the food stamp portion *only* of the PA/FS case or a household member(s) in the food stamp section *only* of the PA/FS case using AR 44 if ineligible for food stamp benefits due to ineligible noncitizen status.

**Food Stamp
Households
(PA or NPA)
Containing
Noncitizens
Certification
End Dates
August 31-
September 13**

All food stamp households (PA or NPA) containing noncitizens which were extended through the August 1997 ATP cycle (8/31-9/13) must be reviewed using the new noncitizen provisions and appropriate action taken.

If ineligible for food stamp benefits due to ineligible noncitizen status, the PA or NPA food stamp case or ineligible noncitizen member(s) must be closed using AR 44.

**Food Stamp
Households
(PA or NPA)
Containing
Noncitizens
Certification
End Dates
After 9/13/97**

All food stamp households (PA or NPA) containing noncitizens with end certification dates after 9/13/97 must be reviewed at recertification, eligibility review or any recipient contact using the new noncitizen provisions and appropriate action taken.

If ineligible for food stamp benefits due to ineligible noncitizen status, the PA or NPA food stamp case or ineligible noncitizen member(s) must be closed using AR 44.

**Ineligible
Noncitizen
Referrals**

Workers should provide information about alternative food sources to ineligible noncitizens.

Project Bread operates a Hunger Information Hotline which provides information about area food banks. People should call the Hunger Information Hotline at 1-800-645-8333.

WIC is a special nutrition program for pregnant and breast-feeding women and certain low-income households with children under age five. WIC provides nutritious foods as well as nutrition education and counseling and breast-feeding information. People should call the WIC Hotline at 1-800-WIC-1007.

**Other Field
Operations
Memos
Regarding the
New Noncitizen
Provisions**

Field Operations Memo 96-33A provided information and procedures for noncitizen applicants and recipients after 9/23/96 but before the 12/1/96 effective date of the PRWORA noncitizen provisions.

Field Operations Memos 96-42 & 96-42A provided information and procedures for noncitizen NPA/FS, TAFDC and PA/FS applicants who applied on or after 12/1/96. This memo also provided information and procedures for NPA/FS recipients who were recertified on or after 12/1/96.

Field Operations Memo 97-3 provided information and procedures for TAFDC recipients with or without food stamp benefits who applied or were reviewed on or after 1/1/97. This memo also provided information and procedures for EAEDC applicants or recipients with or without food stamp benefits who applied or were reviewed on or after 1/1/97.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at (617) 348-8478. Systems questions should be directed to Customer Support Services at (617) 348-5290.
