



## SNAP 301-2 NON-FINANCIAL REQUIREMENT Eligible Alien Status

**Supersedes:** SNAP 301-2 (October, 1, 2025)

**Reference:** 7 CFR 273.1(b)(7)(i); 7 CFR 273.2(b)(1)(iii); 7 CFR 273.2(f)(1)(ii); 7 CFR 273.4; 7 CFR 273.11(c)(3); Section 11(e)(15) of the Food and Nutrition Act of 2008 (Enacted June 3, 2023)

**Overview:** An individual who is not a U.S. citizen or a U.S. National must have their alien status verified to be included in the assistance unit. The State agency must give the household the option of withdrawing its application or participating without a household member if that individual does not wish the State agency to verify his/her immigration status. State agencies cannot deny benefits to otherwise eligible household members because other members have chosen not to disclose their citizenship, immigration status, or Social Security number. Household members that “opt out” are considered non-applicants and are ineligible for SNAP. Alien visitors, tourists, diplomats, and students who enter the U.S. temporarily with no intention of abandoning their residence in a foreign country are not eligible for SNAP benefits under any circumstances.

### **ALIEN STATUS VERIFICATION (SAVE)**

Immigration status of **all alien applicants** must be verified with USCIS by applying item 1. The eligibility determination process shall not be delayed pending USCIS verification of the documents if all other eligibility criteria have been met. If an individual’s citizenship or status as a non-citizen national is questionable, the eligibility staff member must verify the member’s citizenship or non-citizenship national status by applying either item 2 or 3. **\*\*\*\*\*FOR UNDOCUMENTED ALIENS, SEE THE ‘Reporting Undocumented Aliens’ SECTION BELOW. \*\*\*\*\***

1. All requests must be made electronically through the Department of Homeland Security (DHS) using the Verification Information System. To accommodate this

process, all SAVE requests will be submitted from the Office of Public Assistance staff to PAB Central Office and from there to DHS. The eligibility staff member will:

- a. Obtain and scan all available immigration documentation for each applicant and save as permanent documents;
  - b. Complete the electronic SAVE Request Data Form with all available data including Alien Registration number, I-94 number, and/or I-551 number. If none of these identification numbers are available, enter an explanation in the "Comments and Other Information" field on the SAVE form;
  - c. E-mail the SAVE form and scanned documents as an attachment to PAB Central Office at hhssystem@mt.gov; and
  - d. Document in case notes the result of USCIS verification when returned from PAB Central Office and retain appropriate documentation in the case file.
2. Participation in another program if verification of citizenship or non-citizen national status was obtained for that program; OR
  3. If the household cannot obtain the forms of verification listed in #1 or #2, and the household can provide a reasonable explanation as to why verification is not available, the eligibility staff member must accept a signed statement, under penalty of perjury, from a third party indicating a reasonable basis for knowledge the individual in question is a U.S. citizen or non-citizen national. The signed statement must contain a warning of the penalties for helping someone commit fraud.

### **QUALIFIED ALIEN CATEGORIES:**

1. **Lawfully Admitted to the United States for Permanent Residence (LAPR)** - an alien granted status as a LAPR by the Immigration and Nationality Act (INA).
2. **Cuban and Haitian entrant status** - an alien granted status as a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980.
3. **COFA Migrant**- individuals who are lawfully residing in the United States in accordance with the Compacts of Free Association between the United States and Micronesia, the Marshall Islands, and Palau, as defined under Immigration and Nationality Act Section 141 and resides in accordance with a Compact of Free Association referred to in section 402 of the Responsibility and Work Opportunity Reconciliation Act of 1996. There is no 5 year waiting period for

Following the One Big Beautiful Bill (OB BB/HR1) Some alien groups previously eligible for SNAP are no longer eligible. Aliens continue to be subject to a 5-year waiting period, unless exempted by PRWORA. The chart below summarizes eligibility for aliens

Eligible Alien Groups Under the OBBB	Eligibility Timing
<ul style="list-style-type: none"> <li>• Non-citizen U.S. Nationals</li> <li>• Cuban and Haitian entrants</li> <li>• Compacts of Free Association (COFA) citizens</li> </ul>	<p>Eligible immediately, with no waiting period, as long as they meet all other SNAP financial and non-financial eligibility requirements.</p>
<ul style="list-style-type: none"> <li>• Lawful Admitted Permanent Residents (LAPR) (also known as Green Card holders)</li> </ul>	<p>Eligible after a 5-year waiting period, as long as they meet all other SNAP financial and non-financial eligibility requirements.</p> <p><u>LAPRs</u> may still be eligible for SNAP without a waiting period if they meet one or more of the following conditions:</p> <ul style="list-style-type: none"> <li>• Are under 18 years old</li> <li>• Have 40 qualifying work quarters</li> <li>• Are blind or disabled</li> <li>• Were lawfully residing in the U.S. and 65 or older on August 22, 1996</li> <li>• Have a U.S. military connection</li> <li>• Are admitted to the United States as an Amerasian immigrant</li> <li>• Are an American Indian born abroad</li> <li>• Certain Hmong or Highland Laotian tribal members</li> <li>• Transitioned from Refugee to LAPR</li> <li>• Transitioned from Granted Asylum to LAPR</li> <li>• Transitioned from Deportation withheld</li> <li>• Certain Afghan Nationals Granted Parole Between July 31, 2021, and September 30, 2023 who are now LAPR's</li> <li>• Certain Ukrainian Nationals Granted Parole Between February 24, 2022, and September 30, 2024 who are now LAPR's</li> <li>• Iraqi and Afghani Special Immigrants (SIV)</li> <li>• Victims of Severe Trafficking and Certain Family Members</li> </ul>

**COUNTING WORK QUARTERS-** No work quarters are creditable for any period after December 31, 1996, if the alien (or the parent or spouse) received any federal means-tested benefits or received SNAP benefits during the period the work quarters were earned. Federal means-tested benefits are TANF Cash, and Tribal TANF, or BIA Tribal Assistance.

- a. The individual must provide proof of earnings of 10 years or more with employer statements, income tax forms, wage stubs, etc., or obtain verification by requesting the information from the regional Social Security Administration (SSA) office. The eligibility staff member can access Montana's State Verification and Exchange System (SVES) interface with SSA to establish the 40 quarters of work for the LAPR 'qualified alien'.
- b. A maximum of four credits may be earned in a year by each individual. Credits will be credited only after the calendar quarter has ended. Calendar quarters mean the four calendar months ending March 31st, June 30th, September 30th, and December 31st of any year.

**NOTE:** Any earnings of a non-citizen for work legally performed in the U.S. are used when calculating quarters of work. This includes earnings not creditable for Social Security benefits. The eligibility staff member determines if the non-citizen has earned a quarter of work using the 'National Average Wage Index Needed to Earn One Quarter of Coverage' at the end of this section.

Any earnings of a non-citizen for work performed in another country if the work is creditable for Social Security benefits are included.

One quarter of work can be counted for more than one person (e.g., Mom, dad, and child apply for assistance. Mom and dad worked the third quarter of 2000. Since both spouses worked the quarter, all three individuals can count two quarters for 03/00 - one from mom and one from dad). Technically, it is possible to earn 40 quarters in only 20 quarters if both spouses worked the same 20 quarters. A qualifying quarter of work is credited if earned by:

1. The alien;
2. The alien's living or deceased parents (natural, adopted or stepparents) while the alien was under age 18 (including quarters earned before his birth regardless of his current age); or,
3. The alien's spouse during their marriage if the marriage continues or if the spouse is deceased.

Information on the alien's quarters of work may be obtained by accessing the SSA interface. If the alien does not have the required 40 quarters of their own, the eligibility staff member needs to access another family member's information to make up the difference or verify earnings by another method such as wage stubs. **NOTE:** Only the alien's parents' or spouse's information may be accessed because a child's quarters or a sibling's quarters cannot be attributed to a parent or a sibling.

### **INELIGIBLE ALIEN RESOURCES, INCOME, AND EXPENSES:**

The resources of an ineligible alien are excluded because the individual is expanded categorically eligible. Income and expenses of the ineligible alien are prorated among the remaining household members. Income and expenses must be coded against the ineligible alien or income and expenses will not be prorated.

**EXCEPTION:** A household is allowed **the full appropriate mandatory utility allowance** if the individuals who share the utility expense(s) are not in the SNAP assistance unit because they are an ineligible alien, Able Bodied Adults Without Dependents (ABAWD) disqualified, or SSN disqualified, but are otherwise required household members. This also applies to households with an ineligible student.

### **REPORTING UNDOCUMENTED ALIENS:**

The Office of General Counsel (OGC) provides two criteria to be used in determining when to report undocumented aliens to USCIS. One of the following criteria must be met:

1. If during the SAVE verification process it is determined that the SNAP applicant is not lawfully present in the United States. \*\*\* Please note that our agency may only report the unlawful presence of non-citizens who have **applied for SNAP benefits**. We do not report if undocumented aliens reside in the same home or if undocumented adults are applying strictly for their children\*\*\*.
2. USCIS documents presented by the household during the application process are determined to be forged.

During the certification or recertification process, the eligibility staff member may discover other information which indicates someone in the household is an undocumented alien. To determine that a member or members of that household are in fact undocumented aliens based on this other information, it must be reported to USCIS. We must conform to the reporting requirements of the PRWORA and the Interagency Notice.

### **SNAP Alien Eligibility Pre- and Post- One Big Beautiful Bill Act (OBBB)**

This chart compares SNAP eligibility for alien groups before and after the OBBB became law. Per 7 CFR 273.4(a)(6)(iv), each category of eligible alien status stands alone for purposes of determining eligibility. If eligibility expires under one eligible alien status, must determine if eligibility exists under another status.

For additional clarification please review your resource guide.

Alien Group	Pre-OBBA Eligibility	Post-OBBA Eligibility
<b>Non-Citizen U.S. Nationals</b>	Eligible immediately	Eligible immediately
<b>Lawful Permanent Residents (LAPR)</b>	<p>Eligible after a 5-year waiting period, as long as they meet all other SNAP financial and non-financial eligibility requirements.</p> <p><u>LAPRs</u> may still be eligible for SNAP without a waiting period if they meet one or more of the following conditions:</p> <ul style="list-style-type: none"> <li>• Are under 18 years old</li> <li>• Have 40 qualifying work quarters</li> <li>• Are blind or disabled</li> <li>• Were lawfully residing in the U.S. and 65 or older on August 22, 1996</li> <li>• Have a U.S. military connection</li> </ul>	<p>Eligible after a 5-year waiting period, as long as they meet all other SNAP financial and non-financial eligibility requirements.</p> <p><u>LAPRs</u> may still be eligible for SNAP without a waiting period if they meet one or more of the following conditions:</p> <ul style="list-style-type: none"> <li>• Are under 18 years old</li> <li>• Have 40 qualifying work quarters</li> <li>• Are blind or disabled</li> <li>• Were lawfully residing in the U.S. and 65 or older on August 22, 1996</li> <li>• Have a U.S. military connection</li> <li>• Are admitted to the United States as an Amerasian immigrant</li> <li>• Are certain American Indians born abroad</li> <li>• Are certain Hmong or Highland Laotian tribal members</li> <li>• Transitioned from Refugee to LAPR</li> <li>• Transitioned from Granted Asylum to LAPR</li> <li>• Transitioned from Deportation withheld to LAPR</li> </ul>

		<ul style="list-style-type: none"><li>• Certain Afghan Nationals Granted Parole Between July 31, 2021, and September 30, 2023 who are now LAPRs</li><li>• Certain Ukrainian Nationals Granted Parole Between February 24, 2022, and September 30, 2024 who are now LAPRs</li><li>• Iraqi and Afghani Special Immigrants (SIV)</li><li>• Victims of Severe Trafficking and Certain Family Members</li></ul>
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<b>Alien Group</b>	<b>Pre-OBBB Eligibility</b>	<b>Post-OBBB Eligibility</b>
<b>Cuban and Haitian Entrants (CHE)</b>	Eligible immediately	Eligible immediately
<b>Compacts of Free Association (COFA) Citizens</b>	Eligible immediately	Eligible immediately
<b>Children Under Age 18 in any SNAP-eligible Alien Group</b>	Eligible immediately	Eligible immediately
<b>LAPRs with 40 Qualifying Work Quarters</b>	Eligible immediately	Eligible immediately
<b>Individuals in any SNAP-eligible Alien Group Who is Blind or Disabled</b>	Eligible immediately	Eligible immediately
<b>Individuals in any SNAP-eligible Alien Group Lawfully Residing in the U.S. and Was 65 or Older on August 22, 1996</b>	Eligible immediately	Eligible immediately
<b>Individuals in any SNAP-eligible Alien Group Who Has a Military Connection</b>	Eligible immediately	Eligible immediately
<b>Deportation Withheld</b>	Eligible immediately	Not eligible unless an LAPR, then eligible immediately
<b>Amerasians</b>	Eligible immediately	Not eligible unless an LAPR, then eligible immediately
<b>Certain American Indians Born Abroad</b>	Eligible immediately	Not eligible unless an LAPR, then eligible immediately
<b>Hmong or Highland Laotian Tribal Members</b>	Eligible immediately	Not eligible unless an LAPR, then eligible immediately
<b>Iraqi and Afghan Special Immigrants (SIV)</b>	Eligible immediately	Not eligible unless an LAPR, then eligible immediately
<b>Conditional Entrants</b>	Eligible immediately	Not eligible unless an LAPR. 5 year waiting period unless other qualifying condition met
<b>Battered Aliens</b>	Eligible immediately	Not eligible unless an LAPR. 5 year waiting period unless other qualifying condition met



<b>Victims of Severe Trafficking and Certain Family Members</b>	Eligible immediately	Not eligible unless an LAPR, then eligible immediately
<b>Refugees</b>	Eligible immediately	Not eligible unless an LAPR, then eligible immediately
<b>Individuals Granted Asylum</b>	Eligible immediately	Not eligible unless an LAPR, then eligible immediately
<b>Parolees</b>	Eligible after a 5-year waiting period	Not eligible unless an LAPR, then eligible immediately
<b>Certain Afghan Nationals Granted Parole Between July 31, 2021, and September 30, 2023</b>	Eligible immediately	Not eligible unless an LAPR, then eligible immediately
<b>Certain Ukrainian Nationals Granted Parole Between February 24, 2022, and September 30, 2024</b>	Eligible immediately	Not eligible unless an LAPR, then eligible immediately
<b>LAPR Pursuant to Section 249 of the INA (8 USC 1259)</b>	Eligible after a 5-year waiting period	See "Post-OBBS Eligibility" for LAPR

### **NON-CITIZEN QUARTERS OF WORK CALCULATION**

#### **National Average Wage Index Needed to Earn One Quarter of Coverage**

<b>YEAR</b>	<b>AMOUNT OF EARNINGS</b>	<b>YEAR</b>	<b>AMOUNT OF EARNINGS</b>
1975	\$50	1995	630
1976	50	1996	640
1977	50	1997	670
1978	250	1998	700
1979	260	1999	740
1980	290	2000	780
1981	310	2001	830

1982	340	2002	870
1983	370	2003	890
1984	390	2004	900
1985	410	2005	920
1986	440	2006	970
1987	460	2007	1000
1988	470	2008	1050
1989	500	2009	1090
1990	520	2010	1220
1991	540	2011	1220
1992	570	2012	1130
1993	590	2013	1160
1994	620	2014	1200
1995	630	2015	1220
1991	540	2016	1260
1992	570		
1993	590		
1994	620		

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