



United States  
Department of  
Agriculture

MAR 30 2010

Food and  
Nutrition  
Service

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – Clarification on SNAP Eligibility for Haitians granted Temporary Protected Status

3101 Park  
Center Drive

TO: All Regional Directors  
Supplemental Nutrition Assistance Program

Alexandria, VA  
22302-1500

Food and Nutrition Service (FNS) has received multiple inquiries as to whether certain Haitian nationals granted Temporary Protected Status (TPS) are eligible for SNAP benefits. Generally, TPS grantees are persons who are temporarily allowed to stay in the U.S. when their home nation is suffering under armed conflict, environmental disaster or other “extraordinary or temporary conditions.” On January 21, 2010 Secretary Napolitano granted TPS for those Haitian nationals who resided in the U.S. as of January 12, 2010, the date of the earthquake.

Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Haitian entrants granted status under section 501(e) of the Refugee Education Assistance Act of 1980 are qualified aliens and therefore, eligible for SNAP benefits, provided they meet other eligibility requirements. PRWORA does not address whether those individuals granted TPS are qualified aliens. PRWORA applies to multiple federal benefit programs and this issue impacts eligibility for a number of programs across federal agencies.

After careful review and coordination among federal agencies, it has been determined that under existing law Haitian nationals granted TPS do not meet the definition of Haitian entrant and therefore are not qualified aliens eligible for SNAP benefits. In reaching its decision, FNS reviewed legal authority, and consulted with other federal agencies and our Office of the General Counsel. Applications for SNAP benefits wherein all household members are Haitian nationals granted TPS must be denied. If the household consists of a mixture of eligible U.S. citizens, eligible qualified aliens, or persons with another eligible status, along with persons granted TPS, then only those household members granted TPS would be denied, and eligibility would be determined for the remaining household members. It is our understanding that other federal agencies will be issuing similar guidance on this matter.

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

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