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United States
Department of
Agriculture

Food and
Nutrition
Service

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Alexandria, VA
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SUBJECT: SNAP - Treatment of Household Members with Voided Puerto Rican Birth Certificates

TO: All Regional Directors
Supplemental Nutrition Assistance Program (SNAP)

On December 22, 2009, Puerto Rico passed Law 191 of 2009 (S.B. 1182) that voids all Puerto Rican birth certificates issued prior to July 1, 2010. Current Puerto Rican birth certificates remain valid until the July 1, 2010 effective date of the new law. As a result of this recent legislation, Food and Nutrition Service (FNS) has been asked to provide guidance to State agencies as to the treatment of voided Puerto Rican birth certificates for SNAP purposes.

Verification of Identity and Citizenship

SNAP regulations at 7 CFR 273.2(f)(vii) require State agencies to verify a SNAP applicant's identity as a condition of eligibility. Identity may be verified through readily available documentary evidence, or if this is unavailable, through a collateral contact. Due to the new law, as of July 1, 2010, a voided Puerto Rican birth certificate may not be used to verify the identity of a SNAP household member.

However, SNAP regulations recognize that available documentation will vary by household circumstances and provide flexibility in meeting the verification requirements by requiring the State agency to assist the household in obtaining the verification, to explore alternative sources of verification, and to accept any "reasonable" documentary evidence, including collateral contacts. Any documents which reasonably establish the applicant's identity must be accepted and no requirement for a specific type of document, such as a birth certificate, may be imposed. Under no circumstances may a household member be denied SNAP benefits based solely on possessing a voided Puerto Rican birth certificate.

SNAP regulations require State application forms to provide a statement allowing applicants to attest, under penalties of perjury, to the citizenship status of the members applying for benefits. This attestation of U.S. citizenship is generally sufficient for SNAP purposes. Since Puerto Ricans are U.S. citizens, verification of the member's citizenship status is not required unless questionable. SNAP regulations provide that the guidelines State agencies use to verify questionable information shall not be based on race, religion, ethnic background, or national origin, nor target a particular group. States

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must follow SNAP regulations on verifying citizenship when questionable, such as when the documentation provided is illegible or appears to be forged. Otherwise, the State agency must accept any reasonable documentary evidence provided by the household, including collateral statements and participation in another program as acceptable verification of citizenship status.

Verification of Age

Although age is not a mandatory condition of eligibility for SNAP, it may be relevant in determining whether an individual is considered elderly or is subject to the program's work requirements. While voided Puerto Rican birth certificates may not be used to verify identity or citizenship status, if it is necessary to verify the age of a member of an applicant household and no other form of verification is available, the State agency may use a voided Puerto Rican birth certificate solely for that purpose.

Effective Date and Applicability

This policy is effective July 1, 2010 and applies only to those household members who apply for or receive SNAP benefits. It does not apply to individuals who are non-applicants who apply for or receive SNAP benefits for other members in the household. SNAP regulations further provide that States must not re-verify a household member's status at recertification if unchanged. In addition, States are not required and should not attempt to verify identity or citizenship at the time of the interim or periodic report for simplified reporting households.

New Birth Certificates

The Puerto Rico Health Department's Vital Statistics Record Office plans to begin issuing new birth certificates to those who apply on or after July 1, 2010. The new birth certificates will incorporate technology to limit the possibility of document forgery. Until that date, all Puerto Rico birth certificates will remain valid. The law further provides that the date of validity for the current birth certificates may be extended by the Puerto Rico Health Department if the new birth certificates are not ready to be issued on July 1, 2010.

All Regional Directors

Page 3

In addition, the law creates a 15-day extended validity transition period for those birth certificates issued after June 15, 2010, and before July 1, 2010. For example, a birth certificate issued June 30th would be valid until July 15th, 2010.

State agencies that have questions regarding this guidance should contact their respective Regional Office representative. Regional office staff who have questions can contact Angela Kline at Angela.Kline@fns.usda.gov.

A handwritten signature in cursive script, reading "Lizbeth Silberman".

Lizbeth Silberman

Director

Program Development Division

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