



DATE: April 14, 2026

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) Quality Control (QC)
Additional Non-Citizen Variance Exclusion Period for Select States QC
Policy Memo 26-03

TO: All SNAP Regional Offices
Select SNAP State Agencies

California	Minnesota
Colorado	Nevada
Connecticut	New Jersey
Delaware	New Mexico
District of Columbia	New York
Hawaii	North Carolina
Illinois	Oregon
Maine	Rhode Island
Maryland	Vermont
Massachusetts	Washington
Michigan	Wisconsin

This policy memo provides instruction to select States regarding the implementation of changes to Supplemental Nutrition Assistance Program (SNAP) eligibility for aliens in Section 10108 of P.L. 119-21, the One Big Beautiful Bill Act of 2025 (OBBB), in the wake of preliminary relief granted in *State of New York, et al. v. Rollins, et al.*, 6:25-cv-02185 (D. Or.). OBBB's changes to alien eligibility took effect immediately; States must comply with these changes effective July 4, 2025.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

At issue in the litigation is the start date of the QC variance exclusionary period for new statutory and regulatory requirements¹, during which FNS excludes payment errors related to the misapplication of changes in Section 10108 to new and ongoing SNAP households. For the States that were party to the litigation on December 15, 2025, the District Court's preliminary injunction means the variance exclusion period commenced on December 10, 2025, and lasts through April 9, 2026. FNS will comply with the Court's relief unless or until changed.

The variance exclusion will not apply if the State agency does not implement the new provisions in accordance with 7 CFR 275.12(d)(2)(vii). State agencies that implement later than December 10, 2025, but before April 9, 2026, will only be permitted a variance exclusion for the time remaining through April 9, 2026. State agencies that implement after April 9, 2026, cannot apply a variance exclusion to quality control cases. State agencies are strongly encouraged to develop coding to track cases impacted by this variance exclusion using Section 7 of the FNS-380-1 (OMB No. 0584-0299).

As a reminder, cases impacted by the above-mentioned litigation concerning alien eligibility must still be included and submitted pursuant to the States' approved sampling plan, and those cases should note the applicable variance exclusion(s). Under the preliminary relief granted by the Court, errors caused by alien eligibility determinations must be excluded from the error analysis; not the sample itself. Given the ongoing litigation, State agencies must be able to identify cases impacted by the court mandated extension of the variance exclusion. State agencies may use Section 7 of the FNS 380-1 to develop coding to identify affected cases or may develop their own tracking system outside of FNS-approved forms and systems. State agencies must also identify cases impacted by this court order that have already been submitted to FNS, in case future court actions impact these cases. For cases that have already been submitted, State

¹ See 7 CFR 275.12(d)(2)(vii)

agencies will have to identify and track them outside of FNS-approved forms and systems.

State agencies with questions should contact their respective Regional Office representatives.

Sincerely,

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Ronald Ward
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Supplemental Nutrition Assistance Program
Food and Nutrition Service
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