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**State of Wisconsin
Governor Scott Walker**

**TO: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators**

**FROM: Rich Albertoni, FoodShare Director
Bureau of Enrollment Policy & Systems
Division of Health Care Access and Accountability**

BEPS/DFS OPERATIONS MEMO					
No:	11-33				
DATE:	06/30/2011				
FS	<input checked="" type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
BC+ Basic	<input type="checkbox"/>	BC+ CORE	<input type="checkbox"/>		
CC	<input type="checkbox"/>	W-2	<input type="checkbox"/>	EA	<input type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>
RAP	<input type="checkbox"/>	WIA	<input type="checkbox"/>	Other	<input type="checkbox"/> *
				EP	

SUBJECT: FoodShare Eligibility Changes for Five Immigrant Groups

CROSS REFERENCE: FoodShare Handbook [3.12.1.1](#)
7CFR273.2(a)

EFFECTIVE DATE: Immediately, or at next SMRF or Review.

PURPOSE:

The purpose of this operations memo is to announce changes in the FoodShare eligibility criteria for certain immigrants.

BACKGROUND:

Federal FoodShare policy changes have been made for the following five immigrant status groups:

- 04- Refugee Lawfully present under Section 207
- 05-Asylee Lawfully present under Section 208
- 11-Cuban/Haitian Entrant (Section 501 (e) of the Refugee Education Act of 1980)
- 15-Withheld Deportation-Section 243(h) or 241(b) (3)
- 17-Amerasians

OLD POLICY

These five groups of immigrants were eligible for FoodShare benefits for the first seven years after the date of entry. After seven years they were only eligible if they:

- Met the work quarters, or
- Met the military requirements, or
- Were a Hmong or Highland Lao tribal member, or
- Received a disability benefit, or
- Were born before 8/22/31, or
- Were under age 18, or
- Had lived in the US as a qualified alien for 5 years from the date of entry

NEW POLICY

These five groups of immigrants are now eligible with no seven year limit. They do not have to meet any of the above criteria to remain eligible once they have been in the U.S. for seven years. They are eligible for Federal FoodShare benefits as long as they meet all other financial and non-financial criteria.

Note: The FoodShare Handbook 3.12.1.1 will be updated with the next Handbook release to reflect the most current policy for immigrants. The revised Qualified Alien or Immigration Status Chart is attached.

CARES:

CARES changes will be made effective July 1, 2011.

CONTACTS:

BEPS CARES Information & Problem Resolution Center

*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare Employment and Training, BC+ Core – BadgerCare Plus Core, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DHS/DHCAA/BEPS/

FoodShare Handbook Chart 1 (3.12.1.1)

Federal FoodShare	
Eligible as U.S. Citizens	
<ul style="list-style-type: none"> • U.S. Citizens, • Non-citizen nationals (People born in American Samoa or Swain's Island), • American Indians born in Canada, • Members (born outside the U.S.) of Indian tribes under Section 450b(e) of the Indian Self-Determination and Education Assistance Act, • Members of Hmong or Highland Laotian tribes that helped the U.S. military during the Vietnam era prior to May 8, 1975, and who are legally living in the U.S., their spouses or surviving spouses and dependent children, including a full-time students under the age of 22. 	
Alien Status Code	Eligible if:
01-Lawfully admitted for permanent (LPR) residence	<ul style="list-style-type: none"> • meets work quarters, or • meets military requirement, or • receives disability benefit, or • under age 18, or • has lived in the US as a qualified alien for 5 years from the date of entry, or • a legal resident on August 22, 1996, and born before August 22, 1931.
02-Permanent Resident under color of law (PRUCOL)	Ineligible
03-Conditional Entrant Lawfully present under Section 203(a)(7)	<ul style="list-style-type: none"> • meets work quarters, or • meets military requirement, or • receives disability benefit, or • under age 18, or • born before August 22, 1931, or • has lived in the US as a qualified alien for 5 years from the date of entry, or • a legal resident on August 22, 1996, and born before August 22, 1931.
04-Refugee Lawfully present under Section 207	Eligible
05-Asylee Lawfully present under Section 208	Eligible

06-Parolee Lawfully present under Section 212(d)(5)	<ul style="list-style-type: none"> • meets work quarters, or • meets military requirement, or • receives disability benefit, or • under age 18, or • born before August 22, 1931, or • has lived in the US as a qualified alien for 5 years from the date of entry, or • a legal resident on August 22, 1996, and born before August 22, 1931.
07-IRCA	Ineligible
08-Work Authorization: Temp.	Ineligible
09-Undocumented Alien	Ineligible
10-Illegal Alien	Ineligible
11-Cuban/Haitian Entrant (Section 501(e) of the Refugee Education Act of 1980)	Eligible
12-Considered a permanent resident by INS	Ineligible
13-Special AG worker under Section 210(A)	Ineligible
14-Additional Special AG worker under Section 210A	Ineligible
15-Withheld Deportation-Section 243(h) or 241(b)(3)	Eligible
<p>16-Battered Alien</p> <p>Code the battered immigrant adult or child or parent with the broadest immigrant eligibility category that applies to that person (e.g., a battered refugee immigrant, code as refugee). Document in case comments that the person is a battered immigrant and therefore exempt from sponsor deeming. Do not list the sponsor in CARES on ACCH. Do not list any of the sponsor's income and assets.</p>	<p>Ineligible unless:</p> <ul style="list-style-type: none"> • meets work quarter requirement, or • meets military requirement, or • receives disability benefit, or • has lived in the US as a qualified alien for 5 years from the date of entry, or • under age 18, or • was a legal resident on August 22, 1996, and born before August 22, 1931.
17-Amerasians	Eligible
18 - Native Americans born abroad	Eligible

19 - Trafficking Victims - Including the minor children, spouses, and in some cases the parents and siblings of victims of severe trafficking (Treat as refugee under section 207 of the INA),

The spouse, child, parent or unmarried minor sibling of a victim of a severe form of trafficking in persons under 21 years of age, or the spouse or child older than 21 who has received a derivative T visa, to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the INA,

Eligible