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Employees' Manual
Title 7
Chapter I

FOOD ASSISTANCE

SPECIFIC HOUSEHOLDS

AND PARTICIPANTS



**Iowa Department
of Human Services**

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Overview

This chapter is designed to contain policies that differ from standard Food Assistance policies. These policies apply only to specific types of households as detailed in this chapter, those containing:

- ◆ [Aliens \(people who are not United States citizens\)](#)
- ◆ [Able-bodied adults without dependents \(ABAWDs\)](#)
- ◆ [Boarders and commercial boarding houses](#)
- ◆ [Corporations](#)
- ◆ [Fleeing felons and parole and probation violators](#)
- ◆ [Homeless people](#)
- ◆ [Ineligible household members](#)
- ◆ [Migrant or seasonal farm workers](#)
- ◆ [Self-employed people](#)
- ◆ [Self-employed farmers](#)
- ◆ [Students](#)

The remaining chapters of this manual contain the standard Food Assistance policies. Use the standard Food Assistance policies to handle circumstances for **all** households **except** as specifically detailed in this chapter.

Households with Alien Members

Legal reference: 7 CFR 273.2(f)(1)(ii), 273.11

Special treatment is given to certain aspects of households containing an alien member. To participate in the Food Assistance program, an alien must be an “eligible alien.” See [Who Is an Eligible Alien](#), to determine if an alien is an eligible alien.

Even though ineligible aliens cannot participate in the receipt of Food Assistance benefits, such members do affect the eligibility and benefit level of eligible household members. See [Ineligible Aliens](#) for more information.

The following sections explain:

- ◆ [Definitions of terms used in alien policies](#)
- ◆ [Which aliens can be eligible for Food Assistance](#)
- ◆ [How to process applications for households with alien members](#)
- ◆ [How to verify alien status](#)

- ◆ [How to treat aliens who have sponsors](#)
- ◆ [How to treat victims of trafficking](#)

Definitions

Legal reference: 7 CFR 273.2, 273.4

“Affidavit of support” is a document used to legally obligate one or more people to financially support an alien who immigrates to the U.S.

“Alien” means any person who is not classified as a United States citizen.

“Alien Status Verification Index (ASVI)” means the automated database maintained by the U.S. Citizenship and Immigration Services, which state agencies use to verify alien status.

“Date of entry” or **“date of admission”** means the date established by the U.S. Citizenship and Immigration Services as the date the alien was admitted for permanent residence.

“Eligible alien” means an alien who has a specific immigration status and who meets criteria set under law for participation in the Food Assistance program. The term “eligible alien,” as used by the Food Assistance program, pertains only to eligibility for participation in the Food Assistance program. It does not relate to an alien’s legal right to be in the United States.

“Immigrant” means any alien in the United States, except one legally admitted under specific nonimmigrant categories.

“Nonimmigrant” means an alien who seeks temporary entry to the United States for a specific purpose. The alien has a permanent residence abroad and is in the U.S. for a purpose other than to make the U.S. a permanent home.

Nonimmigrants include:

- ◆ Foreign government officials
- ◆ Visitors for business and for pleasure
- ◆ Aliens in transit through the United States
- ◆ Treaty traders and investors
- ◆ Students
- ◆ International representatives
- ◆ Temporary workers and trainees
- ◆ Representatives of foreign information media

- ◆ Exchange visitors
- ◆ People engaged to be married to U.S. citizens
- ◆ Intracompany transferees
- ◆ NATO officials
- ◆ Religious workers

Most nonimmigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

“Immigration and Naturalization Service (INS)” means the former Immigration and Naturalization Service of the U.S. Department of Justice. The U.S. Citizenship and Immigration Services (USCIS) in the U.S. Department of Homeland Security has assumed the duties previously done by the INS.

“Immigration status” and **“alien status”** mean the same thing when used in Food Assistance policy discussion.

“Ineligible alien” means an alien who does not have an immigration status or meet some other criterion that allows the alien to participate in the Food Assistance program. The term “ineligible alien” includes legal aliens who do not meet criteria under Food Assistance policy as well as illegal aliens.

“Lawfully residing” means lawfully present and maintaining a principal residence in the U.S.

“Legal permanent resident” means an alien admitted to the United States as a lawful permanent resident. Permanent residents are also commonly referred to as “immigrants.” However, the Immigration and Nationality Act (INA) broadly defines an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories.

Lawful permanent residents are legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or be adjusted to permanent resident from another immigrant status.

“Means-tested program” means a program that uses income and resource guidelines to determine eligibility. FIP, Medicaid, and SSI are examples of means-tested programs. Social Security and unemployment compensation are not means-tested programs.

“Naturalization” means the legal process through which a person who is not born a U.S. citizen becomes a citizen.

“Systematic Alien Verification for Entitlements (SAVE)” means the U.S. Citizenship and Immigration Services program whereby state agencies may verify the validity of documents provided by aliens applying for Food Assistance benefits by obtaining information from a central data file.

“Sponsor” means a person who signed an *Affidavit of Support*, Form I-864, or similar agreement on behalf of an alien as a condition of the alien’s entry or admission into the United States as a permanent resident.

“Sponsored alien” means aliens lawfully admitted for permanent residence into the United States under the condition they have a person who signs an affidavit of support to guarantee financial support of the alien.

“U.S. citizen” means a person born (other than born to foreign diplomats) in one of the 50 states, the District of Columbia, Puerto Rico (on January 13, 1941, or later), Guam, the U.S. Virgin Islands (on January 17, 1917, or later), or the Northern Mariana Islands. Non-citizen nationals born in American Samoa or Swain’s Island are also considered U.S. citizens. People who have been naturalized are also U.S. citizens.

“U.S. Citizenship and Immigration Services (USCIS)” means the U.S. Citizenship and Immigration Services of the Department of Homeland Security.

“U.S. national” (see [U.S. citizen](#)).

Who Is an Eligible Alien

Legal reference: 7 CFR 273.4, 273.2

The only aliens who are “eligible aliens” for the Food Assistance program are in the list under [Eligible Aliens](#). All aliens who fail to meet a Food Assistance program requirement to be an “eligible alien” are “ineligible aliens.” This is true whether they are legally present in the U.S. or not. See [Ineligible Aliens](#) for more information.

Eligible Aliens

Legal reference: Public Laws 104-193, 107-171, 110-161, 110-181, 110-329, and 111-118, 7 CFR 273.4

The following aliens are “eligible aliens” to participate in the Food Assistance program.

- ◆ All legal permanent resident aliens who:
 - Are under age 18, regardless of their date of entry; or
 - Have been a legal permanent resident alien for five years; or
 - Have or can be credited with 40 qualifying quarters of coverage under Title II of the Social Security Act or who have sufficient earnings through noncovered employment.

“Noncovered employment” is work that does not require payment into Social Security because it is covered by a retirement plan that ends the requirement to pay into Social Security. For example, some city employees pay into a retirement plan instead of Social Security.

See [Establishing Qualifying Quarters](#) and [Verifying Qualifying Quarters](#) for procedures.

NOTE: A legal permanent resident may not have held that status for five years. This person may be eligible based on the status the person held before becoming a legal permanent resident, such as a refugee or an Iraqi or Afghan special immigrant.

- ◆ A refugee admitted under Section 207 of the Immigration and Nationality Act (INA). This includes aliens certified by the U.S. Department of Health and Human Services to be victims of a severe form of trafficking in persons in accordance with the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386.) See [Victims of Trafficking](#).
- ◆ A Cuban or Haitian entrant under 501(e) of Refugee Education Assistance Act (REAA).
- ◆ An Amerasian immigrant under 584 of Foreign Operations, Export Financing and Related Program Appropriations Act.
- ◆ An asylee admitted under Section 208 of the INA.
- ◆ An alien whose deportation or removal has been withheld under Section 243(h) or 241(b)(3) of the INA.
- ◆ A parolee or a conditional entrant who:
 - Is under age 18, or
 - Has resided in the U.S. for at least five years with parolee status.
- ◆ Legal immigrants who are blind or disabled as described in 7-A, [Definitions: Disabled Member](#), regardless of when they became disabled or their date of entry.

- ◆ Active-duty personnel of the United States Armed Forces, their spouses, and dependent children aged 21 or under. This includes the spouses and unmarried dependent children aged 21 or under of active duty personnel who are United States citizens. (If these aliens have a sponsor, see [Sponsored Aliens](#).)
- ◆ Aliens lawfully residing in the United States who were members of a Hmong or Highland Laotian tribe when the tribe helped United States personnel (during the period of August 5, 1964, through May 7, 1975). These aliens are not time-limited to receipt of Food Assistance benefits, regardless as to their alien status that appears on their USCIS documents. This eligibility extends to:
 - The spouses of these aliens.
 - Unremarried surviving spouses.
 - Unmarried dependent children under the age of 18 (or under age 22 if a full-time student).
 - An unmarried child under age 18 (or under age 22 if a full-time student), who was dependent on the tribal member at the time of his or her death.
 - An unmarried disabled child of any age who was disabled before age 18 and was dependent on the tribal member when the child turned age 18.
- ◆ Veterans of the United States Armed Forces who were honorably discharged for reasons other than alienage. Eligibility extends to:
 - The spouses of these aliens.
 - Unremarried surviving spouses.
 - Unmarried dependent children under the age of 18 (or under age 22 if a full-time student).
 - An unmarried child under age 18 (or under age 22 if a full-time student), who was dependent on the veteran at the time of his or her death.
 - An unmarried disabled child of any age who was disabled before age 18 and was dependent on the veteran when the child turned age 18.(If these aliens have a sponsor, see [Sponsored Aliens](#).)

- ◆ Canadian-born American Indians who have treaty rights to cross the United States borders with Canada and Mexico. There is an extensive list of these tribes. Contact SPIRS Help Desk if you question whether a tribe is included.
- ◆ Iraqi and Afghan special immigrants. NOTE: Before December 19, 2009, eligibility for these special immigrants was time-limited. Contact SPIRS Help Desk if you need assistance determining eligibility for earlier months.

Establishing Qualifying Quarters

Legal Reference: 42 United States Code, Chapter 7, Subchapter II, § 413

When an alien’s eligibility depends on meeting the 40-quarter requirement, you must determine the number of quarters the person can be credited with. Each person can get up to four qualifying quarters of credit each calendar year based on the person’s earnings.

The following chart gives the amount a person had to earn to get one credit for the years 1978 and later. (Contact SPIRS help desk for assistance in calculating qualifying quarters for years before 1978.)

Amount Needed to Earn a Qualifying Quarter			
Year	Earnings Needed to Get 1 Credit	Year	Earnings Needed to Get 1 Credit
1978	\$250	1995	\$630
1979	\$260	1996	\$640
1980	\$290	1997	\$670
1981	\$310	1998	\$700
1982	\$340	1999	\$740
1983	\$370	2000	\$780
1984	\$390	2001	\$830
1985	\$410	2002	\$870
1986	\$440	2003	\$890
1987	\$460	2004	\$900
1988	\$470	2005	\$920
1989	\$500	2006	\$970
1990	\$520	2007	\$1,000
1991	\$540	2008	\$1,050
1992	\$570	2009	\$1,090
1993	\$590	2010	\$1,120
1994	\$620	2011	\$1,120

To calculate the number of quarters for a year, divide the person's total earnings for the year by the amount needed to get one credit. For earnings from employment, use the gross amount of earnings. For earnings from self-employment, use the amount of earnings after allowable self-employment expenses have been deducted.

Starting with January 1, 1997, do not count the income from any quarters in which an alien got Food Assistance benefits or any other type of federal means-tested public assistance during the quarter. The quarters in a calendar year are: January through March, April through June, July through September, and October through December.

This means if an alien got Food Assistance, Medicaid, Family Investment Program (FIP), or Supplemental Security Income (SSI) in June 1997, you subtract April, May, and June earnings from the total 1997 earnings before dividing to see how many qualifying quarters the person has.

Aliens can count their spouse's quarters that were earned during the marriage in addition to their own quarters in order to meet the 40-quarter requirement, whether the spouse is a citizen or an alien. Count the spouse's quarters earned during the marriage if:

- ◆ The couple is currently married, or
- ◆ The couple is separated but not divorced, or
- ◆ The spouse is deceased and the remaining spouse is not remarried.

For example, if each spouse earned 20 quarters since they got married, you would add the quarters together. Both spouses would be counted as having 40 quarters and both would meet this requirement.

An alien can also count the quarters earned by a parent in addition to the alien's own quarters in order to meet the 40-quarter requirement, whether the parent is a citizen or an alien.

For this policy, "parent" means natural parent, adoptive parent, or stepparent, but not a person having parental control. Count the parent's quarters if the parent earned the quarters before the child turned 18. Include quarters earned before the child was born.

Count the quarters earned by a stepparent during the stepparent relationship only if the stepparent relationship still exists. Do not count quarters earned before the stepparent relationship began. Death of a stepparent does not end the relationship. Do not count any quarters of the stepparent if the parent and stepparent are divorced.

The quarters earned by a child do **not** count towards the eligibility of a parent.

Verifying Qualifying Quarters

The alien is responsible to get verification of qualifying quarters. This includes getting verification of the qualifying quarters earned by a spouse, parent, or stepparent.

In addition to verification from the Social Security Administration, you can use documentation such as:

- ◆ Wage stubs
- ◆ Employer's statement
- ◆ Income tax forms

If the alien does not have acceptable proof, the alien must get verification from the Social Security Administration. The Social Security Administration (SSA) can verify quarters starting with the year 1930.

If an alien provides verification from SSA, but believes there is a discrepancy in the SSA records, the alien must get verification from SSA that SSA is investigating the discrepancy.

While the investigation is being conducted, the alien can get Food Assistance benefits for a maximum of six months from the date that SSA decided to make the investigation. If the SSA investigation continues past six months, the alien cannot get Food Assistance benefits until SSA has verified that the alien can be credited with 40 qualifying quarters.

Ineligible Aliens

Legal reference: 7 CFR 273.4, 273.2

Aliens who are not “eligible aliens,” as specifically listed under [Eligible Aliens](#), are “ineligible aliens” for the Food Assistance program. Ineligible aliens cannot participate in the Food Assistance program. Do not request documentation of alien status from people who are not participating in the program. See [Verification for Ineligible Aliens](#).

For more information on ineligible aliens, and how their presence affects the eligible household members, see [Ineligible Household Members: Resources of Ineligible Household Members](#) and [Income and Deductions of Ineligible Household Members](#) in this chapter. Also, see 7-C, [Ineligible Members](#).

Processing Applications for Households With Alien Members

Legal reference: 7 CFR 273.4(d) and (e), 273.2(b)(iv)

When an alien claims to have an “eligible alien” immigration status, give the alien ten days to provide documentation to verify the status. See [Who Is An Eligible Alien](#) to determine if an alien is an “eligible alien.”

If the ten-day period will end before or on the thirtieth day after the date of application and documentation is not provided, deny benefits for the alien. Consider the alien to be an “ineligible alien.”

If the ten-day period will end **after** the thirtieth day following the date of application and the household is otherwise eligible, assume the alien is an “eligible alien” and issue benefits no later than 30 days after the date of application. If you do not receive documentation by the due date, cancel the alien for the following month. Consider the alien to be an “ineligible alien” from that point forward.

A household member may claim to be here illegally or claim not to have documentation. Classify those members as ineligible aliens and deny benefits for them. The eligible citizen or immigrant household members cannot be denied Food Assistance benefits because another member claims to be present in the United States illegally or claims not to have documentation.

See the policy [Ineligible Household Members](#) or information on how to consider the relationship of ineligible aliens to other members of their household. Also, see 7-C, [Ineligible Members](#).

The income and resources of ineligible aliens are given special treatment when determining eligibility and benefits for eligible household members. For more information, see [Resources of Ineligible Household Members](#) and [Income and Deductions of Ineligible Household Members](#) in this chapter.

Alien Students

A person's alien status supersedes student status. If an alien is a student, the person must be both an "eligible alien" (see [Who Is An Eligible Alien](#)) and an eligible student (see [Students](#)) to get Food Assistance benefits. In this instance, first determine if the alien is an eligible alien.

If the person is an ineligible alien, do not proceed to determine student status. Consider the person an ineligible alien when applying the policies under [Ineligible Household Members](#).

If the person is an eligible alien, see the policies under [Students](#), in this chapter to determine if the person is an eligible student before including the person as an eligible member of the Food Assistance household. If the person is an eligible alien but an ineligible student, consider the person an "ineligible student" when applying [Ineligible Household Members](#) policies.

Alien Status Verification Requirements

Legal reference: Section 121 of the Immigration Reform and Control Act of 1986 (Public Law 99-603); Public Laws 104-193 and 107-171

Before being certified or added to a certified household, all aliens aged 14 or older must provide documentation that they have one of the "eligible alien" statuses as described under [Who Is An Eligible Alien](#). Aliens whose entry date determines eligibility must also provide verification of the entry or admission date from which their eligible status started.

Legal immigrants whose eligibility is dependent on having been lawfully residing in the United States on August 22, 1996, must prove they were lawfully present on that date and prove they meet the age requirement. Legal immigrants whose eligibility is dependent on disability must prove their legal status and prove that they are disabled according to the policy in 7-A, [Disabled Member](#). See [Eligible Aliens](#).

In addition to the documentation discussed above, all aliens claiming an “eligible alien” status for Food Assistance purposes must provide verification of their identity. This means that if the alien’s documentation does not contain a photograph from which you can identify the person, you must get another form of verification of the person’s identity, as well.

Additional verification of identity may be necessary in some situations, such as when a document contains a photo that is several years old, contains the person’s former name, or contains a misspelling of the person’s name.

When an alien provides documentation, check the following documentation chart to see if the person is an eligible alien. The chart lists the types of documentation that can be used to verify alien status. It also lists additional verification that certain aliens must provide to prove they are eligible aliens for the Food Assistance program.

This chart should be used for general guidance. It is not possible to include all types of alien documents that exist, or to identify when a form may be revised and looks slightly different than the previous version. A document that says “INS” on it may still be valid, even though USCIS has taken over INS duties.

Status of Alien	Acceptable Documentation of Alien Status
Afghani special immigrants	Department of Homeland Security stamp or notation on a passport or form I-94, <i>Arrival/Departure Receipt Card</i> , showing date of entry and one of the following documents: <ul style="list-style-type: none"> ◆ Afghani passport with an immigrant visa stamp noting that the person has been admitted under IV (immigrant visa) category SI1 or SQ1, SI2 or SQ2, SI3 or SQ3. ◆ Form I-551 showing Afghani nationality (or Afghani passport), with an IV (immigrant visa) code of SI6 or SQ6, SI7 or SQ7, SI9 or SQ9. NOTE: Afghan special immigrants who adjust to lawful permanent resident status remain eligible.
Aliens lawfully residing in the U.S. on August 22, 1996	Proof of lawfully residing in the U.S. on August 22, 1996. In addition, for the aged, proof of being at least age 65 on August 22, 1996.
Aliens who are blind or disabled	Proof of legal status and proof of disability.

Status of Alien	Acceptable Documentation of Alien Status
Aliens whose deportation or removal has been withheld	Proof of admission or entry date and one of the following documents: <ul style="list-style-type: none"> ◆ Form I-688B, <i>Employment Authorization Card</i>, annotated with "274a.12(a)(10)." ◆ Form I-766, <i>Employment Authorization Card</i>, annotated with "A10." ◆ Order of an immigration judge showing that deportation is withheld under Section 243(h) of the INA or under section 241(b)(3) of the INA.
Amerasian immigrants	Proof of admission or entry date and one of the following documents: <ul style="list-style-type: none"> ◆ Form I-551, <i>Permanent Resident Card</i>, coded AM6, AM7, or AM8. ◆ Unexpired temporary I-551 stamp in a foreign passport coded AM1, AM2, or AM3. ◆ Form I-94, <i>Arrival/Departure Receipt Card</i>, coded AM1, AM2, or AM3.
Asylees	Proof of admission or entry date and one of the following documents: <ul style="list-style-type: none"> ◆ Form I-94, <i>Arrival/Departure Receipt Card</i>, annotated with a stamp showing grant or asylum under section 208 of the INA. ◆ Order of an immigration judge granting asylum. ◆ A grant letter from the Asylum Office of the USCIS. ◆ Form I-66B, <i>Employment Authorization Card</i>, annotated with "274a.12(a)(5)."
Canadian-born American Indians	Form I-551, <i>Permanent Resident Card</i> , coded S13. I-551 stamp in a Canadian passport coded S13. Form I-94, <i>Arrival/Departure Record</i> , coded S13. Proof of tribal membership or a tribal document showing the person has at least 50% American Indian blood. Proof of membership can be a tribal membership card, other tribal documents showing membership, or collateral contact with the tribe's government.

Status of Alien	Acceptable Documentation of Alien's Status
Conditional entrants	Proof of admission or entry date and one of the following documents: <ul style="list-style-type: none"> ◆ Form I-94, <i>Arrival/Departure Record</i>, with stamp showing admission under section 203(a)(7) of the INA. ◆ Form I-688B, <i>Employment Authorization Card</i>, annotated "274a.12(a)(3)." ◆ Form I-766, <i>Employment Authorization Document</i>, annotated "A3."
Cuban and Haitian entrants	Proof of admission or entry date and one of the following documents: <ul style="list-style-type: none"> ◆ Form I-551, <i>Permanent Resident Card</i>, coded CU6, CU7, or CH6. ◆ Unexpired "Temporary I-551 stamp" in a foreign passport coded CU6, CU7, or CH6. ◆ Form I-94, <i>Arrival/Departure Record</i>, with a stamp showing parole as "Cuban/Haitian Entrant" under section 212(d)(5) of the INA.
Hmong or Highland Laotians	Documentation showing the person is legally present in the U.S. USCIS documents do not provide identification that shows a person is Hmong or Highland Laotian. Many of these people are admitted as refugees and have documentation coded as a refugee. However, even when admitted as refugees, these people are not time-limited. <p>Attestation to being Hmong or Highland Laotian is sufficient proof to verify status as one of these people. Ask for verification only if it is questionable that the person is Hmong or Highland Laotian.</p>
Iraqi special immigrants	Department of Homeland Security stamp or notation on a passport or form I-94, <i>Arrival/Departure Receipt Card</i> , showing date of entry and one of the following documents: <ul style="list-style-type: none"> ◆ Iraqi passport with an immigrant visa stamp noting that the person has been admitted under IV (immigrant visa) category SI1 or SQ1, SI2 or SQ2, SI3 or SQ3. ◆ Form I-551 showing Iraqi nationality (or Iraqi passport), with an IV (immigrant visa) code of SI6 or SQ6, SI7 or SQ7, SI9 or SQ9. <p>NOTE: Iraqi special immigrants who adjust to lawful permanent resident status remain eligible.</p>

Status of Alien	Acceptable Documentation of Alien's Status
Legal permanent resident aliens	<p>Proof of date of entry and being credited with 40 qualifying quarters (if necessary) and one of the following cards:</p> <ul style="list-style-type: none"> ◆ Form I-551, <i>Permanent Resident Card</i>. ◆ Unexpired "Temporary I-551 stamp" in a foreign passport. ◆ Form I-94, <i>Arrival/Departure Record</i>, with a "Temporary I-551 stamp."
Refugees	<p>Proof of admission or entry date and one of the following documents:</p> <ul style="list-style-type: none"> ◆ Form I-94, <i>Arrival/Departure Record</i>, showing entry under section 207 of the INA. ◆ Form I-688B, <i>Employment Authorization Card</i>, annotated with "274a.12(a)(3)." ◆ Form I-766, <i>Employment Authorization Card</i>, annotated with "A3." ◆ Form I-571, <i>Refugee Travel Document</i>. <p>NOTE: Refugees who have adjusted to lawful permanent resident status are still considered refugees for Food Assistance eligibility. If a refugee has a form I-551, <i>Permanent Resident Card</i>, it will be coded with RE-6, RE-7, RE-8, RE-9, or RE-86.</p>
Veterans and active duty military personnel and their families	<p>Active duty: Original or notarized copy of the current orders showing the person is on full-time duty in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, or a DD form 2 Military ID card (active duty papers).</p> <p>Honorably discharged veteran: Original or notarized copy of form DD214 (discharge papers). NOTE: This verification is sufficient when the veteran or active duty person is a U.S. citizen and the spouse or unmarried dependent children are aliens. It is also sufficient for the surviving spouse and unmarried dependent children of a deceased veteran.</p>

If an alien provides the documentation listed under the applicable alien status on the chart, accept the documentation as proof of eligibility. Do not reverify the documentation with USCIS by using SAVE.

Contact the USCIS through SAVE if any of the following situations occur:

- ◆ An alien presents Form I-688B, I-766 (*Employment Authorization Documents*), or I-571 (*Refugee Travel Document*) but does not have form I-94 (*Arrival-Departure Record*).
- ◆ An alien has a grant letter or court order, but the information presented does not include the date the status was granted.
- ◆ You cannot identify the annotation codes on the document.
- ◆ An alien has a receipt card saying the alien has applied for a replacement document.

USCIS does not require children under age 14 to have documentation of their alien status. Therefore, if the adult who is applying for benefits has an eligible status and attests that a child under 14 has an eligible status, the alien's attestation is sufficient proof that the child is an eligible alien. USCIS requires children aged 14 to 18 to have documentation of their alien status, but they are not required to carry it on their persons.

U.S. law does require all aliens who are 18 or older to carry documentation of their alien status on their persons at all times. EXCEPTION: American Indians who were born in Canada are not required to have or carry documentation of their status.

When a person claims an "eligible alien" status but does not have documentation, tell the person to contact the local USCIS office for help getting the documents. The person is considered an ineligible alien for Food Assistance benefits until the documentation is provided. See [Ineligible Aliens](#) for more information.

EXCEPTION: When processing an application, and the ten-day period for providing information ends after the thirtieth day following the date of application, see [Processing Applications for Households With Alien Members](#) earlier in this chapter.

When an applicant has presented a document containing the individual's alien admission number or alien file number and SAVE instructs you to request secondary verification, do not delay, deny, reduce, or cancel the alien's eligibility for benefits while waiting for the USCIS to provide additional verification. For applications, assume the person is eligible and give benefits until USCIS verification is received.

If you find out later from USCIS that the person is a legal alien, but not an eligible alien, cancel that person's Food Assistance benefits.

If, upon getting additional verification from USCIS, you discover the person is an illegal alien, cancel that person's Food Assistance benefits and report the person to USCIS. See [Reporting Illegal Aliens](#).

Using SAVE (Systematic Alien Verification for Entitlements)

Legal reference: 7 CFR 272.11; 441 IAC 65.52(234); Immigration Reform and Control Act of 1986 (IRCA), Section 121, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Balanced Budget Act of 1997 (BBA)

Obtain verification of the alien's status through SAVE's website when:

- ◆ An alien's documentation does not have the necessary coding to show the alien's status, or
- ◆ The entry or admission date is missing, or
- ◆ The documentation is questionable.

Instructions for using SAVE and a link to SAVE's website can be found on the DHS Field Intranet.

Pages 18 and 19 are reserved for future use.

Documentation of United States Citizenship by Birth

Legal reference: 7 CFR 273.2(f)(2)(ii)

Proof of U.S. citizenship should be required **only** when a household member's citizenship is questionable. If it is necessary to require proof, the following documents, when combined with proof of identity, are acceptable proof of U.S. citizenship:

- ◆ A U.S. birth certificate.
- ◆ Adoption finalization papers. If the adoption is not yet finalized, the child's original birth certificate or statement from a state-approved adoption agency showing the child's name and that the birth was in the U.S.
- ◆ A hospital record made at the time of the child's birth in the U.S. in that hospital.
- ◆ A religious record made within three months of birth, which shows the person's date of birth in the U.S. or age at the time the record was made.
- ◆ A U.S. passport (with the exception of limited passports that are issued for periods of less than five years).
- ◆ A *Certificate of Birth* (form FS-545).
- ◆ A *Certification of Report of Birth* (form DS-1350).
- ◆ Proof of civil service employment by the U.S. government before June 1, 1976.
- ◆ Early U.S. school records that show date of admission to the school, the person's date and U.S. place of birth, and the parent's names and places of birth.
- ◆ Census record showing name, U.S. citizenship or a U.S. place of birth, and the person's age or birth date.
- ◆ A statement signed by a third party that a person is a U.S. citizen. The statement must contain penalties for helping a person to commit fraud and must be signed by the third party under penalty of perjury.

Documentation not listed above may be presented as proof of citizenship. In this instance, the document may be submitted to the Department of Human Services central office to verify its acceptability as proof, if necessary.

Documentation of Acquired Citizenship

Legal reference: Public Law 106-395, 7 CFR 273.2(f)(2)(ii)

A child born outside of the United States automatically becomes a citizen of the United States when:

- ◆ At least one parent is a U.S. citizen whether by birth or naturalization, and
- ◆ The child is under 18 years of age, and
- ◆ The child is lawfully admitted for permanent residence and is residing in the U.S. in the legal and physical custody of the citizen parent.

Foreign-born children do not automatically acquire citizenship when adopted by a U.S. citizen. Under the Child Citizenship Act, a child acquires U.S. citizenship on the date that all of the following requirements are satisfied:

- ◆ At least one adoptive parent is a U.S. citizen,
- ◆ The child is under 18 years of age,
- ◆ There is a full and final adoption of the child, and
- ◆ The child is admitted to the United States as an immigrant.

If a child's citizenship is questionable, the following listing of documents can be used if needed to verify that the child has acquired U.S. citizenship:

- ◆ *Certificate of Citizenship* (N-560 or N-561)
- ◆ *Certificate of Naturalization* (N-550 or N-570)

If proof of citizenship is needed, but documentation is not available, refer the person to USCIS for a determination of U.S. citizenship.

Verification for Ineligible Aliens

Legal reference: 7 CFR 273.2(f)(1)(ii)

When a Food Assistance household contains a member who claims to have an immigration status other than that of an "eligible alien," or is unwilling to provide documentation, do not ask for verification of that person's status. Do not attempt to get verification of the person's immigration status from the USCIS. This is true whether the person claims to be legally or illegally present in the U.S.

Reporting Illegal Aliens

Legal reference: 7 CFR 273.4(b)

It is not permissible to report aliens who cannot or will not provide immigration documentation, even if they state that they are not legally present in the U.S.

Report an illegal alien to the USCIS only when a response to a query through the **Secondary Documentation of Alien Status** procedure tells you an alien is illegally present in the U.S. If the USCIS determines through a query for secondary documentation that a person is an illegal alien, the person must be reported to the USCIS.

Do not report an alien to the USCIS for any reason except when a response to a query for secondary documentation tells you that the person is in the U.S. illegally. If you believe it is appropriate to report a person to the USCIS, contact the SPIRS help desk for assistance.

Sponsored Aliens

Legal reference: Public Law 104-193, 7 CFR 273.4(c)

A "sponsor" is a person who signed an agreement as a condition of the alien's entry or admission into the United States as a permanent resident to guarantee financial support of the alien. Counting the sponsor's income and resources towards the sponsored alien is called "deeming."

There are two types of sponsored aliens, each with a specific policy for deeming of the sponsor's income and resources. These types are identified by their documentation:

- ◆ Aliens whose sponsor signed the *Affidavit of Support*, form I-134 (used before December 19, 1997). This form is not an enforceable contract and a court cannot force the sponsor to continue to support the non-citizen. Deeming does not apply to aliens sponsored under this form.
- ◆ Aliens whose sponsor signed the *Affidavit of Support*, form I-864 (used December 19, 1997 and later).

Refugees, deportees, and asylees do not have sponsors. Organizations and groups are not considered sponsors under Food Assistance policy.

The following sections explain:

- ◆ [Verifying the sponsor's information](#)
- ◆ [Deeming when the sponsor signed affidavit I-864](#)

Verifying Sponsor's Information

Legal reference: 7 CFR 273.4(c)

A sponsored alien and the alien's spouse are responsible for providing information or documentation about the alien's sponsor. USCIS will provide information that sponsors provided on the original *Affidavit of Support*.

Verify the following at the time of both initial application and recertification:

- ◆ The income and resources of the alien's sponsor.
- ◆ The provision of the Immigration and Nationality Act under which the alien was admitted.
- ◆ The date of the alien's entry or admission as a lawful permanent resident as established by USCIS.
- ◆ The alien's date of birth, place of birth, and alien registration number.
- ◆ The name, address, and phone number of the alien's sponsor.
- ◆ Any other information determined to be questionable that affects a household's eligibility and benefit level, according to procedures established for verification.

The Bureau of Consular Affairs of the State Department and local USCIS offices have agreed to provide information to our Department's local offices that is needed to verify information supplied by the alien.

If you do not receive the needed information on a timely basis, the sponsored alien and spouse are ineligible until all necessary facts are obtained. Determine the eligibility of any remaining household members.

Treat the income and resources of the ineligible alien and spouse (excluding the deemed income and resources of the alien's sponsor) in the same way as those of a disqualified member. They are considered available to determine both the eligibility and benefit level of the remaining household members.

If you receive the verification after determining the eligibility of the rest of the household, act on the information as a reported change in household membership according to the timeliness standards in 7-G.

Aliens Sponsored Under Affidavit I-864

Legal reference: 7 CFR 273.4(c)

In order to get Food Assistance benefits, aliens who have a sponsor must also be eligible aliens as defined in [Who Is An Eligible Alien](#). Therefore, the only aliens whose sponsors signed *Affidavit of Support*, form I-864, that are likely to be eligible to get Food Assistance benefits are veterans and active-duty military personnel, their spouses, and their dependent children.

NOTE: USDA's Food and Nutrition Service estimates that there are less than 500 participants nationwide who are subject to sponsor deeming.

More than one person may sign an *Affidavit of Support*, form I-864. If an alien has more than one sponsor, count the deemed income and resources of all sponsors towards the sponsored alien. For the purposes of deeming a sponsor's income and resources, count the income and resources of the sponsor's spouse only if the spouse has also executed *Affidavit of Support*, form I-864.

Determine the amount of sponsor's income to be deemed as follows:

- Step 1: Add the earned income of the sponsors.
- Step 2: Subtract 20% of the earned income.
- Step 3: Add the unearned income of the sponsors.
- Step 4: Subtract the gross monthly income limit for the household size of the sponsor, the sponsor's spouse, and any other person who is claimed or could be claimed by the sponsor or the sponsor's spouse as a dependent for federal income tax purposes.
- Step 5: Divide by the number of aliens sponsored by this sponsor, if known. If not known, the entire amount counts.
- Step 6: The result is the amount of income deemed per sponsored member (entered as unearned income on BCW2).

Money actually paid to the alien by a sponsor is not considered income to the alien, unless the amount paid exceeds the amount deemed, as determined above. Consider the excess as unearned income to the sponsored alien in addition to the amount deemed.

Determine the amount of sponsor's resources to be deemed as follows:

- Step 1: Add allowable resources.
- Step 2: Subtract \$1,500.
- Step 3: Divide by the number of aliens sponsored by this sponsor, if known. If not known, the entire amount counts.
- Step 4: The result is the amount of resources deemed per sponsored member.

Do not deem any income or resources to an eligible alien who is under 18 years of age.

Deeming of income and resources ends when

- ◆ The alien meets the requirement for 40 quarters of work,
- ◆ The alien gains U.S. citizenship, or
- ◆ The sponsor dies.

The following sections explain exceptions to these policies for:

- ◆ [Battered aliens](#)
- ◆ [Destitute aliens](#)

Battered Aliens

A "battered alien" is an alien who:

- ◆ Is a battered spouse, battered child, or parent or child of a battered person, and
- ◆ Has a petition for residency pending under section 204(a)(a)(A) or (B) or section 244(a)(3) of the INA.

Battered aliens are not automatically eligible for Food Assistance. A battered alien must meet one of the criteria listed under [Eligible Aliens](#).

A battered alien whose sponsor signed an *Affidavit of Support*, form I-864 may be eligible for Food Assistance benefits. Do not deem a sponsor's income and resources to a sponsored alien or the alien's children if either the alien or the children have been battered by a family member who was living in the same house as the battered person.

To be eligible for Food Assistance benefits, the battered person must no longer be living with the batterer. Eligibility is limited to a 12-month period from the date it is determined that alien or the alien's children have been battered or subjected to extreme cruelty.

You may accept the word of the sponsored alien or ask for proof that the battering has taken place.

Following the end of the 12-month period, the exemption from deeming can continue only if the battering or cruelty is substantiated by a court, an administrative law judge or by USCIS.

Destitute Aliens

Legal reference: 7 CFR 273.4

A destitute alien whose sponsor signed an *Affidavit of Support*, form I-864, may be eligible for Food Assistance benefits.

To determine if the alien is destitute, count the alien's income plus any cash from the sponsor and money paid for food, housing, and shelter by the sponsor or any other person. Count only the actual amount of income and resources that the sponsor and others make available to the alien.

If after considering these things, the alien is unable to obtain food and shelter, the person is considered destitute. The period of eligibility for destitute aliens is 12 months from the date it is determined that the alien is destitute, and may be renewed for additional 12-month periods. Notify the USCIS of the alien's situation, and provide the USCIS with the names of the alien and the sponsor.

Victims of Trafficking

Legal reference: Public Law 104-193

Aliens who are certified as "victims of trafficking" by the Department of Health and Human Services' Office of Refugee Resettlement (HHS ORR) are "eligible aliens" for Food Assistance benefits. Alien victims of trafficking have an eligible status for Food Assistance benefits for the period for which HHS ORR certifies them.

The HHS ORR certifies a victim of trafficking for eight-month periods. The person's certification date is stated in the body of the HHS ORR certification letter or letter for children under age 18.

When a victim of trafficking applies for benefits, follow normal procedures for determining eligibility for Food Assistance except:

- ◆ Accept the original Department of Health and Human Services certification letter for adults or letter for children under age 18 in place of USCIS documentation.

Although trafficking victims are not required to provide any documentation of their immigration status for benefit purposes, they may have various documents, such as form I-94, *Arrival/Departure Card*, with a stamp showing parole under section 212(d)(5) of the INA, an employment authorization document, etc. The documentation may serve to verify identity.

- ◆ Contact the trafficking verification line at (866) 401-5510 to confirm the validity of the certification letter for adults or letter for children under age 18 and to notify the HHS ORR of the benefits for which the person has applied.

NOTE: Do not contact SAVE concerning victims of trafficking, because SAVE will not have this information.

- ◆ Record the expiration date of the certification letter or the letter for children by using the tickler system, and conduct redeterminations of eligibility at that time. The expiration date of the HHS ORR certification period is specified in the person's certification letter.

A recertification letter issued to the victim of trafficking by the HHS ORR is required for the person to receive Food Assistance beyond the eight-month HHS ORR certification period.

Cancel assistance at the end of the specified HHS ORR certification period unless the household has received, and provides a follow-up letter as stated above, or the household otherwise meets alien eligibility requirements. You must give timely notice.

Victims of trafficking may not yet have standard identity documents, such as driver's licenses. Do not automatically deny applications for people who cannot confirm their identity. In these cases, call the trafficking verification line at (202) 401-5510 for assistance.

Some victims of trafficking may not yet have or may not be able to get a social security number for work purposes. Assist these people in obtaining non-work social security numbers. Do so by sending a letter to the Social Security Administration that:

- ◆ Is on letterhead.
- ◆ Includes the applicant's name.
- ◆ Mentions that this person is a trafficking victim.
- ◆ States the non-work reason that the number is required to receive benefits.
- ◆ States that the applicant meets the requirements to receive benefits except for the social security number.

Food Assistance rules require applicants for benefits who do not have social security numbers to apply for them. Assistance cannot be delayed, denied, or discontinued pending the issuance of the social security number.

If you encounter a person you believe may meet the definition of trafficking victim, go through your usual channels to obtain instructions on assisting the person in contacting HHS ORR for possible certification by that agency.

If a victim of trafficking gains an "eligible alien" status, use the new eligible alien status when redetermining eligibility for that person.

Able-Bodied Adults Without Dependents (ABAWDs)

Legal reference: 7 CFR 273.24; Public Law 111-5

"ABAWDs" means "able-bodied adults without dependents."

"Able-bodied" means a person is both physically and mentally fit for employment.

"Dependent" means a child under age 18 who is or could be part of the person's Food Assistance household. The child does not have to be related to the person.

"Physically or mentally fit for employment" means the person does not have physical or mental barriers that prevent the person from obtaining or keeping employment.

To get Food Assistance benefits, an ABAWD must meet one of the requirements under [ABAWD Work Requirement](#). The ABAWD work requirements are in addition to the regular requirements set under 7-C, [Work Requirements for MWRs](#).

An ABAWD can get only three months of Food Assistance benefits while not meeting the ABAWD work requirement. (See [Time Limit for ABAWDs](#).) After using the three months, some ABAWDs can get an additional three months if they meet the conditions under [Additional Three-Months' Eligibility](#).

IMPORTANT: The three-month limit for ABAWDs is suspended from April 1, 2009, through September 30, 2012. During this period, do **not** cancel or deny any person for not meeting ABAWD work requirements.

States are still required to track ABAWD status. Therefore, continue to determine whether a person is an ABAWD and enter appropriate coding on the ABC system TD03 screen's FSET field.

ABAWD Exemptions

A person is exempt from the ABAWD work requirements if the person is:

- ◆ Exempt from mandatory work registration (MWR) for any reason. See 7-C, [Exemptions From Work Registration](#), for a list of exemptions.
- ◆ Under age 18. This includes the month in which a person turns 18.
- ◆ Aged 50 or over. This includes the month in which a person turns 50.
- ◆ Pregnant. This applies to any trimester.
- ◆ Unfit either mentally or physically for employment (has a condition that makes the person unemployable or that prevents the person from keeping a job).
- ◆ A member of a Food Assistance household that includes a child under the age of 18.

NOTE: The child does not have to be eligible for Food Assistance for this exemption to apply. This can happen in situations like joint custody arrangements, a child foster care returning home for visits, a child attending school away from home returns during the month, or a child is hospitalized.

If an exemption applies for at least one day in a month, the ABAWD is exempt for the entire month.

Determine a person's "fitness" for employment using the prudent-person principle or any reasonable evidence that supports your decision. The person's condition does not need to be permanent for a determination of "unfitness" to be made.

Your own observation of the person or information obtained in conversation with the person is a sufficient basis to make a determination as to a person's fitness for employment. If it is not evident to you that a person has a mental or physical limitation that would make the person unfit for employment, you may ask for verification.

Because people who have no source of income or insurance are often not able to receive medical care or substance abuse or mental health treatment, you may need to identify these conditions. If a person is in treatment, you can get a statement from the person's health-care professional or a social worker.

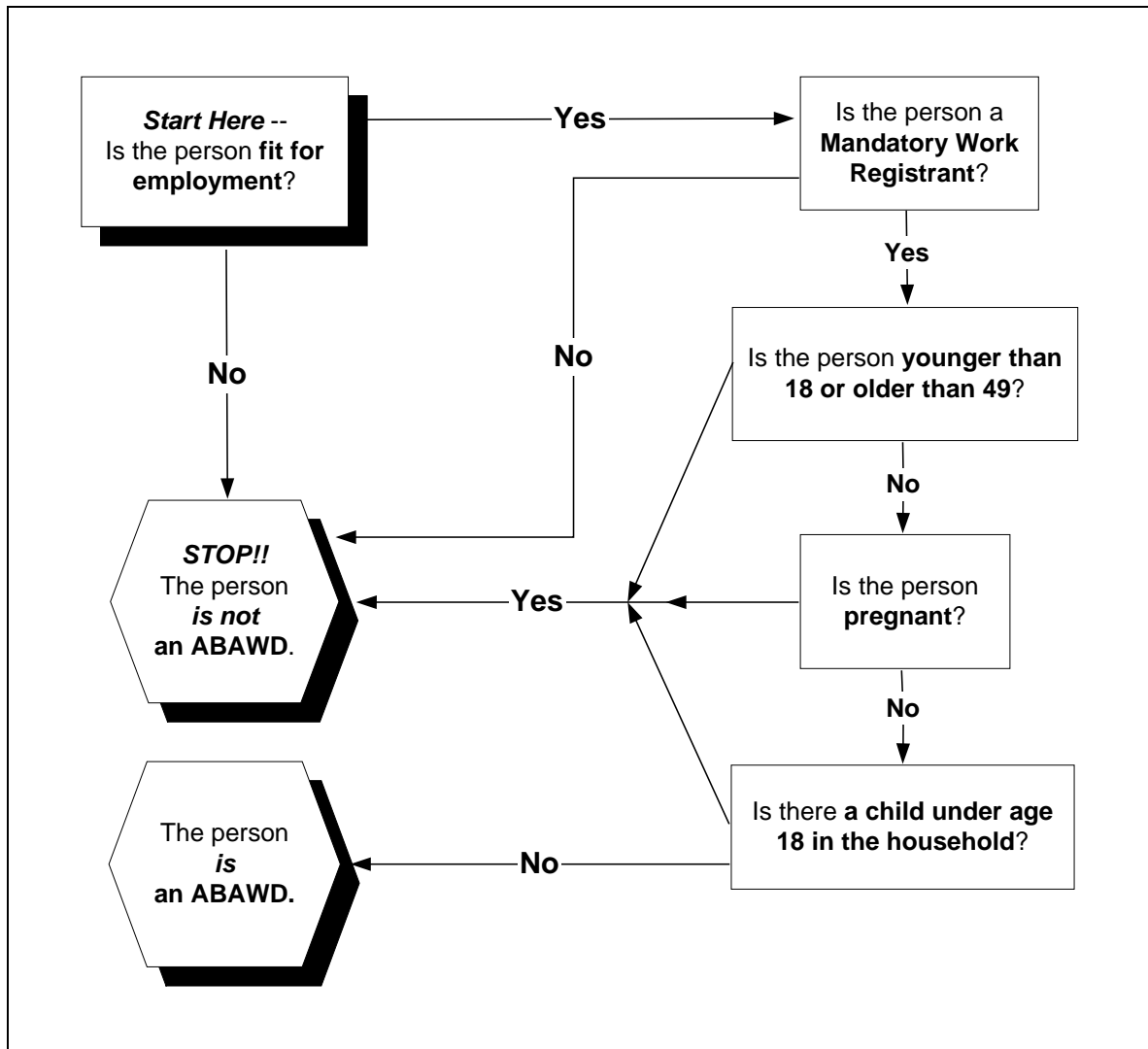
If the person does not have the means to pay for or obtain a professional diagnosis, other evidence may be used. A prudent person can often identify these types of issues without the need for verification. For example, statements from former employers or other persons who know the person's situation can be sufficient evidence of the person's mental or physical limitations.

When your judgment is the only basis for determining that a person is not "fit" for employment, you must document it as such in the person's case record.

GUIDANCE: The following scenarios illustrate circumstances that may lead to the determination that a person is unfit for employment.

1. During the application interview, you discover that the person has had many jobs but repeatedly lost them. Through your observations and conversation with the person, you discover the person has a history of getting fired quickly or quitting due to uncontrollable outbursts of anger with the employer or coworkers. This may be an untreated mental health issue that currently makes the person mentally unfit for employment.
2. While interviewing a person, you discover he is homeless. The client confides that he has a substance abuse issue that contributes to his homelessness and he stays for short periods with various friends and acquaintances. His circumstances are such that he does not have money to get appropriate clothing or hygiene and grooming products to make him presentable for employment. These circumstances and issues may make him physically or mentally unfit for employment.

Flow chart to determine if a person is an ABAWD:



Changes in ABAWD Status

Changes in circumstances can cause a person's status as an ABAWD to change back and forth. During periods in which a person is not an ABAWD, the work requirements for ABAWDs and time limits for receipt of Food Assistance benefits do not apply. During the periods in which the person is determined to be an ABAWD, the work requirement for ABAWDs and time limits do apply.

See [Tracking](#) for instructions on changing ABC system coding when there is a change in an ABAWD's status.

Mr. T is an ABAWD. He receives two months of Food Assistance benefits while not fulfilling the work requirement during April and May 2006. In June 2006, Mr. T joins his girlfriend's Food Assistance household. His girlfriend has a two-year-old daughter. In June, Mr. T is exempt from the ABAWD work requirement because of the child.

In November, Mr. T moves out on his own. In December, he is no longer exempt from the ABAWD work requirements. Until November 30, 2008, Mr. T is entitled to one more month of Food Assistance benefits while not fulfilling the work requirements, unless he meets the requirements under the policy on [Additional Three-Months' Eligibility](#) or becomes exempt again.

When a new ABAWD period begins December 1, 2008, Mr. T is eligible for three months of benefits in the new period.

ABAWD Work Requirement

ABAWDs must perform one of the activities listed below to be eligible for Food Assistance benefits beyond their time limits. The minimum number of hours required for any of the activities is 80 per month. To be eligible beyond the limits, ABAWDs must be:

- ◆ Working a total of 80 or more **actual** hours in a month. Do not use minimum wage criteria to determine the number of hours worked.
- ◆ Participating for a total of 80 or more **actual** hours in a month in a qualifying work program. Qualifying work programs are programs that are offered under the Workforce Investment Act or under Section 236 of the Trade Act of 1974.
- ◆ Performing any combination of the two work and participation requirements stated above for a total of 80 or more **actual** hours in a month.

Tracking

The ABAWD's case record must be documented to track the number of months that each ABAWD has used towards the three-month time limit.

There is no automated method by which you can track the number of months of the three-month limit an ABAWD has used. Use the form 470-2385, *Case Record Tracking Sheet*, to document when an ABAWD uses any of the three-month limit or the additional three months.

Code the ABC system to show that an ABAWD is or is not meeting the ABAWD work requirement. See [14-B-Appendix](#) for how to code the TD03 screen to show whether a person is an ABAWD who is or is not meeting the work requirement. Correct coding of this entry is important for federal reporting requirements and to be able to identify these clients through a system run when necessary.

Change the code on TD03 whenever an ABAWD's work status changes and when an ABAWD becomes exempt from the ABAWD work requirement. When an ABAWD becomes exempt from the work requirement, use the applicable coding to show the person's work registration/FSET status.

Definition of Work

"Work" for the purposes of meeting the ABAWD work requirement means:

- ◆ Working in exchange for money. This can be either employment or self-employment.
- ◆ Unpaid or volunteer work. An example of this type of work is: Volunteer work at a nonprofit food bank or hospital. Court-ordered community service also fits the category of unpaid work.
- ◆ Working in exchange for an in-kind benefit, like working in exchange for rent or any other goods or services.

1. Ms. J works 60 hours a month at a fast food restaurant. She also works 20 hours a month in exchange for her living accommodations. Ms. J's work activities total 80 hours each month. Ms. J meets the ABAWD work requirement.

2. Mr. L's monthly hours of work vary between 60 and 100. He is not expected to pay rent, but he is expected to perform services for the person he lives with in exchange for the cost of his share of household supplies, like laundry soap and other consumables. He also spends an average of 20 hours monthly performing various odd jobs. Mr. L meets the ABAWD work requirement.
3. Mr. M house-sits for a person who is out of the country on business. By virtue of his job, he gets living accommodations in return for watching over the home. Mr. M meets the ABAWD work requirement.

Good Cause for Not Meeting the Work Requirement

Allow "good cause" when an ABAWD who has been meeting the ABAWD work requirement temporarily does not meet the requirement. To qualify for good cause, the ABAWD must still retain the job or plan to continue to participate in the activity that meets the work requirement after the temporary absence.

Use reasonable judgment when considering granting good cause. Good cause reasons include circumstances beyond the person's control such as, but not limited to:

- ◆ A household emergency.
- ◆ The unavailability of transportation.
- ◆ Illness of the person or another household member requiring the ABAWD's presence.

Document the good cause reason in the ABAWD's case record whenever an ABAWD has good cause for not meeting the work requirement. Months in which good cause is granted do not count towards the three-month limit.

Reporting and Verifying Hours

The actual number of hours an ABAWD works in a month must be reported and verified to ensure that the person is meeting the work requirement. The number of hours actually worked in a calendar month is the determining factor for meeting the ABAWD work requirement, not the hours for which the person was paid in the month.

Use any reasonable means to determine and verify the actual number of hours worked in a calendar month. Use caution if using pay stubs to verify hours of work, because pay periods often overlap calendar months and do not reflect the number of hours actually worked in the month in which the person received the pay.

Accept the word of a self-employed person as verification of how many hours are worked per month. Document the client's statement as to how many hours are worked per month in the case record.

Accept the statement of a person who provides an in-kind benefit in exchange for an ABAWD's services as verification.

Once you have verified the hours of work, it is not necessary to do so each month. Assume that an ABAWD is continuing to work 80 or more hours monthly unless the ABAWD reports that the hours of work have dropped below 80 or you have other information indicating the hours are less than 80.

Time Limit for ABAWDs

Legal reference: Public Law 111-5

ABAWDs can get only three months of Food Assistance benefits while they are not meeting the work requirement. EXCEPTION: Some ABAWDs can receive an additional three months of eligibility while not fulfilling the work requirement. See [Additional Three-Months' Eligibility](#) for information.

IMPORTANT: The three-month limit for ABAWDs is suspended from April 1, 2009, through September 30, 2012. During this period, do **not** cancel or deny any person for not meeting ABAWD work requirements.

All ABAWDs are eligible for the three-month limit during each three-year period, even if they used benefits under a previous period. This period is the same for all ABAWDs in Iowa. The periods are:

- ◆ December 1, 2008, through November 30, 2011
- ◆ December 1, 2011, through November 30, 2014

The three-month limit can be used either consecutively or nonconsecutively. A prorated month does not count towards an ABAWD's three-month limit, even when the Food Assistance benefits are prorated from the first day of the month.

When the benefits an ABAWD receives in a month that counts toward the three-month limit are entirely subject to a claim, that month continues to count toward the ABAWD's three-month limit until the entire month's benefits have been repaid.

1. Mr. J applies for Food Assistance benefits during January 2006 and is determined to be an ABAWD. Mr. J's January Food Assistance benefits are prorated, so January does not count towards his three-month limit.

Mr. J does not meet the work requirement during February, March, or April 2006. Therefore, February, March, and April count towards his three-month limit and Mr. J uses up his eligibility in April.

2. Mr. O has been receiving Food Assistance for several months with his 17-year-old son. Mr. O's son moves out during May 2006. Mr. O is determined to be an ABAWD for the month of June. May does not count towards his three-month limit, because Mr. O's son lived with him during May.

Mr. O does not meet the work requirement during June, July, or August and uses up his eligibility in the month of August.

3. Ms. M has been receiving Food Assistance for several months with her 17-year-old daughter. Ms. M's daughter turns 18 in November 2006. Ms. M and her daughter are both determined to be ABAWDs for the month of December.

Ms. M's daughter does not meet the work requirement during December 2006, January 2007, or February 2007. December, January, and February are countable months towards her three-month limit. The daughter uses up her eligibility in the month of February.

Ms. M does not meet the work requirement during December. She becomes unfit for employment during January 2007. December is a countable month towards Ms. M's three-month limit. Because Ms. M is exempt for at least one day in January, January is not a countable month.

Ms. M has two months of her three-month limit left. She will not use any more countable months until the month **after** the month in which she loses her exemption from the ABAWD work requirements

Ms. M continues to get Food Assistance benefits as long as she is exempt from ABAWD work requirements or until she loses her exemption and then uses the remaining two months of her three-month limit.

See [Ineligible Household Members](#) for how to treat the income and resources of an ineligible ABAWD who is a member of an eligible Food Assistance household.

Countable Months in Another State

If an applicant ABAWD received Food Assistance benefits in another state, verify whether any of the months in which benefits were received were countable months in that state. Also verify whether the additional three months of benefits were used.

The other state's verbal statement is the only proof needed that the ABAWD did or did not use any countable months. Document the information in the case record.

Consider only Iowa's three-year period when determining if the benefits received in the other state count towards Iowa's three-month limit. See [Time Limit for ABAWDs](#) for Iowa's periods in which ABAWDs are limited to three months of benefits.

Regaining Eligibility

ABAWDs who have been canceled or denied Food Assistance eligibility because of having used their three-month time limit can regain eligibility for Food Assistance benefits. There is no limit on how many times an ABAWD can regain eligibility.

- ◆ ABAWDs can regain eligibility right away by becoming exempt from the ABAWD work requirement.
- ◆ ABAWDs can also regain eligibility by performing one of the activities listed under [ABAWD Work Requirement](#) within any 30-consecutive-day period, instead of a calendar month. The activity must be completed before the ABAWD can be approved for Food Assistance benefits.

ABAWDs who regain eligibility can get Food Assistance benefits as long as they continue to meet the work requirement or are exempt from the work requirements. ABAWDs who regain eligibility but are not meeting the work requirement when they apply for Food Assistance benefits may qualify for an additional three months of eligibility, as described under [Additional Three-Months' Eligibility](#).

If an ABAWD applies before having completed an activity under [ABAWD Work Requirement](#), you can deny the application right away or hold the application until the ABAWD work requirement activity has been completed. This is an IM worker decision.

If you hold the application until the activity is met, you still must prorate Food Assistance benefits from the date of application, not from the date the activity was met.

1. Mr. J applies for Food Assistance benefits on August 5. His Food Assistance is canceled effective July 1 because he has used his three months of benefits.

Mr. J gets a job on July 15 and works a total of 60 hours in July and 10 hours in August. He reapplies for Food Assistance. At the certification interview on August 7, the worker learns that Mr. J is scheduled to work another 10 hours before August 15.

The worker decides to hold the application until Mr. J provides verification of having worked 80 hours between July 15 and August 14. Mr. J meets the criteria to regain eligibility on August 13. He remains eligible for Food Assistance benefits as long as he keeps working 80 hours each month.

2. Ms. M receives her three-month limit of Food Assistance benefits during August, September, and October 2006, and is canceled effective November 1. In January 2007, she reapplies for Food Assistance benefits.

Ms. M reports that she is working off her rent at 20 hours weekly. She started this arrangement with her landlord on December 1, when her roommate moved out and Ms. M could not pay the rent. Ms. M provides verification from her landlord.

Ms. M met the ABAWD work requirement December 31. She is eligible for Food Assistance benefits as long as she continues the arrangement.

Additional Three-Months' Eligibility

A one-time additional three months of Food Assistance eligibility may be allowed to some ABAWDs. The additional three months of eligibility are a consecutive period allowed only once during each three-year period. See [Time Limit for ABAWDs](#) for information about periods in which ABAWDs are limited to three months of benefits.

An ABAWD qualifies to receive additional months only when the ABAWD:

- ◆ Has first used all of the "three-month time limit," **and then**
- ◆ Has had a break in receipt of Food Assistance benefits, **and then**
- ◆ Regains eligibility, **and then**
- ◆ Stops meeting the ABAWD work requirement.

ABAWDs do not have to apply for Food Assistance benefits right away after they stop one of the activities listed under [ABAWD Work Requirement](#).

The additional three months are the three months following the month in which an ABAWD reapplies for Food Assistance benefits. A month of prorated benefits does not count as one of the three months.

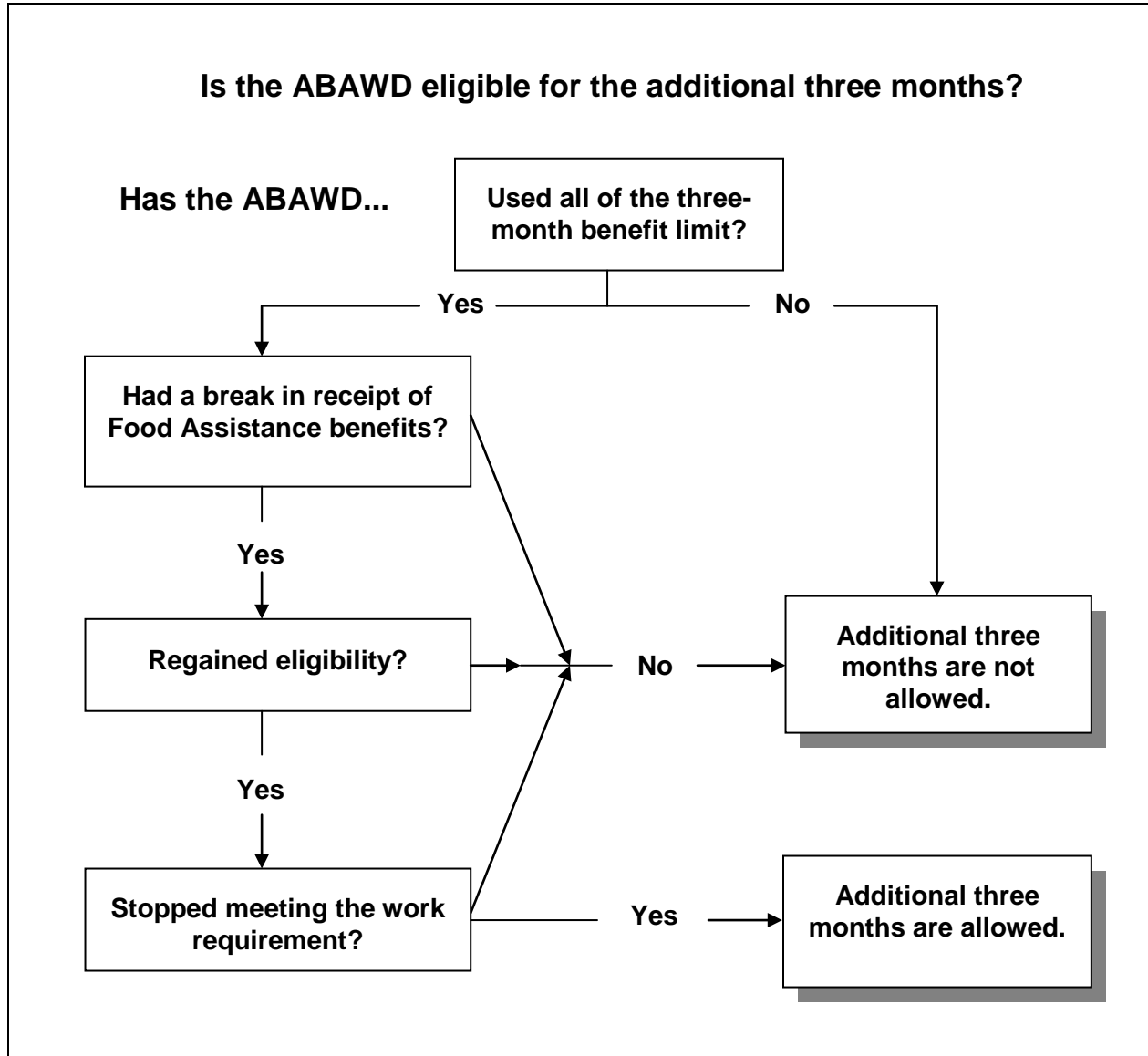
Once started, the additional three-month period continues uninterrupted for any reason, including whether or not the ABAWD actually receives Food Assistance benefits during the time.

Ceasing to Meet the Work Requirement

For purposes of qualifying for the additional three months of benefits, consider an ABAWD to have stopped meeting the ABAWD work requirement when:

- ◆ The person's participation in a qualifying work program ends for any reason.
- ◆ The person is laid off, quits with good cause, or is fired from the job.
- ◆ The person permanently reduces hours of work to less than 80 hours monthly with good cause for doing so.
- ◆ The person's employer reduces the person's hours of work to less than 80 hours monthly.

Use the following flow chart to determine whether an ABAWD is eligible for the additional three months:



Boarders and Commercial Boarding Houses

Legal reference: 7 CFR 273.1(c)

The following sections explain policies affecting:

- ◆ [Owners and residents of commercial boarding houses](#)
- ◆ [People who are boarders in a private household](#)
- ◆ [Income a household receives from providing board and room to someone](#)

Commercial Boarding Houses

Legal reference: 7 CFR 273.1(b)(i)

Owners of commercial boarding houses may get Food Assistance if otherwise eligible. See [Self-Employed Households](#) in this chapter to determine eligibility and benefits for the owner of a commercial boarding house.

Residents of commercial boarding houses cannot get Food Assistance. Residents of institutions are not considered residents of commercial boarding houses. See 7-C, [Residents of Institutions](#).

Boarders

Legal reference: 7 CFR 273.1(b)(3)

Boarders are people who live with others and pay a reasonable amount for their lodging and meals. If they are not paying a reasonable amount, they must be included in the household of the person providing the lodging and meals. Do not consider people to be boarders if they must be in the household by relationship.

Boarders cannot get Food Assistance by themselves. However, at the household's request, boarders may participate as members of the household providing the board.

Decide if someone is a boarder by determining if the person is paying a reasonable amount for lodging and meals as follows:

1. Determine the amount paid only for meals, if meals and lodging can be broken out. If meals and lodging cannot be broken out separately, use the entire amount.

2. Compare the amount paid for meals to the maximum Food Assistance allotment for households the same size as the boarder household.
(See 7-F, [Calculating Benefit Level](#), for these amounts.)
 - ◆ When a person is paying for more than two meals a day, use the entire maximum Food Assistance allotment for the corresponding household size.
 - ◆ When a person is paying for two or fewer meals a day, use two-thirds of the maximum Food Assistance allotment for the corresponding household size.

If the amount paid for meals is greater than the appropriate allotment amount, the person is a boarder. If the amount paid for meals is less, the person is not a boarder and must be part of the household providing the services.

Income

Legal reference: 7 CFR 273.11(b)

Boarder income includes all money paid to the household for room and meals. To calculate countable boarder income:

1. Determine how much total income the household received from the boarders, then
2. Subtract the part of the payment that is a cost of doing business. The cost of doing business is either:
 - ◆ The cost of the maximum Food Assistance allotment for the number of people in the boarders' household, or
 - ◆ The actual documented cost of providing meals, if the actual cost is more than the applicable maximum Food Assistance allotment.

Add the countable boarder income to any other earned income of the household before allowing the earned income deduction.

Corporations

Legal reference: 7 CFR 273.11(a)

All corporations are separate legal entities. A closely held corporation is one that has only a few shareholders. An owner or employee of a corporation is not a self-employed person. A person who receives a salary from a corporation is an employee of the corporation. The corporation is responsible for its debts and obligations. The income and resources of a corporation belongs to the corporation.

Income

Legal reference: 7 CFR 273.9(b)

Count stock dividends as unearned income to the person who owns the stock.

Resources

Legal reference: 7 CFR 273.8(c)

Exclude the value of stock in a corporation when the stock is essential to employment. This means that the employee must hold the stock in order to keep the job.

Stock that is not essential to employment is counted as a resource. To determine the value of corporate stock, subtract the corporate liabilities from assets and prorate the difference among the shareholders based on the percentage of shares held.

A household owns 40% of the stock in a corporation. This stock is not essential to employment. To calculate how much to count towards the household's resource limit, use the following calculation for the value of stock.

\$ 22,000	Corporate assets
- 10,000	Corporate liabilities
\$ 12,000	Value of corporation
\$ 12,000	Value of corporation
x .40	Value of the household's share of stock
\$ 4,800	Household resource

Fleeing Felons and Parole and Probation Violators

Legal reference: 7 CFR 273.1, and 273.11

A person who is fleeing to avoid prosecution, custody, or confinement for a felony or who is in violation of a condition of probation or parole is **ineligible** to participate in the Food Assistance program. "Fleeing" means that the person knows there is a warrant for the person's arrest and is acting with the intent to avoid prosecution.

Refer to 7-A, [Confidentiality](#), for policies on sharing certain information with law enforcement officers who are investigating or pursuing a person who is fleeing custody for a felony crime or a parole or probation violation.

In conjunction with requesting information, the law enforcement officer may provide a warrant for the person's arrest. When the Department has proof that a warrant for arrest has been issued for a Food Assistance recipient, the Department must contact the person to verify that the person has knowledge of the warrant.

If the recipient has knowledge of the warrant, either by having received it personally, or by being advised of its existence by the Department's request for information, the recipient is technically at that time "fleeing" and must be canceled from Food Assistance benefits.

Homeless Households

Legal reference: 7 CFR 271.2; 273.2(l)(1); 273.3; 273.1(e)

A "homeless person" means a person who does not have a fixed and regular nighttime residence or a person whose primary nighttime residence is one of the following:

- ◆ A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter).
- ◆ A halfway house or similar institution that provides temporary residence for people intended to be institutionalized.
- ◆ A temporary accommodation of not more than 90 days in the residence of another person, starting with the day the homeless person moved in with that person.
- ◆ A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby, or similar places).

For homeless households, you can waive the requirement that a household must prove that it lives in Iowa if proof cannot reasonably be obtained. Document in the case file any efforts to verify residency.

Homeless households living in public or private nonprofit shelters for the homeless can get Food Assistance if they meet all other eligibility criteria. This is an exception to the policy that residents of institutions are not eligible for Food Assistance.

Ineligible Household Members

Legal reference: 7 CFR 273.1(b)(7)

“Ineligible members” are people who would normally get Food Assistance with other members of the household but are not included because they are ineligible to participate for some reason. The following are ineligible household members:

- ◆ Ineligible students. See [Students](#).
- ◆ Ineligible aliens. See [Households with Alien Members](#).
- ◆ Ineligible adults who are not disabled and have no dependents. See [Able-Bodied Adults Without Dependents \(ABAWDs\)](#).
- ◆ People disqualified for intentional program violation. See 7-J, [INTENTIONAL PROGRAM VIOLATION](#).
- ◆ People disqualified for failure to provide a social security number. See 7-C, [Social Security Numbers](#).
- ◆ People disqualified for failing to comply with a mandatory work registrant requirement. See 7-C, [Work Requirements for MWRs](#).
- ◆ Probation or parole violators and fleeing felons. See [Fleeing Felons and Parole and Probation Violators](#).
- ◆ Residents of institutions. See 7-C, [Residents of Institutions](#).
- ◆ SSI recipients whose Food Assistance benefits were received as cash in a state that cashes out Food Assistance benefits to SSI recipients.

Do **not** include the ineligible members listed above when determining:

- ◆ The size of the eligible household for the maximum net monthly allotment.
- ◆ The appropriate resource limit for the eligible household.
- ◆ If the eligible household needs to meet either gross or net income guidelines.

Do consider the relationship of the ineligible members listed previously to others in the household for the purposes of determining who is a mandatory household member.

NOTE: When a person is both an ineligible alien and an ineligible student use the policies for ineligible aliens.

Resources of Ineligible Household Members

Legal reference: 7 CFR 273.8(e)(13) and (j), 273.11(c) and (d)

Use the same resource policies for ineligible members as you do for eligible members to determine whether a resource is countable or not. See 7-D, [Whose Resources to Count](#), for what resources are and are not counted.

Count the entire value of the resources of the following ineligible household members towards the eligible household's resource limit, unless the resources are exempt by policies in Chapter [7-D](#):

- ◆ Ineligible aliens
- ◆ People disqualified for intentional program violation
- ◆ People who fail to provide a social security number
- ◆ People disqualified for failing to comply with a mandatory work registrant requirement
- ◆ Ineligible ABAWDs
- ◆ Fleeing felons and parole and probation violators

Do **not** count the value of any of the resources of an ineligible student towards the eligible household's resource limit.

Income and Deductions of Ineligible Household Members

Legal reference: 7 CFR 273.11(c)

Use the same income policies for an ineligible member's income as you do for eligible members. Income that is excluded for eligible household members is also excluded for ineligible household members. Earned versus unearned income policies also apply the same for ineligible members.

Deductions that are allowable for eligible members may be allowed for ineligible members. The reason a person is ineligible determines what and how much is allowed as a deduction for the eligible household.

See 7-E, [INCOME](#), for policies on specific types of income and details on handling deductions.

Income

The reason a person is ineligible determines how much of the person's income you count as income to the eligible household members.

Do **not** count the income of ineligible students towards the eligible household. If ineligible students give money to the eligible household, count it as unearned income.

Count all of the income of the following ineligible members towards the eligible household:

- ◆ People disqualified for intentional program violation
- ◆ Fleeing felons and parole and probation violators
- ◆ People disqualified for failing to comply with a mandatory work registrant requirement

Count a prorated share of the following ineligible members' income towards the eligible household:

- ◆ Ineligible aliens
- ◆ People who fail to provide a social security number
- ◆ Ineligible ABAWDs

To determine the amount of prorated income to count towards the eligible members of the household:

1. Subtract the earned income deduction from the ineligible member's earned income.
2. Divide the ineligible member's income evenly among the household members, including the ineligible members.

1. Mr. and Mrs. X have three children. Mrs. X is an ineligible alien. Mr. X and the children are Food Assistance participants. Mrs. X works for a local janitorial service and makes \$500 each month. To calculate how much of Mrs. X's income to count towards the eligible household:
 - ◆ Subtract the earned income deduction from her total gross monthly income. ($\$500 \times .20 = \100 , $\$500 - \$100 = \$400$)
 - ◆ Divide the \$400 by the number of people in the household, including Mrs. X. ($\$400$ divided by 5 = \$80/person)
 - ◆ Disregard the portion from Mrs. X, and count the remainder as unearned income to the rest of the household. ($\$400 - \$80 = \$320$)

2. The household consists of Mr. and Mrs. B and their one child. Mr. B is an alien. Mrs. B and the child are U.S. citizens. Mr. B is eligible to be included in the FIP grant, but is not eligible for Food Assistance because he cannot meet the 40-qualifying-quarters requirement. Mr. B earns \$500 per month (gross income). The household's FIP grant is \$226.

Earned Income:

- ◆ Subtract the earned income deduction from Mr. B's gross monthly income. ($\$500 \times .80 = \400)
- ◆ Divide \$400 by the number of people in the household, including Mr. B. ($\$400$ divided by 3 people = \$133.33 per person)
- ◆ Take the \$133.33 per person and multiply it by the number of eligible household members. ($\$133.33 \times 2 = 266.66$, entered as unearned income)

FIP Grant:

- ◆ Divide the FIP grant by the number of people in the household, including Mr. B. Then multiply the result by the number of Food Assistance-eligible persons. ($\$226$ divided by 3 = \$75.33; $\$75.33 \times 2 = \150.66 unearned income, Mrs. B and the child's FIP)
- ◆ Divide Mr. B's 1/3 of the FIP grant by the number of people in the household, including Mr. B. Then multiply the result by the number of Food Assistance-eligible members. ($\$75.33$ divided by 3 = \$25.11; $\$25.11 \times 2 = \50.22 , the countable share of Mr. B's FIP)

Countable Unearned Income:

Add the three amounts: \$266.66 (2/3 of earned income) + \$150.66 (2/3 of FIP grant) + \$50.22 (2/3 of Mr. B's share of the FIP grant) = \$467.54 countable unearned income

Deductions

Allow deductions for the eligible household as described below under the following categories of ineligible members. See 7-E, [INCOME](#), for more information on handling and allowing deductions.

Ineligible Students

Do not allow any deduction for child support, dependent care, or shelter costs when an ineligible student pays the entire cost. Do allow a prorated share of these costs for the eligible household members when the costs are shared with an ineligible student.

Do not allow any deduction for utilities when an ineligible student pays the entire cost. Allow the eligible members the entire standard utility allowance if the household pays the entire cost or the ineligible student shares the cost. Use the applicable utility allowance for the expenses that the household (including the ineligible member) is responsible to pay.

Allow a medical deduction for eligible members who are elderly or disabled, even if an ineligible student pays the cost.

IPV, Work Registration, Fleeing Felons, Parole and Probation Violators

People who are disqualified for intentional program violation or failure to meet mandatory work registration requirements, fleeing felons, and parole and probation violators are treated like eligible members when determining what deductions the eligible household is entitled to.

The eligible household is entitled to the entire household's amount of child support, dependent care, shelter costs, and medical expenses, even if the expenses are billed to or are in part or entirely paid by the ineligible person.

Mr. B is elderly and has allowable medical expenses. He cannot get Food Assistance benefits because he is disqualified for intentional program violation. Mr. B's medical expenses are allowed when calculating Food Assistance benefits for the eligible household.

Ineligible Aliens, Ineligible ABAWDs, SSN Disqualifications

Legal reference: 7 CFR 273.11(c)(2)

Policy:

Households that include ineligible aliens, ineligible ABAWDs, or persons disqualified for failure to provide a social security number are allowed either the full or a prorated share of deductions depending on the type of deduction and who is responsible for the expense.

Procedure:

Determine whether a full or prorated share is allowed as follows:

- ◆ Do **not** prorate deductions for:
 - Utility costs, whether an **eligible** or **ineligible** member pays or is responsible for paying them;
 - Medical expenses of an eligible elderly or disabled member, whether an **eligible** or **ineligible** member pays or is responsible for paying them;
 - Shelter care costs when an **eligible** member pays or is responsible for paying them;
 - Dependent care costs when an **eligible** member pays or is responsible for paying them; or
 - Child support paid by an **eligible** member.

Allow the full amount of these deductions.

- ◆ **Do** prorate deductions for:
 - Shelter costs when an **ineligible** member pays for or is responsible for the expense;
 - Dependent care costs when an **ineligible** member pays for or is responsible for the expense; and
 - Child support paid by an **ineligible** member.

Allow the eligible household's prorated share of these deductions.

Comment:

1. The household consists of Mr. and Mrs. X and their three children. Mrs. X is an ineligible alien. Mr. X is eligible and works. He is responsible and pays for the rent. Since Mr. X is a member of the eligible group and is responsible for the expense, the entire shelter expense is allowed.

2. Mr. and Mrs. Y have four children. Mr. Y is an ineligible alien. The Food Assistance eligible group consists of Mrs. Y and the children. Mr. Y is responsible and pays for the rent of \$600 and all utility expenses, including heat. The family is eligible for a prorated share of the rent and the entire big standard for utilities.

The amount allowable for rent is calculated as follows:

\$600 divided by 6 people (all household members) = \$100

\$100 X 5 people (the eligible household members) = \$500.

3. A child is the only eligible member. The only income in the household is the child support the mother receives. The child support is used to pay the household expenses.

Because the child support is the child's income, the child is paying all the expenses. The allowable deductions are not prorated because the eligible member pays the expense.

4. A mother receives FIP for her child. The mother is an ineligible alien for both FIP and Food Assistance. The only income in the household is the FIP. The FIP is used to pay the household expenses.

Because the FIP is the child's income, the child is paying all the expenses. The allowable deductions are not prorated because the eligible member pays the expense.

Migrants and Seasonal Farm Workers

The policies in this section apply to households that have at least one member who is a migrant or seasonal farm worker.

“Migrants” are defined as those who travel between states or counties to find work, especially harvesting crops, on a seasonal basis. While in the migrant stream, the household may or may not have a permanent place of residence to return to at night, and therefore, may be considered homeless.

A “seasonal farm worker” is a person who works on a farm or ranch on a seasonal basis when the work is generally within commuting distance of the person’s home.

The following sections describe special policies for:

- ◆ [Application processing](#)
- ◆ [Emergency services](#)
- ◆ [Income](#)
- ◆ [Budgeting for destitute households](#)

Application Processing

Legal reference: 7 CFR 273.10(f)(3); 273.2(F)(1)(vi); and 273.10(e)

For migrant households, you can waive the requirement that a household must prove it lives in Iowa if proof cannot reasonably be obtained. Document in the case file any efforts to verify residency.

Migrants are entitled to postpone out-of-state verification only once each season. If a migrant household requesting emergency service has already had verification of out-of-state information postponed in the current season, grant a postponement of out-of-state verification only for the first month’s issuance.

An “initial month” for migrant or seasonal farm worker households is the first month the household is certified following a break of at least one month in participation. This means that you do not prorate benefits from the date of the application when at least one household member got Food Assistance during the month before the month in which the household applies.

Assign these households the longest certification periods possible, based on the predictability of the household's circumstances. Certify households for at least three months, except as follows:

- ◆ At the time of certification, increase by one month the certification of households eligible for a period of three months or less if:
 - The certification process is completed after the fifteenth of the month of application, and
 - The household's circumstances warrant the longer certification period.
- ◆ Certify a household for one or two months when:
 - It cannot reasonably be predicted what the household's circumstances will be in the near future, or
 - There is a strong likelihood of frequent and significant changes in income or household status.

Emergency Services

Legal reference: 7 CFR 273.10(e)(2) and (3), 273.2(i)(1)

Migrants and seasonal farm workers are eligible for emergency service if the household meets any one of the standard emergency criteria as defined in 7-B, [Determining Eligibility for Emergency Service](#).

A migrant and seasonal farm worker household is also entitled to emergency services if the household is destitute and has \$100 or less in liquid resources. A household is destitute if the household's only income for the month of application is from one or both of the following sources:

- ◆ Terminated income that was received before the date of application.
 - When the income is normally received monthly, "terminated" means the income will not be received from the same source during the balance of the month of application nor during the following month.
 - When the income is normally received more frequently than monthly, "terminated" means the income will not be received again from the same source during the balance of the month of application nor during the following month.

- When the income is normally received less frequently than monthly, “terminated” means the income will not be received in the month in which the next payment would normally be received.
- ◆ A new source from which the household will not receive more than \$25 by the tenth calendar day after the date of application. “New source” applies to income of:
 - \$25 or more that is normally received on a monthly or more frequent basis when the household has not received any income from that source within 30 days before the date the application was filed.
 - \$25 or more that is received less often than monthly if the income was not received within the last normal interval between payments.

A household applies in early January and will be paid quarterly starting late in January. The income from a new source is considered if the household has not received income of more than \$25 from that source during October or since that time.

Income

Legal reference: 7 CFR 273.10(e)(2) and (3), 273.9(c)(1)(ii), and 273.9(c)(5)(ii)

Do not count migrant and seasonal farm worker general assistance or public assistance vendor payments for housing and transportation while workers are in the job stream. EXCEPTION: Do not exclude these transportation payments when they are for gas or car repair to get the migrant back home or to another area of employment or for transportation to get the worker to the farm.

Exclude reimbursements made to the migrant for travel expenses.

Destitute Households

Legal reference: 7 CFR 273.10(e)(2) and (3), 441 IAC 65.31(1)

See [Emergency Services](#) for destitution criteria.

Determine eligibility for destitute households by comparing either the household's gross or net income to the corresponding monthly income eligibility standard, depending on the type of household members. See 7-C, [Categorical Eligibility](#), and 7-F, [Gross Income Limit](#).

Count only the income between the first of the month and the date of application to determine the household's gross and net monthly income for the month of application. Do not count any income received from a new source after the date of application.

Self-Employed Households

Policies in this section apply to self-employed people, including households that own and operate commercial boarding houses. See also [Self-Employment Policies for Farmers](#). The following section describes self-employment policies for:

- ◆ [Verifying expenses](#)
- ◆ [Resources](#)
- ◆ [Income](#)
- ◆ [Deductions](#)
- ◆ [Determining assistance](#)
- ◆ [Ending self-employment](#)

Verifying Expenses

Legal reference: 7 CFR 273.11(a)

When self-employed households file federal income tax returns, the tax returns are generally used as verification. However, if a self-employed household does not file taxes, it must provide records for actual income and expenses for the self-employment income.

If part of the expense was for personal use, the household must identify the percentage used for the business, and the percentage for personal use. Only allow that portion used for the business as a deduction.

Resources

Property Essential to Employment

Legal reference: 7 CFR 273.8(e)

Exclude as a resource any property that is essential to a household's self-employment business. Examples include tools of a tradesman.

Continue to exclude the property when self-employment is temporarily interrupted because of circumstances beyond the control of the household, such as illness.

When a self-employment enterprise ends, count the equity value of any property that was previously excluded under this policy. EXCEPTION: For property of farmers, see [Self-Employment Policies for Farmers](#).

Prorated Income

Legal reference: 7 CFR 273.8(e)(5), 273.8(e)(9), and 273.8(f)

Exclude as a resource any self-employment income that has been prorated. Prorated income remains excluded for the entire proration period, even if it is commingled in an account with funds that are not excluded.

To determine the amount of money to exclude from the liquid resources of a self-employed person whose income is annualized:

1. Add together:
 - ◆ The net countable yearly earnings from the self-employment enterprises, and
 - ◆ The total allowable costs of doing business.
2. Deduct the total of these figures from the total liquid resources as of the date of the interview to determine the countable resource amount.

- | |
|--|
| <ol style="list-style-type: none">1. A self-employed household anticipates \$5,000 in net countable income, and \$95,000 in allowable business expenses. The household has \$101,000 in resources as of the date of interview. Calculate countable resources as follows: |
|--|

\$ 5,000	(Net income)	\$ 101,000	(Total liquid resources)
+ <u>95,000</u>	(Expenses)	- <u>100,000</u>	(Net income + expenses)
\$ 100,000		\$ 1,000	Countable resources

The household is within resource limits.

2. A self-employed household anticipates gross income of \$50,000 and \$60,000 in allowable expenses. This results in a net loss of \$10,000. As of the date of interview, total resources equal \$61,500. Calculate countable resources as follows:

\$ 0	(Net income)	\$ 61,500	(Total resources)
+ <u>60,000</u>	(Expenses)	- <u>60,000</u>	(Net income + expenses)
\$ 60,000		\$ 1,500	Countable resources

The household is within resource limits.

Income

Legal reference: 7 CFR 273.11(a), CFR 273.9(b)(1)(ii)

Determine net self-employment income by subtracting the cost of producing the self-employment income from the gross self-employment income.

If the household has more than one self-employment enterprise, determine the monthly income of each enterprise. Then add these to the other income of the household. "Separate" self-employment enterprises included:

- ◆ Enterprises under the ownership of different people.
- ◆ Enterprises under ownership of the same person that are not the same type of business.

1. Mr. N grows crops, custom farms, and operates a hog confinement unit. Consider all these enterprises as one self-employment enterprise.
2. Ms. O operates a child care business from home and also sells Avon. Since the two businesses are unrelated, consider these to be separate enterprises, and compute two self-employment income figures.
3. Mrs. P operates a beauty shop and her husband operates a carpentry business. Compute the income from each business separately.

Consider a net monthly loss as zero income, unless the household has more than one self-employment business, or has self-employment income from farming. See [Offsetting Loss in One Enterprise From Gains in Another](#) and [Offsetting a Farm Loss Against Other Countable Income](#) for more information.

Add the earned monthly net self-employment income to any other earned income and apply the earned income deduction to the total. Most self-employment income is earned, but some rental income and income from property sold on contract is considered unearned self-employment income.

The following sections explain:

- ◆ [Rental income](#)
- ◆ [Income from property sold on contract](#)
- ◆ [Allowable costs of producing income](#)
- ◆ [Nonallowable cost of producing income](#)
- ◆ [Offsetting loss in one enterprise from gains in another](#)

Rental Income

Legal reference: 7 CFR 273.9(b)(2)(ii)

If a household member manages a rental property an average of 20 or more hours a week, the rental income is earned. If a household member does **not** manage the property at least 20 hours a week, the rental income is unearned.

Property Sold on Contract

Legal reference: 7 CFR 273.9(b)(2)(ii)

Count income from installment sales contracts as unearned self-employment income. Count the net income, after allowable expenses, over the period of time a payment is intended to cover. For example, if the household receives a payment once a year, prorate the net income over one year. If payment is received monthly, count the net income monthly.

When a household that sells property on contract is responsible for the mortgage payment for that property, deduct taxes, insurance, and both the principal and interest portions of the mortgage payment from the contract income.

Allowable Costs of Producing Income

Legal reference: 7 CFR 273.9(c)(9), 273.11(b)(1)

Deduct from self-employment income the allowable costs of producing that income. Allowable costs of producing self-employment income include, but are not limited to:

- ◆ Costs of labor
- ◆ Stock (merchandise purchases for resale)
- ◆ Raw material
- ◆ Seed and fertilizer
- ◆ Insurance premiums
- ◆ Taxes paid on income-producing property
- ◆ Rental payments on income-producing equipment
- ◆ Lease/purchase option payments on income-producing property
- ◆ Cost of income-producing property, capital assets, equipment, machinery, and other durable goods

Nonallowable Costs of Producing Income

Legal reference: 7 CFR 273.11(b)(2) and 273.10(d)(1)(ii)

Do **not** allow the following items as costs of producing income:

- ◆ Net losses from prior periods. Because net losses from a prior period are not an allowable deduction, do **not** use capital or supplemental losses shown on current income tax forms to offset self-employment income.
- ◆ Federal and state income taxes, money set aside for retirement, and other work-related personal expenses (such as transportation to and from work). Such expenses are accounted for by the 20 percent earned income deduction.
- ◆ Depreciation.
- ◆ Charitable contributions.
- ◆ Wages and fringe benefits provided to a household member.

Offsetting Loss in One Enterprise From Gains in Another

Legal reference: 7 CFR 273.11(a)(2)(iii)

If the household has more than one self-employment enterprise, offset the self-employment losses from one enterprise against the profits of another enterprise. Do not carry over losses from prior years.

If the household has both earned or unearned self-employment income, offset the loss from the profit of each type of self-employment income separately. If both types of self-employment income show a profit at this point, allow the 20 percent earned income deduction only for the earned self-employment income.

Household 1	<u>Business A</u> Earned	<u>Business B</u> Earned	<u>Business C</u> Unearned	<u>Business D</u> Unearned
Gross Income	\$100,000	\$ 6,000	\$ 45,000	\$ 21,000
Expenses	<u>- 92,000</u>	<u>- 9,000</u>	<u>- 49,000</u>	<u>- 15,000</u>
Profit/Loss	\$ 8,000	\$ (3,000)	\$ (4,000)	\$ 6,000
\$ 8,000	Earned Business A	\$ (4,000)	Unearned Business C	
<u>+ (3,000)</u>	Earned Business B	<u>\$+ 6,000</u>	Unearned Business D	
\$ 5,000	Earned income	2,000	Unearned income	
	Prorate and apply 20% deduction		Prorate and no 20% deduction	

If at this point the earned self-employment enterprises show a loss, the unearned self-employment enterprise show a profit, and there is an overall profit after offsetting, do not allow the 20 percent earned income deduction.

Household 2	<u>Business N</u> Earned Income	<u>Business M</u> Earned Income	<u>Business O</u> Unearned Income
Gross Income	\$ 12,000	\$ 8,000	\$ 9,000
Expenses	<u>- 10,000</u>	<u>- 12,000</u>	<u>- 5,000</u>
Profit/Loss	\$ 2,000	\$ (4,000)	\$ 4,000
\$ 2,000	Earned Business N		
<u>+ (4,000)</u>	Earned Business M		
\$ (2,000)	Earned Income	4,000	Unearned Business O
	\$ (2,000)	Earned income	
	<u>+ 4,000</u>	Unearned income	
	\$ 2,000	Prorate and no 20% deduction	

If at this point the earned self-employment enterprises show a profit, the unearned self-employment enterprises show a loss, and there is an overall profit after offsetting, allow the 20 percent earned income deduction.

Household 3	<u>Business X</u> Earned Income	<u>Business Y</u> Earned Income	<u>Business Z</u> Unearned Income
Gross Income	\$ 30,000	\$ 12,000	\$ 15,000
Expenses	- <u>29,000</u>	- <u>6,000</u>	- <u>20,000</u>
Profit/Loss	\$ 1,000	\$ 6,000	\$ (5,000)
\$ 1,000	Earned Business X	\$ (5,000)	Unearned Business Z
+ <u>6,000</u>	Earned Business Y	+ <u>7,000</u>	Earned income
\$ 7,000	Earned income	\$ 2,000	Prorate and apply 20% deduction

After any offsetting is done, if the income from self-employment is still a loss, consider this income to be zero. Do **not** offset a loss from self-employment income against other sources of earned or unearned income.

EXCEPTION: A self-employed farmer can also offset a farm loss against any other countable income. See [Offsetting a Farm Loss Against Other Countable Income](#) for more information.

Deductions

Legal reference: 7 CFR 273.9(d)(5)(i)

A self-employed person who works out of the home may have a single rent payment, or single payments for a mortgage, property taxes, or homeowner's insurance that includes costs for both the home and the business. For example, most farmers have one mortgage that covers the home, the farmland, and other buildings on the farm.

Determine what percentage of the payment is for the home and what percentage is for the business. This information may be available through a variety of sources, including the income tax return, the county assessor's office, or the lending institution.

If you cannot determine what percentage to attribute to the business, do not allow any of these costs as a business expense. Allow the costs as a shelter deduction.

When you have determined what percentage of these payments are business costs and what are shelter costs, treat the costs as if they are for separate buildings, as follows:

- ◆ For the **business** deduction, allow the percentage of rent, mortgage payment, insurance, and property taxes that is attributed to the business.
- ◆ For the shelter deduction, allow the percentage of rent, mortgage payment, insurance, and property taxes that is not attributed to the business.

Utility Deduction

Legal reference: DPL 03-03 Att. 1

If a self-employed person who works out of the home claims the entire utility expense as a business expense, do not allow a standard utility allowance.

If a self-employed person who works out of the home claims a percentage of the utility expense as a business expense, allow the applicable standard utility allowance as a shelter deduction and nothing for the business.

Determining Assistance

Legal reference: 7 CFR 273.11(a), 441 IAC 65.29(234)

Either annualize self-employment income over a 12-month period or consider it on a seasonal basis.

When self-employment income is intended to meet the household's need for only part of a year, average it over the period of time it is intended to cover. For example, when self-employed vendors work only in the summer and supplement their income from other sources during the balance of the year, average the self-employment income over the summer months, rather than over a year.

The following sections explain:

- ◆ [How to annualize income and expenses.](#)
- ◆ [How to count capital gains with annualized income.](#)
- ◆ [When to use even and uneven proration of income in calculating benefits.](#)

Annualized Income and Expenses

Legal reference: 7 CFR 273.11(a)(1)

When self-employment income represents the household's annual income, prorate it over 12 months. Do this even if the household:

- ◆ Receives the income within a short period during that 12 months, or
- ◆ Has other income in addition to the self-employment.

To annualize self-employment income, anticipate with the household the income and expenses of the business for the next 12 months. Normally, the best way to anticipate annual self-employment income is to use the household's most recently completed federal income tax return. If a tax return is not available, the household should provide records with an accurate summary of its income and expenses.

If the household experiences a significant increase or decrease in business income, the tax return will not provide a good projection. A substantial change in business may also affect projections. In these cases, work with the household to arrive at the best estimate of future income.

A substantial change in the business includes but is not limited to:

- ◆ A change in the nature or scope of the business, such as changing from selling Avon to selling Stanley or an insurance salesman who decreases or increases the number of types of insurance policies offered; or
- ◆ A substantial capital gain or loss occurs that was not previously considered; or
- ◆ A disaster or casualty loss not covered by insurance occurs, such as a flood or a fire.

If a self-employment enterprise has been in existence for less than a year, average its income over the period that it has been in operation and project the monthly amount for the coming year.

Capital Gains

Legal reference: 7 CFR 273.11(a)(3)

For self-employment income, add the anticipated monthly amount of capital gains to the anticipated monthly self-employment income, and subtract the cost of producing the self-employment income.

Use capital gains only to determine an anticipated amount. Do **not** allow capital or supplemental losses when determining anticipated capital gains.

Calculate a new average amount and use if the anticipated capital gain amount changes.

The formula for calculating proceeds from the sale of capital goods or equipment is: the sale price, minus purchase price, plus any amounts depreciated for federal income tax purposes.

A farmer sells a tractor for \$10,000 after having paid \$12,000 for it five years ago. During the five-year period of ownership, depreciation was calculated at a rate of \$1,200 per year. Capital gain is computed as follows:

\$ 10,000	Sale price
- 12,000	Purchase price
+ <u>6,000</u>	Depreciated amount (\$1,200 per year x 5 years)
\$ 4,000	Actual gain from sale of equipment

If capital gain amounts are obtained from federal income tax forms, use the entire proceeds of the sale, even though only a percent of the proceeds is taxed for federal income tax purposes.

Even and Uneven Proration for Benefits

Legal reference: 7 CFR 273.11(a), 441 IAC 65.29(234)

An eligible household with self-employment income has the option of having **benefits** determined either:

- ◆ By using the same net self-employment income that was used to determine eligibility (an **even** monthly amount), or
- ◆ By unevenly prorating the household's annual self-employment income over the period for which the household's self-employment income was averaged, to more closely approximate the time the income is actually received.

When net self-employment income is unevenly prorated, assign it so that the self-employment income together with other income and deductions at the time of certification will not exceed the maximum monthly net income eligibility standard for the household's size.

Households normally decide between even and uneven proration at the time of certification and cannot change the decision during the certification period.

Ending Self-Employment

Legal reference: 7 CFR 273.11(a)(1)

A person is no longer self-employed when the person files Chapter 7 bankruptcy. Consequently, the resource exemption for property essential to self-employment would no longer be granted. However, any assets under the jurisdiction of a trustee are not considered available to the household nor counted as resources.

See [Self-Employment Policies for Farmers](#) for specific provisions relating to ending farming.

If bankruptcy and reorganization are filed under Chapter 11 provisions, the household is still considered self-employed. Anticipated income based on the most recent year's tax return and the debt reorganization plan can be used to determine Food Assistance eligibility.

If a household receives income from self-employment after the enterprise has ended, count it as:

- ◆ Earned, if the former enterprise produced earned income.
- ◆ Unearned, if the former enterprise produced unearned income.

Deduct any expenses related to the terminated enterprise that are paid in the same month as the income is received. Allowable expenses are those listed in [Allowable Costs of Producing Income](#). Add the net income to other earned income and apply the earned income deduction to the total.

Self-Employment Policies for Farmers

The policies under [Self-Employed Households](#) apply to farmers. The following sections contain additional information that pertains only to farmers and not to other self-employed households. They describe:

- ◆ [Treatment of farm-related resources.](#)
- ◆ [Treatment of special kinds of farm income.](#)
- ◆ [When and how farm losses can be offset against other countable income.](#)

Resources

Legal reference: 7 CFR 273.8(e)(5), 273.8(h)

Exclude as a resource grain that is expected to be in storage for less than 12 months. It is considered property essential to employment. Count the equity value of grain that will be stored for 12 or more months.

Count patronage dividends as a resource when they are paid as shares of stock in a cooperative.

Continue to exclude the following resources for one year from the date the farming ends:

- ◆ Property essential to a self-employed farmer.
- ◆ Licensed vehicles previously used primarily for self-employed farming.

Income

Legal reference: 7 CFR 273.9(c); 273.9(b)(1)(ii); 273.11; 273.9(b)(2)(v); 441 IAC 65.29(4)

Do **not** count the following as income:

- ◆ Federal gasoline tax credit
- ◆ State gasoline tax refund
- ◆ Animals slaughtered for home consumption
- ◆ Crop insurance proceeds received for damaged or destroyed crops if received as a non-recurring lump-sum payment

Count patronage dividends as income when a cooperative makes the payments in cash.

When a farmer sells grain, count the sale price as income, even if the money is used to repay a commodity credit loan. If a farmer uses the grain itself to repay the loan (instead of paying with money), the value of the grain is the amount of money that was previously loaned. Consider that amount as income at the time of repayment.

Offsetting a Farm Loss Against Other Countable Income

Legal reference: 7 CFR 273(3)(1)(i), 273.11(a)(2)(iii)

NOTE: This policy applies only to farmers who receive or anticipate receiving annual gross income of **at least \$1,000** from the farming enterprise.

If the cost of producing the self-employment income from farming exceeds the income derived from self-employment as a farmer, deduct the loss from any other countable income in the household.

If a farm self-employment enterprise results in a loss, offset that loss from the household's gross income before the income is compared to the gross income eligibility standards. However, apply the earned income deduction to the gross earnings before the excess farm expenses are offset.

Allow the standard deduction after any farm loss is deducted from the countable earned and unearned income.

If the farming household has other sources of nonfarm self-employment, offset any farm losses against any gains from other self-employment enterprises first. Then determine the amount of the farm loss, if any. Offset any remaining farm loss against other sources of non self-employment income. Then compare the amount to the gross income limit.

Household A receives the following income:

\$ 500	Monthly earnings from employment
\$ 200	Monthly child support
\$ 5,000	Self-employment annual nonfarm income, Source A
(\$ 1,000)	Self-employment annual nonfarm income, Source B
(\$10,000)	Self-employment annual farm income

Compute the household's income as follows:

Income from self-employment:

\$ 5,000	Nonfarm income, Source A
- 1,000	Nonfarm loss, Source B
\$ 4,000	
- 10,000	Farm loss
(\$ 6,000)	÷ 12 = (\$500) per month farm loss

Gross income test:

\$ 500	Earnings from employment
+ 200	Child support
\$ 700	
- 500	Prorated farm loss
\$ 200	This income is compared to the gross income table

Benefit calculation (shown only to point of standard deduction)

Earnings from employment	\$ 500
Earned income deduction (20%)	- 100
	\$ 400
Child support	+ 200
	\$ 600
Farm loss	- 500
	\$ 100

Household B receives the following income:

\$ 1,000	Monthly earnings from employment
\$ 250	Monthly child support
\$ 6,000	Self-employment annual nonfarm income, Source A
(\$12,000)	Self-employment annual farm income
(\$ 7,000)	Self-employment annual nonfarm income, Source B

The household's income is computed as follows:

Income from self-employment:

\$ 6,000	Nonfarm income, Source A
- <u>7,000</u>	Nonfarm income, Source B
(\$ 1,000)	Nonfarm income loss. This figure is ignored.
(\$12,000)	Farm income ÷ 12 = (\$1,000) per month farm loss

Gross income test:

\$ 1,000	Earnings from employment
+ <u>250</u>	Child support
\$ 1,250	
- <u>1,000</u>	Prorated farm loss
\$ 250	This income is compared to the gross income table

Benefit calculation (shown only to point of standard deduction)

Earnings from employment	\$ 1,000
Earned income deduction (20%)	- <u>200</u>
	\$ 800
Child support	+ <u>250</u>
	\$ 1,050
Farm loss	- <u>1,000</u>
	\$ 50

Students

Legal reference: 7 CFR 273.10(c)(3)

When determining student eligibility, consider a person to be enrolled in an institution of higher education if the person is enrolled in:

- ◆ A business, vocational, technical or trade school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum.
- ◆ A regular curriculum at a junior, community, two-year, or four-year college or university that offers degree programs regardless of whether a high school diploma is required. This does not include special programs such as courses for English as a second language that are not part of the regular curriculum.

When a student is an alien, require the student to verify alien status. If the student is an ineligible alien, do not apply student policies. Follow the policies that apply to ineligible aliens.

The following sections explain:

- ◆ [Nonfinancial eligibility \(student status\)](#)
- ◆ [Counting educational assistance as a resource](#)
- ◆ [Counting educational assistance as income](#)

Nonfinancial Eligibility

Legal reference: 7 CFR 273.5, 273.1(b)

Students who are required to meet student eligibility criteria but who do not meet it are not eligible for Food Assistance. See [Ineligible Household Members](#) earlier in this chapter for treatment of the income and resources of ineligible students.

The following sections explain:

- ◆ [When students can be eligible](#)
- ◆ [The effects of student status](#)

Eligible Students

Legal reference: 7 CFR 273.5(a), (b)(1), 441 IAC 65.26(234)

Students do **not** need to meet student eligibility criteria when they are:

- ◆ Under age 18.
- ◆ Aged 50 or over.
- ◆ Physically or mentally unfit for employment.
- ◆ Attending high school or a GED program.
- ◆ In an on-the-job-training program.
- ◆ Attending school less than half time.
- ◆ In a school or training program that is not an institution of higher education.
- ◆ Single parents responsible for a household member under 12. "Single parent" means a parent living with a child and not living with that child's other legal or natural parent, or not living with a spouse.

All other students must meet at least **one** of these student eligibility criteria:

- ◆ Work at least 20 hours a week and be paid wages. When hours of work fluctuate, average the hours for a period of time that allows a reasonable estimate of the hours expected to be worked per week.
- ◆ Self-employed, working at least 20 hours a week and receiving gross weekly earnings at least equal to the federal minimum wage multiplied by 20 hours. When hours of work fluctuate, average the hours for a period of time that allows a reasonable estimate of the hours expected to be worked per week.
- ◆ Work, or anticipate work, in a state or federally financed work-study program during the regular school year.
- ◆ Responsible for the physical care of a dependent household member under the age of six.
- ◆ Responsible for the physical care of a household member under age 12 when circumstances indicate adequate child care is not available to allow the student to attend school and work at least 20 hours a week.
- ◆ Receiving a FIP grant, approved for FIP but not yet receiving it, or approved but not receiving a cash grant because the grant is under \$10.

- ◆ Placed in an institution of higher education through:
 - FSET, or
 - A state or local government employment and training program, or
 - Section 236 of the Trade Act of 1974, or
 - The Workforce Investment Act (WIA), formerly known as Job Training Partnership Act (JTPA).

Student Status

Legal reference: 7 CFR 273.5(b)(1) and (2), 273.7(b), 441 IAC 65.28(2)(h)

Consider a newly enrolled college student to be enrolled starting on the first day of the school term, no matter when the student registered for classes or paid to enroll.

Enrollment continues through normal periods of class attendance, vacation, and recess. Enrollment stops when the student graduates, is suspended or expelled, drops out, or does not intend to register for the next term. Summer school is not a normal school term.

Exceptions to working 20 hours a week may be made, such as when a student becomes ill or is excused from work because of final exams. Students who attend school at least half time are exempt from work registration.

Resources

Legal reference: 441 IAC 65.31(13)

Exclude from resources all financial assistance received for education or training that is excluded for Family Medical Assistance Program (FMAP)-related Medicaid. See 8-D, [Education Assistance](#).

Income

Legal reference: 441 IAC 65.29(6)

Treat educational assistance the same whether a student is attending an institution of higher education or a school or program that is not an institution of higher education. Do not count as income any financial assistance received for education or training that is exempt for FMAP-related Medicaid. See 8-E, [Financial Assistance for Education or Training](#).