

362.220: Noncitizens

A noncitizen applying for SNAP benefits and claiming an eligible noncitizen status must verify that he or she is present in the United States (U.S.) under one of the noncitizen statuses provided in 106 CMR 362.220(A). The status of a noncitizen must be verified at certification, at recertification or whenever the status of the noncitizen changes or is questionable. Verification of an eligible noncitizen status must be presented before the determination of SNAP eligibility.

When a noncitizen applying for SNAP benefits indicates an inability or unwillingness to provide information about, or acceptable verification of, his or her eligible noncitizen status, that household member shall be ineligible. In such cases the Department shall not continue efforts to obtain documentation. Also, if a noncitizen applying for SNAP benefits indicates an inability or unwillingness to provide, or apply for, a Social Security Number due to immigration status he or she is ineligible. The Department shall not continue efforts to obtain documentation. SNAP eligibility will be determined in accordance with 106 CMR 365.520(A) for the household members who are U.S. citizens or who do verify an eligible noncitizen status.

The Commissioner or designee is required to report to the United States Citizenship and Immigration Services (USCIS) information about noncitizens “known to be in the U.S. unlawfully” as defined in 106 CMR 362.240.

SNAP - Eligible Noncitizen Status

A noncitizen’s eligibility for SNAP benefits depends on the noncitizen being a qualified noncitizen and meeting certain conditions related to the qualified noncitizen status.

- (A) A qualified noncitizen is a person who, at the time the person applies for or receives SNAP benefits, is in one of the following categories as determined by the USCIS:
- (1) refugees admitted to the U.S. under section 207 of the INA, including a victims of severe forms of trafficking;
  - (2) asylees admitted to the U.S. pursuant to section 208 of the INA;
  - (3) noncitizens whose deportation is withheld pursuant to section 243(h) or whose removal is withheld pursuant to section 241(b)(3) of the INA;
  - (4) Cuban/Haitian entrants (defined by section 501(e) of the Refugee Education Assistance Act of 1980);
  - (5) Amerasians defined by section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988;
  - (6) noncitizens paroled as a refugee or asylee pursuant to section 212(d)(5) of the INA for at least one year;

