

## What are the new changes in the Food Stamp Laws?

The 2002 Farm Bill will restore food stamps for many legal immigrants who were ineligible under the 1996 welfare law. See below for the different requirements and timeframes for eligibility.

As of October 1, 2002, you may be eligible for food stamps if:

You are a lawful permanent resident or other qualified immigrant **and you are receiving disability-related benefits.**

### WHAT ARE DISABILITY-RELATED BENEFITS?

#### Disability-related benefits include:

- SSI;
- Social Security disability (SSDI);
- State or local disability or retirement for a permanent disability;
- Disability-related Medicaid;
- State disability benefits if the disability criteria is as stringent as SSI standards (AABD).

As of April 1, 2003, you may be eligible for food stamps if:

You are a lawful permanent resident or other qualified immigrant and **have lived in the United States for more than five years.**

As of October 1, 2003, you may be eligible for food stamps if:

You are a **child** who is a lawful permanent resident or qualified immigrant.

### Who Are "Qualified Immigrants?"

#### Qualified immigrants are:

- lawful permanent residents (green card holders);
- refugees;
- asylees;
- people granted withholding of deportation;
- people paroled into the U.S. for at least one year;
- conditional entrants;
- Cuban/Haitian entrants; and
- certain abused immigrants, their children, and/or their parents.

### WHAT IMMIGRANTS ARE "NOT QUALIFIED"?

"Not qualified" immigrants are all immigrants not listed above, including **undocumented immigrants and immigrants who are lawfully present in the U.S., but do not have green cards.**

I have a sponsor. Does this affect my eligibility?

Maybe.

#### Sponsor Deeming

Some immigrants with sponsors who signed an "Affidavit of Support" (INS Form I-864) *after December 19, 1997* will have their sponsor's income and assets counted as their own. This may make an immigrant ineligible for benefits.

**Do NOT let this stop you from applying for food stamps because this rule does not apply to many immigrants.**

Your sponsor's income will not be counted against you in the following situations:

- your sponsor **did not** sign the "Affidavit of Support" (INS Form I-864), OR
- you are an immigrant that is not sponsored, OR
- you are under 18 years old, OR
- you have 40 work quarters (can include your spouse's work quarters), OR
- your sponsor is a member of your food stamps household, OR
- you meet the battered spouse, parent, or child exception, OR
- your sponsor is deceased, OR
- you have become a naturalized citizen, OR
- you are indigent (your income is less than 130% of the Federal Poverty level).

If one of the above situations apply to you, you do not need to give the Department of Human Services (DHS) information about your sponsor's income and/or assets.

### Special Note: Indigence Exemption Report

When you use the "indigence" exemption listed above in order to prevent sponsor deeming, DHS must report your name and your sponsor's name to the U.S. Attorney General. This will NOT affect your immigration status, or your ability to become a citizen. If you are uncomfortable with this report, then try to qualify for another exemption instead.

### **Sponsor Liability**

In some cases, if a sponsored immigrant with an "Affidavit of Support" (INS Form I-864) signed after December 19, 1997 receives food stamps, then DHS must ask the immigrant's sponsor to pay back the value of the benefits the immigrant received.

### **DO NOT LET THIS STOP YOU FROM APPLYING BECAUSE THIS RULE DOES NOT APPLY TO MANY IMMIGRANTS.**

#### **Sponsor liability does NOT apply to you if:**

- your sponsor did not sign the "Affidavit of Support" (INS Form I-864);
- you are a naturalized citizen;
- you have 40 work quarters (can include spouse's quarters);
- your sponsor is also receiving food stamps; OR
- your sponsor is deceased.

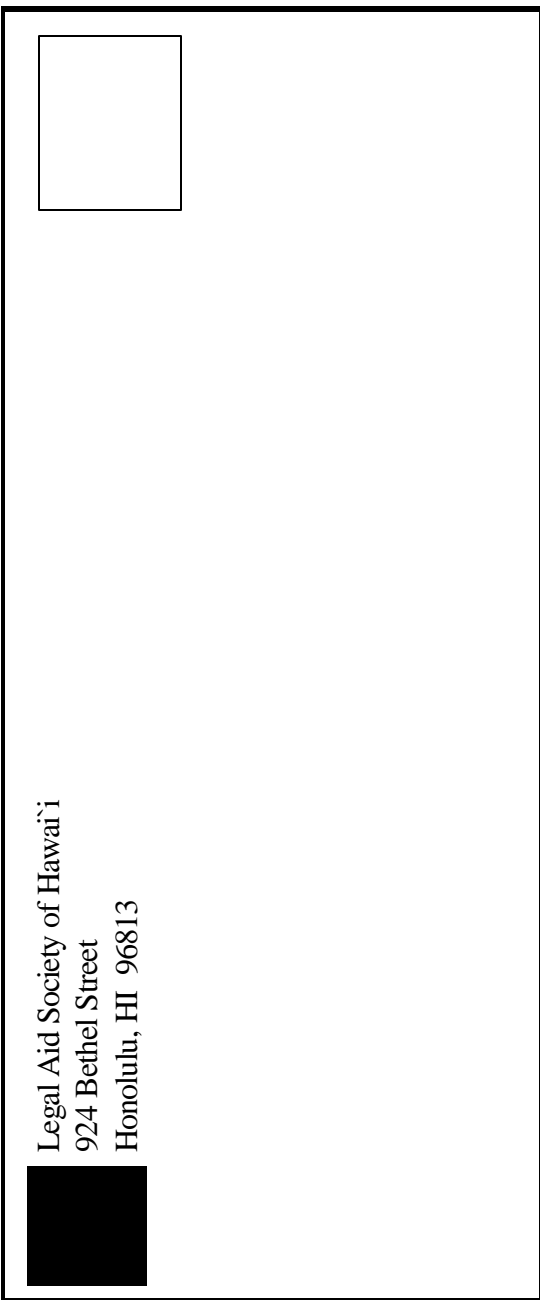
If one of the above situations apply to you, DHS can NOT ask your sponsor to repay food stamps you received.

#### **Will receiving food stamps hurt my chances of becoming a citizen?**

No. Getting food stamps does not make you a "public charge." You will not be deported, denied entry to the U.S., or denied permanent status or a "green card" because you receive food stamps.

#### **How do I apply for food stamps?**

Go to the nearest DHS office and fill out an application. Apply as soon as possible. If DHS says you are not eligible, call Legal Aid for more information.



Legal Aid Society of Hawai'i  
924 Bethel Street  
Honolulu, HI 96813



Legal Aid  
Society  
of Hawai'i

## **Food Stamp Restoration For Some Legal Immigrants**

Use this brochure if you are a legal immigrant and interested in applying for food stamps.

Because of a new law effective in 2002, many legal immigrants are now eligible for food stamps.

#### **The Legal Aid Hotline**

Monday to Friday 9 - 11:30am & 1- 3:30pm  
OAHU: 536-4302 HILO: 934-0678  
MAUI: 242-0724 KONA: 329-8331  
KAUAI: 245-7580 LANAI: 565-6089  
MOLOKAI: 553-3251

Please visit us at <http://www.legalaidhawaii.org>

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