

IMMIGRANT CHILDREN'S FOOD STAMP ELIGIBILITY RESTORED

by Sarah E. Kurtz

Effective October 1, 2003, qualified immigrant children under age 18 will again be eligible for Food Stamps, regardless of their date of entry, without the five-year ban, and without consideration of any sponsor income. These changes resulted from passage of the Farm Security and Rural Investment Act of 2002 (H.R. 2646, "Farm Bill"), which passed the U.S. House of Representatives on April 30, 2002, passed the Senate on May 8, 2002, was signed by the President on May 13, 2002, and became Public Law No. 107-171. Section 4401(b) of the bill amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Food Stamp Act of 1977 to effect these changes that will greatly benefit children.¹

Under current law, until the new provisions go into effect, qualified immigrant children are only exempt from the immigrant restrictions if they were lawfully residing in the United States on August 22, 1996. Advocates nationwide should be prepared to advise all immigrants to apply for Food Stamps for their children when the new provisions go into effect, and do outreach to inform the community well ahead of time given the massive confusion regarding immigrant eligibility for federal benefits in light of the many changes since 1996. Receipt of Food Stamps should not adversely affect any immigrant's current or future immigration status, according to

guidance issued by the INS in 1999. See www.ins.usdoj.gov/graphics/publicaffairs/su/mmaries/Public.htm.

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¹ Their qualified immigrant parents and other adult household members will also now be eligible after five years. P. L. 107-171, Section 4401(c), effective April 1, 2003. This provision may also benefit some children who entered the U.S. after August 22, 1996 and have now been qualified immigrants for five years, for the six month period (April – September 2003) until they would otherwise be eligible under the new changes affecting all children. Finally, any qualified immigrant receiving certain disability-related assistance, may be eligible without regard to date of entry, as of October 1, 2002. P. L. 107-171, Section 4401(a).