

SNAP Food Assistance: Immigrants & SNAP Benefits



As of February 24, 2020, there is a change to a part of immigration law called “Public Charge.”¹ This resource explains what “Public Charge” is with a focus on SNAP only. SNAP is a federal nutrition benefit that helps low income families put food on the table. SNAP eligibility is limited to low income U.S. citizens and certain “qualified” immigrants.* Most Immigrant households receiving SNAP are not affected by this new rule.

This resource is NOT a replacement for legal advice from a trained immigration attorney. If you are applying to bring a family member to the U.S. from another country or seeking to adjust your status in the U.S., you should consult with an immigration attorney.

What is public charge?

The “Public Charge” test is used by immigration officials to decide if a person can enter the U.S. or get a Green Card (Lawful Permanent Residency). Officials look at all of a person’s circumstances, including: income, employment, health, education or skills, family situation and if a sponsor signed an “affidavit of support.” Officials will only look at whether a person used certain federal benefit programs, like SNAP, after November 24, 2020. **This does not apply to WIC, school meals, or help from food pantries.**

Public Charge **does not** apply to Green Card holders applying for U.S. citizenship or renewing their Green Card.

Where do I find more information or get help?

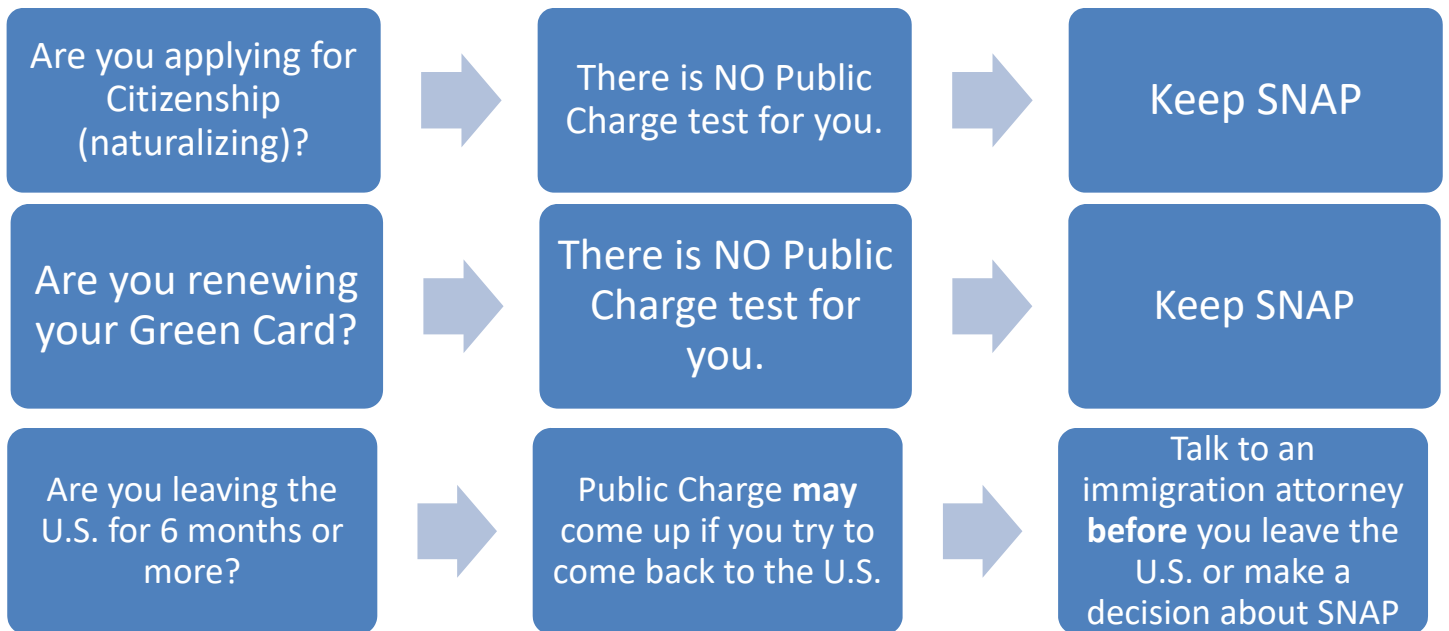
SNAP can help your family stay strong, productive, and stable. Before making any decisions about stopping your family’s benefits, it is important to know the facts. For additional resources, visit: www.protectingimmigrantfamilies.org/know-your-rights or www.lsnjlaw.org.

Families and individuals who are concerned about the rule’s effect on their immigration status or potential immigration applications should consult with an attorney before making a decision to apply for immigration status or withdraw from any public assistance program. For legal advice, contact LSNJLAWSM, Legal Services of New Jersey’s statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529) or online at www.lsnjlawhotline.org.

1. A number of lawsuits have been filed. Check resources linked above for the most up to date information.

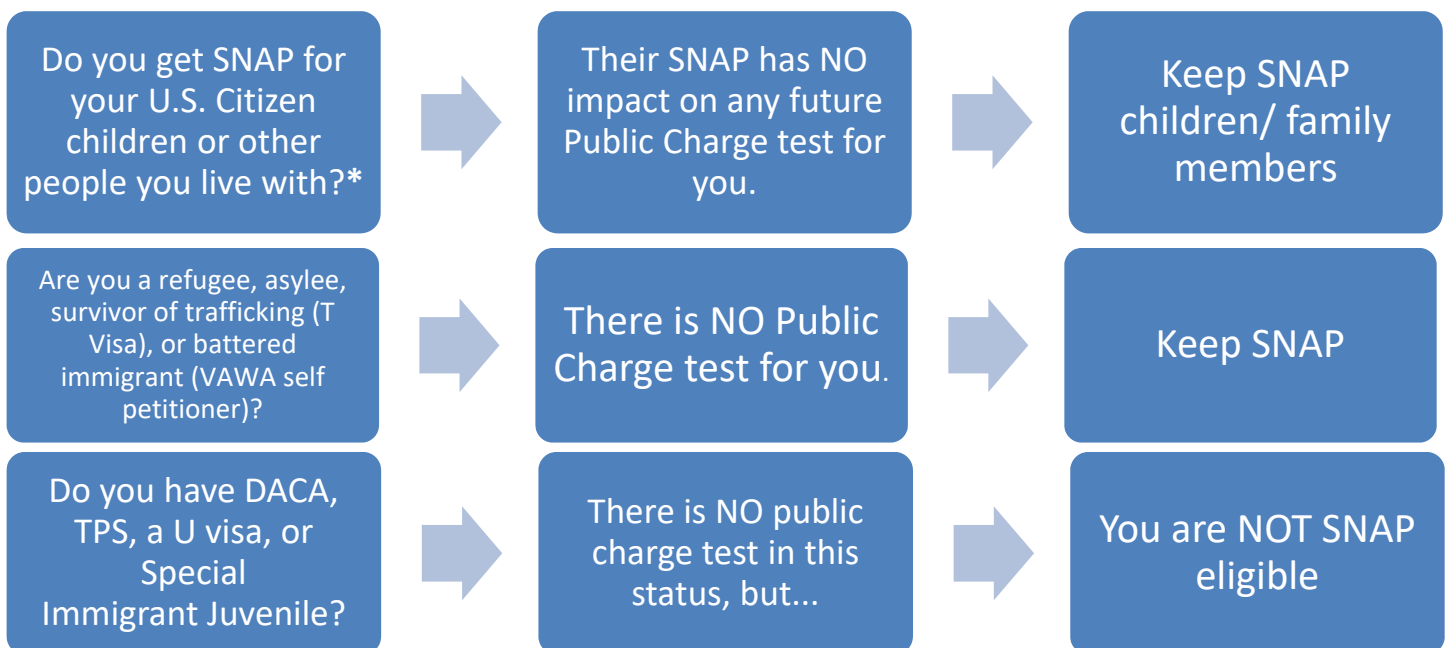
* “Qualified” immigrants include Lawful Permanent Residents (non-disabled adults must be in status for five years), refugees, asylees, and certain battered immigrants. For a full list of “qualified” immigrants see the National Immigration Law Center’s Overview of Immigrant Eligibility: www.nilc.org/issues/economic-support/table_ovrw_fedprogs. SNAP is NOT available to immigrants who are undocumented, have TPS, DACA, U visas, or have pending applications for legal status or are non-immigrants (for example, students and visitors).

What to know about Public Charge and SNAP if you HAVE a Green Card



Note: To qualify for SNAP, Green Card holders typically need to have Lawful Permanent Residency status for 5 years unless they are a child under 18, have a severe disability, have work history, or had earlier humanitarian status such as refugee or asylee. See * footnote for more information.

What to know about Public Charge and SNAP if you Do NOT Have a Green Card



* Ineligible adult immigrants may be able to get SNAP on behalf of eligible household members, such as your U.S. Citizen kids. If you get an EBT card on their behalf (with your name on it), benefits on the card are for eligible household members.