

Immigrant Access to Cash, Food Security and Public Housing

First Focus: Coalition for Access and Opportunity
April 15, 2015

Stephanie Altman, Assistant Director Healthcare
Justice, Shriver Center

stephaniealtman@povertylaw.org

Temporary Assistance for Needy Families (TANF)

- Provides cash assistance to pregnant moms and families with children 18 and under.
- States have a lot of flexibility to design their TANF programs.
- Federal law bars states from using federal TANF dollars to assist most legal immigrants until they have been in the U.S. for at least five years.
 - Applies to cash assistance, work supports such as child care, transportation, and job training too.
 - States can choose to provide benefits to recent immigrants who are subject to the five-year bar, but fewer than half do so.
 - States can also choose to provide TANF to legal immigrants not subject the five-year bar (because they arrived before the 1996 law or have been in the country for at least five years) and nearly all states do.

The Supplemental Nutrition Assistance Program (SNAP) *formerly known as the Food Stamp Program*

- The average SNAP recipient received about \$125 a month (or about \$4.17 a day) in FY2014.
- Enrolled households receive an EBT card, which is loaded with benefits once a month.
- SNAP cannot be used to purchase alcoholic beverages, cigarettes, vitamin supplements, non-food grocery items such as household supplies, diapers or hot foods.
- SNAP eligibility rules and benefit levels are, for the most part, set at the federal level and uniform across the nation
- Under federal rules, before even considering immigration status, to qualify for SNAP benefits, a household must meet three criteria (states do have flexibility to adjust limits):
 1. Its gross monthly income generally must be at or below 130% FPL, or \$2,144 (about \$25,700 a year) for a three-person family in fiscal year 2015. Households with an elderly or disabled member need not meet this limit.
 2. Its net monthly income, or income after deductions are applied for items such as high housing costs and child care, must be less than or equal to the poverty line (about \$19,800 a year or \$1,650 a month for a three-person family in fiscal year 2015).
 3. Its assets must fall below certain limits: in fiscal year 2015 the limits are \$2,250 for households without an elderly or disabled member and \$3,250 for those with an elderly or disabled member.

SNAP Immigration Eligibility Rules

- **Eligible immediately if:** U.S. Citizen (by birth or naturalization), Refugee (§207), Asylee (§208), Cuban/Haitian National admitted after 4/21/80, etc.
- **Eligible after having status for 5 years of:** Legal Permanent Resident (LPR); Conditional entrant under §203(a)(7); Parolee; Abused spouse or child or parent or child of abused person with petition pending under VAWA
- **Eligible without 5 year wait if:** Under 18, disabled or blind, Veteran, or LPR with 40 quarters, AND Status of LPR, conditional entrant, parolee, abused noncitizen, or special Iraqi/Afghan immigrant
- Undocumented immigrants are ineligible for SNAP. However, ineligible immigrants are still considered a part of the household, and should be listed on applications (and assets of an ineligible household member count in full).

Federal Housing Assistance:

The Department of Housing and Urban Development (HUD) oversees three major programs:

1. Housing Choice Vouchers:

- 75% of new households admitted each year must be “extremely low-income,” with incomes not exceeding 30% of the local median or the poverty line, whichever is higher. Other new households may have incomes up to 80% of the area median. Housing agencies may set admissions preferences based on housing need or other criteria.

2. Section 8 Project-Based Rental Assistance:

- A family must be “low-income” — meaning that its income may not exceed 80% of the local median income — in order to move into Section 8 PBRA housing.

3. Public Housing:

- A family must be “low-income” in order to move into public housing. At least 40% of the new families that an agency admits each year must be “extremely low-income”.

Federal Housing Assistance: Immigrant eligibility

- **Citizens:** A citizen born in the United States; A naturalized citizen;
- **Qualified Immigrants:**
 - A lawful permanent resident,
 - A registry immigrant (admitted for permanent residence by the U.S. Attorney General and eligible for citizenship),
 - A refugee or an asylee,
 - A conditional entrant,
 - A parolee,
 - A withholding grantee,
 - A person granted 1986 amnesty status,
 - A resident of the Marshall Islands, Micronesia, Palau, or Guam,
 - A victim of trafficking or relatives of such a victim.
- ***If one member of your household fits into any of the categories above, your whole family can apply to all of the federal restricted programs. This person does not have to be the head of household.***
- Only household members who claim to be a US citizen or "eligible immigrant" have to verify a valid Social Security Number. You should not have to give a Social Security number to a program that does not verify citizenship or immigration status.

How does a federally-funded housing program that restricts eligibility to U.S. citizens and "eligible immigrants" figure out rent?

- It depends on the immigration status of the various family members.
- **If everyone in the family is a U.S. citizen or an "eligible immigrant:"** It depends on the program. Some programs, such as the Low Income Housing Tax Credit, charge all tenants in subsidized units the same rent amount regardless of income. HUD-funded housing programs generally base the rent amount on household income. When all members of the family are U.S. citizens or "eligible immigrants," families in these programs generally pay about 30% of their total income toward rent.
- **If at least one person in the family is NOT a U.S. citizen or an "eligible immigrant (called a "mixed family"):**" the rent will be higher than if all members were eligible. The landlord prorates, or figures out proportionately, the rent based on the number of citizens or "eligible immigrants" in the household.
- **If no one in the family is a U.S. citizen or "eligible immigrant" by the 1-year anniversary date:** Federally-funded housing assistance will be cut off. The family will get a certain deadline to leave their housing program.

General Application Rules for Mixed Status Families

- Generally, parents who are undocumented or not eligible for benefits may apply for public benefits for their citizen or qualified immigrant child or children.
- Whether the parents' income is counted toward the child's eligibility is determined by program.
- SSN numbers are not required when applying for public benefits for someone else such as your child.

Some Helpful Resources

- Welfare Rules Database:

<http://anfdata.urban.org/wrd/wrdwelcome.cfm>

- Detailed information on state rules for cash assistance under TANF
- Eligibility rules for different immigrant categories, including pre-enactment qualified immigrants and nonqualified immigrants.

- <http://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility>

- <http://www.fns.usda.gov/snap/mobile/eligibility/non-citizen-eligibility.html>

- [http://www.fns.usda.gov/sites/default/files/Non-Citizen Guidance 063011.pdf](http://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf)