

State Online SNAP Applications May Not Ask Unnecessary Questions Regarding Immigration Status or Social Security Numbers, FNS Reaffirms

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The Food and Nutrition Service (FNS) of the U.S. Department of Agriculture recently issued guidance reiterating that states must not deter access to the Supplemental Nutritional Assistance Program (SNAP, formerly food stamps) for eligible applicants living in mixed immigration status households. From a review of online application forms in 26 states, FNS found many that asked for immigration status-related information not needed to establish the eligibility of individuals seeking assistance. As a result, on Feb. 18, 2011, FNS issued guidance advising state agencies of changes needed to online application forms to reduce barriers to access by eligible applicants in immigrant families and prevent violations of Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin.

Given the prevalence of online application forms and the numerous problems FNS discovered in its review, NILC welcomes this reaffirmation of the Tri-Agency Guidance, first released in 2000.¹ The guidance clarifies that states may request citizenship/immigration status information and Social Security numbers (SSNs) only of household members who are themselves seeking SNAP, Medicaid, Children's Health Insurance Program (CHIP), or Temporary Assistance for Needy Families (TANF) benefits. States may not require households to provide information about the citizenship/immigration status or SSN of any nonapplicant family member or deny benefits to an eligible applicant for failure to provide this information regarding another family member.

FNS directs its regional offices to work with state agencies to improve their online applications by May 19, 2011. This is a wonderful opportunity for advocacy

groups to work with their state agencies and regional FNS offices to ensure that online application forms and agency enrollment procedures for SNAP do not deter eligible immigrants and their U.S. citizen family members from applying for benefits.

The new FNS guidance is available on the FNS website.² It summarizes the key policies of the 2000 Tri-Agency Guidance and reaffirms the grounding of those standards in the nondiscrimination provisions of Title VI of the Civil Rights Act and the SSN disclosure protections of the Privacy Act. The key points of the recent guidance include:

- State online application forms may not require individuals to enter information on the citizenship/immigration status or Social Security numbers of any family or household member who is not seeking SNAP benefits.
- States should allow an online applicant to identify which household members are seeking SNAP benefits and which members are not, thereby enabling individuals to "opt out" from either answering immigration-related questions or having their own eligibility otherwise considered.
- State online application forms must clearly explain the application rules for mixed applicant/nonapplicant households before the online user is confronted by immigration-related questions, and must allow the user to continue with the application without responding to certain questions.
- States must allow users to enter the income and resources of nonapplicant household members so that such information is reported and considered to determine the income eligibility of the person or persons applying for SNAP benefits.

¹ The 2000 Tri-Agency Guidance is available at www.fns.usda.gov/SNAP/rules/Memo/pdfs/triagencyletter.pdf. NILC's summary of the guidance is at www.nilc.org/immspbs/vr/SSN_Guidance_2004.pdf.

² www.fns.usda.gov/snap/rules/Memo/pdfs/Tri-Agency_Guidance_Memo-021811.pdf.

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