



MAR - 6 2009

United States
Department of
Agriculture

Food and
Nutrition
Service

SUBJECT: SNAP – Whether Verification of Sponsor’s Income is Required to Determine Indigence

3101 Park
Center Drive

TO: All Regional Directors
Supplemental Nutrition Assistance Program (SNAP)

Alexandria, VA
22302-1500

The purpose of this memorandum is to clarify Food and Nutrition Service (FNS) policy on whether verification of a sponsor’s income and resources is needed to determine if an immigrant is indigent for Supplemental Nutrition Assistance Program (SNAP) purposes. Immigrants who meet the indigence exception are exempt from sponsor deeming.

To determine if a sponsored immigrant is indigent, a State agency must determine if the immigrant “is unable to obtain food and shelter”, meaning that the sum of the eligible sponsored immigrant household’s own income, the cash contributions of the sponsor and others, and the value of any in-kind assistance the sponsor and others provide, does not exceed 130 percent of the poverty income guideline for the household’s size as provided under 7 CFR 273.4(c)(3)(iv).

FNS was apprised that a State agency had issued policy clarification that the cash contributions and in-kind assistance from the sponsor had to be verified prior to making a determination of indigence. The State agency’s policy is inconsistent with the intent of federal regulations and negates the purpose of the indigence determination.

FNS policy is that a sponsored immigrant may self-declare that he or she is not being supported by the sponsor. If the sponsored immigrant self-declares non-support from the sponsor, all that can be estimated when determining indigence is the sponsored immigrant household’s income and any other income received from others. The State agency does not need verification from the sponsor of non-support. Requiring such verification would create a barrier to program access, particularly in cases where the sponsor cannot be located. Even if the sponsor can be located, it is unlikely that he or she would provide verification of failure to support an immigrant, particularly when a legally binding affidavit of support is in place signed by the sponsor.

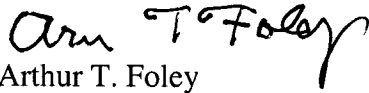
Only after the indigence determination has been made can the normal SNAP budgeting process begin to verify and count actual income received. An immigrant who is indigent is exempt from sponsor deeming and does not need to provide verification of the sponsor’s income and resources. However, if the immigrant receives cash contributions from the sponsor, then the amount of cash given must be verified. If the immigrant is indigent, the State agency must count the actual amount of cash support provided from the sponsor for a period beginning on the date of eligibility determination and ending 12 months after such date. This comports with the provisions at 7 CFR 273.4(c)(3)(iv) and the rules on verification of income at 7 CFR 273.2(f)(1)(i). If the sponsored immigrant is not indigent, then sponsor deeming rules apply and the State agency must verify the sponsor’s total income and resources.

AN EQUAL OPPORTUNITY EMPLOYER

All Regional Directors
Page 2

Once a determination of indigence has been made, the immigrant remains indigent for 12 months from the date of eligibility, regardless of any secondary information that may be obtained from the state agency's Systematic Alien Verification for Entitlements (SAVE) on the sponsor within the household's certification period.

State agencies that have questions regarding this policy clarification should contact their respective Regional Office representative. Regional office staff who have questions should contact their respective liaison in the Certification Policy Branch.



Arthur T. Foley

Director

Program Development Division