

This is an amendment to 8.139.410 NMAC, Sections 8 and 9. This amendment clarifies the requirement to provide a Social Security Number and provisions in determining qualified alien status.

8.139.410.8 ENUMERATION (SOCIAL SECURITY NUMBER):

A. Requirement: The Social Security number is required for every individual who receives food stamp benefits. Providing the Social Security Number of a household member is voluntary. However, failure to provide the Social Security number shall result in the denial of food stamp benefits to the household member.

[A.](1) ~~[All households]~~ A household participating in the Food Stamp Program (FSP) must provide the Social Security number of each household member before certification. An actual Social Security card is not mandatory to fulfill the verification requirement.

[B.](2) If an individual has more than one number, all numbers must be provided.

[C.](3) If an individual does not have a Social Security number, or if the household does not know if an individual member has a Social Security Number, the household must apply for a Social Security number for the individual(s) before certification.

[D.](4) ~~[An Income Support Specialist (ISS) will]~~ A caseworker shall inform the household where to apply and what information is needed, and ~~[will]~~ shall advise the household that proof of application from the Social Security Administration (SSA) office for a Social Security number is required before certification.

[E.](5) The ~~[ISS will]~~ caseworker shall explain to applicants and participants that refusal or failure to comply, without good cause, ~~[will]~~ shall result in disqualification of the individual household member for whom a Social Security number has not been provided or obtained.

(6) For a newborn, the household must provide an Social Security number or proof of application for a Social Security number at the next recertification or within six months, whichever is later.

[F.](B. Validation of Social Security Number:

(1) The ~~[ISS will]~~ caseworker shall record, in the case file and the computer file, the Social Security number of each household member at certification, recertification, or at any contact with the household. The Social Security number is validated by the SSA on a periodic basis.

(2) Immediate validation of an individual's Social Security number is not required for participation in the FSP. Household certification or issuance of food stamp benefits ~~[will]~~ shall not be delayed solely to validate the Social Security number of a household member.

(3) When a Social Security number has been validated by the SSA, the ~~[ISS will]~~ caseworker shall make a permanent annotation on the client case file to prevent validation of the Social Security number in the future.

(4) The ~~[ISS must]~~ caseworker shall offer to:

(a) Complete, or help the applicant complete, an application for a Social Security Number, form SS-5.

(b) Verify identity, age, and citizenship or alien status, as required by SSA;

(c) Forward the SS-5 application to the SSA.

[G.](C. Disqualification from Food Stamps: If ~~[an ISS]~~ a caseworker determines that the household has refused or failed to provide or apply for a Social Security number without good cause, the individual who does not have a Social Security number ~~[will]~~ shall be ineligible to participate in the FSP.

(1) Refusal to Comply: Refusal to provide or apply for a Social Security number ~~[will]~~ shall result in the disqualification of the individual for whom a Social Security Number is required. Any remaining household members are eligible to participate in the FSP.

(2) Failure to Comply: Individuals who fail, without good cause, to meet the enumeration requirement within the required time period are ineligible. The disqualification applies to an individual(s), not to an entire household. An individual becomes eligible to participate, and the disqualification ends, when the Social Security number is provided.

(3) Determining Good Cause: If a household can show good cause why an application has not been completed in a timely manner, the household member without a Social Security number ~~[will]~~ shall be allowed to participate for one month in addition to the application month. To determine good cause, information from the household member, the Social Security Administration, and HSD records ~~[must]~~ shall be considered. Documentary evidence or collateral information (8.139.~~[650]~~ 100.7 NMAC Definitions) that the member has applied for a Social Security number or has made every effort to provide the Social Security Administration with the information needed to complete an application is considered good cause for not complying timely with this requirement. If a household member applying for a Social Security number is unable to obtain the documents required by the Social Security Administration, the ~~[ISS must]~~ caseworker shall make every effort to help the household get these documents.

(a) If a household can show good cause why an application for a Social Security number has not been made in a timely manner, the household member concerned ~~[will]~~ shall be allowed to continue to participate each month that good cause exists.

(b) Good cause does not include delays caused by illness, lack of transportation, or temporary absence, since the SSA provides for the application process to be conducted entirely by mail. A personal interview is not required except for persons age 18 or over who must apply for an original Social Security Number at a local SSA office.

(4) **Participation Pending Notification:** When an application for a Social Security Number has been filed, as verified by a receipt of application for a Social Security Number from the Social Security Administration (SSA), an individual ~~[will]~~ shall be permitted to participate in the Food Stamp Program, pending notification by the SSA of the household member's Social Security number.

(5) **Subsequent Actions:** If the Social Security number is not verified at recertification for a number already provided, or has not been computer-verified in the interim, the ~~[ISS must]~~ caseworker shall disqualify the individual for noncompliance with the enumeration requirement. The ~~[ISS must]~~ caseworker shall have offered to help the individual complete an application for a duplicate Social Security number. Any household member disqualified for noncompliance with the enumeration requirement becomes eligible upon providing verification of a valid Social Security number.

~~[H.]D.~~ **Resources and Income:** The resources of a disqualified individual count in their entirety. A pro rata share of the disqualified individual's income ~~[will]~~ shall be considered available to the remaining household members.

~~[H.]E.~~ **Use of Social Security Number:** HSD is authorized to use Social Security Numbers in the administration of the Food Stamp Program. To the extent determined necessary, HSD may access computer information regarding individual applicants and participants who receive benefits or services under Title XVI of the Social Security Act. The Social Security Number ~~[will]~~ shall be used to prevent duplicate participation, to facilitate mass changes in federal benefits, and to request and exchange information on individuals through the IEVS and SAVE computer match programs, and the Department of Labor.

[02/01/95, 07/01/98; 8.139.410.8 NMAC - Rn, 8 NMAC 3.FSP.411, 05/15/2001; A, 02/14/2002]

~~[8.139.410.9]~~ — CITIZENSHIP

~~A. — U.S. Citizens:~~ Participation in the Food Stamp Program is limited to individuals who live in the United States, and who are U.S. citizens or aliens with eligible alien status. Individuals on probation or parole from prison are included. Such individuals may have forfeited citizenship rights, such as the right to vote or run for office, but have not forfeited their citizenship. A birth outside the United States does not preclude U.S. citizenship, especially if both parents are U.S. citizens, but further verification is warranted.

~~B. — Aliens:~~ Qualified aliens, other than those described in this section, are not eligible to participate in the Food Stamp Program.

~~(1) — Time Limited Eligibility:~~ The following aliens are eligible for seven years after admission or status is granted into the United States:

~~(a) — The date of entry of an alien as a refugee under Section 207 of the Immigration and Nationality Act;~~

~~(b) — The date an alien is granted asylum under section 208 of the INA;~~

~~(c) — The date an alien's deportation is withheld under section 243(h) of the Immigration and Nationality Act;~~

~~(d) — The date an alien is granted status as a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980;~~

~~(e) — The date an alien is admitted to the United States as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as amended.~~

~~(2) — Aliens With No Time Limit:~~

~~(a) — An alien who is lawfully admitted to the United States for permanent residence (LPR) under the Immigration and Nationality Act, and has worked for 40 qualifying quarters of coverage as defined under Title II of the Social Security Act, or can be credited with such qualifying quarters. The definition of lawfully admitted for permanent residence under the Immigration and Nationality Act will be based on standards issued by the U.S. Immigration and Naturalization Service.~~

~~(b) — An alien who is lawfully residing in the state and who is:~~

(i) — a veteran with an honorable discharge and not on account of alien status, who has fulfilled minimum active duty service requirements;
(ii) — on active duty, other than active duty for training, in the Armed Forces of the United States; or

(iii) — the spouse, unremarried surviving spouse, or unmarried dependent child (under the age of 18), of a veteran or active duty alien.

(c) — An alien who receives benefits or assistance for blindness or disability as defined in Paragraph 22 of Subsection A of 8.139.650.7 NMAC, Definitions, and who was lawfully residing in the United States on August 22, 1996;

(d) — An alien who was lawfully residing in the United States and was 65 years of age or older on August 22, 1996;

(e) — A alien who was lawfully residing in the United States on August 22, 1996 and is under 18 years of age;

(f) — An American Indian born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act apply;

(g) — A member of an Indian tribe as defined in section 4(e) of the Indian Self Determination and Education Assistance Act;

(h) — An alien lawfully residing in the United States, the spouse or unmarried dependent child (under age 18) of the alien, or the unremarried surviving spouse of an alien, who was a member of a Hmong or Highland Laotian tribe at the time the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in section 101 of title 38, U.S.C.).

(3) — Quarters of Coverage: SSA reports quarters of coverage through the Quarters of Coverage History System (QCHS).

(a) — Counting Quarters. For purposes of determining the number of quarters of coverage under Title II of the Social Security Act (SSA), and eligibility under (a) of Paragraph 2 of Subsection B of 8.139.410.9 NMAC, an alien will be credited with all of the quarters that were worked by himself/herself, as well as all of the qualifying quarters of coverage worked by the parent of such alien while the alien was under 18; and all of the quarters worked by a spouse during the marriage, provided the alien remains married to the spouse or the spouse is deceased.

(b) — Disputing quarters. If an applicant disputes the SSA determination of quarters of coverage reported by QCHS, the individual may participate for up to six (6) months pending the results of an SSA investigation. The individual must have requested an investigation from SSA in order to participate. The household is responsible for repayment of any food stamp benefits issued for such individual while the investigation was in progress, if SSA determines that the individual cannot be credited with 40 quarters of coverage under Title II of the Social Security Act.

(4) — Federal Means Tested Benefit: Beginning January 1, 1997, a quarter cannot be counted as a qualifying quarter if an alien, the parent of an alien, or the spouse of an alien, received a federal means tested benefit.

(a) — Federal means tested benefits include, but may not be limited to, benefits from:

(i) — the Food Stamp Program;

(ii) — the food assistance block grant programs in Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands;

(iii) — Supplemental Security Income (SSI);

(iv) — TANF block grant under Title IV of the Social Security Act.

(b) — For purposes of determining whether an alien has or has not received a federal means tested benefit during a quarter, the definition of federal means tested benefit will not include:

(i) — Medical Assistance under Title XIX of the Social Security Act (Medicaid) for emergency treatment of an alien, not related to an organ transplant procedure, if the alien otherwise meets eligibility for Medical Assistance under the state plan;

(ii) — Short term, non-cash, in-kind emergency disaster relief;

(iii) — Assistance or benefits under the National School Lunch Act;

(iv) — Assistance or benefits under the Child Nutrition Act of 1966;

(v) — Public health assistance (not including any assistance under Title XIX Medicaid) for immunizations, and testing and treatment of symptoms of communicable diseases, whether or not such symptoms are caused by communicable diseases;

~~(vi) — Payments for foster care and adoption assistance under Part B and E of Title IV of the Social Security Act for a parent or child who would, in the absence of the restriction of eligibility for aliens contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, be eligible for such payments made on the child's behalf, but only if the foster or adoptive parent (or parents) of such child is a qualified alien;~~

~~(vii) — Programs, services, or assistance, delivering in-kind services at the community level and necessary for the protection of life or safety, that do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided, on the individual recipient's income or resources;~~

~~(viii) — Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965, and titles III, VII, and VIII of the Public Health Service Act;~~

~~(ix) — Means tested programs under the Elementary and Secondary Education Act of 1965;~~

~~(x) — Benefits under the Head Start Act;~~

~~(xi) — Benefits under the Job Training Partnership Act;~~

~~C. — Verification of Citizenship/Eligible Alien Status: U.S. citizenship is verified only when client statement of citizenship is inconsistent with statements made by the applicant or with other information on the application, previous applications, or other documented information known to the ISS.~~

~~(1) — U.S. Citizenship: Any member whose U.S. citizenship is questionable is ineligible to participate until proof of U.S. citizenship is obtained. The member whose citizenship is questionable will have all his/her resources and a pro rata share of income considered available to any remaining household members.~~

~~(2) — Eligible Alien Status: Verification of eligible alien status is mandatory at initial certification. Only those household members identified as aliens with legal alien status are eligible to participate in the FSP.~~

~~(3) — Ineligible or Questionable Alien Status: Any household member identified as an ineligible alien, or whose alien status is in question, is not allowed to participate in the FSP. The ISS is responsible for offering to contact the Immigration and Naturalization Service if the alien has a document that does not clearly indicate eligible or ineligible alien status. Among those ineligible for participation are alien visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in another country.~~

~~D. — Need for Documentation:~~

~~(1) — Household members identified as aliens must present documentation, such as but not limited to, a letter, notice of eligibility, or identification card which clearly establishes that the alien has been granted legal status.~~

~~(2) — An ISS will allow aliens a reasonable time to submit acceptable documentation of eligible alien status. A reasonable time will be 10 days after the date the ISS requests an acceptable document, or until the 30th day after application, whichever is longer.~~

~~(3) — If verification of an individual's eligible status is not provided by the deadline, the eligibility of the remaining household members will be determined. Verification of eligible alien status provided at a later date will be treated as a reported change in household membership.~~

~~(4) — If an ISS accepts a non-INS document and determines that it is reasonable evidence of eligible alien status, the document will be copied and sent to INS for verification. The ISS will not delay, deny, reduce, or terminate the individual's participation pending verification from INS.~~

~~(5) — Inability to Obtain INS Documentation: If a household indicates an inability to provide documentation of alien status for any member of the household, that member will be considered an ineligible alien. The ISS will not offer to contact INS when the alien does not provide any documentation from INS.~~

~~E. — Failure to Cooperate: If a household, or a household member, indicates an unwillingness to provide documentation of alien status for any member, that member will be considered an ineligible alien. The ISS will not continue efforts to get documentation.~~

~~F. — Reporting Illegal Aliens:~~

~~(1) — An ISS must immediately inform the Food Assistance Bureau whenever the ISS determines that any member of a household is ineligible to receive food stamp benefits because the member is present in the United States in violation of the Immigration and Nationality Act.~~

~~(2) — If an individual admits to an ISS that he/she is in the country illegally, or if obviously forged documents are presented, the ISS must report the person to the Food Assistance Bureau for referral to INS.~~

~~(3) — Mere suspicion that an individual is an illegal alien, or the fact that an individual cannot or will not provide documentation, is not sufficient grounds to report him or her.~~

~~(4) — If a household withdraws its application, the report should still be submitted if an interview has progressed to the point where enough information has been obtained to justify reporting an individual to INS.~~

~~(5) Illegal alien status is considered reported when the ISS enters the information on the household's computer file.~~

~~G. **Income and Resources of Ineligible Aliens:** All the income and resources of an ineligible alien, or of an alien whose alien status is unverified, will be considered in determining eligibility and food stamp benefit amount for the remaining eligible household members.]~~

8.139.410.9 CITIZENSHIP AND ALIEN STATUS: Participation in the Food Stamp Program is limited to individuals who live in the United States, and who are U.S. citizens or aliens with eligible alien status. Among those ineligible for participation are alien visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in another country.

A. Eligibility: No individual is eligible to participate in the Food Stamp Program unless that individual is:

(1) a U.S. Citizen:

(2) a U.S. Non-Citizen National

(3) an American Indian who is:

(a) an American Indian born in Canada who possesses at least 50 per centum of blood of the American Indian race to whom the provisions of section 289 of the Immigration and Nationality Act (INA) (8 U.S.C. 1359) apply; or

(b) a member of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians;

(4) Hmong or Highland Laotian:

(a) A member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964, and ending May 7, 1975 who is lawfully residing in the U.S.;

(b) The spouse, or surviving spouse of such Hmong or Highland Laotian, or

(c) An unmarried or surviving dependent child who is under the age of 18 or if a full-time student under the age of 22; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the person prior to the child's 18th birthday of such Hmong or Highland Laotian.

(5) Qualified and Eligible Alien: An individual who is both a "qualified alien" and an "eligible alien" as defined in Subsection B of 8.139.410.9 NMAC.

B. Qualified and Eligible Aliens: An alien may qualify for participation in the Food Stamp Program if the alien meets at least one definition of "qualified alien" from Paragraph (1) below and one definition of "eligible alien" as defined in Paragraph (2) below.

(1) Qualified Alien: A "Qualified Alien" means:

(a) An alien who is lawfully admitted for permanent residence under the INA;

(b) An alien who is granted asylum under section 208 of the INA;

(c) A refugee who is admitted to the United States under section 207 of the INA;

(d) An alien who is paroled into the U.S. under section 212(d)(5) of the INA for a period of at least 1 year;

(e) An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA;

(f) an alien who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;

(g) an alien, an alien child's parents or an alien child who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the alien at the time of the abuse;

(h) an alien who is a Cuban or Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

(2) Eligible Alien: A qualified alien, as defined in Paragraph (1) of this SubSection, must have a status of at least one of the following to be eligible to receive food stamps:

(a) An alien who is lawfully admitted to the United States for permanent residence (LPR) under the Immigration and Nationality Act, and has worked for 40 qualifying quarters of coverage as defined under Title II of the Social Security Act, or can be credited with such qualifying quarters. The definition of lawfully admitted for permanent residence under the Immigration and Nationality Act shall be based on standards issued by the U.S. Immigration and Naturalization Service.

(b) An alien admitted as a refugee under section 207 of the INA. Eligibility is limited to 7 years from the date of the alien's entry into the U.S.

(c) An alien granted asylum under section 208 of the INA. Eligibility is limited to 7 years from the date asylum was granted.

(d) An alien whose deportation is withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA. Eligibility is limited to 7 years from the date deportation or removal was withheld.

(e) An alien granted status as a Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980). Eligibility is limited to 7 years from the date the status as a Cuban or Haitian entrant was granted.

(f) An Amerasian admitted pursuant to section 584 of Public Law 100-202, as amended by Public Law 100-461. Eligibility is limited to 7 years from the date admitted as an Amerasian.

(g) An alien with one of the following military connections:

(i) A veteran who was honorably discharged for reasons other than alien status, who fulfills the minimum active-duty service requirements including an individual who died in active military, naval or air service.

(ii) An individual on active duty in the Armed Forces of the U.S. (other than for training).

(iii) The spouse or surviving spouse of a veteran or active duty military alien described above provided the spouse has not remarried.

(iv) A child or surviving child of a deceased veteran (provided such child was dependent upon the veteran at the time of the veteran's death) who is under the age of 18 (if a full-time student, under the age of 22); or an unmarried disabled child age 18 or older if the child was disabled and dependent on the veteran prior to the child's 18th birthday.

(h) An individual who on August 22, 1996, was lawfully residing in the U.S., and is now receiving benefits or assistance for blindness or disability as defined in Paragraph (23) of Subsection A of 8.139.100.7 NMAC.

(i) An individual who on August 22, 1996, was lawfully residing in the U.S., and was born on or before August 22, 1931; or

(j) An individual who on August 22, 1996, was lawfully residing in the U.S. and is now under 18 years of age.

(3) Quarters of Coverage:

(a) SSA reports quarters of coverage through the Quarters of Coverage History System (QCHS).

(b) An alien lawfully admitted for permanent residence under the INA who has 40 qualifying quarters as determined under title II of the Social Security Act, including qualifying quarters of work not covered by Title II of the Social Security Act, based on the sum of: quarters the alien worked; quarters credited from the work of a parent of the alien before the alien became 18 (including quarters worked before the alien was born or adopted); and quarters credited from the work of a spouse of the alien during their marriage if they are still married or the spouse is deceased.

(i) A spouse may not get credit for quarters of a spouse when the couple divorces prior to a determination of food stamp eligibility.

(ii) If eligibility of an alien is based on the quarters of coverage of the spouse, and then the couple divorces, the alien's eligibility continues until the next recertification. At that time, the caseworker shall determine the alien's eligibility without crediting the alien with the former spouse's quarters of coverage.

(c) **Disputing quarters:** If an applicant disputes the SSA determination of quarters of coverage reported by QCHS, the individual may participate for up to six (6) months pending the results of an SSA investigation. The individual or HSD must have requested an investigation from SSA in order to participate. The household is responsible for repayment of any food stamp benefits issued for such individual during the investigation if SSA determines that the individual cannot be credited with 40 quarters of coverage under Title II of the Social Security Act.

(4) **Federal Means-Tested Benefit:** After December 31, 1996, a quarter in which an alien received any Federal means-tested public benefit, as defined by the agency providing the benefit, or actually received food stamps is not creditable toward the 40-quarter total. A parent's or spouse's quarter is not creditable if the parent or spouse actually received any Federal means-tested public benefit or actually received food stamps in that quarter. If

the alien earns the 40th quarter of coverage prior to applying for food stamps or any other Federal means- tested public benefit in that same quarter, the caseworker shall allow that quarter toward the 40 qualifying quarters total.

(a) Federal means-tested benefits include, but may not be limited to, benefits from:

(i) the Food Stamp Program;

(ii) the food assistance block grant programs in Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands;

(iii) Supplemental Security Income (SSI);

(iv) TANF block grant under Title IV of the Social Security Act.

(b) For purposes of determining whether an alien has or has not received a federal means-tested benefit during a quarter, the definition of federal means-tested benefit shall not include:

(i) Medical Assistance under Title XIX of the Social Security Act (Medicaid) for emergency treatment of an alien, not related to an organ transplant procedure, if the alien otherwise meets eligibility for Medical Assistance under the state plan;

(ii) Short-term, non-cash, in-kind emergency disaster relief;

(iii) Assistance or benefits under the National School Lunch Act;

(iv) Assistance or benefits under the Child Nutrition Act of 1966;

(v) Public health assistance (not including any assistance under Title XIX Medicaid) for immunizations, and testing and treatment of symptoms of communicable diseases, whether or not such symptoms are caused by communicable diseases;

(vi) Payments for foster care and adoption assistance under Part B and E of Title IV of the Social Security Act for a parent or child who would, in the absence of the restriction of eligibility for aliens contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, be eligible for such payments made on the child's behalf, but only if the foster or adoptive parent (or parents) of such child is a qualified alien;

(vii) Programs, services, or assistance, delivering in-kind services at the community level and necessary for the protection of life or safety, that do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided, on the individual recipient's income or resources;

(viii) Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965, and titles III, VII, and VIII of the Public Health Service Act;

(ix) Means-tested programs under the Elementary and Secondary Education Act of 1965;

(x) Benefits under the Head Start Act;

(xi) Benefits under the Workforce Investment Act.

C. Verification of Citizenship/Eligible Alien Status: U.S. citizenship is verified only when client statement of citizenship is inconsistent with statements made by the applicant or with other information on the application, previous applications, or other documented information known to HSD.

(1) **U.S. Citizenship:** Any member whose U.S. citizenship is questionable is ineligible to participate until proof of U.S. citizenship is obtained. The member whose citizenship is questionable shall have all of his resources and a pro rata share of income considered available to any remaining household members.

(2) **Eligible Alien Status:** Verification of eligible alien status is mandatory at initial certification. Only those household members identified as aliens with qualified and eligible alien status are eligible to participate in the FSP.

(3) **Ineligible or Questionable Alien Status:** Any household member identified as an ineligible alien, or whose alien status is in question cannot participate in the FSP. The caseworker is responsible for offering to contact the Immigration and Naturalization Service if the alien has a document that does not clearly indicate eligible or ineligible alien status.

D. Need for Documentation:

(1) Household members identified as aliens must present documentation, such as but not limited to, a letter, notice of eligibility, or identification card which clearly establishes that the alien has been granted legal status.

(2) A caseworker shall allow aliens a reasonable time to submit acceptable documentation of eligible alien status. A reasonable time shall be 10 days after the date the caseworker requests an acceptable document, or until the 30th day after application, whichever is longer.

(3) If verification of an individual's eligible status is not provided by the deadline, the eligibility of the remaining household members shall be determined. Verification of eligible alien status provided at a later date shall be treated as a reported change in household membership.

(4) If a caseworker accepts a non-INS document and determines that it is reasonable evidence of eligible alien status, the document shall be copied and sent to INS for verification. The caseworker shall not delay, deny, reduce, or terminate the individual's participation pending verification from INS.

(5) **Inability to Obtain INS Documentation:** If a household indicates an inability to provide documentation of alien status for any member of the household, that member shall be considered an ineligible alien. The caseworker shall not continue efforts to contact INS when the alien does not provide any documentation from INS.

E. Failure to Cooperate: If a household, or a household member, indicates an unwillingness to provide documentation of alien status for any member, that member shall be considered an ineligible alien. The caseworker shall not continue efforts to get documentation.

F. Reporting Illegal Aliens:

(1) HSD shall inform the local INS office immediately whenever a caseworker determines that any member of a household is present in the US in violation of the INA.

(2) Illegal alien status is considered reported when the caseworker enters the information on the household's computer file.

G. Income and Resources of Ineligible Aliens: All the resources and a prorated share of income of an ineligible alien, or of an alien whose alien status is unverified, shall be considered in determining eligibility and food stamp benefit amount for the remaining eligible household members.

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