

Analysis: State Implementation of H.R.1 SNAP Restrictions on "Qualified Aliens"

October 2025

On July 4, 2025, President Trump signed into law H.R.1, also known as the 2025 reconciliation tax and budget bill or the One Big Beautiful Bill Act (OBBBA). The law impacts all Americans but introduces several key provisions that directly target access to means-tested federal benefits for certain refugees and humanitarian entrants (including federal food assistance, or SNAP).

There has been confusion about *which refugees and humanitarian entrants* should be impacted by H.R.1's changes to the Supplemental Assistance Nutrition Program (SNAP) and Medicaid, particularly those with lawful permanent resident (LPR) status – and how the OBBBA provisions *interact with the [Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#)* (PRWORA).

PRWORA established a five year waiting period for LPRs (who entered the United States on/after August 22, 1996) to access certain benefits, including SNAP and Medicaid, but, importantly, [exempted refugees and asylees](#) from that waiting period. In addition, the [Afghan Allies Protection Act of 2009](#) specified that Afghans granted special immigrant status (either from the date of entry or the date of adjustment to special immigrant status within the United States, whichever is later) would be eligible for “resettlement assistance, entitlement programs, and other benefits available to refugees” admitted under INA sec. 207, 8 U.S.C. 1157. As a result, Afghan Special Immigrant Visa holders (SIVs) - who arrive as LPRs - are similarly [not subject to the five year waiting period](#) and can apply for [SNAP](#) and Medicaid immediately upon arrival to the United States (or date of adjustment within the United States).

Under H.R.1, the SNAP provisions do not have a delayed effective date, while the Medicaid restrictions go into effect in October of 2026. As of October 2025, most states are waiting for additional federal guidance from the U.S. Department of Agriculture ([USDA](#)) on how to implement H.R.1 before initiating any changes in eligibility. But *some states are moving forward proactively*, and advocates have raised concerns that states might wrongfully cut off some vulnerable populations via an overly broad interpretation of the changes. This resource is designed to clarify eligibility for refugees and other humanitarian entrants under the new law, and clarify how the law interacts with existing protections established under PRWORA.

Status Quo under PRWORA before H.R.1

Prior to the passage of H.R.1, noncitizen eligibility for federal benefits programs was governed by a combination of Title IV of PRWORA (codified at 8 U.S.C. 1601 et seq) and program-specific rules in those programs' statutes. PRWORA states that in addition to other criteria, only “qualified aliens” should be able to access federal benefits like SNAP, Medicaid, SSI, and TANF. The statute defines “qualified alien” as individuals who:

- Are lawful permanent residents (LPRs); OR
- Are refugees, asylees, or conditional entrants; OR
- Have been paroled into the United States for at least one year; OR
- Are Cuban or Haitian entrants as defined by the Refugee Education Assistance Act; OR
- Are individuals who reside in accordance with a Compact of Free Association; OR
- Are individuals granted withholding of deportation or removal; OR
- Are certain abused immigrants, their children, and/or their parents (those with petitions under the Violence Against Women Act); OR
- Are certain survivors of trafficking (recipients of T visas).

PRWORA establishes additional, specific requirements for eligibility for SNAP. Specifically, “qualified aliens” eligible for SNAP include those who:

- Are lawful permanent residents (LPRs) with forty qualifying quarters of work history; OR
- Are qualified aliens who have been in the U.S. for five years in any status; OR
- Are qualified aliens who are under the age of 18; OR
- Are admitted to the U.S. as refugees, or Amerasian immigrants or granted asylum or Cuban/Haitian entrant status within the prior seven years. (8 U.S.C. 1612(a)(2)(A)).

The law provides that refugees, asylees, and other humanitarian entrants are “qualified aliens” and, more specifically, eligible for SNAP *on the basis of their status at admission as refugees or when granted asylum status*. Under PRWORA, these individuals are not subject to a five year wait. Importantly, PRWORA provides that its blanket eligibility rules apply “notwithstanding any other provision of law.” For more information, see [CRS: PRWORA’s Restrictions on Noncitizen Eligibility for Federal Public Benefits: Legal Issues](#).

In addition, section 6(f) of the Food and Nutrition Act of 2008 (codified at 7 U.S.C. 2015(f) and dating back to 1977) provided a list of categories of non-citizens eligible for SNAP. This list included LPRs, refugees, asylees, and others fleeing foreign oppression. To qualify for SNAP, an immigrant must meet both the PRWORA requirements and those of the Food and Nutrition Act. In practice, the PRWORA requirements generally were more restrictive and so were central to eligibility determinations.

In guidance on noncitizen eligibility for SNAP from 2011, the USDA has made clear that, due to the Afghan Allies Protection Act of 2009, SIV recipients are *also* eligible for SNAP without having to meet any additional conditions. See an excerpt from that guidance here:

Are some non-citizens eligible for SNAP without having to meet an additional condition?

Yes. There are some categories of non-citizens who are eligible for SNAP who do not have to meet the 5-year residency requirement or have 40 qualifying quarters of work. The following describes those who are eligible without a waiting period and without having to meet one additional condition:

No Waiting Period or Additional Condition Needed to be Eligible for SNAP
Refugees
Victims of severe trafficking
Asylees or Deportation Withheld
Amerasians
Cuban and Haitian entrants
Iraqi and Afghan special immigrants
Certain American Indians born abroad
Hmong or Highland Laotian tribal members
Qualified Alien children under 18
Individuals receiving benefits or assistance for blindness or disability ¹
Elderly who were lawfully residing in the U.S. and 65 or older on August 22, 1996
Military connection ²

(Source: [SNAP Non-Citizen Guidance](#))

Text and Impact of H.R.1 Provision Restricting SNAP Eligibility

On July 4, President Trump signed H.R.1 into law. This legislation rewrote the eligibility criteria in the Food and Nutrition Act to be substantially narrower while leaving those in PRWORA unchanged. As amended by H.R.1, the Food and Nutrition Act limits SNAP eligibility as follows:

SEC. 10108. ALIEN SNAP ELIGIBILITY.

Section 6(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(f)) is amended to read as follows:

“(f) No individual who is a member of a household otherwise eligible to participate in the supplemental nutrition assistance program under this section shall be eligible to participate in the supplemental nutrition assistance program as a member of that or any other household unless he or she is—

“(1) a resident of the United States; and

“(2) either—

“(A) a citizen or national of the United States;

“(B) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act, excluding, among others, alien visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country;

“(C) an alien who has been granted the status of Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422); or

“(D) an individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 402(b)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The income (less, at State option, a pro rata share) and financial resources of the individual rendered ineligible to participate in the supplemental nutrition assistance program under this subsection shall be considered in determining the eligibility and the value of the allotment of the household of which such individual is a member.”

The provision specifically amends only the *Food and Nutrition Act of 2008* and *does not purport to amend or adjust eligibility under PRWORA or any other legislation*. It changes the requirements to receive SNAP, eliminating some prior eligibility grounds and specifying others, but makes no change in the text of the eligibility provision for LPRs at 7 U.S.C. 2015(f)(2)(B) (compare [2024 version](#)).

As a result, non-citizens' eligibility for SNAP now depends on meeting different tests under the two relevant laws. Their *status at entry* determines whether they are subject to PRWORA's five-year waiting period. If they entered as a refugee, an asylee, an Afghan SIV recipient, or in some other categories of people fleeing persecution, they are exempt from PRWORA's five-year waiting period. Meanwhile, their *current status* determines whether they are eligible under the Food and Nutrition Act as amended. If they entered as an LPR or have since adjusted to that status, they meet the requirements of section 6(f) of the Act.

Who should remain eligible for SNAP and other federal means tested services?

The provisions in H.R.1 newly exclude refugees, asylum recipients, and other humanitarian entrants who are not green card holders from accessing SNAP, to devastating effect on many newcomers who are just beginning to build new lives and access self-sufficiency.

However, the H.R.1 provisions should not impact otherwise-eligible lawful permanent residents (including those who entered as refugees or asylees and SIVs who have green cards). **The provision does not amend PRWORA or require states to treat refugees, asylum recipients, and others who are lawful permanent residents as if they have to meet other conditions (such as the five year waiting period).**

Similarly H.R.1 does not impact the eligibility of LPR children under the age of 18, who are also not subject to the five year waiting period. **All LPRs who are under the age of 18 should have immediate access to SNAP, regardless of their prior status – not subject to any waiting period.**

Refugees must and asylees may file for LPR status one year after arrival (refugees) or asylum grant (asylees). Under INA sec. 209 (8 U.S.C. 1159), the United States [backdates](#) refugees' admission for lawful permanent residence as the date of arrival to the U.S. (and for asylees, as one year prior to the date of adjustment). For refugees, asylees, and Afghan SIVs alike, [they were never subject to a waiting period](#) to be (indefinitely¹) eligible for SNAP once they have LPR status.

H.R.1 may have excluded refugees, asylees, and humanitarian entrants from initial eligibility for SNAP, until they adjust to LPR status, but it never amended the statutory provisions related to a waiting period for those populations, nor Afghan SIVs. Therefore, government entities should ensure that asylees, refugees, Afghan SIVs and other humanitarian populations² with LPR status remain eligible for SNAP to the same extent and period of time – and are NOT subject to a waiting period upon adjustment of status (or arrival to the U.S. if arriving as an LPR).

Government entities also should not terminate any non-citizens' benefits without ascertaining their *current status*. Because attaining LPR status was largely irrelevant to the eligibility of refugees and asylees prior to H.R.1, many states have not bothered to update their records to reflect refugees' and asylees' adjustment to the now-crucial status of LPR. Before assuming that someone listed in their records as a refugee, asylee, or SIV holder is ineligible for SNAP, state agencies should inquire whether the individual has adjusted to LPR status.

CHART: Documents to Verify to Immigration Status

Immigration Status	Typical Documents Demonstrating Current LPR Status	Typical Documents Demonstrating Initial or Arrival Status
Iraqi/Afghan SIV holder (LPR)	- Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been classified under IV (Immigrant Visa) Category SI1, SI2, SI3, SQ1, SQ2, or SQ3 and DHS stamp or notation on passport or I-94 showing date of admission; - DHS Form I-551 with an IV (immigrant visa) code for category SI6, SI7, SI8, SQ6, SQ7, or SQ8; - DHS/CBP or DHS/USCIS temporary Form I-551 Alien Documentation Identification and Telecommunication (ADIT) stamp; - Form I-765 Employment Authorization	Same

¹ The Department of Defense Appropriations Act of 2010 (DoDAA), P.L. 111-118, §8120 enacted on December 19, 2009 superseded prior legislative authority that limited SNAP benefits for SIVs to an 8 month period. Specifically, the legislation amended prior authority under the National Defense Authorization Act of 2008, P.L. 110-181, and the Afghan Allies Protection Act of 2009, P.L. 111-8, that provided SIV benefit eligibility for a period not to exceed 8 months from the date the non-citizen was granted SIV status. The DoDAA provides that SIVs are eligible for all benefits to the same extent and the same period of time as refugees.

² Other humanitarian populations exempt from the waiting period include individuals who qualify as a "victim of severe forms of trafficking in persons" (T-visa) and certain of their family members, who Congress made eligible for federal benefits to the same extent as refugees under the Trafficking Victims Protection Act of 2000 (TVPA), P.L. 106-386.

	Document (EAD) receipt notice with code SQ1, SQ2, SQ3, SQ6, SQ7 or SQ8; - Form I-766 Employment Authorization Document (EAD) with code SQ1, SQ2, SQ3, SQ6, SQ7 or SQ8	
LPR based on refugee status	- “Green card” (form I-551) or earlier versions, which may be coded RE6, RE7, RE8, or RE9; - Form I-327 (Reentry permit); - Receipt from USCIS indicating that an I-90 application to replace LPR card has been filed; - Form I-94 or I-94A with stamp indicating admission for lawful permanent residence; or - Order issued by the Department of Homeland Security (DHS), an immigration judge, the BIA (Board of Immigration Appeals), or a federal court granting adjustment of status.	- Form I-94 or I-94A Arrival/ Departure Record or passport stamped “refugee” or “§207 of the INA” or paroled as a refugee under §212(d)(5); - Form I-94 with admission code RE-1, RE-2, RE-3, RE-4, or RE-5; - Form I-766 with code AO4 or AO3; - Form I-730 Approval Letter (for derivatives); - Visa 93 (or V-93) on the I-94; or - Refugee travel document (I-571)
LPR based on grant of asylum	- “Green card” (form I-551) or earlier versions, which may be coded GA6, GA7, GA8, AS6, AS7, or AS8; - Form I-327 (Reentry permit); - Receipt from USCIS indicating that an I-90 application to replace LPR card has been filed; - Form I-94 or I-94A with stamp indicating admission for lawful permanent residence; or - Order issued by the Department of Homeland Security (DHS), an immigration judge, the BIA (Board of Immigration Appeals), or a federal court granting adjustment of status.	- Form I-94, I-94A, or passport stamped “asylee” or “§208 of the INA” or paroled as an asylee under §212(d)(5); - Form I-94 with admission code AS-1, AS-2, or AS-3; - Order granting asylum under § 208 of the INA, issued by an immigration judge; - Asylum Approval Letter from USCIS Asylum Office; - Written decision from the Board of Immigration Appeals (BIA); - Form I-766 with code AO5; - Form I-730 Approval Letter (for derivatives); - Visa 92 (or V-92) on the I-94; or - Refugee travel document (I-571)