

To: Anore Horton, Hunger Free Vermont

From: Gina Plata-Nino, JD, Interim Director SNAP

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Subject: Impact of H.R. 1 on SNAP Eligibility for Refugees, Asylees, Humanitarian Entrants, and Afghan Special Immigrant Visa Holders (SIVs)

I. Introduction

On July 4, 2025, President Donald J. Trump signed [*the 2025 reconciliation law*](#) (also known as *H.R. 1*)¹ into law. Among its extensive benefit cuts and program revisions, H.R. 1 significantly amends eligibility for the Supplemental Nutrition Assistance Program (SNAP). The new provisions exclude refugees, asylees, survivors of trafficking and domestic violence, and many humanitarian entrants from SNAP eligibility upon arrival (or granting of asylum), but do not repeal the statutory exemption from the five-year waiting period for refugees, asylees, or Afghan Special Immigrant Visa (SIV) holders who enter with or later obtain lawful permanent residence (LPR) status (green card holders).

This memorandum provides an overview of the prior law, the new statutory changes, their practical implications, and states' obligations when implementing these provisions. It also includes two appendices: (1) Major Legislation Affecting Non-Citizens in SNAP, and (2) Comparison: Previous Law vs. H.R. 1 — focusing on Section 6(f) of the Food and Nutrition Act of 2008 (7 U.S.C. § 2015(f)).

II. Background

SNAP, the nation's largest anti-hunger program, provides nutrition assistance to low-income households based on income, resources, and immigration status. Before H.R. 1, most lawfully present immigrants who met the *qualified immigrant* definition, first enacted under the [*Personal Responsibility and Work Opportunity Reconciliation Act of 1996*](#) (PRWORA), could access SNAP, subject to certain waiting periods and exemptions.²

Refugees and asylees, as well as Afghan SIVs, were statutorily eligible for SNAP under PRWORA (8 U.S.C. § 1612(a)(2)(A))³ for up to seven years after status was granted. Most are able to adjust

¹ *H.R. 1 (ENR) - An Act To provide for reconciliation pursuant to title II of H. Con. Res. 14.* [Review of *H.R. 1 (ENR) - An Act To provide for reconciliation pursuant to title II of H. Con. Res. 14.*]. <https://www.govinfo.gov/content/pkg/BILLS-119hr1eas/pf/BILLS-119hr1eas.pdf>

² *PRWORA's Restrictions on Noncitizen Eligibility for Federal Public Benefits: Legal Issues.* (2025). Congress.gov. <https://www.congress.gov/crs-product/R46510>

³ 8 U.S. Code § 1612 - *Limited eligibility of qualified aliens for certain Federal programs.* (2020). LII / Legal Information Institute. <https://www.law.cornell.edu/uscode/text/8/1612>

to LPR status within those seven years and, under the law, could continue receiving benefits without an additional waiting period.⁴

III. Previous Law

Under PRWORA (8 U.S.C. §§ 1611–1613), eligibility for “specified federal programs”, including SNAP, is limited to *qualified immigrants*, or non-citizens who have obtained a specific immigration status. PRWORA includes a defined list of qualified immigrants, which has been amended over time, including lawful permanent residents, refugees, asylees, limited categories of humanitarian parolees,⁵ individuals granted withholding of removal, Cuban/Haitian entrants, Amerasians, survivors [of trafficking](#) and domestic violence, and individuals residing under a Compact of Free Association.⁶ All other noncitizens, including categories such as Temporary Protected Status or nonimmigrant visa holders, were excluded from SNAP and other programs in 1996.

Five-Year Waiting Period and Humanitarian Exemptions

Under PRWORA, most qualified immigrant adults must wait at least five years before becoming eligible for SNAP. However, the 1996 law (8 U.S.C. § 1612(a)(2)) establishes exceptions from that five-year waiting period—refugees, asylees, and certain other humanitarian immigrants were immediately eligible for SNAP upon entry or grant of status and remain exempt from the waiting period even after adjusting to LPR.⁷

The [Afghan Allies Protection Act of 2009](#)⁸ specified that Afghans granted SIV 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 SIVs are similarly [not subject to the five-year waiting period](#).⁹

⁴ Refugees entering the United States through the U.S. Refugee Admissions Program (USRAP) arrive with refugee status and must apply for adjustment of status one year later. Asylees have already entered the United States and are adjudicated by federal authorities (e.g., immigration courts or USCIS) as meeting the definition of a refugee; they are then granted asylum. Afghan SIVs who apply for their visas outside the United States enter as LPRs and are eligible for the same services as refugees, while Afghans, such as those who were evacuated under Operation Allies Welcome (OAW) in August 2021, may also apply for and receive their SIVs from within the United States

⁵ Such as Afghan humanitarian parolees who arrived under OAW, who were immediately eligible for SNAP pursuant to the FY 2022 Continuing Resolution in September 2021.

⁶ FSP: Eligibility of Victims of Severe Trafficking | Food and Nutrition Service. (2025). Usda.gov. <https://www.fns.usda.gov/snap/eligibility/victims-severe-trafficking>

⁷ 8 U.S. Code § 1612 - Limited eligibility of qualified aliens for certain Federal programs. (2020). LII / Legal Information Institute. <https://www.law.cornell.edu/uscode/text/8/1612>

⁸ (2015). Govinfo.gov. <https://www.govinfo.gov/content/pkg/PLAW-111publ8/html/PLAW-111publ8.html>

⁹ Afghan Eligibility for Selected Benefits Based on Immigration Status: In Brief. (2025). Congress.gov. <https://www.congress.gov/crs-product/R46950>

USDA's SNAP Non-Citizen Guidance (2011) reaffirmed that humanitarian immigrants who enter with or adjust to LPR status remain eligible without a waiting period.¹⁰ USDA [issued](#)¹¹ guidance that further 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.

IV. The New Law (H.R. 1 Section 10108)

A. Amendment to the Food and Nutrition Act

Section 10108 of H.R. 1 revised Section 6(f) of the *Food and Nutrition Act of 2008* (7 U.S.C. § 2015(f)) to limit eligibility for SNAP to the following:¹²

“No individual shall be eligible to participate in the Supplemental Nutrition Assistance Program unless such individual 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;
 - (C) a Cuban or Haitian entrant; or
 - (D) a resident lawfully present under a Compact of Free Association.”

This amendment removes program-level recognition of refugees, asylees, and other humanitarian entrants and survivors of trafficking and domestic violence as automatically eligible.

B. Continuing Five-Year Waiting Period Exemption

H.R. 1 did not amend or add to PRWORA, including the five-year bar or the exceptions codified in 8 U.S.C. § 1612(a)(2). It solely amended the Food and Nutrition Act, leaving the 1996 law untouched. Consequently:

- Refugees and asylees who have adjusted to LPR status remain exempt from the five-year waiting period.
- Afghan SIVs who enter with LPR or have been granted SIV and adjusted to LPR after entry similarly remain exempt from the five-year waiting period.
- Refugees, asylees, and Afghan SIVs who were paroled into the U.S. and are seeking SIV status from within the United States must now wait until adjustment to LPR to regain eligibility, but once adjusted, no additional waiting period applies.

¹⁰ (2011, June). *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility* [Review of *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*]. United States Department of Agriculture. https://www.nilc.org/wp-content/uploads/2019/05/Non-Citizen_Guidance_063011.pdf

¹¹ USDA IS AN EQUAL OPPORTUNITY EMPLOYER AND PROVIDER Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility FOOD AND NUTRITION SERVICE FIGHTING HUNGER AND IMPROVING NUTRITION FOR OVER 40 YEARS. (2011). https://www.nilc.org/wp-content/uploads/2019/05/Non-Citizen_Guidance_063011.pdf

¹² *H.R. 1 (ENR) - An Act To provide for reconciliation pursuant to title II of H. Con. Res. 14.* [Review of *H.R. 1 (ENR) - An Act To provide for reconciliation pursuant to title II of H. Con. Res. 14.*]. <https://www.govinfo.gov/content/pkg/BILLS-119hr1eas/pdf/BILLS-119hr1eas.pdf>

C. Additional Background Relating to Afghan SIVs

Afghan nationals who meet certain requirements (including that they provided faithful and valuable service to the U.S. government) can qualify for a Special Immigrant Visa (SIV) for lawful permanent residence in the U.S. The Department of Defense Appropriations Act of 2010 provided that Iraqi and Afghan SIVs are eligible for federal public benefits to the same extent and for the same time period as refugees under Section 207 of the INA.¹³ Afghans who entered as LPRs with SIV status or who subsequently obtain SIV status and adjust continue to benefit from the § 1612(a)(2) exemption from the five-year bar.¹⁴ In guidance on noncitizen eligibility for SNAP, the USDA has made clear that – like refugees and asylees – SIV holders “do not have to meet the 5-year residency requirement” in order to be eligible for SNAP.¹⁵ H.R. 1 provides no other indications to the contrary.

V. Implementation Obligations for States

As states begin to implement the SNAP provisions of H.R. 1 / OBBBA, they must ensure that policy and operational changes are executed without creating harm, administrative burden, or procedural errors that violate federal law.

A. Avoiding Improper Denials and CAPER Increases

Improperly denying eligible individuals—especially refugees, asylees, Afghan SIVs, and humanitarian entrants adjusting to LPR, —will not only harm vulnerable populations but also increase Case and Procedural Error Rates (CAPERs).

A case and procedural error occurs when a state takes one or more inaccurate or procedurally incorrect actions when denying, terminating, or suspending a household’s SNAP benefits. CAPER reflects both the accuracy of the state’s determinations and compliance with federal procedural requirements governing those determinations.

If a state fails to provide clear, timely, and accurate notice or misapplies eligibility rules—particularly during the transition from refugee, asylee, humanitarian entrant, or Afghan SIV *applicant* to LPR status, or upon arrival of an Afghan SIV—a CAPER violation has occurred. This will be reflected in the state’s overall performance metrics.

B. Litigation and Appeal Risks

Eligible individuals have a legal right to appeal an incorrect denial or termination of SNAP benefits. States that do not adhere to procedural safeguards or that prematurely terminate

¹³ 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 eligibility for benefits for a period of time not to exceed 8 months from the date the immigrant was granted SIV status.

¹⁴ While SIV status is generally determined and granted before entry, some Afghans initially entered the United States as parolees or in other temporary statuses and were subsequently granted SIV and adjusted to LPR.

¹⁵ (2011, June). *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility* [Review of *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*]. United States Department of Agriculture. https://www.nilc.org/wp-content/uploads/2019/05/Non-Citizen_Guidance_063011.pdf

households may face increased administrative fair hearings and litigation, including class-action challenges.

C. Best Practices

States should therefore ensure their policy manuals are updated to reflect the correct law. As of the release of this memo, the U.S. Department of Agriculture has not released guidance to states in implementing H.R.1, and states may be wise to wait to act on any potentially impacted SNAP cases until it does so. States should ensure that eligibility workers are properly trained on which categories of immigrants are now eligible for SNAP based on the new laws, including the exemptions for the five-year bar under PRWORA. States should ensure eligibility determinations account for newly mixed eligibility families, where some members of a family may be losing eligibility for SNAP due to their immigration status and others may remain eligible. For example, in a family with a refugee without LPR status and their U.S. citizen child, the state should ensure the child continues receipt of SNAP if the refugee is determined to be ineligible under H.R.1.

States should ensure their notices and outreach to potentially impacted families are proactive and provide enough warning to those who may lose SNAP eligibility so they may seek alternate sources of food assistance. States should be sure to abide by SNAP regulations requiring that information be provided in individuals' primary language.

VI. Conclusion

H.R. 1 substantially narrows SNAP eligibility by removing automatic access for refugees, asylees, and other humanitarian entrants while maintaining the statutory five-year exemption under 8 U.S.C. § 1612(a)(2) once those populations adjust their status. H.R. 1 does not modify the existing statutory five-year waiting period exemption for Afghan SIVs or other certain categories of humanitarian immigrants. States must exercise caution in implementing these provisions to prevent wrongful denials, minimize procedural errors, and protect both program integrity and due-process rights.

Failure to follow federal procedural rules—particularly regarding notice and eligibility determinations—will inflate CAPERs, erode administrative accuracy, and expose state agencies to appeals and litigation. Sound implementation planning, staff training, and strict adherence to notice and appeal requirements will be essential to ensure compliance and fairness.

Appendix A

MAJOR LEGISLATION AFFECTING NON-CITIZENS IN SNAP

Legislation	Effect on Non-Citizens
PRWORA, P.L. 104-193 (August 22, 1996).	The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, also known as welfare reform) barred most lawfully present non-citizens from receiving SNAP. Three groups were exempt: (1) lawful permanent residents who could be credited with 40 qualifying quarters of work and did not receive any Federal means-tested benefits during any of those quarters after December 31 1996; (2) veterans, immigrants on active duty in the Armed Forces, their spouses and unmarried dependent children; and (3) refugees, asylees, and those with their deportation withheld, for 5 years after entry in the United States, among others .
AREERA, P.L. 105-185, (June 23, 1998).	The Agricultural Research, Extension, and Education Reform Act restored SNAP eligibility to: (1) children under 18 years of age who were in the United States on August 22, 1996; (2) individuals in the United States on August 22, 1996 who were age 65 and over or disabled on that date or who became disabled after that date; (3) Hmong refugees who were tribal members at the time they assisted the United States military during Vietnam; (4) certain Native Americans; and (5) refugees and asylees had their eligibility period extended from 5 to 7 years.
FSRIA, P.L. 107-171 (May 13, 2002).	The Farm Security and Rural Investment Act of 2002 (commonly referred to as the 2002 Farm Bill), incrementally restored eligibility to qualified aliens who: (1) receive disability benefits regardless of date of entry (effective October 1, 2002); (2) are under 18 years of age regardless of date of entry (effective October 1, 2003); or (3) have lived in the U.S. for 5 years as a qualified alien (effective April 1, 2003). In addition, children are no longer subject to sponsor deeming.
DoDAA of 2010, P.L. 111-118, §8120 (December 19, 2009).	The Department of Defense Appropriations Act of 2010 provided that Iraqi and Afghan Special Immigrants (SIVs) are eligible for federal public benefits to the same extent and for the same time period as refugees under Section 207 of the INA. 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 eligibility for benefits for a period of time not to exceed 8 months from the date the immigrant was granted SIV status.

Section 10108 of H.R. 1	Section 10108 of H.R. 1 revises Section 6(f) of the <i>Food and Nutrition Act of 2008</i> (7 U.S.C. § 2015(f)) to remove program-level recognition of refugees, asylees, and other humanitarian entrants as automatically eligible. H.R. 1 does not modify PRWORA's five-year bar or the exceptions codified in 8 U.S.C. § 1612(a)(2).
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Appendix B

Comparison: Previous Law vs. H.R. 1 (OBBBA)

Focusing on Section 6(f) of the Food and Nutrition Act of 2008 (7 U.S.C. § 2015(f))

Provision	Previous Law (before H.R. 1)	New Law (after H.R. 1)	Effect / Commentary
General Rule for SNAP	Non-citizens may be eligible for SNAP if they meet <i>qualified alien</i> status under PRWORA (8 U.S.C. § 1641) and any applicable waiting period or exemption under §§ 1612–1613.	No individual is eligible for SNAP unless they are: (1) a resident of the U.S.; and (2) either (A) a U.S. citizen/national; (B) an LPR; (C) a Cuban/Haitian entrant; or (D) a COFA resident.	Removes all other “qualified alien” categories (e.g., refugees, asylees, parolees, trafficking victims) from automatic eligibility.
PRWORA “Qualified Alien” Definition (8 U.S.C. § 1641)	Governs which statuses can receive “federal public benefits.”	Not amended by H.R. 1.	Still applies across other benefit programs (e.g., LIHEAP, TANF), but no longer dispositive for SNAP.
Refugees, Asylees, and Humanitarian Categories	Explicitly listed as eligible under 8 U.S.C. § 1612(a)(2)(A) and reflected in 7 U.S.C. § 2015(f); USDA FNS Guidance treated these groups as immediately eligible and continuing upon LPR adjustment.	<i>Deleted from the SNAP statute.</i> Refugees, asylees, and other specified humanitarian entrants no longer have program-specific recognition.	Removes automatic eligibility, but PRWORA § 1612(a)(2) still exempts these groups from the five-year bar for LPRs.
Afghan Entrants / Parolees (PL 117-43, § 2502)	Treated as refugees for benefit purposes; automatically eligible for “mainstream” benefits including SNAP without a five-year wait.	No longer automatically eligible under SNAP definition; must qualify as LPRs or under other limited categories.	Loses direct access, but retains protection from five-year bar once LPR status obtained.
Afghan SIVs	Treated as refugees for benefit purposes; automatically eligible for “mainstream” benefits	Unchanged in federal law. H.R. 1 does not modify PRWORA’s bar or exemptions.	Afghan SIVs (who enter with or receive visas) retain

Provision	Previous Law (before H.R. 1)	New Law (after H.R. 1)	Effect / Commentary
	including SNAP without a five-year wait.		protection from five-year bar.
Mixed-Status Households	Ineligible non-citizens counted in household income/resource calculations; may reduce allotment.	Same rule retained under revised § 2015(f).	Administrative complexity increases because humanitarian members may lose SNAP access.