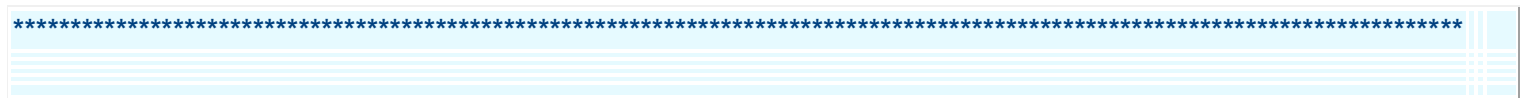


Department of Social and Health Services  
Community Services Division  
**EA-Z Manual**

Revision: # 1062  
Category: **Food Assistance Program for Legal Immigrants (FAP)**  
Issued: March 5<sup>th</sup>, 2020  
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**Summary**

Revised for Able Bodied Adult Without Dependents (ABAWD) Updates. Corrected some other errors.



## Food Assistance Program for Legal Immigrants (FAP)

Revised ~~April 6, 2016~~ March 5, 2020

### Purpose:

The Food Assistance Program - FAP is a state-funded program that provides food assistance to legal immigrants who aren't eligible for federal Basic Food benefits solely because of their alien status.

[WAC 388-400-0050](#) If I am not eligible for federal benefits through Washington Basic Food program because of my alien status, can I receive benefits through the state-funded food assistance (SFA) program?

- *Clarifying Information and Worker Responsibilities*

## Clarifying Information - [WAC 388-400-0050](#)

### *FAP benefit level*

The legislature sets the benefit level for FAP in the Biennial Operating Budget. The 2015-2017 budget set FAP at 100% of the federal SNAP benefit level effective July 1, 2015.

### *Who is eligible for FAP?*

FAP consists of two distinct immigrant groups:

- **Qualified aliens** who have not met the requirements for age, work quarters, or 5-year time frame as a qualified alien in order to be eligible for Basic Food benefits under the federal Supplemental Nutritional Assistance Program (SNAP). This population will cycle through FAP within 5 years or less and become eligible for federal benefits.
- **Nonqualified aliens** who are immigrants, but will not be eligible for federal benefits unless they have an adjustment of their immigration status. These immigrants are referred to as Persons Residing Under Color of Law (PRUCOL).

Persons considered PRUCOL are legally in the U.S., but do not have an official status as a qualified alien with the U.S. Citizenship and Immigration Services. Immigrants, such as applicants for political asylum or withholding of deportation, who have not yet received a final order are considered PRUCOL.

Undocumented immigrants are not eligible for either federally-funded Basic Food or state-funded SNAP.

<b>Examples of Immigrants who are eligible for FAP if they meet <a href="#">all other eligibility criteria for Basic Food</a> <u>including work requirements</u>:</b>	
<ul style="list-style-type: none"> <li>• Abused aliens who are a relative of a U.S. citizen with an approved I-130 petition but not meeting the other requirements of battered immigrants, as described in <a href="#">WAC 388-424-0001</a>.</li> <li>• Abused aliens who have self-petitioned under VAWA but not yet received "Notice of Prima Facie" eligibility, as described in <a href="#">WAC 388-424-0001</a>.</li> <li>• Applicants for adjustment of status, asylum, cancellation of removal,</li> </ul>	<ul style="list-style-type: none"> <li>• Lawful temporary residents under the amnesty program of the Immigration Reform and control Act (IRCA), including those admitted under Sections 210 ("special agricultural workers") and 245A of the INA.</li> <li>• Citizens of the Marshall Islands, Micronesia or Palau. These individuals have special rights under Compacts of Free</li> </ul>

**Examples of Immigrants who are eligible for FAP if they meet [all other eligibility criteria for Basic Food](#) including work requirements:**

<p>suspension of deportation or withholding of deportation or removal.</p> <ul style="list-style-type: none"> <li>• Cancellation of removal, deferred action or suspension of deportation granted. (Note: if a person is granted cancellation of removal or suspension of deportation based on having been abused or granted deferred action based on an approved self-petition as an abused alien, they are a "qualified alien").</li> <li>• Deferred enforced departure granted.</li> <li>• Family Unity granted.</li> <li>• "K", "S", "U" or "V" statuses, designated on a person's visa, allow holders to work and eventually to adjust to Lawful Permanent Resident (LPR) status.</li> </ul>	<p>Association and are lawfully allowed to enter, reside and work in the U.S. but are not U.S. Nationals.</p> <ul style="list-style-type: none"> <li>• Order of suspension granted.</li> <li>• Paroled into the U.S for a period of one year or less.</li> <li>• Residing in the U.S since prior to January 1, 1972.</li> <li>• Eligible to petition as special immigrant juveniles. These are juveniles who have been declared a "dependent of the state" and eligible for long-term foster care due to abuse, neglect or abandonment.</li> <li>• Stay of deportation or removal granted.</li> <li>• Temporary protected status granted.</li> <li>• Voluntary departure granted - definite or indefinite time.</li> </ul>
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*Worker Responsibilities - WAC 388-400-0050*

If a person is approved for FAP, we must let the person know what documents were used to determine SNAP (Basic Food) ineligibility. This information will need to be added into the appropriate free form text box in the ACES letters.