



Reply to  
Attn of:

SF-222

Subject:

WIC Policy Memorandum 97-3  
WIC Program - Immigrant Participation in the WIC Program

To:

Regional Directors  
Supplemental Food Programs  
All Regions

JAN 13 1997

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the Act), restricts participation in most food assistance programs based on citizenship and alien status. The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) is specifically exempted from these restrictions, however, States have the option to limit participation to citizens and qualified aliens. Qualified aliens include: (1) aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act; (2) aliens who are granted asylum under section 208 under the Immigration and Nationality Act; (3) refugees who are admitted to the United States under section 207 of the Immigration and Nationality Act; (4) aliens who are paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act for a period of at least one year; (5) aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act; (6) aliens who are granted entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (as in effect prior to April 1, 1980); and (7) certain battered aliens and aliens with battered children determined by the Attorney General to be in need of program benefits.

Each WIC State agency receives funds based on an allocation formula which calculates a State's fair share allocation by estimating its percent share of all individuals nationally who meet the program income eligibility guidelines (up to 185 percent of the Federal poverty level). These estimates are based on all Federally-eligible individuals including qualified and non-qualified aliens. In order to maintain funding equity among the States, the Food and Consumer Service (FCS), under existing regulatory authority, will adjust downward that State's estimated WIC-eligible population by the number of aliens the State declares ineligible.

I also wanted to advise you that in accordance with the Agriculture and Related Agencies Appropriations Act for fiscal year 1997, FCS will be reviewing and evaluating all States' participation and expenditure performance so that more frequent analysis and redistribution of available resources can be made. If a State's participation decreases and food funds are not expended, for what ever reason, including the exclusion of certain

Regional Directors

2

categories of immigrants, FCS may need to execute its regulatory authority to recover funds during the year from the State in question.

Please do not hesitate to contact me if you have any questions concerning the above information.

A handwritten signature in black ink, appearing to read "Stanley C. Garnett", is written over a horizontal line. The signature is stylized and cursive.

STANLEY C. GARNETT

Director

Supplemental Food Programs Division

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.