



United States Department of Agriculture

Office of the Under
Secretary

Food, Nutrition, and
Consumer Services

1400 Independence
Avenue, SW

Washington, DC
20250-9600

September 13, 2022

State Supplemental Nutrition Assistance Program (SNAP) Commissioners

RE: New Department of Homeland Security Rule on Public Charge

Dear Commissioners:

I am writing to ensure you are aware of the publication of the Department of Homeland Security's (DHS) final rule which explains how public benefit use could affect public charge inadmissibility. I strongly support the contents of this rule and applaud DHS for providing this much needed clarification.

On September 9, 2022, DHS published the final rule "Public Charge Ground of Inadmissibility."¹ This rule prescribes how DHS determines whether noncitizens are inadmissible to the United States because they are likely at any time to become a public charge. This rulemaking codified into regulation DHS's longstanding guidance that a noncitizen's application for or receipt of Supplemental Nutrition Assistance Program (SNAP) benefits, or other Federal nutrition assistance benefits administered by the Food and Nutrition Service (FNS), are not considered when making public charge determinations. Under this rule, any application for, receipt of, or potential future use of SNAP benefits by an individual or their family members is not considered as part of the public charge determination by the United States Citizenship and Immigration Services (USCIS). We believe this final rule is a vital step toward addressing food insecurity among immigrant families. This rule provides reassurance for immigrant and mixed status families who have historically faced fears about the possible ramifications of their Federal nutrition benefit usage.

FNS is committed to ensuring that all eligible families, including mixed immigration status families with children, can access Federal nutrition benefits, including SNAP. FNS understands the importance of communicating changes related to public charge policy and building trust so that eligible immigrant families can better access critical nutritional support.

FNS highly encourages State agencies to make this policy well-known in their respective States, especially in communities with large immigrant populations. States can use the sample language in the FNS USCIS Joint Letter on Public Charge² to

¹ <https://www.federalregister.gov/documents/2022/09/09/2022-18867/public-charge-ground-of-inadmissibility>

² Available at: <https://www.fns.usda.gov/snap/joint-letter-public-charge>. This resource is also available in Spanish.

clearly communicate public charge policy to SNAP-eligible immigrants and mixed status families. We also encourage collaboration with trusted community partners to help build trust and combat misinformation.

FNS will continue to provide technical assistance on policy affecting immigrants, including making Federal policy on public charge widely known and understood to ensure eligible immigrant individuals and families, as well as U.S. citizens, are not needlessly discouraged from applying for or receiving program benefits.

Thank you for your efforts to expand the provision of SNAP benefits to eligible households in need.

Best wishes,

A handwritten signature in black ink, appearing to read "Stacy Dean". The signature is fluid and cursive, with a large initial "S" and "D".

Stacy Dean
Deputy Under Secretary
Food, Nutrition, and Consumer Services

cc: All Regional Directors