



U.S. DEPARTMENT OF AGRICULTURE

DATE: December 9, 2025

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) Provisions of the One Big Beautiful Bill – Alien SNAP Eligibility – Question and Answer #1 REVISED

TO: All SNAP State Agencies  
All Regions

On July 4, 2025, President Donald J. Trump signed into law the [One Big Beautiful Bill](#) legislation (OBBB). The OBBB makes significant changes to the Supplemental Nutrition Assistance Program (SNAP), including changes to alien eligibility for SNAP.

On October 31, 2025, the Food and Nutrition Service (FNS) published a [memorandum](#) with information on Section 10108 of the OBBB, which makes changes to alien eligibility for SNAP.

This question-and-answer set provides additional information on Section 10108 of the OBBB. FNS revised Question 5 due to a typo.

FNS stands ready to work with State agencies and provide additional technical assistance. State agencies with questions on Section 10108 of the OBBB should contact their respective FNS Regional Office. These questions will help inform additional guidance in future memos.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick A. Penn", with a stylized flourish at the end.

Patrick A. Penn  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services  
U.S. Department of Agriculture

Attachments



## **Supplemental Nutrition Assistance Program (SNAP) Provisions of the One Big Beautiful Bill (OBBB)**

### **Alien Eligibility**

#### **Question and Answer #1**

##### **A. General**

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**1. Are the OBBB changes to alien eligibility effective immediately or upon rulemaking?**

The changes were effective upon the enactment of OBBB—July 4, 2025. OBBB specifies which alien groups are eligible for SNAP under section 6(f) of the Food and Nutrition Act of 2008 (FNA) and is not contingent on regulations before the changes go into effect.

**2. Are individuals who have been granted asylum or who are refugees eligible for SNAP?**

No. Individuals who have been granted asylum or who are refugees, including individuals under 18 years of age, are not eligible for SNAP by virtue of that status.

With the passage of OBBB, the only aliens eligible for SNAP are those with the following statuses: lawful permanent resident (LPR), Cuban and Haitian entrant (CHE), or Compacts of Free Association (COFA) citizen. See chart below for additional information on asylees or refugees who have adjusted status to LPR.

##### **B. 5-year Waiting Period**

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**3. Does the 5-year waiting period still apply following the OBBB?**

Yes. OBBB did not make changes to the 5-year waiting period requirement and exceptions, which are established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), 8 USC 1613.

#### 4. When does the 5-year waiting period begin?

The 5-year waiting period begins on the date the alien obtains status as a qualified alien or enters the U.S. in a qualifying status under 8 USC 1613.<sup>1</sup>

#### 5. Post-OBBS, will individuals who adjust from a status not eligible for SNAP under Section 6(f) of the FNA to lawful permanent resident (LPR) status now need to wait 5 years after adjusting to LPR status to receive SNAP?

Not necessarily. Per current policy, aliens who adjust status to LPR from one of the groups exempt from the 5-year waiting period in section 403 of PRWORA (8 USC 1613), are not required to wait for 5 years after becoming an LPR.<sup>2</sup>

The chart below shows alien groups and whether they are subject to the 5-year waiting period after adjusting their status to LPR.

<b>Alien Group Pre-LPR-Adjustment</b>	<b>Subject to 5-year Waiting Period After Adjusted Status to LPR<sup>3</sup></b>
<b>Refugees</b>	No
<b>Individuals Granted Asylum</b>	No
<b>Deportation Withheld</b>	No

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<sup>1</sup> These groups include lawful permanent residents, asylees, refugees, parolees, individuals granted withholding of deportation or removal, conditional entrants, Cuban or Haitian entrants, battered aliens, and alien victims of a severe form of trafficking, Certain American Indians born abroad and Hmong or Highland Laotian tribal members.

<sup>2</sup> Refugee, individuals granted asylum, deportation withheld, Cuban and Haitian entrant, Amerasian, individual in a SNAP-eligible alien group with a military connection, individual in a SNAP-eligible alien group who is under age 18, American Indian born abroad, and Hmong or Highland Laotian tribal member.

<sup>3</sup> An individual has “adjusted status to LPR” when they have received an approval notice and Permanent Resident Card (Green Card) from the United States Citizenship and Immigration Services (USCIS). An individual is not considered an LPR if they have applied to adjust status and have not yet received a decision.

<b>Alien Group Pre-LPR-Adjustment</b>	<b>Subject to 5-year Waiting Period After Adjusted Status to LPR<sup>3</sup></b>
<b>Cuban and Haitian Entrants (CHE)</b>	No
<b>Amerasians</b>	No
<b>Compacts of Free Association (COFA) Citizens</b>	No
<b>American Indians Born Abroad</b>	No
<b>Hmong or Highland Laotian Tribal Members</b>	No
<b>Iraqi and Afghan Special Immigrants (SIV)</b>	No
<b>Certain Afghan Nationals Granted Parole Between July 31, 2021, and September 30, 2023</b>	No
<b>Certain Ukrainian Nationals Granted Parole Between February 24, 2022, and September 30, 2024</b>	No
<b>Victims of Severe Trafficking</b>	No
<b>Conditional Entrants</b>	Yes
<b>Battered Aliens</b>	Yes
<b>Individuals Granted Parole for a Period of at Least One Year</b>	Yes

Provided other SNAP eligibility requirements are met, someone in one of the above “Yes” groups is not subject to the 5-year waiting period if the person:

- Is under 18 years old;
- Has 40 qualifying work quarters;

- Is blind or disabled;
- Was lawfully residing in the U.S. and 65 or older on August 22, 1996; or
- Has a U.S. military connection.

### **C. Verification**

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#### **6. How can a State agency verify how long an alien has been in a qualified status?**

United States Citizenship and Immigration Services (USCIS) documents generally contain the date an alien entered the country or adjusted to the immigration status reflected on the document. If an alien does not have USCIS documentation, the State agency can verify the date of entry into the United States or date status was given by submitting a request for additional verification through the Systematic Alien Verification for Entitlements (SAVE) program. State agencies with questions about SAVE should contact [SAVE.help@uscis.dhs.gov](mailto:SAVE.help@uscis.dhs.gov).