

DSS ADMINISTRATIVE LETTER NO. ECONOMIC AND FAMILY SERVICES 1-2013  
**Treatment of Income of Non-Qualified Ineligible Aliens**  
**February 14, 2012**

**(Food and Nutrition Services)**

**TO:** County Directors of Social Services  
**ATTENTION:** Food and Nutrition Services Managers & Supervisors  
**SUBJECT:** Treatment of Income of Non-Qualified Ineligible Aliens  
**DATE:** February 14, 2013  
**EFFECTIVE:** Upon Receipt

**I. GENERAL INFORMATION**

The purpose of this letter is to provide policy clarification to county departments of social services on the procedures for treatment of income of non-qualified ineligible aliens. This letter obsoletes DSS Administrative Letter No. Economic and Family Services 1-2009.

**II. POLICY PROCEDURES**

When a household includes non-qualified ineligible aliens with income, an income test must first be completed to determine how to budget the income of the non-qualified ineligible alien's income. Apply a gross income test to the household's income; do not include non-qualified ineligible aliens in the household size.

When completing the gross income test to determine whether to prorate the income of the non-qualified alien, add together the income of the family, subtract any LSO and compare to the appropriate gross income level. For households not excluded from Categorical Eligibility, use the 200% income limit for this test. For households excluded from Categorical Eligibility, use the 130% income limit for this test. Refer to Section 620.01 C. for policy regarding households not eligible for Categorical Eligibility.

If the income of the household exceeds the appropriate gross income level, count all of the gross income of non-qualified ineligible aliens in determining eligibility for the household. If the income of the household is less than the appropriate gross income level, count a prorated share of the non-qualified alien's income.

**NOTE:** The above income test is not the same as the gross/net income eligibility test.

Once the countable income has been determined, budget this amount in applying the gross and/or net income level test for eligibility and to determine the benefit level; do not include non-qualified ineligible aliens in the household size. FNS

units that are categorically eligible or FNS units that contain a specified person as defined in Section 210.05 are not subject to the gross income eligibility test.

**EXAMPLES:** A FNS Unit consists of four persons. The head of household, who is an undocumented alien is employed and earns \$3,500 per month. The FNS Unit's income exceeds the maximum income level for a household of three (\$3,182). Budget all of the gross income of the undocumented alien to determine eligibility for the household.

A FNS Unit consists of three persons. The head of household, who is here on a student visa, is employed and earns \$1,500 per month. The FNS Unit's income is under the maximum income level for a household of two (\$2,522). Budget the prorated countable gross income.

\$1,500 Divided by 3 = \$500 Prorated Share  
\$ 500 Multiplied by 2 (eligible FNS Unit members) = \$1,000  
\$1,000 = Income of ineligible member to be counted for the remaining  
FNS Unit members

A FNS Unit consists of four persons. The head of household, who is an undocumented alien, is employed and earns \$1,675 per month. The household also includes a member who is disqualified for an intentional program violation (IPV). The FNS Unit's income exceeds the maximum income level for a household of two (\$1,640). Budget all of the gross income of the undocumented alien to determine eligibility for the household.

Policy for the treatment of ineligible qualified aliens remains the same. The income test is not required as prorated income of ineligible qualified aliens is budgeted for the gross/net income eligibility test and to determine the benefit level.

### III. IMPLEMENTATION INSTRUCTIONS

This policy is effective upon receipt.

If you have any questions, please contact your Food and Nutrition Services & Energy Programs Representative.

Sincerely,



Dean Simpson, Chief  
Economic and Family Services

DS/tb