

# Explainer

## Federal Food Assistance Eligibility Changes Impacting Refugees and Immigrants

### What is SNAP and who qualifies for it?

The Supplemental Nutrition Assistance Program ([SNAP](#)) – formerly known as the [Food Stamp Program](#) – provides cash assistance to eligible low-income households to help them purchase groceries. SNAP is overseen federally by the U.S. Department of Agriculture (USDA) and is typically administered by state governments (though in ten states, [county](#) governments operate the program). To qualify for SNAP, individuals must meet certain income, workforce participation, and immigration status requirements. SNAP eligibility rules have long excluded large categories of immigrants, including undocumented people, many asylum seekers, DACA recipients, and Temporary Protected Status holders.

On July 4, 2025, President Trump signed into law the [“One Big Beautiful Bill Act”](#) (OBBBA), massive tax and spending legislation that contains a wide range of anti-immigrant measures. The bill renders many humanitarian arrivals newly ineligible for SNAP benefits. Now, only eligible U.S. citizens, Lawful Permanent Residents (LPRs or “green card holders”), Cuban and Haitian entrants, and certain Pacific Islanders can access SNAP.

Refugees, asylees, (individuals granted asylum by an immigration judge) and other humanitarian entrants – including victims of trafficking and certain survivors of domestic violence – are now categorically ineligible for SNAP unless they become LPRs, which can often be a lengthy and expensive process.

### Some states are cutting eligible people off of SNAP by incorrectly applying new eligibility restrictions

On October 31, the USDA issued confusing and contradictory [guidance](#) (with an [attachment](#)) on the new restrictions. The guidance acknowledges repeatedly that the changes should not impact green card holders. It also notes that OBBBA does not change [existing exemptions](#) to the [five-year](#) waiting period that many new green card holders face before becoming eligible for federal public benefits like SNAP. Yet in multiple charts accompanying the guidance, the USDA does not list refugees, asylees, or Special Immigrant Visa holders (SIVs) in the categories of individuals who should remain exempt from the five-year bar (even though they are [explicitly exempted](#) under U.S. law). [Analysis](#) from the National Immigration Law Center and Protecting Immigrant Families clarifies that even under the USDA guidance, SIVs, refugees and asylees who adjust to LPR status should remain exempt from the five-year bar.

With the guidance from the federal government still unclear and confusing, multiple states are applying restrictions far more broadly than OBBBA requires, leaving many newcomers who still qualify for SNAP – such as refugees and asylees who recently became green card holders – unable to access the benefits for which they are eligible.

For example, certain immigrants face a [“5-year bar”](#) – that prevents them from accessing federal benefits for five years after becoming permanent residents. However, federal law is clear that refugees and other humanitarian entrants who become LPRs, are exempt from the waiting period, and are immediately able to enroll in SNAP as long as they meet other eligibility requirements. Nevertheless, some states are currently attempting to apply the 5-year bar to green card holders who entered the U.S. as refugees or with other humanitarian statuses.

In some cases, states that are imposing the 5-year waiting period have also failed to take into consideration the fact that children and disabled individuals have been explicitly exempt from the bar since Congress passed the [2002 Farm Bill](#). Further, multiple states are falsely assuming that Afghan Special Immigrant Visa recipients – who are LPRs by definition – are ineligible for SNAP.

### States risk wrongfully denying eligible individuals based on poor record-keeping

Some states may not realize that certain SNAP enrollees who had once been humanitarian entrants have since become permanent residents or citizens, and may erroneously strip SNAP benefits from existing enrollees who are still eligible. Before Congress passed OBBBA, changes in immigration status did not impact humanitarian arrivals' eligibility for SNAP. Thus, many states have not prioritized maintaining their records to reflect the now-crucial detail of whether an enrollee has become a permanent resident or citizen. To avoid incorrectly cutting off assistance, states should confirm individuals' current immigration status before attempting to disenroll them.

### Public accountability is essential to stop states from improperly denying benefits to eligible people

Though the federal government holds states accountable for certain administrative errors, it does not currently have robust accountability mechanisms to discourage states from turning away eligible people. **Only sustained public pressure can hold states accountable for meeting their legal obligation to provide benefits to those who qualify for them.**

OBBBA contains a wide range of changes to SNAP that collectively place over [22 million](#) households at risk of losing [some or all](#) of their federal food assistance benefits. For example, if a state's "payment error rate" reaches certain levels, it will face massive [cost-sharing penalties](#) beginning in FY 2028. For the first time, states are at risk of being forced to cover a portion of the SNAP dollars that they distribute. Prior to OBBBA, the federal government fully funded SNAP payments for eligible community members, and generally covered [about half](#) of the administrative expenses that state and local governments incurred as they administered the program.

The U.S. Department of Agriculture (USDA), which oversees SNAP at the federal level, generally performs annual quality control checks to assess states' performance across a number of metrics, including the payment error rate, which measures the percentage of:

- Households that received benefits for which they were not eligible.
- Eligible households who received more benefits than they were eligible for ("overpayment").
- Eligible households who received fewer benefits than they were eligible for ("underpayment").

The payment error rate – which does **not** account for eligible households that states incorrectly deny, suspend, or terminate from the program – is often the metric that SNAP-implementing agencies place the highest emphasis on minimizing. Even before OBBBA, states have been incentivized to keep their payment error rates low, because the federal government has levied financial penalties on states who fail to do so. By threatening to force states to take on part of the cost of SNAP payments (a far greater expense than the previous administrative cost-sharing arrangement), OBBBA makes the financial stakes even higher for states than they were previously.

The USDA also tracks the rate at which states outright deny SNAP benefits to eligible individuals under a separate figure, known as the "case and procedural error rate" (CAPER). However, the federal government does not penalize states for having high CAPER rates, meaning only public vigilance can hold them accountable for ensuring they grant benefits to those who are eligible.

Based on [FY 2024 data](#), only eight states currently have an error rate below the 6% threshold that would allow them to entirely avoid the new cost-sharing scheme. However, by the time the cost-sharing measures take effect by FY 2028, any of these states' error rates could rise above the 6% error rate that triggers penalties.

States – who have received inadequate guidance from the federal government on how to implement immigration status-based eligibility changes – are facing the specter of newly enormous financial sanctions unless they manage to keep their payment error rates extremely low. Some states have opted to err on the side of failing to grant SNAP benefits to those who are still eligible rather than risk incurring massive financial sanctions by granting benefits to those who they fear the federal government might deem ineligible. However, **federal law is clear that states have a legal obligation to provide benefits to those who qualify for them.**

With the federal government coercing states to keep their payment error rates low, communities must advocate for SNAP-administering agencies to also take care to avoid turning away people who qualify for food assistance.

### What states can do to minimize the harm of SNAP cuts

To mitigate harm and proactively work toward solutions as refugees and other humanitarian arrivals are cut off from federal food assistance, states must:

**Ensure that SNAP implementing agencies do not cut off eligible immigrants.** States must properly interpret federal [law](#) and [policy guidance](#) to make sure that eligible Lawful Permanent Residents – such as Special Immigrant Visa recipients and Green Card holders or citizens who were once refugees or asylees – are not cut off from SNAP.

- Abide by federal law by [refraining from applying](#) the “5-year bar” to humanitarian entrants who adjust to LPR status.
- Verify individuals’ *current* immigration status to avoid improperly terminating benefits for those who have become permanent residents or citizens since first applying for food assistance.

**Create and fund [state-run programs](#)** that can [fill the gap](#) for newcomers who are newly cut off from SNAP benefits.

- Establish or expand state-run parallel food assistance programs for households who would qualify for SNAP but are excluded based on their immigration status. For example:
  - [Washington](#) and [Minnesota](#) operate parallel state-funded food assistance programs that can cover humanitarian arrivals who are newly cut off.
  - [Massachusetts](#) is considering legislation to provide food assistance to newcomers who are excluded from SNAP.
  - Vermont provided grant funding to refugee resettlement agencies to help them support individuals who are newly cut off from SNAP.
- Fund legal services to help humanitarian arrivals navigate the process of adjusting to Lawful Permanent Resident (LPR) status so that those who would be eligible for SNAP but for their immigration status can regain access to it. For example:
  - [California](#) and [Massachusetts](#) provide grants to nonprofit organizations that assist immigrants with legal services.

**Invest in programs and partnerships** with food banks, ethnic and community based organizations, educational institutions, businesses, faith-based organizations, and refugee and immigrant service providers working to prevent communities from going hungry.

- Provide or continue providing additional funding to food banks to help them meet the needs of refugee and immigrant populations newly cut off from SNAP.
  - [Pennsylvania](#), [Virginia](#), [Utah](#), [Oklahoma](#), [Illinois](#), [North Dakota](#), and many other states appropriated funds to support food banks responding to heightened need during the government shutdown, demonstrating that states have capacity to support food banks working to address emergent food security challenges.

- Promote and fund farmers' markets, restaurants, and local businesses and organizations that connect communities with nutritious, affordable food. For example:
  - States like [Maryland](#) and [Pennsylvania](#) provide resources to local businesses and nonprofits working to improve food security through Fresh Food Financing Initiatives.
- Expand access to free school meals for children enrolled in public schools and support initiatives to purchase food from local farmers and producers to provide culturally-relevant foods to schools and other organizations working to meet communities' needs. For example:
  - All public school students in [New Mexico](#) have access to free, culturally responsive meals. The state provides schools with grants to purchase locally grown food.