

EES Policy No. 25-10-09	RE: Non-citizen Eligibility for Food Assistance
Policy Memo	Contact Persons: Elizabeth Ahumada
From: Dr. Carla Whiteside-Hicks, EES Director	KEESM Reference: 2140 , 2143.1 , 2143.2 , 2143.3 , 2144
Date: 10/28/25, Revised 11/25/25	Other:
Primary DCF Areas Affected: Food Assistance	Where Posted on Web: http://content.dcf.ks.gov/ees/KEESM/Policy_Memo/policy_memo_list.htm

On July 4, 2025, Public Law 119-21, the One Big Beautiful Bill Act of 2025 (OB BB), was signed into law. The law contains several provisions that affect the Food Assistance Program. This memo serves to provide guidance regarding changes to non-citizen eligibility from section 10108 of the act.

Effective November 1, 2025, eligibility for Food Assistance is limited to individuals who reside in the United States and are either:

- A citizen or national of the United States; or
- An alien who has been granted the status of Cuban and Haitian Entrant (CHE) as defined in section 501(e) of the Refugee Education Assistance Act of 1980; or
- An individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 402(b)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; or
- A Lawful Permanent Resident (LPR)
 - LPRs are eligible after a 5-year waiting period, as long as they meet all other financial and non-financial eligibility requirements. LPRs may be eligible for Food Assistance without a waiting period if they meet one or more of the following conditions:
 - Are under 18 years old
 - Have 40 qualifying work quarters
 - Are blind or disabled
 - Were lawfully residing in the U.S. and 65 or older on August 22, 1996
 - Have a U.S. military connection
 - Are admitted to the United States as an Amerasian Immigrant
 - Are an American Indian born abroad
 - Are certain Hmong or Highland Laotian tribal members

The income (less, at State option, a pro rata share) and financial resources of the individual rendered ineligible to participate in the supplemental nutrition assistance program under this subsection shall be considered in determining the eligibility and the value of the allotment of the household of which such individual is a member.

Non-citizen statuses not eligible for Food Assistance, effective November 1, 2025, include:

- Refugees other than CHE
- Victims of severe forms of trafficking, unless an eligible LPR

- Iraqi and Afghan Special Immigrants (SIV), unless an eligible LPR
- Asylees
- Individuals whose deportation has been withheld
- Parolees
- Conditional Entrants, unless an eligible LPR
- Individuals with a pending or approved Violence Against Women Act (VAWA) case, unless an eligible LPR
- Individuals honorably discharged or on active duty in the US Armed Forces (includes their spouse and children), unless an eligible LPR
- American Indians born abroad, unless an eligible LPR
- Hmong or Highland Laotian tribal members, unless an eligible LPR
- Certain Afghan Nationals granted parole between July 31, 2021, and September 30, 2023
- Certain Ukrainian Nationals granted parole between February 24, 2022, and September 30, 2024

Additional non-citizen statuses that were not affected by this change and remain ineligible:

- Individuals granted temporary protected status (TPS)
- Foreign Students
- Undocumented non-citizens
- Visa holders

On or after November 1, 2025, any application, review, interim report, or 12-month report form, or change processed must have immigration status verified through SAVE for any household member who is a non-citizen to determine their eligibility.

Ineligible non-citizens shall be considered excluded household members per KEESM 4212.2. The resources of such excluded individuals shall be counted in their entirety for the remaining household members. A pro rata share of the income of such excluded persons shall be considered available to the remaining household members as specified in [6510 \(2\)](#) (a) and [6520 \(2\)](#) (a).

Those unable or unwilling to provide immigration documentation shall be considered disqualified household members per KEESM 4212.3. The entire income and resources of a disqualified household member shall be considered available to the remaining household members as specified in [6510 \(2\)](#) (b).

The KEES eligibility system has not yet been updated to identify those with non-citizen statuses who are ineligible effective November 1, 2025. Until the KEES system can be updated, the following workarounds must be applied:

- Staff must identify individuals affected by this policy change and enter a Non-Compliance record of "Failure to provide social security number" for the Food Assistance program for each person with an ineligible non-citizen status.
- Add a case flag
 - Case Flag Title: Non-Citizen Workaround Applied
 - Flag Type: Person
 - Description: Workaround applied due to OBBB implementation
 - Program: Food Assistance
- Add a KEES journal entry
 - Ineligible non-citizen tracking workaround applied.
- Add the following copy and paste text to the system-generated notice as applicable:
 - <Client Name> does not meet the citizenship and/or non-citizenship eligibility requirements for Food Assistance.

- <Client Name> no cumple con los criterios de ciudadanía y/o de estatus migratorio para recibir asistencia alimentaria.

This change is effective November 1, 2025, but will not be reflected in KEESM until December 1, 2025, revisions.

Questions about this policy memo can be sent to DCF.SNAPPolicyQuestions@ks.gov.