

SECTION: Certification**SUBJECT: Non-Resident Alien participants**

Federal Regulations: §246.7 (p)

POLICY**Alien Status and WIC**

The WIC program is not considered a public cash assistance program by the Immigration and Naturalization service (INS). Therefore, participants who have been granted "lawful temporary resident status" (LTRS) or who are applying for LTRS are not considered to be public charges. However, *alien students* who participate in the WIC program *may be considered public charges by the INS and may be subject to deportation.*

Public Charge Issue

Public charge is a term used by the INS for persons who depend on public benefits such as welfare. Depending on a person's immigration status, the INS can refuse to let that person re-enter the United States, or become a permanent resident or citizen, because they are considered a public charge that cannot support themselves. Applicants should be told that being on WIC does NOT make an alien a public charge. **WIC benefits cannot be denied to any non resident aliens who have used WIC and the INS cannot request that aliens repay any WIC benefits they have received.** It is the INS and State Department's position that receipt of WIC benefits will not have any effect on an individual's application for immigration or citizenship benefits.

WIC is available to foreign citizens, including foreign students residing in the United States, provided they meet program eligibility requirements. Alien status cannot be a factor in eligibility determination.

Guidance

Providing income information is a sensitive issue for some people. Individuals who have legal alien status, for example, may feel threatened or unsure about sharing documents with any government agency for fear that this could affect their immigration status. These applicants should be reassured that all information in their files is confidential and will be used for health and nutrition services purposes only.

During the certification process, do not inquire directly regarding an applicant's citizenship status. However, if this information becomes known, inform any alien student that participation in WIC may be considered by the INS as an indication that the alien student has become a public charge and may be subject to deportation. Refer the applicant to the INS for counseling. Do not further advise the applicant on this subject.

Any INS officials seeking information regarding WIC program participation are to be referred to the WIC state agency.