



Date: June 5, 2026

DMS Operations Memo 26-23

To: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
FSET Agencies

Affected Programs:

- | | |
|---|--|
| ☐ BadgerCare Plus | ☐ Caretaker Supplement |
| ☒ FoodShare | ☐ FoodShare Employment and Training |
| ☐ Medicaid | |
| ☐ SeniorCare | |

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Federally Required FoodShare Eligibility Changes for Non-Citizens

CROSS-REFERENCE

- FoodShare Wisconsin Policy Handbook, [Sections 1.1.3 Who is Eligible](#), [1.1.4 Eligibility Overview](#), [1.2.3 Non-Financial Verification](#), [1.4.1 Disclosure](#), [4.7.2 Deeming From A Sponsor](#), and [4.7.5 Prorated Deeming](#)
- Section 10108 of H.R.1 (P.L. 119-21)

EFFECTIVE DATE

July 1, 2026

PURPOSE

This operations memo announces FoodShare eligibility changes for non-citizens, as required by the One Big Beautiful Bill Act of 2025 (2025 H.R. 1). These federal changes limit eligibility for FoodShare to the following groups: U.S. citizens, U.S. nationals, lawful permanent residents (LPRs), Amerasians, Cuban and Haitian entrants (CHE), and Compact of Free Association (COFA) citizens.

BACKGROUND

Certain non-citizens are eligible to receive FoodShare benefits if they meet all other eligibility requirements and, in some cases, complete a five-year waiting period or meet additional conditions. These non-citizens are described as “qualified non-citizens” for federal public benefits purposes.

Additionally, Foreign-born Members of a Tribal Nation are not categorized as qualified non-citizens but are still eligible for FoodShare.

POLICY

The new federal requirements limit eligibility for FoodShare to the following groups: U.S. citizens, U.S. nationals, lawful permanent residents (LPRs) including Amerasians, Cuban and Haitian entrants (CHE), and Compact of Free Association (COFA) citizens.

A person who has one of these immigration statuses is no longer eligible for FoodShare.

- Conditional Entrant
- Refugee or Special Immigrant
- Asylee
- Person Paroled for at Least One Year
- Person Granted Withholding of Removal
- VAWA Self-Petitioner
- Foreign-born Member of a Tribal Nation
- Trafficking Victim or their family

A member with one of these immigration statuses who lives in a household with other eligible individuals will become a prorated deemer. Because the non-qualified person lives in the household, it is assumed they share resources and food and a proportional (prorated) share of the deemer's income and expenses is still used to determine the household's eligibility.

The new non-citizen eligibility criteria apply to new FoodShare applications on or after July 1, 2026. For households already receiving FoodShare, these policies apply at their next renewal after July 1, 2026, or when immigration status is reverified due to a reported change or reverification required by another benefit program during the certification period, whichever is earlier.

CONTACTS

DHS CARES Problem Resolution Team

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