

STATE OF RHODE ISLAND  
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES  
APPEALS OFFICE

████████████████████

v.

Rhode Island Department of Human  
Services

DOCKET No. 24-2780

**DECISION**

**I. INTRODUCTION**

A telephonic hearing on the above-entitled matter was conducted by an Appeals Officer on September 12, 2024. The Appellant, ████████████████████, (“the Appellant”), initiated this matter to appeal a decision made by the Department of Human Services (“DHS”) regarding his Supplemental Nutrition Assistance Program (“SNAP”) case. The Appellant’s SNAP case was denied on March 27, 2024, due to not meeting immigration status. He disagrees with this decision and filed an appeal seeking to have SNAP benefits approved. For the reasons discussed in more detail below, the Appellant’s Appeal is hereby denied.

**II. JURISDICTION**

The Executive Office of Health and Human Services (hereinafter “EOHHS”) is authorized and designated by R.I. General Laws (hereinafter “R.I.G.L.”) §42-7.2-6.1 and in the RI Code of Regulations (hereinafter “RICR”) 210-RICR-10-05-2 to be the principal entity responsible for

appeals and hearings related to DHS programs. The administrative hearing was held in accordance with the Administrative Procedures Act, R.I.G.L. §42-35-1 et. seq. and EOHHS regulation 210-RICR-10-05-2.

### **III. ISSUE**

The issue is whether DHS's denial of the Appellant's SNAP case due to not meeting the immigration requirements was in compliance with the SNAP regulations, as set forth below.

### **IV. STANDARD OF PROOF**

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, unless otherwise specified, a preponderance of evidence is generally required to prevail. (2 Richard J. Pierce, *Administrative Law Treaties* §10.7(2002) & see *Lyons v. Rhode Island Pub. Employees Council 94*, 559 A.2d 130, 134 (R.I. 1989)) (preponderance is the "normal" standard in civil cases). This means that for each element to be proven, the factfinder must believe that the facts asserted by the proponent are more probably true than false. (*Id.*). When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. (*Narragansett Electric Co. vs. Carbone*, 898 A2d 87 (R.I. 2006)).

### **V. PARTIES AND EXHIBITS**

Present for the Agency was Stephanie Santos, Eligibility Technician III, ("ETIII"), who presented testimony regarding the case. DHS offered the following evidence into evidence at the hearing, which was entered into the record of hearing:

- DHS Exhibit #1- Copy of the Appellant's Legal Permanent Resident (LPR) card.
- DHS Exhibit #2- Copy of the Appellant's Eligibility Determination Results.
- DHS Exhibit #3- Benefit Decision Notice ("BDN") dated March 27, 2024.

The Appellant appeared for the Hearing. He did not have any witnesses and while he had previously submitted documents, he did not request to enter any evidence into the record of hearing.

## **VI. RELEVANT LAW/REGULATIONS**

EOHHS is charged with being the principal entity for legal service functions, oversight of rulemaking, law interpretation and related duties of itself and four agencies, one of which is DHS, under its jurisdiction. 210-RICR-10-05-2.1(1)(B).

SNAP regulation 218-RICR-20-00-1.4.2(D)(6), entitled "Battered Immigrants/Qualified Non-Citizen Criteria", outlines that a non-citizen is a qualified non-citizen as a battered immigrant if the individual meets certain requirements. In general, these Rules apply to abused immigrants who are (or were) married to LPRs or U.S. citizens, or whose parents are LPRs or citizens. One of the requirements is that the battered immigrant must show that they have an approved or pending petition which makes a *prima facie* case (*prima facie* is defined as being legally sufficient to establish a fact or case unless it is disproved) for immigration status in certain categories, one of which is an approved self-petition under Title VIII of the Violence Against Women Reauthorization Act of 2013 (Pub. Law 113-4), (including those filed by a parent). In addition, the immigrant has been found to have been abused in the United States, and a finding has been made that the immigrant has been battered or subjected to extreme cruelty in

the U.S. by a spouse, parent of the immigrant, or by a member of the spouse's or parent's household if the spouse or parent consent to the battery or cruelty.

The conditions discussed above only establish that the battered immigrant is a qualified non-citizen. In order for the immigrant to qualify for SNAP benefits based on her or his immigration status, such a qualified non-citizen must meet the other conditions for eligibility such as the five (5) year residency requirement or LPR with forty (40) qualifying quarters of work. The five (5) year residency period begins when the *prima facie* determination is issued or when the abused immigrants I-130 visa petition is approved. In making this determination, the agency representative must remember that the relevant date for this immigrant's eligibility is the date that the abused immigrant obtained qualified immigration status as an abused immigrant rather than the date of that individual's immigration status, such as that of an LPR.

SNAP regulation 7-C.F.R 273.4(a)(6)(iii)(C) states that a qualified non-citizen who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household must be in a qualified status for five (5) years before being eligible to receive SNAP benefits.

## **VII. FINDINGS OF FACT**

1. The Appellant applied for SNAP benefits on March 22, 2024.
2. On or about March 27, 2024, a Benefit Decision Notice was sent to the Appellant informing him that SNAP was denied due to the fact that he did not meet the immigration criteria.
3. The Appellant applied for Special Immigration Status on November 19, 2019, due to being a battered spouse.

4. The Appellant's *prima facie* determination was granted on November 25, 2019, and had an expiration date of November 24, 2020.
5. On May 5, 2021, the *prima facie* determination was extended through November 1, 2021. DHS does not have any additional documentation that the Appellant's *prima facie* status has been extended past November 1, 2021.
6. The Appellant's LPR card shows a United States entry date of December 21, 2021.
7. The Appellant did not have much to say except that he has been unable to find work and is not being granted unemployment, therefore he needs assistance with buying food. He stated that he was told that with his *prima facie* determination he is eligible for benefits and government assistance.
8. The Appellant stated that his *prima facie* status is continuous, and he does not have an updated document with an updated expiration date. It is therefore unclear if the Appellant's *prima facie* status has been continued past the November 1, 2021, expiration date.

## **VIII. DISCUSSION**

There is no dispute between the parties that the Appellant has applied for Special Immigrant Status, and there have been at least two (2) past determinations granting him *prima facie* status. There is also no dispute that the Appellant did not submit an updated *prima facie* determination document to DHS.

The issue of whether or not the *prima facie* status has been extended past the November 1, 2021, date is moot because the Appellant does not have five (5) years of residence in the U.S. since the original determination date of November 26, 2019.

The Appellant, based on the initial *prima facie* determination date, would be eligible for SNAP benefits five (5) years from that date, or November 25, 2024.

218-RICR-20-00-1.4.2(D)(6)(c).

**IX. CONCLUSION OF LAW**

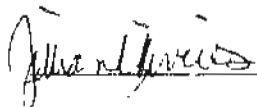
After careful consideration of the testimony and evidence presented at the Administrative Hearing, it is clear by a preponderance of evidence:

1. DHS acted in accordance with State and Federal policies when it denied the Appellant's application for SNAP benefits.

**X. DECISION**

Based on the foregoing Findings of Fact, Conclusions of Law, evidence, and testimony it is found that a final order be entered that there is sufficient evidence to support the denial of the Appellant's SNAP application.

**APPEAL DENIED**



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Jillian R. Rivers


Appeals Officer

**NOTICE OF APPELLANT RIGHTS**

This final order constitutes a final order of the Department of Human Services pursuant to RI General Laws §42-35-12. Pursuant to RI General Laws §42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.

**CERTIFICATION**

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to [REDACTED]  
[REDACTED]; copies were sent, via email, to the Appellant at [REDACTED], and DHS Representatives Stephanie Santos, DHS Appeals Unit, and DHS Policy Office on this 24th day of September, 2024.

  
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