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The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **06276-26 E.B.**

AGENCY DKT. NO. **C292184009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of her applications for Supplemental Nutritional Assistance Program ("SNAP") benefits and Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"). The Agency denied Petitioner's applications for SNAP and WFNJ/TANF benefits due to Petitioner's immigration status. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 15, 2026, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 24, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

On March 13, 2026, Petitioner submitted applications for SNAP and WFNJ/TANF on behalf of her three minor grandchildren. See Initial Decision at 3. On that same date, the Agency denied the applications due to Petitioner's grandchildren not meeting citizenship or immigration requirements for receipt of such benefits. *Ibid.*; see also Exhibit R-1.

Here, the record reveals that Petitioner, a citizen of Egypt, has been a lawful permanent resident ("LPR") of the United States since June 20, 2023. See Initial Decision at 2; see also Exhibit R-6. Upon receipt of the WFNJ and SNAP applications, the Agency conducted a SAVE search for Petitioner which resulted in "Applicant Status: Lawful Permanent Resident—Employment Authorized". See Initial Decision at 3; see also Exhibit R-5. Although Petitioner made the applications on behalf of her minor grandchildren, I note that, based upon her LPR status, Petitioner would have to meet the regulatory requirements set forth at N.J.A.C. 10:87-3.7, -3.8, should she ever apply on her own behalf.

In November, 2024, Petitioner was granted legal guardianship and physical custody of her three minor grandchildren. See Initial Decision at 2; see also Exhibit P-1. Based upon a Court Order from the Family Part of the Superior Court, the children were declared dependent on the court until they reach the age of 21, or until lawful permanent residence has been obtained, whichever shall occur first in time, based upon Section 235 of the Trafficking Victims Protection Reauthorization Act of 2008. *Ibid.* Thereafter, on February 18, 2026, the United States Citizenship and Immigration Services ("USCIS") approved each minor child's application for I-360—Petition for Amerasian, Widower, or Special Immigrant status under "Special Immigrant-Juvenile." See Initial Decision at 3; see also Exhibit P-1. The approval indicates that the individual named within the approval will need to apply for adjustment of status in order to obtain



an I-485, Application for Permanent Residence. Ibid. Upon receipt of the WFNJ and SNAP applications, the Agency conducted a SAVE search for each minor child which resulted in "Applicant Status: Application Pending (asylum)—Temp Emp Auth." See Initial Decision at 3; see also Exhibits R-2, R-3, R-4.

As to SNAP benefits, in order to qualify for receipt of benefits, the applicant must be either a United States ("U.S.") citizen or qualified eligible alien. See Initial Decision at 3-4; see also N.J.A.C. 10:87-3.5. The regulatory authority regarding eligible aliens is set forth at N.J.A.C. 10:87-3.7, and a listing of eligible aliens is set forth at N.J.A.C. 10:87-3.8. See Initial Decision at 4. Further, pursuant to H.R. 1 (Pub. L. No. 119-21), also known as the One Big Beautiful Bill ("OBBB") Act of 2025, certain eligibility factors for SNAP were impacted, including that effective July 4, 2025, Section 10108 of the OBBB amended section 6(f) of the Food and Nutrition Act of 2008 (FNA), such that eligibility for SNAP was limited to the following groups: U.S. citizens, U.S. nationals, lawful permanent residents (LPRs), Cuban and Haitian entrants, and Compact of Free Association (COFA) citizens. See <https://www.fns.usda.gov/snap/obbb-alien-eligibility>. The Initial Decision in this matter is modified to reflect the impact of H.R.1, rather than the listing, and citations, included on pages 4-6 of the decision.

In this matter, each of the minor grandchildren currently has an immigration status pursuant to I-360 (Special Immigrant-Juvenile), and, the ALJ found that each would need to be a lawfully admitted alien for permanent residence, which would require filing of the I-485 (Application to Register Permanent Residence or Adjust Status) to obtain lawful permanent resident status before they would be considered eligible to receive SNAP benefits, as there is regulatory authority under which those lawfully admitted and under 18 years of age may be eligible for receipt of SNAP benefits. See Initial Decision at 6; see also N.J.A.C. 10:87-3.8(e), (f). Accordingly, at this time, as the minor grandchildren are not lawfully admitted aliens for permanent residence, the ALJ concluded that the Agency's denial of SNAP benefits to Petitioner's grandchildren was proper and must stand. See Initial Decision at 6. I agree.

In regard to WFNJ/TANF benefits, pursuant to N.J.A.C. 10:90-2.10, only United States citizens, or eligible aliens, shall be eligible for WFNJ benefits and otherwise shall not be considered members of the WFNJ/TANF assistance unit. See Initial Decision at 6-8; see also N.J.A.C. 10:90-2.8(a)(3), (4). As of the date of the hearing, each of the minor grandchildren has not been lawfully admitted for permanent residence and none of the documentation presented at the time of the hearing would evidence that the regulatory authority at N.J.A.C. 10:90-2.10 is applicable to the minors. See Initial Decision at 8-9. Accordingly, at this time, as the minor grandchildren are not lawfully admitted aliens for permanent residence, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits to Petitioner's grandchildren was proper and must stand. See Initial Decision at 9. I also agree.

By way of comment, Petitioner is without prejudice to reapply for SNAP and/or WFNJ/TANF benefits, on behalf of her grandchildren, should their circumstances, or immigration status, change.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. August 26, 2026

Natasha Johnson
Assistant Commissioner

