
SECTION: CERTIFICATION

SUBJECT: Eligibility Requirements

ITEM: Overview

Policy

The Local Agency (LA) shall certify an applicant for program benefits based on category, residency, identification (ID), income and nutrition risk in accordance with the procedures described below.

A parent or caretaker may apply for program benefits on behalf of an infant or child. An alternate or proxy is not authorized to apply for program benefits on behalf of another individual. See WPM 290-10 and 290-10.1 for information on activities an alternate or proxy is authorized to perform on behalf of a certified participant.

Required Procedures

- I. The following criteria must be met and documented in the Integrated Statewide Information System for an applicant to receive program benefits:
 - A. Be in a category served by WIC (WPM 210-08)
 1. Pregnant (prenatal) woman,
 2. Breastfeeding woman up to one year postpartum,
 3. Non-breastfeeding woman up to six months postpartum,
 4. Infant, or
 5. Child under the age of five years.
 - B. Live in California
 - C. Meet income eligibility (WPM 210-01 through 210-05)
 - D. Have an indicator of nutritional need (WPM 210-09 through 210-14)
- II. The applicant must be present at certification unless they meet an approved exemption criterion. (WPM 210-07)
- III. Certification shall be performed at no cost to the participant.

- IV. The LA shall not discriminate against an applicant/participant on the basis of race, color, national origin, age, sex, or disability.

Guidelines

- I. WIC allows program participation by foreign citizens, including foreign students residing in the United States, provided they meet the program eligibility requirements. Citizenship status cannot be a factor in eligibility determinations.
- II. Eligibility of “Lawful Temporary Resident Status” (LTRS) persons.
 - A. Assistance received under the Child Nutrition Act of 1966 of which the WIC program is part, is exempt from being considered as financial assistance for purposes of determining a person’s eligibility for initial or continuing status as a legal resident.
 - B. This information is important because the Immigration Reform and Control Act of 1986 prohibits persons who are granted LTRS from receiving financial assistance during the five year period following their date of attaining legal resident status. This restriction on the receipt of financial assistance also applies to persons who have applied for, but not yet received LTRS.
 - C. Since the WIC program provides non-cash benefits, WIC participants are not considered to be recipients of public cash assistance and are therefore not considered public charges under the Immigration Reform and Control Act.
 - D. Receipt of WIC benefits does not have any effect on an individual’s application for immigration or citizenship benefits or result in a determination that an alien is a public charge.

Definitions

Applicant – Pregnant women, breastfeeding women, postpartum women, infants, breastfed infants of breastfeeding women, and children under the age of five years who are applying to receive WIC benefits. Applicants include individuals who are currently participating in the program but are re-applying because their certification period has expired.

Breastfeeding Woman – A woman up to one year postpartum who is breastfeeding her infant. A woman is presumed to be breastfeeding if she breastfeeds her infant on the

average of at least once per day. A fully breastfeeding infant does not receive any WIC formula.

Child – a person who has had their first birthday but has not yet reached their fifth birthday.

Infant – A person under the age of one year.

Non-Breastfeeding Woman – A woman up to six months after termination of pregnancy; i.e., live birth, still birth, fetal death, therapeutic abortion, spontaneous abortion or miscarriage.

Prenatal or Pregnant Woman – A woman with one or more embryos in utero.

Public Charge – A person who is primarily dependent on the government for subsistence.

Authority

7 CFR 246.7 (c), (l) and (m)

7 CFR 246.8

All States Memorandum 98-66