

TABLE 1
Overview of Immigrant Eligibility for Federal Programs

This table provides an overview of immigrant eligibility for the major federal public assistance programs. Some states provide assistance to immigrants who are not eligible for federally funded services. (TABLE UPDATED APR. '10)

PROGRAM	“QUALIFIED” IMMIGRANTS WHO ENTERED THE U.S. BEFORE AUG. 22, 1996	“QUALIFIED” IMMIGRANTS WHO ENTERED THE U.S. ON OR AFTER AUG. 22, 1996	“NOT QUALIFIED” IMMIGRANTS
Supplemental Security Income (SSI)	Eligible only if: <ul style="list-style-type: none"> • Receiving SSI (or application pending) on Aug. 22, 1996 • Qualify as disabled and were lawfully residing in the U.S. on Aug. 22, 1996¹ • Lawful permanent resident with credit for 40 quarters of work^{1,2} • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, but only <i>during first 7 years after getting status, unless extended</i>³ • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Certain American Indians born abroad 	Eligible only if: <ul style="list-style-type: none"> • Lawful permanent resident with credit for 40 quarters of work² (but must wait until 5 years after entry before applying) • Were granted asylum or refugee status or withholding of deportation/removal, Cuban/Haitian entrant, Amerasian, or Iraqi or Afghan special immigrant status, but only <i>during first 7 years after getting status, unless extended</i>³ • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Certain American Indians born abroad 	Eligible only if: <ul style="list-style-type: none"> • Receiving SSI (or application pending) on Aug. 22, 1996 • Certain American Indians born abroad • Victims of trafficking and their derivative beneficiaries during the first seven years after getting status, <i>unless extended</i>³
Food Stamps⁴	Eligible only if: <ul style="list-style-type: none"> • Are under age 18⁴ • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant • Have been in “qualified” immigrant status for 5 years¹ • Are receiving disability-related assistance^{1,5} • Lawful permanent resident with credit for 40 quarters of work • Were 65 years or older and were lawfully residing in the U.S. on Aug. 22, 1996¹ • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse, or child of tribe member¹ • Certain American Indians born abroad 	Eligible only if: <ul style="list-style-type: none"> • Are under age 18⁴ • Were granted asylum or refugee status or withholding of deportation/removal, Cuban/Haitian entrant, Amerasian, or Iraqi or Afghan special immigrant status • Have been in “qualified” immigrant status for 5 years¹ • Are receiving disability-related assistance^{1,5} • Lawful permanent resident with credit for 40 quarters of work • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse, or child of tribe member¹ • Certain American Indians born abroad 	Eligible only if: <ul style="list-style-type: none"> • Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S., spouse, surviving spouse or child of tribe member, <i>who is lawfully present in the U.S.</i> • Certain American Indians born abroad • Victims of trafficking and their derivative beneficiaries

TABLE 1 (CONTINUED, p. 2 of 3)
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PROGRAM	“QUALIFIED” IMMIGRANTS WHO ENTERED THE U.S. BEFORE AUG. 22, 1996	“QUALIFIED” IMMIGRANTS WHO ENTERED THE U.S. ON OR AFTER AUG. 22, 1996	“NOT QUALIFIED” IMMIGRANTS
Temporary Assistance for Needy Families (TANF)	Eligible¹	Eligible only if: <ul style="list-style-type: none"> • Were granted asylum or refugee status or withholding of deportation/removal, Cuban/Haitian entrant, Amerasian, or Iraqi or Afghan special immigrant status⁸ • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Have been in “qualified” immigrant status for 5 years or more^{1,6} 	Eligible only if: <ul style="list-style-type: none"> • Victims of trafficking and their derivative beneficiaries
Emergency Medicaid (includes labor and delivery)	Eligible	Eligible	Eligible
Full-Scope Medicaid	Eligible⁷	Eligible only if: <ul style="list-style-type: none"> • Were granted asylum or refugee status or withholding of deportation/removal, Cuban/Haitian entrant, Amerasian, or Iraqi or Afghan special immigrant status⁸ • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Receiving federal Foster Care • Have been in “qualified” immigrant status for 5 years or more^{1,8} • Children under 21 (state option)¹¹ • Pregnant women (state option)¹¹ 	Eligible only if: <ul style="list-style-type: none"> • Were receiving SSI on Aug. 22, 1996 (in states that link Medicaid to SSI eligibility) • Certain American Indians born abroad • Victims of trafficking and their derivative beneficiaries • Lawfully residing children under 21 (state option)¹¹ • Lawfully residing pregnant women (state option)¹¹
Children’s Health Insurance Program (CHIP)	Eligible	Eligible only if: <ul style="list-style-type: none"> • Were granted asylum or refugee status or withholding of deportation/removal, Cuban/Haitian entrant, Amerasian, or Iraqi or Afghan special immigrant status • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Have been in “qualified” immigrant status for 5 years or more¹ • Children under 21 (state option)¹¹ • Pregnant women (state option)¹¹ 	Eligible only if: <ul style="list-style-type: none"> • Victims of trafficking and their derivative beneficiaries • Lawfully residing children under 21 (state option)¹¹ • Lawfully residing pregnant women (state option)^{9,11}
Medicare “Premium Free” Part A (hospitalization) (eligibility based on work history)	Eligible	Eligible	Eligible only if: <ul style="list-style-type: none"> • Lawfully present, and eligibility for assistance is based on authorized employment

TABLE 1 (CONTINUED, p. 3 of 3)
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Premium “Buy-in” Medicare	Eligible only if: <ul style="list-style-type: none"> • Lawful permanent resident who has resided continuously in the U.S. for at least 5 years 	Eligible only if: <ul style="list-style-type: none"> • Lawful permanent resident who has resided continuously in the U.S. for at least 5 years 	Not Eligible
HUD Public Housing and Section 8 Programs	Eligible except: <ul style="list-style-type: none"> • Certain Cuban/Haitian entrants and “qualified” abused spouses and children <p>Note: If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be pro-rated.</p>	Eligible except: <ul style="list-style-type: none"> • Certain Cuban/Haitian entrants and “qualified” abused spouses and children <p>Note: If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be pro-rated.</p>	Eligible only if: <ul style="list-style-type: none"> • Temporary resident under IRCA general amnesty, or paroled into the U.S. for less than 1 year • Victims of trafficking and their derivative beneficiaries • Citizens of Micronesia, the Marshall Islands, and Palau <p>Note: For other immigrants, eligibility may depend on the date the family began receiving housing assistance, the immigration status of other household members, and the household composition.</p> <p>Also note: If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be pro-rated.</p>
Title XX Block Grants	Eligible	Eligible	Eligible only if: <ul style="list-style-type: none"> • Victims of trafficking and their derivative beneficiaries • Program or service funded by the block grant is exempt from the welfare law’s restrictions
Social Security	Eligible¹⁰	Eligible¹⁰	Eligible only if: <ul style="list-style-type: none"> • Lawfully present¹⁰ • Were receiving assistance based on an application filed before Dec. 1, 1996 • Eligibility required by certain international agreements
Other Federal Public Benefits Subject to welfare law’s restrictions	Eligible	Eligible	Eligible only if: <ul style="list-style-type: none"> • Victims of trafficking and their derivative beneficiaries
Benefits Exempt from welfare law’s restrictions	Eligible	Eligible	Eligible

(rev. 4/10)

Notes appear on next page ➤

KEY TERMS USED IN TABLE (*IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS*)

“Qualified” immigrants are: (1) lawful permanent residents (LPRs); (2) refugees, asylees, persons granted withholding of deportation/removal, conditional entry (in effect prior to Apr. 1, 1980), or paroled into the U.S. for at least one year; (3) Cuban/Haitian entrants; (4) battered spouses and children with a pending or approved (a) self-petition for an immigrant visa, or (b) immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) application for cancellation of removal/suspension of deportation, whose need for benefits has a substantial connection to the battery or cruelty (parent/child of such battered child/spouse are

also “qualified”); and (5) victims of trafficking and their derivative beneficiaries who have obtained a T visa or whose application for a T visa sets forth a *prima facie* case. (A broader group of trafficking victims who are certified by or receive an eligibility letter from the Office of Refugee Resettlement are eligible for benefits funded or administered by federal agencies, without regard to their immigration status.)

“Not qualified” immigrants include all noncitizens who do not fall under the “qualified” immigrant categories.

ENDNOTES

- 1 Eligibility may be affected by deeming: a sponsor’s income/resources may be added to the immigrant’s in determining eligibility. Exemptions from deeming may apply.
- 2 LPRs are eligible if they have worked 40 qualifying quarters in the U.S. Immigrants also get credit toward their 40 quarters for work performed (1) by parents when the immigrant was under 18; and (2) by spouse during the marriage (unless the marriage ended in divorce or annulment). No credit is given for a quarter worked after Dec. 31, 1996, if a federal means-tested public benefit (SSI, food stamps, TANF, Medicaid, or SCHIP) was received in that quarter.
- 3 Effective October 1, 2008, “humanitarian” immigrants who reach the end of the 7-year eligibility period or who lost SSI due to the time limit can get 2 additional years of SSI if they: (1) are under 18 or over 70; or (2) have been LPRs for less than 6 years; or (3) have a pending application for LPR status, filed within 4 years of getting SSI; or (4) are a Cuban or Haitian entrant, or (5) were granted withholding of deportation or removal; or (6) have a pending application for citizenship. Persons over 18 must submit a declaration that they are making a good faith effort to pursue citizenship. They can receive an additional third year of SSI if they have filed an application for citizenship.
- 4 Children are not subject to sponsor deeming in the food stamp program.
- 5 Disability-related benefits include SSI, Social Security disability, state disability or retirement pension, railroad retirement disability, veteran’s disability, disability-based Medicaid, and disability-related General Assistance if the disability determination uses criteria as stringent as those used by federal SSI.
- 6 In Indiana, Mississippi, Ohio, South Carolina, and Texas, TANF is available only to immigrants who entered the U.S. on or after Aug. 22, 1996, who are: (1) LPRs credited with 40 quarters of work; (2) veterans, active duty military (and their spouse, unremarried surviving spouse, or child); or (3) refugees, asylees, persons granted withholding of deportation/removal, Cuban/ Haitian entrants, and Amerasian immigrants during the five years after obtaining this status. Indiana provides TANF to “refugees” listed in (3) regardless of the date they obtained that status. Mississippi does not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.
- 7 In Wyoming, only LPRs with 40 quarters of work credit, abused immigrants, parolees, veterans, active duty military (and their spouse, unremarried surviving spouse, or child), refugees, asylees, persons granted withholding of deportation/removal, Cuban/Haitian entrants, and Amerasian immigrants who entered the U.S. prior to Aug. 22, 1996, are eligible for full-scope Medicaid.
- 8 In Alabama, Mississippi, North Dakota, Ohio, Texas, Virginia, and Wyoming, full-scope Medicaid is available only to immigrants who entered the U.S. on or after Aug. 22, 1996, who are: (1) LPRs credited with 40 quarters of work; (2) veterans, active duty military (and their spouse, unremarried surviving spouse, or child); or (3) refugees, asylees, persons granted withholding of deportation/removal, Cuban/Haitian entrants, and Amerasian immigrants during the seven years after obtaining this status. Wyoming provides full-scope Medicaid to “qualified” abused immigrants and persons paroled into the U.S., regardless of their date of entry. In Texas, Amerasian immigrants are eligible only during the five years after obtaining this status; Mississippi, and North Dakota do not address eligibility for Cuban/Haitian entrants or Amerasian immigrants. Virginia provides Medicaid to lawfully residing children and Texas provides Medicaid to “qualified” immigrant children, regardless of their date of entry into the U.S.
- 9 In states that opt to cover fetuses, SCHIP provides prenatal care regardless of the mother’s immigration status. The scope of coverage depends in part on how the option is implemented.
- 10 For applications based on Social Security numbers issued on or after Jan. 1, 2004: must have been assigned a Social Security number that was, at the time assigned or at any later time, valid for work purposes. Alternatively, must have been admitted to the U.S. temporarily for business or as a crewman when the relevant work quarters were earned.
- 11 For a list of states providing medical assistance to additional categories of immigrants, either with state funds or under the option to provide federal Medicaid and CHIP to lawfully residing children and pregnant women, regardless of their date of entry into the U.S., and to provide prenatal care, regardless of the mother’s status, under the CHIP program’s “fetus” option, see the table “Medical Assistance Programs for Immigrants in Various States” at www.nilc.org/pubs/Guide_update.htm#tbl10.