



Public Benefits for Immigrants: A Guide for Practitioners

This guide is designed to help attorneys, legal and social service providers, policymakers, and other advocates understand the complex landscape of eligibility for federally funded programs and benefits for immigrants in the United States. It provides a comprehensive overview of eligibility criteria, federal programs, and recent legislative changes impacting access to these essential services.¹

In 2025, the passage of H.R. 1 significantly altered immigrant access to key programs. Congress imposed new funding restrictions on access to the Supplemental Nutrition Assistance Program (SNAP), Medicaid, the Children's Health Insurance Program (CHIP), Medicare, and premium tax credits for health coverage purchased in the Affordable Care Act (ACA) marketplaces. Once the restrictions become effective, these programs and subsidies will be available only to lawful permanent residents (LPRs), Cuban-Haitian entrants, and people residing under a Compact of Free Association ("COFA citizens"). As explained below, these immigrants also will be subject to the restrictions on access to "federal means-tested public benefits" under the 1996 Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).²

Immigration Categories and Eligibility

Federal programs and benefits are based on a web of statuses, categories, and eligibility criteria. There are two primary categories in benefits programs: "qualified" and "not qualified." These categories are determined by whether an individual has a particular immigration status.

"Qualified" and "Not Qualified"

"Qualified" immigrants are:

- ▶ lawful permanent residents (LPRs), or people with green cards

¹ For a more thorough description of eligibility for federal programs, See NILC, *Overview of Immigrant Eligibility for Federal Programs* (May 2024), <https://www.nilc.org/wp-content/uploads/2024/05/overview-immeligfedprograms-2024-05-08-1.pdf>.

² PRWORA is often referred to as the 1996 Welfare Law, and it generally governs immigrant access to federal programs and public benefits.



- ▶ refugees, people granted asylum or withholding of deportation/removal,³ and conditional entrants⁴
- ▶ people granted parole by the U.S. Department of Homeland Security (DHS) for a period of at least one year
- ▶ Cuban-Haitian entrants⁵
- ▶ certain survivors and victims of domestic violence, their children, and/or their parents⁶
- ▶ certain survivors of trafficking⁷
- ▶ people residing in the U.S. pursuant to a Compact of Free Association (COFA)⁸

All other immigrants, including undocumented immigrants, as well as many people who are lawfully present in the U.S., are considered “not-qualified.”⁹ This includes people: with Temporary Protected Status, with nonimmigrant visas (including U visas), who have applied for asylum, or who have been granted deferred action (including Deferred Action for Childhood Arrivals, or DACA). Generally, **not-qualified immigrants are ineligible for most federal public benefits.**¹⁰ However, being “qualified” does not necessarily mean that a person is eligible for a benefit. Also, H.R. 1’s new funding restrictions mean that even some groups of

³ Withholding of removal or deportation is another form of protection from deportation based on a fear of persecution or torture, for individuals who are ineligible for asylum. It has a higher standard of proof and does not provide a path to lawful status.

⁴ Conditional entrants entered the United States prior to 1981, as the status was used for refugees prior to the Refugee Act of 1980. Although many conditional entrants may have adjusted to LPR status, some may retain their original status.

⁵ Cuban-Haitian entrants include Cuban and Haitian nationals with various current and past immigration statuses listed at 45 C.F.R. § 401.2. *See also* U.S. Department of Health and Human Services, Office of Refugee Resettlement, *Fact Sheet: Cuban/Haitian Entrants*, https://www.acf.hhs.gov/sites/default/files/documents/orr/orr_fact_sheet_cuban_haitian_entrant.pdf.

⁶ To be considered a “qualified” immigrant under the battered spouse or child category, the immigrant must have an approved visa petition filed by a spouse or parent, a self-petition under the Violence Against Women Act (VAWA) that has been approved or sets forth a prima facie case for relief, or an approved application for cancellation of removal under VAWA. The spouse or child must have been battered or subjected to extreme cruelty in the United States by a family member with whom the immigrant resided, or the immigrant’s parent or child must have been subjected to such treatment. The immigrant must also demonstrate a “substantial connection” between the domestic violence and the need for the benefit being sought. The battered immigrant, parent, or child must also not be living with the abuser. While some individuals with U nonimmigrant status (“U visa”) may have experienced domestic violence, they are not considered qualified “battered immigrants” under this definition.

⁷ Survivors of trafficking and their derivative family members with T nonimmigrant status (“T visa”) or whose T visa application sets forth a prima facie case are considered “qualified” immigrants. This group was added to the definition of “qualified” by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110–457, § 211 (Dec. 23, 2008).

⁸ Individuals lawfully residing in the United States pursuant to a Compact of Free Association between the United States and Micronesia, the Marshall Islands or Palau were added to the definition of “qualified” immigrants by the Consolidated Appropriations Act of 2024 § 209(f)(3) (Mar. 9, 2024) (amending 8 U.S.C. § 1641(b)(8)).

⁹ Throughout this guide, *qualified* will be understood to have this meaning, as will *not-qualified*; they will not be enclosed in quotation marks.

¹⁰ The law does not specify which programs are covered by the term, leaving that clarification to each federal benefit-granting agency. “Federal public benefit” is described in PRWORA as (a) any grant, contract, loan, professional license, or commercial license provided by a U.S. agency or by appropriated funds of the United States, and (b) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment, benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by a U.S. agency or appropriated funds of the United States.



qualified immigrants—refugees, asylees, and other groups—are not eligible, practically speaking, for certain programs because there is no funding for their benefits. On the other hand, being “not-qualified” does not mean that a person is ineligible for all benefits. This guide will provide more precise information about eligibility as it relates to specific programs.

Lawfully Present Immigrants

Some programs also distinguish between immigrants who are “lawfully present” and those “not lawfully present.” “Lawfully present” includes not only immigrants who are “qualified,” but other categories of immigrants who have permission to live and/or work in the United States. The term “lawfully present” is interpreted differently, depending on the program. This guide will indicate what the specific definition is for each relevant program.

The Five-Year Bar

Many qualified immigrants may still face restrictions on eligibility for benefits depending in part on when they entered the United States. For those who entered or on after August 22, 1996, many immigrants are barred from “federal means-tested public benefits” during the five years after they obtain qualified immigrant status.¹¹ This waiting period is often referred to as the five-year bar. Federal agencies have clarified that the “federal means-tested public benefits” are Medicaid (except for emergency services), the Children’s Health Insurance Program (CHIP), Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Assistance Program (SNAP), and Supplemental Security Income (SSI).¹²

Select groups of immigrants are exempt from the five-year bar based on humanitarian grounds, as are members of the military and veterans (and their spouses and children). The groups of humanitarian immigrants exempt from the bar are refugees, asylees, individuals granted withholding of deportation/removal, Cuban-Haitian entrants, Amerasians, certain survivors of human trafficking, Iraqi and

¹¹ 8 U.S.C. § 1613.

¹² HHS, *Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)*; *Interpretation of ‘Federal Means-Tested Public Benefit,’* 62 Fed. Reg. 45256 (Aug. 26, 1997); U.S. Dept. of Agriculture (USDA), *Federal Means Tested Public Benefits*, 63 Fed. Reg. 36653 (July 7, 1998). The CHIP program, created after PRWORA, was later designated as a federal means-tested public benefit program. See Health Care Financing Administration, “The Administration’s Response to Questions about the State Child Health Insurance Program,” Question 19(a) (Sept. 11, 1997). For more information on additional restrictions on immigrant eligibility for SSI, see NILC, *Overview of Immigrant Eligibility for Federal Programs* (last updated Apr. 25, 2024), https://www.nilc.org/wp-content/uploads/2024/04/tbl1_ovrww-fed-pgms-rev-2024-04-1.pdf.



Afghan special immigrants, and certain Afghan and Ukrainian parolees.¹³ Individuals who have adjusted to LPR status but who previously held a humanitarian immigration status are not subject to the five-year bar even after adjusting status.

H.R. 1 Implementation Dates

H.R. 1 substantially changed many of the benefits described in the next section, adding more layers of complication to eligibility for various groups. Below is a chart displaying the effective dates for the eligibility changes to each program as included in H.R. 1.

Program	Effective Date
ACA Advanced Premium Tax Credit	January 1, 2027
ACA Marketplace Coverage (for individuals earning below 100% of poverty level)	January 1, 2026
SNAP	November 1, 2025
Medicaid and CHIP	October 1, 2026
Medicare	No later than January 1, 2027
Child Tax Credit	Taxable years beginning after December 31, 2024

Programs Without Immigration Status Restrictions

Not all programs include immigration-related restrictions, and some are designed to be available regardless of status. People who are not lawfully present are excluded from all health benefits programs, and many with lawful presence are still excluded. Under a

¹³ See 8 U.S.C. 1612 and 1613; section 8120 of Public Law 111-118.



1986 law,¹⁴ hospitals receiving Medicare funds must provide care to people with an emergency medical condition. Hospitals and health care providers can receive reimbursement for emergency care services until they are stabilized for immigrants who are eligible for Medicaid based on income and other factors but are ineligible for full-scope services due to their immigration status. This is often referred to as Emergency or Limited-Scope Medicaid.

There are also public health programs that provide immunizations and/or treatment of communicable disease symptoms (regardless of whether those symptoms are caused by such a disease) without any immigration-related eligibility factors.

States may also elect to provide prenatal services to pregnant people regardless of immigration status.

School breakfast and lunch programs remain open to all children regardless of immigration status, and almost every state has opted to provide access to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).¹⁵ The only state that does not provide WIC to all immigrants is Idaho.

In moments of disaster recovery,¹⁶ there is short-term noncash emergency disaster assistance available to entire affected communities, without immigration-status restrictions. The law also provides an exemption from immigration restrictions for in-kind services that are necessary to protect life or safety and are not conditioned on a person's income or resources, as determined by the Attorney General.

Eligibility for Federal Public Benefit Programs

This section briefly describes the federal public benefits that this guide will address. For ease of reference, see the Appendix to help determine an individual's eligibility for select programs.

¹⁴ Congress enacted the Emergency Medical Treatment & Labor Act (EMTALA) to ensure public access to emergency services regardless of an individual's ability to pay or their immigration status. EMTALA ensures that all hospitals that participate in Medicare do not turn away people who need lifesaving care. Emergency Medicaid often covers the use of EMTALA services.

¹⁵ 8 U.S.C. § 1615.

¹⁶ For more information, see NILC, *Disaster Assistance for Immigrants* (Mar. 1, 2024), <https://www.nilc.org/resources/disaster-help/>.



Health Insurance Subsidies under the Affordable Care Act

Marketplace Tax Credits for Lawfully Present Immigrants

As of publication of this document, lawfully present¹⁷ immigrants are eligible for ACA coverage and an Advanced Premium Tax Credit (“APTC”) that provides subsidies to make health insurance more affordable by lowering monthly premiums, as well as Cost Sharing Reductions that offset deductibles and copayments for low-income enrollees. Effective January 1, 2027, the only immigrants eligible for APTCs will be LPRs, Cuban-Haitian entrants, and COFA citizens. Immigrants who are otherwise eligible will still be able to purchase full-price coverage on the ACA marketplaces.

Marketplace Tax Credits for Lawfully Present Immigrants Earning Below 100% of the Federal Poverty Level (FPL)

Generally, people who earn below 100% of the FPL are excluded from ACA marketplace coverage, under the assumption that they could receive Medicaid; however, many lawfully present immigrants are ineligible for Medicaid or are subject to the five-year or longer waiting period. The ACA created a special exception to income thresholds for marketplace eligibility to close this gap, allowing immigrants earning under 100% of the FPL to receive subsidized marketplace coverage. Effective January 1, 2026, these individuals will lose access to these tax credits, making them ineligible for both Medicaid and ACA marketplace subsidies.

Generally, undocumented immigrants are ineligible for marketplace coverage, at any cost.¹⁸

¹⁷ In this context, “lawfully present” includes qualified immigrants, applicants for adjustment to LPR status, applicants for asylum or withholding of removal/deportation, TPS recipients, applicants TPS who have received employment authorization, individuals granted Deferred Enforced Departure, individuals granted deferred action (other than DACA recipients), individuals who have petitioned for or received SIJ classification, U nonimmigrants, individuals who have submitted bona fide applications for a T visa, individuals granted Continued Presence, nonimmigrants, COFA citizens, “longtime residents,” employment authorized nonimmigrants in “compelling circumstances,” lawful temporary residents and applicants for legalization, applicants for adjustment under the Legal Immigration and Family Equity (LIFE) Act who have employment authorization, individuals granted Family Unity status, applicants for cancellation of removal and suspension of deportation who have employment authorization, individuals under an order of supervision who have employment authorization, applicants for registry who have employment authorization. For more information on who is considered “lawfully present” under the ACA, see NILC, “Lawfully Present” Individuals Eligible Under the Affordable Care Act (Aug. 2025), <https://www.nilc.org/wp-content/uploads/2025/08/Lawfully-Present-Individuals-Eligible-Under-the-ACA-August-14-2025.pdf>.

¹⁸ Washington and Colorado have applied for and received waivers under Section 1332 of the ACA to use state money for programs allowing immigrants to enroll in marketplace or similar coverage regardless of their immigration status. Subsidies for this coverage are state-funded.



SNAP

Formerly known as the Food Stamp Program, SNAP provides food assistance to low-income families and individuals. The program restricts benefits for certain immigrants. SNAP benefits are provided to households, not individuals, so determining eligibility is more complicated. For SNAP, a household comprises people who live together and purchase and prepare meals together.¹⁹ H.R. 1 imposed new restrictions on immigrant eligibility for SNAP but did not specify an effective date for these restrictions. On October 31, 2025, the Food and Nutrition Service issued guidance on immigrant eligibility for SNAP based on the changes in H.R. 1. Beginning November 1, 2025, SNAP is only available to LPRs, Cuban-Haitian entrants, and COFA citizens. The five-year bar will apply for immigrants without an exemption, and all other immigrants will be ineligible for SNAP. They must also meet other eligibility requirements.²⁰ Five states provide state-funded nutrition assistance to some immigrants who are ineligible for the federal SNAP program.²¹

If some members of a SNAP household are ineligible due to their immigration status, eligible members of the household may still be able to receive assistance, but the household benefits would be calculated based on the number of eligible people in the household. In some states, although the income of an ineligible adult must still be reported, it will be prorated.²² H.R. 1 did not change the rules for household eligibility.

SNAP has never been extended to undocumented immigrants federally.

Medicaid and CHIP

Medicaid is a joint federal and state program that helps cover medical costs for some individuals with limited resources and income. Although the federal government has general rules that all state Medicaid programs must follow, each state runs its own program.

¹⁹ Some people who live together, such as spouses and most children under 22, may be included in the same SNAP household even if they do not purchase and prepare meals together.

²⁰ To be eligible for SNAP benefits, a household's income and resources must meet three tests: the gross monthly income test; the household net income test; and the household asset limit test. Individual states have differing requirements for SNAP eligibility.

²¹ California, Illinois, Maine, Minnesota, and Washington all have food assistance programs.

²² For example, if a household consists of three eligible individuals and one ineligible adult, only 75% of the ineligible adult's income will be considered available to the other household members. Although PRWORA gave states the option to prorate income, not all states do so.



This means that eligibility requirements and benefits vary by state. Medicaid also provides coverage for long-term care services, such as nursing home care.

CHIP is also a state-federal program that provides low-cost health insurance to children and pregnant people in families with moderate incomes. Every state has CHIP coverage with its own rules about who qualifies and what income thresholds are used. Currently, qualified immigrants are eligible for Medicaid and CHIP, many (but not all) of whom must first hold an eligible status for five years. States have the option to cover lawfully residing children and pregnant immigrants,²³ and many have chosen to do so.²⁴ Effective October 1, 2026, only LPRs (after the five-year waiting period, if applicable), Cuban-Haitian entrants, COFA citizens, and lawfully residing children and pregnant people (in states that opt to provide coverage for them) will be eligible.

Even if an immigrant is not eligible for full-scope Medicaid or CHIP under H.R. 1 or PRWORA, if they are lawfully residing and either of those two categories, they can still receive coverage with matching federal funding in certain states. Additionally, states have the option of covering prenatal care for pregnant immigrants regardless of status.

Federal law explicitly allows states to use their own funds to provide health care for immigrants who are excluded from federal coverage programs, and a number of them have done so for all or some immigrants.²⁵ A few states require LPRs to have credit for 40 quarters of work history in the US and/or terminate Medicaid for humanitarian immigrants after a seven-year period.

Undocumented individuals are ineligible for full scope Medicaid and for CHIP.

²³ For purposes of Medicaid and CHIP, “lawfully residing” individuals fall under one of the following categories of “lawfully present” individuals, and be residents of the state in which they are applying for Medicaid/CHIP: qualified immigrants, immigrants in valid nonimmigrant status, certain immigrants paroled for less than one year, immigrants in temporary resident status, immigrants with TPS or who have pending TPS applicants and have employment authorization, individuals with certain categories of employment authorization, Family Unity beneficiaries, applicants for asylum or withholding of removal/deportation with employment authorization, individuals granted withholding of removal under the Convention Against Torture, individuals with a pending petition for Special Immigrant Juvenile classification, an immigrant lawfully present in the Commonwealth of the Northern Mariana Islands or American Samoa. For additional information, see Centers for Medicare & Medicaid Services, *Re: Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women* (July 1, 2010), <https://www.medicaid.gov/federal-policy-guidance/downloads/SHO10006.pdf>.

²⁴ See Tanya Broder, NILC, *Health Coverage (Maps)* (Jul. 28, 2025), <https://www.nilc.org/resources/healthcoveragemaps/>.

²⁵ See Tanya Broder, NILC *Medical Assistance Programs for Immigrants in Various States (Table)* (Updated July 29, 2025), <https://www.nilc.org/resources/medical-assistance-various-states/> (documenting distinct eligibility rules for states).



Emergency Medicaid

Emergency Medicaid is a limited program that reimburses health care providers for emergency medical care provided to uninsured individuals who do not qualify for full scope Medicaid due to their immigration status. The scope of services provided under Emergency Medicaid is determined by states but is limited to those needed to stabilize an individual at risk of death or permanent injury.²⁶

The ACA's Medicaid expansion offered full-scope coverage to almost all adults with incomes up to 138% of the Federal Poverty Level (FPL). It also provided states with an enhanced Federal Medical Assistance Percentage (FMAP) for their expansion populations. Following a Supreme Court ruling, this expansion is a state option, which the vast majority of states have adopted.²⁷ Due to new restrictions in H.R.1, effective October 1, 2026, states that expanded Medicaid under the ACA will receive a lower FMAP for emergency services provided to low-income adults who are ineligible for full-scope Medicaid²⁸ due to their immigration status. States will receive the same rate as for the traditional Medicaid groups, rather than the higher FMAP.

TANF

TANF is a block grant program that provides funds to support low-income families with children, and a wide range of services to help provide economic security and stability for participants. Most states terminate TANF after a five-year period, although some use state funds to provide benefits after that time. Qualified immigrants²⁹ are eligible for TANF. The only groups of not-qualified immigrants eligible for TANF are a subset of trafficking survivors and their derivative beneficiaries and certain Ukrainian parolees. Certain states further restrict TANF eligibility for qualified immigrants.³⁰

²⁶ See 42 U.S.C. § 1395dd(e)(1).

²⁷ See KFF, *Status of State Medicaid Expansion Decisions* (updated Sept. 29, 2025), <https://www.kff.org/medicaid/status-of-state-medicaid-expansion-decisions/>.

²⁸ "Full-scope" Medicaid provides all services covered under a Medicaid plan. "Comprehensive" coverage packages do not provide all covered services but cover services meeting the minimum essential coverage requirements under the ACA.

²⁹ Qualified immigrants who entered prior to 8/22/96 are eligible for TANF. Qualified immigrants who entered after that date are eligible only if they: were granted asylum, refugee status, or withholding of removal/deportation; are a Cuban-Haitian entrant, Amerasian, victim of trafficking, Iraqi or Afghan special immigrant, certain Ukrainian parolee; are a citizen of Micronesia, the Marshall Islands, and Palau; are a veteran, active-duty military or spouse, unremarried surviving spouse, or child; have been in qualified immigrant status for five years.

³⁰ Indiana, Mississippi, Ohio, South Carolina, and Texas all have additional restrictions on eligibility for TANF for qualified immigrants.



Many states provide cash assistance to immigrants who are ineligible for federally funded TANF.³¹ About a third of states use their funds to provide TANF to qualified immigrants without a waiting period.

Supplemental Security Income (SSI)

SSI is a federal means-tested benefit program administered by the Social Security Administration (SSA) that provides benefits (typically monthly cash assistance) to individuals with limited income and resources who are blind, aged 65 or older, or have a qualifying disability. Children with disabilities or who are blind may also qualify for SSI.

Certain qualified immigrants are eligible for SSI.³² LPRs generally must have credit for 40 quarters of work history in the United States and are subject to a five-year waiting period if they entered after August 22, 1996. Not-qualified immigrants are eligible for SSI only if they were: receiving SSI or had an application pending on August 22, 1996, certain American Indians born abroad, victims of trafficking and their derivative beneficiaries, or certain Ukrainian parolees. Some immigrants qualify for SSI only during the seven-year period after being granted a “humanitarian” status.³³

³¹ For a chart on state-funded replacement programs, see NILC, *State-Funded TANF Replacement Programs* (June 2024), https://www.nilc.org/wp-content/uploads/2024/06/tbl8_state-tanf-2024-06-1.pdf.

³² If the qualified immigrant entered before 8/22/96, they are eligible only if they: were receiving SSI or had an application pending on that date; qualify as disabled and were lawfully residing in the United States on that date; are an LPR with 40 quarters of work credits; were granted asylum, refugee status, or withholding of deportation/removal; are a Cuban-Haitian entrant or Amerasian immigrant; are a citizen of Micronesia, the Marshall Islands, and Palau; are a veteran, active-duty military, or a spouse, unremarried surviving spouse, or child; or are certain American Indians born abroad. Qualified immigrants who entered after that date are eligible if they are: an LPR with 40 quarters of work credit; were granted asylum, refugee status, or withholding of deportation/removal; are a Cuban-Haitian entrant, Amerasian, victim of trafficking, or Iraqi or Afghan special immigrant; are certain Ukrainian parolees; are a citizen of Micronesia, the Marshall Islands, and Palau; are a veteran, active-duty military, or a spouse, unremarried surviving spouse, or child; or are certain American Indians born abroad.

³³ This includes those who are eligible and were granted refugee or asylum status or withholding of deportation/removal, Cuban-Haitian entrants, victims of trafficking, Iraqi or Afghan special immigrants, and Amerasian immigrants.



Social Security

To receive Social Security retirement or Social Security Disability Insurance (SSDI) benefits, a worker must be fully insured and lawfully present³⁴ in the United States. To be fully insured, individuals must have earned sufficient quarters of work in the United States and have been issued a Social Security Number (SSN) for work purposes at any time. Individuals receiving these benefits based on an application filed before December 1, 1996, do not need to meet the immigration status requirements.

Medicare

Medicare is a federal health insurance program for people aged 65 or older. People with certain disabilities or illnesses may also be eligible for Medicare. The program helps with the cost of health care but does not cover all medical expenses. Medicare has four parts: Part A (hospital insurance), Part B (medical insurance), Part C (Medicare advantage, a plan from a private health insurance company),³⁵ and Part D (prescription drug coverage).

H.R. 1's eligibility restrictions for new Medicare enrollees went into effect immediately, causing many lawfully present immigrants to lose eligibility. Prior to H.R.1, lawfully present immigrants³⁶ were eligible for Medicare, if they met the age or disability requirements and the requisite work quarters.³⁷ People receiving or eligible for Medicare on July 4, 2025, can keep their coverage for 18 months (until January 4, 2027). People who become eligible after July 4, 2025, must be U.S. citizens, LPRs, Cuban-Haitian entrants, or COFA citizens.

³⁴ For these purposes, the definition of “lawfully present” at 8 C.F.R. §1.3 applies, and includes qualified immigrants, as well as: individuals in valid status, certain individuals paroled into the United States for less than one year, individuals in temporary resident status, individuals with Temporary Protected Status, Cuban-Haitian entrants, Family Unity beneficiaries, individuals under Deferred Enforced Departure, individuals with deferred action, spouses or children of U.S. citizens whose visa petition has been approved and who have a pending application for adjustment of status, applicants for asylum or withholding of removal who have employment authorization (including those applicants under 14 who have had an application pending for at least 180 days).

³⁵ Part C is an alternative to Parts A and B, which are collectively known as “original Medicare.”

³⁶ For purposes of Medicare eligibility, “lawfully present” immigrants include qualified immigrants, immigrants in valid status, certain immigrants paroled into the United States for less than a year, certain immigrants permitted to remain in the United States for humanitarian or other public policy reasons, and certain applicants for asylum or withholding of removal/deportation. See 8 C.F.R. § 1.3. For example, individuals granted TPS; individuals granted refugee status, asylum, or withholding of removal/deportation; certain survivors of trafficking and domestic violence; and individuals granted humanitarian parole.

³⁷ The work quarters requirement is 40 quarters of work (or approximately ten years).



Undocumented immigrants do not have access to Medicare.

Other Tax Credits

Earned Income Tax Credit

The Earned Income Tax Credit (EITC) helps low- to moderate-income taxpayers get a credit to reduce their taxes and potentially increase their refund. Everyone claiming the EITC (and their qualifying children) must have a work-authorized Social Security Number (SSN). H.R. 1 did not change EITC eligibility.

Child Tax Credit

The Child Tax Credit (CTC) helps eligible families with qualifying children get a credit on their taxes. If the child meets all the [qualifications](#) and the taxpayer's annual income does not exceed the annual income amount, they qualify for the full amount.³⁸ The child must be a U.S. citizen or national, or have a work-authorized SSN.³⁹ Under H.R. 1, at least one parent in the household must have an SSN to claim the credit.

Housing Programs

Rental Housing Programs

There are a variety of housing programs and benefits available to certain categories of immigrants, including public housing administered by the U.S. Department of Housing and Urban Development (HUD), Section 8 programs, and Rural Housing Programs. HUD public housing and Section 8 programs are available to LPRs, lawful temporary residents, refugees, asylees, individuals granted withholding of deportation/removal, certain survivors of trafficking, COFA citizens, certain survivors of domestic violence, and

³⁸ The maximum credit available is \$2000 per child, as of 2024.

³⁹ The 2017 Tax Cuts and Jobs Act excluded children without a SSN from the CTC through the end of 2025. H.R. 1 made this provision permanent.



Cuban-Haitian entrants.⁴⁰ For Section 515 rural rental housing, all immigrants are eligible.⁴¹ For Section 514/516 Farm Labor Housing, only LPRs are eligible, although the immigration status requirement only applies to the head of household. For the Section 542 voucher program, only LPRs are eligible.⁴²

Low-Income Housing Tax Credit (LIHTC) housing is available to all individuals, regardless of immigration status.⁴³

Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)

LIHEAP provides states with block grants from the U.S. Department of Health and Human Services (HHS) to help low-income households defray the cost of heating or cooling and weatherizing their homes. These block grants are distributed by state agencies that contract with local providers; the names of the programs and services provided vary by state. LIHEAP programs typically include Heating or Cooling Assistance Programs, Energy Crisis Intervention Programs, and Weatherization Assistance. A household⁴⁴ qualifies for LIHEAP if one or more individuals in the household are receiving TANF, SSI, SNAP, or certain veteran's benefits/payments; or the household income does not exceed 60% of the state median income or 150% of the FPL, whichever is greater.

The U.S. Department of Energy's Low-Income Weatherization Assistance Program (WAP) provides weatherization (like insulation) or energy related-home repair for low-income units. States administer WAP by subcontracting with local providers. Some states supplement WAP with contributions from utility companies or other sources. WAP has the same eligibility rules for immigrants as LIHEAP.⁴⁵

⁴⁰ Cuban-Haitian entrants are arguably eligible for these programs and have been granted access to public housing in some jurisdictions.

⁴¹ Unless the Rural Housing Service (RHS) issues new regulations.

⁴² The head of household must be a U.S. citizen or LPR.

⁴³ For more information on immigrant eligibility for rental housing programs, see NILC, *Rental Housing Programs* (Oct. 2018), https://www.nilc.org/wp-content/uploads/2018/11/rental_housing_1005.pdf. For a more comprehensive resource on housing programs, see National Housing Law Project (NHLP), *Immigration Requirements: Assistance Programs for Housing and Homelessness, Energy, Disaster, and Water (ESG, CoC, CDBG, HOME, FEMA, RUSH, LIHEAP, LIWHAP, CRF, and ERAP)* (Oct. 2024), https://www.nhlp.org/wp-content/uploads/Immigration-Restrictions_Other-Programs.pdf.

⁴⁴ A household means "any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent."

⁴⁵ For more information on immigrant eligibility for LIHEAP and WAP, see NILC, *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* (May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006-1.pdf.



APPENDIX – Eligibility for Select Federal Programs¹

	Lawful Permanent Residents (LPRs) (age 18 and over)	LPRs (under age 18)	LPRs who are pregnant	Cuban-Haitian Entrants ⁱ	COFA Citizens ⁱⁱ	Refugees, Asylees, Trafficking Survivors, Others ⁱⁱⁱ	Other Lawfully Present Individuals ^{iv}	Undocumented Immigrants and DACA Recipients ^v (including children and pregnant people)
If entered the United States on or after August 22, 1996								
ACA Subsidies (premium tax credits and cost-sharing reductions)	Eligible	Eligible	Eligible	Eligible	Eligible	Eligible (through 12/31/26) Not eligible (beginning 1/1/27)	Eligible (through 12/31/26) Not eligible (beginning 1/1/27)	Not eligible for subsidy or for full-priced health insurance in the Exchange marketplace
SNAP	Eligible only after 5-year waiting period <i>or</i> have credit for 40 quarters of work <i>or</i> in a military/veteran family	Eligible	Eligible only after 5-year waiting period <i>or</i> have credit for 40 quarters of work <i>or</i> in a military/veteran family	Eligible	Eligible	Not eligible	Not eligible	Not eligible
Medicaid and CHIP	Eligible after 5-year waiting period, unless meet another exemption ^{vi}	State option to provide without a 5-year waiting period to	State option to provide without a 5-year waiting period	Eligible	Eligible	Eligible (through 9/30/26)	State option for children under 21 and pregnant people only	Eligible only for emergency Medicaid or prenatal care (in select states)

¹ For a more thorough description of eligibility for federal programs, See NILC, *Overview of Immigrant Eligibility for Federal Programs* (May 2024), <https://www.nilc.org/wp-content/uploads/2024/05/overview-immeligfedprograms-2024-05-08-1.pdf>.



		children up to age 21				Not eligible (effective 10/1/26)		
TANF	Eligible after 5-year waiting period, unless state does not have waiting period	Eligible after 5-year waiting period, unless state does not have waiting period	Eligible after 5-year waiting period, unless state does not have waiting period	Eligible	Eligible	Eligible	Not eligible unless the state provides assistance	Not eligible
SSI	Eligible once have credit for 40 quarters of work and have had status for 5 years, or meet another exception	Eligible once have credit for 40 quarters of work and have had status for 5 years, or meet another exception	Eligible once have credit for 40 quarters of work and have had status for at least five years	Only eligible during first 7 years after status is granted, unless meet another exception	Eligible	Only eligible during first 7 years after status is granted, unless meet another exception	Not eligible	Not eligible
Medicare	Eligible	Not eligible (generally) ^{vii}	Not eligible	Eligible	Eligible	Eligible (currently, although no new enrollees permitted after 7/4/25) Not eligible (effective date unknown, no later than 1/4/27)	Eligible (currently, although no new enrollees permitted after 7/4/25) Not eligible (effective date unknown, no later than 1/4/27)	Not eligible



ⁱ Cuban-Haitian entrants are:

- An individual granted parole as a Cuban-Haitian Entrant (Status Pending) or any other special status subsequently established under immigration laws for nationals of Cuba or Haiti, or
- Any other national of Cuba or Haiti who is not subject to a final, non-appealable and legally enforceable removal order, and:
 - Was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act (INA); or
 - Is in removal proceedings under the INA; or
 - Has an asylum application pending with U.S. Citizenship and Immigration Services.

ⁱⁱ Individuals who lawfully reside in the U.S. pursuant to a Compact of Free Association (COFA).

ⁱⁱⁱ This also includes Amerasian immigrants, Iraqi or Afghan special immigrants, individuals paroled from Afghanistan or Ukraine during certain periods, individuals granted withholding of removal or deportation, certain survivors of domestic violence, certain survivors of trafficking and their derivative beneficiaries, and immigrants paroled into the United States for at least one year.

^{iv} This column refers to a broader group of lawfully present immigrants who aren't listed as "qualified" immigrants in 8 USC § 1641 but who are in the United States with the permission and knowledge of the government. This includes individuals with Temporary Protected Status (TPS) or Deferred Enforced Departure (DED), Lawful Temporary Residents, individuals paroled into the United States, and individuals with nonimmigrant statuses (student visas, U visas, or worker visas).

^v DACA is the acronym for Deferred Action for Childhood Arrivals. Although DACA recipients became eligible to enroll in the health insurance exchanges and to receive premium tax credits and cost sharing reductions in November 2024, they were subsequently determined to be ineligible for ACA marketplace coverage in 2025. Some states received federal waivers that open access to private coverage for immigrants regardless of status. See NILC, Gabrielle Lessard, *On the Path Toward Health for All: Opportunities for States to Expand Access to Private Coverage through State Innovation Waivers* (Dec. 2023), https://www.nilc.org/wp-content/uploads/2023/12/4-NILC_1332Waivers_Final.pdf.

^{vi} In a few states, LPRs remain ineligible after five years unless they have credit for 40 quarters of work history or are a veteran, active-duty military, or their spouse/child.

^{vii} Some minors may be able to receive Medicare in very rare circumstances, such as having end-stage renal disease. For more information, visit Centers for Medicare & Medicaid Service, *Original Medicare (Part A and B) Eligibility and Enrollment* (last updated Jan. 8, 2025), <https://www.cms.gov/medicare/enrollment-renewal/original-part-a-b>.