

Immigrant Eligibility for Selected Federal Programs

THIS TABLE PROVIDES an overview of immigrant eligibility for selected federal programs. Some states provide coverage or assistance to immigrants who are not eligible for federally funded services.

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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
Supplemental Nutrition Assistance Program (SNAP)	Eligible only if: <ul style="list-style-type: none"> • 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^{1,4} • 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 18³ • Were granted asylum or refugee status or withholding of deportation/removal, Cuban/Haitian entrant, Amerasian, survivor of trafficking, or Iraqi or Afghan special immigrant status • Have been in "qualified" immigrant status for 5 years¹ • Are receiving disability-related assistance^{1,4} • 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 • Survivors of trafficking and their derivative beneficiaries
School Lunch & Breakfast, Summer Food Programs, Child and Adult Care Food Program	Eligible	Eligible	Eligible
Women, Infants and Children (WIC)	Eligible	Eligible	Eligible
Commodity Supplemental Food Program, Emergency Food Assistance Program (TEFAP)	Eligible	Eligible	Eligible

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Temporary Assistance for Needy Families (TANF)	Eligible ^{1,*}	Eligible only if: <ul style="list-style-type: none"> • Were granted asylum or refugee status or withholding of deportation/removal, Cuban/Haitian entrant, Amerasian, survivor of trafficking, or Iraqi or Afghan special immigrant status⁵ • Veteran, active duty military; spouse, unremarried surviving spouse, or child¹ • Have been in "qualified" immigrant status for 5 years or more^{1,5} 	Eligible only if: <ul style="list-style-type: none"> • Survivors of trafficking and their derivative beneficiaries
Child Care Development Fund (CCDF)	Eligible (based on child's status)	Eligible (based on child's status)	Eligible only if: <ul style="list-style-type: none"> • Survivors of trafficking and their derivative beneficiaries, or • Services subject to Head Start or public educational standards
Head Start/ Early Head Start	Eligible	Eligible	Eligible
Full-Scope Medicaid	Eligible ⁶	Eligible only if: <ul style="list-style-type: none"> • Were granted asylum or refugee status or withholding of deportation/removal, Cuban/Haitian entrant, Amerasian, survivor of trafficking, or Iraqi or Afghan special immigrant status⁷ • 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^{1,7} • Children under 21 (state option)⁹ • Pregnant women (state option)⁹ 	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 • Survivors of trafficking and their derivative beneficiaries • Lawfully residing children under 21 (state option)⁹ • Lawfully residing pregnant women (state option)⁹

* In Mississippi, TANF is available to immigrants who entered the U.S. prior to Aug. 22, 1996, only if they are: (1) LPRs credited with 40 quarters of work; or (2) veterans, active duty military (and their spouse, unremarried surviving spouse, or child); or refugees, asylees, people granted withholding of deportation/removal, Cuban/Haitian entrants, survivors of trafficking, or Amerasian immigrants during the first five years after obtaining this status.

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
Emergency Medicaid (includes labor and delivery)	Eligible	Eligible	Eligible
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, survivor of trafficking, or Iraqi or Afghan special immigrant status • Veteran, active duty military; spouse, unremarried surviving spouse, or child ¹ • Have been in “qualified” immigrant status for 5 years or more ¹ • Children under 21 (state option) ⁹ • Pregnant women (state option) ⁹ 	Eligible only if: <ul style="list-style-type: none"> • Survivors of trafficking and their derivative beneficiaries • Lawfully residing children under 21 (state option) ⁹ • Lawfully residing pregnant women (state option) ^{8, 9}
HUD Public Housing and Section 8 Programs	Eligible except: <ul style="list-style-type: none"> • Certain Cuban/Haitian entrants 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 prorated.	Eligible except: <ul style="list-style-type: none"> • Certain Cuban/Haitian entrants 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 prorated.	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 • Survivors of trafficking and their derivative beneficiaries • Citizens of Micronesia, the Marshall Islands, and Palau 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. Note also: 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 prorated.
USDA Section 515 Rural	Eligible	Eligible	Eligible

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Housing			
HUD Housing Section 202 & Section 811	Eligible	Eligible	Eligible
HUD Homeless Assistance Programs ¹⁰	Eligible	Eligible	Eligible
Low-Income Tax Credit Housing	Eligible	Eligible	Eligible
Community Development Block Grant (CDBG)	Eligible	Eligible	Eligible
Low-Income Home Energy Assistance Program (LIHEAP) & Weatherization	Eligible	Eligible	<p>Eligible only if:</p> <ul style="list-style-type: none"> Survivors of trafficking and their derivative beneficiaries Weatherization of multi-unit building <p>Note: If at least one member of the household is eligible, states are encouraged to prorate the assistance.</p>
Community Services Block Grant (CSBG)	Eligible	Eligible	Eligible
Workforce Investment Opportunity Act Programs	Eligible if work-authorized	Eligible if work-authorized	Eligible if work-authorized
Earned Income Tax Credit (EITC)	Eligible if have SSN valid for work purposes	Eligible if have SSN valid for work purposes	Eligible if have SSN valid for work purposes
FEMA Individual and Family Grant Program	Eligible	Eligible	<p>Eligible only if:</p> <ul style="list-style-type: none"> Survivors of trafficking and their derivative beneficiaries <p>Note: Households may receive assistance if at least one member is a U.S. citizen or "qualified" immigrant</p>
Short-Term, Noncash, In-kind Emergency Disaster Relief	Eligible	Eligible	Eligible

KEY TERMS USED IN TABLE (*Immigrant Eligibility for Selected 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) survivors 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 survivors 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.

NOTES

- 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 CHIP) was received in that quarter.
- 3 Children are not subject to sponsor deeming in the SNAP program.
- 4 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.
- 5 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, survivors of trafficking, 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 and does not provide benefits to post-Aug. 22, 1996 entrants listed in (1). Mississippi does not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.
- 6 In Wyoming, lawfully residing pregnant women are eligible for Medicaid regardless of their date of entry into the U.S. Otherwise, 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.
- 7 In Alabama, Mississippi, North Dakota, Texas, Virginia, and Wyoming, full-scope Medicaid is available only to certain immigrants who entered the U.S. on or after Aug. 22, 1996: (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. In addition: Wyoming provides full-scope Medicaid to lawfully residing pregnant women, “qualified” abused immigrants, and persons paroled into the U.S., regardless of their date of entry, and to the “refugees” listed in (3) without a time limit. Alabama provides Medicaid to LPRs who have completed the five-year bar, regardless of whether they have 40 quarters of work history. In Texas and Alabama, Amerasian immigrants are eligible only during the five years after obtaining this status. North Dakota provides Medicaid to the “refugees” listed in (3) without a time limit. Virginia and Texas provide Medicaid to lawfully residing children regardless of their date of entry into the U.S. And Virginia provides Medicaid to lawfully residing pregnant women, regardless of their date of entry into the U.S. Texas provides prenatal care regardless of a woman’s immigration status, under CHIP’s option to provide prenatal care regardless of the woman’s immigration status, referenced in note 8, below.
- 8 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.
- 9 For a list of states providing medical assistance to additional categories of immigrants, either with state funds or under the option (a) to provide federal Medicaid and CHIP to lawfully residing children and pregnant women regardless of their date of entry into the U.S. or (b) to provide prenatal care regardless of the mother’s immigration status, under that CHIP option, see the table “Medical Assistance Programs for Immigrants in Various States,” at www.nilc.org/wp-content/uploads/2015/11/medical-services-for-immigrants-in-states.pdf. For a definition of “lawfully residing” for the purpose of Medicaid and CHIP coverage of children and pregnant women, see a letter from Cindy Mann, Centers for Medicaid and Medicare Services (CMS), to state health officials, Re: Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women (July 1, 2010), at www.cms.gov/smdl/downloads/SHO10006.pdf. See also CMS letter to state health officials, Re: Individuals with Deferred Action for Childhood Arrivals (Aug. 28, 2012), at www.medicaid.gov/Federal-Policy-Guidance/downloads/SHO-12-002.pdf.

10 These HUD Homeless Assistance programs have been determined to be available without an immigration status restriction: Street Outreach Services, Emergency Shelter, Safe Haven, Rapid Re-Housing. See HUD Office of Special Needs Assistance Programs, “The Personal Responsibility and Work Opportunity Act of 1996 and HUD’s Homeless Assistance Programs” (Aug. 16, 2016), at <https://www.hudexchange.info/resources/documents/PRWORA-Fact-Sheet.pdf>. See also joint letter from the US

Dept. of Justice, HHS, and HUD to recipients of federal financial assistance (Aug. 5, 2016), at <https://www.hudexchange.info/resources/documents/HUD-HHS-DOJ-Letter-Regarding-Immigrant-Access-to-Housing-and-Services.pdf> (transitional housing is available for up to two years without regard to a person’s immigration status).