

Immigrant Eligibility for Selected Federal Programs

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

(TABLE UPDATED Sept. '12)

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"> • Are under age 18³ • 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 work² • 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, victim 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 work² • 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
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, victim of trafficking, or Iraqi or Afghan special immigrant status ⁵ • Veteran, active duty military; spouse, unremarried surviving spouse, or child ¹ • Have been in “qualified” immigrant status for 5 years or more ^{1,5} 	Eligible only if: <ul style="list-style-type: none"> • Victims 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"> • Victims of trafficking and their derivative beneficiaries • 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, victim of trafficking, or Iraqi or Afghan special immigrant status ⁷ • Veteran, active duty military; spouse, unremarried surviving spouse, or child ¹ • Receiving federal Foster Care • Have been in “qualified” immigrant status for 5 years or more ^{1,6,7} • 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 • Victims of trafficking and their derivative beneficiaries • Lawfully residing children under 21 (state option) ⁹ • Lawfully residing pregnant women (state option) ⁹
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, victim 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"> • Victims of trafficking and their derivative beneficiaries • Lawfully residing children under 21 (state option) ⁹ • Lawfully residing pregnant women (state option) ^{8,9}

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HUD Public Housing and Section 8 Programs	<p>Eligible except:</p> <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 prorated.</p>	<p>Eligible except:</p> <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 prorated.</p>	<p>Eligible only if:</p> <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 prorated.</p>
USDA Section 515 Rural Housing	Eligible	Eligible	Eligible
HUD Housing Section 202 & Section 811	Eligible	Eligible	Eligible
Low-Income Tax Credit Housing	Eligible	Eligible	Eligible
HUD HOME Investment Partnership	Eligible	Eligible	<p>Eligible only if:¹⁰</p> <ul style="list-style-type: none"> Victims of trafficking and their derivative beneficiaries Services provided by nonprofit charitable organization
HUD Homeless Assistance Programs	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"> Victims of trafficking and their derivative beneficiaries Weatherization of multiunit building Provided by nonprofit charitable organization
Community Services Block Grant (CSBG)	Eligible	Eligible	Eligible

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Workforce Investment 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
HHS Assets for Independence	Must be eligible for TANF, or for EITC, or have total household income of less than two times the federal poverty level	Must be eligible for TANF, or for EITC, or have total household income of less than two times the federal poverty level	Must be eligible for TANF, or for EITC, or have total household income of less than two times the federal poverty level
FEMA Individual and Family Grant Program	Eligible	Eligible	Eligible only if: <ul style="list-style-type: none"> Victims of trafficking and their derivative beneficiaries Note: Households may receive assistance if at least one member is a U.S. citizen or “qualified” immigrant
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) 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

- 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.
- LPR adults are eligible if they have worked 40 qualifying quarters in the U.S. Immigrants also can get credit 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.
- Children are not subject to sponsor deeming in the food stamp program.
- 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.
- 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

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- 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, victims 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 8/22/96 entrants listed in (1). Mississippi does not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.
- 6 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.
- 7 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. 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; Mississippi does not address eligibility for Cuban/Haitian entrants or Amerasian immigrants. 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. Virginia also provides Medicaid to lawfully residing pregnant women regardless of their date of entry into the U.S., while Texas provides prenatal care regardless of a woman’s status under the CHIP option described in footnote 8.
- 8 In states that opt to cover fetuses, CHIP 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 to provide federal Medicaid and CHIP to lawfully residing children and pregnant women, regardless of their date of entry into the U.S.; or 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/document.html?id=159. For a definition of “lawfully residing” for the purpose of covering children and pregnant women under Medicaid or CHIP, see 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. *But see* State Health Officials letter from CMS (Aug. 28, 2012) (excluding individuals granted Deferred Action for Childhood Arrivals from eligibility), at www.medicaid.gov/Federal-Policy-Guidance/downloads/SHO-12-002.pdf.
- 10 See HUD Guidance, “HOME Questions and Answers,” NCSHA/COSCA HOME Strengths Conference (Jan. 14, 2004), at www.hud.gov/offices/cpd/affordablehousing/library/homeqa.pdf.