



Immigrants' Eligibility Chart

Immigrants must meet all other eligibility criteria of the benefit program for which they are applying to qualify for the benefit.

For a listing of “qualified aliens” as defined by PRWORA visit:

https://www.health.ny.gov/health_care/medicaid/reference/mrg/november2009/page455.pdf.

Also see our *Q&A on Public Charge* https://bplc.cssny.org/benefit_tools/11.

Access A Ride
<ul style="list-style-type: none">All immigrants regardless of status, including individuals without documentation.
ADAP, ADAP Plus, APIC, HIV Home Care
<ul style="list-style-type: none">All immigrants regardless of status, including individuals without documentation.
Affordable Care Act
Individuals who are considered “lawfully present”: For a complete description of all immigration statuses considered lawfully present click here . <ul style="list-style-type: none">Lawful Permanent ResidentsPersons Fleeing persecutionOther Humanitarian ImmigrantsSurvivors of Domestic Violence, Trafficking & Other Serious CrimesPersons with Valid Nonimmigrants StatusLong Time Residents with Employment Authorization
AHIP (AIDS Health Insurance Program)
<ul style="list-style-type: none">Applicants must meet the citizenship/immigrant requirements of the Medicaid program, see below in the chart, <i>Medicaid</i>.



Cash Assistance - Family Assistance (TANF)

- An immigrant who entered the U.S. prior to August 22, 1996 who has continuously resided in the U.S. since that time (regardless of his/her immigration status when s/he first entered the U.S.) and is now a qualified alien, even if qualified alien status was attained after 8/22/96;
- A qualified alien who entered the U.S. on or after August 22, 1996 who has resided in the U.S. for 5 years as a qualified alien, with the following humanitarian-based exceptions who are not subject to the five-year bar:
 - Refugees
 - Asylees
 - Amerasian immigrants
 - Cuban-Haitian immigrants
 - Immigrants who have had deportation withheld
 - Victims of trafficking
 - Iraqi and Afghan nationals

NOTE

Immigrants in the humanitarian-based categories who at a later point in time adjust their status to LPR do not have to meet the five-year requirement for qualified aliens. That is, if a refugee meets TANF's immigration criteria, s/he remains eligible for TANF benefits, even if such refugee becomes an LPR and has not resided in the U.S. for five years.

- Qualified aliens in active military service, or honorably discharged veterans, their spouses, widows (if they remain unmarried) and dependent children, regardless of entry date;
- North American Indians born in Canada and other Indian tribal members, born outside the U.S., who have long been recognized to have the right to enter and re-enter the U.S.

Cash Assistance - Safety Net Assistance

- Qualified aliens regardless of their date of entry
- Immigrants classified as PRUCOL, regardless of their entry date, go to OTDA's GIS 07 TA/DC001 at <http://otda.ny.gov/policy/gis/2007/07dc001.rtf>.
 - In addition, the following are also considered PRUCOL for the purposes of Safety Net eligibility:
 - Non-citizens who have applied for and/or been approved for relief from removal under the Deferred Action for Childhood Arrivals (DACA) program, see HRA Policy Bulletin #15-61-ELI, <http://onlineresources.wnyc.net/nychra/showquestion.asp?fldAuto=1944>;
 - Non-citizens granted Temporary Protected Status (TPS), see GIS 16 TA/DC053, <http://otda.ny.gov/policy/gis/2016/16DC053.pdf>;
 - Asylum applicants with an employment authorization, see GIS 17 TA/DC047, <http://otda.ny.gov/policy/gis/2017/17DC047.pdf>.
 - Special Immigrant Juvenile (SIJ) beneficiaries, see GIS 21 TA/DC059. <https://otda.ny.gov/policy/gis/2021/21DC059.pdf>.
- North American Indians born in Canada and other Indian tribal members, born outside the U.S., who have been recognized to have the right to enter and re-enter the U.S.



Child Care
<ul style="list-style-type: none">The child must be a U.S. citizen or in a qualified alien status. The immigration status of the parent is not used in determining eligibility.
Child Health Plus
<ul style="list-style-type: none">All immigrants regardless of status, including individuals without documentation.
Crime Victims Compensation
<ul style="list-style-type: none">All immigrants regardless of status, including individuals without documentation.
DRIE (Disability Rent Increase Exemption)
<ul style="list-style-type: none">Although there is no citizenship or immigration criteria for DRIE the applicant must be in receipt of a disability-related benefit and therefore must meet the immigration criteria for such benefit.
Emergency Food Programs
<ul style="list-style-type: none">All immigrants regardless of status, including individuals without documentation.
EPIC (Elderly Pharmaceutical Insurance Coverage Program)
<ul style="list-style-type: none">Eligibility for EPIC is restricted to those immigrants who are eligible for Medicare Part D. This means applicants must be U.S. citizens or lawfully admitted to the U.S. on a permanent basis with a valid Social Security number allowing them to work without restriction.
Essential Plan
<ul style="list-style-type: none">“Lawfully present individuals”, click here.
Half-Fare Program (MetroCard)
<ul style="list-style-type: none">All immigrants, regardless of status, including individuals without documentation.
HEAP (Home Energy Assistance Program)
<ul style="list-style-type: none">Qualified aliens



Medicaid

Federally Funded Medicaid

- Qualified aliens who entered the U.S. before August 22, 1996;
- Qualified aliens who entered after August 22, 1996 after a 5-year waiting period, with the following humanitarian-based exceptions, who are exempt from the 5-year waiting period:
 - Refugees, asylees or granted withholding of deportation;
 - Cuban/Haitian entrants;
 - Amerasians;
 - Trafficking victims;
 - Iraqi or Afghan special immigrant status;

NOTE

Immigrants in the humanitarian-based categories who at a later point in time adjust their status to LPR do not have to meet the five-year requirement for qualified aliens. That is, for example, if a refugee meets Medicaid’s immigration criteria, s/he remains eligible for Medicaid benefits, even if such refugee becomes an LPR, but who has not resided in the U.S. for five years.

- Qualified aliens who are
 - Under 21
 - Pregnant
 - In active military service, or honorably discharged veterans, their spouses, widows (if they remain unmarried) and dependent children, regardless of entry date.
- North American Indians born in Canada and other Indian tribal members, born outside the U.S., who have long been recognized to have the right to enter and re-enter the U.S.
- Individuals without documentation, with a verified emergency medical condition, if otherwise eligible.

New York State Funded Medicaid

- Immigrants who qualify for Medicaid under the ACA’s expanded guidelines (MAGI Medicaid) who are not “lawfully present” as defined by the ACA, may qualify for State funded Medicaid if they meet any of the immigration statuses the NYS Department of Health lists as PRUCOL (permanently residing under color of law).
 - Department of Health (DOH) for a listing of PRUCOL classifications
 - https://www.health.ny.gov/health_care/medicaid/publications/docs/adm/04adm-7.pdf
 - https://www.health.ny.gov/health_care/medicaid/publications/docs/inf/07inf-2.pdf,
 - https://www.health.ny.gov/health_care/medicaid/publications/docs/inf/08inf-4.pdf
 - <https://info.nystateofhealth.ny.gov/DACAFactSheet>
- Immigrants who qualify for Medicaid under the non-MAGI guidelines, who do not meet federally funded Medicaid criteria, may qualify for State funded Medicaid if they meet any of the immigration statuses the NYS Department of Health lists as PRUCOL (permanently residing under color of law), see above.
- Qualified aliens who do not meet federally funded Medicaid criteria, ACA’s “lawfully present” individuals, and all PRUCOL immigrants who receive the following Medicaid services, also qualify for NYS funded Medicaid:
 - Long-term home and personal care services



- Skilled nursing home care
- HARP enrollees
- Medicaid waiver recipients
- Health insurance coverage where Medicaid pays the premium
- Pregnant Women, including those without documentation
- Temporary non-immigrants are eligible for full Medicaid coverage, if they have established state residency and are otherwise eligible. Temporary non-immigrants must complete MAP-3123, the Residency Review Worksheet, which is used to determine state residency requirements for Medicaid eligibility.

NOTE

The Medicaid benefit is the same regardless of whether Medicaid is federally-funded or state funded; that is, there is no difference in the services provided under federally funded or state funded Medicaid.

Medicare

- Immigrants who are lawfully admitted to the United States on a permanent basis with a Social Security number allowing them to work without restriction
- Immigrants eligible to purchase Medicare.
 - Legal Permanent Residents who do not have enough quarters of coverage to be insured under Medicare may purchase Medicare if they are over 65 and resided continuously in the U.S. for 5 years.

NYC Health & Hospitals Options

- All immigrants, regardless of status, including individuals without documentation.

NYS Disability Insurance

- Anyone who is working for a covered employer in a covered job, regardless of immigration status, including individuals without documentation.

Public Housing

- Lawful Permanent Residents (LPR's)
- Refugees
- Asylees
- Persons granted withholding of deportation
- Permanent residents under registry provisions (non-citizens who have been lawfully admitted for permanent residence based on entry in the United States before 1972 and continuous residence since then)
- Persons admitted under the mid-1980's legalization (amnesty) program
- Parolees
- Aliens who were granted conditional entry prior to April 1, 1980



- Persons who are lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest (public interest parole)
- Persons granted T visas (persons without legal immigration status who are victims of severe human trafficking and cooperate with law enforcement prosecution efforts)

Section 8 Project Based and Section 8 Voucher

- Lawful Permanent Residents (LPR's)
- Refugees
- Asylees
- Persons granted withholding of deportation
- Permanent residents under registry provisions (non-citizens who have been lawfully admitted for permanent residence based on entry in the United States before 1972 and continuous residence since then)
- Persons admitted under the mid-1980's legalization (amnesty) program
- Parolees
- Aliens who were granted conditional entry prior to April 1, 1980
- Persons who are lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest (public interest parole)
- Persons granted T visas (persons without legal immigration status who are victims of severe human trafficking and cooperate with law enforcement prosecution efforts)

Senior Citizen Nutrition Programs

- All immigrants regardless of status, including individuals without documentation.

SCRIE (Senior Citizen Rent Increase Exemption)

- All immigrants regardless of status, including individuals without documentation.

Social Security Retirement, Survivors and Disability Insurance

- Immigrants who are lawfully admitted to the United States on a permanent basis with a Social Security number allowing them to work without restriction



Supplemental Nutrition Assistance Program (SNAP)

- A lawful permanent resident (LPR) who can be credited with 40 quarters of coverage from Social Security.
- A qualified alien who has resided in the U.S. as a qualified alien for five years, with an exception for the humanitarian-based categories, who are not subject to the five-year bar, which include:
 - Refugees
 - Asylees
 - Granted withholding of deportation/removal
 - Amerasian immigrants
 - Cuban/Haitian entrants
 - Victims of severe form of trafficking (T visas)
 - Iraqi and Afghan Special immigrants

NOTE

Immigrants in the humanitarian-based categories who at a later point in time adjust their status to LPR do not have to meet the five-year requirement for qualified aliens. That is, if a refugee meets SNAP's immigration criteria, s/he remains eligible for SNAP benefits, even if such refugee becomes an LPR and has not resided in the U.S. for five years.

- A qualified alien who
 - Is receiving a disability-based benefit: SSI-Disability/Blind, SSDI, Railroad Retirement Disability, Veteran's Disability benefit rated 100%, federal or state disability retirement benefits for a disability considered permanent under Social Security, or disability-related Medicaid;
 - Is under the age of 18;
 - Was 65 or older on 8/22/96 and was continuously lawfully residing in the U.S. as of that date;
 - Is in active military service, or honorably discharged veterans, their spouses, widows (if they remain unmarried) and dependent children, regardless of entry date;
- North American Indians born in Canada and other Indian tribal members, born outside the U.S., who have long been recognized to have the right to enter and re-enter the U.S.
- Hmong and Highland Laotian tribal members that helped the U.S. military during the Vietnam era, who are legally living in the U.S., and their surviving spouses, and unmarried dependent children.



Supplemental Security Income – SSI

- A lawful permanent resident (LPR) who
 - Entered the U.S. prior to 8/22/96 (as long as they were lawfully residing in the U.S. at that time), and who can be credited with 40 quarters of coverage from the SSA.
 - Entered the U.S. on or after 8/22/96 who can be credited with 40 quarters of coverage from SSA and have been physically present in the U.S. for at least 5 years as a qualified alien.
- Humanitarian-Based Categories as follows:
 - Refugees within 7 years of arrival
 - Asylees within 7 years of status being granted
 - Persons granted withholding of deportation within 7 years of deportation being withheld
 - Cuban/Haitian entrants admitted under the Refugee Education Assistance Act within 7 years of status being granted
 - Amerasians within 7 years of arrival
 - Victims of severe form of trafficking in persons within 7 years of status being granted
 - Iraqi and Afghan nationals admitted as a special immigrant within 7 years of arrival if they served as a translator/interpreter for the U.S. Armed Forces in Iraq or Afghanistan or worked for the U.S. government in Iraq.

NOTE

Immigrants in the humanitarian-based categories who at a later point in time become LPR's do not have to meet the 40 quarter and the five-year requirement for LPR's (see above) during their initial 7 years of eligibility. That is, if a refugee meets SSI's immigration criteria, s/he is eligible for 7 years from the date of arrival. If such refugee becomes an LPR during this 7-year period and has any of the 7 years of eligibility remaining, s/he would continue to meet SSI's immigration criteria for the remaining 7 years.

- A qualified alien who is a member of the U.S. Armed Forces or honorably discharged veteran, his/her spouse, surviving spouse or unmarried dependent children, regardless of date of entry;
- A qualified alien who was who were continuously legally residing in the U.S. on 8/22/96 and who meets SSI's disability or blindness standard, regardless of the date of application or the date of onset of disability;
- North American Indians born in Canada and other Indian tribal members, born outside the U.S., who have long been recognized to have the right to enter and re-enter the U.S.;
- Qualified aliens and PRUCOL aliens residing in the U.S. who were in receipt of SSI on 8/22/96, and who continue to receive benefits, as long as all other eligibility criteria continue to be met

Unemployment Insurance Benefits

- Lawful permanent residents, or
- Otherwise authorized to work in the U.S. legally working when job was lost and are currently legally allowed to take a new job

WIC (Women, Infant & Children)

- All immigrants regardless of status, including individuals without documentation.