



Mason Project on Immigration

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*This Fact Sheet illustrates the impact of immigrant legal status on the ability to access federal and state funded family serving programs across the state of Virginia. The number of immigrant legal categories and restrictions can be overwhelming to community organizations, policy makers, and even immigrant families themselves. We hope this basic guide clarifies the types of resources that immigrant families are eligible for after the 1996 immigration and welfare reform laws.*

## Major Categories of Immigrants

**Naturalized citizen** (32 percent): A person who was born a noncitizen and was granted U.S. citizenship through the naturalization process. Naturalization requirements include English literacy, “good moral character,” and knowledge of civics, although in some circumstances, certain requirements may be waived. Persons also must be at least 18 years of age to naturalize; immigrant children generally become citizens automatically when their parents naturalize.

**Lawful permanent resident** (LPR, “Green Card”) (29 percent): A noncitizen residing in the United States with permission to permanently live and work in the country. LPRs may apply for naturalization after 5 years (3 years if married to a U.S. citizen; 1 year for certain persons in the military and veterans).

**Refugee or Asylee** (7 percent): A noncitizen granted permission to reside in the United States due to a well-founded fear of persecution (based on race, religion, nationality, membership in a particular social group, or political opinion) in his or her country of origin. Persons granted such permission while outside of the United States are refugees; those granted permission after entering the United States are asylees. Refugees and asylees may apply to adjust their status to LPR after 1 year.

**Nonimmigrant** (3 percent): A person granted permission to enter the United States for a specific purpose and a limited period of time. This category includes persons granted temporary permission to live and work (or study) in the United States.

**Undocumented immigrant** (29 percent): A person who entered the country illegally or who entered through legal channels but then violated the terms of entry by staying past his or her visa expiration date and/or engaging in activities outside of his or her visa status, such as working on a tourist visa.

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Federal Policies Restrict Immigrant Children's Access to Key Public Benefits  
National Center for Children in Poverty, Columbia University Mailman School of Public Health.

# Effect of Legal Status on Eligibility for Selected Federal & State Family Serving Programs in Virginia

FEDERAL & STATE PROGRAMS	CITIZENS	LAWFUL PERMANENT RESIDENTS	*REFUGEES/ASYLEES	UNDOCUMENTED
Food Stamps	Eligible	Adults barred for first 5 years as LPRs; deeming might effect eligibility but not for children	Eligible	Not Eligible
Temporary Assistance for Needy Families (TANF)	Eligible	Barred during first 5 years as LPRs; deeming may not effect eligibility. <i>Not eligible for state funded replacement programs when barred from federal benefits.</i>	Eligible	Not Eligible
Headstart	Eligible	Eligible	Eligible	Eligible
Public School (K-12)	Eligible	Eligible	Eligible	Eligible
Free or Reduced School Lunch	Eligible	Eligible	Eligible	Eligible
Emergency Medicaid (includes labor and delivery)	Eligible	Eligible	Eligible	Eligible
Full-Scope Medicaid	Eligible	Adults barred during first 5 years as LPRs; deeming affects eligibility but not for children. <i>Not eligible for state funded benefits when barred (including pre-natal)</i>	Eligible	Not Eligible
State Children's Health Insurance Program (SCHIP) <sup>1</sup>	Eligible	LPRs barred during first 5 years; deeming affects eligibility until LPR or parent of LPR completes 40 quarters of work. <i>Eligible for state funded benefits when barred.</i>	Eligible	Only eligible for access to immunizations and communicable diseases.
Medicare "Premium Free" Part A (eligibility based on work history)	Eligible	Eligible	Eligible	Not Eligible
Premium "Buy-in" Medicare	Eligible	Eligible if LPR has resided continuously in US for at least 5 years.	Eligible	Not Eligible
HUD Public Housing and Section 8 Programs	Eligible	Eligible	Eligible	Not Eligible
Social Security	Eligible	Eligible	Eligible	Not Eligible
Supplemental Social Security (SSI)	Eligible	Adults barred for first five years. Barred from benefits except if receiving them before 8/22/1996 or with credit of 40 quarters of work.	Eligible only during first 7 years after getting status.	Not Eligible
Unemployment Insurance	Eligible	Eligible	Eligible	Not Eligible

<sup>1</sup> Children eligible for Medicaid are ineligible for SCHIP.

## Exceptions include:

**Refugees** - Restrictions on access to Federal benefits generally do not apply to refugees, US Veterans (and families) or immigrants who claim 10 years of work experience in the US (including work by spouses or parents when under 18). Refugees who do not become citizens within 7 years cease to be eligible.

**Food Stamps** - Immigrants who were at least 65 years old and legally residing in the United States as of August 22, 1996 are exempt from the 5-year bar.

**Public Health Insurance** - Immigrants who entered the United States by August 22, 1996 are exempt from the 5-year bar. States may use SCHIP funds to cover prenatal care for women regardless of immigration status. Emergency Medicaid is available without regard to immigration status.

**Supplemental Social Security (SSI)** - Immigrants who entered the United States by August 22, 1996 may receive federal SSI benefits if they were already receiving SSI on August 22, 1996 or if they qualify as disabled.

**TANF Cash Assistance** - Immigrants who entered the United States by August 22, 1996 are exempt from the 5-year bar.

## Common Terms

**Deeming:** A sponsor's income/resources may be added to the immigrant's in order to determine eligibility.

**Qualified Alien:** Created in the 1996 welfare reform legislation, this term refers to lawful permanent residents, refugees, Cuban and Haitian entrants, asylees, aliens paroled into the U.S. for a period of at least one year, aliens granted withholding of deportation by the INS, aliens granted conditional entry into the U.S., and certain battered alien spouses and children and certain victims of human trafficking. For the most part, Qualified immigrants are eligible for federal public benefits on the same basis as citizens if they entered before August 22, 1996, when the welfare law was enacted. Qualified immigrants entering after August 22, 1996 are generally barred from federal assistance for five years.

**Not Qualified Alien:** Any immigrant who is not a qualified alien, including undocumented immigrants, non-immigrants, and most PRUCOL immigrants. Not qualified immigrants are not eligible for federal, state, and local benefits covered by welfare reform (unless a specific exemption exists).

**Permanent Residence Under Color of Law (PRUCOL):** Persons residing in the U.S. who are known to the immigration authorities and whose extended presence in the U.S. is tolerated by those authorities although they have not been granted an official legal status. This could apply to someone seeking asylum or with a stay of deportation for humanitarian reasons or based on the immigrant's physical condition or an immigrant who has lived in the United States for over 20 years. An immigrant may also have filed paperwork for legal status that has not been processed. (Social Security Administration Site <https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0500501420>)

### Sources:

National Center for Child Poverty. (2005). Federal Policies Restrict Immigrant Children's Access to Key Public Benefits. New York, New York: NCCP; National Immigration Law Center. (2002). Guide to immigrant eligibility for federal programs, 4th ed. Washington, DC: National Immigration Law Center; with updates from Update Page <[www.nilc.org/pubs/Guide\\_update.htm](http://www.nilc.org/pubs/Guide_update.htm)> (accessed September 23, 2005). For detailed, updated information, see National Immigration Law Center, Table 1. Overview of Immigrant Eligibility for Federal Programs <[www.nilc.org/pubs/guideupdates/tbl1\\_ovrvw\\_fed\\_pgms\\_032505.pdf](http://www.nilc.org/pubs/guideupdates/tbl1_ovrvw_fed_pgms_032505.pdf)>.

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