

IMMIGRATION

AND PUBLIC BENEFIT ELIGIBILITY: AN OVERVIEW

(UPDATED JULY 2016)

ALLEGHENY COUNTY
DEPARTMENT OF HUMAN SERVICES
ONE SMITHFIELD STREET
PITTSBURGH, PA 15222

Phone: 412.350.5701
Fax: 412.350.4004
www.allegHENYcounty.us/dhs



INTRODUCTION

This is the second edition of *Immigration and Public Benefit Eligibility: An Overview*. This resource guide was originally published in 2008 to provide guidance regarding eligibility for public benefit programs, a need identified by the Department of Human Services' Immigrants & Internationals Advisory Council. As with the first edition, this guide aims to navigate the rules governing public benefit eligibility which can vary based on immigration status. This new edition has been updated to reflect state and federal changes in public benefit programs, including most notably, the Affordable Care Act (ACA).

The Immigrants and Internationals Initiative was established by the Department of Human Services to further its mission to create an accessible, culturally competent, integrated and comprehensive human services system for Allegheny County residents, in particular, the county's vulnerable populations. Individuals from various immigrant and immigrant-serving organizations participate in the Department of Human Services Immigrants and Internationals Advisory Council, providing valuable insight about the challenges being faced by immigrant communities and actively collaborating in efforts to improve services, strengthen immigrant communities and foster their engagement with the broader community. This council, now in its ninth year, continues to guide our efforts to ensure the access of quality human services to all residents of Allegheny County.

CONTENTS

| | | |
|---|-------|-----------|
| Quick Guide to Eligibility | ..... | 1 |
| Understanding Public Benefits Eligibility | ..... | 6 |
| Immigrant Categories | ..... | 6 |
| Restrictions on Federal Programs | ..... | 8 |
| What is a Public Charge? Setting the Record Straight | ..... | 8 |
| Public Benefits Available to Immigrants in Pennsylvania | ..... | 10 |
| Health Care | ..... | 10 |
| Medical Assistance | ..... | 11 |
| Cash Assistance | ..... | 12 |
| Food Assistance | ..... | 14 |
| Housing | ..... | 15 |
| Utility Assistance | ..... | 15 |
| Legal Assistance | ..... | 16 |
| Disaster Assistance | ..... | 16 |
| Citizenship Fee Waiver | ..... | 17 |
| Public Benefits Available to Children in Pennsylvania | ..... | 18 |
| Health Care | ..... | 18 |
| Child Care | ..... | 19 |
| Public Benefits Available to Immigrants in Pennsylvania Regardless of Immigration Status | ..... | 20 |
| Sponsorship & Deeming Rules | ..... | 25 |
| Duty to Report | ..... | 26 |
| Resources | ..... | 28 |
| Appendix A – Glossary of Terms | ..... | 30 |
| Appendix B – 2016 Federal Poverty Guidelines | ..... | 35 |

QUICK GUIDE TO ELIGIBILITY

(Source: National Immigration Law Center
06/2016)

| 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 Security Income (SSI) | <p>Eligible if one of the following:</p> <ul style="list-style-type: none"> Receiving SSI (or application pending) on Aug. 22, 1996; Qualify as disabled and were lawfully residing in the U.S. on Aug. 22, 1996¹; Lawful permanent resident with credit for 40 quarters of work^{1,2}; Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, but only <i>during first 7 years after getting status, unless extended</i>³; Veteran, active duty military; spouse, un-remarried surviving spouse, or child¹; or Certain American Indians born abroad | <p>Eligible if one of the following:</p> <ul style="list-style-type: none"> Lawful permanent resident with credit for 40 quarters of work² (but must wait until 5 years after entry before applying); Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, but only <i>during first 7 years after getting status, unless extended</i>³; Veteran, active duty military; spouse, un-remarried surviving spouse, or child¹; or Certain American Indians born abroad | <p>Eligible if one of the following:</p> <ul style="list-style-type: none"> Receiving SSI (or application pending) on Aug. 22, 1996; Certain American Indians born abroad; or Victims of trafficking and their derivative beneficiaries during the first seven years after getting status |
| Food Stamps⁴ (SNAP) | <p>Eligible if one of the following:</p> <ul style="list-style-type: none"> Are under age 18⁴; 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^{1,5}; 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, un-remarried 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; or Certain American Indians born abroad | <p>Eligible if one of the following:</p> <ul style="list-style-type: none"> Are under age 18⁴; 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^{1,5}; Lawful permanent resident with credit for 40 quarters of work; Veteran, active duty military; spouse, un-remarried 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; or Certain American Indians born abroad | <p>Eligible if one of the following:</p> <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; or Victims of trafficking and their derivative beneficiaries |

QUICK GUIDE TO ELIGIBILITY

(Source: National Immigration Law Center
06/2016)

| | | | |
|---|--|--|---|
| Cash Assistance (TANF, Diversion Program, State Blind Pension Program and Refugee Cash Assistance Program) | Eligible ¹ | Eligible if one of the following: <ul style="list-style-type: none"> • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant⁶; • Veteran, active duty military; spouse, un-remarried surviving spouse, or child¹; or • Have been in “qualified” immigrant status for 5 years or more^{1,6} | Eligible only if: <ul style="list-style-type: none"> • Victims of trafficking and their derivative beneficiaries |
| Health Insurance Marketplace | Eligible | Eligible | Eligible only if: <ul style="list-style-type: none"> • Lawfully present |
| Emergency Medicaid (includes labor and delivery) | Eligible | Eligible | Eligible |
| Full-Scope Medicaid | Eligible ⁷ | Eligible if one of the following: <ul style="list-style-type: none"> • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant⁸; • Veteran, active duty military; spouse, un-remarried surviving spouse, or child¹; • Receiving federal Foster Care; or • Have been in “qualified” immigrant status for 5 years or more^{1,8} | Eligible if one of the following: <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; or • Victims of trafficking and their derivative beneficiaries |
| State Children’s Health Insurance Program (SCHIP) | Eligible ⁹ | Eligible⁹ if one of the following: <ul style="list-style-type: none"> • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant; • Veteran, active duty military; spouse, un-remarried surviving spouse, or child¹; or • Have been in “qualified” immigrant status | Eligible only if: <ul style="list-style-type: none"> • Victims of trafficking and their derivative beneficiaries |
| Medicare “Premium Free” Part A (hospitalization) | Eligible | Eligible | Eligible only if: <ul style="list-style-type: none"> • Lawfully present, and eligibility for assistance is based on authorized employment |
| Medicare Premium “Buy-in” | Eligible only if: <ul style="list-style-type: none"> • Lawful permanent resident who has resided continuously in the U.S. for at least 5 years | Eligible only if: <ul style="list-style-type: none"> • Lawful permanent resident who has resided continuously in the U.S. for at least 5 years | Not Eligible |

| | | | |
|---|--|--|---|
| 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 pro-rated.</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 pro-rated.</p> | <p>Eligible if one of the following:</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; or 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 pro-rated.</p> |
| Title XX Block Grants | <p>Eligible</p> | <p>Eligible</p> | <p>Eligible if one of the following:</p> <ul style="list-style-type: none"> Victims of trafficking and their derivative beneficiaries; or Program or service funded by the block grant is exempt from the welfare law’s restrictions |
| Social Security | <p>Eligible¹⁰</p> | <p>Eligible¹⁰</p> | <p>Eligible if one of the following:</p> <ul style="list-style-type: none"> Lawfully present; Were receiving assistance based on an application filed before Dec. 1, 1996; or Eligibility required by certain international agreements |
| Other Federal Public Benefits <i>subject</i> to welfare law’s restrictions | <p>Eligible</p> | <p>Eligible</p> | <p>Eligible only if:</p> <ul style="list-style-type: none"> Victims of trafficking and their derivative beneficiaries |
| Benefits <i>exempt</i> from welfare law’s restrictions | <p>Eligible</p> | <p>Eligible</p> | <p>Eligible</p> |

Notes

¹ Eligibility may be affected by deeming for some benefits: a sponsor's income/resources may be added to the immigrant's in determining eligibility. SCHIP is exempt from deeming as of 2016.

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 SCHIP) was received in that quarter.

³ As of October 1, 2008, "humanitarian" immigrants who reach the end of the seven-year eligibility period or who lost SSI due to the time limit can get two additional years of SSI if they: 1) are under 18 or over 70; or 2) have been LPRs for less than six years; or 3) have a pending application for LPR status, filed within four years of getting SSI; or 4) are a Cuban or Haitian entrant, or 5) were granted withholding of deportation or removal; or 6) have a pending application citizenship. Person over 18 must submit a declaration that they are making a good faith effort to pursue citizenship. They can receive an additional third year of SSI if they have filed an application for citizenship.

⁴ Children are not subject to sponsor deeming in the food stamp program.

⁵ Disability-related benefits include SSI, Social Security disability, state disability or retirement pension, railroad retirement disability, veteran's disability and disability based Medicaid, if the disability determination uses criteria as stringent as those used by federal SSI.

⁶ 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, un-remarried surviving spouse, or child); or 3) refugees, asylees, persons granted withholding of deportation/removal, Cuban/Haitian entrants, and Amerasian immigrants during the five years after obtaining this status. Indian provided TANF to "refugees" listed in 3) regardless of the date they obtained that status. Mississippi does not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.

Notes

⁷ In Wyoming, only LPRs with 40 quarters of work credit, abused immigrants, parolees, veterans, active duty military (and their spouse, un-remarried 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.

⁸ 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, un-remarried 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. In Texas, Amerasian immigrants are eligible only during the five years after obtaining this status; Mississippi and North Dakota do not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.

⁹ In states that opt to cover fetuses, SCHIP provided prenatal care regardless of the mother's immigration status. The scope of coverage depends in part on how the option is implemented.

¹⁰ For applications based on Social Security numbers issued on or after Jan. 1, 2004: must have been assigned a Social Security number that was, at the time assigned or at any later time, valid for work purposes. Alternatively, must have been admitted to the U.S. temporarily for business or as a crewman when the relevant work quarters were learned.

Understanding Public Benefits Eligibility

ELIGIBILITY CATEGORIES

Eligibility for public benefits varies by program, but relevant factors generally include the individual's current immigration status, the length of time he or she has held that status, whether the immigrant was receiving assistance when the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was enacted in 1996, the immigrant's date of arrival in the United States (U.S.), and the rules and standards in the immigrant's state of residence. The PRWORA created three categories that serve as the starting point for determining eligibility for most benefit programs:

1. *Qualified* immigrants;
2. *Not qualified* immigrants; and
3. Persons who are *lawfully present* in the U.S.

The categories do not, by themselves, determine eligibility for any particular public benefit. Under the PRWORA, only citizens and *qualified* immigrants are eligible for "federal public benefits,"¹ with the exception of certain designated programs.²

Qualified Immigrants

To be *qualified*, immigrants must have one of the following immigration statuses:

- Legal Permanent Resident (LPR): A person who has been granted legal permanent residence status (holds a green card) and is entitled to remain in the U.S. indefinitely.
- Refugee: A person who flees his or her country due to persecution or a well-founded fear of persecution because of race, religion, nationality, political opinion, sexual orientation, or membership in a social group and who obtains the status while abroad.
- Asylee: A person who has been determined to meet the same requirements as a refugee, but who was already present in the U.S. at the time he/she obtained asylum.
- Immigrant who has had deportation withheld: A person who establishes that he/she would be likely to face persecution if returned to his or her home country.
- Immigrant granted parole for at least one year: The Department of Homeland Security has discretionary authority to permit certain persons or groups to enter the U.S. in an emergency or because it serves an overriding public interest. Parole may be granted for humanitarian, legal, or medical reasons.
- Immigrant granted conditional entry: A person who immigrated based upon a marriage that occurred within two years of obtaining permanent residence.
- Battered immigrant and her child(ren): This status requires a pending or approved visa petition filed by a U.S. citizen or LPR spouse/parent, a self-

¹ Federal public benefits include retirement, welfare, health, disability assisted housing, post-secondary education, food assistance, unemployment benefits, or "any other similar benefit" for which payments/assistance are provided to an individual/household by a U.S. agency or with U.S. funds (such as Social Services Block Grant (SSBG) services, Low-Income Home Energy Assistance Program (LIHEAP), and Child Care and Development Block Grant (CCDBG) services). Federal public benefits also include any government grant, contract, loan, or professional/commercial license.

² PRWORA § 401(b) (codified as 8 U.S.C. § 1611 (b))

Understanding Public Benefits Eligibility

petition pursuant to the Violence Against Women Act (VAWA), or an application for cancellation of a removal/suspension of deportation under VAWA. To be eligible for this status, an immigrant's need for benefits must have a substantial connection to the battery or cruelty. It also applies to the parent of a battered child and the child of a battered spouse.

- Immigrants born in Canada who possess at least 50 percent blood of the American Indian race, or who are members of certain Indian tribes.
- Cuban/Haitian entrants: The term "Cuban/Haitian entrant" is defined in §501(e) of the Refugee Education Assistance Act of 1980 and includes nationals of Cuba and Haiti who were paroled into the U.S., applied for asylum, or who are in exclusion or deportation proceedings and have not received a final order of exclusion or deportation.
- Victims of trafficking: A person who has been a victim of the recruitment, transportation, harboring, or receipt of people for the purpose of exploitation.

Not qualified Immigrant

Not qualified immigrants include all undocumented person who either entered without documents or overstayed an authorized period of stay, and who have no basis for obtaining lawful status. *Not qualified* immigrants also include all other noncitizens, such as:

- Immigrants granted indefinite voluntary departure.⁴
- Immigrants residing in the U.S. under orders of supervision.
- Immigrants who have lived in the U.S. continuously since January 1, 1972.
- Immigrants granted stays or suspension of deportation.
- Applicants for asylum and family unity.
- Applicants for adjustment of status.
- Other immigrants whose departure the United States Citizenship and Immigration Services (USCIS) does not contemplate enforcing.
- Non-immigrants such as students and foreign visitors.
- Persons Residing Under Color of Law (PRUCOL). The PRUCOL category was created by the courts as a public benefits eligibility category, but it is not recognized by USCIS as an immigration status. PRUCOL includes immigrants who are granted indefinite voluntary departure; residing in the U.S. under orders of supervision; continuously living in the U.S. since January 1, 1972; granted stays or suspension of deportation; or whose departure USCIS does not contemplate enforcing.

Lawfully Present Immigrants

Persons who are *lawfully present*, but are *not qualified*, may nevertheless be eligible for Title II Social Security benefits, as well as many other benefits administered by the Social Security Administration. For Title II purposes, the term *lawfully present* includes all *qualified* immigrants, plus the following:

- Persons who have been inspected and admitted to the U.S. and have not violated the terms of admission (including non-immigrants).
- Parolees for less than a year (other than those paroled pending a determination of excludability).
- Temporary residents.
- Persons granted temporary protected status (TPS).

⁴ "Indefinite voluntary departure" is an immigration status that was granted before 1996 to non-citizens who have been found deportable, but the USCIS deferred deportation indefinitely due to humanitarian reasons.

Understanding Public Benefits Eligibility

- Beneficiaries under the Family Unity program.
- Persons granted deferred enforced departure (DED).
- Persons in deferred action status.
- Spouses or children of U.S. citizens whose petition has been approved and who have a pending application for adjustment of status.
- Asylum or withholding of deportation applicants who have been granted employment authorization, or who are under age 14 and have had their application pending for at least 180 days.

RESTRICTIONS ON FEDERAL PROGRAMS

Under the PRWORA, Congress restricted eligibility even for *qualified* immigrants by distinguishing between those who entered the U.S. before or “on or after” August 22, 1996, the date the law was enacted. The law bars most immigrants who entered the U.S. on or after that date from “federal means-tested public benefits” during the five years after they secure *qualified* immigrant status.⁵ For purposes of this bar, individuals are considered to have “entered” the U.S. before August 22, 1996, if they obtained a *qualified* status before that date or obtained a *qualified* status after that date, but were continuously present in the U.S. from August 22, 1996 until becoming *qualified*. Continuous presence is not broken by trips outside the U.S. of less than a full calendar month or 30 calendar days, or by aggregated absences of 90 days or less. Refugees, Asylees, Amerasian immigrants (a child fathered by a U.S. citizen in certain Southeast Asian countries during the years of U.S. conflict in that region), Cuban/Haitian entrants, persons granted withholding of deportation, victims of trafficking, and veterans are exempt from the five-year bar, as are those who entered the U.S. before August 22, 1996.

Federal means-tested public benefits are a subset of the more general “federal public benefits,” and include Supplemental Security Income (SSI), SNAP (Food Stamps), non-emergency Medicaid, Temporary Assistance for Needy Families (TANF), and the State Children’s Health Insurance Program (CHIP).⁶ As stated above, the PRWORA prohibits most immigrants who entered the U.S. on or after August 22, 1996 from federal means-tested public benefits during the five years after they secure *qualified* immigrant status. However, a number of states, including Pennsylvania, have opted to continue to provide many of these services to immigrants, using state dollars to finance them. That means Pennsylvania residents may enjoy the benefits of cash assistance programs, CHIP, Medical Assistance and Medicare “Premium Free” Part A, and Title XX Block Grants without having to wait. Pennsylvania does apply the five-year bar to SSI, SNAP, and Premium “Buy-in” Medicare.

WHAT IS A PUBLIC CHARGE? SETTING THE RECORD STRAIGHT.

Many immigrants are reluctant to apply for federally funded benefits, in part, because of the ambiguity surrounding what is known as the “public charge.” This term is used by USCIS to identify an immigrant who has or is likely to become primarily dependent on the government for subsistence as demonstrated either by:

- Receipt of public cash assistance for income maintenance, or
- Institutionalization for long-term care at government expense

⁵ 8 USC § 1613.

⁶ See 62 Fed. Reg. 45256 (Aug. 26, 1997); 63 Fed. Reg. 36653 (July 7, 1998).

Understanding Public Benefits Eligibility

Under U.S. immigration law, a person who is likely to become a “public charge” can be excluded from entering or reentering the U.S. as an immigrant, denied permanent resident status, or, under very limited circumstances, deported. In making public charge determinations, USCIS and State Department officials must look at the immigrant’s total circumstances including his or her age, health, family status, financial status, and education and skills.

Public charge determinations are unrelated to an immigrant’s eligibility to receive a public benefit. Benefit-granting agencies such as the Medicaid agency or the welfare department do not make public charge determinations. However, fear of being labeled a public charge has deterred many immigrants from seeking public benefits, even when they are lawfully entitled to receive them.

Programs considered safe, which guarantee no problems in getting a green card and which are not relevant to the public charge determination, include:

- Medicaid benefits (other than Medicaid payments for long-term care)
- Benefits under a State Children’s Health Insurance Program (CHIP)
- Emergency Medicaid
- Immunizations and testing and treatment for communicable diseases
- Use of health clinics
- Women, Infants, and Children (WIC)
- Food Pantries and SNAP
- Senior Meals and Meals on Wheels
- Nutrition programs including the Special Supplemental Nutrition
- Emergency Food Assistance Act, school lunch services
- Educational benefits and Head Start
- Emergency Disaster Relief/ Assistance
- Child care services
- Energy benefits
- Transportation vouchers
- Any other service/assistance from a nonprofit or charitable organization

The following cash assistance programs for income maintenance are considered relevant to the public charge determination and therefore may be reported:

- Supplemental Security Income (SSI)
- Temporary Assistance to Needy Families (TANF)
- State and local cash assistance programs

Exemptions

Most immigrants who seek and accept benefits from programs relevant to the public charge, such as SSI, will be subject to a public charge determination. However, there are exceptions. By law, the following immigrants are exempt from public charge determinations:

- Cuban and Haitian entrants at adjustment.
- Nicaraguans and other Central Americans who are adjusting their status under the Nicaraguan Adjustment Central American Relief Act (NACARA).
- Haitians who are adjusting their status under the Haitian Refugee Immigration Fairness Act of 1998.
- Immigrants who enter the U.S. prior to January 1, 1972 and who are otherwise “registry” eligible.

Public Benefits Available to Immigrants in Pennsylvania

PUBLIC BENEFITS AVAILABLE TO IMMIGRANTS IN PENNSYLVANIA

A number of public benefits are available to immigrants in Pennsylvania, and specific eligibility requirements are described below. To inquire about a specific individual's or family's eligibility, contact the coordinating service organization directly or visit its website. **A detailed Contact List and Quick Reference Guide can be found in the Resources section.**

Health Care

The Health Insurance Marketplace

With the enactment of the Affordable Care Act⁷, individuals can now enroll in health care coverage through the Health Insurance Marketplace. Applications can be completed and submitted at www.healthcare.gov. Once processed, applicants are informed about personal eligibility for premium tax credits (PTC), cost sharing reductions (CSR), Medicaid and CHIP. *Qualified* and *lawfully present* immigrants whose income is between 138-400% of the federal poverty line (FPL) are eligible for premium tax credits. *Qualified* and *lawfully present* immigrants whose income is between 138-250% of the FPL are eligible for cost sharing reductions. *Qualified* and *lawfully present* immigrants whose income is below 138% of the FPL are eligible for PTC and CSR if they are otherwise ineligible for federal medical assistance due to their immigration status. This includes *qualified* immigrants who are subject to the five-year bar, as well as *non-qualified, lawfully present* immigrants who are over the age of 21 and not pregnant.

In general, the ACA requires that all U.S. residents obtain health insurance or pay a tax penalty called a "shared responsibility payment." This requirement is called the "individual mandate." Immigrants who are not eligible to purchase health insurance through the Marketplace are considered exempt from the individual mandate. Many other exemptions also exist, including exemptions related to low household income, hardship and affordability.

Immigrants with the following statuses are eligible to utilize the Marketplace:

- Lawful Permanent Resident (LPR/ Green Card holder)
- Asylee
- Refugee
- Cuban/Haitian Entrant
- Paroled into the U.S.
- Conditional Entrant Granted before 1980
- Battered Spouse, Child and Parent
- Victim of Trafficking and his/her Spouse, Child, Sibling or Parent
- Granted Withholding of Deportation or Withholding of Removal, under the immigrant laws or under the Convention against Torture (CAT)
- Individual with Non-immigrant Status, includes worker visas (e.g. H1, H-2A, H-2B), student visas, U-visa, T-visa, and other visas, and citizens of Micronesia, the Marshall Islands, and Palau
- Temporary Protected Status (TPS)
- Deferred Enforced Departure (DED)
- Deferred Action Status (Exception: Deferred Action for Childhood Arrivals (DACA))
- Lawfully Temporary Residents

⁷Patient Protection and Affordable Care Act, 42 U.S.C § 18001 (2010).

Public Benefits Available to Immigrants in Pennsylvania

- Administrative order staying remove issued by the Department of Homeland Security
- Member of a federally-recognized Indian tribe or American Indian Born in Canada
- Resident of American Samoa
- Applicants for the following statuses:
 - Temporary Protected Status with Employment Authorization
 - Special Immigrant Juvenile Status
 - Victims of Trafficking Visa
 - Adjustment to LPR Status
 - Asylum with Employment Authorization or under the age of 14 and have had an application pending for 180 days or more
- Immigrants with the following statuses who have employment authorizations:
 - Registry applicants
 - Order of Supervision
 - Applicant for Cancellation of Removal or Suspension of Deportation
 - Applicant for Legalization under Immigration Reform and Control Act (IRCA)
 - Legalization under the LIFE Act

Information about immigration status will be used **only to determine eligibility for coverage and not for immigrant enforcement.*

Medical Assistance

Medical Assistance programs, such as Medicare and Medicaid, provide free health care coverage to low-income Pennsylvania residents, covering prescriptions and doctor's visits. Anyone receiving TANF or SSI is automatically eligible for Medical Assistance (MA).

Medicaid

The largest and most important public health insurance program in the country is Medicaid, which was established by the federal government in 1965 as part of the Social Security Act; it provides health care and services to certain groups of low-income people. All applicants for and recipients of Medicaid benefits must supply the state agency with a Social Security Number (SSN). However, non-applicant household members, such as a parent applying for benefits on behalf of a minor child, are not required to supply SSNs. States have no legal basis for denying an application based upon the failure of a non-applicant to supply his or her SSN.

In order to qualify for Medicaid non-citizens must maintain either a *qualified or lawfully present* immigrant status, as well as meet other residency, category, and income and resource requirements.⁸ Generally, they must also be in this status for five or more years, in order to obtain full benefits. This is known as the *five-year bar*. Exceptions apply to children under 21 years of age, pregnant women (through 60 days post-partum), refugees, asylees, victims of trafficking, and immigrants whose deportation is being withheld, and certain other immigration categories, including Cuban/Haitian entrants.⁹

⁸ For more information: [Health Care for Immigrants: A Manual for Advocates in Pennsylvania](#).

⁹ [Children's Health Insurance Program Reauthorization Act of 2009](#).

The Personal Responsibility and Work Opportunity and Reconciliation Act of 1996, P.L. 104.193 (PROWRA) restricted the eligibility of non-citizens for Medical Assistance, as well as other means-tested programs. For more information about *qualified* immigrant statuses and the Five Year Bar visit [§ 322.3 of the Medical Assistance Handbook](#) and [55 Pa. Code § 150.1](#).

Public Benefits Available to Immigrants in Pennsylvania

Emergency Medical Assistance (EMA)

Non-citizens who are *not considered qualified or lawfully present* may be eligible for Emergency Medical Assistance (EMA). EMA allows otherwise ineligible individuals to temporarily enroll in a Medical Assistance program, in order to treat a specific medical problem or an *Emergency Medical Condition* (EMC). An EMC is defined as a medical condition with acute symptoms of such severity, including severe pain, that without immediate attention could result in:

- Placing the patient's health in serious jeopardy;
- Serious impairment to bodily functions; and
- Serious dysfunction of any bodily organ or part.

EMCs do not necessarily require a trip to the Emergency Room. For example, a small, potentially fatal tumor may not warrant a trip to an emergency room, but should qualify as an EMC. Labor and delivery are automatically considered EMCs. With high-risk pregnancies, EMA may also cover prenatal care. However, in most cases, individuals do not need to apply for EMA when pregnant, as many hospitals apply for this coverage themselves. It is always wise to double-check with the specific facility in question.⁹

To qualify for Emergency Medicaid, an immigrant must:

- Otherwise qualify for Medicaid, i.e., the immigrant must satisfy all Medicaid financial and categorical eligibility requirements (see www.Medicaid.gov).
- Meet state residency requirements.

Medicare

Medicare is a government program that provides health insurance to people 65 years of age or older, people under 65 years of age with certain disabilities, and people who have end-stage renal disease. Insurance through Medicare is divided into 4 parts—Part A: Hospital Insurance, Part B: Medical Insurance, Part C: Medicare Advantage Plans, and Part D: Prescription Drug Coverage. Parts C and D are provided by private insurance companies, but many immigrants may be able to enroll in federally-funded Parts A and B.

Part A: Hospital Insurance

Medicare's hospital insurance helps to cover expenses for inpatient hospital care, such as diagnostic tests and physician fees. This part of Medicare coverage also covers inpatient rehabilitation facilities, long-term care hospitals, skilled nursing facilities, home health care services, and hospice care. Most people who are eligible for Medicare receive hospital insurance without paying monthly premiums.

Part B: Medical Insurance

Medicare's Medical Insurance covers standard medical expenses, such as primary medical care, outpatient surgery, and other medical services not covered under Medicare Part A. Medicare's medical insurance also covers some preventive health services.

You must be eligible for Medicare Part A to also be eligible for Medicare Part B. Medicare Part B coverage requires payment of a monthly premium. This amount is often taken directly out of your Social Security check. An annual deductible is also required to receive this insurance.

Public Benefits Available to Immigrants in Pennsylvania

Lawfully present immigrants are eligible for Medicare if they are over the age of 65 and have been receiving Social Security Income for over 2 years. Medicare coverage can also be purchased by *lawfully present* immigrants who have lived in the United States for 5 or more consecutive years and don't qualify for Social Security benefits.

Cash Assistance

State-funded Cash Assistance

The Pennsylvania Department of Public Welfare offers the Temporary Assistance for Needy Families (TANF), as well as other programs (the Diversion Program, the State

Blind Pension Program, and the Refugee Cash Assistance Program) that provide cash assistance to low-income families and individuals living in the state in order to help them move toward independence. All *qualified* immigrants in Pennsylvania are eligible to apply for these cash assistance programs, regardless of when they entered the U.S. However, the only *not qualified* immigrants who are eligible are victims of trafficking and their derivative beneficiaries. Applications can be filed at local [county assistance offices](#) or online using [COMPASS](#).

Temporary Assistance for Needy Families (TANF)

TANF provides money for dependent children and their parents or other relatives with whom they live, and for pregnant women. Further eligibility requirements can be found on the [Pennsylvania Department of Human Services website](#).

Diversion Program

The Diversion Program is a way for families to choose short-term help rather than long-term ongoing cash assistance through the TANF program. Diversion is a one-time lump sum payment and dependent upon your need, with the maximum potential payment being three times the Family Size Allowance (FSA). Further eligibility requirements can be found on the [Diversion and Moving to Independence page](#) of the Pennsylvania Department of Human Services (PA DHS) website.

State Blind Pension Program

The State Blind Pension Program provides blind pension benefits for adults who meet visual requirements and other conditions of eligibility. Further requirements can be found on the PA DHS [website](#).

Refugee Cash Assistance Program

The Refugee Cash Assistance Program provides money for up to eight months from the date of entry into the United States for refugees who do not meet TANF eligibility requirements.

Social Security Income (SSI)

Supplemental Security Income (SSI) is a federal income supplement program, funded by general tax revenues, that is designed to help elderly (age 65 and older), blind, and disabled people who have little or no income. It also provides cash to meet basic needs for food, clothing, and shelter.

SSI is one of the federal means-tested public benefits for which the five-year bar applies in Pennsylvania. This means that immigrant who physically entered the U.S. on or after August 22, 1996 are barred from SSI until they have been a *qualified* immigrant for at least five years.

Public Benefits Available to Immigrants in Pennsylvania

¹⁰ Qualifying quarters are determined by the amount of wages in covered employment or self-employment income earned during a calendar year. The amount of earnings needed to earn a credit increases and varies each year. The worker can earn a maximum of four quarters per year, but these quarters do not have to be earned in a corresponding three-month calendar period. Non-covered employment, such as certain work performed for state or local governments, can also be counted toward the 40 quarters exemption determination, which applies to LPRs who have worked at least 40 qualifying quarters as defined by the Social Security Act. To meet the 40 quarters threshold, immigrants may receive credit for work performed: 1) by their parents when the immigrant is under 18, and 2) by a spouse during the marriage (unless the marriage ended in divorce or annulment); however, no credit given if a federal means-tested public benefit is received in that quarter.

¹¹ 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.

¹² PRWORA § 451.

Eligible *qualified* immigrants who entered the U.S. **before August 22, 1996** (including those who were receiving SSI or had a pending application on August 22, 1996) include:

- Lawful permanent residents with credit for 40 quarters of work¹⁰
- Refugees, asylees, Amerasian immigrants, Cuban/Haitian entrants, and persons granted withholding of deportation only during the first seven years after getting status
- Veterans, active duty military, their spouses, un-remarried surviving spouses or children
- Victims of trafficking
- Certain American Indians born abroad
- Those who entered the U.S. before August 22, 1996

Eligible *qualified* immigrants who entered the U.S. **on or after August 22, 1996** include:

- Lawful permanent residents with credit for 40 quarters of work (however, they must wait five years after entry before applying)¹¹
- Refugees, asylees, Amerasian immigrants, Cuban/Haitian entrants, and persons granted withholding of deportation only during the first seven years after getting status
- Veterans, active duty military, and their spouses, un-remarried surviving spouses, or children
- Victims of trafficking
- Certain American Indians born abroad

Eligible *not qualified* immigrants include:

- Those receiving SSI (or had an application pending) on August 22, 1996
- Certain American Indians born abroad
- Victims of trafficking and their derivative beneficiaries.

Earned Income Tax Credit

The PRWORA only prohibits noncitizens who do not qualify for a Social Security number (SSN) from claiming the earned income tax credit (EITC).¹² The EITC is a federal tax credit for working families who have moderately low incomes. The amount of the tax credit depends on the family's size and income. The PRWORA provides that only persons who include their taxpayer identification number (defined as the SSN) and that of their spouse may claim the EITC. Any children included on the EITC application must also have a SSN.

Food Assistance

Supplemental Nutrition Assistance Program (SNAP)

The Supplemental Nutrition Assistance Program (SNAP) refers to Pennsylvania's Food Stamp program, which helps low-income individuals and families buy the food they need for good health. The PRWORA made extensive changes to the program, such as limits on the amount of time able-bodied, childless adults can receive benefits. Food Stamp eligibility may be affected by deeming, a practice where a sponsor's income and resources are added to the immigrant's in determining eligibility (see "Sponsorship and Deeming Rules" on page 27).

Eligible *qualified* immigrants who entered the U.S. on or after Aug. 22, 1996 include those:

Public Benefits Available to Immigrants in Pennsylvania

- Under 18 years of age
- Refugees, asylees, Amerasian immigrants, Cuban/Haitian entrants, and persons granted withholding of deportation (available for seven years after they obtain one of these non-citizen statuses)
- Those who have been in *qualified* status for five years
- Those receiving disability related assistance
- LPRs with credit for 40 quarters of work
- Veterans, active duty military, their spouses, un-remarried surviving spouses or children
- Members of the Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S. (and their spouses and surviving children)
- Certain American Indians born abroad.

Eligible *not qualified* immigrants include:

- Members of the Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S. (and their spouses and surviving children) who are *lawfully present* in the U.S.
- Certain American Indians born abroad
- Victims of trafficking and their derivative beneficiaries

Further eligibility requirements can be found [United States Department of Agriculture's website](#).

Housing

Housing and Urban Development (HUD) Public Housing

HUD Public Housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. HUD also furnishes technical and professional assistance in planning, developing, and managing these developments. Its Section 8 Homeownership Program permits certain voucher participants to use voucher payments to purchase single family homes, condominiums, manufactured housing, and interests in cooperatives.

All *qualified* immigrants in Pennsylvania are eligible for HUD Public Housing and Section 8 Programs regardless of when they entered the U.S. **with the exception of** certain Cuban/Haitian entrants and *qualified* abused spouses and children.¹³

Eligible *not qualified* immigrants include:

- Temporary residents under the Immigrant Reform and Control Act (IRCA) general amnesty, or paroled into the U.S. for less than one year
- Citizens of Micronesia, the Marshall Islands, and Palau
- Victims of trafficking and their derivative beneficiaries

For all 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.¹⁴

NOTE: The Low-Income Housing Tax Credit, which provides incentives for the utilization of private equity in the development of affordable housing for low-income Americans, is available to all immigrants, regardless of status.

¹³ For LSC purposes, any of the following documents can be used to demonstrate a pending adjustment of status application (as long as the document is supported by proof of relationship to a U.S. citizen).

¹⁴ 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.

Public Benefits Available to Immigrants in Pennsylvania

Utility Assistance

Low-Income Home Energy Assistance Program (LIHEAP)

LIHEAP is a federal program which provides states with block grants to help low-income households defray the cost of heating, cooling, and weatherizing their homes. LIHEAP programs typically include heating or cooling assistance programs, energy crises programs, and weatherization assistance.

Eligible immigrants include:

- Those of *qualified* status
- Victims of trafficking
- Derivative beneficiaries

Further eligibility requirements can be found on the [PA DHS website](#).

NOTE: *Not qualified* immigrants may be eligible for the weatherization assistance program, but this applies only to families living in multi-unit dwellings.

Although options are limited for *not qualified* immigrants, Pennsylvania has a number of community action agencies, as well as non-profit and charitable organizations, which provide LIHEAP-type assistance to all eligible residents regardless of status. The Pennsylvania Public Utility Commission maintains a list of such programs on their [website](#).

Legal Assistance

Legal Services Corporation (LSC)

The LSC provides grants to legal services programs to give free legal advice to low-income clients in non-criminal matters such as public benefits, housing, consumer issues, employment, education, and family law. A person's eligibility for LSC-funded programs depends on the income thresholds set by the local program, which reflect federal poverty guidelines. In most cases, a person is not eligible if his/her income is more than 125% of the federal poverty guidelines (see Appendix B). The following immigrants are eligible for LSC-funded legal services:

- Lawful permanent residents
- Refugees
- Asylees
- Persons granted withholding or deferral of removal/deportation;
- Victims of trafficking and their dependents
- Conditional entrants
- Immigrants who have filed an application for "adjustment of status" to permanent residence and who are the spouse, parent, or child (under 21) of a U.S. citizen
- Special Agricultural Worker (SAW) temporary residents
- Non-immigrant agricultural laborers (H-2A workers) (eligibility is limited to assistance regarding issues of wages, housing, transportation, and other employment rights provided in the H-2A contract under which the nonimmigrant worker was admitted)

Public Benefits Available to Immigrants in Pennsylvania

- Certain American Indians born outside the U.S. (who either were born in Canada or are members of the Texas Band of Kickapoo)
- Foreign nationals who seek assistance pursuant to the Hague Convention on the Civil Aspects of International Child Abduction

Disaster Assistance

Federally-funded disaster assistance

Federal disaster assistance is provided to victims of a major disaster (e.g. earthquakes, storms, and civil unrest) through the Federal Emergency Management Agency (FEMA), the Individual and Family Grant Program (IFGP), Disaster Unemployment Assistance (DUA), the Small Business Administration (SBA), and other benefits programs such as food stamps. FEMA provides temporary housing and mortgage/rental assistance, and has a minimal repairs program. The IFGP provides grants to persons needing financial help for disaster-related expenses such as housing repairs and cleanup, replacement of household and job essentials, and medical, dental, and funeral costs. Similarly, the SBA offers low-interest loans to homeowners, renters, and businesses to repair or replace damaged homes, personal property, or businesses. Finally, the DUA provides cash income to persons who become unemployed due to a major disaster.

Individuals who have suffered a loss caused by an event that the President of the U.S. has declared to be a major disaster, and who apply soon after the disaster is declared (within the application time period for the particular benefit program), qualify for disaster assistance. As mentioned previously, the receipt of disaster relief does not have public charge consequences on immigrants; however, access to certain disaster relief services is restricted depending on immigration status:

- FEMA, IFGP and DUA¹⁵ Assistance Programs: All *qualified* immigrants and victims of trafficking are eligible to participate in disaster assistance programs sponsored by FEMA, IFGP, and DUA. *Not qualified* immigrants are ineligible.
- Short-Term, Noncash, In-Kind Emergency Disaster Relief: In general, all immigrants, regardless of status or date of entry, are eligible for short-term, noncash, in-kind emergency disaster relief and other similar services. These services include search and rescue; emergency medical care; emergency shelter; provisions of food, water, medicine and other essential needs; and reduction of immediate threats to life, property, and public health and safety.
- Emergency Food Stamps: The following immigrants are eligible for federally funded emergency food stamps:
 - Children under 18 years old who were lawfully residing in the U.S. on August 22, 1996, and who are now *qualified* immigrants
 - Seniors who were born before August 22, 1931, were lawfully residing in the U.S. on August 22, 1996, and who are now *qualified* immigrants
 - Persons receiving benefits for blindness or disability who were lawfully residing in the U.S. on August 22, 1996. Disability-related benefits may include: SSI, Social Security disability, state disability or retirement pension, railroad retirement disability, veteran's disability or disability-based Medicaid
- Lawful permanent residents (LPRs) credited with 40 quarters of work
- "Refugee" categories: Individuals granted status as a refugee, asylee, person granted withholding of removal/deportation, Amerasian immigrant, or Cuban/Haitian entrant, during the seven years after obtaining this status.

¹⁵ To receive DUA, *qualified* immigrants and victims of trafficking must have employment authorization.

Public Benefits Available to Children in Pennsylvania

- Eligibility continues during this period even if the “refugee” becomes an LPR. Even after the seven-year period expires, these immigrants may be eligible under another category listed on this page
- Victims of trafficking
- Certain Hmong or Highland Laotian tribe members who are *lawfully present* in the U.S. and were members of these tribes during the Vietnam era; spouses, un-remarried widows/widowers, and children of these tribe members also are eligible
- A member of a federally recognized Indian tribe, or an American Indian born in Canada
- Veterans and active duty military personnel, their spouses, un-remarried surviving spouses, and children, who are *qualified* immigrants

All *not qualified* immigrants are ineligible for emergency food stamps except the aforementioned American Indians and Hmong or Laotian tribe members described as eligible.

Citizenship Assistance

Citizenship Fee Waiver

USCIS filing fees can be waived on certain immigration forms, if the applicant is able to demonstrate an inability to pay. Applicants should use Form I-912, Request for Fee Waiver and provide documentation that:

- You, your spouse or head of household living with you, are currently receiving a means-tested benefit.
- Your household income is at or below 150% of the federal poverty line at the time you file.
- You are currently experiencing financial hardship that prevents you from paying the filing fee, including unexpected medical bills or emergencies.

For more information about fee waivers, eligible forms and applications, visit the [USCIS website](#).

PUBLIC BENEFITS AVAILABLE TO CHILDREN IN PENNSYLVANIA

Federal policy protects the rights of immigrant children who were born in the United States and are, therefore, U.S. citizens. These children are eligible to apply for any public benefit, regardless of the immigration status of their parents or other family members. Only the status of the child is relevant to his or her eligibility. When applying, immigrant parents should state that they are only applying for their children and not for themselves. For many federal public benefit programs, as well as state-funded programs, parents still need to give proof of income but a SSN is not required.

Health Care

State Children’s Health Insurance Program (SCHIP)

One of the most important public benefits available to children is the State Children’s Health Insurance Program (CHIP), which was established by Congress in 1997 to enable states to provide health insurance to uninsured, “targeted low-income children.” Targeted low-income children are children under the age of 19 whose family incomes

Public Benefits Available to Children in Pennsylvania

meet state-specified guidelines and who are not eligible for Medicaid or any other health insurance. The following immigrant children are eligible for CHIP in Pennsylvania:

- Children born in the United States are U.S. citizens, even if their parents are not legally present. These children are eligible for CHIP, subject to the same eligibility requirements that apply to any other U.S. citizen child
- All *qualified* immigrant children regardless of their date of entry
- Unmarried, dependent children of honorably discharged veterans and active duty service members of the Armed Forces, regardless of the date of entry

Not qualified immigrants are ineligible unless they are victims of trafficking and their derivative beneficiaries.¹⁶

Additional income eligibility requirements can be found using the [Chip Covers PA Kids reference chart](#).

Child Care

The federal government provides two major sources of funding for child care available to immigrants: TANF-funded Child Care and the Child Care and Development Block Grant (CCDGB), also known as the Child Care and Development Fund (CCDF). In addition, Pennsylvania offers its own state-funded child care services, which are only open to immigrants who have naturalized or are qualified immigrants.

CCDF-funded Child Care

CCDF is a federally funded program managed by the states in order to give them the flexibility to design their own child care assistance programs within broad federal requirements. CCDF requires states to give priority to very low-income families and to families with children who have special needs. States must also spend a substantial portion of CCDF funds to meet the needs of families that are receiving TANG assistance, transitioning off TANF, or at risk of needing TANF.

CCDF is available to children meeting all of the following requirements:

- Who are under age 13 or, at state option, under 19 if the child is physically or mentally incapable of caring for himself or herself, or is under court supervision;
- Who are in a family whose income does not exceed 85 percent of the state median income (although states may set a lower income eligibility level); and
- Whose parents are working or attending educational or job training programs.

CCDF is not a federal entitlement; therefore, some eligible families may not be able to receive assistance. Parents who receive CCDF subsidies have a right to choose their child care provider, which can be a relative, a family child care home, or a child care center.

For CCDF-funded child care, only the immigration status of the child is relevant for eligibility purposes. However, some CCDF-funded child care is available to children regardless of their status. It is important to note that state agencies cannot require a SSN from persons seeking CCDF-funded child care, and cannot deny the benefit to families that do not provide a SSN. Immigrants eligible for CCDF-funded child care include:

- *Qualified* immigrant children
- Victims of trafficking and their derivative beneficiaries

¹⁶ Note: All immigrant children, regardless of their status or date of entry, can participate in, and benefit from, health services initiatives as described in the next section of this document.

Public Benefits Available to Immigrants in Pennsylvania Regardless of Immigration Status

- All immigrants (regardless of status) are eligible for CCDF-funded child care when:
 - Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays
 - Child care is subject to Head Start performance standards
 - Eligibility for child care services is determined by a nonprofit charitable organization

TANF-funded Child Care

TANF-funded Child Care¹⁶ may be administered by the states, as long as the expenditures are directed at one or more of the goals of the TANF program. It may also be provided to families that are receiving TANF cash assistance, families transitioning off

TANF cash assistance, and families at risk of needing TANF cash assistance. TANF Funds may be transferred to the CCDF funding stream, in which case CCDF rules (including immigrant eligibility criteria), rather than the TANF rules, govern. Immigrants eligible for TANF-funded child care include:

- *Qualified* immigrants who physically entered the U.S. before August 22, 1996.
- *Qualified* immigrants who physically entered the U.S. on or after August 22, 1996, and have been in *qualified* immigrant status for at least five years.
- “Refugee” categories: Individuals granted status as a refugee, asylee, person granted withholding of removal/deportation, Amerasian immigrant, or Cuban/Haitian entrant. Eligibility continues even if the “refugee” becomes a lawful permanent resident.
- Victims of trafficking and their derivative beneficiaries.
- Veterans and active duty military personnel, their spouses, un-remarried surviving spouses, and children, who are *qualified* immigrants.

In Pennsylvania, further information, including additional eligibility requirements, about the TANF-funded Child Care Works Program can be found on the [COMPASS website](#). Applications can be submitted through COMPASS, as well.

PUBLIC BENEFITS AVAILABLE TO IMMIGRANTS IN PENNSYLVANIA REGARDLESS OF IMMIGRATION STATUS

Although undocumented immigrants are not eligible for certain public benefits (e.g., Food Stamps, SSI, Earned Income Tax Credit (EITC), TANF) there are still several public benefits programs funded by the federal and state governments available to them. It is important to note that service providers are not required to verify citizenship or immigration status when providing these benefits.

The following benefit programs and services are available to all immigrants regardless of status or date of entry:

Emergency Medical Assistance (EMA)

Non-citizens who are *not considered qualified or lawfully present* may be eligible for Emergency Medical Assistance (EMA). EMA allows otherwise ineligible individuals to temporarily enroll in a Medical Assistance program, in order to treat a specific medication problem or an **Emergency Medical Condition (EMC)**. An EMC is defined as a medical condition with acute symptoms of such severity, including severe pain, which without immediate attention could result in:

Public Benefits Available to Immigrants in Pennsylvania Regardless of Immigration Status

- Placing the patient's health in serious jeopardy;
- Serious impairment to bodily functions; or
- Serious dysfunction of any bodily organ or part.

EMCs do not necessarily require a trip to the Emergency Room. For example, a small, potentially fatal tumor may not warrant a trip to an emergency room, but should qualify as an EMC. Labor and delivery are automatically considered EMCs. With high-risk pregnancies, EMA may also cover prenatal care. However, in most cases, individuals do not need to apply for EMA when pregnant, as many hospitals apply for this coverage themselves. It is always wise to double-check with the specific facility in question.¹⁷

To qualify for Emergency Medicaid, an immigrant must:

- Otherwise qualify for Medicaid, i.e., the immigrant must satisfy all Medicaid financial and categorical eligibility requirements (see www.Medicaid.gov); and
- Meet state residency requirements.

Access to EMA under the Emergency Medical Treatment and Active Labor Act (EMTALA)

EMA is also available under EMTALA, which is a federal law designed to prevent hospital emergency rooms from refusing to treat people who need emergency medical assistance but have no health insurance or other means to pay the bill. It is sometimes called the federal anti-dumping statute.

Under EMTALA, any hospital that participates in Medicare and has an emergency room must:

- Examine every patient who comes to the emergency room to determine whether he or she has an "emergency medical condition" or is in "active labor." If so, the hospital must provide stabilizing treatment within the capacity of the facility.
- Not transfer a patient prior to stabilization unless the physician on duty (or another qualified medical professional with the doctor's permission) certifies in writing that the medical benefits of transfer outweigh the increased risks to the individual or unborn child, because proper medical treatment is unavailable there.

Chronic Care Cases

As a general rule, EMA only covers short-term acute conditions. In 2004, however, the Pennsylvania Department of Public Welfare issued an Operation Memorandum clarifying that chronic care, such as dialysis, may be approved in certain cases. Immigrants or advocates preparing these cases should follow the EMA process explained above, and do two additional things: First, include a copy of the 2004 Operation Memorandum with the EMA application; second, in the EMA doctor's letter, explain the extreme seriousness of the consequences of non-treatment (for example, "without this treatment, this patient is likely to die within days") and describe the expensive medical emergencies that non-treatment will cause.

Federally Qualified Health Centers

Located throughout the state, Federally Qualified Health Centers (FQHC) provide health care services regardless of immigration status. Often, they employ a sliding fee scale to make it affordable, or free, for lower-income consumers.

¹⁷ Note: Receipt of subsidized child care is not considered in public charge determinations. However, receiving TANF cash assistance may be considered.

Public Benefits Available to Immigrants in Pennsylvania Regardless of Immigration Status

Nurse-Managed Health Centers

Nurse-managed health care centers are staffed by nurses who provide care for patients at the centers on a sliding fee scale, or in some cases, for free. There are no restrictions for treatment based on immigration status. In the event a patient needs medical care beyond the scope of the nurse-managed health care center, the nurse practitioners may complete MA forms and EMA letters on his or her behalf, thus helping to secure MA coverage for the needed specialty care.

Healthy Woman

Healthy Woman "50+" sites offer reduced-cost treatment on a sliding fee scale for numerous women's health services, including mammograms, PAP tests, and other services. The service is available to all women age 50 years or older, and some services are available to some women age 40 or older. All these basic Healthy Woman services (with one important exception, below) are currently available regardless of immigration status.

Healthy Woman sites are also the entry points into the **Breast and Cervical Cancer Prevention and Treatment (BCCPT)** program, which is a Medical Assistance program. Women of any age are eligible for BCCPT screening at a Healthy Woman site, but BCCPT program treatment is subject to the normal Medical Assistance immigration status requirements and specific income requirements. Immigrant women who do not have MA-eligible *qualified* immigrant status will be able to access Healthy Woman Medical Assistance BCCPT services only through the Emergency Medical Assistance process.

Women, Infants and Children (WIC)

The Women, Infants, and Children program (WIC) is a health and supplemental nutrition program for pregnant women, breastfeeding women up to 12 months postpartum, non-breastfeeding women up to 6 months postpartum, and infants and children up to 5 years of age who have a medical/nutritional risk and meet financial eligibility criteria. WIC provides its services to pregnant and breast-feeding women, as well as to children up to the age of 4, without regard to immigration status.

The **Farmers Market Nutrition Program** provides WIC-eligible women and low income seniors with coupons that can be exchanged for eligible foods at farmers markets, roadside stands, and community supported agriculture programs.

Prescription Assistance for Seniors (PACE, PACENET, and PACE Plus Medicare)

PACE, PACENET and PACE Plus Medicare are Pennsylvania's prescription assistance programs for adults age 65 and older. They offer low-cost prescription medication to qualified residents who meet the PACE income requirements, regardless of immigration status. For individuals whose incomes exceed PACE specifications, there is another tier of coverage called PACENET, with a higher income threshold.

Other Prescription Assistance Programs

Several prescription program websites provide information about free or reduced-rate prescription programs run by drug companies. Some of these programs may be open to individuals regardless of immigration status. Immigrants with prescription drug needs who qualify for programs such as MA or PACE/PACENet should see if they can get their prescription drugs covered through sites such as www.NeedyMeds.org or www.RxAssist.org. Immigrants can also directly contact drug companies to discover what reduced-cost programs they offer.

Public Benefits Available to Immigrants in Pennsylvania Regardless of Immigration Status

COBRA/HIPAA Laws

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) each have provisions designed to protect workers who are displaced from a job through which they received health insurance, and these laws operate regardless of immigration status. These laws may be very important to immigrants as the state encourages lower-wage and smaller employers to provide health care for employees.

COBRA is a federally regulated law that gives employees and their eligible dependents the opportunity to remain in their employer's group coverage when they would otherwise lose coverage due to certain qualifying events. COBRA requires an employer to allow a former employee to purchase into the group insurance plan for a period of 18 months (in most cases) after losing employment, ensuring coverage during the transitional period after losing the job. The employee must start COBRA coverage within 63 days of losing his or her job. If coverage lapses for more than 63 days at any point, new insurance companies will be allowed to apply pre-existing condition exclusions against the potential recipient. For information on COBRA, immigrants should talk to their employers.

Charity Care

Most hospitals in Pennsylvania provide free uncompensated care to some patients, based on complex state and federal funding requirements as well as optional charitable missions. Typically, access to this funding is not automatic. Instead, the hospital typically has an application process whereby someone with outstanding medical bills requests to have those bills paid for by the charity care funds. In many cases, this charity care funding is available regardless of immigrant status. If an immigrant is unable to have bills paid through EMA, they may apply for charity care at a hospital by contacting hospital social workers and staff.

County Mental Health and Mental Retardation Services

Every county in Pennsylvania is required to provide Mental Health and Mental Retardation (MH/MR) services for county residents. These services may include anything from basic wellness visits, to home supports, to crisis intervention care. Because the system is organized at the county level, and therefore subject to a wide range of funding sources (local, state and federal funds), it is difficult to generalize about what services are available without regard to immigration status. However, many MH/MR programs offer a wide variety of services which are available to all immigrants, and should always be consulted for problems that involve mental health, behavioral health, or mental retardation.

Substance abuse disorder treatment and mental health / behavioral health services are available to residents who are uninsured or whose insurance does not cover behavioral health treatment. Proof of local residency is required; a local mailing address is accepted as proof of residency.

The Allegheny County Department of Human Services offers a wide variety of mental health services through the Office of Behavioral Health (OBH). An individual must be registered with that office in order to receive services.

Other Non-Medicaid Funded Health Services

Immigrants, regardless of immigration status or date of entry, are eligible to receive non-Medicaid funded public health assistance, including:

¹⁸ The Ryan White Care Act funds programs to improve availability of care for low-income, uninsured and under-insured victims of AIDS and their families.

Public Benefits Available to Immigrants in Pennsylvania Regardless of Immigration Status

- Immunizations for children and adolescents.
- HIV/AIDS-related care and treatment including services funded under the Ryan White Care Act.¹⁸
- Medical assistance for children and women who are victims of domestic violence.
- Tuberculosis screening, diagnosis, and treatment.
- Testing and treatment of symptoms of other communicable diseases (defined as infectious illnesses that can be transmitted from one infected person to another).

Public Education

Under Title VI of the Civil Rights Act of 1964 and Department of Education regulations, all children are eligible to participate in and receive the benefits of any program or activity receiving Federal financial assistance from the Department of Education, regardless of race, color, or national origin. Immigrants and the children of immigrants are entitled to access public schools without restriction based on immigration status. Federal law also requires school districts to help children with limited English proficiency (also known as English-language learners, or ELLs) to overcome language barriers and to ensure that they can participate meaningfully in the district's educational programs; however, districts are not required to implement any particular educational approach to the instruction of ELL students and have substantial flexibility when developing programs to meet the students' needs.

Pennsylvania law also explicitly protects immigrants' entitlement to public education; according to Title 22, Section 11.11 of the Pennsylvania Code,¹⁹ "a child's right to be admitted to public school may not be conditioned on the child's immigration status"; further, "a school may not inquire regarding the immigration status of a student as part of the admission process." Schools must administer "a home language survey to all students seeking first time enrollment in its schools in accordance with requirements of the United States Department of Education's Office for Civil Rights."

All children are required to attend school in accordance with enrollment mandates outlined by state and local entities.

Therefore, all immigrants, regardless of immigration status, are eligible to participate in K-12 education, Head Start Programs, School Breakfast and Lunch Programs, the Special Milk Program, and after school snacks and summer meals for all children.

Community-Based Programs Available to All Immigrants

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) authorized the U.S. Attorney General to designate other community programs, services and assistance for which all immigrants, regardless of status, will continue to be eligible. The programs, services, or assistance must meet the following three criteria:

- Be delivered in-kind at the community level, including through public or private nonprofit agencies;
- Not base the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and
- Be necessary for the protection of life and safety.²⁰

¹⁹ 22 Pa. Code § 11.11 (d), (e).

²⁰ 8 U.S.C. § 1611 (b)(1)(B).

Sponsorship and Deeming Rules

Some of the community-based programs include the following:

- Police, fire, ambulance, transportation, sanitation, and other regular, widely available services
- Crisis counseling and intervention programs, such as services and assistance relating to child protection, adult protective services, violence and abuse prevention, and treatment of mental illness or substance abuse
- Short-term shelter or housing assistance for the homeless; victims of domestic violence; and runaway, abused, or abandoned children
- Programs, services, or assistance to help individuals during periods of adverse weather conditions
- Soup kitchens, community food pantries, Meals on Wheels, and other such community nutritional services for persons requiring special assistance.
- Medical and public health services (including treatment and prevention of diseases and injuries)
- Services provided by nonprofit organizations and clinics
- Any other programs, services, or activities designed to protect the life and safety of workers, children or community residents

SPONSORSHIP AND DEEMING RULES

As part of the immigration process outlined in the 1996 welfare and immigration laws, many immigrants need to have a sponsor.²¹ Family members and some employers eligible to file a petition to help a person immigrate become financial “sponsors”²² of the immigrant by signing a contract with the government (an “affidavit of support”). Under the enforceable affidavit (Form I-864), the sponsor promises to support the immigrant and to repay certain benefits that the immigrant may use. There are also further eligibility restrictions on immigrants whose sponsors sign an enforceable affidavit of support.

When an agency is determining an LPR’s financial eligibility for a program, the law sometimes requires the agency to “deem” the income of the immigrant’s sponsor or the sponsor’s spouse as available to the immigrant. Deeming means that in determining financial eligibility, the benefits-granting agency counts the income and resources of the sponsor and the sponsor’s spouse as though they were available to the sponsored immigrant.

LPRs who are sponsored pursuant to the new affidavits of support are subject to deeming until they either naturalize or have earned 40 qualifying quarters in covered employment (explained above under “SSI” and “SNAP”). Under those aforementioned procedures, LPRs may be credited with the qualifying quarters of their spouse or parents, provided that they did not receive any federal means-tested public benefits during the time period when qualifying quarters were earned.

In Pennsylvania, federal means-tested public benefits programs (e.g. TANF, SSI and Food Stamps²³) “deem” the income and resources of a sponsor to those of the immigrant when determining eligibility for, and amount of, benefits available under each of the programs.

²¹ Almost all family-based immigrants, including employment-based immigrants when the petitions are also family-based, are required to submit Form I-864. Exceptions are made only for widows/widowers (who must have been married for two years to a citizen, not to an LPR) and battered spouses (pursuant to the Violence Against Women Act).

²² Sponsor – a person who signs an affidavit of support for a person who is applying to immigrate to the U.S. as a resident. A sponsor must be a U.S. citizen, national, or legal permanent resident, 18 years or older, domiciled in the U.S., and must meet income/assets requirements.

²³ In Pennsylvania, immigrant children are not subject to sponsor deeming in the food stamp program.

Duty to Report

sponsor deeming rules to:

- Refugees
- Asylees
- Battered spouses and their children for one year (where the need for benefits has a substantial connection to the battery or cruelty and may be extended if the abuse has been recognized by a court, Administrative Law Judge or USCIS)
- Indigent immigrants who have been abandoned by their sponsor and would otherwise go without food or shelter (limited to one year)

Extent of Sponsor Liability

Only receipt of federal means-tested public benefits (such as nonemergency Medicaid, CHIP, TANF, SSI, and Food Stamps) triggers sponsor liability for repayment.

- If a sponsored immigrant, subject to a new affidavit of support, receives a federal means-tested public benefit that has not been specifically exempted from this requirement, the sponsor is responsible for repayment of the benefit within 45 days of a request for repayment by a benefit-granting agency.
- Any federal, state, or local government entity can take legal action against the sponsor to enforce the affidavit of support.
- The government has up to 10 years from the date on which the immigrant last received the public benefit to bring an action for repayment against the sponsor.
- The sponsor must keep USCIS informed of his/her current address; failure to do so may result in fines ranging from \$2,000 to \$5,000.

Duration

New affidavits of support are legally binding upon the sponsor until:

- The sponsor dies, or
- The immigrant:
 - Becomes a U.S. citizen;
 - Obtains 40 quarters of creditable Social Security coverage;
 - Leaves the U.S. and gives up LPR status; or
 - Dies.

DUTY TO REPORT

Section 404 Regulations

Section 404 of the PWRORA states that under extraordinary and specific circumstances, an agency that knows and can prove a person is not legally present in the U.S. must report him or her to USCIS. However, merely knowing that an immigrant is ineligible for a certain federal benefit, or knowing that an immigrant is applying for his/her children is not order to report someone. The state agency must know that USCIS has identified that a person is illegally present in the United States and is under an order for deportation. The guidelines for reporting are very specific; an oral or written admission of one's own undocumented status does not trigger the reporting requirement, nor does suspicion, or even a firm conviction, by an agency worker about the individual's immigration status. In other words, Section 404's reporting requirement does not apply unless the individual's immigration status has been formally determined by the agency, and unless that formal determination is based on specific evidence provided by USCIS or the

Exceptions to Deeming Rules:

Benefits-granting agencies may not apply

Executive Office for Immigration Review (EOIR), such as a “Final Order of Deportation.” The formal determination that an immigrant is here “illegally” can only be made when the undocumented immigrant in question is attempting to claim benefits under one of the following programs: the TANF program or Welfare-to-Work programs under Title IV(a) of the Social Security Act; SSI; or the Public and Assisted Housing Program provided under the United States Housing Act of 1937, or Section 6 or Section 8 Housing Assistance Programs. No other entities are affected by the Section 404 reporting requirements.

Nonprofit Charitable Organizations

Despite PWRORA reporting laws, nonprofit charitable organizations that provide federal, state, and local public benefits are **not required** to determine, verify, or otherwise require proof of an applicant's eligibility for such benefits based on the applicant's status as a U.S. citizen, a U.S. non-citizen national, or *qualified* immigrant.

Furthermore, a nonprofit charitable organization cannot be penalized for providing federal public benefits to an individual who is not a U.S. citizen, U.S. non-citizen national, or *qualified* immigrant.

RESOURCES

COMPASS (www.compass.state.pa.us)

The COMPASS website and application can be used to find more information about and apply for a number of different public benefit programs in Pennsylvania, including:

- Health Care (Medical Assistance and CHIP).
- Cash Assistance.
- Child Care Works Program (TANF-funded).
- Energy Assistance (LIHEAP).
- Food Stamps (SNAP).
- School Meals.
- Long-term Living Services.
- Early Intervention, Intellectual Disability, or Autism services.

Information and applications for these programs, as well as TANF cash assistance and SSI, can also be obtained by calling the Allegheny County Assistance Office Headquarters.

For a list of local county assistance offices (CAOs), visit the [PA DHS Website](#).

Allegheny County Assistance Office Headquarters

Piatt Place
301 5th Avenue, Suite 470
Pittsburgh, PA 15222
Phone 412-565-2146

The Health Insurance Marketplace (www.healthcare.gov)

Individuals can enroll in health care coverage through the Health Insurance Marketplace. Once applications are processed, applicants are informed about personal eligibility for premium tax credits, Medicaid and CHIP. Outside of the annual enrollment period, individual may still apply for coverage if they experience a qualifying life change or are eligible for Medicaid or CHIP.

Health Care for Immigrants: A Manual for Advocates in Pennsylvania ([pdf](#))

The Pennsylvania Health Law Project's guide to publicly-funded health care coverage for immigrants, including information about MA, CHIP, Marketplace coverage, EMA and other publicly-funded programs and resources.

Public Housing

To see a complete listing of the HUD-subsidized public housing managed by the Allegheny County Housing Authority (ACHA) and/or apply, visit the [Allegheny County Housing Authority's website](#).

Resources

Allegheny County Housing Authority

625 Stanwix Street, 12th floor
 Pittsburgh, PA 15222
 Phone: 412-355-8940
 Leasing Administrator: Mabel Johnson
 Phone: 412-402-2641
 Email: mjohnson@achsng.com

To see a complete listing of the HUD-subsidized public housing managed by the Housing Authority of the City of Pittsburgh (HACP) and/or apply, visit the [Housing Authority of the City of Pittsburgh website](#).

Housing Authority of the City of Pittsburgh

200 Ross Street, 9th floor
 Pittsburgh, PA 15222
 Phone: 412-456-5000

Individuals who are not currently HACP public housing tenants or are not on Section 8, must apply for and become an active public housing or Section 8 tenant for one year. To apply, contact:

Occupancy Department

100 Ross Street, 4th floor
 Pittsburgh, PA 15222
 Phone: 412-456-5030

Legal Services

A number of independent legal services programs represent immigrants without restriction, including the [Community Justice Project of Allegheny County](#), the [Pittsburgh Refugee & Immigrant Assistance Center](#).

The [Allegheny County Bar Foundation Pro Bono Center website](#) also lists a number of local Pro Bono legal organizations which serve both *qualified and not qualified immigrants*. With the exception of the Neighborhood Legal Services, which requires documentation, the organizations listed on the link above do not inquire into citizenship status.

FOR MORE INFORMATION, RESOURCES AND ASSISTANCE IN APPLYING FOR BENEFITS:

Allegheny County Immigrant Resources

A list of resources for immigrants and internationals in Allegheny County can be found on the county's [Immigrant Resources web page](#).

Immigrant Services and Connections (ISAC)

ISAC provides cultural and linguistically appropriate service coordination to I&Is in Allegheny County. ISAC helps individuals and families with various needs to connect to valuable community services, strengthen their natural supports and increase self-sufficiency. To find out more, call 412-742-4200 or email isac@jfcspgh.org.

Appendix A

GLOSSARY OF RELEVANT TERMS

Affidavit of Support (New): A legally enforceable agreement between the federal government and an immigrant's sponsor to provide sufficient support to maintain an immigrant at 125 percent of the federal poverty level. Nearly all family-based and some employment-based immigrant visa applicants have to submit the new affidavit of support, Form I-864, which became effective December 19, 1997. For anyone not required to use the new form, the traditional affidavit of support, Form I-143, and the rules governing its use remain in effect.

Affidavit of Support (Old): (Form I-143) A non-binding statement by an immigrant's sponsor to provide financial support to the immigrant.

Amerasian: A child fathered by a U.S. citizen in certain Southeast Asian countries during the years of U.S. conflict in that region. Amerasians are *qualified* immigrants because they were given LPR status under special provisions of the immigration law.

Asylee: An immigrant who flees his or her country in fear of persecution or with a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a social group and who is already present in the U.S. at the time he/she obtained asylum.

Battered immigrant spouse or child: A *qualified* immigrant who: 1) is a victim of domestic violence; 2) has a pending or approved visa petition filed by a U.S. citizen or LPR spouse/parent, a self-petition pursuant to VAWA, or an application for cancellation of a removal/suspension of deportation under VAWA; and 3) whose need for benefits have a substantial connection to the battery or cruelty. Also includes the parent of a battered child and the child of a battered spouse.

Categorically needy: Individuals who either qualify automatically for Medicaid because they are eligible for another form of assistance (e.g., Supplemental Security Income), or who fit into specified groups of low-income families and children, or low-income aged, blind, or disabled individuals.

Child Care and Development Fund (CCDF): A program, authorized by the Child Care and Development Block Grant Act, and Section 418 of the Social Security Act, that assists low-income families, families receiving temporary public assistance, and those transitioning from public assistance in obtaining child care so they can work or attend training/education.

Cuban and Haitian entrant: A person paroled into the U.S. as a Cuban or Haitian entrant or any other national from Cuba or Haiti who is the subject of exclusion or removal proceedings or who has an application for asylum pending. Cuban and Haitian entrants are *qualified* immigrants (Refugee Education Assistance Act of 1980, Section 501(e)).

Deeming: The act of adding the income and resources of another person to the income and resources of an applicant to determine eligibility for federal or state public benefits.

Disaster Unemployment Assistance (DUA): A federal program run by the Department of Labor that provides financial assistance to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster declared by the President of the United States.

Diversity immigrant: An immigrant who has obtained a visa through the diversity visa process, a program that makes available 55,000 visas yearly to applicants who:

Appendix A

1) are natives of countries that provided fewer than 50,000 immigrants to the U.S. over the preceding five years; and 2) have at least a high school education or its equivalent, or have worked for at least two years in an occupation that requires two years of training or experience.

Earned Income Tax Credit (EITC): A federal tax credit for working families who have moderately low incomes.

Emergency Medicaid (EMA): A form of Medicaid that pays only for the treatment of an emergency medical condition for any immigrant, regardless of immigration status.

Emergency medical condition: The sudden onset of a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

Emergency Medical Treatment and Active Labor Act of 1986 (EMTALA): The federal anti-dumping statute that requires all hospitals receiving Medicare to examine and provide stabilizing treatment to all patients seeking care for emergency conditions, regardless of their ability to pay and their eligibility to Medicare.

Federal Emergency Management Agency (FEMA): Federal disaster assistance agency providing money or direct assistance to individuals, families and businesses whose property has been damaged or destroyed and whose losses are not covered by insurance.

Federal means-tested public benefits: Benefits including SSI, Medicaid, TANF, food stamps, and CHIP. Unless specifically exempted by law, *qualified* immigrants who enter the U.S. after August 22, 1996, are ineligible for any federal means-tested public benefit for their first five years in the country.

Federal poverty level (FPL): The amount of income established by the federal government below which a person is considered to lack adequate support for subsistence. FPL is used to establish eligibility for various federal and state benefit programs. It is also known as the Federal Income Guideline.

Federal public benefit: Described in the welfare law as: retirement, welfare, health, disability, assisted housing, post-secondary education, food assistance, unemployment benefits, or "any other similar benefit" for which payments/assistance are provided to an individual/household by a U.S. agency or with U.S. funds. Federal public benefits also include any government grant, contract, loan, or professional or commercial license.

Five-year bar: The period of time, lasting five years, during which most *qualified* immigrants who enter the U.S. on or after August 22, 1996, are barred from receipt of Medicaid and other federal means-tested public benefits.

Food Stamps: A federal program administered by the Department of Agriculture that helps low-income people and families buy the food they need for good health.

Forty credited quarters: The term that refers to Social Security credits earned. A person earns these credits by working at a job or as a self-employed individual. The number of credits that can be earned is based solely on the person's total yearly earnings. A maximum of four credits can be earned each year, and the amount of earnings needed to earn a credit varies each year. Generally, a person with forty credited quarters would have to have a 10-year work history. To meet the 40 quarters threshold, immigrants may receive credit for work performed: 1) by their parents when the immigrant is under 18, and 2) by a spouse during the marriage (unless the

Appendix A

marriage ended in divorce); however, no credit is given for a quarter worked after December 31, 1996, if a federal means-tested benefit is received in that quarter.

Health Care Financing Administration (HCFA): The federal agency in charge of Medicaid and Medicare.

Hill-Burton Act: A federal law that provided grants to states to build hospitals and other health-care facilities. Hospitals and health care facilities built with Hill-Burton funds assume obligations to provide community services and, to a more limited degree, free care.

Housing and Urban Development (HUD): Established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA): Federal statute that imposes restrictions on immigrants' access to benefits.

Immigrant: A person who is not a U.S. citizen or national who enters the U.S. with the intent to remain for an indefinite period of time.

Immigration status: The legal or illegal character or condition under which an immigrant has entered the U.S.

Individual & Family Grant Program (IFGP): A federal program run by FEMA which provides a safety net for people who have exhausted all other means of assistance and still have disaster-related expenses that can't be met. The program provides for needs beyond those involving emergency shelter.

IRCA: Immigration Reform & Control Act of 1986.

Lawfully present: A person who has entered or remains in the U.S. with legal immigration status.

Legal (or lawful) permanent resident (LPR): An immigrant who is legally permitted to live permanently in the U.S. having been granted an immigration visa abroad or adjustment to permanent resident status in the U.S.

Legal Services Corporation (LSC): LSC provides grants to legal services programs to give free legal advice to low-income clients in noncriminal matters such as public benefits, housing, consumer issues, employment, education, and family law.

Low-Income Home Energy Assistance Programs (LIHEAP): LIHEAP provides states with block grants to help low-income households defray the cost of heating, cooling, and weatherizing their homes.

Low-Income Housing Tax Credit (LIHTC): A tax credit created under the Tax Reform Act of 1986 that gives incentives for the utilization of private equity in the development of affordable housing for low-income Americans.

Medicaid: A joint federal/state entitlement program that provides health insurance coverage for low-income people meeting minimum income and other eligibility standards.

Medically needy: Individuals who fit into federal Medicaid program eligibility categories, but whose income and resources are above the categorically needy levels. States that opt to provide Medicaid for the medically needy allow applicants to "spend down" to eligibility by incurring medical expenses.

Noncitizen: Any person who is not a U.S. citizen or national.

Appendix A

Nonprofit, charitable organization: An organization that is: 1) created and operated for purposes other than making gains or profits for the organization, its members, or its shareholders, and that is precluded from distributing any gains or profits to its members or shareholders, and 2) organized and operated for charitable purposes such as relief to the poor, distressed, or underprivileged, as well as religiously affiliated and educational institutions.

Not-qualified immigrants: Immigrants who do not fall within the “qualified” immigrant categories, including persons residing under color of law, such as applicants for asylum and family unity, applicants for adjustment of status, undocumented immigrants, and non-immigrants such as students and foreign visitors.

Parolee for more than one year: A *qualified* immigrant who has been paroled into the U.S. for at least one year.

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA): This is the welfare reform statute (PRWORA) that replaced the Aid to Dependent Children (AFDC) entitlement with block grants to the states for TANF; PRWORA also imposed new restrictions on immigrants’ access to public benefits.

Persons residing under color of law (PRUCOL): Immigrants who: 1) have been granted indefinite voluntary departure, 2) are residing in the U.S. under orders of supervision, 3) have been continuously living in the U.S. since January 1, 1972, 4) have been granted stays or suspension of deportation, or 5) whose departure USCIS does not contemplate enforcing.

Presumptive Eligibility: At state option, a temporary Medicaid eligibility status that allows pregnant women and children to obtain Medicaid coverage without completing the formal Medicaid application process and waiting for an eligibility determination.

Public charge: Determination by USCIS or the State Department that an immigrant is likely to become primarily dependent on government public benefits for subsistence.

Qualified immigrant: A lawful permanent resident; a refugee; an asylee; an immigrant who had deportation withheld; an immigrant granted parole for at least one year; an immigrant granted conditional entry; a battered immigrant and her child/children; and immigrants born in Canada who possesses at least 50 percent blood of the American Indian race, or are members of certain Indian tribes.

Refugee: An immigrant who flees his or her country due to persecution or a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a social group and who obtains the status while abroad.

Small Business Association (SBA): An independent agency of the federal government which provides small business owners with SBA-backed loans, government contracting opportunities, disaster assistance and training programs.

Sponsor: A person who signs an affidavit of support for a person who is applying to immigrate to the U.S. as a resident. A sponsor must be a U.S. citizen, national, or legal permanent resident, 18 years or older, domiciled in the U.S., and must meet income/assets requirements.

Sponsor deeming of income: For any federal means-tested public benefits program, such as TANF, SSI, food stamps, CHIP, and Medicaid, the income and resources of a sponsor are added to those of the immigrant when determining eligibility for, and amount of, benefits available under each of the programs.

Appendix A

State Children’s Health Insurance Program (CHIP): Federally funded program to enable the states to provide health insurance to uninsured, “targeted low-income” children under the age of 19 and whose family income meet state-specified guidelines.

Supplemental Security Income (SSI): Federal cash assistance program primarily for senior citizens.

Temporary Assistance for Needy Families (TANF): Federal cash assistance program.

Temporary residents: Diverse sets of foreign-born people who have been admitted to the U.S. for a temporary or indefinite period, but have not attained permanent residency (e.g., tourists, students, and people on work visas).

Totality of circumstances test: In making public charge determinations, USCIS and the State Department must look at the immigrant’s total circumstances including his/her: 1) age, 2) health, 3) family status, 4) financial status, and 5) education and skills.

Transitional Medical Assistance (TMA): Time-limited Medicaid coverage that is provided to families with children who are no longer eligible for Medicaid because of increased earnings. Families are entitled to receive the first six months of TMA, regardless of their income. They may be eligible for another six months of TMA depending on their income and compliance with certain reporting requirements.

Undocumented immigrant: A person who is not a U.S. citizen or national, who has entered or remained in the U.S. without proper documentation, and who does not have legal status for immigration purposes.

United States Citizenship and Immigration Services (USCIS): A federal agency which oversees the implementation of the federal immigration and naturalization laws, including the immigration, exclusion, deportation, expulsion, or removal of immigrants.

Withholding of removal (formerly withholding of deportation): A person who has been granted withholding of removal is eligible for the refugee exemption for benefits, even if he/she has subsequently adjusted to LPR status.

Appendix B

2016 FEDERAL POVERTY GUIDELINES (Monthly)

| Household Size | 125% | 200% |
|---|-----------|-----------|
| 1 | \$1,238 | \$1,980 |
| 2 | \$1,669 | \$2,670 |
| 3 | \$2,100 | \$3,360 |
| 4 | \$2,531 | \$4,050 |
| 5 | \$2,963 | \$4,740 |
| 6 | \$3,394 | \$5,430 |
| 7 | \$3,826 | \$6,122 |
| 8 | \$4,259 | \$6,815 |
| Each additional household member | Add \$433 | Add \$693 |

Federal poverty rates are updated annually and can be found on the U.S. Department of Health and Human Services' [website](#).