

Major Benefit Programs Available to Immigrants in California

OCTOBER 2011

PROGRAM	“QUALIFIED” IMMIGRANTS ¹ 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 ²
Supplemental Security Income & State Supplemental Payment (SSI/SSP)	Eligible only if: <ul style="list-style-type: none"> • Receiving SSI (or application pending) on Aug. 22, 1996, or • Qualify as disabled,^{3*} or • Refugee, asylee, granted withholding of deportation, Cuban/Haitian entrant, Amerasian, <i>but only during first 7 years after the status was granted, or</i> • Lawful permanent resident with credit for 40 quarters of work,⁴ or • Veteran, active duty military, their spouse, unremarried surviving spouse, or child,* or • American Indian born in Canada or other Native American tribal member born outside U.S. 	Eligible only if: <ul style="list-style-type: none"> • Refugee, asylee, granted withholding of deportation, Cuban/Haitian entrant, Amerasian, Iraqi or Afghan special immigrants, victim of trafficking, <i>but only during first 7 years after the status was granted, or</i> • Lawful permanent resident with credit for 40 quarters of work (but must wait until 5 years after entry before applying),⁴ or • Veteran, active duty military, their spouse, unremarried surviving spouse, or child,* or • American Indian born in Canada or other Native American tribal member born outside U.S. 	Eligible only if: <ul style="list-style-type: none"> • Receiving SSI (or application pending) on Aug. 22, 1996, or • Victim of trafficking, <i>during first 7 years after the status was granted, or</i> • American Indian born in Canada or other Native American tribal member born outside U.S.

(For notes corresponding to endnote reference marks *, ‡, and ††, see p. 5.)

¹ Qualified immigrants are: (1) lawful permanent residents (LPRs), including Amerasian immigrants; (2) refugees, asylees, persons granted withholding of deportation, conditional entry (in effect prior to Apr. 1, 1980), or paroled for at least one year; (3) Cuban/Haitian entrants; (4) battered spouses and children with a pending or approved (a) self-petition for an immigrant visa, or (b) immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) application for cancellation of removal/suspension of deportation, whose need for benefits has a substantial connection to the battery or cruelty (parent/child of such battered child/spouse are also qualified); and (5) victims of trafficking and their derivative beneficiaries who have obtained a T visa or whose application for a T visa sets forth a prima facie case. (A broader category of trafficking victims who are certified by or receive an eligibility letter from the Office of Refugee Resettlement are eligible for all federal benefits, without regard to their immigration status.)

² Not qualified immigrants include all noncitizens who do not fit within the “qualified immigrant” categories.

³ Must have been lawfully residing in the U.S. on Aug. 22, 1996.

⁴ LPRs can earn credit if they have worked 40 qualifying quarters. 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 benefit (SSI, Medi-Cal, food stamps, CalWORKs, or Healthy Families) was received in that quarter.

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State Cash Assistance Program for Immigrants (CAPI)	<p>Eligible if:</p> <ul style="list-style-type: none"> • Are a senior or person with disabilities who does not meet the immigrant eligibility criteria for federal SSI (above).^{5*} 	<p>Eligible if:</p> <ul style="list-style-type: none"> • Are a senior or person with disabilities who does not meet immigrant eligibility criteria for federal SSI (above).* 	<p>Eligible only if:</p> <ul style="list-style-type: none"> • Permanently residing in the U.S. under color of law (PRUCOL), and either 65 years or older or a person with disabilities. • Victim of trafficking, applicant for U visa and U visa holders.⁶
Supplemental Nutrition Assistance Program (SNAP) or CalFresh	<p>Eligible only if:</p> <ul style="list-style-type: none"> • Are under 18 years old, or • Have been in qualified immigrant status for 5 years or more, or • Were granted refugee, asylum, withholding of deportation/removal, Cuban/Haitian entrant, Amerasian immigrant status, or • Lawful permanent resident with credit for 40 quarters of work,⁴ or • Are receiving disability-related assistance,⁷ or • Were 65 years or older on Aug. 22, 1996,⁸ or • Veteran, active duty military, their spouse, unremarried surviving spouse, or child, or • Member of Hmong or Laotian tribe during Vietnam era, when the tribe militarily assisted the U.S.; their spouse, surviving spouse, or child, or • American Indian born in Canada or other Native American tribal member born outside U.S. 	<p>Eligible only if:</p> <ul style="list-style-type: none"> • Are under 18 years old, or • Have been in qualified immigrant status for 5 years or more, or • Were granted refugee, asylum, withholding of deportation/removal, Cuban/Haitian entrant, Amerasian immigrant, Iraqi or Afghan special immigrant status, or • Lawful permanent resident with credit for 40 quarters of work,⁴ or • Are receiving disability-related assistance,⁷ or • Veteran, active duty military, their spouse, unremarried surviving spouse, or child,[†] or • Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; their spouse, surviving spouse, or child,[†] or • American Indian born in Canada or other Native American tribal member born outside U.S. 	<p>Eligible only if:</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., who is now lawfully present in the U.S.; spouse, surviving spouse or child of tribe member, or • Victim of trafficking, or • American Indian born in Canada or other Native American tribal member born outside U.S.

⁵ Qualified immigrants who were lawfully residing in the U.S. on Aug. 22, 1996, can receive SSI if they can show that they have a disability. Seniors who have applied for SSI on this basis can receive CAPI while they are waiting for a disability determination from the Social Security Administration.

⁶ Victims of trafficking may be eligible for state or local benefits (CAPI, CFAP, CalWORKs, Medi-Cal, IHSS, GA, Refugee Cash Assistance, Refugee Medical, Refugee Social Services) pending certification for federal benefits. Applicants for U visas/interim relief and U visa-holders may also be eligible for these services. See www.dss.cahwnet.gov/getinfo/acl06/pdf/06-60.pdf.

⁷ Disability-related benefits include: Social Security disability, state disability or retirement pension, railroad retirement disability, veteran’s disability, disability-based Medi-Cal, or possibly General Assistance for certain immigrants with disabilities.

⁸ Must have been lawfully residing in the U.S. on Aug. 22, 1996.

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California Food Assistance Program (CFAP)	Eligible only if: <ul style="list-style-type: none"> Do not meet immigrant eligibility criteria for SNAP (above). 	Eligible if: <ul style="list-style-type: none"> Do not meet immigrant eligibility criteria for SNAP (above).† 	Eligible only if: <ul style="list-style-type: none"> Lawful temporary resident, or Victim of trafficking, applicant for U visa, or U visa holder.⁶
Child Nutrition Programs: <ul style="list-style-type: none"> Women, Infants and Children (WIC) School Lunch & Breakfast Summer Food 	Eligible	Eligible	Eligible
CalWORKs	Eligible	Eligible ‡	Eligible only if: <ul style="list-style-type: none"> Victim of trafficking, applicant for U visa or U visa holder,⁶ or Granted indefinite stay of deportation/removal, indefinite voluntary departure, or Permanently residing in the U.S. under color of law (PRUCOL).
Full Scope Medi-Cal	Eligible	Eligible	Eligible only if: <ul style="list-style-type: none"> Permanently residing in the U.S. under color of law (PRUCOL), or Victim of trafficking, applicant for U visa or U visa holder,⁶ or American Indian born in Canada or other Native American tribal member born outside U.S.
Healthy Families	Eligible	Eligible	Eligible only if: <ul style="list-style-type: none"> Lawfully residing⁹ Victim of trafficking, applicant for U visa or U visa holder.⁶
Emergency Medi-Cal (includes labor/delivery)	Eligible	Eligible	Eligible
Medi-Cal Prenatal Care	Eligible	Eligible	Eligible
Access for Infants and Mothers (AIM)	Eligible	Eligible	Eligible

⁹ The lawfully residing categories recognized for purposes of Medicaid and CHIP coverage for children and pregnant women are listed in CMS’ State Health Officials Letter, July 1, 2010, at www.cms.gov/smdl/downloads/SHO10006.pdf.

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Breast and Cervical Cancer Programs (for women with breast or cervical cancer who do not have a disability)	Eligible for full-scope Medi-Cal services.	Eligible for full-scope Medi-Cal services.	Eligible for cancer treatment, for a limited time: 18 mos. for breast cancer; 24 mos. for cervical cancer. (But victims of trafficking can get full-scope Medi-Cal.)
Medi-Cal Long-Term Care	Eligible	Eligible	Eligible <ul style="list-style-type: none"> • Court order prevents state from denying long-term care services based on immigration status.
Child Health and Disability Prevention Program (CHDP) and the CHDP “Gateway”	Eligible <ul style="list-style-type: none"> • Children can receive up to two months of full-scope Medi-Cal, which can be extended if they file a Medi-Cal or Healthy Families application. 	Eligible <ul style="list-style-type: none"> • Children can receive up to two months of full-scope Medi-Cal, which can be extended if they file a Medi-Cal or Healthy Families application. 	Eligible <ul style="list-style-type: none"> • Children of all statuses can receive up to two months of full-scope Medi-Cal.¹⁰ PRUCOL children can continue full-scope services if they file a Medi-Cal application.
California Children’s Services (CCS)	Eligible	Eligible	Eligible
In-Home Supportive Services (IHSS)	Eligible ^{††}	Eligible ^{††}	Eligible only if: <ul style="list-style-type: none"> • Permanently residing in the U.S. under color of law (PRUCOL), or • Victim of trafficking or applicant for U visa/interim relief.⁷
Medicare (“Premium Free”) Eligibility is based on work history. <u>Part A</u> (hospitalization) is premium-free; <u>Part B</u> (outpatient) can be purchased.	Eligible	Eligible	Eligible only if: <ul style="list-style-type: none"> • Lawfully present.
Premium “Buy In” Medicare¹¹	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. 	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.

¹⁰ Children currently enrolled in “emergency only” Medi-Cal cannot get full-scope services, but can receive periodic “well-child” exams at no cost.

¹¹ The same immigrant rules apply to the **Qualified Medicare Beneficiary**, **Specified Low-Income Medicare Beneficiary**, and **QI-1** programs.

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County Medical Services ¹²	Eligible	Eligible	Varies by county
General Assistance	Eligible	Eligible	Varies by county

* **Eligibility for SSI and CAPI may be affected by deeming:** a sponsor’s income/resources may be added to the immigrant’s in determining eligibility. For SSI, an LPR whose sponsor signed a traditional affidavit of support (I-134) is subject to deeming for 3 years after gaining LPR status. Deeming is not applied if the immigrant becomes disabled after becoming an LPR. An LPR whose sponsor signs a new affidavit of support (I-864) is subject to deeming until he or she becomes a citizen or has credit for 40 quarters of work — 12-month exception for immigrants who would go hungry or homeless without assistance, and domestic violence victims (exception extended if abuse has been recognized by court, administrative law judge, or U.S. Dept. of Homeland Security). The Cash Assistance Program for Immigrants (CAPI) deeming rules are identical to the SSI rules, except that, regardless of which affidavit was signed, (1) victims of abuse are exempt, and (2) post-Aug. 22, 1996, entrants (whose sponsors do not have a disability) are subject to 10 years of deeming.

‡ **Eligibility for SNAP/CalFresh, CFAP and CalWORKS may be affected by deeming:** a sponsor’s income/resources may be added to the immigrant’s in determining eligibility; an LPR whose sponsor signed a new affidavit of support (I-864) is subject to deeming until he or she becomes a citizen or has credit for 40 quarters of work — with 12-month exception for immigrants who would go hungry or homeless without assistance, and domestic violence victims (exception extended if abuse recognized by court, administrative law judge, or Department of Homeland Security). There is no deeming for children in SNAP/CalFresh or CFAP. CFAP has a 3-year deeming period.

‡‡ **Eligibility for IHSS may be affected by deeming:** all or some of a sponsor’s income/resources may be added to the immigrant’s in determining eligibility — an LPR whose sponsor signed a traditional affidavit of support (I-134) is subject to deeming for 3 years after gaining LPR status. In IHSS, 3-year deeming is not applied if the immigrant becomes disabled after entry. An LPR whose sponsor signs a new affidavit of support (I-864) is subject to deeming until he or she becomes a citizen or has credit for 40 quarters of work — with 12-month exception for immigrants who would go hungry or homeless without assistance, and domestic violence victims (exception extended if abuse is recognized by court, administrative law judge, or the U.S. Dept. of Homeland Security).

¹² A number of counties have local health coverage initiatives that insure children and/or families regardless of their immigration status. Detailed program descriptions are available at www.ihps.org. Several counties also have Low-Income Health Programs (LIHPs) to serve single adults without disabilities who are ineligible for Medi-Cal. Some “qualified” immigrants may be subject to a waiting period before becoming eligible for these programs. However, some counties supplement these programs by providing coverage without a waiting period to these and other immigrants with their own funds. Immigrant rules in these programs vary by county.



Public Charge Fact Sheet⁵

Released April 29, 2011

Introduction

Public charge has been part of U.S. immigration law for more than 100 years as a ground of inadmissibility and deportation. An individual who is likely at any time to become a public charge is inadmissible to the United States and ineligible to become a legal permanent resident. However, receiving public benefits does not automatically make an individual a public charge. This fact sheet provides information about public charge determinations to help noncitizens make informed choices about whether to apply for certain public benefits.

Background

Under Section 212(a)(4) of the Immigration and Nationality Act (INA), an individual seeking admission to the United States or seeking to adjust status to permanent resident (obtaining a green card) is inadmissible if the individual "at the time of application for admission or adjustment of status, is likely at any time to become a public charge." If an individual is inadmissible, admission to the United States or adjustment of status will not be granted. Immigration and welfare laws have generated some concern about whether a noncitizen may face adverse immigration consequences for having received federal, state, or local public benefits. Some noncitizens and their families are eligible for public benefits – including disaster

relief, treatment of communicable diseases, immunizations, and children's nutrition and health care programs – without being found to be a public charge.

Definition of Public Charge

In determining inadmissibility, USCIS defines "public charge" as an individual who is likely to become "primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance, or institutionalization for long-term care at government expense." See "Field Guidance on Deportability and Inadmissibility on Public Charge Grounds," 64 FR 28689 (May 26, 1999). In determining whether an alien meets this definition for public charge inadmissibility, a number of factors are considered, including age, health, family status, assets, resources, financial status, education, and skills. No single factor, other than the lack of an affidavit of support, if required, will determine whether an individual is a public charge.

Benefits Subject to Public Charge Consideration

USCIS guidance specifies that cash assistance for income maintenance includes Supplemental Security Income (SSI), cash assistance from the Temporary Assistance for Needy Families (TANF) program and state or local cash assistance programs for income maintenance, often called "general assistance" programs. Acceptance of these forms of public cash assistance could make a noncitizen inadmissible as a public charge if all other criteria are met. However, the mere receipt of these benefits does not automatically make an individual inadmissible, ineligible to adjust status to lawful permanent resident, or deportable on public charge grounds. See "Field Guidance on Deportability and Inadmissibility on Public Charge Grounds," 64 FR 28689 (May 26, 1999). Each determination is made on a case-by-case basis in the context of the totality of the circumstances.

In addition, public assistance, including Medicaid, that is used to support aliens who reside in an institution for long-term care – such

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<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=775d23cbea6bf210VgnVCM100000082ca60aRCRD&vgnextchannel=8a2f6d26d17df110VgnVCM1000004718190aRCRD>

as a nursing home or mental health institution -- may also be considered as an adverse factor in the totality of the circumstances for purposes of public charge determinations. Short-term institutionalization for rehabilitation is not subject to public charge consideration.

Benefits Not Subject to Public Charge Consideration

Under the agency guidance, non-cash benefits and special-purpose cash benefits that are not intended for income maintenance are not subject to public charge consideration. Such benefits include:

- Medicaid and other health insurance and health services (including public assistance for immunizations and for testing and treatment of symptoms of communicable diseases, use of health clinics, short-term rehabilitation services, prenatal care and emergency medical services) other than support for long-term institutional care
- Children's Health Insurance Program (CHIP)
- Nutrition programs, including the Supplemental Nutrition Assistance Program (SNAP)- commonly referred to as Food Stamps, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the National School Lunch and School Breakfast Program, and other supplementary and emergency food assistance programs
- Housing benefits
- Child care services
- Energy assistance, such as the Low Income Home Energy Assistance Program (LIHEAP)
- Emergency disaster relief
- Foster care and adoption assistance
- Educational assistance (such as attending public school), including benefits under the Head Start Act and aid for elementary, secondary or higher education
- Job training programs
- In-kind, community-based programs, services or assistance (such as soup kitchens, crisis

counseling and intervention, and short-term shelter)

- Non-cash benefits under TANF such as subsidized child care or transit subsidies
- Cash payments that have been earned, such as Title II Social Security benefits, government pensions, and veterans' benefits, and other forms of earned benefits
- Unemployment compensation

Some of the above programs may provide cash benefits, such as energy assistance, transportation or child care benefits provided under TANF or the Child Care Development Block Grant (CCDBG), and one-time emergency payments under TANF. Since the purpose of such benefits is not for income maintenance, but rather to avoid the need for ongoing cash assistance for income maintenance, they are not subject to public charge consideration.

Note: In general, lawful permanent residents who currently possess a "green card" cannot be denied U.S. citizenship for lawfully receiving any public benefits for which they are eligible.

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Related Links

[Field Guidance on Deportability and Inadmissibility on Public Charge Grounds \[64 FR 28689\] \[FR 27-99\]](#)

Public Charge Resources

NILC: Federal Guidance on Public Charge: When Is It Safe to Use Public Benefits?

<http://www.nilc.org/pubcharge.html>

Field Guidance on Deportability and Inadmissibility on Public Charge Grounds (64 FR 28689, Mar. 26, 1999.)

[http://www.uscis.gov/ilink/docView/FR/HTML/
FR/0-0-0-1/0-0-0-54070/0-0-0-54088/0-0-0-
55744.html](http://www.uscis.gov/ilink/docView/FR/HTML/FR/0-0-0-1/0-0-0-54070/0-0-0-54088/0-0-0-55744.html)

FNS Support of USCIS Policy on Public Charge

[http://www.fns.usda.gov/snap/rules/Memo/2010/
/020110.pdf](http://www.fns.usda.gov/snap/rules/Memo/2010/020110.pdf)

Federal Guidance on Public Charge: When Is It Safe to Use Public Benefits? (5/1/09)

By NILC and California Immigrant Policy
Center (6-page Q & A pamphlet for advocates
and service providers)

<http://www.nilc.org/pubcharge.html>

California version (All brochures dated 4/12/02
except Chinese brochure dated 8/23/06.) Links
to "Lao" and "Thai" are to PDF files posted on
the website of the Asian Pacific American Legal
Center of Southern California):

[Chinese](#) | [English](#) | [Lao](#) | [Samoan](#)
[Spanish](#) | [Tagalog](#) | [Thai](#) | [Vietnamese](#)

<http://www.nilc.org/pubcharge.html>