



Federal Benefits Available to Unauthorized Immigrants

In general, unauthorized immigrants within the United States are not eligible for any federal public benefits, except:

1. Emergency medical treatment under Medicaid, if the individual otherwise meets the eligibility requirements and the medical condition is not related to an organ transplant procedure
2. Immunizations for immunizable diseases and testing for and treatment of symptoms of communicable diseases (does not include assistance from Medicaid)
3. Short-term, non-cash, in-kind emergency disaster relief
4. Programs, services, or assistance that deliver in-kind services at the community level, do not have conditions for assistance on the recipients' income or resources, and are necessary for the protection of life and safety
 - o Includes access to soup kitchens, crisis counseling and intervention, short-term shelter, mental health services, and child and adult protective services
5. To the extent that an immigrant was receiving assistance on 8/22/08, programs for housing, community development, or financial assistance administered by the HUD Secretary, which include:
 - o Financial assistance in rural areas to farmers, owners, developers, and the elderly for loan insurance, the purchase of property, housing for trainees, and low rent housing for farm workers under title V of the Housing Act of 1949
 - o Loans and grants for water access and waste treatment to alleviate health risks under Section 306C of the Consolidated Farm and Rural Development Act
6. Free public education for grades K-12
7. Federally subsidized school lunch and school breakfast programs for individuals eligible for free public education under state or local law
8. At state option, medical coverage under SCHIP, including prenatal care and delivery services, for unborn children who meet other program eligibility criteria

NOTE: Exceptions 2 and 3 above only grant access to disaster relief and emergency assistance for the protection of life and safety, and do not extend to non-emergency aid based on each recipient's need.

Unauthorized immigrants are eligible for the following nutrition assistance programs:

- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Child and Adult Care Food Program (CACFP)
- Summer Food Service program
- Special Milk program
- Commodity Supplemental Food Program (CSFP)
- The Emergency Food Assistance Program (TEFAP)
- Food Distribution Program on Indian Reservations (FDPIR)

NOTE: States may, at their discretion, deny unauthorized immigrants' access to the above programs, though none have done so as of 5/21/08.

Unauthorized immigrants also appear to be able to receive services provided by federally funded community health centers regardless of immigration status; however, migrant health center services are statutorily prohibited to unauthorized immigrants by Title IV of PRWORA.

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Chart of Immigrant Eligibility for Federal Programs

SSI

Refugees: eligible for nine years, plus one additional year if a naturalization application is pending (effective FY2009-FY2011, when eligibility reverts to seven years)
Legal immigrant SSI recipients resident in the U.S. on or before 8/22/96
Legal immigrants resident on or before 8/22/96 who are or become disabled
Legal immigrants with 40 work quarters
Veterans, active military and their spouses and dependents

Food Stamps

Legal immigrant children (benefits restored as of October 1, 2003)
Legal immigrants with 5 years residence in the U.S. (benefits restored as of April 1, 2003)*
Legal immigrants with 40 work quarters
Refugees
Elderly, resident in the U.S. on or before 8/22/96
Disabled or blind immigrants, regardless of when they entered the U.S.
Veterans, active military and their spouses and dependents

TANF

Legal immigrants residing in the U.S. on or before 8/22/96 at state option
Legal immigrants who enter the U.S. after 8/22/96: barred for first 5 years*
Legal immigrants with 40 work quarters
Refugees
Veterans, active military and their spouses and dependents

Medicaid

Legal immigrants residing in the U.S. on or before 8/22/96 at state option
Legal immigrants who enter the U.S. after 8/22/96: barred for first 5 years*
Legal immigrants with 40 work quarters
Refugees (eligible for first 7 years of residence)
Veterans, active military and their spouses and dependents
SSI recipients

SCHIP

Legal immigrant children residing in the U.S. on or before 8/22/96
Legal immigrant children who enter the U.S. after 8/22/96: barred for first 5 years*
Refugees (eligible for first 7 years of residence)
Children of veterans and active military (unmarried, dependent)

NOTES: "Refugee" on this chart also includes asylees, Cuban-Haitian entrants, Amerasians, and those whose deportation has been withheld. Victims of domestic abuse and victims of trafficking may be eligible for the above programs, but they must still meet eligibility requirements (for example, 5 years residence or 40 work quarters.)

*Sponsor-to-immigrant deeming applies to legal immigrants who have signed a legally binding affidavit of support on or after December 19, 1997. The income and resources of the sponsor are counted as available to the immigrant when determining the immigrant's eligibility.

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