

SIMPLIFIED GUIDE FOR DETERMINING ELIGIBILITY OF NONCITIZENS

EFFECTIVE 02/2010

QUALIFIED ALIENS		
STATUS	FOOD ASSISTANCE	OWF, DFA, PRC, MEDICAL ASSISTANCE
<p>Lawfully admitted for permanent residence (LPR) as defined in section 101(a)(2) and 101(a)(27) of the Immigration and Nationality Act (INA)</p> <p>An immigrant is an alien lawfully admitted for permanent residence (LPR).</p>	<p>Eligible if:</p> <ul style="list-style-type: none"> * meets 40 quarters requirement or * entered U.S. as refugee or * granted status as asylee or * deportation or removal withheld or * veteran or on active duty in U.S. armed forces or spouse or unmarried dependent child of veteran or person on active duty or * granted status as a Cuban or Haitian entrant or * entered U.S. as Amerasian immigrant or * under age 18 or * lawfully in U.S. and receiving SSI or Federal category of Medicaid for blindness or disability or * lawfully in U.S. on 8/22/96 and was born on or before 8/22/31 or * has resided in U.S. as a “qualified alien” for 5 or more years or * is an Afghan or Iraqi alien with a special immigrant visa. 	<p>Eligible if:</p> <ul style="list-style-type: none"> * lawfully residing in U.S. prior to 8/22/96 or * in U.S. on or after 8/22/96 and * meets 40 quarters requirement or * veteran or on active duty in U.S. armed forces or spouse or unmarried dependent child of veteran or person on active duty. * Afghan or Iraqi aliens who have been granted special immigrant visa status.
<p>Refugee under section 207 of the INA</p>	<p>Eligible if:</p> <ul style="list-style-type: none"> * entered U.S. as refugee 	<p>Eligible if:</p> <ul style="list-style-type: none"> * lawfully residing in U.S. prior to 8/22/96 or * in U.S. on or after 8/22/96, eligible for 5-years from date of entry (OWF, DFA, PRC) and 7-years from date of entry (Medical Assistance), thereafter * veteran or on active duty in U.S. armed forces or spouse or unmarried dependent child of veteran or person on active duty.

QUALIFIED ALIENS		
STATUS	FOOD ASSISTANCE	LOWF, DFA, PRC, MEDICAL ASSISTANCE
Asylee under section 208 of the INA	Eligible if: * granted asylum	(Same as Refugee block)
Deportation or removal withheld under section 243(h) or 241(b)(3) of INA	Eligible if: * granted status	(Same as Refugee block)
Conditional entrant under section 203(a)(7) of the INA	Eligible if: * veteran or on active duty in U.S. armed forces or spouse or unmarried dependent child of veteran or person on active duty or * under age 18 or * lawfully in U.S. and receiving SSI or Federal category of Medicaid for blindness or disability or * lawfully in U.S. on 8/22/96 and was born on or before 8/22/31 or * has resided in U.S. as a “qualified alien” for 5 or more years.	Eligible if: * lawfully residing in U.S. prior to 8/22/96 or * in U.S. on or after 8/22/96 and * veteran or on active duty in U.S. armed forces or spouse or unmarried dependent child of veteran or person on active duty.

QUALIFIED ALIENS

STATUS	FOOD ASSISTANCE	OWF, DFA, PRC, MEDICAL ASSISTANCE
Parolee under section 212(d)(5) of the INA and status is granted for at least one year	<p>Eligible if:</p> <ul style="list-style-type: none"> * veteran or on active duty in U.S. armed forces or spouse or unmarried dependent child of veteran or person on active duty or under age 18 or * lawfully in U.S. and receiving SSI or Federal category of Medicaid for blindness or disability or * lawfully in U.S. on 8/22/96 and was born on or before 8/22/31 or * has resided in U.S. as a “qualified alien” for 5 or more years. 	(Same as Conditional entrant block)
Battered spouse or battered child, or parent or child of a battered person with a petition pending under 204(a)(1)(A) or (B) or 244(a)(3) of INA	<p>Eligible if:</p> <ul style="list-style-type: none"> * veteran or on active duty in U.S. armed forces or spouse or unmarried dependent child of veteran or person on active duty or * under age 18 or * lawfully in U.S. and receiving SSI or Federal category of Medicaid for blindness or disability or * lawfully in U.S. on 8/22/96 and was born on or before 8/22/31 or * has resided in U.S. as a “qualified alien” for 5 or more years. 	(Same as Conditional entrant block)
Cuban or Haitian entrant pursuant to 45 CFR, 401 (1982)	<p>Eligible if:</p> <ul style="list-style-type: none"> * granted status as Cuban or Haitian entrant 	<p>Eligible if:</p> <ul style="list-style-type: none"> * lawfully residing in U.S. prior to 8/22/96 or * granted status as a Cuban or Haitian entrant on or after 8/22/96, eligible for 5-years from date status granted (OWF, DFA, PRC) and 7-years from date status granted (Medical Assistance), thereafter * veteran or on active duty in U.S. armed forces or spouse or unmarried dependent child of veteran or person on active duty.

QUALIFIED ALIENS		
STATUS	FOOD ASSISTANCE	OWF, DFA, PRC, MEDICAL ASSISTANCE
Amerasian entrant (immigrant) under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988	Eligible if: * admitted to the U.S. as an Amerasian immigrant	(Same as Refugee block)

NOTE: To be eligible for the **FOOD ASSISTANCE PROGRAM**, an alien must meet one of the requirements for a qualified alien in the first column and one of the corresponding requirements for food assistance eligibility in the second column.

Effective 10/1/2003 the deeming requirements will no longer be applied to alien children who are under eighteen years of age.

To be eligible for **OWF, DFA, PRC, MEDICAL ASSISTANCE**, an alien must meet one of the requirements in the first column and one of the corresponding requirements in the third column.

If, at the time of application, reapplication, or change the county agency discovers an ineligible alien who is now eligible under one of the above provisions, the county agency must take the appropriate action to add the individual, if otherwise eligible.

THESE NONCITIZENS MAY BE ELIGIBLE EVEN IF THEY ARE NOT QUALIFIED ALIENS AS SPECIFIED IN COLUMN 1 ABOVE, AND MAY BE ELIGIBLE FOR AN INDEFINITE PERIOD OF TIME.	
FOOD ASSISTANCE	OWF, DFA, MEDICAL ASSISTANCE
<p>* Victims of Severe Forms of Trafficking</p> <p>certain Hmong or Highland Laotians or spouse or dependent child (many are admitted as refugees) or</p> <p>American Indians born in Canada to which section 289 of INA applies, and members of Indian tribes as defined in section 4(e) of Indian Self-Determination and Education Assistance Act (Native Americans who are entitled to cross the U.S. border into Canada or Mexico)</p>	<p>* Victims of Severe Forms of Trafficking</p> <p>(Medical Assistance) American Indians born in Canada to which section 289 of INA applies, and members of Indian tribes as defined in section 4(e) of Indian Self-Determination and Education Assistance Act (Native Americans who are entitled to cross the U.S. border into Canada or Mexico)</p>

INELIGIBLE NONCITIZENS	
FOOD ASSISTANCE	OWF, DFA, MEDICAL ASSISTANCE
<p>Examples:</p> <ul style="list-style-type: none"> * Visitors, tourists, students and diplomats; * Those admitted under color of law; * Undocumented aliens; * Aliens who applied for eligible status but who have not been approved (except for battered spouses and children with a military connection); and * Aliens whose status is questionable or unverified. 	<p>Same as Food Assistance column</p> <p>(Medical Assistance) Potential eligibility for treatment of an emergency medical condition: Alien Emergency Medical Assistance (AEMA) 5101:1-41-20</p>

Prepared by Food Assistance /Cash Assistance Policy Sections

03/10 rev.

¹ Qualified aliens who do not meet one of the statutory exceptions listed above are ineligible for “federal means-tested benefits” available under the OWF and PRC programs. However, the 5-year bar for these noncitizens does not apply if the benefit provided is not a federal public benefit. The use of TANF funds which may not meet the definition of a “Federal public benefit” may include pregnancy prevention services that are available to individuals regardless of financial need. Attorney General (AG) Order No. 2049-96, 61FR 45985 allows certain noncash benefits that are delivered at the community level to be provided to all aliens if the benefits are necessary for the protection of life or safety and are not conditioned on the individual’s income or resources. A service that is only available to the financially needy would not meet the AG criteria and could be provided only to otherwise eligible citizens and qualified aliens. However, services provided by shelters for homeless or battered individuals that are available to anyone who needs their help would be an example of a service that might be funded in part with TANF dollars and could be provided to anyone regardless of immigration status.

Federal Public Benefit: “...(b) Any retirement, welfare, health, disability, public or assisted housing, post-secondary education, food assistance, unemployment benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.” Fed. Register Vol. 62, No. 221/ November 17, 1997