

SUMMARY OF IMMIGRANT ELIGIBILITY FOR NEW MEXICO PUBLIC BENEFITS

Updated May 2016

Many immigrants can qualify for public benefits programs. Even undocumented immigrants qualify for some limited programs. This chart is designed to help immigrants in New Mexico determine the public benefits programs they are eligible for.

U.S. citizens may apply for **all** of the public benefits programs. This is true even for U.S. citizens living with family members who are not citizens.

Immigrant eligibility for benefits may depend on whether or for how long the immigrant has had “qualified” status. Immigrants with “**qualified**” status are (1) lawful permanent residents (LPR); (2) **Lawful Permanent Residents** (LPRs or green card holders) may apply for **all** of the public benefits programs. For **some** programs, LPRs will not be eligible until they have been in a “qualified” status for 5 years. However, **there is no 5-year waiting period** for LPRs who are:

- applying for General Assistance
- children under 18 applying for Medicaid or SNAP/food stamps
- pregnant women applying for Medicaid
- receiving disability-related assistance (such as SSI) and applying for SNAP
- applying for TANF/NM Works

Many other immigrants, including refugees and asylees, persons granted withholding of deportation/removal, Cuban and Haitian entrants, battered spouses and children, and victims of trafficking, qualify for public benefits. For most of these immigrants, **there is no 5-year waiting period.**

Immigrants with no social security number or proof of immigration status – including undocumented immigrants – can safely apply for:

- WIC (Women, Infants, and Children)
- EMSA (Emergency Medical Services for Aliens)
- School breakfast, school lunch, and summer meals programs
- Some hospital charity care programs, community clinics, and county health programs

REMEMBER: Children who are citizens or eligible immigrants can receive public benefits even if their parents or grandparents are undocumented! When applying for benefits, **only** the social security numbers of the individual(s) seeking benefits must be provided.

SPECIAL NOTE: Public Charge Concerns. Public charge is a test used by immigration authorities in deciding whether to grant an immigrant LPR status (a green card) or permit reentry into the U.S. after an absence of more than 6 months. This test is an assessment of whether an immigrant is likely to depend on the government for support in the future. LPRs can safely apply for **all** benefits programs, including cash assistance programs, **as long as he or she does not leave the country for more than 6 months at a time.**

Receiving **SNAP, Medicaid, LIHEAP** or **Child Care Assistance** will **not** affect an immigrant’s application for LPR status as long as the immigrant has not received long term institutional care (for example, in a nursing home or mental health facility) through Medicaid.

It **may** hurt an immigrant’s chances to obtain LPR status if the immigrant has received **cash assistance** (TANF/NM Works or General Assistance). An immigrant should **consult an immigration attorney** before applying for these programs **unless he or she is an LPR, refugee, asylee, battered spouse or child, VAWA self-petitioner, victim of trafficking, survivor of a serious crime that has petitioned for or obtained a U-Visa, or seeking certain statuses available to Cubans, Haitians, or Nicaraguans.**

IMMIGRANT ELIGIBILITY FOR NEW MEXICO PUBLIC BENEFITS

Updated September 2013

Immigration Status	MEDICAID	SNAP/Food Stamps	TANF/NM Works	General Assistance	Child Care Assistance ¹	LIHEAP ²
Cuban and Haitian Entrants Persons Granted Withholding of Deportation or Removal Iraqi and Afghan Immigrants Granted Special Status	Eligible Possible Public Charge Concerns for Long-Term Institutional Care, but Cubans and Haitians can obtain a Public Charge waiver	Eligible	Eligible Possible Public Charge Concerns, but Cubans and Haitians can obtain a Public Charge waiver	Eligible Possible Public Charge Concerns, but Cubans and Haitians can obtain a Public Charge waiver	Eligible	Eligible
Active Duty Military and Veterans ³	Eligible if lawfully present in the U.S. Note: Individuals who are not eligible for Medicaid may be eligible for EMSA ⁴ Possible Public Charge Concerns for Long-Term Institutional Care	Eligible if: • Have “qualified” ⁵ status; <i>or</i> • Hmong or Laotian tribal member ⁶	Eligible if: • Have “qualified” ⁵ status Possible Public Charge Concerns	Eligible if: • Have “qualified” ⁵ status; <i>or</i> • Entered U.S. prior to August 22, 1996, and Permanently Residing Under Color of Law (PRUCOL) ⁷ Possible Public Charge Concerns	Eligible if: • Have “qualified” ⁵ status	Eligible if: • Have “qualified” ⁵ status

Immigration Status	MEDICAID	SNAP/Food Stamps	TANF/NM Works	General Assistance	Child Care Assistance ¹	LIHEAP ²
<p>Lawful Permanent Residents (LPRs)</p> <p>Persons Paroled Into the U.S. for at least One Year</p> <p>Conditional Entrants (in effect prior April 1, 1980)</p>	<p>Eligible if:</p> <ul style="list-style-type: none"> • Have had “qualified”⁵ status for 5 years; <i>or</i> • Younger than 21; <i>or</i> • Pregnant woman; <i>or</i> • Entered U.S. on or after August 22, 1996, and have lived in the U.S. as a qualified immigrant for 5 years; <i>or</i> • Entered U.S. prior to August 22, 1996, and remained continuously in the U.S. until obtained “qualified” status; <i>or</i> • Amerasian immigrant; <i>or</i> • Entered U.S. prior to August 22, 1996, and Permanently Residing Under Color of Law (PRUCOL)⁷ <p>Note: Individuals who are not eligible for Medicaid may be eligible for EMSA⁴</p> <p>Possible Public Charge Concerns for Parolees⁸ Using Long-Term Institutional Care.</p>	<p>Eligible if:</p> <ul style="list-style-type: none"> • Have had “qualified”⁵ status for 5 years; <i>or</i> • Younger than 18; <i>or</i> • LPR who can be credited with 40 quarters of work⁹; <i>or</i> • Lawfully resided in the U.S. and was 65 or older on August 22, 1996; <i>or</i> • Veteran or active-duty military and their families; <i>or</i> • Receiving disability-related assistance; <i>or</i> • Amerasian immigrant; <i>or</i> • Hmong or Laotian tribal member⁶ 	<p>Eligible</p> <p>Possible Public Charge Concerns for Parolees⁹</p>	<p>Eligible</p> <p>Possible Public Charge Concerns for Parolees⁹</p>	<p>Eligible</p>	<p>Eligible</p>

Immigration Status	MEDICAID	SNAP/Food Stamps	TANF/NM Works	General Assistance	Child Care Assistance ¹	LIHEAP ²
Certain American Indians Born Abroad	Eligible Possible Public Charge Concerns for Long-Term Institutional Care	Eligible	Eligible if: <ul style="list-style-type: none"> • Have “qualified”⁵ status Possible Public Charge Concerns	Eligible if: <ul style="list-style-type: none"> • Have “qualified”⁵ status; <i>or</i> • Entered U.S. prior to August 22, 1996, and Permanently Residing Under Color of Law (PRUCOL)⁷ Possible Public Charge Concerns	Eligible if: <ul style="list-style-type: none"> • Have “qualified”⁵ status 	Not Eligible
Battered Spouses and Children ¹⁰	Eligible	Eligible if: <ul style="list-style-type: none"> • Younger than 18; <i>or</i> • Have had “qualified”⁵ status for 5 years; <i>or</i> • Lawfully resided in the U.S. and was 65 or older on August 22, 1996; <i>or</i> • Veteran or active-duty military and their families; <i>or</i> • Receiving disability-related assistance; <i>or</i> • Hmong or Laotian tribal member⁶ 	Eligible	Eligible	Eligible	Eligible

Immigration Status	MEDICAID	SNAP/Food Stamps	TANF/NM Works	General Assistance	Child Care Assistance ¹	LIHEAP ²
Refugees and Asylees Victims of Trafficking ¹¹	Eligible	Eligible	Eligible	Eligible	Eligible	Eligible
Other Lawfully Residing Immigrants	<p>Eligible if:</p> <ul style="list-style-type: none"> • Younger than 21; <i>or</i> • Pregnant woman; <i>or</i> • Receiving SSI; <i>or</i> • Member of a federally recognized Indian tribe; <i>or</i> • Entered U.S. prior to August 22, 1996, and Permanently Residing Under Color of Law (PRUCOL)⁷ <p>Note: Individuals who are not eligible for Medicaid may be eligible for EMSA⁴</p> <p>Possible Public Charge Concerns for Long-Term Institutional Care, but individuals who have applied for or obtained a U-visa or that are VAWA self-petitioners are exempt.</p>	<p>Eligible if:</p> <ul style="list-style-type: none"> • Hmong or Laotian tribal member⁶ 	Not Eligible	<p>Eligible if:</p> <ul style="list-style-type: none"> • Entered U.S. prior to August 22, 1996, and Permanently Residing Under Color of Law (PRUCOL)⁷ <p>Possible Public Charge Concerns, but individuals who have applied for or obtained a U-visa or that are VAWA self-petitioners are exempt.</p>	Not Eligible	Not Eligible

Immigration Status	MEDICAID	SNAP/Food Stamps	TANF/NM Works	General Assistance	Child Care Assistance ¹	LIHEAP ²
Undocumented Immigrants	Not Eligible Note: Individuals who are not eligible for Medicaid may be eligible for EMSA ⁴	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible

¹ Note that for child care assistance, the child is considered the recipient, so the parent or guardian’s immigration status is irrelevant.

² If at least one member of a household meets is eligible for LIHEAP, the household can receive LIHEAP assistance.

³ This category includes spouses and unmarried children of active duty military and veterans.

⁴ EMSA (Emergency Medicaid Services for Aliens) is a program that covers the cost of emergency medical care, including labor and delivery, for individuals who are not eligible for Medicaid because of their immigration status. To qualify for EMSA, immigrants must meet all Medicaid enrollment requirements – such as financial requirements – except for those related to immigration status. There are also other health resources, such as many hospital charity care programs, community clinics, and county health programs, that provide health services at no or reduced cost without regard to immigration status.

⁵ Immigrants with “qualified” status are (1) lawful permanent residents (LPR); (2) refugees and asylees; (3) persons granted withholding of deportation/removal; (4) Cuban/Haitian entrants; (5) certain battered spouses and children; and (6) certain victims of trafficking.

⁶ There is a special eligibility rule for SNAP that applies to members of Hmong or Laotian tribes. Members of tribes that militarily assisted the U.S. during the Vietnam era – and the spouses, surviving spouses, and children of tribe members – are eligible for SNAP with no waiting period so long as they are lawfully residing in the U.S.

⁷ PRUCOL is a person “permanently residing under color of law” defined as “persons residing in the U.S. with the knowledge and permission” of the immigration service when the service “does not contemplate enforcing the alien’s departure.” Some examples of PRUCOL are: immigrants with applications for adjustment of status, persons granted indefinite stays or suspensions of deportation, and persons granted deferred action status.

⁸ Certain parolees are not subject to public charge. These parolees include “Lautenberg” parolees (certain Soviet and Indochinese parolees) and certain Polish and Hungarian parolees applying for adjustment of status. Other parolees, such as those who adjust to LPR status through a family-based visa petition, are subject to public charge.

⁹ An LPR may receive credit for quarters worked by a parent of the LPR before the LPR turned 18 and quarters worked by the LPR’s spouse if they are still married or the spouse is deceased. Quarters worked while an individual is undocumented are countable.

¹⁰ Battered spouses and children are included in this category if they have a pending or approved application for a visa or application for cancellation of removal or suspension of deportation and their need for benefits has a substantial connection to the battery or cruelty. Parents and children of battered children/spouses are also included in this category.

¹¹ Victims of trafficking are included in this category if they have obtained a T visa or have a pending application for a T visa that sets forth a prima facie case. Spouses and children of victims of trafficking are included in this category if they have received a derivative T visa. A broader group of trafficking victims who are certified by or receive an eligibility letter from the Office of Refugee Resettlement are eligible for federal benefits to the same extent as refugees.