

## Overview of Immigrant Eligibility for Public Benefits in New Mexico

This table provides an overview of whether immigrants can receive various public benefits programs in New Mexico, assuming they meet all the other requirements of the program. There are two steps to this process:

**STEP #1:** Determine if the person is a “qualified immigrant” (defined by federal law). “**Qualified**” immigrants are:

- (1) Lawful permanent residents (LPRs);
- (2) Refugees and asylees;
- (3) Persons granted withholding of deportation/removal, conditional entrants (in effect prior to Apr. 1, 1980), and persons paroled into the U.S. for at least one year;
- (4) Cuban/Haitian entrants; and
- (5) Battered spouses and children with a pending or approved self-petition/immigrant visa, or application for cancellation of removal/ suspension of deportation, and whose need for benefits has a substantial connection to the battery or cruelty. Parents and children of battered children/spouses are also “qualified.”

**STEP #2:** Look at the following table to see if they can receive benefits. If the person is “qualified,” look at the first two columns. **If the person is not qualified**, look at the last column for “Other Immigrants (not of qualified status)” to see if the person can still receive benefits. For example, victims of trafficking are not considered “qualified” immigrants, but they are eligible for benefits.

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	OTHER IMMIGRANTS (NOT OF “QUALIFIED” STATUS)
<b>SNAP (Food Stamps)</b> <sup>1, 3</sup>	<p><b>Eligible only if:</b></p> <ul style="list-style-type: none"> <li>• Were 65 or older and were lawfully residing in the U.S. on 9/22/96 or</li> <li>• Are under age 18, or</li> <li>• Have been in “qualified” immigrant status for at least five years or</li> <li>• Lawful Permanent Residents who have worked or can be credited with 40 hours of qualifying quarters, or</li> <li>• Granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, or</li> <li>• Are receiving disability-related assistance<sup>4</sup> or</li> <li>• Veteran, active duty military; spouse, un-remarried surviving spouse, or child, or</li> <li>• Member of Hmong or Loatian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse, or child of tribe member. or</li> <li>• Certain American Indians born abroad.</li> </ul>	<p><b>Eligible only if:</b></p> <ul style="list-style-type: none"> <li>• Are under age 18, or</li> <li>• Have been in “qualified” immigrant status for at least five years, or</li> <li>• Lawful Permanent Residents who have worked or can be credited with 40 hours of qualifying quarters, or</li> <li>• Granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, or Iraqi or Afghan special immigrant status, or</li> <li>• Are receiving disability-related assistance<sup>4</sup> or</li> <li>• Veteran, active duty military; spouse, un-remarried surviving spouse, or child, or</li> <li>• Member of Hmong or Loatian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse, or child of tribe member, or</li> <li>• Certain American Indians born abroad.</li> </ul>	<p><b>Eligible only if:</b></p> <ul style="list-style-type: none"> <li>• Lawfully present member of Hmong or Loatian tribe during the Vietnam era, when the tribe militarily assisted the U.S., spouse, surviving spouse or child of tribe member. or</li> <li>• Certain American Indians born in Canada, or</li> <li>• Victims of trafficking and their derivative beneficiaries.</li> </ul>

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<b>General Assistance (GA)</b> <sup>1</sup>	<b>Eligible</b>	<b>Eligible</b>	<b>Eligible if:</b> <ul style="list-style-type: none"> <li>• Entered the US before 8/22/96 and currently “Permanently Residing under Color of Law,” defined as a non-citizen who is “permanently residing in the US, the individual’s presence in the US is known to DHS, and DHS does not intend to remove or deport the individual.” or</li> <li>• Victims of trafficking and their derivative beneficiaries</li> </ul>
<b>New Mexico Works (TANF)</b> <sup>1</sup>	<b>Eligible only if</b> <sup>1</sup> <ul style="list-style-type: none"> <li>• obtained qualified status before 8/22/96, or</li> <li>• have continuously lived in US from latest date of entry prior to 8/22/96 until date obtained qualified status</li> </ul>	<b>Eligible</b>	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Victims of trafficking and their derivative beneficiaries</li> </ul>
<b>Child Care Assistance</b>	<b>Eligible</b> Note: the child is considered the recipient of assistance	<b>Eligible</b> Note: the child is considered the recipient of assistance	<b>Not Eligible</b>
<b>Medicaid</b> <sup>1</sup>	<b>Eligible if</b> <ul style="list-style-type: none"> <li>• Remained continuously present in US until obtained qualified alien status (ie. no absence from U.S. for more than 30 days, or total aggregate absence of more than 90 days)</li> </ul>	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Have been in “qualified” status for at least 5 years, or</li> <li>• Children under 21, or</li> <li>• Pregnant women, or</li> <li>• Were granted refugee or asylum status or withholding of deportation/removal, or</li> <li>• Cuban/Haitian entrant, or Amerasian, or Iraqi or Afghan special immigrant status, or</li> <li>• Battered spouses and children, or</li> <li>• Lawfully residing veteran or active duty in the armed forces; including spouses and unmarried children.</li> </ul>	<b>Eligible if:</b> <ul style="list-style-type: none"> <li>• Victims of trafficking and their derivative beneficiaries, or</li> <li>• Member of federally recognized Indian tribe, or</li> <li>• Certain American Indians born in Canada, or</li> <li>• Were receiving SSI on Aug. 22, 1996, or</li> <li>• Lawfully residing children under 21, or</li> <li>• Lawfully residing pregnant women, or</li> <li>• Entered the US before 8/22/96 and permanently residing in the US under color of law (ie. “living in the US with the knowledge and permission of the immigration and naturalization service and whose departure the agency does not contemplate enforcing.”).</li> </ul>
<b>Emergency Medicaid (EMSA)</b>	<b>Eligible</b> (if not eligible for full-scope Medicaid coverage due to immigration status)	<b>Eligible</b> (if not eligible for full-scope Medicaid coverage due to immigration status)	<b>Eligible</b> (if not eligible for full-scope Medicaid coverage due to immigration status)
<b>UNM Care Program</b>	<b>Eligible</b>	<b>Eligible</b>	<b>Eligible only if:</b> Lawfully present, and proves residency in New Mexico
<b>UNM Limited Financial Assistance</b>	<b>Eligible</b> (if not eligible for UNM Care or other programs due to immigration status)	<b>Eligible</b> (if not eligible for UNM Care or other programs due to immigration status)	<b>Eligible</b> (only for coverage of emergency, immunizations, and treatment of symptoms of communicable diseases)

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Presbyterian Charity Care Program	Eligible	Eligible	Eligible
Medicare “Premium Free” Part A (hospitalization)	Eligible	Eligible	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Lawfully present, and eligibility for assistance is based on authorized employment</li> </ul>
Medicare Premium “Buy-in”	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Lawful permanent resident who has resided continuously in the U.S. for at least 5 years</li> </ul>	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Lawful permanent resident who has resided continuously in the U.S. for at least 5 years</li> </ul>	<b>Not Eligible</b>
HUD Public Housing and Section 8 Programs	<b>Eligible except:</b> <ul style="list-style-type: none"> <li>• Certain Cuban/Haitian entrants and “qualified” abused spouses and children</li> </ul> <p><i>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.</i></p>	<b>Eligible except:</b> <ul style="list-style-type: none"> <li>• Certain Cuban/Haitian entrants and “qualified” abused spouses and children</li> </ul> <p><i>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.</i></p>	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Temporary resident under IRCA general amnesty, or paroled into the U.S. for less than 1 year, or</li> <li>• Victims of trafficking and their derivative beneficiaries, or</li> <li>• Citizens of Micronesia, the Marshall Islands, and Palau</li> </ul> <p><i>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.)</i></p> <p><i>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.)</i></p>
Supplemental Security Income (SSI) <sup>1</sup>	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Receiving SSI (or application pending) on Aug. 22, 1996, or</li> <li>• Qualify as disabled and were lawfully residing in the U.S. on Aug. 22, 1996, or</li> <li>• Lawful permanent resident with credit for 40 quarters of work<sup>1,2</sup> or</li> <li>• 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, or</i></li> <li>• Veteran, active duty military; spouse, unremarried surviving spouse, or child<sup>1</sup>, or</li> <li>• Certain American Indians born abroad</li> </ul>	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Lawful permanent resident with credit for 40 quarters of work<sup>2</sup> (but must wait until 5 years after entry before applying), or</li> <li>• Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, or Irqai or Afghan special immigrant status, but only <i>during first 7 years after getting status, or</i></li> <li>• Veteran, active duty military; spouse, unremarried surviving spouse, or child<sup>1</sup>, or</li> <li>• Certain American Indians born abroad</li> </ul>	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Receiving SSI (or application pending) on Aug. 22, 1996, or</li> <li>• Certain American Indians born abroad, or</li> <li>• Victims of trafficking and their derivative beneficiaries during the first seven years after getting status</li> </ul>

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<b>Social Security</b>	<b>Eligible</b>	<b>Eligible</b>	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Lawfully present, or</li> <li>• Were receiving assistance based on an application filed before Dec. 1, 1996, or</li> <li>• Eligibility required by certain international agreements</li> </ul>
<b>Title XX Block Grants</b>	<b>Eligible</b>	<b>Eligible</b>	<b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Victims of trafficking and their derivative beneficiaries, or</li> <li>• Program or service funded by the block grant is exempt from the welfare law’s restrictions.</li> </ul>
<b>Other Federal Public Benefits</b> Subject to welfare law’s restrictions	<b>Eligible</b>	<b>Eligible</b>	<b>Eligible only if:</b> Victims of trafficking and their derivative beneficiaries.
<b>Benefits exempt from welfare law’s restrictions<sup>5</sup></b>	<b>Eligible</b>	<b>Eligible</b>	<b>Eligible</b>

### **ENDNOTES**

- 1 Eligibility may be affected by deeming: a sponsor’s income/resources may be added to that of the sponsored immigrant in determining eligibility. Exemptions from deeming may apply.
- 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 Children are not subject to sponsor deeming in the SNAP program (Food stamps).
- 4 Disability-related benefits include SSI, Social Security disability, state disability or retirement pension, railroad retirement disability, veteran’s disability, disability-based Medicaid, and disability-related General Assistance if the disability determination uses criteria as stringent as those used by federal SSI.
- 5 Programs that are exempt from the 1996 welfare law restrictions for immigrants include: Emergency Medicaid and emergency medical services; Immunizations; Testing and treatment for symptoms of communicable diseases (outside of the Medicaid program); Short-term non-cash disaster relief; Certain housing assistance if receiving on 8/22/96; School Lunch and School Breakfast; and WIC. In addition, programs are exempt if they are: 1) Delivered at the community level, and 2) do not condition assistance on income or resources, and 3) are necessary to protect life or safety. Some examples of community level programs that are “necessary to protect life or safety” are: Child protection & adult protective services; Violence and abuse prevention, including domestic violence; Mental illness or substance abuse treatment; Short-term shelter or housing assistance; Programs during adverse weather conditions; Soup kitchens, food banks senior nutrition programs; Medical & public health services & mental health; Disability or Substance abuse services necessary to protect life or safety; Programs to protect the life & safety of workers, children & youths, or community residents.

National Immigration Law Center

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