



Immigrants' Eligibility for U.S. Public Benefits: A Primer

Valerie Lacarte
Julia Gelatt
Ashley Podplesky

U.S. IMMIGRATION POLICY PROGRAM

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1 Introduction

Benefit programs have contributed to lifting millions of people in the United States above the poverty line. In 2019, before the COVID-19 pandemic, the Supplemental Nutrition Assistance Program (SNAP, often called food stamps) helped 7.3 million people, including 3.3 million children, get out of poverty, and housing assistance helped lift 2.6 million people, including 763,000 children, above the poverty line.¹ Means-tested benefits have been shown to reduce the degree of poverty in families across racial and ethnic identities, and for U.S.-born and immigrant families alike, although a study focused on 2017 trends found that this reduction was most significant among people of color, including thousands of low-income Latino families.²

The impact of expanded access to public benefits during the pandemic—and its post-pandemic reversal—have further illustrated how such benefits can reduce poverty for families and children. Following the onset of the pandemic and the U.S. government's declaration of a public health emergency in early 2020, Congress opted to relax public benefits program requirements to broaden the social safety net. It passed legislation to relax SNAP work requirements and to incentivize states to allow people to remain on Medicaid or the companion Children's Health Insurance Program (CHIP) throughout the pandemic without reverifying eligibility.³ Congress also expanded economic supports by increasing the size of the Earned Income Tax Credit for low-income working adults and the Child Tax Credit for parents, and by offering pandemic stimulus payments that reached a wide swath of the U.S. population, including U.S. citizens and certain qualifying legal immigrants. Several studies have shown that this expanded eligibility for benefits programs and services during the public health emergency lifted many families, U.S. born and immigrant alike, out of poverty in the midst of the pandemic and its harsh economic impacts.⁴

The impact of expanded access to public benefits during the pandemic—and its post-pandemic reversal—have further illustrated how such benefits can reduce poverty for families and children.

The end of the public health emergency, announced on May 11, 2023, signaled a return to standard eligibility rules. This return has brought a significant loss of access to support for low-income individuals and families. For example, states now need to reverify the eligibility of everyone enrolled in Medicaid. At the onset of this “unwinding” process, analysts projected that the Medicaid unwinding could lead to the disenrollment of 15 million people, with nearly half losing coverage due to administrative barriers, despite

- 1 LaDonna Pavetti et al., *Expanding Work Requirements Would Make It Harder for People to Meet Basic Needs* (Washington, DC: Center on Budget and Policy Priorities, 2023).
- 2 Gene Falk, Jameson A. Carter, and Isaac A. Nicchitta, *Need-Tested Benefits: Impact of Assistance on Poverty Experienced by Low-Income Families and Individuals* (Washington, DC: Congressional Research Service, 2021). The researchers found that without means-tested benefits, poverty rates for Latino persons, non-Latino Black persons, and non-Latino persons of two or more races would have been 30.8 percent, 31.6 percent, and 23.5 percent, respectively, in 2017. With means-tested benefits, the rates for the same groups were 19.3 percent, 18.9 percent, and 12.3 percent, respectively.
- 3 Kellie Moss et al., “*The Families First Coronavirus Response Act: Summary of Key Provisions*,” Kaiser Family Foundation, March 23, 2020.
- 4 See, for example, Jeanne Batalova and Michael Fix, *Understanding Poverty Declines among Immigrants and Their Children in the United States* (Washington, DC: Migration Policy Institute, 2023).

still being eligible for the program.⁵ Noncitizens, especially those with limited English proficiency, were expected to experience particular challenges to maintaining Medicaid coverage. As of November 2023, at least 2 million low-income children had lost Medicaid coverage, in most cases solely due to administrative issues.⁶ Meanwhile, the expiration of pandemic-era benefits, even before the Medicaid unwinding, contributed to an overall rise in poverty between 2021 and 2022.⁷

In this moment of flux, it is important for service providers and others assisting the nation's immigrants to understand the complex rules governing immigrants' access to public benefits. This report thus provides an overview of immigrants' eligibility for 13 programs and services related to general assistance, health and nutrition, employment and income, education, housing, and driver's licenses, according to the standard eligibility rules that are now back in force. The report

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includes tables summarizing federal eligibility for many legal statuses, with special attention to those most common among Latino immigrants, who represent the largest share of immigrants in the United States (44 percent as of 2021⁸). In addition, some programs have a state or locally funded equivalent that can be extended to noncitizens deemed ineligible under federal law due to their immigration status. For illustrative purposes, the report presents a brief list of such programs in California, Illinois, and the Houston metropolitan area. Finally, the report includes a look at the needs and benefits eligibility of the nation's large Latino immigrant community, and an Appendix of national and state-level data related to the Latino immigrants' sociodemographic characteristics and immigration statuses.

2 Federal Restrictions on Immigrants' Access to Public Benefits

The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (PRWORA) introduced significant restrictions on noncitizens' use of public benefits. Under PRWORA, only "qualified aliens" are eligible for benefits that fall within the act's definition of a "federal public benefit."⁹ As defined by PRWORA, "qualified aliens" include lawful permanent residents (LPRs, also called green-card holders), asylees, refugees, and

5 U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, "Unwinding the Medicaid Continuous Enrollment Provision: Projected Enrollment Effects and Policy Approaches" (Issue Brief No. HP-2022-20, U.S. Department of Health and Human Services, Washington, DC, August 19, 2022).

6 Noah Weiland, "At Least 2 Million Children Have Lost Medicaid Insurance This Year," *New York Times*, November 9, 2023.

7 This finding by the U.S. Census Bureau is based on an analysis that uses the Supplemental Poverty Measure, which provides a more robust measure of experiences of poverty by accounting for non-cash benefits receipt, tax credits, and incorporating local variations in the cost of living. The Official Poverty Measure captures only pre-tax cash income and uses the same poverty thresholds across the country. See U.S. Census Bureau, "Income, Poverty and Health Insurance Coverage in the United States: 2022" (press release, September 12, 2023).

8 Migration Policy Institute tabulation of U.S. Census Bureau data from the 2021 American Community Survey. See Section 8 of this report for more details.

9 Cornell University, Legal Information Institute, "8 U.S. Code §1611 – Aliens Who Are Not Qualified Aliens Ineligible for Federal Public Benefits," accessed October 30, 2023.

holders of select legal statuses (such as those paroled into the United States for at least one year, Cuban and Haitian entrants, and other specified groups).¹⁰ Unauthorized immigrants and migrants on temporary work visas are ineligible for most federally funded public benefits, as was largely the case prior to the 1996 law as well.

PRWORA defines a federal public benefit as “any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar 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.”¹¹ In addition to delineating which statuses do and do not make an immigrant potentially eligible for federal benefits overall, the 1996 law limited recent LPRs’ access to four programs: Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Medicaid, and Supplemental Nutrition Assistance Program (SNAP).¹² Under these restrictions, LPRs are generally ineligible for these programs during their first five years in a qualified status (known as the five-year bar). Exceptions to the five-year bar have emerged over time in some programs and for certain individuals in lawful status (based on age or pregnancy status), and legislative proposals have been introduced—but to date, not passed—requesting that the five-year bar be lifted, based on claims regarding the harms of limiting safety nets for low-income families.¹³

Given the wide range and varied eligibility criteria of federal programs, determining immigrants’ eligibility can be challenging. Beyond the four programs PRWORA explicitly names, the application of the law’s “qualified alien” restrictions typically depends on two questions: 1) whether the program delivers benefits that constitute “federal public benefits,” as defined by PRWORA, and 2) whether PRWORA’s “qualified alien” restriction overrides eligibility rules from other statutes.¹⁴ In some cases, it can be ambiguous whether a benefit constitutes a federal public benefit. And since PRWORA did not repeal pre-existing eligibility criteria in specific benefit program statutes, it can be difficult to determine which criteria apply for a certain program and/or population.¹⁵ The sections that follow present an overview of immigrants’ eligibility for key programs and populations.

10 Cornell University, Legal Information Institute, “8 U.S. Code § 1641 – Definitions,” accessed October 30, 2023. U.S. law allows the government to use an authority called parole to grant entry to the United States to noncitizens who lack a valid U.S. visa or other claim to U.S. status, if there is an urgent humanitarian reason or significant public benefit. Migrants paroled into the United States have the right to live and work in the country for a specified period of time, but have no direct path to lawful permanent resident status.

11 Cornell University, Legal Information Institute, “8 U.S. Code § 1611 – Aliens Who Are Not Qualified Aliens Ineligible for Federal Public Benefits,” accessed October 30, 2023.

12 Cornell University, Legal Information Institute, “8 U.S. Code § 1612 – Limited Eligibility of Qualified Aliens for Certain Federal Programs,” accessed October 30, 2023.

13 Some of the bills introduced by the 117th Congress that have language that would expand immigrants’ access to the Supplemental Nutrition Assistance Program (SNAP) include: *LIFT the BAR Act of 2021*, HR 5227, 117th Cong., 1st sess. (September 10, 2021); *HOPE Act of 2021*, S 1181, 117th Cong., 1st sess. (April 15, 2021) and companion house bill *HOPE Act of 2021* HR 2336, 117th Cong., 1st sess. (April 1, 2021); *Climate Resilience Workforce Act*, HR 6492, 117th Cong., 2nd sess. (January 25, 2022); and *Health Equity and Accountability Act of 2022*, HR 7585, 117th Cong., 2nd sess. (April 26, 2022).

14 Ben Harrington, *PRWORA’s Restrictions on Noncitizen Eligibility for Federal Public Benefits: Legal Issues* (Washington, DC: Congressional Research Service, 2020).

15 Cornell University, Legal Information Institute, “8 U.S. Code § 1611 – Aliens Who Are Not Qualified Aliens Ineligible for Federal Public Benefits,” accessed October 30, 2023.

3 General Assistance Programs

A. Supplemental Security Income (SSI)

Supplemental Security Income (SSI) is a welfare program administered by the Social Security Administration. The program provides monthly payments to people who are either disabled, blind, or age 65 and older, and who have limited income and resources.¹⁶

SSI is an entitlement program offering a pathway to many other benefits. In most states, people who receive SSI may concurrently be eligible for benefits from other programs such as Medicaid, Social Security benefits, Supplemental Nutrition Assistance Program (SNAP), and social services (such as homemaker services, arrangements for meals and transportation).¹⁷ Although in most states SSI and Temporary Assistance for Needy Families (TANF) benefits cannot be received concurrently, when it is available, TANF payments count toward SSI payments.¹⁸

TABLE 1

Noncitizen Eligibility for Supplemental Security Income (SSI)

Eligible without a Five-Year Bar	
Immigration Status	Exceptions and Additional Considerations
Refugees, asylees, Iraqi or Afghan Special Immigrant Visa (SIV) holders, withholding of removal grantees, Cuban and Haitian entrants, and survivors of trafficking ^a	Eligible during first seven years after status was granted
Afghan ^b and Ukrainian ^c parolees	Eligible during first seven years after status was granted
Eligible but Subject to a Five-Year Bar	
Immigration Status	Exceptions and Additional Considerations
Lawful permanent residents (LPRs, also known as green-card holders)	Must be credited with 40 quarters of work in the United States. LPRs are exempt from the five-year bar if they have a military connection. ^d LPRs who previously had a humanitarian status that provides access for the first seven years after the status was granted (refugee, asylee, or another humanitarian status) are eligible for SSI in their first seven years after obtaining that status.

16 Social Security Administration, "A Guide to Supplemental Security Income (SSI) for Groups and Organizations," updated January 2023.

17 Social Security Administration, "A Guide to Supplemental Security Income (SSI)."

18 In some states, individuals can receive both Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF) payments. However, TANF is considered income for SSI purposes, and most states prohibit TANF payments to SSI recipients. See Social Security Administration, "A Guide to Supplemental Security Income (SSI)."

TABLE 1 (cont.)

Noncitizen Eligibility for Supplemental Security Income (SSI)

Immigration Status	Not Eligible
	Exceptions and Additional Considerations
Employment-based temporary visa recipients such as H-1B high-skilled workers and H-2A agricultural workers	
Parolees, including some paroled via the program for Cubans, Haitians, Nicaraguans, and Venezuelans	Parolees are eligible if they are paroled into the United States for one year or more and have a military connection. ^d Cubans and Haitians are eligible for seven years, as noted above.
Student visa holders	
Survivors of criminal activity (U visa holders)	
Asylum applicants	
Temporary Protected Status (TPS) holders	
Violence Against Women Act (VAWA) self-petitioners	VAWA self-petitioners are eligible if they have a military connection. ^d
Deferred Enforced Departure (DED) recipients	
Deferred Action for Childhood Arrivals (DACA) holders	
Special Immigrant Juvenile Status (SIJS) holders and applicants ^e	
Unauthorized immigrants	

^a Survivors of trafficking, which include T visa holders, must be certified by the Office of Refugee Resettlement (ORR).

^b This applies to Afghans paroled into the United States between July 31, 2021, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^c This applies to Ukrainians paroled into the United States between February 24, 2022, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^d This includes veterans, active-duty military members, and their spouses.

^e SIJS holders are immigrants who have been granted the SIJ classification by U.S. Citizenship and Immigration Services (USCIS), meaning that their I-360 petition was approved but they must wait for an available visa to adjust to LPR status. They may or may not have received deferred action. SIJS applicants have a pending I-360 form and are awaiting approval of their SIJ classification by USCIS. Sources: Social Security Administration, *"A Guide to Supplemental Security Income (SSI) for Groups and Organizations,"* updated January 2023; National Immigration Law Center, *"Overview of Immigrant Eligibility for Federal Program,"* updated March 2023; Social Security Administration, *"Update 2023,"* updated January 2023; Abigail F. Kolker, *Afghan Eligibility for Selected Benefits Based on Immigration Status: In Brief* (Washington, DC: Congressional Research Service, 2023); Abigail F. Kolker, *Ukrainian Eligibility for Selected Benefits Based on Immigration Status: In Brief* (Washington, DC: Congressional Research Service, 2022); Social Security Administration, *"Understanding Supplemental Security Income – 2023 Edition,"* updated April 2023.

B. *Temporary Assistance for Needy Families (TANF)*

Temporary Assistance for Needy Families (TANF) is a federal means-tested public benefits program that provides cash assistance and other services for families with children. Created by PRWORA and administered by the U.S. Department of Health and Human Services, TANF is funded as a block grant, meaning that a fixed amount is provided to states, which can decide how to distribute federal TANF funds to families in the form of monthly cash payments and other programming.¹⁹ The program's income requirements also vary by state. States may choose to further restrict TANF eligibility by imposing behavioral requirements, such as work requirements or drug testing, on top of federally required limits on the amount of time individuals can receive TANF and conditions related to the presence of children in the household and their relationship to present adults.

TABLE 2

Noncitizen Eligibility for Temporary Assistance for Needy Families (TANF)

Eligible without a Five-Year Bar	
Immigration Status	Exceptions and Additional Considerations
Refugees, asylees, Iraqi or Afghan Special Immigrant Visa (SIV) holders, withholding of removal grantees, Cuban and Haitian entrants, and survivors of trafficking ^a	In Mississippi, Ohio, South Carolina, and Texas, TANF is available to these groups only during the first five years after status was granted. Mississippi does not address eligibility for Cuban and Haitian entrants.
Afghan ^b and Ukrainian ^c parolees	
Eligible but Subject to a Five-Year Bar	
Immigration Status	Exceptions and Additional Considerations
Lawful permanent residents (LPRs, also known as green-card holders)	LPRs are exempt from the five-year bar if they have a military connection, ^d or if they were a refugee, asylee, or held another status that provides access for the first five years after the status was granted. In Mississippi, Ohio, South Carolina, and Texas, TANF is only available to LPRs who (a) have a military connection; ^d (b) are credited with 40 quarters of work in the United States; or (c) were refugees, asylees, or other humanitarian entrants during their first five years after the status was granted. In Indiana, LPRs are only eligible for TANF if they have a military connection ^d or were a refugee, asylee, or held another humanitarian status.
Violence Against Women Act (VAWA) self-petitioners	VAWA self-petitioners are exempt from the five-year bar if they have a military connection. ^d They are not eligible at all, even after five years, in Indiana, Mississippi, Ohio, South Carolina, and Texas unless they have a military connection. ^d
Parolees, including some paroled via the program for Cubans, Haitians, Nicaraguans, and Venezuelans	Parolees must be paroled into the United States for one year or more to be eligible. Cubans and Haitians are eligible without a five-year bar as Cuban/Haitian entrants, as noted above.

19 Center on Budget and Policy Priorities, "Temporary Assistance For Needy Families," updated March 1, 2022.

TABLE 2 (cont.)

Noncitizen Eligibility for Temporary Assistance for Needy Families (TANF)

Not Eligible	
Immigration Status	Exceptions and Additional Considerations
Employment-based temporary visa recipients such as H-1B high-skilled workers and H-2A agricultural workers	
Student visa holders	
Survivors of criminal activity (U visa holders)	
Asylum applicants	
Temporary Protected Status (TPS) holders	
Deferred Enforced Departure (DED) recipients	
Deferred Action for Childhood Arrivals (DACA) holders	
Special Immigrant Juvenile Status (SIJS) holders and applicants ^e	
Unauthorized immigrants	

^a Survivors of trafficking, which include T visa holders, must be certified by the Office of Refugee Resettlement (ORR).

^b This applies to Afghans paroled into the United States between July 31, 2021, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^c This applies to Ukrainians paroled into the United States between February 24, 2022, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^d This includes veterans, active-duty military members, and their spouses.

^e SIJS holders are immigrants who have been granted the SIJ classification by U.S. Citizenship and Immigration Services (USCIS), meaning that their I-360 petition was approved but they must wait for an available visa to adjust to LPR status. They may or may not have received deferred action. SIJS applicants have a pending I-360 form and are awaiting approval of their SIJ classification by USCIS. Sources: National Immigration Law Center, “[Overview of Immigrant Eligibility for Federal Program](#),” updated March 2023; Ife Floyd et al., *TANF Policies Reflect Racist Legacy of Cash Assistance* (Washington, DC: Center on Budget and Policy Priorities, 2021); Abigail F. Kolker, *Afghan Eligibility for Selected Benefits Based on Immigration Status: In Brief* (Washington, DC: Congressional Research Service, 2023); Abigail F. Kolker, *Ukrainian Eligibility for Selected Benefits Based on Immigration Status: In Brief* (Washington, DC: Congressional Research Service, 2022); Leslye E. Orloff, Alina Husain, Kay Longville, and Amanda Baran, “[VAWA Self-Petition and Cancellation, U Visas, T Visas and SIJS](#)” (fact sheet, National Immigrant Women’s Advocacy Project, December 29, 2021).

4 Health and Nutrition Programs

A. Medicaid, CHIP, and Federally Qualified Health Centers

Medicaid is a means-tested health insurance program that was created in 1965. For low-income seniors over the age of 65, Medicaid covers additional services beyond those provided under Medicare.²⁰ The program, which is administered by the U.S. Department of Health and Human Services, is jointly funded by federal, state, and local governments, so income requirements, benefits, and the availability of benefits for low-income individuals with different immigration statuses is state dependent, within the confines of federal

²⁰ Medicaid.gov, “[Seniors & Medicare and Medicaid Enrollees](#),” accessed January 19, 2023.

rules.²¹ The *Affordable Care Act* (ACA), passed in 2010, gives states the option to expand Medicaid access to more individuals by raising the maximum income limit to at least 138 percent of the federal poverty level for adults ages 19 to 64.²² This means that access to Medicaid is broader in states that have taken the expansion option offered by the ACA compared to non-expansion states. (As of December 2023, 40 states and the District of Columbia had adopted the ACA Medicaid expansion while 10 had not.²³)

The Children's Health Insurance Program (CHIP) works closely with state Medicaid programs by providing health coverage to children ages 0 to 18 whose families do not qualify for Medicaid. The 2009 *Children's Health Insurance Program Reauthorization Act* (CHIPRA) allows states to use federal funds, through Medicaid and/or CHIP, to expand eligibility to certain lawfully present immigrant children or pregnant people who are not eligible under PRWORA.²⁴ Under the CHIPRA option, states may provide federally funded public health insurance to LPR children and pregnant people during their first five years in qualified status, therefore avoiding the five-year bar. States can also provide federally funded insurance to children and pregnant people who are in a status that makes them lawfully present, but not qualified, such as Temporary Protected Status (TPS) holders and asylum applicants. Another CHIP option allows states to provide prenatal care for people who are not eligible for Medicaid or CHIP (such as unauthorized immigrants) on the basis that their child will be a U.S. citizen.²⁵

States can also choose to enact affirmative legislation and use their own funds to cover other populations that are not covered by the federal Medicaid and CHIP programs, such as unauthorized immigrants. Moreover, states must provide Emergency Medicaid coverage to treat noncitizens of all ages who have an emergency medical condition and who would otherwise be eligible for their state's Medicaid program, but for their immigration status.²⁶

Federally qualified health centers (FQHCs) are an important source of health care for medically underserved populations, including uninsured individuals. For immigrants, they represent an alternative way to access health-care services, regardless of immigration status, income, or health insurance status.²⁷ FQHCs typically provide services to underserved communities in outpatient clinics, but they can take many forms such as migrant health centers, community health centers, health care for the homeless health centers, public housing primary care centers, and equivalent health center programs.²⁸ From providing primary care to prenatal, dental, and mental health services, the more than 1,400 FQHCs across the country serve as an affordable option for people who cannot afford to pay fully out of pocket for health care.²⁹

21 Centers for Medicare and Medicaid Services, "[Medicaid, Children's Health Insurance Program, & Basic Health Program Eligibility Levels](#)," updated December 1, 2023.

22 Healthcare.gov, "[Affordable Care Act \(ACA\)](#)," accessed January 30, 2023.

23 See Kaiser Family Foundation, "[Status of State Medicaid Expansion Decisions: Interactive Map](#)," updated December 1, 2023.

24 Letter from the Centers for Medicare and Medicaid Services to state health officials, *Medicaid and CHIP Coverage of "Lawfully Residing" Children and Pregnant Women*, July 1, 2010.

25 Maggie Clark, "[Medicaid and CHIP Coverage for Pregnant Women: Federal Requirements, State Options](#)" (issue brief, Center for Children and Families, Georgetown University, Washington, DC, November 2020).

26 States have discretion in deciding which health conditions qualify for emergency Medicaid and in which settings the care is provided. Medicaid and CHIP Payment and Access Commission, "[Non-Citizens](#)," accessed January 30, 2023.

27 Nicole Harris-Hollingsworth, "[Health Care for the Undocumented and Uninsured Exists: Why Aren't More People Using It?](#)" Aspen Institute, May 6, 2019.

28 U.S. Department of Health and Human Services, Medicare Learning Network (MLN), "[Federally Qualified Health Center](#)" (MLN Booklet, September 2019).

29 National Association of Community Health Centers, "[America's Health Centers: 2022 Snapshot](#)," accessed October 30, 2022.

TABLE 3

Noncitizen Eligibility for Medicaid and the Children's Health Insurance Program (CHIP)

Eligible without a Five-Year Bar	
Immigration Status	Exceptions and Additional Considerations
Refugees, asylees, Iraqi or Afghan Special Immigrant Visa (SIV) holders, withholding of removal grantees, Cuban and Haitian entrants, and survivors of trafficking ^a	
Afghan ^b and Ukrainian ^c parolees	
Eligible but Subject to a Five-Year Bar	
Immigration Status	Exceptions and Additional Considerations
Lawful permanent residents (LPRs, also known as green-card holders)	LPRs are exempt from the five-year bar if they have a military connection; ^d were a refugee, asylee, or held another status that provides access for the first seven years after the status was granted; receive Supplemental Security Income (SSI), or are pregnant or up to 21 years old in states that elected the <i>Children's Health Insurance Program Reauthorization Act</i> (CHIPRA) option to cover these groups.
Violence Against Women Act (VAWA) self-petitioners	VAWA self-petitioners are eligible upon prima facie determination by U.S. Citizenship and Immigration Services (USCIS), but are subject to the five-year bar. Those who are pregnant or up to 21 years old are exempt from the five-year bar in states that elected the CHIPRA option to cover these groups.
Parolees, including some paroled via the program for Cubans, Haitians, Nicaraguans, and Venezuelans	Parolees must be paroled into the United States for one year or more to be eligible. Cubans and Haitians are eligible without a five-year bar as Cuban/Haitian entrants, as noted above. Parolees are exempt from five-year bar if pregnant or up to 21 years old in states that elected the CHIPRA option to cover these groups.
Not Eligible	
Immigration Status	Exceptions and Additional Considerations
Employment-based temporary visa recipients such as H-1B high-skilled workers and H-2A agricultural workers	Eligible if pregnant or up to 21 years old in states that elected the CHIPRA option to cover these groups
Student visa holders	Eligible if pregnant or up to 21 years old in states that elected the CHIPRA option to cover these groups
Survivors of criminal activity (U visa holders)	Eligible if pregnant or up to 21 years old in states that elected the CHIPRA option to cover these groups
Asylum applicants	Eligible if pregnant or up to 21 years old in states that elected the CHIPRA option to cover these groups AND either granted work authorization or under age 14 and has had an asylum application pending for at least 180 days

TABLE 3 (cont.)

Noncitizen Eligibility for Medicaid and the Children's Health Insurance Program (CHIP)

Immigration Status	Not Eligible Exceptions and Additional Considerations
Temporary Protected Status (TPS) holders	Eligible if pregnant or up to 21 years old in states that elected the CHIPRA option to cover these groups
Deferred Enforced Departure (DED) recipients	Eligible if pregnant or up to 21 years old in states that elected the CHIPRA option to cover these groups
Special Immigrant Juvenile Status (SIJS) holders and applicants ^e	Eligible if pregnant or up to 21 years old in states that elected the CHIPRA option to cover these groups
Deferred Action for Childhood Arrivals (DACA) holders	As of writing, DACA holders are not considered lawfully present for this purpose. Should the April 2023 proposed rule by the Biden administration to define DACA holders as "lawfully present" for health insurance eligibility take effect, DACA holders would be eligible if pregnant or up to 21 years old in states that elected the CHIPRA option to cover these groups.
Unauthorized immigrants	

^a Survivors of trafficking, which include T visa holders, must be certified by the Office of Refugee Resettlement (ORR).

^b This applies to Afghans paroled into the United States between July 31, 2021, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^c This applies to Ukrainians paroled into the United States between February 24, 2022, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^d This includes veterans, active-duty military members, and their spouses.

^e SIJS holders are immigrants who have been granted the SIJ classification by U.S. Citizenship and Immigration Services (USCIS), meaning that their I-360 petition was approved but they must wait for an available visa to adjust to LPR status. They may or may not have received deferred action. SIJS applicants have a pending I-360 form and are awaiting approval of their SIJ classification by USCIS. Notes: The following states and territories cover lawfully residing pregnant individuals as well as children up to age 19 through CHIP or up to age 21 through Medicaid: American Samoa, Arkansas, California, Colorado, Commonwealth of the Northern Mariana Islands, Connecticut, Delaware, District of Columbia, Hawaii, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, U.S. Virgin Islands, Vermont, Virginia, Washington, West Virginia, and Wisconsin. Wyoming covers lawfully residing immigrants who are pregnant, but not children, through Medicaid funding. The following states use Medicaid or CHIP funding to cover lawfully residing immigrants who are children but not those who are pregnant: Florida, Illinois, Iowa, Louisiana, Montana, Oregon, Texas, and Utah.

Sources: Valerie Lacarte, Mark Greenberg, and Randy Capps, *Medicaid Access and Participation: A Data Profile of Eligible and Ineligible Immigrant Adults* (Washington, DC: Migration Policy Institute, 2021); Valerie Lacarte, *Immigrant Children's Medicaid and CHIP Access and Participation: A Data Profile* (Washington, DC: Migration Policy Institute, 2022); National Immigration Law Center, "Overview of Immigrant Eligibility for Federal Program," updated March 2023; National Immigration Law Center, "Lawfully Residing' Children and Pregnant Women Eligible for Medicaid and CHIP," updated October 2021; Medicaid.gov, "Medicaid and CHIP Coverage of Lawfully Residing Children & Pregnant Individuals," updated May 4, 2023; Centers for Medicare and Medicaid Services, "Medicaid, Children's Health Insurance Program, & Basic Health Program Eligibility Levels," updated December 1, 2023; Medicaid.gov, "Seniors & Medicare and Medicaid Enrollees," accessed January 19, 2023; Abigail F. Kolker, *Afghan Eligibility for Selected Benefits Based on Immigration Status: In Brief* (Washington, DC: Congressional Research Service, 2023); Abigail F. Kolker, *Ukrainian Eligibility for Selected Benefits Based on Immigration Status: In Brief* (Washington, DC: Congressional Research Service, 2022); Abigail Whitmore and Leslye E. Orloff, "Bench Card: Special Immigrant Juvenile Status Immigration and Public Benefits Eligibility Process" (issue brief, National Immigrant Women's Advocacy Project, July 14, 2022); U.S. Department of Health and Human Services, "HHS Releases Proposal to Expand Health Care for DACA Recipients" (press release, April 24, 2023); Kaiser Family Foundation, "Medicaid and CHIP Income Eligibility Limits for Pregnant Women as a Percent of the Federal Poverty Level," updated January 1, 2023.

B. *Affordable Care Act Subsidies*

Individuals who are not eligible for Medicaid because of their income or immigration status can sometimes purchase individual health insurance through state health insurance exchanges established by the *Affordable Care Act* (ACA). The ACA also provides subsidies known as premium tax credits (PTCs)³⁰ to lower health insurance premiums and out-of-pocket costs for individuals whose incomes are at least 100 percent of the federal poverty level (FPL) and no more than 400 percent of the FPL.³¹ Individuals under 100 percent of the FPL often qualify for health coverage through Medicaid, CHIP, or Medicare, which offer more generous benefits than the ACA premium subsidies. Having access to affordable employer-sponsored coverage also disqualifies income-eligible individuals from receiving PTCs.³² While people with incomes below 100 percent of the FPL who are Medicaid eligible cannot receive PTCs, lawfully present immigrants who earn under 100 percent of the FPL are eligible for PTCs if their immigration status makes them ineligible for Medicaid.

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- 30 There are four levels of premium tax credit (PTC) coverage: bronze, silver, gold, and platinum. As the Kaiser Family Foundation describes, "Bronze plans tend to have the lowest premiums but have the highest deductibles and other cost sharing, leaving the enrollee to pay more out-of-pocket when they receive covered health care services, while platinum plans have the highest premiums but very low out-of-pocket costs." See Kaiser Family Foundation, "[Explaining Health Care Reform](#)," updated October 27, 2022.
- 31 Due to the public health emergency, the 400 percent upper limit does not apply from 2021 through 2025. See Louise Norris, "[Will You Receive an ACA Premium Subsidy?](#)," Healthinsurance.org, August 29, 2023.
- 32 These government-sponsored programs generally provide even more financial assistance than *Affordable Care Act* (ACA) premium subsidies. See Norris, "[Will You Receive an ACA Premium Subsidy?](#)"

TABLE 4

Noncitizen Eligibility for Affordable Care Act (ACA) Subsidies (for individuals with incomes under 400 percent of the federal poverty level)^a

Eligible	
Immigration Status	Exceptions and Additional Considerations
Lawful permanent residents (LPRs, also known as green-card holders)	
Refugees, asylees, Iraqi or Afghan Special Immigrant Visa (SIV) holders, withholding of removal grantees, Cuban and Haitian entrants, and survivors of trafficking ^b	Withholding of removal applicants are also eligible if granted work authorization or if under age 14 and has had a withholding of removal application pending for at least 180 days.
Temporary Protected Status (TPS) holders	
Ukrainian ^c and Afghan parolees ^d	
Parolees, including those paroled via the program for Cubans, Haitians, Nicaraguans, and Venezuelans	
Asylum applicants	Asylum applicants are eligible if granted work authorization or if under age 14 and has had an asylum application pending for at least 180 days.
Deferred Enforced Departure (DED) recipients	
Special Immigrant Juvenile (SIJS) holders and applicants ^e	
Employment-based temporary visa recipients such as H-1B high-skilled workers and H-2A agricultural workers	
Not Eligible	
Immigration Status	Exceptions and Additional Considerations
Deferred Action for Childhood Arrivals (DACA) holders ^f	
Unauthorized immigrants ^f	

^a Subsidies are only available to individuals with income below 100 percent of the federal poverty level (FPL) if their immigration status makes them ineligible for Medicaid.

^b Survivors of trafficking, which include T visa holders, must be certified by the Office of Refugee Resettlement (ORR).

^c This applies to Afghans paroled into the United States between July 31, 2021, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^d This applies to Ukrainians paroled into the United States between February 24, 2022, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^e SIJS holders are immigrants who have been granted the SIJ classification by U.S. Citizenship and Immigration Services (USCIS), meaning that their I-360 petition was approved but they must wait for an available visa to adjust to LPR status. They may or may not have received deferred action. SIJS applicants have a pending I-360 form and are awaiting approval of their SIJ classification by USCIS.

^f States can apply to the Centers for Medicare and Medicaid Services to waive certain provisions related to who has access to their state health-care exchange. Colorado and Washington were granted permission to waive this provision in order to provide residents with access to exchange coverage regardless of immigration status.

Sources: Louise Norris, "Will You Receive an ACA Premium Subsidy?," Healthinsurance.org, August 29, 2023; National Immigration Law Center, "The Affordable Care Act & Mixed-Status Families," updated October 2022; Abigail F. Kolker and Elayne J. Heisler, *Immigrants' Access to Health Care* (Washington, DC: Congressional Research Service, 2022); ORR, "Eligibility for ORR Benefits and Services – Cuban/Haitian Entrants," accessed May 5, 2023.

C. Medicare

Medicare is a national health insurance program that provides coverage primarily to people who are age 65 or older as well as those with certain disabilities.³³ The program has three main parts: Part A (hospital care benefits) and Part B (outpatient benefits) are both administered by the Social Security Administration, and Part D (prescription drug benefits) is managed by the Centers for Medicare and Medicaid Services. Enrollment in Part B is a requirement for purchasing Part A, though some people choose to only enroll in Part B. If individuals have Part B coverage, or Parts A and B, they are eligible to enroll in Part D coverage.³⁴ Medicare Part C, also known as Medicare Advantage, is a type of Medicare health plan offered by private insurance companies that provides Medicare benefits; traditional Medicare is run entirely by the government. Medicare Advantage bundles Part A and B coverage and usually also Part D coverage, and sometimes covers additional benefits such as vision and dental that are not covered by traditional Medicare.³⁵

Besides the age requirement, length of work history and U.S. residency are important determinants of an individual's eligibility to receive Medicare. A beneficiary qualifies for Part A coverage without paying a premium if they or their current or former spouse worked at least 40 quarters (approximately ten years) in jobs where they paid Medicare payroll taxes. Immigrants who do not fulfill the work credit requirement for Part A but have been lawful permanent residents in the United States for five continuous years and meet the age requirement have the option to pay monthly premiums to access Medicare Part A.³⁶ Noncitizens who are lawfully present may access premium-free Part A of Medicare, without fulfilling the work credit requirement, if they qualify to receive or currently receive Social Security retirement benefits, Railroad Retirement Benefits (RRB), or Social Security Disability Insurance (SSDI).³⁷ Parts B and D require the same criteria as Part A and charge monthly premium payments that depend on the beneficiary's income. Based on these requirements, older immigrants who have limited work history in the United States are less likely to access Medicare than those who have lived and worked in the country for longer.³⁸

33 If an individual has received disability benefits for 24 months or more, they may be eligible for Medicare at an earlier age. Their dependents may also be eligible if they have a qualifying disability. The Social Security Administration explains that individuals with permanent kidney failure requiring dialysis or a transplant and those with amyotrophic lateral sclerosis (Lou Gehrig's disease) do not have to wait 24 months to receive Medicare coverage. See Social Security Administration, "[Medicare](#)," updated 2023.

34 Georgia Burke and Natalie Kean, "[Older Immigrants and Medicare](#)" (issue brief, Justice in Aging, April 2019).

35 Christian Worstell, "[Medicare Advantage \(Medicare Part C\) Eligibility Requirements](#)," MedicareAdvantage.com, updated December 4, 2023; Medicare.gov, "[How Does Medicare Work?](#)," accessed December 18, 2023.

36 Medicare.gov, "[Costs](#)," accessed February 16, 2023.

37 Medicare Interactive, "[Medicare Eligibility for Non-U.S. Citizens](#)," accessed March 20, 2023; Medicare Interactive, "[Medicare Part B Eligibility for Those Ineligible for Premium-Free Part A](#)," accessed March 20, 2023.

38 Burke and Kean, "[Older Immigrants and Medicare](#)"; Kaiser Family Foundation, "[Can Immigrants Enroll in Medicare?](#)," accessed February 16, 2023.

TABLE 5

Noncitizen Eligibility for Medicare (Part A, premium-free, and Part B)

Eligible	
Immigration Status	Exceptions and Additional Considerations
Lawful permanent residents (LPRs, also known as green-card holders)	Must be credited with 40 quarters of work in the United States. If credit for work history is not met, LPRs with at least five years of U.S. residence may pay premiums to buy into Part A.
Refugees, asylees, Iraqi or Afghan Special Immigrant Visa (SIV) holders, withholding of removal grantees, Cuban and Haitian entrants, and survivors of trafficking ^a	Must be credited with 40 quarters of work in the United States. Exemptions are granted if the individual qualifies for Social Security retirement benefits, Railroad Retirement Benefits (RRB), or Social Security Disability Insurance (SSDI).
Survivors of criminal activity (U visa holders)	Must be credited with 40 quarters of work in the United States. Exemptions are granted if the individual qualifies for Social Security retirement benefits, RRB, or SSDI.
Temporary Protected Status (TPS) holders	Must be credited with 40 quarters of work in the United States. Exemptions are granted if the individual qualifies for Social Security retirement benefits, RRB, or SSDI.
Asylum applicants	Asylum applicants are eligible if granted work authorization or if has had an asylum application pending for at least 180 days. Must be credited with 40 quarters of work in the United States. Exemptions are granted if the individual qualifies for Social Security retirement benefits, RRB, or SSDI.
Afghan ^b and Ukrainian ^c parolees	
Parolees, including those paroled via the program for Cubans, Haitians, Nicaraguans, and Venezuelans	Must be credited with 40 quarters of work in the United States. Exemption if qualified for Social Security retirement benefits, RRB, or SSDI.
Deferred Enforced Departure (DED) recipients	Must be credited with 40 quarters of work in the United States. Exemption if qualified for Social Security retirement benefits, RRB, or SSDI.

Not Eligible

Immigration Status	Exceptions and Additional Considerations
Unauthorized immigrants	

^a Survivors of trafficking, which include T visa holders, must be certified by the Office of Refugee Resettlement (ORR).

^b This applies to Afghans paroled into the United States between July 31, 2021, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^c This applies to Ukrainians paroled into the United States between February 24, 2022, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

Sources: Social Security Administration, *Medicare* (Washington, DC: Social Security Administration, 2023); Justice in Aging, "Older Immigrants and Medicare" (issue brief, April 2019); Kaiser Family Foundation, "Can Immigrants Enroll in Medicare?," accessed February 16, 2023; Abigail F. Kolker and Elayne J. Heisler, *Immigrants' Access to Health Care* (Washington, DC: Congressional Research Service, 2022); Medicare Interactive, "Medicare Eligibility for Non-U.S. Citizens," accessed March 20, 2023; National Immigration Law Center, "Overview of Immigrant Eligibility for Federal Program," updated March 2023.

D. Supplemental Nutrition Assistance Program (SNAP)

The Supplemental Nutrition Assistance Program (SNAP) is a means-tested nutritional benefit program administered by the U.S. Department of Agriculture. SNAP is a public-private partnership, with participants issued benefits on electronic benefit transfer (EBT) cards to use for food purchases at authorized food retailers.³⁹ Depending on the state in which a household is located and that state's choice among different federal options, gross income limits are between 130 percent and 200 percent of the federal poverty level (FPL); the overall net income limit, across all states, is 100 percent of the FPL.⁴⁰

The dollar amount participants receive varies depending on their household size and income. In the case of mixed-status families (families in which some household members are unauthorized immigrants and some hold legal status), individuals with an ineligible immigration status are treated as non-applicants, allowing eligible members to still apply for benefits.⁴¹ However, benefit amounts are adjusted to the number of eligible household members, reducing the amount of SNAP benefits the household receives.

While SNAP provides people with monetary assistance to buy food, people in need, regardless of their immigration status, can obtain food directly from private food banks. Food banks and pantries obtain their food through donations from individuals, supermarkets, farmers, and government-funded programs. They also purchase food in bulk from wholesalers and retailers at discounted prices.⁴²

TABLE 6

Noncitizen Eligibility for the Supplemental Nutrition Assistance Program (SNAP)

Eligible without a Five-Year Bar	
Immigration Status	Exceptions and Additional Considerations
Refugees, asylees, Iraqi or Afghan Special Immigrant Visa (SIV) holders, withholding of removal grantees, Cuban and Haitian entrants, and survivors of trafficking ^a	
Afghan ^b and Ukrainian ^c parolees	
Eligible but Subject to a Five-Year Bar	
Immigration Status	Exceptions and Additional Considerations
Lawful permanent residents (LPRs, also known as green-card holders)	LPRs are exempt from the five-year bar if they have a military connection ^d or if they were a refugee, asylee, or other humanitarian entrant. They are also exempt if under age 18, if receiving disability assistance, or if they have credit for 40 quarters of work history in the United States. ^e

39 Center on Budget and Policy Priorities, "Policy Basics: The Supplemental Nutrition Assistance Program (SNAP)," updated June 9, 2022.

40 Valerie Lacarte, Lillie Hinkle, and Briana L. Broberg, *SNAP Access and Participation in U.S.-Born and Immigrant Households: A Data Profile* (Washington, DC: Migration Policy Institute, 2023).

41 U.S. Department of Agriculture, *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility* (Washington, DC: U.S. Department of Agriculture, 2011).

42 Paul Morello, "How Food Banks and Food Pantries Get Their Food," Feeding America, December 29, 2021.

TABLE 6 (cont.)

Noncitizen Eligibility for the Supplemental Nutrition Assistance Program (SNAP)

Eligible but Subject to a Five-Year Bar	
Immigration Status	Exceptions and Additional Considerations
Violence Against Women Act (VAWA) self-petitioners	Eligible upon prima facie determination by U.S. Citizenship and Immigration Services (USCIS)
Parolees, including some paroled via the program for Cubans, Haitians, Nicaraguans, and Venezuelans	Parolees must be paroled into the United States for one year or more to be eligible. Cubans and Haitians are eligible without a five-year bar as Cuban/Haitian entrants, as noted above. Parolee children are exempted from the five-year bar.
Not Eligible	
Immigration Status	Exceptions and Additional Considerations
Employment-based temporary visa recipients such as H-1B high-skilled workers and H-2A agricultural workers	
Student visa holders	
Survivors of criminal activity (U visa holders)	
Asylum applicants	
Temporary Protected Status (TPS) holders	
Deferred Enforced Departure (DED) recipients	
Deferred Action for Childhood Arrivals (DACA) holders	
Special Immigrant Juvenile Status (SIJS) holders and applicants ^f	
Unauthorized immigrants	

^a Survivors of trafficking, which include T visa holders, must be certified by the Office of Refugee Resettlement (ORR).

^b This applies to Afghans paroled into the United States between July 31, 2021, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^c This applies to Ukrainians paroled into the United States between February 24, 2022, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^d This includes veterans, active-duty military members, and their spouses.

^e Disability-related benefits include Supplemental Security Income (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.

^f SIJS holders are immigrants who have been granted the SIJ classification by USCIS, meaning that their I-360 petition was approved but they must wait for an available visa to adjust to LPR status. They may or may not have received deferred action. SIJS applicants have a pending I-360 form and are awaiting approval of their SIJ classification by USCIS.

Sources: National Immigration Law Center, "Overview of Immigrant Eligibility for Federal Program," updated March 2023; U.S. Department of Agriculture, Food and Nutrition Service, "SNAP Policy on Non-Citizen Eligibility," updated January 26, 2013; Valerie Lacarte, Lillie Hinkle, and Briana L. Broberg, *SNAP Access and Participation in U.S.-Born and Immigrant Households: A Data Profile* (Washington, DC: Migration Policy Institute, 2023); Abigail F. Kolker, *Unauthorized Immigrants' Eligibility for Federal and State Benefits: Overview and Resources* (Washington, DC: Congressional Research Service, 2022); Abigail F. Kolker, *Afghan Eligibility for Selected Benefits Based on Immigration Status: In Brief* (Washington, DC: Congressional Research Service, 2023); Abigail F. Kolker, *Ukrainian Eligibility for Selected Benefits Based on Immigration Status: In Brief* (Washington, DC: Congressional Research Service, 2022); Abigail Whitmore and Leslye E. Orloff, "Bench Card: Special Immigrant Juvenile Status Immigration and Public Benefits Eligibility Process" (issue brief, National Immigrant Women's Advocacy Project, July 14, 2022); Leslye E. Orloff, Alina Husain, Kay Longville, and Amanda Baran, "VAWA Self-Petition and Cancellation, U Visas, T Visas and SIJS" (fact sheet, National Immigrant Women's Advocacy Project, December 29, 2021).

E. *Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)*

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is a welfare program administered at the national and regional levels by the U.S. Department of Agriculture's Food and Nutrition Service.⁴³ The program was created to serve low-income and nutritionally at-risk groups, including people who are pregnant, infants, and children up to age 5.⁴⁴

WIC is a federal grant program, meaning it allocates a specific amount of funds each year to states, which then distribute it to eligible individuals.⁴⁵ The nature of the grant program means that WIC may not be able to serve everyone who applies and is eligible, as grant funds may run out.

Federal law does not limit individuals' participation based on immigration status. Although states have the option to restrict certain categories of noncitizens from participating in WIC, all states currently provide access regardless of immigration status.⁴⁶

5 Employment Benefits

A. *Work Authorization*

Since the enactment of the 1986 *Immigration Reform and Control Act* (IRCA), U.S. employers have been required to verify the identity of new employees and their authorization to work in the country.⁴⁷ Employers who do not comply with this verification process, or who knowingly employ people not authorized to work in the United States, are subject to fines and sometimes debarment from federal contracts. U.S. citizens and lawful permanent residents (LPRs, also called green-card holders) are all eligible to work. Other noncitizens may hold an immigration status that confers work authorization automatically ("incident to status") or may need to apply to U.S. Citizenship and Immigration Services (USCIS) for work authorization. Some noncitizens may hold a status that allows them to work only for one approved employer (such as those on an employment-based temporary visa). Even those noncitizens who are work authorized incident to status often need to apply for an employment authorization document (EAD) as proof of their work authorization, though some categories of immigrants (such as LPRs) do not need an EAD.

43 U.S. Department of Agriculture, Food and Nutrition Service, "About WIC," updated July 9, 2022.

44 U.S. Department of Agriculture, Food and Nutrition Service, "About WIC – WIC at a Glance," updated April 7, 2023.

45 U.S. Department of Agriculture, Food and Nutrition Service, "About WIC – WIC at a Glance."

46 Indiana removed its restriction in 2023.

47 *Immigration Reform and Control Act*, Public Law 99–603, *U.S. Statutes at Large* 100 (November 6, 1986): 3359–3445.

TABLE 7

Noncitizen Eligibility for Work Authorization

Eligible to Work for Any Employer Based on Their Status^a	
Immigration Status	Exceptions and Additional Considerations
Lawful permanent residents (LPRs, also known as green-card holders)	
Refugees, asylees, Iraqi or Afghan Special Immigrant Visa (SIV) holders, and withholding of removal grantees	
Survivors of trafficking (T visa holders)	
Survivors of criminal activity (U visa holders)	
Temporary Protected Status (TPS) holders	
Afghan ^b and Ukrainian ^c parolees	
Deferred Enforced Departure (DED) recipients	
Eligible to Work for Stated Employers	
Immigration Status	Exceptions and Additional Considerations
Employment-based temporary visa holders such as H-1B high-skilled workers and H-2A agricultural workers	May work for specific employers who are approved to sponsor them for a visa
Must Apply for Permission to Work	
Immigration Status	Exceptions and Additional Considerations
Student visa holders	F-1 and M-1 students can apply for work authorization for limited periods of off-campus employment that provides practical training. Students on F-1 visas can, under certain circumstances, work on campus for their college or university as part of their status.
Violence Against Women Act (VAWA) self-petitioners	VAWA self-petitioners are eligible to apply for work authorization after their special immigrant visa (I-360) application is approved.
Deferred Action for Childhood Arrivals (DACA) holders	
Asylum applicants	Asylum applicants can apply for work authorization once their asylum application has been pending for 150 days. They may be granted work authorization after their asylum application has been pending 180 days.
Parolees, including those paroled via the program for Cubans, Haitians, Nicaraguans, and Venezuelans	

TABLE 7 (cont.)

Noncitizen Eligibility for Work Authorization

Immigration Status	Not Eligible to Work
	Exceptions and Additional Considerations
Certain spouses of employment-based temporary visa holders	In many employment-based temporary visa categories, the visa holder's spouse is not permitted to work. However, spouses of certain E and L visa holders are authorized to work for any employer, incident to their status. Certain spouses of H-1B visa holders (those who have a pending employment-based green-card application) may apply for permission to work. Spouses of J-1 visa holders, and spouses of holders of certain other visa types, may also apply to work.
Cuban and Haitian entrants	Not authorized to work unless in a status that can make the individual eligible for work authorization (e.g., TPS or humanitarian parole)
Unauthorized immigrants	Not authorized to work unless in a status that can make the individual eligible for work authorization (e.g., TPS, DACA, deferred action, withholding of removal)

^a Most immigrants who are work authorized as a part of their immigration status must still apply for an employment authorization document (EAD) as proof of their work eligibility. LPRs, asylees, and U and T visa holders are among the notable exceptions.

^b This applies to Afghans paroled into the United States between July 31, 2021, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^c This applies to Ukrainians paroled into the United States between February 24, 2022, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

Sources: Social Security Administration, "Program Operations Manual System (POMS)," updated December 30, 2010; 8 *U.S. Code of Federal Regulations* §274a.12, "Classes of Aliens Authorized to Accept Employment," accessed March 26, 2023; U.S. Citizenship and Immigration Services (USCIS), "Employment Authorization for Certain H-4 Dependent Spouses," *Federal Register* 80, no. 37 (2015): 10284; Ira J. Kurzban, *Kurzban's Immigration Law Sourcebook*, 18th Ed. (Washington, DC: American Immigration Law Foundation, 2022), Chapter 12; USCIS, "USCIS Updates Guidance on Employment Authorization for E and L Nonimmigrant Spouses" (news release, March 18, 2022); USCIS, "Certain Afghan and Ukrainian Parolees Are Employment Authorized Incident to Parole" (news release, November 21, 2022); USCIS, "Chapter 2 – Eligibility Requirements," *USCIS Policy Manual* vol. 10, Part A, accessed March 26, 2023; USCIS, "National Engagement – VAWA I-360 Self-Petition, T Visa and U Visa – Q&A" (question and answer document, July 27, 2022).

B. Earned Income Tax Credit (EITC)

The Earned Income Tax Credit (EITC) is a means-tested tax credit for people who work in the United States. The EITC is administered by the Internal Revenue Service (IRS). Workers that receive the tax credit are able to reduce owed taxes or increase their tax refund, if applicable.⁴⁸ Having a child can increase the EITC amount.⁴⁹ People who are homeless or at risk of homelessness may also be eligible for the EITC, particularly if they have earned income from work or self-employment.⁵⁰

⁴⁸ Taxpayer Advocate Service, "Tax Benefits and Resources for People Experiencing Homelessness," updated June 30, 2022.

⁴⁹ There are specific "tiebreaker" conditions for claiming qualifying children: "...only one person can claim the child as a qualifying child...[and] special rules apply for parents who are divorced, separated, or who are living apart." For more information, see Internal Revenue Service, "Qualifying Child Rules," updated March 1, 2023.

⁵⁰ Taxpayer Advocate Service, "Tax Benefits and Resources."

Eligibility for the EITC is based on several criteria, such as income falling below a specified threshold, having a valid work-authorized Social Security number (SSN), filing federal taxes, and meeting the IRS definition of a “resident alien” or being the spouse of a U.S. citizen or “resident alien.”⁵¹ In IRS terminology, a “resident alien” is a noncitizen who is a lawful permanent resident (LPR, also called a green-card holder) or who meets the IRS definition of having “substantial presence” in the United States (that is, the noncitizen was in the United States at least 31 days of the current year and 183 days of the past three years).⁵²

To receive the EITC, all members of the tax filing household must have an SSN that is valid for work purposes. However, in a household where any parent(s) have SSNs but children do not, the parent(s) can qualify for EITC for childless workers (an amount lower than EITC for workers with children). An Individual Taxpayer Identification Number (ITIN) cannot be used to claim the EITC; however, parents who file with an ITIN may claim a separate tax credit called the Child Tax Credit for any qualifying children who have an SSN.

Qualifying for EITC facilitates access to other tax credits, such as the Child Tax Credit and the Credit for Other Dependents, the Child and Dependent Care Credit, and Education Credits.⁵³ More broadly, individuals who have filed federal tax returns in the past are more likely to benefit from government assistance, as occurred during the pandemic when the government quickly disbursed stimulus payments to millions of families based on their tax information recorded with the IRS. All tax filers who file with an SSN or ITIN and are otherwise eligible may claim the other tax credits listed above.

C. Social Security

The Social Security Administration administers the Social Security program, providing benefits to qualified retirees, people with disabilities, and their spouses and children.⁵⁴ To be eligible for Social Security retirement benefits, individuals need to be age 62 or older and have worked and paid Social Security taxes for at least ten years. Benefit amounts can be reduced or increased depending on whether benefits are received before or after the full retirement age (which is currently 67 for people born in 1960 or later).⁵⁵ To be eligible for Social Security disability benefits, an individual must have worked and paid Social Security taxes for at least ten years and have a medical condition that is severe enough to prevent them from working for at least 12 months.⁵⁶

51 “To claim the EITC, you and your spouse (if filing jointly) must be U.S. citizens or resident aliens. If you or your spouse were a nonresident alien for any part of the tax year, you can only claim the EITC if your filing status is married filing jointly and you or your spouse is a: U.S. citizen with a valid Social Security number OR resident alien who was in the U.S. at least 6 months of the year you’re filing for AND has a valid Social Security number.” See Internal Revenue Service, “Who Qualifies for the Earned Income Tax Credit (EITC),” updated December 13, 2023.

52 See Internal Revenue Service, “Substantial Presence Test,” updated June 21, 2023.

53 Internal Revenue Service, “Who Qualifies for the Earned Income Tax Credit (EITC).”

54 Social Security Administration, “Benefits,” accessed March 30, 2023.

55 National Academy of Social Insurance, “What Is the Social Security Retirement Age?,” accessed March 30, 2023.

56 The Social Security Administration publishes the Blue Book, a comprehensive list of medical conditions for both adults and children, that describes impairments severe enough to meet the definition of disability. See Disability Care Center, “SSA Blue Book Listings,” accessed August 28, 2023; Social Security Administration, “Disability Evaluation under Social Security,” accessed March 30, 2023.

Beneficiaries must have a valid Social Security number, so that employers can report wage earnings to the federal government and the Social Security Administration can track workers' earnings.⁵⁷ An Individual Taxpayer Identification Number (ITIN) holder is not eligible for Social Security benefits, and noncitizens must be lawfully present in the United States to receive Social Security benefits.⁵⁸ That said, if a person becomes eligible for Social Security in the future (for example, by becoming a lawful permanent resident), the earnings reported to the Internal Revenue Service with an ITIN may in some cases be counted toward the Social Security amount the person is eligible to receive.⁵⁹

6 Education, Housing, and Driver's Licenses

A. Education and Federal Student Aid

The U.S. Supreme Court's decision in the case *Plyler v. Doe* (1982) established that all children, regardless of their or their parents' immigration or citizenship status, have access to free, public K-12 education.⁶⁰ Similarly, all children who come from households with qualifying incomes (at or below 185 percent of the federal poverty level) can participate in free or reduced-price breakfast, lunch, and summer food service programs.⁶¹ Children in precarious conditions (such as those who are homeless, migrant, in foster care, and runaway children and youth) may also qualify.⁶² Moreover, some states and some schools provide all children free or reduced-price school meals, even if they do not meet income thresholds and regardless of their immigration status.⁶³

U.S. federal law does not prohibit access to higher education based on immigration status.⁶⁴ However, access to federal student aid—an important program for facilitating postsecondary education for low-income students—is restricted for people with certain immigration statuses, which in turn has an impact on affordability. In at least 24 states and the District of Columbia, noncitizens ineligible for federal student aid (including unauthorized immigrants) may qualify for in-state tuition, and in 18 of those states and the District of Columbia, this group may also be eligible for financial aid. Students of all immigration statuses may also have access to college financial aid and private scholarships.⁶⁵

57 Social Security Administration, "Understanding the Benefits," updated January 2023.

58 William R. Morton and Abigail F. Kolker, *Social Security Benefits for Noncitizens* (Washington, DC: Congressional Research Service, 2016).

59 American Immigration Council, "The Facts about the Individual Taxpayer Identification Number (ITIN)" (fact sheet, March 2022).

60 Julie Sugarman, "From Plyler to Sanctuary: U.S. Policy on Public School Access and Implications for Educators of Transnational Students," in *The Students We Share: Preparing US and Mexican Educators for our Transnational Future* (Albany, NY: SUNY Press, 2021); Julie Sugarman, *Legal Protections for K-12 English Learner and Immigrant-Background Students* (Washington, DC: Migration Policy Institute, 2019).

61 U.S. Department Agriculture, Food and Nutrition Service, "Child Nutrition Programs: Income Eligibility Guidelines (2023–2024)," updated November 22, 2023; U.S. Department Agriculture, "School Breakfast Program," updated December 19, 2023; U.S. Department Agriculture, "National School Lunch Program," updated July 31, 2023; U.S. Department Agriculture, "Summer Food Service Program," updated August 1, 2023.

62 Food Research and Action Center, "School Meal and Eligibility and Reimbursements," accessed October 30, 2023; U.S. Department Agriculture, "Child Nutrition Programs - The Community Eligibility Provision," updated November 7, 2023.

63 Annie Ma, "Millions More Students to Receive Free School Meals under Expanded U.S. Program," PBS News Hour, September 26, 2023.

64 National Immigration Law Center, "Basic Facts about In-State Tuition for Undocumented Immigrant Students," updated August 2023.

65 Higher Ed Immigration Portal, "Portal to the States," accessed January 27, 2023.

TABLE 8

Noncitizen Eligibility for Federal Student Aid

Eligible	
Immigration Status	Exceptions and Additional Considerations
Lawful permanent residents (LPRs, also known as green-card holders)	
Refugees, asylees, Iraqi or Afghan Special Immigrant Visa (SIV) holders, withholding of removal grantees, Cuban and Haitian entrants, and survivors of trafficking ^a	Withholding of removal grantees and Haitian entrants must be able to provide evidence from U.S. Citizenship and Immigration Services (USCIS) that they are in the United States for a non-temporary purpose with the intention of becoming a U.S. citizen or permanent resident. Evidence could include a green-card application.
Afghan ^b and Ukrainian ^c parolees	
Violence Against Women Act (VAWA) self-petitioners	Eligible upon prima facie determination by USCIS
Parolees, including those paroled via the program for Cubans, Haitians, Nicaraguans, and Venezuelans	These parolees must (1) be paroled into the United States for at least one year and (2) be able to provide evidence from USCIS that they are in the United States for a non-temporary purpose with the intention of becoming a U.S. citizen or permanent resident. Evidence could include a green-card application.
Not Eligible	
Immigration Status	Exceptions and Additional Considerations
Employment-based temporary visa recipients such as H-1B high-skilled workers and H-2A agricultural workers	
Student visa holders	
Survivors of criminal activity (U visa holders)	
Asylum applicants	
Temporary Protected Status (TPS) holders	
Deferred Enforced Departure (DED) recipients	
Deferred Action for Childhood Arrivals (DACA) holders	
Special Immigrant Juvenile Status (SIJS) holders and applicants ^d	
Unauthorized immigrants	

^a Survivors of trafficking, which include T visa holders, must be certified by the Office of Refugee Resettlement (ORR).

^b This applies to Afghans paroled into the United States between July 31, 2021, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^c This applies to Ukrainians paroled into the United States between February 24, 2022, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^d SIJS holders are immigrants who have been granted the SIJ classification by USCIS, meaning that their I-360 petition was approved but they must wait for an available visa to adjust to LPR status. They may or may not have received deferred action. SIJS applicants have a pending I-360 form and are awaiting approval of their SIJ classification by USCIS.

Notes: The Higher Education Emergency Relief Fund (HEERF), a federal program, provided three rounds of emergency grants to institutions and their students during the COVID-19 pandemic. The third round of HEERF in 2021 extended all rounds of aid to anyone enrolled in an institution of higher education on or after March 13, 2020. Under this extension, international students, permanent residents, refugees, asylum applicants, DACA recipients, and unauthorized immigrant students were able to receive federal assistance to support their education.

Sources: National Association of Student Financial Aid Administrators (NASFAA), "NASFAA Higher Education Emergency Relief Fund III (HEERF III) Reference Page," updated February 2, 2023; NASFAA, "Higher Education Emergency Relief Funds Comparison Chart May 2021," accessed August 28, 2023; Higher Ed Immigration Portal, "Portal to the States," accessed January 27, 2023; National Immigration Law Center, "Basic Facts about In-State Tuition for Undocumented Immigrant Students," updated August 2023; Federal Student Aid, "Eligibility for Non-U.S. Citizens," accessed January 27, 2023; Federal Student Aid, "U.S. Citizenship & Eligible Noncitizens," 2022-2023 *Federal Student Aid Handbook*, updated September 9, 2022; Federal Student Aid, "Eligible Noncitizen Update – Afghan Arrivals," updated March 15, 2023; Federal Student Aid, "Aid for Military Families," accessed January 30, 2023; The Presidents' Alliance on Higher Education and Immigration, "Parole Programs for Haiti, Cuba, Nicaragua, and Venezuela" (frequently asked questions, January 25, 2023).

B. Subsidized Housing Assistance

The U.S. Department of Housing and Urban Development (HUD) manages various programs that help low-income families afford publicly or privately owned rental housing by subsidizing a portion of the rent. Three HUD programs—Section 8 Project-Based Rental Assistance programs, public housing, and Housing Choice Vouchers—assist about 90 percent of U.S. households that receive federal rental assistance.⁶⁶

Section 8 Project-Based Rental Assistance (PBRA) programs provide long-term rental assistance via subsidies to low-income families, seniors, and persons with disabilities, with assistance tied to specific rental units. Meanwhile, public housing units are owned and managed by a public housing authority, which sets eligibility requirements and determines rent based on a tenant's income (usually set at 30 percent of the tenant's income).⁶⁷ Finally, the Housing Choice Voucher Program (HCVP) issues vouchers to low-income individuals to help them pay for housing in the private rental market, with the voucher amount calculated based on their income and the cost of housing in the area.⁶⁸

Applicants' eligibility for HUD programs is generally determined by total annual gross income, family size, and U.S. citizenship or immigration status. Under Section 214 HUD programs, which include Section 8 PBRA programs, the HCVP, and public housing, access is limited to U.S. citizens and certain groups of noncitizens. Mixed-status families in which at least one member has an eligible citizenship/immigration status and at least one member has an ineligible status can receive prorated housing benefits under HUD programs.⁶⁹ Noncitizens, regardless immigration status, may be eligible for non-Section 214 HUD rental assistance programs such as Section 202 and Section 811 Project Rental Assistance (which are designed for the elderly and people with disabilities), provided they meet program requirements.

66 Erik Gartland, "Chart Book: Funding Limitations Create Widespread Unmet Need for Rental Assistance," Center on Budget and Policy Priorities, February 15, 2022.

67 Center on Budget and Policy Priorities, "Policy Basics: Public Housing," updated June 16, 2021; Center on Budget and Policy Priorities, "Policy Basics: Section 8 Project-Based Rental Assistance," updated June 16, 2021.

68 To be eligible for Housing Choice Vouchers, a household's income may not exceed 50 percent of the median income in the area where the applicant lives, and by law 75 percent of vouchers must go to applicants whose incomes do not exceed 30 percent of the area median income. See U.S. Department of Housing and Urban Development, "Housing Choice Vouchers Fact Sheet," accessed January 19, 2023.

69 Maggie McCarty and Abigail F. Kolker, *Noncitizen Eligibility for Federal Housing Programs* (Washington, DC: Congressional Research Service, 2023).

TABLE 9

Noncitizen Eligibility for the U.S. Department of Housing and Urban Development's Section 8 Project-Based Rental Assistance Programs, Housing Choice Voucher Program, and Public Housing

Eligible	
Immigration Status	Exceptions and Additional Considerations
Lawful permanent residents (LPRs, also known as green-card holders)	
Refugees, asylees, Iraqi or Afghan Special Immigrant Visa (SIV) holders, Cuban and Haitian entrants, and survivors of trafficking ^a	
Violence Against Women Act (VAWA) self-petitioners	Eligible upon prima facie determination by U.S. Citizenship and Immigration Services (USCIS)
Afghan ^b and Ukrainian ^c parolees	
Parolees, including those paroled via the program for Cubans, Haitians, Nicaraguans, and Venezuelans	
Deferred Enforced Departure (DED) recipients	
Withholding of removal grantees	
Not Eligible	
Immigration Status	Exceptions and Additional Considerations
Employment-based temporary visa recipients such as H-1B high-skilled workers and H-2A agricultural workers	
Survivors of criminal activity (U visa holders)	
Student visa holders	
Deferred Action for Childhood Arrivals (DACA) holders	
Asylum applicants	
Temporary Protected Status (TPS) holders	
Special Immigrant Juvenile Status (SIJS) holders and applicants ^d	
Unauthorized immigrants	

^a Survivors of trafficking, which include T visa holders, must be certified by the Office of Refugee Resettlement (ORR).

^b This applies to Afghans paroled into the United States between July 31, 2021, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^c This applies to Ukrainians paroled into the United States between February 24, 2022, and September 30, 2023, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2023.

^d SIJS holders are immigrants who have been granted the SIJ classification by USCIS, meaning that their I-360 petition was approved but they must wait for an available visa to adjust to LPR status. They may or may not have received deferred action. SIJS applicants have a pending I-360 form and are awaiting approval of their SIJ classification by USCIS.

Sources: National Immigration Law Center, "Overview of Immigrant Eligibility for Federal Program," updated March 2023; Erik Gartland, "Chart Book: Funding Limitations Create Widespread Unmet Need for Rental Assistance," Center on Budget and Policy Priorities, February 15, 2022; Maggie McCarty and Abigail F. Kolker, *Noncitizen Eligibility for Federal Housing Programs* (Washington, DC: Congressional Research Service, 2023); Abigail Whitmore and Leslye E. Orloff, "Bench Card: Special Immigrant Juvenile Status Immigration and Public Benefits Eligibility Process" (issue brief, National Immigrant Women's Advocacy Project, July 14, 2022); Center on Budget and Policy Priorities, "Policy Basics: Section 8 Project-Based Rental Assistance," updated January 10, 2022; Center on Budget and Policy Priorities, "Policy Basics: Public Housing," updated June 16, 2021.

C. *Driver's Licenses*

Two kinds of driver's licenses are commonly issued in the United States: standard licenses and the newer REAL ID driver's licenses. Both grant their holders authorization to drive legally and can be used for certain identification purposes (such as proof of age when buying alcohol), but there are key differences in eligibility requirements and other uses.

A REAL ID license is a state-issued driver's license that meets federal minimum security standards and can thus be accepted as identification for certain official federal purposes. Starting in May 2025, passengers will need a REAL ID compliant license (or another valid form of ID, such as a passport) to board an airplane for a domestic flight; standard driver's licenses will no longer be accepted for this purpose.⁷⁰ For an applicant to qualify for a REAL ID compliant driver's license, after passing a test to prove their driving competency, they must present identity documents at their state's Department of Motor Vehicles (DMV), including their Social Security number and proof of lawful status in the United States.

However, states may still issue standard driver's licenses (those that are not REAL ID compliant) based on state-determined requirements. As of September 2023, 19 states and the District of Columbia allowed unauthorized immigrants to obtain a standard driver's license.⁷¹ All 50 states and the District of Columbia now issue standard driver's licenses to otherwise-eligible immigrant youth who have been granted Deferred Action for Childhood Arrivals (DACA), if they possess valid employment authorization and a Social Security number.⁷²

70 National Immigration Law Center, "[REAL ID and DACA](#)," updated March 2023. Note that states have different REAL ID requirements. See U.S. Department of Homeland Security, "[REAL ID Map](#)," accessed March 3, 2023.

71 National Conference of State Legislatures, "[States Offering Driver's Licenses to Immigrants](#)," updated March 13, 2023.

72 National Immigration Law Center, "[Access to Driver's Licenses for Immigrant Youth Granted DACA](#)," updated July 20, 2020.

TABLE 10

Noncitizen Eligibility for REAL ID Driver's Licenses

Eligible for Full-Term REAL ID Licenses	
Immigration Status	Exceptions and Additional Considerations
Lawful permanent residents (LPRs, also known as green-card holders)	
Refugees, asylees, Iraqi or Afghan Special Immigrant Visa (SIV) holders	
Eligible for Limited-Term REAL ID Licenses (to last for the duration of status, or if the duration is not defined, one year)	
Immigration Status	Exceptions and Additional Considerations
Afghan parolees ^a	
Employment-based temporary visa recipients such as H-1B high-skilled workers and H-2A agricultural workers	
Student visa holders	
Survivors of criminal activity (U visa holders)	
Asylum applicants	
Temporary Protected Status (TPS) holders	
Deferred Action for Childhood Arrivals (DACA) holders	
Special Immigrant Juvenile Status (SIJS) holders ^b	Eligible only if granted deferred action
Not Eligible	
Immigration Status	Exceptions and Additional Considerations
Parolees, including Ukrainian parolees and those paroled via the program for Cubans, Haitians, Nicaraguans, and Venezuelans	Only Afghan parolees are eligible for REAL ID licenses.
Cuban and Haitian entrants	Not eligible unless they have another status (e.g., TPS, asylum applicant) that makes them eligible
SIJS applicants ^c	
Unauthorized immigrants	

^a This applies to Afghans paroled into the United States between July 31, 2021, and September 30, 2022, and their spouses and children, plus the parents/guardians of unaccompanied children granted parole after September 30, 2022.

^b SIJS holders are immigrants who have been granted the SIJ classification by U.S. Citizenship and Immigration Services (USCIS), meaning that their I-360 petition was approved but they must wait for an available visa to adjust to LPR status. They may or may not have received deferred action.

^c SIJS applicants have a pending I-360 form and are awaiting approval of their SIJ classification by USCIS.

Source: U.S. Department of Homeland Security, "REAL ID Frequently Asked Questions," updated August 30, 2023; *Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005*, Public Law 109-13, *U.S. Statutes at Large* 119 (May 11, 2005): 231-323.

7 State and Locally Funded Programs for Noncitizens Ineligible for Federal Programs

The eligibility rules for noncitizens described in the report thus far are standards for federally funded programs that affect immigrants across the United States. However, for certain programs, states and localities have decision-making power and resources to broaden (or in some cases restrict) the eligibility of noncitizens who are ineligible for federal assistance. For illustrative purposes, this section examines three different areas of the country—California, Illinois, and the Houston metropolitan area—that have large immigrant populations and where noncitizens' eligibility for public benefits and services has been broadened to various degrees.

TABLE 11

California: Federally Ineligible Noncitizens Who Are Eligible for State-Funded Benefits or Services

Benefit or Service	Federally Ineligible Groups Who Are Eligible
Food Assistance California Food Assistance Program (CFAP)	"Qualified" noncitizens who are under the five-year bar or have exceeded their seven years of access to the Supplemental Nutrition Assistance Program (SNAP, called CalFresh in California) and survivors of trafficking or survivors of serious crimes who are ineligible for SNAP based on their immigration status are eligible for CFAP if they meet program requirements.
Public Health Insurance Medi-Cal	As of January 1, 2024, all income-eligible California residents are eligible for Medi-Cal, regardless of immigration status. Those not eligible for federally funded insurance can access state-funded Medi-Cal. Note: California adopted the <i>Children's Health Insurance Program Reauthorization Act (CHIPRA)</i> expansion option for children and pregnant people, broadening Medicaid/CHIP access for immigrants who fit those groups.
Housing Assistance CalWORKs Housing Support Program and CalWORKs Homeless Assistance	Qualified immigrants and survivors of trafficking or other serious crimes (these groups may also be eligible for federally funded housing assistance, but the state may offer more generous or available assistance). Note: Additional housing assistance may be available for some federally ineligible noncitizens through counties, nonprofits, or community organizations. ^a
Driver's Licenses	The standard driver's license issued to unauthorized immigrants and others ineligible for REAL ID licenses (AB 60 license) is the same as the standard driver's license that citizens and lawfully present residents may choose to obtain.
Student Financial Aid	Students who meet certain criteria, regardless of their immigration status, may be eligible for state financial aid.

TABLE 11 (cont.)

California: Federally Ineligible Noncitizens Who Are Eligible for State-Funded Benefits or Services

Benefit or Service	Federally Ineligible Groups Who Are Eligible
Cash Assistance CalWORKs (Temporary Assistance for Needy Families [TANF] replacement)	<ul style="list-style-type: none"> ▶ Lawful permanent residents (LPRs, also known as green-card holders) and other qualified immigrants, when ineligible for federally funded TANF, such as during the first five years in qualified status (the five-year bar) ▶ Persons permanently residing in the United States under color of law,^b including persons granted status as a: <ul style="list-style-type: none"> • person granted an indefinite stay of deportation, • person granted indefinite voluntary departure in lieu of deportation, or • a survivor of domestic violence, trafficking, or other serious crimes.
State Earned Income Tax Credit	<ul style="list-style-type: none"> ▶ Unauthorized immigrants, if filing taxes using an Individual Taxpayer Identification Number (ITIN)

^a For a directory of additional housing options, see California Department of Social Services, “[Resources and Information – Housing](#),” accessed December 20, 2023.

^b Permanently residing under color of law, or PRUCOL, is used to describe noncitizens whose state of residence considers them to be legally in the United States, though they do not have an official status as a qualified immigrant with U.S. Citizenship and Immigration Services.

Sources: Leslye E. Orloff and Axelle Pesme, “[State-Funded Public Benefits Comparison Chart](#)” (chart, National Immigrant Women’s Advocacy Project, American University Washington College of Law, Washington, DC, July 2022); California Department of Social Services (CDSS), “[California Food Assistance Program \(CFAP\)](#),” accessed August 28, 2023; CalWORKs, “[Citizenship Eligibility Requirements](#),” accessed August 28, 2023; CalWORKs, “[State-Only CalWORKs Program](#),” accessed August 28, 2023; Covered California, “[Information for Immigrants](#),” accessed August 28, 2023; Health 4 All Kids, “[FAQs](#),” accessed August 28, 2023; CDSS, “[CDSS Housing and Homelessness Programs](#),” accessed August 28, 2023; State of California Department of Motor Vehicles, “[AB 60 Driver’s Licenses](#),” accessed August 28, 2023; California Student Aid Commission, “[Undocu/Dreamer Students](#),” accessed August 28, 2023; CDSS, “[CalWORKs](#),” accessed August 28, 2023; State of California Franchise Tax Board, “[Eligibility and Credit Information](#),” updated June 15, 2023; California Department of Education, “[Migrant Education Resources](#),” accessed November 1, 2023.

TABLE 12

Illinois: Federally Ineligible Noncitizens Who Are Eligible for State-Funded Benefits or Services

Benefit or Service	Federally Ineligible Groups Who Are Eligible
Food Assistance Victims of Trafficking, Torture, and Other Serious Crimes (VTTC) Food Assistance	<ul style="list-style-type: none"> ▶ U visa applicants^a ▶ T visa applicants^a ▶ Asylum applicants^a
Public Health Insurance All Kids; Health Benefits for Immigrant Adults (HBIA); Health Benefits for Immigrant Seniors (HBIS); Medical Benefits for Noncitizen Victims of Trafficking, Torture, or Other Serious Crimes	<ul style="list-style-type: none"> ▶ Survivors of torture (coverage for 24 months or longer) ▶ U visa applicants^a ▶ T visa applicants^a ▶ Asylum applicants^a ▶ Immigrants who are children or age 42 or older, regardless of status^b <p>Note: Illinois adopted the <i>Children’s Health Insurance Program Reauthorization Act (CHIPRA)</i> expansion option for children, broadening immigrant children’s access to Medicaid/CHIP.</p>

TABLE 12 (cont.)

Illinois: Federally Ineligible Noncitizens Who Are Eligible for State-Funded Benefits or Services

Benefit or Service	Federally Ineligible Groups Who Are Eligible
Housing Assistance	<ul style="list-style-type: none"> ▶ Immigrants regardless of status <p>Note: Additional housing assistance may be available for some federally ineligible noncitizens through counties, nonprofits, or community organizations.^c</p>
Driver's License	As of July 1, 2024, unauthorized immigrants and others ineligible for REAL ID licenses will be able to receive standard driver's licenses.
Student Financial Aid	<ul style="list-style-type: none"> ▶ Legal noncitizens ▶ Unauthorized and other students who meet certain criteria, regardless of their immigration status
Cash Assistance Victims of Trafficking, Torture, and Other Serious Crimes (VTTC) Cash Assistance (Temporary Assistance for Needy Families [TANF] replacement)	<ul style="list-style-type: none"> ▶ U visa applicants^a ▶ T visa applicants^a ▶ Asylum applicants^a ▶ Qualified abused immigrants^d
State Earned Income Tax Credit	▶ Unauthorized immigrants, if filing taxes using an Individual Taxpayer Identification Number (ITIN)

^a These groups includes immigrants preparing to file an application as well as those who have filed an application. Also included are those individuals' derivative family members.

^b In September 2023, Illinois issued a pause on the enrollment of individuals ages 42–64, and in November 2023, the state issued a pause on the enrollment of those ages 65 and older due to the program's costs surpassing its allocated budget.

^c For a directory of additional housing options, see Illinois Department of Commerce and Economic Opportunity, "[Community Action Agencies/Local Administering Agencies: Assistance for your Illinois Family](#)," accessed December 13, 2023.

^d This classification is described in statute as "an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien." See Cornell University, Legal Information Institute, "[8 U.S. Code §1641\(c\)\(1\)-\(3\) – Definitions: Treatment of Certain Battered Aliens as Qualified Aliens](#)," accessed December 18, 2023.

Sources: Leslye E. Orloff and Axelle Pesme, "[State-Funded Public Benefits Comparison Chart](#)" (chart, National Immigrant Women's Advocacy Project, American University Washington College of Law, Washington, DC, July 2022); Peter Hancock, "[Illinois to Make Standard Driver's Licenses Available to Noncitizens Regardless of Immigration Status](#)," WTTW News, June 30, 2023; Higher Ed Immigration Portal, "[Illinois](#)," accessed August 28, 2023; Grace B. Hou, "[Cash and Food Assistance for Non-Citizen Victims of Trafficking, Torture, or Other Serious Crimes – Clarification](#)" (policy memo from the Secretary of the Illinois Department of Human Services, February 24, 2023); Illinois Dream Fund, "[Current Scholarship: Fall 2022 ILDF Application](#)," accessed August 28, 2023; Illinois Department of Human Services, "[Health Benefits for Immigrant Adults](#)," accessed August 28, 2023; Illinois Department of Healthcare and Family Services, "[Health Benefits for Immigrant Adults \(HBIA\) and Health Benefits for Immigrant Seniors \(HBIS\) Emergency Rulemaking and HBIA Temporary Enrollment Pause](#)" (public notice, June 16, 2023); Illinois Department of Healthcare and Family Services, "[Health Benefits for Immigrant Seniors Temporary Enrollment Pause](#)" (public notice, October 19, 2023); Illinois Department of Human Services, "[WIC and SNAP Outreach](#)," accessed August 28, 2023; Illinois Legal Aid Online, "[Citizens & Immigration](#)," updated October 24, 2023; National Immigration Law Center, "[State-Funded TANF Replacement Programs](#)" (excerpt from *Guide to Immigrant Eligibility for Federal Program*, accessed November 1, 2023); Illinois Department of Human Services, "[MR #17.19: Medical Benefits for Non-Citizen Victims of Trafficking, Torture or Other Serious Crimes](#)," updated December 13, 2017; National Low Income Housing Coalition, "[Rental Housing Programs Database](#)," accessed January 9, 2024.

TABLE 13

Houston Metropolitan Area: Federally Ineligible Noncitizens Who Are Eligible for Locally Funded Benefits or Services

Benefit or Service	Federally Ineligible Groups Who Are Eligible
Food Assistance	No locally funded program available
	No locally funded program available
Public Health Insurance	Note: Texas adopted the <i>Children's Health Insurance Program Reauthorization Act</i> (CHIPRA) expansion option for children, broadening immigrant children's access to Medicaid/CHIP.
Housing Assistance	Housing assistance may be available for some federally ineligible noncitizens through nonprofit or community organizations. ^a
Driver's License	No locally funded program available
Student Financial Aid	Noncitizens, regardless of immigration status, may qualify for locally funded student financial aid.
Cash Assistance	
(Temporary Assistance for Needy Families [TANF] replacement)	No locally funded program available
State Earned Income Tax Credit	No locally funded program available

^a For a directory of additional housing options, see Harris County Housing Authority, "Services—Affordable Rental Housing," accessed December 13, 2023.

Sources: Leslye E. Orloff and Axelle Pesme, "State-Funded Public Benefits Comparison Chart" (chart, National Immigrant Women's Advocacy Project, American University Washington College of Law, Washington, DC, July 2022); Internal Revenue Service, "States and Local Governments with Earned Income Tax Credit," accessed August 28, 2023; Madlin Mekelburg, "No, Undocumented Immigrants Aren't Impacting the Waitlist for Public Housing in Houston," Office of Congresswoman Sylvia Garcia, May 30, 2019; Texas Administrative Code, "Section 372.201. TANF Citizenship Requirements," accessed August 28, 2023; Texas Department of Public Safety, "U.S. Citizenship or Lawful Presence Requirement," accessed August 28, 2023.

8 Latino Immigrants: Key Benefits-Relevant Characteristics

The United States has a large and growing Latino population. In 2021, 62.5 million people in the country identified as Latino; of those, about one-third—19.9 million—were immigrants.⁷³ Moreover, 17 percent of Latino immigrants lived in poverty, and another 25 percent had low family incomes ranging between 100 and 200 percent of the federal poverty level (see Table 14). Federal restrictions on immigrants' access to a range of public benefits intended for low-income individuals constitute a barrier to many Latino immigrants' full integration into U.S. society and, more broadly, to healthier communities.

⁷³ Nicole Ward and Jeanne Batalova, "Frequently Requested Statistics on Immigrants and Immigration in the United States", *Migration Information Source*, March 14, 2023.

As is the case for immigrants overall, the impact of those restrictions vary by Latino immigrants' status. Using a unique methodology that assigns immigration status to noncitizens in U.S. Census Bureau data, the Migration Policy Institute estimates that, in 2019, 31 percent of Latino immigrants were naturalized U.S. citizens, 33 percent were legal noncitizens (including green-card holders and temporary visa holders), and 36 percent were unauthorized immigrants. Since certain legal noncitizens (such as green-card holders within their first five years in a qualifying status) and unauthorized immigrants cannot enroll in Medicaid or access other forms of public health insurance, the uninsured share of Latinos is high (nearly one-quarter as of 2018).⁷⁴ Limited health insurance coverage among Latinos means that many individuals' physical and mental health conditions are likely to go without regular care.⁷⁵ Evidence shows that Latinos face greater health risks for certain diseases than non-Latino White people in the United States; for example, Latinos are more than twice as likely to have Type 2 diabetes (17 percent vs. 8 percent of the population, respectively), and nearly 15 percent of Latinos will face chronic kidney disease and cirrhosis compared to 10 percent of White people.⁷⁶

Limited access to public benefits and services can exacerbate poor socioeconomic outcomes that low-income individuals already face. For instance, between 2020 and 2022, homelessness rose for the Latino population at the national level by 7.6 percent, even as it fell by 1.8 percent for the non-Latino population.⁷⁷ Meanwhile, Latinos were generally under-represented in public programs that assist with housing costs: while they made up 27 percent of the U.S. population living below the poverty line, 24 percent of households in public housing were Latino, and they represented even lower shares in households using Housing Choice Vouchers (18 percent) and in project-based Section 8 homes (16 percent).⁷⁸

During the pandemic, expanded access to several benefits programs provided important assistance to many immigrants, including Latino immigrants, at a time when immigrant workers were suffering higher illness and death rates and the pandemic's economic impacts while also performing many jobs considered essential to the COVID-19 response.⁷⁹ As eligibility rules return to the standards in place prior to the public health emergency, described in this report, the characteristics of Latino immigrants, such as their age, income distribution, and immigration status, can provide important context for understanding the potential impacts of public benefits eligibility restrictions on this population. For a more detailed picture, state-level data on Latino immigrants' characteristics are available in the Appendix.

74 This is true despite the important achievements made after the passage of the 2013 *Affordable Care Act* (ACA); nationwide, the uninsured share of Latinos (U.S. and foreign born) fell from 40.2 percent in 2013 to 24.9 percent in 2018. See Jesse C. Baumgartner et al., "How the Affordable Care Act Has Narrowed Racial and Ethnic Disparities in Access to Health Care" (issue brief, Commonwealth Fund, New York, January 2020).

75 Isabel T. Lagomasino et al., "Disparities in Depression Treatment for Latinos and Site of Care," *Psychiatric Services* 56, no. 12 (2005): 1517–1523.

76 Martha Hostetter and Sarah Klein, "In Focus: Identifying and Addressing Health Disparities among Hispanics," *The Commonwealth Fund*, December 27, 2018.

77 Melissa Chinchilla, Joy Moses, and Alex Visotzky, "Increasing Latino Homelessness - What's Happening, Why, and What to Do About It" (research brief, National Alliance to End Homelessness, Washington, DC, January 2023).

78 National Low Income Housing Coalition, "Latino Households Face Challenges in Accessing Housing Assistance Programs," accessed October 30, 2023.

79 Julia Gelatt, *Immigrant Workers: Vital to the U.S. COVID-19 Response, Disproportionately Vulnerable* (Washington, DC: Migration Policy Institute, 2020).

TABLE 14
Socioeconomic and Immigration Status Characteristics of Latino Immigrants in the United States

<i>Socioeconomic Characteristics, 2021</i>	
Total number of Latino immigrants	19,910,000
Latino % of all immigrants	44%
Latino immigrant % of total U.S. population	6%
<i>Age distribution</i>	
Under age 18 years old	5%
18 to 64 years old	81%
Over 65 years old	14%
<i>Income status</i>	
Below 100% of the Federal Poverty Level (FPL)	17%
Between 100% and 200% of the FPL	25%
200% or higher than the FPL	58%
<i>Immigration Status Characteristics, 2019</i>	
Naturalized citizens	31%
Legal noncitizens	33%
Unauthorized immigrants	36%

Notes: Latinos may be of any race. Legal noncitizens include lawful permanent residents (or green-card holders) and nonimmigrant visa holders such as international students and temporary workers. Unauthorized immigrants include noncitizens who entered the country illegally as well as those who overstayed visas; also included in this group are Deferred Action for Childhood Arrivals (DACA) recipients, Temporary Protected Status (TPS) holders, and some asylum applicants. Poverty levels are calculated for individuals based on family size and annual income. The federal poverty level was \$26,500 for a family of four in 2021, higher for larger families and lower for smaller ones.

Sources: The data on population size, age, and income status are from Migration Policy Institute (MPI) tabulation of U.S. Census Bureau data from the 2021 American Community Survey (ACS). The 2019 data on immigration status derive from MPI analysis of U.S. Census Bureau data from the pooled 2015–19 ACS and the 2008 Survey of Income and Program Participation (SIPP), weighted to 2019 unauthorized immigrant population estimates provided by Jennifer Van Hook of The Pennsylvania State University.

9 Conclusion

Many federal programs and services provide important support to individuals and families in need. These public benefits have various, usually complex, eligibility requirements. For immigrants, additional eligibility criteria come into play, particularly those stemming from the 1996 federal law that restricts many noncitizens' eligibility to most federal public benefits programs. Restricted access to public benefits and other sources of support have a proven, strong effect on the health and well-being of immigrant families, including many with U.S.-citizen children.

Perhaps most notably, the 1996 law introduced a five-year waiting period before immigrants granted permanent residence can be eligible for benefits, with some exceptions. Although the legislation explicitly named four programs—Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Medicaid, and the Supplemental Nutrition Assistance Program (SNAP)—other federal benefits

described in this report, such as housing assistance and federal student aid, impose similar restrictions on certain groups of noncitizens. With the exception of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), unauthorized immigrants are ineligible for all of the federal programs and benefits reviewed here—as was the case before the 1996 law.

The policy decisions made over the years leave a confusing patchwork of eligibility policies that make many groups of noncitizens eligible for some benefits but not others, while others are excluded completely. In some cases, particularly for entitlement programs such as Social Security and Medicare, legal noncitizens may be theoretically eligible for benefits, but requirements related to length and type of U.S. work history make it difficult for many to participate. In other cases, access to programs—such as the Earned Income Tax Credit (EITC) and REAL ID compliant driver's licenses—is related not to immigration status, per se, or length of U.S. residence, but access to work authorization and valid Social Security numbers. Immigration status also shapes noncitizens' access to work authorization, an important factor in the ability of many to find stable employment and earn a family-sustaining wage.

Finally, while federal law restricts access to federally funded programs and services for many noncitizens, the report also highlights examples of how states and localities may offer alternative forms of support. In the cases of California and Illinois, state authorities have expanded the access that noncitizens (sometimes including unauthorized immigrants) have to certain programs and services, thereby reducing the hardships that flow from the complexity of federal law, which can represent a barrier even for noncitizens who are eligible for key benefits.

The policy decisions made over the years leave a confusing patchwork of eligibility policies that make many groups of noncitizens eligible for some benefits but not others, while others are excluded completely.

Appendix. Additional Data Tables on Latino Immigrants

TABLE A-1

Number of Latino Immigrants and Their Share of the Total Population, by State, 2021

	Number of Latino Immigrants	Latino Share of All Immigrants	Latino Immigrant Share of Total Population
United States	19,910,000	44%	6%
Alabama	82,000	47%	2%
Alaska	11,000	17%	1%
Arizona	558,000	61%	8%
Arkansas	87,000	60%	3%
California	5,063,000	48%	13%
Colorado	274,000	49%	5%
Connecticut	165,000	30%	5%
Delaware	28,000	28%	3%
District of Columbia	31,000	34%	5%
Florida	2,645,000	58%	12%
Georgia	396,000	36%	4%
Hawaii	12,000	4%	1%
Idaho	70,000	60%	4%
Illinois	752,000	42%	6%
Indiana	150,000	40%	2%
Iowa	57,000	33%	2%
Kansas	112,000	52%	4%
Kentucky	62,000	34%	1%
Louisiana	93,000	46%	2%
Maine	–	6%	0%
Maryland	297,000	31%	5%
Massachusetts	286,000	23%	4%
Michigan	123,000	18%	1%
Minnesota	102,000	20%	2%
Mississippi	30,000	46%	1%
Missouri	71,000	29%	1%
Montana	–	19%	0%
Nebraska	75,000	53%	4%
Nevada	304,000	53%	10%
New Hampshire	11,000	14%	1%
New Jersey	805,000	38%	9%

TABLE A-1 (cont.)

Number of Latino Immigrants and Their Share of the Total Population, by State, 2021

	Number of Latino Immigrants	Latino Share of All Immigrants	Latino Immigrant Share of Total Population
New Mexico	146,000	76%	7%
New York	1,412,000	32%	7%
North Carolina	411,000	47%	4%
North Dakota	–	16%	1%
Ohio	98,000	17%	1%
Oklahoma	120,000	55%	3%
Oregon	168,000	40%	4%
Pennsylvania	241,000	26%	2%
Rhode Island	75,000	46%	7%
South Carolina	122,000	45%	2%
South Dakota	7,000	26%	1%
Tennessee	169,000	45%	2%
Texas	3,252,000	64%	11%
Utah	150,000	54%	4%
Vermont	–	11%	1%
Virginia	345,000	33%	4%
Washington	296,000	26%	4%
West Virginia	6,000	20%	0%
Wisconsin	114,000	38%	2%
Wyoming	–	38%	1%

Notes: “–” represents a population with a sample size too small to produce an estimate. Latinos may be of any race.

Source: Migration Policy Institute (MPI) tabulation of U.S. Census Bureau data from the 2021 American Community Survey (ACS).

TABLE A-2

Age Distribution of Latino Immigrants, by State, 2021

	Under 18 Years Old	18 to 64 Years Old	Over 65 Years Old
United States	5%	81%	14%
Alabama	10%	84%	–
Alaska	–	–	–
Arizona	3%	83%	14%
Arkansas	–	88%	–
California	3%	81%	16%
Colorado	6%	87%	8%
Connecticut	6%	83%	10%
Delaware	–	90%	–
District of Columbia	–	79%	–
Florida	6%	74%	20%
Georgia	5%	87%	7%
Hawaii	–	85%	–
Idaho	–	84%	9%
Illinois	4%	82%	14%
Indiana	8%	84%	8%
Iowa	–	89%	–
Kansas	8%	84%	7%
Kentucky	–	86%	–
Louisiana	13%	76%	11%
Maine	–	–	–
Maryland	7%	84%	9%
Massachusetts	8%	81%	11%
Michigan	–	87%	6%
Minnesota	9%	83%	9%
Mississippi	–	85%	–
Missouri	–	85%	–
Montana	–	–	–
Nebraska	–	82%	–
Nevada	3%	84%	12%
New Hampshire	–	83%	–
New Jersey	7%	80%	14%
New Mexico	–	82%	14%
New York	5%	78%	16%
North Carolina	8%	85%	7%

TABLE A-2 (cont.)

Age Distribution of Latino Immigrants, by State, 2021

	Under 18 Years Old	18 to 64 Years Old	Over 65 Years Old
North Dakota	–	–	–
Ohio	13%	79%	8%
Oklahoma	–	88%	6%
Oregon	–	88%	9%
Pennsylvania	10%	81%	9%
Rhode Island	–	79%	12%
South Carolina	7%	85%	8%
South Dakota	–	–	–
Tennessee	14%	81%	5%
Texas	6%	82%	13%
Utah	4%	89%	7%
Vermont	–	–	–
Virginia	8%	84%	9%
Washington	5%	88%	7%
West Virginia	–	–	–
Wisconsin	4%	89%	7%
Wyoming	–	–	–

Notes: “–” represents a population with a sample size too small to produce an estimate. Latinos may be of any race.

Source: MPI tabulation of U.S. Census Bureau data from the 2021 ACS.

TABLE A-3

Immigration Status Distribution of Latino Immigrants, by State, 2019

	Naturalized Citizens	Legal Noncitizens	Unauthorized Immigrants
United States	31%	33%	36%
Alabama	18%	30%	52%
Alaska	58%	24%	–
Arizona	30%	34%	36%
Arkansas	22%	35%	44%
California	33%	32%	35%
Colorado	24%	35%	41%
Connecticut	30%	32%	38%
Delaware	25%	31%	44%
District of Columbia	30%	36%	34%
Florida	47%	32%	21%
Georgia	20%	32%	48%
Hawaii	50%	27%	23%
Idaho	27%	37%	37%
Illinois	32%	33%	35%
Indiana	23%	35%	43%
Iowa	27%	36%	37%
Kansas	23%	34%	43%
Kentucky	18%	37%	45%
Louisiana	23%	29%	48%
Maine	46%	–	–
Maryland	25%	31%	44%
Massachusetts	37%	34%	29%
Michigan	28%	37%	35%
Minnesota	23%	35%	43%
Mississippi	20%	30%	50%
Missouri	31%	33%	36%
Montana	46%	37%	–
Nebraska	26%	34%	40%
Nevada	30%	34%	36%
New Hampshire	42%	31%	27%
New Jersey	40%	28%	32%
New Mexico	31%	35%	34%
New York	39%	31%	30%
North Carolina	18%	33%	49%

TABLE A-3 (cont.)

Immigration Status Distribution of Latino Immigrants, by State, 2019

	Naturalized Citizens	Legal Noncitizens	Unauthorized Immigrants
North Dakota	–	32%	–
Ohio	29%	30%	41%
Oklahoma	19%	34%	47%
Oregon	23%	35%	42%
Pennsylvania	34%	33%	32%
Rhode Island	42%	31%	27%
South Carolina	19%	32%	49%
South Dakota	17%	38%	45%
Tennessee	15%	31%	54%
Texas	24%	35%	40%
Utah	24%	34%	41%
Vermont	–	–	–
Virginia	27%	30%	42%
Washington	22%	34%	44%
West Virginia	43%	34%	–
Wisconsin	25%	34%	41%
Wyoming	18%	34%	48%

Notes: “–” represents a population with a sample size too small to produce an estimate. Latinos may be of any race. Legal noncitizens include lawful permanent residents (or green-card holders) and nonimmigrant visa holders such as international students and temporary workers. Unauthorized immigrants include noncitizens who entered the country illegally as well as those who overstayed visas; also included in this group are DACA recipients, TPS holders, and some asylum applicants.

Source: These 2019 data derive from MPI analysis of U.S. Census Bureau data from the pooled 2015–19 ACS and the 2008 Survey of Income and Program Participation (SIPP), weighted to 2019 unauthorized immigrant population estimates provided by Jennifer Van Hook of The Pennsylvania State University.

TABLE A-4
Income Distribution of Latino Immigrants, by State, 2021

	Below 100% of the Federal Poverty Level (FPL)	Between 100% and 200% of the FPL	200% or Higher than the FPL
United States	17%	25%	58%
Alabama	26%	31%	43%
Alaska	–	–	–
Arizona	18%	26%	56%
Arkansas	19%	26%	55%
California	15%	25%	60%
Colorado	14%	23%	63%
Connecticut	12%	24%	64%
Delaware	–	29%	56%
District of Columbia	–	–	74%
Florida	15%	24%	61%
Georgia	18%	25%	57%
Hawaii	–	–	75%
Idaho	11%	32%	57%
Illinois	14%	24%	62%
Indiana	15%	24%	62%
Iowa	14%	27%	59%
Kansas	19%	26%	55%
Kentucky	28%	31%	42%
Louisiana	23%	23%	54%
Maine	–	–	–
Maryland	16%	22%	62%
Massachusetts	21%	20%	59%
Michigan	16%	24%	60%
Minnesota	13%	30%	57%
Mississippi	23%	41%	36%
Missouri	17%	27%	56%
Montana	–	–	–
Nebraska	18%	27%	56%
Nevada	15%	27%	58%
New Hampshire	5%	7%	88%
New Jersey	19%	22%	59%
New Mexico	24%	28%	48%
New York	18%	22%	60%

TABLE A-4 (cont.)

Income Distribution of Latino Immigrants, by State, 2021

	Below 100% of the Federal Poverty Level (FPL)	Between 100% and 200% of the FPL	200% or Higher than the FPL
North Carolina	23%	28%	49%
North Dakota	–	–	–
Ohio	22%	20%	58%
Oklahoma	17%	30%	53%
Oregon	15%	30%	55%
Pennsylvania	21%	25%	54%
Rhode Island	20%	24%	56%
South Carolina	23%	28%	48%
South Dakota	–	–	–
Tennessee	22%	34%	44%
Texas	20%	28%	51%
Utah	11%	24%	65%
Vermont	–	–	–
Virginia	16%	20%	65%
Washington	17%	25%	58%
West Virginia	–	–	–
Wisconsin	19%	29%	52%
Wyoming	–	–	–

Notes: “–” represents a population with a sample size too small to produce an estimate. Latinos may be of any race. Poverty levels are calculated for individuals based on family size and annual income. The federal poverty level was \$26,500 for a family of four in 2021, higher for larger families and lower for smaller ones.

Source: MPI tabulation of U.S. Census Bureau data from the 2021 ACS.

About the Authors



VALERIE LACARTE

Valerie Lacarte is a Senior Policy Analyst with the Migration Policy Institute (MPI) U.S. Immigration Policy Program, where she contributes to research design and conducts data analysis on a range of issues, including native-immigrant gaps in socioeconomic outcomes and access to public benefits for vulnerable immigrant and humanitarian populations.

Dr. Lacarte earned a PhD in economics from American University, an MSc in economics from Université de Montréal, and a BA in economics from Université du Québec à Montréal. For her PhD dissertation, she used a mixed-methods approach to study the integration of Caribbean immigrants into the U.S. labor market and the intersectionality of race, ethnicity, and cultural gender norms.



JULIA GELATT

Julia Gelatt is Associate Director of the U.S. Immigration Policy Program at MPI. Her work focuses on the legal immigration system, demographic trends, and the implications of local, state, and federal U.S. immigration policy. Previously, she worked as a Research Associate at the Urban Institute.

Dr. Gelatt earned her PhD in sociology, with a specialization in demography, from Princeton University, where her work focused on the relationship between immigration status and children's health and well-being. She earned a bachelor of the arts in sociology/anthropology from Carleton College.



ASHLEY PODPLESKY

Ashley Podplesky was a Research Intern with MPI's U.S. Immigration Policy Program, where she contributed to research and policy analysis on topics including asylum applicants at the U.S.-Mexico border, access to public benefits, the U.S. immigration court system, and climate migration. Prior to MPI, she worked as an immigration paralegal in Seattle, WA, assisting clients with applications for family and employment-based immigration benefits.

Ms. Podplesky has a Master's of Public Administration from the University of Washington in Seattle, WA, and BA in social work and international affairs from Eastern Washington University in Cheney, WA.

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www.migrationpolicy.org

1275 K St. NW, Suite 800, Washington, DC 20005
202-266-1940

