

REMEMBER:

1. *Some benefits are available regardless of immigration status.*
 - Any immigrant can qualify for WIC while pregnant or with a child under 5.
 - Anyone who does not qualify for Medicaid because of their immigration status can qualify for EMSA for labor and delivery and many other emergencies.
 2. *All lawfully present immigrants who do not qualify for Medicaid can purchase health plans on the Exchange and get assistance from the federal government to reduce the cost of premiums (costs can be as low as 2% of income). This does not include undocumented immigrants or immigrants with DACA.*
 3. *Public Charge does not apply to many immigrants.*
 - Benefits that a family member receives do not impact the Public Charge considerations of another family member. • Public Charge no longer applies to Medicaid and SNAP.
 - Public Charge never applies to humanitarian visa applicants and holders (asylee, refugee, T visa, U visa, VAWA, SIJS).
4. *This chart represents an incomplete list of all benefits available and of statuses that qualify for benefits, for the sake of simplicity. Refer to other charts offered by NMCLP for more information about all immigrants and types of benefits.*

Humanitarian Statuses, part 1

Status	Eligibility	Notes
Asylee, <i>approved</i>	SNAP, Medicaid, TANF, RCA, RMA	See last page for RCA (refugee cash assistance) and RMA (refugee medical assistance) definitions and qualifications.
Refugee	SNAP, Medicaid, TANF, RCA, RMA	See last page for RCA (refugee cash assistance) and RMA (refugee medical assistance) definitions and qualifications.
T visa, <i>prima facie</i> determination or approved, principal or derivative	SNAP, Medicaid, TANF	
VAWA, <i>pending</i>	Medicaid, TANF	ONLY IF need for benefits has substantial connection to DV. If under 18, then also eligible for SNAP. If over 18, then eligible for SNAP only 5 years after receipt date.

VAWA, <i>prima facie</i> determination or approved, principal or derivative	Medicaid, TANF	If under 18, then also eligible for SNAP. If over 18, then eligible for SNAP only after 5 years.
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Humanitarian Statuses, part 2, and other Lawfully Present or Lawfully Residing Statuses *It is especially helpful for the following statuses to submit documents or proofs when applying for public benefits.

*Note that “Receipt” and “Approval” Notices are also both known as Form I-797 Notice of Action.

Status	Eligibility	Document Type	Notes
Asylum seeker, <i>pending</i>	Medicaid	Receipt Notice for I-589 or I-730.	ONLY IF: 1) has employment work authorization <i>and</i> is either under 21 or is pregnant; OR: 2) is under 14 <i>and</i> has had an application pending for at least 180 days.
T visa, <i>pending</i> (once granted <i>prima facie</i> or approval, see previous page)	Medicaid	Receipt Notice for I-914	ONLY IF the applicant is pregnant or younger than 21.
SIJS, <i>pending or approved</i>	Medicaid	Receipt Notice or Approval Notice for I-360	ONLY IF the applicant is younger than 21.
U visa, <i>approved</i>	Medicaid	Approval Notice for I-918	ONLY IF the applicant is pregnant or younger than 21.
Deferred Action Status (except for DACA recipients)	Medicaid	Unexpired Deferred Action Notice	ONLY IF the applicant is pregnant or younger than 21.
Lawful Permanent Resident applicant, <i>pending</i> , based on an approved Asylum, Refugee, SIJS, VAWA, or T	Medicaid	Receipt Notice for I-485 and Approval Notice for humanitarian visa petition (asylee, refugee, T, SIJS,	ONLY IF the applicant is pregnant or younger than 21. Also: anyone applying for LPR who last entered before 8/22/96, regardless of the basis for their application or their age, qualifies for Medicaid and General Assistance.

application		VAWA)	
Worker and Student visas	Medicaid	Unexpired Employment Authorization Document, or F or M student visa, or valid I-20	ONLY IF the applicant is pregnant or younger than 21.
Tourist visa (not overstayed)	Medicaid	B1/B2 visa	ONLY IF the applicant is pregnant or younger than 21.
TPS, pending with employment authorization, or approved and unexpired	Medicaid	Receipt Notice and Unexpired Employment Authorization Document, or Approval Notice	ONLY IF the applicant is pregnant or younger than 21.



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Lawful Permanent Residents (green-card holders)

*May have to wait 5 years (known as the 5-year bar) to receive benefits, though there are many exceptions.

*Residents are only subject to public charge if they travel outside of the country for more than six months in a year, or otherwise abandon their residency.

*All Residents can qualify for TANF.

Circumstances of Resident	Eligibility	Notes
If you entered prior to 8/22/96 and remained continuously present	SNAP, Medicaid, TANF	Would also qualify for Medicaid and General Assistance while your application is pending
If you got your green card through Asylum, Refugee, SIJS, VAWA, T	SNAP, Medicaid, TANF	No 5-year bar
If you have had your green card for at least 5 years	SNAP, Medicaid, TANF	

If you are under 18 or 21 years old	SNAP (under 18), Medicaid (under 21), TANF (any age)	
If you can claim 40 quarters of work in the U.S. (about 10 years) from a qualified parent or spouse.	SNAP, TANF (regardless of quarters)	Immigrants also get credit toward their 40 quarters for work performed (1) by parents when the immigrant was under 18; and (2) by spouse during the marriage (unless the marriage ended in divorce or annulment). No credit is given for a quarter worked after Dec. 31, 1996, if a federal means-tested public benefit (SSI, food stamps, TANF, Medicaid, or CHIP) was received in that quarter.
If you are pregnant	Medicaid, TANF	Also eligible for Emergency Medicaid Services for Aliens (EMSA) if you do not qualify for full coverage Medicaid, and for WIC.
If you are also receiving disability related assistance (such as SSI)	SNAP, Medicaid, TANF	
If none of the above apply	TANF	There still may be a rare exception, but otherwise you will have to wait 5 years to be eligible for most benefits other than TANF. Refer to the first page to see what all people are eligible for, regardless of status.

US Citizens

*You cannot lose your citizenship due to public charge concerns (i.e., due to receiving public benefits after obtaining citizenship).

Status	Eligibility	Notes
By birth	SNAP, Medicaid, TANF	And all other benefits
Naturalized	SNAP, Medicaid, TANF	And all other benefits

General

Status	Eligibility	Notes
Undocumented	None	<ul style="list-style-type: none"> • Even if the adults in household are in a status that make them ineligible for benefits, their US Citizen or otherwise eligible children may be eligible for SNAP/Medicaid/TANF/Child Care Assistance/LIHEAP. • Anyone, regardless of status, is eligible for WIC while pregnant or with a child of any status under 5 years of age. • Anyone who does not qualify for Medicaid because of their status could qualify for EMSA for labor and delivery and other emergencies. • Immigrants may also qualify for some hospital care charity programs, county indigent care programs and payment plans to cover medical bills.
DACA	None	
U Visa, <i>pending</i> (once granted deferred action or approved, see previous pages)	None	

TIPS WHEN TALKING TO FAMILIES ABOUT BENEFITS:

1. Family members who qualify can get benefits, even if others (including parents or head of household) do not.
2. Family members who are not seeking benefits, do not have to and should not give information about their status or SSN. If you are applying for EMSA, list your immigration status as “other.” It is illegal for the state to ask for more information.
3. It is almost always illegal for the state to share information with immigration enforcement. HSD cannot report individuals to immigration enforcement unless they know about an order of deportation AND an individual who is unauthorized is seeking SNAP or TANF benefits for themselves.
4. If you are seeking benefits, it helps to provide your immigration status document, but it is not always required. The state must try to verify your status electronically before asking for paperwork. If you list a status that qualifies on your application and meet income requirements, the state must approve Medicaid immediately—even while the verification of immigration status is pending.
5. State agencies make mistakes. If a family has been denied benefits or had them reduced, please encourage them to contact the NM Center on Law and Poverty for assistance and to request a fair hearing.



QUICK BENEFIT DEFINITIONS:

WIC (Special Supplemental Nutrition Program for Women, Infants, and Children): Pregnant, postpartum, or breastfeeding women, and infants or children under 5

(which means that parents, stepparents, guardians, and foster parents can apply for children in their care) with household income at or below 185% FPL (Federal Poverty Level) qualify for free WIC-approved foods like milk, infant formula, eggs, cheese, peanut butter, carrots, beans, and vitamin C-rich juices.

SNAP (Supplemental Nutrition Assistance Program): If household gross income is at or below 165% of FPL and adjusted income is at or below 100% of FPL, then you qualify for money to purchase food. The money is put on an EBT card that works like a debit card. A family of three that makes less than \$2,353 can qualify for up to \$616 per month for food purchases.

Medicaid: This is free healthcare insurance for families that make anywhere between 138% and 300% of FPL, depending on family member's age and abilities. You can also get medical bills paid for the 3 months before you applied for Medicaid. This is known as retroactive Medicaid. To make this happen, check "yes" to one of two questions you will see on the ISD Medicaid application (the two questions are: "Does anyone have unpaid medical bills from the last three months?" or "Has anyone in the household received medical services within the last three months which have not been paid?"). You can apply for retroactive benefits for up to 180 days from the date you first applied.

Child Care Assistance: The Early Childhood Education and Care Department will help pay for your choice of your child's daycare or other childcare costs if you are in school or working and your child is between 6 weeks to 13 years old (18 years old if your child has special care requirements), and your household income is 200% or less of FPL. You may have to pay a portion of costs based on your household income.

RCA (Refugee Cash Assistance): Asylees and Refugees who do not qualify for TANF, can receive RCA for the first 8 months from the date Asylum was granted, including the month in which Refugee status is obtained. Residents that have adjusted from Asylee/Refugee are also eligible for RCA if they do not qualify for TANF.

RMA (Refugee Medical Assistance): Asylees and Refugees applying for Medical Assistance, that do not qualify for any other type of Medical Assistance, can receive Refugee Medical Assistance for their first 8 months from the date Asylum was granted, including the month in which Refugee status is obtained. Residents that have adjusted from Asylee/Refugee are also eligible for RMA.

EMSA (Emergency Medicaid Services for Aliens): EMSA is available if you do not qualify for Medicaid because of immigration status but meet the income and state residency requirements for Medicaid. EMSA will pay for the costs of any qualifying emergency, including labor and delivery, and medical costs up to 60 days after delivery, among other emergencies. You must apply within 90 days after you get emergency care or deliver your baby. The hospital billing or admissions office will have the EMSA Referral for Eligibility form.

TANF/GA/Cash Assistance: HSD can provide you with a small cash grant amount if your household income is below 85% of the FPL and you meet other requirements. Families with dependent children get TANF (Temporary Assistance for Needy Family) and disabled individuals without children can get GA (General Assistance). To get TANF, you may have to meet program work requirements. Individuals have a right to reduced work requirements if they or a family member in their care are disabled, have very young children, are survivors of DV or other good reasons. Applicants should be encouraged to ask for reduced hours and provide all reasons for doing so. Immigrants who do not qualify for TANF, can receive "child only" TANF for children who qualify in their care and will not have to do work hours.

LIHEAP (Low Income Home Energy Assistance Program): LIHEAP pays for heating and cooling costs for households with income at or below 150% of FPL. There needs to be just one US Citizen or eligible Immigrant in the household, even if that person is a child, to be get this benefit.