

CALIFORNIA IMMIGRANT POLICY CENTER

Major Benefit Programs Available to Immigrants in California: October 2010

PROGRAM	“QUALIFIED” IMMIGRANTS ¹ WHO ENTERED THE U.S. BEFORE AUG. 22, 1996	“QUALIFIED” IMMIGRANTS WHO ENTERED THE U.S. ON OR AFTER AUG. 22, 1996	“NOT QUALIFIED” IMMIGRANTS ²
Supplemental Security Income & State Supplemental Payment (SSI/SSP)	<p>Eligible only if:</p> <ul style="list-style-type: none"> • Receiving SSI (or application pending) on Aug. 22, 1996, or • Qualify as disabled,^{3*} or • Refugee, asylee, granted withholding of deportation, Cuban/Haitian entrant, Amerasian immigrant, victim of trafficking, <i>but only during first 7 years after getting status, unless extended,</i>⁴ or • Lawful permanent resident with credit for 40 quarters of work,⁵ or • Veteran, active duty military, their spouse, unremarried surviving spouse, or child,* or • American Indian born in Canada or other Native American tribal member born outside U.S. 	<p>Eligible only if:</p> <ul style="list-style-type: none"> • Refugee, asylee, granted withholding of deportation, Cuban/Haitian entrant, Amerasian immigrant, victim of trafficking, Iraqi or Afghan special immigrants, <i>but only during first 7 years after getting status, unless extended,</i>⁴ or • Lawful permanent resident with credit for 40 quarters of work (but must wait until 5 years after entry before applying),⁵ or • Veteran, active duty military, their spouse, unremarried surviving spouse, or child,* or • American Indian born in Canada or other Native American tribal member born outside U.S. 	<p>Eligible only if:</p> <ul style="list-style-type: none"> • Receiving SSI (or application pending) on Aug. 22, 1996, or • Victim of trafficking, or • American Indian born in Canada or other Native American tribal member born outside U.S.

¹ Qualified immigrants are: (1) lawful permanent residents (LPRs), including Amerasian immigrants; (2) refugees, asylees, persons granted withholding of deportation, conditional entry (in effect prior to Apr. 1, 1980), or paroled for at least one year; (3) Cuban/Haitian entrants; (4) battered spouses and children with a pending or approved (a) self-petition for an immigrant visa, or (b) immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) application for cancellation of removal/suspension of deportation, whose need for benefits has a substantial connection to the battery or cruelty (parent/child of such battered child/spouse are also qualified); and (5) victims of trafficking and their derivative beneficiaries who have obtained a T visa or whose application for a T visa sets forth a prima facie case. (A broader category of trafficking victims who are certified by or receive an eligibility letter from the Office of Refugee Resettlement are eligible for all federal benefits, without regard to their immigration status.)

² Not qualified immigrants include all noncitizens who do not fit within the “qualified immigrant” categories.

³ Must have been lawfully residing in the U.S. on Aug. 22, 1996.

⁴ Effective October 1, 2008, “humanitarian” immigrants who reach the end of the 7-year period or who lost SSI due to this time limit can get 2 additional years of SSI if they (1) are under 18 or over 70; or (2) have been an LPR for less than 6 years; or (3) have a pending application for LPR status, filed within 4 years of getting SSI; or (4) are a Cuban or Haitian entrant; or (5) were granted withholding of deportation or removal; or (6) have a pending application for citizenship. Persons over 18 must submit a declaration that they are making a good faith effort to pursue citizenship. These immigrants can receive SSI until September 30, 2011, if they have a pending application for citizenship.

⁵ LPRs can earn credit if they have worked 40 qualifying 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 benefit (SSI, Medi-Cal, food stamps, CalWORKs, or Healthy Families) was received in that quarter.

* Eligibility may be affected by deeming: a sponsor’s income/resources may be added to the immigrant’s in determining eligibility. For SSI, an LPR whose sponsor signed a traditional affidavit of support (I-134) is subject to deeming for 3 years after gaining LPR status. Deeming is not applied if the immigrant becomes disabled after becoming an LPR. An LPR whose sponsor signs a new affidavit of support (I-864) is subject to deeming until he or she becomes a citizen or has credit for 40 quarters of work — 12-month exception for immigrants who would go hungry or homeless without assistance, and domestic violence victims (exception extended if abuse has been recognized by court, administrative law judge, or U.S. Dept. of Homeland Security). State Cash Assistance Program for Immigrants (CAPI) deeming rules are identical to the SSI rules, except that, regardless of which affidavit was signed, (1) victims of abuse are exempt, and (2) post-Aug. 22, 1996, entrants (whose sponsors do not have a disability) are subject to 10 years of deeming.

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State Cash Assistance Program for Immigrants (CAPI)	<p>Eligible if:</p> <ul style="list-style-type: none"> • Are a senior or person with disabilities who does not meet the immigrant eligibility criteria for federal SSI (above).^{6*} 	<p>Eligible if:</p> <ul style="list-style-type: none"> • Are a senior or person with disabilities who does not meet immigrant eligibility criteria for federal SSI (above).[*] 	<p>Eligible only if:</p> <ul style="list-style-type: none"> • Permanently residing in the U.S. under color of law (PRUCOL), and either 65 years or older or a person with disabilities. • Victim of trafficking or applicant for U visa/interim relief.⁷
Federal Food Stamps	<p>Eligible only if:</p> <ul style="list-style-type: none"> • Are under 18 years old, or • Have been in qualified immigrant status for 5 years or more, or • Were granted refugee, asylum, withholding of deportation/removal, Cuban/Haitian entrant, Amerasian immigrant, victim of trafficking status, or • Lawful permanent resident with credit for 40 quarters of work,⁵ or • Are receiving disability-related assistance,⁸ or • Were 65 years or older on Aug. 22, 1996,⁹ or • Veteran, active duty military, their spouse, unremarried surviving spouse, or child, or • Member of Hmong or Laotian tribe during Vietnam era, when the tribe militarily assisted the U.S.; their spouse, surviving spouse, or child, or • American Indian born in Canada or other Native American tribal member born outside U.S. 	<p>Eligible only if:</p> <ul style="list-style-type: none"> • Are under 18 years old, or • Have been in qualified immigrant status for 5 years or more, or • Were granted refugee, asylum, withholding of deportation/removal, Cuban/Haitian entrant, Amerasian immigrant, victim of trafficking, Iraqi or Afghan special immigrant status, or • Lawful permanent resident with credit for 40 quarters of work,⁵ or • Are receiving disability-related assistance,⁷ or • Veteran, active duty military, their spouse, unremarried surviving spouse, or child,[†] or • Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; their spouse, surviving spouse, or child,[†] or • American Indian born in Canada or other Native American tribal member born outside U.S. 	<p>Eligible only if:</p> <ul style="list-style-type: none"> • Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S., who is now lawfully present in the U.S.; spouse, surviving spouse or child of tribe member, or • Victim of trafficking, or • American Indian born in Canada or other Native American tribal member born outside U.S.

⁶ Qualified immigrants who were lawfully residing in the U.S. on Aug. 22, 1996, can receive SSI if they can show that they have a disability. Seniors who have applied for SSI on this basis can receive CAPI while they are waiting for a disability determination from the Social Security Administration.

⁷ Victims of trafficking may be eligible for state or local benefits (CAPI, CFAP, CalWORKs, Medi-Cal, IHSS, GA, Refugee Cash Assistance, Refugee Medical, Refugee Social Services) pending certification for federal benefits. Applicants for U visas/interim relief and U visa-holders may also be eligible for these services. See www.dss.cahwnet.gov/getinfo/acl06/pdf/06-60.pdf.

⁸ Disability-related benefits include: Social Security disability, state disability or retirement pension, railroad retirement disability, veteran’s disability, disability-based Medi-Cal, or possibly General Assistance for certain immigrants with disabilities.

⁹ Must have been lawfully residing in the U.S. on Aug. 22, 1996.

[†] Eligibility may be affected by deeming: a sponsor’s income/resources may be added to the immigrant’s in determining eligibility. For food stamps: deeming does not apply to lawful permanent residents (LPRs) whose sponsor signed a “traditional” affidavit of support (I-134). Deeming does not apply to children under 18 years old. Adult LPRs whose sponsor signed a new affidavit of support (I-864) are subject to deeming until they become citizens or secure credit for 40 quarters of work — with 12-month exception for immigrants who would go hungry or homeless without assistance, and domestic violence victims (exception extended if abuse has been recognized by court, administrative law judge, or the U.S. Dept. of Homeland Security). There is no deeming if the sponsor lives in the same food stamp household. State food stamp deeming rules are identical to the federal food stamp rules, except that adults with new affidavits of support (I-864) are subject to 3 years of deeming and there is no time limit on the domestic violence exemption.

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State Food Stamps (CFAP)	Eligible only if: <ul style="list-style-type: none"> Do not meet immigrant eligibility criteria for federal food stamps (above). 	Eligible if: <ul style="list-style-type: none"> Do not meet immigrant eligibility criteria for federal food stamps (above). † 	Eligible only if: <ul style="list-style-type: none"> Lawful temporary resident, or Victim of trafficking or applicant for U visa/interim relief.⁷
Child Nutrition Programs: <ul style="list-style-type: none"> Women, Infants and Children (WIC) School Lunch & Breakfast Summer Food 	Eligible	Eligible	Eligible
CalWORKs (replaced AFDC)	Eligible	Eligible ‡	Eligible only if: <ul style="list-style-type: none"> Victim of trafficking or applicant for U visa/interim relief,⁷ or Granted indefinite stay of deportation/removal, indefinite voluntary departure, or Permanently residing in the U.S. under color of law (PRUCOL).
Full Scope Medi-Cal	Eligible	Eligible	Eligible only if: <ul style="list-style-type: none"> Permanently residing in the U.S. under color of law (PRUCOL), or Victim of trafficking or applicant for U visa/interim relief,⁷ or American Indian born in Canada or other Native American tribal member born outside U.S.
Healthy Families	Eligible	Eligible	Eligible only if: <ul style="list-style-type: none"> Victim of trafficking or applicant for U visa/interim relief,⁷ or Lawfully residing in the U.S.
Emergency Medi-Cal (includes labor/delivery)	Eligible	Eligible	Eligible
Medi-Cal Prenatal Care	Eligible	Eligible	Eligible
Access for Infants and Mothers (AIM)	Eligible	Eligible	Eligible
Breast and Cervical Cancer Programs (for women with breast or cervical cancer who do not have a disability)	Eligible for full-scope Medi-Cal services.	Eligible for full-scope Medi-Cal services.	Eligible for cancer treatment, for a limited time: 18 mos. for breast cancer; 24 mos. for cervical cancer. (But victims of trafficking can get full-scope Medi-Cal.)

‡ Eligibility may be affected by deeming: a sponsor’s income/resources may be added to the immigrant’s in determining eligibility; an LPR whose sponsor signed a new affidavit of support (I-864) is subject to deeming until he or she becomes a citizen or has credit for 40 quarters of work — with 12-month exception for immigrants who would go hungry or homeless without assistance, and domestic violence victims (exception extended if abuse recognized by court, administrative law judge, or U.S. Dept. of Homeland Security).

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Medi-Cal Long-Term Care	Eligible	Eligible	Eligible • Court order prevents state from denying long-term care services based on immigration status.
Child Health and Disability Prevention Program (CHDP) and the CHDP “Gateway”	Eligible • Children can receive up to two months of full-scope Medi-Cal, which can be extended if they file a Medi-Cal or Healthy Families application.	Eligible • Children can receive up to two months of full-scope Medi-Cal, which can be extended if they file a Medi-Cal or Healthy Families application.	Eligible • Children of all statuses can receive up to two months of full-scope Medi-Cal. ¹⁰ PRUCOL children can continue full-scope services if they file a Medi-Cal application.
California Children’s Services (CCS)	Eligible	Eligible	Eligible
In-Home Supportive Services (IHSS)	Eligible ^{‡‡}	Eligible ^{‡‡}	Eligible only if: • Permanently residing in the U.S. under color of law (PRUCOL), or • Victim of trafficking or applicant for U visa/interim relief. ⁷
Medicare (“Premium Free”) Eligibility is based on work history. <u>Part A</u> (hospitalization) is premium-free; <u>Part B</u> (outpatient) can be purchased.	Eligible	Eligible	Eligible only if: • Lawfully present.
Premium “Buy In” Medicare¹¹	Eligible only if: • Lawful permanent resident who has resided continuously in the U.S. for at least 5 years.	Eligible only if: • Lawful permanent resident who has resided continuously in the U.S. for at least 5 years.	Eligible only if: • Lawful permanent resident who has resided continuously in the U.S. for at least 5 years.
County Medical Services¹²	Eligible	Eligible	Varies by county
General Assistance	Eligible	Eligible	Varies by county

¹⁰ Children currently enrolled in “emergency only” Medi-Cal cannot get full-scope services, but can receive periodic “well-child” exams at no cost.

¹¹ The same immigrant rules apply to the **Qualified Medicare Beneficiary**, **Specified Low-Income Medicare Beneficiary**, and **QI-1** programs.

¹² A number of counties have local health coverage initiatives that insure children and/or families regardless of their immigration status. Detailed program descriptions are available at www.ihps.org.

‡‡ Eligibility may be affected by deeming: all or some of a sponsor’s income/resources may be added to the immigrant’s in determining eligibility — an LPR whose sponsor signed a traditional affidavit of support (I-134) is subject to deeming for 3 years after gaining LPR status. In IHSS, 3-year deeming is not applied if the immigrant becomes disabled after entry. An LPR whose sponsor signs a new affidavit of support (I-864) is subject to deeming until he or she becomes a citizen or has credit for 40 quarters of work — with 12-month exception for immigrants who would go hungry or homeless without assistance, and domestic violence victims (exception extended if abuse is recognized by court, administrative law judge, or the U.S. Dept. of Homeland Security).