

GUIDE TO PUBLIC BENEFIT ELIGIBILITY FOR VARIOUS CLASSIFICATIONS OF IMMIGRANTS IN OREGON																				
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			Asylees	Refugees	Granted withholding of removal	Granted Parole for a year or more	Afghan Parolees	Ukrainian Parolees	Conditional entrants (prior to 4/1/1980)	Battered spouses/ (VAWA) children of citizen or LPR	Cuban/Haitian entrants 45 cfr 401.2	Lawful Permanent Residents	T-Visa Status (Trafficking Survivors)	other lawfully present immig. (including TPS) 8 CFR § 1.3	U VISA	DACA	PRUCOL	Undocumented	COFA residents (Micronesia, Palau,, Marshall Islands	Special Immigrant Visa (SIV) Afghan and Iraqi translators
			FINANCIAL ASSISTANCE PROGRAMS																	
TANF (Temporary Assistance for Needy Families)			YES	YES	YES	YES	19	20	YES	YES	YES	YES	YES	NO 22	NO 22	NO 22	NO 22	NO 22	YES	YES
Refugee Program Assistance			YES	YES	YES	NO	19	20	NO	NO	YES	NO	YES	NO	NO	NO	NO	NO	NO	YES
Employment Related Day Care (at least one child must have qualifying status – status of parents don’t matter)			YES	YES	YES	YES	19	20	YES	YES	YES	YES	YES	NO	NO	NO	NO	15	15	YES
TA-DVS (Temporary Assistance for Domestic Violence Survivors)			YES	YES	YES	YES	19	20	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Supplemental Security Income (SSI)			2	2	2	1	2	2	1	1	2	1	2	NO	NO	NO	NO	NO	NO	2
"TITLE II" Social Security Benefits (eligibility based on own work or on being a dependent or survivor of a worker)			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	4	4	4	4	4	YES
Child and Dependent Care Tax Credit (Federal and State)			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Earned Income Tax Credit (Federal and State)			8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	NO	8	8
Unemployment Insurance			6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	NO	6	6
Federal Financial Aid			YES	YES	14	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES
			FOOD, NUTRITION, and EDUCATION PROGRAMS																	
SNAP (Food Stamps)			YES	YES	YES	3	19	20	3	3	YES	3	YES	NO 22	NO 22	NO 22	NO 22	NO 22	YES	YES
WIC			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
School/Summer Meals Programs			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Special Education Services (children)			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
			HOUSING AND WEATHERIZATION PROGRAMS																	
Section 8 Housing/ Public Housing Assistance (at least one person must have qualifying status; benefits may be prorated)			YES	YES	YES	YES	YES	YES	YES	YES	9	YES	YES	NO 22	NO 22	NO 22	NO 22	NO 22	YES 23	YES
			HOUSING AND WEATHERIZATION PROGRAMS continued																	
Section 515 Rural Housing			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

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Section 514/516 Farm Labor Housing (immigrant status requirement applies only to head of household)			NO	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES	YES	NO	NO	NO	NO	
Low Income Housing Tax Credit (LIHTC) Housing			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
LIHEAP Heating, Cooling, and Crisis Assistance Programs			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	
LIHEAP Weatherization Assistance and DOE Weatherization Assistance Programs (multiunit dwellings)			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
LIHEAP Weatherization Assistance and DOE Weatherization Assistance Programs (single unit dwellings)			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	
Oregon Property Tax Deferral for Seniors or the Disabled			5	5	5	5	5	5	5	5	5	5	5	5	5	5	NO	5	5	
		MEDICAL PROGRAMS																		
MEDICARE PART A Premium Free			12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	NO	12	12
MEDICARE PART A Pay-In			NO	NO	NO	NO	NO	NO	NO	NO	10	NO	NO	NO	NO	NO	NO	NO	NO	NO
OREGON HEALTH PLAN (OHP) Medicaid coverage (deeming may apply) * Different rules apply for youth in foster care			YES	YES	YES	11	YES 19	YES 20	11	11	YES	11,7	YES	7	7	NO	7	NO	YES 21	YES
Emergency Medicaid CWM and CWM Prenatal (CWM +)			YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24	YES 24
Oregon Prescription Drug Program			YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
ACA Health Insurance			YES	YES	YES	YES	YES	YES	11	11	YES	11	YES	YES	YES	YES 25	13	NO	YES	YES
Cover All Kids – State paid full OHP coverage for kids w/o immigration status to qualify for OHP federal Medicaid coverage (under age 19 only)			11, 7	11, 7	11, 7	11, 7	11, 7	11, 7	11,7	11,7	11,7	11,7	7, 16	7, 16	YES	16	YES	NO	NO	
Healthier Oregon – State paid full OHP coverage for people ages 19 and older who don’t qualify for OHP federal Medicaid coverage due to immigration status			NO	NO	NO	YES 17	YES 17	YES 17	YES 17	YES 17	NO	18	NO	YES 17	YES 17	YES 17	YES 17	YES 17	YES 17	NO

For questions and advice call the Legal Aid and Oregon Law Center **Public Benefits Telephone Hotline 1-800-520-5292**

(Chart originally created by Megan Dorton from Legal Aid Services of Oregon, last updated and revised by Beth Englander at Oregon Law Center 6-12-2024)

Key:

1. LPRs are eligible for SSI only if they (a) were lawful residing in the US on 8/22/1996 and have a qualifying disability; or : b) began receiving SSI (or had an application pending) before 8/22/1996; or c) can be credited with 40 quarters of work and have had a “qualified” immigrant status for five years, or (d) have a military connection, discussed below. Work that a spouse or parent performs may count toward to the 40 credits for SSI purposes. Quarters earned on or after January 1, 1997 cannot be counted if the worker or applicant received a federal means-tested public benefit during that quarter (SSI, SNAP, Medicaid, CHIP or TANF).

Battered immigrants, persons granted parole into the US for at least a year eligible for SSI only if: a) they were lawfully residing in the US on August 22, 1996 and have a qualifying disability, or b) have a military connection, discussed below. See National Immigration Law Center’s *Overview of Immigrant Eligibility for Federal Programs* <https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/>.

2. Eligible during the seven year period after having been granted the relevant status.

3. In order to qualify for SNAP (food stamps), the immigrant must meet one of the following requirements: a) military connection as described in (1); 2) were lawfully residing in the US on August 22, 1996 and (a) are receiving certain disability-related benefits or (b) were born prior to August 22, 1931, or 3) are under age 18; or 4) have held a qualified status for five years or longer, or (5) are a member of certain Hmong/Laotian tribe, or (6) certain Native Americans born abroad.

4. Eligible only if they applied for Social Security before December 1, 1996, and not under final orders of deportation.

5. A valid social security number is required to claim the deferral

6. Eligibility for unemployment is based in part on the immigrant’s status at the time of base period earnings. During the base period earnings, the immigrant must have had work authorization or been in PRUCOL status. The Department of Labor uses a restrictive definition of PRUCOL. Furthermore, the Department of Labor takes the position that in order to be considered “available” to work (a requirement to receive unemployment), the immigrant must be authorized to work at the time of application and during the receipt of benefits. Advocates have had some success expanding the PRUCOL definition (related to the status during the base period). Please refer denials on these bases to LASO for potential representation.

7. Eligible for benefits under CHIP only if pregnant or under age 19 and either is “lawfully present” (including but not limited to any LPR) or is an individual in non-immigrant classifications who resides in Oregon and intends to stay in the state for an indefinite period, including those individuals as specified in 8 CFR 1.3 (for the Social Security definition) or 45 CFR 152.2 (for the ACA/Medicaid definition) which includes U visa holders.

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8. For EITC, tax filer and any children the tax filer is claiming must have a valid social security number.
9. Although excluded from §214 of the Housing and Community Development Act of 1980, which restricts federal housing on the basis of citizenship status, Cuban Haitian entrants are entitled to any federal housing benefits for which qualified noncitizens are eligible. In 2003, Congress directed HUD and the DOJ to include qualified immigrants in the Act. H.R. Rep. No. 108-10, 108th Cong., 1st Sess. 476, 1495 (Feb. 12, 2003), but HUD has yet to take action on Cuban Haitian entrants.
10. LPRs must have resided continuously in the U.S. for five years or longer to qualify for Premium “Buy-In” Part A Medicare.
11. In order to qualify for the Oregon Health Plan paid for by federal Medicaid funds, the immigrant must meet one of the following requirements: a) be a qualified immigrant who resided in the U.S. prior to 8/22/1996 and have been continuously present; b) became a qualified non-citizen prior to 8/22/1996; c) have military connection as described in (1); d) receive SSI ; e) be under age 19; or f) have held qualified status for five years or longer, or (e) be in one of the “humanitarian immigrant” categories.
12. To be eligible for "premium free" Medicare Part A, based on a person’s work history an immigrant must be “lawfully present” in the US under SSA rules. Also, the immigrant must be eligible based on authorized employment (i.e. quarters of coverage earned while in a status that allowed authorized employment).
13. Maybe. See Note 7. The ACA eligibility guidelines closely track the “lawfully present” definition under children’s Medicaid, though the ACA applies to adults too. DACA is currently explicitly excluded (check carefully as DACA is under legal challenge at the time of this writing).
14. As a qualified immigrant, non-citizens granted withholding of removal should be eligible if they have a documented pathway to LPR status, though regulations do not include them. Also, note that citizens of the Republic of Palau are eligible for Federal Pell Grants, Federal Supplemental Educational Opportunity Grants, and Federal Work-Study. Citizens of the Federal States of Micronesia and the Republic of the Marshall Islands are eligible for Federal Pell Grants only.
15. Parents who are COFA nationals and who reside in Oregon can get ERDC payments if they have a child with a qualifying status (COFA status is not a qualifying immigration status for the child) who is eligible for childcare. Parents who are undocumented and reside in Oregon can get ERDC payments if they have a child with a qualifying status who is eligible for childcare.
16. Cover All Kids OHP coverage is available to all children under age 19 who would be eligible for Medicaid coverage but for their immigration status. Kids cannot be eligible for another Medicaid program and enroll in Cover all Kids OHP. Some children who are LPRs, but don’t have another concurrent qualifying status, must be an LPR for 5 years before qualifying for Medicaid. Those LPR children in the 5 year waiting period qualify for CHIP (see 7).

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17. Healthier Oregon OHP coverage is available to all adults ages 19 and older who (1) reside in Oregon, (2) don't qualify for Medicaid OHP benefits because of their immigration status, and (3) meet all other OHP eligibility requirements.

18. LPRs can qualify for Healthier Oregon OHP coverage if they are LPRs but are still within the 5 year waiting period to qualify for OHP funded by federal Medicaid when they meet all other OHP eligibility requirements and are ages 19 or older.

19. An individual is eligible if they are a citizen or national of Afghanistan paroled into the U.S. between July 31, 2021 through September 30, 2022. Effective October 1, 2021 until March 31, 2023, or through the end of their parole, whichever is later. An unmarried child under the age of 21 or spouse of said individual, who is granted parole after September 30, 2022 is eligible as well.

20. An individual is eligible if they were paroled into the U.S. between February 24, 2022 and September 30, 2024 and are either (a) a citizen or national of Ukraine or (b) last habitually resided in Ukraine. The spouses and children, and parents, guardians or primary caregivers of unaccompanied children paroled into the U.S. after September 30, 2023 are eligible as well. Effective May 21, 2022 through the end of their parole.

21. 8 U.S.C. § 1641(b)(8). COFA residents over the age of 19 who change their status to Lawful Permanent Resident will be subject to the 5 year LPR waiting period for OHP eligibility. The waiting period is considered to have begun from the time of lawful presence in the US as a COFA national, or December 27, 2020, whichever is more recent. <https://www.medicaid.gov/federal-policy-guidance/downloads/sho21005.pdf>

22. Immigrants without qualifying status cannot qualify for these benefits for themselves, but can apply for and receive these benefits for their children or dependents who do have qualifying status. The non-qualifying immigrant does not have to provide a SSN if they are applying for the benefit for their children or dependents, and not requesting benefits for themselves.

23. 8 U.S.C. § 1612(b)(2)(G), Consolidated Appropriations Act, 2021, Pub. L. 116-260, § 208(c) (Dec. 27, 2020).

24. CWM (Citizen Waived Medical) program is not a separate source of eligibility for Medicaid funds as of July 1, 2023, when Healthier Oregon began covering all adults who didn't qualify for OHP federal Medicaid only due to their immigration status. The state may still bill some emergency medical treatment for people on Cover all Kids and Healthier Oregon to the federal Medicaid program if the treatment were for CWM eligible services, but individuals don't have "CWM" coverage as of July 1, 2023 because if they would have been eligible for CWM, they qualify for full OHP benefits under Healthier Oregon or Cover all Kids OHP coverage.

25. Effective November 1, 2024, CMS changed the definition of "lawfully present" for ACA basic health programs, and all affordability subsidies, to include people with DACA status. 45 CFR 155.20. CMS did not expand this definition for Medicaid and CHIP purposes at this time (6-12-24).

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Sources:

Temporary Assistance for Needy Families: OR. ADMIN. R. 461-120-1205.

ERDC: OR. ADMIN. R. 461-120-0110 (2006); OR. ADMIN. R. 661-120-125 (2010); OR. ADMIN. R. 461-115-0610 (2010); Worker Guide NC #1- Non citizen Charts *available at* <http://apps.state.or.us/caf/fsm/15ncwg1.htm>.

Refugee Program: OR. ADMIN. R. 461-120-1205.

TA-DVS (Temporary Assistance for Domestic Violence Survivors): OR. ADMIN. R. 461-135-1205.

Supplemental Security Income (SSI): 8 U.S.C. § 1612(m).

“Title II” Social Security Benefits (SSDI, Retirement, etc.): 42 U.S.C. § 402; 8 U.S.C. § 1612(f).

Child and Dependent Care Tax Credit (Federal): Internal Revenue Service, *Publication 503: Child and Dependent Care Expenses*, Cat. No. 15004M (2009) *available at* <http://www.irs.gov/pub/irs-pdf/p503.pdf>.

Child and Dependent Care Tax Credit (State): OR. REV. STAT. § 316.078.

Earned Income Tax Credit (Federal): Internal Revenue Service, *Publication 596, Earned Income Credit* (2009) *available at* <http://www.irs.gov/publications/p596/index.html>.

Earned Income Tax Credit (State): OR. REV. STAT. § 315.266.

Oregon Tax Deferral for Disabled and Senior Citizens, ORS 311.666 – 311.701. See also application instructions, *available at*: <http://www.oregon.gov/DOR/PTD/docs/490-015.pdf?ga=t>, citing 42 USC § 405.

Unemployment Insurance: OR. REV. STAT. § 657.184; 8 U.S.C. § 1621; *Gillar v. Employment Div.*, 717 P.2d 131 (Or. 1986).

SNAP (Food Stamps): 8 U.S.C. § 1612; 7 U.S.C. § 2014(i); 7 U.S.C. § 2015(f).

WIC: 7 C.F.R. Part 246.7(c); 8 U.S.C. § 1101.

School/Summer Meals Programs: 42 U.S.C. § 1751; 8 U.S.C. § 1615(a); 3C AM. JUR. 2D Aliens and Citizens § 2191 (2010).

Section 8 Housing Assistance: 24 C.F.R. § 5.500, *et seq.*; 42 U.S.C. § 1436a; U.S. Dep’t of Housing and Urban Dev., Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs (2003).

Public Housing: 24 C.F.R. § 5.500, *et seq.*; 42 U.S.C. § 1436a; U.S. Dep’t of Housing and Urban Dev., Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs (2003).

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Section 515 Rural Housing: 42 U.S.C. § 1471; U.S. Dep't of Housing and Urban Dev., Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs (2003).

Section 514/516 Farm Labor Housing: 42 U.S.C. §§ 1471, 1484(f)(3), 1486(g)(4); U.S. Dep't of Housing and Urban Dev., Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs (2003).

Low Income Housing Tax Credit (LIHTC) Housing: National Immigration Law Center, Guide to Immigrant Eligibility for Federal Programs: Rental Housing Programs 4th ed. (2005) *available at* http://www.nilc.org/pubs/guideupdates/rental_housing_1005.pdf.

LIHEAP: 42 U.S.C. § 8621; 45 C.F.R. § 96.1; 8 U.S.C. §§ 1611, 1641; Interpretation of "Federal Public Benefit", 63 Fed. Reg. 41,658 (1998).

Medicare Part A: 8 U.S.C. § 1611(b)(3); 42 U.S.C. § 139i-2(a)(3); 42 C.F.R. § 406.20(b)(2)(ii); 42 C.F.R. § 407.10.

Medicare Part B: 8 U.S.C. § 1611(b)(3); 42 U.S.C. § 139i-2(a)(3); 42 C.F.R. § 406.20(b)(2)(ii); 42 C.F.R. § 407.10.

Medicaid/Oregon Health Plan: OR. ADMIN. R. 461-120-0125.

Emergency Medicaid- CAWEM: OR. ADMIN. R. 410-120-0000(32) , Oregon Prescription Drug Program: OR. REV. STAT. §414.312.

Healthier Oregon: Or. Rev. Stat. Ann § 414.231(4).

COFA Medicaid eligibility, Consolidated Appropriations Act, 2021, Pub. L. 116-260, § 208(c) (Dec. 27, 2020).