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Revised: January 2011

Eligibility of Noncitizens for Health Care and Cash Assistance Programs

This information brief summarizes noncitizen eligibility for various health care and cash assistance programs. Specifically, the information brief provides information on how the eligibility of noncitizens for health care and cash assistance programs is determined, verification of noncitizen eligibility for health care and cash assistance, and services for new refugees and asylees. The information brief also includes detailed health care and cash assistance eligibility tables and a glossary of immigration terms.

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Determination of Noncitizen Eligibility for Health Care and Cash Assistance Programs

The eligibility of noncitizens for health care and cash assistance programs depends on their U.S. Citizenship and Immigration Services (USCIS) status and varies among programs. For some USCIS statuses, eligibility also depends on when the immigrant entered the United States. Generally, undocumented persons and nonimmigrants¹ are not eligible for most programs, except for coverage of emergency services through Emergency Medical Assistance and Medical Assistance coverage of services through the end of a pregnancy for certain undocumented pregnant women (funded through the Children’s Health Insurance Program).

The table below describes general eligibility requirements for state and federal health care and social services programs. See tables 2 and 3 (beginning on page 8) for more detailed information on eligibility requirements for the various classifications of noncitizens.

Table 1
Noncitizen Eligibility Requirements for State and Federal Programs

Program	Noncitizen Eligibility Requirements Note: U.S. citizens who meet eligibility requirements are eligible for all listed programs.
General Assistance (GA)	Must be a legal noncitizen lawfully residing in the U.S. to be eligible. Legal adult noncitizens who are under age 70 and have lived in the U.S. for at least four years must also meet certain requirements related to English literacy or application for U.S. citizenship. Undocumented persons and nonimmigrants are not eligible.
Minnesota Family Investment Program (MFIP)	Must be a qualified alien or noncitizen otherwise lawfully residing in the U.S. (see Table 3). Noncitizens who are not eligible for federally funded welfare benefits may be eligible for state-funded MFIP benefits. Undocumented persons and nonimmigrants are not eligible.
Minnesota Supplemental Aid (MSA)	Noncitizens may be eligible under some circumstances (see Table 3). Undocumented persons and nonimmigrants are not eligible. Persons who are not eligible for the federal SSI program because of their noncitizen status are not eligible.
Supplemental Security Income (SSI)	Must be a lawful permanent resident. Legal noncitizens who received SSI benefits on August 22, 1996, or who were residing in the U.S. on that date and later became disabled, are eligible.

¹ For definitions of these and other immigration terms, please see the glossary on page 14.

Program	Noncitizen Eligibility Requirements Note: U.S. citizens who meet eligibility requirements are eligible for all listed programs.
SSI (cont.)	Refugees, asylees, and aliens whose deportation has been withheld, Cuban or Haitian entrants, or Amerasian immigrants are eligible for seven years after entering the U.S.
Food Support (FS)	<p>Legal noncitizens may be eligible if they fall into one of the categories specified under federal law (see Table 3).</p> <p>Noncitizens who are not eligible for federally funded FS may be eligible for state-funded food assistance. Undocumented persons and nonimmigrants are not eligible.</p>
Emergency General Assistance	<p>Legal noncitizens may be eligible under certain circumstances (see Table 3).</p> <p>Legal noncitizens who have been denied or terminated from SSI due to noncitizen status are not eligible.</p> <p>Undocumented persons and nonimmigrants are not eligible.</p>
General Assistance Medical Care (GAMC)	<p>Noncitizens who are in the U.S. lawfully and meet residency requirements, but do not have a basis for MA eligibility, may be eligible for GAMC (see Table 2).</p> <p>GAMC does not provide coverage for nonimmigrants and undocumented persons. The 2003 Legislature eliminated GAMC coverage for nonimmigrants and undocumented persons who were under age 18, age 65 or older, blind, or disabled, effective July 1, 2003. On that date, the 2003 Legislature also eliminated emergency GAMC coverage for all other nonimmigrants and undocumented persons.</p>
Medical Assistance (MA)	<p>Noncitizens who are in the U.S. lawfully may be eligible to receive either federally funded or state-funded MA², depending upon their immigration classification and date they entered the U.S. (see Table 2). In general the state provides MA coverage for all groups of noncitizens for which MA eligibility is mandatory or optional under federal law.</p> <p>Undocumented persons are eligible only for coverage of emergency services, including labor and delivery, if they meet all other eligibility criteria (see Emergency MA).</p>

² The federal Children’s Health Insurance Program Reauthorization Act of 2009 allows states to provide Medicaid and CHIP coverage with a federal match to lawfully present noncitizen children under 21 and pregnant women who would not otherwise be eligible due to immigration status. The federal law requires states choosing this option to eliminate the deeming of sponsor income to lawfully present children and pregnant women. Minnesota has chosen this option, effective July 1, 2010, and therefore receives a federal match for groups previously covered through state-funded MA.

Program	Noncitizen Eligibility Requirements Note: U.S. citizens who meet eligibility requirements are eligible for all listed programs.
	<p>Undocumented pregnant women who are uninsured and do not have a spenddown are eligible for covered MA services through the period of pregnancy, including labor and delivery and 60 days postpartum. These services are funded through the Children’s Health Insurance Program (CHIP). To obtain these services, they must meet all other MA requirements except for immigration status.</p>
MinnesotaCare	<p>Noncitizens who are in the U.S. lawfully may be eligible to receive either federally funded or state-funded MinnesotaCare, depending upon their immigration classification and date they entered the U.S. (see Table 2). In most cases, federally funded MinnesotaCare is available for the same groups of individuals listed as potentially eligible for MA with federal financial participation (FFP), and state-funded MinnesotaCare is available for the groups listed as potentially eligible for MA without FFP.</p> <p>Nonimmigrants and undocumented persons are ineligible for both federally funded and state-funded MinnesotaCare.</p>
Emergency Medical Assistance (EMA)	<p>Nonimmigrants and undocumented persons may be eligible if they have a basis of eligibility for MA and meet MA income and asset limits, but are ineligible for MA due to their immigration status (see Table 2).</p> <p>Pregnant women who are ineligible for CHIP-funded MA because they have other insurance or are ineligible without a spenddown may be eligible for payment of labor and delivery costs.</p> <p>Lawfully residing noncitizens who have a basis of eligibility for MA but do not meet MA income and asset standards due to the deeming of sponsor income and assets³ may be eligible.</p>
Group Residential Housing (GRH)	<p>For aged, blind, and disabled participants: noncitizens may be eligible under some circumstances. Persons who are not eligible for the federal SSI program because of their noncitizen status are not eligible.</p> <p>For all other adults: legal noncitizens who are lawfully residing in the U.S. are eligible.</p> <p>Nonimmigrants and undocumented persons are not eligible.</p>

³ Federal law requires the income and assets of sponsors of legal noncitizens to be counted when determining eligibility for certain government programs. Refugees, asylees, and other specified groups of legal noncitizens are exempt from this requirement.

Verification of Noncitizen Eligibility for Cash and Food Support Programs

[Minnesota Statutes, section 256J.32](#), subdivision 4, requires county agencies to verify immigration status at the time of application for MFIP. Subdivision 2 of the same section requires applicants to document all required application information and places the burden of providing documentary evidence to verify eligibility on the applicant. [Minnesota Statutes, section 256J.95](#), subdivision 8, also requires immigration status to be verified for Diversionary Work Program (DWP) applicants.

For applicants who report being noncitizens, counties may need to verify several factors including current immigration status, date of entry into the United States, sponsor's income and assets, and membership in a particular group that is accorded special eligibility. Counties are prohibited from contacting USCIS unless the applicant provides written authorization to do so, except for contacts made through the Systematic Alien Verification for Entitlements (SAVE) process.

The SAVE system is used to validate immigration status of noncitizen applicants for certain cash, food support, and health care programs, or for participants of those programs who report an immigration status change. SAVE is an information-sharing initiative to assist in verifying the immigration status of noncitizens. It allows authorized staff to validate a noncitizen's immigration status information by accessing USCIS data through the Automated Status Verification System database, which contains information on more than 60 million noncitizens.

[Minnesota Statutes, section 256.01](#), subdivision 18, requires the commissioner of human services to utilize SAVE to conduct immigration status verifications:

- (1) as required under federal law (this reference to federal law has the effect of requiring the use of SAVE for applicants for MA and Refugee Medical Assistance);
- (2) for all applicants for food assistance benefits, whether under the federal food stamp program, the MFIP program, or the Minnesota food assistance program;
- (3) for all applicants of GAMC, except when the applicant is seeking assistance for an emergency medical condition, immunization with respect to an immunizable disease, or testing and treatment of symptoms of a communicable disease; and
- (4) for all applicants for GA, MSA, MinnesotaCare, or GRH, when the benefits provided by these programs fall under the federal definition of "federal public benefit" and if federal funds are used to pay for all or part of the benefits.

The SAVE system cannot be used as a reporting mechanism. Federal law prohibits information provided to workers by SAVE to be used for administrative (noncriminal) enforcement of immigration laws.

Verification of Noncitizen Eligibility for Health Care Programs

Lawfully residing noncitizens applying for coverage through a Minnesota health care program must verify their immigration status by providing documentation, as specified by the USCIS, to county agency staff. Agency staff provide applicants with assistance in obtaining documentation, upon the request of the applicant. However, agency staff are prohibited from contacting the USCIS without the applicant's written consent, and in the case of an undocumented person, are prohibited from contacting USCIS unless the person specifically requests the contact and gives signed permission.

As noted in the previous section, agency staff are also required to use the SAVE system to validate the immigration status of noncitizen applicants for certain health care programs. Agency staff are not required to obtain consent from the applicant to use SAVE.

More specifically, staff are required to use SAVE to verify immigration status for noncitizens applying for coverage under:

- MA, including coverage under state-funded MA but excluding undocumented and nonimmigrant persons receiving services from the Center for Victims of Torture and undocumented or nonimmigrant pregnant women;
- Refugee Medical Assistance (described below);
- General Assistance Medical Care; and
- MinnesotaCare for families with children.

SAVE is not used to determine eligibility for those exceptions noted above, and for Emergency Medical Assistance and MinnesotaCare for adults without children.

Funding of Health Care and Cash Assistance for Eligible Noncitizens

Funding sources can vary with an individual's immigration status or the date an individual entered the United States. For some programs, the state pays for benefits using state-only dollars if federal funds may not be used for certain categories of noncitizens. The tables that follow describe these differences in more detail.

Eligibility of Refugees and Asylees for Health Care and Cash Assistance Programs

Refugees and asylees are eligible for federally funded cash and food assistance. Cash assistance is funded by Temporary Assistance for Needy Families (TANF) program funds, and food support is funded through the federal Food Stamp program. Adults without children are eligible for federally funded Refugee Cash Assistance for up to eight months.

Refugees and asylees may also be eligible for Medical Assistance, MinnesotaCare, and child care assistance if they meet the eligibility requirements. Refugees and asylees, and persons having other qualifying immigration statuses, who are not eligible for regular MA (e.g., because they are childless adults who are under age 65 and are not disabled and therefore have no basis of MA) are eligible for Refugee Medical Assistance (RMA) if they meet the MA income and asset limits that apply to families and children. RMA is available for an eight-month period, beginning on the date the individual entered the United States with a qualifying immigration status or the date the individual was granted a qualifying immigration status.⁴ RMA is funded solely with federal dollars; unlike regular MA, no state match is required.

⁴ Refugees and asylees remain eligible for RMA for the eight-month period, even if their income increases beyond the MA income limit during that period.

Table 2

Noncitizen Eligibility for Minnesota Department of Human Services Health Care Programs

Immigration Status/Noncitizen Category Assuming all other eligibility criteria are met (e.g., residency, income and asset limits) eligibility for each program is as follows:	Federally funded Medical Assistance (MA) Children under 21, pregnant women, disabled, blind, age 65 or older, parents and adult caretakers of children and Children’s Health Insurance Program (CHIP) ⁵	State-funded MA⁶ Persons not eligible for MA with federal funding, including people receiving services through a center for victims of torture who are otherwise ineligible for federally funded MA	Emergency MA (EMA) Federally funded for people with an MA eligibility basis ⁷	Federally funded MinnesotaCare Children, pregnant women, and parents and adult caretakers of children	State-funded MinnesotaCare Adults without children. Also children, pregnant women, and parents and adult caretakers of children who are not eligible for federally funded MinnesotaCare	General Assistance Medical Care (GAMC) State-funded (Adults 21-64 who are not disabled, blind, or parents of children under 19)
Refugees, conditional entrants, asylees, deportation withheld, victims of trafficking, Cuban/Haitian entrants, certain Amerasians, certain Iraqi and Afghani special immigrants, Canadians born with ≥ 50% American Indian blood, American Indians born outside U.S. and members of federally recognized	Yes	N/A	N/A	Yes	Yes, for adults without children (these individuals are not eligible for MinnesotaCare with federal funding)	Yes, if not eligible for MA

⁵ CHIP is a federal/state program that provides an enhanced federal match (65 percent) for the cost of: (1) MA services to children under age two with household incomes greater than 275 percent but not exceeding 280 percent of FPG; (2) MA services provided to uninsured pregnant women who are undocumented, through the period of pregnancy, including labor and delivery and 60 days postpartum; and (3) MinnesotaCare services to children with incomes greater than or equal to 133 percent but not exceeding 275 percent of FPG and MA services to children with incomes greater than or equal to 133 percent but not exceeding 150 percent of FPG.

⁶ As a condition of eligibility, a noncitizen whenever possible must cooperate with the immigration service to obtain a status that qualifies for federally funded MA.

⁷ EMA covers a sudden onset of a physical or mental condition (including labor and delivery) and a chronic medical condition that, if left untreated, could reasonably be expected to place the person’s health in serious jeopardy, cause serious impairment to bodily functions, or cause serious dysfunction of any bodily organ or part.

Immigration Status/Noncitizen Category Assuming all other eligibility criteria are met (e.g., residency, income and asset limits) eligibility for each program is as follows:	Federally funded Medical Assistance (MA) Children under 21, pregnant women, disabled, blind, age 65 or older, parents and adult caretakers of children and Children's Health Insurance Program (CHIP) ⁵	State-funded MA⁶ Persons not eligible for MA with federal funding, including people receiving services through a center for victims of torture who are otherwise ineligible for federally funded MA	Emergency MA (EMA) Federally funded for people with an MA eligibility basis ⁷	Federally funded MinnesotaCare Children, pregnant women, and parents and adult caretakers of children	State-funded MinnesotaCare Adults without children. Also children, pregnant women, and parents and adult caretakers of children who are not eligible for federally funded MinnesotaCare	General Assistance Medical Care (GAMC) State-funded (Adults 21-64 who are not disabled, blind, or parents of children under 19)
tribes, U.S. military veterans, active duty personnel, and their families						
Living in U.S. prior to 8/22/96: Lawful permanent residents, paroled > 1 year, certain battered persons⁸	Yes	N/A	N/A	Yes	Yes, for adults without children	Yes, if not eligible for MA

⁸ The spouse or child of a U.S. citizen or lawful permanent resident who has self-petitioned for adjustment of status to lawful permanent resident due to the battery or extreme cruelty of a spouse or parent. Eligibility may extend to the child or parent of the battered person.

Immigration Status/Noncitizen Category Assuming all other eligibility criteria are met (e.g., residency, income and asset limits) eligibility for each program is as follows:	Federally funded Medical Assistance (MA) Children under 21, pregnant women, disabled, blind, age 65 or older, parents and adult caretakers of children and Children’s Health Insurance Program (CHIP) ⁵	State-funded MA⁶ Persons not eligible for MA with federal funding, including people receiving services through a center for victims of torture who are otherwise ineligible for federally funded MA	Emergency MA (EMA) Federally funded for people with an MA eligibility basis ⁷	Federally funded MinnesotaCare Children, pregnant women, and parents and adult caretakers of children	State-funded MinnesotaCare Adults without children. Also children, pregnant women, and parents and adult caretakers of children who are not eligible for federally funded MinnesotaCare	General Assistance Medical Care (GAMC) State-funded (Adults 21-64 who are not disabled, blind, or parents of children under 19)
Arrived in U.S. on/after 8/22/96: Lawful permanent residents,⁹ paroled > 1 year, certain battered persons	MA – No, until five years after entry Exception: pregnant women and children under 21 are eligible for federally funded MA regardless of date of entry in the U.S.	Yes, for five years (until eligible for federally funded MA)	Yes, if not eligible for full benefits under federally funded MA Pregnant women are eligible for labor and delivery	No, until five years after entry Exception: pregnant women and children under 21 are eligible for federally funded MA.	Yes, for adults without children Pregnant women, parents and caretakers, and children are eligible if they have resided in the U.S. for less than five years (and therefore are not eligible for MinnesotaCare with federal funding)	Yes, if not eligible for MA
Others lawfully residing in U.S.¹⁰	MA – Yes, but only for pregnant women and children under 21	Yes	Yes Pregnant women are eligible for labor and delivery	No Exception: pregnant women and children under 21 are eligible for federally funded MA	Yes	Yes, if not eligible for MA

⁹ Until 40 work quarters are credited, a lawful permanent resident’s income and resources are considered to include a sponsor’s income and resources.

¹⁰ Includes lawful temporary residents, family unity beneficiaries, deferred enforced departure, temporary protected status, paroled less than one year, and applicants for asylum.

Immigration Status/Noncitizen Category Assuming all other eligibility criteria are met (e.g., residency, income and asset limits) eligibility for each program is as follows:	Federally funded Medical Assistance (MA) Children under 21, pregnant women, disabled, blind, age 65 or older, parents and adult caretakers of children and Children's Health Insurance Program (CHIP) ⁵	State-funded MA ⁶ Persons not eligible for MA with federal funding, including people receiving services through a center for victims of torture who are otherwise ineligible for federally funded MA	Emergency MA (EMA) Federally funded for people with an MA eligibility basis ⁷	Federally funded MinnesotaCare Children, pregnant women, and parents and adult caretakers of children	State-funded MinnesotaCare Adults without children. Also children, pregnant women, and parents and adult caretakers of children who are not eligible for federally funded MinnesotaCare	General Assistance Medical Care (GAMC) State-funded (Adults 21-64 who are not disabled, blind, or parents of children under 19)
Nonimmigrants¹¹ and undocumented persons	MA – No CHIP – funds MA services provided to uninsured pregnant women through 60 days postpartum, including labor and delivery	No	Yes Pregnant women are eligible for labor and delivery	No	No	No. GAMC for blind, disabled, children < 18, adults ≤ 65 ended 7/1/03 (these individuals are eligible for EMA for emergency services)

Source: Table prepared by Department of Human Services. This table has been modified by House Research and is used with permission.

¹¹ An immigration law term that includes visitors, tourists, foreign students, and a number of other temporary entry classifications that, with a few exceptions, cannot be converted to immigrant resident classifications.

Table 3

Noncitizen Eligibility for Minnesota Department of Human Services Cash and Food Support Programs

Immigration Status Assuming all other eligibility criteria are met (residency, income and asset limits), eligibility for each program is as follows:	MFIP Cash Portion (state and federal funding)	MFIP Food Portion¹² (state and federal funding)	General Assistance (state funding)	Minnesota Supplemental Aid (MSA)¹³ (state funding)	Food Support (state and federal funding)	Emergency General Assistance (state funding)	Refugee Cash Assistance (RCA) (federal funding)
Refugees, asylees, deportation withheld, Cuban/Haitian entrants, Amerasians, and victims of severe forms of trafficking	Yes – Eligible for federally funded benefits	Yes – Eligible for federally funded benefits	Yes	Eligible for seven years from date of U.S. entry	Yes – Eligible for federally funded food support	Yes	Yes, for all except deportation withheld. Eligible for eight months from date of arrival in U.S. Asylees – eligible for eight months from date asylum is granted
Veterans or persons on active military duty, along with spouses and dependent children, Canadians born with ≥ 50% American Indian blood, American Indians born outside U.S. and members of federally recognized tribes	Yes – Eligible for federally funded benefits Canadian born/ American Indian born outside U.S. – Eligible for state funded cash if federal funds can't be used	Yes – Eligible for federally funded benefits	Yes	Yes	Yes – Eligible for federally funded food support	Yes	No
Living in U.S. prior to 8/22/96: Lawful permanent residents, paroled > 1 year, conditional entrants, battered persons, and children of battered persons	Yes – Eligible for federally funded benefits May be eligible for state-funded cash if federal funds can't be used	Yes	Yes	Yes	Yes – Eligible for federally funded food support May be eligible for state-funded food if 50 years old and older and not eligible for food support	Yes	No

¹² The Food Stamp Reauthorization Act of 2002 restored federal food stamp benefits to some legal noncitizens who: are disabled, regardless of date of entry (effective October 1, 2002); are children under age 18, regardless of date of entry into the U.S. (effective October 1, 2003); or have been in the U.S. for more than five years (effective April 1, 2003).

¹³ To be considered eligible for Emergency Minnesota Supplemental Aid (EMSA), the applicant must be receiving MSA.

Immigration Status Assuming all other eligibility criteria are met (residency, income and asset limits), eligibility for each program is as follows:	MFIP Cash Portion (state and federal funding)	MFIP Food Portion¹² (state and federal funding)	General Assistance (state funding)	Minnesota Supplemental Aid (MSA)¹³ (state funding)	Food Support (state and federal funding)	Emergency General Assistance (state funding)	Refugee Cash Assistance (RCA) (federal funding)
Arrived in U.S. on/after 8/22/96: Lawful permanent residents,¹⁴ paroled < 1 yr, conditional entrants, battered persons, and children of battered persons	No, until five years after entry May be eligible for state-funded cash before five years	Yes	Yes	No	Yes – Eligible for federally funded food support May be eligible for state-funded food if 50 years old or older and not eligible for federal food support	Yes	No
Lawfully residing in U.S.¹⁵ on 8/22/96 and receiving Supplemental Security Income (SSI)	No – No concurrent MFIP eligibility when receiving SSI	No – No concurrent MFIP eligibility when receiving SSI	No	Yes	Yes – Eligible for federally funded food support	Yes	No
Others lawfully residing in U.S.	May be eligible for federal funds if admitted to U.S. before 8/22/96; otherwise may be eligible for state-funded cash	No – Not eligible for federally funded food support May be eligible for state-funded food if federal funds can't be used	Yes	No	No – Not eligible for federally funded food support May be eligible for state-funded food if 50 years old or older	Yes	No
Nonimmigrants¹⁶ and undocumented persons	No	No	No	No	No	No	No

Source: Table prepared by the Department of Human Services. This table has been modified by House Research and is used with permission.

¹⁴ Until 40 work quarters are completed, a lawful permanent resident's income and resources are considered to include a sponsor's income and resources.

¹⁵ Includes lawful temporary residents, family unity beneficiaries, deferred enforced departure, temporary protected status, paroled less than one year, and applicants for asylum.

¹⁶ Includes visitors, tourists, and foreign students.

Glossary of Immigration Terms

Note on sources. The definitions in the glossary are from various sources listed at the end of the glossary. The source for each term is specified by the number in brackets at the end of each definition. In some cases, terms have been updated and definitions abbreviated.

Alien: Any person not a citizen or national of the United States. [5] (In this publication, aliens are referred to as noncitizens.)

Amerasian: This category was created for children who were born in Cambodia, Korea, Laos, Thailand, or Vietnam between 1951 and 1982 and who were fathered by a U.S. citizen. [1]

Asylee: Similar to a refugee in that the individual has demonstrated that he or she would be subject to or has a fear of persecution if forced to return to the country of origin; this is a person who seeks asylum and is already present in the United States when he or she requests permission to stay. Asylees are eligible to adjust to lawful permanent resident status after one year of continuous residence in the United States. [1]

Conditional entrant: Individuals who sought to enter the United States before 1980 because of a fear of persecution were called conditional entrants. Since the United States became a signatory to the Geneva Convention in 1980, these individuals have been called refugees. [1]

Cuban/Haitian entrant: This category was created for the Cuban and Haitian arrivals of 1980 who were allowed to obtain work permits and to apply for public assistance. Cuban and Haitian entrants were eligible for most refugee services. [1]

Deferred enforced departure: This is a status very similar to temporary protected status and is given to particular nationalities by presidential proclamation or other executive action. This status allows eligible persons to remain lawfully in the United States for a limited, specified period and to receive employment authorization. [4]

Family unity beneficiary: A status providing protection from deportation and eligibility for employment authorization to the spouses and children of noncitizens who legalized their status under the Immigration Reform and Immigrant Control Act of 1986 (IRCA). To qualify for family unity, a person must have been the spouse or child of an amnesty immigrant as of May 5, 1998, and must have been residing in the United States since that date. Family unity status is also available to other specified individuals. [4]

Illegal alien: Also known as an undocumented or unauthorized immigrant, this is someone who enters or lives in the United States without official authorization, either by entering illegally or violating the terms of his or her visa (for example, entering without inspection by the USCIS, entering based on fraud, overstaying his or her visa, or working without authorization). [1]

Immigrant: The term is often used generally to refer to aliens residing in the United States, but its specific legal meaning is any legal alien in the United States other than those in the specified class of nonimmigrant aliens such as temporary visitors or students. [2]

Lawful permanent resident (LPR): An LPR is an immigrant who has been lawfully accorded the privilege of residing permanently in the United States. Lawful permanent residents are granted admission to the United States on the basis of family relation or job skill. Refugees and asylees may adjust to LPR status after one year of continuous residence. Lawful permanent residents may be issued immigrant visas by the Department of State when they are not yet in the country or adjust to LPR status with the USCIS after entering the United States. Generally, lawful permanent residents are those individuals who have “green cards” and are permitted to apply for naturalization after five years of U.S. residence. [2]

Lawful temporary resident: A person who applied for and was given amnesty under the provisions of the Immigration Reform and Control Act of 1986. [3]

Nonimmigrant: Nonimmigrants are those who are allowed to enter the United States for a specific purpose and for a limited period of time, such as tourists, students, business visitors, diplomats, and specialty occupations such as high tech workers or seasonal agriculture workers. [2]

Not qualified alien: The term means any immigrant who is not a “qualified alien,” including undocumented immigrants, nonimmigrants, and most PRUCOL (see below) immigrants. “Not qualified” immigrants are ineligible for federal, state, and local public benefits covered by welfare reform, unless a specific exception applies. [2]

Parolee: The Justice Department has discretionary authority to permit certain individuals or groups to enter the United States in an emergency or because it serves an overriding public interest. Parole may be granted for humanitarian, legal, or medical reasons. These entrants are granted temporary admission, are ineligible for special federal benefits, and are not on a predetermined path to permanent resident status. [1]

Permanently residing under color of law (PRUCOL): PRUCOL is not an immigration status provided by the USCIS; rather, it is a legal term that applies to aliens in the United States “under statutory authority and those effectively allowed to remain in the United States under administrative discretion.” Examples of PRUCOL include: those granted indefinite voluntary departure; those residing in the United States under orders of supervision; those who have lived in the United States continuously since January 1, 1972; aliens granted stays or suspension of deportation; and aliens whose departure USCIS does not contemplate enforcing. [1]

Qualified alien: The term, created in the 1996 federal welfare reform legislation (Pub. L. No. 104-193), refers to lawful permanent residents, refugees, Cuban and Haitian entrants, asylees, aliens paroled into the United States for a period of at least one year, aliens granted withholding of deportation by the USCIS, aliens granted conditional entry into the United States, and certain battered alien spouses and children. “Qualified” aliens are generally eligible for federal public benefits on the same basis as citizens if they entered before August 22, 1996, when the welfare law was enacted. Qualified aliens entering after August 22, 1996, are generally barred from federal assistance for five years. Different restrictions and limits apply to qualified aliens’ eligibility, depending on the immigration category. [2]

Refugee: A person who flees his or her country due to persecution or a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a particular social group. Refugees are eligible for federal resettlement assistance. Refugees are eligible to adjust to lawful permanent resident status after one year of continuous residence in the United States. [1]

Temporary protected status: A temporary grant of permission to remain in the United States and to work that is granted to nationals of a particular country when the attorney general determines that unstable or dangerous conditions in that country warrant such relief. The attorney general has most commonly designated temporary protected status for either one-year or 18-month periods, but it is also common for temporary protected status designations to be extended if unstable conditions persist in the country. [3]

Undocumented immigrant: A noncitizen who does not have lawful immigration status. Most undocumented immigrants either entered the United States without inspection, or were lawfully admitted as nonimmigrants but violated the terms of that status. [6] (See also “illegal alien.”)

Victims of severe forms of trafficking: This category refers to individuals who have been subjected to “a severe form of trafficking in persons” and who are either: (1) under 18 years of age; or (2) have been certified by the federal government as being willing to assist in the investigation and prosecution of severe forms of trafficking in persons and who either have made an application for a visa or whose continued presence in the United States is being ensured by the attorney general in order to prosecute traffickers in persons. [4]

Withholding of deportation: This immigration category refers to individuals who would be deportable but who are not being deported because the federal attorney general has determined that the individual’s life or freedom would be threatened if returned to his or her home country because of race, religion, nationality, political opinion, or membership in a particular social group. [1]

Sources:

- [1] From Appendix J: Common Terms, in Ann Morse et. al. *America’s Newcomers: Mending the Safety Net for Immigrants*, National Conference of State Legislatures, April 1998.
- [2] Common Immigration Terms, from the website of the National Conference of State Legislatures, accessed November 30, 2010, <http://www.ncsl.org/programs/immig/ImmigrationTerms04.htm>
- [3] Glossary of Key Immigration Terms, last updated April 2004, from the website of the National Immigration Law Center, accessed November 30, 2010, http://www.nilc.org/immsemplymnt/IWR_Material/Attorney/Glossary.pdf.
- [4] National Immigration Law Center, *Guide to Immigrant Eligibility for Federal Programs*, fourth edition, 2002.
- [5] Glossary and Acronyms, from the U.S. Citizenship and Immigration Services website, accessed November 30, 2010.
- [6] *Immigrant Workers’ Rights Resource Manual* (April 2004), from the website of the National Immigration Law Center, accessed November 30, 2010.