

# Eligibility of Noncitizens for Health Care and Cash Assistance Programs

November 2019

## Overview

This brief summarizes noncitizen eligibility for various health care and cash assistance programs. Specifically, it 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 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.<sup>1</sup>

Generally, undocumented persons and nonimmigrants<sup>2</sup> 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.

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<sup>1</sup> A pending federal rule expansion may make it easier for the federal government to deny an immigrant’s application to enter the United States, obtain a visa, or adjust his or her immigration status due to the receipt of certain program benefits on the grounds that the immigrant is likely to become a public charge. The rule was scheduled to take effect on October 15, 2019; however, the pending rule expansion has not yet taken effect due to an injunction and stay ordered by a federal district judge. For more information see “Understanding the Federal ‘Public Charge Rule’,” Minnesota Department of Human Services, September 2019, <https://edocs.dhs.state.mn.us/lfs/lfserver/Public/DHS-7962-ENG>.

<sup>2</sup> For definitions of these and other immigration terms, please see the glossary on page 15.

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

Table 1

**Noncitizen Eligibility Requirements for State and Federal Programs**

Program	<p align="center"><b>Noncitizen Eligibility Requirements</b></p> <p align="center">Note: U.S. citizens who meet eligibility requirements are eligible for all listed programs.</p>
General Assistance (GA)	<p>Must be a legal noncitizen lawfully residing in the U.S. to be eligible.</p> <p>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.</p> <p>Undocumented persons and nonimmigrants are not eligible.</p>
Minnesota Family Investment Program (MFIP)/ Diversionary Work Program (DWP)	<p>Noncitizens residing lawfully and permanently in the U.S. who meet criteria are eligible, whether “qualified” or “unqualified” under federal TANF law. (See Table 3).</p> <p>Noncitizens who are not eligible for federally funded welfare benefits may be eligible for state-funded MFIP benefits.</p> <p>Undocumented persons and nonimmigrants are not eligible.</p>
Minnesota Supplemental Aid (MSA)	<p>Noncitizens may be eligible under some circumstances (see Table 3).</p> <p>Undocumented persons and nonimmigrants are not eligible.</p> <p>Persons who are not eligible for the federal SSI program because of their noncitizen status are not eligible.</p>
Supplemental Security Income (SSI)	<p>Must be a lawful permanent resident.</p> <p>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.</p> <p>People Fleeing Persecution, which includes those with refugee status, asylum status, Cuban/Haitian Entrants, certain Amerasians, Iraqi &amp; Afghani Special Immigrant Visa holders, and people whose deportation has been withheld. Eligible for seven years after entering the U.S.</p>
Supplemental Nutrition Assistance Program (SNAP)	<p>Legal noncitizens may be eligible if they fall into one of the categories specified under federal law (see Table 3).</p> <p>There is a five-year waiting period for many qualified noncitizens. The following noncitizens are eligible with no waiting period:</p> <ul style="list-style-type: none"> <li>▪ Qualified noncitizen children under 18 years old</li> </ul>

Program	<p align="center"><b>Noncitizen Eligibility Requirements</b></p> <p align="center">Note: U.S. citizens who meet eligibility requirements are eligible for all listed programs.</p>
	<ul style="list-style-type: none"> <li>▪ Refugees admitted under section 207 of the Immigration and Nationality Act (includes victims of severe forms of trafficking)</li> <li>▪ Victims of Trafficking under the federal Trafficking Victims Protection Act of 2000</li> <li>▪ Asylees under Section 208 of the Immigration and Nationality Act (INA)</li> <li>▪ Deportation withheld under section 243(h) or 241(b)(3) of INA</li> <li>▪ Amerasian immigrants under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act</li> <li>▪ Cuban or Haitian entrants as defined in section 501(e) of the Refugee Education Assistance Act of 1980</li> <li>▪ Iraqi and Afghan special immigrants under Section 101(a)(27) of the INA</li> <li>▪ Certain American Indians born abroad</li> <li>▪ Members of Hmong or Highland Laotian tribes, legally living in the U.S., that helped the U.S. military during the Vietnam era, and their spouses or surviving spouses and unmarried dependent children</li> <li>▪ Elderly individuals born on or before August 22, 1931, and who lawfully resided in the U.S. on August 22, 1996</li> <li>▪ Lawful Permanent Residents in the U.S. who are receiving government payments for disability or blindness</li> <li>▪ Lawful Permanent Residents with a military connection (veteran, on active duty, or spouse or child of a veteran or active duty service member)</li> </ul> <p>Noncitizens who are not eligible for federally funded SNAP 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>

<p><b>Program</b></p>	<p><b>Noncitizen Eligibility Requirements</b>                      Note: U.S. citizens who meet eligibility requirements are eligible for all listed programs.</p>
<p>Medical Assistance (MA)</p>	<p>Noncitizens who are in the U.S. lawfully may be eligible to receive federally funded MA<sup>3</sup>, 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 and, beginning January 1, 2012, for which federal financial participation (FFP) is available.</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> <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>
<p>MinnesotaCare</p>	<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 FFP.</p> <p>State-funded MinnesotaCare is available for the groups that were potentially eligible through December 31, 2011, for MA without FFP. State-funded MinnesotaCare is also available for Deferred Action for Childhood Arrivals (DACA) recipients.</p>

<sup>3</sup> The 2011 Legislature eliminated MA coverage for most categories of legal noncitizens funded solely by state dollars (referred to as MA without federal financial participation (FFP)) effective January 1, 2012. These individuals have the option of seeking coverage through the MinnesotaCare program. MA without FFP continues to fund services provided to persons served through a center for victims of torture who are otherwise ineligible for federally funded MA ([Minn. Stat. § 256B.06](#), subd. 4, para. (j)).

Program	<p align="center"><b>Noncitizen Eligibility Requirements</b></p> <p align="center">Note: U.S. citizens who meet eligibility requirements are eligible for all listed programs.</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 assets<sup>4</sup> may be eligible.</p>
Housing Support	<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>

## Verification of Noncitizen Eligibility for Cash and Food Assistance Programs

[Minnesota Statutes, section 256P.04](#), subdivision 4, requires county agencies to verify immigration status at the time of application for MFIP/DWP. Subdivision 3 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.

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 assistance, 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

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<sup>4</sup> 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.

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; and
- 3) for all applicants for GA, MSA, MinnesotaCare, or Housing Support, 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); 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 for Health Care and Cash Assistance Programs of People Fleeing Persecution**

People fleeing persecution, which includes refugee status, asylum status, Iraqi/Afghani special immigrants visa holders, Cuban/Haitian entrants, and victims of trafficking, are eligible for federally funded cash and food assistance if they meet program eligibility requirements. Cash assistance is funded by Temporary Assistance for Needy Families (TANF) program funds, and food assistance is funded through the federal SNAP. Adults without children are eligible for federally funded Refugee Cash Assistance for up to eight months from date of entry into the United States or date an eligible status is granted.

People fleeing persecution may also be eligible for Medical Assistance, MinnesotaCare, and child care assistance if they meet program eligibility requirements. People fleeing persecution who are not eligible for regular MA are eligible for Refugee Medical Assistance (RMA) if they meet the RMA income and asset limits.<sup>5</sup> 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.<sup>6</sup> RMA is funded solely with federal dollars; unlike regular MA, no state match is required.

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<sup>5</sup> The income limit for RMA is 133 percent of FPG and the asset limit is \$10,000 for a household of one and \$20,000 for a household of two or more. Persons eligible for RMA may include refugees who do not meet the lower income and asset limits for MA eligibility as a person age 65 or older or who has a disability or is blind.

<sup>6</sup> People fleeing persecution remain eligible for RMA for the eight-month period, even if their income increases beyond the RMA income limit during that period.

Table 2

**Noncitizen Eligibility for Minnesota Department of Human Services Health Care Programs**

Immigration Status/Noncitizen Category	Federally funded Medical Assistance (MA)	Emergency MA (EMA)	Federally funded MinnesotaCare	State-funded MinnesotaCare
Assuming all other eligibility criteria are met (e.g., residency, income and asset limits) eligibility for each program is as follows:	Children under 21, pregnant women, disabled, blind, age 65 or older, parents and adult caretakers of children, adults without children, and Children’s Health Insurance Program (CHIP) <sup>7</sup>	Federally funded for people with an MA eligibility basis <sup>8</sup>	Children, pregnant women, and parents and adult caretakers of children	Adults without children. Also children, pregnant women, and parents and adult caretakers of children who are not eligible for federally funded MinnesotaCare and federally funded MA
<p>People Fleeing Persecution: those with refugee status, asylum status, Cuban/Haitian Entrant, Iraqi/Afghani Special Immigrant Visa holders, certain Amerasians, Victims of Trafficking</p> <p>Lawful Permanent Residents who previously held one of the statuses above.</p> <p>Those whose deportation has been withheld.</p> <p>Canadians born with ≥ 50% American Indian blood,</p>	Yes	N/A	Yes	Yes, for adults without children (these individuals are not eligible for MinnesotaCare with federal funding)

<sup>7</sup> CHIP is a federal/state program that provides an enhanced federal match (65 percent) for the cost of MA services provided to: (1) children under age two with household incomes greater than 275 percent but not exceeding 280 percent of FPG; (2) uninsured pregnant women who are undocumented noncitizens with incomes up to 278 percent of FPG, through the period of pregnancy, including labor and delivery and 60 days postpartum; and (3) children under age 21 with incomes greater than or equal to 133 percent but below 275 percent of FPG.

<sup>8</sup> EMA covers care and services necessary for treatment of an emergency medical condition, including labor and delivery and a limited set of chronic care and long-term care services.



Immigration Status/Noncitizen Category	Federally funded Medical Assistance (MA)	Emergency MA (EMA)	Federally funded MinnesotaCare	State-funded MinnesotaCare
American Indians born outside U.S. and members of federally recognized 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 persons <sup>9</sup>	Yes	N/A	Yes	Yes, for adults without children
Arrived in U.S. on/after 8/22/96: Lawful permanent residents, <sup>10</sup> 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, 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 not enrolled in MA 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 or MA with federal funding)

<sup>9</sup> 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.

<sup>10</sup> Until 40 work quarters are credited, a lawful permanent resident’s income and resources are considered to include a sponsor’s income and resources.

Immigration Status/Noncitizen Category	Federally funded Medical Assistance (MA)	Emergency MA (EMA)	Federally funded MinnesotaCare	State-funded MinnesotaCare
Others lawfully residing in U.S. <sup>11</sup>	MA – Yes, but only for pregnant women and children under 21	Yes Pregnant women are eligible for labor and delivery	No Exception: pregnant women and children under 21 are eligible for federally funded MA	Yes
Nonimmigrants <sup>12</sup> and undocumented persons	MA – No CHIP – funds MA services provided to uninsured pregnant women through 60 days postpartum, including labor and delivery	Yes Pregnant women are eligible for labor and delivery	No	No

Source: Modification of table originally prepared by the Department of Human Services.

<sup>11</sup> Includes lawful temporary residents, family unity beneficiaries, deferred enforced departure, temporary protected status, paroled less than one year, and applicants for asylum.

<sup>12</sup> 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 Assistance Programs**

<p><b>Immigration Status</b> Assuming all other eligibility criteria are met, eligibility for each program is as follows:</p>	<p><b>MFIP Cash Portion</b> (state and federal funding)</p>	<p><b>MFIP Food Portion<sup>13</sup></b> (state and federal funding)</p>	<p><b>General Assistance</b> (state funding)</p>	<p><b>Minnesota Supplemental Aid (MSA)<sup>14</sup></b> (state funding)</p>	<p><b>Food Assistance</b> (state and federal funding)</p>	<p><b>Emergency General Assistance</b> (state funding)</p>	<p><b>Refugee Cash Assistance (RCA)</b> (federal funding)</p>
<p>People Fleeing Persecution: those with refugee status, asylum status, Cuban/Haitian Entrant, Iraqi/Afghani Special Immigrant Visa holders, certain Amerasians, Victims of Trafficking</p> <p>Lawful Permanent Residents who previously held one of the statuses above.</p>	<p>Yes – Eligible for federally funded benefits</p>	<p>Yes – Eligible for federally funded benefits</p>	<p>Yes</p>	<p>Eligible for seven years from date of U.S. entry</p>	<p>Yes – Eligible for federally funded SNAP</p>	<p>Yes</p>	<p>Yes, for adults without children. Eligible for eight months from date of arrival in the U.S. or date an eligible status is granted.</p> <p>Most people with deportation withheld are not eligible for RCA. Cuban/Haitian Entrants are the exception to this.</p>

<sup>13</sup> The Food Stamp Reauthorization Act of 2002 restored federal food stamp benefits to some legal noncitizens who: are disabled, regardless of date of entry; are children under age 18, regardless of date of entry into the United States; or have been in the United States for more than five years).

<sup>14</sup> To be considered eligible for Emergency Minnesota Supplemental Aid (EMSA), the applicant must be receiving MSA.

<p><b>Immigration Status</b> Assuming all other eligibility criteria are met, eligibility for each program is as follows:</p>	<p><b>MFIP Cash Portion</b> (state and federal funding)</p>	<p><b>MFIP Food Portion<sup>13</sup></b> (state and federal funding)</p>	<p><b>General Assistance</b> (state funding)</p>	<p><b>Minnesota Supplemental Aid (MSA)<sup>14</sup></b> (state funding)</p>	<p><b>Food Assistance</b> (state and federal funding)</p>	<p><b>Emergency General Assistance</b> (state funding)</p>	<p><b>Refugee Cash Assistance (RCA)</b> (federal funding)</p>
<p>Those whose deportation has been withheld.</p>							
<p>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</p>	<p>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</p>	<p>Yes – Eligible for federally funded benefits</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes – Eligible for federally funded SNAP</p>	<p>Yes</p>	<p>No</p>
<p>Living in U.S. prior to 8/22/96:  Lawful permanent residents, paroled &gt; 1 year, conditional entrants, battered persons, and</p>	<p>Yes – Eligible for federally funded benefits  May be eligible for state-funded cash if federal funds can't be used</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes – Eligible for federally funded SNAP  May be eligible for state-funded food assistance if 50 years old and older</p>	<p>Yes</p>	<p>No</p>

<b>Immigration Status</b> Assuming all other eligibility criteria are met, eligibility for each program is as follows:	<b>MFIP Cash Portion</b> (state and federal funding)	<b>MFIP Food Portion<sup>13</sup></b> (state and federal funding)	<b>General Assistance</b> (state funding)	<b>Minnesota Supplemental Aid (MSA)<sup>14</sup></b> (state funding)	<b>Food Assistance</b> (state and federal funding)	<b>Emergency General Assistance</b> (state funding)	<b>Refugee Cash Assistance (RCA)</b> (federal funding)
children of battered persons					and not eligible for SNAP		
Arrived in U.S. on/after 8/22/96:  Lawful permanent residents, <sup>15</sup> 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 SNAP  May be eligible for state- funded food assistance if 50 years old or older and not eligible for federal SNAP	Yes	No
Lawfully residing in U.S. <sup>16</sup> 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 SNAP	Yes	No

<sup>15</sup> Until 40 work quarters are completed, a lawful permanent resident’s income and resources are considered to include a sponsor’s income and resources.

<sup>16</sup> Includes lawful temporary residents, family unity beneficiaries, deferred enforced departure, temporary protected status, paroled less than one year, and applicants for asylum.

<b>Immigration Status</b> Assuming all other eligibility criteria are met, eligibility for each program is as follows:	<b>MFIP Cash Portion</b> (state and federal funding)	<b>MFIP Food Portion<sup>13</sup></b> (state and federal funding)	<b>General Assistance</b> (state funding)	<b>Minnesota Supplemental Aid (MSA)<sup>14</sup></b> (state funding)	<b>Food Assistance</b> (state and federal funding)	<b>Emergency General Assistance</b> (state funding)	<b>Refugee Cash Assistance (RCA)</b> (federal funding)
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 SNAP  May be eligible for state-funded food if federal funds can't be used	Yes	No	No – Not eligible for federally funded SNAP  May be eligible for state-funded food assistance if 50 years old or older	Yes	No
Nonimmigrants <sup>17</sup> and undocumented persons	No	No	No	No	No	No	No

Source: Modification of table originally prepared by the Department of Human Services.

<sup>17</sup> 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. [1] (In this publication, aliens are referred to as noncitizens.)

**Amerasian:** Amerasian status is granted to certain individuals who were born to a United States father and a Vietnamese mother during the Vietnam War. People with Amerasian status may be admitted to the United States with their immediate relatives such as spouse, children, or parents. [3]

**Asylum status:** Asylum status is a form of protection granted to people who are already present in the United States or are seeking admission at a port of entry, who meet the definition and criteria of refugee. To be granted asylum status, people must establish they are unable or unwilling to return home due to persecution or fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. People with asylum status are eligible for Federal and State benefits and services beginning on the date of their asylum grant. Asylees are eligible to adjust to lawful permanent resident status after one year of continuous residence in the United States. Eligibility is treated the same as for someone with refugee status. [3]

**Conditional resident:** Any foreign national granted permanent resident status on a conditional basis who must petition to remove the conditions of their status before the second anniversary of the approval date of their conditional status. [1]

**Cuban/Haitian entrant:** Cuban/Haitian entrant status is granted to nationals of Cuba and Haiti who have a current or expired parole, who are in pending removal proceedings, or who have a pending application for asylum. The individual's country of origin/citizenship must be Cuba or Haiti. People with Cuban/Haitian entrant status are eligible for Federal and State benefits and services beginning on their date of United States arrival. Eligibility is treated the same as for someone with refugee status. [3]

**DACA:** The Deferred Action for Childhood Arrivals (DACA) program was established in 2012 as a means of providing temporary relief from removal for certain individuals without legal status who arrived in the United States as children and meet other eligibility criteria. DACA is not a path to lawful immigration status and DACA recipients are ineligible for federal public benefits, with the exception of short-term emergency assistance. (See Andorra Bruno, "Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions" Congressional Research Service, September 6, 2017.) DACA recipients may be eligible for MinnesotaCare if they meet all eligibility requirements for that program. The Trump Administration announced the termination of the program in September 2017 and this termination has been subject to litigation. The U.S. Supreme Court is scheduled to hear several DACA cases in the current term.

**Deferred action:** A type of prosecutorial discretion that allows an individual to remain in the United States for a set period of time, unless the deferred action is terminated for some reason. Deferred action is determined on a case-by-case basis and only establishes lawful presence. It does not provide immigration status or benefits of any kind. [1]

**Deportable alien:** This is an alien who has been admitted into the United States subject to any grounds of removal specified in the Immigration and Nationality Act. This includes any alien illegally in the United States, regardless of whether they entered the country by fraud or misrepresentation or entered legally but subsequently violated the terms of their nonimmigration classification or status. [1]

**Green card:** Also known as a Permanent Resident Card, Form I-551, or alien registration card. USCIS issues green cards to foreign nationals as evidence of their lawful permanent resident status in the United States. Although some green cards do not have an expiration date, most are valid for ten years. [1]

**Illegal alien:** See unauthorized immigrant. [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]

**Iraqi or Afghani Special Immigrant:** Special immigrant visas (SIVs) are granted to certain Iraqi or Afghani individuals who provided assistance to the United States government in Iraq and Afghanistan. SIVs are admitted as lawful permanent residents (LPRs) or adjust to Special Immigrant status after entering the United States under another immigration status. People with SIV status are eligible for federal and state benefits and services beginning on their date of United States arrival. Eligibility is treated the same as for someone with refugee status. [3]

**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 United States residence. [2]

**Migrant:** A person who leaves their country of origin to seek residence in another country. [1]

**Naturalization:** The manner in which a person not born in the United States voluntarily becomes a U.S. citizen. [1]

**Nonimmigrant:** A foreign national who is admitted to the United States for a specific purpose and for a limited period of time, such as tourists, students, business visitors, foreign government officials, and temporary workers and trainees. [1]

**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]

**Parole:** The discretionary decision that allows inadmissible foreign nationals to leave an inspection facility freely so that, although they are not admitted to the United States, they are permitted to be



physically present in the United States. Parole is granted on a case-by-case basis for urgent humanitarian reasons or significant public benefit. The paroled foreign national is treated as an applicant for admission. [1]

**People Fleeing Persecution:** USCIS defined statuses that are granted to people based on humanitarian protection from persecution in their home countries. There are several immigration statuses that fall under the category of people fleeing persecution: refugee status, asylum status, Cuban/Haitian entrant, Iraqi/Afghani special immigrant visa holder, certain Amerasians, and victims of trafficking. People with these statuses may adjust their status to lawful permanent resident (LPR) after a period of continuous presence in the United States, and have a path to citizenship. People with these statuses are eligible for federal and state benefits and services to the same extent as a refugee.

**Permanent resident:** See lawful permanent resident.

**Permanent resident alien:** See lawful permanent resident.

**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; aliens granted stays or suspension of deportation; and aliens whose departure USCIS does not contemplate enforcing. [2]

**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 status:** Refugee status is a form of protection granted to people who meet the definition and criteria of refugee and who are of special humanitarian concern to the United States. To be granted refugee status, people must establish they are unable or unwilling to return home due to persecution or fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. People with refugee status are eligible for federal and state benefits and services beginning on their date of United States arrival and are eligible to adjust to lawful permanent resident status after one year of continuous residence in the United States. [3]

**Resident alien:** This term applies to non-U.S. citizens currently residing in the United States. [1]

**Temporary protected status:** The Secretary of the Department of Homeland Security may designate a foreign country for temporary protected status due to conditions that temporarily prevent the country’s nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. Temporary protected status may be granted to eligible

nationals of certain countries who are already in the United States. The secretary may designate a country for temporary protected status due to ongoing armed conflict, an environmental disaster, or other temporary conditions. Grants of temporary protected status are initially made for periods of six to 18 months, and may be extended. [1]

**Temporary resident:** This is an alien who seeks temporary entry into the United States for a specific purpose. They must have a permanent residence abroad and qualify for the nonimmigrant classification they are seeking. [1]

**Unauthorized immigrant:** Also known as an illegal alien or undocumented worker, this is someone who enters or lives in the United States without official authorization, either by entering illegally or by violating the terms of his or her admission. [2]

**Undocumented worker:** See unauthorized immigrant.

**Victims of severe forms of trafficking:** This category refers to individuals who have been subjected to “a severe form of trafficking in persons”—for purposes of sex or labor—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. Victims of trafficking who are granted a T-visa are eligible to apply for lawful permanent residence after a period of three years of continuous presence in the United States. Eligibility is treated the same as for someone with refugee status. [4]

**Sources:**

[1] Glossary and Acronyms, from the U.S. Citizenship and Immigration Services website, accessed September 23, 2019.

[2] Common Immigration Terms, from the website of the National Conference of State Legislatures, October 15, 2018.

[3] Combined Manual, Non-Citizens-People Fleeing Persecution, Minnesota Department of Human Services, January 2019.

[4] Minnesota Department of Human Services.



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