

Allegheny County
Department of Human Services
One Smithfield Street
Pittsburgh, PA 15222

Phone: 412.350.5701
Fax: 412.350.4004
www.alleghenycounty.us/dhs

IMMIGRATION

AND PUBLIC BENEFIT ELIGIBILITY:

AN OVERVIEW



Introduction & Background

INTRODUCTION

The growing cultural diversity in Allegheny County presents new challenges and opportunities for human service delivery. The Department of Human Services established the Immigrants and Internationals Initiative to further our vision of providing culturally competent services to all residents, especially those who are vulnerable. Individuals from diverse groups, participating in the Department of Human Services Immigrants and Internationals Advisory Council, provide a broad understanding of the challenges faced by the immigrant and international population: cultural, language, access and legal barriers. Their recommendations guide our efforts to enhance access and quality services to all residents of Allegheny County. This document, created in response to needs identified by the Advisory Council, serves as a resource guide for those seeking information about immigrants' eligibility for public benefits.

Contributors

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Quick Guide to Eligibility

(Source : National Immigration Law Center, 10/2008)

PROGRAM	“QUALIFIED” IMMIGRANTS WHO ENTERED THE U.S. BEFORE AUG. 22, 1996	“QUALIFIED” IMMIGRANTS WHO ENTERED THE U.S. ON OR AFTER AUG. 22, 1996	“NOT QUALIFIED” IMMIGRANTS
Supplemental Security Income (SSI)	Eligible only if: <ul style="list-style-type: none"> • Receiving SSI (or application pending) on Aug. 22, 1996 • Qualify as disabled and were lawfully residing in the U.S. on Aug. 22, 1996¹ • Lawful permanent resident with credit for 40 quarters of work^{1,2} • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, but only <i>during first seven years after getting status, unless extended</i>³ • Veteran, active duty military; spouse, un-remarried surviving spouse, or child¹ • Certain American Indians born abroad 	Eligible only if: <ul style="list-style-type: none"> • Lawful permanent resident with credit for 40 quarters of work² (but must wait until five years after entry before applying) • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, but only <i>during first seven years after getting status, unless extended</i>³ • Veteran, active duty military; spouse, un-remarried surviving spouse, or child¹ • Certain American Indians born abroad 	Eligible only if: <ul style="list-style-type: none"> • Receiving SSI (or application pending) on Aug. 22, 1996 • Certain American Indians born abroad • Victims of trafficking and their derivative beneficiaries during the first seven years after getting status
Food Stamps⁴	Eligible only if: <ul style="list-style-type: none"> • Are under age 18⁴ • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant • Have been in “qualified” immigrant status for five years¹ • Are receiving disability-related assistance^{1,5} • Lawful permanent resident with credit for 40 quarters of work • Were 65 years or older and were lawfully residing in the U.S. on Aug. 22, 1996¹ • Veteran, active duty military; spouse, un-remarried surviving spouse, or child¹ • Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse, or child of tribe member¹ • Certain American Indians born abroad 	Eligible only if: <ul style="list-style-type: none"> • Are under age 18⁴ • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant • Have been in “qualified” immigrant status for five years¹ • Are receiving disability-related assistance^{1,5} • Lawful permanent resident with credit for 40 quarters of work • Veteran, active duty military; spouse, un-remarried surviving spouse, or child¹ • Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; spouse, surviving spouse, or child of tribe member¹ • Certain American Indians born abroad 	Eligible only if: <ul style="list-style-type: none"> • Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S., spouse, surviving spouse or child of tribe member, <i>who is lawfully present in the U.S.</i> • Certain American Indians born abroad • Victims of trafficking and their derivative beneficiaries

Quick Guide to Eligibility

(Source : National Immigration Law Center,
10/2008)

Temporary Assistance for the Needy	Eligible ¹	Eligible only if: • Were granted refugee or asylum status or withholding of	Eligible only if: •Victims of trafficking and their derivative beneficiaries
Families (TANF)		deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant ⁶ •Veteran, active duty military; spouse, un-remarried surviving spouse, or child ¹ •Have been in “qualified” immigrant status for five years or more ^{1,6}	
Emergency Medicaid (includes labor and delivery)	Eligible	Eligible	Eligible
Full-Scope Medicaid	Eligible ⁷	Eligible only if: • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant ⁸ • Veteran, active duty military; spouse, un-remarried surviving spouse, or child ¹ • Receiving federal Foster Care • Have been in “qualified” immigrant status for five years or more ^{1,8}	Eligible only if: • Were receiving SSI on Aug. 22, 1996 (in states that link Medicaid to SSI eligibility) • Certain American Indians born abroad • Victims of trafficking and their derivative beneficiaries
State Children’s Health Insurance Program (SCHIP)	Eligible ¹¹	Eligible¹¹ • Were granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant • Veteran, active duty military; spouse, un-remarried surviving spouse, or child ¹ • Have a “qualified” immigrant status	Eligible only if: • Victims of trafficking and their derivative beneficiaries
Medicare “Premium Free” Part A (hospitalization) (eligibility based on work history)	Eligible	Eligible	Eligible only if: • Lawfully present, and eligibility for assistance is based on authorized employment

Quick Guide to Eligibility

(Source : National Immigration Law Center, 10/2008)

Premium “Buy-in” Medicare	Eligible only if: • Lawful permanent resident who has resided continuously in the U.S. for at least five years	Eligible only if: • Lawful permanent resident who has resided continuously in the U.S. for at least five years	Not Eligible
HUD Public Housing and Section 8 Programs	Eligible except: • Certain Cuban/Haitian entrants and “qualified” abused spouses and children Note: If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be pro-rated.	Eligible except: • Certain Cuban/Haitian entrants and “qualified” abused spouses and children Note: If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be pro-rated.	Eligible only if: • Temporary resident under IRCA general amnesty, or paroled into the U.S. for less than one year • Victims of trafficking and their derivative beneficiaries • Citizens of Micronesia, the Marshall Islands, and Palau Note: For other immigrants, eligibility may depend on the date the family began receiving housing assistance, the immigration status of other household members, and the household composition. Also note: If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be pro-rated.
Title XX Block Grants	Eligible	Eligible	Eligible only if: • Victims of trafficking and their derivative beneficiaries • Program or service funded by the block grant is exempt from the welfare law’s restrictions
Social Security	Eligible¹⁰	Eligible¹⁰	Eligible only if: • Lawfully present ¹⁰ • Were receiving assistance based on an application filed before Dec. 1, 1996 • Eligibility required by certain international agreements
Other Federal Public Benefits Subject to welfare law’s restrictions	Eligible	Eligible	Eligible only if: • Victims of trafficking and their derivative beneficiaries
Benefits Exempt from welfare law’s restrictions	Eligible	Eligible	Eligible

Notes

1. Eligibility may be affected by deeming for some benefits: a sponsor's income/resources may be added to the immigrant's in determining eligibility. SCHIP exempt from deeming as of 2009.

2. LPRs are eligible if they have worked 40 qualifying quarters in the U.S. Immigrants also get credit toward their 40 quarters for work performed (1) by parents when the immigrant was under 18; and (2) by spouse during the marriage (unless the marriage ended in divorce or annulment). No credit is given for a quarter worked after Dec. 31, 1996, if a federal means-tested public benefit (SSI, food stamps, TANF, Medicaid, or SCHIP) was received in that quarter.

3. Effective October 1, 2008, "humanitarian" immigrants who reach the end of the seven-year eligibility period or who lost SSI due to the time limit can get two additional years of SSI if they: (1) are under 18 or over 70; or (2) have been LPRs for less than six years; or (3) have a pending

application for LPR status, filed within four years of getting SSI; or (4) are a Cuban or Haitian entrant, or (5) were granted withholding of deportation or removal; or (6) have a pending application for citizenship. Persons over 18 must submit a

declaration that they are making a good faith effort to pursue citizenship. They can receive an additional third year of SSI if they have filed an application for citizenship.

4. Children are not subject to sponsor deeming in the food stamp program.

5. Disability-related benefits include SSI, Social Security disability, state disability or retirement pension, railroad retirement disability, veteran's disability, disability based Medicaid, and disability-related General Assistance if the disability determination uses criteria as stringent as those used by federal SSI.

Notes

6. In Indiana, Mississippi, Ohio, South Carolina, and Texas, TANF is available only to immigrants who entered the U.S. on or after Aug. 22, 1996, who are: (1) LPRs credited with 40 quarters of work; (2) veterans, active duty military (and their spouse, un-remarried surviving spouse, or child); or (3) refugees, asylees, persons granted withholding of deportation/removal, Cuban/Haitian entrants, and Amerasian immigrants during the five years after obtaining this status. Indiana provides TANF to “refugees” listed in (3) regardless of the date they obtained that status. Mississippi does not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.

7. In Wyoming, only LPRs with 40 quarters of work credit, abused immigrants, parolees, veterans, active duty military (and their spouse, un-remarried surviving spouse, or child), refugees, asylees, persons granted withholding of deportation/removal, Cuban/Haitian entrants, and Amerasian immigrants who entered the U.S. prior to Aug. 22, 1996, are eligible for full-scope Medicaid.

8. In Alabama, Mississippi, North Dakota, Ohio, Texas, Virginia, and Wyoming, full-scope Medicaid is available only to immigrants who entered the U.S. on or after Aug. 22, 1996, who are: (1) LPRs credited with 40 quarters of work; (2) veterans, active duty military (and their spouse,

un-remarried surviving spouse, or child); or (3) refugees, asylees, persons granted withholding of deportation/removal, Cuban/Haitian entrants, and Amerasian immigrants during the seven years after obtaining this status. Wyoming provides full-scope Medicaid to “qualified” abused immigrants and persons paroled into the U.S., regardless of their date of entry. In Texas, Amerasian immigrants are eligible only during the five years after obtaining this status; Mississippi, and North Dakota do not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.

9. In states that opt to cover fetuses, SCHIP provides prenatal care regardless of the mother’s immigration status. The scope of coverage depends in part on how the option is implemented.

10. For applications based on Social Security numbers issued on or after Jan. 1, 2004: must have been assigned a Social Security number that was, at the time assigned or at any later time, valid for work purposes. Alternatively, must have been admitted to the U.S. temporarily for business or as a crewman when the relevant work quarters were earned.

11. Legal immigrants must document their immigration status. States have the option of accepting social security.

Understanding Public Benefits Eligibility

CHANGES IN FEDERAL LEGISLATION

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, also known as the Welfare Act) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) made unprecedented changes in the area of immigrants' eligibility for public benefits. As a result, immigrants face several restrictions in their access to federal and state benefit programs. Congress was concerned with the rise in applications for federal benefits during the previous decade and stated that its purpose in barring immigrants from federal and state benefits was to encourage self-sufficiency. Further, the original estimated cost savings over the first six years from reducing coverage for lawfully present immigrants was \$23.7 billion, or more than 44 percent of the total \$53.4 billion savings package.¹

Although the United States Congress has since restored some of the benefits it took away in 1996, many classes of immigrants remain ineligible for federal public benefits.

IMMIGRANT CATEGORIES

Eligibility for public benefits varies by program, but relevant factors generally include the individual's current immigration status, the length of time he or she has held that status, whether the immigrant was receiving assistance when the Welfare Act was enacted in 1996, the immigrant's date of arrival in the United States (U.S.), and the rules and standards in the immigrant's state of residence. The Welfare Act created three categories that serve as the starting point for determining eligibility for most benefit programs:

- "Qualified" immigrants;
- "Not qualified" immigrants; and
- Persons who are lawfully present in the U.S.

The categories do not, by themselves, determine eligibility for any particular public benefit. Under the Welfare Act, only citizens and qualified immigrants are eligible for "federal public benefits,"² with the exception of certain designated programs.³

¹ Correspondence from Congressional Budget Office to Senator Pete Domenici, Chairman of the Senate Budget Committee (Aug. 1, 1996). About half of those savings, however, evaporated when Congress restored Supplemental Security Income (SSI) benefits to most recipients one year later.

² Federal public benefits include retirement, welfare, health, disability, assisted housing, post-secondary education, food assistance, unemployment benefits, or "any other similar benefit" for which payments/assistance are provided to an individual/household by a U.S. agency or with U.S. funds (such as Social Services Block Grant (SSBG) services, Low-Income Home Energy Assistance Program (LIHEAP), and Child Care and Development Block Grant (CCDBG) services). Federal public benefits also include any government grant, contract, loan, or professional/ commercial license.

³ Welfare Act § 401(b) (codified as 8 U.S.C § 1611 (b)).

Understanding Public Benefits Eligibility

Qualified Immigrants

To be “qualified,” an immigrant must have one of the following immigration statuses:

- **Legal Permanent Resident (LPR):** A person who has been granted legal permanent residence status (a green card holder) and thus is entitled to remain in the U.S. indefinitely.
- **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 social group and who obtains the status while abroad.
- **Asylee:** A person who has been determined to meet the same requirements as a refugee, but who was already present in the U.S. at the time he/she obtained asylum.
- **Immigrant who has had deportation withheld:** A person who establishes that he/she would be likely to face persecution if returned to his or her home country.
- **Immigrant granted parole for at least one year:** The Department of Homeland Security has discretionary authority to permit certain persons or groups to enter the U.S. in an emergency or because it serves an overriding public interest. Parole may be granted for humanitarian, legal, or medical reasons.
- **Immigrant granted conditional entry:** A person who immigrated based upon a marriage that occurred within two years of obtaining permanent residence.
- **Battered immigrant and her child(ren):** This status requires a pending or approved visa petition filed by a U.S. citizen or LPR spouse/parent, a self-petition pursuant to the Violence Against Women Act (VAWA), or an application for cancellation of a removal/suspension of deportation under VAWA. To be eligible for this status, an immigrant’s need for benefits must have a substantial connection to the battery or cruelty. It also applies to the parent of a battered child and the child of a battered spouse.

Understanding Public Benefits Eligibility

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- Immigrants born in Canada who possess at least 50 percent blood of the American Indian race, or who are members of certain Indian tribes.
- Cuban/Haitian entrants: The term “Cuban/Haitian entrant” is defined in §501(e) of the Refugee Education Assistance Act of 1980 and includes nationals of Cuba and Haiti who were paroled into the U.S., applied for asylum, or who are in exclusion or deportation proceedings and have not received a final order of exclusion or deportation.
- Victims of trafficking: A person who has been a victim of the recruitment, transportation, harboring, or receipt of people for the purpose of exploitation.

Not qualified Immigrants

“Not qualified” immigrants include all undocumented persons who either entered without documents or overstayed an authorized period of stay, and who have no basis for obtaining lawful status. Not qualified immigrants also include all other noncitizens, such as:

- Immigrants granted indefinite voluntary departure.⁴
- Immigrants residing in the U.S. under orders of supervision.
- Immigrants who have lived in the U.S. continuously since January 1, 1972.
- Immigrants granted stays or suspension of deportation.
- Applicants for asylum and family unity.
- Applicants for adjustment of status.
- Other immigrants whose departure the United States Citizenship and Immigration Services (USCIS) does not contemplate enforcing.
- Non-immigrants such as students and foreign visitors.
- Persons Residing Under Color of Law (PRUCOL). The PRUCOL category was created by the courts as a public benefits eligibility category, but it is not recognized by USCIS as an immigration status. PRUCOL includes immigrants who are granted indefinite voluntary departure; residing in the U.S. under orders of supervision; continuously living in the U.S. since January 1, 1972; granted stays or suspension of deportation; or whose departure USCIS does not contemplate enforcing.

⁴ “Indefinite voluntary departure” is an immigration status that was granted before 1996 to non-citizens who have been found deportable, but the USCIS deferred deportation indefinitely due to humanitarian reasons.

Understanding Public Benefits Eligibility

Lawfully Present Immigrants

Persons who are “lawfully present,” but are not qualified, may nevertheless be eligible for Title II Social Security benefits, as well as many other benefits administered by the Social Security Administration. For Title II purposes, the term “lawfully present” includes all qualified immigrants, plus the following:

- Persons who have been inspected and admitted to the U.S. and have not violated the terms of admission (including non-immigrants).
- Parolees for less than a year (other than those paroled pending a determination of excludability).
- Temporary residents.
- Persons granted temporary protected status (TPS).
- Beneficiaries under the Family Unity program.
- Persons granted deferred enforced departure (DED).
- Persons in deferred action status.
- Spouses or children of U.S. citizens whose petition has been approved and who have a pending application for adjustment of status.
- Asylum or withholding of deportation applicants who have been granted employment authorization, or who are under age 14 and have had their application pending for at least 180 days.

RESTRICTIONS ON FEDERAL PROGRAMS

Under the Welfare Act, Congress restricted eligibility even for qualified immigrants by distinguishing between those who entered the U.S. before or “on or after” August 22, 1996, the date the law was enacted. The law bars most immigrants who entered the U.S. on or after that date from “federal means-tested public benefits” during the five years after they secure qualified immigrant status.⁵ For purposes of this bar, individuals are considered to have “entered” the U.S. before August 22, 1996, if they obtained a qualified status before that date or obtained a qualified status after that date, but were continuously present in the U.S. from August 22, 1996 until becoming qualified. Continuous presence is not broken by trips outside the U.S. of less than a full calendar month or 30 calendar days, or by aggregated absences of 90 days or less. Refugees, Asylees, Amerasian immigrants (a child fathered by a U.S. citizen in certain Southeast Asian countries during the years of U.S. conflict in that region), Cuban/Haitian entrants, persons granted withholding of deportation, victims of trafficking, and veterans are exempt from the five-year bar, as are those who entered the U.S. before August 22, 1996.

Understanding Public Benefits Eligibility

Federal means-tested public benefits are a subset of the more general “federal public benefits,” and include Supplemental Security Income (SSI), Food Stamps, non-emergency Medicaid, Temporary Assistance for Needy Families (TANF), and the State Children’s Health Insurance Program (CHIP).⁶ As stated above, the Welfare Act prohibits most immigrants who entered the U.S. on or after August 22, 1996 from federal means-tested public benefits during the five years after they secure qualified immigrant status. However, a number of states, including Pennsylvania, have opted to continue to provide many of these services to immigrants, using state dollars to finance them. That means Pennsylvania residents may enjoy the benefits of cash assistance programs (TANF or General Assistance), CHIP, Medical Assistance and Medicare “Premium Free” Part A, and Title XX Block Grants without having to wait. Pennsylvania does apply the five-year bar to SSI, Food Stamps, and Premium “Buy-in” Medicare.

WHAT IS A PUBLIC CHARGE? SETTING THE RECORD STRAIGHT

Many immigrants are reluctant to apply for federally funded benefits, in part, because of the ambiguity surrounding what is known as the “public charge.” This term is used by USCIS to identify an immigrant who has or is likely to become primarily dependent on the government for subsistence as demonstrated either by:

- Receipt of public cash assistance for income maintenance, or
- Institutionalization for long-term care at government expense

Under U.S. immigration law, a person who is likely to become a “public charge” can be excluded from entering or reentering the U.S. as an immigrant, denied permanent resident status, or, under very limited circumstances, deported. In making public charge determinations, USCIS and State Department officials must look at the immigrant’s total circumstances including his or her age, health, family status, financial status, and education and skills.

Public charge determinations are unrelated to an immigrant’s eligibility to receive a public benefit. Benefit-granting agencies such as the Medicaid agency or the welfare department do not make public charge determinations. However, fear of being labeled a public charge has deterred many immigrants from seeking public benefits, even when they are lawfully entitled to receive them.

⁶ See 62 Fed. Reg. 45256 (Aug. 26, 1997); 63 Fed. Reg. 36653 (July 7, 1998).

Understanding Public Benefits Eligibility

Programs considered safe, which guarantee no problems in getting a green card and which are not relevant to the public charge determination, include:

- Medicaid benefits (other than Medicaid payments for long-term care)
- Benefits under a State Children's Health Insurance Program (CHIP)
- Emergency Medicaid
- Immunizations and testing and treatment for communicable diseases
- Use of health clinics
- Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Food Pantries and Food Stamps
- Nutrition programs including the Special Supplemental Nutrition
- Emergency Food Assistance Act, school lunch services
- Senior Meals and Meals on Wheels
- Educational benefits and Head Start
- Emergency Disaster Relief/ Assistance
- Child care services
- Energy benefits
- Transportation vouchers
- Any other service/assistance from a nonprofit or charitable organization

The following cash assistance programs for income maintenance are considered relevant to the public charge determination and therefore may be reported:

- Supplemental Security Income (SSI)
- Temporary Assistance to Needy Families (TANF)
- State and local cash assistance programs, such as General Assistance (GA)

Exemptions

Most immigrants who seek and accept benefits from programs relevant to the public charge, such as SSI, will be subject to a public charge determination. However, there are exceptions. By law, the following immigrants are exempt from public charge determinations:

- Refugees and asylees at the time of admission and adjustment of status to legal permanent residency.
- Amerasian immigrants at the time of admission.
- Cuban and Haitian entrants at adjustment.

Understanding Public Benefits Eligibility

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- Nicaraguans and other Central Americans who are adjusting their status under the Nicaraguan Adjustment Central American Relief Act (NACARA).
- Haitians who are adjusting their status under the Haitian Refugee Immigration Fairness Act of 1998.
- immigrants who enter the U.S. prior to January 1, 1972 and who are otherwise “registry” eligible.

WHAT PUBLIC BENEFITS ARE AVAILABLE TO IMMIGRANTS IN PENNSYLVANIA?

A number of public benefits are available to immigrants in Pennsylvania, and specific eligibility requirements are described below. To inquire about a specific individual’s or family’s eligibility, contact the coordinating service organization directly or visit its Web site. **A detailed contact list can be found in the Resources section.**

Medical Assistance

Medical Assistance programs, such as Medicare and Medicaid, provide free health care coverage to low-income Pennsylvania residents, covering prescriptions and doctor’s visits. Anyone receiving TANF, GA, or SSI is automatically eligible for Medical Assistance (MA). The largest and most important public health insurance program in the country is Medicaid, which was established by the federal government in 1965 as part of the Social Security Act; it provides health care and services to certain groups of low-income people. All applicants for and recipients of Medicaid benefits must supply the state agency with a Social Security Number (SSN). However, non-applicant household members, such as a parent applying for benefits on behalf of a minor child, are not required to supply SSNs. States have no legal basis for denying an application based upon the failure of a non-applicant to supply his or her SSN.

Understanding Public Benefits Eligibility

To be eligible for Medicaid, a non-citizen must meet one of the following eligibility requirements:

- Meet the eligibility requirements of the Medicaid program and meet the PRWORA definition of a qualified immigrant; or
- Be a victim of trafficking (or one of their derivative beneficiaries); or
- Be an immigrant already receiving SSI on August 22, 1996; or
- Be a member of certain American Indian tribes born abroad.

Eight states, including Pennsylvania, also continue to provide the equivalent of Medicaid coverage to PRUCOL (Persons Residing Under Color of Law) immigrants (under this category, USCIS is aware of the person's presence in the U.S. but has no intent to deport him/her). Common examples of immigrants considered to be PRUCOL are people residing in the U.S. under an indefinite stay of deportation, an indefinite voluntary departure, or an order of supervision; people granted suspension of deportation, cancellation of removal, or deferred action; and people on whose behalf an immediate relative petition has been approved. PRUCOL immigrants in Pennsylvania are eligible for Medical Assistance.

Cash Assistance

The Pennsylvania Department of Public Welfare offers the Temporary Assistance for Needy Families (TANF) and General Assistance (GA) programs, which provide cash assistance to low-income families and individuals living in the state in order to help them move toward independence. TANF provides money for dependent children and their parents or other relatives with whom they live, and for pregnant women. GA provides cash assistance to certain groups of people, including those who are in a drug or alcohol treatment program that prevents them from working, those caring for a child or disabled adult who has no other caretaker, survivors of domestic violence, and people who have a doctor's form stating that they cannot work due to a physical or mental disability. All qualified immigrants in Pennsylvania are eligible to apply for cash assistance, regardless of when they entered the U.S. However, the only not qualified immigrants who are eligible are victims of trafficking and their derivative beneficiaries.

Understanding Public Benefits Eligibility

Supplemental Security Income (SSI)

Supplemental Security Income (SSI) is a federal income supplement program, funded by general tax revenues, that is designed to help elderly (age 65 and older), blind, and disabled people who have little or no income. It also provides cash to meet basic needs for food, clothing, and shelter. In general, SSI provides more money than GA; however, proving disabilities for SSI is more difficult and time consuming than proving disability for GA.

SSI is one of the federal means-tested public benefits for which the five-year bar applies in Pennsylvania. This means that immigrants who physically entered the U.S. on or after August 22, 1996 are barred from SSI until they have been a qualified immigrant for at least five years.

- Eligible qualified immigrants who entered the U.S. before August 22, 1996 include those who were receiving SSI (or had an application pending) on August 22, 1996; lawful permanent residents with credit for 40 quarters of work⁷; refugees, asylees, Amerasian immigrants, Cuban/Haitian entrants, and persons granted withholding of deportation only during the first seven years after getting status; veterans, active duty military, their spouses, un-remarried surviving spouses or children; victims of trafficking; certain American Indians born abroad; and those who entered the U.S. before August 22, 1996.
- Eligible qualified immigrants who entered the U.S. on or after August 22, 1996 include lawful permanent residents with credit for 40 quarters of work⁸ (however, they must wait five years after entry before applying); refugees, asylees, Amerasian immigrants, Cuban/Haitian entrants, and persons granted withholding of deportation only during the first seven years after getting status; veterans, active duty military, and their spouses, un-remarried surviving spouses, or children; victims of trafficking; and certain American Indians born abroad.
- Eligible not qualified immigrants include those receiving SSI (or had an application pending) on August 22, 1996; certain American Indians born abroad; and victims of trafficking and their derivative beneficiaries.

⁷ Qualifying quarters are determined by the amount of wages in covered employment or self-employment income earned during a calendar year. The amount of earnings needed to earn a credit increases and varies each year. The worker can earn a maximum of four quarters per year, but these quarters do not have to be earned in a corresponding three-month calendar period. Non-covered employment, such as certain work performed for state or local governments, can also be counted towards the **40 quarters exemption determination**, which applies to LPRs who have worked at least 40 qualifying quarters as defined by the Social Security Act. To meet the 40 quarters threshold, immigrants may receive credit for work performed: 1) by their parents when the immigrant is under 18, and 2) by a spouse during the marriage (unless the marriage ended in divorce or annulment); however, no credit is given if a federal means-tested public benefit is received in that quarter.

⁸ If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be prorated.

Understanding Public Benefits Eligibility

Food Stamps

The Food Stamp program helps low-income individuals and families buy the food they need for good health. The PRWORA made extensive changes to the program, such as limits on the amount of time able-bodied, childless adults can receive benefits. Food Stamp eligibility may be affected by deeming, a practice where a sponsor's income and resources are added to the immigrant's in determining eligibility (see "Sponsorship and Deeming Rules").

- Eligible qualified immigrants who entered the U.S. on or after Aug. 22, 1996 include those who are under 18 years old; are refugees, asylees, Amerasian immigrants, Cuban/Haitian entrants, and persons granted withholding of deportation (available for seven years after they obtain one of these non-citizen statuses); those who have been in qualified status for five years; are receiving disability related assistance; are LPRs with credit for 40 quarters of work; are veterans, active duty military, their spouses, un-remarried surviving spouses or children; are members of the Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S. (and their spouses and surviving children); and certain American Indians born abroad.
- Eligible not qualified immigrants include members of the Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S. (and their spouses and surviving children) who are lawfully present in the U.S.; certain American Indians born abroad; and victims of trafficking and their derivative beneficiaries.

Housing and Urban Development (HUD) Public Housing

HUD Public Housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. HUD also furnishes technical and professional assistance in planning, developing, and managing these developments. Its Section 8 Homeownership Program permits certain voucher participants to use voucher payments to purchase single family homes, condominiums, manufactured housing, and interests in cooperatives.

- All qualified immigrants in Pennsylvania are eligible for HUD Public Housing and Section 8 Programs regardless of when they entered the U.S. with the exception of certain Cuban/Haitian entrants and qualified abused spouses and children.⁹

⁹For LSC purposes, any of the following documents can be used to demonstrate a pending adjustment of status application (as long as the document is supported by proof of relationship to a U.S. citizen): I-

Understanding Public Benefits Eligibility

- Eligible not qualified immigrants include temporary residents under the Immigrant Reform and Control Act (IRCA) general amnesty, or paroled into the U.S. for less than one year; citizens of Micronesia, the Marshall Islands, and Palau; and victims of trafficking and their derivative beneficiaries. For all other immigrants, eligibility may depend on the date the family began receiving housing assistance, the immigration status of other household members, and the household composition.⁸ On a related note, the Low-Income Housing Tax Credit, which provides incentives for the utilization of private equity in the development of affordable housing for low-income Americans, is available to all immigrants, regardless of status.

Energy Assistance Programs (LIHEAP)

The Low-Income Home Energy Assistance Program (LIHEAP) is a federal program which provides states with block grants to help low-income households defray the cost of heating, cooling, and weatherizing their homes. LIHEAP programs typically include heating or cooling assistance programs, energy crises programs, and weatherization assistance. To receive LIHEAP services and weatherization assistance for single-unit dwellings, immigrants must be of the qualified status or be a victim of trafficking or a derivative beneficiary, as well as meet the basic requirements for LIHEAP eligibility. The only LIHEAP program for which not qualified immigrants are eligible is the weatherization assistance program, but this applies only to families living in multi-unit dwellings. Although options are limited for not qualified immigrants, Pennsylvania has a number of community action agencies, as well as non-profit and charitable organizations, which provide LIHEAP-type assistance to all eligible residents regardless of status.

⁸ If at least one member of the household is eligible based on immigration status, the family may reside in the housing, but the subsidy will be prorated.

Understanding Public Benefits Eligibility

Legal Services Corporation (LSC)

The LSC provides grants to legal services programs to give free legal advice to low-income clients in non-criminal matters such as public benefits, housing, consumer issues, employment, education, and family law. A person's eligibility for LSC-funded programs depends on the income thresholds set by the local program, which reflect federal poverty guidelines. In most cases, a person is not eligible if his/her income is more than 125 percent of the federal poverty guidelines (see Appendix B). The following immigrants are eligible for LSC-funded legal services:

- Lawful permanent residents.
- Refugees.
- Asylees.
- Persons granted withholding or deferral of removal/deportation.
- Victims of trafficking and their dependents.
- Conditional entrants.
- Immigrants who have filed an application for "adjustment of status" to permanent residence and who are the spouse, parent, or child (under 21) of a U.S. citizen.
- Special Agricultural Worker (SAW) temporary residents.
- Non-immigrant agricultural laborers (H-2A workers) (eligibility is limited to assistance regarding issues of wages, housing, transportation, and other employment rights provided in the H-2A contract under which the nonimmigrant worker was admitted).
- Certain American Indians born outside the U.S. (who either were born in Canada or are members of the Texas Band of Kickapoo).
- Foreign nationals who seek assistance pursuant to the Hague Convention on the Civil Aspects of International Child Abduction.

Understanding Public Benefits Eligibility

Disaster Assistance

Federal disaster assistance is provided to victims of a major disaster (e.g. earthquakes, storms, and civil unrest) through the Federal Emergency Management Agency (FEMA), the Individual and Family Grant Program (IFGP), Disaster Unemployment Assistance (DUA), the Small Business Administration (SBA), and other benefits programs such as food stamps. FEMA provides temporary housing and mortgage/rental assistance, and has a minimal repairs program. The IFGP provides grants to persons needing financial help for disaster-related expenses such as housing repairs and cleanup, replacement of household and job essentials, and medical, dental, and funeral costs. Similarly, the SBA offers low-interest loans to homeowners, renters, and businesses to repair or replace damaged homes, personal property, or businesses. Finally, the DUA provides cash income to persons who become unemployed due to a major disaster.

Individuals who have suffered a loss caused by an event that the president of the U.S. has declared to be a major disaster, and who apply soon after the disaster is declared (within the application time period for the particular benefit program), qualify for disaster assistance. As mentioned previously, the receipt of disaster relief does not have public charge consequences on immigrants; however, access to certain disaster relief services is restricted depending on immigration status:

- FEMA, IFGP and DUA¹⁰ Assistance Programs: All qualified immigrants and victims of trafficking are eligible to participate in disaster assistance programs sponsored by FEMA, IFGP, and DUA. Not qualified immigrants are ineligible.
- Short-Term, Noncash, In-Kind Emergency Disaster Relief: In general, all immigrants, regardless of status or date of entry, are eligible for short-term, noncash, in-kind emergency disaster relief and other similar services. These services include search and rescue; emergency medical care; emergency shelter; provisions of food, water, medicine and other essential needs; and reduction of immediate threats to life, property, and public health and safety.
- Emergency Food Stamps: The following immigrants are eligible for federally funded emergency food stamps:

¹⁰ To receive DUA, “qualified” immigrants and victims of trafficking must have employment authorization.

Understanding Public Benefits Eligibility

- o Children under 18 years old who were lawfully residing in the U.S. on August 22, 1996, and who are now qualified immigrants.
- o Seniors who were born before August 22, 1931, were lawfully residing in the U.S. on August 22, 1996, and who are now qualified immigrants.
- o Persons receiving benefits for blindness or disability who were lawfully residing in the U.S. on August 22, 1996. Disability-related benefits may include: SSI, Social Security disability, state disability or retirement pension, railroad retirement disability, veteran's disability, disability-based Medicaid, or possibly General Assistance.
- o Lawful permanent residents (LPRs) credited with 40 quarters of work.
- o "Refugee" categories: Individuals granted status as a refugee, asylee, person granted withholding of removal/deportation, Amerasian immigrant, or Cuban/Haitian entrant, during the seven years after obtaining this status. Eligibility continues during this period even if the "refugee" becomes an LPR. Even after the seven-year period expires, these immigrants may be eligible under another category listed on this page.
- o Victims of trafficking.
- o Veterans and active duty military personnel, their spouses, un-remarried surviving spouses, and children, who are qualified immigrants.
- o Certain Hmong or Highland Laotian tribe members who are lawfully present in the U.S. and were members of these tribes during the Vietnam era; spouses, un-remarried widows/widowers, and children of these tribe members also are eligible.
- o A member of a federally recognized Indian tribe, or an American Indian born in Canada.

All not qualified immigrants are ineligible for emergency food stamps except the aforementioned American Indians and Hmong or Laotian tribe members described as eligible.

Understanding Public Benefits Eligibility

Earned Income Tax Credit

The Welfare Act prohibits noncitizens who do not qualify for a Social Security number (SSN) from claiming the earned income tax credit (EITC).¹¹ The EITC is a federal tax credit for working families who have moderately low incomes. The amount of the tax credit depends on the family's size and income. The Welfare Act provides that only persons who include their taxpayer identification number (defined as the SSN) and that of their spouse may claim the EITC. Any children included on the EITC application must also have a SSN.

WHAT PUBLIC BENEFITS ARE AVAILABLE TO CHILDREN IN PENNSYLVANIA?

Federal policy protects the rights of immigrant children who were born in the United States and are, therefore, U.S. citizens. These children are eligible to apply for any public benefit, regardless of the immigration status of their parents or other family members. Only the status of the child is relevant to his or her eligibility. When applying, immigrant parents should state that they are only applying for their children and not for themselves. For many federal public benefit programs, as well as state-funded programs, parents still need to give proof of income but a SSN is not required.

State Children's Health Insurance Program (CHIP)

One of the most important public benefits available to children is the State Children's Health Insurance Program (CHIP), which was established by Congress in 1997 to enable states to provide health insurance to uninsured, "targeted low-income children." Targeted low-income children are children under the age of 19 whose family incomes meet state-specified guidelines and who are not eligible for Medicaid or any other health insurance. The following immigrant children are eligible for CHIP in Pennsylvania:

- Children born in the United States are U.S. citizens, even if their parents are not legally present. These children are eligible for CHIP, subject to the same eligibility requirements that apply to any other U.S. citizen child.
- All qualified immigrant children regardless of their date of entry
- Unmarried, dependent children of honorably discharged veterans and active duty service members of the Armed Forces, regardless of the date of entry.

Not qualified immigrants are ineligible unless they are victims of trafficking and their derivative beneficiaries.¹²

¹¹ Welfare Act §451.

¹² Note: All immigrant children, regardless of their status or date of entry, can participate in, and benefit from, health services initiatives as described in the next section of this document.

Understanding Public Benefits Eligibility

Child Care Assistance

The federal government provides two major sources of funding for child care available to immigrants: TANF-funded Child Care and the Child Care and Development Block Grant (CCDBG), also known as the Child Care and Development Fund (CCDF). In addition, Pennsylvania offers its own state-funded child care services, which are only open to immigrants who have naturalized or are qualified immigrants.

- CCDF-funded Child Care: CCDF is a federally funded program managed by the states in order to give them the flexibility to design their own child care assistance programs within broad federal requirements. CCDF requires states to give priority to very low-income families and to families with children who have special needs. States must also spend a substantial portion of CCDF funds to meet the needs of families that are receiving TANF assistance, transitioning off TANF, or at risk of needing TANF.

CCDF is available to children meeting all of the following requirements:

- o Who are under age 13 or, at state option, under 19 if the child is physically or mentally incapable of caring for himself or herself, or is under court supervision;
- o Who are in a family whose income does not exceed 85 percent of the state median income (although states may set a lower income eligibility level); and
- o Whose parents are working or attending an educational or job training program.

CCDF is not a federal entitlement; therefore, some eligible families may not be able to receive assistance. Parents who receive CCDF subsidies have a right to choose their child care provider, which can be a relative, a family child care home, or a child care center.

For CCDF-funded child care, only the immigration status of the child is relevant for eligibility purposes. However, some CCDF-funded child care is available to children regardless of their status. It is important to note that state agencies cannot require a SSN from persons seeking CCDF-funded child care, and cannot deny the benefit to families that do not provide a SSN. Immigrants eligible for CCDF-funded child care include:

Understanding Public Benefits Eligibility

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- o Qualified immigrant children.
- o Victims of trafficking and their derivative beneficiaries.
- o All immigrants (regardless of status) are eligible for CCDF-funded child care when:

Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;

Child care is subject to Head Start performance standards;

Eligibility for child care services is determined by a nonprofit charitable organization.

- TANF-funded Child Care: TANF-funded Child Care¹³ may be administered by the states, as long as the expenditures are directed at one or more of the goals of the TANF program. It may also be provided to families that are receiving TANF cash assistance, families transitioning off TANF cash assistance, and families at risk of needing TANF cash assistance. TANF funds may be transferred to the CCDF funding stream, in which case CCDF rules (including immigrant eligibility criteria), rather than the TANF rules, govern. Immigrants eligible for TANF-funded child care include:

- o Qualified immigrants who physically entered the U.S. before August 22, 1996.
- o Qualified immigrants who physically entered the U.S. on or after August 22, 1996, and have been in qualified immigrant status for at least five years.
- o “Refugee” categories: Individuals granted status as a refugee, asylee, person granted withholding of removal/deportation, Amerasian immigrant, or Cuban/Haitian entrant. Eligibility continues even if the “refugee” becomes a lawful permanent resident.
- o Victims of trafficking and their derivative beneficiaries.
- o Veterans and active duty military personnel, their spouses, un-remarried surviving spouses, and children, who are qualified immigrants.
- o All other immigrants are not eligible for TANF-funded Child Care.

¹³ Note: Receipt of subsidized child care is not considered in public charge determinations. However, receiving TANF cash assistance may be considered.

Understanding Public Benefits Eligibility

WHAT PUBLIC BENEFITS ARE AVAILABLE TO IMMIGRANTS IN PENNSYLVANIA REGARDLESS OF IMMIGRATION STATUS?

Although undocumented immigrants are not eligible for certain public benefits (e.g., Food Stamps, SSI, Earned Income Tax Credit (EITC), TANF) there are still numerous public benefits programs funded by the federal and state governments available to them. It is important to note that service providers are not required to verify citizenship or immigration status when providing these benefits. Many of these benefits are explained in further detail at: <http://www.phlp.org/Website/Immigrants/immigrants%20IHAP.asp>.

The following benefit programs and services are available to all immigrants, regardless of status or date of entry:

Emergency Medical Assistance (EMA)

Immigrants who do not fit into any of the qualified immigrant categories are only eligible for Emergency Medical Assistance (EMA). EMA requires that the immigrant has an emergency medical condition, defined as the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to result in:

- Placing the patient's health in serious jeopardy.
- Serious impairment to bodily functions.
- Serious dysfunction of any bodily organ or part.

For example, a small tumor which is potentially fatal may not warrant a trip to an emergency room, but should certainly be considered a possibility for EMA. Labor, delivery, and prenatal care are also covered under EMA.

To qualify for Emergency Medicaid, an immigrant must:

- Otherwise qualify for Medicaid, i.e., the immigrant must satisfy all Medicaid financial and categorical eligibility requirements.
- Meet state residency requirements.

To apply for EMA in Pennsylvania, an immigrant must complete the standard forms,¹⁴ and must submit an additional letter from a doctor verifying the emergency medical condition. The doctor's letter is mandatory and must meet particular specifications.

Understanding Public Benefits Eligibility

Access to EMA under the Emergency Medical Treatment and Active Labor Act (EMTALA)

EMA is also available under EMTALA, which is a federal law designed to prevent hospital emergency rooms from refusing to treat people who need emergency medical assistance but have no health insurance or other means to pay the bill. It is sometimes called the federal anti-dumping statute.

Under EMTALA, any hospital that participates in Medicare and has an emergency room must:

- Examine every patient who comes to the emergency room to determine whether he or she has an “emergency medical condition” or is in “active labor.” If so, the hospital must provide stabilizing treatment within the capacity of the facility.
- Not transfer a patient prior to stabilization unless the physician on duty (or another qualified medical professional with the doctor’s permission) certifies in writing that the medical benefits of transfer outweigh the increased risks to the individual or unborn child, because proper medical treatment is unavailable there.

Chronic Care Cases

As a general rule, EMA only covers short-term acute conditions. In 2004, however, the Pennsylvania Department of Public Welfare issued an Operation Memorandum clarifying that chronic care, such as dialysis, may be approved in certain cases. Immigrants or advocates preparing these cases should follow the EMA process explained above, and do two additional things: First, include a copy of the 2004 Operation Memorandum with the EMA application; second, in the EMA doctor’s letter, explain the extreme seriousness of the consequences of non-treatment (for example, “without this treatment, this patient is likely to die within days”) and describe the expensive medical emergencies that non-treatment will cause.

Federally Qualified Health Centers

Located throughout the state, Federally Qualified Health Centers (FQHC) provide health care services regardless of immigration status. Often, they employ a sliding fee scale to make it affordable, or free, for lower-income consumers.

Understanding Public Benefits Eligibility

Nurse-Managed Health Centers

Nurse-managed health care centers are staffed by nurses who provide care for patients at the centers on a sliding fee scale, or in some cases, for free. There are no restrictions for treatment based on immigration status. In the event a patient needs medical care beyond the scope of the nurse-managed health care center, the nurse practitioners may complete MA forms and EMA letters on his or her behalf, thus helping to secure MA coverage for the needed specialty care.

Healthy Woman

Healthy Woman "50+" sites offer reduced-cost treatment on a sliding fee scale for numerous women's health services, including mammograms, PAP tests, and other services. The service is available to all women age 50 years or older, and some services are available to some women age 40 or older. All these basic Healthy Woman services (with one important exception, below) are currently available regardless of immigration status.

The Healthy Woman sites are also the entry points into the Breast and Cervical Cancer Prevention and Treatment (BCCPT) program, which is a Medical Assistance program. Women of any age are eligible for BCCPT screening at a Healthy Woman site, but BCCPT program treatment is subject to the normal Medical Assistance immigration status requirements and specific income requirements. Immigrant women who do not have MA-eligible qualified immigrant status will be able to access Healthy Woman Medical Assistance BCCPT services only through the Emergency Medical Assistance process.

Women, Infants and Children (WIC)

The Women, Infants, and Children program (WIC) is a health and supplemental nutrition program for pregnant women, breastfeeding women up to 12 months postpartum, non-breastfeeding women up to 6 months postpartum, and infants and children up to 5 years of age who have a medical/nutritional risk and meet financial eligibility criteria. WIC provides its services to pregnant and breast-feeding women, as well as to children up to the age of 4, without regard to immigration status.

Prescription Assistance for Seniors (PACE, PACENET, and PACE Plus Medicare)

PACE, PACENET and PACE Plus Medicare are Pennsylvania's prescription assistance programs for adults age 65 and older. They offer low-cost prescription medication to qualified residents who meet the PACE income requirements, regardless of immigration status. For individuals whose incomes exceed PACE specifications, there is another tier of coverage called PACENET, with a higher income threshold.

Understanding Public Benefits Eligibility

Other Prescription Assistance Programs

Several prescription program Web sites provide information about free or reduced-rate prescription programs run by drug companies. Some of these programs may be open to individuals regardless of immigration status. Immigrants with prescription drug needs who qualify for programs such as MA or PACE/PACENet should see if they can get their prescription drugs covered through sites such as NeedyMeds.com or RxAssist.org. Immigrants can also directly contact drug companies to discover what reduced-cost programs they offer.

COBRA/HIPAA Laws

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) each have provisions designed to protect workers who are displaced from a job through which they received health insurance, and these laws operate regardless of immigration status. These laws may be very important to immigrants as the state encourages lower-wage and smaller employers to provide health care for employees.

COBRA is a federally regulated law that gives employees and their eligible dependents the opportunity to remain in their employer's group coverage when they would otherwise lose coverage due to certain qualifying events. COBRA requires an employer to allow a former employee to purchase into the group insurance plan for a period of 18 months (in most cases) after losing employment, ensuring coverage during the transitional period after losing the job. The employee must start COBRA coverage within 63 days of losing his or her job. If coverage lapses for more than 63 days at any point, new insurance companies will be allowed to apply pre-existing condition exclusions against the potential recipient. For information on COBRA, immigrants should talk to their employers.

HIPAA is a federal law that protects millions of working Americans and their families who have pre-existing medical conditions or who might suffer discrimination in health coverage based on a factor that relates to an individual's health. HIPAA requires the state to offer at least two health plans that do not have pre-existing exclusion clauses to an individual who lost an employment-, government-, or church-based insurance plan that they had for at least 18 months prior. These plans can only be accessed after any available COBRA coverage runs out. Again, a lapse in coverage of 63 days or longer at any point invalidates coverage for pre-existing conditions.

Understanding Public Benefits Eligibility

Special Care

Special Care is a private reduced-cost insurance available to low-income individuals and families. It is currently the policy of the Special Care HMO contractors to allow enrollment regardless of immigration status. Special Care is not a free program, has pre-existing condition exclusions, and does not offer coverage as comprehensive as programs like Medical Assistance and CHIP. Nonetheless, it may be a good option for an immigrant or immigrant family that is in a not qualified immigration status (and therefore ineligible for MA or CHIP) and would like to purchase basic health insurance.

Note: Qualified immigrant children should never be enrolled in Special Care because they are also eligible for CHIP, which provides more comprehensive coverage for free or at a much lower premium.

Charity Care

Most hospitals in Pennsylvania provide free uncompensated care to some patients, based on complex state and federal funding requirements as well as optional charitable missions. Typically, access to this funding is not automatic. Instead, the hospital typically has an application process whereby someone with outstanding medical bills requests to have those bills paid for by the charity care funds. In many cases, this charity care funding is available regardless of immigrant status. If an immigrant is unable to have bills paid through EMA, they may apply for charity care at a hospital by contacting hospital social workers and staff.

County Mental Health and Mental Retardation Services

Every county in Pennsylvania is required to provide Mental Health and Mental Retardation (MH/MR) services for county residents. These services may include anything from basic wellness visits, to home supports, to crisis intervention care. Because the system is organized at the county level, and therefore subject to a wide range of funding sources (local, state, and federal funds), it is difficult to generalize about what services are available without regard to immigration status. However, many MH/MR programs offer a wide variety of services which are available to all immigrants, and should always be consulted for problems that involve mental health, behavioral health, or mental retardation.

Substance abuse disorder treatment and mental health / behavioral health services are available to residents who are uninsured or whose insurance does not cover behavioral health treatment. Proof of local residency is required; a local mailing address is accepted as proof of residency.

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The Allegheny County Department of Human Services offers a wide variety of MH/MR services through the Office of Mental Retardation/Developmental Disabilities (MR/DD). An individual with mental retardation must be registered with that office in order to receive services.

Other Non-Medicaid Funded Health Services

Immigrants, regardless of immigration status or date of entry, are eligible to receive non-Medicaid funded public health assistance, including:

- Immunizations for children and adolescents.
- HIV/AIDS-related care and treatment including services funded under the Ryan White Care Act.¹⁵
- Medical assistance for children and women who are victims of domestic violence.
- Tuberculosis screening, diagnosis, and treatment.
- Testing and treatment of symptoms of other communicable diseases (defined as infectious illnesses that can be transmitted from one infected person to another).

Public Education

Under Title VI of the Civil Rights Act of 1964 and promulgated Department of Education regulations, all children are eligible to participate in and receive the benefits of any program or activity receiving Federal financial assistance from the Department of Education, regardless of race, color, or national origin.¹⁶ Immigrants and the children of immigrants, therefore, are entitled to access public schools without restriction based on immigration status. Federal law also requires school districts to help children with limited English proficiency (also known as English-language learners, or ELLs) to overcome language barriers and to ensure that they can participate meaningfully in the district's educational programs; however, districts are not required to implement any particular educational approach to the instruction of ELL students and have substantial flexibility when developing programs to meet the students' needs.

¹⁵ The Ryan White Care Act funds programs to improve availability of care for low-income, uninsured and under-insured victims of AIDS and their families. The latest version, signed into law in 2006, changed how Ryan White funds can be used, with an emphasis on providing life-saving and life-extending services for people living with HIV/AIDS across the country.

¹⁶ Civil Rights Act of 1964, 42 U.S.C. §2000d. 4 C.F.R. § 100.

Understanding Public Benefits Eligibility

Pennsylvania law also explicitly protects immigrants' entitlement to public education; according to Title 22, Section 11.11 of the Pennsylvania Code,¹⁷ "a child's right to be admitted to public school may not be conditioned on the child's immigration status"; further, "a school may not inquire regarding the immigration status of a student as part of the admission process." Schools must administer "a home language survey to all students seeking first time enrollment in its schools in accordance with requirements of the United States Department of Education's Office for Civil Rights."

All children are required to attend school in accordance with enrollment mandates outlined by state and local entities.

Community-Based Programs Available to All Immigrants

The Welfare Act authorized the U.S. Attorney General to designate other community programs, services and assistance for which all immigrants, regardless of status, will continue to be eligible. The programs, services, or assistance must meet the following three criteria:

- Be delivered in-kind at the community level, including through public or private nonprofit agencies;
- Not base the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and
- Be necessary for the protection of life and safety.¹⁸

Some of the community-based programs include the following:

- Police, fire, ambulance, transportation, sanitation, and other regular, widely available services.
- Crisis counseling and intervention programs, such as services and assistance relating to child protection, adult protective services, violence and abuse prevention, and treatment of mental illness or substance abuse.
- Short-term shelter or housing assistance for the homeless; victims of domestic violence; and runaway, abused, or abandoned children.
- Programs, services, or assistance to help individuals during periods of adverse weather conditions.

¹⁷ 22 Pa. Code § 11.11(d),(e).

¹⁸ 8 U.S.C. §1611(b)(1)(B)

Understanding Public Benefits Eligibility

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- Nutrition programs such as School Breakfast, School Lunch, Special Milk Program, after school snacks and summer meals for all children, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), and the Nutrition Program for the Elderly (only eligibility requirement is to be 60 years old or older).
- Soup kitchens, community food pantries, Meals on Wheels, and other such community nutritional services for persons requiring special assistance.
- Medical and public health services (including treatment and prevention of diseases and injuries).
- K-12 education.
- Head Start programs.
- Services provided by nonprofit organizations and clinics.
- Any other programs, services, or activities designed to protect the life and safety of workers, children or community residents.

SPONSORSHIP AND DEEMING RULES

As part of the immigration process outlined in the 1996 welfare and immigration laws, many immigrants need to have a sponsor.¹⁹ Family members and some employers eligible to file a petition to help a person immigrate become financial “sponsors”²⁰ of the immigrant by signing a contract with the government (an “affidavit of support”). Under the enforceable affidavit (Form I-864), the sponsor promises to support the immigrant and to repay certain benefits that the immigrant may use. There are also further eligibility restrictions on immigrants whose sponsors sign an enforceable affidavit of support.

When an agency is determining an LPR’s financial eligibility for a program, the law sometimes requires the agency to “deem” the income of the immigrant’s sponsor or the sponsor’s spouse as available to the immigrant. Deeming means that in determining financial eligibility, the benefits-granting agency counts the income and resources of the sponsor and the sponsor’s spouse as though they were available to the sponsored immigrant.

¹⁹ Almost all family-based immigrants, including employment-based immigrants when the petitions are also family-based, are required to submit Form I-864. Exceptions are made only for widows/widowers (who must have been married for two years to a citizen, not to an LPR) and battered spouses (pursuant to the Violence Against Women Act).

²⁰ Sponsor – a person who signs an affidavit of support for a person who is applying to immigrate to the U.S. as a resident. A sponsor must be a U.S. citizen, national, or legal permanent resident, 18 years or older, domiciled in the U.S., and must meet income/assets requirements.

Understanding Public Benefits Eligibility

LPRs who are sponsored pursuant to the new affidavits of support are subject to deeming until they either naturalize or have earned 40 qualifying quarters in covered employment (explained above under “SSI” and “Food Stamps”). Under those aforementioned procedures, LPRs may be credited with the qualifying quarters of their spouse or parents, provided that they did not receive any federal means-tested public benefits during the time period when qualifying quarters were earned.

In Pennsylvania, federal means-tested public benefits programs (e.g. TANF, SSI, Food Stamps,²¹ and General Assistance) “deem” the income and resources of a sponsor to those of the immigrant when

Exceptions to Deeming Rules

Benefits-granting agencies may not apply sponsor deeming rules to:

- Refugees.
- Asylees.
- Battered spouses and their children for one year (where the need for benefits has a substantial connection to the battery or cruelty and may be extended if the abuse has been recognized by a court, Administrative Law Judge or USCIS).
- Indigent immigrants who have been abandoned by their sponsor and would otherwise go without food or shelter (limited to one year).

Extent of Sponsor Liability

Only receipt of federal means-tested public benefits (such as nonemergency Medicaid, CHIP, TANF, SSI, and Food Stamps) triggers sponsor liability for repayment.

- If a sponsored immigrant, subject to a new affidavit of support, receives a federal means-tested public benefit that has not been specifically exempted from this requirement, the sponsor is responsible for repayment of the benefit within 45 days of a request for repayment by a benefit-granting agency.
- Any federal, state, or local government entity can take legal action against the sponsor to enforce the affidavit of support.
- The government has up to 10 years from the date on which the immigrant last received the public benefit to bring an action for repayment against the sponsor.
- The sponsor must keep USCIS informed of his/her current address; failure to do so may result in fines ranging from \$2,000 to \$5,000.

²¹ In Pennsylvania, immigrant children are not subject to sponsor deeming in the food stamp program.

Understanding Public Benefits Eligibility

Duration

New affidavits of support are legally binding upon the sponsor until:

- The sponsor dies; or
- The immigrant:
 - Becomes a U.S. citizen;
 - Obtains 40 quarters of creditable Social Security coverage;
 - Leaves the U.S. and gives up LPR status; or
 - Dies.

DUTY TO REPORT

Section 404 Regulations

Section 404 of the PWRORA states that under extraordinary and specific circumstances, an agency that knows and can prove a person is not legally present in the U.S. must report him or her to USCIS.²² However, merely knowing that an immigrant is ineligible for a certain federal benefit, or knowing that an immigrant applying for his/her children is undocumented, does not trigger reporting. In order to report someone, the state agency must know that USCIS has identified that a person is illegally present in the United States and is under an order for deportation. The guidelines for reporting are very specific; an oral or written admission of one's own undocumented status does not trigger the reporting requirement, nor does suspicion, or even a firm conviction, by an agency worker about the individual's immigration status.

In other words, Section 404's reporting requirement does not apply unless the individual's immigration status has been formally determined by the agency, and unless that formal determination is based on specific evidence provided by USCIS or the Executive Office for Immigration Review (EOIR), such as a "Final Order of Deportation." The formal determination that an immigrant is here "illegally" can only be made when the undocumented immigrant in question is attempting to claim benefits under one of the following programs: the TANF program or Welfare-to-Work programs under Title IV(a) of the Social Security Act; SSI; or the Public and Assisted Housing Program provided under the United States Housing Act of 1937, or Section 6 or Section 8 Housing Assistance Programs. No other entities are affected by the Section 404 reporting requirements.

Nonprofit Charitable Organizations

Despite PWRORA reporting laws, nonprofit charitable organizations that provide federal, state, and local public benefits are not required to determine, verify, or otherwise require proof of an applicant's eligibility for such benefits based on the applicant's status as a U.S. citizen, a U.S. non-citizen national, or qualified immigrant.

²² For more information about Section 404, see <http://www.nilc.org/immspbs/vr/verifreptg004.htm>

Resources

(last updated October 2008)

Furthermore, a nonprofit charitable organization cannot be penalized for providing federal public benefits to an individual who is not a U.S. citizen, U.S. non-citizen national, or qualified immigrant.

Medical Assistance

Interested individuals should apply using the COMPASS Web site (<https://www.humanservices.state.pa.us/compass/>), or by calling the Allegheny County Assistance Office at 412-565-2146.

Cash Assistance

For more information, visit: <http://www.dpw.state.pa.us/ServicesPrograms/CashAsstEmployment/003670281.htm> and search to find the closest Allegheny County Assistance Office.

TANF, SSI, Food Stamps, and MA

Questions concerning eligibility and application procedures for Food Stamps, cash assistance programs like TANF and SSI, and Medical Assistance can be answered by contacting the Allegheny County Assistance Office:

611 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Phone: 412-565-2146

Public Housing

To see a complete listing of the HUD-subsidized public housing managed by the Allegheny County Housing Authority (ACHA) visit: <http://www.achsng.com/communities.htm>.

625 Stanwix Street, 12th floor
Pittsburgh, PA 15222
Phone: 412-355-8940
Leasing Administrator: Kim McNeil, 412-402-2541,
kmcneil@achsng.com

To see a complete listing of the HUD-subsidized public housing managed by the Housing Authority of the City of Pittsburgh (HACP) visit: <http://www.hacp.org/housing/facilities.jsp>.

200 Ross Street, 9th floor
Pittsburgh, PA 15222
Phone: 412-456-5000

Resources

(last updated October 2008)

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Individuals who are not currently HACP public housing tenants or are not on Section 8, must apply for and become an active public housing or Section 8 tenant for one year. To apply, contact:

Occupancy Department

100 Ross Street, 4th floor
Pittsburgh, PA 15222
Phone: 412-456-5030

Energy Assistance

For more information regarding LIHEAP, visit: <http://www.alleghenycounty.us/dhs/utility.aspx>. To apply in person for LIHEAP Crisis or other utility assistance programs, applicants may go to one of the following locations:

Downtown Pittsburgh

One Smithfield Street
Human Services Building
1st Floor
Pittsburgh, PA 15222
Phone: 412-350-6611
Fax: 412-350-2785

Allegheny Valley Association of Churches

(A.V.A.C.)1913 Freeport Road
Natrona Heights, PA 15065
Phone: 724-226-0606

Braddock

849 Braddock Avenue
1st Floor
Pittsburgh, PA 15104
Phone: 412-273-6450

McKeesport

345 5th Avenue
McKeesport, PA 15132
Phone: 412-673-5374

Legal Services

A number of independent legal services programs represent immigrants without restriction, including the Community Justice Project of Allegheny County and the Pittsburgh Refugee & Immigrant Assistance Center. The Allegheny County Bar Foundation Web site also lists a number of local Pro Bono legal organizations which serve both qualified and not qualified immigrants: http://www.acbf.org/Pro_Bono_Center/Member_Organizations.asp. With the exception of the Neighborhood Legal Services, which requires documentation, the organizations listed on the link above do not inquire into citizenship status.

Resources

(last updated October 2008)

Disaster Assistance

For more information about disaster assistance services and to identify local Emergency Management Coordinators throughout Allegheny County, visit: <http://www.alleghenycounty.us/emerserv/emerman/index.aspx>.

Disaster assistance for small businesses:

Allegheny Conference
Business Resource Center
1-877-392-1300.

Federal disaster assistance:

FEMA
800-621-FEMA (3362)
800-462-7585 (TTY) for the hearing and speech impaired

Children's Health Insurance Plan

For information about CHIP, contact the Allegheny County Health Department at 412-578-8026. Information can also be found at <http://chipcoverspakids.com/>. To apply for CHIP, call 1-800-986-KIDS to request that an application be sent to you by mail or apply online at <http://www.chipcoverspakids.com/interior.php?subPage=ApplyNow>.

Child Care Assistance

For information about child care in Allegheny County, contact the Child Care Information Services by e-mail at ywca@ywcapgh.org, or by visiting the following locations:

YWCA of Greater Pittsburgh

305 Wood Street
2nd Floor
Pittsburgh, PA 15222
Phone: 412-261-2273
Toll-Free Phone:
1-800-392-3131
Fax: 412-391-9808

CCIS of Allegheny County - North/East

2 Allegheny Center
Building #2, 4th Floor
Pittsburgh, PA 15212
Phone: 412-246-4540
Fax: 412-798-8253

CCIS of Allegheny County - East

Keystone Commons, Second Floor
635 Braddock Avenue
East Pittsburgh, PA 15112
Phone: 412-349-0303
Fax: 412-349-0339

The Catholic Charities of Pittsburgh also runs a Family Day Care Program: 412-456-6985.

Resources

(last updated October 2008)

Emergency Medical Assistance

For information on these emergency Medicaid specifications visit the Pennsylvania Health Law Project Web site at: <http://www.phlp.org/Website/Immigrants/immigrants%20IHAP.asp> or call the Allegheny County Assistance Office at 412-565-2146.

Federally Qualified Health Centers

The County Assistance Office keeps a list of FQHCs in Pennsylvania, as does the Pennsylvania Department of Health. To view an online listing of FQHCs, visit the Pennsylvania Association of Community Health Centers' Web site at: <http://www.paforum.com/allegheeny.htm>.

Nurse-Managed Health Centers

To see a complete listing of nurse-managed health centers, visit the National Nursing Centers Consortium's Web site at: <http://www.nationalnursingcenters.org/membership/penn.html>.

Healthy Woman

For more information regarding Healthy Woman programs, visit:

Adagio Health

<http://www.adagiohealth.org/pages/locations/county-allegheeny.htm>

1-800-215-7494

Planned Parenthood of Western Pennsylvania (PPWP)

933 Liberty Avenue
Pittsburgh, PA 15222

<http://www.pppw.org/healthservices/locations/index-2.html>

1-800-230-PLAN.

Women, Infants and Children (WIC)

WIC Administrative Office, Allegheny County

239 Fourth Ave., Sixth Floor
Pittsburgh, PA 15222

Phone: 412-350-5801

Fax: 412-350-4424.

<http://www.achd.net/wic/locations.html>

Resources

(last updated October 2008)

All WIC applicants must meet specific income guidelines to be eligible.

The 2008 income guidelines can be found at the following link:

<http://www.achd.net/wic/qualify.html>.

In addition to income requirements, applicants must also meet certain medical/nutritional guidelines set by the U.S. Department of Agriculture. This eligibility is determined by a WIC nutritionist based on medical information provided by the health-care provider on the WIC application. To download application forms, visit: <http://www.achd.net/wic/apply.html>.

Prescription Assistance for Seniors (PACE/PACENET)

For more information about PACE/PACENET, call 1-800-225-7223, or visit the Pennsylvania Department of Aging Web site at: <http://www.aging.state.pa.us/aging/cwp/view.asp?a=554&q=254019>.

COBRA/HIPAA Laws

To enroll in a COBRA or HIPAA plan, individuals should contact their local Blue Cross/Blue Shield program. For more information or to determine your eligibility, call:

Blue Cross/Blue Shield Individual Health Products Service Department

1-800-544-6679 (for current members)

1-800-876-7639 (for new members)

Special Care

More information about Special Care is available at the Caring Foundation Web site: (http://www.ibx.com/social_mission/caring_foundation/index.html), or by calling 1-866-282-2702 (TDD/TTY: 215-241-2622).

County Mental Health and Mental Retardation Services

Office of Mental Retardation/ Developmental Disabilities

304 Wood Street, Suite 200

Pittsburgh, PA 15222

Phone: 412-350-3695

412-350-3467 (TTY)

Intake/Registration Unit phone: 412-253-1250

Fax: 412-350-3316

Appendix A: Glossary of Relevant Terms

Affidavit of Support (New): A legally enforceable agreement between the federal government and an immigrant's sponsor to provide sufficient support to maintain an immigrant at 125 percent of the federal poverty level. Nearly all family-based and some employment-based immigrant visa applicants have to submit the new affidavit of support, Form I-864, which became effective December 19, 1997. For anyone not required to use the new form, the traditional affidavit of support, Form I-143, and the rules governing its use remain in effect.

Affidavit of Support (Old): (Form I-143) A non-binding statement by an immigrant's sponsor to provide financial support to the immigrant.

Amerasian: A child fathered by a U.S. citizen in certain Southeast Asian countries during the years of U.S. conflict in that region. Amerasians are qualified immigrants because they were given LPR status under special provisions of the immigration law.

Asylee: An immigrant who flees his or her country in fear of persecution or with a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a social group and who is already present in the U.S. at the time he/she obtained asylum.

Battered immigrant spouse or child: A qualified immigrant who: 1) is a victim of domestic violence; 2) has a pending or approved visa petition filed by a U.S. citizen or LPR spouse/parent, a self-petition pursuant to VAWA, or an application for cancellation of a removal/suspension of deportation under VAWA; and 3) whose need for benefits have a substantial connection to the battery or cruelty. Also includes the parent of a battered child and the child of a battered spouse.

Categorically needy: Individuals who either qualify automatically for Medicaid because they are eligible for another form of assistance (e.g., Supplemental Security Income), or who fit into specified groups of low-income families and children or low-income aged, blind, or disabled individuals.

Child Care and Development Fund (CCDF): A program, authorized by the Child Care and Development Block Grant Act, and Section 418 of the Social Security Act, that assists low-income families, families receiving temporary public assistance, and those transitioning from public assistance in obtaining child care so they can work or attend training/education.

Appendix A: Glossary of Relevant Terms

Cuban and Haitian entrant: A person paroled into the U.S. as a Cuban or Haitian entrant or any other national from Cuba or Haiti who is the subject of exclusion or removal proceedings or who has an application for asylum pending. Cuban and Haitian entrants are qualified immigrants (Refugee Education Assistance Act of 1980, Section 501(e)).

Deeming: The act of adding the income and resources of another person to the income and resources of an applicant to determine eligibility for federal or state public benefits.

Disaster Unemployment Assistance (DUA): A federal program run by the Department of Labor that provides financial assistance to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster declared by the President of the United States.

Diversity immigrant: An immigrant who has obtained a visa through the diversity visa process, a program that makes available 55,000 visas yearly to applicants who: 1) are natives of countries that provided fewer than 50,000 immigrants to the U.S. over the preceding five years; and 2) have at least a high school education or its equivalent, or have worked for at least two years in an occupation that requires two years of training or experience.

Earned Income Tax Credit (EITC): A federal tax credit for working families who have moderately low incomes.

Emergency Medicaid (EMA): A form of Medicaid that pays only for the treatment of an emergency medical condition for any immigrant, regardless of immigration status.

Emergency medical condition: The sudden onset of a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

Emergency Medical Treatment and Active Labor Act of 1986 (EMTALA): The federal anti-dumping statute that requires all hospitals receiving Medicare to examine and provide stabilizing treatment to all patients seeking care for emergency conditions, regardless of their ability to pay and their eligibility to Medicare.

Appendix A: Glossary of Relevant Terms

Federal Emergency Management Agency (FEMA): Federal disaster assistance agency providing money or direct assistance to individuals, families and businesses whose property has been damaged or destroyed and whose losses are not covered by insurance.

Federal means-tested public benefits: Benefits including SSI, Medicaid, TANF, food stamps, and CHIP. Unless specifically exempted by law, qualified immigrants who enter the U.S. after August 22, 1996, are ineligible for any federal means-tested public benefit for their first five years in the country.

Federal poverty level (FPL): The amount of income established by the federal government below which a person is considered to lack adequate support for subsistence. FPL is used to establish eligibility for various federal and state benefit programs. It is also known as the Federal Income Guideline.

Federal public benefit: Described in the welfare law as: retirement, welfare, health, disability, assisted housing, post-secondary education, food assistance, unemployment benefits, or “any other similar benefit” for which payments/assistance are provided to an individual/household by a U.S. agency or with U.S. funds. Federal public benefits also include any government grant, contract, loan, or professional or commercial license.

Five-year bar: The period of time, lasting five years, during which most qualified immigrants who enter the U.S. on or after August 22, 1996, are barred from receipt of Medicaid and other federal means-tested public benefits.

Food Stamps: A federal program administered by the Department of Agriculture that helps low-income people and families buy the food they need for good health.

Forty credited quarters: The term that refers to Social Security credits earned. A person earns these credits by working at a job or as a self-employed individual. The number of credits that can be earned is based solely on the person’s total yearly earnings. A maximum of four credits can be earned each year, and the amount of earnings needed to earn a credit varies each year. Generally, a person with forty credited quarters would have to have a 10-year work history. To meet the 40 quarters threshold, immigrants may receive credit for work performed: 1) by their parents when the immigrant is under 18, and 2) by a spouse during the marriage (unless the marriage ended in divorce); however, no credit is given for a quarter worked after December 31, 1996, if a federal means-tested benefit is received in that quarter.

Appendix A: Glossary of Relevant Terms

General Assistance (GA): Federal cash assistance program. Health Care Financing Administration (HCFA): The federal agency in charge of Medicaid and Medicare.

Hill-Burton Act: A federal law that provided grants to states to build hospitals and other health-care facilities. Hospitals and health care facilities built with Hill-Burton funds assume obligations to provide community services and, to a more limited degree, free care.

Housing and Urban Development (HUD): Established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA): Federal statute that imposes restrictions on immigrants' access to benefits.

Immigrant: A person who is not a U.S. citizen or national who enters the U.S. with the intent to remain for an indefinite period of time.

Immigration status: The legal or illegal character or condition under which an immigrant has entered the U.S.

Individual & Family Grant Program (IFGP): A federal program run by FEMA which provides a safety net for people who have exhausted all other means of assistance and still have disaster-related expenses that can't be met. The program provides for needs beyond those involving emergency shelter.

IRCA: Immigration Reform & Control Act of 1986.

Lawfully present: A person who has entered or remains in the U.S. with legal immigration status.

Legal (or lawful) permanent resident (LPR): An immigrant who is legally permitted to live permanently in the U.S. having been granted an immigration visa abroad or adjustment to permanent resident status in the U.S.

Legal Services Corporation (LSC): LSC provides grants to legal services programs to give free legal advice to low-income clients in noncriminal matters such as public benefits, housing, consumer issues, employment, education, and family law.

Appendix A: Glossary of Relevant Terms

Low-Income Home Energy Assistance Programs (LIHEAP): LIHEAP provides states with block grants to help low-income households defray the cost of heating, cooling, and weatherizing their homes.

Low-Income Housing Tax Credit (LIHTC): A tax credit created under the Tax Reform Act of 1986 that gives incentives for the utilization of private equity in the development of affordable housing for low-income Americans.

Medicaid: A joint federal/state entitlement program that provides health insurance coverage for low-income people meeting minimum income and other eligibility standards.

Medically needy: Individuals who fit into federal Medicaid program eligibility categories, but whose income and resources are above the categorically needy levels. States that opt to provide Medicaid for the medically needy allow applicants to “spend down” to eligibility by incurring medical expenses.

Noncitizen: Any person who is not a U.S. citizen or national.

Nonprofit, charitable organization: An organization that is: 1) created and operated for purposes other than making gains or profits for the organization, its members, or its shareholders, and that is precluded from distributing any gains or profits to its members or shareholders, and 2) organized and operated for charitable purposes such as relief to the poor, distressed, or underprivileged, as well as religiously affiliated and educational institutions.

Not-qualified immigrants: Immigrants who do not fall within the “qualified” immigrant categories, including persons residing under color of law, such as applicants for asylum and family unity, applicants for adjustment of status, undocumented immigrants, and non-immigrants such as students and foreign visitors.

Parolee for more than one year: A qualified immigrant who has been paroled into the U.S. for at least one year.

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA): This is the welfare reform statute (Welfare Act) that replaced the Aid to Dependent Children (AFDC) entitlement with block grants to the states for TANF; PRWORA also imposed new restrictions on immigrants’ access to public benefits.

Appendix A: Glossary of Relevant Terms

Persons residing under color of law (PRUCOL): Immigrants who: 1) have been granted indefinite voluntary departure, 2) are residing in the U.S. under orders of supervision, 3) have been continuously living in the U.S. since January 1, 1972, 4) have been granted stays or suspension of deportation, or 5) whose departure USCIS does not contemplate enforcing.

Presumptive Eligibility: At state option, a temporary Medicaid eligibility status that allows pregnant women and children to obtain Medicaid coverage without completing the formal Medicaid application process and waiting for an eligibility determination.

Public charge: Determination by USCIS or the State Department that an immigrant is likely to become primarily dependent on government public benefits for subsistence.

Qualified immigrant: A lawful permanent resident; a refugee; an asylee; an immigrant who had deportation withheld; an immigrant granted parole for at least one year; an immigrant granted conditional entry; a battered immigrant and her child/children; and immigrants born in Canada who possesses at least 50 percent blood of the American Indian race, or are members of certain Indian tribes.

Refugee: An immigrant 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 social group and who obtains the status while abroad.

Small Business Association (SBA): An independent agency of the federal government which provides small business owners with SBA-backed loans, government contracting opportunities, disaster assistance and training programs.

Sponsor: A person who signs an affidavit of support for a person who is applying to immigrate to the U.S. as a resident. A sponsor must be a U.S. citizen, national, or legal permanent resident, 18 years or older, domiciled in the U.S., and must meet income/assets requirements.

Sponsor deeming of income: For any federal means-tested public benefits program, such as TANF, SSI, food stamps, CHIP, and Medicaid, the income and resources of a sponsor are added to those of the immigrant when determining eligibility for, and amount of, benefits available under each of the programs.

Appendix A: Glossary of Relevant Terms

State Children’s Health Insurance Program (CHIP): Federally funded program to enable the states to provide health insurance to uninsured, “targeted low-income” children under the age of 19 and whose family income meet state-specified guidelines.

Supplemental Security Income (SSI): Federal cash assistance program primarily for senior citizens.

Temporary Assistance for Needy Families (TANF): Federal cash assistance program.

Temporary residents: Diverse sets of foreign-born people who have been admitted to the U.S. for a temporary or indefinite period, but have not attained permanent residency (e.g., tourists, students, and people on work visas).

Totality of circumstances test: In making public charge determinations, USCIS and the State Department must look at the immigrant’s total circumstances including his/her: 1) age, 2) health, 3) family status, 4) financial status, and 5) education and skills.

Transitional Medical Assistance (TMA): Time-limited Medicaid coverage that is provided to families with children who are no longer eligible for Medicaid because of increased earnings. Families are entitled to receive the first six months of TMA, regardless of their income. They may be eligible for another six months of TMA depending on their income and compliance with certain reporting requirements.

Undocumented immigrant: A person who is not a U.S. citizen or national, who has entered or remained in the U.S. without proper documentation, and who does not have legal status for immigration purposes.

United States Citizenship and Immigration Services (USCIS): A federal agency which oversees the implementation of the federal immigration and naturalization laws, including the immigration, exclusion, deportation, expulsion, or removal of immigrants.

Withholding of removal (formerly withholding of deportation): A person who has been granted withholding of removal is eligible for the refugee exemption for benefits, even if he/she has subsequently adjusted to LPR status.

Appendix B: 2008 Federal Poverty Guidelines

Family size	125%	200%
1	\$1,083/month	\$1,733/month
2	\$1,458/month	\$2,333/month
3	\$1,833/month	\$2,933/month
4	\$2,208/month	\$3,533/month
5	\$2,583/month	\$4,133/month
6	\$2,958/month	\$4,733/month
7	\$3,333/month	\$5,333/month
8	\$3,708/month	\$5,933/month
Each Additional Household Member	Add \$375	Add \$600

Allegheny County
Department of Human Services
One Smithfield Street
Pittsburgh, PA 15222

Phone: 412. 350. 5701
Fax: 412.350.4004
www.alleghenycounty.us/dhs

