

NATIONAL IMMIGRATION LAW CENTER

Major Benefit Programs Available to Immigrants in California

May 2017

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

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

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

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

<sup>4</sup> LPRs can earn credit if they have worked 40 qualifying quarters. Immigrants also get credit toward their 40 quarters for work performed (1) by parents when the immigrant was under 18, and (2) by spouse during the marriage (unless the marriage ended in divorce or annulment). No credit is given for a quarter worked after Dec. 31, 1996, if a federal means-tested public benefit (SSI, Medi-Cal, food stamps, or CalWORKs) was received in that quarter.

**NOTE ABOUT REFERENCE (ENDNOTE) SYMBOLS:** In this table, the notes corresponding to the symbols \*, †, ‡, §, and \*\* are included as *endnotes* (see p. 6), and they all concern the issue of “*deeming*”—the fact that a sponsor’s income/resources may be added to the immigrant’s when determining the immigrant’s eligibility for certain programs.

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| <b>Cash Assistance Program for Immigrants (CAPI)</b>                | <p><b>Eligible if:</b></p> <ul style="list-style-type: none"> <li>• Are a senior or person with disabilities who does not meet the immigrant eligibility criteria for federal SSI (above).<sup>5*</sup></li> </ul>  | <p><b>Eligible if:</b></p> <ul style="list-style-type: none"> <li>• Are a senior or person with disabilities who does not meet immigrant eligibility criteria for federal SSI (above).*</li> </ul>  | <p><b>Eligible only if:</b></p> <ul style="list-style-type: none"> <li>• Permanently residing in the U.S. under color of law (PRUCOL), and either 65 years or older or a person with disabilities.</li> <li>• Victim of trafficking, applicant for U visa and U visa holders.<sup>6</sup></li> </ul>   |
| <b>Supplemental Nutrition Assistance Program (SNAP) or CalFresh</b> | <p><b>Eligible only if:</b></p> <ul style="list-style-type: none"> <li>• Have been in qualified immigrant status for 5 years or more, or</li> <li>• Were granted refugee, asylum, withholding of deportation/removal, Cuban/Haitian entrant, Amerasian immigrant status, or</li> <li>• Lawful permanent resident with credit for 40 quarters of work,<sup>4</sup> or</li> <li>• Are receiving disability-related assistance,<sup>7</sup> or</li> <li>• Were 65 years or older on Aug. 22, 1996,<sup>8</sup> or</li> <li>• Veteran, active duty military, their spouse, unremarried surviving spouse, or child, or</li> <li>• Member of Hmong or Laotian tribe during Vietnam era, when the tribe militarily assisted the U.S.; their spouse, surviving spouse, or child, or</li> <li>• American Indian born in Canada or other Native American tribal member born outside U.S.</li> </ul> | <p><b>Eligible only if:</b></p> <ul style="list-style-type: none"> <li>• Are under 18 years old, or</li> <li>• Have been in qualified immigrant status for 5 years or more,<sup>†</sup> or</li> <li>• Were granted refugee, asylum, withholding of deportation/removal, Cuban/Haitian entrant, Amerasian immigrant, Iraqi or Afghan special immigrant status, or</li> <li>• Lawful permanent resident with credit for 40 quarters of work,<sup>4</sup> or</li> <li>• Are receiving disability-related assistance,<sup>7</sup> or</li> <li>• Veteran, active duty military, their spouse, unremarried surviving spouse,<sup>†</sup> or child, or</li> <li>• Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; their spouse, surviving spouse,<sup>†</sup> or child, or</li> <li>• American Indian born in Canada or other Native American tribal member born outside U.S.</li> </ul> | <p><b>Eligible only if:</b></p> <ul style="list-style-type: none"> <li>• Member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S., who is now lawfully present in the U.S.; spouse, surviving spouse or child of tribe member, or</li> <li>• Victim of trafficking, or</li> <li>• American Indian born in Canada or other Native American tribal member born outside U.S.</li> </ul> |

<sup>5</sup> Qualified immigrants who were lawfully residing in the U.S. on Aug. 22, 1996, can receive SSI if they can show that they have a disability. Seniors who have applied for SSI on this basis can receive CAPI while they are waiting for a disability determination from the Social Security Administration.

<sup>6</sup> Victims of trafficking may be eligible for state or local benefits (CAPI, CFAP, CalWORKs, Medi-Cal, IHSS, GA, Refugee Cash Assistance, Refugee Medical, Refugee Social Services) pending certification for federal benefits. Applicants for U visas and U visa holders may also be eligible for these services. See [www.dss.cahwnet.gov/getinfo/acl06/pdf/06-60.pdf](http://www.dss.cahwnet.gov/getinfo/acl06/pdf/06-60.pdf).

<sup>7</sup> Disability-related benefits include: Social Security disability, state disability or retirement pension, railroad retirement disability, veteran’s disability, disability-based Medi-Cal, or possibly General Assistance for certain immigrants with disabilities.

<sup>8</sup> Must have been lawfully residing in the U.S. on Aug. 22, 1996.

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| <b>California Food Assistance Program (CFAP)</b>  | <b>Eligible only if:</b> <ul style="list-style-type: none"> <li>Do not meet immigrant eligibility criteria for SNAP (above).</li> </ul> | <b>Eligible if:</b> <ul style="list-style-type: none"> <li>Do not meet immigrant eligibility criteria for SNAP (above).†</li> </ul> | <b>Eligible only if:</b> <ul style="list-style-type: none"> <li>Lawful temporary resident, or</li> <li>Victim of trafficking, applicant for U visa, or U visa holder.<sup>6</sup></li> </ul>  |
| <b>Child Nutrition Programs:</b> <ul style="list-style-type: none"> <li>Women, Infants and Children (WIC)</li> <li>School Lunch &amp; Breakfast</li> <li>Summer Food</li> </ul> | <b>Eligible</b>   | <b>Eligible</b>   | <b>Eligible</b>   |
| <b>CalWORKs</b>   | <b>Eligible</b>   | <b>Eligible</b> ‡   | <b>Eligible only if:</b> <ul style="list-style-type: none"> <li>Victim of trafficking, applicant for U visa or U visa holder,<sup>6</sup> or</li> <li>Granted indefinite stay of deportation/removal, indefinite voluntary departure, or</li> <li>Permanently residing in the U.S. under color of law (PRUCOL).</li> </ul>  |
| <b>Covered California</b>   | <b>Eligible</b> if over-income for “free” Medi-Cal  | <b>Eligible</b> if over-income for “free” Medi-Cal  | <b>Eligible</b> if over-income for “free” Medi-Cal, and: <ul style="list-style-type: none"> <li>Lawfully present in the U.S.<sup>9</sup></li> </ul>   |
| <b>Full-Scope Medi-Cal (Nonpregnant adults)</b><br><i>For low-income residents.</i>   | <b>Eligible</b>   | <b>Eligible</b>   | <b>Eligible only if:</b> <ul style="list-style-type: none"> <li>Permanently residing in the U.S. under color of law (PRUCOL), or</li> <li>Victim of trafficking, applicant for U visa or U visa holder,<sup>6</sup> or</li> <li>American Indian born in Canada or other Native American tribal member born outside U.S., or</li> <li>Lawfully residing children or pregnant women.</li> </ul> |
| <b>Full-Scope Medi-Cal (Children under 19 years old)</b>  | <b>Eligible</b>   | <b>Eligible</b>   | <b>Eligible</b>   |
| <b>Emergency Medi-Cal</b><br><i>Includes labor/delivery.</i>  | <b>Eligible</b>   | <b>Eligible</b>   | <b>Eligible</b>   |

<sup>9</sup> The U.S. Department of Health and Human Services’ definition, at 45 C.F.R. 152.2, excludes people granted relief under the Deferred Action for Childhood Arrivals program (DACA) and some of the other individuals who are considered permanently residing in the U.S. under color of law (PRUCOL).

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| Medi-Cal Prenatal Care   | Eligible  | Eligible  | Eligible   |
| Access for Infants and Mothers (AIM) / Medi-Cal Access Program (MCAP)  | Eligible  | Eligible  | Eligible   |
| Child Health and Disability Prevention Program (CHDP) and the CHDP “Gateway”   | Eligible  | Eligible  | Eligible   |
| California Children’s Services (CCS)   | Eligible  | Eligible  | Eligible   |
| Breast and Cervical Cancer Programs<br><i>For individuals with breast or cervical cancer.</i>  | Eligible for full-scope Medi-Cal services.  | Eligible for full-scope Medi-Cal services.                                  | Eligible for cancer treatment.<br>(Victims of trafficking, applicants for U visa, and U visa-holders can get full-scope Medi-Cal.)   |
| Prostate Cancer Treatment Program (IMPACT)   | Eligible for full-scope Medi-Cal services.  | Eligible for full-scope Medi-Cal services.                                  | Eligible for cancer treatment for up to 12 months<br>(Victims of trafficking, applicants for U visa, and U visa holders can get full-scope Medi-Cal.)  |
| Medi-Cal Long-Term Care  | Eligible  | Eligible  | Eligible <ul style="list-style-type: none"> <li>• Court order prevents state from denying long-term care services based on immigration status.</li> </ul>  |
| In-Home Supportive Services (IHSS)   | Eligible §  | Eligible §  | Eligible only if: <ul style="list-style-type: none"> <li>• Permanently residing in the U.S. under color of law (PRUCOL), or</li> <li>• Victim of trafficking or applicant for U visa.<sup>6</sup></li> </ul> |
| Medicare (“Premium Free”)<br>Eligibility is based on work history. <b>Part A</b> (hospitalization) is premium-free; <b>Part B</b> (outpatient) can be purchased. | Eligible  | Eligible  | Eligible only if: <ul style="list-style-type: none"> <li>• Lawfully present.</li> </ul>  |

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| Premium “Buy-In” Medicare <sup>10</sup> | <b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Lawful permanent resident who has resided continuously in the U.S. for at least 5 years.</li> </ul> | <b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Lawful permanent resident who has resided continuously in the U.S. for at least 5 years.</li> </ul> | <b>Eligible only if:</b> <ul style="list-style-type: none"> <li>• Lawful permanent resident who has resided continuously in the U.S. for at least 5 years.</li> </ul> |
| County Medical Services <sup>11</sup>   | Eligible  | Eligible  | Varies by county  |
| General Assistance                      | Eligible**  | Eligible**  | Varies by county  |

<sup>10</sup> The same immigrant rules apply to the **Qualified Medicare Beneficiary, Specified Low-Income Medicare Beneficiary, and QI-1** programs.

<sup>11</sup> Several counties provide health coverage or care to low- or moderate-income residents, regardless of their immigration status.

## *“Deeming” Rules*

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

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

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

§ **Eligibility for IHSS may be affected by deeming.** A sponsor’s income/resources may be added to the immigrant’s in determining eligibility. Deeming applies during the 3-year period after the immigrant gains LPR status. In IHSS, deeming is not applied if the immigrant becomes disabled after entry.

\*\* **Eligibility for General Assistance may be affected by deeming.** A sponsor’s income/resources may be added to the immigrant’s in determining eligibility. Deeming may apply during the 3-year period after the immigrant gains LPR status. Deeming does not apply if the sponsor has abandoned his or her duty to support the immigrant. Such circumstances include but are not limited to abuse, battery, neglect, or refusal to support.