Immigrant Eligibility for Public Benefits in New York State

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Public benefit-related immigration categories[1,2,3]		Immigration Status	Supplemental Security Income (SSI)[4]	TANF (Family Assistance)[5]	SNAP (Food Stamps)[5,6]	Public Housing/ Section 8	Federal Medicaid[7]	Safety Net Assistance (SNA)[5,8]	New York State Medicaid[9]	Qualified Health Plans and Essential Plans (EP)[10,11]	Children's Health Insurance Program (CHIP) & AIDS Drug Assistance Program (ADAP)	Emergency Medicaid[12]	**Risk that Countable Benefits* will be Considered as part of "Public Charge"[13] determination** ● No public charge risk. ● Person will undergo a public charge test and Countable Benefits will be used in public charge determination. *As of the publication of this chart, any-means tested benefit, including all the benefits listed on the first line of this Chart are "Countable" in a public charge determination as of September 18, 2026. Before September 18, 2026 the only benefits that were countable were Cash Assistance (TANF/FA, SNA, SSI) and long-term institutionalization care paid for by the government (like nursing home care if paid for by Medicaid).
Lawfully Present[1]	Qualified Aliens[2]	**Lawful Permanent Resident (LPR)** If LPR, or a member of LPR's family, is a veteran or active duty service member, see below "Lawfully Residing armed services connected noncitizens"	Eligible after 5 years in LPR status but only if can be credited with 40 qualifying work quarters in Social Security (SSA) system; Eligible with **no 5-year bar** if lawfully residing in US on 8/22/96 and blind or disabled at time of application	Eligible after 5 years in LPR status; Eligible with **no 5-year bar** if entered US before 8/22/96 and continuously resided in US until attaining LPR status	Yes, but must fall into one of the following categories: **(i)** persons not subject to the 5-year waiting period for SNAP because they adjusted to LPR status from a "specially-qualified alien" status†, **(ii)** persons subject to the 5-year waiting period but qualifiy for an exemption††; **(3)** persons who have accrued 5 years in any type of "Qualified Alien" status and the waiting period has now expired†††; or **(4)** persons who entered the US before 8/22/96 and continuously resided in the US until attaining LPR status.	Yes	Eligible after 5 years in Qualified Alien status; **No 5-year bar** if pregnant or child <21	Yes	Yes	Yes	Yes	Yes	No	● **No Public Charge Risk for MOST LPRs**, see below for limited circumstances: **EXCEPT if:** **1.** They leave the country for more than 180 days and return **OR** **2.** They leave the country with certain criminal convictions on their record and return. See INA 101(a)(13)(c). *When a person is applying for LPR status, they may face a public charge test - see below row "Applicants for adjustment to LPR status accepted by USCIS as properly filed."*
		Refugees and Asylees	Eligible for 7 years after entry as refugee or grant of asylum; **No 7-year limit** if in refugee or asylee status before 8/22/96	Yes	No. Note: If a refugee or asylee adjusts to LPR status as a refugee or asylee, they then become eligible for SNAP without a waiting period.†	Yes	Yes	Yes	Yes	Yes	Yes	No	**No Public Charge risk while a refugee or asylee.** ● (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).

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Lawfully Present[1]	Qualified Aliens[2]	**Withholding (W/H) of Deportation or Removal under the INA[14]**	Eligible for 7 years after granted withholding; **No 7-year limit** if granted W/H before 8/22/96	Yes	No. Note: If a person granted withholding of removal adjusts to LPR status, they then become eligible for SNAP without a waiting period.†	Yes	Yes	Yes	Yes	Yes	Yes	No	**No Public Charge risk while granted Witholding of Deporation or Removal.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Battered Spouses and Children of U.S. citizens or LPRs who have a prima facie determination or approved I-360 self-petition under VAWA or a pending or approved I-130[15,16]	Eligible if lawfully present on 8/22/96 and disabled at time of application	Eligible if entered US before 8/22/96 and continuousl y resided in US until qualifying as battered immigrant; Eligible after 5 years in qualified status if entered US after 8/22/96	No. Note: If a Battered Spouse and/or Child adjusts to LPR status and the adult has accrrued 5 years in any Qualified Alien staus (including time spent as a Battered Spouse), then they are eliigble for SNAP; Battered Children are eligible for SNAP as soon as they adjust to LPR status.††	Yes[17]	Eligible after 5 years in qualified status; **No 5-year bar** if pregnant or child <21	Yes	Yes	Yes	Yes	No	**No Public Charge risk while Battered Spouses and Children.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Cuban/Haitian Entrant (C/H)[18]	Eligible for 7 years after entering US in C/H status; **No 7-year limit** if entered before 8/22/96	Yes	Yes	No, unless in parole status	Yes	Yes	Yes	Yes	Yes	No	**No Public Charge risk while Cuban/Haitian Entrant.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Paroled for 1 Year or More (Afghan/Ukrainian Nationals - see row below)	Eligible if lawfully present in US on 8/22/96 AND currently in parole status AND disabled at time of application	Eligible after 5 years in parole status	No. Note: If an adult paroled for 1-year or more adjusts to LPR status and has accrued 5 years in any Qualfiied Alien status (including time spent as a person paroled for 1-year or more), then they are eligible for SNAP. Children paroled for one-year or more are eligible for SNAP as soon as they adjust to LPR status.††	Yes	Eligible after 5 years in Qualified Alien status; **No 5-year bar** if pregnant or child <21	Yes	Yes	Yes	Yes	No	**No Public Charge risk while Paroled for 1 year or more.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).

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Lawfully Present[1]	Qualified Aliens[2]	**Iraq/Afghan SIV Holders and certain Afghan/ Ukranian humanitarian parolees**	Eligible for 7 years after entering US	Yes	No. Note: If Iraq/Afghan SIV Holders adjust to LPR status, then they are eligible for SNAP without a waiting period.† Ukranians granted parole between February 24, 2022 and September 30,2024 would be eligible for SNAP as soon as they adjust to LPR status.	Yes	Yes	Yes	Yes	Yes	Yes	No	**No Public Charge risk while Iraq/ Afghan SIV Holders and certain Afghan/Ukranian humanitarian parolees.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Lawfully residing armed services connected noncitizens (including veterans) and their dependents	Yes	Yes	No. Note: If lawfully residing armed services noncitizens adjust to LPR status, then they are eligible for SNAP without a waiting period.††	Yes	Yes	Yes	Yes	Yes	Yes	No	**No Public Charge risk while lawfully residing armed services connected noncitizens.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Canadian Born Native Americans	Yes	Yes	No. Note: If Canadian Born Native Americans adjust to LPR status, then they are eligible for SNAP without a waiting period.†	Yes	Yes	Yes	Yes	Yes	Yes	No	**No Public Charge risk while Canadian born Native American.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Amerasian Immigrant	Eligible for 7 years after entering US; **No 7-year limit** if entered before 8/22/1996	Yes	No. Note: If an Ameriasian immigrant adjusts to LPR status, they then become eligible for SNAP without a waiting period.†	Yes	Yes	Yes	Yes	Yes	Yes	No	**No Public Charge risk while Amerasian Immigrant.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Citizens of Micronesia, Palau, and Marshall Islands often referred to as **COFA**, permitted to reside in the US in non-immigrant status and have unlimited eligibility for work authorization	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	**No Public Charge risk while Citizen of Micronesia, Palau, and Marshall Islands.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).

Public benefit-related immigration categories[1,2,3]		Immigration Status	Supplemental Security Income (SSI)[4]	TANF (Family Assistance)[5]	SNAP (Food Stamps)[5,6]	Public Housing/ Section 8	Federal Medicaid[7]	Safety Net Assistance (SNA)[5,8]	New York State Medicaid[9]	Qualified Health Plans and Essential Plans (EP)[10,11]	Children's Health Insurance Program (CHIP) & AIDS Drug Assistance Program (ADAP)	Emergency Medicaid [12]	Risk that Countable Benefits will be considered as part of "Public Charge" determination
Lawfully Present[1]	Qualified Aliens[2]	**Victims of Trafficking** (T nonimmigrant status ["T visa"] granted "continued presence," or certified by ORR) **and their derivatives**	Eligible for 7 years after grant of continued presence, certification, or T-visa	Yes	No. Note: If a Victim of Trafficking adjusts to LPR status, then then become eligible for SNAP without a waiting period.[†]	Yes	Yes	Yes	Yes	Yes	Yes	No	● **No Public Charge risk while Victim of Trafficking (T nonimmigrant status, or "T-visa").** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Individuals Granted Withholding or Deferral of Removal under the Convention Against Torture[14]	No	No	No.	No	Only if pregnant or child <21	Yes	Yes	Yes	Yes	No	● **No Public Charge risk while Individual Granted Withholding or Deferral of Removal under CAT.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		U Nonimmigrant Status ("U-visa")	No	No	No	No	Only if pregnant or child <21	Yes	Yes	Yes	Yes	No	● **No Public Charge risk while in U nonimmigrant status ("U-visa").** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		S Nonimmigrant Status ("S visa")	No	No	No	No	Only if pregnant or child <21	Yes	Yes	Yes	Yes	No	● **No Public Charge risk while in S nonimmigrant status ("S visa").** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		SIJS (Special Immigrant Juvenile Status) Grantees	No	No	No	No	Only if pregnant or child <21	Yes[19]	Yes	Yes	Yes	No	● **No Public Charge risk while granted SIJS.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).

Public benefit-related immigration categories [1,2,3]		Immigration Status	Supplemental Security Income (SSI)[4]	TANF (Family Assistance)[5]	SNAP (Food Stamps)[5,6]	Public Housing/ Section 8	Federal Medicaid[7]	Safety Net Assistance (SNA)[5,8]	New York State Medicaid[9]	Qualified Health Plans and Essential Plans (EP)[10,11]	Children's Health Insurance Program (CHIP) & AIDS Drug Assistance Program (ADAP)	Emergency Medicaid [12]	Risk that Countable Benefits will be considered as part of "Public Charge" determination
Lawfully Present[1]	PRUCOL[3]	**Applicants for adjustment to LPR status accepted by USCIS as properly filed**.	No	No	No	No	Only if pregnant or child <21	Yes	Yes	Yes	Yes	No	**An applicant for adjustment of status (LPR status/green card) will face a public charge test unless they are adjusting from a status that is exempt from public charge. Statuses exempt from public charge include but are not limited to: asylee, refugee, U-visa, T-visa, S-visa, Battered Spouses and Children ("VAWA"), SIJS, Registry, NACARA, HRIFA, Cuban Adjustment Act.** Note: If someone who is exempt decides to obtain LPR status through a family member at some future time, then use of countable benefits received in this status could be counted.
		Applicants for adjustment under NACARA, HRIFA, Cuban Adjustment Act or Registry (noncitizen who has continuosly resided in the US since before 1/1/1972)	No	No	No	Yes	Only if pregnant or child <21	Yes	Yes	Yes	Yes	No	**No Public Charge risk while an applicant for adjustment under NACARA, HRIFA, Cuban Adjustment Act or Registry.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Paroled for less than 1 year	No	No	No	Yes	Only if pregnant or child <21	Yes	Yes	Yes	Yes	No	**No Public Charge risk while paroled for less than 1 year.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Temporary Protected Status (TPS)	No	No	No	No	Only if pregnant or child <21	Yes	Yes	Yes	Yes	No	**No Public Charge risk while in TPS status.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).

Public benefit-related immigration categories [1,2,3]		Immigration Status	Supplemental Security Income (SSI)[4]	TANF (Family Assistance)[5]	SNAP (Food Stamps)[5,6]	Public Housing/ Section 8	Federal Medicaid[7]	Safety Net Assistance (SNA)[5,8]	New York State Medicaid[9]	Qualified Health Plans and Essential Plans (EP)[10,11]	Children's Health Insurance Program (CHIP) & AIDS Drug Assistance Program (ADAP)	Emergency Medicaid [12]	Risk that Countable Benefits will be considered as part of "Public Charge" determination
Lawfully Present[1]	PRUCOL[3]	**Deferred Action**	No	No	No	No	Only if pregnant or child <21	Yes	Yes	Yes	Yes	No	**No Public Charge risk while a grantee of Deferred Action.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		DACA Recipients[21]	No	No	No	No	No	Yes	Yes, where DACA is expired. As of July 1, 2026 persons with unexpired DACA will be transferred from Essential Plan to State Medicaid.	Yes (but where DACA unexpired will only be eligible for EP until July 1, 2026).	Yes	No	**No Public Charge risk while a grantee of DACA.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Order of Supervision	No	No	No	No	Only if pregnant or child <21 with Employment Authorization Document (EAD)	Yes	Yes	Yes, if granted EAD	Yes	No	**No Public Charge risk while under an Order of Supervison.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).

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Lawfully Present[1]	PRUCOL[3]	**Deferred Enforced Departure (DED)[22]**	No	No	No	No	Only if pregnant or child <21	Yes	Yes	Yes	Yes	No	**No Public Charge Test while under Deferred Enforced Departure (DED).** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Granted stays of deportation or removal	No	No	No	No	Only if pregnant or child <21	Yes	Yes	Yes	Yes	No	**No Public Charge Test while granted a stay of deportation or removal.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).

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Lawfully Present[1]	PRUCOL[3]	**APPLICANTS FOR**											
		Special Immigrant Juvenile Status (SIJS)	No	No	No	No	Only if pregnant or child <21	Yes	Yes[19]	Yes	Yes	No	**No Public Charge Test while applying for SIJS.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Asylum/ Withholding of Removal	No	No	No	No	Only if pregnant or child <21 with Employment Authorization Document (EAD); if child <14, EAD not necessary but the application must have been pending for 180 days	Yes	Yes	Yes, if granted EAD OR child <14	Yes	No	**No Public Charge Test while applying for asylum or Withholding of Removal.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Cancellation of Removal	No	No	No	No	Only if pregnant or child <21 with Employment Authorization Document (EAD)	Yes	Yes	Yes, if granted EAD	Yes	No	**No Public Charge Test while applying for Cancellation of Removal.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Temporary Protected Status (TPS)	No	No	No	No	Only if pregnant or child <21 with Employment Authorization Document (EAD)	Yes[23]	Yes	Yes, if granted EAD	Yes	No	**No Public Charge Test while applying for TPS.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).

Public benefit-related immigration categories [1,2,3]		Immigration Status	Supplemental Security Income (SSI)[4]	TANF (Family Assistance)[5]	SNAP (Food Stamps)[5,6]	Public Housing/ Section 8	Federal Medicaid[7]	Safety Net Assistance (SNA)[5,8]	New York State Medicaid[9]	Qualified Health Plans and Essential Plans (EP)[10,11]	Children's Health Insurance Program (CHIP) & AIDS Drug Assistance Program (ADAP)	Emergency Medicaid [12]	Risk that Countable Benefits will be considered as part of "Public Charge" determination
	PRUCOL[3]	**PRUCOL ONLY:**											
		Persons on whose behalf an immediate Relative Petition has been approved and family members covered by the petition Non-citizens who are immediate relatives include the spouse, parent, or unmarried child of a U.S. citizen who has filed an I-130 Relative Petition on their behalf.	No	No	No	No	No	Yes	Yes	No	Yes	No	**Persons on whose behalf an immediate relative petition (Form I-130) has been approved will face a public charge test when applying for LPR status/green card.**
		DACA applicants	No	No	No	No	No	Yes[24]	Yes	No	Yes	No	**No Public Charge Test while applying for DACA.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).

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	PRUCOL[3]	**Noncitizens who can show continuous residence since on or before 1/1/1972 but who have not applied for LPR status (registry aliens)[20]**	No	No	No	No	No	Yes	Yes	No	Yes	No	**No Public Charge Test while applying for Registry.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		Request for Deferred Action	No	No	No	No	No	Yes	Yes	No	Yes	Yes, until and unless becomes eligible for State Medicaid	**No Public Charge Test while applying for Deferred Action.** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).
		No Lawful Status:											
		Entry across border without inspection (EWI) and Visa Overstays	No	No	No	No	No	No	No, unless 65+, pregnant, or within 12 months of pregnancy [25]	No	Yes	Yes	**No Public Charge Test while Undocumented** (If a person with this status decides to obtain LPR status through a family member, then use of countable benefits received in this status could be counted).

Endnotes

1. The categories of noncitizens included in the classification “lawfully present” depend to some degree on the particular federal benefit program involved. For example, the definition of “lawful presence” for the purpose of noncitizen eligibility for Social Security Disability and Retirement benefits is found at 8 C.F.R. § 1.3. As of November 1, 2024, HHS expanded the definition of “lawful presence” for the purpose of noncitizen eligibility under the ACA found at 45 C.F.R. § 152.2 to include DACA recipients. See 89 Fed. Reg. 39392, et seq. (May 8, 2024).

2. The immigrant categories included in the “Qualified Alien” classification are found at 8 U.S.C. § 1641 to describe noncitizen eligibility for federal “means tested benefit programs,” defined to include TANF, Federal Medicaid, SSI and SNAP ("Food Stamps").

3. “PRUCOL” stands for Persons Residing Under Color of Law. It was once an eligibility category for federal benefit programs but was eliminated by 1996 federal welfare reform. Since 1996, noncitizens considered PRUCOL are eligible only for New York state benefit programs. A person is considered residing “under color of law” if the federal government is aware of their presence in the U.S. and is not currently contemplating enforcing their removal. For a long time, NYS Office of Temporary and Disability Assistance (OTDA) and NYS Department of Health (DOH) defined differently which noncitizens were included in this category for the Safety Net program and the State Medicaid program, respectively. Litigation and changes in department policy eliminated most of these differences. For OTDA's definition of PRUCOL for Safety Net eligibility, see GIS 23TA/DC039 (5/12/23). For the noncitizen categories that NYS DOH considers PRUCOL, see GIS 24 MA/06 (7/10/24).

4. For general information on immigrant eligibility for SSI, see SI 00502.100 Basic SSI Alien Eligibility Requirements: https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502100 For more information on eligibility for SSI for immigrants who were lawfully residing in the US before 8/22/96 and are blind or disabled, see SI 00502.142 Qualified Aliens Who Are Blind Or Disabled And Were Lawfully Residing in the U.S. On 8/22/96: https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502142

5. For more information on immigrant eligibility for TANF, SNAP, and SNA, see Non-Citizen Eligibility Desk Aid, HRA-209 (6/1/2023): http://onlineresources.wnylc.net/nychra/docs/pd__23-06-eli_1_.pdf Note: OTDA is in the process of updating its Non-Citizen Eligibility Desk Aid to reflect the SNAP eligibility changes.

6. For more information on immigrant eligibility for SNAP, see USDA FNS, Supplemtnal Nutrition Assistance Program (SNAP) Implementatoin of the One Big Beautiful Bill Act of 2025 -- Alien SNAP Eligibility https://drive.google.com/file/d/12Djp36vCN1ptrFCjLhaKWqdjTaYJyXHP/view?usp=sharing. New applicants for SNAP will be subject to the changed rules. Current recipients of SNAP will have the new rules applied to them when their current period of certification ends. This means, formerly eligible categories like Asylees, Refugees, T-Visa holders, VAWA self-petitioners will not suddenly lose their SNAP. They will only lose SNAP when their current certification period ends.

7. Non-citizen eligibility changes for Federal Medicaid will become effective October 1, 2026. For information on current immigrant eligibility for Federal Medicaid and State Medicaid, and required documentation, see Documentation Guide for Citizen and Non-Citizen Eligibility for Health Insurance Coverage in New York State, OHIP-0046 (6/24) : https://www.health.ny.gov/health_care/medicaid/publications/docs/gis/24ma06_att1.pdf

8. For OTDA’s PRUCOL definition for Safety Net Assistance see, GIS 23TA/DC039 (5/12/23), https://otda.ny.gov/policy/gis/2023/23DC039.pdf

9. For DOH’s clarification of PRUCOL status for purposes of State Medicaid eligibility, see GIS 24 MA/06 (7/10/24): https://www.health.ny.gov/health_care/medicaid/publications/docs/gis/24ma06.pdf This DOH GIS confirms that people who have had a pending request for immigration status/relief denied remain PRUCOL so long as the U.S. government has not initiated removal. Note: Who is eligible for State Medicaid will begin changing July 1, 2026.

10. For more information on what immigration statuses qualify for coverage in the healthcare marketplace, visit: https://www.healthcare.gov/immigrants/immigration-status Note: Eligibility for qualified health plans and the Essential Plan will also be changing.

11. If a noncitizen covered by the Essential Plan is also financially eligible for Medicaid, and the Essential Plan does not cover a particular benefit that would be covered by State Medicaid, the insured immigrant will receive wraparound benefits funded by State Medicaid.

12. For noncitizens between the ages of 19-64 who are financially eligible for Federal Medicaid but do not have an eligible immigration status, Emergency Medicaid may be available. It is a federally funded program that provides healthcare coverage for residents of NY state ineligible for health insurance who are suffering from a condition that manifests itself by acute symptoms such that absence of immediate medical attention could put the individual in serious jeopardy or seriously impair bodily function or cause serious dysfunction to an organ or bodily part. Noncitizens who are 65+ and do not have any immigration status are now eligible for comprehensive State Medicaid.

13. Refers to public charge ground of inadmissibility, as outlined in the 2022 Final Rule, 87 FR 55427: https://www.federalregister.gov/documents/2022/09/09/2022-18867/public-charge-ground-of-inadmissibility

14. Withholding of removal under the Immigration and Nationality Act (INA) is granted to those whose life or freedom would be threatened in their home country because of their race, religion, national origin, political opinion, or membership in a particular social group. Under the Convention Against Torture, Withholding of Removal may be granted to those who can prove they would be tortured, without regard as to whether such torture is based on a protected ground. The International Convention Against Torture (CAT) was ratified by the U.S. in 1998 through Public Law No. 105-277, div. G, Title XXI Section 2242. Some CAT beneficiaries, usually because of criminal or security issues, are

15. Also included in the broader definition of “VAWA Self-Petitioners” in Section 101(a)(5) of the INA are those with VAWA cancellation, and battered family members protected under NACARA, HRIFA and the Cuban Adjustment Act.

16. Battered spouses and children’s eligibility for benefits. See 06-INF-14 Revised: http://onlineresources.wnylc.net/pb/docs/06-inf-14_revised.pdf

17. Note that VAWA qualified immigrants are not listed in the federal housing law at 42 U.S.C. § 1436a as being in a qualifying status but HUD has acquiesced to their eligibility for government-subsidized housing since they are considered “qualified aliens” under federal immigration law.

18. Cuban/Haitian Entrants are defined in the Administration for Children and Families (ACF’s) Fact Sheet: https://www.acf.hhs.gov/sites/default/files/documents/orr/orr_fact_sheet_cuban_haitian_entrant.pdf

19. SIJS awardee eligibility for Safety Net Assistance was established in 2021. See GIS 21 TA/DC059 (8/18/21): https://otda.ny.gov/policy/gis/2021/21DC059.pdf SIJS applicants have been eligible since May 12, 2023. See GIS 23TA/DC039 (5/12/23), https://otda.ny.gov/policy/gis/2023/23DC039.pdf

20. Note that under the "lawfully present" category, the individual has to actually file an application for permanent residence and provide the documents necessary to prove that he or she entered the US before January 1, 1972 and has lived in the US continuously since that time. The PRUCOL category does not require the individual to file an application with USCIS and the evidentiary showing is generally more relaxed with a benefits agency. For more guidance regarding documentation for proving PRUCOL status, see Documentation Guide: https://www.health.ny.gov/health_care/medicaid/publications/docs/gis/24ma06_att1.pdf

21. On May 8, 2024, the Department of Health and Human Services published a Final Rule, with a target implementation date of November 1, 2024, making several changes in the eligibility of noncitizens for Marketplace programs. 89 Fed. Reg. 39392, 39392-39437. Most significant is the inclusion of DACA grantees in the category of noncitizens considered to be "lawfully present" and who thus become eligible for Qualified Health Plans and related subsidy programs. 89 Fed. Reg. 39392, at 39436. See 08 OHIP/INF-4 for details. The second Trump Administration has since reversed the extension of Marketplace eligibility to DACA recipients and those currently enrolled will lose their benefits as of July 26, 2026.

22. As of the publiciation of this chart, DED has been authorized by President Biden for Liberians, Palestinians, eligible Hong Kong residents and certain Lebanese nationals.

23. For TPS eligibility for Safety Net Assistance, see GIS 16 TA/DC053 (10/14/16): https://otda.ny.gov/policy/gis/2016/16DC053.pdf

24. For DACA applicant eligibility for Safety Net Assistance, see Non-citizens Recognized as Permanently Residing Under Color of Law (PRUCOL) for Safety Net Assistance (SNA) Eligibility, GIS 23TA/DC039 , (May 12, 2023): https://otda.ny.gov/policy/gis/2023/23DC039.pdf

25. For postpartum eligibility for State Medicaid, see New York State Medicaid Update, March 2023, Vol. 39, No. 6: https://health.ny.gov/health_care/medicaid/program/update/2023/no06_2023-03.htm#postpartum

† Persons who have been designated by Congress to be "specially-qualified aliens" who are not subject to a 5-year waiting period for SNAP include people who adjusted to LPR status from the following statuses: persons granted asylum, persons who entered the U.S. as refugees, persons granted withholding of removal; survivors of trafficking; persons considered an Ameriasian immigrant; Cuban Haitian entrants; and persons granted Iraqi and Afghan Special Immigrant Visas.

†† LPRs in the following categories are considered exempt from the 5-year waiting period: **(a)** children under the age of 18; **(b)** persons in receipt of a disability-based public benefit; **(c)** persons who can be credited with 40 quaifing work quarters in the SSA system; **(d)** veterans, active duty military and their spouses and children; and **(e)** persons born before August 22, 1931 if they were lawfuly present in the U.S. on August 22, 1996.

††† This means all the time they have spent in any "Qualified Alien" status adds up to at least 5 years. Qualfiied Alien statuses include LPRs who did not adjust from a "specially-qualified status;" Battered Qualified Aliens, which includes VAWA self-petitioners; and persons granted parole for more than a year. For example, if a person was granted parole for more than a year on January 1, 2021, and then adjusts to LPR status through a family member on February 1, 2023, once the time spent as a parolee (2 years) and the time as an LPR adds up to 5 full years, they have fullfiled the 5-year waiting period and become eligible for SNAP.