

IMA POLICY MANUAL  
PART IV: NON-FINANCIAL ELIGIBILITY REQUIREMENTS

**CHAPTER 7: CITIZENSHIP/ALIENAGE**

**INTRODUCTION 7.1**

PRWORA narrowed the groups of immigrants eligible for various types of assistance. Several pieces of subsequent legislation further refined the groups of immigrants eligible and ineligible for TANF, Medicaid, and FS. Under federal law prior to 1996, most immigrants in the country lawfully were eligible for cash assistance, FS, and Medicaid on the same basis as U.S. citizens. Undocumented immigrants were eligible for emergency Medicaid services only. Under current law, some lawfully present immigrants are ineligible for these forms of aid. Immigrants ineligible for Medicaid based only on their immigration status, including both those here lawfully and unlawfully, are eligible for emergency Medicaid services.

With only three exceptions (which are unlikely to arise frequently in D.C.), an immigrant must have one of the immigration statuses that makes him or her a 'qualified immigrant' to be eligible for any form of assistance administered by IMA other than emergency Medicaid. Many immigrants in the country lawfully, as well as undocumented immigrants, do not meet the criteria to be 'qualified immigrants.' While non-qualified immigrants are ineligible for TANF, Medicaid (except emergency Medicaid), and FS, it is also the case that some 'qualified immigrants' are ineligible for one or more programs administered by the Department due to their immigration status. However, because an immigrant generally must be 'qualified' to be eligible for any forms of assistance, SSRs should first determine whether the individual's immigration status makes him/her 'qualified' when determining program eligibility.

The presence of a person who does not meet the citizenship/alien status factor does not prohibit other persons in the home from applying for and receiving program benefits. However, the income and assets of such disqualified persons may have to be considered in determining the eligibility for and amount of benefits of other persons in the home (see Chapter 2: Whose Assets Are Counted and Chapter 5: Whose Income is Counted in Part VI).

**LEGAL AUTHORITY 7.2**

AREA/TOPIC	DISTRICT	FEDERAL
Citizenship/ Alienage Eligibility	TANF: D.C. Code 4-205.15 (2) and (3); 4-	ALL: 8 USC Chapter 14 et. seq. Department of Justice Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility under Title IV of the Personal Responsibility and Work Opportunity

205.24 Reconciliation Act of 1996 [AG Order No. 2129-97]; Guidelines for Making Determinations Using SSA's Quarters of Coverage History System, June 1998, Social Security Administration  
 GC: See TANF and D.C. Code 4-205.5a

Refugee Cash and Medical Program	45 CFR 400
----------------------------------	------------

**QUALIFIED ALIENS 7.3**

**ALL** PRWORA created a new eligibility category for aliens, called 'qualified aliens.' The following table provides a description of qualified aliens by immigration category.

Immigration Category	Description
Lawful Permanent Resident (LPR)	Person granted LPR status (green card holders)
Refugee	Person admitted as a refugee
Asylee	Person granted asylum
Granted Withholding of Removal (formerly called 'Withholding of Deportation')	Person granted withholding of removal
Parolee for a year or more	Person who has been paroled into the U.S. for at least one year
Cuban and Haitian Entrant	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
Domestic Violence Victims and their parents or children	<p>Regardless of the individual's immigration status, a victim of domestic violence or his/her parent or child is 'qualified' if:</p> <ul style="list-style-type: none"> <li>immigrant has been battered or subjected to extreme cruelty, or immigrant's child or parent has been battered, by a spouse, parent, or member of the household;</li> <li>immigrant has a pending or approved spousal petition or a petition pending for relief under the Violence Against Women Act;</li> <li>immigrant's need for assistance has a substantial connection to the battery or cruelty; and</li> <li>immigrant does not currently live with the abuser.</li> </ul>
Victim of a Severe Form of Trafficking in Persons	Regardless of the individual's immigration status, an immigrant is considered 'qualified' if designated by the Office of Refugee Resettlement as a victim of a severe form of trafficking in persons.

[http://dhs.dc.gov/dhs/cwp/view,a,1345,q,604075,dhsNav\\_GID,1728,.asp](http://dhs.dc.gov/dhs/cwp/view,a,1345,q,604075,dhsNav_GID,1728,.asp)