

# Federal Benefits to Unauthorized Immigrants(NCSL)[2014]

In general, unauthorized immigrants within the United States **are not eligible for any federal public benefits, except:**

- Emergency medical treatment under Medicaid, if the individual otherwise meets the eligibility requirements and the medical condition is not related to an organ transplant procedure
- Immunizations for immunizable diseases and testing for and treatment of symptoms of communicable diseases (does not include assistance from Medicaid)
- Short-term, non-cash, in-kind emergency disaster relief
- Programs, services, or assistance that deliver in-kind services at the community level, do not have conditions for assistance on the recipients' income or resources, and are necessary for the protection of life and safety
  - Includes access to soup kitchens, crisis counseling and intervention, short-term shelter, mental health services, and child and adult protective services
- To the extent that an immigrant was receiving assistance on 8/22/96, programs for housing, community development, or financial assistance administered by the HUD Secretary, which include:
  - Financial assistance in rural areas to farmers, owners, developers, and the elderly for loan insurance, the purchase of property, housing for trainees, and low rent housing for farm workers under title V of the Housing Act of 1949
  - Loans and grants for water access and waste treatment to alleviate health risks under Section 306C of the Consolidated Farm and Rural Development Act
- Free public education for grades K-12
- Federally subsidized school lunch and school breakfast programs for individuals eligible for free public education under state or local law
- At state option, medical coverage under SCHIP, including prenatal care and delivery services, for unborn children who meet other program eligibility criteria

Note: Exceptions 2 and 3 above only grant access to disaster relief and emergency assistance for the protection of life and safety, and do not extend to non-emergency aid based on each recipient's need.

Unauthorized immigrants are eligible for the following nutrition assistance programs:

- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Child and Adult Care Food Program (CACFP)
- Summer Food Service program
- Special Milk program
- Commodity Supplemental Food Program (CSFP)
- The Emergency Food Assistance Program (TEFAP)
- Food Distribution Program on Indian Reservations (FDPIR)

Note: States may, at their discretion, deny unauthorized immigrants' access to the above programs.

Unauthorized immigrants also appear to be able to receive services provided by federally funded community health centers regardless of immigration status; however, migrant health center services are statutorily prohibited to unauthorized immigrants by Title IV of PRWORA.

Affordable Care Act: Unauthorized immigrants and Deferred Action for Childhood Arrivals (DACA) grantees are not eligible to purchase insurance on the exchanges or receive premium tax credits or lower copayments; they are exempt from the individual mandate.

<https://www.ncsl.org/research/immigration/federal-benefits-to-unauthorized-immigrants.aspx>

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