



## **Citizenship Status and Special Needs**

**By Barbara Isenhour, Esq.**

Citizenship issues can significantly complicate the often bewildering process of qualifying for special needs benefits. Each federal program has its own stringent citizenship regulations. In addition, Medicaid and Supplemental Security Income (SSI), which are two of the most important programs for individuals with disabilities, [have strict income requirements](#). If a non-citizen is being sponsored by a family member, the sponsor's assets and income are usually considered during the application process.

What's more, receiving SSI or Medicaid-paid nursing home care could affect an individual's ability to become a lawful permanent resident (LPR), since they must often demonstrate that they're unlikely to become a public charge. This is not a concern for immigrants who enter as refugees, victims of abuse or due to military/veteran status.

### **Citizenship Requirements**

For individuals who are not U.S. citizens or U.S. nationals, the following are eligible for SSI and most Medicaid programs:

- Individuals lawfully residing in the U.S. on August 22, 1996, whether or not they were receiving benefits on that date.
- Legal permanent residents entering the U.S. after August 22, 1996, who wait at least five years before applying for benefits. SSI adds a requirement that they have Social Security work credits for 40 quarters of work.
- Refugees, asylum seekers, Cuban and Haitian entrants, immigrants whose deportation or removal are being withheld, parolees or conditional entrants, and victims of abuse or human trafficking. SSI and a few state Medicaid programs further stipulate that these individuals are only eligible for the first seven years after obtaining this immigration status.
- Veterans and active duty military, as well as their spouses, unmarried surviving spouses and children.
- Native Americans born outside the U.S. may qualify for SSI and Medicaid, if they were born in Canada or are enrolled members of a federally recognized tribe.

### **Emergency Medicaid and Other Exceptions**

States are required to provide *emergency Medicaid*, regardless of immigration status, if a state resident meeting other eligibility requirements is experiencing “acute symptoms that could place the patient’s health in jeopardy, result in serious impairment to bodily functions or serious dysfunction of any bodily organ or part.”

Through a program called WIC (Women and Infant Children), some states provide Medicaid to infants, children under six and pregnant women who are not otherwise qualified due to their immigrant status.

In addition, many state and local Medicaid agencies have programs covering immigrants who meet asset and income requirements and have PRUCOL (Permanent Residence Under Color of Law) status. PRUCOL refers to an individual who has received written assurance from the USCIS that deportation is not planned.

### **Social Security Disability Income and Medicare**

If an immigrant has worked sufficient quarters and paid into the Social Security system prior to the onset of a disability, they may be eligible for Social Security Disability Income (SSDI). After 24 months of receiving SSDI benefits, they become eligible for Medicare.

To qualify, an individual must have a valid Social Security number (for work quarters earned after December 31, 2003), have been inspected by Department of Homeland Security and be in compliance with terms of admission to the U.S.

Because qualifying for government benefits is such a complex issue for immigrants and their families, they should consult special needs and immigration attorneys concerning their specific situations. An excellent resource for information affecting immigrants is the [National Immigration Law Center](#).

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