

Immigration Status and Public Benefits

“Qualified” Immigrants: As defined by Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), “qualified” immigrants include all categories of immigrants listed below. “Qualified” immigrants are eligible for many benefits programs, but are subject to the specific requirements of each program.

- **Lawful Permanent Resident (LPR):** A person who has received a “green card” and whom the Department of Homeland Security (DHS) has decided may live permanently in the U.S. provided they do not commit any crimes. Most LPRs eventually become citizens.
- **Refugee:** According to the Refugee Act of 1980, a refugee is “any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”
- **Asylee:** Someone who has met the international definition of a refugee and who is also physically present in the United States. An individual is granted asylum by either the Asylum Office of the Department of Homeland Security (DHS) or by an Immigration Judge of the Executive Office for Immigration Review (EOIR). Depending on how an individual is granted asylum, they will possess different documents. Individuals who have applied for asylum are asylum applicants, not asylees.
- **Withholding of Removal:** Individuals who are granted withholding of removal are not eligible to apply for asylum. Usually, they have not met the one-year deadline for filing an asylum claim or they have a criminal record that makes them ineligible for or unlikely to win asylum. Withholding of deportation is a defense for a person who will otherwise be deported by the Department of Homeland Security to a country where they will not be safe.
- **Victim of Trafficking:** The Victims of Trafficking and Violence Prevention Act of 2000 (VTVPA) defines a “severe form of trafficking” as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age” or “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or

coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” The Office of Refugee Resettlement (ORR), an office of the U.S. Department of Health and Human Services, has been charged with certifying victims of severe forms of trafficking for the purposes of public benefits.

- **U.S. Veteran/Serviceperson:** immigrants in this category must: have current or past service in the U.S. military, be a spouse of an active serviceperson or veteran or be an unmarried dependant (child) of an active serviceperson or veteran.
- **American Indian born in Canada:** Certain Canadian-born Indians (Native Americans) who establish one-half American Indian blood may freely cross borders and live and work in the U.S. and are eligible for public benefits.
- **Cuban-Haitian or Ameriasian:** Status accorded 1) Cubans who entered illegally or were paroled into the United States between April 15, 1980, and October 10, 1980, and 2) Haitians who entered illegally or were paroled into the country before January 1, 1981. Cubans and Haitians meeting these criteria who have continuously resided in the United States since before January 1, 1982, and who were known to the DHS before that date, [may adjust to permanent residence under a provision of the Immigration Control and Reform Act of 1986.]
- **Hmong or Highland Laotian:** A person determined by the Bureau of Refugees and Immigration Services to be a Hmong or Highland Laotian tribe member or a person with one of the following last names: Xiong, Yang, Vang, Thao, Her, Lor, or Hang.
- **Paroled:** A person who has been permitted to come into the U.S. who may not actually be eligible to enter—often granted for humanitarian reasons or to release a person from Department of Homeland Security Detention. To qualify for benefits the person has to be paroled for at least one year and sometimes for five years.
- **Conditional entrants:** A person granted conditional entry in the U.S. by the DHS prior to April 1, 1980. This status hasn’t been used since 1980, it may not apply to many immigrants now.
- **Abused non-citizens (VAWA):** an otherwise non-qualified immigrant can apply for legal immigration status through a self-petition under the Violence Against Women Act if she/he has been a victim of domestic violence at the hands of a Legal Permanent Resident or United States Citizen. Immigrants are considered Abused non-citizens if they have filed the self-petition. Their children are also included in the definition of abused non-citizens and can receive some benefits.

“Non-Qualified” Immigrants: As defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), “non-qualified” immigrants include all non-citizens not listed under “‘Qualified’ Immigrants,” notably including individuals who are PRUCOL. Non-qualified immigrants may or may not be eligible for public benefits, depending on the specific requirements of the program in question.

- **PRUCOL (Permanently Residing Under Color of Law):** A public benefits category that refers to non-citizens whose presence is known to the Bureau of Citizenship and Immigration Services but whom the government does not intend to deport or remove. The categories of immigrants who are considered PRUCOL vary depending on the benefit program in question. In general, PRUCOL includes: people granted indefinite voluntary departure, people residing under an order of supervision, an immigrant who has continually lived in the U.S. since Jan 1, 1974, a person granted a stay or suspension of deportation, an applicant for asylum or family unity, applicants for adjustment of status.
- **Non-Immigrants:** Non-immigrants include students who are studying in the U.S. on a student visa and foreign visitors on tourist visas. For purposes of immigration, these people do not intend to permanently remain the U.S.
- **Undocumented Immigrants:** A non-citizen whose presence in the U.S. is not known to the Department of Homeland Security and who is residing here without legal immigration status. Undocumented persons include those who originally entered the U.S. legally for a temporary stay and overstayed or worked without Department of Homeland Security permission, and those who entered without inspection. Often referred to as “illegal aliens”.