

Immigrant Eligibility for Medicaid & other Public Benefits - 2024 Update for Undocumented Immigrants Age 65+

Updated Immigrant Eligibility for Public Benefits in NYS Chart

by Empire Justice Center & NY Immigration Coalition - updated to include Public Charge

Jan. 1, 2024 Expansion: Undocumented Immigrants Age 65+ Eligible for Full Medicaid

Starting **Jan. 1, 2024**, immigrants **age 65+** can get **FULL MEDICAID** even if they do not qualify for PRUCOL status. This landmark expansion -- won by a coalition working for HealthCare4All -- is discussed [in this article](#). [This article](#) explains how New Yorkers age 65+ who previously had only Emergency Medicaid, or who had no health coverage at all because they are undocumented, can obtain Medicaid.

See [New Health Insurance Option for Undocumented Immigrants Over 65 Fact Sheet](#) (Dec. 18, 2023 NYSoH).

2022 NEWS - Including UKRAINIAN IMMIGRANTS

UKRAINE -

1. **LINU - PUBLIC BENEFITS for DISPLACED UKRAINIANS Arriving in the US -**

See [this WEBSITE](#) for many resources, including:

- ◆ [Public Benefits for Displaced Ukrainians -- Presentation by Maria Hunter \(NYLAG\)](#)

2. **5/26/22 - The federal Office of Refugee Resettlement issued:**

[PL 22-13 Ukrainian Humanitarian Parolees Eligible for ORR Benefits and Services](#)

• **Office of Refugee Resettlement FACT SHEET**

- ◆ **Public Charge warning** - if Ukrainian parolees later apply for adjustment of status through a relative or employment petition, receipt of certain federal benefits may be considered likely to make them a public charge. See more [here](#). Note that Medicaid does NOT make someone a public charge unless it is for institutional care.

1. **Significance of policy** -- Previously, only those paroled for more than a year were

eligible for any federal benefits and there was a 5-year wait for those over age 18. (The 5-year wait did not apply for Medicaid in NYS, though, which covers Medicaid during this period).

2. Benefits include Temporary Assistance for Needy Families (cash assistance), federal Medicaid, Supplemental Nutrition Assistance Program (SNAP), and SSI, as well as other benefits available to refugees.
3. **How to tell who is a humanitarian parolee** - They should have a stamp in their passport indicating they have been paroled for a specific length of time. This includes Ukrainians who come here through the new *Uniting for Ukraine* program.
4. **Expands federal benefits to Ukrainian *humanitarian parolees*, but not those who are here on a visa** (such as a tourist visa), through a family reunification route, or who received Temporary Protected Status (TPS) (unless there was an underlying humanitarian parole).

- **Immigrants from UKRAINE may also receive Temporary Protected Status** but only if they came to the US on or before April 11, 2022 and register for TPS status between April 19, 2022 -October 19, 2023. See TPS info on Ukraine. For those who came to the US after that date, humanitarian parole is possible. TPS status qualifies an individual for NYS Medicaid. Public charge does not apply if adjusting status through asylum or to benefits received while having TPS status. Note other countries for whom immigrants are also eligible for TPS.

Undocumented immigrants age 65+ will be eligible for *full Medicaid* (as opposed to only emergency Medicaid) in Jan. 2024. See here.

Public Charge update - see here

MORE RESOURCES ON IMMIGRANT ELIGIBILITY FOR HEALTH CARE

New York's Exchange Portal: A Gateway to Coverage for Immigrants (9/14/15) by Empire Justice Center reviews current rules on eligibility and describes how immigrants can access health care through NYState of Health portal, including for emergency care for those who are undocumented and not PRUCOL.

- **Includes an Immigrant Eligibility Crosswalk which gives detailed eligibility information for immigrants for various health programs (2019)**

interactive Marketplace eligibility questionnaire -- designed to help enrollment assistors and consumers better assess their potential eligibility for Marketplace coverage based on immigration status, age and income. This questionnaire is not an official assessment of eligibility. To receive an official determination of eligibility contact the New York State of Health Marketplace at <http://www.nystateofhealth.ny.gov> or 1-855-355-5777

- This tool was created jointly by the Children's Defense Fund - New York, the Empire Justice Center, and the Community Service Society through their work in the Health Care for All New York coalition.

Please see 2013 updates re PRUCOL status for people applying for or granted **DACA** status in [this article](#).

NEWS on Public Charge - Regulations Issued by Trump Administration VACATED March 8, 2021; 1999 Guidance Reinstated

As of March 9, 2021, the Trump-era Department of Homeland Security (DHS) public charge regulations no longer exist or apply. Those regulations temporarily changed the definition of who could be denied "adjustment of status" (green card) based on likelihood to become a "public charge." Now the 1999 Guidance has been reinstated. DHS is expected to publish a new final rule in July or August 2022 with revised regulations on public charge.

On June 3, 2022, the Biden administration updated its [Public Charge resource webpage](#) "to ensure that immigrants and their families, many of whom are essential and frontline workers, are not deterred by undue fear or confusion from obtaining access to important government services for which they are eligible to keep their families safe and healthy."

The only benefits that can be considered to make one likely to become a public charge are: (a) ongoing cash assistance for income maintenance including SSI (e.g, not one-shots or ERAP; and (b) government funded long-term institutional care. **All Medicaid services other than institutional care do NOT make someone a public charge.** For more info about Public Charge and FAQs see:

- [USCIS Public Charge Resources](#).
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- [Fact Sheet by Protecting Immigrant Families on Public Charge](#) (Dec. 2023) and
- [Know Your Rights Fact Sheets on Public Charge](#) by Protecting Immigrant Families - in Many Languages
- Legal Services NYC [KNOW YOUR RIGHTS: New York Immigrants are Eligible for Benefit Programs](#)

FOR HELP:

- **New York State [New Americans Hotline](#) for a referral to an organization to advise you. [212-419-3737](#) Toll-free in New York State at [1-800-566-7636](#)**

Monday-Friday, from 9:00 a.m. to 8:00 p.m. Saturday-Sunday, 9:00 a.m. to 5:00 p.m.

- **Medical providers can call : NYLAG's LegalHealth hotline: 212.659.6188**

- **Legal Services NYC intake line at 917-661-4500**
- **New York Immigration Coalition state-wide list of legal resources, <https://www.nyic.org/providers/>**

Medicaid is the public health insurance program for people of limited means. It is jointly funded by the Federal, state, and local governments. However, each state has its own Medicaid program, which completely different rules regarding eligibility and what services are covered. You should assume that any information provided on this website only applies to the New York State Medicaid program (also known as \"Medical Assistance\").

'; glosarry_items[4] = 'Permanently **Residing Under Color of Law** - PRUCOL is a category of immigration status used by certain public benefit programs. An immigrant would be considered PRUCOL if they are residing in the United States with the knowledge and permission or acquiescence of the United States Citizenship and Immigration Services, and whose departure that agency does not contemplate enforcing. PRUCOLs are eligible for Medicaid and Safety Net Assistance in New York State.

'; glosarry_items[5] = '**Administrative Directive** - A type of official memo issued by the New York State Department of Health, instructing local districts how to implement the law and regulations.

'; glosarry_items[6] = '**Safety Net Assistance** - A cash public assistance (aka welfare) program in New York State that provides benefits to eligible individuals and certain families who do not qualify for Family Assistance or other federal Temporary Assistance programs.';

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<http://health.wnylc.com/health/entry/25/>