



Right to Public Benefits for Immigrant Populations Served by the U.S. Office of Refugee Resettlement (ORR):

ORR populations include: Refugees, Asylees, Cuban and Haitian entrants, Special Immigrant Visa (SIV) Holders from Iraq and Afghanistan, Victims of Human Trafficking, certain Amerasians from Vietnam, and Lawful Permanent Residents who once held any of the previous statuses.

Background

The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), also known as welfare reform, introduced restrictions related to immigration status and length of U.S. residence for federal means-tested benefits. As a result of PRWORA, many legal immigrants in Texas are ineligible for public benefits for their first five years in the country, and for some programs much longer.

However, immigrant populations served by ORR who are otherwise eligible for the program may receive public benefits. Most ORR populations are also allowed to access public benefits without being subject to a “public charge” determination that could prevent them from gaining lawful permanent residence. (See more under FAQs.) This document provides a brief overview of public benefit eligibility considerations for these populations.

Key Facts on Refugees and Other ORR Populations

- Considered “qualified immigrants” (8 U.S.C. § 1641)
- Considered to have an eligible immigration status for federal, means-tested benefits, including:
 - Temporary Assistance for Needy Families (TANF)
 - Supplemental Nutrition Assistance Program (SNAP)
 - Medicaid
 - Children’s Health Insurance Program (CHIP)
 - Supplemental Security Income (SSI) *
 - Affordable Care Act premium and cost-sharing subsidies **
 (8 U.S. Code § 1612 and Texas Works Handbook Section A—311.1, A—341, A—342)
- Must still meet all other eligibility criteria for a given program, including income or resource limits.
- Not subject to a five-year bar before they can receive benefits. (8 U.S.C. § 1613)
- In Texas, refugees and other ORR populations may receive:
 - Medicaid for seven years after initial status received
 - SSI for seven years after initial status received
 - TANF for five years after initial status received
 - There is no time limit for receipt of SNAP
 - If these immigrants become U.S. citizens, they will be subject to the same eligibility rules as any other U.S. citizen, and the time limits for ORR populations will no longer apply.
 (8 U.S. Code § 1612 and TWH Section A—311.1, A—341, A—342)
- Because Texas did not expand Medicaid eligibility to adults under the Affordable Care Act (ACA), most adults in ORR populations will be ineligible for Medicaid unless they are pregnant, qualify for SSI, or are *very* low-income parents. (The same is true for U.S. citizen adults in Texas.)

- ORR populations ineligible for Medicaid will receive Refugee Medical Assistance (RMA) for the first eight months after status received. RMA applications are processed by refugee resettlement agencies not by the Texas Health and Human Services Commission (HHSC).
- After RMA ends, ORR populations ineligible for Medicaid and above the federal poverty line may be eligible to purchase subsidized insurance in the ACA Health Insurance Marketplace.

Frequently Asked Questions

Are there immigration consequences for ORR populations when enrolling in public benefits?

In general, these statuses are not subject to "public charge" determinations for purposes of admissibility and adjustment of status to permanent residency and generally should be encouraged to use available public benefits, including cash assistance, health care, food stamps and other non-cash programs. For specific considerations for each status see, *Office of Refugee and Resettlement, State letter #05-02, "Public Charge and ORR Populations"* and *USCIS Manual on SIV Holders from Iraq and Afghanistan*.

What can an individual in an ORR population do if they are denied benefits due to their immigration status?

Applicants should try to resolve the issue with Texas Health and Human Service Commission (HHSC) eligibility staff or supervising staff in the local office first for issues with TANF, SNAP, and Medicaid. If the issue is not resolved at the local HHSC office, then:

1. Contact the refugee resettlement agency that initially assisted the applicant, and ask for case management support.
2. Contact the Texas Health and Human Services (HHS) Ombudsman's office, by calling 1-877-787-8999, or going online to: <https://hhs.texas.gov/about-hhs/your-rights/ombudsman-complaint-process>
3. If the Ombudsman's office cannot assist the applicant, contact the Texas HHS Civil Rights Office and file a complaint by calling 1-888-388-6332 (or 512-438-4313) or by emailing: HHSCivilRightsOffice@hhsc.state.tx.us

* *The Social Security Administration (SSA) administers Supplemental Security Income applications; requests for review can be submitted to SSA supervisors online by emailing SSA-437 form to program.complaint.intake@ssa.gov, <https://www.ssa.gov/forms/ssa-437.pdf>, or by calling the SSA's Office of Civil Rights and Equal Opportunity 1-866-744-0374.*

***The U.S. Centers for Medicare & Medicaid Services administers the Affordable Care Act Health Insurance Marketplace for Texas residents. For questions or to apply, go to www.healthcare.gov or contact the Marketplace Call Center 1-800-318-2596.*

References

- [Texas Health and Human Services, Texas Works Handbook](#)
- U.S. Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, [Fact Sheets with definitions for refugee, asylee, SOT, SIV, Cuban/Haitian entrants:](#)
- [Complaint form for Allegations of Program Discrimination by the Social Security Administration](#)
- [National Immigration Law Center, Overview of Immigrant Eligibility for Federal Programs](#)
- [Immigration and Nationality Act](#)
- [U.S. Dept. of Health & Human Services, Overview of Immigrants' Eligibility for SNAP, TANF, Medicaid, and CHIP](#)