Fact Sheet: Immigrants and Public Benefits in 2026

Introduction

This fact sheet explains how federal law regulates immigrants' eligibility for federal public benefits programs.

Federal laws regulating immigrants' access to public benefits have long been complex. The current framework largely stems from the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which imposed significant restrictions on immigrant eligibility for federal public benefits. More recently, federal legislation enacted in 2025 introduced additional eligibility restrictions for immigrants participating in several public programs.

At the same time, federal agencies have expanded the interpretation of "federal public benefits" under existing law, meaning immigration-status eligibility rules may apply to a broader range of federally funded services than in the past. This expansion, however, has been temporarily blocked by a federal court, adding to the confusion in an already complex system.

This fact sheet provides a clear overview of the current laws, rules, and pending litigation to help the public better understand how immigration status affects access for public benefits.

Are undocumented immigrants eligible for federal public benefits?

Generally, no. Undocumented immigrants are not eligible for most federal public benefits, including:

- Supplemental Nutrition Assistance Program (SNAP)
- Temporary Assistance for Needy Families (TANF)
- Supplemental Security Income (SSI)
- Children's Health Insurance Program (CHIP)[1]
- Non-emergency Medicaid

[1] Under federal law, CHIP is limited to U.S. citizens and certain qualified immigrants. However, states can use their own funds (separate from federal CHIP funding) to cover children regardless of immigration status. As of March 2026, 14 states and the District of Columbia provide this type of coverage using state-only funds.

- Federal housing assistance programs such as HUD Public Housing and Section 8 vouchers
- Social Security benefits

In addition, federal policies enacted in 2025 expanded the range of programs treated as "federal public benefits," meaning immigration-status eligibility restrictions may now apply to additional federally funded services, including Head Start, community health center (CHC) services, and Title X family planning services, among other programs. However, in late 2025, a federal court temporarily blocked parts of these new limitations while litigation proceeds.[2]

Some services, however, remain generally available regardless of immigration status. These include:

- Access to public K–12 schools.[3]
- Emergency Medicaid. The Emergency Medical Treatment and Labor Act (EMTALA) ensures that all patients, regardless of citizenship or immigration status, have access to emergency medical treatment at all Medicare-participating hospitals. Undocumented immigrants' use of EMTALA-related services is often covered via Emergency Medicaid.
- Short-term disaster relief.

Are authorized immigrants eligible for federal public benefits?

Generally, yes, but it depends on the specific legal status of the immigrants seeking benefits. The current legal framework describes two main categories of immigrants for determining eligibility for federal public benefits: "qualified immigrants" and "not qualified immigrants."

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[2] In 2025, several states led by the State of New York filed a lawsuit against the U.S. Department of Justice and other federal agencies challenging federal policy changes affecting immigrants' eligibility for public services and benefits. (*See New York v. U.S. Department of Justice*, 1:25-cv-00345, (D.R.I. 2025)) The lawsuit arose after federal agencies expanded the interpretation of "federal public benefits" under the Personal Responsibility and Work Opportunity Reconciliation Act. This expanded interpretation meant that immigration-status eligibility rules could apply to a broader set of federally funded programs than previously covered. The case focused on policies affecting access to a range of federally funded programs, including early childhood education programs such as Head Start, certain health services provided through federally funded community health centers, and family planning services funded under Title X. In late 2025, a federal court temporarily blocked parts of the policy while litigation proceeds, allowing continued access to some programs for immigrant families during the legal challenge.

[3] In accordance with the Supreme Court's ruling in *Plyer v. Doe*, 457 U.S. 202 (1982) states and localities cannot deny children access to K-12 public education on the basis of citizenship, nationality or immigration status, , consistent with Fourtheenth Amendment equal protection principles. States and localities are forbidden

Qualified immigrants

"Qualified immigrants" are eligible for certain specified federal benefits. According to PRWORA, "Qualified immigrants" include several categories of lawfully present noncitizens,[4] such as:

- Lawful permanent residents (green card holders)
- Refugees
- Asylees
- Cuban or Haitian entrants
- Individuals granted withholding of removal
- Certain survivors of trafficking or domestic violence
- Certain individuals paroled into the United States for at least one year

Individuals in these categories may qualify for a range of federal benefits, including SNAP, Medicaid, TANF, SSI, CHIP, and federal housing assistance, although eligibility rules may differ across programs. However, even immigrants classified as "qualified immigrants" may face additional restrictions, such as a five-year waiting period before becoming eligible for benefit programs, as described further below.

Eligibility for Social Security retirement or disability benefits generally depends on whether a person has earned sufficient work credits through authorized employment, rather than solely on immigration status.

Not qualified immigrants

Immigrants who do not fall into these categories are generally considered "not qualified" and are ineligible for most federally funded public benefits. This category includes foreign nationals in the United States with nonimmigrant visas such as tourists, students, visitors, and workers without immigrant intent. Like undocumented immigrants, "not qualified immigrants" are eligible for a small number of benefits and services, like access to K-12 education, emergency healthcare, and disaster relief benefits.

What is the five-year waiting period in relation to federal public benefits?

[4] Some categories of immigrants considered "qualified" under federal public benefits law have recently experienced changes to their immigration status. In particular, certain individuals with temporary humanitarian protections—such as parole or other discretionary statuses—have faced terminations or non-renewals of those protections, which may affect their classification as "qualified immigrants" and, in turn, their eligibility for federal public benefits. *See* National Immigration Forum, Explainer: Temporary Immigration Statuses, (2026).

Even "qualified immigrants" may face additional restrictions. Under 8 U.S.C. § 1613, most qualified immigrants who entered the United States after August 22, 1996, must wait five years after obtaining qualified status before becoming eligible for certain federal means-tested public benefits.

Programs subject to this waiting period generally include:

- SNAP
- Medicaid (non-emergency services)
- TANF
- CHIP
- SSI

Are people with Deferred Action for Childhood Arrivals (DACA) eligible for federal public benefits?

Individuals granted Deferred Action for Childhood Arrivals (DACA) are considered lawfully present for certain immigration purposes, but they are not classified as "qualified immigrants" under federal public benefits law.

As a result, like undocumented immigrants, DACA recipients are generally ineligible for most federally funded public benefits, but may still qualify for certain emergency health and disaster benefits. Some states and localities have chosen to extend state or local benefit access to qualifying DACA recipients.

Are some immigrants exempt from the five-year waiting period?

Yes. Several groups – often referred to as "humanitarian immigrants" – are exempt from the five-year waiting period, including:

- Refugees
- Asylees[5]
- Individuals granted withholding of removal
- Cuban or Haitian entrants
- Certain Amerasian immigrants admitted under the Amerasian Homecoming Act, primarily children born in Vietnam to U.S. citizen fathers during the Vietnam War

[5] Applies only to those who have been granted asylum. Asylum seekers whose cases are still pending are not included in this category.

- Survivors of human trafficking
- Iraqi and Afghan Special Immigrant Visa holders
- Veterans, active-duty military members, and their spouses and children

Have other rules governing immigrant eligibility for benefits changed recently?

Yes. Federal legislation enacted in 2025, namely the One Big Beautiful Bill Act, introduced additional limits on immigrant eligibility for several major federal programs, including SNAP, CHIP, Medicaid, Medicare, funding for Community Health Centers, and premium subsidies available through the Affordable Care Act marketplaces. These changes will be gradually implemented between July 2025 and January 2017.

Despite the various restrictions, the bill did not impact the availability of emergency medical treatment under EMTALA.

Can mixed-status families access federal public benefits?

Many immigrant families include members with different immigration statuses—for example, U.S. citizen children living with noncitizen parents.

Children born in the United States are U.S. citizens and may qualify for public benefits if they meet eligibility requirements. A parent's immigration status generally does not affect the child's eligibility for benefits.

However, recent federal tax legislation and related policy changes tightened eligibility for the following refundable tax credits: Child Tax Credit (CTC), Additional Child Tax Credit (ACTC), and the Earned Income Tax Credit (EITC). The key change is that parents now generally must have a valid Social Security number (SSN) to claim these credits. This means that undocumented parents, who typically file taxes with an Individual Taxpayer Identification Number (ITIN), would no longer be able to claim these credits, even if their child is a U.S. citizen.

In addition, the U.S. Department of the Treasury has sought to classify refundable tax credits as "federal public benefits," which could further restrict access based on immigration status.

What is "public charge" and how does it relate to public benefits?

What is “public charge,” and how does it relate to public benefits?

“Public charge” is a concept in U.S. immigration law used to determine whether certain immigrants should be denied admission to the United States or lawful permanent residence because they are likely to rely primarily on government assistance.

Historically, public charge has been interpreted to mean a person who is primarily dependent on government cash assistance for income maintenance or on long-term institutional care at government expense.

However, in July 2026, the Department of Homeland Security published a final rule that significantly changed how public charge determinations are made. In essence, the rule allows immigration officers broad discretion to consider, on a case-by-case basis, a wide range of factors, such as health, wealth, and the use of various public benefits, to determine whether an applicant will eventually become a "public charge."

If receiving various non-cash benefits disadvantages applicants, individuals and families are likely to experience uncertainty and be chilled from enrolling in programs for which they are legally eligible, including Medicaid, WIC, SNAP, and housing assistance. This chilling effect is likely to lead to higher uninsured rates, increased food insecurity, and poorer health outcomes for families and children.

Notably, in September 2026, a coalition of 22 states and the District of Columbia, six local governments, and four immigrant advocacy organizations filed separate lawsuits challenging the rule and its implementation. The plaintiffs argue that DHS exceeded its statutory authority under the Immigration and Nationality Act and violated the Administrative Procedure Act by expanding the public-charge standard beyond its longstanding interpretation. They also raise concerns that the rule could lead to inconsistent immigration decisions and discourage eligible immigrants and their families from accessing essential public benefits. The lawsuits remain pending, and the rule remains in effect.

Conclusion

Access to public benefits for immigrants in the United States is governed by a complex set of federal laws, regulations, and program-specific rules that vary based on immigration status and other factors. While many federal benefits remain restricted to U.S. citizens and certain categories of qualified immigrants, some services — such as emergency medical care, disaster relief, and public education — remain available regardless of immigration status. Recent policy changes and proposed regulations have further complicated the landscape, underscoring the importance of clear and accurate information about eligibility rules. Understanding how these policies work is essential for policymakers, service providers, and immigrant families navigating the U.S. public benefits system.