

18.4 BENEFIT PROGRAMS

To receive WV WORKS, Medicaid, or Supplemental Nutrition Assistance Program (SNAP) benefits, an individual applying must be a resident of the United States as a citizen or a legal alien and meet eligibility requirements for each program. Among those ineligible are alien visitors, tourists, diplomats and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country.

An illegal or ineligible alien residing in the United States who requires emergency medical care may qualify for Medicaid for the length of time medically required to avert the medical emergency. See Section 18.9.

NOTE: At the time of application an alien applies for SNAP benefits **and** WV WORKS benefits, the Worker must send a copy of their green card, front and back, to the DFA SAVE Coordinator at the time of application.

A. SNAP BENEFITS

A person must be a United States citizen, a national of the United States, or an eligible alien, (qualified alien) to qualify.

1. Categories Eligible For SNAP Benefits

A qualified alien for SNAP benefits is in one of the following categories, as determined by the Immigration and Naturalization Service (INS) of the U.S. Department of Homeland Security.

- Lawfully admitted for Permanent Residence (LPR) in the United States, who has a green card and has been in the United States for 5 years with this status. This category also includes Amerasian immigrants as defined under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988;
- Granted asylum under section 208 of the Immigration and Nationality Act (INA);
- Refugee admitted to the United States under section 207 of the INA;
- Paroled into the United States under section 212(d)(5) of the INA for at least 1 year;
- Deportation is being withheld under section 243(h) of the INA as in effect before 4/1/97, or removal is withheld under section 241(b)(3) of the INA;

2. Ineligible Aliens

Ineligible aliens include all other aliens and also include the following:

- Visitors, tourists, students, and diplomats;
- Undocumented immigrants;
- Those admitted under color of law;
- Aliens who have applied for eligible status but who have not been approved (except for battered spouses and children with a military connection);
- Aliens whose status is questionable or unverified; and
- The children of any of these individuals even those under the age of 18.

C. MEDICAID

1. Medicaid Eligibility

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PL 104-193) significantly changed Medicaid eligibility for individuals who are not citizens of the United States. Medicaid must be provided to eligible citizens and nationals of the United States.

Individuals who meet the eligibility requirements of Medicaid, but are not citizen or nationals, are Medicaid eligible only as provided below.

- For the purposes of qualifying as a United States citizen, the United States as defined by the Immigration and Naturalization Act include the fifty states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands. Nationals from American Samoa, or Swain's Island are also regarded as United States citizens for purposes of Medicaid.
- Applicants for Medicaid whose documents presented raise a question about their alien status must provide documentation of their citizen/alien status before eligibility can be determined.

2. Medicaid Eligible Aliens

Medicaid eligibility for aliens is based on the alien being a qualified alien regardless of whether the alien entered the United States before on or after August 22, 1996. An eligible (qualified) alien is one who is:

- An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) and was admitted before August 22, 1996;
- An alien who is granted asylum under section 208-INA eligible for 7 years from entry to United States;
- A refugee who is admitted to the United States under section 207-INA including immigrants who have been certified by the U.S. Department of Health and Human Services to be victims of a severe form of trafficking in persons in accordance with the victims of Trafficking and Violence Protection Act of 2000 (P.L.106-386) eligible for 5 years from entry to United States;
- An alien who is paroled into the United States under section 212(d)(5) of INA for a period of at least 1 year, eligible for 7 years from date of status;
- An alien whose deportation is being withheld under section 243(h) of INA eligible for 7 years from date of status;
- An alien who is granted conditional entry pursuant to section 203(a)(7) and section 274a.12(a)(3) of INA, eligible for 7 years from entry;
- Pregnant women and children 18 and under who are lawfully admitted for permanent residence.

5. Qualified Medicare Beneficiaries (QMB)

The eligibility of a noncitizen who has Medicare coverage and meets the criteria to be a QMB is determined by whether or not the individual is a qualified alien in one of the groups covered by item C,**2.** above.

6. Medicaid Emergency Service

Any alien who is not an eligible qualified alien can be considered for Medicaid emergency service. See Section 18.9, Emergency Medicaid for Illegal and Ineligible Aliens.

D. Low Income Energy Assistance Program (LIEAP)

All qualified aliens are evaluated for LIEAP eligibility as any other LIEAP applicant. See Section 26.2.

E. EMERGENCY ASSISTANCE (EA)

All qualified aliens are evaluated for Emergency Assistance guidelines as any other EA applicant. See Section 19.2.