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## General Information Memorandum

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ISD-GI 17-47

TO: ISD Employees  
FROM: Mary Brogdon, Director, Human Services Department  
RE: Immigration Eligibility Reference  
DATE: December 1, 2017

This GI contains an immigration eligibility reference from the immigration training. The “Immigrant Eligibility” training was released on blackboard in November 2017. This training will be provided to new hires as part of the normal new hire training.

The immigration eligibility reference contains two tables:

- Complete list of eligible immigrants for SNAP – this list combines the qualified status with the other criteria necessary to make a person eligible for SNAP
- Complete List of Immigrants eligible for Medicaid

All ISD workers must complete the blackboard training before December 31, 2017. Beginning in 2018, immigration eligibility training will be a new module in Phase 1 for new employees and will be an instructor led training. HSD will also maintain the Blackboard training as a refresher training for all ISD employees.

If you have questions regarding this memorandum please contact Marisa Vigil at (505) 827-1326 or [marisa.vigil@state.nm.us](mailto:marisa.vigil@state.nm.us).

## Immigrant Eligibility Policy for SNAP



### NMAC

8.139.410.9

The following non-citizens/immigrants are eligible for SNAP

- (1) a U.S. non-citizen national, **or**
- (2) a member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S. (includes spouse, surviving spouse, or child or tribe member) who are lawfully present in the U.S.; **or**
- (3) an American Indian born in Canada who possesses at least 50 per centum of blood of the American Indian race to whom the provisions of section 289 of the Immigration and Nationality Act apply; or a member of an Indian tribe as defined at section 4(e) of 25 U.S.C. 450b(e) which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians; **or**
- (4) a victim of human trafficking and their derivative beneficiaries, in accordance with 7 CFR 273.4(a)(5); **or**

## Immigrant Eligibility Policy for SNAP



### NMAC

8.139.410.9

The following non-citizens/immigrants are eligible for SNAP

(5) A qualified immigrant that ALSO meets at least one of the criteria below:

- were 65 or older and were lawfully residing in the U.S. on August 22, 1996, or
- are under age 18, or
- **have been in qualified immigrant status for at least five years, or**
- are lawful permanent residents who have worked or can be credited with 40 qualifying quarters of employment, or
- were granted refugee or asylum status or withholding of deportation/removal; or
- are a Cuban/Haitian entrant, or Amerasian immigrant, or
- are receiving blindness or disability-related assistance or
- are a veteran, active duty military; or the spouse, or the surviving spouse who has not married, or the child;
- are in Iraqi or Afghan special immigrant status.

All listed statuses in black italics **DO NOT** need to meet the 5 year bar.

## Immigrants Eligible for Medicaid



### NMAC

#### 8.200.410.11

The following non-citizens/immigrants are eligible for Medicaid

- (1) Entered the United States prior to August 22, 1996
- and remained continuously present in the United States and is a qualified immigrant or is
  - permanently residing in the U.S. under color of law. = **Permanent Residence Under Color of Law (PRUCOL)** is not recognized as an immigration status by the U.S. Citizenship and Immigration Services (USCIS); this category was created by the courts and is a public benefits eligibility category. ***For a person to be residing "under color of law," the USCIS must know of the person's presence in the U.S., and must provide the person with written assurance that enforcement of deportation is not planned.***

## Immigrant Eligibility Policy for Medicaid



### NMAC

#### 8.200.410.11

The following non-citizens/immigrants are eligible for Medicaid

(2) Entered the United States after August 22, 1996, is in a qualified status and meets one of the criteria below:

- **Has been in a “qualified status” for at least 5 years, or**
- **Was granted refugee or asylum status or withholding of deportation/removal; or**
- **Is a Cuban/Haitian entrant, or Amerasian, a victim of trafficking or has an Iraqi or Afghan special immigration status; or**
- **Is a lawfully residing veteran or active duty in the armed forces; including spouses or children**
- **Certain battered spouses and children, un-remarried surviving spouse/child\*\*.**

*Statuses in black italics DO NOT need to meet the 5-year bar.*

**\*\*Battered spouses and children do not have to meet the 5-year bar under a state exemption.**

## Immigrant Eligibility Policy for Medicaid



### NMAC

#### 8.200.410.11

The following non-citizens/immigrants are eligible for Medicaid

- (3) Lawfully residing pregnant woman or child under 21,
- (4) Certain American Indians born abroad,
- (5) Member of a federally recognized Indian tribe,
- (6) Individual receiving SSI on or after August 22, 1996
- (7) Certain individuals receiving federal foster care