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# Afghan Eligibility for Selected Benefits Based on Immigration Status: In Brief

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In light of the elected Afghan government's collapse and Taliban takeover in August 2021,[1] there has been congressional interest in the types of U.S. immigration statuses that are, or could be, options for Afghan nationals and the benefits that those statuses provide. This In Brief report outlines eligibility for select public benefits based on the following immigration categories:

- **Refugees**[2] are persons outside of their home countries who are unable or unwilling to return because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion. One year after arriving in the United States as refugees, they are required to apply to adjust their immigration status to become lawful permanent residents (LPRs).[3] Refugees are eligible for most federal public benefits as well as refugee-specific benefits.
- **Asylees**[4] are foreign nationals who fled their home countries because of persecution, or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. What differentiates refugees from asylees is that refugee applicants are outside the United States, while applicants for asylum are physically present in the United States or at a land border or port of entry. After one year in this status, they may apply to adjust their immigration status to become LPRs. Asylees are eligible for benefits to the same extent as refugees.
- **Afghan Special Immigrant**[5] status is granted to certain Afghan nationals who worked as translators or interpreters, or who were employed by or on behalf of the U.S. government in Afghanistan. Those granted Special Immigrant Visas (SIVs) automatically become LPRs after being admitted to the United States. Afghan SIV recipients are eligible for benefits to the same extent as refugees.
- **Parolees**[6] are noncitizens granted permission to enter or remain temporarily in the United States for urgent humanitarian reasons or significant public benefit. Immigration parole is granted on a case-by-case basis. Parolees do not have a prescribed path to permanent legal status, but they may apply for asylum or to adjust to LPR status via other mechanisms (e.g., family-based or employment-based categories), if otherwise eligible. Those granted parole for more than one year are eligible for certain public benefits subject to restrictions. In the context of Afghan evacuees, there are two categories of parole:
    - **Afghan Parolees** are Afghans paroled into the United States between July 31, 2021, and September 30, 2023.[7] Like general parolees, they do not have a prescribed path to LPR status. The Extending Government Funding and Delivering Emergency Assistance Act (P.L. 117-43, Division C, §2502)

[1] For more information, see CRS Report R46879, *U.S. Military Withdrawal and Taliban Takeover in Afghanistan: Frequently Asked Questions*.

[2] For more information, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*.

[3] LPRs are noncitizens permitted to live in the United States permanently (also referred to as *green card holders*).

[4] For more information about asylum, see CRS Report R45539, *Immigration: U.S. Asylum Policy*.

[5] For more information, see CRS Report R43725, *Iraqi and Afghan Special Immigrant Visa Programs*.

[6] For more information, see CRS Report R46570, *Immigration Parole*.

[7] Or those paroled after September 30, 2023, with a qualifying family connection (e.g., child, spouse, or parent of specified individuals).

provided this population with benefits to the same extent as refugees until March 31, 2023, or the end of their parole term, whichever is later.[8]

- Afghan nationals who have a pending SIV application are being paroled into the United States as **SQ/SI Parolees**.[9] These individuals are able to pursue their SIV applications from within the United States. SQ/SI parolees are eligible for benefits to the same extent as refugees.[10]

- **Temporary Protected Status (TPS)**[11] holders are noncitizens living in the United States who have been granted temporary relief from removal due to armed conflict, natural disaster, or other extraordinary circumstances in their home countries that prevent their safe return. A country can be designated for TPS for periods of 6 to 18 months and this period can be extended if the country continues to meet the conditions for designation. TPS recipients are ineligible for most public benefits, except for some emergency services.[12]
- **Deferred Enforced Departure (DED)**[13] is a temporary, discretionary, administrative stay of removal granted to noncitizens from designated countries in the United States. A DED designation emanates from the President's constitutional powers to conduct foreign relations. DED has been used on country-specific bases to provide relief from removal, usually in response to war, civil unrest, or natural disasters. DED recipients are ineligible for most public benefits, except for some emergency services.[14]

As of the cover date of this report, individuals evacuated from Afghanistan have entered the United States as Afghan parolees, SQ/SI parolees, and SIV holders. Afghan nationals outside of the United States can apply for refugee status, and those within the United States or at U.S. ports of entry can apply for asylum. Afghan nationals in the United States without permanent status could be covered by TPS or DED in the future if Afghanistan is designated for one of those forms of humanitarian relief.

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[8] According to the Department of Homeland Security, parolee status is being granted to Afghan nationals for a period of two years. Department of Homeland Security, "Operation Allies Welcome," at https://www.dhs.gov/allieswelcome.

[9] SQ refers to the SIV program for Afghans who worked for or on behalf of the U.S. government in Afghanistan; SI refers to the SIV program for Afghan translators and interpreters.

[10] U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR), "Clarification Related to Afghan SQ/SI Parolees Eligibility for RCA/RMA," Dear Colleague Letter, August 5, 2021, at https://www.acf.hhs.gov/sites/default/files/documents/orr/ORR-DCL-21-16-Clarification-Related-to-Afghan-SQSI-Parolees-Eligibility-for-RCA-RMA-8.5.2021.pdf.

[11] For more information, see CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure*.

[12] For example, treatment under Medicaid for emergency medical conditions (other than those related to an organ transplant); short-term, in-kind emergency disaster relief; and services or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelters) designated by the Attorney General as (1) delivering in-kind services at the community level, (2) providing assistance without individual determinations of each recipient's needs, and (3) being necessary for the protection of life and safety. For more information, see CRS Report R46339, *Unauthorized Immigrants' Eligibility for COVID-19 Relief Benefits: In Brief*.

[13] For more information, see CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure*.

[14] For example, treatment under Medicaid for emergency medical conditions (other than those related to an organ transplant); short-term, in-kind emergency disaster relief; and services or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelters) designated by the Attorney General as (1) delivering in-kind services at the community level, (2) providing assistance without individual determinations of each recipient's needs, and (3) being necessary for the protection of life and safety. For more information, see CRS Report R46339, *Unauthorized Immigrants' Eligibility for COVID-19 Relief Benefits: In Brief*.

**Table 1** outlines the eligibility of those who have received these statuses for the benefits listed below.[15] This report does not discuss other eligibility criteria that a noncitizen must meet to be eligible for these programs (e.g., income eligibility standards).[16]

The selected benefits include the four major means-tested public benefit programs as well as refugee-specific benefits:

- **Medicaid** is a joint federal-state program that finances the delivery of primary and acute medical services, as well as long-term services and supports, to low-income populations, including children, pregnant women, adults, individuals with disabilities, and people aged 65 and older.[17]
- The **Supplemental Nutrition Assistance Program (SNAP)** provides benefits to low-income, eligible households on an electronic benefit transfer card; benefits can then be exchanged for foods at authorized retailers.[18]
- The **Temporary Assistance for Needy Families (TANF)** block grants to states fund a wide range of benefits and services for low-income families with children.[19]
- **Supplemental Security Income (SSI)** is a federal assistance program that provides monthly cash payments to aged, blind, or disabled individuals who have limited income and resources (i.e., assets).[20]
- **Office of Refugee Resettlement (ORR) Refugee Benefits** include Refugee Cash Assistance (RCA), Refugee Medical Assistance (RMA), and Refugee Support Services.[21]

[15] This In Brief does not cover eligibility for the statuses themselves.

[16] For information about other eligibility criteria by program, see the reports linked in the footnotes for each of the programs listed.

[17] For more information, see CRS In Focus IF10322, *Medicaid Primer*; and CRS In Focus IF11912, *Noncitizen Eligibility for Medicaid and CHIP*.

[18] For more information, see CRS Report R42505, *Supplemental Nutrition Assistance Program (SNAP): A Primer on Eligibility and Benefits*.

[19] For more information, see CRS In Focus IF10036, *The Temporary Assistance for Needy Families (TANF) Block Grant*.

[20] For more information, see CRS In Focus IF10482, *Supplemental Security Income (SSI)*; and CRS Report R46697, *Noncitizen Eligibility for Supplemental Security Income (SSI)*.

[21] For more information, see HHS, ORR, "Refugee Services," at https://www.acf.hhs.gov/orr/programs/refugees.

**Table 1. Eligibility for Selected Public Benefit Programs, Work Authorization, and Path to LPR Status for Selected Immigration Statuses**

| Status | Medicaid | SNAP | TANF | SSI | ORR Refugee Benefits[a] | Work Authorization | Prescribed Path to LPR Status[b] |
|---|---|---|---|---|---|---|---|
| Refugees | Eligible for seven years after entry/grant of such status<br>Eligible at state option after seven years | Eligible after entry/grant of status | Eligible for five years after entry/grant of such status<br>Eligible at state option after five years | Eligible for seven years after entry/grant of such status<br>Ineligible after seven years unless naturalized | Yes | Yes | After one year in refugee status, refugees are required to apply to adjust to LPR status |
| Asylees | Same as refugees | Same as refugees | Same as refugees | Same as refugees | Yes | Yes | After one year in asylee status, asylees may apply to adjust to LPR status |
| Afghan Special Immigrants | Same as refugees | Same as refugees | Same as refugees | Same as refugees | Yes | Yes | Granted LPR status upon admission to the United States |
| Parolees[c] | Ineligible for five years after entry[d]<br>Otherwise eligible at state option | Children under 18 are eligible<br>Adults ineligible for five years after entry[e] | Ineligible for five years after entry<br>Otherwise eligible at state option | Ineligible[f] | No | Granted at the discretion of DHS | No[g] |
| Afghan Parolees[h] | Same as refugees | Same as refugees | Same as refugees | Same as refugees | Yes | Yes[i] | No[g] |
| SI/SQ Parolees | Same as refugees | Same as refugees | Same as refugees | Same as refugees | Yes | Granted at the discretion of DHS | Granted LPR status if application is approved |
| Temporary Protected Status (TPS) Recipients[j] | Eligible only for emergency services | Ineligible | Ineligible | Ineligible | No | Yes[k] | No[g] |

| Status | Medicaid | SNAP | TANF | SSI | ORR Refugee Benefits[a] | Work Authorization | Prescribed Path to LPR Status[b] |
|---|---|---|---|---|---|---|---|
| Deferred Enforced Departure (DED) Recipients[l] | Eligible only for emergency services | Ineligible | Ineligible | Ineligible | No | Yes[m] | No[g] |

**Source:** CRS analysis of the U.S. Code, regulations, and agency guidance.

**Notes:** This table assumes entry into the United States after August 22, 1996. Earlier arrivals may be eligible for some of these benefits depending on the programs' eligibility rules. For more information, see CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*.

a. ORR refugee benefits include Refugee Cash Assistance, Refugee Medical Assistance, and Refugee Support Services. For more information, see U.S. Department of Health and Human Services, Office of Refugee Resettlement "Refugee Services," at https://www.acf.hhs.gov/orr/programs/refugees.

b. Prescribed paths are particular statutory provisions for the adjustment of status for the specific immigration status (e.g., refugees). Categories of noncitizens with no prescribed path may still be eligible to adjust to LPR status via other mechanisms (e.g., family-based or employment-based categories).

c. If parole is granted for more than one year.

d. Some states exempt pregnant women and/or children from the five-year bar. For more information, see "Medicaid and CHIP Coverage of Lawfully Residing Children & Pregnant Women," at https://www.medicaid.gov/medicaid/enrollment-strategies/medicaid-and-chip-coverage-lawfully-residing-children-pregnant-women.

e. Unless parolee is blind or disabled and is receiving benefits or assistance for their condition or if they have a military connection (i.e., active duty military personnel, honorably discharged veterans, and their immediate families).

f. Unless parolee has a military connection (i.e., active duty military personnel, honorably discharged veterans, and their immediate families).

g. While there is no prescribed path, parolees may be eligible to apply for asylum or to adjust to LPR status via other mechanisms (e.g., family-based or employment-based categories). Note that parole satisfies the threshold requirement for adjustment of status under 8 U.S.C. §1255(a). For more information, see CRS Report R46570, *Immigration Parole*.

h. This refers to Afghan nationals paroled into the United States between July 31, 2021, and September 30, 2023, as described above.

i. As of November 21, 2022, Afghan parolees do not need to apply for employment authorization. They are considered employment-authorized incident to parole. For more information, see U.S. Citizenship and Immigration Services, *Certain Afghan and Ukrainian Parolees Are Employment Authorized Incident to Parole,* at https://www.uscis.gov/newsroom/alerts/certain-afghan-and-ukrainian-parolees-are-employment-authorized-incident-to-parole.

j. For nationals of a foreign country to be eligible for TPS, that country must be designated for TPS by the Secretary of Homeland Security. As of the date of this report, Afghanistan has not been designated for TPS.

k. A separate application for work authorization is required.

l. The President has the authority to grant DED to certain non-U.S. nationals in the United States. As of the date of this report, the President has not granted DED to Afghan nationals.

m. In general, the President directs executive agencies to implement procedures to provide DED and related benefits, such as employment authorization. DED recipients must apply to DHS for work authorization.

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