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Ukrainian Eligibility for Selected Benefits Based on Immigration Status: In Brief

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Following Russia's invasion of Ukraine on February 24, 2022,[1] there has been congressional interest in the types of U.S. immigration statuses that are, or could be, options for Ukrainian nationals already in the United States or who wish to come to the United States (temporarily or permanently), and the benefits those statuses provide. This In Brief report outlines eligibility for select public benefits based on the following immigration categories:

- **Refugees** 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.[2] 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[4] as well as refugee-specific benefits.
- **Asylees** 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.[5] 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 asylee status, they may apply to adjust their immigration status to become LPRs. (Unlike refugees, this is not a requirement.) Asylees are generally eligible for benefits to the same extent as refugees.
- **Parolees** are noncitizens granted permission to enter or remain temporarily in the United States for urgent humanitarian reasons or significant public benefit.[6] Immigration parole is granted on a case-by-case basis. Unlike refugees and aslyees, parolees do not have a prescribed path to permanent legal status. However, 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. For Ukrainians, there is a special type of parole:
    - **Ukrainian Parolees** are Ukrainians[7] paroled into the United States between February 24, 2022, and September 30, 2023.[8] Like general parolees, they do

[1] For more information, see CRS Report R47054, *Russia's 2022 Invasion of Ukraine: Related CRS Products*.

[2] Immigration and Nationality Act (INA) §101(a)(42)(A). This definition conforms with the definition used in the United Nations 1951 Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees. 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, see CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*.

[5] The INA, as amended, provides for the granting of asylum to a noncitizen who applies for such relief in accordance with applicable requirements and is determined to be a refugee (8 U.S.C. §1158). For more information, see CRS Report R45539, *Immigration: U.S. Asylum Policy*.

[6] 8 U.S.C. §1182(d)(5). Unlike asylum and refugee admissions, parole does not constitute formal admission under the U.S. immigration system. However, a parolee is permitted to remain in the United States for the duration of the grant of parole and may be granted work authorization. For more information, see CRS Report R46570, *Immigration Parole*.

[7] Included in this group are non-Ukrainians who habitually resided in Ukraine.

[8] Included in this group are those paroled after September 30, 2023, who have a qualifying family connection (e.g.,

not have a prescribed path to LPR status. The Additional Ukraine Supplemental Appropriations Act, 2022 (P.L. 117-128, Title IV, §401) provided Ukrainian parolees with benefits to the same extent as refugees (with the exception of the initial resettlement program [i.e., the State Department's Reception and Placement Program]) until the end of their parole term.[9]

- **Temporary Protected Status (TPS)** recipients 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.[10] The Secretary of the Department of Homeland Security (DHS) may designate a country 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. Nationals of that country who meet the criteria (e.g., the date by which an individual must have continuously resided in the United States, as specified by the DHS Secretary) can apply for TPS. TPS recipients are ineligible for most public benefits, except for some emergency services.[11]

In the wake of Russia's invasion of Ukraine, the executive branch has provided certain temporary options for Ukrainian nationals to reside in the United States. On April 19, 2022, the DHS Secretary designated Ukraine for TPS.[12] This designation allows Ukrainian nationals[13] to apply for TPS if they have continuously resided in the United States since April 11, 2022, and have been continuously physically present in the United States since April 19, 2022. On April 21, 2022, President Biden announced *Uniting for Ukraine.*[14] Through this program, Ukrainians outside the United States can be granted immigration parole for up to two years. To participate in the Uniting for Ukraine program, the beneficiaries must have a financial supporter in the United States.[15] In addition, Ukrainian 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.

Table 1 outlines the eligibility of those who have received certain immigration statuses for selected public benefits (listed below). In addition to meeting certain immigration status

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child, spouse, legal guardian, primary caregiver, or parent of specified individuals).

[9] According to the Department of Homeland Security (DHS), Ukrainian parolees will "generally be [granted parole] for a term of up to two years." See DHS, "Implementation of the Uniting for Ukraine Parole Process," 87 *Federal Register* 25040.

[10] 8 U.S.C. §1254a. For more information, see CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure*.

[11] Exceptions are outlined in 8 U.S.C. §1611(b) and include 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.

[12] For more information, see U.S. Citizenship and Immigration Services (USCIS), *Temporary Protected Status Designated Country: Ukraine*, at https://www.uscis.gov/humanitarian/temporary-protected-status/TPS-Ukraine; and DHS, "Designation of Ukraine for Temporary Protected Status," 87 *Federal Register* 23211.

[13] Or individuals with no nationality who last habitually resided in Ukraine.

[14] For more information, see USCIS, *Uniting for Ukraine*, at https://www.uscis.gov/ukraine; and DHS, "Implementation of the Uniting for Ukraine Parole Process," 87 *Federal Register* 25040.

[15] Supporters must file Form I–134, *Declaration of Financial Support*, and demonstrate that they can financially support the parolee for the duration of their stay in the United States. For more information, see USCIS, *Uniting for Ukraine*, "Who Can be a Supporter for a Beneficiary Under Uniting for Ukraine," at https://www.uscis.gov/ukraine.

requirements, individuals must meet numerous additional criteria (e.g., income requirements) in order to qualify for certain benefits. This report does not discuss the other criteria that a noncitizen must meet to be eligible for these programs.[16]

The selected benefits for which Ukrainians with certain immigration statuses may be eligible 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]
- **Temporary Assistance for Needy Families (TANF)** block grants to states fund a wide range of benefits and services for low-income families with children (e.g., work and training programs, child care, and pre-kindergarten programs, among other things).[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**[21] include Refugee Cash Assistance (RCA),[22] Refugee Medical Assistance (RMA),[23] and Refugee Support Services (e.g., job training and English language instruction).[24]
- **Department of State (DOS) Refugee Benefits** include the Reception and Placement program, which provides funds to resettlement agencies to assist with expenses during a refugee's first three months in the United States.[25]

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[16] For information about other eligibility criteria by program, see the reports cited 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] ORR is a program of the Administration for Children and Families, an office within the U.S. Department of Health and Human Services (HHS). For more information, see HHS, ORR, "Refugee Services," at https://www.acf.hhs.gov/orr/programs/refugees.

[22] RCA "helps individuals meet their most basic needs, such as for food, shelter, and transportation." For more information, see HHS, ORR, "Cash & Medical Assistance," at https://www.acf.hhs.gov/orr/programs/refugees/cma.

[23] RMA "provides short-term medical coverage to refugees ineligible for Medicaid." For more information, see HHS, ORR, "Cash & Medical Assistance," at https://www.acf.hhs.gov/orr/programs/refugees/cma.

[24] For more information, see HHS, ORR, "Refugee Support Services," at https://www.acf.hhs.gov/orr/programs/refugees/refugee-support-services.

[25] For more information, see DOS, *Reception and Placement*, at https://www.state.gov/refugee-admissions/reception-and-placement/#:~:text=The%20R%26P%20Program%20provides%20resettlement,to%20supplement%20U.S.%20government%20funding.

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]	DOS Refugee Benefits[b]	Work Authorization	Prescribed Path to LPR Status[c]
Refugees	Eligible for seven years after entry/grant of such status Eligible at state option after seven years	Eligible after entry/grant of status	Eligible for five years after entry/grant of such status Eligible at state option after five years	Eligible for seven years after entry/grant of such status Ineligible after seven years unless naturalized	Yes	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	No	Yes	After one year in asylee status, asylees may apply to adjust to LPR status
Parolees[d]	Ineligible for five years after entry[e] Otherwise eligible at state option	Children under 18 are eligible Adults ineligible for five years after entry[f]	Ineligible for five years after entry Otherwise eligible at state option	Ineligible[g]	No	No	Granted at the discretion of DHS	No[h]
Ukrainian Parolees[i]	Same as refugees	Same as refugees	Same as refugees	Same as refugees	Yes	No	Yes [j]	No[h]
Temporary Protected Status (TPS) Recipients[k]	Eligible only for emergency services	Ineligible	Ineligible	Ineligible	No	No	Yes[l]	No[h]

Source: CRS analysis of the U.S. Code, regulations, and DHS, DOS, and HHS guidance.

Notes: This report focuses on Ukrainians who either recently arrived in the United States or who are looking to come to the United States. However, this table provides a more general breakdown of eligibility for individuals in various immigration statuses or who may seek to come to the United States. Notably, this table does not include ineligibility exceptions, codified in various laws, for individuals who arrived in the United States before August 22, 1996. Those 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, ORR, "Refugee Services," at https://www.acf.hhs.gov/orr/programs/refugees.

b. DOS refugee benefits are paid to resettlement agencies to assist with expenses during a refugee's first three months in the United States. For more information, see DOS, "Reception and Placement," at https://www.state.gov/refugee-admissions/reception-and-placement/#:~:text= The%20R%26P%20Program%20provides%20resettlement,to%20supplement%20U.S.%20government%20funding.

c. 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).

d. This includes only those whose parole is granted for more than one year.

e. 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.

f. Adult parolees are ineligible for five years after entry unless they are blind or disabled and are receiving benefits or assistance for their condition or if they have a qualifying military connection (i.e., they are active duty military personnel, honorably discharged veterans, or are the spouses, unmarried surviving spouses, or unmarried dependent children of such veterans or servicemembers).

g. Parolees are ineligible unless they have a qualifying military connection (i.e., they are active duty military personnel, honorably discharged veterans, or are the spouses, unmarried surviving spouses, or unmarried dependent children of such veterans or servicemembers).

h. 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*.

i. This refers to Ukrainian nationals paroled into the United States between February 24, 2022, and September 30, 2023, as described above.

j. As of November 21, 2022, Ukrainian 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.

k. For nationals of a foreign country to be eligible for TPS, that country must be designated for TPS by the Secretary of Homeland Security. Ukraine was designated for TPS on April 19, 2022.

l. A separate application for work authorization is required.

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