

Federal Agency Guidance Regarding COFA Eligibility for Public Programs

Background

Under the 1996 Personal Responsibility and Work Opportunity Reconciliation Act, most noncitizens who are not on a list of “qualified” immigrants are excluded from federal public benefit programs like Medicaid, SNAP and TANF. Citizens of [Compact of Free Association](#) nations (The Marshall Islands, Micronesia and Palau) can freely enter, reside and work in the United States without a visa but were initially excluded from that list of qualified immigrants. In December of 2020, Congress passed a law making COFA citizens eligible for Medicaid, if otherwise eligible, and treating them as “qualified” immigrants for Medicaid purposes only.

On March 9th of 2024, President Biden signed the [Consolidated Appropriations Act of 2024](#), which included the [Compact Impact Fairness Act](#) as in Section 209(f). This law, which became effective immediately, makes COFA citizens “qualified” and eligible for all federal public benefits without a waiting period. It also adjusts their eligibility for certain programs governed by the Department of Education. NILC’s [Overview of Immigrant Eligibility for Federal Programs](#) reflects this change.

Many federal public benefit programs are managed by states that may need to update their policy manuals, training materials, and eligibility systems to reflect this expanded eligibility. Some federal agencies have issued memos or letters instructing program agencies about the eligibility change. This document will be updated should others do so.

The list of agency guidance below does not capture all programs for which COFA citizens may be eligible but tries to capture the federal guidance that has been issued so far. For other programs, like those under the Department of Housing and Urban Development, COFA citizens were previously eligible and therefore unaffected by the new law.

Department of Health and Human Services Programs

- Medicaid - The Centers for Medicare and Medicaid Services (CMS) [issued a state health officials letter](#) in October of 2021 under the 2020 law, instructing states that COFA citizens are eligible for Medicaid without a waiting period. CMS has

not yet issued a new letter regarding expanded Children's Health Insurance Program eligibility pursuant to the 2024 law.

- Temporary Assistance for Needy Families (TANF) - In May of 2024, the Administration for Children & Families [issued policy guidance](#) to TANF administering agencies informing them COFA citizens are eligible for the program and exempt from the five year waiting period or other immigration-related restrictions.
- Low Income Home Energy Assistance Program (LIHEAP) - The Administration for Children & Families [issued an Information Memorandum](#) in June of 2024 for LIHEAP grant recipients informing them that COFA citizens are eligible for the program.
- Social Services Block Grant (SSBG) - The Administration for Children & Families issued a June 2024 [Information Memorandum](#) to funding recipients stating that COFA citizens are eligible for services provided under the SSBG.

Supplemental Assistance Nutrition Program (SNAP)

- On July 12 of 2024, the Department of Agriculture Food and Nutrition Service (FNS) issued a [policy memo](#) to state SNAP agencies informing them of expanded COFA citizen eligibility. It notes that previously denied individuals may reapply and may be entitled to retroactive benefits, provides resources for verifying their immigration status, and encourages outreach.
- On September 16th, FNS further [clarified](#) that COFA citizens are not subject to any waiting periods in order to receive benefits.

Federal Emergency Management Agency (FEMA)

- In April of 2024, FEMA issued a [Questions and Answers](#) document clarifying COFA citizens' eligibility for disaster assistance, including help for those affected by the Maui wildfires. See also [COFA Citizens Encouraged to Stay in Touch with FEMA | FEMA.gov](#)

Higher Education Act Programs

- In April of 2024, the Department of Education [issued an announcement](#) noting:
 - Public institutions of higher education may not charge more than their in-state tuition rates to COFA citizens.
 - COFA citizens are eligible for Pell Grants, Federal Work Study and Federal Supplemental Educational Opportunity Grants.

Supplemental Security Income (SSI)

- On December 5th of 2024 the Social Security administration issued a [message](#) providing instructions for how applications for SSI by COFA citizens should be processed.

State Actions

States should update their systems and train workers for all their programs that restrict eligibility based on immigration status to reflect that COFA citizens are eligible as of March 9, 2024. They do not need to wait until federal agencies have issued policy guidance for additional programs. In July of 2024, the Department of Homeland Security SAVE immigration status verification system [issued a resource](#) agencies can use to ensure their processes are accurate. State agencies should issue public alerts in English, Marshallese, Chamorro, and other languages spoken by COFA citizens and partner with community organizations to ensure that all individuals are aware of the programs for which they may be eligible.