

## Legislative Bill 465 and Lawful Permanent Residents

In April 2011, the Legislature passed LB 465. This new law changes eligibility for some public benefit programs for certain lawful permanent residents. A lawful permanent resident (LPR) is an immigrant with a green card, who is legally admitted to the U.S. to live and work on a permanent basis. The “Questions and Answers” below address some of the important issues relating to this change.

### Which programs are affected by LB 465?

LB 465 changes eligibility for Medicaid, the Supplemental Nutrition Assistance Program (formerly food stamps), Aid to Dependent Children, and Aid to the Aged, Blind, and Disabled. *But medical assistance coverage remains for lawfully present children, pregnant women, as well as unborn children.* See Nebraska Appleseed’s website for more information.

### Which immigrants are affected?

LB 465 takes away eligibility for *some* LPRs for 5 years from their date of entry into the U.S. For example, if you entered the U.S. on January 1, 2007 and later got LPR status you would not be eligible for benefits until January 1, 2012. But, if you have LPR status and have been in the U.S. for 5 years from your date of entry you will not be affected by this change.

### What about “humanitarian” immigrants?

*Humanitarian immigrants will continue to be eligible for public benefit programs, and will remain eligible even after they adjust to LPR status.* This includes refugees, asylees, Cuban/Haitian entrants, Amerasian immigrants, Iraqi and Afghan Special Immigrants, and victims of trafficking. For example, if you are admitted to the U.S. as a refugee on January 1, 2010 you would be eligible. If you then adjust to LPR status on January 1, 2012, you would remain eligible for benefits.

### Are there other exceptions?

Yes. Military veterans, active duty military, and their spouses and children also remain eligible.

### What about other immigrants?

If you enter the U.S. with a non-exempt status (such as a visa, temporary protected status, etc.), then you later become an LPR, you will be ineligible for 5 years from your date of entry into the U.S. For example, if you enter the U.S. with a student visa and later adjust to LPR status, you would be ineligible for benefits for 5 years from your date of entry.



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### **What about medical assistance for pregnant women and children?**

LB 465 does not change eligibility for medical assistance for LPR pregnant women and children. So, these LPRs remain eligible for medical assistance, regardless of the date they became an LPR. See Nebraska Appleseed's website for more information, in a publication called "Lawfully Residing" Children and Pregnant Women Eligible for Medicaid and CHIP.

### **What about medical assistance for unborn children?**

If you are ineligible for medical assistance because you are under the 5 year waiting period, your unborn child may still be eligible for medical assistance. See Nebraska Appleseed's website for more information, in a publication called Medicaid Coverage of Prenatal Care for Unborn Children, Regardless of the Mother's Immigration Status.

### **What should I do if I get notice that I will lose benefits?**

You should read the notice and make sure you think it is correct. The notice should tell you what action the agency plans to take, the reasons for the action, the specific law supporting the action, and your right to ask for a hearing.

### **What should I do if I think I am incorrectly losing benefits because of LB 465?**

You have the right to appeal. The notice will tell you how to do that. You can also contact Nebraska Appleseed at 800-845-3746 and ask for the intake line.

For more information, please contact Nebraska Appleseed.

Phone: 800 845 3746

Web: [www.neappleseed.org](http://www.neappleseed.org)