

**461-120-0125****Temporary Effective 3-19-26 through 9-14-26****Noncitizen Status Requirements**

An individual who must meet noncitizen status requirements under OAR [461-120-0110](#), must meet the noncitizen status requirements of the program for which they are applying. The requirements are listed in sections (2) through (6) of this rule.

- (1) For purposes of this chapter of rules,
  - (a) In all programs except the Supplemental Nutrition Assistance Program (SNAP), an individual is a "qualified noncitizen" if the individual is any of the following:
    - (A) An individual who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (8 U.S.C. 1101 *et seq.*).
    - (B) An Iraqi or Afghan individual granted special immigrant visa status (SIV) under section 101(a)(27) of the INA. These individuals are lawfully admitted for permanent residence under the INA.
    - (C) An individual who is an "Amerasian" who is granted immigration status under section 584 of Public Law 100-202; the Foreign Operations, Export Financing, and Related Program Appropriations Act of 1988; as amended by Public Law 100-461. These individuals are lawfully admitted for permanent residence under the INA.
    - (D) An individual who is admitted to the United States as a refugee under section 207 of the INA (8 U.S.C. 1157).
    - (E) An individual who is granted asylum under section 208 of the INA (8 U.S.C. 1158).
    - (F) An individual who is a "Cuban or Haitian entrant" (as defined in section 501(3) of the Refugee Education Assistance Act of 1980).

- (G) An individual who is a "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 to 7112).
  - (H) An individual who is a family member of a "victim of a severe form of trafficking in persons" who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003 (22 U.S.C. 7101 to 7112).
  - (I) An individual whose deportation is being withheld under section 243(h) of the INA (8 U.S.C. 1253(h)) (as in effect immediately before April 1, 1997) or section 241(b)(3) of the INA (8 U.S.C. 1231(b)(3)) (as amended by section 305(a) of division C of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009-597 (1996)).
  - (J) An individual who is paroled into the United States under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) for a period of at least one year.
  - (K) An individual who is granted conditional entry pursuant to section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7)) as in effect prior to April 1, 1980.
  - (L) An individual who is a battered spouse or dependent child who meets the requirements of 8 U.S.C. 1641(c), as determined by the U.S. Citizenship and Immigration Services (USCIS).
- (b) In the Oregon Supplemental Income Program Medical (OSIPM) and Qualified Medicare Beneficiaries (QMB) programs, in addition to subsection (a) of this section, an individual is a "qualified noncitizen" if the individual is from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who lawfully reside in the United States in accordance with the Compacts of Free Association. The provisions in this subsection are retroactively effective December 28, 2020.

- (c) In the Temporary Assistance for Needy Families (TANF) program, in addition to subsection (a) of this section, an individual is a "qualified noncitizen" if the individual is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau who lawfully resides in the United States in accordance with the Compacts of Free Association. The provisions in this subsection are retroactively effective March 9, 2024.
- (2) In all programs except the Refugee Assistance (REF), Refugee Assistance Medical (REFM), and SNAP programs, an individual meets the noncitizen status requirements if the individual is one of the following:
- (a) An Indigenous, First Nation, Inuit, Métis, or Aboriginal individual who is born in Canada to whom the provisions of section 289 of the INA (8 U.S.C. 1359) apply.
  - (b) A *qualified noncitizen* (see section (1) of this rule) who is any of the following:
    - (A) A veteran of the United States Armed Forces who was honorably discharged for reasons other than noncitizen status and who fulfilled the minimum active-duty service requirements described in 38 U.S.C. 5303A(d).
    - (B) A member of the United States Armed Forces on active duty (other than active duty for training).
    - (C) The spouse, the un-remarried surviving spouse, or an unmarried dependent child, of an individual described in paragraphs (A) or (B) of this subsection.
- (3) In the TANF program, an individual meets the noncitizen status requirements if the individual is one of the following:
- (a) An individual who is a *qualified noncitizen* (see subsections (1)(a) and (1)(c) of this rule).

- (b) An individual who is a noncitizen who is currently experiencing *domestic violence* (see OAR [461-001-0000](#)) or who has a safety concern related to *domestic violence*.
- (c) Effective October 1, 2021 until March 31, 2023, or through the end of their parole, whichever is later:
  - (A) An individual who is a citizen or national of Afghanistan paroled into the U.S. between July 31, 2021 through September 30, 2023.
  - (B) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) of this subsection, who is paroled into the U.S. after September 30, 2022.
  - (C) A parent or legal guardian of an individual listed in paragraph (A) of this subsection, who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2), who is paroled into the U.S. after September 30, 2022.
- (d) Effective October 1, 2021:
  - (A) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant Conditional Permanent Resident status on or after July 31, 2021.
  - (B) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant SQ/SI Parole status on or after July 31, 2021.
  - (C) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) or (B) of this subsection.
  - (D) A parent or legal guardian of an individual listed in paragraph (A) or (B) of this subsection who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2).
- (e) Effective May 21, 2022, through the end of their parole:
  - (A) An individual who was paroled into the U.S. between February 24, 2022, and September 30, 2023, and meets one of the following:

- (i) Is a citizen or national of Ukraine.
    - (ii) Last habitually resided in Ukraine.
  - (B) An individual who was paroled after September 30, 2023, and who is one of the following:
    - (i) An unmarried child under the age of 21 of an individual listed in paragraph (3)(e)(A) or subsection (3)(f) of this rule. An unmarried child is an individual as defined in section 101(b) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1101(b)).
    - (ii) The spouse of an individual listed in paragraph (3)(e)(A) or subsection (3)(f) of this rule.
  - (C) An individual who was paroled into the U.S. after September 30, 2023, and is the parent, legal guardian, or primary caregiver of one of the following:
    - (i) An individual listed in paragraph (3)(e)(A) or subsection (3)(f) of this rule who is an unaccompanied refugee minor, as defined in section 412(d)(2)(B) of the INA (8 U.S.C. § 1522(d)(2)(B)).
    - (ii) An individual listed in paragraph (3)(e)(A) or subsection (3)(f) of this rule who is an unaccompanied child, as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. § 279(g)(2)).
  - (f) Effective April 24, 2024, through the end of their parole, an individual who was paroled into the U.S. from October 1, 2023, through September 30, 2024, and is a citizen or national of Ukraine or last habitually resided in Ukraine.
- (4) In the OSIPM and QMB programs an individual meets the noncitizen status requirements if the individual meets any of the following:
  - (a) The individual has been granted a USCIS status listed under paragraphs (1)(a)(B) through (1)(a)(I) or paragraph (1)(b) of this rule.
  - (b) Effective October 1, 2009, the individual is a *qualified*

*noncitizen* and is under 19 years of age.

- (c) The individual was a *qualified noncitizen* before August 22, 1996.
- (d) The individual has been granted a USCIS status listed under paragraphs (1)(a)(A), and (1)(a)(J) through (1)(a)(L) and meets one of the following:
  - (A) Physically entered the United States or was granted the USCIS status on or after August 22, 1996; and has been in the U.S. for five years beginning on the date the USCIS status was granted.
  - (B) Physically entered the United States before August 22, 1996 and was continuously present in the United States between August 22, 1996, and the date the USCIS status was granted. An individual is not continuously present in the United States if the individual is absent from the United States for more than 30 consecutive days or a total of more than 90 days between August 22, 1996 and the date the USCIS status was granted.
- (e) The individual is under the age of 19 and is one of the following:
  - (A) An individual described in 8 CFR section 103.12(a)(4) who belongs to one of the following classes of noncitizens permitted to remain in the United States because the Attorney General has decided for humanitarian or other public policy reasons not to initiate deportation or exclusion proceedings or enforce departure:
    - (i) An individual currently in temporary resident status pursuant to section 210 or 245A of the INA (8 USC 1160 and 1255a);
    - (ii) An individual currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 USC 1229b);
    - (iii) An individual who is a “Cuban or Haitian entrant,” as

defined in section 202(b) Pub. L. 99–603 (8 USC 1255a), as amended;

- (iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101–649 (8 USC 1255a), as amended;
  - (v) An individual currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;
  - (vi) An individual currently in deferred action status pursuant to Department of Homeland Security Operating Instruction OI 242.1(a)(22); or
  - (vii) An individual who is the spouse or child of a United States citizen whose visa petition has been approved and who has a pending application for adjustment of status.
- (B) An individual in non-immigrant classifications under the INA who is permitted to remain in the U.S. for an indefinite period, including those individuals as specified in section 101(a)(15) of the INA (8 USC 1101).
- (f) In the OSIPM program, is receiving Supplemental Security Income (SSI) benefits.
  - (g) In the QMB program, is receiving SSI and Medicare Part A benefits.
  - (h) Effective July 31, 2021 until March 31, 2023, or through the end of their parole, whichever is later:
    - (A) An individual who is a citizen or national of Afghanistan paroled into the U.S. between July 31, 2021 through September 30, 2023.
    - (B) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) of this subsection, who is paroled into the U.S. after September 30, 2022.

- (C) A parent or legal guardian of an individual listed in paragraph (A) of this subsection, who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2), who is paroled into the U.S. after September 30, 2022.
- (i) Effective July 31, 2021:
  - (A) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant Conditional Permanent Resident status on or after July 31, 2021.
  - (B) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant SQ/SI Parole status on or after July 31, 2021.
  - (C) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) or (B) of this subsection.
  - (D) A parent or legal guardian of an individual listed in paragraph (A) or (B) of this subsection who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2).
- (j) Effective February 24, 2022, through the end of their parole:
  - (A) An individual who was paroled into the U.S. from February 24, 2022, through September 30, 2024, and meets one of the following:
    - (i) Is a citizen or national of Ukraine.
    - (ii) Last habitually resided in Ukraine.
  - (B) An individual who was paroled after September 30, 2023, and who is one of the following:
    - (i) An unmarried child under the age of 21 of an individual listed in paragraph (4)(j)(A) of this rule.
    - (ii) The spouse of an individual listed in paragraph (4)(j)(A) of this rule.
    - (iii) The parent, legal guardian, or primary caregiver of an individual listed in paragraph (4)(j)(A) of this rule who is also determined to be either an

unaccompanied child under section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. § 279(g)(2)) or an unaccompanied refugee minor under section 412(d)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)(B)).

- (5) In the REF and REFM programs, an individual meets the noncitizen status requirements if the individual is admitted lawfully under any of the following provisions of law:
- (a) The individual has been granted a USCIS status listed under paragraphs (1)(a)(B) through (1)(a)(H).
  - (b) The individual has been paroled as a refugee or asylee under section 212(d)(5) of the Immigration and Nationality Act (INA) (8 USC 1182(d)(5)).
  - (c) Effective October 1, 2021 until March 31, 2023, or through the end of their parole, whichever is later:
    - (A) An individual who is a citizen or national of Afghanistan paroled into the U.S. between July 31, 2021 through September 30, 2023.
    - (B) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) of this subsection, who is paroled into the U.S. after September 30, 2023.
    - (C) A parent or legal guardian of an individual listed in paragraph (A) of this subsection, who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2), who is paroled into the U.S. after September 30, 2023.
  - (d) Effective October 1, 2021:
    - (A) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant Conditional Permanent Resident status on or after July 31, 2021.
    - (B) An individual who is a citizen or national of Afghanistan who was granted Special Immigrant SQ/SI Parole status on or after July 31, 2021.

- (C) An unmarried child under the age of 21 or spouse of an individual listed in paragraph (A) or (B) of this subsection.
  - (D) A parent or legal guardian of an individual listed in paragraph (A) or (B) of this subsection who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2).
- (e) Effective May 21, 2022, through the end of their parole:
- (A) An individual who was paroled into the U.S. from February 24, 2022, through September 30, 2023, and meets one of the following:
    - (i) Is a citizen or national of Ukraine.
    - (ii) Last habitually resided in Ukraine.
  - (B) An individual who was paroled after September 30, 2023, and who is one of the following:
    - (i) An unmarried child under the age of 21 of an individual listed in paragraph (5)(e)(A) or subsection (5)(f) of this rule. An unmarried child is an individual defined in section 101(b) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1101(b)).
    - (ii) The spouse of an individual listed in paragraph (5)(e)(A) or subsection (5)(f) of this rule.
  - (C) An individual who was paroled into the U.S. after September 30, 2023, and is the parent, legal guardian, or primary caregiver of one of the following:
    - (i) An individual listed in paragraph (5)(e)(A) or subsection (5)(f) of this rule who is an unaccompanied refugee minor, as defined in section 412(d)(2)(B) of the INA (8 U.S.C. § 1522(d)(2)(B)).
    - (ii) An individual listed in paragraph (5)(e)(A) or subsection (5)(f) of this rule who is an unaccompanied child, as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. § 279(g)(2)).

- (f) Effective April 24, 2024, through the end of their parole, an individual who was paroled into the U.S. from October 1, 2023, through September 30, 2024, and is a citizen or national of Ukraine or last habitually resided in Ukraine.
- (6) In the SNAP program, an individual meets the noncitizen status requirements if the individual meets any of the following:
- (a) A non-citizen national of the United States.
  - (b) An individual who is a “Cuban or Haitian Entrant”, as defined in section 202(b) Pub. L. 99–603 (8 USC 1255a), as amended.
  - (c) An individual who is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau who lawfully resides in the United States in accordance with the Compacts of Free Association (COFA).
  - (d) An individual who is an “Amerasian” who is granted immigration status under section 584 of Public Law 100- 202; the Foreign Operations, Export Financing, and Related Program Appropriations Act of 1988; as amended by Public Law 100-461. These individuals are lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).
  - (e) An individual who is an Iraqi or Afghan individual granted special immigrant visa status (SIV) under section 101(a)(27) of the INA. These individuals are lawfully admitted for permanent residence under the INA.
  - (f) A non-citizen lawfully admitted for permanent residence as defined by section 101(a)(20) of the INA who also meets one of the following:
    - (A) The individual has been residing in the United States as a lawful permanent resident for at least five years.
    - (B) The individual is under 18 years old.

- (C) The individual is receiving benefits or assistance due to being disabled (see OAR [461-001-0015](#)).
- (D) The individual was lawfully residing in the U.S. and was 65 years old or older on August 22, 1996.
- (E) The individual has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act, or can be credited with 40 qualifying quarters as provided under 8 U.S.C. 1645, subject to the following provisions:
  - (i) Beginning January 1, 1997, if the individual received any federal, means-tested benefit during a quarter, the quarter is not included. Federal means tested benefits include SNAP, TANF, and Medicaid (except emergency medical).
  - (ii) An individual is credited with all of the qualifying quarters worked by a parent of the individual while the individual was under the age of 18, including quarters preceding the birth of the individual. An individual is credited with all of the qualifying quarters worked by their spouse during their marriage. To be credited with quarters from a spouse, the couple must still be married, or the spouse must be deceased.
  - (iii) A lawful permanent resident who would meet the noncitizen status requirements, except for a determination by the Social Security Administration (SSA) that the individual has fewer than 40 quarters of coverage, may be provisionally certified for SNAP program benefits while SSA investigates the number of quarters creditable to the individual. An individual provisionally certified under this subsection who is found by SSA, in its final administrative decision after investigation, not to have 40 qualifying quarters, is not eligible for SNAP program benefits received while provisionally certified. The provisional certification is effective

according to the rule on effective dates for opening benefits, OAR [461-180-0080](#). The provisional certification cannot run more than six months from the date of original determination by SSA that the individual does not have sufficient quarters.

- (F) The individual has one of the following military connections:
  - (i) A veteran of the United States Armed Forces who was honorably discharged for reasons other than noncitizen status and who fulfilled the minimum active-duty service requirements described in 38 U.S.C. 5303A(d).
  - (ii) A member of the United States Armed Forces on active duty (other than active duty for training).
  - (iii) The spouse or unmarried dependent child of an individual described in (6)(f)(F)(i) or (6)(f)(F)(ii) of this rule, including the spouse of a deceased veteran, provided the marriage fulfilled the requirements of 38 U.S.C. 1304, and the spouse has not remarried. For purposes of this subparagraph, a dependent child means the legally adopted or biological child of an individual described in (6)(f)(F)(i) or (6)(f)(F)(ii) of this rule who is under the age of 18 or, if a full-time student, under the age of 22; or such unmarried dependent child of a deceased veteran provided such child was dependent upon the veteran at the time of the veteran's death; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the veteran prior to the child's 18th birthday.
- (g) A Lawful Permanent Resident (LPR) as defined by section 101(a)(20) of the INA who previously held an immigration status identified in this subsection:
  - (A) 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 (INA) (8 U.S.C. 1359) apply.

- (B) A member of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (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.
- (C) A member of a Hmong or Highland Laotian Tribe at the time that the Tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in 38 U.S.C. 101) and is a noncitizen who is lawfully residing in the United States. This category includes the spouse (or unremarried surviving spouse) or unmarried dependent children of these individuals.
- (D) Admitted to the United States as a refugee under section 207 of the INA (8 U.S.C. 1157).
- (E) Deportation being withheld under section 243(h) of the INA (8 U.S.C. 1253(h)) (as in effect immediately before April 1, 1997) or section 241(b)(3) of the INA (8 U.S.C. 1231(b)(3)) (as amended by section 305(a) of division C of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009-597 (1996)).
- (F) Granted Asylum under section 208 of the INA (8 U.S.C. 1158).
- (G) Citizen or National of Afghanistan paroled into the United States from July 31, 2021, through September 30, 2023
- (H) Citizen or National of Ukraine paroled into the United States from February 24, 2022, through September 30, 2024.
- (I) "Victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence

Protection Act of 2000 (22 U.S.C. 7101 to 7112).

- (J) An immigration status described in subsections (6)(b) through (6)(d) of this rule
- (7) SNAP eligibility provisions in section (6) of this rule implement section 10108 of Pub. L. 119-21, 139 Stat. 72 (2025) and is applied to existing SNAP cases as follows:
  - (a) For a *benefit group* (see OAR [461-110-0750](#)) whose SNAP eligibility is based on an application with a *filing date* (see OAR [461-115-0040](#)) of July 4, 2025, or after, the Department shall redetermine SNAP eligibility to apply the provisions of this rule.
  - (b) For a *benefit group* whose SNAP eligibility is based on an application with a *filing date* before July 4, 2025, the Department shall apply the provisions of this rule when SNAP eligibility is redetermined for any reason.
- (8) See former OAR [461-135-0665](#) for SNAP eligibility provisions and effective dates that implement Pub. L. 119-21, 139 Stat. 72 (2025) in this rule for the time period October 1, 2025, through March 18, 2026.

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.404](#), [411.704](#), [411.706](#), [411.816](#), [412.014](#), [412.049](#), [413.085](#), [414.231](#), [414.619](#)

Statutes/Other Implemented: ORS [409.010](#), [411.060](#), [411.070](#), [411.404](#), [411.704](#), [411.706](#), [411.816](#), [412.014](#), [412.049](#), [414.025](#), [414.231](#), H.R. 133- 116th Cong. (2019-2020), Public Law 117-43, H.R. 7691, 117th Cong. (2021-2022), H.R. 8035 – 118<sup>th</sup> Congress (2023-2024)

### [Previous Rules](#)

This website displays **unofficial** administrative rules with an effective date of January 1, 2014 and after. For official administrative rules, please visit the [Secretary of State Chapter 461 website](#). For administrative rule versions effective before January 1, 2014, submit a public records request to the [Secretary of State public records request website](#).