§ 122. Noncitizens. 1. Notwithstanding any law to the contrary, no person except a citizen or a noncitizen who has been duly naturalized as a citizen shall be eligible for additional state payments for aged, blind and disabled persons, family assistance, safety net assistance, services funded under title XX of the federal social security act, or medical assistance, subject to the following exceptions:

(a) The following persons shall, if otherwise eligible, receive benefits under such programs:

(i) a refugee who entered the United States within the previous five years with respect to benefits under the temporary assistance to needy families block grant program and the safety net assistance program and within the previous seven years with respect to medical assistance;

(ii) an asylee who was granted asylum within the previous five years with respect to benefits under the temporary assistance to needy families block grant program and the safety net assistance program and within the previous seven years with respect to medical assistance;

(iii) a person for whom deportation was withheld within the previous five years with respect to benefits under the temporary assistance to needy families block grant program and the safety net assistance program and within the previous seven years with respect to medical assistance;

(iv) except as otherwise required by federal law, a person lawfully admitted for permanent residence who has worked for or can be credited with forty qualifying quarters as defined under title II of the federal Social Security Act, exclusive of any quarter after the thirty-first day of December, nineteen hundred ninety-six in which such person or such person's parent or spouse received any federal means tested assistance;

(v) any noncitizen lawfully residing in the state who is on active duty in the armed forces (other than active duty for training) or who (1) has received an honorable discharge (and not on account of noncitizen status) from the armed forces, or (2) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable (and not on account of noncitizen status) from the armed forces, or (3) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable (and not on account of noncitizen status) from the armed forces, or the spouse, unremarried surviving spouse or unmarried

dependent child of any such noncitizen, if such noncitizen, spouse or dependent child is a qualified alien as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended;

(vi) a noncitizen granted status as a Cuban and Haitian entrant as defined in section 501(e) of the federal Refugee Education Act of 1980 within the previous five years with respect to benefits under the temporary assistance to needy families block grant program, and safety net assistance and within the previous seven years with respect to medical assistance; and

(vii) a noncitizen admitted to the United States as an Amerasian immigrant as described in section 402(a)(2)(A) of the federal personal responsibility and work opportunity reconciliation act of 1996 within the previous five years with respect to benefits under the temporary assistance to needy families block grant program, and safety net assistance and within the previous seven years with respect to medical assistance.

(b) The following persons, not described in paragraph (a) of this subdivision, shall, if otherwise eligible, be eligible for family assistance, medical assistance, and safety net assistance:

(i) a noncitizen who is a qualified alien as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended, who entered the United States before the twenty-second day of August, nineteen hundred ninety-six and continuously resided in the United States until attaining qualified status; and

(ii) a qualified alien who entered the United States five years or more earlier with a status within the meaning of the term "qualified alien" as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended, if such entry occurred on or after the twenty-second day of August, nineteen hundred ninety-six.

(c) The following persons, not described in paragraph (a) or (b) of this subdivision, shall, if otherwise eligible, be eligible for safety net assistance and medical assistance, except that medical assistance shall be limited to care and services (not including care and services related to an organ transplant procedure) necessary for the treatment of

an emergency medical condition as that term is defined in section 1903 of the federal social security act unless and until federal financial participation is available for the costs of providing medical assistance provided, however, that any such person who, on the fourth day of August, nineteen hundred ninety-seven was residing in a residential health care facility licensed by the department of health or in a residential facility licensed, operated or funded by the office of mental health or the office for people with developmental disabilities, and was in receipt of a medical assistance authorization based on a finding that he or she was a person permanently residing in the United States under color of law shall, if otherwise eligible, be eligible for medical assistance and provided, further, that any such person who, on the fourth day of August, nineteen hundred ninety-seven, was diagnosed as having AIDS, as defined in subdivision one of section two thousand seven hundred eighty of the public health law, and was in receipt of medical assistance authorization pursuant to title eleven of article five of this chapter based on a finding that he or she was a person permanently residing in the United States under color of law shall, if otherwise eligible, be eligible for medical assistance:

(i) a qualified alien who entered the United States less than five years earlier or for less than five years has had a status within the meaning of the term "qualified alien" as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended, if such entry occurred on or after the twenty-second day of August, nineteen hundred ninety-six; and

(ii) a noncitizen whose status is not within the meaning of the term "qualified alien" as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended, but who is otherwise permanently residing in the United States under color of law.

(d) A person paroled into the United States for a period of less than one year shall, if otherwise eligible, be eligible to receive any state or local non-federal assistance provided under this chapter on the same terms as such programs are available to persons who are qualified aliens as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended.

(e) Nothing herein shall preclude the receipt by any noncitizen of community based non-cash assistance in accordance with the directions of the United States attorney general or the receipt of medical assistance for care and services (not including care and services related to an organ transplant procedure) necessary to treat an emergency medical condition as that term is defined in section 1903 of the federal social security act.

(f) A noncitizen who is not ineligible for federal supplemental security income benefits by reason of noncitizen status shall, if otherwise eligible, be eligible to receive additional state payments for aged, blind or disabled persons under section two hundred nine of this chapter.

(g) Noncitizens receiving supplemental security income benefits or additional state payments for aged, blind and disabled persons under section two hundred nine of this chapter shall be eligible for medical assistance if otherwise eligible.

(h) Qualified aliens as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended, if otherwise eligible and except as otherwise provided by federal law, shall be eligible for services pursuant to title XX of the federal social security act.

2. Any noncitizen, including a noncitizen who is not a qualified alien as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended, is eligible for adult protective services and services and assistance relating to child protection to the extent that such person is otherwise eligible pursuant to this chapter and the regulations of the department.

3. Each social services district shall report to the department, in accordance with regulations of the department, the name and address and other identifying information known to it with respect to any noncitizen known to be unlawfully in the United States.

4. To the extent permitted by federal law and regulation, the income and resources of a sponsor of a noncitizen, who has signed an affidavit

of support pursuant to section 213A of the immigration and naturalization act, and the income and resources of such sponsor's spouse, shall be deemed available to such noncitizen for purposes of determining the eligibility of such noncitizen for assistance funded under the temporary for assistance funded under the temporary assistance to needy families block grant and medical assistance.

5. If and to the extent that the family assistance, safety net assistance, state additional payments in the supplemental security income program, emergency assistance to aged, blind or disabled adults or medical assistance is paid to or on behalf of a noncitizen for whom an affidavit of support pursuant to section 213A of the immigration and naturalization act has been signed, the social services district shall request reimbursement by the sponsor in the amount of such assistance, and, if the sponsor does not within forty-five days of such request indicate a willingness to commence payments, such social services district may commence an action against the sponsor pursuant to the affidavit. Remedies available to enforce an affidavit of support include all of the remedies described in sections 3201, 3202, 3204 and 3205 of title 28 of the United States Code, as well as an order for specific performance and payment of legal fees and other costs of collection, and include corresponding remedies available under state law; provided, however, that no action shall be brought more than ten years after assistance was last given.

6. Nothing in this section shall be interpreted as affecting the eligibility for pre-natal care benefits for persons otherwise eligible for such benefits.