



Washington Public Assistance for Family Visa Beneficiaries

This brochure will tell you what benefits you may be eligible for if you got your green card because a family member petitioned for you. If you have a different immigration status, please read one of the brochures listed below.

- **Washington Public Assistance for Refugees and Humanitarian Entrants**
- **Washington Public Assistance for Public Interest Parolees**
- **Washington Public Assistance for Legal Residents (Permanently Residing Under Color of Law)**
- **Washington Public Assistance for Undocumented Immigrants**
- **Washington Public Assistance for Immigrant Victims of Domestic Violence**
- **Washington Public Assistance for Immigrants Who Legalized Under the Immigration Reform and Control Act.**

Am I a family visa beneficiary?

You are a family visa beneficiary if you have a green card because a family member applied for you to come to the U.S. (If you don't have your green card yet, see the brochure **Washington Public Assistance for Legal Residents (Permanently Residing Under Color of Law)**.) Your immigration documents should list your status either by name or with a code. If you don't have a document that shows your status, consult an immigration lawyer or call Northwest Immigrant Rights Project at (206)587-4009 or (509) 854-2100 for advice. Your welfare office may help you obtain copies of immigration documents you have lost.

If I have a green card because my family petitioned for me, what benefits can I receive?

If you came to the United States before August 22, 1996, you may be eligible for:

- Cash benefits (Federal Temporary Assistance for Needy Families)
- Medical benefits (Federal Medicaid, including emergency, prenatal and children's health programs or the State Basic Health Plan and Hospital Charity Care)
- Food Stamps, social services and other federal programs.

To qualify, you must be low income, have few resources and meet other program requirements.

What if I came to the United States on or after August 22, 1996?

You may be eligible for the following **federal** programs:

- Emergency Medicaid, immunizations, testing and treatment of communicable diseases
- Disaster relief
- School lunch, child nutrition programs, foster care and adoption assistance
- Higher education loans, Head Start and other education programs, Job Training Partnership Act, community programs necessary to protect life or safety such as domestic violence shelters, and the Consolidated Emergency Assistance Program.
- You will **not** be eligible for other **federal** programs (cash benefits from TANF, Food Stamps, non-emergency Medicaid) for the first five years you are here (unless you, your spouse or your parent (or children) are in the U.S. armed services)).

In addition, you may be eligible for these **state** programs:

- Cash benefits (Family Assistance Program or General Assistance Unemployable Program))
- Food stamps (Food Assistance Program) and
- Medical benefits for children pregnant women and persons receiving cash assistance, as well as health care programs for emergency costs. You may also be eligible for the Basic Health Plan and Hospital Charity Care.

What should I do if I need welfare benefits and I don't speak English?

The welfare office is required to provide you with a free interpreter without delay. Be sure to mark on the application form if you have difficulty in reading, speaking or understanding English. The office should also send you translated notices about your benefits so that you can read about your rights and responsibilities in your own language. Keep a copy of the letters the welfare office sends you. When you take information to the office, ask them to make a copy for you to keep and stamp the date on both copies. If you have not received interpreters or notices in your own language and the welfare office has cut off your benefits, you may be able to get your benefits back.

If I came as a family visa beneficiary am I eligible for SSI?

If you came to the United States before August 22, 1996, you may be eligible for SSI if you are disabled and were in lawful status on August 22, 1996. If you are not disabled but are over age 65, you may receive SSI if you have a 10 year work history in the U.S. (including work quarters earned by a spouse). Military personnel and their families may also receive SSI.

If you came to the United States on or after August 22, 1996, you will probably need to become a citizen to be eligible for SSI. You may be eligible 5 years after you arrive if you can show that you have a 10 year work history (including your spouse's work) Some

exceptions apply for military personnel and their families. This is a complicated area so it is best to consult a legal services lawyer for more information.

Can receiving benefits hurt my chances of getting a green card or becoming a citizen?

Before you have a green card: Getting **cash** benefits may make it difficult to get your green card.. The INS may decide may deny your green card application if it finds that you are dependent on cash benefits for support. This is called being a “public charge”. If you have received cash benefits and are applying for a green card, you will need to show the INS that your need for cash assistance is temporary and will not affect your ability to support yourself or your family in the future. It is o.k. to receive non-cash benefits (like medical care and food stamps) because the INS does not consider these benefits (except for medical benefits for persons institutionalized for long-term care) in determining if you are a public charge.

After you have your green card: If you already have your green card, you do not need to worry about getting cash benefits unless you have been outside the US for more than six months. Getting these benefits will not hurt your application for citizenship. However, immigrants who **fraudulently** receive public assistance may have trouble becoming citizens and may even face deportation if convicted of a crime. Consult an immigration attorney for questions or read our brochure *New INS Guidance on “Public Charge”: When Is It Safe to Use Public Benefits?* for more information.

I have a sponsor. Am I eligible for benefits?

That depends on what kind of affidavit of support you have and what kind of benefits you are applying for. If your sponsor filled out the new affidavit of support form (Form I-864), the welfare office will count your sponsor’s income in determining your eligibility for certain kinds of assistance. This is called “sponsor deeming.” However if your sponsor has filled out the old form (I-134) which was used before December 19, 1997, the only income the welfare department will count is the income your sponsor is actually giving you.

Even if you have a sponsor, you are eligible for these benefits:

- Emergency Medicaid, immunizations and treatment of communicable diseases,
- disaster relief,
- School Lunch Act programs, Child Nutrition Act programs, Foster Care and Adoption Assistance,
- Higher education loans and grants, Elementary and Secondary Education Act assistance, Head Start, Job Training Partnership Act (JTPA) and certain community programs necessary to protect life or safety such as domestic violence shelters.

Also, you may be eligible for some state programs such as prenatal care or the children’s health program, which are available to every resident regardless of immigration status. In addition, your welfare office will not count your sponsor’s income if:

- your sponsor is incapacitated; or
- you (or your spouse or unmarried dependent children) are on active duty, or are a veteran of the armed forces of the U.S. or of an allied country, or were

employed by an agency of the federal government during a military conflict between the U.S. and a military adversary.

- it has been five years since you became a lawful permanent resident.

What happens to my sponsor if I apply?

He or she may have to pay back benefits that you receive. The new affidavits of support are legally enforceable against the sponsor. This means that the state or federal government may be able to sue the sponsor. However, special rules apply if the sponsor is a member of your family or is also eligible for benefits. Since the welfare department is currently developing this policy, it is best to consult a legal services lawyer.

Does the sponsor have to help me forever?

No. The sponsor's obligation ends when:

- your sponsor dies; or
- you become a U.S. citizen, are credited with 40 quarters of employment in the U.S., leave the U.S. and abandon permanent resident status, or die.

NOTE: Your sponsor's obligation ends after five years for state benefits.

Are some Immigrants With Form I-864 Exempt From Sponsor Deeming?

Yes. You may be eligible for benefits if you are a victim of domestic violence (and no longer live with the person who hurt you) or if you face hunger or homelessness because your sponsor won't help you.

What if the welfare office denies my application?

If the welfare office denies your application or terminates your benefits it may be because you are no longer eligible. It may also be because the rules are complicated and the welfare office has made a mistake. If you believe you are eligible or would like another person to review your case, you should either tell your worker that you want a Fair Hearing or ask for a copy of the Hearing Request form to fill out. There is no fee or penalty for requesting a fair hearing and you can always withdraw your request later if you believe the welfare office was correct. You should also contact a legal services office for advice.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, May 2001.

Prepared by the Northwest Justice Project. Northwest Justice Project 206-464-1519, Coordinated Legal Education Assistance and Referral 1-888-201-1014 TDD 1-888-201-9737.