



Washington Public Assistance for Immigrants who Legalized Under the 1986 Immigration Reform and Control Act

This brochure will tell you what benefits you may be eligible for if you legalized under the 1986 Immigration Reform and Control Act. 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 Family Visa Beneficiaries**
- **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 Public Interest Parolees**

How can I tell if I legalized under the Immigration Reform and Control Act (IRCA)?

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 (206-587-4009 or 509-854-2100) for advice. You may also be able to get assistance from DSHS to help you obtain copies of immigration documents you have lost.

If I got my green card under IRCA, 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, General Assistance Unemployable—state program for those who are disabled or 65 and over, or SSI—federal program for those who are disabled or 65 and over)
- **Medical benefits** (Federal Medicaid, including emergency, prenatal and children's health programs or the State Basic Health Plan and Hospital Charity Care)
- **Food Stamps** (either the federal or the state funded program) 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?

If you came to the United States on or after August 22, you did **not** come under the Immigration Reform and Control Act. The Act gave status to persons who could show that they had lived in the U.S. before 1986. Which benefits you may be eligible for depends on your immigration status as well as the date you arrived. Look at the other brochures listed in the box above and consult the one that fits your immigration status.

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 under the Immigration Reform and Control Act, 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 cash assistance prevent me from getting a green card (lawful permanent residence) or becoming a citizen?

Probably not, because most people who came under the Immigration Reform and Control Act have already obtained their green cards. If you don't yet have your green card, getting **cash** benefits may make it difficult to get your green card. The INS 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.

Can I be denied assistance because I have a sponsor?

Probably not. Immigrants who applied under IRCA who have a sponsor are not subject to the rules on sponsor deeming even though you must report any **actual income** your sponsor has given 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.

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