



Washington Public Assistance for Legal Residents (Permanently Residing Under Color of Law)*

***Immigrants who do not yet have their green cards may still be eligible for benefits in Washington State. That is because our state has programs available to all legal residents as long as they are “permanently residing under color of law.” To find out if your immigration status fits in this category, read below.**

This brochure will tell you what benefits you may be eligible for if you are a legal resident (PRUCOL) immigrant. If you have a different immigration status please read one of the brochures listed here.

- **Washington Public Assistance for Refugees and Humanitarian Entrants**
- **Washington Public Assistance for Family Visa Beneficiaries**
- **Washington Public Assistance for Public Interest Parolees**
- **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.**

How can I tell if I am a legal resident or PRUCOL immigrant?

The list of immigrants understood to be included in the term “legal” immigrant or person “permanently residing under color of law” is too long to be fully included here. It includes persons who are known to the INS whom the INS does not intend to deport. **The following groups are examples of PRUCOL aliens:**

- applicants for asylum
- applicants for withholding of deportation
- applicants for adjustment of status
- aliens granted voluntary departure for a definite time
- aliens who have applied for status under the Violence Against Women Act
- relatives of a US citizen with an approved I-130 petition
- lawful temporary residents
- aliens granted indefinite voluntary departure, deferred action, suspension of deportation, cancellation of removal, order of supervision, Family Unity and deferred enforced departure

- persons paroled into the US for a period of a year or less, and
- aliens residing in the US since January 1, 1972.

These groups are also listed in the chapter on Citizenship and Alien Status in the DSHS A to Z manual. 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.

What if I do not have lawful status but the INS knows I am here and is not deporting me?

You may be eligible for benefits. You will need to show that the INS knows you are in the U.S. Be sure to consult an immigration attorney **before** you contact the INS so you can get advice as to whether the INS really does intend to deport people in your situation.

As a PRUCOL immigrant, what benefits can I receive?

You may be eligible for only some federal benefits, including:

- 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.

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 pregnant women as well as health care programs for emergency costs. The state health care programs for children and families receiving cash assistance were terminated on October 1, 2002. For more information see the pamphlet called ***Washington State Immigrant Health Care Transition: October 2002***. 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 am a legal resident (permanently residing under color of law), am I eligible for SSI?

Not unless you were receiving SSI on August 22, 1996. If your immigration status changes in the future, you may be eligible to apply. Consult one of the other brochures listed in the box above that describes benefits available to a person with your new immigration status. For more information, consult a legal services lawyer.

As a PRUCOL immigrant, am I eligible to get a Social Security number?

Probably, but the kind of Social Security number you will get depends upon whether the INS has given you work authorization. You get a regular number if you have work authorization from the INS. If you do not have work authorization, you can get a **non-work** number if you need it because the state or federal benefits for which you are eligible require you to have a number. *(Remember that a non-work number cannot be used to work and any earnings reported to a non-work number may be reported to INS.)*

To get a non-work number, take a letter from the welfare office explaining why you need the non-work number with you to the Social Security office when you apply. Be sure to get a document from the Social Security Office that shows you did try to apply. If the Social Security office will not provide you with even a non-work number you should ask the welfare office to request an "exception to rule" so that you will not have to be provide a social security number to continue getting your benefits. The welfare office **cannot delay** giving you benefits while you try to apply for a social security number. As soon as you are eligible for work authorization, you can go and apply for a regular social security number that you can use to work.

Can receiving cash benefits prevent me from getting a green card (lawful permanent residence)?

For some immigrants, 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". Getting **cash** benefits may make it difficult to get your green card if the following circumstances exist:

- (1) the INS applies public charge rules to your category of immigration status, AND
- (2) the benefits you are getting are cash benefits, AND
- (3) the benefits are the sole support of your family.

Some immigrants with PRUCOL status, such as asylum applicants, do not have to show they are not likely to become a public charge. Consult an immigration attorney for questions or read our brochure "*New INS Guidance on "Public Charge": When Is It Safe to Use Public Benefits?"*" to find out if public charge rules apply to you.

Even if public charge does apply to you and you have received cash benefits, you should try 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.

Can receiving cash benefits prevent me from becoming a citizen?

If you already have your green card, you do not need to worry that getting cash benefits will make the INS determine you are a public charge 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.

Can I be denied assistance because I have a sponsor?

Possibly, but not until the affidavit of support actually takes effect, which will usually not be until you have become a lawful permanent resident. Also, for welfare office cash food and medical programs, the sponsor deeming rules **only apply to immigrants who have immigrated to the United States with an affidavit of support Form I-864** filled out on their behalf (forms used after December 19, 1997), not to those who have an affidavit of support form I-134 (forms used before December 19, 1997). You should be aware that even with an affidavit of support, some benefits are available. Consult "*The Affidavit of Support and Immigrant Eligibility for Public Benefits*" for more information about sponsor deeming.

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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