



Washington Public Assistance for Undocumented Immigrants

This brochure will tell you what benefits you may be eligible for if you are undocumented. 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 Public Interest Parolees**
- **Washington Public Assistance for Legal Residents (Permanently Residing Under Color of Law)**
- **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 undocumented?

You can be considered undocumented for a couple of different reasons:

1. You have entered the US without inspection (although some immigrants who entered the U.S. without inspection may actually qualify for lawful immigration status because, for example, they qualify for political asylum or are victims of domestic violence married to a U.S. citizen or lawful permanent resident) or
2. You have overstayed or violated your original immigration status.

Your immigration documents should list your status either by name or with a code. If your immigration status has expired or 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. If you have an immigration status and it is still valid but you have lost your proof of that status, you may be able to get assistance from DSHS to help you obtain copies of immigration documents you have lost. Consult one of the brochures above for information on what benefits you may be eligible for.

As an undocumented immigrant, what benefits can I receive?

You are eligible for only limited 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 (a once a year emergency cash grant for families).

In addition, you may be eligible for **state** programs available to everyone, regardless of immigration status, including programs for pregnant women (up to 185% of poverty) and emergency medical care for hospital-based services. The state health care program for children was 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.

Am I eligible for SSI?

No. If your immigration status changes in the future, be sure to check one of the brochures listed at the beginning of this brochure for information about other benefits you may be eligible for.

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

As an undocumented immigrant, the only cash assistance you might qualify for is the Consolidated Emergency Assistance Program which is a once in twelve months grant to very low-income families in emergency circumstances. If other members of your family have legal status or are citizens, then the benefits that they receive would only be considered in determining if you are a public charge if they are your family's sole support. **However, the Immigration and Naturalization Service will only apply public charge rules to you if there is some immigration status for which you may qualify.** Consult an immigration attorney to determine if there is any status for which you qualify and if that status requires you to show you are not likely to become a public charge.

Even if you are hoping to apply for legal status soon and public charge rules **do** apply, the Immigration and Naturalization Service does not consider **non-cash** benefits like medical coupons and food stamps (except for medical benefits for persons

institutionalized for long term care) in determining public charge. Finally, immigrants who **fraudulently** receive public assistance may have trouble obtaining legal status. 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.

Can I be denied assistance because I have a sponsor?

Only **in the future** when you can apply for some legal status for which you need an affidavit of support (Form I-864) to get your legal status. Your sponsor’s income, other than income **actually** paid to you, cannot be considered available to you until the affidavit of support takes effect, which will usually not be until you have become a lawful permanent resident. Also, for state 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.

If I apply for benefits for myself or for family members who are citizens or legal residents, will the welfare office report me to the INS?

Not unless you give them an INS document – such as a final order of deportation that has not been appealed – that shows you are in the US unlawfully **and** there has been a formal finding, such as in administrative hearing, that you are unlawfully present. Furthermore, the welfare department is prohibited from asking for information that is not needed to determine eligibility for benefits and must allow you to indicate that you, yourself, are not applying for benefits even if other family members are.

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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