



Immigrants' Rights to Public Benefits

CAN I GET CASH ASSISTANCE IF I AM NOT A U.S. CITIZEN?

Yes, if you are a qualified immigrant. Some immigrants who are not qualified immigrants can also get cash assistance.

HOW DO I KNOW IF I AM A QUALIFIED IMMIGRANT?

You are a qualified immigrant if **one** of the following is true for you.

- You are a lawful permanent resident.
- You entered the United States as a refugee or have been given asylum in this country.
- You are an Amerasian immigrant. An Amerasian immigrant is someone who was born in Cambodia, Korea, Laos, Thailand or Vietnam, after December 31, 1950 and before October 22, 1982, and was fathered by a U.S. citizen.
- You are married to, divorced, or separated from a citizen or permanent resident who is or was abusing you, and you have applied for permanent resident status under the Violence Against Women Act (also known as VAWA).
- You were a victim of trafficking.
- You were given status as a Cuban or Haitian entrant.
- Your deportation was withheld after a hearing.
- You were paroled into the U.S. for at least a year.
- You are a conditional entrant.

The documents you have from U.S. Citizenship and Immigration Services (USCIS) or from the immigration court may help to show your immigration status.

WHEN DO QUALIFIED IMMIGRANTS BECOME ELIGIBLE FOR PUBLIC ASSISTANCE?

Qualified immigrants can get some kind of cash assistance without having to reside in the U.S. for a certain length of time.

WHAT KIND OF CASH ASSISTANCE CAN QUALIFIED IMMIGRANTS GET?

There are two types of public assistance in New York State: **Safety Net Assistance** for individuals and **Family Assistance** for families with children. Pregnant women can also get Family Assistance even if they do not have any other children. Pregnant women can receive a \$50 per month allowance starting the

4th month of pregnancy. Cash assistance for public assistance is paid twice a month for food, clothing, and housing. The amount of money you get depends on how many people are in your home and what your income is.

Family Assistance is better than Safety Net Assistance because you can get cash for a longer time and the rules are not as strict. With Safety Net Assistance, you can get cash assistance for up to two years only. After two years you can still get help paying your rent and other expenses, but only a small part of the grant will be cash.

WHICH KIND OF CASH ASSISTANCE CAN I GET?

The kind of cash assistance you can get depends on when you came to the U.S.

- You can get Safety Net Assistance no matter when you came to the U.S. if you are a qualified immigrant.
- You can get Family Assistance if you are a qualified immigrant, came to the U.S. before August 22, 1996, and you have lived in this country since then. If you came to the U.S. on or after August 22, 1996, you have to wait five years before you can get Family Assistance unless you are a refugee, asylee, Amerasian immigrant, Cuban-Haitian immigrant, a trafficking victim, or if your deportation was withheld.

There is no waiting period to get Family Assistance if you are a permanent resident. There is also no waiting period to get Family Assistance if you are the husband, wife, or unmarried child of a permanent resident who is in the military or was honorably discharged.

ARE THERE TIME LIMITS ON HOW LONG QUALIFIED IMMIGRANTS CAN GET CASH ASSISTANCE?

Yes. Qualified immigrants with children can get Family Assistance for up to five years. When you have used up your five years of Family Assistance, you can receive cash benefits for two years from Safety Net Assistance.

If you are receiving only Safety Net Assistance, you can get cash benefits for two years.

I AM NOT A QUALIFIED IMMIGRANT, CAN I STILL GET CASH ASSISTANCE?

Maybe. There are two ways you can get Safety Net Assistance.

- You can get Safety Net Assistance if USCIS knows that you are living in the U.S. but is not trying to deport or remove you. This is called permanently residing under color of law (PRUCOL). For example, if you applied to USCIS for permission to stay in this country, USCIS knows you are here. If USCIS has not done anything to deport or remove you from the U.S., you are PRUCOL. This is true even if USCIS has not responded to your request to stay in the U.S.
- You can also get Safety Net Assistance if you were paroled into the U.S. for less than a year. This should be stamped in your passport, or on a card in your passport called an I-94.

MY CHILDREN ARE CITIZENS BUT I AM UNDOCUMENTED (MEANING THAT THE U.S. GOVERNMENT HAS NOT GIVEN ME PERMISSION TO LEGALLY LIVE IN THE U.S.). CAN WE GET CASH ASSISTANCE?

You can get cash assistance for your U.S. citizen children but not for yourself.

WILL I BE REPORTED TO USCIS IF I APPLY FOR PUBLIC ASSISTANCE?

Maybe. The Job Center may report you to USCIS if they know you are undocumented. You do not have to tell your worker that you are undocumented. For example, you can say “I don’t qualify, but I’m applying for my child.”

I AM APPLYING FOR PERMANENT RESIDENCE OR U.S. CITIZENSHIP. IF I GET PUBLIC ASSISTANCE, WILL IT HURT MY USCIS APPLICATION?

Maybe. Depending on your immigration status, your application for permanent residence or for U.S. citizenship could be denied if you get public assistance. In most cases it should not hurt your immigration application if your children get public assistance and you do not. If you get Medicaid or if your children get Child Health Plus, it will not hurt your immigration application.

THE SPONSOR FOR MY IMMIGRATION APPLICATION WILL NOT SUPPORT ME; CAN I GET CASH ASSISTANCE?

Yes, but it may be difficult. HRA will include your sponsor’s income when doing your budget. This is called sponsor deeming. If your sponsor does not support you, or gives you only a little money, tell your case worker. Your case worker should count only the amount of money you really get from your sponsor when doing your budget. Ask for a fair hearing if you do not get public assistance because of issues regarding sponsor’s income.

CAN I GET SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) BENEFITS (FORMERLY KNOWN AS FOOD STAMPS) IF I AM NOT A CITIZEN?

Maybe. If you are a qualified immigrant and you came to the U.S. on or before August 22, 1996, you can get SNAP benefits. You can also get SNAP benefits if you are a qualified immigrant and were either 65 years old or older on August 22, 1996, or you were 60 years old or older and were living in New York City on August 22, 1996.

If you are a qualified immigrant and were disabled at the time you applied, or you are a qualified immigrant and are under 18 years old, you can get SNAP benefits regardless of when you came to the U.S. You can also get SNAP if you are a LPR and have 40 quarters of work.

If you do not fit a category above, and you are a qualified immigrant who is not disabled, you must live in the U.S. as a qualified immigrant for five years before you can get SNAP benefits.

CAN I GET MEDICAID IF I AM NOT A CITIZEN?

You can get Medicaid if you are a qualified immigrant or PRUCOL, regardless of when you came to the U.S.

CAN I GET MEDICAID IF I AM NOT A QUALIFIED IMMIGRANT?

Maybe. Anyone can get Emergency Medicaid. Emergency Medicaid means the government will pay for treatment in the emergency room. Do not be afraid to go to the hospital if you are very sick, pregnant, or have an accident. Hospitals should not turn people into USCIS.

WHAT IF I AM PREGNANT?

You can get Prenatal Medicaid regardless of your immigration status. In other words, you can get Prenatal Medicaid even if you are undocumented and in the country illegally.

WHAT IF MY CHILD IS NOT ELIGIBLE FOR MEDICAID?

Your child may be eligible for Child Health Plus even if he or she cannot get Medicaid. Call 1-800-698-4543 or go to <https://nystateofhealth.ny.gov/> to find out where you can apply for Child Health Plus. Child Health Plus provides free or low-cost medical care for your children regardless of immigration status.

WHO CAN I CONTACT IF I HAVE QUESTIONS?

You may call MFY Legal Services, Inc.'s Government Benefits Project at 212-417-3732 on Mondays from 10:00 a.m. to 12:00 p.m.

DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.