



Education for Justice Fact Sheets
By Mid-Minnesota Legal Aid and Legal Services State Support

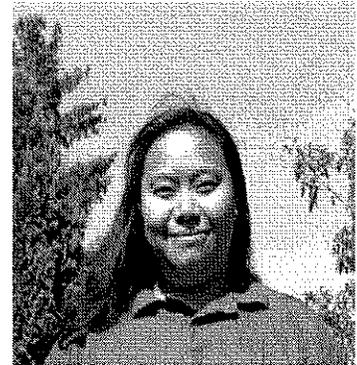
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Public Benefits for Non-Citizens

Can non-citizens get public benefits? The rules about this are complicated. They involve both immigration and public benefits law. These laws have changed a lot in the last 13 years. To learn about your situation, talk to a lawyer who knows both immigration and public benefits law.

Public benefits come from the government to help you or your family with living expenses like food, clothes, housing or medical care. Different programs pay for different items. Each program has rules about who can get the benefits. There are rules about getting benefits if you are not a citizen. To know if you can get a benefit, you have to know your immigration status. Check your immigration papers. Remember that the INS has changed its name to USCIS (U.S. Citizenship and Immigration Services).



First we will talk about what programs you can apply for. Getting public benefits can make it harder to get a residency card for **some**, but not all immigrants. Be sure to check for 3 things as you read this fact sheet:

- ♦ What public benefits you can get
- ♦ If getting the benefit will make it harder for you to become a permanent resident
- ♦ If getting the benefit will make it harder for you to sponsor family to come to the U.S.

- **People Fleeing Persecution**

People fleeing persecution came to the U.S. to escape danger or extreme hardship in their home country. Not everyone can get this status from the USCIS. Getting the status depends on what country you came from. Check your immigration papers. If you are in one of the following categories, you may get some benefits from the U.S. government:

- **Refugee**
- **Asylee**
- **Your deportation was put on hold by USCIS because of danger in your home country.**
- **Cuban or Haitian entrants.** This does not mean everyone from Cuba and Haiti. You are a Cuban or Haitian entrant if you were “paroled” into the U.S. as a “Cuban or Haitian

entrant”; you have applied for asylum; or the USCIS has started exclusion or removal actions for you.

- **Amerasians.** You are “Amerasian” if you were fathered by a U.S. citizen in certain Southeast Asian countries during the Vietnam War years.
- **You are a victim of severe trafficking,** and USCIS gave you a “T-Visa.”

If you are in one of the above categories, you are a “qualified immigrant.” You may be able to get SSI, MFIP, GA, food benefits, and MA (Medical Assistance). If you are not a “person fleeing persecution” go to page 3. See below to find out what each program offers people fleeing persecution. There are special rules for each program.

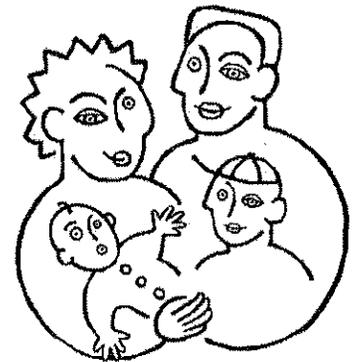
▲ **SSI (Supplemental Security Income)**

This program pays \$698 every month if you are elderly or you are disabled and cannot work. The amount can be less if the people you live with help you pay for housing or food. The amount can be less if you are married and your spouse works or gets SSI. Some disabled children can get SSI. You apply for SSI at a Social Security office. To find one near you, call 1-800-772-1213. SSI has special rules for people who are not U.S. citizens:

- If you were getting SSI before August 22, 1996, you can keep getting SSI without time limits.
- If you were in the U.S. legally on a permanent basis before August 22, 1996, but you were not getting SSI before that date, you can get SSI without time limits only if you are now disabled. You can no longer get SSI based on your age.
- If you came to the U.S. after August 22, 1996, you can get SSI only for 7 years after the date you got your status from the USCIS. When 7 years is up, SSI will not pay anymore, until you become a citizen.

▲ **MFIP (Minnesota Family Investment Program)**

This program helps families with children. The amount of money you can get each month depends on the size of your family. **Most** legal immigrants can get MFIP for 60 months (5 years). You may be able to get MFIP after the 5 years in some situations. See our fact sheet [G-7 Getting MFIP after the 5 Year Limit.](#)



Parents who get MFIP usually have to look for work. You have to meet with MFIP job counselors to find out what kind of work you can do to get off MFIP. Sometimes you can get training instead of looking for work. Taking English classes can count as work training in this program, but Minnesota limits how much ESL (English as a Second Language) you can take.

MFIP families also get MA (Medical Assistance) to pay for doctors and hospitals for their children. Many parents can get MA also. Ask your worker. You can also get food benefits to help you buy food.

▲ **GA (General Assistance)**

GA is mostly for single or married people who do not have an income. Usually you have to be a lawful permanent resident of the U.S. to get GA. But, you may be able to get GA if you are applying for permanent status. GA only pays \$203 a month. If you get GA, you may be able to get food benefits. You may also be able to get Medical Assistance (MA) to pay for doctors and hospitals. See Medical section below. GA has special rules for people who are not citizens. If you are under 70 years old and have been in the U.S. for at least 4 years, you have to take "steps" toward citizenship. You don't have to take "steps" if you live in a nursing home or group home. Steps include:

- ♦ Being in a class to learn citizenship, literacy, or ESL or being on a waiting list for such a class.
- ♦ Applying for citizenship and waiting to take the test or for the citizenship ceremony, OR
- ♦ Having been denied citizenship because you failed the test 2 times or because you could not understand the rights and duties of being a citizen.

▲ **Food**

People fleeing persecution may be able to get food benefits. But, some immigrants cannot get food stamps (now called SNAP) for the first 5 years they are in the US. If you are not eligible for food stamps and you are 50 or older, you may get state food benefits worth the same amount as food stamps. You will have to take "steps" toward citizenship.

▲ **Medical**

If you are fleeing persecution, you may be able to get MA if you meet the income and asset rules and fit an MA category. You fit an MA category if you:

- are pregnant
- are a child
- are 65 or older
- are disabled
- have very low income

You must **also** be

- a lawful permanent resident (LPR)
- a refugee
- an asylee, or
- a Cuban or Haitian entrant,
OR

You must have been granted

- battered immigrant status
- withholding of deportation
- parole, or
- "conditional entrant" status.



You can no longer get MA but should be able to get MinnesotaCare if you:

- have a pending immigration status
- have applied or are applying for asylum but have not yet been granted it
- are a crime victim with a "U" visa
- are a Lawful Temporary Resident (LTR)
- have Temporary Protected Status (TPS)
- are a family unity beneficiary
- have been granted Deferred Enforced Departure (DED) or Deferred Action
- have been paroled for less than a year or
- are under an Order of Supervision.

● **If You Are Not A "Person Fleeing Persecution"**

If you are not a "person fleeing persecution," you may still be a "qualified immigrant." You may be able to get the benefits listed above if you are:

- a Lawful Permanent Resident – LPR (have a residency card)
- "paroled" by USCIS for at least 1 year
- being hurt or threatened by a spouse or parent, if the spouse or parent is a U.S. citizen or Lawful Permanent Resident.

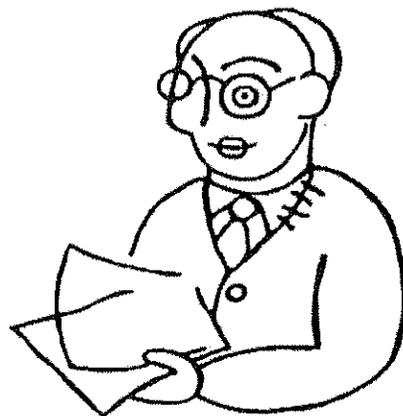
The rules for Food Benefits and SSI are more limited than other programs. To get food stamps, you may have to wait 5 years. But your children will not have to wait. You may not get SSI. It will depend on when you came to the U.S. and what your immigration status is. In most cases, to get SSI, you must be blind or disabled and have come to the U.S. before August 22, 1996.

If you have questions about getting help from these programs, call your legal aid office.

● **If You Had A Sponsor When You Came To The U.S.**

Most people who come to the U.S. have a relative in the U.S. sponsor them. A relative sponsor is a family member who is a citizen or has a residency card (lawful permanent resident or LPR). The sponsor agrees to be responsible for you in the U.S. Sponsors must promise the USCIS that if you become poor, they will support you.

If you came to the U.S. after mid-December 1997 through a relative sponsor, the government can count your sponsor's income and assets like they are yours. Counting your sponsor's income and assets may put you over the income and asset limit for benefits. Your sponsor's income and assets may count even if you lose contact with your sponsor.



You may still be able to get very limited emergency medical help. Your children may still be able to get Food Stamps. Your children may get MA. If you are pregnant, you can get MA during your pregnancy and for 60 days after your child is born.

The government may not apply your sponsor's income and assets to you if you are in danger of going hungry or becoming homeless. The government also may not apply your sponsor's income and assets if you or your child are being hurt or treated with extreme cruelty by your sponsor.

If you came to the US through the visa lottery ("diversity" visa) or some other way after December 18, 1997, the government cannot count your sponsor's income and assets for any program except MFIP. Then the income and assets will count only for a short time. Check with your legal aid office if you have questions about if your sponsor's income and assets should count as your income and assets.

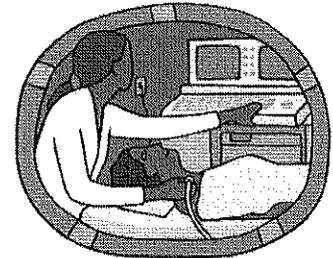
- **U.S. Veterans Or Active Duty Members Of The U.S. Armed Forces**

If you are a U.S. veteran or active duty member of the armed forces, you can get SSI without any time limit if you are disabled or 65 or older. You may also be able to get MFIP, health care and food benefits. You may be able to get GA, but you may need to take "steps" towards citizenship (see above). Your spouse and your unmarried, dependent children are eligible for the same programs. Unfortunately, Hmong and Lao army veterans are not considered U.S. veterans.

- **Non-Immigrants And People Without Immigration Papers (Undocumented)**

Non-immigrants are people who are here legally but temporarily – for example, as visitors, students, or temporary workers. People without immigration papers (undocumented) are people who never had or no longer have USCIS permission to be in the U.S. If you are in one of these categories you cannot get any public benefits, except for:

- You may get very limited free medical help for emergencies from Emergency Medical Assistance (EMA). You can only get EMA if you are:
 - elderly
 - disabled, (you must be certified disabled by the state or Social Security),
 - under 18
 - pregnant
 - single or married without dependent children



AND have a very low income, and plan to stay in the U.S. permanently.

If you are a pregnant woman, you can get free medical help for your whole pregnancy, and for 60 days after your child is born. When you apply, tell the county agency you cannot get regular MA because of your immigration status. Do not answer any questions about your immigration status.

- EMA is very limited. It no longer pays for treatment for many chronic conditions like diabetes and mental illness. In general it only pays for treatment for medical emergencies in the hospital, for services received while staying in the hospital after you

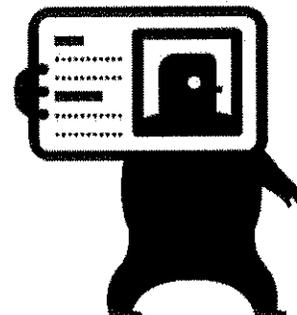
- are admitted via the emergency room, and for follow-up treatment related to the services you got in the hospital.
- You may also be able to get medical help through the Center for Victims of Torture, 612-436-4800.
- If you are in the process of adjusting your immigration status, you may be able to get state-funded cash benefits.
- You can also get:
 - free school breakfast and lunch benefits,
 - Women, Infants and Children (WIC) benefits,
 - immunizations from public health, and
 - benefits through Head Start.

- **Households With An Undocumented Member**

A household is a group of people who live together in the same house or apartment. They do not all have to be family members. People are “undocumented” if they never had permission from the USCIS to be in the U.S. or if their permission has run out. Many households have some members who are citizens or here with documents, and some who are undocumented. Here are some examples:

- An undocumented parent may have citizen children who were born in the U.S. Those children can get MFIP, food stamps, and medical benefits, but the parent has to apply for them. If you are undocumented you can apply for benefits for your children. Do not answer questions about your immigration status. Just say “I am only applying for my children. I am not eligible because of my immigration status.” You will have to provide information about and proof of your income.
- If you have a residency card (lawful permanent residency), you can apply for benefits while living with a friend, relative, or spouse who is undocumented.

If some members of your household are undocumented and others are here with documents, you live in a “mixed” household. If you are in a “mixed” household, talk to a lawyer **before** you apply for benefits.



How Getting Benefits Can Affect Immigration Status

- **Getting A Residency Card**

If you or someone in your household might apply for a residency card (lawful permanent residence) sometime in the next 3 years, talk to a lawyer before you apply for benefits. The USCIS can deny a residency card to you if it thinks you are likely to be a “public charge.” A public charge is someone who relies on long-term cash public benefits such as SSI, MFIP or GA.

USCIS may also consider you a public charge if you get long-term nursing home care. If your household has used public benefits in the last 3 years, USCIS may decide you are likely to be a public charge. Talk to a lawyer.

The public charge rule **does not apply to refugees or asylees**. It also **does not apply to** benefits you get that are not cash, such as:

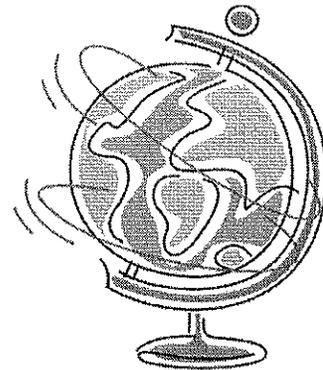
- MA (Medical Assistance)
- WIC (Women, Infants and Children)
- housing assistance
- food stamps
- energy assistance
- medical care for pregnant women
- child care

● **Being a Sponsor to Bring Family to the U.S.**

If you want to become a sponsor for someone else in the next few years, you may not want to apply for public benefits. The USCIS could decide that you can't take financial responsibility for a new immigrant if you were on public benefits yourself.

● **Your Right to an Interpreter**

When you apply for benefits you have the right to an interpreter if you need one. Government agencies that give out benefits must provide a free interpreter to people with limited English. They can't make you bring your own interpreter. You can bring someone to help you if you want to. See our fact sheet, [I-3 Your Right to an Interpreter](#).



Thanks to Southern Minnesota Regional Legal Services (SMRLS) for updating this Fact Sheet.

To find other fact sheets, including any mentioned above, go to www.lawhelpmn.org/LASMfactsheets

To find your local legal aid office by county go to www.lawhelpmn.org/resource/legal-aid-offices

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