



# Immigrants and Public Benefits - BBT Training

# Housekeeping



**Mute:** As a reminder, all audience lines are muted. If you have a question or any technical issues, please use the chat feature

**Participants' View:** You may select Gallery View or Speaker View

**Recording:** Today's webinar is being recorded and will be made available

# Agenda

9:30-9:32

Welcome

9:32-10:50

Immigration status, documents  
& Public Charge

**10:50-11:00**

**Break**

11:00-12:00

Health Benefits & Immigrants

**12:-1:00**

**Lunch**

1:00-2:10

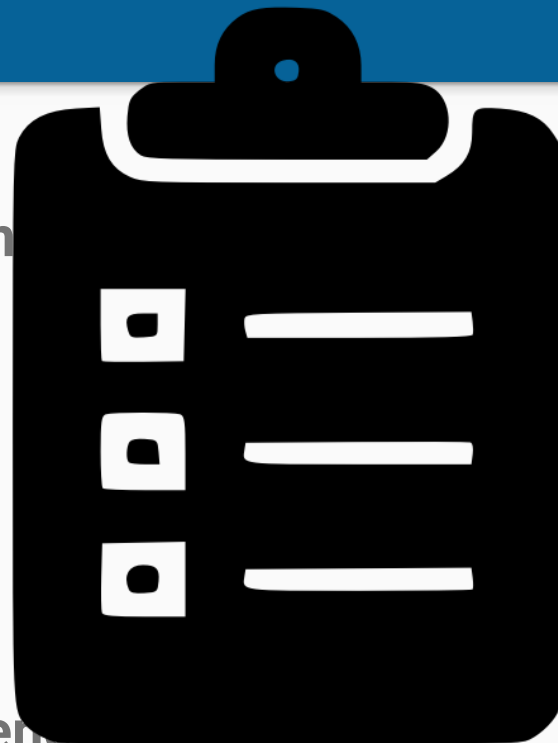
Cash & Nutrition Benefits

**2:10-2:15**

**Break**

2:15-3:00

Housing and EA Shelter Benefits





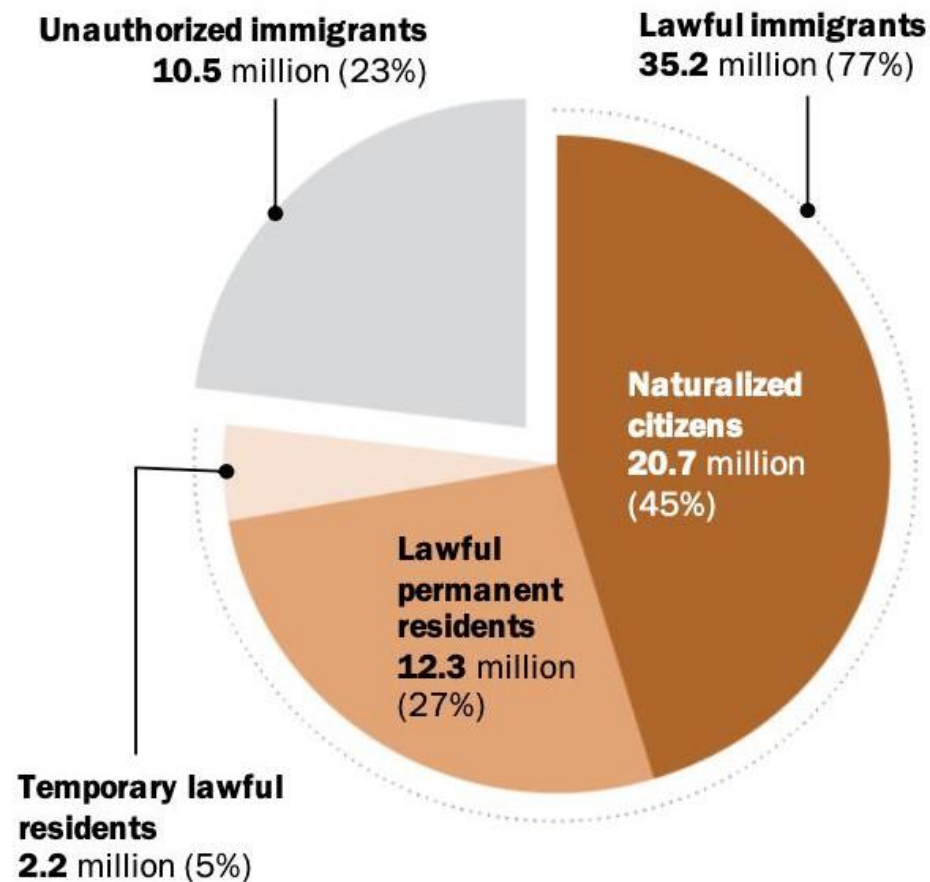
ABC



Immigration Status -  
The ABC's



*Foreign-born population estimates, 2017*



# Defining Immigrant

Immigration Statute (INA) uses term “Aliens”

- Also referred to as Non-citizens

Non-citizen - anyone not a US Citizen

- Lawful Permanent Resident
  - Non-immigrant visa holders
  - All others not USC
- 
- The right to stay, work & qualify for benefits vary by status even when lawfully in U.S.

# Citizens

- **BIRTH** in U.S. (including Puerto Rico & territories)
- **NATURALIZATION** (N-400 application after being a lawful permanent resident)
- **Acquire** or **Derive** citizenship (N-600 application based on being born to U.S. Citizen parent(s) abroad or adoption by U.S citizen parents)
- Nationals (not full citizens)

# Documents showing U.S. citizenship

- U.S. birth certificate
- U.S. passport or card
- Certificate of naturalization
- Certificate of citizenship
- U.S. Citizen Identity Card (form I-197)

...or document the U.S. citizenship of one's parents/grandparents to show acquired or derived citizenship



# Lawful Permanent Residents (LPRs)

- Known as “green card” holder
- A necessary stepping stone to citizenship
- Have a legal right to live & work in U.S. and to travel permanently, can naturalize/become US citizens after a certain # of years
- Subject to deportation until obtaining U.S. citizenship
- Status is permanent not dependent on card expiration date



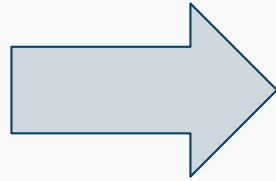
# Becoming a Lawful Permanent Resident (LPR)

3 main ways people get “lawful *permanent* residence” (green card):

- 1) Family (immediate family only)
- 2) Employment
- 3) Humanitarian

# Humanitarian

- 1) Refugees (processed overseas)
- 2) Asylees
- 3) Victims of trafficking
- 4) VAWA, U visas, SIJs



These statuses have a path to LPR and to Citizenship



# Victims of trafficking

- Trafficking victims - in the U.S. on account of trafficking
- Use *force, fraud or coercion* to compel individuals to provide labor or services (relatives can qualify)
- Principal (and derivative relatives) eligible for federal & federal/state benefits to the same extent as refugees
- Approved T nonimmigrants, victims granted Continued Presence document, or HHS provided letter of certification

# Temporary Lawful Residents

## Non-immigrant status

- Admitted to the U.S. for a limited period of time & for a specific purpose
  - 20+ categories: some common types include
    - B-2 visitors for pleasure (*i.e. tourists*)
    - F-1 students
  - Some categories offer a transition to LPR status (e.g. T or U)

# Other Lawful Statuses

- Parolees (short-term or 1 year+)
- Withholding of removal (or deportation)
- Battered spouses & children & victims of trafficking or qualifying crimes
- Temporary Protected Status (TPS) beneficiaries
- Deferred Enforced Departure (DED) grantees
- Deferred Action grantees & “EVD” beneficiaries
- Deferred Action for Childhood Arrivals (DACA)
- Under Order of Supervision or Stay of Removal
- LTRs under old “amnesty” program
- Certain beneficiaries of “prosecutorial discretion”

*and others including applicants for a status, with or w/o work authorization\* “qualified aliens” for benefits purposes, along with “Cuban-Haitian Entrants”*

# Parolees

Afghan Humanitarian Parole

Ukrainian Humanitarian Parole - U4U

CHNV Parolees - Cuban, Haitian, Nicaragua, Venezuela

DT - port parole

INA 212(d)(5) humanitarian parole



Most entrants after  
using CBPOne app

INA 236 - not considered parole for EAD eligibility

# Undocumented/ Unauthorized

A person with no lawful status or current valid documents  
= “undocumented” or “unauthorized to be in the U.S.”

- Can have entered the U.S. without inspection or
- Entered with valid status and overstayed period of authorized stay

# Immigration Status and Benefits

The Intersection



# Qualified Immigrants

- Lawful Permanent Residents (LPRs)
- Refugees and Asylees
- Persons paroled into the US for at least one year
- Persons granted withholding of deportation or removal
- Persons granted conditional entry (before 4/1/1980)
- Battered spouses and children (with a pending or approved spousal visa (I-130) or a self petition for relief under VAWA (I-360))
- Cuban and Haitian entrants (paroled into the US, applied for asylum or are in exclusion or deportation proceedings without a final order)
- Victims of severe form of human trafficking (including their derivative beneficiaries)\*

# Five-Year Bar

Qualified Immigrant arriving on or after PRWORA enactment (8/22/1996) may be ineligible for federal means-tested benefits for five years

Federal means-tested benefits - Medicaid (except for emergency), CHIP, TANF, SNAP, SSI

# PRUCOL

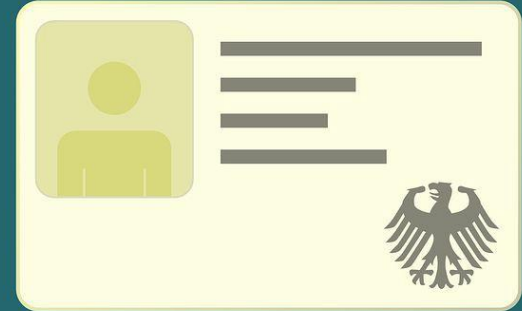
- Permanently Residing Under Color of Law
- PRUCOL is not an immigration status and will not appear on any immigration document, but is used in determining benefits
- Residing in the US with the knowledge and permission of DHS and DHS does not presently contemplate enforcing their departure
- Each state can define PRUCOL for their own state benefit programs. In MA PRUCOL is defined by the individual state benefit programs and each program defines it differently.

# Noncitizen Documents

- **“Green cards” -I-551**
  - 10 year or 2 year Conditional Resident Card
- **Employment Authorization Document (EAD)**
  - EADs note the category or provision of law giving them work authorization
- **I-94s** (receive at entry)
  - white card (have annotations or stamps) or
  - Electronic printout
  - <https://i94.cbp.dhs.gov/I94/#/home>
- **Other documents**
  - HHS trafficking letter
  - Immigration court order / documents
  - Visa stamps in foreign passport
  - Re-entry documents
  - others. .

# LPR documents

- I-551 - "green" cards
  - include Conditional Resident Card
- I-551 passport stamps/immigrant visa
- reentry permits
- judge/court orders



## “Green” Card



# Immigrant Classification Codes

- U.S. State Department - Foreign Affairs Manual, 9 FAM 502.1-3 (Immigrant Classification Symbols)

<https://fam.state.gov/FAM/09FAM/09FAM050201.html>

- DHS Immigrant Classes of Admission

<http://www.dhs.gov/ohss/topics/immigration/lpr/classes-of-admission>

# Refugee/asylee Documents

- I-94 annotations
  - RE (refugee)
  - AS (asylum) or “Asylum Granted Indefinitely”
- EAD work permits with code (a3, a5, c8)
- Asylum Office grant letters
- BIA/court orders – asylum & withholding

# Paroled alien documents

- I-94 – w/annotation [e.g. 212(d)(5)]
- I-512 parole grant document
- EAD – check code reference (c11)

# Multiple Status Documents

- Employment Authorization Document (EAD card)
  - Forms I-688, I-688A, I-688B, I-776  
*(note: codes come from 8 C.F.R. 274a.12)*
- Arrival/Departure Record
  - Form I-94
- USCIS Notice of Action
  - Form I-797, I-797C

# Sample EAD

<https://www.uscis.gov/employment-authorization>

## Common Codes

- (a)(3) refugee
- (a)(4) paroled as a refugee
- (a)(5) asylee
- (a)(10) withholding
- (a)(16) granted T visa
- (c)(11) paroled (for urgent humanitarian reasons or significant public benefit)
- (c)(25) T family member



# Sample I-94 card

(CBP's I-94 went electronic in 2013)

Departure Number  
**742831632 01**

Immigration and Naturalization Service  
I-94  
Departure Record

U.S. IMMIGRATION  
250 WAS 177

**SEP 13 1991**

ADMITTED B-2  
UNTIL MARCH 12, 1992 CLASS

14. Family Name  
DOE

15. First (Given) Name  
JOHN

16. Birth Date (Day/Mo/Yr)  
01/01/91

17. Country of Citizenship  
ENGLAND

See Other Side

STAPLE HERE

 **U.S. Customs and Border Protection**  
Securing America's Borders

Get I-94 Number  I-94 FAQ

**Admission (I-94) Number Retrieval**

Admission (I-94) Record Number: 69000888062

Admit Until Date (MM/DD/YYYY): 10/10/2012

Details provided on Admission(I-94) form:

Family Name:	LI
First (Given) Name:	LYDIA
Birth Date (MM/DD/YYYY):	01/01/1990
Passport Number:	P123123213
Passport Country of Issuance:	Mexico
Date of Entry (MM/DD/YYYY):	04/11/2012
Class of Admission:	B1

Individuals can visit [www.cbp.gov/I94](http://www.cbp.gov/I94) to retrieve a copy of their electronic Form I-94.

# Important I-94 annotations

- SI/SQ parolee (Afghan Special Immigrant Parolee)
- OAR, OAW, PAR - Afghan Humanitarian Parole
- UHP - Ukrainian Humanitarian Parole
- CHP, HHP, NHP, VHP - CHNV Humanitarian Parole
- DT - port parole
- 212(d)(5) or paroled
- PIP
- refugee/RE or 207
- asylee/AS or 208
- T 1-5 codes

# Other documents to help determine status:

- I-797/I-797C Notice of Action
  - Receipt or approval Notice
- Other immigration-related correspondence

**Note: to document status as “trafficking victim” – do not need ANY immigration document**

# Sample HHS Certification Letter for Trafficking Victim



## DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

HHS Tracking Number  
5555555555

Ms. Susie Doe  
c/o Jim Thomas, Refugee Social Worker  
Smith County Community Service Office  
123 Main St.  
Bellevue, WA 55555-5555

### CERTIFICATION LETTER

Dear Ms. Doe:

This letter confirms that you have been certified by the Department of Health and Human Services (HHS) pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000. Your certification date is \_\_\_\_\_. This certification is valid for eight months from the date of this letter. The expiration date is \_\_\_\_\_.

With this certification, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. This certification does not confer immigration status.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson  
Acting Director  
Office of Refugee Resettlement

# Social Security Cards & eligibility

Sample SSN w/o legend



Legended SSN



# Public Charge

# What is Public Charge?

- Public Charge test is part of the grounds of inadmissibility
  - Applicable when an non-citizen applies for admission, including non-immigrant visas or lawful permanent residence
- A “public charge” is someone “likely at any time to become **primarily dependent** on the government **for subsistence** as demonstrated by either the receipt of public cash assistance for income maintenance or long-term institutionalization at government expense.”
- New USCIS public charge [final rule](#) took effect on 12/23/22

# Public Charge Inadmissibility

## APPLIES TO:

Immigrants applying for a green card through family/employment or a visa to enter the United States.

## DOES NOT APPLY TO:

- U.S. Citizens
- Citizenship applicants
- Green card renewals
- Refugees/Asylees
- VAWA
- T/U visas
- Special Immigrant Juveniles
- DACA initial or renewals
- TPS initial or renewals
- Humanitarian parole

**Many immigrants are NOT subject to public charge. It does not apply to all immigrants.**

# Benefits and Public Charge



Only two types of benefits considered:

1. Cash assistance for income maintenance

- Temporary Assistance for Needy Families (TANF)
- Supplemental Security Income (SSI)
- State/Local/Tribal programs like Emergency Aide to the Elderly, Disabled and Children (EAEDC)

2. Institutionalization for long-term care at government expense

- Nursing home or long-term care at an institution paid for by Medicaid or a State program

**Most people who face the public charge test are not eligible for the benefits considered in the test.**

# Most Benefits are **NOT** Considered



- **Health care programs**

- Medicaid, CHIP, care at community health centers



- **Housing assistance** (state and federal)

- Section 8, RAFT, public housing



- **Food programs**

- SNAP, WIC, school lunches

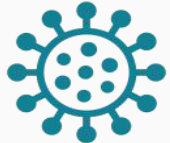
- **Cash benefits from work**

- Unemployment, Social Security, pensions



- **Covid-related support**

- Testing, treatment, vaccines, P-EBT, Child Tax Credit



- **State, local or tribal non-cash benefits**



**Safe Benefits” List for Massachusetts:**

<https://miracoalition.org/wp-content/uploads/2022/10/Massachusetts-Safe-to-Use-Benefits-October-2022.pdf>

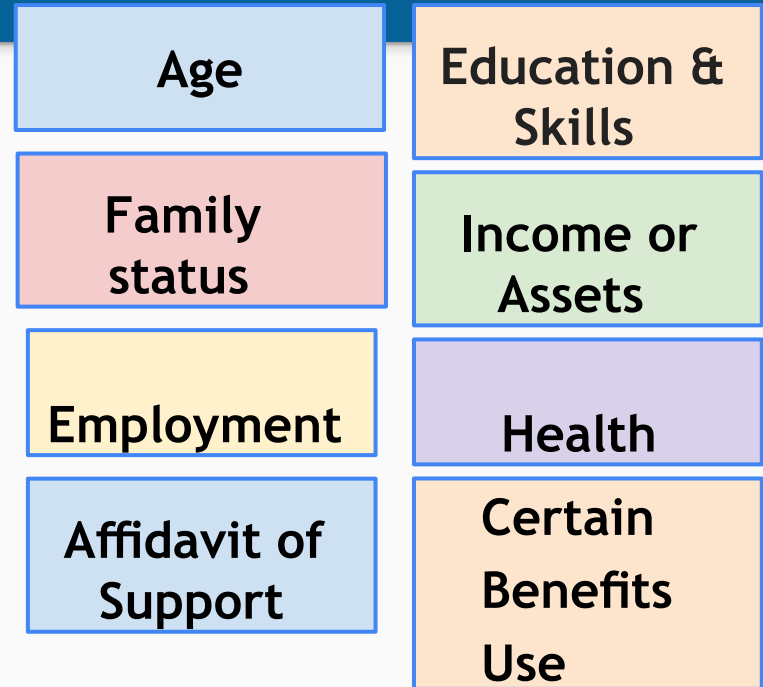
# Benefits

- Most immigrants should KEEP their benefits
- Receipt by family or household members of immigrant subject to public charge will not be considered
- EX: Maria is applying for adjustment of status through her US Citizen spouse. Maria's children receive SNAP.



# Totality of the Circumstances

- The public charge test looks all of an immigrant's circumstances
- No one factor is enough
- Test is prospective (future use)
- Receipt of benefits will not alone be sufficient.
- A sufficient Affidavit of Support considered favorably



# Status and Exemptions

- Many noncitizens exempt from Public charge by statute
  - The Final Rule lists 29 exemptions at 212.23(a)
  - Include - asylees, refugees, Afghan SIVs, Cuban Adjustment Act applicants, Trafficking victims, U nonimmigrants, VAWA Self-petitioners
- If nonimmigrant was in exempt status when they received the benefit, that benefit will not be considered
  - Refugees/Asylees
  - Afghan/Ukrainian parolees receiving benefits as refugees

# Topline Messages!

- Most immigrants in Massachusetts should keep their benefits!
- Avoiding benefits does NOT mean you will pass the public charge test
- Use of public programs does not automatically make you a public charge.
- Benefits used by family members will not count in public charge decisions.

**When in doubt, seek consultation from an immigration/benefits professional!**

# Protecting Immigrants Families Campaign (PIF)



- National Campaign: [www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org)
- Join the campaign: <https://pifcoalition.org/join>
- More info: [www.masslegalservices.org/publiccharge](http://www.masslegalservices.org/publiccharge)
- Massachusetts campaign (PIF-MA): Reach out to the organizations below



# New USCIS Regulation, Guidance & Forms

- [Public Charge Regulation](#)
- [Q&As](#) (Revised December 19, 2022)
- [Policy Manual](#) (December 19, 2022)
- [I-485 Form and Instructions](#)

Thank you

Questions? Email

[jfunk@mlri.org](mailto:jfunk@mlri.org)