



MERCER STREET
FRIENDS

**Public Benefits and Immigrants:
A Resource Guide for Community Service Providers
2005**

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Why an Immigrant Resource Guide?

The purpose of this booklet is to provide community service organizations with information on health and nutrition services that are available to the undocumented immigrant population of New Jersey.

The Personal Responsibility and Work Opportunity Reconciliation Act (PROWRA), commonly known as welfare reform of 1996, created new requirements affecting access to federally funded programs for immigrants. While undocumented immigrants were always excluded from certain federal benefits, new legislation gave states the option to exclude undocumented immigrants from even more public benefits. The 1996 welfare reform legislation and new immigration laws have created fear and uncertainty among needy undocumented immigrants who consequently do not seek health and nutrition assistance.

Because New Jersey is ranked seventh among the states in the number of undocumented citizens, it is imperative that community service organizations be knowledgeable about public services available to undocumented clients and their rights. In addition, agencies should be aware of the responsibility to inquire about citizenship status when determining eligibility for federal and state program benefits. Nonprofit agencies serving the undocumented should be aware of their own rights and of the information they are legally required to report. The information provided here is only a guide and should not be interpreted as legal advice. While we have done our best to ensure the accuracy of the information, there are always new laws or changes that need to be reviewed.

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Definitions of Immigrant Status

Undocumented or illegal immigrants. These are foreign-born people who do not possess a valid visa or other legal documentation such as a social security number. They do not hold status as a legal permanent resident, refugee, asylee, etc. Some eventually adjust their status and attain legal residency after a sponsorship petition has been filed by a relative, spouse or employer.

Legal (or lawful) permanent residents (LPRs). Foreign-born people who are legally permitted to live permanently in the United States and have been granted immigration visas abroad or adjustment to permanent resident status in the United States. They are eligible to become naturalized three or five years after receiving a permanent resident status.

Refugees and asylees. Foreign-born people who have been granted legal permanent status due to a “well-founded” fear of persecution in their home countries.

Temporary Residents. Diverse sets of foreign-born people who have been admitted to the United States for a temporary or indefinite period, but have not attained permanent residency (i.e. tourists, students, people on work visas).

Important Information About Undocumented Immigrants

Undocumented immigrants can access many federally funded state and local programs, such as emergency and certain non-emergency health-care programs, (i.e. Emergency Medicaid); emergency and intervention services, such as food, clothing, and shelter; and food programs, such as WIC and any school nutrition program, including the School Breakfast Program, the National School Lunch Program and the After-School Snack Program.

Service providers are **NOT** required to verify citizenship or immigration status when providing certain benefits, such as USDA commodities, counseling or any non-cash, supplemental assistance.

Federal policy protects the rights of children who are U.S. citizens. These children are eligible to apply for public benefits, regardless of the immigration status of their parents or other family members.

Undocumented immigrants need to be informed about certain situations that could cause them problems when applying for federal public benefits. Specifically, if a parent is applying for benefits or services for citizen children, the parent must be warned that, regardless of the fact that it is the children who are seeking benefits, she or he must **NOT** provide a false Social Security number or false income information. This could lead to deportation.

The Citizenship and Immigration Services (CIS), formally known as the Immigration and Naturalization Service (INS), guarantees that an immigrant's use (or the use by his/her family members) of certain public benefits will **NOT** prevent that immigrant from later obtaining a green card or from becoming a citizen.

Undocumented immigrants are NOT eligible for the following programs:

- Food Stamps
- Supplemental Security Income (SSI)
- Earned Income Tax Credit (EITC)
- Temporary Assistance to Needy Families (TANF)
- Title IV Federal Student Loans
- Medicare/ Medicaid (except for "emergency Medicaid," p. 6)

Community Assistance Programs

Medical, Nutritional and Educational Assistance

Immigrants, regardless of immigration status or date of entry, are eligible to receive short-term, non-cash emergency or disaster relief such as shelter, food and clothing. The following is a list of programs eligible to undocumented immigrants:

- Emergency medical assistance
- Medical assistance for pregnant women
- Medical assistance for children and women who are victims of domestic violence
- Free and reduced-rate school breakfast and lunch programs, after-school snack programs, summer food-service programs and the Child and Adult Nutrition Program
- Supplemental food programs for women, infants, and children (WIC)
- K-12 education
- Head Start programs
- Services provided by nonprofit organizations and clinics

Public Services

Under the authorization of the U.S. Attorney General, immigrants, regardless of immigration status, are eligible for assistance and services of community programs. These include:

- Police, fire, ambulance, transportation, sanitation, and other regular, widely available services.
- Crisis counseling and intervention programs, such as services and assistance relating to child protection, adult protective services, violence and abuse prevention and treatment of mental illness or substance abuse.
- Short-term shelter or housing assistance for the homeless; victims of domestic violence; and runaway, abused, or abandoned children.
- Programs, services, or assistance to help individuals during periods of adverse weather conditions.
- Soup kitchens, community food pantries, senior nutrition programs such as Meals on Wheels, and other such community nutritional services for persons requiring special assistance.
- Medical and public health services (including treatment and prevention of diseases and injuries) mental health, disability, or substance abuse assistance.
- Activities designed to protect the life and safety of workers, children and youths or community residents.

Health Care Programs

Non-Medicaid-Funded Public Health Services

Immigrants, regardless of immigration status or date of entry, are eligible to receive non-Medicaid-funded public health assistance including:

- Immunizations for children and adolescents
- HIV/AIDS-related care and treatment including services
- funded under the Ryan White Care Act.
- Tuberculosis screening, diagnosis, and treatment
- Testing and treatment of symptoms of other communicable diseases (communicable disease is an infectious illness that can be transmitted from an infected person to another).
- Access to non-emergency care from New Jersey's Federally Qualified Health Centers

Emergency Medicaid

Medicaid will cover immigrants regardless of immigration status for the treatment of emergencies, which includes labor, delivery and prenatal care. This coverage is often called "emergency Medicaid." Immigrants applying for "emergency Medicaid" to cover the treatment of an emergency condition do not have to supply a Social Security number.

New Jersey Charity Care

In New Jersey, immigrants who do not qualify for Medicaid only because of their citizenship status are eligible for Charity Care in New Jersey for inpatient hospital care and for outpatient health care at federally qualified health centers and many other health centers and clinics. To apply for Charity Care immigrants should be advised to provide one of the following documents from each category:

1. Identification: Driver's license, passport or current picture ID
2. Recent Income: One month prior to the date of service the immigrant wants to be covered: four pay stubs, a letter from employer, W-2 form
3. Assets: recent bank statement or bank book
4. Proof of Residency: Driver's license, utility bill, cable TV bill, phone bill, or letter from the person who provides room and board.

***For more information on New Jersey Charity Care, go to:
www.lsnjlaw.org/english/healthcare/charitycare.cfm***

Health Care Programs

Non-Emergency Care

All uninsured New Jersey residents, including people who are undocumented can receive health care from New Jersey's Federally Qualified Health Centers. These medical providers should not turn away patients who cannot pay for care, even if a patient's medical condition is not an emergency.

Maximizing Access to Health Services Available to All Immigrants, Regardless of Status

Despite undocumented immigrant eligibility for Emergency Medicaid and other non-Medicaid-funded services, obtaining care and coverage can be problematic. Public awareness of the availability of these programs for nonqualified immigrants may be limited.

- Even if eligible for benefits, immigrants may be turned away or treated differently from other individuals needing assistance.
- Many undocumented immigrants have been discouraged from applying for any public benefits.

To improve immigrant access to Emergency Medicaid, agencies should

- Educate the immigrant community about eligibility.
- Follow up on undocumented immigrants to see whether or not they actually received medical help.

For more information on NJ's Federally Qualified Health Centers, go to:

www.njpca.org/FQHC/

Nutrition Assistance Programs

In New Jersey there are several different food nutrition programs that provide free food, low cost food, and information about good nutrition to low-income families, seniors, and other individuals. Only one of these programs, food stamps, asks about immigration status. The other food programs should welcome all non-citizens who meet the eligibility requirements.

Food Pantries and Soup Kitchens:

Social service organizations are not required to ask for immigration status or for a Social Security number. There is no federal or state requirement for individuals to show a Social Security card in order to receive food. TEFAP (The emergency Food Assistance Program) Operations Manual for Emergency Food Pantries does not list

proof of a Social Security number as a required eligibility criterion for receiving food.

WIC (Women, Infants, and Children)

All non-citizens who meet the income limits and other eligibility requirements are welcome. No information about immigration status or a Social Security number is needed.

School Food Programs

Programs include School Breakfast, School Lunch, Special Milk Program, after-school snacks, and summer meals and snacks. Eligibility does not depend on immigration status. Application to these programs does not require a Social Security number.

Nutrition Program for the Elderly

To be eligible, a person must be 60 years or older, or married to a person 60 years or older. There are no questions regarding citizenship on the application.

Services for Children who are U.S. Citizens

All children who are U.S. citizens (i.e., all children born in the United States) can be eligible for public benefits, regardless of the immigration status of the parents. Federal policy protects the rights of these children. Only the status of the applicant is relevant to his or her eligibility. However, immigrant parents who are undocumented must be warned to be VERY careful to provide accurate information. Outreach staff should caution undocumented immigrant parents, who apply for benefits for their children NOT to tell welfare offices about their own immigration status. An undocumented parent must be careful to provide accurate income information and must NOT provide a false Social Security number.

When applying, parents should be advised to state that they are applying ONLY for their children and NOT for themselves. For many federal public benefit programs, as well as state-funded programs, parents still need to give proof of income but a Social Security number is not required.

Medical Care for Needy Children who are U.S. Citizens

New Jersey Family Care/ Kid Care provides insurance to uninsured children. NJ FamilyCare is for families who cannot afford to privately pay the high cost of

health insurance. Eligibility is based on family size and monthly income. Assets are not considered when determining eligibility and neither is the social security number of the parent applying for his/her children. Children, though, must be legal U.S. citizens. ***For an application go to: www.njfamilycare.org/***

Verification of Immigrant Status: Confidentiality and Reporting

A major barrier to public benefit access for immigrants is the fear that use of the service may be reported to the CIS (formerly INS). Recent changes in immigration and welfare laws have increased immigrants' fears about taking advantage of important health and nutrition programs. This section reviews the rules governing verification, reporting and confidentiality.

In general, any federal public program—Food Stamp, TANF, SSI, Earned Income Tax Credit, Student Loans, Medicare, Medicaid—requires state agencies that administer federal public benefits to have a verification system in place that complies with the regulations.

If the applicant is a child or is not competent, another individual must complete the same written declaration under the same terms and penalties. However, if an immigrant is applying for benefits on behalf of another person, federal law allows the agency to verify **ONLY** the status of the person who will actually be receiving the benefits. An undocumented parent must be careful to provide accurate income information and must **NOT** provide a false Social Security number. An applicant who is not a citizen, or who is not qualified, is not required to provide information regarding his immigration status.

Nonprofit Charitable Organizations

Even under the new welfare and immigration laws, nonprofit charitable organizations that provide federal, state, and local public benefits are not required to determine, verify, or otherwise require proof of an applicant's eligibility for such benefits based on the applicant's status as a U.S. citizen, a U.S. non-citizen, national or qualified immigrant.

A nonprofit charitable organization cannot be penalized for providing federal public benefits to an individual who is not a U.S. citizen, U.S. non-citizen national, or qualified immigrant.

Reporting to Citizenship and Immigration Services

Merely knowing that someone is ineligible for a certain federal benefit, such as food stamps, or is applying for his/her children while being undocumented, does NOT trigger reporting. In order to report someone, the state agency must know that the CIS has identified a person as being illegally present and is under an order for deportation.

Determining that an immigrant is here “illegally” can only be made when the immigrant in question is seeking Food Stamps, TANF, SSI, or housing benefits. Reporting can be triggered by fraud. An undocumented parent must be careful to provide accurate income information and must NOT provide a false Social Security number.

Public Charge & Public Benefits

What is public charge?

Persons who are not likely to support themselves and therefore likely to depend on public benefits (a public charge) can be denied a green card by the CIS. Outreach workers should educate immigrants, especially undocumented immigrants, that non-cash supplemental public benefits are not relevant to an individual’s right to become a citizen. Programs that are considered safe and which guarantee NO problems in getting a green card or becoming a citizen:

Health Programs

Emergency Medicaid

Immunizations

Testing and treatment for communicable diseases

Use of health clinics

Food Programs

WIC

School and Lunch Services, including summer programs

Food Pantries

Senior Meals, Meals on Wheels

Educational Benefits

Head Start

Any other service/assistance from a nonprofit or charitable program.