



## **What every non-citizen should know about Public Benefits in New York City!**

Many public programs in New York City provide cash or other benefits that can help your family make ends meet. Immigrants/non-citizens are eligible for many of these programs but do not apply because they think they are not eligible or that it could be dangerous to apply. The following are some common concerns immigrants have about applying for public benefits and the facts that can help you decide if you should apply.

### **CONCERN #1: *I am undocumented so I can't get any benefits.***

**Fact: Many important benefit programs are available to people regardless of citizenship or immigration status, including:** Child Health Plus, PCAP (Medicaid for pregnant women), Emergency Medicaid, non-emergency medical care from NYC Health and Hospital Corp. facilities, WIC (nutrition assistance for pregnant women and children), Worker's Compensation, homeless shelters and domestic violence shelters. In addition, children who have different immigration status than their parents may be eligible for other benefits even when their parents are not. (For example, if you are undocumented but your children are citizens they are eligible for many benefits and you are allowed to apply on their behalf.)

### **CONCERN #2: *If I apply for benefits I might get reported to immigration authorities or deported.***

**FACT: In New York State, immigrants *should not be reported to immigration authorities unless they supply fraudulent immigration documents to the benefits agency or show the agency that they have an Order of Deportation.*** A parent (regardless of your immigration status) applying for benefits on behalf of your child or other eligible family member, the agency must process the application on behalf of those individuals and the parent will not be reported to immigration authorities. (You may be asked to give income information for family members for whom you are legally responsible.)

### **CONCERN #3: *I won't be able to get a green card if I get benefits because I will be considered a "public charge".***

**FACT: Any eligible immigrant may use the following programs without any risk of being designated a public charge:** Medicaid, Child Health Plus, Family Health Plus, WIC, PCAP, Food Stamps, School Meals, Child Care Assistance, Unemployment Insurance, Worker's Compensation, Public Housing and Section 8 and utility assistance programs.

Only receiving benefits from a cash assistance program (not Medicaid or Food Stamps) can raise the risk that immigration will consider you to be a "public charge". If immigration decides that you are likely to continue to use these benefits in the future, they can deny you permanent residence (a green card or permanent resident visa). However, short term use does not automatically make you a public charge, especially if you can show it was temporary and related to a specific situation. The ONLY programs that immigration is allowed to consider as "public charge" type programs are welfare (Family Assistance and Safety Net Assistance), Supplemental Security Income (SSI) and long term care in an institution that is paid for by Medicaid. Public charge applies primarily to immigrants who are petitioned for by their relatives (their spouse or parent or adult child). However, battered immigrants who use benefits are EXEMPT from public charge consideration.



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**CONCERN #4: *I won't be able to get citizenship if I get benefits.***

**FACT: You cannot be denied citizenship for legally receiving benefits of any kind, including cash assistance.** The "public charge" designation is never applied to people seeking citizenship.

**CONCERN #5: *I won't be able to sponsor my family if I get benefits.***

**FACT: You are allowed to *become a sponsor* regardless of any public benefits you receive.** There is an income requirement (over 125% of the poverty level or sufficient assets) to sponsor relatives, but meeting this requirement has nothing to do with receiving public benefits.

**CONCERN #6: *My sponsor may have to pay back any benefits I receive.***

New York State will not sue sponsors for food stamp benefits that sponsored immigrants receive. The State has also instructed the local social services districts not to sue sponsors for Medicaid provided to a sponsored immigrant until regulations have been issued. No regulations have been issued to date and are not likely to be issued any time soon. Although welfare districts are allowed to pursue sponsors for repayment of cash assistance provided to an immigrant, no district has done so.

**Sources:**

Open Letter to Immigrant New Yorkers, NYC Health and Hospitals Corporation,  
<http://www.nyc.gov/html/hhc/downloads/pdf/open-letter-english.pdf>

Public Charge Fact Sheet, USCIS (May 1999), [http://www.uscis.gov/graphics/publicaffairs/factsheets/public\\_cfs.pdf](http://www.uscis.gov/graphics/publicaffairs/factsheets/public_cfs.pdf)

Affidavit of Support Fact Sheet, USCIS (October 1997) <http://www.uscis.gov/graphics/publicaffairs/factsheets/afffact.htm>

99-ADM-2 Alien Sponsorship—Deeming of Sponsor's Income and Resources,  
[http://www.otda.state.ny.us/directives/1999/ADM/99\\_ADM-02.pdf](http://www.otda.state.ny.us/directives/1999/ADM/99_ADM-02.pdf)

99-INF-17 Reporting of Aliens Known to be Unlawfully in the United States (September 1999), NYS Office of Temporary and Disability Assistance [http://www.otda.state.ny.us/directives/1999/INF/99\\_INF-17.pdf](http://www.otda.state.ny.us/directives/1999/INF/99_INF-17.pdf)

An Advocate's Guide to Government Benefits for Immigrants, The Legal Aid Society, <http://www.legal-aid.org/Uploads/December%202003%20Guide2.pdf>

Restrictions on Eligibility of Non-Citizens in New York State for Certain Public Benefits, Empire Justice Center/Fordham University,  
<http://www.empirejustice.org/IssueArea/ImmigRights/AccessToPubBen/2005/EmpireJusticeFordhamChart2005.pdf>

Concerns Regarding Immigrants and Public Benefits, The New York Immigration Coalition,  
<http://www.thenyc.org/templates/documentFinder.asp?did=18>

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