

Washington Public Assistance for Lawfully Present Immigrants

Overview

This fact sheet explains what public benefits may be available to immigrants who are considered lawfully present in the U.S.

❖ This is general information only. For advice about your situation, talk to an immigration lawyer. More information and the other publications we mention here are available at WashingtonLawHelp.org.

Am I a lawfully present immigrant?

Probably, if the government has granted you an immigration status allowing you to be in the U.S., or if you have filed an application for immigration status.

These categories of immigrants are considered lawfully present:

- Lawful Permanent Residents (LPRs or “green card” holders)
- Asylees
- Refugees
- Granted Withholding of Deportation or Removal, under the immigration laws or under the Convention Against Torture (CAT) • Cuban - Haitian Entrants
- Paroled into the U.S.
- Conditional Entrants
- Certain battered immigrant spouses and children, and their children and parents
- Certain victims of trafficking and some family members
- Granted Temporary Protected Status

- Granted Deferred Action, except for persons granted Deferred Action under DACA for childhood arrivals
- Granted Deferred Enforced Departure
- Granted Family Unity
- Citizens of the Marshall Islands, Micronesia, and Palau
- Individuals in current non-immigrant status who have not violated the terms of their status. This includes persons with student visas, U visas and V visas
- Applicants for Adjustment with approved visa petitions
- Applicants for Adjustment Applicants for Asylum and/or Withholding of Deportation or Removal
- Applicants for TPS Applicants for Suspension of Deportation or Cancellation of Removal
- Lawful Temporary Residents under IRCA
- Applicants for Legalization under IRCA or the LIFE Act
- Applicants for Registry
- Individuals on an Order of Supervision
- Children who have applied for Special Immigrant Juvenile status

I am a lawfully present immigrant. Am I eligible for benefits?

Yes. You may be eligible for these **Washington State programs:**

- **State Family Assistance** - cash benefits for families
- **Aged, Blind and Disabled (ABD)** – cash assistance for seniors and persons with disabilities
- **Food Assistance Program (FAP)** - state funded food assistance
- **ADATSA** - Alcoholism and Drug Addiction Treatment and Support
- **Medical Care Services (MCS)** for seniors and persons with disabilities

- Medical benefits for pregnant women and for children - read [Apple Health for Kids](#)
- **Consolidated Emergency Assistance Program (CEAP)** - read [CEAP: Extra Money for Needy Families](#). This program sometimes lacks funding
- You may also be eligible for some **federal programs**. These include:
 - Emergency Medicaid, immunizations, testing and treatment of communicable diseases
 - Qualified Health Plans - private health plans purchased through the Health Benefits Exchange, and federal tax credits and subsidies to help with out-of-pocket costs of such plans
 - Disaster relief
 - School lunch and child nutrition programs
 - Foster care and adoption assistance
 - Higher education loans, Head Start, and other education programs
 - Job Training Partnership Act
 - Community programs needed to protect life or safety, such as domestic violence shelters

I have DACA. Am I considered lawfully present?

It depends. You are considered lawfully present under some state benefits programs. These include state-funded medical for seniors and persons with disabilities, State Family Assistance, and state-funded food assistance.

You are **not** considered lawfully present under the federal Affordable Care Act. You cannot purchase a Qualified Health Plan (private insurance) through the Health Benefits Exchange or get tax credits or subsidies to help with costs of such insurance.

What is “qualified” status?

Some lawfully present immigrants are also considered “qualified.” Qualified immigrants are eligible for additional federal benefits. Many restrictions apply.

The categories of lawfully present immigrants considered qualified are:

- Lawful Permanent Residents (LPRs or “green card” holders)
- Asylees
- Refugees
- Granted Withholding of Deportation or Removal, under immigration laws or under the Convention Against Torture (CAT) • Cuban - Haitian Entrants
- Paroled into the U.S.
- Conditional Entrants
- Certain battered immigrant spouses and children and their children and parents
- Certain trafficking victims and certain family members
- If you are a qualified immigrant, you are eligible for all the benefits above for lawfully present immigrants. You may also be eligible for these federal programs:
 - Temporary Assistance for Needy Families – cash assistance for low-income families
 - Federally funded food stamps
 - Refugee cash and medical assistance
 - Non-emergency Medicaid
 - SSI – cash assistance for seniors and persons with disabilities. This program has many eligibility restrictions, especially if you arrived in the U.S. after August 22, 1998

Some immigrants are not eligible for these programs for their first 5 years in qualified status. These include people who get green card status through a visa petition filed by a family member. Humanitarian entrants, such as asylees and refugees, are not subject to this five-year bar. There is also an exception for persons in the military and veterans, and their family members.

If you got legal status through a visa petition filed by a family member, your sponsor's income may be counted in deciding if you are eligible. Some exceptions may apply. Read [Washington Public Assistance for Family Visa Beneficiaries](#).

How do I apply for benefits?

Cash and food assistance: you can apply at your local DSHS (Department of Social and Health Services) office or apply online at www.washingtonconnection.org.

Most **medical programs**, including insurance and subsidies: apply online at wahealthplanfinder.org, by calling 1-855-923-4633 (1-855-WAFINDER), or by asking Healthplanfinder or your local DSHS office for a paper application. If you go online, make sure you go to the correct website: wahealthplanfinder.org. Many community clinics have “in person assisters.” They can help you apply. You can apply for state-funded medical assistance for persons who are over 65 or have a disability at your local DSHS office.

❖ You can get correspondence about your application for health care benefits from the Health Benefits Exchange (“HBE”) or the Health Care Authority (“HCA”). Both administer medical programs in Washington State.

Do I need proof that I am lawfully present?

Yes. DSHS and HCA/HBE will ask for documentation from USCIS, an immigration court, or other authority, showing you are in a lawfully present status. If your documents are expired or lost, you must apply for replacements for them. You may be able to ask to have the fee waived (forgiven) when you apply.

If you do not have documents showing your status, talk to an immigration lawyer.

Call **Northwest Immigrant Rights Project** in Western Washington at 800-445-

5771, or in Eastern Washington at 888-756-3641 (Asotin, Benton, Columbia,

Franklin, Garfield, Kittitas, Klickitat, Walla Walla Whitman & Yakima counties) or 866-271-2084 (Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane & Stevens counties).

❖ Immigration law is complicated. Talk to a lawyer for advice about your situation.

I do not speak English. I need to apply for benefits. What should I do?

You can indicate on the application form that you need to have information communicated to you in a language other than English. DSHS and HCA/HBE must give you a free interpreter and translated notices about your benefits.

Keep copies of notices you get about your benefits. If you do not understand something in a notice, ask the office that sent it for help. **DSHS:** contact your caseworker, your local community services office, or the customer service center at 1-877-501-2233. **HBE:** call the Customer Support Center at 1-855-923-4633. **HCA:** call Medical Eligibility Determination Services at 1-855-623-9357. All these offices should provide a translated notice or phone interpretation of it.

Keep copies of any information you give DSHS or HCA/HBE, and proof that you mailed or hand-delivered it. Ask to have a copy date-stamped at DSHS. Having copies of your communication with DSHS and HCA/HBE can help if there are problems with your benefits.

I am a lawfully present immigrant. Can I get a Social Security number?

Probably. If you do not have work authorization, the Social Security office should give you a **non-work** number if you need it to get state or federal benefits for which you are eligible. You must give SSA a letter from DSHS or HCA/HBE stating you need a number to get benefits.

If SSA will not give you a non-work number, ask them for a letter or email confirming that you tried to apply. Give DSHS or HCA/HBE a copy. They should not delay your benefits application while you try to apply for a Social Security number.

I use public assistance. Will that keep me from getting green card status?

Maybe. Some immigrants must show when they apply for green card status that they are not going to rely on government assistance for financial support. This is called the **public charge test**.

The public charge test only applies to certain immigrants. These include people applying for a green card through a visa petition filed by a family member. It does

not apply to refugees, asylees, or other humanitarian entrants. Many benefits, including many medical programs, are not considered in the public charge test. For updated information on the public charge rules see [The New Public Charge Rule: What You Need to Know](#).

What if DSHS OR HBE/HCA denies my benefits application?

If you believe you are eligible, or you want someone else to review your case, you can appeal. If you disagree with a **decision by DSHS**, tell your worker you want an Administrative Hearing **or** ask for a Hearing Request form to fill out. If you disagree with a **decision by HBE/HCA**, they should give you a copy of an appeal form to submit. If they do not, call 1-855-923-4633 (HBE) or 1-855-623-9357 (HCA) to ask for one.

You should appeal quickly. Deadlines for filing an appeal are short. Contact a legal services office for advice.

There is no fee or penalty for asking for an administrative hearing with DSHS or HBE/HCA. You can withdraw (cancel) your request later if you find out the decision was correct.

Get Legal Help

Outside of King County, call the CLEAR Hotline at

1-888-201-1014 weekdays between 9:15 am - 12:15 pm.

In King County call 211 weekdays between 8:00 am - 6:00 pm. They will refer you to a legal aid provider.

Seniors (age 60 and over) can also call CLEAR*Sr at 1-888-387-7111 (statewide).

You can also apply online with CLEAR*Online: nwjustice.org/get-legal-help.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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