

# Washington Public Assistance for Lawfully Present Immigrants

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## Should I read this?

This is for certain immigrants and immigration applicants the U.S. government says are lawfully present in the U.S. You may be eligible for some state and federal benefits programs.

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- ❖ This is general info only. For advice about your situation, speak with an immigration lawyer. More info and the other publications referenced here are available at [washingtonlawhelp.org](http://washingtonlawhelp.org).
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## Am I a lawfully present immigrant?

Probably, **if** the U.S. has granted you some kind of immigration status allowing you to be in the U.S. The U.S. also considers many immigration applicants lawfully present, even if USCIS has not yet approved your application. In some of these cases, you must have employment authorization.

These categories 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, including 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 with a pending application for Special Immigrant Juvenile status

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

You may be eligible for these **Washington State programs**, if you meet other requirements, such as having a low income and living in Washington:

- 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](#). Lack of funding sometimes forces DSHS to suspend this program

You may be eligible for some **federal programs**, including:

- 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

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❖ Most lawfully present immigrants must carry health coverage. They face a tax penalty for not doing so. Read [Health Care Reform: Requirement to Get Coverage](#).

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- 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 been granted deferred action under the Deferred Action for childhood Arrivals (DACA) law. Am I considered lawfully present?**

It depends. You are considered lawfully present for the purposes of some state benefits programs, including state-funded medical for seniors and persons with disabilities, State Family Assistance, and state-funded food assistance.

You are NOT considered lawfully present for purposes of 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.” This may make you 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 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 for refugees, asylees, and trafficking victims
- Non-emergency Medicaid
- SSI – cash assistance for seniors and disabled persons. This program has many eligibility restrictions, especially if you arrived in the U.S. after August 22, 1998

Some categories of qualified immigrants are eligible for these programs only after they have been in a qualified status for five years.

**Example:** some persons who got their green card 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 or veterans and their family members.

If you got legal status through a visa petition filed by a family member, you may be ineligible for some programs. The benefits-granting agency (DSHS or HBE/HCA) will consider your sponsor’s income in determining your financial eligibility. Some exceptions may apply. Read [Washington Public Assistance for Family Visa Beneficiaries](#).

### How do I apply for benefits?

**Cash and food assistance:** apply at your local DSHS (Department of Social and Health Services) office.

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

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- ❖ You may get correspondence about your application for health care benefits from either the Health Benefits Exchange (“HBE”) or the Health Care Authority (“HCA”). Both administer medical programs in Washington State.
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## Do I need proof that I am lawfully present?

**Yes.** DSHS and HCA/HBE will ask for written 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 replacement documents. 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. Contact 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).

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- ❖ Immigration law is complicated. Talk to a lawyer for advice about your situation.
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## I do not speak English. I need to apply for benefits. What should I do?

You must put on the application form that you have a hard time reading, writing, speaking or understanding English. You should put the language in which you prefer to communicate. DSHS must give you a free interpreter and translated notices about your benefits. HCA/HBE must also provide free interpreter services and translated notices.

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 info you submit to DSHS or HCA/HBE, and proof of mailing or that you submitted it in person. Ask to have a copy date-stamped at DSHS. Having copies of your correspondence to and from 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.

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- ❖ **You cannot use a non-work number to work.** Any earnings reported to a non-work number may be reported to USCIS.
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If SSA will not give you a non-work number, ask for documentation that you tried to apply. Give a copy to DSHS or to HCA/HBE. They should not delay your benefits application while you try to apply for a social security number.

## I get cash benefits. Will that keep me from getting green card status?

**Possibly.** Depending on your status, USCIS may deny your application for lawful permanent residence if it finds you are likely to become a public charge (likely to depend on **cash assistance** for your support).

Some lawfully present immigrants, like refugees and asylees, are not subject to the public charge rules. They do not have to show they are not likely to become a public charge.

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- ❖ Talk to an immigration lawyer and read [When is It Safe for Immigrants to Get Benefits? Public Charge Rules and Possible Changes](#) for current info on public charge rules.
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### What if DSHS OR HBE/HCA denies my benefits application?

If DSHS or HBE/HCA denies your application and 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 requesting an administrative hearing with DSHS or HBE/HCA. You can withdraw (cancel) your request later if you find out the decision was correct.

### What if I need legal help?

- Apply online with [CLEAR\\*Online](#) - <https://nwjustice.org/get-legal-help> or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays 9:15 a.m. - 12:15 p.m.
- **King County:** Call 211 for info and referral to an appropriate legal services provider weekdays 8:00 am – 6:00 pm. You can also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on King County legal service providers at [www.resourcehouse.com/win211/](http://www.resourcehouse.com/win211/).
- **Persons 60 and Over:** Seniors age 60 or over may call CLEAR\*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County may call 2-1-1.

Deaf and hard-of-hearing callers can call 1-800-833-6384 for a free relay operator. They will connect you with 211 or CLEAR.

CLEAR and 211 will conference in free interpreters when needed.

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