



Public Assistance for Immigrants Who are not Lawfully Present

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- ❖ Read this only if you live in the state of Washington.
 - ❖ You can find all the fact sheets we link to here at WashingtonLawHelp.org.
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Overview

This fact sheet explains what benefits you may be eligible for if you are an immigrant who is not considered lawfully present in the U.S.

You probably are not considered lawfully present if you

- Entered the U.S. without being inspected and admitted by an immigration officer

or

- Have overstayed or violated your original immigration status

and

- You have not applied for or been granted an immigration status that currently allows you to legally remain in the U.S.

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- ❖ If you have applied for lawful immigration status, or Department of Homeland Security has granted you status that allows you to be in the U.S. legally, you may be considered “lawfully present.” This would make you eligible for more benefits. Read [Washington Public Assistance for “Lawfully Present” Non-Citizens](#).
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I am not lawfully present. Am I eligible for any public assistance?

Maybe. You may be eligible for limited programs **if** you meet other requirements, such as having a low income. These programs include:

- emergency Medicaid
- medical coverage for pregnant women

❖ **New in 2021:** If you are getting Apple Health postpartum care (coverage for after the birth of your child) on or up to a year after the end of the COVID-19 federal health emergency, you will get that care for 1 year after the birth of your child.

- medical coverage for children—read [Apple Health for Kids Program](#)
- medical coverage for dialysis or cancer treatment
- immunizations, testing for and treatment of communicable diseases, including coronavirus (COVID-19)
- disaster relief
- school lunch, child nutrition programs, foster care and adoption assistance
- higher education loans
- Head Start and other education programs
- Job Training Partnership Act
- community programs necessary to protect life or safety such as domestic violence shelters
- A once-a-year emergency cash grant for families—read [Consolidated Emergency Assistance Program \(CEAP\): Extra Money for Needy Families](#)

I am not eligible. Can I still apply for assistance for my family members?

Yes. They may be eligible even if you are not. All children with low incomes in the state of Washington are eligible to get free or reduced fee medical coverage. Their immigration status does not matter.

If I apply for assistance for myself, will I be reported to immigration authorities?

There is very little risk of this. A number of laws and policies protect the privacy of the information you give when you apply for benefits.

If you apply for medical assistance, the information you give can only be used to determine if you are eligible for that assistance. It **cannot** be used for immigration enforcement.

For most other types of benefits, your information can only be reported to immigration authorities if all of these are true:

1. An immigration official or court has ordered you deported or removed.
2. You give state officials a document showing you have been ordered deported or removed.
3. An administrative law judge reviews the document and determines it is valid.

What if I am just applying for my children?

You do not need to give information about your own immigration status if you are only applying for other family members. You may need to give proof of your income.

How do I apply for public assistance?

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

Most **medical programs:** apply through Healthplanfinder online at www.wahealthplanfinder.org, by phone at 1-855-923-4633 (1-855-WAFINDER), or ask for a paper application from Healthplanfinder or from your local DSHS office. If

you go online, make sure you go to www.wahealthplanfinder.org. Many community clinics have “in-person assisters.” They can help you apply.

You may get letters about your application for health care benefits from the Health Benefits Exchange (HBE) **or** the Health Care Authority (HCA). Both run medical programs in Washington State.

I do not speak English. I want to apply for assistance. What should I do?

You should put on the application form

- That you have a hard time reading, writing, speaking or understanding English.
- The language in which you prefer to communicate.

DSHS must provide you with both of these:

- a free interpreter
- translated notices about your benefits so you can read about your rights and responsibilities in your own language

HCA/HBE must also provide free interpreter services and translated notices.

❖ Keep a copy of any notices you get about your benefits.

I do not understand a notice from the agency. What can I do?

If there is anything in a notice that you do not understand, contact the office that sent it. Ask them for help.

For DSHS: contact your caseworker, your local community services office, or the customer service center at 1-877-501-2233.

For HBE: call the Customer Support Center at 1-855-923-4633.

For HCA: call Medical Eligibility Determination Services at 1-800-562-3022.

These offices should provide a translated notice or a phone interpretation of it so you can fully understand what it says.

Should I also keep copies of things I give the agency?

Yes. You should also keep a copy of any information you give to DSHS or HCA/HBE, and proof of mailing or that you hand delivered it.

❖ You can ask to have a copy date-stamped at DSHS.

Keeping copies of your letters to and from DSHS and HCA/HBE may help if there are problems with your benefits.

Will getting assistance make me ineligible to get lawful permanent resident (green card) status in the future?

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**. It only applies to certain immigrants. These include:

- persons applying for a green card through a visa petition filed by a family member
- some persons applying for a green card through a visa petition filed by an employer

It does not apply to refugees, asylees, or other humanitarian entrants.

If you are not lawfully present, you probably are not eligible for any benefits that would affect your ability to get a green card in the future.

To learn more about current public charge rules, read [Public Charge: What You Need to Know](#).

What if I lost my immigration documents?

Talk to an immigration lawyer, or call [Northwest Immigrant Rights Project](#) at (206) 587-4009 or (509) 854-2100 for advice.

What if they deny my benefits application?

If DSHS or HBE/HCA denies your application and you believe you are eligible or want someone else to review your case, you can appeal.

- **For DSHS:** tell your worker that you want an Administrative Hearing or ask to fill out a Hearing Request form. Read [I applied for benefits. DSHS said no.](#)
- **For HBE/HCA:** they should give you an appeal form. If they do not, call 1-855-923-4633 (for HBE) or 1-800-562-3022 (for HCA) to get one.

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. You can always withdraw your request later if you find out the decision was correct.



Get Legal Help

- **Apply online** with [CLEAR*Online](https://nwjustice.org/apply-online) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.
- **Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

CLEAR and 2-1-1 will provide interpreters.

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