

Washington Public Assistance for Immigrants Who Are Not Lawfully Present

Should I read this?

This explains what benefits you may be eligible for if you are an immigrant who is not considered to be 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, 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?

You may be eligible for limited programs IF you meet other requirements, such as being low-income. These programs include:

- emergency Medicaid
- medical coverage for pregnant women
- medical coverage for children - see [Apple Health for Kids Program](#)

- medical coverage for dialysis or cancer treatment
- immunizations, testing for and treatment of communicable diseases
- 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 – see [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. Your family members may be eligible for assistance even if you are not. All low-income children in Washington state are eligible for free or reduced fee medical coverage, regardless of immigration status.

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

There is very little risk of this. There are a number of laws and policies in place that protect the privacy of the information you provide when you apply for benefits.

If you apply for medical assistance, the info you provide can only be used to determine your eligibility for 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 is true:

- (1) An immigration official or court has ordered you deported or removed.
- (2) You provide 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 provide info about your own immigration status if you are only applying for other family members. You may need to provide 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 by requesting 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” to 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 administer medical programs in Washington State.

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

You should indicate 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.

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- ❖ Keep a copy of any notices you get about your benefits.
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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 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 1-855-623-9357.

These offices should provide you 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 info you submit to DSHS or HCA/HBE, and proof of mailing or that you submitted it in person.

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- ❖ You can ask to have a copy date-stamped at DSHS.
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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 for 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 **public charge test** only applies to certain immigrants, including:

- persons legalizing their status through a visa petition filed by a family member
- some persons legalizing their status 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 cash assistance that would affect your ability to get a green card in the future. You may have a hard time legalizing your status if the public charge test applies to you and your family relies on cash assistance

received by other lawfully present family members. You can try to show your family only needed the cash assistance temporarily OR you got it long before applying for your green card.

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- ❖ Under current policies, receiving food or medical assistance is not a problem, unless you receive long-term care in an institutional setting (like a nursing home).
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This area of the law is complicated. Talk to an immigration lawyer. [When Is It Safe for Immigrants to Use Public Benefits: Public Charge Rules and Possible Changes](#) has more info.

What if I lost my immigration documents?

If you have lost your 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.

For HBE/HCA: they should give you an appeal form. If they do not, call 1-855-923-4633 (for HBE) or 1-855-623-9357 (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.

What if I need legal help?

- **Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help)**
- <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 may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on legal service providers in King County through 211's website, 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, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of your choice.

CLEAR and 211 will conference in free interpreters when needed.

Free legal education publications, videos, and self-help packets covering many legal issues are available at www.washingtonlawhelp.org.

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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