

Frequently Asked Questions about Immigrants and Government Benefits

This is a simple explanation of your rights to government benefits.
The laws on immigrants and government benefits are very complicated.
Seek legal advice if you have any questions.

I am a legal immigrant living in South Carolina. Am I eligible for government benefits?

For most legal immigrants to get government benefits, they must meet income requirements and have had a green card, proving their Lawful Permanent Resident status, for five years. Otherwise, they must fall into one of these groups:

- Refugees/asylees;
- Cubans or Haitians, who meets certain rules;
- Domestic violence victims with a Violence Against Women Act (VAWA) application pending;
- Certified victims of human trafficking.

An immigrant can file a petition under VAWA for both her and her child or only on behalf of her child if (1) both or either of them has been a victim of domestic violence AND (2) the spouse or the other parent or the step-parent of the child is a U.S. citizen or green card holder. VAWA provides a way for undocumented, abused immigrants to obtain legal status. If you are a domestic violence victim call the National Domestic Violence Hotline for help at 1-800-799 SAFE (7233).

A certified victim of human trafficking is someone the government says (1) was forced or tricked into coming to the U.S. AND (2) made to perform sexual acts or work as a slave while in the U.S. The government gives people this status if they meet all the rules to receive a T-Visa.

What benefits can I receive?

- Supplemental Nutrition Assistance Program (SNAP) – formerly called Food Stamps – is used to buy food;
- Temporary Assistance for Needy Families (TANF) – temporary cash assistance for people who have one or more children under age 18 living in the home;

Supplemental Security Income (SSI) - for those who are aged, blind, or disabled and did not work enough to get Social Security Disability. SSI provides cash to meet the basic needs of food, clothing, and shelter.

- Medicaid – pays for health care services and transportation to and from medical and therapy appointments;
- Housing benefits – pays part of your rent.
- Women, Infants, and Children (WIC) - helps pregnant women, nursing mothers, and children up to age five buy nutritious foods.

Where do I go to get these benefits?

The chart below tells you where to apply for each benefit.

Benefit	Where to Apply
SNAP	Local Department of Social Services
TANF	Local Department of Social Services
SSI	Local Social Security Office
Medicaid	Local Department of Health and Human Services
Housing benefits	Local Housing Authority or the State Housing Authority (HA) office if your city does not have a local HA.
WIC	Local Department of Health and Environmental Control



Often the Department of Social Services and the Department of Health and Human Services are in the same building, making it easier to apply for multiple benefits.

I am an undocumented immigrant; can I qualify for any benefits?

You are not eligible for most benefits. You are only eligible for Women, Infants, and Children (WIC) and Emergency Medicaid.

WIC helps pregnant women, nursing mothers, and children up to the age of five buy nutritious foods.

Emergency Medicaid is available only to immigrants who are income eligible for Medicaid, but have been denied regular Medicaid because of their immigration status. Emergency Medicaid only pays your hospital bill if you are giving birth or if you arrive at the hospital with a life-threatening injury or illness. You can fill out the form for Emergency Medicaid at the hospital or your local Department of Health and Human Services (DHHS) office. Fill the form out right away, because there are time deadlines for getting this benefit.

If you are a domestic-violence victim, you can receive government benefits even if you are not documented, as long as you file a petition for legal status under the Violence Against Women Act (VAWA) and get a letter confirming your eligibility from the government.

Some services are for everyone, regardless of immigration status.

Everyone, regardless of immigration status, can get some help, even if not from the government. However, not all of these services are free.

Some agencies provide mental health and/or drug and alcohol services. For example, if you are an alcoholic, you can attend Alcoholics Anonymous meetings and get help for your alcohol problems.

For health care, you can go to the emergency room for treatment. Many public health programs also provide immunizations and testing for treatment of dangerous and contagious diseases. You also can get help for medical problems at community health clinics.

Children can get special services. BabyNet helps families with children between the ages of zero and three in cases where the child is born early or underweight or does not develop at the same rate as other children his age.

If your children are almost school age, they can go to Head Start. Head Start helps prepare children for kindergarten. From kindergarten until graduating from high school, your child can get free or reduced school breakfasts and lunches, if you meet the low-income guidelines.

Everyone can receive help from the fire department, police department, and ambulance services. All people can also call 911 for emergencies. Everyone can also use the public transportation system, like buses.

Finally, you may get help from homeless shelters, soup kitchens, food banks, and disaster relief services.

If I am an undocumented immigrant, can I get benefits for my child who is a U.S. citizen?

Yes.

If my child, who is a U.S. citizen, receives government benefits, will he have to pay back the government after turning 18?

No. Your child will not have to pay back the government.

How do I get benefits for my children who are U.S. citizens?

You apply at your local Department of Social Services office (DSS) for SNAP and TANF. Apply for SSI at your local Social Security Office (SSO) and for WIC at your local Department of Health and Environmental Control office (DHEC). For Emergency Medicaid, apply at the Department of Health and Human Services (DHHS). The local or state Housing Authority (HA) takes your application for public housing. When you apply for government benefits for someone else, like your child with citizenship, you are a “non-applicant”. Your legal status does not matter.

When applying for government benefits, what information must I give about my immigration status or my family’s immigration status?

You do not have to give any information about your immigration status when you are a non-applicant. You only have to give information about the legal status of those people applying for benefits. The agencies only need to determine who is a “qualified immigrant”. Only qualified immigrants can receive government benefits like SNAP, Medicaid, TANF, SSI, and housing benefits.

Qualified immigrants are:

- Lawful Permanent Residents (green card holders)
- Refugees and asylees
- Persons granted a withholding of deportation
- Married/recently divorced domestic-violence victims, children, and step-children of Lawful Permanent Residents or U.S. citizens, if they have a pending VAWA application.
- Human trafficking victims

The agency may only ask about the immigration status of the person who will receive the benefits.

For example, if you are an undocumented mother applying for your “qualified” child (a U.S. citizen), the agency can only ask about the immigration status of your child. The agency may not ask any questions about your immigration status.

If anyone from these agencies asks about your immigration status, just tell them you are not applying for government benefits for yourself. **Never tell anyone you are undocumented.**

I want to apply for government benefits for my family, but my family has people who are not in the U. S. legally. Will we be reported to the Department of Homeland Security?

The agency only reports family members who are not qualified if the agency **KNOWS** they are undocumented. The agency only **KNOWS** you and your family are undocumented if:

1. You or a family member gives them documents that appear forged or falsified; or
2. You or a family member tells the agency you are undocumented and shows them a current order of deportation.

Do not use social security numbers (SSNs) or immigration papers that are fake/false or belong to someone else. You cannot get benefits this way, and you may be arrested for trying. You will also hurt any chance you have at getting legal status.

Applications often ask for the Social Security Number (SSN) or immigration status of everyone in the household. Is all this information required to get benefits?

No. The service provider only needs to figure out if the applicant (the person who will receive the government benefits) is “qualified” or “not-qualified.”

Write “unavailable” in blanks asking for the SSNs of persons in the household who are not applying for benefits.

For example: You and your husband are undocumented, but want to apply for SNAP for your two U.S. citizen children. You have a “household” of four people – you, your husband, and your two U.S. citizen children. You must give *income and resource information about your four-person household*. However, you will only be able to get SNAP for your two children, whose citizenship qualifies them. When the forms ask for your and your spouse’s SSNs just put “unavailable” in the blanks. Also, tell the worker you do not want SNAP or other benefits for you or your spouse, just your U.S. citizen children.

Scratch out anything on any form or application that says “undocumented” or “illegal” and write, “not- qualified.”

Will getting government benefits keep me from becoming a green card holder or U.S. citizen?

The government does not want immigrants in the U.S. who cannot financially support themselves. If the government thinks the benefits are your only income, it will affect your ability to get a green card or become a U.S. citizen. However, if you need the government benefits because you are a battered immigrant under VAWA, it will not keep you from becoming a green card holder or U.S. citizen. If you have concerns, talk to an experienced immigration attorney.

I speak Spanish and understand very little English. Will there be anyone in the office who speaks Spanish?

Under Federal law, all these agencies must provide free interpreters and translated materials.

DSS has a contract with HABLA. HABLA is a program that interprets over the phone. The worker at DSS can call HABLA and have an interpreter explain what the DSS worker is saying to you and what you are saying to the DSS worker. Some DSS offices also have interpreters on staff. All the other agencies either have staff or telephone interpreters that can assist you in Spanish.

What can I do if the caseworker does not follow the law, does not provide me with an interpreter, or treats me badly?

You can call Project Ayuda. Project Ayuda has law students who provide basic information about certain matters for Spanish speakers. Project Ayuda's phone number is (803) 777-9120. You can also call and complain about how you are being treated to the agency complaint lines. See the box below.

Benefit	Complaint phone number
SNAP	(803) 898-8080
TANF	(803) 898-8080
SSI	1-800-772-1213
Medicaid	(803) 898-2635
Housing benefits	1-800-669-9777
WIC	1-800-795-3272

This is not all of the information you need to know about qualifying for government benefits. Consult an attorney for more information. You can also call Project Ayuda to speak to a Spanish-speaking law student, who can give you basic information. Project Ayuda's number is (803) 777-9120. You may also want to go to www.scjustice.org for more information.



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The Immigration Matrix has been developed by the Spanish Advisory Committee of Family Connection SC, Inc. The members of this committee are representatives of various organizations who provide services to the Hispanic/Latino Communities throughout South Carolina as well as Parents of Children with Special Health Care Needs and Disabilities.

Family Connection would like to extend a special thanks to all our Committee Members.

