



Immigrants' Rights to Public Benefits in Pennsylvania

Many immigrants are eligible to receive cash assistance, SNAP, medical assistance, and other public benefits programs in Pennsylvania. The rules about which immigrants are eligible or not eligible can be complicated. This flyer provides general information on immigrants' rights to public benefits in Pennsylvania. For advice on a specific case, speak to an immigration or public benefits specialist.

1. What are the major public benefits programs?

- A. **Temporary Assistance for Needy Families (TANF)** provides cash to pregnant women and families with related children.
- B. **Supplemental Security Income (SSI)** provides cash to certain people who are:
 - Seniors aged 65 and older OR
 - Adults and children who have a serious, long-term physical or mental disability.
- C. **SNAP (Food Stamps)** provide government credits that can be used like money to buy food at most grocery stores.
- D. **Medical Assistance (MA)** provides health insurance which pays for medical care. Anyone who receives TANF or SSI automatically gets MA. Even if you earn too much money to get cash assistance, you and/or your children may still be eligible for MA alone. There are two types of MA:
 - **Federally-funded MA:** Low-income children, their related caretakers, people with long-term disabilities, and people over age 65 may be able to receive federally-funded MA.
 - **State-funded MA:** Adults who have very low incomes and have disabilities, are survivors of domestic violence, are in drug or alcohol treatment, or are caring for an unrelated child or a disabled adult may be able to get state-funded MA.

2. How does someone apply for these programs?

You can apply for TANF, SNAP, and MA by visiting your local welfare office. To find out which office in Philadelphia you should call 215-560-7226. You can apply for SSI by visiting your local Social Security Administration office or by calling 1-800-772-1213.

3. Can immigrants receive public benefits?

Each public benefits program has its own immigration status rules. Determining whether an individual's immigration status will restrict them from receiving a public benefit is a two-step process. First, determine what "type" of immigration category you fit into. Second, determine which public benefits that immigration "type" may be able to receive.

4. What are the immigration "types"?

Public benefit advocates generally classify people into five different immigration "types."

A. U.S. Citizens

B. "Qualified" Immigrants

- Lawful permanent residents (people who have a green card)
- Certain battered spouses and children (including VAWA petitioners)
- Asylees, refugees, and Cuban/Haitian entrants
- Persons granted withholding of deportation or withholding of removal
- Some others

C. "PRUCOL" Immigrants

Immigrants are considered Permanently Residing Under Color of Law (PRUCOL) if their presence in the United States is known to the government and they are allowed to remain in the United States indefinitely. Some examples of immigrants considered to be PRUCOL are:

- People residing in the US under an indefinite stay of deportation, an indefinite voluntary departure, or an order of supervision
- People with U-Visas.

D. "Lawfully present"

The following individuals are lawfully present in the U.S.:

- Nonimmigrants who have not violated the terms of their nonimmigrant status;
- Persons paroled into the U.S. for less than one year;
- Persons in temporary resident status;
- Persons under Temporary Protected Status (TPS) and persons with pending

- applications for TPS and employment authorization;
- Persons granted employment authorization;
 - Family Unity beneficiaries;
 - Persons currently under Deferred Enforced Departure;
 - Persons currently in deferred action status¹;
 - Persons whose visa petitions have been approved and who have a pending application for adjustment of status;
 - Persons over age 14 with pending applications for asylum and employment authorization;
 - Children under age 14 with applications for asylum pending at least 180 days; and
 - Children with pending applications for Special Immigrant Juvenile status.

E. Everyone Else

This includes undocumented immigrants.

¹ There is one exception to this rule. In 2012, the Department of Homeland Security announced that they would grant “deferred action” to certain undocumented immigrants age 30 and under who arrived in the U.S. as children. This is known as the Deferred Action for Childhood Arrivals (DACA) process. Immigrants granted deferred action through the DACA process are not lawfully present for public benefits purposes.

5. What public benefits may immigrants receive?

The immigrants listed in the chart below may receive the corresponding public benefit if they meet all other eligibility criteria (e.g., income limits) of the public benefit program.

TANF	Medical Assistance (MA)	SNAP	SSI
<ul style="list-style-type: none"> ✓ Citizens ✓ Qualified Immigrants ✓ PRUCOL immigrants 	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p style="text-align: center;"><u>STATE-FUNDED MA</u></p> <ul style="list-style-type: none"> ✓ Citizens ✓ Qualified immigrants ✓ PRUCOL immigrants </div> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;"><u>FEDERALLY-FUNDED MA</u></p> <ul style="list-style-type: none"> ✓ Citizens ✓ Qualified immigrants who: <ul style="list-style-type: none"> • Have been living in the US as a qualified immigrant for 5 years or more (see note a below); or • Are humanitarian immigrants (see note b below); or • Are pregnant or under age 21; or • Are LPR veterans and members of armed forces, and their immediate family members; or • Were lawfully residing in the U.S. on or before Aug 22, 1996. ✓ Lawfully present individuals who are pregnant or under age 21 ✓ Victims of trafficking ✓ Some Amerasians and American Indians born in Canada </div> <p style="font-size: small; margin-top: 10px;">** Individuals whose immigration status makes them ineligible for MA may receive <u>Emergency MA</u> to treat emergency medical conditions (see note e below).</p>	<ul style="list-style-type: none"> ✓ Citizens ✓ Qualified Immigrants who: <ul style="list-style-type: none"> • Have been living in the US as a qualified immigrant for 5 years or more (see note a below); or • Are humanitarian immigrants (see note b below); or • Are under 18; or • Are receiving disability benefits (see note c below); or • Are LPRs with 40 quarters work history (see note d below); or • Are LPR veterans or members of armed forces, and their immediate family members; or • Were lawfully residing in the US on Aug 22, 1996 and were 65 years of age or older at that time. ✓ Victims of trafficking ✓ Some Hmong and Highland Laotians who are lawfully residing in the U.S. ✓ Some Amerasians and American Indians born in Canada 	<ul style="list-style-type: none"> ✓ Citizens ✓ Qualified immigrants who: <ul style="list-style-type: none"> • Are humanitarian immigrants during their first seven years (see note b below); or • Are LPRs with 40 quarters work history and have been living in the U.S. as a qualified alien for 5 years or more (see note d below); or • Are LPR veterans or members of armed forces, and their immediate family members; or • Were lawfully residing in the U.S. before Aug 22, 1996 and are disabled. ✓ Victims of trafficking ✓ Immigrants who were receiving SSI on August 22, 1996 ✓ Some Amerasians and American Indians born in Canada

a. The five year bar

The federal welfare reform law of 1996 (the Personal Responsibility Work Opportunity Reconciliation Act, or PRWORA) placed restrictions on immigrant eligibility for federal means-tested benefits programs. As a result, many non-qualified immigrants are ineligible for federally-funded MA and SNAP and some qualified immigrants must wait five years after becoming a qualified immigrant before they may be able to get federally-funded MA or SNAP. The five year waiting period for qualified immigrants is known as “the five year bar.” **There are many exceptions to the five year bar**, which are included in the chart on page 4.

b. Humanitarian immigrants

These immigrants are known as “humanitarian” immigrants:

- Refugees;
- Asylees;
- Cuban/Haitian Entrants; and
- Persons granted withholding of removal.

c. Disability benefits for SNAP

The SNAP program only considers someone to be disabled if he or she receives government benefits based on a disability that will last 12 months or more. As a practical matter, the only disability benefit that individuals subject to the SNAP five-year bar could receive is MA for a long-term disability.

d. Lawful Permanent Residents who have work histories.

LPRs who have worked in the US for a total of “40 quarters” (that is, ten years) or more may be eligible for SNAP and SSI. LPRs with 40 quarters of work history and who entered the U.S. on or after August 22, 1996 must wait five years after becoming a qualified immigrant before they may be eligible for SSI. When counting quarters, immigrants may add their parents’ or spouse’s work to their own work. They may include any work done by their spouse while they were married, as long as the marriage did not end in a divorce. They may also include any work done by parents while they were under 18, including work done before they were born.

e. Emergency Medical Assistance (EMA)

EMA pays for necessary treatment of emergency medical conditions. An individual does not need to be in the Emergency Room to have an emergency medical condition. An emergency medical condition is any physical or mental health condition with acute symptoms, including severe pain, that requires immediate treatment to prevent serious jeopardy to health, serious dysfunction of a body part or organ, or serious impairment to bodily functions. This includes labor and delivery. As is the case with all public benefits programs, individuals must meet all other eligibility criteria (e.g., MA income limits) to receive EMA.

6. What if my immigration status makes me ineligible for public benefits?

There are various services open to *all* persons (even undocumented persons) regardless of immigration status. These include:

A. Medical services such as

- General medical care at community health centers. In Philadelphia County, you may call (215) 685-6790 to find out which community health center is closest to you.
- Public health services for immunizations and for the testing and treatment of symptoms of communicable diseases.

B. Nutrition programs such as

- School lunch and breakfast programs
- Women, Infant, and Children (WIC), a program providing food and nutrition information to pregnant women, breast-feeding women, and children aged 4 and under. Call 1-800-WIC-WINS to find out which WIC center is closest to you.

C. Programs and services delivered at the community level such as:

- Crisis counseling and intervention
- Child and adult protective services
- Violence and abuse prevention programs
- Domestic violence and other crime victim services
- Short-term shelter or housing assistance for homeless persons, or runaway, abused, or abandoned children
- Soup kitchens and community food banks
- Utility company discount programs²
- Emergency disaster relief.

7. What if I am undocumented but have children who are United States citizens?

U.S. citizen children of undocumented parents have the same rights to public benefits as all other citizens. Undocumented parents may apply for their citizen children. If you are undocumented and need to apply for cash, SNAP, or medical assistance for your children, you should not be forced to reveal information regarding

² If you are denied access to a utility company discount program because of your immigration status or because you did not provide a social security number, speak with a utility law specialist.

your own immigration status to the welfare department. When applying, be clear that you are applying only for your children, and not for yourself. If you feel you must mention something about your immigration status, it is better to state simply that you “do not have an immigration status which qualifies you to obtain benefits,” rather than revealing that you are undocumented.

Never show the welfare office proof that you are residing unlawfully in the country, such as an order of deportation against you. You should not have to reveal your particular immigration status if you are applying for benefits only for your children and not yourself.

If you apply for benefits for your children but are denied based on your failure to provide information regarding your own immigration status or social security number, seek legal assistance.

8. Will receiving public benefits affect my ability to get a green card or re-enter the United States if I leave?

Probably not. Under limited circumstances, the immigration authorities can refuse to let an immigrant become a permanent resident or re-enter the United States if they think that the immigrant will rely on public benefits in the future. **Using SNAP, MA, or any other non-cash programs will not affect their decision.**

Your own use of TANF, SSI, or use of long-term MA for institutionalized care (like a nursing home) might affect their decision depending on your situation. Your child’s use of cash assistance might affect their decision if you rely on that cash assistance as your only form of income support.

Refugees, asylees and Legal Permanent Residents are not affected by these rules. Refugees and asylees and can receive any public benefit for which they are eligible without hurting their chances of receiving their green card. LPRs can receive any public benefit for which they are eligible without hurting their chances of becoming a U.S. citizen.

9. Who can I call if I have questions or need legal help?

If you have specific questions regarding immigrants’ rights to public benefits, contact Community Legal Services (215-227-6485). If you have other questions about immigrants’ rights, or ways to legalize your immigration status or become a United States citizen, contact the Nationalities Service Center (215-893-8400) or HIAS and Council Migration of Philadelphia (215-832-0900).