



California's Protection & Advocacy System
Toll-Free (800) 776-5746

Immigrants and Public Benefits

October 2008, Pub #5390.01

FOR MAJOR PUBLIC BENEFIT PROGRAMS AND ELIGIBILITY REQUIREMENTS GO TO:

http://www.nilc.org/ce/nonnilc/cal_benefits_table_2008-10-01.pdf

Also see:

<http://www.nilc.org/immspbs/ssi/SSI-Extension-FAQ-2008-10-01.pdf>

(new law extending SSI to certain immigrants)

http://www.nilc.org/ce/nonnilc/M-Cal_ctznshp_rule_ciwc_2006-6-22.pdf

(requirement for U.S. citizens to show proof of citizenship to obtain Medi-Cal does not affect immigrants)

PUBLIC CHARGE

Many persons seeking admission to the U.S. must show that they are not likely to become a public charge. Public charge is a term used by the U.S. Citizen & Immigration Service (USCIS) for persons who cannot support themselves and are likely to rely on cash public benefits for income such as SSI, CAPI (see below) or Temporary Assistance for Needy Families (TANF). Also included is institutionalization for long-term care (LTC) at government expense. An example of this is Medi-Cal paying for nursing home care. If you receive non-cash benefits such as Medi-Cal (except LTC), food stamps or pre natal care USCIS will not consider you a public charge. Certain categories of immigrants including, Refugees and Aslyees, are not subject to the public charge provisions.

If the USCIS decides that you are likely to become a public charge, it can refuse to let you enter or re-enter the U.S., or become a lawful permanent resident.

The UCSIC will not look at public charge when you apply for citizenship. Rather, it will look to see if you have “good moral character.” Thus, if you told the truth when you obtained public benefits, it should not affect your ability to become a citizen.

For more information see:

<http://www.nilc.org/immspbs/pubchg/index.htm>

Also see: <http://www.nilc.org/ce/ceindex.htm#pubchrg>

SPONSORSHIP

An immigrant must show that he/she is not likely to become a public charge. A sponsor is someone who signs an affidavit of support promising to provide support to the immigrant as a condition of the immigrant’s admission for permanent residency.

If you have been sponsored, your sponsor’s income and resources and that of his/her spouse will be considered available to you when you apply for certain benefits. This is called “deeming”. Deeming can cause you to become ineligible for benefits because of excess resources and/or excess income. The length of time that deeming will affect you will depend on which affidavit of support you filed with the USCIS.

For more information see:

http://www.nilc.org/ce/nonnilc/sponsoredimms&bens_ca_2006-10.pdf

Also see: http://www.nilc.org/ce/nonnilc/pubchrg_ca.pdf

THE CAPI PROGRAM

The Cash Assistance Program for Immigrants (CAPI) is a State program that provides cash benefits to certain elderly and disabled immigrants who are not eligible for SSI.

For more information see:

http://www.nilc.org/ciwc/ciwc_ce/ciwc_capi_q&a_0405.pdf

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.