

PUBLIC BENEFITS AND YOUR IMMIGRATION STATUS

1. WILL PUBLIC BENEFITS AFFECT MY IMMIGRATION STATUS?

Many people worry that receiving benefits from the government will make them ineligible to immigrate or cause them to be deported. *Most people do not have any reason to worry.* Only people who depend on the government for their sole support risk having any problems.

2. WHICH BENEFITS MAY CAUSE PROBLEMS?

Only two groups of people may be considered a “public charge” and may have immigration problems from receiving public benefits:

- (1) People who get public cash assistance like:
 - (a) Supplemental Security Income (SSI)
 - (b) Temporary Assistance to Needy Families (TANF)

OR

- (2) People who are in an institution for a long time paid for by the government (this does not include short-term rehabilitation or time in prison)

3. WHICH BENEFITS ARE OKAY TO RECEIVE?

*You **may not** have a problem even if you receive cash benefits for a short time, or if one of your family members receives a cash benefit, as long as it is not the only source of income for the household.* Also, remember that cash benefits that you have earned, like Social Security Retirement, pensions and Veteran’s Benefits, will not cause any immigration problems. Neither will special benefits like help with rent, electricity, water bills, emergency assistance, or other short-term crisis payments.

*All non-cash benefits are okay **if you are eligible to receive them.*** Some of these benefits are:

- Food Stamps
- Medical Assistance
- School Meals
- WIC
- Housing Assistance
- Child Care
- Job Training

Legal Aid Services of Oregon and Oregon Law Center

Public Benefits Hotline – 1-800-520-5292

This pamphlet is for general educational use ONLY. It is not a substitute for individual legal advice. Consult an attorney for more information or advice. Please remember the law is always changing.

www.oregonlawhelp.org

4. WHEN ARE RECEIVING PUBLIC CASH BENEFITS AN ISSUE?

Only when:

- (1) You apply to become a Lawful Permanent Resident (a “LPR” with a green card)
- (2) You are a LPR returning to the US after being gone for more than six months; OR
- (3) In very limited situations, you are an LPR facing deportation

In the first two situations, if you are applying to be a LPR or are a LPR returning to the US, Immigration will decide whether or not you are likely in the future to be dependent on cash benefits from the government. They will look to see if you have received cash benefits in the past. Immigration must also consider other factors, such as if there might be another relative willing to support you, that show you are less likely to depend on the government.

5. CAN IMMIGRATION REQUIRE PEOPLE TO PAY BACK BENEFITS RECEIVED IN THE PAST?

No.

6. WHEN CAN RECEIVING PUBLIC BENEFITS RESULT IN DEPORTATION?

Only in very limited circumstances:

- (1) If you became dependent on cash benefits or were institutionalized within five years after being admitted or entering the US
- (2) The agency that gave the cash benefits has legally demanded that you repay them
- (3) A judge has ordered you to repay the benefits; AND
- (4) You have not repaid them

7. WHERE CAN I GET MORE INFORMATION?

For more information, call the **Public Benefits Hotline (1-800-520-5292)** or your local Legal Aid Services Office for possible advice or representation. Go to www.oregonlawhelp.org for a directory of legal aid programs.

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