

# California Immigrant Welfare Collaborative

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## Immigrant Eligibility for Food Stamps in California

This flyer looks at the rules for immigrants to receive food stamps. For information about the food stamp program's general rules, see "The Comprehensive Guide to the California Food Stamp Program," and other resources cited at <http://www.lsnrc.net/fsguide>.<sup>1</sup>

### IMMIGRANTS WHO CAN RECEIVE FOOD STAMPS

#### Can immigrants get food stamps in California?

Yes. In California, "qualified" immigrants and a few other immigrants who meet the program's requirements can get food stamps. California's program is available to these immigrants regardless of when they entered the United States.

#### Who is a qualified immigrant?

You are a "qualified" immigrant if you are a:

- Lawful permanent resident (you have a green card)
- Refugee, or were granted asylum or withholding of deportation/removal, or were paroled into the U.S. for at least one year
- Cuban or Haitian entrant
- Battered spouse (or child), whose spouse (or parent) has filed a visa petition for you, or you have filed a visa petition for yourself or an application for cancellation of removal under the Violence Against Women Act. There are special rules for domestic violence survivors.

#### I am not a "qualified" immigrant. Can I get food stamps?

Maybe. In addition to the groups listed above, the following immigrants can also receive food stamps:

- Victims of "trafficking in persons" (e.g. sex trade or exploitive work conditions) or their derivative beneficiaries (spouses and children of adult victims; spouses, parents, children and minor siblings of child victims)
- Lawfully present members of a Hmong or Laotian tribe that helped the U.S. during the Vietnam War; their spouses, surviving spouses, and children
- Lawful temporary residents (who applied for amnesty under the 1986 law)
- American Indians born in Canada or other tribe members born outside the U.S.

#### I was in the U.S. before August 22, 1996. Can I get food stamps?

Yes, in California, the immigrants described above can receive food stamps regardless of when they entered the United States, as long as they meet the program's other requirements.

#### I entered the U.S. on or after August 22, 1996. Can I get food stamps?

Yes, in California, the immigrants described above can receive food stamps even if they entered the U.S. on or after August 22, 1996, as long as they meet the program's other requirements. However, if

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<sup>1</sup> Legal Services of Northern California and the Benchmark Institute produced "The Comprehensive Guide to the California Food Stamp Program."

your sponsor signed an affidavit of support form I-864, your sponsor's income may be added to yours in determining whether you are eligible.

**I am a lawful permanent resident and I am working. Can I apply for food stamps?**

Yes, you can apply for food stamps if your income is low enough. Any citizens or other eligible immigrants in your family can also apply for food stamps.

**I am a refugee who just arrived in the U.S. Can I get food stamps?**

Yes. As a refugee, you can get food stamps even if you change your status to lawful permanent resident.

## IMMIGRANTS WITH SPONSORS

**I just arrived in the U.S. as a lawful permanent resident. Will my sponsor's income be added to mine ("deemed") when I apply for food stamps?**

If your sponsor signed affidavit of support form I-864, your sponsor's income and resources may be added to yours ("deemed") in determining whether you are eligible. This could make you ineligible for food stamps because your income will be too high. But, if your sponsor's income is very low or if you meet an exception from deeming, you may still be able to get food stamps.

**For how many years will my sponsor's income be counted ("deemed")?**

That depends. If you arrived in the U.S. recently (and your sponsor signed Form I-864), you may need to count your sponsor's income during the three years after you get your green card. If you have had your green card (or another "qualified" immigrant status) for five years or more, your sponsor's income may be counted for a longer period of time — until you become a citizen or get credit for 40 quarters (10 years) of work history in the U.S. But there are exceptions from these "deeming" rules.

**What are the exceptions from deeming?**

Children under 18 years old, domestic violence survivors, and immigrants who would go hungry or homeless without assistance do not need to count their sponsor's income when they apply for food stamps. If the sponsor is in the same food stamp household, this income is already counted and won't be counted again. And immigrants who have credit for 40 quarters (10 years) of work history in the United States, including any work performed by their spouse during marriage, or their parents while they were under 18 years old (or before they were born), do not need to count their sponsor's income when they apply for food stamps.

**How will the food stamp agency know if I would go hungry or homeless without assistance?**

You meet the "hungry or homeless" exception from deeming if your household's income is at or below 130% of the federal poverty level for the household's size. In 2005, the federal poverty level was about \$20,900 a year for a family of three. The household income includes any "in-kind" help such as free housing or food. This exception can be renewed every 12 months. If you think you are in this situation, but are having trouble getting food stamps, call a legal aid office or one of the agencies listed at the end of this flier.

Immigrants who use this exception may have their name and address and the name and address of their sponsors sent to the U.S. Attorney General. But we are not aware of any consequences resulting from this report. Using food stamps cannot affect your lawful permanent resident status or your ability to become a citizen unless you use fraud (for example, if you don't tell the truth about your income) when you get benefits.

**I just came to this country as a sponsored immigrant, but my sponsor is abusing me. Can I get food stamps?**

Yes. You will have to show proof that your sponsor, your spouse or a member of your household is abusive towards you. Proof could include police or court papers, or statements from your social worker, shelter worker or anyone else who helps you escape your abuser. If you have no proof, your own statement will be sufficient.

**FAMILIES WITH UNDOCUMENTED IMMIGRANTS****I am undocumented but my children are citizens. Can I get food stamps for them?**

Yes. Even though you cannot get food stamps for yourself, you should be able to get food stamps for your children if they are U.S. citizens or eligible immigrants. Even if you or your family members can't get food stamps, you can still get school lunch and breakfast, WIC, and go to soup kitchens, community food banks, meals on wheels and other food programs.

**I am undocumented. Will I be reported to the immigration authorities if I apply for food stamps for my children?**

The food stamps office only has to report you to the immigration authorities if it has proof (such as a final order of deportation) that you are in the country unlawfully. You should not tell anyone that you or someone in your family is undocumented. If you are not seeking food stamps for yourself, you do not need to give information about your immigration status, and should not present a false or invalid Social Security Number. But you will need to give information about your earnings or any property you may have, like a car. You should tell your food stamp worker that you are not trying to get benefits for yourself, and that you are not a "qualified" or "eligible" immigrant. "Not qualified" or "not eligible" is not the same as undocumented.

Remember, it is illegal for the government to treat you differently just because of the way you look or because you are from a particular country. Your caseworkers are not supposed to ask you any further questions about your immigration status once you tell them that you are not applying for food stamps for yourself. If you have questions, call one of the numbers below to find out how to get help.

**APPLYING FOR A GREEN CARD OR FOR CITIZENSHIP****I have had my green card for 5 years. Can I become a citizen even if I used food stamps?**

Yes. The immigration authorities cannot stop you from becoming a citizen just because you used food stamps. But, you may have trouble becoming a citizen if you got food stamps that you were not supposed to get (for example, if you didn't tell the truth about your income). If you think you received benefits that you were not supposed to get, you should get legal help before you apply to become a citizen. Call one of the numbers listed on this form to find out where to get legal help.

**Will I be considered a "public charge" if I get food stamps for myself or for my children?**

No, using food stamps will not be considered in deciding whether you are likely to become a "public charge," and will not affect your chances of getting a green card on this basis.

**I do not agree with my food stamp worker about my eligibility. What can I do?**

Anyone who has a problem with his/her food stamp worker's decision can file for a fair hearing. A fair hearing is a meeting with people from the food stamp office who have not been involved with the decision against you.

## LANGUAGE ASSISTANCE

### I do not speak English well. What can I do?

Free translation and interpreter services should be provided to you, including a worker who speaks your language. If a worker cannot speak your language, you should be provided an interpreter or the use of the "language line" interpreter services at no cost to you. Do not be afraid to ask for an interpreter.

<b>FOR HELP, CALL:</b>	
<b>OR CALL:</b>	
<p><b>LOS ANGELES</b></p> <p><b>Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)</b></p> <ul style="list-style-type: none"> <li>• 888 624-4752 Spanish/English</li> </ul> <p><b>Asian Pacific American Legal Center (APALC)</b></p> <ul style="list-style-type: none"> <li>• 213 977-7500 English</li> <li>• 800 520-2356 Mandarin</li> <li>• 800 267-7395 Vietnamese</li> <li>• 800 867-3126 Khmer</li> <li>• 800 867-3640 Korean</li> </ul>	<p><b>NORTHERN CALIFORNIA</b></p> <p><b>Services, Immigrant Rights, and Education Network (SIREN)</b></p> <ul style="list-style-type: none"> <li>• 408 453-3017 Spanish</li> <li>• 408 453-3013 English/Vietnamese</li> </ul> <p><b>HELPLINK:</b></p> <ul style="list-style-type: none"> <li>▪ 800 273-6222 Northern CA only</li> <li>▪ 415 772-HELP (Spanish, Cantonese, Mandarin)</li> </ul> <p><b>Administered by the Northern California Council for Community</b></p>

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