

WILL I BE DEPORTED?

You cannot be deported unless all of the following are true:

- ◆ You received cash welfare or long-term institutional care for reasons that existed before you entered the U.S., **and**
- ◆ You got the cash welfare or long-term care less than 5 years after you entered the U.S., **and**
- ◆ You or your sponsor have a legal debt to the government agency that gave you the cash or long-term care, and you or your sponsor got a notice from the government that you owed the debt within 5 years of entering the U.S., **and**
- ◆ You or your sponsor has refused to repay the benefits after the government filed a lawsuit and won in court.

Most programs, like SSI and TANF, do not create a debt for you. In some states, general assistance may create a debt for you.

No sponsor who signed an affidavit of support before December 19, 1997 has a legal debt to the government for a benefit that you get.

Remember!

If you need benefits because you became sick, had an accident or other crisis **after** coming to the U.S., then you cannot be deported for using those benefits. If you use benefits after being in the U.S. for five years then you can not be deported.



If you are properly receiving public benefits you cannot be denied citizenship for receiving benefits.

You cannot lose your citizenship because you get benefits. Once you become a U.S. citizen the INS cannot deport you, and they must always let you re-enter the U.S. after a trip to another country.

Receiving public assistance is only an issue if it is your only source of income. Receiving cash benefits may cause a problem. Receiving non-cash benefits should not cause a problem.

Public Charge and Legal Immigrants

Public Charge is not an issue for:

- ◆ **Immigrants who are applying to become a citizen.**
- ◆ **Refugees or persons granted asylum**

What is "public charge"?

"Public charge" is a term used in immigration law. The term describes persons who cannot support themselves and who depend on benefits that provide cash—like Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI)—for their income. Depending on your immigration status, the Immigration and Naturalization Service (INS) and State Department consular officers abroad can refuse to let you enter the U.S., re-enter the U.S., or become a permanent resident, if they think you will not be able to support yourself without these benefits in the future.

Benefits

You can apply for these benefits without affecting your immigration status:

- Medicaid, MI-Child or Other Health Programs
Use of these services by you or your family members will not affect your immigration status unless you use government funds to pay for long-term care (nursing home or other institutionalized care).
- Food Stamps, WIC, Public Housing, or Other Non-Cash Programs
- Cash Welfare
Use by your children or other family members will not affect your immigration status **unless it is the only income you have.**

Benefits that may affect your immigration status:

Your own use of cash welfare, like SSI or Family Independence Program (FIP)

- Prepared by the Center for Civil Justice

How does the government decide if someone is likely to be a public charge?

The fact that you received benefits in the past does not automatically mean that you are likely to become a public charge. The government looks at many factors.

FACTORS THAT THE GOVERNMENT CONSIDERS:

- **Age** - Are you elderly or very young and likely to need support?
- **Health** – Do you have an illness that requires costly treatment?
- **Income** – Are you low-income or poor with no assets?
- **Family size** – Do you have a large family to support?
- **Education and skills** – Are you working now or can you easily find a job?

Be sure to tell the government if:

- You are elderly, but have family in the U.S. with enough money to support you
- You have a special skill that will get you a good job in the U.S.

The public charge law does not apply to:

(Using any benefits, including cash welfare, will not cause a problem for these immigrants)

- Refugees or persons granted asylum in the U.S.
- Cubans or Nicaraguans applying for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)
- Applicants for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998
- Cubans applying for adjustment under the Cuban Adjustment Act who were paroled as refugees before April 1, 1980
- Amerasian immigrants when they are first admitted to the U.S.
- “Lautenberg” parolees (certain Soviet and Indo-Chinese parolees applying for adjustment of status)
- Registry applicants (person in the U.S. since January 1, 1972)
- Special immigrant juveniles

Does this affect people who already have a green card?

Generally, using cash welfare will not be a problem for you if you have a green card. However, it could be a problem if you travel outside of the U.S. for more than 6 months.