

# **A Guide for Advocates Working with Immigrant and Refugee Survivors of Domestic and Sexual Violence**

## **Economic Rights and Resources in Rural Western Massachusetts**

**Berkshire, Franklin, Hampshire, and Rural Hampden Counties**



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***About the Massachusetts Rural Domestic and Sexual Violence Project (MRDSVP):***

*The MRDSVP, funded through a grant from the Federal Department of Justice, Office on Violence Against Women, is a partnership between the Massachusetts Department of Public Health, four rural community based sexual and domestic violence programs (New England Learning Center for Women in Transition, Elizabeth Freeman Center, Center for Women and Community at UMass/Amherst, and Safe Passage), Jane Doe Inc., Hilltown Community Health Centers Inc., and the Northwestern and Berkshire County District Attorney's Offices. The mission of the MRDSVP is to reduce/eliminate domestic, dating and sexual violence in rural Massachusetts by providing culturally relevant, accessible support and intervention to rural adult and adolescent survivors as well as extensive domestic and sexual violence community education, engagement and prevention initiatives. In addition, the Project works to improve the systemic response to violence through coordination of community coalitions, public awareness, and professional training in order to respond effectively to these issues.*

## Note on who this guide is for

We designed this guide to be used by advocates for immigrant survivors of domestic and sexual violence when working directly with survivors. It's written to address the survivor her- or him-self ("you").

## Note on how to use this guide

We recognize that you (the survivor) may need very specific technical assistance when applying for immigration status or benefits. This guide is designed to give you a sense of what resources are available to you. We strongly recommend contacting your local immigrant resource center and Community Legal Aid for help accessing these resources. See the Immigrant Resource Centers section of this guide for contact information.

*If, after reading this guide, I feel I was wrongly denied benefits or that my rights were not honored, what should I do?*

- **Contact an immigrant resource center or Community Legal Aid immediately** if you (the survivor) feel you were wrongly denied benefits or that your rights were not honored (see Immigrant Resource Centers section).

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## *Where can I find help adjusting to life in the US and/or assistance with the immigration process?*

### **IMMIGRANT RESOURCE CENTERS**

*Go to these places first with immigration-related needs.*

- 1. **[Berkshire Immigrant Center](#)** - Citizenship application assistance and advocacy, ESL classes, referrals to immigration attorneys and other community services, general orientation and information.
  - Pittsfield. (413) 445-4881. [www.berkshireic.com](http://www.berkshireic.com)
  
- 2. **[Center for New Americans](#)** - ESL classes; information and assistance with the citizenship application process; support services for applying for jobs, accessing community resources, pursuing higher education, and accessing childcare, healthcare, and counseling.
  - Northampton, Amherst, Greenfield, Turner Falls.  
Main office: (413) 587-0084. [www.cnam.org](http://www.cnam.org)
  
- 3. **[Community Legal Aid \(CLA\)](#) and the [Central West Justice Center \(CWJC\)](#)** - provide free legal services to low-income and elderly individuals and families in western Massachusetts, including legal representation to victims of domestic violence and help with immigration, housing, public benefits, elder law, and other things. Check with CLA first, before seeking other forms of legal aid.
  - Offices in Pittsfield, Northampton, and Springfield, and satellite offices in North Adams and Greenfield. Call (855) CLA-LEGAL, which is (855) 252-5342, or apply online at [www.communitylegal.org](http://www.communitylegal.org).
  
- 3a. **List of lawyers** - If you need legal help and do not meet the income guidelines to receive services at Community Legal Aid, Berkshire Immigrant Center and the Center for New Americans have lists of lawyers in the area (see Legal Resources section in this guide).
  
- 4. **[Casa Latina](#)** - Educational and cultural center that represents, celebrates, and advocates for the Latino community.
  - Florence (413) 586-1569 and Amherst (413) 259-3288. [www.casalatinainc.org](http://www.casalatinainc.org)
  
- 5. **[Jewish Family Service of Western MA](#)** - Offers citizenship classes, help filling out forms for naturalization, and refugee services (case management, family reunification, employment, English as a Second Language (ESL), school and health support, and counseling).
  - Springfield, Northampton, Pittsfield. (413) 746-2001. [www.jfswm.org/healing-world/refugee-services](http://www.jfswm.org/healing-world/refugee-services)

## Where can I get help concerning domestic or sexual violence?

### DOMESTIC VIOLENCE and RAPE CRISIS CENTERS

*These centers work with many immigrants and will understand your situation. If they do not have an advocate on site who speaks your language, they have language lines available so that you can speak with them through a confidential interpreter fluent in your language.*

- 1. **Llamanos Spanish-language Hotline** for Western MA
  - (800) 223-5001. Open M-F, 11a-5p. Run by the YWCA. More information at [www.ywworks.org/i-need-help.php](http://www.ywworks.org/i-need-help.php)
  
- 2. **Elizabeth Freeman Center (Berkshire County)** – bilingual counselor/advocate (Spanish) with special training and experience in immigration issues; 24/7 Hotline; hospital- and police station-based advocacy after a sexual assault; crisis walk-in assistance (Mon-Fri); emergency services (including shelter, food, transportation, safe phones); emergency shelter; individual and group counseling; in-court legal advocates; language assistance; help applying for benefits; housing and medical advocacy; supervised visitation; and more. All services are free and confidential.
  - Call (866) 401-2425 (voice/TTY). Offices in Pittsfield, North Adams, Great Barrington. [www.elizabethfreemancenter.org](http://www.elizabethfreemancenter.org)
  
- 3. **NELCWIT (Franklin County)** – free language assistance; referrals to immigration attorneys and support during the process; crisis walk-in assistance (Mon-Fri); 24/7 hotline; safety planning, advocacy and support; in-court legal advocates; hospital-based sexual assault advocacy: supervised visitation; advocacy related to housing, basic needs, employment; support groups; and more. All services are free and confidential.
  - Call (888) 249-0806. Office in Greenfield and a satellite office in Orange. [www.nelcwit.org](http://www.nelcwit.org)
  
- 4. **Safe Passage (Hampshire County)** – specialized services for immigrants; 24/7 Hotline; individual and group counseling; shelter and emergency food and clothing; advocacy about housing, welfare, medical, and educational issues; advocacy and support for child witnesses to violence; legal assistance with divorce, child custody, and other probate and family issues; specialized services for individuals with disabilities; and more. All services are free and confidential.
  - Call (888) 345-5282 (voice/TTY). Office in Northampton. [www.safepass.org](http://www.safepass.org)
  
- 5. **Hilltown Safety at Home Services (hilltowns in Berkshire, Franklin, Hampshire, and Hampden Counties)** – Domestic violence advocacy for hilltown residents, including safety planning; accessing critical support services; understanding the behaviors of people who abuse; understanding the court system; and transportation to court.

The Advocate can work with people on the phone or in person. Home visits are also possible if it is determined to be safe. The Advocate can also help friends and family members who are trying to support a loved one who is being abused. The Advocate is part-time. All services are free and confidential.

  - Call (413) 559-8039. [www.hchcweb.org/Hilltown-Safety-at-Home.html](http://www.hchcweb.org/Hilltown-Safety-at-Home.html)
  
- 6. **Center for Women and Community (Hampshire County)** – multicultural campus-based center offering 24/7 Hotline, counseling, legal and medical advocacy, Latina community services, support groups, teen services, and much more. All services are free and confidential.
  - Call (888) 337-0800. Office is on UMass Amherst campus. [www.umass.edu/ewc/programs](http://www.umass.edu/ewc/programs)
  
- 7. **Womanshelter/Compañeras (Hampden County)** - Emergency shelter; 24/7 Hotline; refugee and immigrant services; counseling; support groups in English and Spanish; in-court legal advocates; teen services; child advocacy and programs; medical, financial, and housing advocacy; and more. All services are free and confidential.

➤ Call (877) 536-1628. Office in Holyoke. [www.womanshelter.org](http://www.womanshelter.org)

☐ 8. **YWCA of Western Mass (Hampden County)** –Spanish-language and English-language Hotlines; emergency shelter, support, childcare; in-court legal advocates; job training; skill development; health and wellness programs; and a residential substance abuse and mental health program. All services are free and confidential. [www.yvworks.org](http://www.yvworks.org)

➤ **LLamanos Spanish-language Hotline (M-F, 11a-5p):**  
**(800) 223-5001**

➤ English-language Hotline (24/7):  
(800) 796-8711 (voice/TTY)

➤ New Beginnings program, Westfield (for hilltown residents):  
(413) 562-5739

➤ YWCA has offices in Springfield and Westfield, and also has certain programs in Huntington and Holyoke.

☐ 9. **SafeLink hotline (statewide hotline)** – 24/7 toll-free hotline with information on where shelter space is available in the region. [www.casamyrna.org/safelink-home](http://www.casamyrna.org/safelink-home)

➤ Hotline: (877) 785-2020

➤ TTY hotline: (877) 521-2601



## *Are there are other resources available for domestic or sexual violence?*

- 1. **The Carson Center for Human Services** – Individual and group services for those who are questioning the health of their relationships or who are or were in a destructive relationship. Also provides a wide array of behavioral health and rehabilitation services.
  - Call (413) 579-2924. Have offices in Ware and Westfield, among others. [www.carsoncenter.org/programs/domesticviolence/advocacyandsupport](http://www.carsoncenter.org/programs/domesticviolence/advocacyandsupport)
- 2. **The Network/La Red** – free and bilingual services for survivors of partner abuse in lesbian, gay, bisexual, queer and/or transgender (LGBQ/T), SM/kink, and polyamorous communities. Services include hotline, advocacy, and support groups (including call-in, phone-based support groups). All services are free, confidential, and bilingual (English & Spanish).
  - Call Hotline: (617) 742-4911 (voice) or (617) 227-4911 (TTY). [www.tnlr.org](http://www.tnlr.org)

## *Are there batterers intervention programs in my area?*

- 1. **The Moving Forward Batterer Intervention Program** – DPH-certified batterer intervention program with meetings in several locations in Western MA. For men or women who are referred by the courts or are looking to improve their relationships.
  - Call (413) 587-9050. [www.servicenet.org/content/moving-forward](http://www.servicenet.org/content/moving-forward)
- 2. **Gandara Center Batterers Program** – Certified batterers intervention groups, in Holyoke and Springfield. For men referred by the courts.
  - Call (413) 732-2120 x 209, or visit [www.gandaracenter.org](http://www.gandaracenter.org) > Services > Addictions and Criminal Justice Services > Domestic Violence - Certified Batterers Program for Men
- 3. **Proteus Batterer Intervention Program** – DPH-certified batterer intervention program with meetings in Ware, MA. For men who are referred by the courts or who are looking to improve their relationships.
  - Call (413) 967-6241. [www.carsoncenter.org/programs/domesticviolence/advocacyandsupport](http://www.carsoncenter.org/programs/domesticviolence/advocacyandsupport)
- 4. **Berkshire County** – As of when this guide was written, Berkshire County did not have a Batterers Intervention Program, though one was in development. In the meantime, courts generally refer people to the Partners program at the Brien Center.
  - Ask your DV/SA counselor for more information.

## **PATHS to LAWFUL IMMIGRATION STATUS for SURVIVORS**

### **What they are:**

Paths to legal immigration status for immigrant survivors (and often their derivative family members) of domestic violence, sexual assault, other violent crime, human trafficking, or parental abuse or neglect.

### **Where to get help with the process:**

- **You will need the help of an immigration lawyer. Call Community Legal Aid first: (855) 252-5342, or apply online at [www.communitylegal.org](http://www.communitylegal.org).**
- **See the Legal Resources section in this booklet for more information on other places to get legal help.**

## **VAWA SELF PETITION**

### **1. Eligibility for VAWA self-petitioning -**

#### **If:**

- 1a. you experienced domestic violence or extreme cruelty in the US;
- 1b. the abuser is your spouse, your parent, or your adult child; or if your spouse has abused your child;
- 1c. you resided in the US with your abuser for some period of time; and
- 1d. the abuser is a US citizen or Lawful Permanent Resident;

#### **Then:**

- 2. You are eligible to self-petition for lawful permanent residency (a green card)** – It can take the government 6 months to 2 years to decide on your case, but during this time you are eligible to receive work authorization and/or public benefits.
- 3. You can include “derivative family members”** like your children on your VAWA self-petition, even if they are not in the US.

# U VISA

## 1. Eligibility for U visa -

### If:

- 1a. you or your child were the victim of a violent crime (including domestic violence or sexual assault) in the US, and
- 1b. you are helpful, have been helpful, or are likely to be helpful in the investigation and/or prosecution of the crime

### Then:

- 2. **You are eligible to apply for U nonimmigrant status** (a "U visa")
- 3. U nonimmigrant status is a **temporary legal status** that allows you to live and work legally in the US for 4 years. After 3 years in U status, you are eligible to apply for lawful permanent residency (a green card).
- 4. **Do not be afraid to call 911 or the police because of your immigration status.** Having made a 911 call can be very helpful when you are applying for a U visa. You do not have to, and should not, reveal your immigration status to the police if they ask. (See Right to Remain Silent section in this guide).
- 5. You will **need a certification from law enforcement or another certifying agency** (DCF, judges, prosecutors) that you "have been helpful, are helpful, or are likely to be helpful in the investigation or prosecution." Getting this certification is something your lawyer will take care of.
- 6. **You can include "derivative family members"** like your children on your U visa application, even if they are not in the US. These derivative family members are also eligible for work authorization. (If you are under 21 years old, "derivative family members" can also include your parents and your unmarried sisters of brothers under the age of 18).
- 7. It usually **takes the government 4-14 months to process a U visa** application. During this time, you are generally safe from being ordered removed from the country.
- 8. Generally, it is **not advisable to travel outside the US** on a U visa. Consult an immigration attorney first.

## T VISA

### 1. Eligibility for T visa -

If:

- 1a. you are a victim of human trafficking
- 1b. you are in the US as a result of human trafficking
- 1c. you would face extreme hardship if forced to leave the US, and
- 1d. either
- 1e. you are willing to cooperate with the investigation and prosecution of the people responsible, or
- 1f. you are excused by the attorney general from having to cooperate because of physical or psychological trauma, or
- 1g. you are under 18 years old

Then:

- 2. **You are eligible to apply for T nonimmigrant status** (informally known as a “T visa”)
- 3. T nonimmigrant status is a **temporary legal status** that allows you to live and work legally in the US for 4 years. After 3 years in T status, you are eligible to apply for lawful permanent residency (a green card).
- 4. **You can include “derivative family members”** like your children or spouse on your T visa application, even if they are not in the US. (If you are under 21 years old, “derivative family members” can also include your parents and your unmarried sisters or brothers under the age of 18).
- 5. Generally, it is **not advisable to travel outside the US** on a T visa. Consult an immigration attorney first.

## Special Immigrant Juveniles Status (SIJS)

### 1. Eligibility for SIJS -

If:

- 1a. you are under 18 years old and unmarried
- 1b. you were neglected, abused, or abandoned by a parent in your country of origin, and
- 1c. it is not in your best interests to be returned to your country

Then:

- 2. **You are eligible to apply for SIJS status and lawful permanent residency (a green card).**

***I came to the US before age 16, can I apply for DACA? And should I?  
(Note: being a victim of abuse has no impact on your DACA eligibility).***

## **Deferred Action for Childhood Arrivals (DACA)**

### **1. Eligibility for DACA -**

**If:**

- 1a. you entered the US before your 16<sup>th</sup> birthday; and
- 1b. you have lived in the US continuously since January 1, 2010 up to now (some brief departures from the country will not affect your DACA application – check with an immigration atty.); and
- 1c. you are currently in school, have graduated from high school, have obtained a GED, or have been honorably discharged from the US army or coast guard; and
- 1d. you were physically present in the US on June 15, 2012; and
- 1e. you currently have no immigration status and you did not have lawful immigration status on June 15, 2012; and
- 1f. you have not been convicted of a felony, a significant misdemeanor offense, three or more misdemeanor offenses, or otherwise do not pose a threat to national security or public safety

**Then:**

- 2. **You can request deferred action**, meaning your immigration case will be placed on the “back burner” for purposes of immigration enforcement.
- 3. **Individuals filing for DACA status must apply for work authorization at the same time.** Work authorization will allow you to obtain a Social Security number (SSN), which will allow you to obtain a MA Driver’s License.
- 4. **Fees** – There is no fee required to submit a DACA application. However, you will need to submit a fee accompanying your employment authorization application. The current fee is \$465 (as of October 2014), but fees change frequently, so be sure to check [www.uscis.gov/i-821d](http://www.uscis.gov/i-821d) for the current fee information.
  - 4a. **Fee exemptions are available only in very limited cases** involving: homelessness or foster care if you are under 18yo; serious chronic disability; or being more than \$25,000 in debt for medical expenses. A request for fee exemption must be sent in and approved before you can apply for DACA status without a fee.
    - **If your country of origin is Mexico** and you are low-income, the Mexican Consulate can sometimes help cover your DACA request fee. Contact the [Mexican Consulate in Boston](http://www.consulmex.sre.gob.mx/boston) at (800) 601-1289 or (617) 426-4181. Online at [www.consulmex.sre.gob.mx/boston](http://www.consulmex.sre.gob.mx/boston)
- 5. DACA status **lasts for 3 years (if you applied for DACA renewal before November 20, 2014, it is 2 years)<sup>1</sup> and is renewable.** To renew, you will have to reapply both for deferred action and for work authorization. Re-apply 120 days (~4 months) before your current DACA status expires.
- 6. DACA **does not provide you with a path to citizenship** or lawful permanent resident status
- 7. DACA is a policy of President Obama’s administration, not a law, and **could be reversed** by a different president

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<sup>1</sup> Check for updates if you applied for renewal before November 20, 2014, because the government is looking for ways to extend this to 3 years.

***I am the parent of a US citizen or lawful permanent resident. Can I apply for DAPA? And should I? (Note: being a victim of abuse has no impact on your DAPA eligibility).***

## **Deferred Action for Parental Accountability (DAPA) <sup>2</sup>**

### **1. Eligibility for DAPA -**

#### **If:**

- 1a. you are the parent of a US citizen or lawful permanent resident (“green card holder”) who was born on or before November 20, 2014; and
- 1b. you have lived in the US since January 1, 2010; and
- 1c. were in the US on November 20, 2014 and are in the US on the date you apply for deferred action; and
- 1d. you had no lawful immigration status in the US on November 20, 2014; and
- 1e. you are not an “enforcement priority,” defined as people who have been convicted of a felony, a significant misdemeanor offense, three or more misdemeanor offenses, or participation in a street gang, or who otherwise pose a danger to national security or public safety.

#### **Then:**

- 2. **You will be able to request deferred action**, meaning your immigration case will be placed on the “back burner” for purposes of immigration enforcement.
  - 2a. **When you will be able to apply** - The government expects to start accepting applications for DAPA by May 2015.
  - 2b. **Watch out for notario fraud!** - Do NOT take advice about your immigration case from an immigration consultant or notary public. See the Legal Resources section of this I-Guide for help finding an attorney you can trust.
- 3. **Individuals filing for DAPA status must apply for work authorization at the same time.** Work authorization will allow you to obtain a Social Security number (SSN), which will allow you to obtain a MA Driver’s License.
- 4. **Fees** – You will need to submit a fee for your employment authorization application and fingerprinting. The government currently says the fee will be \$465, but fees change frequently, so be sure to check online ([www.nilc.org/dapa&daca.html](http://www.nilc.org/dapa&daca.html) is a good site) for the current fee information.
  - 4a. **Fee exemptions will be available only in very limited cases.**
    - **If your country of origin is Mexico** and you are low-income, the Mexican Consulate may be able to help cover your DAPA request fee. Contact the [Mexican Consulate in Boston](http://www.consulmex.sre.gob.mx/boston) at (800) 601-1289 or (617) 426-4181. Online at [www.consulmex.sre.gob.mx/boston](http://www.consulmex.sre.gob.mx/boston)
- 5. DAPA status **lasts for 3 years and is renewable**. To renew, you will have to reapply both for deferred action and for work authorization. Re-apply 120 days (~4 months) before your current DAPA status expires.
- 6. DAPA **does not provide you with a path to citizenship** or lawful permanent resident status.
- 7. DAPA is a policy of President Obama’s administration, not a law, and **could be reversed** by a different president.
- 8. **For more information**, visit the National Immigration Law Center’s DAPA webpage:
  - [www.nilc.org/dapa&daca.html](http://www.nilc.org/dapa&daca.html)

<sup>2</sup> As of the date this guide was updated (June 2015), the DAPA program is on hold and is not accepting applications while it faces a legal challenge in the US court system.

*Where can I get legal assistance? And how do I know which attorneys to trust?*

## LEGAL RESOURCES

- 1. **Community Legal Aid (CLA)** provides free legal services to low-income and elderly individuals and families in western Massachusetts, including legal representation to victims of domestic violence, and help with immigration, housing, benefits, elder law, foreclosure prevention, disability eligibility, and unemployment. CLA has a sister organization (Central West Justice Center) that also works with immigrants.
  - Call (855) CLA-LEGAL or apply online at [www.communitylegal.org](http://www.communitylegal.org). Offices in Pittsfield, Northampton, and Springfield, and satellite offices in North Adams and Greenfield.
  
- 2. **Attorney referral lists -**
  - 2a. **Berkshire Immigrant Center (Pittsfield)** has an **attorney referral list** with a list of lawyers in western Massachusetts.
    - Available online at [www.berkshireic.com](http://www.berkshireic.com) > Resources > Attorney Referral List. For more information, call Berkshire Immigrant Center at (413) 445-4881. Office is in Pittsfield.
  
  - 2b. Berkshire Immigrant Center also has **information on how to avoid scams**, if you are considering other attorneys' services.
    - Available online at [www.berkshireic.com](http://www.berkshireic.com) > Resources > Avoid Scams/Notorio Fraud. For more information, call Berkshire Immigrant Center at (413) 445-4881. Office is in Pittsfield.
  
  - 2c. **The Center for New Americans (Northampton, Amherst, Greenfield, Turner Falls)** also **has an attorney referral list** with a list of lawyers in the Franklin and Hampshire County areas. Contact their offices to request it.
    - Call the Center for New Americans main office: (413)587-008. Offices in Northampton, Amherst, Greenfield, Turner Falls. [www.cnam.org](http://www.cnam.org)

## *How should I answer questions about my immigration status?*

### **RIGHT TO REMAIN SILENT ABOUT YOUR STATUS**

- 1. **Everyone has the right to remain silent about his/her immigration status.**

For example, you do not have to reveal your status to your child's school, the police, a judge, a government organization, or any other person or agency. You may simply say, "I prefer not to say my immigration status."

- 1a. There may be times, however, when you want or choose to reveal your status. For example, in order to be eligible for some public benefits for yourself, you may need to share your status. This is your choice.

## *When can public benefits agencies report my immigration status to the Department of Homeland Security?*

### **WHEN PUBLIC BENEFITS AGENCIES CAN REPORT YOUR STATUS**

- 1. The **information you provide to the Department of Transitional Assistance (DTA), Social Security Administration offices, and federal public housing programs is private** and generally won't be shared without your permission, with one narrow exception:

**The exception:** DTA, Social Security Administration offices, and federal public housing programs will report an immigrant to the Department of Homeland Security when the immigrant is "known to be unlawfully present" – meaning 1) you have applied for benefits for yourself, 2) you have a Final Order of Removal, and 3) you show proof this Order to the benefits agency. If these three things are not true, a benefits agency generally won't report you to the Department of Homeland Security, even if you admit you are undocumented.

- 2. **If not applying for yourself, you do NOT have to give your status** – If you are not applying for benefits for yourself (if you are applying for your children, for example), these agencies cannot insist that you disclose your immigration status in order to receive benefits on behalf of your child.



## *What is the Public Charge test? When do I need to worry about it?*

### **THE PUBLIC CHARGE TEST**

The Public Charge test can scare people away from applying for or receiving benefits they are entitled to. So what is it?

Your application for lawful permanent residency (a green card) can be negatively affected if the government thinks you are or will become “primarily dependent on the government for subsistence,” a determination made in part based on **what CASH public benefits you have received and are likely to need in the future**. This is called the Public Charge test.

Accepting some cash benefits, such as TAFDC and SSI, may affect your eligibility for lawful permanent residency. Generally, accepting cash benefits on behalf of your child is not a problem, unless it is your only source of income.

Note that you are **NOT subject to the Public Charge test when applying for lawful permanent residency if you:**

- 1. Have an approved VAWA petition
- 2. Have a U visa
- 3. Have a T visa
- 4. Are a “qualified” battered spouse or child (see “battered immigrant” under categories & terms, below)
- 5. Are a refugee
- 6. Are a person granted asylum in the US
- 7. Are a special immigrant juvenile (see SIJS section above)

Even if you are subject to the Public Charge test, **receiving the below benefits will NOT factor into the Public Charge test at all**, because they are not cash benefits:

- 8. Supplemental Nutrition Assistance Program (SNAP)
- 9. Women, Infant and Children nutrition services (WIC)
- 10. Head Start and Healthy Start
- 11. Free health care
- 12. MassHealth
- 13. Public health services
- 14. School breakfast and lunch programs
- 15. Childcare vouchers
- 16. Fuel assistance
- 17. Housing benefits
- 18. Unemployment benefits
- 19. Emergency disaster relief

*What are some of the different kinds of immigration status related to benefits, and what do they mean?*

## IMMIGRATION & BENEFITS: CATEGORIES & TERMS

**1. Qualified alien:** A lawfully present immigrant. To be a “qualified alien,” you have to fit in certain immigration categories. One of these categories is **battered immigrants** and their children (under 21yo) or parents (see below). Others are: victims of trafficking and their derivative family members, lawful permanent residents (LPRs, also known as green card holders), refugees, people granted asylum, non-citizens granted withholding of removal or deportation, Cuban/Haitian entrants, Amer-asian entrants, people granted parole in the US year for at least one year, people granted conditional entry, and others.

**2. Battered immigrant:** Is a category of “qualified alien.” You and your children (if they are under 21yo) can be considered qualified alien battered immigrants if:

- You have been battered in the US by your spouse, your parent(s), or a member of your spouse’s/parent’s family with whom you lived (such as a mother-in-law), OR if your child or parent has been battered, and
- You are no longer living with the batterer, and
- You have an approved or pending petition for one of these:
  - a) VAWA self petition
  - b) LPR status based on relative petition, or
  - c) suspension of deportation or cancellation of removal under VAWA

Unfortunately, U visa petitioners do not count as “qualified aliens.”

Note: you can have LPR status and also be a “battered immigrant.” This matters because as a “battered immigrant,” you are eligible for cash assistance (TAFDC) without waiting 5 years from when you became an LPR.

**3. The 5-year bar:** Sometimes as a qualified alien your eligibility for a benefits program depends on whether you have had qualified status for 5 or more years. This requirement is known as the “5-year bar.”

**4. PRUCOL** (Permanently Residing in the US under Color of Law): A benefit eligibility status, not an immigration status. PRUCOL includes people with U visas, people with deferred action status (‘Dreamers’), people who have temporary protected status, and people who are applicants for asylum, and others. In general, PRUCOL means US Citizenship and Immigration Services (USCIS) is aware that you are in the US (for example, because of work authorization or a pending application) and there is no effort underway by USCIS to deport you.

- For more information on what these categories mean for you, see the National Immigration Law Center’s [Overview of Immigrant Eligibility for Federal Programs](http://www.nilc.org/overview-immeligfedprograms.html) at [www.nilc.org/overview-immeligfedprograms.html](http://www.nilc.org/overview-immeligfedprograms.html), or contact an immigrant resource center (see Immigrant Resource Centers section of this guide).

## What public benefits am I eligible for?

### IMMIGRANT ELIGIBILITY for PUBLIC BENEFITS CHART

The [rules](#) around immigrants' eligibility for public benefits can seem unnecessarily complicated. Some basic information is outlined here. Use it get a sense of what benefits could be available to you, then [call Community Legal Aid](#), which can help you figure out what you should apply for.

Resource	No immigration status requirements	Available to "qualified aliens" <sup>3</sup> (this includes battered immigrants)	Available to "qualified aliens" who meet the "5 year bar"
<b>1. Domestic violence and homeless shelters</b>	✓	✓	✓
<b>2. Women, Infants, and Children (WIC) supplemental nutrition program</b>	✓	✓	✓
<b>3. School breakfast and lunch programs</b>	✓	✓	✓
<b>4. Food banks, emergency food, meals on wheels</b>	✓	✓	✓
<b>5. SNAP</b>		<p>Sometimes. Call Community Legal Aid to see if you are eligible! Or visit <a href="http://www.masslegalservices.org/content/snap-part-ii-general-eligibility-rules">www.masslegalservices.org/content/snap-part-ii-general-eligibility-rules</a> to read the rules.</p> <p>(Also remember that you can apply for your eligible child(ren) without applying for yourself – see Mixed Status Households section).</p>	✓
<b>6. EAEDC</b>		✓	✓
		<p><u>Also</u> eligible are those who are PRUCOL (includes those with U visas), and those who have Temporary Protected Status.</p>	

<sup>3</sup> Note: Qualified aliens don't lose their qualified status when they become Lawful Permanent Residents (LPRs)! So for instance, a refugee who becomes an LPR is still eligible for SNAP, TAFDC, etc. based on her/his prior refugee status.

Resource	No immigration status requirements	Available to “qualified aliens” <sup>4</sup> (this includes battered immigrants)	Available to “qualified aliens” who meet the “5 year bar”
7. TAFDC		<p>Sometimes. Yes for battered immigrants<sup>5</sup>. See <a href="http://www.massresources.org/tafdc-general-eligibility#noncitizens">www.massresources.org/tafdc-general-eligibility#noncitizens</a> for a list of eligible noncitizens, or contact Community Legal Aid.</p> <p>(You can also apply for your eligible child(ren) without applying for yourself – see Mixed Status Households),</p>	✓
8. TAFDC childcare for TAFDC recipients who are not on the grant themselves (= whose child is on the grant)		<p>If you are documented, you are eligible for TAFDC childcare as long as you are in a TAFDC-approved work, training, or education program.</p> <p>If you are NOT documented, you are eligible for TAFDC childcare only if DTA requires you to work (if you are “work-required”). Technically, undocumented parents have to meet the work requirement through community service, but DTA will generally allow a parent to meet the requirement through paid work if s/he can verify work income and hours.</p>	✓

<sup>4</sup> Note: Qualified aliens don't lose their qualified status when they become Lawful Permanent Residents (LPRs)! So for instance, a refugee who becomes an LPR is still eligible for SNAP, TAFDC, etc. based on her/his prior refugee status.

<sup>5</sup> Note: DTA (the agency that runs TAFDC) will accept self-declaration as temporary proof of battered status if your documents are lost or have been stolen.

Resource	No immigration status requirements	Available to “qualified aliens” <sup>6</sup> (this includes battered immigrants)	Available to “qualified aliens” who meet the “5 year bar”
9. SSI		<p>Yes, if you meet the income and age/disability requirements for SSI and one of the following:</p> <p><input type="checkbox"/> you are a refugee, asylee, Amerasian immigrant, Cuban/Haitian entrant, or withholding of deportation noncitizen (SSI benefits usually limited to the first 7 years after your status was granted); OR</p> <p><input type="checkbox"/> you are a lawful permanent resident with 40 credits or more of work in the U.S. (spouse or parent work may also count – see SSI section in this guide). <i>Note: LPRs who entered the U.S. after August 22, 1996 may have to wait five years to get SSI;</i> OR</p> <p><input type="checkbox"/> you were lawfully living in the U.S. on August 22, 1996 and you were receiving SSI on that date; OR</p> <p><input type="checkbox"/> you were lawfully living in the U.S. on August 22, 1996 and you are blind or disabled; OR</p> <p><input type="checkbox"/> you are on active duty in the U.S. Armed Forces or an honorably discharged veteran.</p>	<p>← Same as the conditions listed in the “Available to qualified aliens” column at left.</p> <p>← (Qualified aliens who meet the 5 year bar will already meet the condition to wait five years)</p>

<sup>6</sup> Note: Qualified aliens don't lose their qualified status when they become Lawful Permanent Residents (LPRs)! So for instance, a refugee who becomes an LPR is still eligible for SNAP, TAFDC, etc. based on her/his prior refugee status.

Resource	No immigration status requirements	Available to “qualified aliens” <sup>7</sup> (this includes battered immigrants)	Available to “qualified aliens” who meet the “5 year bar”
<b>10. Fuel assistance and shutoff protection</b>	✓	✓	✓
<b>11. Massachusetts Rental Voucher Program (MRVP) and Alternative Housing Voucher Program (AHVP)</b>	✓	✓	✓
<b>12. State public housing</b>	✓	✓	✓
<b>13. Federal public housing</b>		Most of the time. (See housing section in this guide.)	Most of the time. (See housing section in this guide.)
<b>14. Residential Assistance for Families in Transition (RAFT)</b> - (housing stabilization funds for families at high risk of homelessness)		At least one member of your family must be a citizen or LPR or otherwise permanently residing in the US	At least one member of your family must be a citizen or LPR or otherwise permanently residing in the US
<b>15. Emergency Assistance Housing Program (EA) and HomeBASE</b>		Yes, if one of your EA family members is <a href="#">an LPR, eligible for TAFDC, or PRUCOL.</a>	Yes, if one of your EA family members is <a href="#">an LPR, eligible for TAFDC, or PRUCOL.</a>
<b>16. Head Start, Early Head Start, &amp; Early Intervention</b>	✓	✓	✓

<sup>7</sup> Note: Qualified aliens don't lose their qualified status when they become Lawful Permanent Residents (LPRs)! So for instance, a refugee who becomes an LPR is still eligible for SNAP, TAFDC, etc. based on her/his prior refugee status.

Resource	No immigration status requirements	Available to “qualified aliens” <sup>8</sup> (this includes battered immigrants)	Available to “qualified aliens” who meet the “5 year bar”
<p><b>17. Income-eligible childcare</b></p> <p><u>Eligibility is based on child’s status, not the parent’s.</u></p> <p><i>No child is supposed to be denied by a subsidy administrator due to immigration status without review by MA Dept. of Early Education and Care (EEC), because this stuff is so complicated!</i></p>	<p>Note: Eligibility is based on child’s status, not the parent’s.</p>	<p>Yes, including battered non-citizens (abused children or children of an abused parent).</p> <p>For more info, see EEC’s Desk Guide to Non-citizen children eligibility at <a href="http://www.masslegalservices.org/content/desk-guide-non-citizen-eligibility-child-care">www.masslegalservices.org/content/desk-guide-non-citizen-eligibility-child-care</a></p> <p>Note: Eligibility is based on child’s status, not the parent’s.</p>	<p style="text-align: center;">✓</p> <p>Note: Eligibility is based on child’s status, not the parent’s.</p>
<p><b>18. victim compensation</b></p>	<p>✓</p>	<p>✓</p>	<p>✓</p>
<p><b>19. fuel assistance (LIHEAP, Citizens Energy Oil Heat Program, Good Neighbor Energy Fund, shutoff protection)</b></p>	<p style="text-align: center;">✓</p> <p>Note: the LIHEAP application asks for Social Security numbers (SSNs) for all household members, but you do not have to provide SSNs to be eligible.</p>	<p>✓</p>	<p>✓</p>
<p><b>20. FEMA funds</b> (for economic emergencies related to shelter or food, including rent and utility arrearages)</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>
<p><b>21. Unemployment insurance</b></p>	<p>Yes, if you were working legally when you lost your job and are legally allowed to take a new job.</p>	<p>Yes, if you were working legally when you lost your job and are legally allowed to take a new job.</p>	<p>Yes, if you were working legally when you lost your job and are legally allowed to take a new job.</p>

<sup>8</sup> Note: Qualified aliens don’t lose their qualified status when they become Lawful Permanent Residents (LPRs)! So for instance, a refugee who becomes an LPR is still eligible for SNAP, TAFDC, etc. based on her/his prior refugee status.

Resource	No immigration status requirements	Available to “qualified aliens” <sup>9</sup> (this includes battered immigrants)	Available to “qualified aliens” who meet the “5 year bar”
<b>22. Short-term, non-cash emergency disaster assistance</b>	✓	✓	✓
<b>23. Veterans services</b>	All honorably discharged veterans	All honorably discharged veterans	All honorably discharged veterans

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<sup>9</sup> Note: Qualified aliens don't lose their qualified status when they become Lawful Permanent Residents (LPRs)! So for instance, a refugee who becomes an LPR is still eligible for SNAP, TAFDC, etc. based on her/his prior refugee status.



**How much money could I get from SNAP, EAEDC, or TAFDC, if I am eligible?**

**MAXIMUM MONTHLY BENEFITS  
(SNAP, EAEDC, TAFDC)**

□ 1. **SNAP maximum monthly benefit** – The table below shows the maximum amount you can get, based on household size. The amount you will be eligible for depends on your income; how much you have to pay for shelter, dependent care, child support to a child outside the home, and medical expenses (for elderly and disabled household members); and your legal immigration or US citizenship status. You are expected to spend about 30% of your net household income on food.

<b>Household size</b>	<b>Maximum monthly SNAP benefit Oct 1, 2014 - Sep 30, 2015</b>
1	\$194
2	\$357
3	\$511
4	\$649
5	\$771
6	\$925
more	see the SNAP calculator at <a href="http://www.gettingsnap.org">www.gettingsnap.org</a>

□ 2. **EAEDC maximum monthly benefit** – The table below shows the maximum amount you can get, based on household size. The amount you will be eligible for depends on your income; your living situation (whether you have shelter costs); whether other members of your household are getting TAFDC or EAEDC; and your legal immigration or US citizenship status.

<b>Household size</b>	<b>Maximum monthly EAEDC benefit current as of September 2014</b>
1	\$303.70
2	\$395.10
3	\$486.60
4	\$578.20
5	\$669.80
6	\$761.10
more	see <a href="http://www.massresources.org/eaedc-benefits.html">www.massresources.org/eaedc-benefits.html</a>

3. **TAFDC maximum monthly benefit** – The table below shows the maximum amount you can get, based on household size. The amount you will be eligible for depends on your income; whether you live in subsidized or unsubsidized housing; whether you are exempt from work requirements or not; and your legal immigration or US citizenship status.

Household size	Living in Subsidized (Public) Housing current as of September 2014	Living in Unsubsidized (Private) Housing current as of September 2014
1	\$388	\$428
2	\$491	\$531
3	\$593	\$633
4	\$691	\$731
5	\$792	\$832
6	\$896	\$936
more	see <a href="http://www.massresources.org/tafdc-benefits.html">www.massresources.org/tafdc-benefits.html</a>	see <a href="http://www.massresources.org/tafdc-benefits.html">www.massresources.org/tafdc-benefits.html</a>

*Note: In the month of September, you get an extra \$200 in TAFDC benefits for each eligible child under 19yo, as a clothing allowance.*

*What if I live in a household where some family members have legal immigration status and some don't?*

## MIXED STATUS HOUSEHOLDS

1. **Opting out** - If you would like to apply for SNAP, TAFDC, or EAEDC for your eligible children but do not want to apply for yourself or are not eligible yourself, you have the right to “opt out,” meaning you can apply for them without applying for yourself.

1a. Households members who are “opting out” (known as excluded members) **do NOT need to submit a social security number or immigration status**. They will need to submit their income and assets.

1b. **If opting out when applying to SNAP, use the paper application** to apply for SNAP, because the online system does not accommodate opting out very well. In your paper application, include a cover letter stating who in the household you are applying for, and who in the household you are not applying for.

1c. **If you have legal status (including PRUCOL) and are applying to SNAP** but you are “opting out”, providing proof of your legal status in your SNAP application may result in your getting significantly higher benefits for your household than if you cannot or do not wish to provide proof.

2. **Applying for federal housing assistance as a mixed status household** - If at least one member of your family is a citizen or eligible noncitizen, you can be eligible for federal housing assistance programs, but you will have to pay a higher rent than you would if all of the household members were citizens or eligible noncitizens. Often this means the rent is too high to afford.

***What cash assistance might be available to me, if I am legally present in the US but not eligible for cash assistance from TAFDC?***

## **EMERGENCY AID TO ELDERS, DISABLED AND CHILDREN (EAEDC)<sup>10</sup>**

*EAEDC is a cash benefit for the elderly and people with disabilities.*

*It is one of the most significant cash assistance programs for legally present immigrants.*

### **Where you apply:**

- **Your local DTA office (see Rights when Applying for Public Benefits section! You can bring an advocate with you when you apply)**

### **Where to get help applying or appealing a decision:**

- **[Community Legal Aid](http://www.communitylegal.org) at (855) 252-5342 or online at [www.communitylegal.org](http://www.communitylegal.org) (see Legal Resources section)**

**1. Most legally present immigrants can apply** – EAEDC is available to people with the following citizenship statuses:

- Battered immigrants, and their children and parents (includes VAWA self-petitioners)
- PRUCOL immigrants (includes people with U visas, and people with temporary protected status)
- Refugees, asylees, Cuban/Haitian entrants, people granted withholding of deportation or removal, Amerasian immigrants
- Victims of trafficking
- Lawful permanent residents (LPRs)

**2. Eligibility** - You may be eligible for EAEDC if you are one of the following:

- 65 or older; or
- disabled with a mental or physical disability that is expected to last 60+ days and substantially reduces your capacity to work; or
- caring for someone who is disabled; or
- in a Mass. Rehab program

**3. Disability** - Disability includes physical impairments, mental health impairments, or a combination of impairments. Factors determining your ability to work or not (disability) include: past work experience, education level, and non-diagnosable factors, such as pain. 50% of state residents who receive EAEDC for a disability are receiving it for a mental health impairment, such as depression or PTSD.

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<sup>10</sup> Note: As of January 2015, DTA is in the process of amending its regulations, partly in response to the new welfare law enacted as Chapter 158 of the Acts of 2014 (St. 2014, c. 158). This Guide does not reflect those amendments.

*I am applying to DTA for benefits (TAFDC, EAEDC, SNAP) for myself and/or my child(ren). What are my rights?*

## **RIGHTS WHEN APPLYING TO THE DEPARTMENT OF TRANSITIONAL ASSISTANCE (DTA) FOR BENEFITS<sup>11</sup>**

### **What they are:**

**Your legal rights when applying to DTA for benefits (SNAP, EAEDC, TAFDC).**

### **Who has these rights:**

**Everyone**

### **Where to get help if your rights are being violated:**

➤ **Community Legal Aid (see Legal Resources section).**

- 1. You have the **right to be accompanied and/or represented at DTA by anyone of your choice**
  - 1a. **Ask your advocate!** - Local domestic violence and rape crisis center advocates can support you in applying for benefits, including with language assistance, transportation, accompanying you, and helping you collect supporting documents to apply.
- 2. You have the **right to a free interpreter**, both on the phone with DTA and in-person at a DTA office
  - 2a. You **can self-identify** as someone with “Limited English Proficiency” in order to be provided with an interpreter.
  - 2b. If the DTA worker wants to try to proceed without an interpreter (if s/he says, “we can understand each other enough,” for instance), **be firm in your request that you would like an interpreter** who is fluent in your language.
  - 2c. If you apply at the DTA office, **DTA can ask you to return after your initial visit** to continue the application process when an interpreter can be there in person. You should sign a Request for Assistance on your initial visit. If returning another day would be too burdensome for you, DTA should use a telephone interpreter to complete your application during your initial visit.
  - 2d. The DTA worker **should not ask your children to interpret** for you.
  - 2e. If your language needs are not being met, **you can file a language access complaint** with DTA.
- 3. **Sign and date a Request for Assistance the very first time you go to DTA** - To start your application for benefits, you only have to sign and date a Request for Assistance (you do NOT have to answer all the questions on it). If you are eligible for benefits, they will be backdated to the date you signed and dated the Request.

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<sup>11</sup> Note: As of January 2015, DTA is in the process of amending its regulations, partly in response to the new welfare law enacted as Chapter 158 of the Acts of 2014 (St. 2014, c. 158). This Guide does not reflect those amendments.

- 3a. If you are **applying online for SNAP, the same idea applies** – to “file” an application, you only have to submit your name, address, and signature and hit submit. The date you hit submit will be your “filing date” and your benefits may go back to that date. To complete your application, you will be asked to provide more information and some proof, and have an in- person interview, but you can do all of that after your filing date.
  
- 4. You have the **right to apply even if you do not have verifications with you** and to mail or bring in your verifications at a later date. You have the right to submit an application right away online or the very first day you go to DTA.
  
- 5. You have the **right to request and be provided with worker assistance**. This means you have the right to help from a DTA worker with obtaining verifications, filling out forms, and explanation of notices.
  
- 6. You have the **right to be treated with dignity, consideration, and respect, and not to be discriminated against** due to race, sex, color, national origin, disability, religious creed, or political belief.
  
- 7. You have the **right to request additional time** to complete your application, as long as you are requesting this time before you have turned your application in.
  
- 8. You have the **right to a decision within 30 days from your application date**, either granting you benefits or giving you a denial notice.
  - 8a. **If you are denied because more proof is needed**, you have an additional 30 days from the date of the denial notice to provide that proof.
  
  - 8b. **If more proof is needed, your benefits might only be backdated to the date you provide the proof** – If DTA denies you because more proof is needed and you give them proof and then are approved for benefits, your benefits might only be backdated to the date you provided this proof, rather than the date you signed and dated a Request for Assistance.
  
- 9. If your request for benefits is denied or your benefits are reduced or terminated, you have **the right to appeal by requesting a Fair Hearing**.
  - 9a. You **must appeal by the 90<sup>th</sup> day** after the date of the notice (or the 120<sup>th</sup> day if you are appealing based on DTA worker misconduct).
    - Fax your appeal to the Division of Hearings.  
Fax: (617) 348-5311<sup>12</sup>.
  
  - 9a-1. Then call the Division of Hearings the next day at telephone #(617) 348-5321, to confirm that they received the appeal. (The appeal will be routed through DTA’s Electronic Document Management Center (EDMC) in Taunton to a designated box for the Division of Hearings. This process can take up to 24 hours). If you have signed a release and filed it with DTA, your advocate can make this call if you prefer.
  
  - 9a-2. Your appeal does not require a signature, just your name and address. So with your permission, your advocate could fill it out and fax it in.

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<sup>12</sup> From Naomi Meyer (Greater Boston Legal Services): the Director of Division of Hearings told her on 9/5/14 that faxes should be sent to the above number, rather than the new Electronic Documents Management (EDM) number in Taunton, because the faxes will be redirected to a designated inbox for Div of Hearings at EDM, so that they will be forwarded to the correct place within 24 hours.

9b. **You can get aid paid pending** if you appeal a change in your benefits before that change takes place. If you lose the appeal, you will have to pay back the aid you received while your appeal was pending – the amount will be recouped at a rate of 10% of your grant each month if you continue to get benefits. If you don't continue to get benefits, they will bill you.

10. You have the **right to see your case file anytime**.

11. **Online account** - You can set up an online account through Virtual Gateway to keep track of your DTA benefits and notices.

## *What about SSI?*

### **Supplemental Security Income (SSI)**

*SSI is a federal benefit and more difficult to be eligible for than other benefits.*

- **In Hampshire and Franklin counties, the [Center for Public Representation](http://www.centerforpublicrep.org/ssi-ssdi-benefit-denials) represents individuals seeking SSI benefits. See [www.centerforpublicrep.org/ssi-ssdi-benefit-denials](http://www.centerforpublicrep.org/ssi-ssdi-benefit-denials)**
- **In Berkshire and Hampden counties, Community Legal Aid can help you appeal if you are wrongfully denied benefits. Call (855) 252-5342 or visit [www.communitylegal.org](http://www.communitylegal.org).**

1. The **most common path to SSI eligibility for immigrants** is to be a Lawful Permanent Resident (LPR) who has been an LPR for 5 or more years (also known as clearing the “5 year bar”) and has 40 quarters of work history.

1a. **A tip for LPRs on meeting the 40 quarters of work requirement** - You can get credit for your parents' quarters (earned before you were 18yo, including before birth) and for your spouse's quarters (earned during marriage. If you divorce your spouse, you would not count his/her quarters). Note that if you or the worker were receiving Medicaid, SSI, food stamps, TANF, or SCHIP during any of those quarters, special rules apply.

2. If you have been **granted status as a refugee, asylee, Cuban/Haitian entrant, Amerasian immigrant, or withholding of deportation/removal**, you can be eligible for SSI, but only during the first 7 years after your status was granted.

## *Am I eligible for public housing?*

### HOUSING

- 1. Currently, **all state public housing programs have no citizenship or immigration status restrictions.** This includes: state public housing for families, state public housing for elders and people with disabilities, the Massachusetts Rental Voucher Program (MRVP), Alternative Housing Voucher Program (AHVP), and state-funded multifamily housing.
  
- 2. **A few federal housing programs are available to everyone** and have no citizenship or immigration status restrictions. These include: some federal multifamily buildings, Housing Opportunities for Persons with AIDS (HOPWA), McKinney Shelter Plus Care, Supportive Housing, HOME Rental Assistance, and McKinney Homeless Programs (except for the McKinney Section 8 moderate rehabilitation program).
  
- 3. Most **federal public housing assistance is only provided to citizens and certain eligible noncitizens.** Programs like this include: federal public housing, vouchers, and most multifamily housing assistance. [Eligible noncitizens](http://www.masslegalhelp.org/housing/eligibility#question_4) for these programs include (see [www.masslegalhelp.org/housing/eligibility#question\\_4](http://www.masslegalhelp.org/housing/eligibility#question_4) for more information):
  - lawful permanent residents (LPRs)
  - refugees
  - asylees
  - parolees
  - a victim of trafficking and/or relatives of a victim of trafficking
  - non-citizens granted a withholding of removal
  - certain others
  
- 4. **If you are part of a mixed status household** where at least one member of your family is a citizen or eligible noncitizen, you can be eligible for federal housing assistance programs, but you will have to pay a higher rent than you would if all of the household members were citizens or eligible noncitizens. Often this means the rent is too high to afford.

## HEALTH CARE ACCESS

### *Where can I go for free or reduced-cost health care?*

1. For **places to get free or reduced-cost health care in your area (whether or not you have insurance)** see the Health Care section in the Guide for Advocates (of non-immigrant survivors).

### *Is it safe to apply for health insurance?*

2. **Confidentiality** - The state will keep information on your application confidential from immigration officials, and the federal government says it does not use any information it finds out about individuals when they apply for health insurance as the basis for pursuing civil immigration enforcement actions against them or members of their household.

2a. The MA office in charge of health care (MA Executive Office of Health and Human Services) says in its [member booklet](#) (online in English at [www.mass.gov/eohhs/docs/masshealth/membappforms/aca-1-english-mb.pdf](http://www.mass.gov/eohhs/docs/masshealth/membappforms/aca-1-english-mb.pdf) and in Spanish at [www.mass.gov/eohhs/docs/masshealth/membappforms/aca-1-spanish-mb.pdf](http://www.mass.gov/eohhs/docs/masshealth/membappforms/aca-1-spanish-mb.pdf)):

“Applications and the information on them will be kept confidential. This means that:

- names and addresses will not be sent to immigration enforcement officials; and
- we will not match information with other agencies if individuals do not have social security numbers”

2b. And US Immigration and Customs Enforcement (ICE) released a [memo](#) (online at [www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf](http://www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf)) stating:

- “ICE does not use information about such individuals or members of their household that is obtained for purposes of determining eligibility for such coverage as the basis for pursuing a civil immigration enforcement action against such individuals or members of their household.”

### *What free or subsidized health insurance am I eligible for?*

➤ You can call the toll-free [Health Care For All Helpline](#) at (800) 272-4232 with questions about health coverage in Massachusetts. Open 9am-5pm, Monday-Friday. Online at [www.hcfama.org/helpline](http://www.hcfama.org/helpline)

3. **Eligibility for health insurance** – You are entitled to some form of health insurance, no matter your immigration status. What kind of health insurance you are eligible for depends on your immigration status, income (based on the federal poverty level, or FPL), and life circumstance (pregnant, under 20yo, disabled, elderly, etc.). Below is a basic outline to give you a sense of what you might qualify for.

➤ See the Health Care section in the Guide for Advocates (of non-immigrant survivors) for places that can help you determine your eligibility and/or sign up for health insurance.

3a. **If you are pregnant** and your income is not more than 200% of the federal poverty level (FPL), you are eligible for MassHealth Standard insurance coverage (comprehensive coverage), regardless of citizenship or immigration status.

3b. **If you are under 19 years old...**



- 3b-1. ....**and lawfully present**<sup>13</sup>, and the income in your household is not more than 150% of the FPL, you could be eligible for MassHealth Standard insurance coverage (comprehensive coverage). There is no 5-year waiting period for children. Children do not need to have been lawfully present in the US for a certain amount of time to be eligible (meaning you do not have to meet the “5-year bar”).
  - 3b-2. ....**and nonqualified PRUCOL**<sup>14</sup>, and the income in your household is not more than 300% of the FPL, you could be eligible for MassHealth Family Assistance (health insurance with most of the services of MassHealth Standard).
  - 3b-3. ....**and don't have eligible immigration status**, you may be eligible for MassHealth Limited (emergency services for those up to 150% of the FPL); Health Safety Net (medical visits and acute care for those up to 400% FPL); and/or the Children’s Medical Security Program (primary and preventative medical and dental care).
- 3c. **If you are 19-20 years old...**
- 3c-1. ....**and lawfully present**, and your income does not exceed 150% of the FPL, you are eligible for MassHealth Standard insurance coverage (comprehensive coverage). You do not have to have been lawfully present in the US for a certain amount of time to be eligible (meaning you do not have to meet the “5-year bar”).
  - 3c-2. ....**and nonqualified PRUCOL**, and your income is not more than 150% FPL, you could be eligible for MassHealth Family Assistance (health insurance with most of the services of MassHealth Standard).
  - 3c-3. ....**and don't have eligible immigration status**, you may be eligible for MassHealth Limited (emergency services for those up to 150% of the FPL); or HealthSafety Net (medical visits and acute care for those up to 400% FPL).
- 3d. **If you are not pregnant and you are more than 20 years old...**
- 3d-1. ....**and you are a qualified alien and you meet the 5-year bar or are exempt from the 5-year bar (this includes asylees, refugees, victims of trafficking, and others)**, and meet the income requirements, you may be eligible for MassHealth Standard (comprehensive coverage).
  - 3d-2. ....**and you are lawfully present or nonqualified PRUCOL**, and you are disabled or elderly with income up to 100% of FPL, you may be eligible for MassHealth Family Assistance (health insurance with most of the services of MassHealth Standard).

<sup>13</sup> "Lawfully present" is a term that comes from the Affordable Care Act ('Obamacare'). As interpreted in Massachusetts, it is a broader category than "qualified alien" because it also includes people with temporary protected status, asylum applicants, those with deferred enforced departure (DED), and others. For a full list, see MLRI's Eligibility of non-citizens for MassHealth 2014 at [www.masslegalservices.org/system/files/library/MLRI's Summary of Immigrant Eligibility for Health Programs.pdf](http://www.masslegalservices.org/system/files/library/MLRI's%20Summary%20of%20Immigrant%20Eligibility%20for%20Health%20Programs.pdf) (scroll down to Table 1 - Lawfully Present Non-Citizens).

<sup>14</sup> People who are "nonqualified PRUCOL" do not fit into any of the "lawfully present" categories described above (see footnote above) but are nevertheless eligible for certain benefits based on their citizenship situation. This includes people with an indefinite stay of deportation or indefinite voluntary departure, those who have been granted Deferred Action for Childhood Arrivals (DACA) or have a pending application for this status, any noncitizen living in the US with the knowledge and consent of the Department of Homeland Security, and others. For a full list, see MLRI's Eligibility of non-citizens for MassHealth 2014 at [www.masslegalservices.org/system/files/library/MLRI's Summary of Immigrant Eligibility for Health Programs.pdf](http://www.masslegalservices.org/system/files/library/MLRI's%20Summary%20of%20Immigrant%20Eligibility%20for%20Health%20Programs.pdf) (scroll down to Table 2 - Non-qualified PRUCOL Non-Citizens).

- 3d-3. ...**and don't have eligible immigration status**, you may be eligible for MassHealth Limited (emergency services for those up to 150% of the FPL); or Health Safety Net (medical visits and acute care for those up to 400% FPL).

*Where can I get help signing up for free or subsidized health insurance?*

- 4. For **places that can help you sign up for free or subsidized health insurance in your area**, see the Health Care section in the Guide for Advocates (of non-immigrant survivors)

*I think I may have a state criminal record. How can I check? How will it affect my immigration application? Should I seal my records?*

## **CRIMINAL OFFENDER RECORD INFORMATION (CORI)**

*If you had a state criminal case brought against you in MA (even if the case was dismissed or you were found not guilty), it will be on your record. This can complicate the immigration application process.*

- 1. **Consult with a trusted attorney** (see Legal Resources section in this guide) if you have a criminal record. The “disposition” (which means the outcome) in the case has important consequences for your immigration application.
  - 1a. With some dispositions, you have to wait out a statutory period before you can be eligible to apply for citizenship or other immigration statuses.
  - 1b. With some dispositions, you will never be eligible for citizenship and so should not apply.
  - 1c. Some dispositions are immediately deportable.
  - 1d. Note, too, that convictions are defined differently for immigration purposes. If your case was dismissed without finding but there was an “admission of sufficient facts,” that is considered a conviction for immigration purposes.

- 2. **Get your CORI** - It is important to know your CORI for immigration purposes and in case there are mistakes on it. There is a \$25 fee, but you can get this fee waived if you file an affidavit of indigency.
  - You can get your CORI online at <https://icori.chs.state.ma.us/> or by mail using a [CORI Personal Request Form](#) (available online at [www.mass.gov/eopss](http://www.mass.gov/eopss) > Crime Prevention & Personal Safety > Background Check > CORI > scroll down to Requesting Criminal Records).
  - The [Affidavit of Indigency](http://www.mass.gov/eopss/docs/chsb/affidavitofindigency.pdf) for getting your CORI request fee waived is available at [www.mass.gov/eopss/docs/chsb/affidavitofindigency.pdf](http://www.mass.gov/eopss/docs/chsb/affidavitofindigency.pdf)
  
- 2a. If you **do not have a Social Security number (SSN)**, but you would like to get your CORI, you can enter 000-00-0000.
  
- 3. **Sealing your records** - Sealing your CORI records will not eliminate the records for immigration purposes. But it will make it so they do not show up on most employment or housing rental background checks. For more information, see the CORI section in the Guide for Advocates (of non-immigrant survivors).
  - 3a. If you choose to seal your records, **make sure you first get certified copies of all records**. You will need copies of them for your immigration application. Once they are sealed, it is a hassle to retrieve these records (you might have to go to each court where a record is sealed and ask the judge to unseal the case).
  
- 4. **Different CORI rights for immigration than for employment** - When asked about your records once they are sealed, you have a right to say “I have no record” for employment inquiries, BUT NOT FOR IMMIGRATION PURPOSES. Not telling immigration authorities about your criminal record, even if it is sealed, may result in allegations of fraud or misrepresentation.
  - 4a. **Homeland Security can do a background check** on you without your having to give permission, and may have access to all your records, whether or not they have been sealed.
  
- 5. **Know your other CORI rights!** You have the right to get a copy of your own CORI; You have the right to get mistakes on your CORI fixed; No one can ask you to get your own copy of your CORI for him or her; You have a right to know who got copies of your CORI. You also have [CORI rights in jobs and housing searches!](#) For more information on your CORI rights, see the CORI section in the Guide for Advocates (of non-immigrant survivors) or visit [www.masslegalhelp.org/cori/your-rights](http://www.masslegalhelp.org/cori/your-rights)).

*What are other state and national resources with useful information on economic resources for immigrant survivors?*

## STATE and NATIONAL RESOURCES

- 1. **National Immigration Law Center (NILC)** – Provides information, education, policy advocacy, policy analysis, and litigation for immigration reform. Have a good resource section on [Health Care and Public Benefits](http://www.nilc.org/health-publicbens.html) (at [www.nilc.org/health-publicbens.html](http://www.nilc.org/health-publicbens.html)) and [President Obama's Executive Actions](http://www.nilc.org/relief.html) (DACA and DAPA, at [www.nilc.org/relief.html](http://www.nilc.org/relief.html)).
  - [www.nilc.org](http://www.nilc.org)
  
- 2. **National Immigrant Women's Advocacy Project (NIWAP)** – Offers technical assistance, information, and policy advocacy to benefit immigrant women and children. Have a web library ([niwaplibrary.wcl.american.edu](http://niwaplibrary.wcl.american.edu)) with resources on the legal rights of immigrant victims of domestic violence, sexual assault, trafficking, and other crimes.
  - [www.niwap.org](http://www.niwap.org)
  - Resource library at [niwaplibrary.wcl.american.edu](http://niwaplibrary.wcl.american.edu)  
(Tip: this website is not accessible if HTTPS Everywhere is enabled on your computer)
  
- 3. **Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA)** – Promotes the rights of immigrants and refugees through policy advocacy, organizing, policy analysis, training, and leadership development. Offers trainings for advocates and some citizenship clinics (mostly in eastern MA).
  - [www.miracoalition.org](http://www.miracoalition.org)