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# Integrated Care Rounds: Serving Families with Mixed Immigration Statuses

## April 11, 2024

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# Agenda

- Introduction to Immigrant Families in NC
- Your Perspectives on Serving Mixed-Status Families
- Connecting Lived Experience to Practice
- Navigating Resource Eligibility
- A Look Ahead

# Background on Immigrant Families in NC

- 1 in 5 children in NC have a parent who is an immigrant
- "Mixed-status" means family members have differing immigration statuses (e.g. refugee status, green card, undocumented)
- Language barriers (as well as mistrust/fear) can discourage some immigrants from accessing services for which they are eligible
  - About 1 in 4 NC immigrants do not speak English well or at all
  - Majority of NC immigrants (54.4%) speak Spanish; other top languages are Chinese (3%), Telugu (2.5%), French (2.6%), Vietnamese (2.3%)

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# Challenging Myths about Serving Immigrant Families

- Undocumented individuals DO have legal rights in the US, e.g. protection against eviction, the right to attend public school if school-age
- Many families express concern about being perceived as a "public charge," jeopardizing their path to citizenship or leading to deportation
- We don't always need to know someone's status to connect them to a program or a service; we just need to know if the service can be provided *regardless of status*.

**TIP**: Make a habit of asking community partners what information they ask for & what documents they accept (e.g. SSN, DL, birth certificates, etc.)

Do not assume that someone does not have immigration status because of their language barrier.

**Families with mixed status are not only Latino families.** There are families from Africa, Asia as refugees and asylum seekers who …cannot get the same access into services.

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# Your Perspectives on Serving Mixed Status Families

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# Past Experiences Serving Mixed-Status Families

- Some respondents have never encountered this situation; others experience it often
- Those with past experiences shared common themes:
  - Kids are more likely to be citizens/eligible for services than caregivers and other adult family members; but note some kids in the family may be citizens while others aren't
  - Mixed status situations are not limited to undocumented vs. citizens
  - Language barriers alone do NOT mean someone is undocumented
  - Building trust and rapport is key!

**I don't think I have encountered this yet.**

I've had pretty positive experiences... Sometimes it **takes a bit longer to establish rapport and trust** with the family.

Many of our population have **parents or siblings that are undocumented**. It impacts the way we serve as **we try to assist the one child with things that would benefit the entire family.**

# Resource Needs

- Guidance re: eligibility for government programs based on immigration status
- Legal, financial, and health care resources for undocumented caregivers, especially culturally/linguistically appropriate mental health services
- Language supports when working with providers outside of FNs' home entity (e.g. DSS offices, schools)

**Tip**: Offer to call a resource with an interpreter on the line on your end. Connect to the language line *before* calling the community partner to leverage supports.

Many providers **do not have interpreter services readily available for those who speak another language.** This can create a barrier in families finding a provider who can deliver services due to language barriers.

I would like a detailed resource guide…for each county. **More affordable accessible medical clinics** for males. **Mental health support** for Spanish speaking community and other communities.

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# Challenges to Serving Mixed-Status Families

- Language barriers during CM interactions and when seeking help from other agencies—websites, documents, phone lines often not in their native language
- Program eligibility restrictions, esp. for undocumented people; understanding what families qualify for without delving too deeply into their legal statuses
- Overcoming fear, mistrust, and misinformation

Some families…have been hesitant to apply for resources that they are eligible for because **they don't want to draw attention to themselves and/or they are fearful it will prevent them from gaining legal citizenship…**

Often we have to look for community resources such as churches and non-profit agencies to help meet needs as these **families are often not eligible for government benefits**. Finding the non-government resources can be **difficult depending on the county.**

I myself and my parents were undocumented until I turned 18, and **my family did not seek out help even when we needed it to avoid being noticed or being put in a system**…my mom **worried a lot about having to explain our situation.**

# Helpful Resources and Best Practices

**Care Managers' Roles:**

- Identifying & connecting to resources
- Application support (or referring to orgs that support)
- Education on eligibility
- Addressing language barriers & anxieties

**Tip**: Look for translation options on websites and walk families through how to adjust for preferred language in browser or smartphone settings!

**Non-governmental Resources**

- Food & diaper banks
- Faith-based orgs
- Social media groups
- Immigrant support orgs

**Health & Dental**

- Federally Qualified Health Centers
- Local Health Dept.
- Immigrant focused orgs

**Legal Supports**

- Legal Aid (Housing & DV*)
- Little to no cost immigration & naturalization supports

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# Today's Guiding Principles

1. **We are all experts** of our *own* experiences & expertise doesn't always come from training or formal education
2. **Engaging with people** with lived experience can feel intimidating, don't shoot for perfection, just start somewhere & ask questions
3. **There is no "us" & "them"** - *you* are the community you serve.

# Connecting Lived Experience to Practice

José Santibañez | Founder & Director of Bull City Futsal Academy



## About Me

- Father of 3 beautiful kids
- I became a DACA recipient under the Obama Administration
- My immigration journey started because of domestic violence

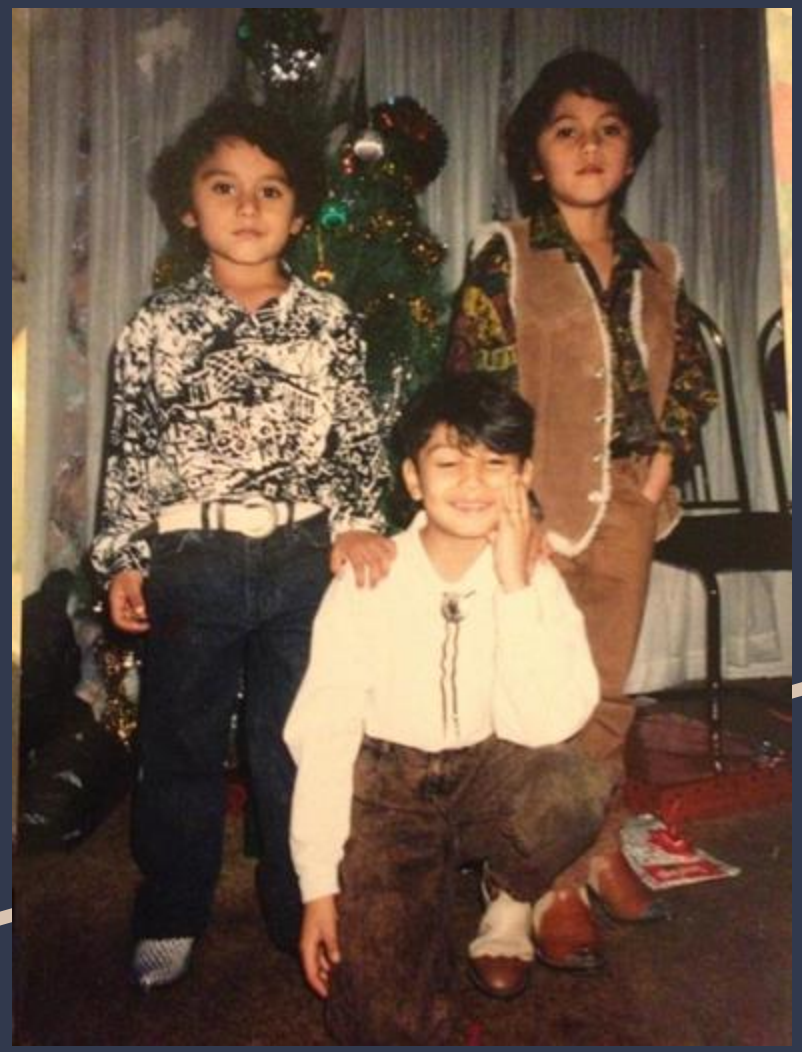
## Some of my professional experiences:

- Recreational Director of Triangle United Soccer Association
- Youth Sports Director
- Managing Director of Hornets Futsal Club

“**DACA | Deferred Action for Childhood Arrivals** is a policy that allows undocumented immigrants who arrived to the US as children to secure a work permit, a social security number, and a driver’s license. It protects us from deportation. It is ***not*** a green card and there is ***not*** a path to citizenship through DACA.”

- Boundless Immigration Inc.

# Key Takeaways



1. **Lived experience matters**
2. **Developing trust** in relationship is difficult and takes time
3. **There isn't a  perfect approach**, but there are some "dos & don'ts"
4. **Community resources are key** to enhancing SDOH for BIPOC & mixed status families
5. **Bull City Futsal Academy is an essential resource** for youth with limited resources



# Many BIPOC communities distrust the US healthcare system

Medical News Today:
Medical mistrust linked to race/ethnicity & discrimination by Timothy Huzar

Kaiser Family Foundation:
Key Data on Health & Healthcare by Race & Ethnicity

“Lived experience belongs to people who have gained knowledge through direct, first-hand involvement in every day events rather than through assumptions & constructions from other people, research, or media”

- Chandler & Munday

How do we build trusting relationships when there is already distrust?

# Methods of Establishing Trust



Trust is gradual!

1. Start with small steps, organize yourself and think through before committing
2. Consistency is Key
3. Practice honesty with your capacity
4. Practice authentic vulnerability
5. Be true to *your* word: honor your commitments
6. Communicate effectively, listen actively, express openly

# Do’s & Don’ts when working with families of mixed status

# DO

1. **Listen** - many families & cultures don't use the same terminology as the US
2. **Take a strengths-based** approach
3. **Connect** to established resources
4. **See community leaders** as liaisons
5. **Ask about** preferred language & what they currently use for access
6. **Establish** your own personal relationships with families
7. **Be mindful** of the words & terminology you & others use

“Some people may describe their status in terms of events, relationships, and experiences. Therefore it is best to follow their lead as they describe and ask questions about the information they’re giving. For example, a woman may not know how to say she has a green card but she can say her husband filed papers for her”

- Family Voices

# DON'T

1. **Ask for** personal information without established trust
2. **Use the words** Alien or Illegal as a way to describe someone
3. **Assume** someone doesn’t understand simply because they have an accent or don’t speak English to you
4. **Gatekeep** resources in exchange for information
5. **Set low expectations** & change how you hold accountability

Community resources are key to helping meet the nonclinical needs of families with mixed status.

# Community Resources

## Emily K Center (1st - college students)

- Free tutoring, enrichment,  trainings, networking, professional dev., etc.

## Student U (6th - college students)

- Free tutoring (virtual option), afterschool, internships, transportation from school to StudentU, savings accounts, financial support, & interpreting support at DPS schools

## So Good Pupusas | Pupusas for Education

- Scholarships for undocumented/DACA students
- Mental health retreats for students & allies

El Futuro

EL CENTRO HISPANO
www.elcentronc.org

EMILY K CENTER
Where Students Thrive

STUDENTU

I SO GOOD PUPUSAS

PUPUSAS FOR EDUCATION

# Bull City Futsal Academy

Founded in 2017

Some of our largest funders are:

- Oak Foundation, Heather O'Reilly Giving Fund, Mia Hamm Foundation, Pinto Foundation, etc

Some of our community partners are:

- DPS, El Futuro, El Centro Hispano, local college student groups, etc.

“BCFA’s goals are to: 1) make futsal part of our culture in Durham by providing underserved communities, clubs, and schools with athlete-centered, affordable, and accessible futsal and soccer programming; and 2) to expose our participants to resources that invest in their holistic development and make those resources more accessible to their families”







# Programs

- Serve 1-12th grade across all programs
- Registration asks for minimal information
- Free in-school & afterschool programs
  - Lakewood Elem., Sherwood Githens Middle, Eastway Elem., Club Blvd. Elem.
- Free Recreational Programs
  - Sherwood Park
- Competitive Programs (sliding fee)
- First college tour this Saturday with NC State!












BCFA also holds community events & resource fairs

- Connect families to resources
- Connect organizations to community
- Encourage collaborative efforts across organizations
- Free for families
- Kids get a free meal
- Competitive BCF leagues play against other local competitive teams in La Liga de Toros

# Questions?

José Santibañez | jsantibanez@bullcityfutsal.com | Founder & Director of Bull City Futsal Academy





# Immigrants' Eligibility for Benefits and Public Charge

- Kate Woomer-Deters
- North Carolina Justice Center
- Updated April 2024

# What Barriers Impact Immigrants' Receipt of Public Benefits?

- ***Eligibility Barriers*:** Reasons why immigrants may not be *eligible* to enroll in benefits programs

- ***Access Barriers*:** When even eligible immigrants or family members are discouraged from applying
  - Fear of being labeled a "public charge" resulting in denial of "green card"
  - Fear that agency will report undocumented family or household members to ICE
  - Confusion about eligibility rules
  - Language barriers

# IMMIGRATION STATUS 101

Legal Permanent Resident (LPR or "Green Card" holder)

U Visa (victims of crime)

T Visa Holders (victims of trafficking)

Approved VAWA recipient ("battered immigrant") – "Deferred Action"

Temporary Protected Status (TPS)

Asylee

Refugee

V-Visa holder

H-2A and H-2B visa (temporary farm and seasonal workers)

("non-immigrants")

Other "Non-Immigrant" visas such as student and visitor visas (B-1, F-1, J-1)

Deferred Action for Childhood Arrivals (DACA)

And more…

# What are Some Common Categories of Legally-Present Immigrants?

# How Can You Tell What Kind of Immigration Status A Person Has? (PART 1)

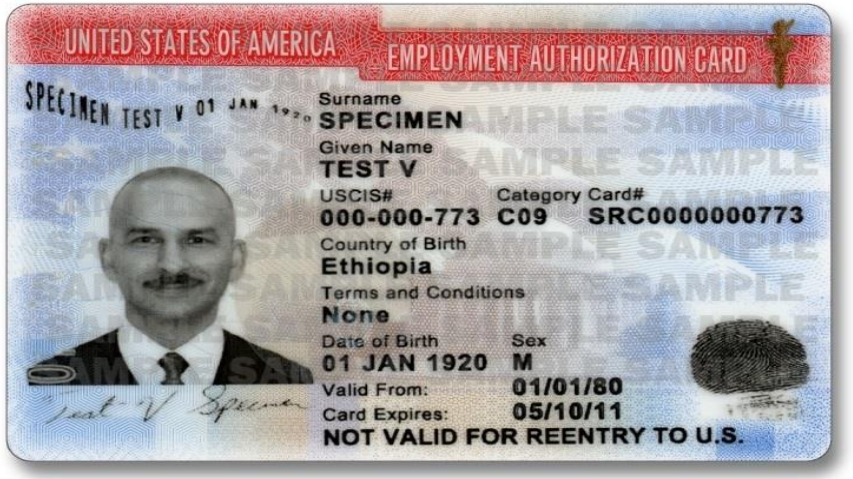
## I-797 Approval Notice

- These are given by DHS for many different types of status.
- The type of status approved will be noted on this 8.5 x 11 piece of paper.




## Employment Authorization Document ("EAD", or work permit)

- Referred to as "I-688" or "I-766" in the Medicaid Manual
- The "Category" code on the work permit tells you what kind of status the person has, and you can look on the USCIS website to see which status each code indicates.



# How Can You Tell What Kind of Immigration Status A Person Has? (PART 2)

## Legal Permanent Resident Card (I-551 or "green card)

- "Resident since" line will tell you how long the person has had status for purpose of 5-year bar.
- Category code will tell you how the person received LPR status




## U.S. Visa in a Passport ("Non-Immigrant Visa")

- Visa "type/class" will be listed on the right side and will tell you what sort of visa it is.
- The types of non-immigrant visas and their eligibility for Medicaid are listed on Page 27 of the Family/Children's Medicaid Manual, Sec. MA-3330.



# Use the NC Medicaid Manual as a Resource!

- Section MA-3330 of the Family and Children's Medicaid Manual Contains a Chart listing every type of immigration status and whether the person might be Medicaid eligible.
- Adult Medicaid Manual: Section MA-2504
- Available on NC DHHS website: Health Benefits/NC Medicaid – NCDHHS Policies and Manuals

| | | |
|---|---|---|
| | • I-551, Foreign passport or 1-94 stamped with one of the following codes: AM-1, AM-2, AM-3, AM-6, AM-7, or AM-8<br>• Any verification from the INS, DHS or other authoritative document. | Evaluate for full Medicaid<br><br>If not eligible for Medicaid or CHIP-the individual may be eligible for Marketplace subsidies. |
| **Applicants for Adjustment to LPR Status** with Approved Visa Petitions | • Receipt or notice showing filing or pending status of Form I-485 Application to Register Permanent Residence or Adjust Status<br>• Form I-797 ASC Appointment Notice with Case Type "I-485 Application to Register Permanent Residence or Adjust Status"<br>• Form I-688B or I-766 employment authorization document (EAD) coded 274a.12(c)(9) or C9 or C9P<br>• I-797 receipt for Application for Employment Authorization based on C09<br>• I-512 authorization for parole, indicating applicant for adjustment of status<br>• Any verification from the INS, DHS, or other authoritative document | **Evaluate for:**<br>• Full Medicaid for Pregnant Women and Children under 19<br>• All others-Emergency Services<br><br>If not eligible for Medicaid or CHIP-the individual may be eligible for Marketplace subsidies |

# IMMIGRANT ELIGIBILITY FOR BENEFITS

# Citizens and Mixed-Status Families

- Before we discuss immigrant eligibility, remember: **CITIZENS** are eligible for any/all benefit programs that exist…
  - …as long as they meet all other criteria for the program (income, age, pregnancy status, disability, etc.)
- This includes CITIZENS in "mixed-status" families – each person's eligibility is determined *as an individual*. The immigration status of their family members does not impact their eligibility.



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# Limited Immigrant Eligibility for Means-Tested Public Benefits

## "Qualified" immigrants are eligible, defined as

- Legal Permanent Residents (LPR)
- Refugees, Asylees, & Persons Granted Withholding of Deportation/Removal
- Cuban and Haitian Entrants
- Paroled into U.S. for at least 1 Year (see more on parole later)
- Battered spouses and children ("VAWA") with deferred action
- Victims of trafficking – those granted "T" visas or who have pending applications and have had a prima facie case approved

## Not Qualified: everyone else

- Even if they have work authorization and are lawfully present in the United States, they are NOT eligible for "federal means tested public benefits."



Sources: 8 U.S.C. §1612, 8 U.S.C. §1641

# What are Federal Means-Tested Public Benefits?

- Medicaid
- SNAP (food stamps)
- TANF (Temporary Assistance for Needy families/cash assistance)
- SSI (Supplemental Security Income, for disabled persons)

*Source*: U.S. DOJ, Proposed Agency Interpretation of "Federal Means-Tested Public Benefit[s]" Under Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 1997, available at: download (justice.gov).
Note: there is no statutory definition of "federal means-tested public benefits."

# Immigrant Eligibility: The "Five Year Bar"

*Most* "qualified" legal immigrants cannot receive Medicaid* for the first 5 years after receiving their legal status*



**And some other federal programs as well, such as SNAP, TANF, and SSI.*

Source: 8 U.S.C. §1613

# Exemptions from the 5 Year Bar

- The following immigrants are exempt from the five-year bar for Medicaid. They may start receiving benefits as soon as they receive legal status:

  - **Refugees**
    - *Includes recently arrived Afghans and Ukrainians with parole (2021-2023). Most of the recently paroled Venezuelans do NOT fall under this and must wait 5 years for Medicaid.*
  - Persons granted **asylum** or withholding of deportation
  - **Amerasian** immigrants
  - **Cuban/Haitian entrants**
  - **Victims of trafficking**/T visa/prima facie approved T

  - *AND all….*

  - ***Veterans, active duty military,** spouse, unremarried surviving spouse, or child of veteran/active duty military

  - Note: All of the above are still exempt if they later get a green card (LPR)

Source: 8 U.S.C. §1613, 8 U.S.C. §1612, 42 U.S.C. 1397ll

# Pregnant Women and Children under CHIPRA: Greater Access to Medicaid

***Medicaid is available to ALL pregnant women and children (under age 19) who are "lawfully residing" in NC***

Lawfully residing = lawful presence + residency

Lawful presence is VERY BROAD: Anyone with any permission from the U.S. government to live in the U.S. The ONLY lawfully residing group that is not eligible are people with DACA status* (*as of 11-14-23)

There is **NO five-year bar** - lawfully present pregnant women or children can use Medicaid benefits immediately with no waiting period

Source: 42 U.S.C. 1397ll, NC Medicaid State Plan, amendments 5-25-2010.

# New Parole Programs for Specific Nationalities

- Many parole programs have been created recently for immigrants fleeing certain countries
- Remember: Anyone granted parole for at least 1 year is a “qualified” immigrant, eligible for "federal means tested public benefits," but they must generally wait 5 years
  - The 2022 "**Cuban, Haitian, Nicaraguan, Venezuelan**" program is paroling certain people of those nationalities in for 2 years
  - Cubans and Haitians in this group count as "Cuban-Haitian entrants" and do not have to wait 5 years for means tested benefits. Nicaraguans and Venezuelans in this program would be eligible, but have to wait 5 years
- **Afghans and Ukrainians** in recent parole programs will be eligible for all the same benefits as refugees, including having *no 5-year waiting period.* They have to have arrived within certain time periods:
  - Afghans granted humanitarian parole between July 31, 2021, and September 30, 2023
  - Ukrainians paroled into the U.S. between February 24, 2022, and September 30, 2023
  - Also spouses, children, parents, guardians of unaccompanied children of Afghans and Ukrainians paroled in during the correct periods are also eligible for the same benefits, even if they are paroled in after the end of the time period

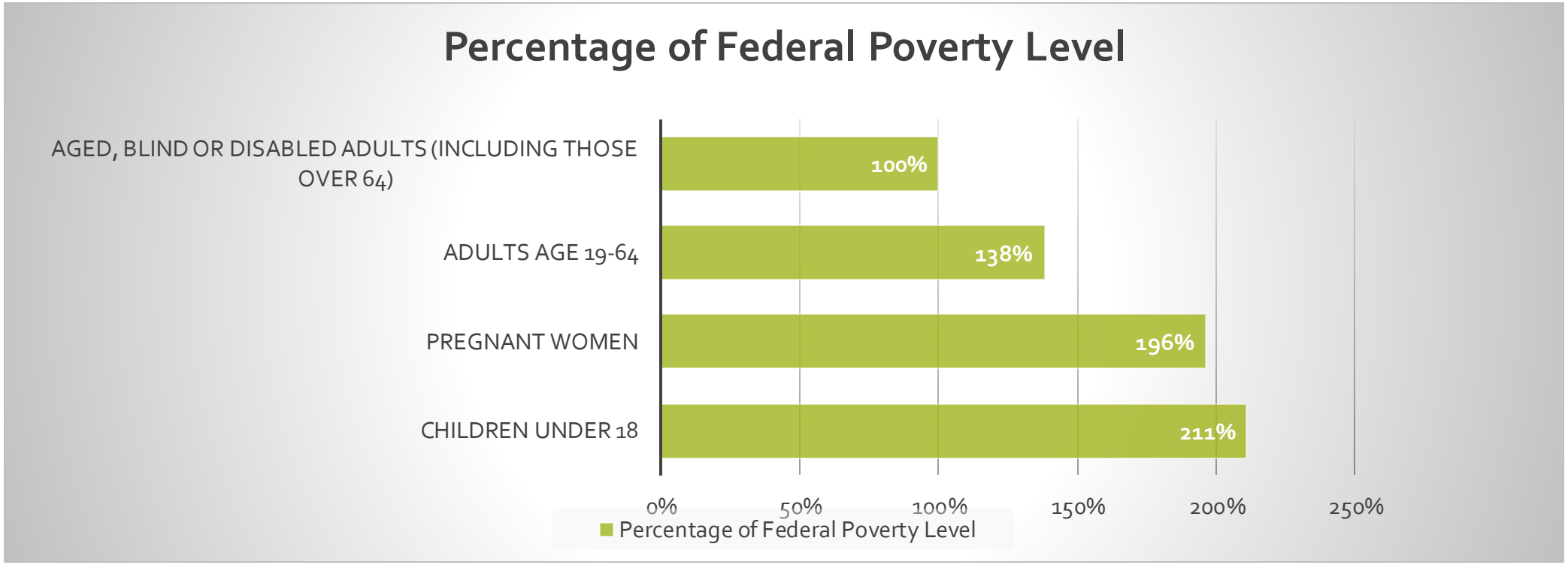
# SSN is not required for all Medicaid applicants

- DSS may not require an SSN and may give a Medicaid identification number for individuals who do not have a SSN because they either:
  - Are not eligible to receive an SSN or
  - May only be issued an SSN for a valid non-work reason

Slide from Madison Hardee, formerly with Legal Services of Southern Piedmont

# NC Medicaid Income Eligibility

(Percent of Federal Poverty Level, based on MAGI income levels)




Note: 100% of the federal poverty levels (FPL) (2023) = $14,580/yr. (1 person), $19,720 (2 people), $24,860 (3 people), $30,000 (4 people).

# Immigrant Eligibility: The Affordable Care Act

# Purchasing Insurance on the Health Care Marketplace

| | |
|---|---|
| "Qualified" immigrants<br>(with *more* than 5 years presence in the U.S., or in categories exempt from the 5-year bar such as refugees and asylees) | • *May participate in* health insurance exchanges<br>• *May receive subsidies for* health insurance coverage |
| **"Lawfully residing" immigrants (with any length of legal presence in the U.S.)** | • *May* participate in the exchanges<br>• *May* receive subsidies for health insurance coverage |
| **Undocumented immigrants & immigrants with DACA (Deferred Action for Childhood Arrivals)***<br><br>***current law as of 11-14-23** | • *Not* eligible for any of the benefits of the ACA.<br>• May not purchase insurance from the exchange or receive tax credits/subsidies for insurance |

# More on ACA and Immigrants



"Lawfully residing immigrants" for purposes of ACA is a VERY BROAD CATEGORY and includes ALL lawfully present immigrants of ANY type except for DACA*

*law current as of 11-14-23



Unlike citizens, lawfully present immigrants who do not qualify for Medicaid may get premium tax credits even if they earn less than 100 percent of federal poverty level.

# Benefit Programs That Can Be Provided to All Immigrants Regardless of Status or With No Status At All:

**Emergency Medicaid** and other emergency medical services

**Immunizations**

Testing and treatment of communicable diseases (whether or not symptoms caused by such disease)

**Women, Infants and Children nutrition program (WIC)** (state option)

Free/Reduced Price School Lunch and Breakfast Programs

Summer Meals & Summer EBT ("SUN Bucks")

Child Tax Credits (As Long as Children Have SSN)

Programs delivered at the community level that:

- Do not condition assistance on income or resources and
- Are necessary to protect life or safety

Source: 8 U.S.C. §1611.

# Programs "Necessary to Protect Life or Safety"

- Mental illness or substance abuse treatment
- Medical & public health services & mental health, disability or substance abuse services necessary to protect life or safety
- Child and adult protective services
- Violence and abuse prevention, including domestic violence
- Short-term shelter, housing assistance (e.g., battered women's shelters)
- Soup kitchens, food banks, other nutritional assistance programs
- Other services necessary for the protection of life or safety

- Source: *Final Specification of Community Programs Necessary for the Protection of Life and Safety*, 1/16/01, 66 Fed. Reg. 3613

# ACCESS BARRIER: PUBLIC CHARGE

# Fear of "Public Charge"

Concerns: If my family participates in a health or nutrition program, can I:

- Be deported?
- Get a green card in the future?
- Become a citizen in the future?
- Sponsor a relative in the future?




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# BACKGROUND: PUBLIC CHARGE

**“Public Charge” law has existed since 1882.**

In this law, the government considers whether or not a person is "likely to become dependent on the government for support."

- government considers a variety of factors including a person's age, family support, education/skills, and more.

A public charge assessment is made:

- When a person **applies to enter** the U.S. or
- **Applies to adjust status** to become a Lawful Permanent Resident (LPR)

# Exempt Immigrants

- **Certain immigrants are <u>not</u> subject to the "public charge" test at all:**
  - **Green card holders** who are now applying for U.S. citizenship
  - Refugees
  - Asylees
  - Applicants for "T" visas – victims of trafficking
  - Applicants for "U" visas or VAWA - victims of domestic violence and other serious crimes
  - And several other categories

# **Only Three** Programs Are Considered "Negatively" Under the Public Charge Rule

- **SSI**
- **TANF**
- **Institutionalization for Long-Term Care At Government Expense**
  - I.e., the government is PAYING for you to *live* in a hospital or nursing home (usually Medicaid or Medicare)
  - Any other temporary/typical use of Medicaid or Medicare is **not** counted negatively in the public charge test

# Remember Our Previous Slides!

- Undocumented immigrants are NOT ELIGIBLE for TANF, SSI, or non-emergency Medicaid
- Neither are short-term immigrants such as short-term visa holders, DACA , or TPS
- So….there really very few immigrants who currently use these programs AND will go through the "public charge test" in the future*

- * Only exception: LPRs who want to leave the U.S. for more than 6 months and return

# Benefits used by Family Members Are Not Considered

The receipt of public benefits by U.S. citizen children or any other family members in the household will ***NOT*** be attributed to their parents or other family members

Benefits used by family members are not counted EVEN IF:

- They live in same household
- The immigrant assists the family member (such as a child) with the application
- Or the immigrant's name is on the application as a parent or household member, but not as an applicant

Source: 87 Fed. Reg. 55636, future regulation 8 C.F.R. 212.21(d).

# Immigrants AND their Family Members Can Use *ALL* of these Programs Without Concern, If Eligible!

**Health Programs:**

- Emergency AND Non-Emergency Medicaid
- ACA/Health Care Marketplace)
- Medicaid for children
- Sliding scale/federally-funded health services (FQHCs)
- Vaccines (COVID and others)
- Medicare

**Nutrition Programs:**

- SNAP (food stamps)
- WIC (Women, Infant and Children's nutrition assistance program)
- School lunch/breakfast programs
- Summer meal programs & Summer EBT

**"Earned" Cash Assistance:***

- "Earned" benefit programs such as unemployment, SSDI
- EITC (Earned Income Tax Credit) and all tax credit programs

*Only these programs, not the cash assistance programs outlined on previous slides*

**Other:**

- Head Start
- FEMA or any disaster relief
- State local or tribal programs (except cash for income maintenance)
- LIHEAP/energy assistance
- Emergency services: DV shelters, food banks, child protective services
- Any other benefits not for income maintenance

# Messaging for Families

Most **important benefit programs can be used with NO IMPACT on your immigration application.**

ALL benefits used by **U.S. citizen children and other family members will not be counted against the immigrant in her green card application.**

Many immigrants are **not subject to public charge: refugees, asylees, victims of trafficking, victims of DV and more are still not subject to public charge rules.**

Use of benefit programs can keep you and your family members healthy and strong.

# PUBLIC CHARGE RESOURCES AND ELIGIBILITY RESOURCES : www.ncjustice.org/public-charge

- **Public Charge: The Law Has Changed (updated September 2022)**
  - **English: here**
  - Spanish: here
  - Also available here in Vietnamese, Chinese, French, Pashto, and Dari
    - * French, Vietnamese, Chinese not yet updated for 2022, but are nearly 100% accurate. Pashto and Dari are accurate as of 2023.
- **Short Animated Videos on Public Charge (updated 2023)**
  - Spanish: here
  - English: here

**NC Health Insurance Eligibility for Immigrants (updated Dec. 2023)**

- Spanish: here
- English: here

- **Immigrant Access to Health and Nutrition Programs (updated 2021)**
  - Includes phone numbers for questions about benefits eligibility
  - Spanish here
  - English: here
- **Immigrants and the COVID Vaccine (Including Public Charge):**
  - **English, Spanish, French, Vietnamese, Chinese, Burmese and Arabic: here**




# More resources

- Another great source of flyers in many languages:
  - https://pifcoalition.org/publicchange2022

# ACCESS BARRIER: FEAR OF ICE REPORTING

# BENEFIT PROGRAM APPLICATIONS ARE PRIVATE AND CONFIDENTIAL

- All the major government benefit programs (WIC, SNAP, ACA, Medicaid, etc.) have confidentiality laws that prevent the program from sharing participant information. **This includes preventing them from sharing that information with ICE or USCIS (Immigration).**
- While each program is a little different, the typical exceptions are:
  - Consent (if the program participant consents for his/her information to be shared)
  - Subpoena or court order (if the program is under court order to share the information).
- Benefits programs use the USCIS "SAVE" computer database to check whether applicants are eligible for benefits or not. That database can *only* be used to check benefits eligibility, and not for immigration enforcement.

## Can a Benefits Agency Require *Non-Applicants* to Provide Immigration Status Information or an SSN?

- **NO.**
- Federal guidance says that when people are applying for Medicaid, CHIP, TANF, Food Stamps, the agencies should ***not*** ask about the citizenship, immigration status or social security numbers of *non-applicants* in the household
- States *may not deny* benefits because a non-applicant in the family or household has not provided information on citizenship, immigration status, or SSN.

# References


- **North Carolina Justice Center and Charlotte Center for Legal Advocacy: Flyer on Immigrant Eligibility for Medicaid and ACA:** https://www.ncjustice.org/wp-content/uploads/2023/11/NC-Health-Insurance-Eligibility-for-Immigrants_ENG.pdf
- ***Interpretation of "Federal Public Benefit,"*** (HHS) 8/4/98, 63 Fed. Reg. 41658
- ***Final Specification of Community Programs Necessary for the Protection of Life and Safety***, 1/16/01, 66 Fed. Reg. 3613
- ***Interim Guidance on Verification***, 11/17/97 (INS) 62 Fed. Reg. 61415
- ***Domestic Violence Fact Sheet***, 1/30/01 (HHS-OCR): https://www.hhs.gov/civil-rights/for-individuals/special-topics/national-origin/domestic-violence/
- ***"Public Benefits Access for Battered Immigrant Women and Children,"*** http://library.niwap.org/wp-content/uploads/2015/pdf/12_CH4.2-BB-Public-Benefits-for-Immigrant-Women-and-Children-2.17.14-1.pdf
- **Food Stamp Regulations on Deeming,** 11/21/00
  - (USDA-FNS) 65 Fed. Reg. 70134

# References


- ***Guidance On State Applications, Citizenship, Immigration Status & SSN***, 9/21/00 (HHS, USDA)
  - http://www.medicaid.gov/Federal-Policy-Guidance/downloads/sho092100.pdf
- Policy Guidance Requiring Inquiries into Citizenship, Immigration Status and SSN in State Applications for Medicaid, SCHIP, TANF, and Food Stamps:
  - Q and A (2023): https://fns-prod.azureedge.us/sites/default/files/resource-files/Triagency-Guidance-re-Citizenship.pdf

- DHHS and USDA: https://www.hhs.gov/civil-rights/for-individuals/special-topics/national-origin/tri-agency/index.html
- Memorandum of Agreement between the Department of Homeland Security, U.S. Citizenship and Immigration Services, and the North Carolina Department of Health and Human Services, signed June 2010
- ***SCHIP Interim Final Rule***, 6/25/01 (HHS) 66 Fed. Reg. 33,823
- ***Mandatory Reporting Notice***, 9/28/00 (HHS, SSA, DOL, HUD) 65 Fed. Reg. 58301
- ***Language Access Guidance***, 8/30/00 (HHS-OCR)
- http://hhs.gov/ocr/lep

# References: Public Charge

- Biden Administration, Final Rule on Public Charge Grounds of Inadmissibility, Sep, 2022, found here: 2022-18867.pdf (federalregister.gov)

- Protecting Immigrant Families Campaign: Public Charge – What Advocates Need to Know
  - Updated September 2022

- Resources available at: protectingimmigrantfamilies.org

# Contact Information


- Kate Woomer-Deters, Senior Attorney
- North Carolina Justice Center
- (919) 861-2072
- kate@ncjustice.org

# A Look Ahead

## Upcoming NC InCK Events:

**NC InCK Webinar:**
Wednesday, May 1, 2024, 12:00pm-1:00pm

**Integrated Care Rounds on Supporting Children and Youth who identify as LGBTQIA2S+:**
Thursday, May 9, 12:00pm-1:30pm
**Help us tailor this ICR to your needs! Be on the lookout for a planning survey in your inbox*

*Please contact Josie Hatley (anna.hatley@duke.edu) if you need the invitation for the ICR/Echo series.*

## Community Events & Updates:

- Alamance Partnership for Children Day of the Child Celebration: Sat, 4/13, 10-1, Outdoor Learning Environment, Burlington (register here)
- NC DHHS Granville-Vance Child Care Forums
  - Tues, 4/30, 6-7:30 pm, Perry Memorial Library, Henderson
  - Thurs, 5/23, 6-7:30 pm, The Grand at Oxford Days Inn & Suites, Oxford
- Franklin Granville Vance Smart Start Kindergarten Readiness Forum: Sat, 5/4, 10-12:30 (online; register here)
- New NC InCK Quick Reference Guides!
  - Dental Health
  - Food Assistance

# Appendix

# Refugee & Asylee Resources

TIP: Find additional resources on Immigration Advocates Network through their National Immigration Legal Services Directory!

| Organization | Location of Offices | Contact Information |
|---|---|---|
| Church World Service | Durham County:<br>1410 W Chapel Hill St, Durham, NC 27701<br>Alamance County:<br>1423 N Church St, Burlington, NC 27217 | Valeria Vizcaino<br>vvizcaino@cwsglobal.org<br><br>Samira Sariolghalam<br>ssariolghalam@cwsglobal.org |
| Council on Immigrant Relations | Wake County:<br>3033 Stony Brk Dr, Raleigh, NC 27604 | Cindy Motamen<br>cmotamen@ciraleigh.org<br>(919) 322-0360 (ext: 22) |
| North Carolina African Services Assocation | Guilford County:<br>122 N. Elm Street, Suite 1010<br>Greensboro, NC 27401 | Mary Walker<br>mary@ascafrica.org<br><br>Kaylyn Brown<br>kaylyn@ascafrica.org |