

## Public Benefits for Asylum Seekers

### Panel Questions

#### Panelist:

- *Brittney Willis, Survivors of Torture, International*
- *Matthew Kloberdanz, County of San Diego – Health & Human Services Agency*
- *Tammy Lin, Esq., Law Office of Tammy Lin*

**Moderator:** *Elizabeth Lopez, Southern California Immigration Project*

#### Describe the legal status of an asylum seeker. What rights do asylum seekers have in the United States?

- The legal status for asylees is similar to refugees, but the difference is that refugees come to the country with a status and asylum seekers have to get the status here. Asylum seekers don't technically have a legal status – they aren't technically legal or illegal.
  - **Defensive:** Defensive asylum seekers are defending themselves in an immigration court. This typically means those came through the border and were detained.
    - Typically defensive asylum seekers are detained.
      - If released from detention, the asylum seekers are often given an ankle monitor.
        - Ankle monitors can make it difficult for asylum seekers to get a job because employers assume that they are a criminal.
          - Ankle monitors can be re-traumatizing in many ways – particularly because it isolates them from their community.
        - The asylum seekers have fairly restrictive check-ins with ICE if released from detention centers.
      - Time limit for detention
    - **Affirmative:** Affirmative asylum seekers present their case in a non-courtroom setting, such as an immigration office or before the United States Citizen and Immigration Services. This typically means that the asylum seekers came into the United States without being touched by ICE (i.e. tourist or students visa).
- Asylum seekers are allowed to get work permits 150 days after the government has received the asylum application.
  - There has been a vast delay in issuing permits
  - Work permits are typically good for two years
  - Once the asylum seeker gets the work permit they will be able to get a social security number, driver's license and a job.
  - Allowed to live anywhere in the country, but they cannot leave the country.
- Asylum seekers don't have access to most public benefits until they are granted asylum.

- Asylum seekers are advised to keep documentation that their asylum case is pending with them at all times.
- Asylum seekers are no longer eligible for bonds – release is next to impossible under this administration (unless they are granted asylum or the detention centers are packed).
- The new Attorney General wants to prosecute everyone, including asylum seekers, for crossing the border illegally. Everything has been a lot harder for asylum seekers under this new administration.
  - o If they are prosecuted for illegally crossing the border it is possible that the asylum seekers will also be held in federal prisons.
  - o If they are found guilty of illegal entry, it could bar them from asylum.

**What are the challenges to obtaining public benefits for asylum seekers and how are you overcoming them?**

- The two biggest barriers to obtaining public benefits for asylum seekers is a lack of knowledge and fear.
  - o Lack of knowledge
    - The process of applying for public benefits is cumbersome. It is extremely difficult to navigate our system and even more difficult if you are limited-English proficient.
    - It is difficult to know what forms you need to fill out and what you qualify for.
      - Part of the application that an asylum seeker needs is not actually part of the application, but rather a separate form.
        - o Without these forms, the asylum seeker cannot be granted benefits.
    - Not all of the eligibility workers are familiar with the eligibility requirements for asylum seekers.
      - It takes a lot of advocacy to ensure that asylum seekers get the benefits that they are eligible for.
    - Educating asylum seekers is the best way to overcome the challenges.
      - Asylum seekers need to be educated on the best way to overcome challenges and sometimes need to be walk through the forms step-by-step
  - o Fear
    - There is a fear of applying for public benefits among asylum seekers.
      - Rumors run rampant in the community and these rumors are powerful.
    - Overcoming these fears and rumors can be difficult.
- At what point of the asylum seeker process are they eligible to apply for benefits?
  - o Brittney Willis – in her experience, as soon as an asylum seeker has proof that that they have applied for asylum and the government knows that they are here, they can usually apply for benefits – specifically Medi-Cal.
    - She doesn't help her clients apply for CalFRESH, cash benefits,

- There are some differences with the online and paper applications for public benefits.
  - o Online applications tend to be a little easier because they are designed to ask you the minimum amount of questions to determine the eligibility.

**What public benefits are available to asylum seekers? What are the eligibility requirements to obtain them?**

- Eligible
  - o Asylum Seekers are typically only eligible for Emergency and Pregnancy Medi-Cal.
    - Have access to other public benefits when they are granted asylum.
- Not Eligible
  - o CalFRESH – not granted to asylum seekers
  - o Cash Assistance
  - o Full-scope Medi-Cal unless the individual has applied for a U or T Visas (victims of crimes or human trafficking).
- MediCAL immigration status – it is only going to affect your scope of benefits – if you are unsure, you should just apply – you may only have access to emergency and pregnancy –
- Experiencing problems with our eligibility staff – Matthew would love to hear about that

**What resources are available for asylum seekers who don't have access to public benefits?**

- 2-1-1 is a good starting point for finding resources for asylum seekers
  - o Food distribution sites
  - o Low cost healthcare options – a lot of providers offer sliding scale fees
  - o Lower utility bills
  - o Getting low cost phone services
- Churches and other organizations are looking for alternative ways to assist asylum seekers
- Community clinics provide medical assistance on a sliding scale basis
- Some school districts are either offering 3 meals a day for kids in low income communities
  - o Some schools also provided kids with a backpack full of food to take home on the weekend.

**Will accessing these benefits have an impact on their immigration status?**

- To get asylum, it doesn't matter if you have access public benefits, where it matters is if they're ever eligible to get a green card. There are two questions on the green card application:
  - o Have you ever received public assistance?
  - o Are you likely to get public assistance in the future?
  - o For some categories, it is okay if you received public assistance (asylees, refugees, Cuban/Haitians), in other categories it is not (family reunification)
- This Administration wants to make it even harder for people who are trying to bring family members into the country. If the family member, including children, accessed public benefits it could make it more difficult for them to apply for a family member to get a green card in the future.

- Because of this, immigration attorneys have been seeing an increase of people who are unwilling to apply for Medi-Cal or other benefits for fear that it will affect the status of a family members trying to apply for a green card.
- *Are some benefits safer to apply to than others and/or what's the best way to apply?*
  - Medi-Cal is **not** currently considered a public charge unless it is long term.
  - Immigration officials could consider whether individuals or any of their dependent family members, including U.S. citizen children, have received or simply sought virtually any public service benefits could be considered public charge. Virtually any public service – non-emergency Medicaid, CHIP, SNAP, WIC, Section 8 Housing Vouchers, low income energy efficient programs, earned income tax credit, financial assistance provided by health insurance market places established under the affordable care act
    - Look to use of benefits in the past 36 months
    - In proposal stage and will be up for comment in July.
- *For an asylum seeker who is already receiving public benefits, has the damage already been done or is it better to cancel their benefits immediately?*
  - Tammy Lin asks her clients if they need the assistance, and if the answer is yes she tells them to stay on them. You can't predict what's going to happen, but ultimately these people need the assistance.