

Immigration Relief and Public Benefits for Displaced Ukrainians

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NYLAG

New York Legal Assistance Group



ABOUT NYLAG

The New York Legal Assistance Group (NYLAG) is a leading non-profit that provides free civil legal services, financial counseling, and engages in policy advocacy efforts to help people experiencing poverty.

BRIEF OVERVIEW ON IMMIGRATION RELIEF

Who are we serving?

- Ukrainian nationals in the U.S.
 - Parolees from border and Uniting for Ukraine
 - Entry on visitor visa
 - Children/minors
 - Undocumented
- Individuals inquiring about Ukrainian nationals abroad
 - Family members

Types of Immigration Relief Generally

- Family-based
- Employment-based
- Asylum/refugee status
- Other humanitarian relief (Humanitarian Parole, Temporary Protected Status, Special Immigrant Juvenile Status, etc.)

Temporary Protected Status (TPS), INA § 244

- Temporary status granted for 18-months, with potential for renewal
- Allows holder to stay and work legally
 - Holder cannot be deported during TPS period
 - Granted work authorization
 - May travel abroad under advance parole
 - Can apply for other, more permanent status while holding TPS

Temporary Protected Status (TPS), INA § 244

- March 2022: DHS announced the designation for Ukraine
- April 19, 2022: Federal Register published, official designation and registration for TPS will be for 18 months from April 19, 2022 through October 19, 2023.
 - Clients must have continuously resided in the United States since April 11, 2022; and
 - Have been continuously physically present in the United States since April 19, 2022.

Humanitarian Parole, INA § 212(d)(5)

- Can apply immediately for employment authorization
- Allows for the entry of noncitizens into the U.S.
- Does not confer permanent status
- Can in theory be extended; can/should seek other relief
- Can adjust status through family and other means

Uniting for Ukraine

- Humanitarian parole program for Ukrainian nationals
- Requires US based sponsor
- Sponsors are generally expected to receive parolees; ensure housing; ensure health care and medical needs
- Beneficiaries enter with parole; must seek separate path to permanent status

Humanitarian Parole, INA § 212(d)(5)



Asylum, INA § 208

- Humanitarian relief for individuals who have a fear of persecution on account of race, religion, nationality, political opinion, and/or particular social group
- Persecutor can be government or an entity that the government is unwilling or unable to control
- Application must be filed within one year of entry into the United States

A Word on Refugee Status

- Refugee status cannot be applied for in the United States
- Requires processing abroad and security vetting before individuals can enter as refugees
- Because of the rigorous vetting and diminished infrastructure, processing of refugees can take many years

Lautenberg Program

- Available to individuals who belong to particular religious minorities:
 - Jewish, Evangelical Christian, Jehovah's Witness, Ukrainian Greek Catholic, Ukrainian Autocephalous Church
- Have family members in the US
- Must be filed by resettlement agencies

PUBLIC BENEFITS AVAILABLE TO UKRAINIAN NATIONALS

Introduction

- Each public benefit has multiple eligibility components, and this presentation will focus on immigration status as the main eligibility criteria and discuss the benefits available for each category of immigrants.
- We will also provide an overview of eligibility criteria for benefits, other than immigration status. There are other requirements including maximum income and asset guidelines and NYS residency for most benefits.
- We will review any potential Public Charge test impact from these benefits on adjusting status to LPR/green card
- [See here for an excellent chart of available benefits by immigration category](#)

Humanitarian parolees (including Uniting for Ukraine entrants and those who entered through the border with Mexico)

- a. Eligible for both state and federal benefits, including Medicaid, cash assistance, SSI, and SNAP if paroled into the U.S. between February 24, 2022, and September 30, 2023. The eligibility for federal benefits last for the **length of the parole**. See <https://www.acf.hhs.gov/orr/fact-sheet/benefits-ukrainian-humanitarian-parolees>.

- b. Prove eligibility: passport stamp stating duration of parole or I-94 indicating parole status. They do not need a SS# to apply for Medicaid, PA, SNAP.

VALID tourist or other temp non-immigrant visa holder

a. Eligible for Medicaid: as of 2016 (see GIS below), if they can prove NYS residency https://www.health.ny.gov/health_care/medicaid/publications/gis/16ma002.htm

This is the NYS Residency Sheet that is used for this category: https://www.health.ny.gov/health_care/medicaid/publications/docs/gis/16ma002attac1.pdf

b. Prove eligibility: valid visa and any of the documents that prove NYS residency.

c. Not eligible for Cash Assistance or SNAP

Expired visa holder or lacking any immigration documents (undocumented) and haven't applied for immigration relief yet

- a. Eligible for: Emergency Medicaid, sliding-fee scale treatment at H+H hospitals. All children and pregnant women are eligible for Medicaid. Will be eligible for Medicaid after applying for TPS or humanitarian parole.
- b. *NYC Care is a health insurance for undocumented individuals who can prove 6 months of NYS residency. After 3/1/2023, all undocumented individuals over 65 will be eligible for full NYS Medicaid
- c. Prove eligibility: none needed for Emergency Medicaid and sliding scale. NYS residency needed for Medicaid.
- d. Not eligible for Cash Assistance or SNAP
- e. **VERY IMPORTANT to seek immigration legal assistance, applying for relief will make them PRUCOL (see next slide)**

Applicant for TPS or other immigration relief

a. Eligible for: Medicaid (PRUCOL for NYS Medicaid but not considered PRUCOL for cash assistance, unless applying for asylum)

- See Asylum Applicants with Work Authorization Recognized as PRUCOL <https://otda.ny.gov/policy/gis/2017/17DC047.pdf>

b. Prove eligibility: proof of application receipt (I-797)

c. Not eligible for Cash Assistance (unless applying for asylum) or SNAP

TPS Approved

a. Eligible for state-funded Medicaid and Cash Assistance (because considered PRUCOL for both benefits). Cash benefits received while having TPS are exempt from the public charge analysis.

*See *Beneficiaries of Temporary Protected Status (TPS) Recognized as Permanently Residing Under the Color of Law (PRUCOL) for Safety Net Assistance (SNA)* <https://otda.ny.gov/policy/gis/2016/16DC053.pdf>

b. Prove eligibility: TPS approval

c. Not eligible for SNAP benefits.

Official "Refugee" or "Asylee" status

- a. Eligible for federally funded Medicaid, Medicare, Medicare Savings Program Cash Assistance, SSI (for a maximum of 7 years), Section 8, and SNAP benefits. No public charge impact from receiving cash benefits.
- b. Prove eligibility: I-94 or passport with annotation "Section 207" or "Section 208" See additional documents in the DOH documentation guide
- c. Although many displaced Ukrainians may consider themselves refugees, few new arrivals will have official refugee or asylee status.

PRUCOL eligible for Cash Assistance ("SNA") and also NYS Medicaid

- Non-citizens paroled into the U.S. under Section 212(d)(5) of the Immigration and Nationality Act (INA) for less than one year; or
- Non-citizens residing in the U.S. pursuant to an Order of Supervision under Section 241(a)(3) of the INA; or
- Non-citizens granted cancellation of removal pursuant to Section 240A of the INA; or
- Non-citizens granted deferred action status; or
- Non-citizens granted "K3," "K4," or "V" visa status established under the Legal Immigration Family Equity Act (Life Act); or
- Non-citizens granted deferred action as interim relief for a "U" visa; or
- Non-citizens granted "S" or "U" visa status; or
- Non-citizens who demonstrate that they entered the U.S. and have continuously resided in the U.S. prior to January 1, 1972, pursuant to Section 249 of the INA; or

PRUCOL eligible for SNA and NYS Medicaid (cont'd)

- Non-citizens who are permanent nonimmigrants, pursuant to Public Law (P.L.) 99- 239, as amended by P.L. 108-188 (applicable to certain citizens of the Federated States of Micronesia and the Republic of the Marshall Islands) or P.L. 99-658 (applicable to citizens of the Republic of Palau); or
- Non-citizens granted Temporary Protected Status (TPS) by the USCIS; or
- Non-citizens who have an asylum application pending and have been granted employment authorization by the USCIS; or
- Non-citizens who are beneficiaries of deferred enforced departure pursuant to a designation by the President of the U.S.; or
- Non-citizens approved by the USCIS for Special Immigrant Juvenile (SIJ) classification; or
- A non-citizen who the USCIS has officially determined is legitimately present in the U.S. and who the USCIS is allowing to reside in the country for an indefinite period of time.

Battered Non-Citizens who are determined to be “qualified aliens” (review) – not specific to Ukrainian entrants

- a. Eligible for Medicaid and Safety Net Assistance (Cash Assistance) because PRUCOL. Eligible for SNAP benefits after 5 years (clock starts when determined “battered qualified alien,” so important to document early
- b. Prove eligibility. See <https://otda.ny.gov/policy/directives/2006/INF/06-INF-14.pdf> :
(1) be a credible victim of battery or extreme cruelty, either the spouse, child or the child or parent of a credible victim in the U.S.; and (2) Have an approved status including approved I-130 petition for an Alien Relative, a pending or approved I-360, or Notice of Prima Facie Case as explained below, or an Executive Office for Immigration Review(EIOR) order granting suspension or cancellation under 8 U.S.C. 1229b(b)(2) or evidence that an application for suspension of deportation/cancellation of removal has been granted or is pending with evidence that the immigration court finds that the applicant has a prima facie case for this relief; and (3) Be able to show a substantial connection between the need for benefits sought and the battery or extreme cruelty; and (4) no longer residing in the same household as the abuser.
- c. Prove eligibility: see documents needed above

Benefits Eligibility Overview

- Medicaid, Public Assistance, and SNAP are means-tested benefits. Applicants must accurately report income and resources to prove eligibility. Cash Assistance standard of need can be found at 18 N.Y.C.R.R. § 352.
- Recipients must report changes that occur during the certification period
- See here for Medicaid financial eligibility (the max income/assets vary by age group):
<http://www.wnyc.com/health/entry/15/>
- Public Assistance has strict resource guidelines (\$2000 or \$3000 if over age 60), and applicants must utilize resources before applying for assistance.

Housing Subsidies

- **FHEPS** - must have an open public assistance case and be facing eviction (rent demand is enough):
<https://www1.nyc.gov/assets/hra/downloads/pdf/FHEPS/HRA-146r-english.pdf>
- **CityFHEPS** – for clients in the homeless shelter system, to exit, and those with shelter history:
<https://www1.nyc.gov/assets/hra/downloads/pdf/cityfheps-documents/dss-7n-e.pdf>, or who fall into a specific category in this fact sheet:
<https://www1.nyc.gov/assets/hra/downloads/pdf/cityfheps-documents/dss-7r-e.pdf>
- **Section 8 (HPD)**- humanitarian parolee, refugee, asylee, green card holder or citizen
- **NYCHA (Section 8 voucher or project-based housing)** – must be a naturalized citizens, legal permanent residents (green card holders) or have obtained official refugee or asylee status.

Public Charge concerns

- Under longstanding immigration policy, federal officials can deny entry to the U.S. or adjustment to legal permanent resident (LPR) status (i.e., a “green card”) for some categories of immigrant (namely those obtaining a visa or adjusting status through a family reunification or employment-based pathway) that they determine to be a public charge.
- A Totality of Circumstances test is used, meaning that past or present receipt of certain benefits MAY adversely impact a public charge analysis for some immigrant, but does not necessary pose a bar.
- After the vacating of the stricter Trump era 2019 Public Charge Rule, USCIS is using the 1999 Field Guidance on Deportability and Inadmissibility on Public Charge Grounds (<https://www.govinfo.gov/content/pkg/FR-1999-05-26/html/99-13202.htm>)
- There are no adverse immigration consequences tied to using health care (Medicaid, with the exception of nursing home care), nutritional (SNAP/WIC), and housing benefits.
- Only cash assistance, SSI or federally-funded Medicaid institutional (nursing home) care count toward public charge and there are many categories of immigration statuses that are exempt

Public Charge concerns

- Benefits received while having TPS, U or T, VAWA visa, refugee or asylee status do not count for public charge. 84 Fed. Reg. 41501
- While there are still some open questions regarding benefits received while having humanitarian parole status, we believe it is highly unlikely that the receipt of any benefits will be a public charge bar to adjusting in the future for this group.
- Closing a cash assistance cases prior to adjustment of status to LPR based on family or employment petitions may minimize risk.

Financial Liability of U4U sponsors

- We do not believe that U4U sponsors will be financially liable for cash assistance or other benefits received by the individuals they sponsored because U4U sponsors are signing a non-binding contract (Declaration of Financial Support I-134) that has significantly less enforceability than other contracts (such as the Affidavit of Support I-864).
- In addition, NYC has not been pursuing repayment of cash assistance benefits from immigration sponsors following a lawsuit by the Legal Aid Society in 2012

Social Service agencies as resources

It is very helpful to connect displaced Ukrainians with social service agencies.

For those who have been paroled or who came as refugees- official refugee resettlement agencies can help them access additional benefits, such as employment preparation, job placement, English language training, and other services offered through the Office of Refugee Resettlement (ORR). A listing can be found here: <https://www.acf.hhs.gov/orr/policy-guidance/state-new-york-programs-and-services-locality>. HIAS, Catholic Charities, IRC, and CAMBA are some local resettlement agencies

* Uniting for Ukraine (U4U) entrants are vulnerable to trafficking because any US citizen can sponsor a U4U applicant (not just relatives) and they are dependent on their sponsor for their immigration status and often financial support. It is helpful for them to be connected to social workers who speak their language and can provide supportive services, including referrals for legal assistance.

General social services: Single Stop locations-
<https://singlestop.org/contact-us/get-help/>)

NYC-specific Benefits

- See here for a breakdown of NYC benefits for immigrants, including Domestic Violence legal help, DV shelter and support, APS, HIV/AIDS (HASA)--- Community Guide to HRA Public Benefits for Immigrants
https://www1.nyc.gov/assets/hra/downloads/pdf/services/language/benefits_guide_immigrants/hra_benefits_en.pdf
- **Identification** --ID NYC is a free government issued photo ID card for all NYC residents ages 10 and above and provides access to a wide range of services and discounts. IDNYC applicants' information is confidential. Immigration status does not matter. Make an appointment to enroll at nyc.gov/idnyc or call 311

School and Language classes

- All children, regardless of immigration status are eligible for public school. All NYC children age 4 are eligible for Pre-K and can attend public school until they turn 21. In some neighborhoods “3-K” may also be available to children age 3. To enroll, visit schools.nyc.gov/enrollment or call 311.
- See here for info on college access for immigrants: <https://www.schools.nyc.gov/learning/student-journey/college-and-career-planning/college-information-for-immigrant-students>. CUNY has a scholarship program for TPS recipients; <https://www.cuny.edu/financial-aid/scholarships/the-dream-us/>
- The Mayor's Office of Immigrant Affairs' has English Language Learning program. Intermediate English language learners can visit <https://wespeaknyc.cityofnewyork.us/> to sign up for online conversation classes. Many community-based organizations offer free language classes.

Emergency Food

- There are free vegetarian, halal, and kosher meals available at locations across NYC. Delivery options are available for eligible New Yorkers. Learn more at nyc.gov/getfood or call 311 and say “Get Food.” No immigration status required.

Interest Free Loans

The Hebrew Free Loan Society provides interest-free loans of up to \$7,500 for those impacted by the war in Ukraine <https://hfls.org/>. These are available regardless of religious and ethnic background but there must be a guarantor.

QUESTIONS?

