

FAX Brief



An Update of Statistics and Issues Facing Immigrants and
Refugees

Issue XLIX

February 25, 1999

NEW ASSISTANCE PROGRAMS IN ILLINOIS: FOOD BENEFITS, DOMESTIC VIOLENCE, AND AABD

On August 22, 1996, with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act, most legal immigrants receiving Supplemental Security Income or Food Stamps lost their benefits. Since then, advocates have been working vigorously for restorations of benefits and achieving great success. In August 1997, all elderly and disabled legal immigrants who had lost access to SSI on 8/22/96, as well as legal immigrants who were present on that date and later became disabled, regained their eligibility for SSI. Furthermore, in June 1998, children, people with disabilities, and some seniors who entered the country before 8/22/96 won back their Food Stamp benefits.

While many federal benefits were terminated, states have had the option to provide fully state-funded services to any state resident. By organizing a broad range of immigrant communities throughout Illinois, advocates convinced state lawmakers to appropriate \$10 million to help immigrant elderly who were at that time expecting to lose their SSI benefits. When SSI benefits were later restored, the General Assembly reallocated that money by passing the Immigrant Assistance Act, which included a state food assistance program. When Congress restored Food Stamps to certain categories of people, Illinois agreed to cover parents and elderly immigrants not covered in this restoration. In addition, Illinois is filling two other federal eligibility gaps for public benefits. Currently, the three immigrant service programs in Illinois are 1) the State Food Program,

2) income and medical assistance for survivors of domestic violence, and 3) income assistance for legal elderly immigrants.

ILLINOIS FOOD BENEFITS:

As of February 1, 1999, a food benefit of \$50 per month per person is available to individuals legally residing in the United States on or before August 22, 1996, who are either parents living with children receiving federal Food Stamps or persons age 60 through 64 who are not disabled and are therefore ineligible for SSI. This benefit is accessible through food retailers with an Illinois Link card. The application form is no different than that for federal Food Stamps and a response is determined in 30 days. If the case is approved, the beneficiary is authorized for the food program for a 12-month period, **which may later be renewed**. When a person turns 65, they no longer qualify for the food program but they may qualify for AABD cash assistance.

AID FOR THE AGED, BLIND AND DISABLED (AABD) FOR NON-DISABLED ELDERLY:

As of November 23, 1998, the state of Illinois is providing cash assistance of about \$500 a month to elderly legal immigrants, 65 or older, who are not eligible for Supplemental Security Income (SSI) because they are not disabled. Persons applying for AABD **must** first go through the SSI disability determination process and receive a denial due to lack of a disability. Additionally, individuals will have to demonstrate that they legally resided in the United States on or before August 22, 1996. In the city of Chicago, while a SSI application is pending, an elderly person can receive Transitional Assistance. Because non-citizen eligibility for this state program requires annual reauthorization, it is recommended that non-citizen AABD recipients appeal their negative SSI decisions. For more information, call the SSI Coalition at 312-223-9600.

PUBLIC ASSISTANCE FOR IMMIGRANT SURVIVORS OF DOMESTIC VIOLENCE:

As of January 4, 1999, qualified survivors of domestic violence can receive TANF and related Medicaid if they have very low income and children, an AABD cash grant if they are disabled or over 65, and a transitional assistance cash grant if they are single and cannot work. A qualified survivor of domestic violence must be the spouse or child of a U.S. citizen or legal permanent resident, and have been abused by that individual or by a family member who lives with them. **This abuse must have taken place in the United States**. Furthermore, the domestic violence survivor must either be a legal permanent resident, have self-petitioned under Violence Against Women Act (VAWA), have petitioned under a family based visa, or have filed for or received cancellation of removal/deportation.

Persons applying for assistance must demonstrate that they need the assistance at least in part due to the abuse they have undergone. With an INS-approved VAWA petition, no other form of proof is required to establish abuse. IF this is not possible, other proof may include orders of protection, criminal convictions for abuse, the survivor's sworn statement, or sworn statements by friends, family member or neighbors familiar with the abuse. Furthermore, they must show that they are not living with their abuser or will move out within one month of receipt of public assistance.

WHERE TO APPLY?

All of the application forms for these programs can be filed at a local IDHS office.

DOES APPLYING FOR THE ABOVE PUBLIC BENEFITS AFFECT YOUR IMMIGRATION STATUS?

If you are a legal permanent resident and you are applying for public benefits, your application for citizenship should not be endangered as long as you have never committed fraud. However, if your sponsor signed an affidavit of support after December 17, 1997, they might be held financially liable for any federally means-tested benefits you receive. A survivor of domestic violence who self-petitions under VAWA does not have to sign an affidavit of support and will not be held financially responsible for benefits used or be strictly held to the public charge exclusion for permanent residency. IF a survivor of domestic violence has petitioned for legal permanent residency through a family member and is receiving benefits due to abuse, the sponsor may be held responsible for federally means-tested benefits such as TANF. Furthermore, at the time of their interview, they will most likely have to establish that they are not likely to **DEPEND** on public benefits in the future. For this reason, monthly cash assistance might present a problem, while KidCare probable will not. Finally, receipt of WIC or school meals for your children will **NOT** endanger an application for permanent residency.

***For questions and more information about these programs and public charge, please call ICIRR
312-332-7360.***