



# New Immigrant

*Refer to supervisor immediately if client has severe anxiety or depression or has a deportation order.*

## Background

New immigrants to this country have special concerns. **Learn as much as you can about their immigration experience.** See *Cross Cultural Communication Guidelines* in the *First Steps* chapter.

## General Concerns

New immigrants are likely to have many emotional concerns such as:

- Homesick and miss loved ones left behind.
- Regret their decision to come to the U.S.
- Unable to return home.
- Culture shock and confusion with unfamiliar customs, values and ways of life.
- Conflict and tension between younger and older generations in the family.
- Isolated with limited social support systems.
- Constant fear of deportation.

## Post-traumatic Stress Disorder (PTSD)

Some immigrants will have experienced significant emotional trauma in their homeland or during the migration. Some come from war-torn countries where they have suffered or

witnessed many horrors. Women are sometimes sexually assaulted during the process of migration. These experiences may lead to a mental condition called **post-traumatic stress disorder (PTSD)**.

A person with PTSD **reexperiences the trauma** through painful daydreams or nightmares. Each episode may last from several minutes to several days. **Anxiety, depression and numbing of the emotions commonly occur with this disorder.** It can be treated through individual or group counseling, self-help support groups and/or drug therapies. See *Emotional/Mental Health Concerns Guidelines* in this chapter for additional assistance.

## Financial Concerns

New immigrants often have many financial concerns. Family members' ability to find work depends on their job skills, whether or not they have legal authorization to work, and their ability to communicate in English. Undocumented persons will often have difficulty securing good-paying, steady jobs.

If the family needs financial assistance, immigration status determines which government benefits they may receive. These benefits are sometimes called "public" benefits. Children born in the U.S. are citizens and are eligible for the full range of government benefits. Legal permanent residents (LPRs) can receive most, but not all, public benefits. In most cases, undocumented people are not eligible for governmental help. However, they may be able to receive help from private agencies such as churches. See *Financial Concerns Guidelines* in this chapter for further guidance.



# New Immigrant

## **Immigration Status**

An immigrant is someone who enters another country with the intention to live there temporarily or permanently. Students and tourists are considered non immigrants. The federal government's United States Citizenship and Immigration Services (USCIS), formerly known as Immigration and Naturalization Services (INS), recognizes many categories of immigrants.

**The rules and regulations are complex and change from time to time as the result of new laws.**

Some major current categories are listed below:

### **Lawful Permanent Residents (LPRs)**

- Often called "green card" holders.
- Have permission to live and work permanently in U.S.
- Can travel outside U.S. and return as long as they do not abandon their U.S. residence.
- Can Lose LPR status if absent from the U.S. for an extended period of time without requesting a re-entry permit or commits certain deportable crimes.
- Are considered conditional for two years if they receive their legal status through marriage to a U.S. citizen; the couple must jointly file a petition to remove the conditional status, or the immigrant spouse must qualify for a waiver to keep his or her LPR status; see *Special Immigration Concerns* for more on these waivers.

- Can apply for U.S. citizenship after living in the U.S. for 5 years (3 years if married to a U.S. citizen); such citizens are called "naturalized" and have most of the rights of U.S. born citizens.
- May be eligible for some federal and state public benefits
- May be "commuter aliens" who live in Mexico or Canada, but work in the U.S.

## **Refugees**

- Given permission to enter and reside in the U.S. because they are unable or unwilling to return to their home country due to persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. Women from countries where there are coercive population control programs (such as forced therapeutic abortion or sterilization) may qualify for refugee status.
- Issued a refugee travel document to travel abroad.
- Issued an employment authorization card.
- Receive resettlement services aimed at economic self-sufficiency, including CalWORKs and Medi-Cal.
- Not affected by the "deeming of sponsor income" rule; see section on *Special Immigration Concerns, Sponsor Income* in this chapter.
- May apply for LPR status after one year.



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## Asylees

- People who are already in this country can apply for asylum or withholding of deportation if they satisfy the requirements for refugee status (see previous category). Women or girls who have a well-founded fear of being forced to submit to female genital mutilation in their home country may qualify for asylum.
- Eligible for most of the same benefits as refugees once the status is granted.
- Request must be filed within 1 year of entry into the U.S.

## Temporary Protected Status (TPS)

- Is granted to people already living in the U.S. who are from certain designated countries (or parts of countries) where unsafe conditions such as war or natural disaster would make it a hardship for them to return.
- In the past, people have qualified from Burundi, Somalia, Liberia, El Salvador, and Honduras; check the USCIS Web site for currently accepted countries.
- Are authorized to stay for a specific period of time only and does not lead to permanent resident status.
- Receive permission to work
- Not eligible for most public benefits.

## Undocumented Immigrants

- May enter the country legally as a non immigrant (student or tourist) and overstay the term of the visa.

- May have entered the country illegally without inspection at the border by USCIS.
- Not permitted to work in the U.S.; individuals and businesses are legally forbidden to hire someone without the necessary work authorization papers.
- Can be deported if their status becomes known to USCIS.
- May be eligible for temporary or permanent lawful status by qualifying for asylum, TPS (Temporary Protected Status) or suspension of deportation.
- May have to return to their country of citizenship and apply from that country for legal entry into the U.S.; the wait may be several years depending on the yearly visa allotment for their group.
- **Although they are ineligible for most public benefits, they may be able to apply on behalf of any children born in the U.S. who are therefore citizens;** see *Financial Concerns Guidelines* in this chapter.

## Public Benefits

If the family needs financial assistance, there are many factors that determine which government benefits they may receive. These benefits are sometimes called "public" benefits.

A child born in the U.S. is a citizen and is eligible for the full range of government benefits. If undocumented parents are applying for benefits for a citizen child or other eligible child, they do not have to tell the agency that they are undocumented. They may simply tell the worker that they are not eligible for the program and are seeking assistance for the citizen child only.



# ***New Immigrant***

## ***Eligibility for Legally Admitted Immigrants May Depend on:***

- Their immigration classification.
- Whether they entered this country before or after August 22, 1996.
- How long they have lived in the U.S.
- The number of quarters they have worked and paid into Social Security.
- If their sponsor signed an Affidavit of Support Form I-864 accepting legal responsibility for financially supporting the sponsored immigrant; see section on *Sponsor Income* for more information.

In most cases, undocumented people are not eligible for many public benefits such as CalWORKs, SSI (Supplemental Security Income), Healthy Families or Food Stamps.

## ***Everyone, Regardless of Immigration Status is Eligible for:***

- WIC.
- Pregnancy-only Medi-Cal.
- Sensitive services or minor consent Medi-Cal (under 21 years).
- Emergency Medi-Cal.
- Health care from some county and community clinics.
- Free or reduced-price school breakfast, lunch and summer food program.
- CHDP (Child Health and Disability Prevention Program).
- Immunizations for children.

- CCS (California Children's Services) for children under 22 who have serious medical or disabling conditions.
- Services of the Regional Centers for California residents with developmental disabilities.
- Public education.
- Services from most non-profit community organizations such as churches.
- Help from most shelters such as domestic violence or homeless shelters.
- Food from food pantries.
- ADAP (AIDS Drugs Assistance Program) provides pharmacy benefits for persons who are HIV positive and under-insured or without insurance.

## ***Sponsorship***

Immigrants who come to this country under the family preference system need a sponsor.

A sponsor must:

- Be a citizen or legal permanent resident (LPR).
- Be 18 years or older.
- Sign an affidavit of support accepting legal responsibility for financially supporting the immigrant.
- show that they earn enough to support a household that includes the immigrant, family members joining the immigrant, and the sponsor's family, at least 125 percent of the federal poverty level.



# ***New Immigrant***

## ***Affidavit of Support***

An affidavit of support is a contract signed by the sponsor, to show that the immigrant applying for LPR status is not likely to become dependent on the government, or a "public charge." The sponsor must accept legal responsibility for financially supporting the family member until the relative becomes a U.S. citizen or can be credited with 40 quarters or work (usually 10 years). There are two major types of affidavits:

The "traditional" Affidavit of Support (Form I-134), which is the main form used before December 19, 1997. This affidavit of support is not an enforceable document.

The "enforceable" Affidavit of Support (Form I-864) went into use on December 19, 1997. It is a binding contract by the sponsor for support of the immigrant, and for repayment of certain benefits received by the immigrant such as CalWORKs, SSI, Food Stamps (unless the sponsor is also receiving Food Stamps and is part of the same household as the immigrant) and non-emergency Medi-Cal.

## ***Sponsor Income***

Sponsors who sign "enforceable" affidavits must show that they earn enough to support a household that includes the immigrant, family members joining the immigrant, and the sponsor's family, at 125 percent of the federal poverty level. Sponsors who can't meet these requirements may find a joint sponsor who also must sign an affidavit of support, promising to support the immigrant. A joint sponsor must meet all the same requirements as the sponsoring relative, except the joint sponsor does not need to be related to the immigrant.

## ***Sponsored Immigrants and Public Benefits Deeming***

The income and resources of the immigrant's sponsor are considered, or "deemed" to be available to the sponsored immigrant when he or she applies for certain public benefits. Deeming rules usually make the immigrant ineligible for benefits because adding the sponsor's income and resources renders the immigrant "over-income."

Sponsored immigrants can get some other benefits without counting their sponsor's income or the sponsor having to pay back the government. These include emergency or pregnancy-related Medi-Cal, immunizations, testing and treatment of communicable diseases, short-term emergency cash aid, school breakfast and lunch programs, Head Start, student financial aid and a few other programs. Other exceptions to the deeming rules include domestic violence survivors or immigrants who would go hungry or homeless without assistance. Additional exceptions may be available, depending on the program.

## ***Public Charge Issue***

**"Public charge"** is a term used by USCIS to classify persons who have become dependent on public assistance programs. It can deny legal permanent resident status or the right to sponsor a relative. Only some forms of public assistance will be counted when deciding if the person is a public charge, namely cash assistance programs such as CalWORKs, SSI and General Assistance (GA) or General Relief (GR). Other forms of public assistance such as Food Stamps, WIC, school lunch, vocational training, rent subsidies, and Medi-Cal are not usually counted.



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## **Conditional LPR (due to marriage to a U.S. citizen)**

Generally, the citizen and alien spouse need to file a joint petition to have the conditional status removed after two years. Then the alien can become an **unconditional legal permanent resident**. Under certain circumstances, an alien spouse may receive a waiver and be able to receive unconditional LPR status without the cooperation of her citizen spouse. (e.g., proving she is a battered spouse.) For more details, refer the client to an immigration attorney; see *Legal/Advocacy Guidelines* in this chapter for further assistance.

## **Steps to Take**

### **Immigration Status**

Assure the client that her medical record is confidential and will not be seen by officials of the USCIS. You will be asking her questions about her immigration status so as to better determine which services she is eligible for. **You or other staff will not report her and her family to USCIS if she is here without legal papers.** If she has concerns about her immigration status or eligibility for public benefits, **do not try to provide legal advice.** Refer her to an immigration advocate or agency who can answer her questions.

### **Immigration Experience**

Gently ask questions about her reasons for leaving her native country. Questions may include:

*Did she want to come?*

*Did she come because of a spouse, parent or other person?*

*Did she experience trauma such as war or extreme poverty in her homeland?*

Find out her experience of traveling to the U.S.

*Was it easy or hard?*

*Did she experience emotional or physical hardship during the journey?*

*How long did it take for her to get here?*

*How did she cross the border?*

*Did she stay in a refugee camp? If so, what was it like?*

## **Cultural Adjustment**

Ask what she expected before she came to the U.S.

*What's been positive and negative so far?*

*Does she plan on staying here?*

*What has been the cultural adjustment of other family members?*

*Has this caused problems for the client's family?*

You can help provide orientation to American culture and customs. Ask if she is homesick.

*What does she miss about her homeland?*

Find out what loved ones she left behind such as children, parents, grandparents, spouse or partner.

*Does she hope to be reunited with them?*

*What are her plans?*

Provide opportunity to express her sad feelings.

## **Knowledge of English**

Determine her knowledge of English. If she has limited ability to communicate in English, find out her willingness to learn more. Provide her with referrals to ESL (English as a Second Language) classes, if she wishes.



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## Social and Community Support

Find out more about her social support systems.

*Does she have family and friends living near by?*

*Has she found a community of others from her country of origin?*

*Has she found a place of worship to practice her religion and a store that sells familiar foods?*

*Does she know of a radio station, television station and newspaper in her native language?*

You can make suggestions on expanding her social network.

## Follow-Up

- Provide an opportunity for her to discuss her feelings of cultural adjustment and homesickness.
- Provide support and encouragement.
- Assess for depression and post traumatic stress disorder.
- Provide further referral to community resources.
- Continue to provide orientation to American culture.

## Referrals

- Churches, temples, synagogues, mosques or other places of worship.
- Charitable religious organizations.
- Community self-help organizations focusing on immigrants.

- Cultural organizations.
- Local news media in her native language.
- ESL (English as a Second Language) classes (contact your local community college or adult school).
- Immigration advocates and attorneys.

## Resources

### The United States Citizenship and Immigration Services (USCIS)

Formerly known as Immigration Naturalization Services (INS) has an excellent Web site that provides information and forms in many languages.

[www.uscis.gov](http://www.uscis.gov)

### U.S. Department of State, Bureau of Consular Affairs, Visa Services

Information on immigrant visas.

[www.travel.state.gov/](http://www.travel.state.gov/)

### The National Immigration Law Center (NILC)

A national support center with two offices in California. An excellent resource for information on the latest immigration laws. Offers many free brochures in several languages. National Headquarters in:

**Los Angeles 213-639-3900**

**Oakland 510-663-8282**

[www.nilc.org/](http://www.nilc.org/)

### The California Immigrant Welfare Collaborative

Up-to-date information on the current laws on immigrants' rights to public benefits and free brochures in several languages.

**916-448-6762 or 510-663-8282**

[www.caimmigrant.org](http://www.caimmigrant.org)